

IHF FOCUS: Protection of ethnic minorities (including citizenship)

The basic rights of non-Slovenes remained the main human rights concern in Slovenia in 2000. Problems included the reinstatement of citizenship or permanent residence for persons who were stripped of citizenship or removed from the permanent residents' register in 1992, and the payment of pensions to former officers of the former Yugoslav People's Army (YPA).

Protection of Ethnic MinoritiesResidence Permits

At the end of December 1999 a three-month deadline was set for requests for the reinstatement of permanent resident permits to former citizens of Slovenia who had had permanent residence in Slovenia prior to the declaration of independence on 25 June 1991. Soon after that, on 26 February 1992, the Ministry of Interior removed those individuals from the permanent residents' registers.² This was done at the order of Igor Bavčar, then Minister of Interior and current Minister for European Affairs. According to the latest data, which the Helsinki Monitor of Slovenia received from the Ministry in December 2000, the Ministry acknowledged that 62,816 citizens had been removed from the register in 1992. However, the Helsinki Monitor of Slovenia claimed that the total number of persons was about 130,000.

Further, the Government said that in January 1998 there were only 2,000-3,000 persons of non-Slovene origin with unregulated status in Slovenia.

On 23 February 1998, an EU delegation discussed the problem with the Helsinki Monitor of Slovenia in order to clarify the circumstances of the removals. The result was a demand by the EU that Slovenia undertake measures to resolve the problem within two years and enable the reinstatement of permanent residence to persons who had been removed from the register.

The Ministry launched a project with the local office of the UNHCR in Ljubljana with its lawyers, who later organized themselves as an NGO for human rights and ecology called "Gea 2000". They prepared the Law on the Regulation of the Status of Citizens of Other Successor States of the Former SFRY in the Republic of Slovenia (ZUSDDD), which was adopted in August 1999. "Gea 2000", as an association of lawyers, has continued the project by offering legal aid in court proceedings for the reinstatement of permanent residence. With a huge backlog in the Slovene courts though, the legal aid was necessary, but not sufficient.

Nearly 14,000 people applied for the reinstatement of permanent residence, despite the extremely short deadline. That number itself puts into question the Ministry's figures of 2,000 -3,000 non-Slovenes with unregulated status in Slovenia.

Short Deadline

The three-month deadline for submitting applications for the reinstatement of permanent residence permits was too short, and appeared to be designed to promote silent "ethnic cleansing" and not to reveal the high number of persons removed from the register.

The consequences of the removals have included various damages, including the confiscation or freezing of pensions, the denial of the right to already paid health services, the prevention of employment and education, and the cancellation of valid personal documents (driver's licenses), etc.

The ZUSDD was also inadequate because it did not reinstate the right to vote, which has been denied to a large part of the non-Slovene population for the last 10 years.

The ZUSDD Law

The ZUSDD Law consisted of 8 articles and set only two conditions for the rein-

statement of a permanent residence permit: permanent residence in Slovenia between 23 December 1990 (prior to the secession of Slovenia) and 25 June 1991, and factual presence in Slovenia without interruption since then. A person who had left Slovenia for a period longer than three months during the 10-year period would not be eligible for permanent residence.

According to the Helsinki Monitor of Slovenia, the ZUSDD was unconstitutional because it indirectly forced individuals to apply for citizenship in other former Yugoslav Republics. In this way the law performed administrative "ethnic cleansing" in Slovenia and the illegal removals were confirmed and closed.

Article 1 of the law also violated human rights in that it limited liberty of movement, guaranteed by the ECHR as well as Article 23 of the Slovene Constitution, which ensures liberty of movement and the freedom to choose one's residence.

Further, the law did not permit the reinstatement of permanent residence to applicants who had been illegally removed from the residents' register of the new state and had committed a minor offence or a criminal act (Article 3 of the ZUSDD) since Slovenia's secession. Such a limitation was practiced by States in cases where citizenship was granted to foreigners. Yet, in the case of Slovenia, former legal citizens demanded their reinstatement as permanent residents after they were erased from the residents' registers on a discriminatory basis of non-Slovene ethnic origin. Moreover, the Helsinki Monitor of Slovenia argued that criminals should be punished by the courts, and not by the Ministry of Interior.

Article 7(12) of the law was also questionable because it required evidence from the Ministry of Interior files on the factual residence of persons in Slovenia without interruption. This article, although at first sight benign, paved the way for abuse by the Ministry. Through Article 7, the Ministry provided additional conditions that were not detailed in the law. For example, the

Ministry demanded that applicants provide proof of paid bills for sewage and waste, electricity, rent, health services, health, pension and insurances and taxes for the past ten years as proof of residence without interruption. In addition, the Ministry demanded employment contracts, which were virtually impossible to obtain ten years later. Because these bills could not be produced, the Ministry stated that the conditions for approval had not been met.

