

IHF FOCUS: freedom of expression and media; freedom of association; independence of the judiciary and fair trial; conditions in prisons and detention facilities; religious intolerance; national minorities; citizenship; intolerance, xenophobia, racial discrimination and hate speech; returnees and displaced persons; international humanitarian law; social and economic rights; trafficking in human beings; human rights defenders.

The fate of returning refugees and displaced persons remained at the heart of the main human rights questions in Croatia, encompassing, in particular, problems related to the return of property. Freedom of the media improved, but there was still a close link between the media and politicians, resulting in pressure exerted especially by local authorities. The state television (HRT) continued to be influenced by radical right-wing attitudes, journalists were targeted by extremist groups, and extensive hate speech against minorities was still disseminated by many media outlets.

Courts remained overloaded with cases, and judicial proceedings were slow. The minorities, particularly the Roma and Serbs, faced serious discrimination and violence. The Serb minority continued to be held by the majority population collectively responsible for the war in Croatia.

Other problems included the privileged status of the Catholic Church and intolerant and xenophobic statements issued by some of its clerics; trafficking in human beings; the absence of accountability for war crimes; and a media campaign exercised against the Croatian Helsinki Committee. Social and economic rights were violated, with the rights of employees reduced while the position of employers was strengthened.

### **Freedom of Expression and Media**

As a result of the positive political changes following the January 2000 elections, the media became not only more free but also "more chaotic", according to the Croatian Helsinki Committee (CHC). The positive developments in the Government's policies towards the media

included improvements in media laws<sup>2</sup> and changes to the editorial board of the daily newspaper *Slobodna Dalmacija*. This contributed to the financial and professional recovery of the newspaper. In addition, the national distribution company Tisak was successfully consolidated and it ceased to serve as a powerful instrument of economic pressure on the independent media, as had been the case during the former regime. The privatisation of the largest daily *Vecernji list* was finalized, and there was a drastic cut of funds for the prizes of newspaper quizzes; Previously, the expensive prizes on offer had led to a 40-percent rise in circulation, irrespective of the professional quality of the newspaper. Furthermore, warmonger rhetoric and hate speech decreased markedly in the media.

However, most analysts agreed that so-called "agenda setting" dominated the Croatian media activities, indicating a close relationship between the media and the decision-makers. In a survey carried out by the CHC, the journalists interviewed even said that they believed that "the professional level of journalism in Croatia will not improve because the media are pathologically linked to Croatian politicians, their habits and political (un)culture". They also believed that "the new Government prefers 'suitable' journalists to professional ones". Many believed that freedom of expression and the media were mostly endangered on the local level by the activities of so-called Supervisory Boards, which were influenced by the local government. According to many journalists, the Boards' involvement in personnel and business policies of newspapers often meant indirect involvement in the editorial policy itself.

Out of all the recommendations regarding the Information Law, presented to the Government and the Parliament in May 2001 by the CHC, only the one regarding obligatory records of ownership registration of the media was adopted by the Parliament in October. All media owners will have to report every year on who their direct or indirect owners are and how big their share is in the ownership. According to the CHC, the publicity and transparency of the ownership are extremely important for the freedom and responsibility of the media in Croatia where real owners – in many cases influential political lobbies or those with purely economic interests – often hide behind fictional owners.<sup>3</sup>

### Public Television

One of the main electoral promises of the current Government – the establishment of a truly public television – was to be based on the new Law on National Television (HRT). It took the Government a year to bring the law to vote in March 2001. The European Union, OSCE and other international organizations failed to put any pressure on the new Government, which did not want to give up its privileged status in relation to the HRT as the television was necessary for the Government to maintain its position.

However, the most contentious fact about HRT was its uncritical promotion of radical right-wing policies, especially in the prime time news called “Dnevnik”. Considering that “Dnevnik” was the most frequently viewed HRT programme, it was logical and significant that the political views of the electorate turned to the right during 2001 (This is according to all public opinion surveys). The editorial policy of HRT was logical given the fact that the majority of its journalists and editors working on documentaries and political programmes had already been employed there during the rule of Obrad Kosovac and Miljenko Manjkas, both loyal to former

President Tudjman. One of the chief editors of the main news programmes of the past ten years, Branimir Dopuda, reportedly warned journalists at their weekly staff meeting to be careful about how they write on the indicted war criminal General Ante Gotovina, and his escape<sup>4</sup>. Mr Dopuda’s explanation was that “he is, after all, our hero”. As a result, HTV continued to present General Gotovina in a favourable light. News concerning, for example, the President of Croatia was usually broadcasted during the last few minutes of the programme.

