

**DOBROSLAV PARAGA -- HON. EDOLPHUS TOWNS (Extension of Remarks -
March 18, 1998)**

[Page: E415]

HON. EDOLPHUS TOWNS
in the House of Representatives

WEDNESDAY, MARCH 18, 1998

- Mr. TOWNS. Mr. Speaker, we rise today to acknowledge the efforts of Dobroslav Paraga, a political opposition leader from Croatia, to bring about democratic and human rights reforms in his country. As our colleagues are probably aware, we recently introduced a resolution, H. Res. 375, expressing our concern about repression by the Government of Croatia of these rights. In 1989, Mr. Paraga met with Members of both Chambers of the Congress and as a result S. Res. 169, calling for respect of human rights throughout the former Yugoslavia, passed the Senate and a companion resolution, H. Res. 240 was introduced in the House.
- Mr. Paraga has been an eloquent spokesman for the rights of the citizens of Croatia and we, in the Congress, respect his commitment and courage. As a result of his efforts, he has been the target of harassment, political trials and several suspicious assassination attempts. Soon Mr. Paraga will be returning to his home in Zagreb and we will be monitoring his treatment by the Croatian government. We are inserting a statement by Attorney Joseph A. Morris, who successfully represented Mr. Paraga as co-counsel in the trial that followed his last visit to the Congress in 1993. Attorney Morris is a former Assistant Attorney General of the United States and is President of the Midwest Region of B'nai B'rith in the United States. We believe Members will be interested in his statement which follows:

In 1993, I in association with Zvonimir Hodak, barrister and counselor at law of Zagreb, Croatia, I accepted the defense of Dobroslav Paraga, then a Member of the Croatian Parliament and President of the Croatian Party of Rights, which was then the largest opposition party in the Republic of Croatia, against charges tantamount to an indictment for treason. The case was tried before a military court in Zagreb.

Although the case of *Military Public Prosecutor v. Paraga* resulted in a happy outcome--Mr. Paraga was acquitted--I nonetheless remain concerned, now more than four years later, about the chilling effect that the mere bringing of the case has had upon freedoms of speech and association in Croatia. The development of strong democratic institutions and traditions depends upon the establishment of a free and robust political life, including competing political parties and open political

debate. Objective observers must register dismay at the lack of progress in such development in Croatia.

Mr. Paraga, then 33, married and the father of three young children, has been charged with speaking publicly, within and without Croatia, to the 'embarrassment' of the President of the Croatian Republic, Franjo Tudjman. Mr. Paraga had excoriated the Tudjman regime's participation in 'ethnic cleansing' directed at Serbs and Moslems within Croatia and at Moslems in Bosnia. He called for Croatia to respect the individual human rights of its residents and neighbors, irrespective of their religious and ethnic backgrounds and national and political allegiances. He condemned the regime, dominated by former communists, for dragging its feet in building Croatia's free-market economy. Some of these charges derived from a speech that Mr. Paraga gave to the National Press Club in Washington, D.C.

Identical charges against Mr. Paraga were dismissed in 1992 by Croatia's civilian courts. The Supreme Court of Croatia ultimately ordered Mr. Paraga's release from the 'interrogation jail' where he had been held by the regime during the pendency of his case. Two days later President Tudjman removed the Chief Justice of Croatia from office. The regime thereafter constituted a special military tribunal in Zagreb for the purpose of hearing the same charges against Mr. Paraga, a civilian, and three of his colleagues in the leadership of what was then known as the Croatian Party of Rights.

The case put seriously in question the claim of the Republic of Croatia to stand as a nation constituted under the rule of law. The prosecution posed grave threats to universal principles of human rights, particularly these fundamental freedoms and basic elements of the due process of law: Freedoms of speech, association, and assembly; Independence of the judiciary; Supremacy of civilian authority over the military; Prohibition against double jeopardy (that is, freedom from being put to trial more than once for the same offense).

I was especially troubled by highly irregular procedural characteristics of this prosecution of Mr. Paraga. The dismissal of the chief judge of Croatia's highest court in the immediate aftermath of that court's previous decision favorable to Mr. Paraga was, and remains, profoundly suspect. The chief prosecutor in the military prosecution was simultaneously a national party leader, an active officer in the Croatian military, a military prosecutor, and a special public defender. The prosecution was surrounded by invidious references to the ethnic and religious backgrounds of Mr. Paraga and his family.

Mr. Paraga, a Roman Catholic, is the grandson of a Jew. He has been disparaged in the government-controlled media of Croatia both as a Jew and as an antisemite. He has been characterized as both a former communist and as a secret fascist. I have met with and interviewed Mr. Paraga and have studied his platform, speeches, and writings. I have interviewed others, both Croatian and American, who know him well. I am satisfied that Mr. Paraga is genuinely

committed to principles of human rights, individual liberty, the rule of law, free-market economics, and limited, constitutional government.

Since the successful conclusion of the military trial, the Croatian Government has continued to harass Mr. Paraga and his party and has repeatedly attempted to silence them. Twice, by administrative fiat, the regime has removed Mr. Paraga from the leadership of his party, installed other leaders with loyalty to the regime, deprived his party of its assets, and denied effective judicial review of these actions. Although Croatia has since acceded to European conventions on human rights, these actions occurred at a time when European human rights agencies and tribunals did not have jurisdiction to inquire into, or redress, them. It remains to be seen whether or not the Croatian Government will continue its efforts to suppress legitimate political activity by Mr. Paraga and others and, if so, whether or not Europe's human rights institutions prove effective in safeguarding political liberty in Croatia. Meanwhile, Mr. Paraga has established a new political party, known as the 'Croatian Party of Rights--1861', taking the name, and recalling the year of foundation, of Croatia's oldest domestic political party. Furthermore, there is a disturbing trend over the past few years by the Croatian government to use administrative courts to replace heads of democratically elected parties. The method is simple, the party is registered as being headed by someone who is favored by the ruling party. The government should return democratically elected leaders of Parliamentary parties who were removed by administrative measures.

Americans look forward to welcoming Croatia with open arms as a full-fledged member of the democratic family of nations. To claim that birthright, however, Croatia must demonstrate that it has established a government of laws and not of men. Americans of all parties, ethnic backgrounds, and religious traditions will continue to monitor political and human rights developments in Croatia. We hope that, in due course, the people of Croatia will be blessed with a meaningful legal and constitutional system.

1 Joseph A. Morris is a member of the Chicago law firm of Morris, Rathnau & De La Rosa. From 1981 through 1988 he served in senior legal positions in the administration of President Ronald Reagan, including as Chief of Staff and General Counsel of the United States Information Agency, as Director (with the rank of Assistant Attorney General of the United States) of the Office of Liaison Services of the Department of Justice, and as a United States delegate to the United Nations Commission on Human Rights at Geneva. He also served from 1981 through 1996, during the administrations of Presidents Reagan, Bush, and Clinton, on the Administrative Conference of the United States. He was the founder and first Chairman of the Center for Public Policy of B'nai B'rith International, the world's oldest and largest Jewish organization, and is currently the President of the Midwest Region of B'nai B'rith in the United States.

[Page: E416]