

NEWSLETTER



REPUBLIC OF SERBIA
OFFICE FOR KOSOVO AND METOHİJA

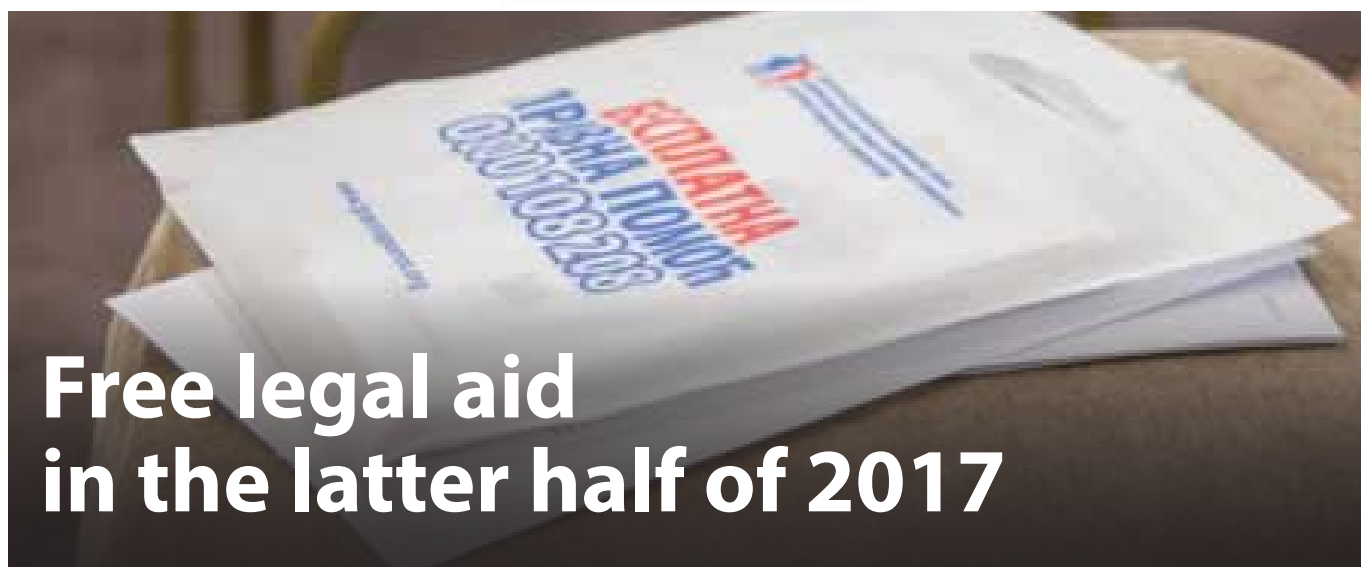


Promotion & Protection of Property Rights
of IDPs, Refugees & Returnees upon
Readmission Agreements



Project funded by the
European Union

No. 02 / December 2017



Free legal aid in the latter half of 2017

Newsletter No.2 gives an overview of the activities conducted in the past six months by the project team, engaged on daily basis in providing free legal aid for internally displaced persons from Kosovo and Metohija, refugees, and returnees upon the readmission agreements.

Apart from the specific instances of progress in numerous cases, admission of new clients (*see Infographic*) and successfully settled cases, the project has intensely been working on getting closer to the beneficiaries through numerous visits by mobile legal teams to places all over Serbia inhabited by project target groups who are, due to financial and/or medical reasons, unable to seek assistance in offices in Belgrade, Niš, Vranje, and Kraljevo or in partner organisations in Kosovska Mitrovica and Gračanica.

With the support from the Office for Kosovo and Metohija, three panel discussions on current legal solutions regarding property issues and a general property situation of Serbian and non-Albanian population in Kosovo and Metohija (KiM) were held. These public discussions were occasioned by the presentations of three thematic reports, resulting from a joint work of the project team and domestic and foreign experts, who are professionals in protection of property and basic human rights.

