

Croatia

Statistics and laws alone will not end torture and ill-treatment

Croatia's commitment to ensuring that those responsible for acts of torture and ill-treatment are brought to justice is best measured by the authorities' practical response to individual cases, not by statistics or descriptions of what is written in the laws, Amnesty International said today.

Amnesty International has received reports of torture and ill-treatment in Croatia, and cases of police brutality are sometimes featured in the daily newspapers. Today, the country will defend its record in implementing the rights enshrined in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) in front of the the United Nations Committee against Torture -- the Convention's monitoring body. This is Croatia's second appearance before the Committee; the first was in May 1996.

"One positive change since 1996 is that Croatia this year changed its laws to make torture and ill-treatment, as defined in the Convention, a criminal offence. However, the charge is relatively weak and, to Amnesty International's knowledge, it has not been employed." Amnesty International said. "Furthermore, while normative changes are important, the real test is how the authorities address individual acts, and in that respect Amnesty International maintains its concern."

For example, justice is yet to be done in the case of Sefik Mujkic, who died as a result of torture in September 1995. Photographs of his body taken two days after his death show severe bruising -- including to the soles of his feet -- and the photographs show wounds on both forearms, one of which bears the distinct shape of the letter "U"-- most likely a reference to Ustasa, the Croatian fascist movement in the Second World War whose iconography has been adopted by some right-wing factions in Croatia.

Although found guilty in first-instance proceedings, the suspects, two officers of the Service for the Protection of Constitutional Order (SZUP, the secret police), have been at liberty since the Supreme Court of Croatia sent the case back for retrial in October 1996. The primary reasons for granting the appeal were to reconcile two autopsy reports, neither of which disputed that the injuries received had led to Sefik Mujkic's death, and to establish whether the officers had reason to try to extract a statement out of Sefik Mujkic by force.

Amnesty International is also concerned that the Croatian authorities have failed to fulfil one of the Committee's strongest recommendations from 1996: to establish an independent commission to rigorously investigate the allegations of torture and ill-treatment after Operations Flash and Storm. Acts of torture and ill-treatment were well documented at that time.

For example, international monitors visited 10 soldiers held in the Knin School on 30 August and again on 1 September 1995. Four of the soldiers bore signs of beatings on their faces, three of them had been seen without bruises only two days before.

Instead of forming a commission to investigate such acts, the Croatian authorities have supplied the Committee with the same statistics which Amnesty International has exposed as meaningless.

In August, Amnesty International issued a document *Impunity for killings after Storm* which exposed the inaction of the Croatian authorities on violations following the 1995 military offensive, and also recommended that a commission be established to investigate any attempt to cover up the crimes committed at the time.

In September the organization supplied the authorities with details of individual cases reported to it, as a response to government claims that some 50 cases of killings had been committed following Operation Storm, all acts of "uncontrollable individuals". Amnesty International has had no response from the Croatian authorities about whether it has taken steps to pursue investigations and prosecutions in any of those individual cases.

"There should be no illusion that the authorities have been diligent in pursuing reports of torture committed in 1995," the organization said. "In one case, a former soldier on trial volunteered information to the court that he had tied a Croatian Serb to a tree and set a fire under him, and yet the prosecutor did nothing to pursue that confession."

Amnesty International has observed different approaches by the Croatian authorities when acts of torture or ill-treatment have been committed, reflecting discrimination in the degree of vigour with which Croatian authorities are willing to investigate and bring to justice those believed to be responsible.

If victims are perceived to have been war-time allies of the authorities, pursuit of prosecutions has been vigorous even when evidence linking a particular individual to a specific crime has been scant, in some cases to the extent of denying the suspects a fair trial. Pursuit of prosecution for such offences when the suspects are sympathetic to the Croatian authorities has not been carried out with the same zeal.

Amnesty International believes that the lack of awareness about human rights may have the result that individuals who are the victims of police ill-treatment do not pursue their cases at all. Because so many human rights issues in Croatia stem from the recent armed conflicts there and in neighbouring Bosnia-Herzegovina, there is a widespread misconception in Croatia that human rights are essentially an issue affecting national minorities.