

**FREE  
LEGAL AID  
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# NEWSLETTER

Legal aid, assistance and dissemination of information necessary for ensuring  
the protection and exercising of rights of IDPs, refugees and returnees

Number **01**  
June 2019



REPUBLIC OF SERBIA  
OFFICE FOR KOSOVO  
AND METOHIJA



This project is funded  
by the European Union

## INTRODUCTORY NOTE

Denis Van Damme



*It is my pleasure to inform you, on behalf of the whole team, that the new Free Legal Aid Assistance Project, financed by the European Union in cooperation with the Government of the Republic of Serbia, has started and it shall continue to provide aid to the IDPs, refugees and returnees, based on the Readmission Agreement, in order to protect their property and enable them to exercise other rights mostly in Kosovo and Metohija.*

*Our team of 30 legal advisors has been working on more than 4.800 opened cases. During last six months we have received over than 1.100 calls to our free number, organized more than 850 meeting with potential clients, prepared almost 600 submissions and represented in more than 200 judiciary hearings. This statistics shows that a great need for our services still exists.*

*This is the first out of four newsletters that we are going to publish in order to inform the public about the project development, hoping that you will enjoy reading it.*

**Denis van Damme,**  
Project team-leader



The “Legal aid assistance and dissemination of information necessary for ensuring the protection and exercising of rights of IDPs, refugees and returnees” project represents a continuation of cooperation established in 2008, between the Government of the Republic of Serbia and the European Union in the field of basic human and property rights protection of IDPs, refugees and returnees based on the readmission agreements.

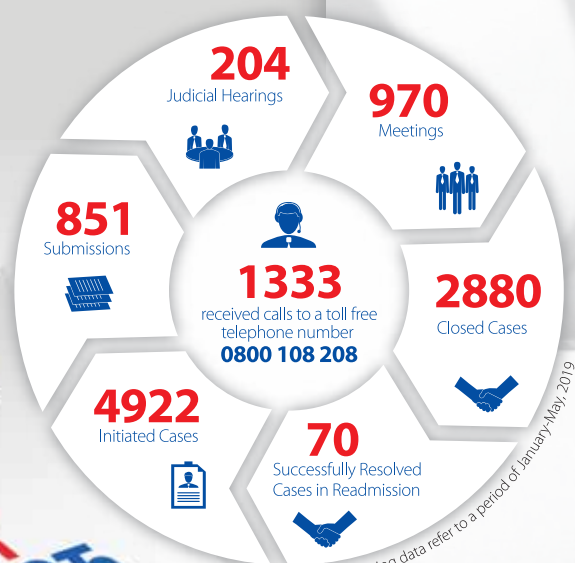
Project implementation started in November 2018, and in the next two years the IDPs, refugees and returnees under the readmission agreements shall have an adequate access to the information and an efficient free legal aid in order to exercise their rights and to repossess their illegally occupied or damaged and destroyed property, health and social protection, employment and the protection of other human rights.

Right to a free legal aid assistance that this project offers can be exercised by the refugees, returnees under the Readmission agreements and displaced persons or persons who have claims on the property in Kosovo and Metohija, but who cannot afford legal representation due to the financial circumstances, or who cannot exercise their rights due to a limited

access to the judicial system in Kosovo and Metohija.

A project team is composed of lawyers, legal advisors and readmission and vulnerable groups support experts, with many years of international and domestic experience in protecting the basic human and property rights. Help that the Project team provides is composed of providing legal advices, representing parties before the courts in places of origin (only for the IDPs), acquiring documentation issued by the state authorities in the places of origin, as well as informing the aggrieved parties about their rights.

The project is financed by the European Union's funds. The Government of Serbia's Office for Kosovo and Metohija is the beneficiary institution, and the Project team actively cooperates as well with the Government of Serbia's Commissariat for Refugees and Migrations on informing the refugees and returnees under the Readmission Agreement.



