

AI Index: PRE 01/642/2011  
23 December 2011

## **New Croatian government must deliver war crimes justice**

Croatia's newly elected government must make investigation and prosecution of war crimes suspects a top priority, Amnesty International said today.

The coalition government was formed today after elections held on 4 December this year.

Croatia also signed an accession treaty on 9 December that will see it officially join the EU in 2013.

"Croatia must deal with its past in order to move forward," said Nicola Duckworth, Amnesty International's Director for Europe and Central Asia.

"The newly elected government must seize the opportunity to break with the mistakes of their predecessors, and make prompt, thorough, impartial and independent investigations and prosecutions of war crimes a reality."

Despite the existence of publicly available information, allegations against some high profile military and political officials have not been investigated. These include allegations against the Deputy Speaker of the Croatian Parliament, Vladimir Šeks for holding command responsibility for crimes committed in Eastern Slavonija in 1991. Allegations against him were based on information from court proceedings against Branimir Glavaš. A Croatian Army army General general Davor Domazet-Lošo was also alleged to hold command responsibility for the crimes committed in 1993 in Međak Pocket. Allegations against him were based on court proceedings against General Rahim Ademi and General Mirko Norac.

"As a result of the inaction of the Croatian authorities, victims and their families are being denied the right to truth, justice and reparations. The majority of perpetrators remain at large," said Nicola Duckworth,

According to the State Prosecutor's Office, there are around 540 war crimes cases still at the pre-investigative stage, accounting for only a small number of the people suspected of crimes under international law during the 1990s. An average of only 18 war crimes cases have been concluded each year. At this pace, most of those allegedly responsible will never face trial.

Although some progress has been made in recent years in improving war crimes prosecution, Amnesty International remains concerned at the slow speed of investigations; that witnesses still lack adequate protection; victims still have no avenue for claiming reparations; that the Croatian judiciary continues to apply the Basic Criminal Code from 1992 for prosecution of crimes during the war in the former Yugoslavia despite serious gaps in that law which result in impunity Criminal Code; and that there are still barriers to regional cooperation, including extradition of Croatian citizens.

"Unless Croatia addresses all of these issues promptly, questions will linger over whether the country has fulfilled its international human rights obligations or membership criteria set out by the EU," said Nicola Duckworth.

After the EU accession negotiations were completed in June, the EU urged Croatia to make further improvements in the area of judiciary and fundamental rights, including the prosecution of war crimes committed during the breakup of Yugoslavia in the 1990s. The European Commission will continue to monitor Croatia's efforts to make necessary improvements in these areas.

Amnesty International is calling the newly formed government to take the following steps:

- allocate adequate financial resources and full political support for investigations and prosecutions;
- ensure that the legal framework used for prosecution of crimes under international law committed between 1991-1995 is in line with relevant international standards, including those related to war crimes of sexual violence, command and superior responsibility and crimes against humanity;
- ensure prompt, thorough, independent and impartial investigations of allegations against high profile military and political officials for command and superior responsibility;
- ensure effective witness protection and support system to all witnesses. The authorities should also bring to justice all those responsible for witness intimidation, harassment and in some cases, murder, to show that such crimes will not be tolerated;
- ensure that evidence collected by the International Criminal Tribunal for the former Yugoslavia is used during war crimes proceedings in front of domestic courts;
- ensure that survivors of rape and other forms of sexual violence committed during the war are provided with access to truth, justice and reparation, including adequate psychosocial support, economic support and access to healthcare services. Crimes committed against them have to be acknowledged and prosecuted in line with relevant provisions of international and domestic law.