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February 13, 1992

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His Excellency Franjo Tudjman
President of the Republic of Croatia
Radičev Trg 2
41000 Zagreb
Croatia

Dear President Tudjman:

The U.S. Helsinki Watch Committee is deeply concerned by reports of serious human rights abuses by forces responsible to the Croatian government and by individual extremists in Croatia. Our own investigations of these reports, conducted during a series of fact-finding missions to Croatia in the past year, indicate that many of these reports are well-founded. We call upon you to investigate the abuses enumerated in this letter and to punish those responsible for them. We call upon you to take immediate measures to ensure that such violations of human rights do not occur again.

The abuses described in this letter include violations of the laws of war in the current conflict between Croatian and Serbian forces and the Yugoslav army, including the summary execution of civilians and disarmed combatants; the torture and mistreatment of detainees; arbitrary arrests and disappearances; destruction of civilian property and the killing of journalists covering the war. In addition to violations connected with the war, Helsinki Watch has also documented restrictions on freedom of expression and the press and interference with the independence of the judiciary. Finally, we are gravely concerned about the harassment, discrimination and rising violence against Serbs not engaged in the armed conflict in Croatia.

Rules of War Violations in Croatia by Croatian Forces

Violations of the rules of war are often committed by local police officers and members of the Croatian army¹ in areas which are under heavy siege by Serbian forces and the Yugoslav army. Under international law, it is absolutely impermissible to summarily execute, mutilate or torture civilians or persons hors de combat.² Helsinki Watch holds the Croatian government -- in particular the Croatian Ministries of Interior and Defense -- responsible for the acts of its armed forces.

Helsinki Watch is concerned that paramilitary forces of the Croatian Party of Rights are not sufficiently under the control of the Croatian government. Although steps have been taken by the Ministry of Defense to place such groups under Croatian government command, Helsinki Watch urges the Croatian authorities to ensure that such paramilitary groups do not operate independently without responsible military command.

Summary Executions of Civilians and Persons Hors de Combat

September 21 - Karlovac

According to well-publicized news reports³ acknowledged by the Croatian government, three soldiers who were serving their army terms, a Yugoslav army captain (Mile Peruača) and 17 Yugoslav army reservists -- most of whom were Serbs from Krnjak (municipality of Karlovac) and Vojnić -- left the town of Slunj in two army trucks and headed for a Yugoslav army garrison in Karlovac. En route, they were stopped by Croatian forces on a bridge over the Korana river and told to surrender. Several men were taken to police headquarters in Karlovac and later to Zagreb, where they were detained. The rest remained on the bridge waiting for a Karlovac police vehicle to come and pick them up. While they waited, the Croatian police officers beat their captives, particularly Captain Peruača and several reservists. One of the reservists, Svetozar Šarac, was hit in the face with a rifle butt and later lost an eye. A Croatian police officer, Mihajlo Hrasto, then ordered the captives to form a line, whereupon 13 of the soldiers were shot. Two of the soldiers managed to escape and one was later found wounded under the bridge.

Two of the Yugoslav army reservists, Svetozar Šarac and Dušan Mrkić, were treated in Karlovac hospital. Those killed were:

Jovan Sitić (25)
Božo Kozlina (37)

¹ Recently, the Croatian National Guard (Zbora Narodne Garde - ZNG) has officially been renamed the Croatian Army and will be referred to as such herein.

² See article 3 common to the Geneva Conventions of 1949 and Article 4 of the 1977 Second Protocol Additional to the Geneva Conventions. At the invitation of the International Committee of the Red Cross, plenipotentiary representatives of the various parties to the conflict in Croatia -- including the Croatian government -- met in Geneva twice (on November 26-27 and December 19-20) and agreed to comply with the provisions of international humanitarian law. Helsinki Watch holds the Croatian and Serbian governments and the Yugoslav armed forces responsible for violations of the rules of war.

³ The case was reported in the Serbian, Croatian, and foreign press. See also "Civilian and Non-Combatants Killed in Yugoslavia," United Nations Center for Human Rights, Geneva, p. 12.

Nebojša Popović (24)
Mile Savić (37)
Milenko Lukač (32)
Slobodan Milovanović (25)
Svetoslav Gojković (32)
Miloš Srdić (43)
Zoran Komadina (27)
Mile Babić (42)
Vaso Bižić (36)
Captain Mile Peruača (27)
Ensign Nikola Babić (43)

According to Željko Olujić, Croatia's Public Prosecutor, a member of the Croatian Army has been charged with the crime and is being held pending psychiatric examination.⁴ He has been charged with murder.⁵

Probably mid-October - Gospić

According to Gospić residents interviewed by Helsinki Watch,⁶ tensions between Serbs and Croats grew after the current Croatian government came to power in May 1990. Violence erupted on the evening of August 28-29, 1991, after a shoot-out between Serbs from the Krajina region⁷ and Croats from Gospić. Since then, fighting has not subsided in Gospić and many people have been forced to flee the area or take shelter in their basements.

In late August, Milica Smiljanić -- a 42-year-old half-Serb, half-Croat from Gospić -- took refuge from the fighting in the basement of her mother-in-law's home on Vlade Kneževića 4 in Gospić. Eleven other people (ten Serbs and one Croat) also hid in the same basement. The twelve people hid in two separate rooms in the basement; Ms. Smiljanić, her husband Stanko, her mentally-ill brother-in-law Milan, her mother-in-law Bosiljka and an elderly woman, Milka Lemajić, hid in the same room. Željko Mrkić, Danica Barač, Radovan Barač, Radmilla Stanić, Luka Šulentić, Marica Barač and her six-month old daughter, Jelena, hid in a second room.

On October 16, five members of the Croatian police entered the basement and first came into the room where the Smiljanić family was hiding. Four of the men wore olive ski masks over their faces while the fifth man had blond hair and wore glasses. All five men were dressed in uniforms worn by the Croatian

⁴ Stephen Engelberg, "Yugoslavia's 'Pure Hatred'," *International Herald Tribune*, December 20, 1991, and "Villagers in Croatia Recount Massacre by Serbian Forces," *The New York Times*, December 19, 1991.

⁵ The accused was charged under Article 35, clause 2(1), of the Croatian Criminal Code.

⁶ Serbian residents who had fled from the Gospić municipality were interviewed in Belgrade on January 28-29, 1992. The population of the municipality of Gospić is 28,732, 64.3 percent of whom are Croatian, 31.1 percent Serbian, and 1.8 percent Yugoslav.

⁷ The neighboring municipalities of Titova Korenica and Gračac are under the control of Serbian forces, which declared the area part of Krajina.

police under the prior regime. All five carried AK-47 rifles. Ms. Smiljanić later told Helsinki Watch⁸:

One of the men shot once at the ceiling, then pointed his gun at us and told us "Četniks"⁹ to get out of the basement. We walked out of the room and into the hallway of the basement. One of the men put a gun to my back and told me to find Radovan Barač. His wife was Croatian and he worked in the local post office. I went to the other room and said, "Rajko, come out." No one opened the door but his mother, Danica, eventually came out and told the police officers to leave her son alone. One of the policemen pushed me aside and dragged Radovan Barač, his mother Danica, Radmilla Stanić, Željko Mrkić and Luka Šulentić from the room and told them to go upstairs. They also took my husband and brother-in-law, even though I pleaded with them to leave them alone.

My mother-in-law, Milka Lemajić, Marica Barač and her child and I were left alone in the basement and the policemen told us not to say anything to anyone. About two hours later, Luka Šulentić, the Croat, came back. Luka is deaf and because we have known each other for a very long time, I have learned to communicate with him through sign language. He told me that the police officers wanted to see everyone's identification cards and that my husband was cold; he was not wearing a coat when they dragged him out of the basement.

According to Dr. Zoran Stanković, a Yugoslav army officer and pathologist at the Military Hospital in Belgrade,¹⁰ twenty-four bodies -- 15 men and nine women -- were found burned near the villages of Široka Kula and Perušić (municipalities of Gospić) in late December. Five more bodies were found nearby. The dead included the aforementioned Serbs who had been taken from the Smiljanić basement in Gospić.

According to Dr. Stanković, the victims were killed three kilometers from the village of Perušić and subsequently moved to Široka Kula by approximately 50 Serbian irregulars and five members of the Yugoslav army on December 27. All the victims were shot. Several who apparently did not die from the gunshot wounds were brutally executed. One person (Branko Stulić) appeared to have been stabbed in the back by a knife; a second individual was hit above the eye with either a bayonet or an axe; a third person (a woman) was shot in the head at close range; a fourth individual appeared to have had his skull broken by a heavy, blunt object. The bodies were then thrown into a pile, doused with gasoline and set on fire. According to Dr. Stanković, the bodies were approximately two months old when they were discovered.

⁸ Interviewed in Belgrade on January 28, 1992.

⁹ During World War II, the Četniks were Serbian forces engaged in the civil war against both the Croatian Ustaša and the communist partisans. The Croats commonly refer to the current Serbian insurgents as Četniks because they equate their current actions with the atrocities committed against Croats and Muslims during World War II. Some of the Serbian insurgents Helsinki Watch interviewed vehemently reject the label of "Četnik," claiming they are merely defenders of their land and not extremists. Others speak with praise of Vojislav Šešelj, leader of the ultra-right-wing Serbian Radical Party (Srpska Radikalna Stranka) and the Serbian Četnik Movement (Srpski Četnički Pokret).

¹⁰ Interviewed on January 29, 1992, at the Military Hospital (Vojna Medicinska Akademija - VMA) in Belgrade. Helsinki Watch also spoke with family members who had come to identify the bodies of their family members and neighbors on the same day. Medical documents, videotapes and pictures also were examined.

The Croatian authorities are investigating the case and President Tudjman reportedly visited Gospić personally to inquire about the massacre. Helsinki Watch calls upon the Croatian government to hold accountable local commanders in Gospić -- particularly Tihomir Orešković, commander of the Croatian Army in Gospić, and Željko Bolf, the Gospić police chief -- for the actions of their troops.

November 15-25, Marino Selo (municipality of Pakrac)

At approximately 6:15 a.m. on November 15, members of the Croatian Army arrested 15 Serbs from the village of Kip (population 271, municipality of Daruvar), six from the village of Klisa (population 138, municipality of Pakrac) and one from the village of Batinjani (population 547, municipality of Pakrac). Most of those arrested were members of the Serbian insurgency, although they reportedly were unarmed at the time of their arrest. They were held in a hotel in the village of Marino Selo (population 364, municipality of Pakrac) and were guarded by 12 to 15 members of the Croatian Army. J.K.,¹¹ a 35-year-old man who was among those arrested in Kip, recounted his experience to Helsinki Watch:

Four of the Croatian Guardsmen would get drunk frequently and beat all of us. I recognized them as being from the Pakrac-Daruvar area; one of them was named Rujčić. They would take some of the captives out of the cell and tell them that they were going to be exchanged. They were taken outside and we heard gunfire. Those taken from their cells never came back. The Guardsmen who killed them made us bury the corpses. I buried seven men.

