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U.S. Department of State

Croatia Country Report on Human Rights Practices for 1998

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CROATIA

The Republic of Croatia is in principle a constitutional parliamentary democracy, with a powerful presidency. The ruling Croatian Democratic Union (HDZ) has maintained power since independence in 1991, using its majority position to deny opposition parties the ability to compete on fair and equal terms in elections. President Franjo Tudjman was reelected in June 1997 for a second 5-year term in an election that observers considered "fundamentally flawed." The President serves as the head of state and commander of the armed forces, chairs the influential National Defense and Security Council, appoints the Prime Minister who leads the Government, and approves certain appointments in local and regional government. The extensive constitutional powers of the presidency, the overwhelming dominance of the HDZ, its absolute control of television, the continuing concentration of power within the one-party central Government, and government influence that circumscribes and weakens the judiciary combine to make the country's nominally democratic system in reality authoritarian.

The Ministry of Interior oversees the police, and the Ministry of Defense oversees the military. Civilian police have no authority over the military police or over uniformed military personnel. The national police have primary responsibility for internal security but, in times of disorder, the government may call on the army to provide security. The civilian authorities generally maintain effective control of the professional security forces, although the police sometimes committed human rights abuses.

The transition to a market-based, free enterprise economy is proceeding slowly. While agriculture is mostly in private hands and family-owned small enterprises are multiplying, industry and media enterprises are largely either still controlled by the state or deliberately were transferred in

nontransparent, noncompetitive processes to individuals sympathetic to the ruling party. Unemployment remained high at 16 percent and higher in the areas affected by the war, and the standard of living for most of the population has yet to recover to prewar levels. The economy showed underlying weakness throughout the year, especially in the financial sector. Several banks collapsed and illiquidity worsened considerably, squeezing hundreds of thousands of depositors, employees, and small entrepreneurs.

The Government's human rights record remained poor: although improvement was measurable in certain areas, serious problems continued in others. Police committed one extrajudicial killing and occasionally beat persons. The Government does not always respect due process provisions for arrest and detention. Lengthy pretrial detention is a problem. The judicial system is subject to executive and political influence, and the court system suffers from such a severe backlog of cases and shortage of judges that the right of citizens to address their concerns in court is seriously impaired. Cases of interest to the ruling party are processed expeditiously, while others languish in court, further calling into question the independence of the judiciary. The courts sometimes deny citizens fair trials. The Government at times infringed on citizens' privacy rights.

The Government restricted press freedom, using the courts and administrative bodies selectively to shut down or restrain newspapers, radio, and television stations critical of the Government or simply outside of its control. The functioning of the Telecommunications Council, which is dominated by the HDZ, is opaque, and the Council arbitrarily denies operating licenses to applicants not favored by the ruling party. Government intimidation induced self-censorship by journalists; some 900 criminal and civil cases against journalists are ongoing. There were incidents of overt censorship of the electronic media. The Government restricted freedom of assembly, and circumscribed freedom of association by a law that prohibited groups from forming or meeting unless expressly authorized to do so by means of an intrusive registration process. The Government seriously limited citizens' right to change their government peacefully. It used the manipulation of laws, harassment, economic pressure, and its almost total control of the electronic media to control the political process. The Government's record of cooperation with international human rights and monitoring organizations was mixed, and it remained uncooperative in the search by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for evidence on alleged crimes committed during the Croatian military operations "Flash" and "Storm" in 1995. Cases of abuse from the 1995 military actions, including the alleged murders of hundreds of civilians by government forces, remain largely unsolved.

In a positive development, the Government enacted in May procedures by which refugee citizens previously barred from returning to Croatia--mostly ethnic Serbs--might exercise that right. The pace of implementation, while initially slow, increased markedly in September. In June the Government adopted a program to facilitate the return of homeowners to their property upon their return to Croatia, although implementation of the program was uneven and marred by bureaucratic confusion.

Violence and discrimination against women remained problems. The Government discriminates against Muslims. Ethnic minorities, including Roma, also faced continued discrimination. Government commitments to foster reconciliation among ethnic groups and overcome the war's strong legacy of animosity have not been met completely. Although the Government made progress in establishing civil authority in the former occupied areas, and physical violence declined overall, some abuses, such as harassment, threats, and in some instances, even beatings still occurred, particularly in the areas of the former conflict. Police performance improved overall, but in a significant number of cases when the victim was an ethnic Serb, the police either did not investigate thoroughly or failed to take effective action against the criminal activity.