Following data refer to a period of January-May, 2019





# Dušan Kozarev

Deputy Director  
of the Government of Serbia's  
Office for Kosovo and Metohija

**Newsletter: What are the biggest legal problems that the IDPs from Kosovo and Metohija are dealing with in exercising their rights?**

**Dušan Kozarev :** “It is necessary to emphasise that besides the property rights, basic human rights of Serbs in Kosovo and Metohija are also threatened. Intimidation and encouragement of Serbs to leave Kosovo and Metohija are always present, which drives back the IDPs from returning. To this end, unfortunately, a dangerous practice of arresting the potential returnees has started to gain prominence, under the accusations of war crimes, which eventually turn out to be unfounded, but only after months spent in custody. It is indicative that the ones accusing for war crimes are the same usurpers of the IDPs property. Thus, legal problems that the IDPs are dealing with are comprehensive, and one of the most prominent is the usurped property, whether the apartments and houses, or agricultural land and forests, where the objects of usurpers are being illegally constructed.”

**Newsletter: What is the importance of this Project from point of view of the Office for Kosovo and Metohija?**

**Dušan Kozarev :** “This Project helps each threatened individual, internally displaced person in the fight for exercising rights and restitution of their property, and significance of the above-mentioned is unquestionable. However, an additional importance lies in the fact that the lawyers on this

Project are perceiving all the practical obstacles in the field, and are trying to find a way to resolve them. Afterwards, the relevant institutions and organisations are being informed, as well as the internally displaced persons. I would like to add that statistical data which is provided by the Project, thanks to the complex database that is being updated regularly, represent an important proof and historic document per self.”

**Newsletter: Besides this Project where the Office cooperates with the European Union on legal aid assistance, what are the others means of help for IDPs where the Office for Kosovo and Metohija participates or is a direct provider?**

**Dušan Kozarev :** „Office for Kosovo and Metohija, within its scope of activities provides social assistance, child benefits, assistance in seedlings, agricultural machines, and construction material. Aiming to secure the adequate living conditions to those IDPs who wish to return, we are building the Sunny Valley community for around 300 families, located in Zvečan municipality. In order to improve the life of Serbian population in Kosovo and Metohija, the Government of the Republic of Serbia in 2018, through our office, invested in 67 projects in the area of agriculture and infrastructure, in schools and nurseries, healthcare facilities, and in the projects of entrepreneurs who are starting their own businesses. In 2019, we plan to continue investing in additional 300 projects. As an assistance



*... this Project helps each threatened individual, internally displaced person in the fight for exercising rights and restitution of their property, and significance of the above-mentioned is unquestionable...*

*... Government of the Republic of Serbia invests substantial assets and strives to encompass all the aspects of assistance for our citizens in Kosovo and Metohija, from the provision of welfare assistance, housing, employment incentives to the improvements in agriculture.*

*... It is certainly important to advertise this Project and its results both in the media with local and national coverage.*



» to a process of return, but also to the socially deprived people from the IDP category within Kosovo and Metohija, in 2018, more than 48 houses were constructed and renovated, and a construction of ten residential buildings was finished, with 120 apartments in total. These are only some of the examples of our support.

Therefore, Government of the Republic of Serbia invests substantial assets and strives to encompass all the aspects of assistance for our citizens in Kosovo and Metohija, from the provision of welfare assistance, housing, employment incentives to the improvements in agriculture.”

**Newsletter: To what extent the representation of the Project and its results to the public have contributed to the improved awareness of the IDPs about their rights?**

**Dušan Kozarev :** „It is certainly important to advertise this project and its results both in the media with local and national coverage, because the previous project had shown that it is the best way of informing the IDPs about the possibilities of receiving free legal aid, and it had shown to them that they are not forgotten, nor their problems, but it was equally shown to a wider public about the problems that our fellow citizens are still facing.”



# Support to the IDPs

Internally Displaced Persons (IDP) from Kosovo and Metohija have been fighting a long and painstaking battle for more than two decades, in front of judicial and quasi-judicial bodies in Kosovo and Metohija in order to reclaim their property that was illegally usurped after the displacement, damaged or completely destroyed. In that combat they also receive help from legal experts of Free Legal Aid Project who provide legal advices, necessary information, compile

and submit legal requests, obtain documentation from places of origin, represent in front of courts and other institutions in Kosovo and Metohija. Besides the proceedings that are dealing with real estate, the Project provides legal aid to the IDPs in exercising labour rights from the employment relationship effective prior to displacement. This Project received more than 4.000 displaced persons's requests, and over 1.800 cases are now closed.