J.K. identified those he buried as:

Pero Popović, from Kip
Jovo Popović, from Kip
Pero Novković, from Kip
Milan Popović, from Kip
Savo Goljović, from Klisa
Nikola Krajnović, from Klisa
an unknown man from Klisa

Of the fifteen men from Kip who had been detained in the same cell, twelve were subsequently killed; they were either shot or beaten to death. In addition to those listed above, those killed included:

Branko Bunčić
Mijo Danojević
Nikola Gojković
Filip Gojković
Gojko Gojković
Mijo Gojković
Jovo Popović¹²

¹¹ J.K., who asked that his name not be used, was interviewed on January 29, 1992, at the Military Hospital (Vojna Medicinska Akademija - VMA) in Belgrade.

¹² Two men with the same name were killed (see list of those buried by J.K.). The men were reportedly first cousins.

J.K., his 61-year-old father and another 35-year-old man were spared. They were taken to and detained in Daruvar on November 25-26, then to Bjelovar on December 10. On December 12, they were released in an exchange of prisoners that took place in Karlovac.

Helsinki Watch is also aware of two murders that have been investigated by the Croatian authorities. A restaurateur, Srbislav Petrova, was killed by members of the Croatian police force in the municipality of Pula. The police officers have been arrested and criminal charges have been filed against them. The murder of the Zec family in Zagreb in early January has also been investigated by Croatian authorities. The perpetrators have been arrested and an investigation by magistrates of the Zagreb district court is currently in progress.

Unexplained Deaths of Serbs

Helsinki Watch has received reports of Serbs who were killed shortly after being arrested by Croatian forces or whose bodies were found in Croatian-controlled territory. In some cases, the circumstances of the deaths remain unknown. In other instances, the available evidence implicates members of the Croatian police – particularly in Sisak – as having played a role in the deaths. Helsinki Watch calls upon the Croatian government to conduct thorough investigations of the deaths of the following individuals and to prosecute those found guilty of their murders:

- The corpse of Miljenko Djuričić, a 38-year-old Serb from Borovo Naselje, was found in the Danube River, near the village of Begeča, on July 17. According to the district prosecutor in Novi Sad, Djuričić was thrown into the Danube while still alive and his body – which had been in the water for two to four days before it was discovered – bore signs of torture. Djuričić had been arrested on July 13 by the Croatian police and interrogated. He was released on July 15 but was not seen alive thereafter.¹³
- Evica and Dušan Vila and their sons Marko and Željko were shot and their bodies discovered in Sisak.
- Vlado Bošić, a truck driver for "Slavijatrans" from Petrinja, was reportedly beaten to death. Reportedly, at a press conference, Djuro Brodarac, the Sisak police chief, claimed that the person who committed these crimes went beyond his orders but that he was not aware what type of – if any – disciplinary measures had been taken against the perpetrator.
- Milenko Djapa, a worker at the Sisak oil refinery, was murdered.
- Branko Oljača, a Serb who worked for the Croatian police force in Sisak, was murdered.
- Zoran Vranešević, a Serb who worked for the Croatian police force in Sisak, was murdered.
- Mico Čalić was a worker at the Sisak steel plant; his body was discovered in the Brezovići forest.

¹³ Tanjug report dated July 20 reported by Agence France-Presse "Decouverte du cadavre d'un Serbe portant des traces de tortures," July 20, 1991.

- Ilija Martić was reportedly killed at the entrance of a restaurant in Sisak.
- Nikola Arbutina, a worker at the "Graditelja" firm in Sisak, was murdered.
- Miloš Grubić, a retiree from the village of Blinjski Kut (population 500, municipality of Sisak), was reportedly held in the jail in Sisak; his body was subsequently found on the outskirts of the village of Komarevo.
- Damjan Zilić was a manager at the Sisak oil refinery; his body was discovered in the Jakuševac section of Zagreb.

Torture and Mistreatment in Detention

Croatian forces maintain more than nine detention centers throughout Croatia, including Bjelovar, Gospić, Zadar, Split, Rijeka, Slavonska Požega, Osijek and several in the municipalities of Karlovac and Zagreb¹⁴. Helsinki Watch has documented cases of torture and mistreatment of captives after they have been arrested and detained by the Croatian Army or police. In many cases, abuse of captives also takes place in local police stations. On the basis of numerous reports received by Helsinki Watch, Croatian forces in Sisak, Gospić and in areas of western Slavonia appear to be particularly brutal toward those held in custody.

J.K., who was among those arrested in Marino Selo,¹⁵ was beaten during his detention. J.K.'s lower jaw and two ribs (the 7th and 8th ribs) were broken and all his teeth were knocked out. When Helsinki Watch spoke to J.K. and his doctor, surgery had been performed on his jaw and metal teeth had been implanted in his mouth.

On November 26, Ivan K.¹⁶ was arrested by three local police officers in the Zaprešić section of Zagreb. Ivan's ten year-old son also was taken to the police station, apparently because there was no one home at the time to look after him. Ivan reported that although he and his son were well-treated while at the Zagreb police station, he was never told of the reason for his arrest. Both Ivan and his son remained at the Zagreb police station from approximately 7:15 p.m. until 10:00 p.m., when they were taken by three men in camouflage uniforms to the Sisak police station.

When we arrived at the police station in Sisak, I was hand-cuffed and taken to a room where five or six police officers started cursing at me, asking me how many Croats I had massacred, calling me a Četnik and threatening to put me in solitary confinement. My child was crying the entire time. I was then taken to a room on the first floor but they wouldn't let my son

¹⁴ Helsinki Watch representatives visited detention centers in Osijek in August and in Zagreb in September. In both cases, Helsinki Watch representatives were permitted to speak with those held in custody privately and to examine their cells.

¹⁵ See above case of summary executions in Marino Selo.

¹⁶ Helsinki Watch interviewed Ivan K. and his sister in Zagreb on December 31, 1991. Both requested that their names and the name of their brother remain confidential because they fear reprisals from individual Croats. The names used are pseudonyms. Helsinki Watch will make the names of the tortured individuals known to the appropriate Croatian authorities in private.

accompany me.¹⁷

A woman in civilian clothing questioned me in the room about my brother Josip, who had been arrested in Sisak earlier in the day. A man in camouflage was also in the room. The lady asked me when was the last time I had gone to Banija. I told her that I was last there in late July when I went to visit my friends in Bosanski Novi and that my brother had accompanied me then. I went on to say that on July 26, shooting erupted and we fled to Croatian Kostajnica and that both my brother and I left for Zagreb the following day. She asked me if my brother had participated in a massacre in Struga and Zamlača on July 26.¹⁸ I told her that that was impossible because my brother had gone to Zagreb with me on that day. The man in camouflage kept provoking me by saying that we [Serbs] are all Četniks and that my brother killed those people [in Struga and Zamlača]. The lady also asked me if I was a member of any political party.

The questioning lasted for about 30 to 45 minutes and then I was taken to the jail where I was put in cell #4. It was about 1:00 a.m. There were several other men in the cell with me and every so often one of the guards would walk by and curse at us, telling us that we would end up in Belgrade.

That night, I heard someone being beaten in the hallway. Because the door to our cell only had a peephole, I couldn't see what was happening but I could hear everything. I recognized the voice of the man being beaten -- it was my brother, Josip. He kept saying "I'm not to blame," but they kept beating him and putting his head under water, I presume in a bucket. His torturers said, "This is only the first stage of your torture" and they kept calling out for someone to bring them a knife. I don't think they used a knife on him but threatened him only to scare him further. He was beaten from 11:30 p.m. to 5:30 a.m. They beat him again between 9:00 a.m. and 12:30 p.m.

At 1:00 p.m., the guards told me to get out of the cell and they handcuffed me. I was taken to the police station again, where the woman who had questioned me the night before told me that I was going home. I asked her about my brother and she answered that he was a war criminal. She told me that my son was at the orphanage and that I should go and get him. My son and I took the train back to Zagreb and I have been getting threatening telephone calls since then [i.e., since November 28]. Only yesterday my neighbor threatened me with physical harm and called me a Četnik.

¹⁷ According to Ivan, the child was taken to a local orphanage where he was teased by other children and hit by one boy, apparently because he was Serbian. According to Ivan, he was fed and treated well by the nannies in the orphanage. The child reported that he had to sleep on a wooden bench without a blanket.

¹⁸ Serbian insurgents launched an offensive from the town of Dvor against Croatian police in the village of Kozibrod on July 26, 1991. En route, the insurgents captured approximately 40 civilians and used them as human shields during their advance through the villages of Struga and Zamlača. A number of civilians were killed in the ensuing violence and three Croatian police officers who had surrendered to Serbian forces were summarily executed. See Helsinki Watch's "Yugoslavia: Human Rights in the Croatian Conflict," September 1, 1991, for an account of the incident.

The man's sister, Vesna, travelled to Sisak on November 29 to inquire as to the condition and whereabouts of her other brother, Josip, who remained in police custody and, she feared, was being tortured. She told Helsinki Watch:

A friend and I went to Sisak to find my brother, Josip. When we arrived at the Sisak police station, we were told that my brother was indeed at the police station being questioned. In fact, I caught a glimpse of him sitting next to the computer. We asked his interrogator if we could speak to him but were refused. Rather, we were told that he was being kept at the police station and that he was alive and well. We asked where he would be going and were told that he was being taken to investigatory court. We went to the court and waited for him to arrive. At 2:40 p.m. a police truck pulled up and my brother emerged. He was black and blue and his head was swollen. I started yelling and screaming. A secretary from the court, who was waiting for them at the stairs of the courthouse, was also crying. She said that many innocent people had been beaten this way. My brother said nothing to me; he was limping and walking slowly toward the courthouse.

On December 1, Josip spoke to his lawyer and on December 5, his family was allowed to visit him. As of February 11, Josip K. has not been charged. He is currently being held in investigatory detention at the Sisak district court.

Helsinki Watch also documented the abuse of Djordje Rkman who was physically abused by the Croatian Army. Rkman¹⁹ was in charge of weapons inventory at the local territorial defense unit²⁰ for 15 years. He lived in the village of Šodolovci with his parents, wife and two children. While on vacation on July 7, at approximately 10:00 a.m., he was tending to chores in the fields when he heard fighting at the entrance to the village. He ran to the closest house – 300 meters away – for shelter. There were eight people inside the house, two grandmothers, one young woman, a boy, and four men. When they saw that the Croatian National Guard was shooting at the house, they ran upstairs for shelter. There had been some men hiding in the attic of this house with a machine gun who fled through the roof when the National Guard opened fire, he said, but he did not see them. The machine gun was abandoned in the room next to the civilians' hiding place.

Fifty to twenty members of the Croatian Army came into the attic, followed by a second group which beat the men. Rkman described his abuse to Helsinki Watch:

All were in uniforms, all were [Croatian Army] soldiers. I was on the floor while they were beating me. I heard verbal harassment and threats. "Kill them now," one was saying. They put a gun to my forehead and were yelling "Četnik" at me. We were beaten for half an hour. We were then brought downstairs and they made us go out in the yard, where they made us lie down on our stomachs, hands on our heads. About 20 to 30 members of the Croatian Army randomly hit and kicked whoever they wanted. The women were not hit. I have not

¹⁹ Rkman was interviewed in private in the Osijek jail on July 30, 1991. We requested to speak with him by name and the prison authorities complied.