With the end of the mandate for the United Nations Transitional Administration for Eastern Slavonia (UNTAES) on January 15, the Government regained full authority over the Danubian region. The

Government's record on the continued peaceful reintegration of the region was mixed. While no large-scale violence or mass departure of Serb inhabitants occurred, there was a steady exodus of thousands of Croatia's Serb citizens throughout the year. A lack of economic opportunity certainly was a factor, but international observers pointed to the Government's failure to actively fulfill the commitments it undertook to reassure and reintegrate the population. Housing and employment regulations were administered in a manner biased against ethnic Serbs; incidents of intimidation and harassment increased, and the administration of justice was biased in favor of ethnic Croats. Some violent incidents were reported, generally connected with disputes over housing. While some of the region's remaining inhabitants were able to return to their homes in the rest of Croatia, the Government took little effective action to resolve the cases of those whose homes were damaged or occupied, which it had committed to solve in 1997.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials. However, police in Sibenik beat an Italian tourist to death in an extrajudicial killing in September. The Government initiated an investigation, which remained ongoing at year's end, and the officers involved were removed from the force.

Isolated reports continued of ethnically motivated killings in the formerly occupied areas, which, although small in number, discourage individuals of all ethnicities from returning to areas where they would be a minority.

Of the many major crimes committed by both sides during the conflict, the Government has been much more vigorous in the prosecution of those committed by ethnic Serbs during the occupation than those committed by ethnic Croats at or near the time of Croatia's military operations in the summer of 1995. Other than the proceedings underway against nine Croatian military and paramilitary members involved in the murders in Pakracka Poljana in 1991, no progress was made in some of the most well-known cases, such as the Grubori murders. In an August report by Amnesty International, prosecutors responsible for the Grubori case claimed to have no knowledge of any investigation or proceedings underway. This directly contradicts the Government's assertions that these cases were receiving urgent attention and were a high priority.

In June Slavko Dokmanovic, the former Serb mayor of Vukovar, committed suicide in his cell in a United Nations (U.N.) detention facility in the Netherlands. He was awaiting trial before the ICTY on charges of committing war crimes and crimes against humanity, including the massacre of over 200 unarmed men outside Vukovar Hospital in 1991.

In June the remains of 938 persons were exhumed from a mass grave in Vukovar (see Section 1.b.).

In December the Government indicted Dinko Sakic, commander of Croatia's Jasenovac concentration camp in 1944, for crimes against humanity in the deaths of more than 2,000 persons. Sakic was extradited to the country in June from Argentina.

b. Disappearance

There were no reports of politically motivated disappearances.

As of November, government figures showed that 1,824 persons still were missing in cases unresolved from the 1991-92 military conflicts. However, this number does not reflect another 800 to 900 Croatian Serbs also listed as missing. While the dialog continued with the Federal Republic of Yugoslavia (FRY) Commission on Missing Persons, results were few and the cases remained outstanding at year's end. With the resumption of government authority over the former UNTAES region on January 15, significant progress was made on the exhumation and identification of bodies in the Danubian region. In the city of Vukovar, some 938 bodies ranging in age from 6 months to 104 years were exhumed from the new cemetery alone, of whom 133 thus far were on the list of the missing. An estimated 1,200 persons were buried at the site. Exhumations also took place in other parts of the Danubian region, including Beli Manastir, Tenja, Lovas, Dalj, Celijski, Djeletovci, Ilaca, Tovarnik, and Hrvatska Kostajnica in central Croatia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or cruel or degrading punishment; however, there were occasional credible reports that police beat persons and that these cases were not always investigated properly. For example, a Serb convicted of war crimes in April alleged that he was beaten and tortured while in custody in 1997. Despite the repeated urgings of the defense counsel and international human rights organizations, no investigation of those allegations had yet taken place at year's end.

Prison conditions meet minimum international standards. Jails are crowded, but not excessively so, and family visits and access to counsel are generally available, albeit not consistently at all phases of the criminal proceedings (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains provisions to protect the legal rights of all accused persons, but the Government does not always respect these rights in practice. The Government's application of a general amnesty for rebel Serbs in 1996 remained highly problematic, and the issuance in the spring of a list of 13,575 persons to whom amnesty had been granted by the Osijek County Court further clouded the issue. This list, combined with official statements that there would be no new arrests other than those 25 persons convicted in absentia for war crimes, led to confusion and uncertainty since arrests of Serb refugees who did not appear on the list of 25 continued sporadically throughout the year. This largely undermined any positive effects that the amnesty had generated. Credible evidence emerged that the Government reworded charges for amnestiable offenses in order to uphold prosecutions as either common crimes or war crimes. For example, in one case in Split, the U.N. Center for Human Rights noted that charges had been revised three times in order to keep one defendant in custody.

Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may carry out arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. Such cases are not uncommon. The police then have 24 hours in which to justify their decision before the local investigative magistrate. However, inspectors working under the auspices of the Ministry of Finance (the so-called "financial police") do not require a warrant in order to enter premises and examine records, actions which can lead to the unilateral shutdown of the organization in question in advance of any due process (see Section 2.a.). For example, one nongovernmental organization (NGO) in the Danubian region was given 3 days to shut its doors in July

after the financial police determined that it had exceeded its authority in approving small business loans. However, the order was not carried out after international intervention on behalf of the NGO.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the investigative magistrate appoints counsel from a list of public defenders. The investigative magistrate must, within 48 hours of the arrest, decide whether sufficient cause exists to hold a person in custody pending further investigation. Investigative detention usually lasts from a few days to few weeks, but the Supreme Court may extend the deadline (for a total period of not more than 6 months) in exceptional cases. Once the investigation is complete, detainees are released on their own recognizance pending trial, unless the crime is a serious offense, the accused are considered a public danger, or the court believes that they may flee.

However, persons held under investigation often were denied the right to have an attorney present during all parts of the investigative stage or appeal of investigative detention. In practice detainees almost always are bound over for investigation unless it is clear that no case exists against them, and there have been several cases of lengthy pretrial detention, including individuals who are awaiting appeal of their acquittal by the state prosecutor. While there are provisions for posting bail after charges are brought, the practice is not common. The International Committee of the Red Cross estimated that approximately 70 ethnic Serbs were still in detention for acts related to the conflicts in 1995.

Full control of the police in Eastern Slavonia reverted to the Government after the UNTAES mission departed on January 15. The United Nations maintained 180 international police monitors in the region to assess activities of the local police until October 15, when that function was assumed by the Organization for Security and Cooperation in Europe (OSCE). While there were isolated incidents of behavior in favor of returning Croat displaced persons, the U.N. Police Support Group (UNPSG) and the OSCE Police Monitoring Group (after October 15) reported that police behavior was adequate overall.

The Constitution prohibits the exile of citizens. In a positive step, the Government in May established procedures by which Croatian Serb refugees who had fled the country in 1995 might regulate their citizenship status and return to Croatia. This provided a possible end to years of effective exile for some 200,000 Croatian citizens living abroad as refugees. Implementation of these procedures was initially slow, but gained momentum as the year progressed, with over 3,000 persons in Serbia-Montenegro receiving confirmation of citizenship by September and another 700 in Bosnia and Herzegovina.

e. Denial of Fair Public Trial

Government influence seriously weakens the nominally independent judiciary. In practice both bureaucratic inefficiency and political influence mar the system. The court system has a backlog of over 1 million cases.

The judicial system consists of municipal and district courts, a Constitutional Court (which both determines the constitutionality of laws and governmental acts and serves as the court of final appeal for individual cases), a Supreme Court, and an Administrative Court. A parallel commercial court system handles all commercial and contractual disputes. The State Judicial Council (consisting of a president and 14 members) is a body independent from both the judiciary and the Ministry of Justice charged with both the appointment and discipline, including removal, of judges, court presidents, and public prosecutors. The upper house of Parliament nominates persons for membership on the Council, and the lower house elects the members for 8-year terms. The 11 judges of the Constitutional Court are elected for 8-year terms in the same manner, while all other judges are appointed for life.

Under legislation adopted in 1993, the State Judicial Council (SJC) concluded its review of judicial appointments early in the year. While judges are prohibited by the Constitution from being members of any political party, critics charge that the Council (whose members are appointed by the HDZ-dominated Parliament) is a political tool of the executive branch. Some judges not reappointed after the Council's review maintained that this was due more to their independent views or ethnicity than their qualifications. While the Council is authorized to act independently in the appointment and review of judges, it occasionally has defied Constitutional Court rulings. For example, the Council refused to acknowledge a Constitutional Court decision in late 1997 that maintained that it had exceeded its authority in declining to process all applicants for open judicial appointments. The Council claimed that the Court did not have jurisdiction, despite the Constitutional Court's basis in law as the arbiter in jurisdictional disputes between the branches of government and its obligation to ensure that the constitutional rights of citizens are protected. The issue remained unresolved at year's end. The 1997 dismissal of the former head of the Supreme Court, Krunoslav Olujic, for (among other charges) impugning the honor and dignity of the Court, was overturned by the Constitutional Court in April for unconstitutional procedural violations. However, in October the SJC upheld his ensuing dismissal as the head of the Supreme Court.

