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Croatia

Covering events from January - December 2004

The legacy of the 1991-95 armed conflict continued to overshadow human rights in Croatia. Many of those responsible for human rights violations during the conflict continued to evade justice. Despite the Croatian government's pledge to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (Tribunal), on occasion the Croatian authorities adopted an ambivalent attitude. Less than a third of the 300,000 Croatian Serb refugees who fled the fighting had returned by the end of 2004. The Croatian judicial system overwhelmingly failed to address wartime human rights violations and courts applied discriminatory criteria when investigating and prosecuting war crimes and crimes against humanity.

Background

In June, Croatia was officially granted European Union (EU) candidate status at the European Council summit in Brussels. In April the European Commission had noted that further progress was needed in the areas of minority rights, refugee returns, judicial reform, regional cooperation and the fight against corruption. In December the EU Council decided to open membership talks in March 2005, on condition that Croatia fully cooperates with the Tribunal.

Wartime human rights violations

International prosecutions

- The authorities failed to arrest Ante Gotovina, a former Croatian Army General charged by the Tribunal with crimes against humanity and war crimes against the Krajina Croatian Serb population in 1995 during "Operation Storm". Croatian forces had committed widespread human rights violations including the killing of hundreds of civilians, "disappearances", torture including rape, and massive and systematic house destruction during "Operation Storm" and "Operation Flash". Despite formal assurances, the Croatian authorities continued to maintain an ambiguous attitude towards cooperation with the Tribunal and Ante Gotovina's arrest. In October Prime Minister Ivo Sanader reportedly publicly stated his belief in Ante Gotovina's innocence.
- In February Ivan Čermak, former Commander of the Knin Garrison of the Croatian Army and Mladen Markač, former Commander of the Special Police of the Ministry of the Interior, were indicted by the Tribunal for crimes against humanity and violations of the laws or customs of war committed in 1995 against the non-Croat population during "Operation Storm". The suspects voluntarily surrendered to the Tribunal in March.
- In May the Tribunal indicted former Croatian Army General Mirko Norac for crimes against humanity and violations of the laws or customs of war committed in 1993 against the non-Croat population in the Medak Pocket. Mirko Norac was already serving a prison sentence in Croatia after being convicted in 2003 by the Rijeka County Court of war crimes against non-Croat civilians. In September the Tribunal appointed a trial chamber to consider an application by the prosecutor to refer the case of Mirko Norac and Rahim Ademi, whose indictments were joined in July, to the authorities of Croatia for trial by the Zagreb County Court.
- In June the Tribunal indicted Goran Hadžić, President of the self-proclaimed autonomous Republic of the Serbian Krajina (Republika Srpska Krajina, RSK) between early 1992 and late 1993. Goran Hadžić was charged with crimes against humanity and violations of the laws or customs of war committed against the non-Serbian population. He had not been arrested by the end of the year.
- In March the Tribunal sentenced former Yugoslav Navy Admiral Miodrag Jokić to seven years'



Croatia

Republic of Croatia

Head of state: Stjepan Mesić

Head of government: Ivo Sanader

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Further information

[Croatia: Briefing to the United Nations Committee against Torture, 32nd Session, May 2004](#)
(AI Index: EUR 64/001/2004)

[Croatia: Briefing to the United Nations Committee on the Rights of the Child, 37th Session, September 2004](#)
(AI Index: EUR 64/003/2004)

[Croatia: A shadow on Croatia's future – Continuing impunity for war crimes and crimes against humanity](#)
(AI Index: EUR 64/005/2004)

[All AI documents on Croatia](#)

imprisonment for his role in the shelling of Dubrovnik's old town in 1991. Miodrag Jokić had pleaded guilty to all charges of war crimes.

