



Coalition for Promotion and Protection of Human Rights

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PROBLEMS OF ETHNICALLY MOTIVATED INCIDENTS IN THE REPUBLIC OF CROATIA

INTRODUCTION

Incidents motivated by ethnic differences between the perpetrator and the victim may, more or less, negatively reflect on (co)existence within particular local community but also the society as whole. Forms and frequency of expression of interethnic intolerance are the indicators of the achieved level of tolerance and readiness to accept differences. They, further on, also speak a lot on the level of democratic maturity of a society and the existence of presumptions for its further comprehensive development.

Promotion of interethnic tolerance and active work on prevention and suppression of ethnically motivated incidents in the Republic of Croatia are constant need but also a necessity. Raising level of social awareness at all levels and comprehensive work in that direction are important for both the members of national minorities and exercise of their rights and the members of majority people, especially in those local communities in which they are, in terms of numbers, a minority community.

This document aims to review certain issues in relation to the problems of ethnically motivated incidents in the Republic of Croatia and measures taken in that regard. Content of the document relays on the information collected from available written sources and the discussion from the roundtable "Problems of ethnically motivated incidents in the Republic of Croatia in 2005"¹, which was held in Zagreb on 26 April 2006.

ETHNICALLY MOTIVATED INCIDENTS IN THE REPUBLIC OF CROATIA

Available information and reports by non-governmental and international organisations show that ethnically motivated incidents mostly affect members of Serb and Roma national minorities. However, certain allegations on ethnically motivated incidents and violence aimed towards other minorities and majority people have been recorded in the past period. For example, European Commission against Racism and Intolerance states in their latest report on Croatia published in June 2005 that "Interethnic incidents still occur, albeit infrequently, targeting both ethnic Serbs in places where ethnic Croats are the majority and ethnic Croats in areas where ethnic Serbs are in the majority."²

Open issues on the number of ethnically motivated incidents

Basic obstacle in determining the number of ethnically motivated incidents in the Republic of Croatia and crimes committed in relation to that is the fact that there is no clear definition of such an incident. Therefore, available official and unofficial statistics on such incidents should be considered with certain reserve. Difficulties in determining realistic number of ethnically motivated incidents for the lack of reliable statistical data have also been pointed out by Council of Europe Advisory Committee for the Framework Convention for Protection of National Minorities (hereinafter: the CoE ACFCNM) in their Second Opinion on Croatia.³

Organisation for Security and Co-operation in Europe (hereinafter: the OSCE) Mission to Croatia states that "According to official statistics, there are relatively few ethnically motivated incidents reported by the police. However, there is no specifically elaborated legal definition of what constitutes such an incident, which means that there is the potential for under-reporting. There are also inadequate directives and procedures to deal with such incidents when reported. Information gathered by the Mission gives a rather darker picture at hand and there is without a doubt reasons to revise the method for dealing with such incidents comprehensively."⁴

The fact is that it is impossible to consider each incident involving persons of different ethnic affiliation as ethnically motivated one. Namely, the motive of the perpetrator based on expression of intolerance or hate aimed towards members of other ethnic community that can only be established with the certainty upon the completion of the court procedure is the key in such incidents. However, some people think that police and judicial authorities in some cases involving acute indications on ethnically motivated incidents such acts "treat as disturbance of public order and peace, or as act of robbery rather than ethnically based violence or ethnically motivated incidents that as such demand for more devised and serious reaction of the society."⁵

AC FCNM recommended that "Croatia should pursue and expand its efforts to ensure that ethnically motivated crime is consistently categorised as such and prosecuted vigorously by law-enforcement bodies."⁶

Trend of decrease in the number of ethnically motivated incidents in 2004

In their Second Opinion on Croatia accepted on 1 October 2004, the AC FCNM assessed development of the situation in relation to ethnically motivated incidents as positive and stated that such incidents are getting more rare and that the police reacted promptly in some of those cases.⁷ However, the AC FCNM, calling upon, for example, the Conclusions and recommendations by United Nations Committee Against the Torture in sense of implementation of the Convention Against Torture in the Republic of Croatia dated 11 September 2004, mentions that there are some allegations stating that police and judicial authorities are failing to prevent and promptly investigate assaults against members of national minorities.⁸

Also the Croatian Helsinki Committee (hereinafter: the CHC) concluded that the number of ethnically motivated incidents in 2004 has decreased. In their 2004 report, they have mentioned that for the first time since they were established in 1993, they did not find ethnically motivated human rights violations among the first three most frequent human rights violations in the Republic of Croatia.