## USURPED PROPERTY IN ISTOK

**N.N. person is an IDP from Istok, with curren residence in Kragujevac.**

N.N. lived in Istok until 1999, when he left Kosovo and Methija due to security reasons. After the displacement, the client delegated the ownership over the real estate, agricultural land and house, to an Provisional Institution of Self-Government (PISG), the Kosovo Property Agency, whose mandat was to manage the real estate of IDPs. Unfortunately, in 2012 their property was usurped by the person of Albanian nationality. Client addressed the Kosovo Property Agency several times by himself, as well as the other judicial institutions, without success. At the end of 2018, he addressed the Free Legal Aid Project with a request for legal aid assistance in this matter. Project legal advisors, in a short notice, have submitted a request to the PISG, Kosovo Popeny Agency, to conduct an eviction, in order to liberate a property from the usurper and to return possession to a legal owner. In May 2019, PISG, Kosovo Property Agency, informed the client that it have conducted a forced eviction and that he is free to enter into possession of his property.

## FRAUDULENT TRANSACTION IN THE SURROUNDING AREA OF PEĆ

**N.N. person from Peć addressed the Free Legal Aid Project team in 2009 in relation to the problem of usurped property.**

Team established that N.N. person was a victim of a fraudulent transaction and filed a lawsuit against the offender. Basic Court in Peć passed a first instant decision in favour of the Project's client in June 2014, but the defendant filed a complaint. The Appellate Court had not considered this case for years, and the Project's legal advisors had written a number of urgencies during 2017 and 2018. Finally, in mid-January 2019, the Appellate Court brought a second instance decision in favour of N.N. person and after 10 years of struggle, the property was taken back to possession of N.N. person.



**1333**

received calls to a toll free telephone number  
**0800 108 208**



**970**

meetings with clients and potential clients



**851**

submissions to the relevant institutions



**204**

hearings in front of the institutions in Kosovo and Metohija



**2880**

closed cases



**4922**

newly-opened cases

*...During first six months of the new Project's activities, a legal advisor with the highest number of successfully solved cases is a junior legal advisor Jelena Milošević.*



## **Successful assistance to the returnees upon Readmission Agreements continues**

Legal team of the Free Legal Aid Project has closed more than a thousand cases since the beginning of the Project, concerning both the IDPs and returnees upon Readmission Agreements.

During the first six months of the new Project's activities, a legal advisor with the highest number of successfully solved cases is a junior legal advisor Jelena Milošević. Jelena has closed during this period 34 cases with a positive outcome, 18 cases referring to the returnees upon Readmission Agreements, and 16 of them to the IDPs from Kosovo and Metohija. Jelena started her work on the Project in 2017 as a trainee in the Project's office in Kraljevo, and due to her dedication and

commitment to every case, today she is working as a junior legal advisor in Belgrade. Due to the nature of her position, she mostly works with the readmitted persons, but she is also very dedicated in resolving the IDPs legal problems, given that she originally comes from Kosovo Polje.

***„First of all I would like to emphasise that it is a great pleasure and honor to be the part of such a successful and professional***



*team that is working on the Project, where I learned a lot about the protection of human rights and freedoms, and enriched my already acquired knowledge and experience in that area, which helped me immensely in my work. Speaking of my work and success, I would like to emphasize that I myself have been until recently an IDPs, so the problems that these very sensitive categories of people are facing (readmitted persons and IDPs) are very much familiar to me, especially how much they can affect a normal stream of life, either in terms of legal obstacles or on a personal level, and especially how they can be depressing for the people. Each successfully resolved legal problem of our clients thanks to my work represents a special satisfaction to me and motivates me additionally, because there is no better feeling for me as a lawyer from the one when you help somebody to exercise their rights, to feel being equal towards the other citizens, which represents the main goal of our legal profession."*

Even though it is hard and ungrateful to single out any specific case, as she says herself says, each story also carries a specific weight, one case concerning a Roma woman with a status of returnee under the Readmission Agreements has remained the most striking so far.

