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Croatia: Praise for “Operation Storm” creates climate of impunity

Amnesty International is concerned that the recent statements by Jadranka Kosor, the Prime Minister of Croatia reinforce the ongoing climate of impunity and reflect the lack of political will to investigate and prosecute crimes committed by Croatian armed forces during the 1991-1995 war.

On 5 August 2011 Croatian state officials gathered in the city of Knin to celebrate the 16th anniversary of “Operation Storm” carried out by Croatian armed forces between August and November 1995 in the Krajina region of Croatia.

During and after military offensives carried out by Croatian armed forces at the time, some 200,000 Croatian Serbs fled the country. Widespread human rights violations, in particular killings, torture, and forcible expulsions were committed by members of the Croatian Army and police against Croatian Serb civilians who had remained in the area, and to a lesser degree against members of the withdrawing Croatian Serb armed forces.

On 15 April 2011 the International Criminal Tribunal for the former Yugoslavia (ICTY) found two Croatian army generals, Ante Gotovina and Mladen Markač, guilty of command responsibility for crimes against humanity committed during the 1991-1995 war. They were found guilty of having participated in a joint criminal enterprise during and after the “Operation Storm” carried out between August and November 1995 with the aim of forcibly and permanently removing the ethnic Serb population from the Krajina region of Croatia. The Tribunal found Croatian military forces and the Special Police responsible of a “large number of crimes” against the Serb population during “Operation Storm”. In May 2011 both generals appealed the judgement.

The organisation notes that to date nobody has been prosecuted for crimes committed during “Operation Storm” in Croatia outside of the Tribunal. According to the State Attorney’s Office there are only three on-going investigations into alleged war crimes committed during and after “Operation Storm”

Amnesty International is concerned that the number of investigations conducted by the Croatian authorities is low compared to the scale of war crimes allegedly committed during and after “Operation Storm”. The ICTY found that a large number of crimes were committed against the Serb population of the Krajina region in a relatively short period of time. The witnesses called by the Tribunal testified about crimes committed in Mokro Polje in Ervenik municipality, Očestovo, Palanka, Knin, Benkovac, Gračac, and Obrovac.

In its verdict, the Trial Chamber concluded that Ante Gotovina ordered an unlawful attack on civilians and civilian objects through the shelling of Benkovac, Knin and Obrovac on 4 and 5 August 1995. The Tribunal also concluded that Mladen Markač ordered the Special Police’s shelling of Gračac on 4 and 5 August 1995, which constituted an unlawful attack on civilians.

Amnesty International is concerned that the authorities have failed to fulfil their obligation to fully investigate and prosecute war crimes and other crimes under international law committed during this operation.

Immediately after the judgement was announced in The Hague, Croatian government representatives made statements rejecting the findings of the Tribunal and denying the crimes committed during the war by Croatian armed forces. The Prime Minister, Jadranka Kosor, among other officials, stated that the Croatian government found the judgement unacceptable. She also stated that "Operation Storm" was a legitimate military and police operation, and that the Croatian nation should be proud of all people who took part in the operation and contributed to the Croatian victory. She added that the government would take all possible measures to successfully appeal the judgement. The Speaker of Parliament, Luka Bebić, stated that the judgement was political and that generals Gotovina and Markač were not war criminals. Similarly, the vice president of the ruling Croatian Democratic Union (HDZ), Andrija Hebrang, who took part in "Operation Storm" denied that war crimes were committed. The President of the Social Democratic Party (SDP), Zoran Milanović rejected the verdict as political.

More recently, on 5 August, during the official celebrations marking the 16th anniversary of Operation Storm, the Prime Minister said: "I am extremely proud that ... I can congratulate the Day of Victory and Homeland Gratitude to all Croatian defenders and all generals and I especially thank and congratulate generals Ante Gotovina and Mladen Markač. ... From Knin where Milosevic's Greater Serbia politics was defeated I send a message that we shall let no-one revise Croatian history and touch our sanctities".

Amnesty International is extremely concerned that such statements attacking the Tribunal, and glorifying "Operation Storm" and persons allegedly responsible for crimes committed as part of the Operation, could send a political message which may undermine justice. It may discourage the justice system from investigation and prosecuting crimes committed as part of "Operation Storm".

The organisation has repeatedly called on Croatia to demonstrate the political will to deal with the legacy of the war. The lack of such political will creates an atmosphere that not only hampers the prosecution of war crimes, but also prevents victims of those crimes – and their families – from exercising their right to truth, justice and reparation.

More documents:

Behind a Wall of Silence: Prosecution of war crimes in Croatia (EUR 64/003/2010)
<http://www.amnesty.org/en/news-and-updates/report/croatia-urged-speed-war-crimes-prosecutions-2010-12-09>.

Croatia: Amnesty International responds to Croatia government on war crimes
<http://www.amnesty.org/en/library/info/EUR64/005/2011/en>

Croatia: Briefing to the European Commission on the progress made by the Republic of Croatia on prosecution of war crimes
<http://www.amnesty.org/en/library/info/EUR64/008/2011/en>

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