On 26 February 1992, in the Republic of Slovenia, at least 18,305 people were unlawfully removed from the registry of permanent residents. They were mainly people from other former Yugoslav republics who had been living in Slovenia and had not acquired Slovenian citizenship after the country became independent in June 1991. As a result of their removal ex lege from the registry, an act also referred to as the “erasure”, they became foreigners or stateless persons. These “erased” persons remain to date among the most disadvantaged and marginalised groups in the country and in the region.

On 2 November 2007, in a joint statement, The Equal Rights Trust and Amnesty International urged the Slovenian government to withdraw a draft constitutional law, presented to parliament on 30 October 2007, which was intended to resolve the status of the “erased”. In its present form the draft law continues to violate the human rights of the “erased” and further aggravates their disadvantaged position. It maintains discriminatory treatment of the “erased”, provides new legal grounds for more discriminatory actions by the authorities, including the possibility to revise decisions on individual cases where permanent residency has been restored, and fails to retroactively restore the status of permanent residents to all the “erased”. The draft also disclaims responsibility by state bodies for the “erasure” and explicitly excludes the possibility of compensation for the human rights violations suffered by the “erased”. In the section of this journal dedicated to ERT advocacy, you can read more about the Trust’s concerns regarding the continuing discrimination of the “erased”, elaborated in a letter to Janez Janša, the Prime Minister of Slovenia.

Earlier, on 15 October 2007, ERT submitted a third party brief to the European Court of Human Rights in a case addressing the discrimination against “erased” persons in Slovenia. One of the eleven applicants in this case is Mr Velimir Dabetić. In December 2007, he spoke to ERT’s representative Donatella Fregonese, who wrote up his testimony on the basis of the Italian language original.
“I was born in Koper\textsuperscript{4}, in what was the Socialist Federal Republic of Yugoslavia, on 22 September 1969. In Koper I attended primary school and completed my high school, qualifying as an engineering worker. I then did my military service and lived in Slovenia, a federal unit of Yugoslavia, until the age of 20. I never had any doubts about my national identity: I was Velimir Dabetić, a Slovenian citizen. Now I am a non-citizen, a stateless person, and I have no rights because my legal identity was erased in 1992 together with that of 18,000 other people. Here is my story.

After qualifying, I initially worked for Mehanotehnika, a toy manufacturing company in Izola, and then for Tomos in Koper. Unfortunately, the economic situation at the time was in a flux, and I was made redundant. At that point I said to myself: ‘I’m 20 and still very young. I can go to Italy - it is so close by – and try to find a job there!’ I was lucky: the day after I arrived I found a job and started working straight away. I signed all the official documents and got a permit to live and work in Italy. I found an apartment and started paying taxes.

While I was working in Italy, political tensions mounted in Slovenia as a result of the movement for independence. Slovenia became independent on 25 June 1991 and Koper, my home city, became one of the most important urban centres of the new state. In the meantime, I continued to work in Italy - first in Vicenza as a metal worker, then in Arzignano in a leather factory, and finally in a furniture factory in Verona. At that time I was 22 years old and I could not imagine how some of the events that happened subsequently would change my life.

Like all the other “erased”, I was unaware of the tornado that was about to hit me, bringing turmoil into my life. Actually, I should have known better and considered much more carefully what had happened to my family in Koper shortly after Slovenia became independent.

This has to do with the fact that my parents came to live in Slovenia in the 1960s from Montenegro.\textsuperscript{5} In the summer of 1991, a neighbour told the police that my family was hiding some Chetniks\textsuperscript{6} in the house. One night the police broke into my brother’s flat. They tortured him and forced him to walk on his knees to our parents’ house, two kilometres away, holding a gun to his head. When they arrived the officers shot at and damaged various objects around the house. Then they forced their way into the house, pointed their guns at my parents and shouted: “Where are the Chetniks?” My parents repeatedly told them that they never had any contact with such people. Actually, my grandfather had been an important partisan hero, an enemy of the Chetniks. When the police officers realised that they may have made a mistake, they left, without any explanation.

One day after this incident, my parents phoned me to say that the entire family had been removed from the official register of permanent residents. As a result, I became concerned that my Italian residence permit would be invalid after my Yugoslav passport expired. Therefore, I returned to Slovenia, my home country, to reapply for Slovenian citizenship. When I arrived, I was told that I had no right to Slovenian citizenship because there were no records of my past citizenship.

I could not believe what the woman from the Registry had explained to me. Although I was born in Slovenia, had gone to school there and considered my mother tongue
to be Slovenian, I had no right to be a Slovenian citizen. I could not understand how this could be. I thought that I was completely Slovenian, yet I was being denied Slovenian citizenship. In fact, it was suggested that I should apply for citizenship in either Italy or Montenegro.

At that point, I made my decision to go back to Italy. I was young and naive about the legal repercussions of my situation. And I still had a passport, although the federal state that had issued the document had ceased to exist, its validity had not expired so I could still use it. I had my Italian residence permit, my driving licence and an apartment. I went back in order to lead a normal life. At that time, I was living in Verona where I continued to work for another 10 years.

It was only in 2002, when I had to renew my work permit, that I had to face the consequences of being deprived of my Slovenian identity. I could not renew my passport and

Photo © Velimir Dabetić 2007
I had no other valid ID. All of a sudden, I became an illegal immigrant with no rights. I lost everything and ended up on the street.