Low pay for judges, combined with cumbersome and opaque selection procedures by the State Judicial Council, and its apparent reluctance to process all applicants for open positions, left the courts with at least a 30 percent shortage in the number of judges. The judicial system also suffers from a massive case backlog. Cases involving average citizens drag on for years, while criminal libel suits or other cases affecting high-level government officials are heard within weeks under "urgent proceedings" (see Section 2.a).

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, the courts sometimes deny citizens fair trials. Local authorities often refused to implement court decisions. For example, little or no progress was made in the numerous cases of illegal evictions where the legal owner had a positive court decision, yet was unable to gain access to his property (see Section 1.f.). Many of these cases involve either current or former members of the Croatian military or police forces, and local authorities refuse to act against them on behalf of the rightful occupant. The only recourse for the defendant is to return to court to demand implementation of the first decision, a time-consuming and costly procedure that still may not result in implementation. Meanwhile, in a clear double standard, after the departure of the UNTAES mission in January, the OSCE reported that the courts governing the affected region were flooded with cases in which the original owner (an ethnic Croat) sought and received a court order installing a lien on the property of the ethnic Serb occupying the Croat's home in the Danubian region. Cases in the region in which the plaintiff is an ethnic Croat are heard and decided in a matter of days or weeks; however, cases in which the plaintiff is an ethnic Serb often drag on for months or years.

One NGO in Eastern Slavonia cited the total absence of any administrative court decisions in more than 1,000 appeals of denied citizenship. Of the 200 cases that were resolved positively during the year, all were administrative reversals of the original decision by the Ministry rather than action on the appeals filed in the court. In the remaining 800 appeals, many of which date back more than a year, the court remained silent. The NGO noted that the court's failure to act called into question "the existence of any meaningful judicial remedy for legal errors committed by administrative bodies."

In another significant example, the Constitutional Court in May ruled that several sections of the existing pension law were unconstitutional and should be abolished. It further required that pensioners be compensated retroactively for their lost income. However, changes to the legislation only occurred after a sustained attack on the Court in the press and calls by senior government officials to curb its powers. Nor did the Government respond to statements by the President of the Supreme Court that

neither the Supreme Court nor any courts under its jurisdiction were obligated to respect decisions by the Constitutional Court, calling into question the Government's willingness to defend constitutional provisions regarding the judiciary.

The Government continued to apply questionable legal standards in the implementation of the general amnesty adopted in 1996. There was credible evidence that crimes for which persons should have received amnesty were recategorized as either common crimes or war crimes. International monitors, including the U.N. Center for Human Rights, cited several prominent cases in which the evidence presented should not have led to any conviction, let alone one for a war crime. The appeal of Milos Horvat (sentenced to 5 years' imprisonment for genocide in 1997 based on what international monitors described as questionable standards of evidence) was heard by the Supreme Court in December, 18 months after it was initially filed. No decision was handed down by year's end. Prisoners in Split went on a hunger strike in the spring to protest the court's inaction in processing their appeals and, in several cases, the initial hearing of their cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

At times the Government infringed on these rights. The Constitution declares the home inviolable. Only a court may issue a search warrant, which must state the justification for the search. Police may enter a home without a warrant or the owner's consent only if necessary to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or property. While the authorities generally complied with these norms, there were notable exceptions in which the Government and, in particular, the military did not respect private property in practice. Despite developing a mechanism by which property could, in theory, be restored to the original owner, the Government failed to implement this program vigorously. Further, there are no provisions for those individuals, primarily citizens of Serb ethnicity, who lost tenancy rights to their dwellings during the war, to return to their previous homes.

In the second half of the year, the Ministry of Interior acknowledged accusations that the Agency to Protect Constitutional Order (SZUP) had been tapping the telephones of some independent journalists (among others), but denied that there was any impropriety in either its actions or motivations, which the Ministry claimed were justified under the Constitution (see Section 2.a.).