²⁰ During Yugoslavia's communist era, territorial defense units consisted of a local reserve militia and armaments stored at the local level.

been to the doctor. It is hard for me to breathe. My lip and my head were cut and I cannot open my mouth very much.

His upper right lip had a white scar on it.

We were then made to walk one to two kilometers with our hands behind our heads to their cars, where they beat us again.

They were handcuffed and taken to Djakovo, where the women were released. In Djakovo, they were individually interrogated.

When they saw I was beaten up, they took me to the hospital. While they were taking me down the hall in the police station, some of the police were yelling "Četnik" at me, kicking me in the sides as I went down the steps. I was also kicked in the courtyard of the hospital. But it was in the house where they broke my lip and my head. My left temple still hurts, as well as my ribs and back.

At the first aid station [in the hospital] they gave me two injections and stitched my face. I got two stitches on my mouth, two on my head, and two on my left cheek.

Arbitrary Arrests and Disappearances

In recent months, Serbian civilians have been arrested by Croatian authorities or abducted by individual Croatian extremists and their whereabouts remain unknown. Some have been missing for more than four months. Many arrests or abductions have been arbitrary: the criteria for arrest appear to be Serbian ethnicity; suspected or actual membership in the Serbian Democratic Party (Srpska Demokratska Stranka-SDS); current or prior membership in the Yugoslav People's Army²¹ (Jugoslavenska Narodna Armija-JNA); or familial ties to a member of the JNA. Arbitrary arrests and the subsequent disappearances of Serbs usually take place in areas which are under heavy and prolonged attack by Serbian forces or the Yugoslav military. The abduction of Serbs appears to be particularly serious in the municipalities of Gospić and Sisak. Helsinki Watch has also received reports that Serbs are being abducted from Zagreb, Zadar and Daruvar. Helsinki Watch is deeply concerned both by the cases of disappeared persons and the growing frequency with which persons are vanishing in Croatia.

Helsinki Watch has documented the following reports of missing persons from Gospić and Sisak:

- On August 26, 1991, three uniformed men entered the apartment of the Rajšić family in Sisak and arrested Dragan Rajšić, a retiree. A warrant for his arrest was not presented. The three men -- the family believes they were members of the Croatian Army²² -- returned to the family home later in the evening and asked Ms. Rajšić for her husband's weapons. Ms. Rajšić handed over a hunting rifle and two handguns, for which Mr. Rajšić reportedly had a license. They also asked for the gun's

²¹ Officers of the JNA who have switched sides in the conflict to assist or fight with Croatian forces have not been harassed. However, those members of the JNA who refuse to condemn the JNA's actions or support Croatian forces in the current war are frequently harassed.

²² Helsinki Watch spoke to the family's lawyer, Vladimir Ivković, in Zagreb on January 2, 1992.

ammunition but Ms. Rajšić did not know where it was kept. The three men left and came back in ten minutes and found the ammunition and license, presumably after they were told by Mr. Rajšić where they were kept. Ms. Rajšić did not receive a receipt indicating that the weapons had been confiscated.

The same evening, Mr. Rajšić's son, Dragoljub, inquired at the local police station, the Croatian Army headquarters, the Sisak district jail and the Sisak district court about his father's whereabouts and the reasons for his arrest – this information was not disclosed to Rajšić. As of February 7, Dragan Rajšić remains missing.

- At approximately 8:00 a.m. on November 23, 1991, Vasilje Kovač, a 65-year-old colonel in the Yugoslav army, was taken by four men dressed in camouflage uniforms in Široka Kula (municipality of Gospić). His whereabouts remains unknown to his family or lawyer.²³

In recent months, exchanges of prisoners held by Croatian or Serbian forces and the Yugoslav Army have taken place. According to international humanitarian and refugee organizations, it is estimated that Serbian forces currently hold eight times more prisoners – including civilians – than Croatian authorities. Helsinki Watch is concerned that Croatian authorities may abduct Serbian civilians and use them as prisoners for the purpose of exchange. Such action amounts to hostage-taking and is strictly forbidden under international humanitarian law.²⁴ Helsinki Watch urges the Croatian authorities to refrain from abducting Serbian civilians for the purpose of exchange.

Destruction of Civilian Property and Robbery

In Croatia, the destruction of civilian property has been used to frighten and intimidate people and to drive them from their places of residence. In the town of Vrpolje (municipality of Šibenik), Helsinki Watch representatives²⁵ examined the remains of three apartment buildings that were completely demolished by explosives. Graffiti and derogatory remarks demanding that all Serbs, Muslims, Albanians and Gypsies leave the area were scrawled on the walls.

Moreover, explosions have become commonplace in Croatia and, in most cases, property is destroyed for revenge. For example, if a Serb destroys a Croatian house one evening, a Croat will destroy a Serbian house the next evening and vice-versa. In May 1991, after Franko Lisica, a Croatian police officer from the village of Bibinje (municipality of Zadar), was killed, the Croatian villagers came to the nearby city of Zadar and, in a riot, destroyed places of business owned by Serbs and Serbian and Yugoslav firms, such as the Yugoslav Airline (JAT) offices.²⁶

²³ Ibid.

²⁴ Hostages are defined as "persons who find themselves, willingly or unwillingly, in the power of the enemy and who answer with their freedom or their life for compliance with the orders of the latter and for upholding the security of its armed forces." See International Committee of the Red Cross, *Commentary on the Additional Protocols of 1977*, (Geneva 1987) at 874.

²⁵ Helsinki Watch visited the Dalmatian and Knin regions in April, May, August and September 1991. Helsinki Watch visited Vrpolje in mid-August 1991.

²⁶ A Helsinki Watch representative visited Zadar on June 8, 1991.

In cases where individual extremists appear to be responsible for destruction of Serbian property, the Croatian authorities have sent inspectors to the scene of the damage, but few perpetrators have been apprehended. The Croatian insurance company has agreed to cover the losses suffered by the Serbian places of business destroyed in Zadar. Despite these steps, Helsinki Watch is concerned that not enough is being done to prevent individual destruction of civilian property.

Moreover, property – usually but not exclusively belonging to Serbs – has been destroyed after the proprietors have fled from regions of armed conflict and after Croatian troops assumed control. In December, Serbian paramilitary groups brutally massacred 43 civilians – mostly elderly Croats – in the villages of Vočin and Hum.²⁷ After Vočin was reclaimed by Croatian forces, individual Croats and members of the Croatian army destroyed and confiscated the property of Serbs who had fled from the area.²⁸ During a visit to Vočin on January 5, 1992, a Helsinki Watch representative saw two Croatian civilians loading a truck with belongings from a Serbian house. The village priest who accompanied the representative reprimanded the robber and told him to return the stolen articles but was rudely rebuffed. The priest reported the robbery to members of the Croatian army, who promised to look into the situation but did not send a patrol to investigate. Moreover, the priest and a number of people who had returned to the village told Helsinki Watch that individuals and members of the Croatian army had set several Serbian homes on fire in revenge for the December massacre in Vočin. Admittedly, most of the homes that were burned or otherwise demolished belonged to Croats and had been destroyed by Serbian paramilitaries during their occupation of the region. However, Helsinki Watch identified three Serbian houses that had been burned after the Croats re-claimed the village.

Helsinki Watch has received many reports in which individual Croats or members of the Croatian security forces have destroyed abandoned Serbian property after a village was re-taken by Croatian forces, particularly in western Slavonia. In some cases, discipline is not enforced by the troops' commanders, thereby encouraging pillaging, robbery and drunkenness among troops and individuals.²⁹ According to Serbs who have fled from western Slavonia,³⁰ Serbian homes and other property have been damaged in the following villages of western Slavonia: Čeralije, Macute, Bokane, Vočin, Komitnik, Hum, Sekulinci, Lisičine (municipalities of Podravska Slatina); Drenovac (municipality of Slavonska Požega); Pušina and Krašković (municipalities of Orahovica); Popovci (municipality of Pakrac); and Suhopolje (municipality of Virovitica). Although the extent of the damage is often exaggerated, Helsinki Watch found that Serbian property has

²⁷ Helsinki Watch investigated and reported the killings in a letter to Slobodan Milošević, President of the Republic of Serbia, and General Blagoje Adžić, Acting Minister of Defense and Chief of Staff of the Yugoslav People's Army. The letter was delivered to representatives of the Yugoslav army and Serbian government on January 23 and 25, respectively, by Helsinki Watch representatives.

²⁸ Approximately 20,000 Serbs fled from parts of western Slavonia in late November, when Serbian forces were ordered to withdraw from the region by the Yugoslav army. Almost immediately thereafter, Croatian forces re-claimed the territory.

²⁹ In addition to western Slavonia, Helsinki Watch representatives also saw undisciplined and drunken Croatian soldiers in Dalmatia, particularly in Zadar and Split.

³⁰ Displaced Serbs from western Slavonia were interviewed in Belgrade on January 28-29, 1992.

intentionally been destroyed by individual Croats or members of the Croatian police or army.³¹

Killing, Assault and Harassment of Journalists

Helsinki Watch is concerned about the large number of journalists who have been killed, wounded, physically assaulted or otherwise attacked while reporting on the war in Croatia. According to the International Federation of Journalists (IFJ), Yugoslavia was "the most perilous site for journalists" in 1991.³² The IFJ reported that some of the journalists killed in Yugoslavia were deliberately targeted because of their professional affiliation.³³

Since July 26, 1991, at least 17 foreign and domestic journalists have been killed while covering the war in Croatia. Four journalists are missing and at least 28 have been wounded while covering the war in Croatia. At least 63 have been attacked and over 38 have been otherwise harassed (i.e., threatened, property confiscated).³⁴

Deaths

Zoran Amidžić, Bora Petrović, Dejan Miličević and Sreten Ilić of Belgrade Television were killed while covering the war in Croatia under circumstances in which Croatian forces may have been responsible. The journalists were killed on October 9, 1991, on the road between Petrinja and Glina in circumstances that are still unclear. Various reports maintain that their car hit a land mine while other reports say that their car was ambushed by Croats using a shoulder-held grenade launcher.

Disappearances

The whereabouts of four journalists remain unknown. While Siniša Glavašević and Branimir Polovina, a reporter and cameraman for Radio Vukovar, are presumed to have been captured by Serbian forces, the whereabouts of Viktor Nugin and Genadi Kurinoj, a reporter and a cameraman for Soviet Television, remain unknown. The Soviet journalists left Belgrade for Zagreb, via Osijek, on September 1, 1991, and have not been heard from since. They were driving a dark blue Opel Omega with diplomatic license plates. They are presumed to have been killed.

³¹ Helsinki Watch recognizes that damage to civilian property has been inflicted during battles between Serbian and Croatian forces in western Slavonia, particularly in the municipalities of Okučani, Novska, Pakrac and Nova Gradiška. In the cases enumerated in this section, Helsinki Watch refers to damage intentionally inflicted to civilian property after a lull in the fighting, not during a battle.