### Attacks on Journalists

Journalists continued to fall victim to harassment and direct violence. The large number of threats and hate speech, which were voiced during most of the February demonstrations held throughout Croatia, resulted in the radicalisation of political attitudes. A series of brutal incidents against Croatian journalists and reporters occurred.

◆ On 1 March, *Feral Tribune* journalist Rino Belan was beaten by unidentified individuals in Pakostani while trying to take pictures of a construction sight on the coast belonging to General Ante Gotovina.<sup>5</sup>

◆ Andrea Latinovic, a journalist working with *Vjesnik*, was hit around the face because she talked to her colleagues during a speech made by Mirko Condic, the President of the governmental coalition, during a war veteran demonstration.

◆ In late October, in the St. Marko square, an angry member of the Croatian Invalids of the Homeland War (HVIDRA) took journalists as hostages, demanding of them guarantees that they would write “truthfully” about the conference. This happened following a press conference with Marinko Liovic, President of the HVIDRA. When the journalists were released, HVIDRA members threatened that next time they would take the editors as hostages.

### Freedom of Association

Towards the end of 2001, the new Law on Associations was passed and came into force on 1 January 2002. The Law provides for better protection of the right to association compared to the former 1997 law. The Ministry of Justice, NGOs, and the Government Office for NGOs worked together to draft the law. The status of non-profit organisations and foundations was left to be solved by additional regulations on financial and tax matters related to humanitarian donations. These are to be addressed in separate new laws scheduled to be drafted in 2002. However, the state officials' willingness to co-operate with NGOs made a clear impression that freedom of association has become a very important part of the political life of Croatia. Nonetheless, several serious misunderstandings about the role and importance of human rights NGOs continued to exist.

### Independence of the Judiciary and Fair Trial

The judiciary was still not able to escape strong political influence. On the face of it, the problem could be attributed to the fact that in the past judges were often appointed on the basis of political rather than professional criteria. Some of these judges still had difficulties working in a manner that was not politically motivated. Furthermore, the public perception of political influence on the work of the police, the public prosecutors and the financial police was extremely high.

The professional level of the judiciary has not significantly improved during the last two decades. The "cleansing" of the judiciary, which had been carried out by the former regime according to political criteria and had brought to the courts numerous young and inexperienced judges, weakened the efficiency and quality of the work of the courts. This could clearly be seen from the figure of one million pending cas-

es, the long duration of court procedures and the large number of decisions made by higher courts to annul the decisions of lower courts.

◆ The CHC monitored a criminal procedure before the Zadar County Court against alleged war criminals who had committed crimes against prisoners of war. The accused persons were put on trial *in absentia*, were ruled guilty and sentenced to imprisonment. One of the accused, finding out about the sentence, filed a request for the renewal of the proceedings. His request was accepted, there was a new trial, and he was acquitted. Considering the sensitive nature of the circumstances surrounding the entire procedure and the environment in which it was executed<sup>6</sup>, human rights observers concluded that the second proceedings were carried out in a relatively correct manner. The only objection to the impartiality of the judiciary was witnessed when the sentence was read by the President of the Court. He stated, among other things: "The accused might be guilty, but we, for the time being, do not have any firm evidence."

### Conditions in Prisons and Detention Facilities

The treatment of prisoners and detainees in the Centre for Asylum Seekers improved following changes in the personnel of the Ministries of Justice and the Interior, the Department for the Execution of Sanctions, and the administration in the main prison in Lepoglava.

### Religious Intolerance

Towards the end of 2001, a proposal for a new Law on the Legal Status of Religious Communities was discussed in Parliament. The proposed Law was still incomplete because it will have to be brought in line with international agreements signed between Croatia and the Vatican. The former HDZ Government was aware that this

kind of law should have been passed before signing any agreements, but chose to ignore this fact. Consequently this brought about a series of problems for the minority religious communities.

