

Croatia¹

IHF Focus: Elections; freedom of the media; judicial system and independence of the judiciary, fair trial and detainees' rights; conditions in prisons and detention facilities; security services and right to privacy; protection of returnees; protection of ethnic minorities; international humanitarian law; social and economic rights.

Political violence increased significantly in Croatia in 1999. Intolerance towards minorities and critics of the government and verbal and physical violence, coupled with a markedly tolerant attitude on the part of the government towards the perpetrators of violent acts clearly signaled a lack of political will among the highest state officials to tackle the fear and insecurity in Croatian society.

With the December death of President Tudjman – who had had most sectors of Croatian society under his direct or indirect control – a new era appeared to open to Croatia. In the January 2000 parliamentary elections the Croatian electorate said a clear “no” to the Tudjman-led Croatian Democratic Community (HDZ) that had ruled the country since its independence.

Elections

Parliamentary Elections

On 3 January 2000, some 3.85 million Croatian went to the polls to elect a new parliament. The main Croatian opposition coalition won in nine out of ten districts. The Social Democratic – Social Liberal coalition won 71 seats, while an allied coalition of four smaller centrist parties received 24 seats. The HDZ, which had governed Croatia since 1990, won only 40

seats. International monitors reported no serious irregularities.²

Role of the Media

Since past elections in Tudjman's Croatia were generally considered “free but not fair,” the Croatian Helsinki Committee (CHC) established “Voice 99,” a coalition of 140 human rights NGOs to monitor elections, and particularly media activity and elections.³ The first phase of the project was carried out during the time when the exact date of the forthcoming elections was not known (4–14 October 1999). Not only media coverage of political parties and representatives of the government, but for the first time, media coverage of NGOs' activities to promote civil society and their access to the media were analyzed.

The research concluded that the Tudjman-led HDZ and its government representatives had dominated coverage in the print media and in broadcast media. The analysis showed that the Croatian TV was still highly dependent on the ruling party, and that the media had little interest in NGOs except for the Catholic Church.

The initial research identified a new strategy introduced by the ruling party in an attempt to keep control over the most influential media, i.e. television. As a response to the close scrutiny and supervision by domestic and international monitors, the Editor-in-Chief of the Croatian television and HDZ party member, Obrad Kosovac, suddenly extended TV broadcasting hours to encompass a 24-hour broadcasting program on all three TV channels. That was surprising move considering the supposed chronic “lack of money” that as often used as a pretext in order not to fund the prepa-

¹ Unless otherwise mentioned, based on report by the Croatian Helsinki Committee for Human Rights, Zagreb, 7 February 2000.

² RFE/RL Newswire, 5 January 2000.

³ Special CHC Project “Media and Elections 2000.”

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ration of better programs. Most airtime was taken up with cheap entertainment programs, while it became clear that the changes enabled the ruling party to further promote its political interests.

The government-controlled television used the occasion of the death of President Tudjman to arouse nationalistic sentiments and gain potential voters for the increasingly unpopular HDZ. Tudjman's long hospitalization after which his death was declared on 11 December to the nation, was instrumentalized by the HTV to the benefit of the HDZ, involving three days of national mourning and broadcasting Tudjman's funeral live as the biggest media spectacle of the year.

On 14 December, only a day after Tudjman's funeral, the election campaign began. It lasted until the election day on 3 January 2000. The CHC extended the monitoring of the media coverage showing that the ruling HDZ predominated in coverage by all three media (television, radio and print media).

During the period monitored, the majority of advertisements broadcast by Croatian television concerned a movie directed by Jakov Sedlar called "Four Rows." The film dealt with the suffering of Croat patriots in Bleiburg in 1945, an event for which the ruling HDZ had accused Tito's partisans and communists, passing on the blame to the current Social Democratic Party (former communist), the strongest opposition party in Croatia.

The research indicated that the ruling party used its influence over Croatian TV to promote its values and understanding of history to the voters on all TV channels during the sensitive period just before the elections. Other examples of controversial programming included a documentary serial titled, "Croatia in the 20th Century,"

which included testimony by former political prisoners in which they accused the former communist regime. Meanwhile, the public criticism towards the Croatian TV following the broadcast of the film "Four Rows" forced the HTV to give up on broadcasting a sequel to the film during the election campaign.