³² "Record Number of Journalists Reported Killed in 1991," Associated Press, January 6, 1992. According to the IFJ, of the 83 journalists killed worldwide in 1991, 21 were killed in Yugoslavia alone. More journalists have been killed since the IFJ released its report in late December.

³³ *Ibid.*

³⁴ The figures in this section were gathered in Helsinki Watch interviews with witnesses and from information provided by the International and American PEN Centers, the Committee to Protect Journalists, the Foreign Press Bureau in Zagreb and non-Yugoslav press and wire reports.

Helsinki Watch calls upon the Croatian authorities to investigate the deaths of the four aforementioned Serbian journalists and the disappearance of the two Soviet correspondents. Insofar as Croatian forces may have been responsible for their deaths, Helsinki Watch calls upon the Croatian government to prosecute vigorously those guilty of such crimes.

Harassment and Discrimination

A stridently nationalist election campaign in 1990 gratuitously inflamed Serbs in Croatia. The Croatian government did little to alleviate the Serbs' fear of persecution after it assumed power in late 1990. Through bombastic -- and in some cases racist -- rhetoric, the government-financed media and individual members of the Croatian government perpetuated nationalist hysteria in Croatia. Coupled with similar action by the Serbian government and media, violence between individual Serbs and Croats in Croatia is escalating not only on the battlefield, but also in areas which are not in imminent danger of attack. Indeed, the increase in individual harassment of, and discrimination against, Serbian civilians in Croatia is alarming.

Harassment

Critics of the Croatian government -- both Croats and Serbs -- have been harassed both by individual extremists and government officials. Members of the Serbian Democratic Forum (SDF)³⁵, the Serbian Democratic Party (SDS) and members of the Yugoslav army are especially targeted for such harassment. Helsinki Watch recognizes that many, though not all, SDS members are actively engaged in fighting against Croatian forces in Croatia. Insofar as such persons are active participants in the armed conflict, their arrests are permissible under international law.³⁶

The Yugoslav army, navy and air force have suffered from mass desertions since the war began in Croatia. Many former JNA officials who are of Croatian origin have switched sides in the conflict and are actively engaged in the war effort against Serbian forces. Members of the Yugoslav armed forces who have deserted or switched sides are not harassed. Rather, those Yugoslav military officials who have not publicly sided with the Croats but continue to reside in Croatia (usually retired JNA officers), are frequently harassed and, in some cases, have disappeared.³⁷

In some cases, a newspaper or magazine (most frequently *Slobodni Tjednik*) accuses various Serbs of being spies for the insurgents or members of the Yugoslav Army's counter-intelligence service (Kontra-obavještajna služba-KOS).³⁸ Individual Croat read the column and harass the named Serbs. Frequently, the

³⁵ The Serbian Democratic Forum (SDF) was registered as an official organization--it is not a political party -- with the Croatian authorities in late December. SDF officials told Helsinki Watch that they experienced no difficulties in registering the organization.

³⁶ Under the rules of war, those actively participating in hostilities lose their civilian status and become combatants during the period of their combat participation, which includes defensive, as well as offensive action.

³⁷ See the case of Vasilije Kovač above.

³⁸ See *Slobodni Tjednik*, Number 66, Zagreb.

named Serbs receive threatening telephone calls; some have been physically accosted by individual extremists.

In cases where victimized Serbs have reported physical harassment to the police, the authorities have responded in a variety of ways. In Zagreb and at the republican level, Croatian authorities have investigated such cases. However, few people are arrested or prosecuted for such offenses. On the local level, particularly in areas where Croatian forces are engaged in battle with Serbian forces and the Yugoslav army, harassment of local Serbs is rarely investigated by the local authorities. In some cases, local Croatian police and military agents are reportedly guilty of such harassment themselves.

Moreover, the Croatian police have summoned Serbs to local police stations for questioning, commonly referred to as "informative discussions" (*informativni razgovori*). Svetozar Livada, a retired sociology professor and member of the Serbian Democratic Forum (SDF), was interrogated by the police twice at Zagreb's police headquarters. Although Livada reported no mistreatment,³⁹ the grounds for his interrogation appear to be unfounded. According to Livada, he received a written request to come to police headquarters at Djordjičeva 19 at 9:00 a.m. on December 6, 1991. He was questioned about his research work regarding Archbishop Alojzije Stepinac and asked about his opinion of Croatia's newly promulgated law regarding ethnic minorities in Croatia.⁴⁰ The police also asked Livada about the origin of the Serbian Democratic Forum's financial support. On December 13 at 8:00 a.m., Livada received a telephone call asking him to come to the police station at 10:00 a.m. for another informative conversation, where he was questioned further about the same subjects.

Helsinki Watch believes that the questioning of Livada is without basis. Further, Helsinki Watch believes that such questioning is being used by Croatian authorities to intimidate members of the Serbian Democratic Forum, a legally registered organization which is not engaged in the armed conflict and seeks to represent the rights of law-abiding Serbian citizens in Croatia. Insofar as Croatian authorities are to question individuals, sufficient grounds must exist for such questioning. An individual's ethnic or political affiliations are not reasonable grounds for interrogation or arrest.

Helsinki Watch does not dispute the Croatian government's right to provide for its territorial defense and to take appropriate measures for such defense where necessary. However, Helsinki Watch is gravely concerned that the civil and political rights of various Serbs--and Croats who hold minority views--are being violated both by individual extremists and by government representatives in the name of national defense. Despite the fact that forces attacking Croatia are overwhelmingly Serbian, this in no way gives Croatian government officials or individuals the right to harass, attack or discriminate against Serbian civilians who are law-abiding citizens of Croatia. Helsinki Watch is concerned that such intimidation is forcing Serbs to flee from Croatia either to Serbian-occupied territory in Croatia and Bosnia or to Serbia proper. According to a Serbian lawyer in Zagreb⁴¹, half of Zagreb's Serbs have fled because of harassment, or fear of harassment, by individual extremists. Helsinki Watch believes that the Croatian government has not done enough to

³⁹ Interviewed by Helsinki Watch in Zagreb on December 31, 1991.

⁴⁰ On December 4, 1991, the Croatian Parliament adopted a law which guarantees the human and cultural rights of ethnic and national groups or minorities in Croatia. (See "Ustavni Zakon o ljudskim pravima i slobodama i o pravima etničkih i nacionalnih zajednica ili manjina u Republici Hrvatskoj," *Narodne Novine Republike Hrvatske*, Broj. 65, 4. prosinca. 1991.)

⁴¹ Interviewed by Helsinki Watch in Zagreb on January 2, 1992.

ameliorate the tension between Serbs and Croats in Croatia in areas which are not occupied by Serbian forces. In some instances, local government officials have reportedly condoned, encouraged or perpetrated acts of violence or harassment against Serbian civilians.

Arbitrary Searches and Seizures

Croatian forces are responsible for the arbitrary search of homes and seizures of property, usually firearms for which the owner retains a license. Such searches often are conducted without warrants. In areas under siege, Croatian forces frequently search Serbian homes, purportedly for large caches of weapons. In some cases, the fact that a house is owned by a Serb appears to be sufficient cause to search the premises or an entire Serbian village. According to a 19-year-old woman from the predominantly Serbian village of Gornji (Upper) Gučani (population 92, municipality of Slavonska Požega):⁴²

In early October, at about 4:00 p.m., armed villagers from the neighboring Croatian towns of Busnovi and Donji [Lower] Gučani blocked all the exits from Gornji Gučani, a predominantly Serbian village in which I lived. I was in my house at the time with my mother, grandmother and brother; my father was at work in Slavonska Požega at the time. About ten members of the Croatian Army walked from house to house searching every home in the village. Five soldiers came to my house and asked to search the premises. We asked them if they had a warrant and one of them replied, "We have too much work to do, we don't have time for those details." The five soldiers searched our house from top to bottom. They told us to hand over two guns which they thought we had in the house. My mother told them that we didn't have any weapons and after they searched the house again, they left peacefully. I knew the five soldiers, they were from the Slavonska Požega area.

Helsinki Watch does not dispute the Croatian government's right to take precautions against attack. While the authorities have the right to search a person's home, the reasons for such a search, and evidence to support the claim, must be presented to appropriate authorities, who must then issue a warrant, especially if the area to be searched is not under attack. The fact that a home belongs to a Serb does not constitute sufficient reason for a search of the premises. Moreover, searching an entire Serbian village is both arbitrary and discriminatory.

Discrimination in the Workplace

Because of the economic crisis, many workers of different nationalities have lost their jobs in recent months, while others have not been paid or have received their pay months late. Because of war damage or insolvency, closures and layoffs are becoming commonplace throughout Croatia. However, many claim that they have lost their jobs for ethnic, as opposed to economic, reasons.

Helsinki Watch has received reports of discrimination in the work place in Croatia. Much of the discrimination does not appear to be government-sponsored, but privately organized. For example, individual Croats, particularly in the coastal cities of Split and Šibenik, have authored and organized the signing of "loyalty oaths" to the Croatian government. The loyalty oaths are typically written by Croatian

⁴² Interviewed by Helsinki Watch in Belgrade on January 21, 1992.

workers and presented either to all employees or only to Serbian workers for signatures. Those who refuse to sign -- mostly Serbs -- are threatened with dismissal or are, in fact, fired from their jobs.

The "loyalty oath" campaign originated with Croats who claimed that Serbian colleagues who worked with them were the same individuals who fought on the side of the Serbian insurgents, particularly in Knin. They accused their Serbian colleagues of manning barricades and shooting at Croats in the evening and then coming to work the next day with the same Croats at whom they shot the night before.

The Croatian Ministry of Labor and Social Welfare has documented cases of loyalty oath signature campaigns in ten enterprises throughout Croatia, including the TEF (Tvornica elektroda i ferolegura) and TLM (Tvornica lakih metala) plants in Šibenik, the ship-building factory in Split and the Slavija enterprise in Zagreb. Helsinki Watch has also received reports of such campaigns in the Zadranka firm in Zadar and at the Jadrantours enterprise in Split.

The Croatian government and the Croatian Parliamentary Committee for the Protection of Human Rights have condemned the signing of loyalty oaths and have required the reinstatement of those who have lost their jobs because they refused to sign such oaths. The practice of loyalty oaths appears to have been particularly abused in the spring and summer of 1991, but has greatly diminished since then. Helsinki Watch has not received any recent reports of loyalty oath campaigns organized by Croats.

Helsinki Watch welcomes the condemnation of loyalty oaths by the Croatian government. We also urge the authorities to take disciplinary actions against those who have required the signing of loyalty oaths and to take steps -- at the republican and local levels -- to prevent similar campaigns in the future. Dismissing a worker because of his or her failure to sign a loyalty oath to a government violates the right to freedom of expression. Moreover, using loyalty oaths to weed out Serbs is discriminatory. If individuals are engaged in illegal activity, the authorities should conduct an investigation into the illegal offense, rather than dismiss an individual because he or she is of Serbian ethnicity or is suspected of supporting the Serbian insurgents.

