

IHF FOCUS: freedom of expression and media; rule of law and independence of the judiciary; torture, ill-treatment and police misconduct; right to privacy; national minorities; citizenship; intolerance, xenophobia, racial discrimination and hate speech.

There were reports of serious human rights violations in Slovenia in 2001 despite its good international reputation among former socialist states. Most of the violations related to non-Slovene inhabitants whose status remained unresolved and who were without many basic rights.

Prosecutors and courts were reluctant to deal with cases involving corruption and economic crimes. Also of concern were police violence and the suspicion that the intelligence service monitored the e-mail and telephone calls of academicians and other intellectuals.

Freedom of Expression and Media

Cases of the harassment of journalists were reported in Slovenia in 2001:

◆ The International Federation of Journalists (IFJ) conducted an independent investigation into the case of Slovene journalist Miro Petek, who worked with the Maribor's daily *Vecer*. Mr Petek was brutally beaten by unidentified persons on 24 February after publishing a series of articles on money laundering, corruption involving local businessmen, authorities and the police. The police initiated an investigation but found no leads. The Society of Journalists of Slovenia (DNS) and IFJ sent open letters to President Milan Kucan and Prime Minister Janez Drnovsek, asking them to urge further investigations in order to catch the perpetrators more quickly. The IFJ planned to start an independent investigation at the beginning of 2002, focusing on the obligation of the police and judicial bodies to adhere to European and international standards regarding freedom of the media.² The Ombudsman made a controversial statement on POP TV, indicating that the real problem is not whether the police abuse their authority or beat citizens; the problem

is whether the judicial system, the police and the State react to such misconduct and punish it.

◆ The editorial board members of weekly *Mladina* were stopped in October in the vicinity of the American Embassy and asked to produce identification. Four members were arrested after they refused to show their IDs. They were released about two hours later, but were charged with breaking the Law on Personal Identification. *Mladina* insisted that the four board members were not properly informed about their rights and the reason for their arrest. The incident happened after *Mladina* reported that the Slovene Information Security Agency (SOVA) was monitoring the e-mails of prominent academics, civil society and cultural activists. Ljubljana police press representative Robert Staba stated that due to international circumstances, the police had increased security in Ljubljana, including the surroundings of the American Embassy.³

Rule of Law and Independence of the Judiciary

According to information from a former Minister of Justice to Helsinki Monitor-Slovenia (HMS), Slovene courts had a backlog of one million cases. The President of the Supreme Court stated that approximately 550,000 news cases have been initiated annually in recent years.

Several recent cases suggested possible political motivation in the work of prosecutors and the courts, who have been reluctant to deal with cases involving economic crimes, corruption and abuse in the privatisation process. According to HMS, the Parliament demanded that state prosecutors in Slovenia submit all cases filed against alleged abuses in the privatisation processes to the Parliament. The prosecu-

tors' case files for 1990 to 1997 only included 520 cases. In all but three minor cases, the cases were closed without a verdict either by a prosecutor or by the court.

◆ The case of former State Secretary Boris Sustar reflected the questionable role of state prosecutors in the judicial system in cases involving corruption. Mr Sustar was charged with taking bribes from companies he dealt with in his capacity as State Secretary. A broad media campaign was launched labelling Mr Sustar a criminal even before a court verdict was issued. Mr Sustar himself claimed to have evidence of wide-spread corruption among state officials and managers of state companies. After being released from prison in autumn 2001, Mr Sustar approached the HMS claiming that his right to a fair trial had been violated. According to court transcripts, two witnesses stated that they had been pressured by the police to testify against Mr Sustar. According to HMS, the police also apparently falsified some documentation linked to the case. However, the court found Mr Sustar guilty without investigating the witnesses' allegations. Mr Sustar filed 15 complaints against four criminal police officers and one state prosecutor.

◆ In 2001, clients of the Elan Internal Bank, which went bankrupt in the early 90's during the privatisation process (which was characterized by a number of irregularities), filed their case with the European Court of Human Rights. 2,719 clients lost their savings as a result of the bankruptcy. The Constitutional Court ruled that the Court of Registration had erred when registering the bank because the State could not have covered the individual losses suffered as a result of bankruptcy. Despite this ruling, the clients have not received any compensation.

