

SINŠKI MONITOR SLOVENIJE

INTERNATIONAL
HELSINKI
FEDERATION FOR
HUMAN RIGHTS

- združenje za človekove pravice

Rimska cesta 17, 1000 Ljubljana, Slovenia
tel/fax: ++ 386 61 1261-889, fax: ++ 386 61 1258-661
email: helsinki.monitor.slo@siol.net

HELSINKI MONITOR OF SLOVENIA - Association for Human Rights

SLOVENIEN (98)

STATEMENT NO. 1



14 APR 1998

PREDSEDNICA
PRESIDENT

Neva Miklavčič
Predan

POD PREDSEDNIK
VICE-PRESIDENT

Franc Lovšin

GENERALNA SEKRETARKA
SECRETARY GENERAL

prof. Doris Debenjak

ČASTNI ČLAN
HONORARY MEMBER

Vane Ivanović

ČLANI IZVRŠNEGA ODBORA
MEMBERS OF EXECUTIVE
COMMITTEE

prof. Ljubo Sirc

odv. Dušan Jelušič

prof. Danica Jordan

prof. Svetozar Miličev

ČLANI
MEMBERS

mr. Neven Borak

mr. Nikolai Jeffs

prof. Stanko Kalina

Biserka Maroft
Meden

dipl.ing.arh. Andrej Pretnar

Erika Rapovž

prof. dr. Dragi Stefanija

Gorazd Suhodolnik

Helsinki Monitor of Slovenia, a non-governmental and non-profit organisation for the protection and promotion of human rights, was established in Ljubljana in 1994. Since then, Helsinki Monitor has worked continuously in protecting human rights through hundreds and thousands, of individual cases and by informing the relevant institutions of the Slovenian government and international institutions through statements, internal documents as well as verbally.

With this initial statement, Helsinki Monitor would like to announce that, apart from press conferences, interviews, articles and appeals released so far, it will, in the future, inform the public about the particular cases on which it is working also through regular public statements, as is the common practice of similar organisations.

In this first statement, Helsinki Monitor would like to inform the public about the facts and events about the public debate in connection with a study by Mrs. Maggie Gillian Grace of the European Parliament on the human rights situation in Slovenia published in January 1998. The study, concerning the question of citizenship of a large number of individuals residing on the territory of the Republic of Slovenia, was prepared on the basis of a report by the Slovenian Helsinki Monitor under the auspices of the IHF - International Helsinki Federation, and a report by the OSCE, whose advisory body is the IHF.

Since the right to citizenship inherently gives rise to a whole series of other rights, such as rights to residency, pension, allowances for the handicapped, employment, tenancy rights, etc., we believe that the right to citizenship is, therefore, the basic problem of the protection of human rights, a problem which Slovenian society should pay serious attention to - and to which it has not paid any attention to in the last seven years.

On Dec. 6th, 1990, when the Yugoslav federation was breaking apart, the Slovenian authorities, through the words of the President of the Parliament, Mr. Franc Bučar, promised citizenship (and all forms of legal protection) to all *citizens* of Slovenia who were of non-Slovenian ethnicity but who had legal permanent residence in Slovenia and who would decide to remain in Slovenia.

In a Letter of Good Will, Mr. Bučar stated the following: "The state of Slovenia, guarantees the Italian and Hungarian minorities all the rights which are currently guaranteed by the Constitution and the laws and by the international acts which have been agreed to and are recognized by the Socialist Federal Republic of Yugoslavia. It as well guarantees all members of other nationalities and ethnic minorities the right to general, cultural and language¹ development and to everyone who is currently a legal resident of Slovenia the right to citizenship, if they so choose."

Unfortunately, the legal practice in the Republic of Slovenia did not comply to the promises contained in the Letter of Good Will. Immediately following the international recognition of the Republic of Slovenia, as early as February 1992, Slovenia broke the international obligations it had undertaken as a result of the partition of the SR of Yugoslavia.

