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Croatia: Impunity for war crimes and crimes against humanity must end

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Almost ten years after the end of the 1991-1995 armed conflict in Croatia, the Croatian authorities have failed to address fully war-related human rights violations and to bring those responsible to justice. There continues to be widespread impunity for crimes committed in that period by members of the Croatian Army and police forces against Croatian Serbs, Amnesty International said today in a new report.

"While the perpetrators continue to enjoy impunity and, in some cases, are still in positions of power at local level, the victims of past human rights violations and their families are denied justice and redress," Omer Fisher, Amnesty International's researcher on Croatia, said.

"The Croatian judicial system has overwhelmingly failed to address these violations and courts are applying ethnic criteria in investigating and prosecuting war crimes and crimes against humanity."

Amnesty International's latest report *A shadow on Croatia's future: Continuing impunity for war crimes and crimes against humanity* (AI Index: EUR 64/005/2004) details the organization's concerns on the unresolved human rights legacy from that period. It provides ample illustration of a pattern of impunity. The report focuses on the failure of the authorities to:

- thoroughly and promptly investigate unlawful killings, extrajudicial executions and other human rights violations;
- disclose information on the fate and whereabouts of missing Croatian Serbs and to bring to justice members of the Croatian Army and police forces responsible for "disappearances".

Crimes committed in the town of Sisak were chosen in the report as examples of a widespread pattern of violations committed against the civilian population allegedly by members of the Croatian Army and police forces during the armed conflict.

On 17 September 1991, 19-year-old Ljubica Solar was in the flat of her boyfriend, a former soldier of the Yugoslav People's Army, when she was killed by a bullet fired from outside the building. Ljubica's mother has repeatedly demanded that the Croatian authorities thoroughly investigate the killing and bring

the perpetrators to justice. Reportedly, in 2001 a former member of a special police unit stated to the investigating judge in Sisak that former members of his unit had killed Ljubica Solar. The Croatian authorities are reportedly still investigating this crime and so far, to Amnesty International's knowledge, no one has been indicted.

"The pattern of impunity is repeated for other human rights violations against Croatian Serbs including cases of 'disappearances' for which there have been virtually no prosecutions," the organization said.

"The failure of the Croatian authorities to carry out exhumation and identification of missing persons believed to be Croatian Serbs is another factor contributing to the climate of impunity."

Milorad Milosavljevic, a soldier in the army of the self-proclaimed autonomous Republic of the Serbian Krajina, "disappeared" after he was captured by the Croatian Army on 3 May 1995. On the same day, he was reportedly seen on a news magazine programme being interviewed by a Croatian television journalist. His mother asked the Croatian authorities for information, but they failed to disclose his fate and whereabouts and disputed that the interviewed soldier was Milorad Milosavljevic.

Amnesty International notes that the European Commission and the European Council have concluded that Croatia meets the political criteria set by the Copenhagen European Council in 1993. The Copenhagen Criteria require that institutions in candidate countries guarantee democracy, the rule of law, human rights and respect for and protection of ethnic minorities.

Amnesty International considers that the failure of the Croatian authorities to address the human rights legacy of the war continues to be an obstacle to the full realization of the principle of the rule of law and seriously undermines post-war reconciliation.

"It is imperative that the issue of impunity for war-related human rights violations is adequately addressed by the Croatian authorities in the domestic judicial system and through full and unconditional cooperation with the International Criminal Tribunal for the Former Yugoslavia in The Hague," Amnesty International said.

Amnesty International urges the Croatian authorities to actively conduct thorough and impartial investigations into all cases of war-time human rights violations, regardless of the ethnicity of the victims or of the suspected perpetrators; and to bring to justice those responsible for these crimes in proceedings that meet international standards of fairness.

Background

Croatia's declaration of independence from the Socialist Federal Republic of Yugoslavia (SFRY) in June 1991 was followed by an armed conflict between the Croatian Army and Croatian Serb armed forces, aided by the Yugoslav People's Army, which ended in 1995. During the 1991-1995 conflict, massive and serious human rights violations were perpetrated by Croatian and Serbian forces, as well as by the Yugoslav army. These violations included arbitrary killings, torture including rape, "disappearances", arbitrary detention and forcible expulsions; hundreds of thousands of people became refugees abroad or internally displaced.

Approximately 300,000 Croatian Serbs left Croatia during the conflict. More than 200,000 Croatian refugees, mostly Croatian Serbs, are estimated to be still in neighbouring countries and beyond. Croatian Serbs who returned continue to face discrimination in employment and housing and access to other economic and social rights.

Public statements by Croatian officials usually cite a figure of about 1,200 missing persons the Croatian authorities are still looking for. However, this figure does not include those, mostly Croatian Serbs, who went missing in the last phase of the war.

The Croatian government officially applied for membership in the European Union (EU) in February 2003. In April 2004 the European Commission issued a positive opinion on Croatia's candidacy formulated on the basis of the Copenhagen Membership Criteria of 1993. In June 2004 the EU granted Croatia the official status of candidate country. Amnesty International takes no position on whether or not any candidate country should join the EU.

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