◆ Major Ladislav Troha disappeared on 19 January 2001 after giving a press interview in which he revealed how three em-

ployees of the Ministry of Defence had set an explosive device under the car of a member of Parliament in the early 90s. Major Troha revealed in the interview that, on the order of his superiors, he had helped falsify a sentinel diary to cover up the act by his officers. Soon after his disappearance, the media launched a defamation campaign against Major Troha, claiming that he had gone into hiding. On 11 June, HMS learned from a police officer that Major Troha had been under police surveillance immediately after giving the January interview. Eleven days later, Major Troha was found in poor physical condition on a country roadside and was hospitalised. He claimed he had been kidnapped and believed that the perpetrators belonged to law enforcement. The prosecutor refused to deal with two demands by HMS to investigate the case. In the meantime, the Ministry of Defence dismissed Major Troha, saying that he should produce evidence of his kidnapping. The case was pending at the time of writing.

Torture, Ill-Treatment and Police Misconduct

According to HMS, the number of cases of police violence or other misconduct was on the rise, and the Ministry of Interior failed to investigate complaints of police misconduct.

The Law on Police did not provide the possibility to appeal to court on police violence, nor did it oblige the Ministry to issue a legal decision about their investigations into complaints.

◆ In January, police assisted in the eviction without a court warrant of three companies owned by Stefan Hudobivnik, an entrepreneur and former presidential candidate. Mr Hudobivnik had a legal lease with the owner of the premises, who is a ministerial adviser. The police also confiscated property and documentation belonging to Mr Hudobivnik's companies. He was

arrested on 9 January 2001 and held in custody for 24 hours, officially suspected of having hidden documentation to cover up his illegal commercial activities. At a 15 January press conference, the police in Kranj stated that Stefan Hudobivnik was a criminal, this claim made many newspaper headlines the following day. Mr Hudobivnik's case was still pending in court one year after the eviction although, by law, such cases should be decided promptly.

◆ On 15 March, about 50 armed police officers – some of them wearing masks – raided the house of eight Bosnian workers despite the fact that night-time raids by the police were prohibited by law. The masked officers pulled the workers out of their beds, throwing them half-naked on the floor, tying their arms and legs and pointing rifles to their heads. The police also pointed their rifles at the bed of a two-year-old child, who required medical care as a result of the trauma. The workers were left lying on the floor for two hours, after which time they were taken to the police station and verbally abused. The incident appeared to be racially motivated and was not sanctioned by the Ministry of the Interior.⁴

◆ On 11 July, Iztok Strbenc, the owner of a construction firm, was beaten by the police because he protested the illegal construction work that started on his lot without the valid documentation. His complaints of police ill-treatment were rejected.⁵

◆ Husaga Alimanovic, an under-age Rom, was beaten at the police station of Ljubljana Bezigrad on 13 July.⁶

◆ In July, the police occupied Metelkova Street in Ljubljana because of a suspected terrorist attack on the Italian Embassy. Plain-clothed police officers also came to the apartment of academician and university professor Dr. Darij Zadnikar, who is a well-known anti-globalisation activist, and took him to the police station. The officers did not produce an arrest warrant.

Right to Privacy

According to the weekly *Mladina*, after the 11 September terrorist attacks in New York and Washington, D.C., the SOVA began monitoring e-mails and telephone conversations, particularly of academics and people involved in cultural and civil society activities. Representatives of the Slovenian e-mail providers, the Academic and Research Network of Slovenia (Arnes) and the Jozef Stefan Institute (IJS) refrained from comment on the matter.

The legislation allowed for telecommunication to be monitored in the event of a threat to national security, but the National Security Council determined that the attacks in the US did not constitute any danger to Slovenia itself. By law, SOVA must obtain a court order in order to monitor telecommunication, and this could only be applied to the delivery of postal packages and telecommunication.⁷

National Minorities

Roma Minority

According to the 1991 census, there were only 2,293 registered Roma in Slovenia, but the European Union estimated the real number to be 6,500 to 10,000. Of the Roma who had Slovenian citizenship, 74% received social aid and 13% were regularly employed, while social aid and employment has been denied to those Roma who were erased from the registers of permanent residents and citizens on the basis of their non-Slovene ethnic origin.

Roma children were generally educated in separate classes, while those erased from registers were refused free education because they were regarded as "foreigners".

Employment programmes were not widely publicized, meaning that the majority of the Roma could not benefit from them. In addition, Roma who no longer had citizen or permanent resident status were denied jobs, health insurance and pensions.