Despite the October 1997 ruling by the Constitutional Court that several elements of the Law on the Temporary Takeover of Specified Property (LTTP) were unconstitutional, the vast majority of Serb property owners displaced by that legislation in favor of ethnic Croat refugees remained unable to access their property. In June the Government adopted a program for return, which included mechanisms for property restitution. However, the establishment of these mechanisms was slow. Throughout the remainder of the year, only a small number of cases of property restitution was recorded as both central and local authorities declined to take steps to displace temporary occupants in favor of the original owners, as stipulated in the return program. Despite exhortations from the central Government, many local authorities did not take steps to regulate permits authorizing or revoking occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises, a situation that remained largely unchanged throughout the year. Numerous returning ethnic Serb displaced persons and refugees continued to remain shut out of their homes, although in many cases the Croat's house had been reconstructed and there was no impediment to his return. In general in such cases, the Government failed to furnish reconstructed houses with basic utilities. For example, local officials in Topusko estimate that some 400 houses belonging to ethnic Croats have been reconstructed, yet the Croats continue to occupy the homes of ethnic Serbs, thus blocking the Serbs' return.

Housing commissions in the Danubian region in contrast were established quickly and proceeded to issue eviction notices to occupants, primarily ethnic Serbs. Throughout the year, the UNPSG, the OSCE, and numerous local human rights organizations reported forcible evictions of ethnic Serbs on an almost weekly basis. Police response was mixed, due in part to conflicting instructions from higher authorities. Despite direct intervention by senior government officials to halt the evictions and clarify police instructions early in the year, homeowners were allowed to harass occupants until they were, in effect, forced to leave. In many cases, the actions of local officials in the Danubian region called into question their impartiality in making public statements or, as occurred in Ilok, in arriving at the property in question with the Croat homeowner. While estimates vary widely, responsible international estimates claim that some 20,000 ethnic Serbs left the region since the end of the UNTAES mandate (generally for the FR Yugoslavia), with some 3 to 5 families departing every day. In addition to the serious underlying economic and social situation, many left in the face of intense pressure and blatant discrimination.

No progress was made to resolve the thousands of cases of Croatian citizens, for the most part ethnic Serbs who, due to their absence of more than 6 months during the war, lost tenancy rights. Ethnic Serbs were disproportionately affected because no mechanism existed by which they could return to Croatia in order to claim their property or because they had lived in the occupied parts of the country and missed the chance to purchase their previous apartments.

The Ministry of Defense also continued to pursue numerous, arbitrary revocations of tenancy rights involving individuals who had lived in their apartments for decades. The authorities justified their actions either by the 6-month absence provision, or if the primary tenant was ruled to have "acted against the interests of the Republic of Croatia." Membership in the Yugoslav Army at any time by the primary tenant was deemed sufficient by the Ministry of Interior to brand that individual as an "enemy of the state." Surviving family members' rights to maintain tenancy of the property of a deceased or divorced spouse often were denied, even though that right is provided for specifically under the law. Although courts often declared such evictions illegal (after lengthy legal proceedings--see Section 1.e.), the occupier seldom was removed from the premises. The case in Split of Hasim Begovic still remains unresolved, despite a total of eight unsuccessful eviction attempts to date.

In February and March, numerous incidents of arson were reported in the Banovina region. While police determined that these fires were, for the most part, inadvertent incidents resulting from careless field clearing, international and local NGO's pointed out that the dozens of destroyed homes belonged almost exclusively to ethnic Serbs and seriously questioned the thoroughness and impartiality of the police investigations. The summer months saw a rise in the number of violent incidents overall, particularly in the Danubian region and in former Sector South. The use of explosives and booby traps caused property damage and instilled fear (see Section 1.f.). For example, in Benkovac several houses belonging to ethnic Serbs were destroyed over the summer. In the Danubian region, the majority of the reported incidents were related to disputes over housing.

The Constitution provides for the secrecy and safety of personal data, and this provision generally was respected. However, there was very credible evidence that requests made by ethnic Serbs to return to their original homes in the formerly occupied areas were used by individuals to vandalize or in some cases destroy the property in order to prevent the Serb from returning. Reports also persisted, although fewer in number than in 1997, that local housing commissions allowed authorizations for temporary accommodation to be transferred among temporary users, thus keeping a residence occupied even after the original owner's intention to return was known.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of thought and expression, specifically including freedom of the press and other media, speech, and public expression, as well as the free establishment of institutions and public communication; however, the Government controls or influences much of the print media, controls most of the electronic media (in particular, television), and influences and manipulates the judiciary. All this, combined with the Government's continued harassment--through job loss or banishment from the airwaves, overt censorship, intimidation, and criminal prosecution--of those journalists who criticize the ruling party, stifles many of these freedoms in practice. The Government maintained an unofficial campaign of harassment of the independent media throughout the year, and some 300 criminal and 600 civil prosecutions of journalists are ongoing, most brought by government officials or their close relatives or associates. The law gives the public prosecutor the right to appeal an acquittal, thereby potentially exposing journalists to double jeopardy. During the second half of the year, the Ministry of Interior acknowledged accusations that the Agency to Protect the Constitutional Order was tapping the telephones of some independent journalists (among others) but denied that there was any impropriety in either its actions or motivations, which the Ministry claimed were justified under the Constitution (see Section 1.f.).

