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Further Support to refugees and IDPs in Serbia

EuropeAid/129208/C/SER/RS

# *Comprehensive Report on the Result of Providing of Legal Aid*

*30 November 2011*



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## **STATEMENTS**

### **Statement from the Team Leader, Massimo Moratti**

This Comprehensive report on the results of providing legal aid to IDPs and refugees will be prepared on a yearly basis, translated into Serbian language and published. The report includes lessons learned and best practices and makes suggestions for possible improvements in the delivery of legal services to these groups. We believe that providing legal aid to IDPs and refugees places us in a privileged position as we have a direct insight on the actual situation of these people, while at the same time having the duty to assist them by the means at our disposal. International Human Rights Law provides a solid framework to legally qualify the situations IDPs and refugees are facing on a daily basis. The insight on the property cases of IDPs and refugees is therefore a direct testimony of the difficulties these categories are enduring as well as of the violations of the fundamental rights they have suffered. It is one of the implicit duties arising from the work on their cases to process the information received and make it available to the public at large. This is the scope of this report, this is the reason why it will have to be a vehicle to spread knowledge and information on the situation of IDPs and refugees.

The project is now entering its second year of existence and after its first initial phase and the need to ensure continuity with similar previous projects, it will be now seeking to exploit all its potential to make sure that legal aid is effectively delivered to IDPs and refugees in line with international legal standards. We hope you will find the attached report informative and useful and we remain at your disposal for comments or feedback.

### **Statement from Senior Legal Advisor, Zoran Popovic**

This year has been very eventful in regards to the legal issues affecting displaced persons. Unfortunately, the need to provide assistance to displaced persons in Serbia has been a longstanding challenge for over 15 years. Most legal aid providers have experience similar challenges in terms of budgetary limitations and extensive case-loads. From the very beginning of operations, the Project has sought to prepare itself for the various issues affecting IDPs and refugees by employing best-practices used by previous projects in resolving disputes and seeking redress.

The main objective of this Project is to improve the provision of legal aid/assistance and increase availability of timely and accurate information necessary for realization of the rights of IDPs from Kosovo & Metohija and refugees in Serbia. A unique feature that distinguishes it from other legal aid programs is that we also provide physical representation in courts and other bodies in Kosovo and Metohija. This has required the Project to carefully review a number of factors beyond simply knowing the applicable law, including logistical issues in actually accessing institutions.

The Project is dedicated to the improvement of the provision of legal aid/assistance and increase availability of timely and accurate information necessary for the protection and realization of the rights in their place of origin for IDPs or country of origin for refugees in Serbia.

Project activities consist of:

- The provision of free legal assistance and aid to beneficiaries (oral counseling, preparation/obtaining of legal documentation, and representation in before institutions in Kosovo and Metohija);
- The provision of prompt and accurate information for the realization and protection of the rights of refugees and IDPs;
- The preparation and production of reports on issues of human rights monitoring and reporting reflecting the practical experience of the Project in the field, and reporting on legislative development and framework, and other legal or factual issues preventing IDPs and refugees from accessing their rights in their place or country of origin.



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As an overall result of the implemented project activities, it is expected that through the provision of legal assistance, refugees and IDPs would have better access to property and other rights. However, given the surprising number of clients that the Project continues to receive, it will be several years before the need for legal assistance for such persons will cease.

Zoran Popovic

### **Statement from the Public Information Expert, Danijela Sever Radovanovic**

According to the UNHCR, Serbia is one of the five countries in the world listed as a protracted refugee situation.<sup>1</sup> Deprivation of basic rights, especially property, the inability of access to justice, and poor social position for more than decade makes members of this population vulnerable with continued need for support and assistance. In order for the displaced to receive the assistance needed for realization of their rights, they need to know how to access it and where, as funding available for this kind of assistance is getting scarce, with some of the major donors in the exit phase. For this reason, one of the Project main objectives is to increase availability of timely and accurate information for IDPs from Kosovo & Metohija and refugees in Serbia, which could help them to find durable solutions to their situation.

By introducing a toll-free Call Center, creating legal-aid dedicated web site as well as through production and distribution of print information materials, the Project enabled potential clients to receive the information on available legal aid - through several channels. A comprehensive media campaign which is to start soon will ensure that the highest possible number of potential beneficiaries find out about the free legal services for IDPs and refugees, offered by the Project.

In order to ensure that information reaches them where they are, distribution and display of print materials (posters and leaflets) was organized in municipalities with large percentage of displaced population, and in places where IDPs and refugees are expected to frequent: Centers for Social Work, Post offices, Municipality and Police customer-service centers, courts and, of course, in the remaining collective centers. Upcoming mass-media campaign will include broadcasting of a TV and radio spot, as well as placement of Project posters with contact information and a Call center number in public transportation (buses) in the selected municipalities.

In addition to inviting IDPs and refugees to approach the Project and seek legal aid, the PI activities also focus on dissemination of other relevant information to target groups, such as updates on key legislation changes, reports on existing obstacles faced by Legal Officers when working on their cases and protecting their clients' legal rights. Lessons learned by the Project team are shared with relevant stakeholders and proposals for best-practices are given to decision makers, as part of the Advocacy Strategy aimed at improvement of the position of IDPs and refugees.

Addressing these issues requires a joint long-term effort of both the international community and Serbia's state institutions, and the Project, within its mandate, strives to provide a meaningful contribution, in order to overcome present situation and create durable solutions for the displaced population in Serbia.

Danijela Sever Radovanovic

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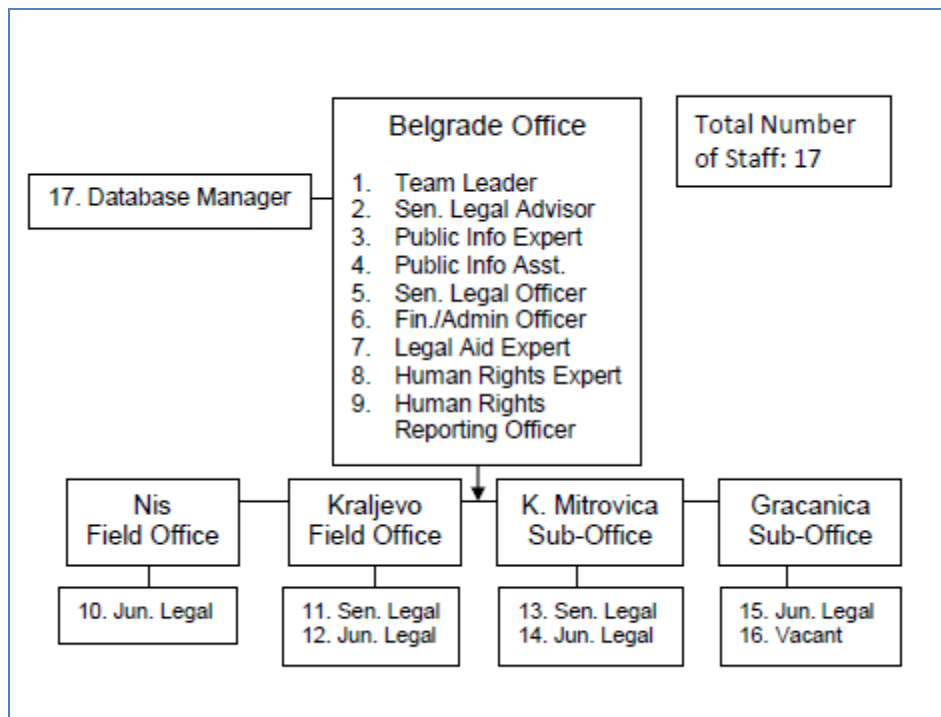
<sup>1</sup> UNHCR, The High Commissioner's Dialogue on Protection Challenges, *Protracted Refugee Situations*, Dec 2008, Pg 20; OSCE Report, *Serbia Europe's Largest Protracted Refugee Situation*, p1. [www.osce.org/serbia/24323](http://www.osce.org/serbia/24323)



### LIST OF OFFICES, NUMBERS OF SUBSTANTIVE STAFF, TABLE, ORGANIZATIONAL CHART

The Legal Aid Project officially began operations on 28 November 2011 in Belgrade as part of an EU financed Pre-Accession Project which runs 2 years and is valued at 1,799,600 Euros. The challenges to establishing such a project are tremendous in scope ranging from language, security, manpower and logistical issues. The legal framework in the province is a jumble of laws and regulations that overlap depending on when and by whom they were drafted.