NATIONAL HELSINKI COMMITTEES OF: Albania-Austria-Bulgaria-Canada-Croatia-Czech-Republic-Denmark-Federal Republic of Yugoslavia (Serbia-Montenegro-Kosovo) Finland-France-Germany-Greece-Hungary-Italy-Kazakhstan-Macedonia-Netherlands-Norway-Poland-Romania-Russia-Slovakia-Slovenia-Spain-Sweden-Switzerland-United Kingdom-United States - Associates: Belarus

The IHF has consultative status with the Council of Europe

Awarded: 1989 European Human Rights Prize by the Council of Europe, 1988 Human Rights Prize by the Dr. Bruno Kreisky Stiftung

The third paragraph on the third page of the aforementioned document of the Ministry of Internal Affairs states, "Article 28 of the Law on Foreigners² provides that in the event when a foreigner does not leave the territory of Slovenia within the period of time prescribed by the authorized organ ... an authorized official takes the foreigner to the state border, or to an embassy or consulate, to expel him across the border or hand him over to a consular or diplomatic representative of that individual's state."³ With respect to the definition of »foreigner«, these are according to the opinion and practice of the Ministry of Internal Affairs as contained in that document, "those foreigners who were born⁴ in Slovenia", quoted from the last paragraph, page 6. Therefore, these individuals are foreigners in their country of their birth, their homeland..

Regarding the rest of the citizens of the Republic of Slovenia of non-Slovenian or mixed ethnic origin, who found themselves on the territory of the Republic of Slovenia but who were arbitrarily, and with no respect to international obligations, denied all their fundamental civic and human rights by the authorities of Slovenia, Helsinki Monitor of Slovenia wishes to inform the public about the following: The Slovenian government tried to evict almost 1,200 families of mainly non-Slovenian and mixed ethnic origin from apartments for which they had gained tenancy rights during the Socialist Federal Republic of Yugoslavia. Also due to the fact that they have not acquired citizenship rights, the Slovenian government wishes to take away their tenancy rights - or of their family members who have remained in Slovenia. The Slovenian authorities carried out a certain number of planned evictions, but most of them were temporarily prevented by, above all, the intercession of Helsinki Monitor of Slovenia and international institutions and by the help of media coverage. Unfortunately, in four years of appeals of Helsinki Monitor, the Slovenian government has not solved this problem, but persevere with threats and attempts of a new wave of forced evictions every six months.

A great number of pensioners and the handicapped, whose citizenship status has been denied, or who are not of Slovenian origin, have not been able to obtain their right to their pensions or disability allowances for the last 7 years. In the middle of European civilisation, to which many political parties in Slovenia so often hypocritically refer, these old people are starving. At the beginning of 1996, Helsinki Monitor of Slovenia asked a foreign embassy to assist them with humanitarian aid. Humanitarian aid is still urgently needed for these people whose health has been at risk and impaired due to lack of food.

Citizens without citizenship papers do not have the right to obtain ID cards, passports, health insurance cards, and their children, segregated according to their ethnicity, do not have the right to free education, as do other Slovenian children after they complete elementary school. This is how a whole ghetto of lawless people was created in Slovenia on the basis of their non-Slovenian ethnicity (these are all "Southerners"; Croats, Bosnians, Serbs, Montenegrins, Macedonians, Albanians, Roma). The majority of these 70,000-100,000 people live on the edge of extreme existential poverty, depending solely on charity and the goodness of their neighbors and humanitarian organisations.

The Slovenian government hides the correct data on these cases, and that is why Helsinki Monitor of Slovenia calls upon all authorities and governmental institutions, to inform the public in accordance with legal provisions and principles of legal state, of the exact number of deprived citizens, who are still not able to obtain citizenship, and all the other rights arising from it. The data published by the Ministry of Internal Affairs recently, is not credible, when compared to the numbers in its own document from April 3, 1996. Quoting from the 4th page:

80,181 persons classified as "FOREIGNER" (444 deceased).

35,260 persons with foreigner status (with valid visas).

20,432⁵ persons with an expired or non renewed visa.

24,489⁶ persons who have never asked for visas (have never applied for foreigner status)

950 persons who have applied for permanent residence.

2,005 persons who have applied for temporary residence.

Helsinki Monitor of Slovenia appeals to non-governmental organizations, public workers, independent intellectuals, artists, scientists, religious communities, and especially representatives of the Catholic, Protestant and Orthodox churches, as well as political parties, to raise their voices in defense of, first of all, the rights of the individual - MAN.

