

Current Situation in Croatia



March 21, 1997

**Briefing of the
Commission on Security and Cooperation in Europe**

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

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FRIDAY, MARCH 21, 1997

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The briefing convened at 11:03 a.m., in room 2200, Rayburn House Office Building, Robert Hand, Helsinki Commission Staff advisor, moderating.

Mr. Hand. OK. I think we are ready to start. I would like to welcome everybody here this morning. Our briefing today focuses on the current situation in Croatia, which will hold elections on April 13th for offices at the municipal and county levels, as well as for seats in the Chamber of Counties of the Croatian Sabor. These elections are important in that they represent another step in the process of reintegrating Eastern Slavonia, or the Danubian region as some people call it, the only remaining area still under control of the Serbs in Croatia. The territory was seized in 1991. The elections will also set the stage for Presidential elections in Croatia later in the year.

For the Helsinki Commission and for others, this will be the fourth time that we will have observed elections in Croatia. In 1990, when multi-party elections were first being held in Croatia, in other former Yugoslav republics, and throughout East Central Europe, it was hoped that first, and ideally after the first, or ideally after the second such elections, there would be sufficiently developed processes and principles for elections in place that the voting population would have confidence in the system, and that further international monitoring would be unnecessary. This has turned out to be a little bit too optimistic for some countries. Indeed, the first elections held in Croatia were in some ways more free and more fair than some of the subsequent ones.

I would say, though, that in Croatia observers almost universally believe that the results from the 1992, '93, and '95 elections all generally reflected the will of the people. In all of these elections, however, there seemed to have been some continuing problems:

First, there were problems in the development of the independent media combined with a broadcast media which was under the control of the ruling party.

Second, to some degree, the electoral system was not very transparent. Political parties had limited ability to be involved in preparations for the elections, or to observe the voting and counting of ballots on election day.

Third, the decisions that were made seemed to favor the ruling party, such as holding the elections at a particular time. The '92 elections were held in August, which was virtually unprecedented for European elections, and also with very short campaign periods. I should mention here that all ruling parties in every country, and particularly in parliamentary democracies, do try to maximize their advantages in the timing of the elections. So Croatia really cannot be faulted for this. But I point it out because in a country that is in the process of building democratic institutions, such a way of going about elections is not necessarily conducive to that process.

Finally, Croatian officials were compelled in all of the elections to address the ethnic

questions of Croatia, from Serbs and other non-Croat residents of Croatia, which in '92 I can recall were unable to obtain documentation enabling them to vote, or at least a significant portion were not able to, to the degree of minority representation in the Sabor which has changed, to the whole issue of the diaspora, or ethnic Croats in Bosnia-Herzegovina, and other countries who are entitled to citizenship, but have actually been given one-tenth of the seats in the House of Representatives in the 1995 elections.

In pointing out this problem, I feel obliged to say that I have not lived in Croatia, and sometimes people on the outside can raise criticisms without having gone through a situation like the people of Croatia did go through with the violent breakup of Yugoslavia. It included a full-scale conflict, in 1991 the seizing of significant portions of territory, the retaking of that territory or most all of it in 1995. During this time, significant portions of the population were displaced, and all were put on edge, if not traumatized by the fighting, shelling, et cetera. Even in an established democracy, such a situation will test respect for human rights, the rule of law, the protection of minorities and tolerance of opposing views. However, I would argue that in Croatia the situation that the country has gone through cannot alone explain for the disappointment many of us have felt regarding that country's democratic development, especially given that country's obvious Western orientation.

The upcoming elections, however, I am pleased to say, are an opportunity for things to change, and there is really a possibility that this change may be occurring. These will be the first elections in Croatia since the Dayton agreement ending the Bosnia conflict was signed in late 1995. Combined with the fact that Croatian independence has been a recognized international fact for 5 years now may allow there to be some less focusing on consolidating the state and more on its development.

There were signs in 1995 already that the population was focusing increasingly on economic concerns. Many reject the Nationalist leanings that gave Croats outside the country seemingly more representation than those in it, many of them resented that in 1995, and one official from the ruling party admitted that the control of the media in 1995 was sometimes so blatant that it backfired and insulted the intelligence of what is a fairly educated Croatian population. The debacle since 1995 over the Zagreb city government, which the HDZ, the ruling party, lost to opposition parties only served to improve the balance, I believe, between the competing political parties.

Assuming that the will of the people will, again, be respected in these elections, I remain very positive that Croatia's long-term trend will be toward diversity, and hopefully also tolerance of diversity.

One final very positive prospect for these elections, and perhaps the one that is most noted in the media is the administration of the elections in Eastern Slavonia. There the United Nations has somewhat redeemed itself in the region by doing some very good work under the General Jacques Klein. Moreover, both the Croatian authorities and the local Serb leaders seem to have been more cooperative in trying to work out a solution than at least many of us had suspected or expected, as tens of thousands of Serbs are receiving documentation enabling them to vote. There are problems that could undo very quickly the progress that has been made, but there is really a chance that territory that was at one time seized by force could be reintegrated into a country peacefully and hopefully without a massive out-migration of people.

Of course, there will be problems with the eventual return of those who were displaced in 1991. That will cause some tensions, but we really cannot begin to address that problem until we get through these elections.

So, at this point, I think I will just quickly introduce our four panelists who will discuss some of these issues in more detail, and give their own views. First, we have Jonas Rolett from the National Democratic Institute, NDI. NDI is engaged in a variety of activities in Croatia related to these elections, in Eastern Slavonia, and throughout the country, which Jonas will describe, as well as their critique of how things are proceeding with the elections and the overall framework for the elections. I must say, I am very glad to have Jonas here. I know him especially as an expert on Albania, and I can understand how preoccupying the situation there can be right now, as well as time consuming with the number of inquiries. So I really appreciate you taking the time to come here today.

Next we have Vesna Pusic, who is a well-known professor at the University of Zagreb, currently resident at Georgetown University's School of Foreign Service, and she is very much in the leadership of what is called the Erasmus Guild, which is a civic organization which has undertaken a series of dialogs and other activities in Croatia. I have a copy of one of the more recent journals that has a special section on the media in Croatia. There aren't enough copies, obviously, to make it available to the audience here, but people can call the office, and I would be glad to Xerox sections for those that may not have been able to obtain a copy. Vesna is very knowledgeable on the overall political environment in Croatia, and will discuss in some detail the opposition parties, what the people in Croatia are generally thinking at the moment, and what the prospects are for these elections.

Next we have virtually off the plane from Croatia, Milbert Shin from Human Rights Watch. Milbert has spent several weeks, I believe, in Eastern Slavonia documenting some of the human rights problems that are taking place there and seeing how they are being resolved, and we have asked Milbert to come, and to focus specifically on the situation in Eastern Slavonia leading up to these elections. Milbert has a long record of working on human rights issues with UNHCR as well as with Human Rights Watch, and not only in Europe, but in Cambodia, and I believe you were based in Hong Kong at one point as well. So he is truly a very experienced observer of the situation in various countries.

And then finally we have Nenad Porges from the Croatian Embassy. He is the deputy chief of mission there. We have invited the Croatian Embassy to come to give its views of how these elections will be in Croatia, as well as to respond to any of the comments that are here. There is no specific focus because, as the representative of Croatia, he covers just about everything, but I have very high regard for Nenad Porges, and look forward to hearing his comments on these elections as well.

After we each make about a 10-minute presentation, I will open up the floor for questions from the audience. When I do, you will have to come up to the microphone because the proceedings are being transcribed for the record, and you need to speak into the microphone in order to be heard by the transcriber. I will ask you also to identify yourself, and to whom you are addressing your specific question. Hopefully, we'll have plenty of time to have some good discussion after the presentations are made.

So, at this point, I will turn it over to Jonas to talk about the framework for the elections and the activities of NDI.

Jonas?

Mr. Rolett. Thank you, Bob. I should say that it is a lot easier to come and talk about Croatia than it would be about Albania. It is a bit of a holiday.

Let me just briefly describe the National Democratic Institute, tell you a little bit more about what we do in Croatia in particular, and why I am up here. The National Democratic Institute is a nonpartisan, nongovernmental organization based in Washington, D.C. We operate in 45 countries or so around the world. Our mandate is to strengthen the institutions of democracy. In Croatia, we have offices in Zagreb, in Osijek, and in Vukovar. We currently have three international staff on the ground, and three local staff.

Our focus for the last couple of years has been working with political parties to strengthen them as organizations and to help them improve their outreach. We do this on a multi-partisan basis. We don't work with any one particular party but, instead, work with a whole range. We've worked with 15 parties in Croatia.

Lately, we have added another piece to our program there, which is in the area of civic organizing. In particular, it deals with voter education in Eastern Slavonia, the idea being to make sure that there is good, neutral information that everybody can have access to out there. This is done through brochures and posters, through community meetings, some of which are televised. We are also actively working to assist the monitoring of these elections. Our principal focus is working with a coalition of Croatian NGOs, and we are also working with the political parties to assist them in their monitoring efforts.

And, finally, we have in the past done assessments of the electoral environment. In 1995 before the elections, the parliamentary elections, we issued a report based on a series of meetings that a delegation of ours in Croatia, and we are currently updating that report and actually have a team in Zagreb right now, and should have something available the week of March the 31st.

With regard to these elections, Bob mentioned that these voters are essentially electing three levels of government here. There are two levels of local government, there is the city and the county. Then there is a level of national government or state government called the House of Counties. The first two levels, local government, deal with issues of housing and sanitation and child care, the environment, and those kinds of issues. The House of Counties really plays an advisory role in the Sabor, in the Croatian parliament. It can propose bills. It can call referendums, and it can provide opinions to the lower chamber, the House of Representatives, which is actually the body that has the power to pass laws and adopt state budgets.

In this election, 25 percent of the seats will be decided on a majoritarian basis, and 75 percent on a proportional basis. That is to say that 25 percent of the elected officials will get in because their names appeared on the ballots, and 75 percent because they were listed by the parties.

Bob mentioned a little bit about why these elections are important. They are not elections for the most powerful political offices in Croatia. Nevertheless, clearly there is a lot of interest in these elections. One reason is that these elections will reflect on Croatia's membership in the family of democratic nations. Article XIII of the constitution of Croatia, if you'll bear with me for a minute, says the following: Freedom, equal rights, national equality, love of peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the human environment, the rule of law, and a democratic multi-party system are the highest values of the constitutional order of the Republic of

Croatia.

Anyone who has been watching events in the region understands that the stresses associated with the regional conflict have tested those values. Now, as the conflict abates, to some extent, this election is an opportunity for Croatia to demonstrate its renewed commitment to democratic and pluralist values. We have Serbia and Bulgaria and Albania as examples of Eastern European countries that haven't continued to move down the road to democracy with unhappy results.

A second reason these elections are important is that Croatia's relations with the outside world will be influenced by its electoral performance. The fact that we are all gathered in this room, in the U.S. Congress under the auspices of the Helsinki Commission is evidence of international interest in these elections.

A third reason these elections are important is that they will establish the framework for the reintegration of Eastern Slavonia into the rest of Croatia. Eastern Slavonia is home to 150,000 or so ethnic Serbs who are about to move from under U.N. administration into the sphere of Croatian political authority. The manner of this transition will have effects on key issues of regional stability. There are worries that a stream of ethnic Serbian refugees into Bosnia could upset the tentative balance that were brought about by the Dayton accords.

The second piece of that is that Croatia's membership in the family of democratic nations, once again, is involved because the outcome of the reintegration process will reflect on the basic values of tolerance and representation, which form the foundations of democracy.

Finally, the fourth reason that I have listed, and you may hear others from others up here, is that the election is really a test of political party strength before the Presidential elections, which are expected in June. The Croatian Democratic Union, the HDZ, which is the party of President Tudjman, has been the most popular party in Croatia for the last few years, has set the agenda in the executive and legislative branches of government. It was originally seen as the guarantor of Croatian sovereignty, and lately as the conflict has receded, its popularity has diminished. It is sometimes subject to charges of being authoritarian. President Tudjman remains very popular. However, reports on the state of his health raise questions about his Presidential candidacy. All this will be involved or will be part of the background of these elections.

As far as the opposition parties go for these elections, they have tested their strength through shifting coalitions, and they've improved some of their campaign skills. Parties to watch would include the Croatian Peasants Party, the Social Democratic Party, and the Social Liberal Party.

As far as themes, things to look for in this election, I think there are a couple that hold interest for us as an institution. One of them is the extent to which there will be a level playing field for the election. The other is the effect that these elections will have on Croatia's longer-term ethnic make-up.

With regard to a level playing field, the HDZ in the past has not been shy about using its position as the governing party to take advantage of incumbency. Some government actions raise concerns. Bob mentioned the unbalanced media coverage during campaigns, and the transparency of the administration of the elections themselves. Redistricting is a question there, and the amending of the election law, the process by which that was done.

These are things which have raised concerns in the past.

In addition, past recommendations by the OSCE, the Council of Europe, NDI, and others on ways to improve the electoral process have gone essentially unheeded, and we see some of the same things again this time as we saw in previous elections. On the other hand, the opposition parties have not always done their part to defend their interests. Their attempts to monitor the elections in 1995 were not very effective. In the past, they have been reluctant to challenge the ruling party for fear of being labelled unpatriotic in this atmosphere of conflict.

With regard to the effect that these elections will have on Croatia's ethnic make-up, many of you will know that ethnic Serbs once made up approximately 12 percent of the population of Croatia. The secession of some of those Serbs into the so-called "Republic of Serbian Krajina" and Croatia's subsequent military operations have had the effect of marginalizing ethnic Serbs in Croatia, politically, socially, and economically. This election, I believe, will serve as a barometer of their inclusion in Croatian society in the years to come. And, for that reason, barriers to their participation, which would come in the form of redistricting, for example, or difficulty in obtaining documents that would allow them to vote, those kinds of things may result in their effective disenfranchisement.

I think there are some things that can be done, and probably should be done in the next 2 or 3 weeks to address some of the imbalances, or some of the concerns, I should say, that I have expressed. One of those would be to authorize independent domestic monitors. This is something that is happened in lots of other countries in the region. In Bulgaria, Romania, in Albania and Macedonia, and other countries around the world, in the Middle East, and in Asia, and Latin America. Allowing independent domestic monitors would enhance public confidence in the electoral process as well as demonstrate commitment to the vital democratic principle of citizen involvement. Moreover, Croatia is a signatory to the Copenhagen documents through the OSCE, which affirms the right of citizens to monitor elections. I should note that domestic monitors will be allowed to observe the election in Eastern Slavonia in those areas that are controlled by the United Nations.

Such a group exists. It is called the Citizens Organizing to Monitor Voting. A little more colorfully, its acronym in Croatian comes out to be GONG, G-O-N-G. GONG is a coalition of 18 nonpartisan NGOs. NDI has been helping them with technical and logistical organization. They have applied to the Central Election Commission for permission to observe the elections, and received a response from the CEC, the election commission, essentially turning down their request to monitor on the grounds that the election law does not specifically allow domestic monitors. I should point out that the election law doesn't specifically allow international monitors either, but that the Central Election Commission has issued instructions that has authorized them, and they could do the same for GONG.