Establishing the right team for such a project has its own additional challenge of locating persons who meet the educational and experience requirements. The number of legal professionals in Serbia, who have experience in providing legal aid to persons that have been displaced from their homes for extended periods, is limited. Further still, finding such persons who are willing to travel to the courts in Kosovo is an additional challenge.



By beginning 2011 the Project established 2 regional offices in Nis and Kraljevo and 2 Sub-offices in Kosovska Mitrovica and Gracanica, all of which are now fully operational. A total of 7 legal officers have been recruited to provide direct legal assistance to clients. In addition, at the Belgrade headquarters of the Project are the 3 Key Experts – the Team Leader, the Senior Legal Advisor and the Public Information Expert and 4 other Non Key experts have been engaged on board the project. Support staff includes an Office Manager, a Junior Public Information Officer with a secretary located in each of the field and sub-office.



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## **OPERATIONAL STRUCTURE OF OFFICES**

All offices have been structured to receive legal aid clients and hear their claims, and are fully equipped with the basic equipment necessary for working on cases. Clients can either come to the offices to request legal aid or can call the toll-free number for information or to book an appointment. As of the autumn of 2011, due to an increased volume of cases, most clients are now scheduled with appointments in advance to meet with legal aid officers.

In addition to receiving persons seeking legal assistance, the project conducts **field visits** to facilitate access for persons who have difficulty in reaching any of the existing offices. **Over 41 visits** have taken place to date. The field visits assist persons with mobility, financial or other difficulties in accessing any of the regular field offices. Field visits are coordinated with other NGOs or municipal trustees so that clients are informed well in advance of the arrival of the legal officer and are also informed in advance what they will need to bring in terms of supporting documentation in order to expedite their respective case. A complete list of field visits is attached at the end of this report.



## THE CASELOAD

The Project has taken over 1365 cases from a predecessor EU-funded legal aid project, 152 of which have been closed because the IDP or refugee could not be located, had already resolved their problem or did not want further legal assistance. An additional 299 new cases have been opened by the project to date, totaling over 1609 opened cases, divided between 6 legal officers.

A comprehensive **database** has been established to keep track of these cases for ease of processing, and to assist the Project monitor the progress of each case. All legal officers have been trained on how to input data, which is subsequently forwarded in the form of a report to headquarters to monitor the case-flow, progress and assist management in monitoring the work of the legal officers.

During the reporting period, the Project has, moreover, received 337 **new cases**. In total, the number of open cases amounts to 1532. The number of closed cases amounts to 170.

The following breakdown categorizes the most common property problems that continue to affect IDPs from Kosovo and Metohija. There is no common approach in addressing all of these problems; some are addressed in Court, others by the Kosovo Property Agency and others still by other bodies/organizations. The categories of common property problems are explained along with examples of real cases, with advice on how to proceed in these cases. The number of cases that have been opened in each of these types of cases has been included.

### **1. Post-HPD Cases (139 Cases)**

There have been several instances, following a decision of the Claims Commission of the Housing and Property Directorate and subsequent eviction, where a property has become **re-occupied**. Efforts to get the police to evict the illegal occupants are often difficult and some may require court intervention, which slows the process even further.

A client received an HPD decision confirming his property right on his home in Peć in 2003, and was given the keys to his property. He never returned to his property due to security concerns and lack of employment prospects. A few months later, he was informed by a neighbour that his property was once again illegally occupied. He informed the KPA of the re-occupation and was told that the issue is now out of their mandate.

A multi-pronged approach has been used to address such cases, including involvement of UNMIK, EULEX and the OSCE Human Rights and Communities Division, requesting the support of the KPA and filing a claim in municipal court. Contacting the KPA was also done to get a formal response from them and to obtain evidence of exactly when the illegal occupant was evicted. Efforts were made to try to get the KPA to evict the illegal occupant on the basis of a failure to timely inform the property right holder of the eviction or for failing to effectively secure the property following the eviction.

In rare instances the police evict illegal occupants for breaking the HPD seal and re-occupying the property. The police are sometimes effective in at least allowing for an escorted visit to the property to talk to the occupant, which may be effective in resolving the problem. Legal Officers have also been prepared, if necessary, to contact the local public prosecutor to request criminal charges be brought up against the illegal occupant for re-entering the property and breaking the HPD seal. This will not only put significant pressure on the occupant to leave the property, it also discouraged re-occupation as the re-occupation is a violation of the provisional criminal code.<sup>2</sup> Notes will be recorded of what the police and the public

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<sup>2</sup> UNMIK Regulation 2003/26, Provisional Criminal Code of Kosovo, Article 226



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prosecutor do say or do for the case file, as well as to assist the project report on the effectiveness of contacting these bodies.

## **2. Ongoing KPA Claims (194 cases)**

The transition to the Kosovo Property Agency following the closure of the Housing and Property Directorate, in 2006, enabled IDPs to file claims for agricultural and commercial property as well as residential property. The law also allows for alternative forms of relief for the successful claimant, including eviction, placing the property under administration, a lease agreement, seizure of unlawful structures, auction and compensation.<sup>3</sup> The deadline for persons to file claims with the KPA is now closed and no new claims are taken. Clients in this category most often seek follow-up on existing claims or appeal to the Supreme Court of Kosovo.

A client has a plot of farmland along the Priština – Skoplje highway which has been illegally occupied and turned into a gas station. He filed a claim to the KPA in 2005 and has received a decision from the KPCC rejecting his claim, stating he did not provide sufficient proof of a property right. He originally submitted a copy of the purchase contract and an old possession list, the occupant did not contest the claim. He wishes to file an appeal to the Supreme Court of Kosovo.

Under the applicable law, appeals in KPA cases are heard by the **Supreme Court of Kosovo** with mixed local & international panels.<sup>4</sup> Legal officers prepare cases that will go before the Supreme Court on appeal, as well as inform IDPs of their rights to file an appeal, should they so wish. Depending on the case, legal officers may follow up with the attorney representing the respondent to try and mitigate the situation through a resolution between the client and illegal occupant. The fact that the claim exists puts the illegal occupant under pressure, as he/she often knows they have no legal right to the property and do not know what kind of remedy will be awarded by the court. This method is used to induce the occupant to be amicable to resolve the dispute out of court, thus expediting the resolution of the case.

## **3. HPD Compensation Cases (C vs. A)**

There are many cases where the Housing and Property Claims Commission (HPCC) of the HPD ruled that that **both** the IDP and the illegal occupant have a property right for a contested property. As a result, both parties were found to have a property right and while one party is awarded possession, the other **should** receive compensation. To date no compensation has been paid in any of these cases to IDPs.

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<sup>3</sup> UNMIK Regulation 2006/10, Section 15.2

<sup>4</sup> UNMIK Regulation 2006/10, Section 13.