Helsinki Monitor of Slovenia appeals also to the Slovenian ombudsman, Mr. Ivo Bizijak, who as former minister of Internal Affairs, is well informed about the extent of the problem of citizenship, to commit himself to the solution of this question. Up to now he had rather dealt with cases of complaints "from prisons and detainment units", to quote Agenda 2000, opinion of the Commission on Slovenia's request for membership in the European Union, page 11, fourth paragraph. Actually, Helsinki Monitor of Slovenia is in a paradox position that it has to deal with the huge problem of de facto stateless persons all alone, without adequate equipment or resources and personnel consisting exclusively of volunteers. After the press-conference on January 27, 1998, when journalists were handed out for the second time in two years the mentioned document of the Ministry of Internal Affairs, the office of the Helsinki Monitor of Slovenia was broken into. In this context we have to interpret the burglary as an instrument of intimidation in the enclave of suppressed information.

In case that Slovenian and international community are not responding with intense action to this urgent appeal, Slovenia will turn into one of those states, where all citizens will become hostages of high nationalistic ideologies. Slovenia must face the fact that it has problems with human rights, like many other countries in the world, and especially countries in transition. These problems cannot be solved by shoving them under the carpet, but by solving each individual case, and the problems of all minorities together. Otherwise Slovenia will resemble more and more to its Southern neighbor Croatia, which with seductive tourist posters "Croatia - paradise on earth" tried to hide the rude reality which originated first of all from fundamental disregard of the human being.

Ljubljana, 11.2.1998

PRESIDENT

Neva Miklavič Predan

Attn.: 1. Governmental institutions of the Republic of Slovenia

2. Media

3. Embassies

4. Universities

5. Academy of Science and Arts

by e-mail: 6. International organisations

7. All Helsinki Committees

8. International Helsinki Federation

9. OSCE

10. Council of Europe

11. European Parliament, Maggie Gillian Grace

12. European Union

PRESEDNICA
PRESIDENTIva Miklavčič
PredanOD PRESEDNIK
VICE-PRESIDENT

Franc Lovšin

GENERALNA SEKRETARKA
SECRETARY GENERAL

prof. dr. Kris Debenjak

ČASTNI ČLAN
HONORARY MEMBER

Vane Ivanović

ČLANI IZVRŠNEGA ODBORA
MEMBERS OF EXECUTIVE
COMMITTEE

prof. dr. Ljubo Sirc

odv. Dušan Jelusič

prof. Danica Jordan

prof. dr. Svetozar Miličević

ČLANI
MEMBERS

mr. Ivan Borak

mr. Nikolai Jeffs

prof. Stanko Klinar

Biserka Marolt
Meden

dipl.ing. arh. Andrej Premar

Erika Repovž

prof. dr. Dragi Stefanija

Gorazd Suhadolnik

Statement No. 1 of Helsinki Monitor of Slovenia provoked /attracted great international attention, but on the other hand no attention of the Slovenian media. They obviously estimated that it is not in national interest, in the process of European integrations, to raise dust around such commonplace issues as human rights of non-Slovene population in Slovenia. This however does not mean that the government did not pay attention to the Statement of Helsinki Monitor. It was even a special point on the agenda of the session of the government on February 19. It is interesting that on 20.2.1998 the Ljubljana *Delo*, dedicated 90% of an article, taken up a quarter of a page, to the report about the Statement No.1 of the session of the government.

What a questionable kind of professionalism it is of *the Delo*, as well as of other media, which reported about the answer of the minister of Interior, Mr. Bandelj, can be concluded from the fact, that only some newspapers reported on the Statement N.1 of Helsinki Monitor of Slovenia, for example the Maribor *Večer*, the Ljubljana *Dnevnik*, while the *Delo* published only a short notice, while the other media did not publish anything. The Statement presenting arguments and evidence about the deletion and disappearance of several ten thousands of people of non-Slovene ethnic origin in Slovenia, was not published integrally by any media in Slovenia. On the other hand, all important media in other successor states of former Yugoslavia, dedicated enormous space to the Statement No. 1, in accord with its importance for final solution of the position of stateless people in Slovenia, displaced persons and refugees from Slovenia and their citizenship status. It is interesting that the minister of the Interior "severely rejected the complaints of Helsinki Monitor of Slovenia" and designated the data of its representatives on deletion of 130,000 permanent residents of Slovenia on ethnic basis as "fabricated". In such a way he escaped confrontation with arguments and numbers of the Census 1991, the UNCHR Report 1997 and the Internal document of the Ministry of Interior of 4.3.1996.