***„N.N. client with a status of returnee under the Readmission Agreements addressed the Project with a request to help her with registration in the Birth***

***Register. N.N. is a Roma by nationality and she was born at home, as one of twin sisters. However, her twin sister was the only one registered in the Birth Register, while the Project's client was not, so both of them were using the same documents until her sister died, thus leaving N.N. without any document and she became legally invisible person. N.N. is a mother of three minors, who as well were not registered in the Birth Register, neither they could be until N.N. is registered. Given that neither the client nor her children existed in the Registry of the Republic of Serbia, they could not exercise any rights. In order for a party who is legally invisible person, to be registered in the Birth Registry, we had to initiate an extra-judicial procedure where the fact of birth, as well as the time and place of birth needed to be established. For initiating this procedure it was necessary to acquire needed documentation, like birth certificates for parents, a certificate proving that a party is not registered in the Birth Register, etc. Upon the collection of needed documents, I compiled and submitted a request to the competent court, which marked the beginning of an extra-judicial proceeding where the fact of birth and place of birth were established, so based on a court decision N.N. shall be registered to the Birth Register. By resolving this case we have provided to N.N. and her children as well, to become legally visible persons, who can fully exercise all the rights of equal citizens of the Republic of Serbia."***

*... Each successfully resolved legal problem of our clients thanks to my work represents a special satisfaction to me and motivates me additionally, because there is no better feeling for me as a lawyer..*



A field visit to Subotica



## Beginning of the new free legal aid project was officiated during the opening info-session

**The “Legal aid assistance and dissemination of information necessary for ensuring the protection and exercising of rights of IDPs, refugees and returnees” project, which represents a continuation of cooperation between the Government of the Republic of Serbia and the European Union (EU) in the field of basic human rights protection of the IDPs, refugees and returnees, under the Readmission Agreement, was officially opened in an opening info-session held on March 27, 2019, in Belgrade.**

The team managing the Project presented at the info-session the activities and results that the Project shall strive to achieve in the next two years, emphasising the key legal services that shall be provided to the vulnerable groups.

At the event, in presence of the representatives of EU Delegation in Serbia, Office for Kosovo and Metohija, Commissariat for Refugees and Migrations, UNHCR, associations working with the Project’s focus

groups, and Project’s legal advisors, it was discussed about the main challenges and approaches of legal aid provision to the vulnerable persons. As this Project represents continuation of a number of projects, the most important results since the beginning of legal aid activities are presented below:

- Over 7.400 cases were opened,
- 2.326 initiated property proceedings before the Basic courts in Kosovo and Metohija,
- 2.074 initiated cases for exercising the employment rights before the PISG, Kosovo Agency for Privatisation in Priština, and
- 870.000 euros payed as part of the benefits from the process of privatisation of state companies.

Lawyers and legal advisors engaged in the Project are divided in six Project offices and are available to the citizens with a status of IDPs, refugee and returnee under the Readmission Agreement, in order to provide support in exercising the basic human rights.

Mirjana Maksimovic, EU Delegation





Pannel in Vrnjačka Banja – training

## Communication skills improvement training

In order to improve the external communication of Project representatives with the wider audience and main provision beneficiaries of the Project, a specialised training was held for the employed lawyers and legal advisors, and representatives of the Office for Kosovo and Metohija in April 2019 in Vrnjacka Banja.

Training participants were introduced to the standard communication techniques

and tools, as well as to the basics of successful communication, that is going to help them significantly in improving their communication skills. We expect that implementation of these skills in further work will help them significantly to present the Project services, activities and results closer to the beneficiaries, in the most efficient way, during the provision of free legal aid, and while presenting the Project to the public.