- In June Milan Babić, former RSK President, was sentenced by the Tribunal to 13 years' imprisonment for crimes against humanity committed against the non-Serbian population in 1991-1992.
- In March the trial of six people accused of war crimes against the ethnic Croat population in Vukovar in 1991 began before the Special War Crimes Panel within the Belgrade District Court in the Serbian capital, Belgrade. After Vukovar fell to the Yugoslav Army and Serbian forces, more than 250 non-Serbs were removed from the Vukovar hospital and executed at the Ovčara farm. In May, 12 new suspects were indicted in connection with these crimes.

Domestic prosecutions

Most of those on trial for war crimes and crimes against humanity before local courts were Croatian Serbs. The Croatian judiciary continued to discriminate along ethnic lines in its investigations and prosecutions of wartime human rights violations. In some cases trials for war crimes and crimes against humanity conducted before domestic courts did not meet internationally recognized standards of fairness. Members of the Croatian Army and police forces generally continued to enjoy impunity for wartime human rights violations, despite initial efforts by the Croatian authorities to investigate and prosecute such crimes.

In a number of cases the Croatian Supreme Court overturned earlier acquittals in trials for war crimes and crimes against humanity allegedly committed by members of the Croatian Army and police forces.

- In April the Osijek County Court sentenced former member of the Croatian Army Nikola Ivanković to 12 years' imprisonment for the killing of 19 Croatian Serb and Hungarian civilians in Paulin Dvor near Osijek in December 1991. No one was brought to justice for the subsequent attempt to cover up this crime by transporting the bodies to another location.
- In May the Croatian police arrested a Bosnian Croat on suspicion that in 1993 he committed war crimes against the Bosniak (Bosnian Muslim) population in the village of Ahmići, in central Bosnia and Herzegovina.
- In March the Croatian Supreme Court quashed the acquittal of a former member of the Croatian special police by the Karlovac County Court. He was accused of killing 13 disarmed Yugoslav Army reservists. Reportedly, the Karlovac Court had ruled that the accused had acted in "self-defence". The retrial began in September.
- In May the Croatian Supreme Court quashed the acquittal of three former Croatian police officers and one serving police officer by the Bjelovar County Court. They were accused of killing six captured Yugoslav Army reservists in 1991. The Supreme Court reportedly ordered a retrial during which additional witnesses should be heard.
- In August the Croatian Supreme Court overturned the acquittal of eight former members of the Croatian Military Police by the Split County Court. The eight were accused of killing two non-Croat civilians and torturing others in the Lora military prison in Split in 1992. The trial had reportedly been marked by the intimidation of witnesses, public demonstrations of support for the accused, and a lack of impartiality by the court. At the end of the year, only four of the accused were detained. A new trial was expected to begin in early 2005.

Unresolved 'disappearances' and missing persons

According to official data approximately 1,200 people who went missing during the conflict remained unaccounted for. This figure did not include the hundreds of people – mostly Croatian Serbs – missing since "Operation Storm" and "Operation Flash" in 1995 (see above). Efforts by the Croatian authorities to clarify the fate and whereabouts of missing Croatian Serbs were generally insufficient, leading to considerable delays in the identification process. Many of the missing were believed to be victims of "disappearances"; most of those responsible continued to enjoy impunity.

Right to return

Approximately 300,000 Croatian Serbs left Croatia during the 1991-95 conflict. According to the UN High Commissioner for Refugees, more than 200,000 Croatian refugees, mostly Croatian Serbs, remained displaced in neighbouring countries and beyond. Tens of thousands of Croatian Serbs could not return and many returns were not sustainable.

While the Croatian authorities had pledged to return illegally occupied property to returning Croatian Serbs by the end of June 2004 and other occupied property by the end of 2004, the repossession rate remained slow. Many Croatian Serbs, especially those who formerly lived in urban areas, could not return because they had lost their tenancy rights to socially owned apartments. Lengthy, and in some cases unfair, proceedings, particularly in lower level courts, remained a major obstacle for returnees pursuing their rights in court.

Croatian Serbs continued to face discrimination in employment and access to other economic and social rights.

AI country visits

An AI delegate visited Croatia in February and in June.

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