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Medak Pocket arrests: Senior officials must be investigated

The arrest of five people suspected of war crimes against civilians and prisoners of war in Medak Pocket, eastern Croatia, in 1993 is a step in the right direction in investigating all war crimes, Amnesty International said.

“While these arrests represent an important step providing justice for victims of the 1991-1995 war, none of those arrested on 01 March 2012 were senior military officials,” said Nicola Duckworth, Europe and Central Asia Programme Director.

“There is enough information in the public sphere to open an investigation now.”

During the September 1993 military operation in Medak Pocket in Krajina Croatian Army and police forces attacked a number of Serb villages. According to UN estimates more than 100 Croatian Serbs were unlawfully killed, many were tortured and raped. Reportedly, 11 villages were levelled to the ground.

So far, the Croatian authorities have failed to investigate allegations that commanders of the 1993 military operation in Medak Pocket, including Janko Bobetko - Croatian Army Chief of Staff at the time of the operation (who died in April 2003) - and General Davor Domazet-Lošo, had command responsibility for these crimes.

In 2008, the Zagreb County Court heard the cases against General Rahim Ademi and General Mirko Norac in relation to crimes under international law committed during the Medak Pocket operation, in which the two generals were accused of having command responsibility during the operation.

In the course of the proceedings before the trial panel of the Zagreb County Court, it was established that, during the operation in Medak Pocket, a parallel chain of command existed. In the verdict, the Court concluded that the superior command of the operation rested with General Janko Bobetko, who in turn appointed Davor Domazet-Lošo as his envoy in the field.

Therefore, as a result, the command responsibility of Rahim Ademi, the official field commander of the operation, was significantly reduced in light of the role played by Davor Domazet-Lošo. The Court found that the latter was in charge of the operation. Based on this assessment, the Trial Panel acquitted Rahim Ademi and attributed command responsibility for the operation in the field to General Davor Domazet-Lošo and to General Janko Bobetko, as the superior commander.

Despite this, the Chief State Prosecutor has not yet opened an investigation to determine whether Davor Domazet-Lošo has command responsibility for the crimes.

“Nobody should be above the law. The Croatian authorities have obligations under international and national law to investigate and, if sufficient evidence is available, prosecute cases of war crimes allegedly committed by senior military and political officials of Croatia,” said Nicola Duckworth.

“General Davor Domazet-Lošo should be no exception. The authorities have taken some measures over the past year to combat impunity for war crimes more efficiently. Now is the time to take the next step and implement them fully in a professional and timely manner.”

Background

Sixteen years on, only a limited number of perpetrators have been brought to justice before the Croatian courts for crimes under international law committed during the 1991-1995 war in Croatia. The majority of these proceedings have not been in accordance with international criminal law and international fair trial standards. Around 490 war crimes cases are still pending prosecution.

Adequate witness protection measures have not been put in place, and as a consequence, witnesses of war crimes are frequently intimidated and thus discouraged from testifying in courts. Inadequate measures including high court expenses prevent victims from exercising their right to compensation and other forms of reparation for crimes committed against them.

Croatia has not removed barriers to extradition of war crimes suspects who are nationals, despite making progress in improving working level cooperation in war crimes matters with Serbia.

Although some progress has been made in recent years in improving war crimes prosecution, the authorities of Croatia still fail in providing the victims of war crimes and their families with access to truth, justice and reparation.

See also:

[*Behind a Wall of Silence*](#)