Group-work on creating messages

## MOBILE TEAM VISITS

Kragujevac  
Kruševac  
Smederevo  
Smed. Palanka  
Štrpce  
Kanjiža  
Subotica  
Dragaš  
Bela Palanka

## LEGAL AID ON THE FIELD

To the People who found themselves in a hard financial and/or health situation and do not have a possibility to directly meet the representatives in the seats of organisational units, a legal aid can be provided through the visits of our mobile teams. Formed mobile legal teams are conducting the fieldwork, with previously prepared organisational support and meetings held with the beneficiaries in the facilities of Commissariat for Refugees and Migrations and partner associations and organisations, as well as in the collective refugee centres. Also, upon an invitation of the beneficiaries who are not in possibility to directly approach the meeting location, legal experts organise legal aid by visiting the beneficiaries in their homes.



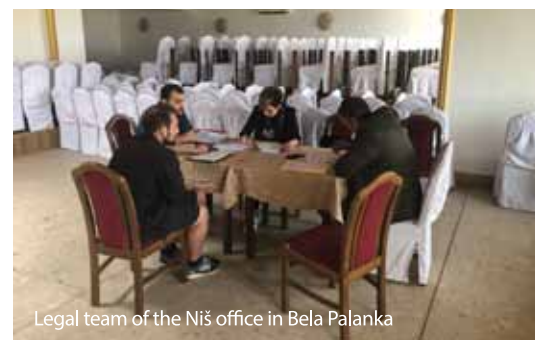
Field visit in Smederevo

Importance of these legal advisor visits was quickly recognised as an efficient model of providing the free legal assistance throughout the Republic of Serbia. In the period between January and May 2019, legal teams had considered legal questions, drew attention to and provided necessary legal assistance through more than 20 field visits; had met, heard and reconsidered legal ambiguities and unresolved legal questions of more than 165 persons, and in almost 200 legal cases provided legal assistance, necessary informing, counseling and professional legal aid.

Places visited so far included cities and municipalities of Kragujevac, Kruševac, Smederevo, Smederevska Palanka, Štrpce, collective refugee centres, Bela Palanka with the Emergency Admission Centre under the Readmission Agreement, as well as the settlements on the territory of the City of Niš, Belgrade and Kraljevo.

Existence of a substantial number of beneficiaries and an open need for the legal assistance created a situation where some of the mentioned places were found on the legal team route for several times, and were visited again.

Local commissioners of the Commissariate, associates from the local NGOs, and in some occasions the representatives of the local branches of Red Cross, Social Work Centres, and the local authorities are selflessly providing fieldwork support, and support in informing the local population and organising meetings with the clients.



Legal team of the Niš office in Bela Palanka

An extraordinary importance of this kind of legal aid assistance and help mechanism is recognised by all the relevant participants, and thanks to their mutual contribution, the Projects is being widely supported.



Legal advisors from Kraljevo in Kragujevac

Lawyers of the free legal aid project has been fighting since 2008, when this type of assistance began, to protect the rights of the IDPs in Kosovo and Metohija. How does the fight for threatened rights of the IDPs look like, the obstacles in that fight, obstructions and duration of the proceedings, were the topics we discussed with Zoran Popović, a key expert on the Project.

# Zoran Popović

## Key expert

**Newsletter:** As one of the crucial problems that the IDPs are dealing with in their attempts to restore the property in Kosovo and Metohija, which has been constantly repeated, is duration of judicial proceedings, obstruction during the proceedings and impossibility to access the justice. How long these proceedings last, and why?

**Zoran Popović:** Duration of judicial proceedings as a systemic factor is burdening the IDPs exercise of rights. After years of legal struggle for a first-instance decision, it takes on average two and a half to three years for the Appellate Court to take that decision in consideration and to decide, in order for decision to become effective and enforceable. After that the enforcement procedure follows. Reasons for such a duration are numerous, from the obstruction by the opposing party, to the inadequate systemic proceedings (translation system in courts and the use of language, collecting and non-accepting documents, document verifications, etc.). The Project processes cases that last even more than 10 years.

**Newsletter:** How do you find the cooperation of the Project with the local self-government institutions in Kosovo and Metohija?