Agreements between the Vatican and Croatia are in contradiction with the Croatian Constitution that provides for equality before the law between all religious communities. However, the above-mentioned agreements have vested the Catholic Church with several privileges denied to other religions. The new Law on the Legal Status of Religious Communities will not be able to do away with such privileges because, under Croatian law, an agreement between the Vatican and Croatia has precedence over all other laws. Instead of reconsidering the Croatian-Vatican agreements, the Croatian Government attempted to give all other religious communities the rights that the largest religious community, the Catholic Church, already had. However, the Government will not be able to avoid the most important obligations it has towards the Catholic Church which arise both from the Agreement on Economic Issues and the Agreement on Co-operation in Education and Culture: for example, in the latter agreement, Croatia committed itself to supporting Catholic schools and Catholic education in kindergartens. One disagreement in 2001 was caused precisely by the Government's plans to decrease the privileged status of the Catholic Church regarding its right to teach religion in schools and kindergartens.

Another important issue is how to solve the question of financial support for religious communities. According to one proposal, religious communities would be obliged to pay so-called religious taxes. This would mean, however, that members of the minority religious communities would pay taxes to the State, which would then be used to finance the activities of the Roman Catholic Church. Furthermore, the sector of the Croatian population that declares itself atheists would be placed in an unequal position.

A recent document of the Croatian Catholic Bishops on the social situation in Croatia heavily criticised the Government. This was interpreted by many as a warning signal directed at the Government to stop it from reviewing its agreements with the Vatican, and thus potentially terminating the privileges the Catholic Church has enjoyed. Also, many Catholic clerics have rejected co-operation with the International Criminal Court for the Former Yugoslavia (ICTY) and relativised the importance of respecting the human rights of all Croatian citizens, especially those of returnees. They have also demonised international institutions, which, as they have alleged, wish to strip Croatia of its sovereignty.

While no obstacles existed for the building of Catholic churches, monasteries and other similar buildings, it was extremely difficult to obtain permission to build a Maharishi centre on the island of Cres or a mosque in Rijeka because of their alleged unsuitable shape in the "non-Muslim environment". Local authorities generally regarded such places of worship as non-traditional and thus unacceptable.

Both the media and some Catholic clerics tended to label new religious communities as "sects", sometimes even as Satan's followers or believers of the cult of black magic. This was apparently to call into question their legitimacy. Some priests aggressively attacked the authorities and called them "communist" and "Bolsheviks" for allowing new movements to operate. The leadership of the Catholic Church in Croatia was reluctant to discuss the issue of religious freedom. One section of the Church joined the right wing parties supporting hate speech against minorities and openly expressing intolerance and xenophobia.

### **Ethnic Minorities**

Minorities in Croatia were better protected formally than in practice. Despite the existence of numerous legal provisions to protect and regulate the rights of minorities,

and the fact that there were numerous state bodies for the same purpose, the situation of national minorities remained unsatisfactory.

### *Roma Minority*

While a number of important issues relating to other national minorities remained unsettled, the situation of the Roma was the most difficult. In a joint action with the European Roma Rights Center (ERRC, IHF cooperating committee), the CHC established that in the County of Medimurje, where the majority of the Roma population lives, there were elementary schools in which Roma children attended so-called "clean" Roma classes. The CHC and the ERRC sent several letters to the responsible authorities asking them to abolish such segregation. These were, however, unsuccessful. Therefore, the CHC decided to use all legal remedies to force a decision to dismiss such classes and to introduce special curricula for those children who have difficulties in learning Croatian and who show a lack of general knowledge.

In 2001, the CHC registered a significant increase of violence against Roma, most of which was apparently caused by skinhead groups. The CHC wrote about these cases in the media and put pressure on the Ministry of the Interior to investigate them and to highlight the growing problem. However, only in one such case were the perpetrators identified.

◆ A Roma baby died in the County of Medimurje while being delivered in a Roma settlement. The emergency ambulance did not arrive despite numerous telephone calls. This was but one example of the negligence displayed by state institutions towards the Roma.