Without work and without a flat, I had to manage somehow, day by day, simply to survive. I travelled around Italy, especially along the Adriatic coast, with a rucksack on my back, performing on the streets as a juggler and a fire-eater.

In many places I would be stopped by the police and taken to the police station. Usually they would keep me there for about 12 hours. Once they had established that I was in Italy illegally, they would order me to leave the country. However, they could not decide where I should be expelled to as my own country denied that I was its citizen. I have visited almost all of the police stations in major Italian cities: Trieste, Udine, Vicenza, Verona, Trento, Bolzano, Milan, Rimini, Ancona, Senigallia.

On Christmas Eve 2005, Bologna Chief of Police issued Velimir Dabetić an expulsion order. Threatened with arrest for not leaving the country, Mr Dabetić was advised to apply for formal recognition of his status as a stateless person. But before he could do this, Italian regulations required that he should obtain leave to remain from the Ministry of the Interior. In May 2006 his application for leave to remain was rejected, on the grounds that he “does not have a valid leave to remain”.7

In April 2006, Pesaro Chief of Police ordered Mr Dabetić to leave Italy within five days or face imprisonment. On 16 June 2006, Mr Dabetić was arrested and imprisoned in Mantova. Three days later he was brought to court. The President of Mantova Tribunal, Dr. Giovanni Scaglioni stated the following in his decision: “The defendant has reported that he was unable to obey the expulsion order. Having been deprived of Slovenian citizenship, he could not be repatriated to a country which refuses to accept him. He has documented that he has asked to be recognised as a stateless person; the procedure is pending. His lawyer has submitted a note from the Slovenian Consulate in Trieste stating that Velimir Dabetić is not a citizen of the Republic of Slovenia. The defendant must be absolved from all charges. In fact, having been expelled from the country as a Yugoslav citizen and having lost his right to Slovenian citizenship, at present he has a justified reason for not leaving Italy, since he will not be received by Slovenia or by any other state. The fact, therefore, has no penal implications.”

“I now live in Pesaro where everyone knows me and my story. But initially I used to spend 12 hours or more at the police station every week! No one knew anything about the 18,000 people from Slovenia who had been ‘erased’.

I love Pesaro and I have decided to stay here, because I have grown tired of many years of life on the street with all the problems this brings. Living on the street is not easy and it can be dangerous. Especially if you have no documents to show to the police. They stop you all the time and aren’t always tolerant and understanding. Pesaro is a sea town; the people are nice and friendly. I met here a family who originally came from Rome and who have helped me a lot. I also receive support from Città della Gioia (the City of Joy), a small charity that supports young people in need. They found me a room to rent for 200 Euros a month. I know that this is not a permanent solution but I hope that I can stay here for as long as possible. I live every day
with the anxiety of ending up on the street again. Every morning I get up and I travel to a nearby city such as Rimini, Cesena and Forlì, to perform in the streets. In the winter few people stop to amuse themselves, but I still manage to earn 10 or 15 Euros – enough to buy some food.

I have lived half of my life in Italy. I now feel Italian and speak Italian, but I do not have a leave to remain. So who am I? Without any identity document I have no rights. My dog, my inseparable friend, has more rights than I do.

It is difficult to believe that things will change. I have almost lost faith in myself. Imagine the following. In Slovenia, my parents are now elderly and ill. I could go there as it is easy to cross the border now that Slovenia is a member of the European Union. But should the Slovenian police stop me, they would take me to a detention centre for illegal aliens. How is this possible in a democratic Europe? Why should I be treated as if I were a common criminal?

I hope that soon this situation will be resolved, for me personally, as well as everyone else in similar circumstances. I’m in contact with a network of people who deal with the “erased”. There are many who have helped me but little can be achieved without the full engagement of the EU and the Slovenian government.”

When contacted by ERT in January 2008, over 18 months after the Mantova Tribunal judgment, Dabetić had still not received leave to remain from the Italian authorities. He remains in a legal limbo as we go to press.

1 Before the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY), its citizens had also a second, republican citizenship. SFRY citizens of other republics living in Slovenia enjoyed the same rights as citizens having Slovenian republican citizenship. After Slovenia became independent in June 1991, citizens of other republics having permanent residence in Slovenia could apply for Slovenian citizenship by the deadline of 26 December 1991.

2 The text of this statement is available on http://www.equalrightstrust.org/newsstory-02112007/index.htm

3 See “ERT submits third party brief to the European Court of Human Rights on the discrimination against “erased” persons in Slovenia”, available on http://www.equalrightstrust.org/newsstory-15102007/index.htm

4 Koper is an Adriatic port town near the border of Slovenia with Italy.

5 One of the six federal republics and two autonomous provinces that comprised the SFR Yugoslavia.

6 In Second World War, this term was used by an anti-communist paramilitary formation loyal to the King-
dom of Yugoslavia’s government in exile. They were a disparate group and some bands were responsible for war crimes targeting Croatian and Muslim populations as well as Serbs who were suspected of assisting Tito’s Partisans. In the recent history of the Western Balkans, the term has, inter alia, also been used by extremist Serbian nationalists, as well as nationalists of other ethnic groups to pejoratively refer to anyone of Serbian or Montenegrin origin.