**Zoran Popović:** Free Legal Aid Project cooperates with organizations and institutions that have a mandate and jurisdiction in the relevant fields, in order to protect the rights of IDPs, in the place of their origin in Kosovo and Metohija. Cooperation is continuous and the Project team follows all the developments, and regulation changes that affect the IDPs, in order to adequately react in cooperation with the relevant institutions, to prevent the potential negative consequences and to, at the same time, timely inform the Project beneficiaries in order to take an

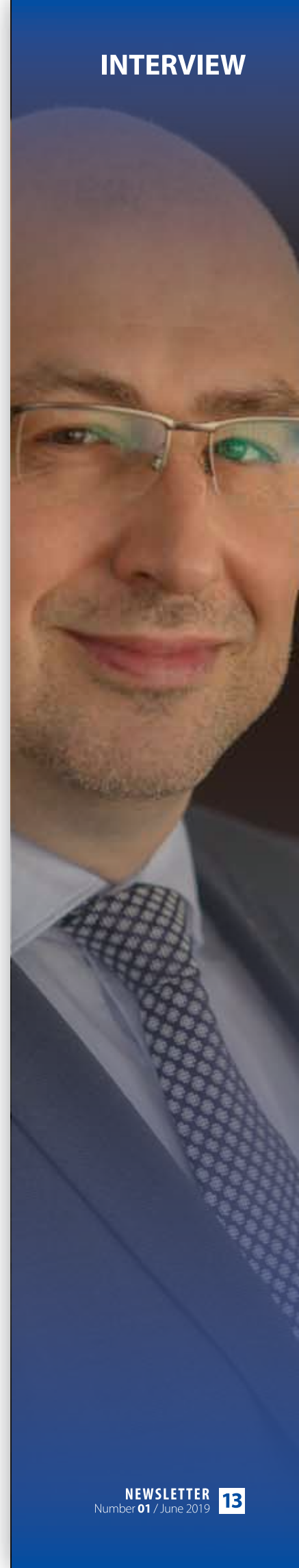
adequate stance towards changes and events which occurred.

**Newsletter:** You have been involved in the free legal aid projects since the beginning and during those eleven years you have been involved in a great deal of cases. Can you select for the Newsletter a case that left a special impression on you?

**Zoran Popović:** I would like to point out one case of a final verdict enforcement where it was instructed to remove/tear down an illegally constructed object and to restore the possession of land in Prizren. After passing a decision on putting down a money deposit necessary for tearing down and removing the object that is illegally constructed on the land of our client (an IDP), and after the non-enforcement, a competent court suddenly passed a decision instructing our client that he instead should put down the above-mentioned 20.000 euros deposit. That way it was made impossible to finish the proceeding, given that the IDP should put down a huge amount of money which he does not possess. Even though the proceeding lasts more than a decade, it has not finished yet, and at the moment, after we addressed the Constitutional Court, the same should take into consideration and decide upon the competent court decision.

**Newsletter:** What would you like to say to the displaced persons from Kosovo and Metohija, who are still fighting for their rights?

**Zoran Popović:** Even though the difficulties that the IDPs are facing during the exercise of their rights at the place of origin are numerous, they should never give up, and the Legal Aid Team, comprised of experts for this legal area, is available to you, and shall provide a maximum of its capacities to help you to exercise your rights. ■



## COOPERATION WITH THE ASSOCIATIONS

Revesal  
Kraljevo

Hands of Friendship  
Kraljevo

Association of  
Roma Intellectuals  
Vladičin Han

Roma Education  
Centre  
Subotica

## Cooperation with civil associations for better informing and improvement of clients' access to the free legal aid

In order to reach as many clients who need a free legal aid as possible, since the Project's beginning an initiative had been launched for networking with the civil associations that gather and mostly deal with the assistance for the returnees under

the Readmission Agreements, but also with the IDPs and refugees. With this cooperation, the civil associations gain assistance for their members, and other vulnerable citizen groups that are asking for an assistance, and our Project is capable to offer them a free legal aid. Associations inform their members

on legal aid that Project is offering, and inform the Project regularly on the returnees who need legal aid, and who address these associations upon the return to Serbia.