There are some other measures which I will just list now in the interest of time. I would be happy to answer questions about them later. Simplifying voting procedures, announcing polling sites, and who is going to be voting where, and liberalizing the media access.

And with that, I think maybe I'll turn it over.

Mr. Hand. Thank you, Jonas.

Ms. Pusic. Thank you very much. It was really reassuring to hear the introductory

comments because it has been some time since I heard that Croatia was becoming a boring place politically, and I hope that that is really our goal, and that we are getting eventually to become boring for people like you, and having stability and peace. I also wish that Albanians will eventually get there themselves.

These elections are, as has been already said, three different elections really, and also probably the April elections are not elections for the most important House of Parliament, the House of Representatives. But, at the same time, I think they're extremely important elections for Croatia. Although the House of Representatives has Croatian Democratic Union or HDZ majority that has its mandate until 1999, so it will stay under the control of that party until that time, these elections are important, I would say, because they come at a time of Croatia's second transition, at a time when Croatia is transitting from wartime politics to peacetime politics. Also, I think, at a time when Croatia is transitting from more of an authoritarian kind of regime with limited pluralism and strong control over the media through something that I call negotiated transition, to a democratic type of political system and arrangement. In that sense, I am quite optimistic that actually Croatia is quite ready for this second negotiated transition.

These elections will really show whether all the political players are prepared to enter the negotiated transition. By the negotiated transition, I mean a political change that comes through some basic agreement among all the different political players, and the basic agreement would be, first, that everybody would abide by the democratic rule of the game, that everybody would actually respect election results and democratic procedure. I would say that today, the main political division in Croatia runs across political parties and splits some of the political parties, especially the ruling party, into two groups: the people who actually are prepared to observe the basic democratic rule of the game and the people who are prepared to observe those rules only as long as they keep themselves in power.

In my opinion, this political division will be decisive for the immediate future of Croatia, and the negotiated transition will depend on whether the moderates within all the parties, and especially within the ruling party, manage to get the upper-hand within their own parties and manage to negotiate an agreement, or establish an agreement across parties on observing the basic rules of the democratic game.

The controversial issues, as I see them in this particular elections, I think it is safe to say would be those that were controversial in the previous elections. So I think that the rule of thumb would be to look at the things that were disputed in the past and make sure that they actually work out, and that they are played by the rule. I will list a few of those things that I think are crucial and need to be observed in these elections. One is the access to the media, especially electronic media, by all the different political parties. Electronic media, primarily three television channels in Croatia, are state-controlled. Last time, in 1995, there was a lot of problems. There were even some paid advertisement by opposition political parties refused by the television and not broadcast.

There was also already a sign of some problems this time around. As you might know, the opposition parties have formed two major coalitions, with two opposition parties being part of one coalition and three opposition parties being part of another coalition. They were originally allotted television time, as if they were only one political party. In other words, the ruling party was allotted, let's say, an hour of television time, and each of the

coalitions was allotted an hour of television time.

The opposition has appealed that decision and asked for equal television time, for all different opposition parties, and that appeal was turned down originally by the president of the administrative court, and the president of the electoral commission, the same person. The good news, however, is that the opposition then took its case to the constitutional court of Croatia, and the constitutional court of Croatia has actually overturned that decision and ruled in favor of the appeal by the opposition. So that, I think, shows us that there is merit and very great importance in public scrutiny of the process, and in opposition's pressure on the institutions in Croatia to follow the rules, and in general the constitutional court has proven itself as a principled and respectable institution.

The other thing that I think would be important to observe and pay attention to is the monitors of the opposition parties or observers of the opposition parties' presence at the actual polling places. That is something that was a problem in the previous elections, and all different sides, I would say, were responsible to that. Partly because the opposition, for instance, didn't name enough observers to cover all the polling places. Partly because they were not accredited in the right way, so they were refused by the local or by the presidents of this electoral committees or commissions on the polling places. It is important to make sure, in advance, that that is actually taken care of, all the formalities in that sense are taken care of this time.

At the same time, it is also important that these opposition observers are present at all different stages of both preparing the polling place, voting, counting the votes. At the moment, the rules stipulate that, and I quote: "Observers from political parties can be in the room where the voting is taking place, and be present when the polling place electoral committee is preparing the polling place for voting before it opens, when the voting is taking place, while the counting is taking place, and when the results are being determined."

However, there is nothing about, for instance, the transporting of the ballot boxes from room-to-room, from floor-to-floor, from building-to-building, which very often takes place, and it needs observers, and reporting results to the electoral commission also needs observers from the opposition parties. This transportation of the ballot boxes was an especially controversial issue, and I think that it is something that needs to be looked into in greater detail.

Another thing that has to be paid attention to is the fact that the polling committees on the local polling places have to be mixed in terms of party membership of the people who sit on these committees. That is especially important in the local elections, because people know each other, and know, if somebody is sitting there, basically what party that person represents and belongs to.

Another thing that I think is very important and that was extremely controversial in the '95 elections are the absentee ballots, especially voting by the people who are in the army, the people who are in the merchant marine, and the people who are in prisons. Those were the votes that overturned some of the very important almost opposition victories in the last elections, and that came in in the last moment in the last elections. At the moment, there is no way of opposition actually observing and having any kind of insight over how that voting is being conducted, and how it takes place.

The current regulations stipulate that, and I quote: "Polling places for voters in the

armed forces of the Republic of Croatia, crews on the merchant marine ships, and persons serving prison sentences will not be published in announcements of all the polling places in local communities or towns electoral district." So there will be no information of where that is taking place, and I think that that is something the opposition absolutely has to have information about and has to be present at.

There were also in the previous elections complaints, especially by the opposition, that some of the ballots were tampered with after the fact. In other words, they were made invalid by an additional name being circled on the ballot. There is an attempt to actually take care of that by regulating that the voters have to use one type of pens, and the electoral commissions can only use pencils, and sort of deal with that problem in that way, but I think it is something that is extremely important. It has, in the last elections, at least in two cases, been claimed by the opposition that tampering with the ballots had taken place after the fact, after the elections in this way, in circling an additional name and making the ballots invalid in this way.

And the final thing, there is also the old people's and sick people's vote, and the vote of people who actually vote in their place of residence of nursing homes. There the opposition observers are also not present, and it is something that will need to be regulated, and where the opposition observers would have to be present and accompany whoever is going to collect that vote.

The main dangers and obstacles for fair elections this time around. Let's say that the main danger is stealing the votes, the possibility that some of the votes will be stolen. Something that has happened in the past and was even admitted by some of the people who participated in organizing the elections in the past and have since left the ruling party.

The other danger is not recognizing election results, something that has also happened in the past, as you know, in the Zagreb elections in 1995 and, in that way taking away the electoral's rights to peacefully change the government.

The third thing that I think is probably more complex, but a real obstacle and danger is the issue of ownership and control of huge parts of the National economy which will have an influence here. That especially relevant for the local elections, I would say, and there are two types of let's say the government party, or the HDZ-controlled businesses and companies. One type is where there are people who are primarily businessmen and who simply want a comfortable relationship with the government, and I would say any government, and will continue in that attitude regardless of the election results. That group I see as not being a problem.

There is, however, another group that owns companies and controls businesses and has come into that position through the privatization process in the last few years, and that is the people who are primarily HDZ politicians and activists who have used their political power to obtain businesses and will try to use their economic power to regain political control if they lose it. This second group is potentially dangerous in my mind, both in local and national elections, because they might try to destabilize the government if the opposition wins. In the local elections, they are extremely important and influential because they own a lot of businesses where a lot of local people work. So that has an influence there.

And the fourth potential obstacle and problem in these elections is the issue of putting on the list the names of people who are actually not standing in these elections, the

HDZ, the ruling party, has put the name of Franjo Tudjman at the top of their lists, although he's not standing in the elections for the House of Counties. That is done in an attempt to make the list more appealing. To my mind, it is basically misinforming the public. Although, in these particular elections, it actually might backfire. But we'll live and see.

The opposition. The opposition, I would say, for the first time has decided that they actually want to come into power and govern the country. Although you might think that that is the reason why the opposition is being formed in the first place, and that that should be their main goal, it is a relatively recent development, I would say, and, in a way, takes some time for the opposition to actually go for the vote in order to come into the control and try to implement their policies. I think, in a way, that they are now ready and psychologically prepared to do that.

It has formed two main coalitions for these elections. One consisting of the Croatian Social and Liberal Party and the Croatian Peasants Party, the coalition formed for the elections for the House of Counties and also in some local constituencies. The other is the Social Democratic Party and the Croatian People's Party and the Croatian Independent Democrats for the House of Counties, and in some local constituencies. In the local constituencies, it will be more varied than these two coalitions.

The problem with these two coalitions is that the two strongest parties in the opinion polls, and in the '95 Zagreb elections were the Social Liberals and the Social Democrats, who are now in two different coalitions, part of two different coalitions. The great danger is for the opposition that they might split the votes, the opposition votes. That is also exacerbated by the majoritarian system or strong elements of the majoritarian system in these elections.

The main problem for the opposition, I would say, is to demonstrate its unity or demonstrate the capacity to unite in political action. As a footnote, I might add here that there are 65 registered opposition parties in Croatia by the statistical yearbook of last year, although actually only 28 have supplied the data to the statistical office.

It has been demonstrated in the last elections that the voters one, want the change—70 percent of them in Zagreb voted against the current ruling party, the HDZ, and four different opposition parties; in other words, not for a particular, but for a spectrum of different opposition parties, demonstrating their vote against the current ruling party—and two, that the electorate also favors party coalitions. In the last elections, 18.26 percent of the electorate voted for coalition, more than for any of the individual opposition parties, although none of the major opposition parties were part of that coalition. That was the Novy Sabor '95 Coalition or New Parliament '95 Coalition.

I also have some data here which I will give you for the record from the end of '95 opinion poll that we conducted on the representative sample of the Croatian electorate which shows things such as that there is a great support for gradual change through reform and improvement, almost 70 percent of the electorate supports that as opposed to 17 percent that supports maintaining of the current situation, and 4 percent that supports revolutionary change. There is also a sign of voters being critical of the government performance. The data here show, for instance, that 85 percent of the people think that the government and public officials are corrupt, that 57 percent of the people think that the country is not governed for the good of all citizens. I will submit this data for your record.

The problem of the opposition is also the access to the electronic media. I've given this copy of Erasmus to show some of the problems that the media in Croatia have. There is the TV that is totally government-controlled. There is one independent local radio station in Zagreb and there are some small independent radio stations with weak transmitters around the country. There is one independent daily newspaper, which is national, but also with a strong regional base in Rieka. There is four or five, depending on how you count them, independent national political weeklies, two of which are tabloids.

For the Presidential elections in summer, there is also another important issue for the opposition, which has not been raised, either by the government or the opposition, and I think the opposition needs to pay some attention to that. That is the Croatian application for membership in the NATO. It is something that would aid with establishing universal standards within the army and also additional civilian insight into the army.

As for the party in power, Croatian Democratic Union or HDZ, there are signs of redefining within that party, signs of conflict and internal upheaval. The changes in this party, the most dramatic ones, were the arrests of the two alleged mafia leaders from Western Hercegovina and Mostar, that happened last month—Nalatic and Tela, two people who were allegedly in charge of the mafia and also some military action in that region, which were formerly traveling free throughout Croatia, but had been arrested last month. Also the split of the party over the licensing or delicensing the Radio 101 and demonstrations that followed. I actually have a small list of different cases that show and demonstrate the split within the ruling party and I can also add that to your records here.

The possible outcomes of this election is, one opposition wins one or both elections in April. It will be a test to see if the current ruling party is prepared now to actually respect the electoral results or is gearing for other options in the summer and the future. B, it will also increase the pace of change and differentiation within the currently ruling party. I think make potentially its more moderate wing more influential and prepared to negotiate over respecting the basic Democratic rules of the procedure.

Second possibility is mixed results—in other words, division in the local elections between the ruling party and the opposition. That I think will bring to more active negotiations between the HDZ and the oppositions and it will also, I think, emphasize the differences within the HDZ and the strategies of different groups within that party.

And the third possibility, which I think is unlikely, is that the HDZ wins throughout the country and declares an overall victory. I think that that option will actually represent a potential danger. It represents potentially a situation that will result in dissatisfaction. In the past the HDZ has shown itself to be very arrogant in victory and it is a situation that, at the moment, could lead to something resembling some other cases in the region.

Crucial task for these elections, I would say, is to get out the vote. Because of the previous experience, the electorate has been relatively disillusioned with the whole process of multi-party political elections and sees it as government controlled. In my opinion, it is extremely important to convince people that they actually have to go out and vote, because there is a great danger that because of this disillusionment, they won't even bother to go and cast their ballots.

Thank you very much.

Mr. Hand. Thank you, Vesna.

Milbert?

Mr. Shin. Thank you. I am very grateful for the opportunity to talk about the situation in East Slavonia, so quickly after returning, if at the risk of sounding a little jet-lagged. I should begin by saying that the process of transition of authority in Eastern Slavonia is quite complex, and the role that UNTAES has to play there is equally complex and there are many different aspects to it. In a way it is quite difficult to address all the human rights issues in that area in such a short time. So I would like to note that I will be preparing a more detailed treatment of these human rights issues in a written format over the next couple of weeks.

In addition, the situation in Eastern Slavonia really changes daily and that makes it all the harder to predict what will happen over the next few months. Nevertheless, from the time that I spent there, which was approximately 14 days over the last 3 weeks, several key human rights issues come to immediate attention and, I think, need to be addressed immediately, because they directly affect the confidence that both Serbs and Croats have in the reintegration process, including the April 13th election.

The most significant of these problems is most likely the resolution of property disputes and the closely linked issue of the ability of both Croat and Serb displaced persons (DPs) to return to their home of origin. From the outset, it is clear that one of the biggest potential sources of destabilization in the region and in the reintegration process will be property disputes. The problem can be summarized in a simple question, when Croats move back into Eastern Slavonia and seek to regain their houses, what will happen to the Serb DPs who are currently living in those houses? And the short answer is, no one really knows.

The Croatian law on this issue is also a little bit unclear. There are several laws that touch on property, but it is unclear how they will fit together. The Basic Agreement, which governs the transition of authority in Eastern Slavonia, guarantees that everyone has a right to return. Interestingly enough, that specific clause says that the U.N. Transitional Authority in Eastern Slavonia, UNTAES, has the obligation of ensuring that right. Immediately a question arises as to how they can assure the right of people to return to other areas of Croatia, when their jurisdiction is limited to Eastern Slavonia.

Another important law that addresses this issue is a 1993 law on the status of displaced persons and refugees, as amended in 1995. That law states that displaced persons may not be evicted until alternative arrangements that are acceptable to them can be found. And, of course, this law does not specify any sort of discriminatory implementation, as regards Croats or Serbs.

However, other Croatian laws provide for the settlement in Krajina and Sector West of Croats from outside Croatia, such as from Vojvodina and from Bosnia. These laws offer ethnic Croats who settle into these areas residency rights for up to 10 years in a house that is been abandoned and in most cases abandoned by Serbs who have fled. These laws also provide the possibility of ownership of those houses after 10 years. There are even posters in Zagreb that advertise and encourage settlement of Croats into these areas. Only the small print deals with the complication of what happens if the owners should return.