Intensive work of several months on creating an electronic database comprising all cases within this project has also been completed. An archive of previous projects has been updated and integrated into the current database. Case input and search are far more efficient owing to a new software application made in accordance with the specific requirements of this project. The work of the project team has been significantly enhanced, and a long-term systematic collection and deposit of all useful information has been enabled.

Intensive training sessions for apprentices, who are being trained to work with vulnerable groups of people continued to be held on a monthly basis. Two communication training sessions have also been organised with a view to strengthen the capacities of the entire project team for the public promotion of the project. With a view to promote the project among the beneficiaries as efficiently as possible, legal professionals have participated in the events organised by partner organisations and associations.

651

submissions
to the relevant
institutions



1582

meetings
with clients and
potential clients



2636

calls
on free number
0800 108 208



Project in
figures*

557

new cases



811

closed cases



163

representation before
the institutions in
Kosovo and Metohija



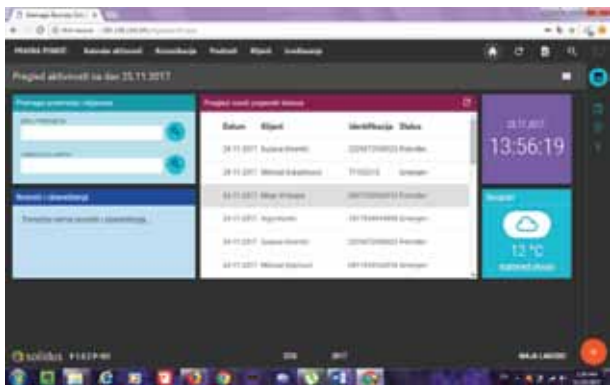
*The data shown refer to the period between 1st July and 22nd December, 2017

Advanced collection and storage of documentation

The software application for collection, deposit, and analysis of data has modernised and facilitated the work of the project team and enabled a long-term systematic tracking of statuses of free legal aid beneficiaries' cases, as well as authentic informing.

The database has been created in accordance with the specific requirements of the project and the basic rules of the Republic of Serbia documentation management. Based on the principles of leading world software packages, it has been created as a single application which can be accessed through Google Chrome internet search engine and it has been installed on a server which can be accessed from all project units. It encompasses the entire process of providing legal aid, starting from receiving a request for legal aid, carrying out procedures before competent authorities, to informing the competent beneficiary authority on the legal aid provided.

The application itself contains a database and background systems, while a large number of functionalities are in line with all the segments of the free legal aid project in relation to clients, the project team, and the project beneficiaries.



A view of the software application

A revision of the existing data on clients and their cases is in progress. This is one of the most significant tasks of the entire project team. The revision notably entails getting into a direct contact with either clients or clients' contact persons, since a great number of clients are above the age of 65, have a low socioeconomic status, and it still occurs very often that they do not have a permanent place of residence. In this way, we most notably find out the current addresses of the beneficiaries or their contact phone numbers, as well as the information on possible news about cases.

This database enables easy and simple access to data on all clients and cases for the entire project team regardless of their current location, which is especially important when it is necessary to inspect a case currently in progress, as well as the entire supporting documentation in all formats. When carrying out a subsequent legal act, it is of utmost importance and use for experts to be able to get access to similar cases and the practice that has already been established by the project team, while all the supporting documentation formats enable an easier and more efficient generation of all papers.

The database is a single platform for all three target groups, which is of great importance for easy tracking of legal aid provision and for establishing equal practice in all project units, as well as for an accurate and authentic informing of project beneficiaries on the activities conducted.

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FOR RETURNEES UPON READMISSION AGREEMENTS

Our team of legal advisors and experienced lawyers will provide you with support in the process of obtaining personal documents:

- Birth certificates,
- Certificates of Citizenship,
- Identity cards,
- other documents of importance for the exercise of your rights.

... the call is free.

