

**Interview with Zoran Pusić, president of the Civic Committee for Human Rights**

**Regional parallels**

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**THE EU ACCESSION PROCESS WILL RAISE THE STANDARDS FOR HUMAN RIGHTS PROTECTION**

**Stojan Obradović**

**Intensifying of the accession process of Croatia to the EU and the actual beginning of the accession process seem to have pushed questions of the level of achievement and protection of human rights in Croatia to the margins. Is this topic (un) justifyingly neglected and how could the present state of human rights in Croatia be assessed?**

- Present state in regards to human rights is undoubtedly better than it was during the 90s. There are no drastic violations of human rights such as war crimes or mass terrorism. We were always reluctant to use these terms for acts of blowing houses up or evicting people from their apartments, but that is exactly what they are. There are no cases of throwing people out from their workplace based on political and ethnic criteria anymore. These were severe and, unfortunately, quite gross violations of human rights. When it comes to negotiations about Croatia's accession to the EU, I do not think that they have pushed requirements for protection of the human rights to the margins. Quite on the contrary! I think they have accelerated the process so that at least part of these requirements could be met. Negotiations would not have started without this. So, this orientation of Croatia towards EU accession was a significant factor for improvement of the state of human rights in Croatia.

**ASCENDING LANE**

**Could you please give a comment on recent assessment of the Croatian Helsinki Committee that the present state of human rights in Croatia is the worst it has been in the past ten years?**

- In my opinion, this assessment is excessive and I do not find it accurate. Many concrete examples can be presented to support this statement. Maybe we could say that in some aspects years 2002, 2003 and 2004 had positive trends and that now we have come to

stagnation, but the general assessment that it has not been this bad in the past ten years simply cannot be upheld. Ideological prejudice of political parties, extremist threats made by different organizations and so on have until recently been even stronger than it is the case today. And in terms of state of human rights during the 90s, these cannot even be compared. During those times, a publicly declared politics existed which stated that return will be allowed only for specific, humanitarian purposes meaning just reconnecting families or return of some elderly people who decided to come and die in their homes, but no bigger, more mass return would be allowed. This message was coming from the very top of the political leadership and has led to severe violations of human rights. Not to mention events after 1995 and rights after the war. So, to conclude, maybe at the moment we can say that some trends that have so far been positive have been stagnating in the recent period, but that there is a general descending lane in regards to achievement of human rights in Croatia, that is according to my opinion simply not true. I think that we can say quite contrary, that it is a constant ascending lane. And undoubtedly, at least three factors have contributed to that. The first one is pressure of the international community, second is commitment that the integration into the EU is the priority aim of Croatian politics and third one is long-term activities of independent media and non-governmental organizations. This does not mean that the problems have ceased to exist. They are still significant and big, but changes have occurred and these are confirmed also by the fact that there has been a shift towards violations of human rights that are actually also characteristic for many EU members.

### **COMPENSATION FOR VICTIMS**

**To what extent has the situation progressed since recent war activities and which human rights issues and problems seem crucial in post-war societies?**

- After war events of the first half of the 90s, but also after politics of HDZ and some other parties since the 90s until few years back, severe consequences of human rights violations remain present. If we take a closer look at these consequences, I think the issue of victims' compensation should be stressed out in the first place. Today, from a moral standpoint, that seems to be one of the key questions. It is common opinion that Croatian government has decided to provide compensation for grandchildren and grand-grandchildren of people who have without court and based on ethnic criteria (German minority-Volksdeutschers) been chased out from their private properties more than 60 years ago. But at the same time, it refuses to compensate their own citizens who have without courts been evicted from their apartments twelve or thirteen years ago. Some of these people are still on the streets. It refuses to compensate thousands of their own citizens whose houses and other belongings have been destroyed by terrorist acts or even by army or police of this

state. Most of this has occurred between 1991 and 1995, when the power was held by the same political party that holds this power today and which is directly responsible, to say the least, for not preventing these types of terrorism and whose, not only moral, responsibility it is to abate these consequences. The government has secured millions of euros for defense of people who have been convicted by the International Court of committing war crimes and at the same time it did not put much effort to compensate people who are victims of these war crimes.