A client worked for a socially owned enterprise in 1993 and received an occupancy right to an apartment in Priština in 1995, he later purchased the property in January 1999. He fled Kosovo in June 1999 and the property was subsequently illegally occupied. He filed a claim for the property with the HPD in 2001. The illegal occupant also filed a claim for the property, stating that he lived in the apartment until 1992 and was discriminatorily evicted.

In sum HPCC ruled that both the client and the respondent had a right to the property, as the illegal occupant had lost the property as a result of discrimination. It awarded possession of the flat to the respondent, with the requirement to pay a certain value for the property, and that the client be paid an amount in lieu of occupation. Neither has the occupant paid anything as required under the order nor has any amount been paid to the client.

#### **4. Fraudulent Property Transactions (88 cases)**

Generally, the fraudulent ways in which residential, agricultural and commercial properties belonging to IDPs are sold include fabricated powers of attorney signed to a third party to sell the property, contracts of sale fraudulently drafted, fake identification cards used during the signing of contracts. In certain circumstances, the Provisional Criminal Code of Kosovo<sup>5</sup> provides an injured party with the right to bring a property/compensation claim in the course of a criminal proceeding.

A client who is an IDP in Kraljevo, inherited a house in Istok from his father, who died in 2001 in Kraljevo. In 2007 he found a buyer for the house and commenced the procedure for selling it. During the process it was discovered that the house was sold in 2003.

Upon closer inspection it was discovered that the seller of the house was his father (who was 2 years dead on the date of the sale of the property). Neither the signature nor the identification card numbers were authentic. To make matters worse, the property was re-sold in 2006 a second time to a third party.

There are obvious legal challenges to obtaining a successful criminal conviction compared to getting one in a successful civil suit (i.e. the standard of proof is greater in criminal cases) and successful civil judgments are sufficient to nullify the fraudulent transaction. However, if necessary, legal officers are prepared to file both criminal charges at the same time as filing a civil claim for the invalidation of the fraudulent property transaction. Criminal cases are processed more quickly in courts than civil cases, and a successful judgment can be used to support a civil claim for damages, a conviction against a party involved in a fraudulent property transaction can be used in potential future cases against the same party, who may be involved in other fraudulent transactions. Criminal charges are also naturally better motivators than civil suits for illegal occupants to settle cases informally and vacate the property in question. Lawyers are cautious when considering filing in both civil and criminal court, as there has been instances where local courts have postponed hearing civil cases until the criminal ones are completed.

For a number of reasons legal aid officers consider whether it is advisable to request an international judge in these types of cases.

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<sup>5</sup> UNMIK Regulation 2003/26, Article 107



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It is important to note that in 2001 UNMIK drafted a regulation which, although not drafted specifically to deal with fraudulent transactions, does indirectly provide some protection against such cases.<sup>6</sup> In practice the regulation required the approval of the municipal administrator for property transactions between different ethnic groups. The wording of the regulation reflects that it is intended to have a limited but indeterminate life span. A judge would in theory be able to invalidate a transaction that occurred during UNMIKs tenure that did not have the approval of the municipal administrator. In principle this means that a property sold before 2008 should have an approval of the UNMIK municipal administrator.

## **5. Inheritance Cases (168 cases)**

Inheritance cases for properties in Kosovo and Metohija are simple, yet very important court procedures. While such cases are more of a procedural nature, they remain a stumbling block for many IDPs unfamiliar with the process.

Client's mother died in 2007 in a collective center in Belgrade. She owned an apartment in Dragaš. The client is the only surviving relative and would like to start an inheritance procedure for the apartment.

He has a copy of the possession list from the cadastral agency in Prizren dated 2004 with an UNMIK stamp.

These cases are dealt with by initiating procedures before the courts in Kosovo and Metohija or in Serbia proper, depending on the territorial jurisdiction of the court as regulated by the *Law on Inheritance*<sup>7</sup> and the recently promulgated *Law on Out Contentious Procedure*<sup>8</sup> and (which notably did not bring significant changes to the inheritance procedures). The laws basically say that the procedure can be heard in the municipality where the property is located or in the municipality where the owner died.<sup>9</sup>

Legal Officers have come across staff at courts and cadastral officers who have refused to accept documents from institutions in Serbia proper.<sup>10</sup> To avoid an undue delay they initiate the inheritance procedure before the relevant court in Kosovo and Metohija and avert a potential non-recognition of the Serbian court decision by the local Cadastre office in the municipality where the IDP lived before being forced from their home, which would demand the re-initiation and double procedure and slow the process down significantly. This does not, however, mean that a process done in a court in Serbia proper is not legal, but in the interest of judicial expediency it is recommended to use a Kosovo court as the venue. Following the determination of the court, a submission requesting the initiation of an inheritance procedure is filed including relevant documents. In-court representations at this level remedy the lack of access to Kosovo courts and contribute to the effective resolution of these cases.

## **6. Mass Compensation claims filed in 2004 (450 cases)**

Between June and December 2004 **over 18,000 civil & criminal claims** were filed by the legal department of the Coordination Centre for Kosovo and Metohija (CCK) on behalf of IDPs. The claims

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<sup>6</sup> UNMIK Regulation No. 2001/17 on the Registration of Contracts for the Sale of Real Property in Specific Geographical Areas of Kosovo

<sup>7</sup> Law on Inheritance in Kosovo, Law No.2004/26

<sup>8</sup> Law on Out Contentious Procedure for Kosovo, Law no. 03/L-007

<sup>9</sup> Law on Out Contentious Procedure for Kosovo, Art. 14 & 128, Law on Inheritance in Kosovo, Art. 147

<sup>10</sup> Discussed at legal aid working group, 14 July 2011, in Belgrade



were lodged against UNMIK, KFOR, the Provisional Institutional Self Government (PISG), various municipalities and, in some cases, against named individuals. A great deal of the claims involved property claims of various natures (claims for utilities/rent/damage done while properties were occupied as well as destruction of property).

However, the Department of Justice of UNMIK immediately suspended the processing of these claims until a solution on how to process them could be determined. Some of these claims have been unfrozen following an instruction by UNMIK in late 2008 to begin processing the cases again. As a result hearings have begun in some municipalities but not in others. A copy of all instructions involving the order suspending and subsequent lifting of the suspension are also available.

Client owned a home that was destroyed in Peć in July 1999. He filed a claim in the Municipal Court of Peć against KFOR and UNMIK for the damage, citing it was their responsibility to maintain a peaceful environment under UNMIK Regulation 1999/2 and UN Resolution 1244.

The Department of Justice of UNMIK froze the claim, among others, temporarily until a solution for such claims could be found as the courts were not capable of handling such a large caseload. To date UNMIK has not unfrozen the claims.

As a result, the approach in dealing with these types of cases depended on what stage the case is.

A further challenge has occurred with the passing of an Amendment on the Law of Public Financial Management and Accountability<sup>11</sup>, which effectively suspends the processing of these compensation claims for up to 180 months or until the Ministry of Justice of Kosovo notifies the court in writing that it is assuming representation on behalf of the government or public authority. This law can be viewed as something similar to the UNMIK instruction in 2004 to stay the processing of these cases, which the HRAP ruled to be in violation of Article 6 § 1 of the ECHR, which in relevant part reads as follows: "In the determination of his civil rights and obligations ..., everyone is entitled to a fair ...hearing within a reasonable time by [a] ... tribunal ..."<sup>12</sup> Also, it could be argued that this law detrimentally effects IDPs and ethnic Serbians in particular in violation of Article 14 of the ECHR. While a claim may be filed with the Constitutional Court in Kosovo it will take a long time to process.