During a CHC meeting with the County Prefect of Medimurje, the Prefect did not hide his open animosity towards the Roma population and failed to show any kind of willingness to deal with such cases.

### *Serbian Minority*

The position of the ethnic Serb minority did not improve. They continued to be held collectively responsible for the war in Croatia. The new authorities were influenced by accusations of betrayal of national interests and indulgence towards the Serb ethnic minority made against them by the right wing political groups. As a result, the proclaimed principles of the authorities contradicted their activities on the ground, and the legal rights of minorities were not fulfilled. The Serb community still felt unsafe and was concerned about the new legal proceedings against alleged war criminals, which, they believed, could target any one of them, regardless of the Amnesty Law.

The legal right for proportional representation of ethnic minorities in local bodies of self-administration was not realised because of political pressure – officially the reason was that the results of the state census had not been announced. The right to use the Serbian language in administrative affairs in the municipalities with a Serb majority was also not respected. In addition, the right of Serb children to a special curriculum was not respected. Finally, the Parliament failed to pass a new Constitutional Law on the Rights of Ethnic Minorities, which would be in line with international standards.

### **Citizenship**

During 2001 there was a considerable increase in the number of Kosovo Albanians who applied for Croatian citizenship and received guarantees for it from the Ministry of the Interior. However, to receive Croatian citizenship, they had to submit an official document issued by the Yugoslav authorities declaring that they had given up their Yugoslav citizenship. This was impossible as the Yugoslav authorities in Kosovo no longer functioned and the Yugoslav Embassy in Zagreb did not issue such documents. In addition, the Croatian

Ministry of Interior did not recognise authorised statements by the public notary on the renunciation of Yugoslav citizenship. The CHC was assured by the Ministry of the Interior that the problem would be solved through inter-state agreements or contracts. It appeared, however, that nothing had been undertaken to that end by the end of 2001.

### **Intolerance, Xenophobia, Racial Discrimination and Hate Speech**

During the Croatian NGO Forum, held on 6 October, Croatian NGOs supported an earlier initiative of the CHC to (re)sanction hate speech more clearly within the Criminal Law. Croatia was the only country in Europe that did not have full restrictions on disseminating hate speech and on inciting national, religious or racial intolerance. The corresponding provisions were repealed several years ago, and on the occasion of adopting the new Penal Law, the issue was simply ignored by the Tudjman Government. According to the latter, disseminating religious and national intolerance was not an offence, whereas spreading racist intolerance formally was.

◆ Teacher, Deputy Mayor of the City of Petrinja and President of the Croatian Party of Rights local organisation, Gordana Dumbovic, stated (amongst other things) that Serbs were not human beings but inferior to animals and appealed to the Croats to prepare their weapons. Ms Dumbovic was charged with provoking religious and ethnic intolerance, although on shaky legal grounds.

Many demonstrations were held in 2001 in support of the generals accused of committing war crimes. The organisers were mostly veterans' associations, the central national coalition for the "dignity" of the "Homeland War" and some right-wing extremist parties. Such events served as an ideal platform for some of the worst outbursts of hate speech. Many of these were

directed against President Stjepan Mesic, the authorities and members of various ethnic communities, especially Roma and Serbs. The demonstrators called them "red bandits", "communist scum" and similar and demanded that action be undertaken to overthrow the current "anti-national Government". Vesna Pusic, a Serb MP, was called a "whore" and was subjected to other sexist attacks.

Since the dismissal of the old *Slobodna Dalmacija* editorial staff, the circulation of the newspaper decreased drastically; it had earlier served as the main forum for extreme right-wing sentiments.

In addition to *Slobodna Dalmacija*, the weekly *Fokus*, and *Hrvatsko slovo* were, up until May 2001, the most significant representatives of all types of hate speech, extremist writings, unprofessional behaviour and misinformation. They promoted contempt and intolerance towards Serbs and their culture, and especially towards their role in the recent past. In the most extreme cases, they promoted Croatia's "ethnic cleansing". In the broadcast media, outbursts of hate speech were most often heard on radio stations such as Radio Rijeka and Plavi radio. Croatian Television in its prime time news however, also afforded a lot of time and attention to demonstrations in which hate speech and threats dominated.