Such a furious reaction was followed by other "reactions", continuing from the practice of one-time totalitarian regimes, with only formal, or more or less protocol changes of the social and political structures in Slovenia.

Unknown persons broke into the premises of Helsinki Monitor of Slovenia, breaking the door in the night between 28th to 29th January, after the press conference of Helsinki Monitor held on 27.1.1998. It has been established that the unknown burglars did not steal anything, as if they were the type of burglars intellectuals, who are interested in human rights in a special manner. It has to be taken into account that all this was happening during the period, when Helsinki Monitor was collecting material for the Statement No.1, which was announced on our press conference on 27 January, and which was presented to the media and representatives of embassies on the press conference of 12.2.1998.

At that time Helsinki Monitor had intensive contacts with other Helsinki committees of post-Yugoslav states, especially with the Croatian Helsinki Committee. On several occasions CHC sent documentation of a greater number of Croats and Serbs originating from Croatia, who sought their assistance from Slovenia. CHC informed Helsinki Monitor that they asked for a meeting on the highest level in

tried to force me, on the basis of their unexplained ocular observation, to remain in hospital, ie on a psychiatric department. Only around 3 p.m. on Saturday, 21st February, after a telephone conversation with my legal representative and a colleague from Helsinki committee, I succeeded to win permission to leave hospital, and a temporary letter of dismissal, which states that I was admitted to hospital to test carbon monoxide and nothing else. Together with such a diagnosis dr. Jazbec enclosed a reception order for psychiatrist because of eventual paranoid psychosis due to attempt at my life.

On 24.2.1998 I visited the head of the intoxication department to express my protest about the treatment by dr. Jazbec, and to get main letter of dismissal with toxicologic diagnosis, which I did not receive. The only thing which I did get from the head, was his explanation that I should understand his position.

On Monday, 23rd February I have informed our members present at the meeting about the events on 20th and 21st February on the way to Kranj and in hospital, and after that the representatives of Helsinki Monitor had a long conversation with the visitors from the European Union.

As a reply to the described attempt of discreditation of the undersigned president of Helsinki Monitor of Slovenia, and with that indirectly also discreditation of reports and statements of our national Helsinki committee, we appeal to the Chamber of Medical Doctors to investigate this case of obvious misuse of medicine and medical ethics. We appeal to the parliamentary and state institutions to introduce an investigation and answer to numerous dilemmas originating from the burglary into the office of Helsinki Monitor of Slovenia, as well as from an attempt of misuse of medicine, and the work of the criminalist service.

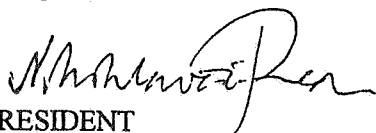
I, the undersigned president of Helsinki Monitor declare my readiness to submit myself to psychiatric analysis of any clinic of European states practising principles of medicine and not political medicine of totalitarian regimes, which is obviously being practiced even today by some of their mental successors in Slovenia.

Till today the medical documentation, the results of tests has been expected, yet instead of that a bill for the above described medical services arrived, because someone has up to date established a delay of 4 days in confirmation of my health insurance.

As far as the criminalist investigation of my car is concerned - for an unexplained reason the criminalists started it the next day at 8.30 a.m. and they did not find anything. Yet it has been stated by one of them that it is difficult to find anything in intoxications with volatile substances after some time has passed. The case was transferred to the public prosecutor according to official duty.

Helsinki Monitor of Slovenia will inform international institutions via the network of International Helsinki Federation and OSCE, through embassies in Ljubljana and Vienna, and foreign press agencies. This is the best way for the international institutions to convince themselves of what can happen in one of the states in transition, which is full of stories of democracy and human rights, while the authorities, the media and the opposition are silent together about actual problems, in the interest of "national" or better nationalistic interest, thus transforming its citizens into hostages of a new collectivism.

Ljubljana, 11.3.1998



PRESIDENT

Neva Miklavčič Predan

