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Croatia¹

IHF Focus:

Freedom of the media; return of refugees and displaced persons.

The Croatian Democratic Community (HDZ), the ruling political party lead by President Franjo Tudjman, continued its strong hold on political life. It increased its pressure on the independent media, had influence on court decisions and profited from the privatization of the media.

Although the UN declared 1998 the year of return of displaced persons, and the Croatian government took formal measures to that end, in practice lower officials did everything in their power to prevent both ethnic Croats from the former Yugoslavia from returning to their homes outside Croatia, and ethnic Serbs from returning to their homes in Croatia. Undesired returnees faced intimidation and direct violence. Despite clear regulations, they had little chance getting their homes and property back. The aim appeared to be keep the new ethnic setup established after the war.

Freedom of the Media

Despite Croatian government's efforts to introduce some changes in order to create an illusion of democratization of the media and to avoid public pressure, the situation of Croatian media deteriorated. In this pre-election year the government showed openly that it did not have any intention of renouncing its monopoly on the most important media: quite the contrary, it even introduced new methods to increase control of and pressure on the independent media.

The Croatian television (HRTV) was traditionally the most powerful media in Croatia – and, at the same time, the source of political manipulation by the government. According to a recent research,² 84 percent of the population created their political opinions through HRTV programs. On 29 October the Law on the HRTV was adopted. However, the changes did not include the main suggestions made by the Council of Europe.

Journalists and publishers were prosecuted for causing "emotional anguish" to officials because of their critical reporting. The state intelligence services carried out

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systematic wire-tapping of journalists. In addition, the operation of many independent newspapers, radio and television stations was suspended. Even a terrorist attack against a newspaper occurred as well as several cases of physical beatings of journalists. Monopolies on the distribution network and printing caused additional problems to the independent press. The "privatization" under HDZ continued.

Electronic Media

Despite domestic and foreign pressure for democratization and annulment of the monopoly of the party in power in the HRTV, Croatian television remained strongly controlled by the HDZ and President Tudjman. Through changing a director and editors-in-chief on the HRTV in August, the ruling party attempted to make an impression that the process of the requested transition of the HRTV from state to a public institution had been initiated. It came to light very soon, however, that the changes were only cosmetic: the new editors represented radical HDZ line, apparently to "balance" the "liberal" reputation of the new director.

The amendments to the Law on HRTV proposed by opposition parties and NGOs did not pass in the HDZ majority in parliament. A new law on HRTV, adopted on 29 October, did not include most of the Council of Europe's key suggestions, including that the dismissals and appointments of HRTV directors be carried out by the HRTV Council, or that the Supervisory Board could not include members who are MPs. The suggestion that the parliament and the government should not have the right to veto the appointment of the members of the HRTV Council was also discarded. This fact left the political leadership the possibility of retaining "suitable" and eliminating "unsuitable" members. Under the new law, HRTV retained the already existing channels while at the end of the year a public concession was advertised for the issuing of a license for a fourth channel. The government called for an expensive DM 25 million investment. The whole project could be realized first in a few years, creating a delay, which would help HRTV retain its monopoly.

HRTV meanwhile continued with numerous scandals, censorship, suspensions and manipulations. It started with the censuring of the Archbishop Bozanic's Christmas address about "the sin of the authorities" responsible for creating a disastrous situation in the country. Suspension of a number of "unsuitable" editors in chief continued.

- The editor-in-chief of the news and political program, Obrad Kosovac, suspended the editor of the prime time news and a member of Forum 21, Tihomir Ladišić after

he had refused to censor the news regarding the presentation of a book on human rights published by the Croatian Helsinki Committee. Ladišić was also criticized for a report regarding the press conference of the Initiative committee of the Liberal party from Split, which contained severe criticism regarding the governing HDZ, and for the attempt to publish a letter of support to the independent weekly Feral Tribune from Split. Obrad Kosovac would not allow the editor-in-chief to broadcast a report on the biggest trade union protest in the independent Croatia with over 80,000 participants, held on 20 February. The editor, Tomislav Špoljar handed in his resignation for moral and professional reasons.