Discrimination in the Police Force

Helsinki Watch is concerned that ethnic criteria are applied by the Croatian Ministry of the Interior to hire and dismiss Serbian police officers. During the communist era, the vast majority of the police officers in Croatia were Serbian. According to the Croatian Ministry of the Interior, Serbs accounted for approximately 75 percent of the Croatian police force despite the fact that they comprised only 11.5 percent of the republic's population. Since the new Croatian government has taken power, the police forces have been greatly enlarged and the ratio between police officers of Serbian and Croatian origin has been reversed; Serbs constitute approximately 23 percent.

The Croatian Ministry of the Interior contends that the numbers have not been reversed because Serbs were fired from their jobs but because more Croats were recruited. Slavko Degoricija and Milan Brezak, former and current Deputy Interior Ministers, told Helsinki Watch that no one has been fired from police jobs simply because of nationality. They contend that three factors have influenced the reversal in the composition of the police. First, after the new Croatian government decided to change the insignia on the police uniform from a communist red star to the traditional Croatian coat of arms, many Serbs quit, claiming that they would not wear the new insignia because they equated the coat of arms with the fascist Croatian regime during World War II. Second, some Serbs quit the Croatian police force to fight on the side of the Serbian insurgents in Croatia. Third, when the Croatian police force was being augmented, according to Brezak and

Degoricija, an effort was made to rectify the disproportionate representation in the police forces by establishing "national parity and equal representation" in the police force.

Indeed, in the past nineteen months, both the active and reserve units of the Croatian police force have been greatly enlarged. The Croatian government justifies the increase in their security forces by pointing to the Serbian insurgency, the Serbian bias of the JNA and the JNA's dismantling of Croatia's territorial defense units.⁴³

Although Helsinki Watch does not dispute the Croatian government's right to increase and strengthen its police force, it is concerned that Serbs are being excluded and dismissed because of their nationality. Helsinki Watch interviewed several insurgents who admitted that they had quit their jobs with the Croatian police to join the Serbian insurgency. However, it is difficult to believe the Ministry of the Interior's assertion that of the 11,000 Serbs who worked for the Croatian police during the communist regime, 6,000 left of their own accord.

Helsinki Watch has documented one such case in which disciplinary action was taken against twelve Serbian police officers in Zadar because they walked out of a meeting led by deputy police chief, Perica Jurić. According to official documents from the Zadar police station and disciplinary committee,⁴⁴ Jurić gave a speech at a meeting of police officers in Zadar on October 30, in which he stated that a number of police officers would have to be dismissed because of a surplus of labor. During the meeting, Jurić reportedly insulted a number of police officers and made comments that were considered arrogant, prejudiced and unprofessional by approximately fifty workers, all of whom walked out of the meeting. Of those who walked out – reportedly both Croats and Serbs – disciplinary action appears to have been taken only against the twelve Serbian police officers because they "created dissatisfaction and disquiet among other workers" after they walked out of an "official meeting which they were obliged to attend as employees of the police force."⁴⁵ Charges were subsequently dropped against one police officer and nine were fined. Two police

⁴³ Helsinki Watch is aware that, early in 1990, the Yugoslav People's Army (JNA) confiscated most of the weapons that were part of Croatia's territorial defense (teritorijalna obrana - TO), a local defense force separate from the federal army. When the new Croatian government came to power, and after the TO's weapons had been confiscated, both active and reserve police units in Croatia were strengthened.

⁴⁴ See Republika Hrvatska, Ministarstvo Unutarnjih Poslova, Sekretarijat za Unutarnje Poslove Zadar, Broj 511-17-01-9649/1-1990, Zadar, 08.studenog.1990 and Broj DS-01-30/20-1990, Zadar, 20.11.1990. See also Republika Hrvatska, Ministarstvo Unutarnjih Poslova, Policijska Uprava Zadar, Broj. DS-01-30/19-1990, Zadar, 26.12.1990; Broj DS-01-30/20-1990, Zadar, 4.1.1991; and Broj DS-01-30/22-1990, Zadar, 17.1.1991. See also "Zapisnik," Broj DS-01-30/19-1990, 18.12.1990, završen u 17,10, i 24.12.1990, završen u 15,20 sati.

⁴⁵ The Secretariat for Interior Affairs of Zadar brought charges against the twelve police officers who were accused of violating Article 84(1), points 3, 10 and 13, of the Law of Interior Affairs (i.e., "Zakon o unutrašnjim poslovima," *Narodne Novine Socijalistické Republike Hrvatske*, Broj 55, 26. prosinca 1989, as adopted, amended and revised in "Zakon o izmjenama Zakona o unutrašnjim poslovima," *Narodne Novine Republike Hrvatske*, Broj 47, 14. studenoga 1990). The charges were considered and decisions were set forth by a disciplinary committee (i.e., disciplinski sud za radnike Radne zajednice Policijske uprave Zadar i Policijskih stanica Biograd na moru, Benkovac, Obrovac i Pag). The committee's decisions are set forth in three separate judgements (i.e., presude): Republika Hrvatska, Ministarstvo Unutarnjih Poslova, Policijska Uprava Zadar, Broj. DS-01-30/19-1990, Zadar, 26.12.1990; Broj DS-01-30/20-1990, Zadar, 4.1.1991; and Broj DS-01-30/22-1990, Zadar, 17.1.1991. Charges against Mirko Kalanj were dismissed for lack of sufficient evidence. The

officers were fired because they had spoken to the press⁴⁶ "about the official business of the police station without permission," i.e., the meeting in question. One of the two who was fired was accused of having used restricted firearms without the knowledge or permission of his superiors.⁴⁷

While Helsinki Watch does not dispute the right of the police to maintain order within its ranks, we are concerned that actions against the twelve Serbian police officers was used to harass and intimidate the men. Helsinki Watch believes that the proceedings and subsequent penalties were not justified as a means of disciplining officers; instead, they interfered with their freedom of expression. Moreover, disciplinary action appears to have been taken only against the Serbs and not against the Croats who walked out of the meeting, thus discriminating against workers on the basis of nationality.

Failure to Prosecute a Killing

On July 1, the Chief of Police of Osijek, Josip Reihl Kir (a Croat), and two elected officials (one Serb and one Croat) were killed. One other Serbian official was reportedly wounded by a Croatian reserve police officer.⁴⁸ This officer, Antun Gudelj, was known to be a Croatian extremist. He reportedly shot at the officials' car from behind a police barricade in Tenja. Although many reserve and regular police officers were at the scene, no one detained the killer, who is still at large. The victims, seen as moderates, were trying to negotiate a peaceful settlement to the violent Tenja disputes.⁴⁹

following police officers were fined: Jovo Vujasinović, Borivoj Mucalj, Nikica Subotić, Saša Bubalo, Željko Babić, Slaven Rašković, Mišan Gajica, Slobodan Grbić and Nevenko Tintor. (All the aforementioned men, except Gajica and Vujasinović, had 15 percent of their pay withheld for a period of three months. Gajica and Vujasinović each had 15 percent of their pay withheld for four and six months, respectively.) Damir Basta and Miroslav Macura were dismissed from their jobs.

⁴⁶ The comment was made at a press conference in Knin on November 1, 1990, (as reported in "Neka se sazna prava istina," *Slobodna Dalmacija*, November 2, 1990) and on the daily news program of Croatian Television on November 18, 1990.

⁴⁷ As a member of the special forces of the Croatian police, Miroslav Macura was licensed to carry and operate a Heckler automatic weapon while on duty and only with the permission of his commander. When Macura went off-duty, he took the weapon home with him and fired three bullets in the village of Crno without the knowledge or permission of his superiors. (See Republika Hrvatska, Ministarstvo Unutarnjih Poslova, Policijska Uprava Zadar, Broj DS-01-30/22-1990, Zadar, 17.1.1991.)

⁴⁸ Those killed with the Chief of Police were Goran Zopundzija (a Croat), vice-president of the executive branch of Osijek's government, and Milan Knežević (a Serb), president of Tenja's town council and member of Osijek's district council. Wounded at the same time was Mirko Tubić (a Serb), a member of Tenja's town council.

⁴⁹ The town of Tenja (population 7,664, a municipality of Osijek), is divided into the old and new sections. Old Tenja is predominantly Serbian while new Tenja is comprised of both Serbs and Croats. On July 7, 1991, seven people were killed in a gun battle between Serbs and Croats. (See Marcus Kable, "Five Die in Serb, Croat Battle; EC Seeks to Avert Yugoslav War," Reuters Information Service, July 7, 1991, and Stephen Engelberg, "Five Die as Croats and Serbs Trade Fire," *The New York Times*, July 8, 1991.) Sporadic violence had erupted in late June between Tenja's Serbs and Croats.

Osijek mayor Zlatko Kramarić told Helsinki Watch³⁰:

The Serbs asked for a meeting with Kir, but Kir did not use his political acumen when he agreed to talk to the Serbs in Tenja [on July 1]. The Croats there, who are pretty radical, would view that as aiding the Serbs.

The man who shot Kir, Antun Gudelj, had just had his house burned and his father captured on that day³¹ and he was not psychologically stable. One can understand but not exonerate his anger.

During Kir's visit, three barricades had been erected in Tenja: one was manned by the active Croatian police, another by the Croatian reserve police – most of whom were members of the Croatian Democratic Union (Hrvatska Demokratska Zajednica - HDZ), and a third was controlled by the Serbian insurgents. Kir and his colleagues passed through these barricades without difficulty on their way to Tenja. While Kir was at the insurgents' headquarters, the Serbs told Kir that they had been warned of an impending attack by the Croatian police. Kir, claiming he had no knowledge of this, returned to talk to his men. They reportedly told him that no attack was planned.

On his way back to deliver the message to the Serbs, as he passed again through the HDZ-controlled barricade, Kir and two others were shot dead.

A Croatian reserve police officer³² told Helsinki Watch:

I was there on July 1 when Kir was shot and I saw the bodies. I was about 100 meters away on patrol. I did not have a good view of the scene but I heard the shooting and ran over.

Kir was killed at the entrance to new Tenja. A reserve police officer killed them because the driver refused to stop the car. Many others were there and saw what happened, including the Croatian police.

The investigating magistrates of the district court in Osijek told Helsinki Watch that a warrant is out for Gudelj's arrest but that he has not yet been apprehended.

The Croatian authorities are obligated to investigate, apprehend and charge those responsible for crimes such as the killing of Kir and the other two officials. Because they called up and armed reserve police officers, the Croatian government has a heightened duty to prosecute acts allegedly committed by these

³⁰ Kramarić was interviewed in his office on July 29, 1991.

³¹ See Helsinki Watch's "Yugoslavia: Human Rights Abuses in the Croatian Conflict," September 1991, for an account of the Antun Gudelj's father's treatment and torture while held by Serbian insurgents.

³² Interviewed on July 30, 1991, in Osijek.

officers.⁵³

Interference with the Independence of the Judiciary and Politically-Motivated Court Proceedings

The Case of Dobroslav Paraga and Milan Vuković

Dobroslav Paraga, leader of the ultra right-wing Croatian Party of Rights (Hrvatska Stranka Prava-HSP), has frequently criticized the Croatian government for its alleged ill-preparedness for, and laxity toward, the Serbian insurgency in Croatia. Under Paraga's leadership, the Croatian Party of Rights formed an armed wing called the Croatian Armed Forces⁵⁴ (Hrvatske Oružane Snage-HOS), which engages in military operations against Serbian forces. Although the Croatian government has forbidden the formation of such paramilitary units and claims that HOS forces are now under the command of the Croatian Ministry of Defense, the degree to which the Croatian government exercises control over HOS forces remains ambiguous. Likewise, the estimated number of HOS troops varies widely from between 300 to 2,000.