Court processes for war crimes in Bosnia and Herzegovina, Croatia and Serbia and Montenegro who are being monitored by activists of the Civic Committee for Human Rights in cooperation with other NGOs are also repercussions of war activities. These processes have often been biased depending on the national affiliation of perpetrators and victims, and they have been biased „in both ways“. For example, murderers of Zec family have been freed because of the small formal mistake although they have admitted the crime during the judicial investigation, murderer of the Osijek Chief of Police from the beginning of the war, Josip Reihl Kir, and two more people has been freed due to criminal incompetence of the judge, in the first process murderers from Pakračka poljana have been freed, the commander of the military police from Split received egregiously small punishment for cold-blooded, unprovoked, murder of random passer-by and the punishment was given by the same judge who has freed all accused of crimes in Lora in the first trial. Not to mention that almost no one has been convicted for crimes and acts of terrorism after „Oluja“, that the court in Karlovac does not have, for the past fifteen years, enough strength to convict a person who has killed at least thirteen tied-up prisoners, and also court in Gospić and so on and so on. On the other hand, there are cases where innocent people have been convicted on the basis of very doubtful „evidence“ to a long prison sentences, like for example Mirko Graorac.

Key issues today are not anymore ideological prejudice of the governing politics which has tolerated ethnically motivated crimes and human rights violations, and in doing that has encouraged perpetrators, but inefficiency of the judicial system. Of course, this does not mean that most of the judges are biased but rather means that associations of judges, Ministry of Justice and government do not do enough to publicly condemn and sanction such instances.

## **INEFFICIENCY OF THE JUDICIARY**

**One of the present problems for which solutions are being sought is a question of so called tenancy rights of people who have left Croatia.**

- First of all, there is a problem of people who have been using their apartments on the basis of their tenancy right and have escaped after Oluja and for whom it was held that it is a finished thing regardless of the pressure done by the international community and

„noise“ raised by nongovernmental organizations. It was expected that „human transfer of population“ will be realized, that Serbian minority will decrease to 3-4 percent and this was publicly stated and talked about. And everything that was possible to do in order to prevent the return from happening was done. This has, however, changed under a great internal and international pressure. We, from nongovernmental organizations, to say a bit pathetic, have, because of the deepest patriotic reasons, wanting different, civilized Croatia, always insisted that these people have not left their apartments voluntarily, that those were war times and that the number of civilian victims after Oluja confirms that their fears were justified. So, these people were not in the same situation as other citizens of Croatia to request redemption of apartments for which they had tenancy rights. This has not been accepted by any government, not even the coalition one after 2000 from which we had much bigger expectations in regards to human rights. We have always believed, and have demanded this, that these people must receive some form of compensation if they cannot come back to their apartments. However, situation did change and these people got chance to solve their problems in some way, not in the same favorable way as other citizens, but at least the thesis that was at some point advocated by HDZ Minister Jure Radić that tenancy rights are a closed case did not uphold.

Second issue regards people who were evicted from their apartments without leaving. In my opinion, this was a real crime and crime under the „auspices“ of the state. The state has tried to solve this problem through some administrative procedures and acts, such as some internal ordinance of the Ministry of Defense that were, of course, in contradiction with then relevant international treaties and responsibilities. It was clear that evictions of many people from their apartments has nothing to do with the war, but that simply it was a chance for many criminal types and their sponsors to seize extremely valuable properties and for it to be legally „covered“ afterwards. In many court processes, who were according to me, permanent shame for Croatian judiciary system, judges were taking away tenancy rights from people who allegedly were not present in their apartment for six months, and these people were evicted from their apartments prior to that by physical force or by the most cruel threats. Part of these people entered their apartments back after their lives have been literally destroyed, but we still have cases where people did not come back and where institutions responsible for these criminal activities towards their own citizens are trying to realize what they failed to do at the beginning of the 90s.

## **STATE CRIME**

**There was already some criticism that requirements and insisting of the EU regarding beginning of negotiations were inappropriate (for example, Gotovina case)**

**because some other more important issues regarding state of human rights in Croatia have been neglected which are inevitable for full democratization of the Croatian society. Are these remarks true?**

- War crimes present one of the severest forms of human rights violations. They need to be investigated and perpetrators need to be convicted also for the purpose of societal catharsis. In any case, most of the perpetrators, and especially instigators, will be put in front of only their own court of personal consciousness, which will be easier for them.