## **7. Compensation for illegally occupied properties (94 Cases)**

These types of cases are sometimes associated with post-HPD and KPA cases, as they often follow decisions by the HPCC or KPCC. However it is not mandatory for such cases to stem from such verdicts. There have been several instances where an IDP sues an illegal occupant for rent, conversion of property, damages and other tort related claims. These cases were also effective in establishing the framework for mediation between illegal occupants and property right holders in resolving disputes. Indeed, in several instances where a court would find for the plaintiff for damages the illegal occupant would be more amicable to an out-of-court settlement in exchange for withdrawal of the claim.

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<sup>11</sup> Amendment to the Law on Public Financial Management and Accountability, Kosovo Assembly Law 03-L-221, Article 25.

<sup>12</sup> Human Rights Advisory Panel [Decision, Petko Miligoric 38/08, 24 March 2010](#)



Client owned a property in Peć that was illegally occupied from June 1999 until August 2007. She eventually received a positive decision from the HPCC for the return of her property in 2003. She has learned that the same illegal occupant has occupied the property the entire time. She wishes to file a claim in the Municipal Court of Peć and has requested compensation from the illegal occupant for use of the property (rent, utilities and costs).

These cases are typically filed with the municipal court where the property is located with a copy of the HPCC decision and request from the KPA a copy of the response interview of the illegal occupant in order to prove the length of the illegal occupation. These claims can sometimes be joined with other property claims.

### **8. Illegal Occupation (137 Cases)**

These types of cases involve those who did not file cases with the HPD or missed the KPA deadline. This may have happened for a number of reasons (e.g. fear or a sale that never materialised).

Client owns a home in Obilić that is illegally occupied. He has been told that if he filed a claim with the HPD or KPA his home would be burned like all his other neighbors' homes. Now he has missed the KPA deadline and wants help in restitution of his property.

At present, the only option a client may have is to address the local court, which may not be such a bad thing, given the slow processing of KPA decisions, and frequent re-occupations of the claimed property. If deemed useful the possibility exists for the case to be heard by international EULEX judges. If necessary, the legal officers are prepared to file a claim with the local prosecutor in the case and request criminal charges be brought up against the illegal occupant, as there are motivations under the criminal law for the illegal occupant to leave the property in exchange for the suspension of criminal proceedings.<sup>13</sup>

### **9. Registration of Property in Cadastral Books (103 Cases)**

Relatively simple administrative processes like registration of property into cadastral records is often difficult for clients due to one or several factors such as a lack of freedom of movement (subjective or objective), resistance by cadastre staff, missing records, and complicated filing procedures or other obstruction. Registration naturally follows many procedures like inheritance, restitution after a fraudulent sale or even registration of transfers of ownership from prior to the conflict. The cadastral officials in Kosovo and Metohija usually refuse to recognize documents from the displaced cadastres, which has proven to create general hardship for IDPs.

Client inherited a house in Gnjilane from her mother in 1998. He has a valid decision from the court and wants to register it with the local cadastre.

In addressing such cases legal officers contact the cadastral office in the municipality of the property in question directly. Any problems associated with the obtaining of documents or registering of a property are addressed to the local court and information of these problems are sometimes forwarded to the OSCE, EU and other monitoring bodies so as to put pressure on the local authorities to take action.

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<sup>13</sup> UNMIK Regulation 2003/26, Provisional Criminal Code of Kosovo, Article 226



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## **10. Privatization Claims (69 Cases)**

There are many instances where social or state owned companies were privatized in Kosovo. As a result, the workers of said companies were entitled to privatization proceeds. IDPs were not entitled to such rights, given that they were not in the Province following the conflict.<sup>14</sup> This has created concern over a lack of fairness in the privatization process and its effect on non-Albanian communities in Kosovo.<sup>15</sup>

## **11. Obtaining of Documents (54 Cases)**

Due to restricted freedom of movement for non-Albanian communities to the various institutions in Kosovo, as well as financial/logistical constraints for going to Croatia and Bosnia, the Project receives a significant number of requests for the simple task of obtaining documents (e.g. birth/death certificates, court decisions, cadastral documents). The project coordinates the obtaining of documents with other field activities in Kosovo, and through the post for Croatia and Bosnia.

## **12. Other types of cases (184)**

Other types of cases include a variety of cases including pension issues, employment rights and assistance requests in providing information on where to seek support from State bodies for other services.

## **13. Expropriation (29 Cases)**

Reportedly a number of expropriations in KiM have been conducted in violation of applicable law.<sup>16</sup> There are examples of municipalities beginning to demolish private homes and undertaking subsequent construction without initiating expropriation procedures. Many homeowners are left without any remedy when faced with a *fait accompli* and are offered inadequate compensation.<sup>17</sup>

In the case of property of IDPs, municipalities make little effort to track down the owners, often displaced in Serbia proper or Montenegro, before expropriating their property. The determination of “common interest” in some cases of expropriation is reported to have not followed the law or is decided arbitrarily for the purpose of private development projects. The situation has become even more complicated since the UDI, and the closure of the Kosovo Trust Agency in June 2008.

## **14. Referral Cases (93)**

There are a number of different types of legal aid projects in Serbia addressing different needs. When a person approaches legal aid and asks for assistance not within the mandate of the project he/she is put in contact with the relevant organization to address the problem. The project has been in contact with these other organizations and has provided contact information on the Project so that they can also refer cases within the mandate of the Project.

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<sup>14</sup> OSCE Kosovo Report; Judicial Review of Kosovo Trust Agency Matters by the Special Chamber of the Supreme Court of Kosovo, May 2008.

<sup>15</sup> OSCE Kosovo Report; [Communities Rights Assessment Report, 2009](#), p 49.

<sup>16</sup> Ibid,

<sup>17</sup> OSCE Report on Expropriations, Supra.



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## **SIGNIFICANT ISSUES AFFECTING THE PROJECT**

### **Security Incidents**

As recently reported in the Human Rights Report of the Project, the security situation in Kosovo has been far from stable over the past several months. This has had a direct impact on field operations, as the safety and security of legal aid providers and clients is the highest priority for the Project. In addition, a number of violent incidents directed against non-Albanians residing in Kosovo as well as against IDPs have had a chilling effect on visits by IDPs to Kosovo. In response, the Project has taken safety of staff and clients seriously and coordinates all travel with the offices based in Kosovska Mitrovica and Gracanica.

### **Document collection in municipalities where IDPs have been displaced**

The Project was instructed that it is expected to assist displaced persons in obtaining documentation in municipalities where they are displaced or in other parts of Serbia proper (i.e. displaced courts, municipal administration). The rationale behind this is because many displaced persons have no financial means or lack mobility to obtain such documentation. Legal assistance to these persons will assist them in some measure in resolving their displacement. As the original plan of the Project focused primarily on facilitating access to the institutions from the municipalities where the IDP had been driven out, this new task has required significant adjustment in the operation of the offices. The legal aid offices have already started to receive such requests and separately record this data so that headquarters can plan operations accordingly.

### **Caseload**

The legal aid project has recently experienced a significant increase in workload, due to a number of factors including; increased feelings of insecurity by IDPs in traveling in Kosovo, a failure of the HPD/KPA and Courts to expeditiously reconstitute IDP property or execute decisions, new cases that have appeared from unexpected sources and appeals by respondents in ongoing cases.

The ongoing tension in the area, due to a number of factors, continues to raise the subjective and objective perceptions of a lack of freedom of movement. This has resulted in less IDPs willing to risk travel in Kosovo and an increasing need for assistance by the Project in facilitating access.