Another law from 1995, on the temporary administration of property in the former Sectors North, South and West, provide for the creation of commissions that would re-

solve disputes regarding property. Members of international organizations have told me that none of these commissions has favorably resolved a single case in favor of the person seeking to regain their property in these regions. There have been people who have been able to regain their property, but they have been able mainly to resolve these issues on their own through negotiations with the people who are currently staying in their houses.

Many people in the international community acknowledge that this issue of property disputes is an enormous problem. However, several of them have told me, also, that with UNTAES's preoccupation with the elections, which clearly do take an enormous amount of time and energy, UNTAES has not been able to make a priority of this issue of property disputes. In late February, UNHCR finally prepared what they called a startup package, which is a proposal for a comprehensive resolution of these property disputes. UNHCR and UNTAES is currently awaiting the Croatian Government's response to this proposal.

I spoke to the deputy head of the Croatian Government's office on the transitional administration of Eastern Slavonia about this about this and he told me that the Croatian Government has several problems with the UNHCR proposal. As a result the Croatian Government will be coming up with an alternative solution, a proposal for an alternative solution to these property disputes, and has promised to come out with this proposal some time this week.

In general, I think it is safe to say that we are well into the 11th hour for the resolution of these property issues. It is a very important matter, both for Croats and Serb DPs. It weighs heavily on the minds of Serb DPs who are considering whether they should stay and register and vote in these elections or whether they should leave the region. We've spoken to many people, both Croats and Serbs, who have said that they have no idea of what sort of schedule there is for when people may be permitted to return. For example, when Croats may be permitted to return into Eastern Slavonia. Certainly no idea of any sort of schedule regarding when these housing situations must be resolved.

In the meanwhile, many of the Serb DPs, as well as domestic Serbs, Serbs who are originally from Eastern Slavonia are regularly receiving threatening phone calls from Croats from outside of the region. They're all anonymous calls. Some of them are from people that they don't know, but for many of the Serbs, they recognize the voices on the other end. They are frequently former neighbors. Because of the importance of this issue, it is very important that the Croatian Government come to terms with UNHCR and UNTAES on some system of resolving these issues, so that people will have some sort of certainty in what will happen in the future, after the transition of authority.

Regarding the issue of the schedule for when people would return, when I asked the deputy head of the transitional administration for the Croatian Government when that would happen, he could only say that he hopes it does not happen until after the election. At the end of this I'll talk a little bit about a specific case, in the south of Eastern Slavonia, where they have pulled back a zone of separation between Sector East and Croatian Government-administered territory. The problems that have occurred there illustrate very clearly the issues of property and return and equally highlight the fact that there is really no solution to these issues in sight.

Another important human rights issue that faces the Serbs, as they decide whether to stay and vote in these elections, and even whether they should register for their citizenship papers and their ID cards, is the issue of the war criminals and the application of

amnesty laws. As a little background, since 1991, the Croatian Government, as well as other sources, have had a series of lists of suspected war criminals that they have been passing around. One of these lists was even published in Vinkovci, early this year, including 1,200 names.

These lists have been circulated despite the fact that the Croatian Government has three amnesty laws. The most recent, in September 1996, amnesties all Serbs, as well as other people who were involved in what is called the armed rebellion or the armed conflicts of 1991 and later.

Many of the people on the lists of suspected war criminals have been tried and convicted in absentia, in courts in Croatia. Croatian law guarantees that those were tried in absentia will get a new trial when they are actually detained. The most recent of the Croatian Government's lists derives from a list that last year included some 811 people.

After much criticism over the accuracy of this list—for example, some of the people on the list were found to be already dead and there were also many people on the list who are elderly and, presumably, would not have been able to commit the crimes that they were charged with—the Croatian Government has been under pressure to reduce the size of the list and, most recently, in negotiations with UNTAES, has been working toward getting a list of between 170 and 175 people.

There is a great deal of uncertainty about what the status of this list is. Even several people within the UNTAES administration have told me that they are not sure whether General Klein has yet received a final list from the Croatian Government, nor how many people are on this list, nor whether the people who are on the list will even be notified.

Similarly, many people in UNTAES have told me that it is not even clear whether General Klein has requested a final list from the Croatian Government. However, in the February 1997 bulletin of UNTAES, which is the official publication of UNTAES, there is an interview of General Klein, where he clearly states that he is asking the Croatian Government for a final list of war criminals.

It is clear what the importance of this war crimes list is. It intimidates Serbs, who think that they will be tried for war crimes, whether they've even been involved in the armed conflict and it pressures many people to leave. There are two basic problems with using the war crimes list in this manner. The first is that in the many times that the war crimes list has been discussed, it hasn't always been made clear that this is the list, not of war criminals, but of suspected war criminals and that these people should certainly be entitled to a full trial in Croatian courts, with full due process protections under international and domestic standards. On the other hand, it is unclear in what sense this war crimes list can be made final, if we are to hold war criminals accountable for the crimes that they have committed.

If we are to uphold the principle of accountability, even in the future, if there is someone whose name is not on any final list, if there is evidence gathered against that person that he has committed a war crime, that person should be tried (of course with due process protection) for those war crimes. From this perspective I've spoken to many Croats, as well as Serbs, but primarily Croats outside Sector East who are concerned that the negotiation over the war crimes list is basically a negotiation where names are being added and dropped without regard to the full extent of the evidence.

For example, the Mothers of Vukovar, an NGO in Zagreb comprised of family mem-

bers of people who have disappeared or were killed by the Serbs in Eastern Slavonia, are concerned that the specific people who may have killed their relative may be dropped from these lists, and in a political process, rather than in a court of law. Of course, I do fully recognize that this list does have an important political role and in a way UNTAES did have to address this issue. Certainly, there is a big difference in intimidation value between a list of 811 people and a list of 170.

However, I think that it is important that both the Croatian Government and the U.N. should have stated clearly each time the issue of this list came up that this is solely a list of suspects who will be tried with due process protections in the future. On the one hand, regardless of what the final list of suspects is, if there are people for whom evidence is gathered that they've committed war crimes, those people will be tried in the future.

Other important human rights issues in the area include the right of return, which, as I noted earlier, is closely tied to the resolution of property disputes. There are still many security problems in the Krajina and former Sector West, that have made it difficult for Serbs to return to those areas. In the last few weeks, leading up to the elections, there has been an increase in interest among the Serb population in Eastern Slavonia in returning to their original homes, in the former sectors. However, so far only 450 people have returned.

Part of this problem has been that there is a great deal of hostility still, from mostly the Croat population that remains in those areas, including Croats who have settled from other areas. A particular example of these problems is highlighted by a pilot project that UNHCR has conducted in Northwest Sector East, an area called the Baranja Triangle, where the UNHCR tried to facilitate the return of four families, including a Moslem family, to areas outside of the sector. Because of the hostility from the people living in the neighborhoods of origin, as well as hostility from local officials in those areas, they have not yet been able to carry out the returns. Which raises the issue of whether the people who cannot return will be compensated for their property.

Even though compensation is provided for in the Basic Agreement, many people in the international community have told me that there is basically no money for compensation. That has basically been a sticking point that has frozen the resolution of these four families from the Baranja Triangle.

Other issues include the problems with documentation, which is, of course, very important to the issue of elections. We have spoken to several NGOs and international organizations, who have cited numerous problems with the ability of Serbs to get documents. These problems include split families, meaning that in some cases, for example in a family of eight, everyone will get documents, except one person, which makes it very difficult for the family to resolve the issue of whether they will stay or go.

In addition, the U.N. has agreed with the Croatian Government that documents will be processed in a period of 7 days, in an effort to speed up the process before the elections. However, there have been many delays in this process and many of these cases have not been explained. The rules governing what sorts of documents you need to get your "domovnica," your citizenship papers, and your ID card have also been changing almost daily, and this has led to a fair amount of confusion.

There is also a problem with ID cards and citizenship papers that have been issued without numbers, for example. Until recently, people who had received these erroneous

documents were required to go to Osijek or Vinkovci, outside of the sector, to correct these errors. It is only recently that they have been able to do that within the sector.

One problem with trying to quantify these problems is that no one really knows, first of all, how many eligible voters there are in the region. Certainly, no one has really had the time so far to document or quantify how many of these various cases and problems with these documentation papers there have been.

One important aspect that was referred to earlier, about the resolution of all these problems in Eastern Slavonia, is that it is closely linked to problems outside of Eastern Slavonia. The issue of return cannot be addressed without resolving the human rights situation in the Krajina and former Sector West. Similarly, as many of you know, there has already been a small exodus of Serbs into areas outside of Sector East, including Serbia and the Republika Srpska. Whatever the resolution of the transition in Eastern Slavonia, if it means that many of the Serbs leave, that will merely transfer the problems of housing and other problems into the Republika Srpska and possibly into the Krajinian area.

I would like to finish by discussing a little bit the situation in an area south of a town called Nijemci in the south of Sector East, where in November UNTAES pulled back the zone of separation, to a bridge that connects two parts of the town of Nijemci. As a result of this change in the zone of separation, most of the Serb families south of that bridge have fled. In the town of Nijemci, for example, there were approximately 150 Serbs, and over 100 of them have left and gone either to other areas in Sector East or on to Serbia. There are only 14, I think, Serbs who have remained in the area. They have faced almost daily harassment from Croats who have started to come into the area, including from people who own some of the houses that the Serbs are staying in.

In addition, some members of the Croat special police have been coming into the area, although I've been told by U.N. civil police monitors that they are not supposed to be entering until the transition is complete. There have been some incidents in which members of the special police force have harassed not only the ethnic Serbs, but also Serb Transitional Police Force members and also an American civil police officer.

Situations such as these only highlight the fact that all these problems, even though they appear to be in the future, as soon as the transition process begins, and Croats begin to enter their area indicate that there is a very high possibility that there may be incidents of violence and harassment, if these issues aren't addressed now.

Mr. Hand. Thank you Milbert.

Nenad?

Mr. Porges. Thank you. I was really thinking whether to thank the distinguished members and staff of Congress for being here, because I am the last one and challenged by quite a lot of interesting remarks, questions. I would like to thank the staff of Commission for giving me this opportunity, of course, and members of course. But, I would also like to thank my fellow panelists for sharing their time and interest in Croatia and, of course, for some quite interesting remarks and suggestions I have noted and I'll await my government for their view.

I wish to begin with some simple facts, and some simple statements. First and above all, Croatia is experiencing problems common to all new democracies and transition economies, nothing special. Although, what is quite convenient and frequently forgotten, that Croatia was a victim of 4 years of aggression and severe and brutal atrocities against

Croatian towns, cities, kids and women. Trail of not so distant past and here is where we should start today.

It goes over 10,000, the death toll in Croatia, and over 25 billion dollars of direct war damages. That is as advertised. I should add to that, democracy is not, of course, in-bred and I do fully agree, Croatia is now assaulting war, period, and expects to enjoy peace. But, we need time. Democracy needs to be developed over time. Of course, I could not more than agree that elections are the first and foremost proof of democracy. But, in any country, not specifically in Croatia.

As it is clear, more or less, from remarks of my distinguished colleagues, there is to some extent the general perception that Croatia has a problem with its minorities. But, nothing could be further from truth, because, yes, we do have problems, but only with one segment of one minority group, which has refused to accept new democratically developed realities. It is quite conveniently forgotten that another segment of the same group includes almost 150,000 non-rebel Serbs, Croatian citizens, who have lived in Croatia throughout aggression, under circumstances no different from all other citizens, including almost half a million, exactly around 450,000 members of all other minority groups.

And Croatia is a more multi-ethnic country that quite a lot of Western democracies. Croatia is the de facto multi-ethnic community. Of course, the government is trying its best to secure rights of the opposing Serb segment. But, we cannot do that in a vacuum. We have to balance our efforts regarding the security needs of non-Serb victims, I repeat, victims, on the one hand, and those of the Serb aggressors on the other.

This is a very old call that humankind has yet to master, how does one determine whose interests and rights the government should consider first. Those of the victims, or those of the perpetrators? This is, of course, philosophical and moral question, which theoretically may have a number of answers. But, in practice our government is committed to balance the interests and needs of all citizens of Croatia and I personally do not believe that ideal formula exists, yet, in resolving this dilemma. I would like to have the recipe if it exists here in this room today.

During this year and beyond, Croatia looks forward for reaping benefits of peace, including and above all, return of refugees and displaced persons to their homes upon and including the final reintegration of Eastern Slavonia. Let me remind you that currently almost 7 years, or 6 years, after the beginning of tragic events, Croatia still shelters 185,000 refugees and around 150,000 internally displaced persons. In my personal opinion, of course, I think that the international community has to some extent double standards, when it comes to the return of refugees.

On the question of Serbs from Croatia, the approach is obviously interventionists. In the case of Bosnian Moslem and Croatian refugees from Republika Srpska, in Bosnia the approach is equidistant and unjust. On the issue of Croat refugees from Federal Republic of Yugoslavia, what nobody has mentioned today, the approach is to condone. However, and of course, significant measures have been undertaken to ensure return of Croatian Serb refugees, which will additionally, we are convinced, be enabled by the provisions of the agreement of harmonization of relations between the Republic of Croatia and FRY, in '96. Current figures speak that number of returnees is steadily increasing. I am not speaking about Eastern Slavonia, of course, and is currently close to almost 15,000.

Let me remind you that justice and peace can only be achieved if past human rights

violations are appropriately addressed and those who committed crimes are brought to justice. Therefore, and quite logically, Republic of Croatia is fully committed to cooperating with the international tribunal for war crimes committed on the territory of the former Yugoslavia, known as ICTY, while expressing, at the same time, hope the tribunal will take efforts in bringing—I'll stress here—all perpetrators to justice.

«MD30»

Let me illustrate why I am stressing all. Regrettably, only 7 of the 77 indicted persons have to this date been arrested. None of them in relation to war crimes committed on the territory of Croatia, none. Just as we are these days finally burying the remains of Vukovar victims being slaughtered and executed in mass in '91, still none of the indicted is in the tribunal's custody.

Upcoming general elections, including of course focal point of our interest today, that is elections in Eastern Slavonia, represent for us long awaited step toward symbolic and effective closure of the more probing period of our young state. It is time for all Croatian citizens to begin the healing process, to join together in the joy, fruits and dividends of peace and freedom. It is our hope that Croatian Serbs in Eastern Slavonia will remain and enjoy the benefit of Croatian citizenship.

Let's stop here for a while, because I would like to use some benefits of being the last one. It was mentioned that some worries about what would be if they leave. Let me state that Croatia regards and claims local Serb population in Eastern Slavonia, who has accepted Croatian citizenship, as their own. But, let me as well remind you that the decision to stay or to leave would solely rest with the individuals and their leaders.

We are doing our best to facilitate peaceful reintegration. We are investing in the region already. Millions of dollars are put in the region through different projects, railways, electricity, telecoms. The decision is theirs. I would say that the international community should not underestimate possibility of new Serb exodus, but not because of lack of cooperation or willingness of Croatian Government, but as kind of a natural consequence of their policy of ethnic exclusivity and incapability to live with others and attempt to discredit efforts of UNTAES, Croatian Government and international community. Remember Sarajevo, remember Knin.