- The Croatian Helsinki Committee intervened repeatedly on behalf of individuals from Knin, for example, asking HRTV editors to broadcast accurate information on the return of Serb refugees. HRTV authorities, however, never published corrections, although they were obliged to do so according to the Law on Public Information.

- In February, during the American ambassador William Montgomery's visit to Knin, HRTV informed the public that all Serb returnees to Knin (3,500 persons) had got back their houses and business premises. Embittered residents of Knin immediately wrote a protest letter claiming that this information was far from true: as the Croatian Helsinki Committee witnessed in its everyday work, most Serb returnees were in reality not allowed to come close to see their properties.

Croatian TV regularly broadcast hate speech.

- In the service about "Ecology and Ethics," journalist Branka Šeparović took an opportunity to attack "the state enemies." When speaking about the cuttle-fish, for example, she made a comparison with the "selected group who have become close to Soros, crazy broker and malicious speculator who had destroyed many countries and too many people." She also referred to the "disgusting Serb-Jewish lobby" to harm Croatia, including "people who call themselves journalists, prostitutes by profession..." who are "physically ugly, some deformed, psychologically feeble, lovers of themselves, stupid..."

Harassment of Journalists

During 1998, several cases of intimidation and physical assaults against journalists were reported, and a bomb was planted at an editorial office.

- Around 60 journalists and the editor-in-chief of the Novi brodski list received

threatening letters signed by the Croatian Patriotic Action, which accused the journal of being anti-Croatian and said that those who work there should be killed. Novi brodski list had reported criminal activities taking place in the region of Posavina and Brod county.

- Soon after threats against Novi brodski list, two unknown attackers brutally beat Nenad Hlaca, editor-in-Chief of Karlovacki list. An anonymous call was made before the attack saying it was "high time to get rid of Serbs from newspapers." At that time Karlovacki list had been writing about the incidents in the town of Duga Resa, in which the HDZ overthrew local opposition which was currently in power. This case would have remained unknown if it were not for the Croatian Helsinki Committee, which reacted immediately.³

- At the end of January the editor-in-chief of Sisacki tjednik and a correspondent of HINA (Croatian Informative News Agency), Zeljko Maljevac was brutally beaten. Maljevac had written about a theft in the Sisak refinery, conflict in the Sisak HDZ, replacements in the Croatian Intelligence Service (SIS), killings, extortion and other serious criminal activities.

- In June the Imperial office in the center of Zagreb was bombed. The perpetrators were not caught. It was alleged that Imperial in fact was the organ of the most rigid fraction of the Croatian intelligence services. It had a reputation for extreme "trash journalism" because it used methods such as verbal intimidation, terrorism, forgery, defamation and hate speech. The Croatian Helsinki Committee condemned the bomb attack, making it clear that it, as a human rights organization, promotes equal rights even for those with whom it differs in opinion. ⁴

Libel Charges

Prosecution of journalists and independent media intensified with the new methods. One of them was pressing charges against critical independent newspapers for causing "emotional anguish." In 1998, there were 673 cases before the Croatian courts requiring DM 65 million compensation for "damages." Most of the plaintiffs were the highest government and HDZ party officials, members of president Tudjman's family, tycoons, judges and other public figures, demanding huge sums for "compensation." According to Krunislav Olujic, former public prosecutor, President Tudjman's aides had demanded that he prosecute journalists. He said that the presidential administration and other governmental bodies were searching methods to cut off the economical base the independent media.

On 1 October the president of the Supreme Court, Milan Vukovic, stated that there were five criminal charges brought ex officio against journalists for slander, defamation or dissemination of false information by the public prosecutor. At the same time there were 259 criminal charges pressed against journalists by private persons. In these cases, journalists were threatened by prison sentences between 1-3 years.

