

Drago Pilsel³²¹

THE INTERNATIONAL ROLE IN THE RECONCILIATION PROCESS – A VIEW FROM CROATIA

Croatia is, as you probably know, very close to becoming an official candidate for European Union membership, considering the positive opinion of the European Union, which it received a few weeks ago.

One of the key conditions, which Croatia had to fulfil in order to receive the *avis*, was proving its determination in solving the complicated war crimes issue committed during the nineties, what I find a very good framework for the given subject.

Since I don't want to extend on the issue too much, or to bore you with sombre data gathered by international organisations, and since I am a journalist, I decided to be precise, brief and clear. In order to present this subject matter as graphically as possible, I picked one painful episode from the recent Croatian history, which can, in my opinion, very well show to which extent the international factors have influence on the reconciliation process and the concrete moves of the authorities.

It is a case of a crime committed during the dawning age of Croatian democracy by members of the Croatian police force against the Zec family from Zagreb. Actually, the epilogue of that case recently came in the form of indemnification payments in the amount of 2 million Euros to the surviving members of that family, in opposition to the initial decision of the presi-

³²¹ The author (41) is a theologian, journalist and publicist, the coach of journalistic skills and expert for media and religious issues. He is a columnist for daily newspapers "Novi list" from Rijeka, a commentator of news portal www.index.hr, correspondent for several foreign media, well known for his public engagement in the field of human rights protection and development of civil society.

dent of the Croatian Government, which was to refuse indemnification. After strong pressures of diplomatic and European political circles, this indemnification was nevertheless paid.

In the night of 7th to 8th November 1991, a group of Croatian policemen, who were, during the 90s, members of a gang engaged in blackmail, robbery and killing of Serbian civilians, rang on the door of Zagreb's butcher, Croatian Serb Mihajlo Zec. Mr. Zec himself was financing the party of the deceased president Franjo Tudjman with his own money, making the paradox even bigger.

When the rich butcher refused to give money, Croatian policeman Siniša Rimac shot Mr. Mihajlo on the doorstep of his house. Afterwards, the policemen kidnapped his wife Marija, a Croat, and his twelve year old daughter Aleksandra. They took them by police car close to a police base, which was then located at Medvednica Mountain, near Zagreb. Fortunately, the bandits did not notice Mihaljo's other children, his son Dušan and daughter Gordana, who were hiding on the first floor of the house and thus survived that dreadful night.

Policemen killed Marija and her daughter, in order to prevent them from testifying the about murder of Mr. Mihajlo. Aleksandra was shot in the head with six bullets by policeman Munib Suljić. They covered the bodies with leaves and branches.

Shortly after the mentioned event, those six policemen were arrested and they confessed their crime in detail, but without the presence of a lawyer. For this reason, the confession was declared legally invalid, and they were set free, although they confessed the murders.

Croatian authorities have been promoting and rewarding those criminals for a long time, although some brave Croatian journalists have disclosed the whole scandal. For example, some of them, after it was acknowledged that

they were killers, accepted high military honours, while one of them became the member of Tudjman's personal military guard.

The years rolled by, Tudjman died, his party lost the elections, the opposition came in its place and then it fell too. Then Tudjman's inheritor, Ivo Sanader, appeared as the president of the Government, and took the role of reformer of Franjo Tudjman's nationalistic party and his Government (HDZ). Under the pressure of the international community, Sanader promised the return of all Serbian refugees, as well as renovation of their properties destroyed in the war.

Sanader promised a great deal of things, but there were no public discussions on clearing up many of war crimes which Croatian forces committed against Serbs, in many cases, as revenge for crimes committed by rebel Serbs against Croatian civilians. One of those burning issues was the case of the Zec family.

Seeing that the political climate in Croatia had somewhat changed, in other words, the formerly nationalistic rule of the HDZ, in new circumstances and in the year in which Croatian candidature for the European Union membership was to be decided, will have to demonstrate a reforming spirit to the European authorities. Well-known attorney Anto Nobile decided to represent *pro bono* the surviving children, Dušan and Gordana.