In 2001, skinheads physically attacked numerous Croatian citizens and foreigners.

◆ On 8 March, skinheads attacked a group of Bangladeshis and Iraqis at the Zagreb central train station. In this case, the immediate intervention of the police, who arrested the attackers, prevented more casualties. On 24 April in the same place, ten attackers beat a 17-year-old Rom Zdravko Duran without any obvious reason.

◆ On 5 May, four people attacked and stabbed young Mirsada Saric in the stomach after having verbally insulted her for being a Rom.

The Roma faced the majority of difficulties in the County of Medimurje, most frequently in the form of racist statements by local authorities. For example, District Prefect Branko Levacic stated: "All Roma should be put in chains, loaded into trucks and expelled from Croatia."

◆ On 29 October at around 11 p.m., a group of skinheads forced their way into the screening of a film on Yugoslav soccer player Milko Durovski. They randomly beat the spectators with fists and beer bottles and destroyed the club property merely because they felt that the film was a form of glorification of the Yugoslav state. A month later, the police reported four young men to the Prosecutor's Office for participating in the attack but did not mention that they were skinheads.

### Returnees and Displaced Persons

The issue of the return of refugees and displaced persons remained one of the most serious human rights concerns in Croatia in 2001. The main problems were related to the return of temporarily used property and the reconstruction of houses devastated during the war. The central Government took some minor steps to implement this process, but serious problems still existed on the local level.

The first significant positive step was the revision by the Ministry of Public Works, Reconstruction and Building of all decisions on the temporary use of property. However, the Ministry did not make the results of the revision public. The revision did, however, at the very least enable the number of solved cases of illegal use of property during a very short period of time to increase. According to some assessments, in 40% of all cases filed, illegal use of property could be established.

The Ministry, in co-operation with the UNHCR, initiated a project, which aims to inform the refugees and displaced persons about the expiration of the deadline for

submitting requests for reconstruction. However, there were long delays in the issuing of decisions on reconstruction cases: several requests submitted in 1997 were still pending as of the end of 2001. In addition, more attention needed to be paid to working out a list of priorities for reconstruction in certain municipalities due to clear pointers displaying that the defined criteria had not been respected in many cases.

Refugee status was still kept for many of those people who had been able to return to their homes. In 2001, many Vukovar refugees and displaced persons as well as refugees from other parts of Croatia still lived on the brink of subsistence, accommodated in hotel rooms and collective centres. State support for these people was not sufficient. The reconstruction of demolished houses was too slow - only 50% of the demolished and damaged houses had been reconstructed by the end of 2001. The social and reconstruction policy failed to provide normal living conditions for these people, still looked down upon by the public as outsiders.

Despite state-level omissions, the main problem regarding the return of refugees remained at the local level. The Housing Commissions did not do anything to help the returnees during the phase of transition. The new Government wanted to solve this problem through the annulment of all Housing Commissions and the centralisation of the procedures to the Ministry in Zagreb, but this process would require enormous organisational changes within the Ministry. The Government also proposed that new representatives be elected to the Housing Commissions. However, neither of the changes was carried out in the manner that was initially proposed.

The absence of a law on the rights of asylum seekers essentially worsened the rights of persons who fled persecution and oppression in their own countries to find asylum in Croatia.

### International Humanitarian Law

In 1996, Croatia passed the Constitutional law on Co-Operation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). The co-operation with ICTY caused bitterness amongst those sectors of the Croatian public who believed that war crimes could not possibly have been committed by Croats because Croatia had simply defended itself against aggression. This reasoning was based on the general opinion that "our people" could not have committed war crimes, as well as on the one hand, a lack of knowledge about the principles and practices of the ICTY, and the mistakes on the part of the Tribunal itself on the other.

At the beginning of 2001, the CHC and the Croatian Law Centre organised an international meeting on "command responsibility", predicting that in the near future a number of Croatian generals or government officials would be indicted as war criminals. As expected, the indictments against high military commanders led to a serious political crisis with unforeseen political and economic consequences for Croatia. Protest meetings against the Government's co-operation with ICTY were held in Split on 11 February and in Zagreb on 20 October.