Despite continued domestic and international protest, the Government took no steps to revise articles of the Penal Code that authorize the criminal prosecution of journalists who publish "state secrets" or insult the honor or dignity of the President, the Prime Minister, the Speaker of Parliament, or the Chief justices of either the Supreme Court or the Constitutional Court. In April the former editor in chief of Globus, Davor Butkovic, was acquitted of criminal liability in a suit brought by 23 ministers, including the Prime Minister, for citing in an article a report by a foreign company that alleged corruption in the Cabinet. The state prosecutor appealed the acquittal, as he has in the ongoing criminal liability case against the Feral Tribune for slandering the honor of the President. Further, under the law the publisher of the offending article may be subject to a separate civil suit for causing mental anguish.

Individuals may criticize the Government, although not always without reprisal. Lawsuits brought against a leading human rights activist and a prominent politician in 1997 for the "dissemination of false information with the intent to incite public instability" remained unresolved. In bringing these suits, the public prosecutor failed to acknowledge that these individuals (and others) made similar statements in previous years with no ensuing public disorder.

The Government (through the privatization board) and, in particular, businessmen with close ties to the HDZ enjoy a virtual monopoly on printing and distributing newspapers and magazines. Fees of 20 percent of gross sales (payable in advance), combined with slow payment (or nonpayment) of proceeds from the distributor to the publication and prompt payment requirements for the printer, have caused acute cash flow problems for many independent publications. The slow pace of the judicial process (see Section 1.e.), makes it extremely difficult for these publications to seek timely redress of their payment difficulties in the courts. Journals and publications also complained that they had little control over where their publications were sent, with large quantities at times being sent to remote villages, leaving the bigger, urban markets undersupplied.

The ruling party's control of the electronic media is pervasive. The majority party in the Sabor (currently the HDZ) controls 5 of the 9 seats on the Telecommunications Council, the government body that allocates or revokes private radio and television concessions. Concession fees are inordinately high, but are not paid by Croatian State Radio and Television (HRT). Decisions by the Council are arbitrary, lack transparency, and are generally biased in favor of proprietors backed by the HDZ. For example, in Rijeka the opposition party mayor and his backers were unable to get a concession for a local television station because the only frequency the Council was prepared to issue in that area belonged to another "station"--one that had never broadcast in the 2 years that it held the concession--in direct violation of the law, which mandates broadcasting within 2 years of frequency issuance. However, the stalemate

finally ended when a frequency was awarded in October.

The HRT is the only national network in the country and is the main source of news for approximately 90 percent of the population. It broadcasts on three national television and radio channels. Technically under the control of Parliament, the HRT is, in practice, run by the ruling HDZ Party; its director is a prominent member of the Party. The Government controls the state network through the HRT Council which, like the Telecommunications Council, also is dominated by the HDZ. The HRT Council directly supervises operations and editorial content of state-run radio and television, effectively restricting access by opposition parties to criticize government policies and consistently preventing even the semblance of impartial reporting during election campaigns (see Section 3). A new law on the HRT was adopted by Parliament in October, which reduced the number of Members of Parliament (M.P.'s) on the HRT Council from 14 of 18 to 10 of 23. However, this minor modification did virtually nothing to address the fundamental problem of government control over the state television network because Parliament retained the ability to nominate and confirm all other appointments to the Council.