The government-controlled media (dailies such as *Vecernji list* and *Vjesnik*, and especially HTV) led a series of attacks against NGOs involved in the election monitoring project. Croatian TV accused the CHC and VOICE'99 of the illegal use of financial support received from abroad for political purposes. The report aimed at stigmatizing the CHC as mercenary organization working against the interests of the Croatian state.⁴

The CHC filed a constitutional complaint against Croatian TV not only for the above-mentioned report but also for banning the broadcast of two video clips by VOICE'99 because they would allegedly influence voters unfairly. The CHC argued that there was no law providing for NGOs and civil society associations to be prevented from expressing their political opinion freely (on public television), regardless of the political content of the opinion or possible impact it could have on voting results. The Constitutional Court accepted the CHC's argument.

Freedom of the Media

The CHC's continued monitoring of media freedom revealed that pressure against the independent media increased in this pre-electoral year. All public criticism against the ruling party and President Tudjman was systematically proscribed by the highest state authorities. All available means were used to control the independent media. Court proceedings against journalists and publishers increased up to one thousand

⁴ See IHF open letter to Hina, Central News Agency of Croatia, 23 December 1999.

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(ChC Media department collected a record of 1,047 cases); exorbitant compensation claims for having caused “emotional anguish”; covert surveillance of journalists, with details held in police files; political and economic pressures; and in some cases, physical attacks on journalists.

Noting the HDZ’s record regarding media in recent years, the CHC considered the moves an indication that the ruling party wanted to take absolute control over media activity in Croatia, fearing a loss of support in forthcoming elections.

Intimidation

Until 1999, the authoritarian regime of Franjo Tudjman held one advantage over the previous regime: it did not resort to the imprisonment of political opponents. During a plenary session in late June, however, Tudjman announced a broad campaign against “internal enemies”. These included NGOs, including the Croatian Helsinki Committee (accused of being “Soros mercenaries” and U.S. spies); opposition and trade union leaders; and journalists. The government embarked upon a repressive campaign to arrest dissenting voices.

■ The interrogation and mistreatment of Ivo Pukanic, chief editor of the weekly magazine *Nacional*, marked a clear shift in the nature of repression by the Tudjman regime. Pukanic’s arrest coincided with a HDZ plenary session, and was believed to relate to his magazine obtaining secret service documents reveal the repressive nature of the Croatian regime. The CHC claimed that the in the democratic setting, secret service should be the first to be called to account when classified documents were released, and not the media outlets that had published the information.

⁵ This was a unit led by Tomislav Mercep that committed crimes against Serbs during the war and afterwards. Its members included e.g. Munib Suljic, Siniša Rimac, and Igor Mikola. The unit was, for example, acquitted of the charges of killing the Serb Family Zec although they had admitted to the crime.

The CHC on several occasions warned that the incompetence and slowness of police investigations into the violence against dissenting journalists and political opponents was encouraging further violence. The assailants who had severely beaten the chief editor of the daily *Karlovacki list*, Nenad Hlaca, at the end of 1997, had still not been apprehended by the end of 1999. The same was the case with the attackers who bombed the daily weekly *Imperial* editorial office in Zagreb in 1998.

Numerous new cases of violence against journalists were reported, including, as a rule, verbal or physical assault, or attempted murder.

■ Robert Frank, a journalist working for *Novi List* (Rijeka) was kidnapped and physically ill-treated. The writer’s hand was – apparently symbolically – repeatedly hit with a stone and injured. Frank was hospitalized for a couple of months and had to undergo several operations. The case was not solved as of this writing. It was deemed politically motivated because *Novi List* was a known of HDZ policy in Bosnia and Herzegovina.

■ The former boss of the intelligence service threatened journalist Zeljko Peratovic of the weekly *Globus* with a pistol.

■ Journalist Zeljko Peratovic was physical assaulted by a member of the so-called Mercep Unit,⁵ Munib Suljic. The attacker was charged with misdemeanour and fined.

■ A member of the Mercep Uunit threatened the former Editor-in-Chief of *Globus*, Djurdjica Klancir, that he will “saw her through with a saw.” No judicicail proceedings were initiated.

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■ An assassination attempt was carried out against *Globus* journalist Antun Masle, presumably in connection to his articles on crime. The journalist suffered a bullet wound in his arm. The perpetrator was not found.