- There were 70 court cases pending against the satirical weekly Feral Tribune alone, initiated by 40 high government officials, including President Tudjman and his family. They demanded compensation for "emotional anguish" in total of DM 4,5 million. For three valid court decisions, for example, Feral Tribune had to pay DM 200,000. The prosecutors were judges from Split whose work the weekly had criticized. There were 20 criminal cases pending against editors and journalists of the weekly for slander and defamation.

- Independent weekly Nacional faced 73 court proceedings with the compensation required for "emotional anguish" in total of DM 10 million. At the same time, there were 28 criminal proceedings against its editors and journalists.

- Against weekly Globus, there were 170 trials with the compensation required for "emotional anguish" in total of DM 12 million. The highest state and party officials, including the entire government sued the weekly. Its editors and journalists faced a total of 24 criminal proceeding.

The Croatian Helsinki Committee publicly protested against the prison sentences pronounced to journalists Davor Butkovic and Vlado Vurušić on 26 March.⁵ They were convicted because of an article they had written in Globus in which they published true information on the fact that the brigadier of the Croatian Council of Defence from Bosnia- Herzegovina, Ivica Rajic wanted by the Hague Tribunal, took refuge in the Hotel Zagreb in Split in October 1996. The Ministry of Defence of the Republic of Croatia owned the hotel.⁶

In the rare cases in which judges dared to dismiss charges against the media, the judges were threatened with sanctions.

- On 21 December judge Marin Mrcela acquitted the Feral Tribune editor-in-chief Viktor Ivancic and journalist Marinko Culic, against whom President Tudjman had pressed criminal charges because of the article "Bones in a Mixer." The President of

the Supreme Court, Milan Vukovic, criticized Judge Mrcela. Later on Mrcela was not elected for a higher position. President Tudman also signed personally consent for the prosecution of the Feral Tribune editor-in-chief Ivan Ivancic and journalist Petar Doric because of two articles about expanding of the family Tudman's property.

- Ankica Lepej, an unknown bank clerk, found herself in the center of media attention because she showed a document that President Tudman's wife owned a bank account with DM 210,000, which the president had not declared to the parliament. This information was published in the daily Jutarnji list on 21 October. The following day the bank offered one-million kuna reward (US\$ 167,000) to anyone who could discover the person who revealed the confidential records of Ankica Tudjman's bank account to the press. Ankica Lepej (and her colleague Robert Horvat) turned themselves in to the police and admitted passing the information on to the press. They were immediately fired, facing between one and five years in jail if found guilty on charges of violating bank secrecy laws. The charges were pressed against journalists of Jutarnji list who were threatened with prison sentences from 1 to 3 years for publishing the information.

Wire-Tapping Journalists

A public dispute among the highest Croatian officials brought to light that the independent media and journalists had been systematically watched and wiretapped by the Croatian Intelligence Services (SIS). The person who revealed most of this information was President Tudman's closest collaborator and Chef de Cabinet Hrvoje Šarinic, who resigned and left all duties in the government and in the HDZ. He testified that the journalists of the independent weeklies Nacional and Feral Tribune had been under constant monitoring and wire-tapping by the SIS. Furthermore, he stated that the economic situation of the media as well as the private lives of suspected journalists were subject of the SIS interest. He testified that the SIS even made files and photo-robots for every journalist in order to assess their potential danger to the HDZ.

Weekly Nacional published evidence that eight SIS agents had followed its editor-in-chief Ivo Pukanic on 5 September in Krapinske toplice.⁷

The Croatian parliament deputies were in possession of the document containing information on the SIS files about private lives of hundreds of Croatian journalists, but the HDZ majority in the parliament obstructed the discussion about this matter. As a result, all opposition deputies resigned from all positions in the parliament. Minister of

the Interior Ivan Penic publicly denied the spying of journalists and the existence of secret SIS files.

- For the first time, a newspaper pressed charges against a government representative. Weekly Nacional brought charges against the Minister of the Interior Ivan Penic and one of the SIS chiefs Ivan Brzovic for violations of basic human rights.