A portrait of Dejan A. Vasić, a man with light brown hair, wearing a blue and white patterned sweater over a light blue collared shirt. He is looking slightly to the right of the camera with a neutral expression.

Dejan A. Vasić, legal expert

In March 1999, along with many other students of the University of Priština, Dejan A. Vasić was forced to leave his studies, but also his hometown, his home, and his friends. It did not mean only leaving the second year of studies, but the entire life he built there as well. He temporarily settled in Vrnjačka Banja with his family, and he continued his studies in Kosovska Mitrovica, where they moved in 2002, and where he graduated in law.

A restless spirit and curiosity led him to pursue a career in journalism for a short period of time at "Kontakt Plus" radio station, but the inner lawyer prevailed. Before deciding to become independent and dedicate himself to law practice, he gained his first professional experience doing the job of a legal adviser in the Norwegian Refugee Centre.

He claims that he inherited the "workaholic gene" from his mother, and this is how he handles the morning trials, afternoon meetings with clients, and writing at night. When a family life and a maximum of five hours of sleep are incorporated into this, it is no wonder he claims that a day has always been too short for him. Despite his tight schedule, this young lawyer, legal expert, husband, and father has also found the time to give an interview for the Newsletter.

I: What made you decide to become part of the legal team that provides free legal aid?

D. Vasić: At the beginning of my career, I spent two years working with vulnerable groups, and I think that this indeed

is my calling. I have always liked proprietary litigation. As a matter of fact, I believe I have specialised in criminal law by force of circumstances. As a kid, my lawyer's dream was to work exclusively on small-scale proprietary litigations for free once I become "a grown-up lawyer". In this respect, I have always been slightly disappointed every time I was not able to meet my clients' needs and represent them in proprietary litigations in KiM, because refugees and displaced persons were not able to pay for my services. In this sense, free legal aid project made it possible for me to deal with these cases, hopefully to the satisfaction of our clients.

I: You have always wanted to become a lawyer?

D. Vasić: Given that both my mother and my uncle are lawyers by profession, this vocation has been appealing to me since I was a little boy. I began my practice as a legal assistant in Miro Delević's law firm in Kosovska Mitrovica. A few months after I have founded my own law firm in 2007, Kosovo's self-proclaimed independence occurred along with difficulties in judiciary functioning in the north of the region, so I started working throughout the entire territory of Kosovo and Metohija out of existential necessity. Over the course of my ten-year career, I have represented a large number of litigating cases before all courts in Kosovo and Metohija, and I have also been very successful as a defence attorney in the most complicated criminal cases for the most serious criminal offences, trials within the judicial mission of EULEX.

I: What happened to your family's property in Priština?

D. Vasić: My grandparents' house in a part of Priština called Gradić Pejton, where I was born and where I grew up, was sold a few years before the war broke out, and just before my grandfather died. We sold the flat that we had in Dardanija in the first months after the war, and this transaction was very significant for my family, because it gave my sister a roof over her head. My wife and I have recently bought a flat in Kosovska Mitrovica, thus providing for our children, and now we are expecting a new child with optimism and joy.

I: How many new requests does the legal team in Kosovska Mitrovica receive on a monthly basis?

D. Vasić: Our legal team is the busiest after the law firm in Belgrade, which is the leading team when it comes to the number of new clients. The cases are diverse, mostly criminal and civil, and they predominantly concern property issues in all parts of Kosovo and Metohija.

How do potential clients find out about the free legal aid?

D. Vasić: People usually find out about us owing to our reputation and recommendations. The best marketing is "by word of mouth". One should bear in mind that this project is the successor to similar projects that existed in previous years, therefore our target group is partly familiar with the existence of the project. We all work hard, we work as a team to use every chance to inform as many people as possible that they can count on our support in property restitution procedures.

