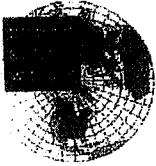


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Human Rights Watch



128

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Human Rights Developments

President Stipe Mesic's government often failed to confront entrenched ethnic Croat nationalists obstructing reform, particularly on issues of impunity for war-time abuses and the return of Serb refugees. The Parliament approved constitutional changes reducing presidential authority and abolishing the upper house of Parliament in November 2000 and March 2001 respectively. In local elections held throughout the country on May 20 nationalist parties made significant gains in some areas. Police intervention was required in some areas, such as Vojnic, where ethnic Croat nationalist demonstrators tried to keep elected Croatian Serbs from assuming office.

Croatia's first census since 1991 took place on March 31, 2001. Some Croatian Serb organizations protested that the government did not do enough to include Croatian Serb refugees in the Federal Republic of Yugoslavia and Bosnia and Herzegovina in the count. Serbian Democratic Forum (Srpski Demokratski Forum, SDF), a Croatian NGO, distributed over 50,000 census forms abroad. Comprehensive statistics were not available at this writing, but preliminary results indicated that Croatian Serbs made up approximately 5 percent of the population of 4.38 million in 2001, compared to approximately 12 percent in 1991.

Optimism over the extent of Croatia's cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) cooled when the ICTY's chief prosecutor reported to the U.N. Security Council in November 2000 that the government's cooperation was unsatisfactory, particularly in providing access to documents requested by the tribunal.

Demands by opposition parties to cease cooperation with the ICTY resurfaced in June, after the ICTY issued indictments against Croatian generals Rahim Ademi and Ante Gotovina. Opposition rhetoric cooled after the government, standing by its commitment to cooperate with the ICTY, survived a vote of confidence in July. General Ademi, indicted for killing at least thirty-eight people and other abuses committed by troops under his command in the Medak pocket near Gospic in 1993, surrendered voluntarily to the ICTY in July. At the time of writing, General Gotovina, indicted for killings, house destruction, and other abuses against Croatian Serbs in 1995 remained at large. The ICTY also publicly charged Yugoslav and Serb personnel for abuses committed in Croatia in 1991. In October, the ICTY published a previously sealed indictment against four members of the Yugoslav People's Army and Navy for crimes committed during attacks on the Dubrovnik region. Two of them, Pavle Strugar and Miodrag Jokic, surrendered to the tribunal in November. Also in October, the ICTY amended its indictment of former

Serbian president Slobodan Milosevic to include charges of war crimes and crimes against humanity for the killings, torture, imprisonment, deportation, and other crimes amounting to persecution of the Croat and other non-Serb population of Croatia in 1991.

Progress was also made on domestic accountability efforts. In February, Croatian authorities expanded their investigation into the killing of approximately forty Croatian Serb civilians in the Gospic area in 1991, naming as a suspect former Croatian Army general Mirko Norac, who reportedly ordered the formation of a firing squad. Protesters took to the streets to oppose General Norac's or ICTY involvement in his trial. The ICTY prosecutor had not indicted General Norac, however, and she decided not to request that the Croatian court cede jurisdiction to the international tribunal. In June, Croatian authorities arrested Fikret Abdic, the leader of the wartime breakaway Bihac pocket of Bosnia-Herzegovina, and charged him with war crimes. Bosnian authorities had long sought his arrest, but his Croatian citizenship prevented his extradition under Croatian law. In August, Croatian authorities in Bjelovar detained four men, accusing them of killing Croatian Serb civilians and prisoners of war in 1991. In September, six former military police were arrested on charges of torturing and killing non-Croat detainees in the Lora military prison in Split in 1991.

Croatian authorities also pursued war-crimes charges against Croatian Serbs. The OSCE noted a substantial increase in such cases, many of which involved defendants arrested pursuant to longstanding dormant indictments. Although some suspects were refugees arrested when attempting to return to Croatia, others had been present in Croatia for years. In many cases charges were subsequently dropped, raising suspicions that the arrests were politically founded and arbitrary. When three men from Glina were arrested in March on the basis of a 1993 war-crimes indictment, the alleged witnesses, who had been tortured at a detention center, were unable to identify any of the three as having been present at the scene of the crimes. At least two of the suspects had been living in Croatia for over a year and one had regularized his status as a returnee with the authorities. Although these men were acquitted, fear of such arrests deterred many Croatian Serb men from returning to Croatia.