Members of other non-Slovene ethnic groups such as Croats, Bosniaks, Serbs, Macedonians, Montenegrins, and Albanians who were also erased from the permanent residents' registers faced similar discrimination.⁸

Citizenship

After Slovenia declared independence from the former Yugoslavia and before it was recognized as a sovereign State, the new Government adopted a new Citizenship Law, which served as a basis for ethnic discrimination. According to Article 40, permanent residents of non-Slovene ethnic origin could apply for Slovene citizenship by the end of 1991, while the ethnic Slovenes automatically acquired citizenship. According to HMS, Article 40 is unconstitutional for two reasons: firstly, it divides citizens into two categories, some of whom were automatically granted citizenship, while others had to apply for it. Secondly, the deadline for submitting citizenship applications was at a time when Slovenia had not yet been recognized as an independent State. Immediately after the deadline, the non-Slovenes who had not yet applied for citizenship were illegally erased from the permanent residents' and citizens' registers.

After that period, those who wished to become Slovene citizens could do it only through naturalization. However, in practice this was impossible because they no longer fulfilled the conditions for naturalization after losing permanent resident status and Slovene identification documents.

HMS filed a complaint to the Constitutional Court invoking Article 13 of the Law on Citizenship seeking restitution for those persons whose citizenship had been revoked. HMS noted that a permanent residence permit was not an adequate form of restitution because it did not, for example, provide for the right to vote.

The status of thousands of non-Slovene residents remained unresolved in

2001: for example, they had no valid identity documents or driver's licenses; nor did they have the right to work, pension, social subsidies and free health care, free education, or the right to property.

◆ Franjo Herman, a 62-year-old construction worker, died on 13 July of untreated cancer. He had lived in Slovenia since 1955 and was erased from the register of registers of permanent residents and citizens because of his Croat ethnic origin. As a consequence, he lost his right to social and health security. In August 2000 he was diagnosed with cancer, but he was refused the necessary operation free of charge because Mr Herman was not a Slovene citizen or permanent resident. In November 2000 he had been admitted to a medical check-up on the intervention of HMS but further treatment was refused, including a prescription for free pain killers which he needed urgently. After a court had decided that he should receive medical treatment, he was hospitalised for one week and was dismissed twice. Slovene citizenship was restored to him a week before his death in order to secure the right to inhumation (foreigners may only be cremated). The HMS filed a criminal case against the treating doctor but the state prosecutor did not proceed with the case.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech⁹

According to a survey published in the 15 July edition of *Delo*, Slovenes would not feel comfortable to have the following as neighbours: 43% indicated Roma, 38% Satanists and 32% drug addicts. Eleven percent answered that they would not like to live next door to an African. Twenty-three percent of the interviewees later answered they would not let a person of another ethnic group babysit their child.¹⁰

Some Slovene media outlets resorted to xenophobia or racist statements, enhancing stereotypes and hostility.

◆ John White, alias Inacio Bintchende (of African origin), was beaten in a bar by a skinhead group in downtown Ljubljana on 2 July. The case received attention because Bintchende was a celebrity, and because the media was looking for stories to publish as it was the holiday sea-

son. Daily newspapers reported the incident in their crime sections, although without stressing the racist aspect. The official standpoint was that such attacks were common in all European countries and that the police found no evidence of racial motivation.¹¹

Endnotes

¹ Unless otherwise mentioned, based on information from Helsinki Monitor of Slovenia (HMS, IHF member) to the IHF.

² Media Online, "Media News: Case of Journalist Miro Petek Goes to Brussels", 18 December 2001, at www.217.75.196.2/mediaupite/novost.htm?sifra=4426

³ *Ljubljana Life Weekly News Bulletin*, "Attack on Press Freedom, or Overreaction?" at www.217.75.196.2/mediaupite/novost.htm?sifra=4426

⁴ HMS, "The Question of the Implementation of the Rule of Law", 2001.

⁵ Ibid.

⁶ Ibid.

⁷ *Ljubljana Life Weekly News Bulletin*, "Is Your E-mail Being Monitored?", at www.geocities.com/ljubljanalife/news/12oct.htm

⁸ For more information, see HMS information published in Open Society Institute (OSI), *Monitoring the EU Accession Process, Protection of Minorities*.

⁹ Based on Alenka Kotnik, "Racism in the Media," at www.mediaonline.ba/mediaonline/attach_eng/3175.pdf

¹⁰ *Nedelo*, 15 July 2001.

¹¹ *Delo*, 7 July 2001.