How important is it to get to know the client whom you represent before the institutions in Kosovo and Metohija? How much do you know about their private lives

D. Vasić: Although I have always considered it as my professional weakness, I have always turned my contact with the clients into a friendly, sometimes even a familiar relationship. I have transferred these habits to my clients within the free legal aid project, as well. Mutual problems, misfortunes, and struggle are a cohesive factor, so my colleagues and I are very familiar with the living conditions of the people we represent and defend, as they are with ours.

I: Is there something that can especially shake you?

D. Vasić: Years of working in stressful, sometimes even absurd conditions did not make me a thick-skinned professional. Quite the opposite; as the time goes by, it seems to me that I am becoming more and more sentimental. In this respect, I feel a strong sense of empathy for all people whose cases we are working on within this project. Of course, my colleagues and I are the happiest when we get to make our clients happy with a positive outcome, and this is what makes one love this job.

I: Do the clients trust this project?

D. Vasić: Our clients trust us, and this trust has been being built for years now, since this is the fourth project in a row. We are the successors to our colleagues who have created trust, and it is up to us now to bring this relation to the next level. The involvement of the Office for Kosovo and Metohija is now a lot greater, which is a strong support for us, and therefore the clients have more trust.

I: What is the hardest aspect of the field work?

D. Vasić: Life-threatening situations, which we are often exposed to. You know, when someone has been using somebody else's property for years, they start seeing it as their own, which often triggers incidents, which one must be well prepared for.

I: Which case would you single out as the most important for you?

D. Vasić: It is not easy to bid with these things. Honestly, we care about all our cases, because we care about the people. However, for the sake of providing an example of the things our beneficiaries have to deal with, maybe I can single out a case of a returnee to a village called Osojane, the municipality of Peć. He was accused of an illegal use of electricity. He was acquitted during the procedure, because we were able to prove that the accusation was the result of a wilful misconduct of the Kosovo Energy Corporation.

I would like to emphasise that besides a possible prison sentence, he was also facing a compensation claim in a great amount, which would make him leave his village again, while his property would, in such case, be sold as part of the settlement of claims

PANEL DISCUSSIONS

Presentation of three thematic reports on property rights situation and protection

Thematic reports, which are part of the activities of the project team and external associates who deal with protection of human and property rights of internally displaced persons from KiM and private property issues in KiM in general, are regularly reviewed at panel discussions, which are organised by the project and the Office for Kosovo and Metohija. The reports are discussed with a view to get a better and more systematic perspective on the overall process of protection of property rights of internally displaced persons, refugees, and returnees upon readmission.



Presentation of the report on fraudulent transactions, June 2017

A thematic report titled “Fraudulent Property Transactions”, presented in June 2017, was written by Mary Martha Walsh, an expert on social matters with years of experience in working with international organisations on Kosovo and Metohija. She has devoted a great deal of attention to research on violated rights of the displaced persons from KiM. The report deals with the issue of fraudulent transactions involving property of IDPs from Kosovo and Metohija, whose property was misappropriated upon their displacement, and institutional obstacles in solving these cases, and finally the significance of involvement of international organisations. The report also describes a specific case of misappropriation of the property belonging to Serbian people from KiM, as well as suggestions on overcoming obstacles when solving the cases of fraudulent property transactions.



Panel discussion, September 2017

A panel discussion titled “Implications of Priština’s Regulations to Solving Property Issues of IDPs” was held in September 2017. The subject of the analysis of this report, whose author is an independent expert on legal issues Nemanja Ilić was the proposed Regulation, which governs the work of the Kosovo Property Comparison and Verification Agency (KPCVA). The task of the Agency, among other things, is to compare two cadastral documentations: the cadastral register relocated from the territory of KiM after the end of NATO aggression in 1999 and the register developed by provisional authorities