Trend of increase in the number of ethnically motivated incidents in 2005

Positive trend of decrease of ethnically motivated incidents, however, did not continue in 2005. Calling upon the CHC reports, International Helsinki Federation for Human Rights (hereinafter: the IHF), in their annual report from 2006 on the situation in 2005, states that harassment and violence against minority members has increased making 2005 the worst year since 1996.⁹ As well as in the past period, most interethnic incidents and ethnically motivated criminal acts affected members of Serb and Roma minority communities. Slandorous and strong nationalistically coloured media reporting on minorities, especially Serbian minority followed those events.

Among many others, the Parliamentary Committee for Human Rights and Rights of National Minorities expressed their concern with the situation in regard to interethnic incidents in 2005.

Most of ethnically motivated incidents, harassment and criminal acts against Serbs have been registered at former war affected areas – Areas of Special State Concern. Highest intensity of such incidents and committed criminal acts were registered in the areas of following counties: Zadar, Sibenik-Knin, Vukovar-Sirmium, Osijek-Baranja and Karlovac.¹⁰ Those incidents refer to commitment of different criminal acts such as physical abuse, theft, property and religious buildings damaging and destruction, attacks on cultural and political institutions, threats, insults, and even two murders¹¹. Serbian Democratic Forum

reported on 49 ethnically motivated incidents against members of Serbian community or their properties in 2005.¹² CHC, for the same period, documented 34 incidents of violence against ethnic Serbs among which only one case has been resolved.¹³ Records by Ministry of Interior speak of 65 incidents involving members of Serbian community among which 25 cases have been resolved by the end of 2005.¹⁴ European Commission stressed that the number of incidents in 2005 could negatively reflect on the progress achieved in the past period.¹⁵

It is impossible to precisely establish the exact number of incidents motivated by interethnic intolerance or hate for, as previously mentioned, lack of clear definition and categorisation methods and existence of number of incidents that have not been reported to the police. Looking closely into 47 incidents between persons of different ethnicity in the areas of special state concern processed by Ministry of Interior in 2005 it becomes evident that the victims were not only members of minority communities but also the majority people.¹⁶

Although reports by non-governmental organisations show that number of interethnic incidents and cases of violence against members of minority communities increased in 2005, the Assistant Minister of Interior, Mr. Đoko Tepša believes that the number of such cases maintained decreasing trend if compared with the past period, and for that matter, he assessed the situation in the areas of special state concern to be satisfying. Further on, the Assistant Minister believes that most of the incidents are in relation to the process of return of Serb refugees and displaced persons and unresolved property and legal relations – problems with restitution of Serb returnees' properties temporarily used or occupied by members of majority people. Ministry of Interior is very much aware of the possibility for the interethnic conflicts in relation to the process of return of Serb refugees and displaced persons to intensify. Therefore, aiming to prevent such conflicts, the Ministry is taking certain measures. For example, each police administration in the Areas of Special State Concern was sent the operational plan for raising general security and prevention of incidents with ethnic background on 17 February 2006. Mr. Tepša assessed the allegation on authorities' failures to adequately react and investigate cases of violence against members of minority communities as unacceptable, and said that the Ministry of Interior takes all necessary operational acts aiming to resolve each criminal act. The example for that is conduction of comprehensive criminologist processing and undertaking of series of investigative actions (over 300 interviews, polygraph testing, expert opinions) aiming to resolve an unresolved case of murder of an elderly male Serb in Karin area that has been committed in May 2005 and it is suspected to be ethnically motivated. The Ministry of Interior, however, has no feedback on further actions taken for cases submitted to judicial bodies.