In early October, HOS troops took over a building in central Zagreb by force and placed a cannon in front of the building. Despite public outcry, no charges were filed against Paraga or his troops at the time and the Croatian Party of Rights was allowed to establish its headquarters in the seized building.

Later that month, Paraga began calling vociferously for the ouster of President Tudjman. On November 25, criminal charges were filed against Paraga and his deputy, Milan Vuković. Both men were charged with inciting an armed rebellion⁵⁵ and illegally obtaining weapons.⁵⁶ Due to lack of evidence, charges of organizing an armed rebellion were dropped against Paraga and Vuković by a district court on December 4, a decision which was subsequently confirmed by the Croatian Supreme Court on December 13. The lesser charges of illegally purchasing weapons remained in force.⁵⁷ Vuković was charged and released

⁵³ Despite public suspicion, Helsinki Watch found no evidence to suggest that the murder of Ante Paradžik, Vice-President of the Croatian Party of Rights, had been politically motivated. Paradžik was shot at a police checkpoint by a Croatian police officer who had seriously wounded an unarmed Yugoslav army officer at a checkpoint ten days before. It appears that the officer irresponsibly used his weapon in both cases and that no political motive existed in either instance. Croatian officials failed to take disciplinary measures against the police officer after his shooting of the Yugoslav army officer; however, murder charges have been brought against the police officer for the killing of Paradžik. Helsinki Watch urges the Croatian authorities to take appropriate measures to ensure that the shooting of the Yugoslav army officer not go unpunished.

⁵⁴ Although this group operates under the name of the "Croatian Armed Forces," it does not represent the legitimate military forces of the Croatian government. Hereinafter, Paraga's troops will be referred to by their Croatian acronym, HOS.

⁵⁵ See Article 236f(1) and (2) of Croatia's Criminal Code.

⁵⁶ See Article 209(2), of Croatia's Criminal Code.

⁵⁷ Court documents state that Paraga and Vuković illegally sought to purchase 185,000 DEM (approximately \$US114,000) worth of weapons, including five sniper guns, 100 AK-47's, 10 pistols 27,000 bullets and 36 mines on September 10, 1991, from Stjepan Palijan, president of the district council of Križevci.

on November 25, 1991. Paraga was detained and released on December 4. after the district court rejected the public prosecutor's [i.e., the government's] contention that Paraga remain in investigatory detention . The case remains in the investigatory phase.

Helsinki Watch does not dispute the charges brought against Paraga and Vuković nor the right of the Croatian government to try both men. However, Helsinki Watch questions the delay in bringing charges, which implies that the motivation to bring charges against Paraga was political rather than legal. Action was taken against Paraga only after he called for the ouster of President Tudjman's government. Criminal proceedings appear to have been brought against Paraga because he exercised his right to free speech and not because he was responsible for the organization, training and arming of illegal paramilitary groups and forcible breaking and entering. No action was taken against Paraga in October, when HOS troops used force to assume control of a building in downtown Zagreb. Helsinki Watch believes that action should have been taken against Paraga and HOS forces in October, immediately after HOS forces took forcible control of the building and placed a cannon in central Zagreb. Likewise, the Croatian government's attempt to bring HOS paramilitaries under the control of the Croatian Defense Ministry should have come much earlier.

The Case of Mile Dedaković

On November 18, 1991, the city of Vukovar fell to Serbian forces. For much of the three-month siege of Vukovar, Mile Dedaković (a.k.a. Jastreb) was commander-in-chief of Croatian defense forces in Vukovar. Approximately one week before Vukovar's fall, Dedaković was reassigned to the nearby city of Vinkovci, where he served as commander-in-chief of Croatian forces for the Vukovar and Vinkovci-Županja region. After Vukovar fell, two commissions -- one in Parliament and another in the government -- were formed to investigate the reasons for the defeat of Croatian forces.

In late November, Dedaković was arrested by the Croatian military police,⁵⁸ who beat him in custody. Dedaković was charged with attacking the constitutional order of the Republic of Croatia⁵⁹ by the military authorities and was subsequently taken to civil court for trial. When Dedaković was taken to Zagreb district court on December 3, the presiding judge saw that Dedaković had been severely beaten in detention.⁶⁰ The civil authorities demanded to know who was responsible for Dedaković's maltreatment and the Croatian authorities have begun an investigation into the matter.

The district court dropped charges against Dedaković for attacking Croatia's "constitutional order"

The weapons were to be used to arm and equip Paraga's HOS forces. (See "Rješenje," Poslovni broj, I.KIO-I-311/91, Okružni Sud Zagreb, Istražni Odjel, 2. prosinca 1991; "Rješenje," Poslovni broj, XXI-II-Kv.-691/91/KIO.I-311/91, Okružni Sud Zagreb, Istražni Odjel, 4. prosinca 1991; and "Rješenje" Broj IV-Kz-124/1991-4, Vrhovni Sud Republike Hrvatske, 13. prosinca 1991.)

⁵⁸ The Office of Intelligence and Security (Sigurnosno Informativna Služba-SIS) of the Croatian Ministry of Defense is responsible for the military police and gathering of military intelligence. As a member of the Croatian armed forces, Dedaković was subject to military, rather than civil, rules of conduct and procedure and therefore was detained and questioned by the military police for a longer period of time than stipulated under Croatian criminal and civil law.

⁵⁹ Dedaković was initially charged under Article 236a of the Croatian Criminal Code.

⁶⁰ The court's medical examiner confirmed that Dedaković was maltreated.

due to lack of sufficient evidence. However, the court charged Dedaković and two accomplices⁶¹ for abusing their official positions⁶² to embezzle money (approximately \$US 1 million) which was to have been used to buy weapons for Vukovar's defense.

Dedaković was taken into custody by civil authorities and placed in civil detention at the Zagreb district court. On December 24, Zagreb district court Judge Emir Midžić (47) ruled that sufficient evidence did not exist for Dedaković to remain in investigatory detention and he was released on his own recognizance pending completion of the magistrate's investigation. On the evening of December 24, Judge Midžić was served with a draft notice to report immediately for combat duty. He was sent to the battlefield near Letovanović. He was released from military service approximately three weeks later and is currently attending to his judicial duties.

Helsinki Watch calls upon the Croatian government to ensure that those responsible for Dedaković's mistreatment are punished. Moreover, Helsinki Watch is gravely concerned that Croatian government authorities ordered the mobilization of Judge Letovanović because said authorities disapproved of Dedaković's release. Colleagues of Judge Midžić claim that he had received threatening telephone calls from Croatian government officials who were upset that charges against Dedaković had been reduced.⁶³ Helsinki Watch believes that the mobilization of Judge Midžić may have been politically motivated. Such an action grossly interferes with the independence of the judicial system and shows an utter disrespect for the rule of law.

Restrictions on Freedom of the Press

The war has had a devastating effect on freedom of the press and, to a lesser extent, freedom of expression in Croatia. Harassment of and economic pressure against independent-minded journalists and publications is also a problem.

On October 30, 1991, President Tudjman signed a presidential decree "on the distribution of information in the event of a state of war, or an immediate danger to the independence and unity of the Republic of Croatia."⁶⁴ The Croatian Parliament adopted the decree on November 2, 1991. The decree establishes rules of conduct for the foreign and domestic press covering the war in Croatia. The decree does not call for the censorship of all news, only information related to defense matters during times of war. Nevertheless, Helsinki Watch believes that such a decree seriously violates freedom of the press.

The decree calls for the formation of a committee (the Information Headquarters of the Republic of

⁶¹ Dedaković, Ljiljana Toth and Nikola Toth, the latter the commander of the Fourth Battalion of the Croatian National Guard and member of the Vukovar Defense Command from August 29 to November 13, were charged and arrested for the same offense.

⁶² Dedaković was charged under Article 222 of the Croatian Criminal Code.

⁶³ Helsinki Watch spoke to colleagues of Judge Midžić in early January 1992, who asked that their names be kept confidential because they feared dismissal from their jobs for disclosing such information.

⁶⁴ "Uredba o Informativnoj Djelatnosti za Vrijeme Ratnoga Stanja ili u Slučaju Neposredne Ugroženosti Neovisnosti i Jedinstvenosti Republike Hrvatske," Register No. 57, Number 1134/91, Zagreb, October 30, 1991.

Croatia) which would coordinate and supervise press activities. The committee consists of the Minister of Information, media experts appointed by the Minister of Information and other government-appointed officials.⁶⁵ The decree places Croatian Television and Radio under the direct control of the Croatian Government⁶⁶ and designates certain newspapers to be "war dailies" which would also be subordinated to government control.⁶⁷ The decree demands that all media comply with instructions issued by the republic's Information Headquarters, local administrative bodies and respective regional defense centers.⁶⁸ Thus, in effect, the decree establishes censorship panels at both the republican and local level.

The decree places severe restrictions on journalists reporting on the war. Permits must be issued by respective regional defense centers before a journalist can report news from the battlefield⁶⁹ and any information regarding Croatian security forces or defense-related news must be approved by a body of the Croatian Armed Forces.⁷⁰ Reporting military secrets, calls for the forcible overthrow of the government, and information considered harmful to the defense of Croatia is prohibited. If a publication violates the above regulations, government authorities are empowered to seize all copies of the publication; such action cannot be appealed.⁷¹ Moreover, foreign

journalists may be held liable for violating the censorship rules and foreign radio and television programs can only be broadcast with the permission of the Croatian Ministry of Information.⁷²

Journalists may be sentenced to a maximum of five years of imprisonment for reporting military information without the permission of the Croatian Armed Forces. Continued publication after banning by the Ministry of Information is punishable by a prison term of up to five years; distribution of a banned publication is punishable by a prison term of up to three years in prison.

The refusal by an editor-in-chief to broadcast or publish a government communique is punishable by a prison

⁶⁵ *Ibid.*, Article 3.

⁶⁶ *Ibid.*, Articles 4 to 6.

⁶⁷ *Ibid.*, Article 7.

⁶⁸ *Ibid.*, Article 8.

⁶⁹ *Ibid.*, Article 10.

⁷⁰ *Ibid.*, Article 11. The Fund for Free Expression, a sister organization of Helsinki Watch, has criticized press and speech restrictions imposed by the United States military during the U.S. campaign in the Persian Gulf in early 1991. The restrictions imposed by the U.S. government during Operation Desert Storm were also criticized by the U.S. press community and a host of other civil rights organizations. (See The Fund for Free Expression, "Freedom of Expression and The War: Press and Speech Restrictions in the Gulf and F.B.I. Activity in the U.S. Raise First Amendment Issues," January 28, 1991.)

⁷¹ *Ibid.*, Article 13.