of self-government (PISG) in KiM. Having regard to the past work practice of the PISG and the proposals resulting from the new Regulation, the report poses a question on whether KPCVA will solve the problem of legal dualism in proprietary rights in KiM in a just manner and in accordance with international standards. The basic risks arise with respect to the problems of informing, unreasonably short deadlines for taking actions, unspecified evidence, substantive discretion of KPCVA bodies and unclear responsibilities of this body, as well as the ultimate risk of usurpation or appropriation of the property by the municipalities/PISG Privatisation Agency. The report states that, given all the risks, a functional mechanism of legal aid should be established, which would involve timely informing of the persons affected on the basis of the existing cadastral records and database in KiM, provision of adequate protection of rights of the persons affected before the PISG, from obtaining evidence to representation in first and second instance procedures until the enforcement and registration, and comprehensive coordination with the relevant political actors in the territory of KiM and with the international community.

A Draft Report on Strategic Normative Framework for Regulation of Property Issues in Kosovo* was presented at the panel discussion in November 2017. Aleksandar Radović, an expert on social matters and the author of the report, presented the structure and the perception of the problems and solutions offered in the Strategy



Presentation of a thematic report, November 2017

from the perspective of Serbian and other non-Albanian communities whose property rights have been violated. The panel participants agreed that an incomplete and partial strategy cannot serve to eliminate consequences of mass usurpation of private properties of Serbian and other non-Albanian citizens, as well as state, public, and business property and property of the Serbian Orthodox Church in Kosovo and Metohija. The said Strategy is nothing but an attempt of legalisation of the given situation. By giving examples from their

field work, the legal advisers showed what kind of effect previous legal solutions had on the outcome of the unsolved proprietary issues of IDPs from Kosovo and Metohija. Concluding the discussion, everybody agreed that referencing the Strategy in the process of drafting laws would lead to legalisation of a current situation created by force and obstruction of decision executions, at least regarding property of IDPs.

Apart from the representatives of the Office for Kosovo and Metohija and the project's experts, this panel discussion regularly gathers the representatives of the United Nations, Commissariat for Refugees and Migrations, Danish Refugee Council and NGOs working with internally displaced persons.

* This designation is without prejudice to positions on status, and is in line with United Nations Security Council Resolution 1244 and the International Court of Justice Opinion on Kosovo's declaration of independence



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Belgrade, Francuska 5/5
Niš, Strahinjića Bana 8
Kraljevo, Hajduk Veljkova 1/2
Vranje, Vula Antića 25
K. Mitrovica, Filipa Višnjića 4
Gračanica, Kneza Lazara bb



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THE WORK OF MOBILE TEAMS

Field visits to beneficiaries by three-member legal teams

Mobile legal teams reach a great number of internally displaced persons, refugees, and returnees upon the readmission agreements, i.e. all beneficiaries who are, due to financial and/or medical reasons, unable to seek legal support in project offices.

Owing to the collaboration with the Commissariat for Refugees and Migrations and the Danish Refugee Council, a large number of beneficiaries are able to get legal advice in their places of stay. Combined resources of the project and those of these organisations enable an organised provision of legal aid in offices of trustees, but the legal aid is also often provided through the so-called house visits to persons who are reasonably impeded to talk to the lawyers during the organised meetings in trustees' offices.

With a view to increase the availability of legal aid, in the past six months, mobile teams have visited hundreds of beneficiaries in Kragujevac, Novi Sad, Mladenovac, Prizren, Čačak, Smederevo, Kostolac, Velika Plana, Vladimirovac, Babušnica, Pirot, Gadžin Han, Negotin, Zaječar, and other places throughout Serbia.

The largest number of project beneficiaries are internally displaced persons from KiM, but the project team has been receiving an increasing number of requests from the returnees upon the readmission agreements, so the visits to this target group of the project have also been organised. Over the course of the past six months, the legal team has encountered individual beneficiaries in Novi Sad on two occasions, while a group visit to the beneficiaries who are admitted to the Centre for Emergency Response for Returnees was organised in Bela Palanka.