I do not believe that you can make history a blank page as one of the verses of International states, or in other words take from it only what suits you at the moment. History needs to be talked about in an honest manner, self-critically, and arguments need to be presented and listened to. Otherwise, scam and silencing will take revenge somewhere in future as it was the case few times. But to reach the truth about the past, there needs to be presentation of arguments freely and publicly and not through proclaiming of „truths“ from state or party stage, as has happened with the Declaration about the Homeland War or something that is currently happening with similar declaration about „Oluja“. Case as Gotovina's or as might be court process for crimes in Osijek from 1991 is something concrete that shows, for example, good will of present governments towards the EU standards. These court processes, especially if enough strength is generated for them to be justly lead in Croatia, contribute to democratization of the society. Deeper problems, such as general malfunctioning of the judiciary in processes which (more often than is believed among the public) last for so long that they bring into question the very purpose of this institution or problem of sustainability of return without possibilities of employment, are difficulties for which alleviation an aimed long term work is required.

**Since we are already speaking about the EU, how real do you think some opinions saying that by Croatia getting closer to the EU, interest of the international community will diminish in terms of some important issues of democracy and human rights, meaning that the focus will be on economy issues (and giving in) for which the EU will be ready to „close an eye“ on some problems in the complex of human rights?**

- Maybe they will „close an eye“ to compensation of victims whose human rights were violated during the 90s. This would not be just, but we do not live in an ideal world. For example, European Court of Human Rights in Strasbourg is not considered competent for evident human rights violations before a certain date. However, I am convinced that no human rights violations similar to those that occurred in the 90s in Croatia will be tolerated by the EU today.

**POLITICAL PRAGMATISM**

**How do key makers of the political life, in the first place political parties, relate to the process of the democratization of the society in general and specifically in terms of human rights actualization? How and to what extent do they contribute to that?**

- Political parties are organizations for seizing governance and political power, and not for promotion of moral values and human rights protection. The fact that some of them do so sometimes is more a form of positive „aberration“ from the basic function that occurs because there are honest and moral people among politicians as well. However, logic of political parties, internal struggle for dominance, caressing to voters, subduing truth to party interest, getting surrounded by obedient followers - all of this together leads to negative selection. Main contribution of political parties to democratization of the society is actually in the possibility of their removal from the government!

In regards to human rights violations, more influential parties in Croatia (and this is the case with other countries formed on the territory of the former Yugoslavia) have reacted mostly in a pragmatic manner, according to the assessment of whether it would politically assist them or harm them. During time when Serbs were for the most of the public ostracized minority and while they have been, on the territory controlled by Croatia, most often victims of human rights violations based on ethnicity, majority of political parties have been, in the best case, ignoring it. During time after the conflict the public opinion has been changing, people had enough of agitation and hatred and consequently, politics of successful parties will be changing. This will, in return, have impact on public opinion and in this way, slowly, the civilization standards will be forming.

**In the broader context of the human rights complex two problems seem to be dominating still: refugees (displaced persons)-returnees and minorities. How do you assess current state in these fields?**

- Problems that returnees face are slowly ceasing to be of ideological nature; so they are left with economical problems. So that currently, the main problems for returnees and Croatian refugees from Bosnia and Herzegovina are poverty and unemployment. Of course, this does not mean that ethnically motivated harassment has disappeared, especially not in smaller towns, but political influence of returnees is increasing and local governments are often „ethnically mixed“. For these areas of special state care, where mostly returnees and refugees live, well developed development policy on the state level is necessary.

State policies towards Bosnian refugees in the 90s have announced implementation of the so-called humanitarian migration and them remaining in the houses of Serbian displaced persons. Now these things have changed entirely and these people live today in the areas that are maybe the least developed in Croatia, they have no perspective, no

employment opportunities, their housing is a special problem. Of course, neither does their return to their places in Bosnia and Herzegovina offer any hope and many of them do not want to return. Altogether, this is a big, objective problem, but I still think that state could help and do some more quality steps in resolving the problem of people to whom it promised many things and now has, to a great extent, left them to themselves.