Let me stress that the preservation of the political system and its institutions can best be seen from the constructive and cooperative approach of the Croatian Government in the peaceful reintegration. I stressed already that we are investing in the region. We are preparing in public sector companies. There are several agencies who do have day-to-day operations linked to as peaceful reintegration as possible. But, of course, you need two for a tango .

Firmness of Croatian Government is furtherly reflected in concessions it has made for the Serb minority in Eastern Slavonia. In this regard, letter of intent, carefully negotiated between and among Croatian Government, General Klein and local Serb representatives, was and I believe is the ultimate proof of genuine efforts of the Croatian Government to fully guarantee the protection of the local population. Let me quote here, General Klein, who is the administrator of transitional administration. "It is one of the best packages I've seen."

I'll use this opportunity to stress that cooperation with the United States administration, Congress, and various non-governmental organizations, as some who I represented

here, has been critical to the success of whole process. Without them—without General Klein, without interest of administration—much of what has been achieved would not have been possible. Of course, we should be aware that elections are not a cure all. Much more has to be done to bring have normalcy in Eastern Slavonia. One of best cases would be the success of reconstruction and development efforts. I deliberately mentioned estimates about direct war damages in Croatia, because overall needs in the region exceed 1.1 billion, U.S. dollars. As of now, international community has pledged 75 million U.S. dollars. It is a burden and we have to find ways to fill the gaps.

Of course, the repatriation of displaced persons will also be a crucial element in assessing the success of peaceful reintegration, because finally, after 5 years, more than 80,000 and non-Serb refugees from the region—and I'll stop here as well, just to give you two figures. Based on the census of '91 in what we are calling today UNTAES region, Serbs represented 35 percent of population. As of today they do represent approximately 85 percent. What speaks that the rest, which we estimate at 80,000 Croats and 26,000 other were expelled from their homes. They are living now shattered, in Croatia mostly, but in other countries as well, as refugees, displaced persons.

So we would expect that all those expelled from the region will be able to return to their homes. I do agree that property issues should be addressed properly on an ongoing basis, day-to-day, there are not idle recipes for solving them. So problems and challenges are complex. And, therefore, it is indispensable that all persons from the region have the opportunity to clearly elect their representatives, who would be in this occasion to best to advocate interests, concerns with the agencies.

From our perspective, significance of this election is threefold actually. The first one, because this will be the first multi-party elections on the entire territory of the Sovereign Independent Republic of Croatia, enabling whole electoral body to cast their votes. The second that holding of election will, we are convinced, further solidify and strengthen the democracy in Croatia. Here I would like to say that international monitors have been invited, as a sign of willingness and openness of Croatian Government to secure the utmost transparency of the election process, and to avoid some of the remarks I've heard from my noble and distinguished panelists, colleagues.

And we hope that entire election process and results of the election will serve as indication, excellent indication, as the final stages of the peaceful reintegration, process of peaceful reintegration of the region into the Croatian state. At the time when we expect reintegration of the last remaining part of occupied territory and lasting peace seems assured, country is presented with opportunity to finally realize its many goals. Among them to fully join the process of new European security and economic architecture and integration, by further strengthening its political and economic democracy, which is in process and it's not perfect yet.

At the same time, Croatia will particularly pay attention to the protection of all human rights. Be reminded that Croatia is oldest member of Council of Europe, the great responsibilities which do come out of that. Will strive toward a happier future for all Croatian citizens.

I would close by stressing that we accept higher standards as a policy goal. But, this, in itself, cannot and should not justify the lack of objectivity and unrealistic expectations placed upon Croatia. Picture should be set in broader perspective, what happened, who

did what. Croatian Government remains, however, open to cooperation, of course, with all international intergovernmental and nongovernmental organizations and will continue to take active part in implementing human rights instruments and standards at home and abroad.

Thank you and I'll be glad to take your questions and to comment on some remarks from my colleagues.

Mr. Hand. OK. Thank you very much, Nenad.

We've had what I believe are four very excellent presentations by our panelists here. We've gone a little bit beyond our time already, but I hope that we'll be able to stay for a little while longer to answer some questions from the audience. Again, if I call up upon you, could you please come to the floor mike and identify yourself and to whom you are addressing the question.

Questioner. Thank you, Bob. My name is Tony Morgan. I am with the National Federation of Croatian Americans and I guess my questions go to Mr. Rolett, Mr. Shin and all the NGOs that have been operating in these areas. A year ago in Sarajevo, when the Serbian community pulled out of the Sarajevo suburbs, it was near total looting and robbery of all the factories and resources in the suburbs around the city of Sarajevo.

In fact, this has been going on now for years in Eastern Slavonia. Yet, most of the NGOs, like the ones you two work for, have chosen not to illustrate that or to bring that to the public's attention or at least down play it. Aren't NGOs, in fact, guilty of acquiescing or even maybe silently encouraging Serbs to leave in mass from Eastern Slavonia by not highlighting the looting of resources from Eastern Slavonia. Specifically what I mean is, entire forests have been cut down. Old growth forests have been cut down in mass and shipped to Serbia. Factories have been disassembled and shipped to Serbia. I just would really like to know why NGOs have not highlighted this as a very serious problem, because these are the resources that are supposed to sustain jobs which, in fact, hopefully would keep the population there to stay.

The other point I have really quickly is, or question, is, in the last week nearly 20 villages and towns have been gerrymandered or redistricted to benefit the local Serbian population at the requests of the local Serb leadership and General Klein, and the Croatian Government agreed to all that. In this country, Federal and state courts have recently ruled that gerrymandering voting districts is anti-constitutional, and I would like to know why NGOs and I guess UNTAES are now bucking the trend and allowing gerrymandering of districts to suit the local Serb population when, in fact, it is a trend that is going to the exact opposite way in this country? Thank you.

Mr. Hand. Which of you would like to go first?

Mr. Shin. Actually, the issue of looting in the area, as has occurred over the past few years, and in some ways is accelerating now, is one of the issues that I've looked into in the area. In particular, we spoke to people in the TPF, the Transitional Police Force, and also the civilian police to talk about what could be done to reduce the amount of looting. One of the problems is that there aren't actually, it seems to me, the resources to address this problem properly, because it is obviously not only an issue of addressing what is basically criminal activity, but is also increasing the possibility for tension and hostilities in the area, since there are many Croats that we spoke to who are waiting to move into the area who are very well aware of the fact that this looting is going on and are increasingly

incensed about it.

TPF have told us that there are some instances in which they have actually arrested people for this looting, in particular regarding looting of factory machinery and some of the machinery around the Djelotovici oil fields. One of the problems is that currently the process by which one takes furniture or other goods across the border is that they go to the local municipality offices, which are Serbian municipality offices, and as long as they come up with two witnesses, they can basically get a rubber stamp on an ownership certificate saying that they own everything that is on that form. When they cross the border, basically that form is enough for them to carry out the equipment that they've taken.

The one time that I went to one of the border crossing points, a man was driving a large tractor-trailer full of equipment or something—actually, I am not sure what it was full of because we didn't look in the truck, and neither did TPF or the border monitors. We do recognize that it is an important issue, and we'll think more about maybe what UNTAES can do to try to reduce this, especially since there is also the danger that this will accelerate as we get closer to the elections or immediately afterwards.

Mr. Rolett. On the second question, I am not familiar with the gerrymandering that you raised. I will say that gerrymandering is a common feature of politics. It doesn't mean it's a good thing. I don't think any of us should ever be surprised when this occurs in a political context. With regard to the role of NGOs, I mean, the role of an NGO is really to represent its constituency, much as you are representing a constituency of Croatian Americans. The NGOs with which NDI has had contact in Eastern Slavonia are those which we feel work within the rules of the democratic process. There are certainly good NGOs there, there are bad NGOs there. One reason we have an office there, and why we spend a lot of time in the region is to get to know who is who, and make sure that we don't support groups that are not pursuing the same ends that we are.

Mr. Hand. Nenad, would you like to comment?

Mr. Porges. I would like to add only maybe one or two sentences. The question is quite legitimate. I liked that you used gerrymandering as a term, but it is additional positive decisions being made by the Croatian Government and president together with General Jacques Klein in order to have Serbian representation in those counties along with the desired, let's say, "final outcome." That's additional concessions. But for some of these counties, it's only provisional. It's for a year. Some of these counties should, maybe for a year or two, go back and to grow their communities as it's basically envisioned.

Mr. Hand. Milbert?

Mr. Shin. Just for the record, I would like to add that Human Rights Watch did speak out against the looting of property in Sarajevo suburbs of Srpska.

Mr. Hand. I can recall that actually shortly after the 1991 conflict in Croatia had ended with the Vance peace plan which was not exactly implemented very forcefully by the international community, we had a hearing on the conflict at which—I think it was still Helsinki Watch at the time, but Human Rights Watch had presented a very detailed reporting of all that had happened there in terms of human rights abuses during the war as well.

In the back.

Questioner. I am Nina Bang Jensen with the Coalition for International Justice. I have a question for Mr. Porges, and let me just preface it by saying I was glad to hear you

again restate the commitment of the Croatian Government in cooperating with the War Crimes Tribunal.

With that in mind, I have two related questions. When will the Croatian Government turn over to the tribunal Mr. Aleksovski who has been in the custody of the Croatian Government since June of last year. And, second, I would like you to respond to the many credible reports that many indicted war criminals are either in Croatia or traveling back and forth between Croatia and Bosnia on Croatian passports, receiving financial support from the Croatian Government, and are otherwise, we would argue, in your control?

Mr. Porges. Thank you. When it comes to Mr. Aleksovski, he is Croatian, another Croatian citizen indicated by the tribunal, and he has been in Croatian custody awaiting extradition. However, Aleksovski has experienced health problems which later on are to be examined in Croatia by medical teams being sent from the tribunal. The Croatian Government—

Mr. Hand. Excuse me, Nenad, can you speak into the microphone a little more?

Mr. Porges. Excuse me. A medical team from the tribunal being sent to Croatia is going to examine Aleksovski to justify whether the claims about medical problems are justifiable or not. But the Croatian Government is prepared to act upon this team's judgment and recommendation.

Questioner. So they had received permission to do that in Croatia now?

Mr. Porges. Yes.

Questioner. OK.

Mr. Porges. The Croatian Government has invited openly on several occasions in the last 2 weeks or 3 weeks, don't quote me exactly, but we could send you the exact dates, when and how the invitation to the medical team from the tribunal side to come to Croatia to examine Aleksovski, and the Croatian Government would accept and is prepared to act upon their recommendations.

When it comes to Bosnian Croats, I should state firstly and above all, that I am not speaking for them. They do have their embassy here in Washington. I am representing the Republic of Croatia. But I should say that there is a dissatisfaction when it comes to some of the indicted persons. You haven't mentioned any of them. I could, for example, Dario Kordic, but he is a citizen of the Federation of Bosnia-Herzegovina. His address is well-known to international security intelligence forces, and special forces in Bosnia, and that's all I can say. He is not living in Croatia. He's not, to my knowledge or my government's knowledge, in Croatia. So the Croatian Government could not exercise power over the internationally recognized border of neighboring countries.

Questioner. To the best of your knowledge, he has not travelled back and forth between Croatia—

Mr. Porges. Yes, to the best of my knowledge.

Mr. Hand. Right here.

Questioner. Thank you, Mr. Hand. Edward Yambrusic, executive director and vice president of the National Federation of Croatian Americans. I appreciate this forum for the very detailed information from different perspectives.

I also had a concern about the, shall we say, gerrymandering in Eastern Slavonia. However, when you realize that the population demographics actually have changed so drastically from 35 percent to 80 percent, it seems to me some of this gerrymandering will

be de facto inevitable. That is a real concern because the election has a priority from actually the return of the refugees to their homes.

So you asked Mr. Porges for the recipe of how to solve the property issue, which is very serious. I would suggest that the basic proposition should be that those who owned the property before the war should have the basic right to return. Then deal with those who are currently there illegally, or by emergency circumstances—deal with those later, find some human solution for them. But clearly people who owned the properties, be they Serbs or Croats, should have the basic right to return, and that is a problem that both the Croatian Government and the international community will have to deal with.

Now, I have a more broader question which actually was raised by Dr. Pusic. Dr. Pusic mentioned that it seems that in Croatia a political party apparatus may be divided into two categories, those who respect the law and those who do not respect the law. It seems to me that's a pretty serious charge, especially in a forum of this magnitude. Under the careful observation by the international community and the United States, democracy is progressing in Croatia. To lodge a charge of this magnitude, it seems to me, there should be much more concrete evidence to support exactly who is respecting law, who is not respecting the law. Thank you.

Ms. Pusic. I will start with answering this last question, and then maybe just commenting a little bit on the previous things. Actually, I thought that my comments complimented the Croatian Democratic Union, assuming and stating that there are actually some people in that party who are prepared to respect the election results, because you could actually say that, based on the Zagreb experience in the '95 elections, you could accuse the party, actually the whole party, of not respecting the election results and the democratic process.

So, in my evaluation, based on the events of the last year, I would say that there are actually people in that party who would oppose the party leadership in disregarding the Zagreb election results, and would have preferred respecting Zagreb election results. That is my statement, and I think the fact that the opposition won 70 percent of the seats in the Zagreb elections for the city council shows that that is something that doesn't need further proof that the election results have not been respected.

In this particular case, my comment was focusing on election results and democratic procedure, rather than the law itself. The respect of the law as it is on the books is another issue, and probably another discussion that there could be also a lot of other complaints in that area.^a But this is really the electoral process.

The other thing that I just want to mention briefly here is that these elections are about Eastern Slavonia, but not only about Eastern Slavonia. These elections are about the possibility for democracy in Croatia. Eastern Slavonia problems are not going to be resolved if there is not a consolidated, stabilized democracy in Croatia, and that is what we need and that is what we are focusing in here.

The right to return of course applies, the right to return applies to the Krajina Serbs, to the Western Slavonia Serbs, and to the Eastern Slavonia Croats, but all people have to have the right to return. In order to resolve Eastern Slavonia, you have to give the Krajina Serbs, who actually went there, the choice to go back to Krajina. It's not saying, well, if that hasn't been resolved in the Republika Srpska, why would that have to be resolved in Croatia. We are not trying—at least, I am not trying—to compare Croatia, which I think

actually has a potential to be a democratic country, to the Republika Srpska, which I don't think has the potential to be a democratic country. So the fact that in a dictatorship across the border they are not observing certain rights I don't think is something that we should put up as an example for us to follow.

Thank you.

Mr. Hand. Nenad, did you have a comment? And if you could speak into the mike, too.

Mr. Porges. Yes. Ms. Pusic is perfectly right. Neither would I like to compare Croatia, my homeland, with countries across some of our borders, but I was not comparing Croatia to the Republika Srpska, but to criminals being indicted and not being brought to justice in Hague. That's all.

But, I ask your permission to comment on Zagreb's so-called crisis, which is overblown out of any proportion and used as argument that the ruling party is not a democratic one, and that the ruling party is refusing to accept the electoral will. That's not true. The problem with Zagreb, and be reminded that, at the same time, several other towns have brought opposition majority which was accepted, but I'll explain to you what the "Zagreb problem" is all about.