Libel Charges

Libel charges for damages required in criminal proceedings for alleged insult, slander or libel by journalist was another form of pressure against journalists of independent weeklies. This sophisticated form of pressure was used particularly by private plaintiffs in high-ranking offices of the ruling party, mainly represented by the same lawyer. Prosecutors would take a number of sentences out of an article and context and use them as evidence to prove that a criminal offence had been perpetrated or that the defendant had suffered damages.

Judicial System and Independence of the Judiciary

There were many complaints about the work of the courts in Croatia, especially concerning lengthy court procedures. According to a report by the Ministry of Justice, the Croatian court system still had 1,200,000 unsolved or pending cases. The CHC and other organizations faced difficulty in helping citizens with problems in this respect after the former president of the Supreme Court, Milan Vukovic, forbade all courts in Croatia to contact NGOs. The CHC was mainly able to help by writing letters to the Ministry of Justice.

Fair Trial and Detainees' Rights

The CHC activists monitored the trial against former commander of the Jasenovac concentration camp Dinko Šakic. The

CHC concluded that the whole procedure within limited framework allowed by the indictment was carried out in a professional and competent manner. The only essential complaint could be directed at the Public Prosecutor's Office, had defined Šakic's criminal acts too narrowly in the indictment. Šakic was sentenced to 20 years in prison.

Conditions in Prisons and Detention Centers

During 1999, CHC activists visited the biggest penal institution in Croatia, the Lepoglava detention center, the Detention Hospital, and a collection center for asylum seekers in Jezevo.

The conditions regarding accommodation and nourishment were generally satisfactory in prisons and detention centers. The prisoners and detainees were mostly treated according to the law. The CHC assisted in resolving problems with the behaviour of certain guards and urged the Ministry of Interior to take measures against them, but received no reply.

Security Services and Right to Privacy

The CHC noted with concern the existence of nine separate secret service institutions in Croatia, which could be used by the government to discipline and silence its opponents and critics. After President Tudjman's death in December, the newly appointed Interior Minister Sime Lucin revealed that the security archives of Croatia contained c. 95,000 files holding information on individuals, indicating that the HDZ government under Tudjman had routinely monitored opposition politicians, journalists and civil society activists.⁶

⁶ Dragutin Hedl, *Institute of War and Peace Reporting, "Croatia's Secret Files,"* 6 March 2000.

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Protection of Returnees

During the year, the CHC received 500 new cases of human rights violations, a significant reduction on previous years. The majority of cases concerned the return of refugees, and particularly housing problems. The inefficient work of the government housing commissions, their inability to implement decisions made by the courts in practice remained the most common problems cited by people seeking help from the CHC.

The difficulties facing people wishing to return to Croatia increased after the beginning of NATO military operations on the territory of the Federal Republic of Yugoslavia. As a result of growing tensions between resettled Croats and Serb returnees. The CHC registered an increasing number of cases of violence against younger Serb returnees, especially in the Knin region and in Eastern Slavonia. Several ethnically-motivated murders were also reported. The CHC wrote an open letter to the Croatian prime minister in August, calling for urgent action to halt the dramatic deterioration of inter-ethnic relations in Knin.

The Government Office for Refugees and Displaced Persons was still proving inefficient at solving requests for return by non-Croats. The process for selecting those people allowed to return was not transparent. The government allowed mostly elderly citizens to return who were incapable of working and who had nobody to take care of them. The CHC office, in cooperation with the Helsinki Committee in Serbia, was working to facilitate the return of greater numbers of Serb refugees who wanted to return to their homes in Croatia because of the NATO bombing in Serbia.

The most frequent problem facing returnees still related to housing. Refugees wishing to return to Croatia were not allowed to enter their houses because dis-

placed persons – mostly Croats from Bosnia-Herzegovina – were occupying the premises. The government established housing commissions with the stated aim of solving promptly any problems regarding the return of private houses and flats to their rightful owners. However, these commissions proved to be completely inefficient and they failed to implement the government's Program of Return. At the same time, Croats from Republika Srpska refused to leave Serb houses because they were not allowed to return to their original homes.

