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November 4, 1997

Dr. Franjo Tudjman
President of the Republic of Croatia
Pantovcak 241
10000 Zagreb, Croatia

Your Excellency:

On behalf of the American Bar Association (ABA), I write to express our long-standing commitment to the promotion of the rule of law and to express our serious concerns about action taken by your government against Mr. Ivan Zvonimir Čičak.

As representing more than 392,000 members, the American Bar Association has a deep commitment toward the preservation of the rule of law throughout the world. Because of this commitment, we seek to encourage the maintenance of independent judicial systems which are free from undue governmental influence and which respect the independence of judges, lawyers and human rights advocates in order to uphold internationally recognized standards of fairness and justice.

The American Bar Association remains concerned about the criminal investigation of Mr. Ivan Zvonimir Čičak, President of the Croatian Helsinki Committee for Human Rights. According to reports, on August 11, 1997 Mr. Čičak allegedly "disseminated false information," a proscribed act in Article 191 of the Croatian Criminal Code. Mr. Čičak gave an interview to the Feral Tribune in which he discussed a 1991 meeting between you and Serbian leader Slobodan Milošević held in Karadjordjevo. As a result of his interview, the Public Prosecutor of Croatia stated that the Zagreb municipal prosecutor's office would investigate Mr. Čičak because of his "false claims." According to reports we have received, there has been a pre-trial hearing on this investigation. However, Mr. Čičak has not been formally charged by the Prosecutor's Office.

Also, reportedly, the opposition politicians and the media in Croatia and Serbia also interpreted the 1991 meeting as the cause of the division between the two entities of Bosnia and Herzegovina. According to the Prosecutor, Mr. Čičak's claims allegedly implicated both you and Defense Minister Gojko Sušak as participants in the 1991 meeting and thus, the Croatian government claims implied that the President and Defense Minister were responsible for "ethnic cleansing" in Bosnia and Herzegovina.

Under his guidance, the Croatian Helsinki Committee continues to monitor, document and report human rights abuses tirelessly. According to reports Mr. Čičak has personally borne the brunt of government displeasure with the committee's work. Also, reportedly, he continues to be harassed by your government.

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It would be a matter of deep concern to the ABA if there was a pattern of harassment of human rights advocates due to their human rights work. Such harassment clearly would violate international human rights norms, specifically the fundamental rights of freedom of opinion and expression. Further, we would be extremely troubled if the Croatian government interpreted Article 191 in a manner inconsistent with the full protection of free expression.

The ABA supports the ICCPR and passed a resolution in 1979 urging the United States Senate to ratify the ICCPR. Because Croatia is a party state to the ICCPR, the Croatian government should amend Article 191 in order to be in conformity with international human rights law. Article 191 also should not be applied to future charges and investigations until such an amendment occurs.

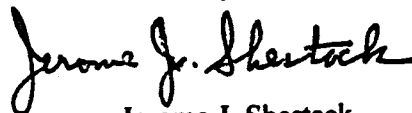
The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We agree that preservation of the security of the state and public order are responsibilities of any government. Nevertheless, these concerns should not justify the alleged harassment of Mr. Čičak, who has not been charged with a legal offense.

We, therefore, respectfully urge that your government to either bring formal charges against Mr. Čičak or drop the investigation against him.

We furthermore respectfully urge that your government immediately take all necessary measures to ensure the safety of Mr. Čičak and his family. Moreover, we urge that your Government promptly investigate the aforementioned alleged incidents of harassment and, if verified, bring those responsible to justice.

We respectfully ask you to reply to our letter so that we can address our hundreds of thousands of members in this country and worldwide of your government's response to our serious concerns.

Sincerely,



Jerome J. Shestack

cc: The Honorable Madeleine Albright, Secretary of State United States Department of State
The Honorable John Shattuck, Assistant Secretary for Democracy, Human Rights and Labor,
United States Department of State
The Honorable Peter W. Galbraith, United States Ambassador to Croatia
His Excellency Miomir Žužul, Ambassador of Croatia to the United States

Croatia Letter cc List

1. The Honorable Madeleine Albright, Secretary of Department of State
2. The Honorable John Shattuck, Assistant Secretary for Democracy, Human Rights and Labor
3. The Honorable Peter W. Galbraith, United States Ambassador to Croatia
4. The Honorable Miomir Žužul, Ambassador of Croatia to the United States
5. Mr. Eric Schwartz, NSC Special Assistant to President & Senior Director, Democracy, Human Rights & Humanitarian Affairs
6. The Honorable Gordon H. Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations, U.S. Senate
7. The Honorable Joseph R. Biden, Jr., Ranking Minority Member, Subcommittee on European Affairs, Committee on Foreign Relations, U.S. Senate
8. The Honorable Christopher H. Smith, Chairman, Subcommittee on International Operations and Human Rights, Committee on International Relations, U.S. House
9. The Honorable Tom Lantos, Ranking Minority Member, Subcommittee on International Operations and Human Rights, Committee on International Relations, U.S. House
10. Amnesty International
11. Lawyers Committee for Human Rights
12. Human Rights Watch
13. Gary A. Hengstler, Editor of ABA Journal
14. Office of the President (Alpha Brady, Ed Yohnka and Veronica Muñoz)
15. Virginia Russell, Director of International Liaison Office
16. Penny Wakefield, Director of Individual Rights & Responsibilities
17. Pat Hanrahan, Director of World Order Under Law
18. Director of International Law & Practice
19. Holly McMahon, Law and National Security
20. Muriel Morisey Spence, Chair of Individual Rights & Responsibilities Section
21. Jay M. Vogelsson, Chair of Standing Committee World Order Under Law
22. Tim Dickinson, Chair of International Law & Practice Section
23. Paul Schott Stevens, Chair of Law & National Security
24. Baxter Hunt, Desk Officer of Turkey, U.S. State Department
25. Rhonda McMillion, Information Services-Washington Letter
26. Diane Carr, Media Relations