Zagreb is the classic case of political hardball played by both the opposition and, to some extent, by my president. But what's important to note is that the opposition has violated—I repeat violated—parliamentary procedure by rejecting the ruling party mayor even for one day until it can use the vote of no confidence to remove him. That's the problem.

By the way, the opposition did not win in Zagreb. Post-election coalition, not pre-election coalition, and today we were warned that we need to grant—not we, I am not a member of any party, and I am representing here the Republic of Croatia—that coalitions need to be granted equal time and media free access. Be reminded that in the case of the Zagreb crisis, there was nothing like a pre-electoral coalition announced. A post-election coalition of opposing parties did have the most votes.

But to close this, the president or the ruling party may have violated some spirit of democracy, but to be factual and honest, we should admit that he has not violated the rule. On the other hand, opposition has violated existing parliamentary procedures. We'll stop. Thank you.

Mr. Hand. Could I just ask as a quick follow-up, how many candidates were forwarded to take the position of mayor that the president has rejected?

Mr. Porges. I think two or three.

Mr. Hand. Does anybody else have an idea?

Ms. Pusic. Four.

Mr. Hand. I thought it was about four.

Next question, in the back I saw a hand early on.

Questioner. Thank you. David Bosco with the Refugee Policy Group here in Washington. I would like to direct this specifically to Mr. Shin. I wonder if you could give us a feel for whether there is any political diversity within the Serb population in Eastern Slavonia? Because I think one thing we need to be aware of, given the example of the Sarajevo suburbs, is the possibility that hard-line Serbs will force other Serbs to leave. If there is diversity within the Serb population, I think that's something that needs to be watched carefully. Thank you.

Mr. Shin. Actually, maybe this is something that one of my other panelists can address as well. I am not sure that I can really address fully the question of whether there's political diversity among the Serbs in Slavonia in the sense of political parties. Most of the individual Serbs that we spoke to actually did not feel themselves aligned with any party, and expressed a deep mistrust of both their Serb leaders as well as their Croat leaders, or their, I guess, soon to be Croat authority that comes into the area. Actually, that's about all I can say on that.

Mr. Hand. Jonas, would you?

Mr. Rolett. Yes, I don't know that I can add a lot. But, as I understand it, there has only been one party accredited from within the U.N. sector, the Independent Democratic Serbian Party of Mr. Stanomirovic, which I understand has now merged with Mr. Pupovac's Independent Serb Party. It's a good question, actually, because it's very unclear. There hasn't been a lot of information that's come out of the sector that would reflect on how people there feel about their political options. I did actually do a series of focus groups, a couple of which took place in Vukovar and Beli Manastir. Came out with some results that indicated people were essentially all in the same category of nervousness and fear and anxiety. This sort of overrode lots of normal political, economic, social divisions.

Mr. Porges. May I add?

Mr. Hand. Sure.

Mr. Porges. Yes, that's true. Thank you for adding the information about merger of the parties. But, basically I should like to add my voice, opposing to vote ethnic parties, because the question implied, what about political diversity of voters in the region. I hope that opposition parties in Croatia have already started appealing to the population in the region, what's their legitimate right, and they have no reasons to be worried for the reason of existence of only one Serb party. There are political parties in Croatia based on constitution. I do not recognize what has been Serb or Croatian party. Croatian citizens are equal in face of constitution and laws, and we hope to have diversity of needs, interests or political interest of Serbs in the region being covered by political "products" being offered by existing parties in Croatia as well. Thank you.

Mr. Hand. OK. We have time for one last question.

Questioner. Hi, Danielle Sremac, Serbian American Affairs Council. I have a practical question. and I think it's for Mr. Porges. In the past 2 years, I've had a lot of Americans of Serbian decent who either have relatives in Krajina or they have built homes there. Some of them call me with regard to their homes in Dalmatia and Dubrovnik and so on. Some of them went back to Krajina, and this was in '95 when there were military operations, and they said there was looting and destruction to their homes, and they were very much afraid to go back. A lot of their relatives have fled.

Well, they have called me and tried to find out how they can return to their homes and assess the damages and see whether they will sell their homes and just leave or hopefully, I mean, a lot of them say they would like to stay or at least be able to visit those villages where their ancestors come from in Krajina. So what do I tell them? About 50 or so people have called me, and I think that there are probably over 250 people in the United States that I am aware of right now who have a problem with their homes in some parts of either Krajina or Dalmatia.

Mr. Porges. They have every right to opt for citizenship of course, but I am not forcing

them to make any decisions. I would only recommend to address each problem to the Embassy of the Republic of Croatia, and I guarantee I'll take personal care of that. Those claims will be conveyed back and given a case by case review. I could not give you a general answer what would be the outcome, it depends on case by case review. Property is protected in Croatia. It's a constitutional guarantee, and I would have no doubts that some of them may reclaim.

Maybe I could relay these problems of looting in the Knin region, former Sector South, which was abandoned. Croatia is doing everything, what's possible to cope with a crime rate which is, to be stressed again, in Croatia decreasing. In '96 we have registered 7.7 percent fewer crimes and in structure dramatically changed what so-called "petty crimes". But, you should understand that a vast region of former Sector South is practically unpopulated nowadays. Croatia has facilitated, I think, 3,500 policemen only in that region. Meanwhile, we have indicted and prosecuted over 3,000 different persons, 650 Croats were imprisoned due to looting. But, it's not ethnic related crimes. Even Croatian houses in the region are looted. It's natural outcome of this vacuum.

But, to go back to your question, please advise American Serbs, it's up to them to decide to address or to send documentation to the Embassy of the Republic of Croatia, which has an obligation to respond.

Questioner. Right. Most of them are Americans anyway. Perhaps through organizations like mine, there is still this fear or because of the war, because of what happened, and this is one way, perhaps, to reestablish—

Mr. Porges. I suggest that you organize a meeting between your organization and Embassy staff and counselors and legal experts, here in Washington, and to sit together around the table to see what the problems are and how we cope with them.

Questioner. Yes, perhaps bring up a group.

Mr. Porges. If that would be acceptable for you, of course.

Questioner. Sure, perhaps bring a group of some of these people. Some are from Chicago, California, and to show them how this would work. Are you the person to contact for that, or is there a special—

Mr. Porges. Please do so.

Questioner. Sorry?

Mr. Porges. Please do so.

Questioner. OK. I'll see you afterwards.

Mr. Hand. OK. Thank you very much. I would like to thank the audience and particularly the panelists for what I think is a very good briefing with good comments and good questions. It certainly highlighted all the issues surrounding the upcoming elections. I am sure that you all be seeing more reporting on how the elections went from the Commission, NDI, the Croatian Government, the Human Rights Watch report, as well as in Erasmus. So, again, thank you very much for coming.

[Whereupon the briefing was concluded.]

APPENDICES

TESTIMONY OF MR. NENAD PORGES, MINISTER COUNSELOR, EMBASSY OF THE REPUBLIC OF CROATIA TO THE UNITED STATES

I would like to thank the distinguished members and staff of the Commission for giving me this opportunity to present my views. I would also like to thank my fellow panelists for sharing their time and interest in Croatia.

I wish to begin with a simple statement: Croatia is experiencing problems common to all new democracies and transition economies. Democracy is not inbred, but developed over time.

As it is clear from the remarks of my distinguished colleagues, there exists a general perception that Croatia has a problem with its minorities. Nothing could be further from the truth, because we have had problems only with one segment of one minority group, which has refused to accept new realities.

Another segment of the same group includes 150,000 non-rebel Serbs, who have lived in Croatia throughout the aggression under circumstances no different for all other citizens, including, almost half a million members of other minority groups. Croatia is de facto a multiethnic country.

The Government is trying its best to secure the rights of the opposing Serb segment, but cannot do so in a vacuum. It has to balance its efforts regarding the security needs of the non-Serb victims, on the one hand, and those of the Serb aggressors, on the other. This is a very taU call that humankind has yet to master; how does one determine whose interests and rights a government should consider first ... those of the victims or those of the perpetrators. This is a philosophical and moral question which theoretically may have a number of answers. In practice, though, a government has to balance the interests and needs of all its citizens. I do not believe that an ideal formula exists yet in resolving this dilemma.

During this year and beyond, Croatia looks forward to reap the benefits of mg peace, including, and above all, the return of refugees and displaced persons to their homes upon the final reintegration of Eastern Slavonia.

Currently, almost seven years after the beginning of tragic events, Croatia still cares for 185,000 refugees and 168,000 internally displaced.

Of course, significant measures have been undertaken to ensure the return of Croatian Serb refugees, which will additionally be enabled by the provisions of the Agreement on Normalization of Relations between the Republic of Croat in 1996. The number of returnees is steadily increasing and is currently close to 15,000.

Justice and peace can only be achieved if past human rights violations are appropriately addressed, and those who committed crimes are brought to justice. Therefore, the Republic of Croatia is fully committed to cooperating with the International Tribunal for War Crimes Committed on the Territory of the Former Yugoslavia (ICTY), while expressing its hope that the ICTY will strengthen its efforts in bringing all perpetrators to Justice. Regrettably, only 7 of the 77 indicted persons have, to this date, been arrested; none of them in relation to war crimes committed on the territory of Croatia.

Elections are the first and foremost proof of democracy in any country.

The upcoming general elections, including elections in Eastern Slavonia, represent a long-awaited step toward a symbolic and effective closure of the most probing period of our young state. It is time for all Croatian citizens to begin a healing process, to join together and enjoy the fruits of peace and freedom. It is our hope that Croatian Serbs in eastern Slavonia will remain and enjoy the benefits of Croatian citizenship. Croatia is a beautiful, but small, country and values the contribution of all its citizens; all are invited to participate in the post-war rebuilding and development of the economy and democracy.

The maturation of the political system and its institutions can best be seen from the constructive and cooperative approach of the Croatian Government in the peaceful reintegration of Eastern Slavonia.

The fairness of the Croatian government is reflected in the concessions it has made to the Serb minority in Eastern Slavonia. In this regard, the Letter of Intent, carefully negotiated among the Croatian Government General Klein and the local Serb representatives, is the ultimate proof of the genuine efforts of the Croatian Government to fully guarantee the protection of the local population. As General Klein put it, "we are very, very pleased with the document.... It's one of the best packages I've seen."

Cooperation with the United States Administration, Congress and various NGO's has been critical to the success of the whole process. Without General Jacques Klein and the UN Transitional Administration in Eastern Slavonia, much of what has been achieved, would not have been possible.

Elections are not a cure-all; much more has to be done in order to bring back normalcy to Eastern Slavonia. The test case will be the success of the reconstruction and developments efforts. So far, the international community has pledged 75 million USD, with the overall needs amounting to 1.1 billion USD. The repatriation process of displaced persons will be also a crucial element in assessing the success of the peaceful reintegration. Finally, after 5 years, more than 80,000 Croatian and non-Serb refugees expelled from the region will be able to return to their homes. Problems and challenges are complex, therefore it is indispensable that all persons from the region have the opportunity to freely elect their representatives who will best advocate their interests, concerns and expectations.

The significance of these elections is multi-fold:

- these will be the first multi-party elections on the entire territory, of the sovereign and independent Republic of Croatia, thus enabling all the electoral body to cast their votes;
- the holding of elections will further solidify and strengthen democracy in Croatia. International monitors have been invited as a sign of willingness of the Croatian Government to secure the utmost transparency of the election process;
- the entire election process and the results of the elections will serve as an excellent indication as to the final stages of the peaceful reintegration of Eastern Slavonia into the Croatian state.

The elections in Eastern Slavonia will be held for Municipal and City Councils, County Assemblies for both Counties of Osijek-Baranja and Vukovar-Srijem, as well as the House of Counties of the Sabor.

Eligible for registration are citizens of the Republic of Croatia. The Government of the Republic of Croatia is doing everything in its power to enable the prompt resolution of citizenship matters. In a surprisingly swift effort, requests for citizenship and identification documents are processed and resolved within one week. Currently, there are 21 administrative offices of the Croatian Government engaged in issuance of Croatian documents. The issuance rate exceeds 95% of the filed requests.

At a time when Croatia is expecting reintegration of the last remaining part of its occupied territory and a lasting peace seems assured, the country is presented with an opportunity to fully realize its main goals: to fully join the process of European integration by further strengthening its political and economic democracy. At the same time, Croatia will particularly pay attention to the protection of all human rights and civic freedoms in its strive toward a happier future for all Croatian citizens.

We accept higher standards as a policy goal, but this in itself cannot and should not justify the lack of objectivity and unrealistic expectations placed upon Croatia.

The Croatian government remains open to cooperation with all international, inter-governmental and nongovernmental organizations and will continue to take an active part in implementing human rights, instruments and standards at home and abroad.

Thank you.

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Embassy of the Republic of Croatia Public Affairs Office

Issue Brief

March 21, 1997

UPCOMING LOCAL ELECTIONS IN CROATIA

Brief summary of multi-party elections in Croatia. Following a tide of democratic reforms throughout Central and Eastern Europe the first multi-party elections in Croatia were held in April-May 1990. These were parliamentary elections, still held within the institutional framework of the three-chamber-Parliament (Sabor), a remnant of the communist regime. On May 30, the first multi-party Parliament was constituted and that day marks the date of Croatian Statehood. The Sabor elected Dr. Franjo Tudjman as President of Croatia.

The first direct presidential elections were held on August 2, 1992, when President Tudjman was elected President of the Republic of Croatia with 56.73 percent of the popular vote. Simultaneously, elections were held for the lower chamber of the Sabor, the House of Representatives, with an almost 79 percent voter turnout. The first local elections for both the local government structures as well as the upper chamber of the Sabor, the House of counties, were held on February 2, 1993, with a voter turnout exceeding 60 percent.

The last elections for the House of Representatives were held on October 29, 1995, with a voter turnout again exceeding 60 percent. In all the elections held so far, the Croatian Democratic Union (HDZ) won the absolute majority of seats for both Houses of the Sabor.

The Upcoming Local Elections. For the first time after gaining its independence and international recognition, the Republic of Croatia will conduct elections on its entire territory on April 13. Pursuant to the decision of the Croatian Government, local elections for city and municipal assemblies and the House of Counties of the Croatian Sabor will be held throughout the country, including in Eastern Slavonia, the region of Croatia cur-

rently under the UN Transitional Administration (UNTAES).

Elections are the first and foremost proof of democracy in any country. With the conflict clearly behind it, Croatia is heading towards democratic prosperity and integration with the Western world. The maturation of the political system and its institutions can best be seen from the constructive and cooperative approach of the Croatian Government in the peaceful reintegration of Eastern Slavonia.

In this regard the Letter of Intent, carefully negotiated among the Croatian Government, General Klein and the local Serb representatives, represents the ultimate proof of the genuine efforts of the Croatian Government to guarantee fully the protection of the local population. As General Klein remarked, "we are very, very pleased with the document.... It's one of the best packages I've seen."

Despite large scale destruction during the aggression on Croatia, the authorities in Zagreb are doing their utmost to financially support the reconstruction and development of all areas of Croatia, with special emphasis on Eastern Slavonia. One of the many confidence-building measures is the payment of pensions to the local Serbian population—about 7,000 Croatian citizens of Serbian ethnicity have received pensions after more than 5 years of complete seclusion from the world.