The CHC stated that it was seriously concerned with the inconsistency and tactics of the Government regarding the extradition of indicted General Gotovina, against whom an international arrest warrant had been issued for crimes committed during the liberation of the territories formerly under the control of the Serbs, the so-called Krajina Region<sup>7</sup>. Despite the fact that the issue was discussed for weeks within the Parliament, and that the Law on Co-operation with the ICTY was in force, the Government allowed General Gotovina to escape.

### Social and Economic Rights

As a consequence of the relatively difficult economic situation in Croatia, large

numbers of people turned to the CHC offices for assistance regarding violations of social and economic rights. The problem of unemployment was to a great extent influenced by failures in the privatisation process and the deliberate destruction of firms and companies by the new owners who sent their former employees to state social care. The new Government failed to successfully tackle these challenges. Workers were fired without any right to compensation, often without paid salaries for the work done. Due to the huge backlog of cases in courts, the proceedings lasted for extremely long periods and finally in many cases a negative decision was reached.

One of the greatest problems was the fact that labour legislation was more in favour of employers than of the employees. For instance, if an employee failed to appear at work for five or more days he/she could be dismissed without any explanation. At the same time, the employer would not be subject to any sanctions because of a failure to pay the employees for their work even for a year or more. At the end of the year, the new Labour Law came into force according to which the position of employees deteriorated even further.

A major group of people whose social rights were jeopardised were pensioners, citizens of Croatia who obtained their right to a pension in Bosnia and Herzegovina. The Croatian authorities paid them their pensions up until 1 May 2000, after which their cases were transferred to different retirement funds in Bosnia and Herzegovina. Pensions that were transferred to the Central Pension Fund in Sarajevo were paid after some delay, but those transferred to the Fund of Republika Srpska remained unpaid. As a result, pensioners mostly lived on Croatian social assistance.

### Trafficking in Human Beings

The International Organisation for Migration (IOM), the OSCE and the International Catholic Migration Commis-



sion initiated several projects with the aim of preventing the increasing trafficking in “white slaves” in South-eastern Europe. Although Croatia was not a centre of trafficking, a national plan of action as a preventive measure was deemed essential. In 2001, better co-operation was established with the Ministries of the Interior and Work and Social Care to this end. A working group was formed and numerous NGOs, including the CHC, took part in its activities.

### Human Rights Defenders

From 17-22 March, a series of articles were published in *Slobodna Dalmacija* targeting the CHC and its motives, methods and goals. According to the CHC, the information in these articles was most probably based on information from the Croatian Intelligence Service: it was composed of lies and fabrications, misinformation and half-truths. In the final article, all former and

current employees of the CHC were individually named and commented on in a tasteless manner.

The goal of the public campaign was to “show that the CHC was less humanitarian and more of a para-intelligence community, richly sponsored by dubious global underground circles and persons who do not hide their intention to design Croatia according to their own political visions”. The CHC was accused of close cooperation with the ICTY and the National Endowment for Democracy (NED). Some of the most important projects carried out by the CHC were presented as examples of anti-Croat activities, and the CHC activists as slaves and servants of foreign powers.

The Ethics Council of the Croatian Journalists Organization denounced strongly such writing as a violation of the Code of Ethics and said it was “more appropriate for a bulletin of an underground intelligence service than for a serious daily newspaper.”

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### Endnotes

- <sup>1</sup> Based on the *Annual Report of the Croatian Helsinki Committee on the State of Human Rights in the Republic of Croatia in the Year 2001*.
- <sup>2</sup> The Law on HRT and the Law on Public Information.
- <sup>3</sup> Some other important proposals of the CHC were not accepted. These concerned the rights to privacy and the establishment of a special body (“Media Ombudsman”) to deal with citizens’ complaints about media articles and reports.
- <sup>4</sup> See International Humanitarian Law.
- <sup>5</sup> CHC Statement No. 130, 3 March 2001.
- <sup>6</sup> Zadar suffered great destruction and many casualties during the war.
- <sup>7</sup> *Nacional*, 1 October 2001.