Kragujevac



Mladenovac



Babušnica



Prizren



Čačak



TRAINING FOR APPRENTICES

Training for young apprentices in work with vulnerable groups continued

Four-day training sessions for apprentices engaged on the project are held every month and represent an important segment of the project since their purpose is to prepare young apprentices for the work in the field of human rights protection of the vulnerable groups. This helps increase the number of experts who will be prepared to deal with specific subjects in the future regarding the violation of basic human rights, as in the case of property issues in KiM.

Each training session provides lawyers with an opportunity to participate in an organised simulation of civil and criminal proceedings. Playing the roles of representatives, judges, and defendants, they get a more precise insight into each of these roles, they get a better grasp of the tasks of each of the participants in the procedure and they have a perspective on the overall court procedure. They receive considerable support in these experiential workshops from their older colleagues, junior and senior legal advisers, who prepare these exercises for them based on real-life situations in the judicial system in KiM.

Numerous lecturers, including professors at the Faculty of Law in Priština, give the apprentices lectures on international public law and its application at courts in KiM.

A part of training is also an English language course, with an emphasis on legal terminology, which will help these young lawyers with their work with international organisations and courts. At the last training session, the eighth in a row, the apprentices were also trained in using a database developed for the sake of the project.



Regular training sessions for the apprentices

COMMUNICATION TRAINING SESSIONS

Efficient provision of legal aid through good communication

Improvement of communication within a team and communication with the beneficiaries helps ensuring a more efficient provision of free legal aid for vulnerable groups. It is estimated that in order to achieve team spirit and a successful project realisation, a support to all team members in the field of communication is of utmost importance, which is why two workshops on internal and external communication were held. Mutual subjects of the two-day workshops, which were separately attended by the apprentices and the junior and senior legal advisers, were good communication standards and the improvement of communication skills. Additional training in communication with beneficiaries was important for the apprentices, especially communication with persons ineligible to become candidates for free legal aid, but also in communication with representatives of organisations and institutions, while the workshop for more experienced colleagues focused on the collaboration with the media. Representatives of the Office for Kosovo and Metohija also attended the workshops.



Training for apprentices



Training for legal advisers

EVENTS

Trustees' meeting in Kladovo

The 13th working meeting of trustees for refugees and migrations was held in Kladovo from 6th to 8th November, 2017, and was organised by the Commissariat for Refugees and Migrations of the Republic of Serbia (KRIS) and with the support of the Council of Europe Development Bank. The Meeting was attended by more than 450 participants, including, apart from the trustees, numerous guests from the region, representatives of international organisations, institutions, embassies, and the Ministry of Public Administration and Local Self-Government.



Project promotion at a regular annual trustees' meeting

Having regard to the past collaboration, a mutual interest in protection and enhancement of the rights of project beneficiaries, and the scope of the support, especially at the level of local self-government units, a regular annual meeting of trustees has further increased the possibility of the presentation of free legal aid project. During the three days of the meeting, meetings with coordinators and local representatives of the Commissariat were held with a purpose of making coordination of mobile teams on the field as good as possible, and also, informative material about the project was distributed.

The possibility of collaboration with the Office for Readmission at the "Nikola Tesla" airport in Belgrade was also opened with a purpose of getting to know returnees upon the readmission agreements better, with possibilities of aid within the project, especially in their places of stay.

EVENTS

At the round table in Kragujevac

Legal advisers of the free legal aid project were guests at the round table in Kragujevac on 14th September, 2017, organised by "Social Entrepreneurship in Roma Women in Šumadija and Pomoravlje Districts". Different types of aid provided to vulnerable groups by the project were presented, with a special emphasis on the help to returnees upon readmission agreements, and informative material about the project was distributed. The advisers made significant contacts with associations working with returnees upon the readmission agreements on this occasion. They also held two meetings on the spot with potential clients of the project; they filled in an application form for the provision of legal aid, and collected the documentation necessary for opening cases.