Mr. Žarko Puhovski¹⁷, the President of CHC, mentions two, in his opinion, very important issues when discussing the problem in matter. The first one relates to indistinctness in defining the term of ethnically motivated incident, and the other one is the fact that for that indistinctness the incidents, partially, occur as symbolically important elements of pressure on co-living in Croatia. Mr. Puhovski concludes that the anti-Serb media propaganda got reanimated, to some extent justly, for restoration of the “Chetnikship” in Serbia and related reactions, and, partially unjustly, for hysteric interpretations of the role of Serbian minority in local elections held in 2005. That phenomenon was a reason for interethnic incidents to be largely accepted and justified as patriotic acts or acceptable expression of national affiliation. Some members of both the majority and minorities identify themselves with the perpetrators of incidents and crimes committed against members of different ethnic group considering those incidents and crimes patriotic and nationally correct acts. Those incidents in which the perpetrators exculpate themselves with nationalistic interpretation of ethnic differences are the biggest problem. However, having in mind the character of the recent war, Mr. Puhovski believes that the number of interethnic incidents occurring can be assessed as relatively low and the situation “remarkably” calm. All society subjects not just the police that are in most cases, sometimes even without a reason, being held responsible for prevention of incidents should be responsible for it. Government and non-governmental organisations often disturb and negatively influence police work by their incautious statements and requests for information on particular incidents. It is necessary for all those reacting on incident situations to be careful in their appearances and to distinguish between incidents involving persons of different ethnicity and those motivated with such differences. Messages aimed towards building of interethnic tolerance and reconciliation sent by high political officials in their statements and symbolic gestures often do not reach or influence local officials and life in certain local communities. Therefore, it is necessary to continuously build awareness of all citizens and sent to them clear messages saying that it is not allowed for the witnesses of ethnically motivated incidents to keep quiet about such incidents and to identify themselves with the perpetrators only for the same ethnic affiliation.

Serbian Democratic Forum activist and editor of the “IDENTITET” (Identity) magazine, Mr. Igor Palija expresses serious criticism in relation to the situation concerning ethnically motivated incidents against members of Serbian national minority. Mr. Palija¹⁸ says: “Incidents in which Serbs, returnees in particular, are being attacked exist constantly since the beginning of the first larger refugee return in spring 1997. Besides, to some extent stronger, recent public judgements, policy of the Government of the Republic of Croatia on that matter did not change.

Not even today, ten years after the war has ended, there are no clear and undoubted messages and actions showing that violations of human rights of Serbian minority are not going to be tolerated and that the perpetrators of those crimes are going to be adequately punished. The practice of not initiated and uncompleted investigations, or liberating verdicts, related to violence, murders and depriving Serbian minority of their rights during war, with few, rare, exemptions... Media report on this problem in inadequate way – when they are not quiet about the incidents than they often find excuses and mitigating circumstances for such incidents... Unfortunately, all that brought us to a paradox situation in which verbal and physical violence against Serbs in normal, allowed and not punishable. The State does not see such assaults as problems, denies them, and consequently fails to act preventively by suppressing hate speech and strengthening society tolerance level. The State is not clearly and undoubtedly repressing and sanctioning such crimes when they are committed. All three links in the process of punishing perpetrators of those acts and suppression of planned provocations and assaults against Serbs and their properties definitely failed. Having in mind that the police does something while State Attorney’s Office and judiciary still listen to the politics and wait political wink or currently suitable climate in the society to initiate particular investigations and punish perpetrators in adequately...”.

Representatives of some non-governmental organisations, participants of the roundtable “Problems of ethnically motivated incidents in the Republic of Croatia in 2005” pointed at the problem of writing down and not removing of graphite with threatening and insulting content, which additionally influences creation of the climate of interethnic distrust and non-tolerance. Referring to the processes of establishment of interethnic co-living, reconciliation and tolerance, representatives of Human Rights Committee from Karlovac warned about the negative example of covering the Orthodox cemetery with communal waste, which they consider to be a kind of “ecological” incident at ethnic ground.¹⁹

Incidents suspected to be ethnical or racial intolerance or hate motivated happened also outside the Areas of Special State Concern. They were not aimed only against Serbs but also members of Roma community. Acts of violence and racial assaults against Roma, however, are not results of war consequences or intolerance accumulated during that period. They come deeper from the past and are preconditioned with many years of discrimination and prejudices in relation to Roma.