Both public and private radio and television stations coexist, although independent broadcasters are forbidden by law from either broadcasting nationally or from "networking" to achieve national coverage. Revenue collection is also greatly skewed in favor of the HRT, which receives subsidies from government taxes on television (accounting for some two-thirds of the HRT's gross annual revenues), as well as some 80 percent of advertising revenue. These subsidies create an unfair advantage for the HRT over any independent television station that tries to compete, as the independents' ability to purchase programming, etc., is far less than that of the HRT. Similar problems exist in radio broadcasting. The enforcement arm of the Ministry of Finance, the financial police, often is used by the Telecommunications Council to shut down stations deemed too critical of the Government. The financial police may enter any premises without a warrant and, at any time, demand access to an organization's financial records (see Section 1.d.). The punishments meted out by the financial police and the Telecommunications Council often far exceed the seriousness of the infraction. For example, TV Moslavina, known for its "provocative" news stories, was shut down in May when it moved to a new location and failed to renew its license with its updated address. Government influence over the court system exacerbates these problems. Journalists who sought reform of the HRT from within routinely were silenced and in many cases taken off the air while still on the HRT payroll. In July a new director of HRT was appointed who reinstated several of these journalists in November. However, censorship of their new program "One Plus One" commenced almost immediately. In December the HRT director cut a scheduled segment on an opinion poll that was unflattering to the ruling party on the grounds that airing the poll "could create precedents which HRT, as the most influential media outlet...cannot afford."

Foreign newspapers and journals were available in larger urban areas throughout the country, although cost makes them prohibitively expensive for most persons.

While academic freedom generally is respected, scholars reported that they were reluctant to speak out on political issues. Some scientists believe that the Government exerted subtle pressure on them through its control of research funds.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly; however, the Government at times exercised arbitrary control to restrict this right during the year and adopted measures that temporarily restricted the right of peaceful public assembly in the former UNTAES region.

Numerous rallies and demonstrations took place throughout the country during the year, many of which

were led by workers protesting poor social conditions and pay. However, under legislation regulating public protests, local officials in the capital denied labor unions the right to demonstrate in the main square on two occasions in the first half of the year, once in January and again in February. On both occasions, demonstrators who decided to hold their gathering despite the Government's prohibition were met with overwhelming force. In February some 5,000 police shut down the center of the city for over 6 hours, injuring some 30 demonstrators and 6 police officers. This completely disrupted traffic, the grounds on which the Government had denied the permit in the first place (see Section 6.a.). In March the authorities banned all public demonstrations in Eastern Slavonia until August in response to an anti-Serb rally organized by the Croatian Party of Rights (HSP) in Borovo Selo.

The Constitution provides for the right of association; however, legislation adopted in 1997 increased the government's ability to restrict this right. The Law on Associations gives the government broad powers to prevent the founding of an association and to monitor all aspects of an association once founded. Further, an association's activities may be suspended administratively based on only a "well-founded" suspicion that the group's activities contravene the Constitution or law. Until such time as the association proves itself innocent in a court of law, the Government can keep it closed indefinitely and appoint someone to manage and dispose of the association's property. Many local and international NGO's find themselves in a precarious position, as the reregistration process is proceeding only slowly. According to the law, in the absence of any formal notification to the contrary, an NGO is to consider itself reregistered. However, without written confirmation of registration from the Ministry of Administration, NGO's face significant obstacles in their day-to-day functioning.

c. Freedom of Religion

The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism, Eastern Orthodox Christianity, and Islam are the major faiths, and a small Jewish community is active. While some organizations claimed that Orthodox priests encountered difficulties in obtaining Croatian citizenship and travel documents, there is no evidence of any specific discrimination against the Orthodox clergy beyond that faced by other ethnic Serb Croatian citizen refugees abroad (see Section 2.d.).

No formal restrictions are imposed on religious groups. Croatian Protestants from a number of denominations, as well as foreign clergy, actively practice and proselytize, as do representatives of Eastern-based religions. The Government tightened its residence permit and visa issuance policy in 1997, but this was a general policy shift and not directed at religious workers (although they were among those affected).

While the state has no official state religion, the dividing line between the Catholic Church and the state often was blurred, and the ruling party throughout the year attempted to closely identify itself with the Catholic Church. However, the Church more frequently sought an independent role for itself and was at times openly critical of the prevailing political situation. The new head of the Catholic Church, who office in January, became more active in publicly promoting reconciliation and the return of refugees and in both January and December delivered strong messages against corruption and promoting the need for civic virtue, dialog, and mutual respect between groups.

The Government requires that religious training be provided in schools, although attendance is optional. Schools are allowed to offer classes in minority religions if they fill the necessary quota of minority students. However, the lack of resources, minority students, and qualified teachers usually impeded catechism courses in minority faiths, and the Catholic catechism was the one predominately offered.

According to numerous reports, although not obligatory, students felt pressured to attend religious training.