Another obstacle was the fact that the Ministry could not check a large number of bills and evidence in a reasonable time. As a result, most of the 14,000 applications had not been dealt with by the end of 2000 and the State was unable to meet the 1998 EU request to resolve the matter by May 2000 at the latest.

Deportations

The State has not only caused suffering to those thousands of people who were removed from the residents' register, but has also deported many persons illegally.

◆ On 22 September 2000, the Ministry of Interior attempted to illegally deport Zijo Ribič (25), a Rom who had been living in Slovenia since the age of two. Ribič was forced to take a civilian bus to the Hungarian border without any decision on deportation and without the knowledge of the Hungarian authorities. The Helsinki Monitor of Slovenia prevented this particular deportation at the border, but other such citizens were reportedly deported at the Hungarian and Croatian borders on a daily basis.

Cancellation of Passports and Prohibition of Entry

Other means of getting rid of "non-citizens" included the prohibition of entry into Slovenia after travel abroad, and the illegal cancellation of valid Slovene passports belonging to Slovene citizens of non-Slovene ethnic origin presumed (by the Government) to have stayed outside of Slovenia for more than three months. The Helsinki

Monitor of Slovenia had information on four cases involving the direct illegal revocation of Slovene citizenship and valid Slovene passports since the early 1990s.

◆ Milenko Zorič, a Slovene citizen with a Slovene passport valid until 2003, travelled to Serbia with his family in 1992 because his mother-in-law was ill. When the family returned to Nova Gorica, the door of their flat was sealed, but they were afraid to complain. In August 2000, Zorič wanted to renew his driver's license and was told by an employee at the Ministry of Interior that it was not possible because "he was no longer on the computer register" of Slovene citizens. Zorič showed his valid passport but was told it was not important. He demanded an explanation and was informed that a 1997 decree by the Ministry of Interior revoked his citizenship on the assumption that "he had been absent from the State of Slovenia for a period of over three months." Zorič and his family were not informed about this decree before the flat was confiscated. Now he cannot travel anywhere and has lost his job.

Recommendations

According to the Helsinki Monitor of Slovenia, the ZUSDD was completely un-suitted to address the human rights violations caused by the removal of citizens' names. Numerous cases of corruption have been reported in writing to the Helsinki Monitor by clients who tried to obtain residence permits, visas and citizenship. The alleged selling of permanent residence permits to the removed citizens via mediators was perhaps one of the essential reasons that the Ministry of Interior did not seek permanent solutions to the problem, claimed the Helsinki Monitor of Slovenia at a press conference in October 2000. In September 2000, the Helsinki Monitor suggested an investigation be carried out in the Ministry of Interior regarding corruption, but no such results have been disclosed.

The Ministry was obliged to inform the Government on the progressing imple-

mentation of this law, yet information on the number of the solved applications had not been made available by the end of 2000. The only accessible data was that 0.34 percent of processed applications had been rejected, although the Government did not disclose the total number of cases under consideration.

The Helsinki Monitor of Slovenia proposed a general reinstatement of citizenship to all persons who had lost it and an approval of citizenship to the approximately 14,000 applicants, many of whom were born in Slovenia.

Confiscation of Military Pensions

Since Slovenia gained independence in 1991, some 686 officers of the former YPA living in Slovenia have retired. All of them have obtained official retirement documents from the relevant authorities of the Federal Republic of Yugoslavia.

However, the Slovenian Government issued a decree in 1992, through which it retroactively restricted the already acquired right to pensions. The law on military pensions, which was passed in 1998, also introduced retroactive limitations preventing the obtainment of earned pensions and the right to health insurance and medical services.

The pensions of approximately 96 officers have been frozen or withdrawn. Ninety percent of those affected are of Serb ethnic origin, thus implying ethnically motivated discrimination.

These 96 officers were permanent residents and citizens of Slovenia prior to secession, and had families in Slovenia. Many of them were illegally removed from the register of permanent residents and stripped off citizenship on 26 February 1992. Later, 60 of them received Slovene citizenship. Some of them received old age pensions in 1999-2000, but not the military pension to which they were entitled, and could not enjoy their health insurance for 10 years. About 50 officers have not received any pension at all. Under these circumstances, seven officers died medically

untreated, even though they had been diagnosed with a fatal illness.

The Helsinki Monitor of Slovenia stated that old age pensions cannot be seen as a solution to the State's ten-year confiscation of military pensions, adding that there was no doubt that very clear state-led discrimination has been practiced against former officers of the YPA, firstly on the basis of their profession, and secondly on the basis of their Serb ethnic origin.

The courts appear to have collaborated

which the executive branch and as a rule to have supported the freezing of pensions for the benefit of the State versus individual military pensioners. As a result, many cases have been filed with the European Court of Human Rights in Strasbourg. However, awaiting a European Court's provided no imminent solution for those affected.

◆ One such case involved Ljuben Tričkovič, a sanitary officer and medical technician who has been living without a pension for over 10 years.

Endnotes

¹ Based on information for Helsinki Monitor of Slovenia.

² For details, see previous *IHF Annual Reports*.