⁷² *Ibid.*, Articles 15 and 16.

term of up to one year, as is the unapproved broadcast of foreign media.⁷³

An issue of *Slobodni Tjednik*⁷⁴ was recently banned by the Croatian government, because it transcribed a telephone conversation between President Tudjman and Mile Dedaković, former commander of Croatian forces in the besieged city of Vukovar.⁷⁵ According to *Slobodni Tjednik*'s transcription of the conversation, delivery of weapons for the defense of the besieged city was promised. The article implies that, although military aid was promised, such aid never arrived.

Despite the adoption of the presidential decree by the parliament, the Croatian government has made no case for the imposition of press restrictions. The Croatian government has failed to prove that the press has in anyway obstructed military operations or endangered national security. The promulgation of the decree is a step backward, rather than a step toward the development of democracy in Croatia. Helsinki Watch is concerned that such restrictions may have been imposed to minimize coverage of civilian and combatant injuries and deaths and material damage inflicted not only by Croatian security forces, but also by the Serbian insurgents and the Yugoslav army, whose victories might reflect poorly on the Croatian government's ability to provide for its peoples' defense, thus weakening the current government. Helsinki Watch does not dispute the right of the Croatian government to provide for its territorial defense. However, Helsinki Watch believes that the rights to freedom of speech, expression and the press should not be subordinated for military purposes.

Helsinki Watch is also concerned about actions taken by the Croatian authorities against *Glas Slavonije* (Voice of Slavonia), an Osijek-based newspaper. In the past, *Glas Slavonije* was independent and not directly controlled by the government. On July 25, 1991, the paper was placed under the control of the government, precipitating the resignation of the editor-in-chief, Drago Hedl, and the managing director, Vladimir Kokeza. The next day, the commander of Croatian forces in Slavonia, Branimir Glavaš, entered the paper's offices with ten heavily armed members of the Croatian Army. Glavaš ordered all those present to leave.⁷⁶ Shortly thereafter, Glavaš -- a military official -- and other government-appointed members of the paper's executive board installed new management at *Glas Slavonije*.⁷⁷ Helsinki Watch deplores the methods used by government forces to assert control over *Glas Slavonije*, particularly the armed intervention at the newspaper's offices. The current war in Croatia in no way gives local military or political authorities the right to use force to interfere with freedom of the press.

Helsinki Watch is concerned that the Croatian government -- both at the republican and local levels - is trying to silence critical or independent publications through intimidation and economic pressure. A

⁷³ *Ibid.*, Articles 17-21.

⁷⁴ *Slobodni Tjednik*, Number 94, Zagreb January 8, 1992. Helsinki Watch retains a copy of this issue.

⁷⁵ For a description of Dedaković's case, see above section on interference with the independence of the judiciary and politically motivated court proceedings.

⁷⁶ See Committee to Aid Democratic Dissidents in Yugoslavia, *CADDY Bulletin*, No. 66, August 1991, p. 9, and "Krici i Šaputanja iz Glasa Slavonije," *Slobodna Dalmacija*, August 1, 1991, p. 11.

⁷⁷ *Ibid.*

journalist for the Split-based daily newspaper, *Slobodna Dalmacija*,⁷⁸ expressed his concern to Helsinki Watch that the newspaper was being pressured to enter the government's fold or go out of business.

In the summer of 1990, *Slobodna Dalmacija* restructured itself as a share-holding company and all government assistance and involvement ceased after it became a private enterprise. Our circulation is high and we're a profitable firm. Whereas many other Croatian dailies provide access to government or right-leaning opposition groups, *Slobodna Dalmacija* prints columns and articles by, and interviews with, left-of-center opposition figures. The government and right-wing opposition groups do not appreciate our editorial policy. We consider ourselves objective and they view us as "Bolshevik." The government still considers *Slobodna Dalmacija* a public enterprise, despite the fact that we became a private company months ago. They are trying to co-opt the private and independent press and put it under the government's wing.

Local and republican government officials, some of whom belong to the conservative wing of the Croatian Democratic Union (Hrvatska Demokratska Zajednica — HDZ) have tried to discredit the paper with the public.⁷⁹ In May 1991, Marko Bitanga, a local HDZ leader, expressed his desire to become director of *Slobodna Dalmacija*. However, his bid was "roundly defeated by a unanimous vote of the paper's journalists."⁸⁰ Thereafter, Bitanga attacked the daily in HDZ's party publication.⁸¹ *Slobodna Dalmacija* responded with a series of articles in late May.⁸² On June 8, the director of the Committee for Information of Croatia's Parliament attacked *Slobodna Dalmacija* during an interview with Radio Split, criticizing the paper for opposing the "interests of Croatia's people and the state."⁸³

Helsinki Watch does not dispute the right of individuals and groups to voice their opinions of *Slobodna Dalmacija* or other publications. However, Helsinki Watch is concerned that statements made by public officials against the paper are part of a campaign to intimidate its journalists, discredit the paper, and place it under government control. Helsinki Watch believes that such methods by government officials are a serious detriment to freedom of the press in Croatia.

In recent months, Croatia has undertaken a number of steps to privatize former state enterprises, including the media. Although there is wide support for privatization throughout Croatia, media privatization

⁷⁸ Interviewed on June 8, 1991, in Split.

⁷⁹For example, see the following articles in *Slobodna Dalmacija* for the position of Marin Mihanović, vice president of the district council of Split: "Kako prilagoditi glavne urednike," October 1, 1990 (which reprints an interview with Mihanović in *Nedjeljna Dalmacija*); and "Neprijateljske Novine," October 12, 1990. For a rebuttal of Mihanović's statements, see the following articles by Viktor Ivančić in *Slobodna Dalmacija*: "Gospodo Novinasi Novinari Okanite se Iluzija!" October 1990; "Ventilatori nisu vječni," September 25, 1991, and "Politički barbarizam," October 4, 1990.

⁸⁰ Committee to Aid Democratic Dissidents in Yugoslavia, *CADDY Bulletin*, No. 65, June 1991, p. 13.

⁸¹ "Jeli slobodna *Slobodna Dalmacija*," *Glasnik*, May 17, 1991, pp. 6-7.

⁸² Committee to Aid Democratic Dissidents in Yugoslavia, *CADDY Bulletin*, No. 65, June 1991, p. 13.

⁸³ *Ibid.*

may actually result in increased, rather than decreased, government involvement in the press. Indeed, Helsinki Watch is concerned that the Croatian government is using economic means to close publications that are critical of the government.

In its effort to privatize the economy, the Croatian government's Agency for Restructuring and Development is overseeing the re-organization of twelve Vjesnik publications.⁸⁴ The government agency created a committee which will take over the financial and property-related management for each of Vjesnik's publications. The committee is comprised of four government appointees. Each publication has the right to appoint one person to the committee but that individual will only be consulted about issues directly affecting the representative's respective publication. The committee will have the right to replace managing directors but, according to Zdravko Mršić, the former director of the Agency for Restructuring and Development, "the content and editorial decisions of the papers will remain in the hands of the current editors."⁸⁵ Milovan Šibl, Director of the Croatian News Agency HINA, and a member of the aforementioned committee, has said that the committee "will not interfere with the editorial decisions of the respective publications."⁸⁶

Despite such assurances, many journalists are afraid that the government will force the closure of certain publications, not simply for economic reasons, but also because they publish articles critical of the Croatian government. In particular, Helsinki Watch is concerned that the Croatian government is trying to drive *Danas* out of business for political reasons. During both the communist and current regimes, *Danas* published articles from dissident and opposition groups which were criticized by the government. In recent months, *Danas* has had economic problems and is no longer a profitable publication of the Vjesnik publishing house. For this reason, the committee of the Agency for Restructuring and Development sought to close *Danas*, claiming that it was bankrupt. On August 21, a court rejected the committee's proposal.⁸⁷ Although *Danas* was not closed, it was denied access to Vjesnik's printing presses in mid-September, allegedly because *Danas* had not paid its bills.⁸⁸ Currently, *Danas* uses the printing facilities of the *Delo* publishing house in Ljubljana, Slovenia.

Helsinki Watch is concerned that economic insolvency is being used as an excuse to close publications for political reasons. Although *Danas* has indeed had financial difficulties for some time, so too have fifteen

⁸⁴ The publishing house Vjesnik publishes a combined total of 18 newspapers and magazines, of which only two are profitable (i.e., the evening daily *Večernji List* and the magazine *Arena*.) See "Crne vijesti iz Vjesnika," *Nedjeljna Dalmacija*, June 2, 1991, p. 14.

⁸⁵"Upad u Vjesnik," *Danas*, June 4, 1991, p. 28-29 and "Crne vijesti iz Vjesnika," *Nedjeljna Dalmacija*, June 2, 1991, p. 14.

⁸⁶"Upad u Vjesnik," *Danas*, June 4, 1991, p. 28-29. Šibl was interviewed by Helsinki Watch in Zagreb on May 28, 1991.

⁸⁷Committee to Aid Democratic Dissidents in Yugoslavia, *CADDY Bulletin*, No. 66, August 1991.

⁸⁸"Obavijest Čitateljima," *Danas*, October 1, 1991, p. 6.

of Vjesnik's other publications, almost all of which are feature magazines.⁸⁹ Helsinki Watch is concerned that *Danas* has been among the first of Vjesnik's publications to be targeted for closure by the government because of its independent and critical editorial policy.

Journalists who have criticized the Croatian government or nationalist policies have been harassed and physically abused by Croatian extremists who regard criticism of Croatian nationalism tantamount to treason. Journalists for the Zagreb-based weekly *Danas* and the Split-based daily *Slobodna Dalmacija* are the most frequently targeted for such harassment. On May 26, 1991, Josko Celar, a reporter for *Slobodna Dalmacija*, was "physically assaulted on the island of Murter and vilified as being anti-Croatian."⁹⁰ Also, in late June, Jadran Marinković, a reporter for Radio Split was demoted. During the Croatian elections in 1990, Marinković was a candidate of the Party of Democratic Change (Stranka Demokratskih Promjena-SDP), the former communist party. Marinković's superiors apparently disapproved of comments he made about Radio Split. He was told that "all radio employees are strictly forbidden to discuss the internal affairs of the station at any time, anywhere." Only the "responsible editor, with the consent of those who are in charge in Zagreb," could comment on the internal activities of the station.⁹¹ Helsinki Watch is convinced that these claims have been used by the Croatian authorities as a pretext to demote Marinković because of his political beliefs and affiliation with the SDP.

Croatian government officials -- both at the republican and local levels -- have also harassed journalists who are critical of the Croatian government's policies. A journalist⁹² for the now-defunct Zadar-based youth magazine *Fokus* wrote an article in which the journalist asserted "that forces were working behind Tudjman's back," namely that people in Tudjman's government were clandestinely working against him. After the article appeared in *Fokus* in October 1990, the author was harassed for four months. According to the journalist:

Shortly after my article was published in early October, the Mayor of Zadar called my editor and me to his office. He asked how I knew that forces were working behind Tudjman's back and he asked me to reveal my source of information but I refused. In late October 1990, I started to get anonymous telephone calls. The voice was always the same and he called every day. The caller would recite where, when and with whom I had been the day before, so I had reason to believe that I was being followed. The calls were persistent and they unnerved my

⁸⁹ In addition to *Danas* and the only two profitable publications (*Večernji List* and *Arena*), Vjesnik's other publications include *Vjesnik*, *TOP*, *Draga*, *Erotika*, *Studio*, *Start*, *Svijet*, *Mila*, *Astro*, *Vikend*, *Auto-klub*, *Sportske novosti*, *Sport magazin*, *Izborov magazin*, and *Video-Studio*. All fifteen publications are experiencing economic difficulties. See "Crne vijesti iz Vjesnika," *Nedjeljna Dalmacija*, June 2, 1991, p 14.