The Government continued to discriminate against Muslims in the issuance of citizenship documents. The Ministry of Interior frequently uses Article 26 of the Law on Citizenship to deny citizenship papers to persons otherwise qualified to be citizens (see Section 5). In January Muslims, Albanians, and Slovenes also were dropped as recognized national minorities from the Constitution's preamble on the grounds that they were not indigenous groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution generally provides for these rights, with certain restrictions. All persons must register their residence with the local authorities. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

While there are no reports that the Government revoked citizenship for political reasons, the failure to act expeditiously to verify the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military actions in 1995 remained a cause for concern in the first half of the year. However, after 3 years in which only a small fraction of these essentially stateless persons were able to gain citizenship documents, the Government in May adopted procedures by which these individuals could confirm their citizenship and, if they so desired, return to Croatia. This very positive step was undercut somewhat by the Government's initial slow and uneven implementation of these procedures. However, by October the U.N. High Commissioner for Refugees (UNHCR) reported that the pace of approvals had increased and that some 3,000 individuals had been cleared. Similarly, the Joint Working Group (JWG) established in 1997 continued to work throughout the year on returning displaced persons in Eastern Slavonia to their homes elsewhere in Croatia but made no significant progress in resolving any of the outstanding "hard cases" (persons living in the former UNTAES region whose homes either were occupied or destroyed) remaining from the previous year. Muslims also found it difficult to confirm their citizenship. There were several notable cases during the year of deportation proceedings against male members of mixed marriages involving Muslims.

A significant number of internally displaced persons remain, although not all of these persons are under the Government's direct care. While the Government reported some 100,000 persons (74,000 internally displaced and approximately 30,000 refugees, mostly from Bosnia and Herzegovina and the FRY) with refugee or displaced person status as of December, this number does not reflect fully an additional 140,000 former refugees who have become citizens of Croatia (not always of their own free will), nor does it include thousands of ethnic Serb displaced persons in the Danubian region whom the Government does not recognize.

While estimates vary, international organizations generally agree that some 47,000 ethnic Serbs left Croatia since 1996, with some 20,000 departing in 1998 alone. While many left for economic reasons, most also reported that the level of harassment and discrimination and, most significantly, pressure put upon them by the imminent return of ethnic Croat owners of the homes to which they had been displaced in the former UNTAES region, led them to the conclusion that they had no future in Croatia. Ethnically motivated incidents included verbal and legal harassment, forcible evictions, and beatings. The UNPSG, which monitors police behavior in the region, reported an average of 54 incidents per week in May. That number jumped to nearly 70 by July, with many more incidents going unreported.

Official government policy is that all citizens are free to return to their homes of origin throughout the

country. However, in practice ethnic Serbs who successfully repatriated faced open discrimination and numerous bureaucratic hurdles in order to regain their property and the financial and health benefits to which all returnees are entitled under the law. Incidents of beatings and even arson and bombing attacks against Serbs were reported, albeit less frequently than in previous years (see Sections 1.a., 1.f., and 5). Many also reported discrimination in employment, and there were persistent but isolated reports that humanitarian assistance is not distributed fairly by government agencies. The Government allows free access to all displaced persons by domestic and international humanitarian organizations and permits them to provide assistance.

At year's end, the official estimate of displaced ethnic Serbs in Eastern Slavonia was approximately 5,000 to 6,000. The Government estimated in September that at least 100,000 ethnic Croats are still displaced from their homes throughout the country, having been driven out by rebel Serbs in 1991. Government figures claiming that as many 26,000 ethnic Croats have returned to their homes in the former UNTAES region cannot be verified by international observers. The Government housed displaced Croats and refugees from Bosnia and Herzegovina in hotels along the coast and in collective centers around the country, as well as in private "abandoned" homes of ethnic Serbs who fled during the military action.

Freedom of movement was severely hampered by the occupation of homes belonging to Croatian citizens of Serb ethnicity by refugees from neighboring Bosnia and Herzegovina and the FRY, as well as "priority category" ethnic Croat citizens, i.e., active duty or former members of the military, widows, and orphans. Ethnic Croats wishing to return to Eastern Slavonia were also unable to return to homes occupied by Serbs. Many Serb returnees were prevented from moving into looted and devastated homes that the Government defined as habitable. In all only a handful of ethnic Serb owners were able to repossess their occupied properties through the return program mechanisms during the year.

The Government cooperates with the office of the UNHCR and other humanitarian organizations assisting refugees. The Government is a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol although it has not yet passed legislation to implement these conventions. The Office for Displaced Persons and Refugees (ODPR) reports that the Government granted first asylum to 30,000 persons from the various parts of the former Yugoslavia as of September and that it was supporting financially another 100,000 displaced persons (not counting displaced ethnic Serbs in the former UNTAES region). There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Gove