Obstacles to the return of Croatian Serb refugees remained a significant human rights concern. Although by August 2001 over 100,000 Croatian Serbs had returned according to the U.N. High Commissioner for Refugees, most were elderly. According to international organizations, significant numbers of these returnees may have again departed for the Federal Republic of Yugoslavia or Bosnia-Herzegovina after only a short stay in Croatia.

Human rights violations contributed to the reluctance of refugees to return and to their renewed flight. While violent attacks on Croatian Serbs continued to decrease in frequency, isolated serious incidents contributed to apprehension about return. Croatian authorities frequently condemned ethnically motivated attacks and opened investigations, but arrests or judicial proceedings did not always follow.

A complicated web of discriminatory and confusing legislation meant that few Croatian Serbs were able to repossess their pre-war homes or obtain government reconstruction assistance. Although the Croatian authorities acknowledged the difficulties and modified some legislation, in many cases these changes simply exacerbated confusion over implementation. For example, the reconstruction law had excluded housing destroyed by "terrorist acts" from reconstruction (a category the authorities often used

to describe the tens of thousands of Croatian Serb properties burned and looted following Croatian military operations in 1995). Although this provision of the law was repealed, some county offices refused to consider such applications, claiming that the amended reconstruction legislation contradicted other laws. With few exceptions, courts also failed to rule favorably in repossession cases where the prewar housing had been socially owned and occupancy rights revoked because the residents were absent as refugees or internally displaced persons. There were no mechanisms for compensating people deprived of such property rights.

Even when their property rights were recognized, Croatian Serbs also faced discriminatory practices when attempting to physically repossess their property. For example, in most jurisdictions, officials failed to implement court decisions, particularly with regard to evictions of ethnic Croats from Croatian Serb property. Although the authorities acknowledged this common problem, they failed to condemn even the most flagrant cases, nor did they take action against officials who refused to implement the law.

Defending Human Rights

Croatia's vibrant civil society continued to make an active contribution to public life despite legislation restricting associations. In a serious but isolated incident, lawyer Srdj Jaksic of Dubrovnik, who was known for taking on human rights cases, was shot and injured shortly after his Montenegrin client accused of war crimes was acquitted in December 2000. At the time of writing, there had been no substantial progress in the investigation.

The Role of the International Community

United Nations

The U.N. Commission on Human Rights decided in April 2001 to exclude Croatia from the mandate of its special representative on the former Yugoslavia. The Office of the High Commissioner for Human Rights maintained a field presence in Croatia, however, focusing primarily on technical assistance to the authorities. In March, the Human Rights Committee considered Croatia's initial report on implementation of the International Covenant on Civil and Political Rights. While commending Croatia on constitutional reforms, the committee criticized the continued impunity for killings and torture committed during the armed conflict. The U.N. observer mission in Prevlaka was extended until January 2002. In May, Croatia ratified the Statute of the International Criminal Court.

Organization for Security and Cooperation in Europe (OSCE)

In June, the OSCE Mission to Croatia reported to the Permanent Council on Croatia's progress in meeting its international commitments, highlighting the continuing obstacles to the sustainable return of Croatian Serb refugees. The mission's mandate was extended until December 2001, although staff numbers were reduced in June.

Council of Europe

The European Commission against Racism and Intolerance published its second report on Croatia in July. It found that despite the good will of national authorities, discrimination endured, particularly against Croatian

Serbs in war-affected areas, but also against Roma.

European Union

Croatia further advanced its ties to the European Union, in May initialing a Stabilisation and Association Agreement, establishing favorable economic and trade relations and cooperation in justice and internal affairs. The European Union also continued to provide significant reconstruction and development aid to war-affected areas.

United States

Continuing its support for moderate and non-nationalist reforms, the United States funded reconstruction and demining efforts, as well as development and technical assistance. The U.S. Agency for International Development did not directly engage in housing reconstruction, but it did fund community infrastructure and other projects.