The Croatian Helsinki Committee informed the public about the misuse of the Intelligence Services in its public statements.⁸ In the statements, the Committee indicated that the Croatian Military Intelligence Service organized a special war against the liberal wing of the ruling HDZ, opposition parties, NGOs and broad-minded intellectuals.

New Pressure on the Independent Media

- On 10 January Radio Ritam from Šibenik, abruptly stopped broadcasting. The Ministry of Transport and Communications had closed down the outlet because it had failed to pay debts for using the radio frequency. It was apparent, however, that the failure to pay the debt was only a pretext. Radio Ritam had already paid the greater part of its debt and the rest was being paid in monthly installments. Radio Ritam was known for its objective reporting and criticism of the HDZ.

- Independent Radio Libertas was closed down in Dubrovnik after it had revealed that Neven Barac, the director of the bank Dubrovacka banka was dismissed for wanting to fight the alleged embezzlement taking place in the bank. Officially, the radio station was closed down because the "transmitter broke down." The same happened to the local journal Dubrovacki vjesnik, which wrote openly about the affairs in Dubrovacka banka and other criminal and illegal activities of members of the HDZ. Paradoxically, the director of the journal, Pero Maldini, was replaced despite the fact that he was legally the major owner of the journal.

- On 9 May, on the Day of the Freedom of the Media, Damir Madaric, a director of Radio Koprivnica was dismissed from his post because of his objective reporting although he was a member of the HDZ.

- TV Moslavina was closed down from May until September. The official reason was "disrespect of the conditions on the use of the radio transmitter and radio frequency." According to the Croatian Helsinki Committee, however, the closure was clearly

politically motivated. The National Association of Television (NUT)⁹ had its office at the TV Moslavina premises. The decision to shut down TV Moslavina was done immediately prior to the final preparations to connect all the stations and create a national network by using optical cables.

- The closure of Vijenac, a review for culture, ended a long conflict between the review and its publisher Matica Hrvatska. The direct cause for denying the support to Vijenac was Matica Hrvatska's decision not to publish the book by Branko Matan, one of the editors-in chief of Vijenac, because its cover page depicted a photo of Muslim prisoners in the Croatian camp Dretelj in Herzegovina. Branko Matan claimed that his only sin was the criticism of the Croatian government.

- On 23 September the news program of TV Mreza was put off the air, allegedly because of debts. The editor-in-chief Tena Perišin stated to the Croatian Helsinki Committee that the station was "censored by lack of funding." It was, however, the only independent alternative TV news program in Croatia.

Economic Pressure

Economic pressure and the monopolistic distribution network and printer also censored the independent press. The distribution monopoly Tisak, controlled by a tycoon linked to the HDZ leadership, did not pay money to publishers for sold copies. In such a way especially independent newspapers Nacional and Feral Tribune were at the verge of closing down due to lack of funds. At the same time, the state-owned printers Hrvatska tiskara pressured them to pay off debts for printing newspapers. The bankruptcy of Tisak, however, still threatens to ruin the independent media.

The privatization, specifically the sale of the important media such as Vecernji list and Slobodna Dalmacija was ended in 1998, both papers going to the HDZ. Vecernji list was sold in less than five minutes without any discussion at all as to the mysterious buyer. The editorial policies of the two papers showed clearly that they were under HDZ control. A famous Croatian tycoon, Miroslav Kutle, one of the HDZ favourites, bought Slobodna Dalmacija illegally in 1993. The company was financially and completely brought under the HDZ control.

Return of Refugees and Displaced Persons

Implementation of the Program of Return

In the year which the UN had proclaimed the year of return of all refugees, and almost nine months after the Croatian parliament had adopted the Program of Return,¹⁰ the Croatian Helsinki Committee focused public attention to the alarming situation regarding the implementation of the program. It stated that the state acted according to double standards: although the highest state authorities had adopted a good program on the return of the refugees, lower authorities made it clear that they were not prepared to implement it at the local level. As a result, the whole process proceeded at an extremely slow pace, facing many obstacles.