Most of all returnees were Croats returning to their houses in Eastern Slavonia, while Serbs were not able to return to the former Krajina region, which they had left during the military operation "Storm." Serb residents were often not allowed to return to their houses even if the houses had been abandoned, or where a Croat family had taken over several Serb houses in one village. In March, the CHC published a statement regarding the inefficiency of the housing commissions, listing specific cases. The statement was sent to the Croatian government, and to domestic and foreign NGOs. No reply was received from the Croatian authorities.

■ The Trajbar-Beronja family lived in Dvor, a small town on the border between the Republic of Croatia and Bosnia and Herzegovina, during the temporary occupation by the Serb rebel army. During the military operation "Storm," the husband (of Serb ethnicity) and two sons fled the region while the wife (of Croat ethnicity) remained at the family home. The family owned a restaurant providing their only source of income. A few days after the military operation "Storm" took place, a member of the Croat army, Ivica Knezevic, occupied the restaurant. When Gordana Trajbar-Beronja turned to the housing commission for help, they legalized Knezevic's "trespass" by issuing a decision allowing the temporary use of the "aban-

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done property” although the property had never been abandoned. After some time, Ivica Knezevic took over several other restaurants in Dvor, abandoning the one owned by the Trajbar-Beronja family. However, the rightful owner was unable to obtain the key from the housing commission. The CHC took up the case several times with the housing commission, each time without success. Finally, CHC fieldworkers traveled to Dvor to help the owners to get their property back again. A crowd of angry settlers, Croats from Bosnia and Herzegovina, temporarily living in Dvor, prevented them from entering the premises. Only after Vesna Škare Ozbolt, a president of the Housing Commission for Re-establishing Mutual Trust, and Stjepan Šterc, a deputy to the Minister for Reconstruction and Development, personally intervened in the Trajbar-Beronja case was it resolved positively. This case clearly demonstrated not only the failure of the housing commission to carry out its work properly but also its collusion with those who illegally took over the property of non-Croats.

Protection of Ethnic Minorities

Violence against Non-Croats

There were fewer cases of terror and violence perpetrated against non-Croats than previously. However, the planting of mines became a more common occurrence, especially in the region of Lika and Senj.

■ CHC fieldworkers carried out interviews with the witnesses of a recent incident in the village of Brlog in which one person lost his life and one police officer was injured. On 2 February Nikola Karleusa (77), was killed by a “booby-trap” explosive device concealed in a haystack. During the police investigation to secure the area,

Zvonko Delaj (35) a local police officer, was severely wounded when a second mine exploded. The CHC published a statement regarding the case.⁷ Although no progress was recorded in identifying the perpetrators, the CHC noted that the evidence pointed to the mine having been planted by people with expert knowledge of such devices.

Also, the CHC wrote an open letter to the government, giving information about 24 cases where mines had been planted and asking to be informed of progress in criminal investigations to find the perpetrators. Not one case had been solved by the end of the year.

The CHC published a detailed report in May, titled, “Military Operation Storm and its Aftermath, Former Sector South.” The report consisted of 219 pages giving detailed coverage of the events during the 1995 military operation “Storm” as well as the events which took place immediately afterwards.

According to the report, during the military operation and the 100 days which followed, members of the Croatian army (or armed persons in military and police uniforms) killed more than 100 civilians who were offering no resistance. Mass executions were reported in the villages of Radljevac, Uzdolje, Grubori, Gošic, Varivode, and Korenica.

After a thorough investigation carried out in that region, the CHC gathered data on 410 killed civilians (including the above-mentioned 100 civilians) and 22,000 burnt or mined houses. Most other houses were plundered and devastated in some way or the other. The report included photographs and names of the civilians killed during operation “Storm” and thereafter. Cases of terrorism and violence against

⁷ *Croatian Helsinki Committee for Human Rights, Statement No. 89, 8 February 1999.*

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non-Croats were also listed, together with data regarding missing persons and extrajudicial executions.

The aim of the report was not to discredit the military operation itself but to uncover details of alleged war crimes and shed light on the events which occurred after the military operation. The CHC aimed not to discover perpetrators of alleged war crimes but to provide the government with credible data and information enabling the authorities to find the perpetrators and bring them to justice. However, no reply was received from either the Ministry of Justice or the Ministry of Interior Affairs concerning specific information in the report.