⁹⁰ See Committee to Aid Democratic Dissidents in Yugoslavia, *CADDY Bulletin*, No. 65, June 1991, p. 14.

⁹¹ *Ibid.*

⁹² For fear of further harassment, the journalist asked that his/her name be withheld. The journalist, a Croat, was interviewed by Helsinki Watch in April 2, 1991, in Zadar.

family, particularly my father. The day my grandmother died, the entire family was in mourning and this man called. My mother asked him to please leave us alone today; my grandmother had just died and we didn't need to be upset further. Surprisingly, the caller apologized, explaining that he was being told to call by government officials.

On November 29, 1990, I received a telephone call from Vladimir Šeks [Vice-President of the Croatian Parliament] personally. He demanded that I come to Zagreb the next day but I told him I had plans for tomorrow. He replied that I would "suffer the consequences for my actions." Šeks called once again but I refused to be intimidated and told him that I was not going to Zagreb to be questioned. A few days later, the anonymous telephone calls started again. After my lawyer asked the authorities to trace the telephone calls, the caller stopped calling for about twenty days but he started harassing me again.

The Croatian government has also taken steps to curb freedom of expression. In May 1991, a criminal investigation was initiated in Zagreb against Mirjana Jakelić, President of the Croatian chapter of the League of Communists – Movement for Yugoslavia (Savez Komunističke Partije za Jugoslaviju). Zagreb's district public prosecutor charged Jakelić under Article 197(1) and Article 225(1)(2) of the Croatian Criminal Code with "willfully spreading false rumors" because she publicly blamed President Tudjman for the murder of a soldier in Split⁹³ and distributed leaflets opposing the May 19 referendum on Croatia's independence.⁹⁴ Although court proceedings have not been initiated, charges against Jakelić have not been dropped.

Helsinki Watch believes that freedom of speech should never be hindered, unless said speech is a direct and immediate incitement to acts of violence.⁹⁵ Although Jakelić's actions and speech may be offensive to some, she was peacefully exercising her right to free speech.

The Croatian Ministry of Information has tried to close the Zagreb offices of *Borba*, a Belgrade-based daily. Serbian newspapers are no longer available in Croatia due to transportation problems posed by the war

⁹³ On May 6, 1991, Sasko Gesovski, a 19-year-old Macedonian soldier of the Yugoslav army, was killed by gunfire during an anti-army demonstration by 30,000 people in Split. (See "Soldier Shot Dead in New Yugoslav Violence," Reuters Information Services, May 6, 1991.)

⁹⁴ Charges brought against Jakelić are enumerated in "Rješenje," Broj XXV KIO-1207/91.8, Republika Hrvatska, Okružni Sud Zagreb, Istražni Odjel, June 3, 1991. See also "Autogol Hrvatske Pravde," *Danas*, June 4, 1991, and Committee to Aid Democratic Dissidents in Yugoslavia, *CADDY Bulletin*, No. 65, June 1991, p. 12.

⁹⁵ Any restriction on the content of expression must be based on direct and immediate incitement to acts of violence, discrimination or hostility against an individual or clearly defined group of persons in circumstances in which such violence, discrimination or hostility is imminent and alternative measures to prevent such conduct are not reasonably available. For this purpose, "violence" refers to physical attack; "discrimination" refers to the actual deprivation of a benefit to which similarly situated people are entitled or the imposition of a penalty or sanction not imposed on other similarly situated people; and "hostility" refers to criminal harassment and criminal intimidation. Helsinki Watch considers any law or prosecution that is not based on a strict interpretation of incitement to be presumptively a violation of the right to free expression. [Human Rights Watch, Hate Speech Policy.]

and political rivalries between the two republics. The Croatian authorities have not allowed Yutel, a pan-Yugoslav television program to broadcast because government officials declared that it was anti-Croatian.

Other Concerns

Helsinki Watch also is concerned about the establishment of a secret police force, attacks on the Jewish community and restrictions on freedom of movement in Croatia. Moreover, Helsinki Watch is concerned that the Croatian authorities are gerrymandering areas of Croatia so as to decrease the level of Serbian representation in a given municipality. Helsinki Watch condemns any such action by the Croatian government and urges that all those displaced by the war – including Serbian families – be allowed to return to their homes in Croatia without fear of persecution and reprisals.

Helsinki Watch is concerned about the formation of the Office for the Protection of Constitutional Order (Ured za Zaštitu Ustavnog Poredka), which is headed by Josip Manolić. The newly formed office is responsible for gathering intelligence and counter-intelligence activities in Croatia. Helsinki Watch urges that such a government body not be used to violate the civil, political and other basic human rights of Croatia's citizens.

In August, the Jewish community center in Zagreb was badly damaged by a bomb. The Jewish cemeteries in Zagreb and Split also were vandalized during the summer of 1991. The Croatian government responded immediately and investigated the matter, offering an award for any information leading to the arrest of the perpetrator(s). Unfortunately, no one has yet been arrested.

Freedom of movement has been restricted by the Croatian government due to the war. All draft-age males must obtain permission before leaving their place of residence. Such restrictions of freedom of movement were meant to ensure that males do not avoid the draft, should the area be mobilized. However, persons living in besieged areas also must obtain approval before leaving such areas. Milica Smiljanić⁹⁶ -- a half-Serb, half-Croat -- had to obtain permission from the local command in Gospić before leaving the area. According to Ms. Smiljanić:

Because of the fighting, I could not go to work for several weeks. We stayed in the basement the entire time. When I finally went to work on November 6, my director, a Croat, saw that I looked ill and had lost about 20 pounds. He asked me what he could do to help. I asked him to get me a permission slip so I could go to Zagreb. My director called Dr. Dražen Jurković, the commander of Croatian forces in Gospić. Dr. Jurković was in Zagreb, but when he returned three days later, my director took me to see him. I told Jurković that I was going to Zagreb for medical attention and he then gave me a permission slip to leave.⁹⁷

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⁹⁶ See above case regarding the summary execution of 24 persons from Gospić.

⁹⁷ Helsinki Watch retains a copy of the permission slip, which was signed by Dražen Jurković and issued on November 9, 1991, at Gospić's command headquarters (i.e., Krizni Štab).

Dear President Tudjman:

Helsinki Watch welcomes the Croatian government's efforts to investigate reports of human rights abuses committed by its troops on territory which it controls. It also welcomes the condemnation of loyalty oath campaigns by the Croatian government and the Parliamentary Committee for the Protection of Human Rights and the investigation of such activities by the Croatian Ministry of Labor and Social Welfare. Helsinki Watch commends the speed with which Croatian authorities apprehended the perpetrators of the crime, who appear to be agents of the Croatian government. Helsinki Watch calls upon the Croatian government to vigorously prosecute those guilty of both crimes. Željko Olujić, Croatia's Public Prosecutor, has stated that magistrates were investigating "wide-spread reports that gangs of Croats were abducting Serbs in towns under siege by the Yugoslav Army."⁹⁸ Helsinki Watch welcomes calls by you and other Croatian government officials for non-governmental and international monitoring of Croatia's human rights record.

Despite such welcome steps by the Croatian government, we remain convinced that stronger and immediate action must be taken to stop human rights abuses from escalating in Croatia. In particular, we urge the Croatian government to purge its armed forces of extremists who act without orders and commit egregious violations of human rights, including the summary execution of civilians and the brutal beating of prisoners. The Croatian government is responsible for actions committed by its agents, including the Croatian army and police, and is therefore responsible for such human rights abuses. It is bound to bring paramilitary groups under government supervision or disband them so as to prevent such groups from committing human rights abuses. Individual extremists who are guilty of similar offenses must also be punished, in accordance with the law. Helsinki Watch urges the Croatian government to take concrete steps to lend effect to the recently promulgated Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia.⁹⁹ We also urge the Croatian government to take steps to ameliorate the tensions between Serbs and Croats in Croatia.

In summary, we call upon the Croatian government to:

- Investigate reports of summary executions and torture of civilians and disarmed combatants by Croatian forces and individual extremists, prosecute and punish all those guilty of such crimes, and take disciplinary measures against the perpetrators' immediate superiors, insofar as it can be established that human rights abuses are being condoned -- or possibly encouraged -- by local military or police commanders.
- Make known the whereabouts of all missing persons abducted by Croatian forces.
- Investigate the deaths and disappearances of journalists in Croatia, especially in cases where Croatian forces may have been responsible for such acts.
- Take measures to bring to an end the robbing of homes and property.

⁹⁸ Stephen Engelberg, "Villagers in Croatia Recount Massacre by Serbian Forces," *The New York Times*, December 19, 1991.

⁹⁹ "Ustavni Zakon o ljudskim pravima i slobadama i o pravima etnickih i nacionalnih zajednica ili manjina u Republici Hrvatskoj," *Narodne Novine Republike Hrvatske*, Broj 65, 4. prosinca 1991.

- Allow all civilians displaced by the war, including Serbs, to return to their homes without fear of reprisals.
- Cease all arbitrary searches and seizures of property by members of the Croatian armed forces and police. Insofar as such searches are necessary, a warrant must be issued beforehand.
- Instruct the newly-formed military police to enforce discipline among the military cadres and to ensure that all members of the Croatian military and police behave in a responsible manner.
- Release immediately persons being held without charges or on charges that are considered unfounded by an independent court of law.
- Cease all questioning, intimidation and other harassment of Serbs who are engaged in peaceful political and civil activities in Croatia.
- Arrest and prosecute the killer(s) of Josip Reihl Kir, Goran Zopundzija and Milan Knežević.
- Investigate reports of harassment of, and attacks upon, Serbian civilians and others.
- Ensure that ethnic or national criteria are not used to hire or dismiss workers, in both the governmental and non-governmental sectors.
- Cease all interference with the independence of the judiciary.
- Repeal the censorship decree, respect freedom of the press throughout Croatia, and refrain from using force, the threat of criminal prosecution, harassment and intimidation or political criteria to impede freedom of the press or expression.
- Cease any efforts at gerrymandering territory so as to decrease Serbian representation in a given region.
- Arrest and prosecute those responsible for attacks against the Jewish community center in Zagreb and the Jewish cemeteries in Zagreb and Split.
- Respect the right to freedom of movement, especially for those unfit or ineligible for combat duty.
- Refrain from using the Office for the Protection of Constitutional Order as a tool through which to violate the civil and political rights of Croatia's citizens.

Helsinki Watch would like to have an opportunity to discuss our human rights concerns with you in person. Please consider this a formal request for such a meeting. If you will indicate a convenient time for such a meeting, we will arrange to send a delegation to Zagreb for this purpose.

Sincerely,

Jonathan Fanton
Chair

Jeri Laber
Executive Director