### **905 “Dormant” Cases in the Kosovo Courts**

In September the Project was contacted by the Court Liaison Office (CLO), based in Gracanica, and EULEX asking for cooperation. The CLO had received from EULEX a list of 905 cases that had been transferred to the local courts by the Housing & Property Directorate (HPD). The cases were originally claims filed before the HPD and were transferred over 5 years ago to the local courts, as the HPD had declared itself incompetent to deal with the case or certain issues of the case. The courts did not begin processing the cases, as they require one of the parties to initiate proceedings. The courts, however, did not inform the claimants of this requirement. EULEX informed the CLO that if the cases were not processed soon the courts would simply dismiss them, which could potentially cause serious harm to the IDP claimants

The Project has since followed up with EULEX to discuss the most effective means of addressing these cases and has developed a plan on how to proceed. This new caseload was unforeseen by anyone when the Project started and will create a significant increase in the workload.

### **Database**

The Project has taken over a full copy of the DRC Individual Case Database, the relevant software and a manual. The Project has adapted it as appropriate to its needs, installed it on the legal officer workstations, providing the overall functionality of the database and an appropriate structure for recording and reporting cases under the Project, The Project staff was trained on how use it and they are currently entering all the data from the current caseload into the database.



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Switching from a manual system of accountability for cases to an automatic one has required time and the solution of practical problems. The Database Expert has proven valuable in providing support to Legal Officers and highlighting areas where intervention was required. Procedures are being developed to standardize the approach to data entry and to reconcile the figures on the number of cases in the database with those collected manually. For this report both set of figures are reported. The Project recognizes the importance of having accurate data and as of 01 December 2011, all the figures will be collected exclusively from the database.



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### Case Breakdown According to Weekly Reporting Method as of 17 November 2011

Total Cases Opened	Total	Post HP D	C vs A	KP A	Comp . 18000	Comp . Other	Fraud Trans	Inherit	Exprop	Cadast rCases	Illegal Occupatio n	Privat	Othe r	Other (Referra l)
Belgrade	727	76	0	43	204	38	33	56	16	47	97	38	55	48
Nis	280	6	0	46	75	27	12	17	5	15	19	18	44	0
Kraljevo	625	49	0	100	162	26	33	86	5	33	13	7	68	45
Mitrovica	75	7	0	5	3	3	8	9	2	7	8	6	17	0
Gracanica	11	1	0	0	6	0	2	0	1	1	0	0	0	0
<b>Running Total</b>	<b>1718</b>	<b>139</b>	<b>0</b>	<b>194</b>	<b>450</b>	<b>94</b>	<b>88</b>	<b>168</b>	<b>29</b>	<b>103</b>	<b>137</b>	<b>69</b>	<b>184</b>	<b>93</b>

Total Cases Closed	Total	Post HP D	C vs A	KP A	Comp . 18000	Comp . Other	Fraud Trans	Inherit	Exprop	Cadast rCases	Illegal Occupatio n	Privat	Othe r	Other (Referra l)
Belgrade	10	1	0	7	0	0	0	1	0	0	0	0	1	1
Nis	77	0	0	13	21	8	2	6	0	3	15	9	33	0
Kraljevo	73	5	0	7	2	3	3	12	0	1	1	1	26	12
Mitrovica	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gracanica	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Running Total</b>	<b>160</b>	<b>6</b>	<b>0</b>	<b>27</b>	<b>23</b>	<b>11</b>	<b>5</b>	<b>18</b>	<b>0</b>	<b>4</b>	<b>16</b>	<b>10</b>	<b>59</b>	<b>13</b>

Ongoing Cases	Total	Post HP D	C vs A	KP A	Comp . 18000	Comp . Other	Fraud Trans	Inherit	Exprop	Cadast rCases	Illegal Occupatio n	Privat	Othe r	Other (Referra l)
Belgrade	717	66	0	37	197	38	25	45	21	39	87	38	74	50
Nis	91	1	0	15	20	9	4	6	2	4	11	4	15	0
Kraljevo	552	44	0	93	160	23	30	74	6	32	12	6	42	33
Mitrovica	75	7	0	5	3	3	8	9	2	7	8	6	17	0
Gracanica	11	1	0	0	6	0	2	0	1	1	0	0	0	0
<b>Running Total</b>	<b>1446</b>	<b>119</b>	<b>0</b>	<b>150</b>	<b>386</b>	<b>73</b>	<b>69</b>	<b>134</b>	<b>32</b>	<b>83</b>	<b>118</b>	<b>54</b>	<b>148</b>	<b>83</b>





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### Case Breakdown according to data entered in the Database until 17 November<sup>18</sup>

Database Results- Legal Aid Periodic Report (covering activities until 17 Nov. 2011)								
			Documents			Other Legal		
Cases Opened	Total	CRO	BiH	KiM	CRO	BiH	KiM	Roma Cases
Belgrade	473	3	2	15	46	9	398	25
Kraljevo	632	1	0	54	1	2	574	9
Nis	284	0	0	2	7	0	275	9
Gračanica	9	0	0	0	0	0	9	0
K. Mitrovica	26	0	0	6	0	0	20	12
<b>Cumulative Total</b>	<b>1424</b>	<b>4</b>	<b>2</b>	<b>77</b>	<b>54</b>	<b>11</b>	<b>1276</b>	<b>55</b>

Cases Closed	Total	CRO	BiH	KiM	CRO	BiH	KiM	Roma Cases
Belgrade	7	0	0	0	0	0	7	0
Kraljevo	79	1	0	19	0	1	58	1
Nis	78	0	0	0	4	0	74	2
Gračanica	0	0	0	0	0	0	0	0
K. Mitrovica	0	0	0	0	0	0	0	0
<b>Cumulative Total</b>	<b>164</b>	<b>1</b>	<b>0</b>	<b>19</b>	<b>4</b>	<b>1</b>	<b>139</b>	<b>3</b>

Ongoing Cases	Total	CRO	BiH	KiM	CRO	BiH	KiM	Roma Cases
Belgrade	466	3	2	15	46	9	391	25
Kraljevo	553	0	0	35	1	1	516	8
Nis	206	0	0	2	3	0	201	7
Gračanica	9	0	0	0	0	0	9	0
K. Mitrovica	26	0	0	6	0	0	20	12
<b>Cumulative Total</b>	<b>1260</b>	<b>3</b>	<b>2</b>	<b>58</b>	<b>50</b>	<b>10</b>	<b>1137</b>	<b>52</b>

<sup>18</sup> As mentioned above, the input of information into the database is ongoing and being standardized and expected to be completed by 01 December 2011



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## RESULTS

The Project closely monitors the caseload of all offices for a number of reasons; to monitor trends in the types of cases, venue visited, group affected and locations of most cases. By doing so, management is able to develop a proactive plan and methodology on how to best provide legal assistance, as the tools available to the Project are not limited to providing legal representation and assistance. Indeed, the Project is able to raise any systematic trends affecting the rights of IDPs that it detects to the proper authorities, both local and internationally, at working groups, conferences, meetings or correspondence. By having such a large caseload, the Project is able to support its findings with concrete examples of existing cases.

It is from these statistics provided by the field offices that the Project is able produce regular reports which are drafted by the Project on various topics including; an analysis of institutional settings and legal framework, institutional and legislative gaps, obstacles to return in property and non-property issues, human rights reports, monthly reports, interim reports, as well as this annual comprehensive legal aid report.

### Statistical breakdown on Representation & Documentation

One of the key features of this project that makes it distinguishable from other kinds of legal assistance Projects is that it is one of the few Projects to provide legal representation in courts. Since the Project started operations, legal officers have physically represented clients before courts and other bodies. Legal officers have attended **27 Court hearings** and have appeared before judicial, quasi-judicial, and administrative bodies on **50 occasions**.

There are 396 (according to the Database 491) **legal documents** that have been prepared and documents required by IDPs and refugees with a view to accessing their rights have been obtained from in KiM and from Serbia proper there have been 54 such cases.