Several cases of incidents against other ethnic and/or religious minorities such as damaging a plaque on the building of Islam community in Dubrovnik and sending threatening anti-Semitism letter to Jewish community were registered in 2005.²⁰

REMARKS:

- ¹ Roundtable organized by Coalition for Promotion and Protection of Human Rights within two-year program "Minority Rights in Practice – National Strategy for Croatia" Roundtable participants, 23 of them, were representatives of the Ministry of Interior, Office of the President of the Republic of Croatia, Office for Human Rights of the Republic of Croatia, members of the Parliament, OSCE Mission to Croatia, associations and councils of national minorities, and human rights non-governmental organizations.
- ² See: European Commission Against Racism and Intolerance: Third report on Croatia adopted on 17 December 2004
- ³ See: Advisory Committee of Framework Convention for Protection of National Minorities: Second opinion on Croatia, accepted on 1 October 2004, point 94
- ⁴ See: OSCE Mission to Croatia: Status report no. 17, dated 10 November 2005
- ⁵ Citation from the presentation given by Mr. Igor Palija, Serbian Democratic Forum activist and editor of the magazine "IDENTITET" (Identity), at the roundtable "Problems of ethnically motivated incidents in the Republic of Croatia in 2005", held in Zagreb on 26 April 2006 .
- ⁶ See: Advisory Committee of Framework Convention for Protection of National Minorities: Second opinion on Croatia, accepted on 1 October 2004, point 95
- ⁷ IBID, point 93.
- ⁸ IBID, point 94.
- ⁹ Excerpt from the IHF "Annual Report 2006": *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005) - CROATIA*
- ¹⁰ Excerpts from the presentation given by Mr. Đoko Tepša, Assistant Minister of Interior of the Republic of Croatia, at the roundtable "Problems of ethnically motivated incidents in the Republic of Croatia in 2005", held in Zagreb on 26 April 2006
- ¹¹ See: IHF "Annual Report 2006" - CROATIA
- ¹² For details see: www.sdf.hr
- ¹³ See: IHF "Annual Report 2006" - CROATIA
- ¹⁴ Excerpts from the presentation given by Mr. Đoko Tepša at the roundtable "Problems of ethnically motivated incidents in the Republic of Croatia in 2005"
- ¹⁵ European Commission: Croatia – 2005 Progress Report, pg.22, 9. November 2005.god.
- ¹⁶ IBID
- ¹⁷ Excerpts from the presentation given by Mr. Žarko Puhovski, The president of Croatian Helsinki Committee, at the roundtable "Problems of ethnically motivated incidents in the Republic of Croatia in 2005"
- ¹⁸ Citation from the presentation given by Mr. Igor Palija at the roundtable "Problems of ethnically motivated incidents in the Republic of Croatia in 2005", held in Zagreb on 26 April 2006
- ¹⁹ Example of Orthodox Cemetery in Cetingrad: an article named: "Incident at Cetingrad municipality Cemetery – Orthodox Cemetery devastated and covered in garbage" dated 30 April, 2006 that has been published in Karlovački list (Karlovac local newspapers)
- ²⁰ See: The Government of the United States of America: Report on respect for human rights in Croatia for 2005 dated 8 March, 2006

CONCLUSIONS AND RECOMMENDATIONS

Available official and unofficial data speak of the increase in number of interethnic incidents and cases of violence in the Republic of Croatia in 2005. Accurate number of ethnically motivated incidents and crimes is impossible to establish precisely for the lack of clear definition and issues in relation to their categorisation. For negative influence of those incidents and crimes on establishment and strengthening of interethnic tolerance and co-existence and on human rights and national minorities rights situation, it is necessary to make multiple efforts, in sense of prevention of such incidents, identification and processing of perpetrators, and to send clear public judgements by all relevant subjects of the society.

It is required to raise awareness of all citizens and government institutions on the existence of negative trends of ethnically motivated incidents and unacceptability of identification with such incidents. It is necessary to encourage the victims to report all such incidents to the police as that is the precondition for the police and judicial bodies to take adequate activities and to examine realistically the situation of the problems in matter.

It is necessary to take additional measures aimed towards strengthening of citizens' trust to the work of government institutions. Their more frequent communication with citizens through the media and insurance of ethnically mixed composition of police and judicial employees in ethnically mixed communities with more frequent trend of interethnic incidents and crimes could significantly contribute to the above.

Government institutions, non-governmental organisations and media should restrain themselves from sensationalist and improper reactions in order not to disturb the work of the police in resolving of interethnic incidents and crimes with ethnical background.

Trends within society that negatively reflect on interethnic relations and may influence or influences on the encouragement of ethnically motivated incidents such as hate speech in the media and different forms of discrimination need to be systematically suppressed.

Suppression and prevention of interethnic incidents in the areas of return of refugees and displaced persons deserves special attention in sense of provision of one of basic presumptions for return sustainability. Those activities need to be intensified and consistently implemented in both former war affected areas and outside those areas.

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