European Consulting Group as a Company that manages a consortium that is conducting the Free Legal Aid Project, from the Project's beginning had signed a memorandum of understanding with the following Roma civil society associations:

„Revesal“ and “ Hands of Friendship” from Kraljevo, „Association of Roma Intellectuals“ from Vladičin Han and „Roma Education Centre“ from Subotica. Thanks to these, now formally established partnerships with the mentioned civil society associations, our Project gained a lot of new legal aid beneficiaries. Upon the invitation of

these organisation, our Project mobile teams composed of our best legal advisors and lawyers, have already visited the returnees at the locations of the respective Civil society associations.



Signing the MoU with the „Roma Education Centre“ from Subotica

### Meeting of a mobile team with the returnees in the offices of „Roma Education Centre“ in Subotica.

In cooperation with this Roma association, several visits of the mobile teams were organised, where our legal advisors met with the returnees who upon the return to Serbia have settled at the territory of this city, and who need a free legal aid in obtaining documents, residence registration or registration to the Birth Register.



Meeting of the clients with a mobile team in Subotica



## Project's legal advisors exchanged experiences with the colleagues from Croatia

Part of the team of Free Legal Aid Project visited during a study tour the associations and state institutions in Croatia that are dealing with the legal problems of refugees, returnees and vulnerable groups, and visited as well the beneficiaries of housing provision program. During a study tour that lasted from 20-24 of May, 2019, a team of 14 experts exchanged the experiences with the associations that provide free legal aid in Slavonski Brod and Sisak, then visited the UNHCR office in Zagreb and the clients who received assistance from these associations in housing provision proceedings. Besides these associations, the Team visited as well the State Office for Reconstruction and Housing Provision, where they had an opportunity to get to know with the organisation and functioning of the Regional Program for Housing Provision in Croatia, and the Ministry of Justice officers presented the Law on Free Legal Aid and its execution. The Project experts met during this tour with the Mayors of Kistanja and Knin. Study tour in Croatia was the first one organised by the Free Legal Aid Project in order to exchange experiences with the countries from region in the fields of refugees and returnees housing and dealing with the consequences caused by the conflicts.



The Team with a beneficiary of housing provision program in Kistanja

During a five-day tour, the Team met with following institutions: Information-Legal Centre Slavonski Brod, Civil Rights Project Sisak, UNHCR Zagreb, Office for Reconstruction and Housing Provision, Serbian National Council, Political representatives of Serbs in Kistanja, Mayor of the City of Knin, Ministry of Justice, beneficiaries of the Regional Program of Housing Provision.



„In conversations that we had with the representatives of authorities, NGOs, and refugees, we got to know the process of refugee return, that was long and hard, but at the end mostly successful. We also learned about the key role of NGOs and lawyers in the process of resolving the property and legal issues upon return to the places of residence.

Also, the representatives of Authorities presented to us the measures that State of Croatia was conducting in the refugee return process, reconstruction of destroyed residential objects and housing provision project. Returnees who came back to their birth places after the war, told as how happy they are to be back to places where they lived, but also an unsatisfaction by the average returnees' age, which is around 65.”

**Nenad Trajković**

Junior legal associate and a study tour participant

## EXCHANGE OF EXPERIENCES

Information-Legal Centre Slavonski Brod

Civil Rights Project Sisak

UNHCR Zagreb

Office for Reconstruction and Housing Provision

Serbian National Council

Political representatives of Serbs in Kistanja

Mayor of the City of Knin

Ministry of Justice

Beneficiaries of the Regional Program of Housing Provision

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**0800 108 208**

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Project- Legal aid assistance and dissemination of information necessary for ensuring the protection and exercising of rights of IDPs, refugees and returnees

Offices:

**Belgrade**  
5/5 Francuska St.

**Niš**  
8 Strahinjića Bana St.

**Kraljevo**  
1/2 Hajduk Veljkova St.

**Vranje**  
1 Đure Jakšića St.

**Kosovska Mitrovica**  
NGO Aktiv, 183 a Kralja Petra I Street

**Gračanica**  
NGO Azod,  
Kneza Lazara Street  
(Shopping mall, floor)

office@pravnapomoc.org

www.pravnapomoc.org

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