### Lessons Learned & Best Practices

The Project is the successor of two previous EU-funded legal aid projects that have provided legal assistance to displaced persons since August 2008. In an attempt to retain the institutional memory and best practices of these previous projects the management recruited some of the legal officers that worked in these, as well as other legal aid projects that assisted displaced persons, so as to amalgamate best practices. In doing so, the Project was able to build upon the experiences of previous projects and provide additional measures to improve the provision of its services.

### Methodology in Addressing Workload

Below is a small highlight of new measures that had not been previously used, but are proving to be very useful in improving the services of legal aid;

#### Training

Given that the type of challenges that the legal officers face in this Project is so different than standard forms of legal assistance, a great deal of effort was made to ensure that staff are adequately supported and sufficiently trained. Regular training of legal officers has been conducted in the formal capacity of receiving training from local and international experts, as well as through meetings of legal officers, where they can share experiences and best practices in resolving issues.

A regular online meeting of all legal officers is held, where a number of things are discussed, including security issues, new legislation, problem cases as well as feedback from the lawyers as the situation on the ground.

While previous legal aid projects had provided capacity training sessions to the beneficiary institutions, the focus has now changed so that the persons providing the legal assistance are given the best training available.

#### Reporting



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The Project has engaged experts to analyze and draft comprehensive reports identifying institutional and legislative gaps, human rights issues and a handbook to assist legal officers in the provision of legal assistance. Never before has so many reports been drafted in previous legal aid projects, and used in this manner.

The use of these reports is manifold; they provide detailed information on the situation on the ground to the beneficiary institution, the Ministry for Kosovo & Metohija, as well as the European Commission. They also provide information to the secondary beneficiaries, displaced persons from Kosovo, Croatia and Bosnia, on the real situation on the ground in the difficulties in accessing institutions and experience that the Project has had in overcoming obstacles in providing legal assistance.

The reports are an effective tool for informing outside organizations via the Project website of the difficulties that displaced persons face in resolving their displacement. This is critical, as it provides data to these organizations to demand action with donors and key stakeholders in places of origin of the displaced clients for reform and action in resolving these problems.

The Project has completed a number of initial reports outlining the challenges that legal officers face in providing legal assistance to displaced persons, as well as identified systemic problems that prevent restitution. These initial reports have gathered information from a variety of reliable sources and initial findings from legal officers from their own experience from providing legal assistance. It is planned that these reports will be updated intermittently with new information provided by Project legal officers. In addition to being made available to the general public, the reports will be presented to key institutions operating in Kosovo, during regular a working group meeting, so that they are effectively informed of the findings of the Project, and invited to help resolve them.

The handbook is instrumental in providing support to Project legal officers, as well as to persons interested in a future in providing legal assistance to IDPs from Kosovo, as it provides practical information on the types of problems that IDPs face and practical advice on how to resolve these problems.

### **Comprehensive Communication Strategy (CCS)**

The CCS was prepared early in the Project in order to ensure that the achievement of Project goals are supported with adequate communication efforts/activities. One of the main Communication goals was to provide visibility of the Project so that IDPs are adequately informed on how to receive legal assistance.

The CCS is a new approach that was not used in previous legal aid projects as it originally identified problems (such as information gaps, for each of the specified key target groups), presented the overall communication approach and specific tools/tactics to be used to overcome identified problems. Key communication objectives were determined, as well as target groups, communication channels and tools/tactics to be used in achieving the set goals. In addition to the CCS a Visibility Action Plan was prepared, suggesting the appropriate communication tools for each planned Project activity (set out in the Project Workplan). It was this plan that generated innovative means of improving visibility;

### **Call Center**

Through the support (donation) of Telekom Srbija, the Project received a toll-free number that clients can call to reach legal aid at no charge. Given the limited resources of the Project, and the inability to recruit additional staff, the call center is manned by each Project office through a call-sharing scheme whereby calls from fixed lines and Vojvodina reach the Belgrade office, calls from mobile numbers reach the sub-office in Kosovska Mitrovica and calls from Southern Serbia reach the Nis and Kraljevo office.

The purpose of the call center is to remove the cost-barrier for indigent clients needing to contact legal aid so that they can inquire about the legal assistance available to them. One of the lessons learned early into the establishment of the call center was that sometimes clients only needed basic information in order to assist them (i.e. which venue to approach, simple legal information/clarification). During the period running from May until the end of October 2011, there have been 350 calls using the toll-free number.



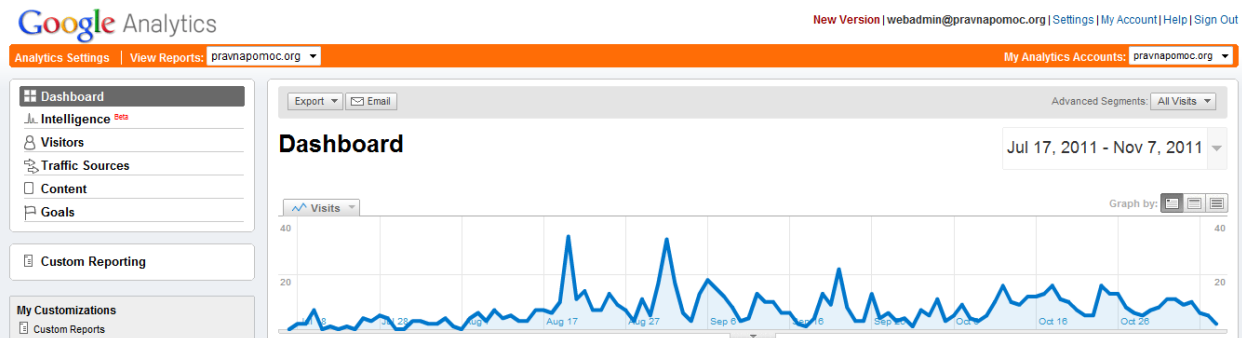
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	Month	Total Calls to Toll-Free Number (fixed + MTS)
1.	May	6
2.	June	45
3.	July	11
4.	August	69
5.	September	96
6.	October	123

The call center is also a good tool for measuring the effectiveness of the Visibility Action Plan, by identifying the source location of fixed-line calls to the Project.

### Project Website

The website for the Project has a number of unique features using best practices used in other legal aid systems. In addition to providing general information on the Project, contact information of the offices and project news, the website also provides a link where individuals can write to the Project outlining their problem. A legal officer is forwarded the message from the administrator and provides whatever assistance they can online, or schedule an appointment with the client. To date over 20 queries were sent to the Project using this method.



The graph above shows the number of visits to the Project website since inception. There is a direct correlation between public campaigns and the number of visits to the site, as evidenced by the two spikes that occurred at the same time as when the Project was put on national television.

For greater expediency, the Project is preparing a “Frequently Asked Questions” section on the website so that individuals are provided basic information on the Project, legal assistance and answers to the most commonly asked question received by the call center which can be immediately answered (e.g. contact numbers of displaced institutions, information on what forms are needed for certain court procedures etc...)

A resource center which provides access to relevant legislation, forms as well as the various reports of the Project is being created for the webpage. Access to the Project reports is also important, as it provides not only IDPs, but also advocacy organizations the data that they can use in advocating the rights of displaced groups. The reports will be available in English and in Serbian and highlight several areas including the practical obstacles to return to Kosovo & Metohija, an analysis of gaps in institutional settings and legal framework in Kosovo & Metohija, and a human rights report.



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In order to ensure easy access to the website, it has been updated to include key words for search engine optimization. This enables the website to be amongst the first to be listed in search engines when individuals seek legal aid websites in Serbia. Also, the Project has contacted a number of legal aid organizations in Serbia to inform them of the services provided along with the domain name so that it may be added to their respective web-links.