Cooperation with the United States Administration, Congress and various NGO's has been critical to the success of the whole process. Without General Jacques Klein, much of what has been achieved, would not have been possible. With the success of the peaceful reintegration of Eastern Slavonia, Croatia will regain sovereignty on its entire territory, while the local population will be given hope to re-establish their normal, everyday life.

Elections are not a cure-all instrument; much more has to be done in order to bring back normalcy to Eastern Slavonia. The test case will be the success of the reconstruction and development efforts. So far, the international community has pledged 75 million USD, with the overall needs amounting to 11 billion USD. The repatriation process of displaced persons will be also a crucial element in assessing the success of the peaceful reintegration. Finally, after 5 years, more than 80,000 Croatian and non-Serb refugees expelled from the region will be able to return to their homes. Problems and challenges are complex; therefore, it is indispensable that all persons from the region have the opportunity to elect freely their representatives, who will represent and advocate best their interests, concerns and expectations.

The election date has been set for April 13, 1997, after a mutual agreement has been reached between Croatian President Franjo Tudjman and the UN Transitional Administrator General Jacques Klein. The significance of these elections is multifold:

- These will be the first multi-party elections on the entire territory of the sovereign and independent Republic of Croatia, thus enabling all the electoral body to cast their votes;
- The holding of elections will further solidify and strengthen democracy in Croatia. As in the past elections, international monitors have been invited as a sign of the willingness of the Croatian Government to secure the utmost most transparency of the election process ;
- The entire election process, the results of the elections and the ensuing institutions will serve as an indication as to the final stages of the peaceful reintegration

of Eastern Slavonia into the Croatian state.

Specific provisions regarding the elections in Eastern Slavonia. The current Transitional Administration in Eastern Slavonia is based on the Basic Agreement on Eastern Slavonia, the Security Council Resolution 1079 (1996) and the Security Council Presidential Statement of March 7, 1997.

The elections in Eastern Slavonia will be held for Municipal and City Councils, County Assemblies for both Counties of Osijek-Baranja and Vukovar-Srijem, as well as the House of Counties of the Sabor. The period for the nomination of candidates started on March 12 and will last for 12 days for local government structures and 14 days for the House of Counties.

The registration of voters will be carried out in two types of lists: ordinary voting lists and absentee voting lists. Voter lists will be finalized after the completion of the registration by March 25. The ordinary voting lists comprise the residents of the region in 1991, who have received their Croatian documents, and displaced persons currently living in the region who entered the region after 1991 and prior to January 15, 1996 and who have since received their documents and have chosen to vote for authorities in the region.'

Absentee voting lists contain displaced persons currently living in the region who entered the region after 1991 and before January 15, 1996, have received their documents, and who have chosen to vote for authorities outside the region.

The final category of voters are displaced persons, registered with the Office for Displaced Persons and Refugees of the Croatian Government, and who will cast their vote outside the region.

All citizens of the Republic of Croatia are eligible for registration. The Government of the Republic of Croatia is doing everything its power to enable the prompt resolution of citizenship matters. In a surprisingly swift effort, heavily staffed and funded by the Croatian Government, requests for citizenship and identification documents are being processed and resolved within one week. Currently, there are twenty-one administrative offices of the Croatian Government engaged in issuance of Croatian documents on the ground. The issuance rate exceeds 95% of the filed requests.

**EXERPTS FROM MATERIALS PUBLISHED IN ERASMUS: A JOURNAL FOR
THE CULTURE OF DEMOCRACY, AUTUMN, 1996**

**MEDIA IN CROATIA: 1835-1996
BY SLAVKO GOLDSTEIN**

Ljudevit Gaj's *Novine horvatsko-slavonsko-dalmatinske*, more precisely its four-page weekly culture supplement called *Danica horvatsko-slavonsko-dalmatinska*, later renamed *Danica ilirska*, was the first newspaper to be published in Croatia with the explicit intention of spreading specific political ideas. After 2 years of complications and delays, in August 1834 Gaj was finally commissioned by the Hapsburg emperor in Vienna to found *Novine* and *Danica*. There were, however, considerable restrictions: issues of *Novine* were not allowed to include original texts with political topics, only translations of texts taken from Viennese newspapers which had already been censored. Such restrictions did not apply to texts about culture, so that the fundamental political ideas of the major figures in the Croatian national revival did not appear in the main section of *Novine*, but in its weekly supplement *Danica*, in the guise of non-political texts on language, literature, history, ethnography and culture in general. In retrospect, Gaj's camouflaging technique was the first foreshadowing of the numerous and ingenious means to which public opinion in Croatia has been resorting for over 160 years in its struggle for liberty; a fight against censorship, discrimination and oppression at the hands of authoritarian regimes which have ruled Croatia. Oppression became more and more subtle and varied in its forms, resistance remained steadfast. Indeed interaction between oppression and resistance still characterizes Croatian political journalism, as it always has throughout its history: from its gradual rise to its temporary downfalls, from occasional flourishings, to opportunist meanderings.

Although a courageous political visionary, Ljudevit Gaj was also an opportunist when it came to choosing political sides and publications. This, however, did not spare him constant discrimination or excessive and harsh censorship at the hands of imperial authorities. Indeed many methods of oppression were first practiced in Croatia on Gaj's *Novine* and *Danica*: censors crossed out entire passages from texts ready for print, so that articles often appeared with large blanks; out of town subscribers at times did not receive newspapers because they had "vanished" without a trace at one of the post offices along the way; during periods of dramatic political turmoil, censorship officials sent Gaj stern instructions concerning what he could and could not report or comment upon, so that politically suspect words such as love of the homeland, harmony, freedom, continuity were occasionally banned. In 1843 Gaj was forbidden to use the word *Illyrian* in his texts and in the name of his newspaper. Even prior to this he was denied permission to publish an advertisement supplement which would make the newspaper profitable, nor could he procure his own lithographic printing press, which prevented him from using illustrations to popularize *Danica* and leaving him no choice but to have the necessary lithographic prints made in Vienna. Notwithstanding such measures, the authorities could not prevent *Danica* from being published. Despite an initial circulation of only 726 copies (January 1835), and an even smaller average circulation of not quite 500 copies, during its fifteen years of existence *Danica* was, and is still considered, a newspaper which left a deeper and more far-reaching influence on political and cultural life in Croatia than any

other paper either before or after.

The uprisings of 1848 brought Croatia a brief period of freedom, leading Bogoslav Sulek to use the headline THE PRESS IS FREE! in Gaj's Novine dated March 22. The spring and summer of that same year, at least ten new political newspapers appeared in Croatia. Among them was "the most liberal minded newspaper in the entire Empire," Slavenski Jug, whose guiding ideals were "constitutionality, liberalism, democracy." These three concepts were propounded in Bogoslav Sulek's editorial entitled Narodnost i demokracija, and in the regular column Politicke iskricke in which Ivan Mazurani expressed his views. They are worth quoting even today:

States which are ruled by the principle of centralization are like a patient whose blood flows constantly to his head: his extremities lie in unconscious stupor whilst his mind fantasizes... The evil consequences of a greed for power in society can only be eradicated through liberal institutions based on constitutional law, both of which nullify the arbitrariness of absolute power. A good and virtuous ruler does not need unlimited authority; an evil and immoral one should not possess it. In judging a state, look to see that it values justice more than hypocrisy. The ruler who always looks to the past and will not come to terms with the given situation, is like a captain drowning at sea, who disregards the rocks. Public opinion is terrible when judging evildoers, yet mild and good towards an honest man. Once formed, public opinion is independent and cannot be corrupted; it is the sacred Areopagus of mankind.

Hardly had 2 years passed when the omnipotent minister Alexander Bach, the main protagonist of the newly established absolutism, used stringent regulations and taxes to stifle all new independent papers in Croatia. Gaj's Novine became state-owned and was renamed Narodne novine. The publishers of Slavenski Jug, the Zupan brothers, and its editor-in-chief Bogoslav Sulek, the most talented journalist of his time, were taken to court by the public prosecutor Petar Ocic, accused of "inciting hatred against the existing authorities" in their article Jao i pomagaj. It was the first time a journalist in Croatia was prosecuted for publicly voicing criticism. The trial was never concluded; the elderly county judge Duro Bornemissa-Stolnikovic, leading member of the jury, dismissed it with the statement: "As a free citizen I acknowledge only the laws which are passed in the Croatian Parliament" and "I do not acknowledge this private command as law nor will I judge by it." He was the first to leave the court, followed by the rest of the jury, and was thunderously applauded by the public. Seven days later (on February 12, 1850), Viceroy Jelacic, who had in the meantime become quite efficient in executing ordinances from Vienna, banned the paper Slavenski Jug. Nine years later, due to external circumstances, Bach's absolutism fell. The new political scene which ensued was marked by a more liberal government. Sulek's younger colleagues Vrbancic and Perkovic, with Sulek's professional assistance and Strossmayer's financial support, founded a new publication called Pozor, later renamed Obzor, which successfully took up the expansion of the space for freedom of expression in Croatia.

Croatia has yet to find a government capable of tolerating public criticism and of consistently respecting the political independence of the media. However, due to various and often unpredictable influences, even the most rigorous dictatorships that ruled Croatia

* All information on historical periods mentioned in this text are taken from his excellent book *The History of Journalism in Croatia*.

periodically alternated phases of rigid restrictions with phases of relative tolerance (so called “liberal phases”). The phases of restrictions were characterized by ministers like Bach who invented special taxes to destroy the independent media; public prosecutors like Petar Ocic who put journalists on trial and banned publications; weak-spined publishers such as Ljudevit Gaj and Josip Frank who capitulated under pressure and became allies of the authorities; blind fanatics, appeasing journalists and willing government stooges, who shamelessly, brazenly, and publicly attacked and insulted anyone denounced by the authorities in power, especially a colleague. During more liberal periods political visionaries like Gaj, Strossmayer, Starcevic and the Radic brothers founded news papers and used them as weapons in their struggle, thus enhancing the freedom of expression with a pluralism resonant of new political ideas. The greatest Croatian writers, and at the same time skilled journalists, such as Senoa, Matos, Ujevic and Krleza, brought a fresh style, a richness of vocabulary and new forms to Croatian journalism: from Senoa’s *J Zagrebulje* to Krleza’s *Polozaji na frontama* and political commentaries in *Obzor*, *Sloboda*, and *Hrvat ska rijec*. Nevertheless, in phases of restrictions as in more liberal phases, the most important promoters of the freedom of expression in Croatia were and continue to be journalists: conscientious and skilled professionals such as Sulek and Perkovac, Tkalac, Supilo, Zagorka and Josip Horvat*; and modern-day journalists such as Ivo Mihovilovic, Franjo Fuis, Frane Barbieri, Josko Kulusic, Mirko Galic, Maja and Konstantin Milles, Drago Hedl, Zrinka Vrabec, Dubravko Merlic. In more favorable times they found newspapers, affirm new topics and authors and create a wider domain for free public criticism. And in times of restriction—they would never surrender.

The profession of journalism as such, its professional conscience, finds it hard to put up with restraints, pressure and any form of dictatorship. It is a profession of inquisitive passion to discover as much as possible as quickly as possible; to verify and present findings attractively, so that a piece of news is rendered interesting, precise and complete and its commentary original and independent. Half truths and the suppression or manipulation of the truth are intrinsically in conflict with journalism as a profession and cause considerable embarrassment when discovered. A professional journalist’s conscience means an honest relationship with the “consumer”—the reader, the listener, the viewer. It is the duty of the journalist to enable him to achieve his civic right to be objectively informed. Journalism occasionally opposes crude dictatorship openly and uncompromisingly thereby risking its own existence. Often, however, it resorts to camouflage, allegories, unwritten stories which are meant to be read between the lines. Even when he opportunistically bows down to the pressures of a non-democratic regime, a journalist’s drive does not abate, always pushing him to search for something new, for some forbidden fruit, even if this means transmitting it secretly to the consumer. Thus, journalism undermines a dictatorial regime, as does the judicial system, whose conscience does not allow it to judge as commissioned by others, as does the teaching profession which rejects the lie as an educational method. Therefore, it may be said that professional ethics, when not destroyed themselves, are the most successful “silent” destroyers of any dictatorial regime.

The longest period of continuous repression of journalism was the twenty-year rule of Khuen-Hedervary (1883-1903). In the first year alone 91 editorials and 573 other texts were banned in *Sloboda*, the official organ of the Party of Rights. During these 20 years the independent newspaper *Obzor* was seized more than 500 times. In reaction to such pressures, after the fall of Hedervary, Croatia saw a greater proliferation of news and

political publications than ever before. By both example and influence the leader was Frano Supilo, in all likelihood the most complete Croatian journalist of all time. As Dalmatia and Rijeka were out of Hedervary's jurisdiction and censorship, according to the administrative system of the time, Supilo founded two newspapers that marked a watershed in modern Croatian news journalism: Crvena Hrvatska in Dubrovnik (1891-1899) and Novi List in Rijeka (1900). Instead of long editorials and party propaganda, typical of almost all 200 Croatian political newspapers (journal d'opinion) which had appeared in the 19th century, Supilo placed interesting and objective news in the foreground. This became the essence of journalism and was the most important factor responsible for making the newspaper competitive on the market. Whilst Zagreb's daily newspapers in the 19th century had a circulation of less than 1,500 copies (Obzor 1,400), the first non-party daily newspaper to appear in Zagreb—Novosti—reached a circulation of more than 10,000 copies in its first year (1907) and gradually reached an average of 50,000 copies, by the 1920s. The newspaper Dom, founded in 1900 and first edited by Antun Radic, subsequently by Stjepan Radic, broke all records: in the 1920s it had an average circulation of 80,000 and at times of 100,000 copies.

Censors kept a close watch on, hindered and persistently undermined the development of Croatian journalism, which had evolved from reading matter for an elite circle to a media for mass communication greatly influencing if not shaping public opinion. Even before World War I, Austro-Hungarian censors used extremely rigorous criteria. Authorities introduced a new method for dealing with "disagreeable" journalists: placing them at the top of the draft lists. Despite continuing police repression, the fall of the Austro-Hungarian Empire was followed by a 2-year period (1918-1920) of utmost freedom for the media in the new Kingdom of Yugoslavia. A period of restrictions began with the decree known as Obznana (1920). Oppression was further increased in the 1920s through the imposition of permanent bans and in evermore frequent seizures.

