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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

Overview - Covering events from January - December 2005

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The legacy of the 1991- 95 war continued to overshadow human rights in Croatia. Many of those responsible for human rights violations during the conflict continued to evade justice. The Croatian judicial system failed to address wartime human rights violations, regardless of the ethnicity of the victims or of the perpetrators. Of at least 300,000 Croatian Serbs displaced by the conflict, approximately 120,000 were officially registered as having returned home.

Background

In March the European Union (EU) Council decided to postpone the beginning of accession talks, because of the failure of the Croatian authorities to fully co-operate with the International Criminal Tribunal for the former Yugoslavia. In October, after the Tribunal's Prosecutor assessed that Croatia was fully co-operating with the Tribunal, the EU Council decided to open membership talks with Croatia. The EU Council agreed that less than full co-operation with the Tribunal at any stage would affect the overall progress of the negotiations and could be grounds for their suspension.

War crimes and crimes against humanity

International prosecutions

- In December former Croatian Army General Ante Gotovina was arrested in Spain, apparently after the Croatian authorities had provided the Tribunal with information on his whereabouts. He was subsequently transferred to the Tribunal's custody. Ante Gotovina was indicted by the Tribunal on seven counts: persecution; murder – including the murder of at least 150 Croatian Serbs; plunder; wanton destruction of cities, towns and villages; deportation and forced displacement; and other inhumane acts.
- In January Pavle Strugar, a former Lieutenant-General in the Yugoslav People's Army (Jugoslovenska narodna armija, JNA), was sentenced to eight years' imprisonment for his role in attacks on civilians and the destruction of cultural property during the shelling of Dubrovnik's Old Town in December 1991.
- In February the Tribunal indicted Momčilo Perišić, former JNA Chief of Staff, for war crimes and crimes against humanity committed during the wars in Croatia and Bosnia and Herzegovina (BiH), including his alleged role in the shelling of Zagreb in 1995.
- In June the Tribunal Prosecutor withdrew her application to refer the "Vukovar Three" case to a domestic jurisdiction in the former Yugoslavia, citing its highly sensitive nature and the fact that any decision to transfer it would provoke "deep resentment in one or the other country considered for the transfer". The accused, Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin, who remained in the Tribunal's custody, are all former JNA officers indicted for their alleged involvement in the removal and execution of more than 250 non-Serbs from Vukovar hospital, after Vukovar fell to the JNA and Croatian Serb forces in 1991. The trial started at the Tribunal
- in October.
- In November the case of Rahim Ademi and Mirko Norac was officially transferred to Croatia. The Prosecution had requested the transfer in 2004. 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. The accused are former Croatian

Army commanders charged with crimes against humanity and war crimes, including murder and persecutions, committed against Croatian Serbs during military operations in the so-called "Medak pocket" in 1993.

Domestic prosecutions

Trials for war crimes and crimes against humanity continued or started before local courts, often in absentia. In some cases these trials did not meet internationally recognized standards of fairness. In general, ethnic bias continued to affect the investigation and prosecution by the Croatian judiciary of wartime human rights violations. There continued to be widespread impunity for crimes allegedly committed by members of the Croatian Army and police forces.

- In February, three former Croatian police officers and one serving police officer, accused of having killed six captured JNA reservists in 1991, were acquitted by the Varaždin County Court. In May 2004 the Croatian Supreme Court had quashed a previous acquittal in this case by the Bjelovar County Court and ordered a retrial.
- In April proceedings against 27 Croatian Serbs, Roma and Ruthenians, 18 of whom were being tried in their absence, reopened at the Vukovar County Court, in what was reportedly the biggest war crimes trial ever held in Croatia. The defendants, who faced charges of genocide, were suspected of crimes against the civilian population of the village of Mikluševci, near Vukovar, in 1991 and 1992. The trial initially started in 2004 on the basis of an indictment issued in 1996 against 35 suspects. It was suspended when it was ascertained that eight of the accused had died.
- In May proceedings started at the Zagreb County Court against five former members of a Croatian Ministry of the Interior unit. In September, three received prison sentences of between five and 10 years for the murder of a member of the Croatian Army in 1991. The other two defendants were sentenced to two and four years' imprisonment for abducting and detaining three Croatian Serbs living in Zagreb who were later killed by unknown perpetrators in Pakračka poljana. Two of the accused went into hiding the day after the verdict was issued and were still at large at the end of 2005.
- In July an investigation was launched into murders and "disappearances" of Croatian Serb civilians in Osijek in 1991 and 1992. In October two suspects, reportedly former members of the Croatian Army, were arrested on suspicion of involvement in the wartime murder of four Croatian Serbs. In December Anto Đapić, President of the Croatian Party of Rights and Mayor of Osijek, reportedly disclosed to the media the names of 19 potential witnesses who could testify about crimes committed against Croatian Serbs in Osijek, leading to concerns about their safety and their willingness to testify in court.
- In September the retrial started at the Split County Court of eight former members of the Croatian Military Police, accused of having tortured and murdered non-Croat detainees in Split's Lora military prison in 1992. Four of the accused were tried in their absence. An initial trial held in 2002 ended with an acquittal verdict, subsequently overturned by the Croatian Supreme Court.
- In September the trial restarted at the Karlovac County Court of a former member of the Croatian special police on charges of having killed 13 disarmed JNA reservists in 1991. Two earlier acquittal verdicts had been overturned by the Croatian Supreme Court.

Right to return/attacks against Croatian Serbs

At least 300,000 Croatian Serbs were displaced by the 1991-95 conflict, of whom approximately 120,000 were officially registered as having returned home. One of the greatest obstacles to sustainable return was the failure of the Croatian authorities to provide adequate housing for Croatian Serbs who were stripped of their rights to socially owned flats during and after the war.

Cases of violence and harassment by private individuals against Croatian Serbs appeared to have increased in 2005. These included racist graffiti, threats and assaults. The most serious incident saw the apparently ethnically motivated killing in May of an elderly Croatian Serb man in Karin, near Zadar. The investigation into this murder was continuing at the end of 2005. Also in May, there were three bomb attacks on municipality buildings in the predominantly Croatian Serb towns of Borovo and Trpinja and in the premises of a Croatian Serb party in Vukovar. In August a bomb was thrown into the yard of a house owned by a Croatian Serb in the Imotski region, damaging the building. In October and November two Croatian Serb returnees were killed by explosive devices in a wood in the village of Jagma, Lipik municipality. The incidents raised particular concern since both occurred, in similar circumstances, in an area that was not considered to be affected by mines. The Croatian authorities were still investigating the incidents at the end of the year.

Violence against women

In February the UN Committee on the Elimination of Discrimination against Women expressed, among other things, its concern over the high incidence of domestic violence, the limited number of shelters available for victims of violence and the lack of clear procedures for law enforcement and health care personnel dealing with domestic violence. The Committee also expressed concern at the high incidence of trafficking in women.

Croatia
Archive information

[Amnesty International's concerns on the implementation of the "completion strategy" of the International Criminal Tribunal for the former Yugoslavia](#)
(AI Index: EUR 05/001/2005)

Europe and Central Asia: Summary of Amnesty International's concerns in the region, July-December 2004:
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(AI Index: EUR 01/002/2005)

Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2005:
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