Round table, September 2017

Examples of successfully closed cases

Fraudulent transaction in Dečani

Project's client, an IDP from Dečani, is a victim of a fraudulent transaction of a notorious criminal clan A.K. This clan is notorious for its fraudulent transactions and other frauds regarding property of the displaced Serbian people. At the urging and impersonation by A.K., the client authorised a member of his clan R.M. to conclude a purchase contract for the immovable property in Dečani with A.K. R.M. committed a misuse of powers and concluded a contract with A.K. before payment of the transaction price was made. Immediately after this, A.K. registered into the real estate cadastre as the owner of the property with no intention of ever making the payment to the aggrieved party. In 2013, the legal team of one of the previous projects submitted a criminal complaint against R.M. to the Basic Prosecutor's Office in Peć on behalf of the aggrieved party for the criminal offence of abuse of trust. A legal adviser of the free legal aid project faced the obstruction of court orders in Dečani during the proceedings, while during the examination of a defence witness, the defendant's council attempted to discredit him by claiming that his questions were provocative, cynical, and offensive to the defendant. The proceeding was ended with a conviction, whereby R.M. was penalised with a prison sentence for a period of four months and a fine.

Privatisation of "Pečka Pivara" brewery

A socially-owned enterprise "Pečka Pivara" was privatised in 2006. Before the conflict broke out in KiM, this enterprise had eight hundred employees, half of whom were of Serbian and other non-Albanian nationalities, who were forced to leave their homes and jobs due to the circumstances in 1999. According to the Law on Privatisation Agency of Kosovo (PAK), all employees who worked in the enterprise for at least three years, as well as those who were working at the enterprise at the time of privatisation or would have worked there if the displacement had not occurred, have the right to a 20% share of the proceeds resulting from the privatisation. A final list of employees who meet the requirements for obtaining the right to a share, published in August 2012, contained 478 employees, only 11 of whom were Serbian. In 2012, on behalf of 90 employees not mentioned on the list, the project brought charges to the Special Chamber within the Supreme Court for the matters concerning the

PAK. The proceedings were ended in July 2017 with a judgment, whereby 187 non-Albanians were added to the final list. After five years, the project's clients were paid the compensation, which they are entitled to in accordance with the law.

Illegal land occupation in Đakovica

Project's client from Đakovica left Kosovo and Metohija in June 1999. After the displacement, his flat and estate in Đakovica were misappropriated by an occupier of Albanian nationality. The usurper first tried to forge a power of attorney and a purchase contract, and when he failed in this, he enclosed project's client's land with walls and built a house on it. In 2015, the lawyers of the previous project submitted a criminal complaint against the usurper, on behalf of the aggrieved party, to the Basic Prosecutor's Office in Đakovica. The aggrieved party was himself a witness during the proceedings, despite his fear and the unsafe circumstances. The usurper was found guilty by a first instance court decision, however he filed an appeal in January 2017. The Appellate Court rejected the appeal of the defendant and confirmed the conviction.

"Kosovoteks" privatisation

Thirty internally displaced persons from KiM asked the free legal aid project for help in obtaining the rights resulting from the employment relationship. Before the displacement, the clients were employed with "Kosovoteks", a socially-owned textile enterprise in Priština, which at the time had eight hundred and fifty employees, over 70% of whom were of Serbian and other non-Albanian nationalities. The enterprise was privatised in August 2006. The list of the employees who meet the requirements for obtaining the right to a 20% share from privatisation, which was published by the Privatisation Agency of Kosovo in 2011, did not contain more than 200 non-Albanians who were working for the enterprise until the conflict broke out, including the project's clients. In 2016, the project filed an appeal to the Special Chamber within the Supreme Court for the matters concerning the PAK against the first instance judgment from 2011, whereby the project's clients were not added to the list. In April 2017, the final list of employees who meet the requirements for obtaining the right to a 20% profit acquired through privatisation, which did contain the names of the project's clients, was published.