In the relatively "quiet" first half of 1928 there were "only" 42 cases of confiscation of daily newspapers in Zagreb, whilst in the second half of that same year, after the assassination of Stjepan Radic, the number rose to 291 only in Zagreb. (Narodni val was seized 82 times, Borba 36 times, Hrvat 21 times, Dom 1 1 times, Novosti 15 times etc.) Under the dictatorship of King Alexander (begun on January 6, 1929), censorship and other measures against newspapers reached absurd extremes. The "Press Office" of the prime minister issued drafts of articles or even issued articles for the press through the public prosecutor, with precise instructions as to how and where they were to be published in the paper. The size of the king's picture was to be published as prescribed, as was the precise title to be used when referring to him. Pictures of Peasant Democratic Coalition leaders were banned and their names could not even be mentioned. Words such as Croat, Croatia, Croatian, were not to be used, even within a historical context. The second half of the 1930s was a period of relative "liberalism," followed by a 4-year period of rigidly controlled propaganda journalism on both sides—the Ustasha and the Partisan (1941-1945). One of the first measures used by the NDH (Independent State of Croatia) regime was the closing down of all newspapers, the disbandment of their editorial staffs and nationalization of all printing presses. The head office for propaganda and the special official for journalism became the highest-ranking censors as well as legislative authorities, issuing circulars which prescribed that the overall tone of newspapers be "one hundred per cent pro-Ustasha" and that quotations from Pavelic's speeches be published on a daily basis,

for apart from Pavelic “no one in Croatia is of importance, therefore no one else, not even a minister, should be given special attention.” Tito’s partisans, on the other hand, had their Agitprop, the Department for Agitation and Propaganda, which, under the jurisdiction of the Central Committee of the Communist Party of Croatia, directed its newspapers with the same methods. Nevertheless, differences did exist. Whilst, due to the abundance of publications in the NDH, it was possible to overlook less radical details, often under the guise of articles on culture, Tito’s partisan newspapers were totally uniform. On the other hand in partisan territory, of which I was personally a witness, we could always read and hand to others Ustasha papers and leaflets thrown from planes. In the regions under Ustasha control, however, persons guilty of possessing Tito’s partisan newspapers or leaflets, or of listening to banned radio stations, were brought before court martials whose legal code prescribed only one sentence—the death penalty, carried out within 24 hours, with no appeal.

Post-war communist rule ended Tito’s partisan relative tolerance towards hostile newspapers. Anyone possessing newspapers edited by Croatian political emigres was highly suspect and distributing these newspapers to others was viewed as a criminal act of “enemy propaganda” for which the punishment was imprisonment. Although newspapers were no longer censored after 1945, control of the political content of newspapers, radio and television was more effective than any censorship. With time this control was lessened. Nevertheless it retained totalitarian and communist methods. All newspapers, radio stations and television studios became government property, later defined as “publicly-owned.” Private property did not exist and was not allowed. The party committees, i.e., the Departments for Agitation and Propaganda, later renamed ideological commissions, were the highest courts for all media. Their power, however, had no legal bases, so the mechanism of control and planning had to go through a variety of channels. The founders, often the owners and publishers, of mass media units were state institutions or social organizations such as the Socialist Alliance, trade unions, the Youth Committee etc., which according to law were responsible for appointing and dismissing editorial councils, directors and editors-in-chief, founding new media units, and if need be, closing them down. Journalists were chosen according to the strict party criteria of political eligibility, so that from 1945-1990 there was not one editor-in-chief of a daily newspaper, radio or television program who was not a Communist party member. Under such circumstances editors-in-chief were very careful not to make “political error”: they adhered to the predominant “political line,” went to party committees for consultation, becoming de facto censors of the media which were transformed into the most effective method of party control. In case of need there were other means in reserve: prosecution, court proceedings, political police, public defamation, the hindering of publication and distribution, even the banning or closure of media.

The almost half-century of communist rule was not a monotonous period in Croatian history. The most extreme phases of repression corresponded to the periods 1945-1949, 1954-1955 and 1971-1974, whilst the periods 1950-1954, 1963-1971 and 1984-1989 were marked by milder regime restraints, a decentralization of power and a limited dose of liberalism in public affairs. More peaceful and better times saw the creation of new newspapers (*Vjesnik u sryedu* in 1952). New radio and television programs were born. During the periods of repression editors-in-chief were relieved of their duties, departments were closed down, newspapers were abolished and the most “unpatriotic” journalists were sent

to prison on Goli Otok or in Nova Gradiska. The most famous case is that of the weekly magazine *Naprijed*, the official organ of the Central Committee of the Communist Party of Croatia, which due to its "Djilas' ideology" and "anarchic-liberalist" deviations, was closed down in 1954. Its editorial staff was disbanded and a large number of journalists were sent to prison on Goli Otok. Then there was the case of *Hrvatski tjednik*, the official organ of the Matrix Croatica, closed down in December 1971 as part of the suppression of the "Croatian Spring," whilst its editor-in-chief, and various other members of the editorial staff and journalists were sentenced to several years of prison because of texts considered "nationalistic" and "anti-socialist." In the long list of other bans and closures, one of the last was the disbandment of the *Studentski list* editorial staff by its publisher the Municipal Conference of the Student Union in spring 1988. A similar case was that of an edition of the magazine *Start*, banned in March by the public prosecutor's office. Although the court canceled the ban, the director of the publishing house had all issues destroyed.

The mitigating element of Yugoslav socialism was that it provided an almost completely free communication with Western countries. The availability of western newspapers and books, components of a market economy, the constant increase of living standards and of most economic indicators over a 30-year period (1951-1979) and a sustained growth of the education system resulted in a greater variety of, and a general increase in, newspaper publications and circulation. *Vjesnik u sryedu* and *Vecrnji list* had record circulations of up to 400,000 copies. There was a surge in the development of electronic media programs and networks. The number of television sets rose and came close to the average level of developed Western countries (one TV set for every 4.6 inhabitants of Croatia in 1990). In this period of prosperity many things often eluded strict party control. Under the influence of free contacts with Western media and rudimentary market competition, criticism surfaced and new initiatives and new media forms appeared. At times student newspapers led the way (*Studentski list* and *Polet*); other times it was magazines such as *Start* and, in better times, the political magazine *Danas*. Obviously, all criticism was hemmed by boundaries behind which lay taboo topics: Tito, the army, socialism, Yugoslav unity, non-alignment, the self-management system etc. The editors-in-chief were well-acquainted with these boundaries, but the more ambitious and free thinking stretched them to extremes. Some even went beyond them, albeit unintentionally. Others did so purposefully. It is still impossible to speak of full freedom of the press, which implies full freedom of public expression. However, the boundaries of free expression were gradually being extended, and it is in this space that journalism has evolved into a profession. Finding itself between western influences and ideological restraints at home, between market needs and threatened bans, professional ethics became the only sturdy and indispensable support. It was also the nucleus from which freedom of expression did occur in 1989 and 1990, bursting forth in the second short-lived culmination of media freedom after the 1918-1920 period.

The fall of communism and the independence of Croatia created a completely new context for the media. Restrictions on private property were loosened and new initiatives were undertaken. Furthermore with the new Constitution and more liberal laws, the possibility of bans and ideological control became less likely. However, the ruling party, having attained power through democratic means, began to act in an undemocratic manner, much as previous governments had, particularly the Communists. Free expression, restored in 1989-1990, began to be hindered again in 1991, and such restraints have since

been maintained. Although it swears “full allegiance to the highest European ideals” and democracy, the Croatian government constantly demonstrates that it does not understand, or does not wish to understand, the meaning of democracy. By stifling the independence of the media, it also stifles democracy, for which freedom of speech and independent media are essential, even vital. Without the fourth estate modern democracy cannot exist.

The electronic media are almost completely state-owned and four out of five political daily newspapers are controlled by the ruling party, through various forms of manipulation. In these media, political columns, programs and channels are defined by the elite of the ruling party who use methods inherited from the previous regime: strict instructions on how certain events or issues should or should not be treated; what terminology or phrases should be used or omitted; how to refer to each person and in which order to do so; the prevailing threat of dismissal for insubordination; a constant arrival of new editors-in-chief and editors; and financial discrimination against “out of favour” journalists and various rewards given to the obedient and the “in favour.” On the other hand, pressure exerted upon the much smaller number of privately-owned media, which are still independent, takes on new forms every day: financial manipulations during the period of transformation, put-up jobs in the privatization process, the invention of taxes and other burdens. Furthermore, the government is resorting to “time-tested” methods such as: public defamation campaigns and difficulties in access to printing facilities, radio frequencies, distribution, in acquiring loans and various permits. In this edition of Erasmus you will find a most comprehensive list of such forms of pressure compiled by 15 journalists who have experienced them firsthand.

Through its manipulation of public opinion and the mass media, the government is taking Croatia back to its undemocratic past. This is best under lined in the court case against the journalists of Feral Tribune. Part of the indictment refers to satirical photomontages, a modern form of caricature. The first political caricature appeared in Croatia in 1843 and was banned immediately. It showed a lithographic etching of Viceroy Haller, by Janko Havlicek. Later the first edition of Koprive, (1906) printed a caricature of the elderly Franz Joseph sitting hopelessly on a frail branch which looked about to break beneath him. The allusion was given in the two German verses: Auf dem Ast da sitzt ein Greis, der sich nicht zu helfen weiss (On the branch sits an old man who does not know how to help himself). The imperial censor long pondered on what to do with the caricature and even consulted others. Finally, he allowed the caricature to be published and thus paved the way for Croatian political satire regarding royalty. The indictment of Feral Tribune takes us back to the period prior to 1906, perhaps even to the one before, i.e. in 1843.

The second part of the indictment refers to publicly-voiced criticism. If the indictment is accepted, the accused will face a sentence of up to 3 years in prison. The last two public figures to be accused and sentenced for publicly voicing criticism (in an interview for Italian and Swedish radio and television) were Vlado Gotovac and Franjo Tudman. In 1981 they were sentenced to 2 years imprisonment and served their sentences in Lepoglava prison from 1982 to 1984. What kind of a repeat performance is FranJo Tudman looking for?

In the past often Croatia’s most talented journalists were imprisoned. Ivan Perkovic was the first. In 1864 he spent 3 months in prison because he wrote: “Both kings and

emperors rule but the people accept no ruler but God and themselves,” and thereby “degraded the monarchy’s principles and debased the foundations of the state and society.” Also imprisoned were Imbro Tkalac, Frano Supilo, Ive Mihovilovic (during the ustasha and communist rule), Otokar Kersovani, Bruno Basic, not to mention Stjepan Radic and Vlado Gotovac who, although not journalists, were imprisoned because of their articles and as editors-in-chief of newspapers. This has gone on too long, however. If journalists in Croatia are to be imprisoned for publicly voicing criticism or for insulting the authorities, then there is no future for Croatia and it is condemned to the past with no hope of return.

LEGISLATION AND PRACTICE

Vesna Alaburic

In Croatia today anyone can, without any prior consent of any state institution, establish a firm to publish newspapers and other periodicals. The only formality involved is having to register the issue of the publication with the Ministry of Culture.

No single state body has the authority to ban the printing, publication or distribution of any written media. A ban on distribution can only be imposed in case of a lawsuit connected to the protection of the name of the publication, as for any product. Accordingly, due to lawsuits over names, in the past few years court decisions have temporarily banned the distribution of two publications: *Novi Danas* (1992) and *Start nove generacije* (1993). Both of these well-known periodicals were published by independent publishers. Both bans originated from sources close to the ruling party and it may logically be concluded that the motives behind the ban were political.

The publisher is free to choose any means of distribution and to employ whomsoever he wishes. The Tisak firm has a monopoly on the distribution and sales of publications at kiosks. Controlled by the authorities, this firm has the power to hinder and even obstruct the publication of newspapers by setting high prices and transportation costs, by manipulating data on circulation and withholding payment (often indefinitely) of sales percentages due to publishers. Adding to this the inability to control the circulation and the amount of unsold copies, it may be concluded that the central problem of newspaper publishers today lies in sales. Not surprisingly, the past few years have seen the rise of alternative means of distribution—street vendors, distribution to other kiosk chains, and subscriptions.

THE FOUNDING OF RADIO AND TELEVISION STATIONS

After the Telecommunications Act was passed in July, 1994, along with a wide range of other by-laws, all the formal conditions were met for the founding and management of private radio and television stations. Concessions are allocated on the basis of submission of tenders which were examined by the Telecommunications Council, whose members were chosen by the Croatian parliament by a simple majority. The creation of five national radios and four national television stations, as well as numerous regional and local stations, was predicted. However, no regulation specifies the time limits for the invitation of tenders for concessions. Unsurprisingly, therefore, not a single national concession has been allocated.

The law does not foresee court controls of the Telecommunications Council. However, it is a mistaken belief—held by the Council itself—that such controls do not exist: a Council decision is by no means final and an appeal may be submitted against it. This is one of the reasons why those submitting for tenders do not usually seek legal protection of

their rights. The few who have done so (NTV [Independent Television] appealed against the decision of the Council and started an administrative lawsuit) have not received a decision from the court, even after almost a year.

The law specifies exactly what a tender for a concession must contain, but it does not oblige the Council to allocate the concessions to those who prove that they can best satisfy the needs and interests of the public. Concessions, both regional and local, were granted primarily to bidders close to the ruling party, which also selected locations and set time limits as it saw fit. The first invitation for bids took place in August, 1995. According to what had been said earlier, it was intended to legalize the existing status quo, that is, to allocate concessions to stations which had been broadcasting for years. Instead, it was used to prevent “disagreeable” stations, such as Labin, Samobor, Delnice, from broadcasting and to allocate their frequencies to stations owned by persons from the ruling party or close to it. The popular and independent Radio 101 was placed on a “waiting list” and its future remains uncertain. The Telecommunications Council made decisions about concessions that were illegal:

- because firms that according to the law may not be concessionaires took part in the bids;
- because concessions were actually granted to firms that may not be concessionaires;
- because concessions were granted to firms that had offered programming that was not in line with the law;
- because instead of insisting on proof that bidders satisfied the condition of the competition, it accepted “a certified written statement that they would meet the requirements of the law and the competition if they were awarded a concession.”

Such behavior on the part of the Council unambiguously confirmed the fact that concessions were not allocated in accordance with the law, but according to criteria that the public was not party to (in fact, concessions were granted to acquaintances, business associates and politically “acceptable” persons). Furthermore, the Council did not inform the bidders whether their offers had been accepted or rejected, nor did it allow them to examine any documentation so that the decisions might be proven contrary to the law and adequate legal recourse sought. When asked about legal protection, the Council stated that it did not exist. It is clear beyond a doubt that the Act did not facilitate the establishment and operation of independent private stations.

With respect to electronic media, then, serious objections can be made to the legislation itself to the maintenance of an unnecessarily large state owned network at the national level (HRT), and to the lack of any guarantee that the Telecommunications Council would work legally and justly; the lack of guarantees for the legal and proper functioning of the Telecommunications Council; the lack of any guarantee that concessions will be allocated to the best bid; the lack of an obligation to offer all available concessions within a specified time limit. All this points to the fact that the ruling party wants full control over the electronic media, especially at a national level. This is particularly clear with the case of Croatian Radio and Television: instead of being a public medium as defined by the HRT Act, it has become a state-owned company which “executes and interprets “state” (or better, the ruling party) “policy.” The recent and unexpected ban of the news program Slikom na sliku clearly proves that political and party criteria have replaced professional

criteria.