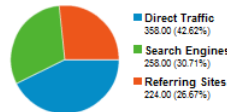
### Traffic Sources Overview

Jul 17, 2011 - Nov 7, 2011



All traffic sources sent a total of 840 visits

- 42.62% Direct Traffic
- 26.67% Referring Sites
- 30.71% Search Engines



### Top Traffic Sources

Sources	Visits	% visits
(direct) ((none))	358	42.62%
google (organic)	253	30.12%
kirs.gov.rs (referral)	73	8.89%
fondacijadivac.org (referral)	62	7.38%
kreativnakompanija.com (referral)	37	4.40%

Keywords	Visits	% visits
www.pravnapomoc.org	22	8.53%
pravna pomoc	20	7.75%
pravnapomoc.org	14	5.43%
www.pravna-pomoc.org	12	4.85%
pravna pomoc.org	10	3.88%

The graph above reflects how people located the website of the Project; with 42.62% from direct searches, 26.67% which were linked from the websites of other organizations and 30.71% that used search engines.

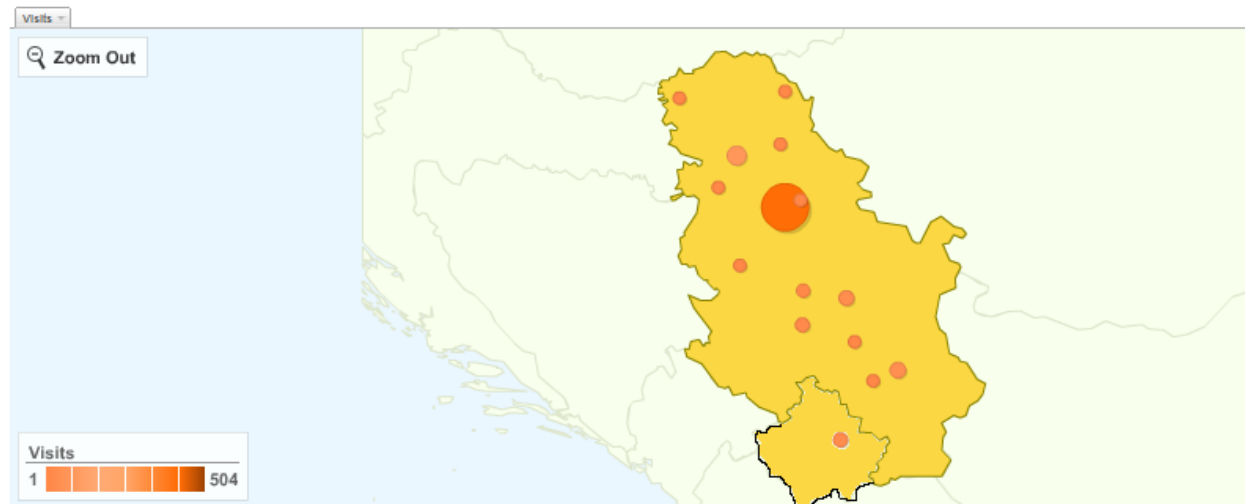
The table below reflects the locations, by municipality, that accessed the Project website most often.



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## Country/Territory Detail:

Serbia



This country/territory sent 755 visits via 16 cities

## Logistical Adaptations

Travelling to and from the courts in Kosovo can be time consuming, in an effort to expedite processing of cases legal officers that are based outside of Kosovo collaborate with the sub-office staff in Gracanica and Kosovska Mitrovica in delivering and collection of court, cadastral or other documents. The Project has changed tactics from claims collection to claims processing and representation, which has required the establishment of these two sub-offices. The legal officers in the sub-offices have the advantage of relatively quick contact with the courts and other institutions and can quickly reach these institutions whenever needed. These sub-offices are critical in delivering time-sensitive material and in facilitating access for clients to the institutions in Kosovo. It is expected that as court hearings become more frequent the sub-offices will be the busiest in the Project.

## Legal Aid Interns

It is estimated that a significant part of the work of the legal officers is spent in follow-up client counseling, file management and administration. These time-consuming tasks are taking from the legal officers the ability to provide more legal assistance. The caseload of the lawyers has grown significantly in each office, partly due to the effectiveness of the outreach campaign. There are no signs that the number of these cases is slowing down.

In order to address this and maintain high quality legal assistance, the Project is preparing to recruit legal assistant interns, via the Faculty of Law for students interested in gaining work experience in working in a legal aid Project. This will enable legal officers to spend more time on the actual provision of legal aid and reduce the amount of simple or administrative legal work. At the same time, law students will gain valuable practical experience in working in an internationally managed Project funded by the European Union, client counseling and casework and the application of international legal principles to local legislation.

Duties of the legal assistants will vary depending on the caseload but will include any of the following;



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- Attending client counseling sessions; including initial interviews, note taking for the file, answering queries by clients on telephone;
- Drafting correspondence to clients as per instructions of the supervising legal officer;
- Management of case files, updating data in files, electronic scanning of data into case files;
- Updating data on files in case database;
- Researching applicable laws and legal precedents.

Upon completion of voluntary service the law student will receive a Letter of Confirmation confirming his/her engagement as a legal assistant reflecting the time worked for the project. The Project has learned from its own experience that there are a large number of law graduates who lack basic work experience, which prevents them from being able to obtain employment. The engagement of interns will benefit the Project, as well as the interns, as well as the quality of legal profession in Serbia.



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**MATERIAL 1 – LIST OF FIELD VISITS OF PROJECT**

<b>Legal Team Outreach Activities May - November 2011</b>						
<i>Date</i>	<i>Municipality</i>	<i>Trustee</i>	<i>Collective Centre visit?</i>	<i>Office Mobile team</i>	<i>No of clients</i>	<i>No of cases</i>
13.05.2011.	Novi Pazar	Milisav Milosavljević	No	Kraljevo	2	1
18.05.2011.	Vranje	Zorica Peric		Nis	5	5
31.05.2011.	Čačak	Snežana Radovanović	No	Kraljevo	2	2
02.06.2011.	Gornji Milanovac	Milena Grković	No	Kraljevo	1	1
03.06.2011.	Kragujevac	Petar Atanasković	No	Kraljevo	4	4
03.06.2011.	Leskovac	Igor Kocic	No	Nis	3	3
06.06.2011.	Cuprija	Srecko Stanojkovic	No	Nis	3	3
20.06.2011.	Jagodina	Snezana Jovanovic	No	Nis	6	7
20.06.2011.	Zvecan	Dejan Milovic	Yes	K. Mitrovica	0	0
21.06.2011.	Paracin	Ruzica Brkic	No	Nis	5	5
01.07.2011.	Kragujevac	Petar Atanasković	No	Kraljevo	4	3
06.07.2011.	Vrnjačka Banja	Zoran Stamatović	No	Kraljevo	3	2
06.07.2011.	Trstenik	Predrag Sarić	No	Kraljevo	2	1
08.07.2011.	Novi Pazar	Milisav Milosavljević	No	Kraljevo	2	1
08.07.2011.	Raška	Slaviša Košanin	No	Kraljevo	1	1