Systematic monitoring of human rights in Sector South provided clear evidence that numerous serious violations of human rights had been and were still being committed following operation "Storm." Between 1 January 1996 and May 1999, 24 murders had been registered in the region. The perpetrators were discovered only in cases where they had turned themselves in to the police. The CHC held a press conference after the report was published. The state-controlled media, the Ministry of Justice and the Ministry of the Interior attacked the CHC report, while the government held its own press conference in order to discredit the report. It is significant, however, that they did not provide a single argument to refute the data published in the report.

International Humanitarian Law

Bowing to great international pressure, the Croatian government extradited the Bosnian Croat Vinko Martinovic Stela to the International Criminal Tribunal in the Hague, but failed to extradite Mladen

Naletelic Tuta, who (it was believed) could implicate the highest officials of the Croatian army in military actions in BH and crimes against Bosniaks. Croatia also refused to extradite Fikret Abdic, a Bosniak who was wanted on an international warrant for suspected war crimes against Bosniak civilians and prisoners of war.⁸

While on one hand Croatian courts gave ambiguous rulings, for example, the acquittal of a group charged with killing Serbs in Pakrac, on the other, Minister of Justice Zvonimir Šeparovic promised that Croatia would not persecute any Croat for crimes committed during and after operation "Storm."

Social and Economic Rights

The CHC also dealt with labor conditions and the right to work. These problems were directly related to the process of privatizing state-owned property – particularly with the manner in which privatization was carried out. In order to get their hands on valuable real estate and property, certain individuals were allowed to buy various companies for a low price, regardless of the interests of the employees. Many employees were fired, and the companies declined into bankruptcy. Consequently, the number of unemployed people in Croatia increased.

■ One of the most significant cases involved the "Gradski podrum" company that closed a leading city center restaurant in Zagreb on 31 December and fired all its employees. The CHC reacted immediately in co-operation with the Association of Independent Trade Unions of Croatia (SSSH) by arbitrating to try to save the workers' jobs. Representatives of the ruling party, the privatization fund and the owners of "Gradski podrum" were invited to take

⁸ *Annual Report 1999 of the Helsinki Committee for Human Rights in Bosnia and Herzegovina.*

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part in negotiations. The CHC and SSSH called for "Gradski podrum" to continue with its work immediately and for the plan to fire all employees to be annulled. Miroslav Kutle, one of the new breed of Croatian tycoons, had acquired the majority of shares in the company by forcing minor shareholders to sell to him. He later sold his shares to "Zagrebacka banka," which closed the restaurant in order to build a modern shopping center in its place. In spite of the attempts by the CHC and SSSH to intervene, the employees of "Gradski podrum" remained out of work, although the redevelopment of the building was postponed.

According to the CHC, a fundamental problem with the privatization process, as in the case above, lay with the pressure applied to minor shareholders to sell their shares and threats that they might otherwise lose their jobs.

Many banks in Croatia were faced with bankruptcy. The crisis in banking affected a great number of local firms which were clients of the banks. In the case of the Commercial Bank of Zagreb, the CHC together with the SSSH proposed plans for the rescue of the Commercial Bank. As a result of these activities, new contracts were offered to all employees of the bank. A rescue package for the bank had been all the more urgently needed because substantial finances belonging to the city of Zagreb were deposited with the bank, holding out the possibility that Zagreb citizens might eventually get their money back.

The CHC in co-operation with trade unions tried to draw attention to the problems of the privatization process, organizing round table meetings on the subject. However, precisely those people who were responsible for the crisis in the economy did not attend the meetings. In some cases the CHC gave legal advice to employees who had lost their jobs on how to

assert their employment rights, as well as how to turn to the state working inspectorate and how to demand their basic working rights in dealings with the Ministry of Employment and Social Affairs.

At the end of the year, the CHC helped a great number of citizens from Bosnia and Herzegovina regarding pension problems. These qualified for a pension in Bosnia and Herzegovina, but were currently accommodated in Croatia. Their pensions for the month of November were annulled without any concrete explanation, and the most obvious reason was that the Retirement Fund had refused to give them their pensions on the basis of their ethnic origin. That was evident from the fact that out of a total of 21,000 pensioners from Bosnia and Herzegovina living in Croatia, only 1,000, all non-Croats from Bosnia-Herzegovina, pensioners did not receive their pensions. The CHC reacted immediately by sending letters to the Retirement Fund of the Republic of Croatia (MIORH) as well as publishing a statement protesting against this act of discrimination. ■■■