ACCESS TO SOURCES OF INFORMATION AND ADVERTISING

The Public Information Act prescribes that information in the possession of public authorities (except for information which has been classified confidential by an act or other statutes), is available to all journalists under the same conditions and that the authorities are obliged to hand over such information if requested. In the event they do not, they are in violation of the law and may be fined. Despite such legal liability, certain journalists working for independent media, especially those defined by the authorities as having an counterpoised attitude towards the government or being partial to the opposition, face a lack of cooperation and a series of closed doors. Interestingly enough, despite such illegal conduct, no one has taken legal action against the responsible parties, nor submitted a complaint to the Council concerning the protection of freedom of the public information. In advertisements, only the public display of material with a pornographic content is forbidden. It may be thus concluded that all media have the right to advertise in other media under identical conditions. Whilst the doors to advertising on the most influential medium, Croatian TV are wide open to certain state-owned publications, for many independent media the reverse has been true. Indeed many have been allowed to advertise their name and front page only.

It is also significant that publications with a small circulation, owned by persons close to the ruling party, are filled with advertisements, whilst certain independent media, with a significantly larger circulation, do not have a single advertisement. Since most of the companies are either state-owned or property of persons close to the ruling party, the lack of advertising best indicates the degree of discrimination against the independent media. Since such media and all those who work for them are publicly blacklisted as "enemies of the state," advertising in these media would cause significant problems for the advertiser and for his enterprise e.g. "visits" from the financial police, applications for bank loans being turned down, the loss of business contacts etc.

OWNERSHIP AND THE TAX SYSTEM

The ownership of published media is defined by general legislation, which does not contain specific limitations on the rights of ownership. In the electronic media, however, no one person may have more than 25 per cent ownership of one concessionaire. Tax regulations do not impose any additional tax on printed media. In fact, printed media are exempt from paying sales tax and daily news papers are exempt from retail and service tax.

The one time attempt to discipline Feral Tribune with the imposition. of a sales tax, which failed ingloriously with the decision of the Constitutional Court. The latest example of a similar attempt is the case of Novi list, i.e., the well-known problem of being obliged to pay sales tax on printing.

Ownership structure is an additional burden to the survival and development of independent media whose publishers are unable to receive the necessary bank loans as all larger banks and most of the smaller ones are controlled by the state. The decision to issue a loan does not depend on the publisher's solvency, but on whether or not the owners are in or out of favor. This is an indirect, yet very effective, means of suppressing the development of independent media.

DAMAGE LIABILITY

The liability of the publisher for material and non material damages caused by the release of information is defined in general by the Liability Act and specifically by the Public Information Act. Both state that non-material damage should be made good by a published apology, withdrawal of the statement, newspapers and journals compensations and the publishing of the court verdict. The Acts also establish that a publisher may be held liable for any news taken from a press conference of a political party or any other public meeting not a meeting of a governmental body, and for any news, even if truthful, if it is not directly connected with the public office of the injured party.

The media face numerous legal proceedings for liability. Only some fifteen definitive verdicts have been passed and the damages to be paid amount to 10-20,000 DM. Numerous lawsuits, with high legal taxes and costs for representation, are a serious threat to the survival of the media, especially for those with a smaller circulation, even in the event of a court verdict in their favor.

In November 1995 the Constitutional Court of the Republic of Croatia repealed the Public Information Act of 1992 in that it had not been passed with a majority of the total number of members of Parliament. The Court, however, extended the validity of this unconstitutional act to August 31, 1996. Prepared by the government of the Republic of Croatia, in cooperation with the Croatian Journalists' Association, the draft for the new Public Information Act will establish a damage compensation system, with the press being fully allowed to provide reports on public meetings to discuss matters of public interest, on condition that the reports are truthful or that the writer has good reason to believe that they are.

CRIMINAL LIABILITY

Journalists today can be held liable for criminal offenses such as slander, defamation and other acts against a person's integrity and reputation, for publishing state and military secrets; and deliberately misleading information. Slander and defamation in the media are qualified as criminal offenses for which the law provides severe punishment for slander, up to one year in prison and if there are damaging consequences to the injured party, from 3 months to 3 years; for defamation a fine, or up to six months in prison.

The so-called "mini penal reform" of April 1996 introduced a new approach to initiating procedures for criminal offenses against the integrity and reputation of the five highest ranking state officials. Formerly, legal proceedings were initiated by the public prosecutor, *ex officio*, at the request of the state official. Today, only the official's written consent is required for the public prosecutor to initiate legal proceedings. This modification may be rather insignificant formally and legally, but in practice it makes prosecution *ex officio* much easier.

This is corroborated by the first case of this kind in Croatia against Viktor Ivancic and Marinko Culic accused of slander and defamation of the President of Croatia. Democratic observers in Croatia and abroad judged the trial as political, aimed at reinstating the infamous "verbal delict," and a serious threat to the freedom of the press in Croatia. (The Croatian Journalist's Association submitted a proposal to the Constitutional Court motioning it to evaluate to what extent Article 77, Paragraphs 2 & 3 of the Criminal Law of the Republic of Croatia was in accordance with the Constitution. It was the Association's belief that the law was used to discriminate against citizens according to social status, as well as to introduce [auto]censorship, thus limiting a person's rights of freedom of expres-

sion and belief.

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SUMMARY AND RECOMMENDATIONS

excerpted from Human Rights Watch/Helsinki's Report, Croatia: Human Rights in Eastern Slavonia During and after the Transition of Authority

SUMMARY

Eastern Slavonia, the only remaining Serb-held region of Croatia, is scheduled to revert to Croatian control by July 15, 1997. Some 120,000 to 150,000 Serbs living in that region will then come under the authority of their bitter opponent during the war. The transition of authority in Eastern Slavonia is designed to be carried out peacefully under the auspices of a United Nations peace-keeping operation. However, there remain concerns that the transition may be accompanied or followed by serious violations of human rights, as occurred after Croatia recaptured the Krajina, or by a mass exodus of Serbs in the region, repeating on a much broader scale the problems that arose during the transition of authority in Sarajevo's suburbs last year. The Croatian Government has issued numerous widely publicized statements and pledges, enthusiastically welcomed by the international community, guaranteeing the rights of ethnic Serbs in Eastern Slavonia. Yet, it has failed to take the steps necessary to permit the exercise of some of the most fundamental of these rights. Nearly half of these Serbs have already been displaced once, after the Croatian military offensives in 1995 that recaptured the other Serb-held areas of Croatia. If another mass exodus is to be avoided and widespread human rights abuses prevented, the Croatian Government must undertake concrete measures that will give meaning to otherwise empty declarations of the right of displaced Serbs to return to their original homes or to remain in Eastern Slavonia. In addition, the international community must pressure Croatia to fulfill its human rights obligations to facilitate the right of return as well to undertake measures necessary to enable ethnic Serbs to stay in Eastern Slavonia.

Rebel Serbs seized control of Eastern Slavonia after fierce fighting in the latter half of 1991, during and after which the Serbs expelled over 80,000 non-Serbs living in the region. In 1995, 60,000 of the 200,000 Serbs fleeing Croatian military offensives against the Krajina and Western Slavonia resettled in Eastern Slavonia. In November 1995, after the other Serb-held regions were recaptured by the government, the Croatian Government and Croatian Serb leaders signed an agreement providing for the peaceful reintegration of Eastern Slavonia into the Republic of Croatia under the authority of what would become the United Nations Administration for Eastern Slavonia, Baranja and Western Sirmium (UNT), avoiding thereby a recurrence of the violent reclamation of the Krajina and Western Slavonia. The implementation of that agreement is now entering its final phase. Over the course of the next 3 and 4 months, elections will be held in the region, in conjunction with nationwide elections, and Croatian services and institutions will accelerate their deployment in the region. Under current agreement among UNT, the Croatian Government and local Serb leaders, the region will revert fully to Croatian authority by July 15, 1997.

The 1995 agreement contained strong support for human rights, declaring that "[t]he highest levels of internationally recognized human rights and fundamental freedoms shall be respected in the region." The agreement also specified that displaced persons were to

enjoy their right to return to their original homes or to remain in the region. It further provided for human rights monitoring by the international community during implementation of the agreement as well as on a long-term basis following the transition of authority.

It will be absolutely crucial to protect and closely monitor the human rights of former and present residents of Eastern Slavonia of all ethnicities in this final phase of the transition of authority. The complete failure of the Croatian Government to create a mechanism to resolve property ownership disputes and facilitate the return of displaced persons to their original homes creates a significant threat to peaceful reintegration in a region where as many as 70,000 displaced Serbs nervously await the return of some 80,000 displaced Croats. Tensions and hostilities remaining from the armed conflict run high on both the Croat and Serb sides. Already, there has been a light flow of Serbs leaving Eastern Slavonia for the Federal Republic of Yugoslavia and Serb-controlled areas of Bosnia and Hercegovina. Departing Serbs are increasingly plundering with near impunity property from non-Serbs, or from the abandoned homes of non-Serbs, and moving it to Serbia. Tensions have only been exacerbated by the Croatian Government's generation of lists of suspected war criminals which serve to intimidate the Serb population. Nor has UNTAES helped matters by engaging in negotiations over the size of the "official" government list of suspects, raising more questions about the validity of the list. Under such circumstances, human rights violations will perpetuate a cycle of violence threatening stability in Eastern Slavonia and beyond. This policy paper addresses some of these central human rights issues in the final phase of the transition of authority in that region.

RECOMMENDATIONS

To the Croatian Government:

The Croatian Government should create a detailed plan for the comprehensive resolution of property disputes and issues relating to the return of displaced persons and refugees, ensuring equal treatment of both Serbs and Croats. Failure to establish soon a comprehensive and detailed mechanism for resolving these issues will only serve to heighten tensions and hostilities as the elections approach.

The Croatian Government should also take more vigorous steps to protect Serbs living in the Krajina and to facilitate the voluntary return of Serbs from Eastern Slavonia and elsewhere to those areas. These steps should include the following:

- annul the "Decree on the Temporary Take-Over and Administration of Certain Property" and reverse the defacto expropriations of Serbian property by the Croatian Government since the law's adoption in September 1995;
- amend the Reconstruction Law by removing the law's restriction on applicability only to destruction resulting from Serb and Montenegrin forces, so that displaced Serbs in Eastern Slavonia may also apply for reconstruction funds;
- arrest, prosecute and punish all those responsible for crimes committed during and after "Operation Storm," including those committed in early 1997, particularly by members of the Croatian military and police force. Trials should be conducted in public according to due process norms;
- likewise, arrest, prosecute and punish those responsible for crimes directed at intimidating or harassing Serbs or members of other ethnic minorities who choose

to remain in Eastern Slavonia. Croatian authorities should respond quickly and firmly to all abuses, especially those committed by authorities including the police;

- release immediately any detainee arrested for war crimes who has already been amnestied and against whom there is no credible evidence on which to base new charges. Croatia should hold accountable all those who have committed war crimes regardless of their ethnicity. However, unfounded charges of war crimes violations must not become a tool of intimidation and harassment.

TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

The OSCE should, as a matter of urgency, organize and deploy a post-UNTAES human rights monitoring mission. Such an OSCE endeavor, which can be established within the current mandate for the OSCE's monitoring effort in Croatia, must be deployed well in advance of the expiration of the UNTAES mandate in order to facilitate effective continuity in human rights monitoring. The OSCE should give its human rights monitors, at a minimum, the authority to:

- receive complaints from any person or group;
- interview persons, including detainees, freely and without interference;
- travel freely and visit any site, including prisons and places of detention;
- provide adequate protection for witnesses;
- raise specific cases with national and local authorities, as well as with the appropriate intergovernmental organizations (IGOs); and
- monitor and assist in investigations by law enforcement authorities and report on progress, obstacles and cases of non-cooperation by local and/or government authorities.

The OSCE, at its highest levels, should condemn human rights violations and other breaches of OSCE documents; The OSCE should ensure an adequate budget and a staff with field experience in human rights monitoring and law enforcement. Field staff must be well briefed on the local situation in Eastern Slavonia and on the norms they will be upholding and should always receive intensive training upon arrival "surplace."

TO THE UNITED STATES GOVERNMENT AND TO MEMBERS OF THE EUROPEAN UNION

Croatia was admitted to the Council of Europe on November 7, 1996. Its admission had been prefaced in 1996 by two sets of undertakings that Croatia needed to honor in order to qualify for admission. The first was a 21-point document signed by Croatia on March 15, 1996; the second was a list of 14 conditions created by the Council of Europe's Parliamentary Assembly and Committee of Ministers in late May and early June 1996. Both sets of undertakings included that protection of the rights of Serbs and facilitation of the return of Serbs to the Krajina, with the March 15 document specifying also facilitation of the recovery of Serbs' property or compensation for the loss thereof.

On October 30-31, 1995, the European Union Council of Foreign Ministers declared:

“The granting of reconstruction assistance to Croatia should be linked to the creation of real return options by the Croat Government for the Serbs ... and to strict respect for human and minority rights.”

The European Union and the United States should hold the Government of Croatia to these earlier pledges and make them express conditions for further aid, including some US \$1.2 billion in foreign aid Croatia is currently seeking for the reconstruction of Eastern Slavonia.

In addition, the European Union and the United States should take the following steps to improve respect for the rule of law and human rights and to further reconstruction of infrastructure and the return of all displaced persons and refugees from Croatia:

- use economic and political leverage to urge President Tudjman and the Croatian Government to end abuses in the Krajina and prevent abuses in Eastern Slavonia. Underscore that the failure to do so will adversely affect Croatia’s full membership in regional military institutions, namely the Partnership for Peace, and future eligibility for reconstruction and economic aid;
- condition aid, including aid for the reconstruction of Eastern Slavonia, on the prompt creation of a comprehensive plan of property disputes and issues relating to the return of displaced persons and refugees that would give real meaning to the otherwise hollow declarations that displaced Serbs have the right to return to their homes or to remain in Eastern Slavonia;
- grant aid in a manner that facilitates the repatriation of persons displaced from various parts of Croatia, including Eastern Slavonia and the Krajina, and the rebuilding of homes and infrastructure ravaged by the war. However, such aid should be disbursed in a way that ensures that the monies are used proportionately to assist both displaced Serbs and Croats from Croatia;
- and monitor and assist the return of all persons to their homes in the former United Nations Protected Areas.

**TO THE UNITED NATIONS TRANSITIONAL AUTHORITY IN
EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIMUM (UNTAES):**

The U.N.’s peacekeeping force in Eastern Slavonia should deploy a specific human rights monitoring component of UNTAES immediately, cooperating closely with other entities currently monitoring human rights in Eastern Slavonia including the United Nations Centre for Human Rights (UNCHR), Organization for Security and Cooperation in Europe (OSCE), UNHCR, European Community Monitoring Mission (ECMM), International Committee of the Red Cross (ICRC), and nongovernmental organizations such as the Civil Rights Project and Oxfam. In addition, UNTAES should:

- emphasize the rule of law principles that must ultimately govern the validity of any list of war crimes suspects (e.g., the evidentiary bases for inclusion of suspects on a list), as well as any trials of these suspects. This entails emphasizing that anyone whose name appears on the list will be entitled to all due process protections in a fair trial before an independent and impartial tribunal, and that UNTAES and the international community will monitor these trials closely;
- refrain from demanding from the Croatian Government a “final” list of Serbs suspected of committing war crimes, exclusion from which would guarantee that one has been amnestied. The indictment of persons suspected of being war criminals should be carried out on the basis of the sufficiency of evidence, rather than as the