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18.07.2011.	Novi Pazar	Milisav Milosavljević	No	Kraljevo	1	1
25.07.2011.	Sokobanja	Vukadin Nikolic	No	Nis	2	2
26.07.2011.	Aleksinac	Dragan Jovanovic	No	Nis	4	4
15.08.2011.	Požega	Ljiljana Avramović	No	Kraljevo	1	1
19.08.2011.	Kragujevac	Petar Atanasković	No	Kraljevo	4	4
02.09.2011.	Novi Pazar	Milisav Milosavljević	No	Kraljevo	1	1
07.09.2011.	Bujanovac	Sinisa Kovacevic	No	Nis	5	5
09.09.2011.	Čačak	Snežana Radovanović	No	Kraljevo	1	1
22.09.2011.	Strpce	Zarko Tiric	Yes	K. Mitrovica	2	2
28.09.2011.	Novi Pazar	Milisav Milosavljević	No	Kraljevo	1	1
30.09.2011.	Kragujevac	Petar Atanasković	No	Kraljevo	4	4
31.09.2011.	Indjija	Olivera Gavric Petrusic – Mun. Legal Aid Dep.	No	Belgrade	4	6
18.10.2011.	Indjija	Olivera Gavric Petrusic – Mun. Legal Aid Dep.	No	Belgrade	6	8
18.10.2011.	Novi Sad	Slobodan Vukasevic	No	Belgrade	4	4
19.10.2011.	Čačak	Snežana Radovanović	No	Kraljevo	1	1
19.10.2011.	Požega	Ljiljana Avramović	No	Kraljevo	1	1



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19.10.2011.	Strpce	Zarko Tiric	Yes	K. Mitrovica	2	2
21.10.2011.	Kragujevac	Petar Atanasković	No	Kraljevo	2	1
26.10.2011.	Strpce	Zarko Tiric	Yes	KM/Gracanica	3	3
01.11.2011.	Indjija	Olivera Gavric Petrusic	No	Belgrade	8	9
01.11.2011.	Novi Sad	Slobodan Vukasevic	No	Belgrade	4	4
03.11.2011.	Smederevo	Slavica Petrovic	No	Belgrade	1	1
9.11.2011	Kragujevac	Petar Atanasković	No	Kraljevo	3	4
10.11.2011.	Strpce	Zarko Tiric	Yes	K. Mitrovica	3	3
10.11.2011.	Medvedja	Radomir Vlahovic	No	Nis	2	2
10.11.2011.	Leskovac	Igor Kocic	No	Nis	4	5
Total					117	119



**MATERIAL 2 - INFORMATION FROM DATABASE ON OPENED CASES**

<b>All opened cases, all offices</b>						
<b>Code</b>	<b>Kind Of Case</b>	<b>B1</b>	<b>Legal Sub Kind Of Case</b>	<b>Leg As.</b>	<b>Repr.</b>	<b>Grand Total</b>
1	Family Law	113	Property relations within the family	1		1
	<i>Family Law Total</i>			1		1
2	Employment rights	201	Termination for unjustified absence from work place	1		1
		202	Wrongful termination of employment discrimination on the basis of	3		3
		214	Login workers and regular payment of contributions and taxes	1		1
		224	Determining the existence of employment (actually work)	4		4
		229	Rights related to the privatization	47	5	52
		299	Nothing above named	5		5
	<i>Employment rights Total</i>			61	5	66
4	Of pension and disability insurance	401	Pension entitlements	11		11
		405	Payment of accrued and unpaid pensions	6		6
		406	Changes to the factual and legal basis for the payment of pensions	13		13
		407	Correction of errors in the decision	2		2
		408	The request for the establishment of pension payments suspended	1		1
		409	Convalidation service	6		6
		499	None of the above	2		2
	<i>Of pension and disability insurance Total</i>			41		41
5	Prava iz zdravstvenog osiguranja i zdravstvene zaštite	506	Registration/Deregistration of the insured person	2		2
6	Right to social and other assistance and protection	608	Other forms of social assistance	2	4	6



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7	Rights relating to the Status of Refugees and Displaced Persons	702	Repatriation	1		1
		704	Rights to Citizenship	2		2
		799	None of the above	1		1
	<b><i>Rights relating to the Status of Refugees and Displaced Persons Total</i></b>			<b>4</b>		<b>4</b>
8	The right of access to public records, administration and services	801	The right to issue identity documents	10		10
		803	Access to and obtain records of birth and death certificates	51		51
		804	Obtaining access to records and documents on educational attainment	7	1	8
		805	Access to records & documents of employment, work history, confirmation of years of service	14	1	15
		806	Access to Public Information	5		5
		808	Civil Registration of RAE	6	1	7
		899	None of the above	4		4
		<b><i>The right of access to public records, administration and services Total</i></b>			<b>97</b>	<b>3</b>
9	Right to property	901	The return of seized property	15	19	34
		902	Replacement / sale of assets (sales-only oral advice)	9	1	10
		904	Reconstruction of destroyed property	10		10
		905	Determining the ownership of the property	56	21	77
		906	906-Compensation for damage to or destruction of property	283	109	392
		908	908-Fees for use of property	53	10	63
		909	Foreign currency savings	2		2
		911	Trespassing	19	2	21
		912	912-entry, correction and print real estate records	45	12	57
		913	Arrangement of boundaries	1		1
		914	Nationalization of the property as a		1	1



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			special form			
		915	915-expropriation of property as a special form	16	6	22
		916	Crimes against property-filing criminal charges	55	16	71
		917	Rights related to Privatization claims	3		3
		981	981-K HPD Post	59	22	81
		982	982-K KPA	126	15	141
		983	983-K Fraudulent Transaction	44	21	65
		999	None of the above	13	7	20
		<b>Right to property Total</b>		<b>809</b>	<b>262</b>	<b>1071</b>
10	The right to housing	1001	Occupancy rights	4	2	6
		1002	Replacement tenancy rights	1		1
		1007	Housing for vulnerable people	2		2
		1011	Removal from apartment	1		1
		1012	The determination of occupancy rights	3		3
		1099	None of the above	2		2
		<b>The right to housing Total</b>		<b>13</b>	<b>2</b>	<b>15</b>
11	Inheritance Law	1101	1101-All cases relating to inheritance	118	24	142
		<b>Inheritance Law Total</b>		<b>118</b>	<b>24</b>	<b>142</b>
99	None of the above	9900	9900-no subgroup	6		6
		9999	9999-All other cases not mentioned above	7	10	17
	<b>None of the above Total</b>		<b>13</b>	<b>10</b>	<b>23</b>	
	None of the above	9900	9900-no subgroup	1		1
<b>None of the above Total</b>		<b>1</b>		<b>1</b>		
<b>Grand Total</b>				<b>1162</b>	<b>310</b>	<b>1472</b>



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<b>Competent bodies in legal assistances (representations are not incl.)</b>						
Count of ID Beneficiary						<b>Grand Total</b>
<b>Code</b>	<b>Competent body</b>	Oral Assistance	WD-Complex	WD-Easy	WD-Other	
0	Start	22		2		24
1	PISGs		2	1		3
2	Local authority	33	33	56	11	133
3	Another body PISGs	1	2			3
4	Court	350	54	82	16	502
5	OMBUDSMAN	1	6			7
6	public Companies	6	2	1	2	11
7	private enterprises	1	2		1	4
8	Local NGO	2				2
9	Natural person			2		2
15	KPA	136	9	28		173
16	HRAP	3	1	1		5
17	KPS		1		1	2
18	Municipality-Cadastre	33	8	6	5	52
19	Central Cadastral Agency	1		1	2	4
20	Privatisation Agency of Kosovo	16	8	2	3	29
27	KFOR	1				1
28	EULEX	1	2	1		4
29	Prosecution	6	10	2	2	20
97	None of the above advanced	6		2	3	11
98	Cannot find body	3				3
99	Status of the case does not require the body to resolve	2	4	18		24
<b>Grand Total</b>		<b>624</b>	<b>144</b>	<b>205</b>	<b>46</b>	<b>1019</b>



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**Disclaimer**

**The content of this Report is the sole responsibility of the Project and can in no way be taken to reflect the views of the European Union.**