According to the Croatian Helsinki Committee, it was obvious that the Croatian authorities tried to preserve the pure ethnic picture created after the Croatian military and police operations "Storm" and "Flash." In 1998, the Committee acted as mediator in about 1,800 cases of Serbs who had asked for help in order to return. The government never answered to those requests.

This program provided for the establishment of so-called housing commissions for all regions immediately after the adoption of the program. They would be responsible for handling property issues. However, the establishment of the housing commission turned out to be the main obstacle for the implementation of the program. As late as 18 February 1999 did the government finally decide on the instructions on the operation of the commissions. According to a Croatian Helsinki Committee report,¹¹ in most cases the housing commissions did not function at all or if they did, they had an entirely biased attitude towards the return of the refugees of Serb ethnicity. The commissions often served as the cover-up for the Croatian authorities to show to the domestic and international public that they ostensibly seriously work on the program of return.

The required administrative procedure became increasingly complicated, causing problems for uneducated and poor people. The returnees have to undergo a complex and time-consuming procedure, particularly in cases involving property that belongs to several owners or where probate proceedings have not been carried out. Still, even if returnees have submitted all required documents, they have not been given their property back. The right of the temporary users on the property has been revoked, but they still have no obligation to return the property to their rightful owners. The municipal courts refuse to accept the Serb returnees' complaints and declare themselves out of jurisdiction. At the same time they send all the complaints to the Ministry of Development and Reconstruction.

The process of reconciliation between Croats and Serbs has been prevented. The Croatian Helsinki Committee registered cases of maltreatment of Croats who had wanted to help their Serb neighbors. The Croats, who wished to live and to work together with their Serb neighbors, even if they greeted the Serb, faced troubles: they got fired from their work, the local priest did not wish to baptize their children, they did not receive humanitarian aid etc.

Croat Settlers from Bosnia-Herzegovina, Vojvodina and Kosovo

The Croatian government had settled in an organized manner 180,000 Croats from Bosnia-Herzegovina, Vojvodina and Kosovo in the former UN-protected area. They had been given property of the former Serb residents of that area – including houses, apartments and farming land - with the apparent intention that they could keep the property even after the return of the rightful owners. However, many of the settled Croats did not wish to stay in Croatia, but would rather have returned to their former places of residence. Their situation was extremely difficult: they had lost their refugee status and rights linked to it and been made Croatian citizens in order to keep them permanently in Croatia. It appeared that Croatian authorities wanted to prevent their return at all costs in order to change the ethnic structure of the population in these regions.

Some refugees from Bosnia-Herzegovina pushed the Croatian authorities to help them return to their original homes. They asked the government to put pressure on the so-called Republika Srpska authorities to enable them to return. However, the Croat authorities threatened them not to return, did not give them the help they need, and accused them of not showing enough gratitude towards Croatia that had offered them help and shelter when they needed it. No Croatian politician has seriously asked for the return of all Croats to their places of origin. The media often distorted the issue giving the impression that they do not wish to return to their homes.

Croats from Bosnia- Herzegovina and Vojvodina populated the larger localities, and Croats from Janjevo (Kosovo) had been settled in Kistanje where the best Serb houses had been given to them. The Croatian authorities allowed only a small number of Serbs to return to these regions. The Croat law turned a blind eye to psychological and physical ill-treatment by Croats of Serbs who had remained in their homes, and, particularly returnees. Local Croats were even encouraged to behave in order to discourage the rest of the Serb refugees from returning.

- A newcomer to Knin area, notorious Irena Cindric from Vojvodina, kept terrorizing

Serb residents in the village of Raškovići (Knin) for a long time. She appropriated all the rich land in the surrounding area, erased the boundaries and pulled down all the fences between the farms. The Mayor of the city of Knin openly and publicly supported Irena Cindrić and all the reports and charges against her were useless.

Return of Displaced Persons

As of the end of 1998, most displaced persons, who had been driven away from their homes during the war and who had lived in other parts of Croatia, had returned to their homes after their houses had been renovated. Those who needed to return to the Croatian Danube region faced the most difficulties since the state authorities were prolonging the difficult situation for the Serbs who were living in the region. For example, their houses were not being reconstructed, and various problems related to their citizenship documents, pensions and employment remained unsolved. The authorities appeared to wait until most of the Serbs would leave the area.