They were saved by the kindness of the neighbours and transferred to their grandmother in Banja Luka in Bosnia and Herzegovina, where they lived all these years in great poverty, without a single contact in the name of the Republic of Croatia. Such contact was not made even during the period of social-democratic Government of Ivica Račan after Tudjman's death.

Attorney Nobile proposed a settlement to the state authorities, but the Public Attorney of the Republic of Croatia refused the offer for out-of-court settlement by the two surviving members, who requested indemnification in

the amount of 2,16 million Kunas for the ruthless murder of their parents and twelve year old sister.

Deputy chief public attorney Jadranko Jug said that not all of the conditions for the settlement are fulfilled, because the motive of the murder is not clear, as well as the fact of whether they were killed by members of the reserve forces of MUP on duty or in connection with duty, or again, whether they committed the crime outside duty, as civilians. In other words, the representative of the State tried to avoid any concrete action by telling that it is not clear which were the working hours of the murderers. That provoked a huge scandal and complete condemnation in almost all media.

Because of that, on Thursday 21st of April 2004 proceedings began at the Municipal Court in Zagreb. The surviving members of the Zec family requested from the State indemnification for the death of three members of their family murdered in 1991 in Zagreb.

Disclosing the farce arranged by the Public Attorney, the representative of the Zec children, Dušan and Gordana, attorney Anto Nobile said that there are no controversial facts which are to be determined through the court trial. Namely, it is incontestable that members of the Zec family were murdered with weapons which was property of reserve forces of the MUP. Moreover, the mother and the daughter were transported by police car into the Adolfovac shelter at Medvednica near which their bodies were found. Nobile, added that it is sick and without any legal ground to talk about the working hours of murderers.

Thanks to the insensibility of the representatives of Public Attorney, who unconvincingly speak about their obligation to follow the law, the Republic of Croatia has again hurt the feelings of Dušan and Gordana through new humiliations and traumas. It was as if Croatian authorities were not satisfied by the terror which has been inflicted upon those people as a consequence of the nationalistic insanity of Tudjman's rule.

Because of the Public Attorney's farce, Dušan and Gordana Zec were dragged to the courts and their minds were repeatedly reminded of the horrible scenes. They were forced to relive the tragedy and to feel as they were selling their dead parents, or gaining profit from their elimination.

The president of Croatian Government Ivo Sanader also gave his contribution to the stated cynicism. The murder case of the Zec family is to be urgently solved, but the State cannot be responsible for the crime of its public officers, for it was committed without an order, he said. "We all sympathise with the Zec family, but that does not give us the right to influence the decision of the Public Attorney, who explained that the State is responsible just in the case of crime committed during public service", said Sanader, referring to the opinion of Public Attorney. "First it has to be determined whether the policemen, who are suspected of murder, have committed that crime in accordance with their orders and on duty", said the president of HDZ.

"Through the treatment of this case the State demonstrates great cynicism towards the Zec family", said Nobilo. "Besides the compensation for lost alimentation and mental agony, which were the consequences of a murder of their mother, father and sister, Gordana and Dušan expected from the State the word *sorry*", said Miholčević. "The State never expressed its regret for what has happened", he added.

At the same time, the Public Attorney accepted the conditions of the Levar family's attorney. Milan Levar was a witness to The Hague who was killed in unexplained circumstances in an explosion in Gospić in 2000, because he was willing to take the stand in the case of Serb murders in Gospić. The settlement with his wife Vesna and daughter Leona Levar was signed.

After this event, public pressure on Ivo Sanader, who didn't want to pay reparation for the murder of the Zec family members, was increased. The scandal gained even larger dimensions when the columnist of "Jutarnji List", priest and long-time chief editor of the Catholic weekly paper "Glas

Koncila”, Don Žovko Kustić, confessed that, when he was working for the Government in Banski Dvori, he raised his voice in the case of the murder of the Zec family members. His mouth was shut by eminent statesmen and Catholic believers with the argument that Mihajlo Zec was a Serbian nationalist.