### **CHANGES IN PUBLIC OPINION**

In regards to minorities, Croatia has legally solved the questions of protection of minorities well but a lot needs to be done in order for that to be realized in practice. Unfortunately, the gap between what is on the paper and what happens in practice is large in many areas, as in this one. However, the pressure of the international community is strong and sensitivity of the public in regards to this issue has increased and I think things are moving in a good direction. Let's us remember for example Ante Đapić who has in 1995 said in the Croatian Parliament that Serbs are not political but ecological problem and no one in the Parliament has countered this outrageous statement, and when we filed a suit against him because of spreading racial hatred, the Court has extensively explained why the case is rejected and why this is not case of spreading of racial hatred just to refer to Đapić's immunity in the end. Things like that are not possible today anymore and Đapić who has been greeting with fascist greeting today wants by all means to go to Israel to apologize and so on. So, I think there has been a shift in public opinion, and some politicians have contributed to that, just to mention president Mesić who is undoubtedly responsible for positive changes in the Croatian society especially when he, which is rarely done by politicians, has acted contrary to the opinion of the majority. We also have the acts of the prime minister who now for example regularly attends Orthodox Christmas and other. There are also representatives of minorities in the Parliament, nongovernmental organizations, etc. Of course, there are things that are „for display“ but these change public opinion and it contributes to slow decrease of the animosity that was present in the society and makes it harder to find space in the public.

### **How can regional approach and cooperation assist in solving these problems?**

Regional cooperation creates a framework for normalization of relations between neighboring countries, and normalization of these relations stimulates further cooperation. Persuasion that such cooperation is good for all people in the region has prompted a group of NGOs from Bosnia and Herzegovina, Croatia and Serbia and Montenegro to establish a coordination of NGOs from these three countries with the aim of encouraging and initiating regional cooperation. This is how Igman Initiative came to exist which has, in the past six

years, initiated many useful means of cooperation – from cross-border cooperation on the local levels and cultural cooperation to abolishing visas and meetings of presidents. Some local initiatives are especially valuable, so called triangles Osijek -Tuzla - Novi Sad, and then in the south Dubrovnik, Trebinje, Herceg Novi, Kotor, Budva etc. Our organizations have been the first ones able, through Igman Initiative, to bring three governmental presidents who have jointly talked on the platform provided by nongovernmental organizations. This was something new and significant because presidents have publicly given some important and binding statements important for the problem of regional cooperation, building of trust and democratization relations in the region in general. In this way they oppose extremism in their own environment and move things in the positive direction.

**Do war traumas and the syndrome of recent war conflicts and how still significantly determine problems and state of human rights and process of democratization connected to it?**

- I do not think that prevalence of war traumas threatens the process of democratization. This process is more threatened by demagogical politics that will use any human fear, prejudice, uneasiness for homogenization that is easier achieved the stronger the emotions. And fear and intolerance can be strong emotions.

#### **EUROPEAN STANDARDS**

**How can this process of normalization, cooperation, true reconciliation that also seems as crucial factor for full development of human rights and democratization of post-war societies in the region be instigated in a quality manner, broader and faster?**

- With political will, that would go fast, almost comparable to the speed with which the process of establishing distrust, intolerance and conflict happened. However, political groups that have fostered the conflict have remained in power and after the formal end of the conflict, and the real political will for normalization in the region was non-existent. Syndrome of the most Croatian politicians, but not only politicians, is the wish to escape from the region. We can deal with the whole world, we only cannot with immediate neighbors from which we have to be completely different; culturally, civilization-wise, linguistically, genetically,... But the EU has been established by overcoming these deep, xenophobic human impulses and it is understandable that it asks for certain level of maturity from the candidate country. Once there is consensus of the majority of political parties that the accession to the EU is Croatia's future, this will instigate changes of their politics in the direction of normalization, cooperation and greater democratization of societies in the region.

**What would today be key steps in getting closer to the European standards in regards to human rights?**

- Europe is trying, also out of its own interest, to bring things in Croatia to the level which would be closer to the European standards. This is a very good sign because this means they are seriously counting on Croatia as a member of the EU in the near future, in the next three to four years. If someone wants you in their society then they expect that you comply to some rules that govern that society. I do not think there is going back to the old way and I think there is basis for some optimism. I think that in the future, we will be more and more facing those problems in human rights protection that members of the EU are facing and dealing with today, and that we will finally exit the circle of problems that were brought by war and extreme nationalistic politics.