Return of Serb Refugees

According to the official data, some 42,000 Serb refugees had returned to Croatia. In spite of the promises given by Croatian government under international pressure, the authorities failed to help in solving the most current problems of these people. For example, their houses were not reconstructed, and their property was not returned to them. In some cases, private property was indeed returned to Serb returnees, but completely devastated.

- Cvijko Marinković from Knin stayed in the Knin area but not in his house during military operation "Storm." When he returned to his home several days it had been taken over by a refugee from Vojvodina. He took all the appropriate measures, and informed all the governmental and non-governmental institutions about his case, and even initiated court proceedings, without success. In the meantime, 15 members of his family returned to Croatia with permission by the government. As of early 1999, they were situated in Plavno because they were not allowed to enter their own house. The Croatian Helsinki Committee wrote to the President of the Parliament Vlatko Pavletić, President of the Government Zlatko Mateša and the mayor of the city of Knin, Josip Odak, regarding Marinković's case, but nobody reacted.

There were many individual cases of harassment reported against the Serb returnees.

- In the village of Veljun, between Karlovac and Slunj, Tomislav Turek illegally took over two Serb houses and opened a restaurant in one of them. The returning legal owners were not allowed to approach their houses and were constantly harassed, threatened and even beaten by Turek, with no reaction by authorities. He often shot at the houses of his Serb neighbors.

While some Serbs were coming back to Croatia, others were leaving.

- The family of Jovan Dabic from Komogovina, near Hrvatska Kostajnica, eventually left Croatia after falling victim to a series of acts of violence. They moved to the Republika Srpska. The family had remained in Croatia throughout the military operation "Storm." The police had refused to protect the Dabic family from physical harassment and to enable them to take their property with them. They had to sign a document that they left of their own free will.

Violence against Non-Croats

The Croatian Helsinki Committee stated that the Croatian government appeared to try under any cost to preserve Lika (formerly Krajina region) ethnically clean with resettled Croats from Bosnia-Herzegovina. As of early 1999, the Committee registered 24 cases of mine planting in that region alone. Ten persons were killed and 21 seriously wounded. The Committee had evidence that proved that the incidents were provoked solely with the aim of ethnic cleansing, or, to scare off non-Croats who were about to return to these regions and to force others, who had always lived there, leave the region and whole Croatia.

The Committee reported all the cases to the police, but none of them were solved by this writing. Minister of Interior Ivan Penic's stated that "the police forces in these areas act decisively in all cases." However, he failed to mention that in the region of Lika and Senj, eight cases of planting explosive devices were reported in 1996, four in 1997 and three in 1998. Nor did he cite that booby traps had been planted in the region that could have only been placed by professionals.

The Croatian Helsinki Committee registered the names of the victims, having a huge record of murders and ill-treatment, other violent acts, burned houses and other property, destroyed monuments, devastation of graveyards, theft and plundering of private property.

FOOTNOTES:

1. Based on the Annual Report 1998: Croatia, Croatian Helsinki Committee for Human Rights.
2. Research on the Croatian Media organized by the Open Society Institute in Zagreb, 1997.
3. Report on Freedom of the Media in 1998, Croatian Helsinki Committee for Human Rights.
4. Statement No. 74, Croatian Helsinki Committee for Human Rights, 1998.
5. Statement No. 70, Croatian Helsinki Committee for Human Rights, 1998.
6. Statement No. 39, Croatian Helsinki Committee for Human Rights, 1996 .
7. Nacional, 9 September, 1998.
8. Statements No. 81 and 83, Croatian Helsinki Committee for Human Rights, 1998.
9. Association of independent TV consisting of TV Moslavina, Vinkovci, Cakovec, Pula, Zadar and Split.
10. On 16 June 1998.
11. The CHC Report on realization of the Program of Return of Refugees and DPs, 1999