The first Catholic journalistic of that time had kept his mouth shut, and continued to be silent when I asked him in 1995 to raise his voice and help save those Serbian old men, who were murdered like rabbits by Croatian forces after liberation action in Oluja. Silence was more important to Kustić, and he kept his silence until this day, when he finally said that he was very ashamed.

Until recently, the general impression of the Croatian public was that former Prime Minister Ivica Račan was the king of political pragmatism, and that no one can achieve more on that field than apolitical champion of social-democracy. But, look what the pressure of international factors can achieve.

The new Prime Minister, president of HDZ, Ivo Sanader has shown that there was still enough space for success on the field of pure pragmatism. The recent example is the express payment of specific indemnification to the surviving members of the Zec family.

Just a week before the reception of the sister and brother Zec by vice-president of the Government Jadranka Kosor, Prime Minister Sanader in the Parliament was “firmly” supporting the decision of the Public Attorney for not accepting the settlement, and not paying indemnification at any price. Just a few days after that, our Prime Minister was in Dublin and Strasbourg, where his colleagues explained to him that the case of the Zec family had to be solved as soon as possible.

And – surprise! The attitude of the Government, which only a few days ago seemed hard as a rock in Parliament, suddenly became dust. The Croatian Government in a meeting held on the 29th of April made a decision of pay-

ing one-time financial aid to the Zec family members in the amount of 1,5 of Kunas (some 2 million Euros), and their attorney Nobilo called off the impeachment against the State.

The Government announcement states that the funds are assigned as help, because the two surviving members of the Zec family, Dušan and Gordana, lost their parents and any source of livelihood subsistence at an early age. Government financial aid is also intended for creating pre-conditions for their independent life.

The surviving members of the Zec family are absolutely satisfied with the Government's decision, said Anto Nobilo, although they did not received the requested apology from the Government (President Stjepan Mesić was also an intercessor for such an apology). The apology was expected on the grounds of the murder of Mihajlo, Marija and their twelve year old daughter Aleksandra Zec committed by Croatian policemen, who were not sentenced, although they confessed their crime, because of legal mistakes in the pre-investigation procedures of the police.

Nobilo added that his clients are satisfied with the sum, as well as with the Government's prompt reaction, regardless of the fact that the Government avoided to call the given money indemnification, but considers it as a reimbursement for their costs of living so far.

Just one day after Government's decision, Gordana and Dušan, for the first time after the tragedy, crossed the border and entered Croatia from Bosnia-Herzegovina. They came to accept the decision over the on-time payment, which will be transferred to their account, from the hands of vice-president of the Government and Minister for the Family, Veterans' Affairs and Inter-generational Solidarity Jadranka Kosor.

Political realists can be delighted in the fact that political national-romanticism in Croatia is replaced by political pragmatism. However, for some things a daily dose of relativism cannot replace the impulse to follow

general principles, one of which is punishing criminals, not because of the world, but for of our own sake.

Nevertheless, everything is not so simple; except for outer pressure, there are some inner demands. And one of them is not to mess with an official version of history. And so the Government's estimation was again the pragmatic one; that there is less damage in urgent payment in the name of politically neutrally called – help to the family, then long legal proceedings with an uncertain result. For example, a result of revisionist character that would suggest that the Republic of Croatia was also a sponsor of terror.

Dušan and Gordana Zec at least, had received a lot of prime time TV coverage. I think that they had received a lot of sympathy from ordinary citizens. Also, Croatsians saw concrete victims of violation of human rights, on the other hand Serbs felt a kind of emotional compensation. And this is, maybe, one of the first steps in the process of reconciliation – to feel human kindness in the others who are from the opposite side of the conflict.

However, I would like to conclude; this case would not be solved without outside pressure, nor would all of Croatian defendants, who free-willingly went to The Hague, go there without an American and especially European pressure.

And this is what it will look like as long as citizens do not come to awareness that they are building democracy for themselves, and not for the opinion of the world.

Drago Pilsel
The Higher School of Vocational Training
Zagreb