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## **European Court rules Croatia failing over war crimes**

Amnesty International is again urging the Croatian authorities to investigate war crimes committed during the 1991-1995 war following a key European Court of Human Rights (ECHR) ruling that could allow thousands of victims seek justice internationally.

The ECHR yesterday found that the Croatian authorities were responsible for the lack of adequate investigations into the disappearance and deaths of two war crimes victims in 1991, despite the country only becoming part of the European Convention on Human Rights in 1997.

“This judgement creates a significant precedent, allowing victims of war crimes committed during the wars in the former Yugoslavia to seek justice before the ECHR if states do not carry out adequate investigations into those crimes.” said Marek Marczyński, Amnesty International’s expert on Croatia.

The ruling centred around two cases, including that of a woman whose husband was shot by the Yugoslav army in 1991 in Vukovar.

Despite some evidence being gathered by the authorities, no meaningful progress was made in the investigation and 2010 proceedings were terminated under an Amnesty law.

The second complaint was filed by Josipa Skendžić and her children, Tamara Krznarić and Aleksandar Skendžić, after their husband and father was arrested by the Croatian police on 3 November 1991 in the family flat in Otočac. He never returned.

Skendžić tried to establish the whereabouts of her husband by contacting the local authorities and the Ministry of Justice, the Ministry of the Interior, the Ombudsman and the Vice-President of the government. A local investigation was launched but no progress made.

The Court judgment established that although the authorities cannot be held legally accountable before the ECHR for deaths and enforced disappearances – as they occurred before Croatia joined the Convention – they still had the obligation to investigate those crimes, which they failed to fulfil.

“Victims of war crimes deserve justice. The Croatian authorities have been reminded yet again that their ongoing failure to bring those responsible for such crimes to justice violates international law,” – said Marek Marczyński.

In its latest report *Behind a wall of silence: Prosecution of war crimes in Croatia* published in December 2010, Amnesty International documented how the justice system of Croatia has failed to provide the victims of war crimes with access to justice.

### **Background**

A.J. - the husband of the first applicant - was taken away from his family home in Vukovar on 3 October

1991 by three members of the Yugoslav People's Army. A few minutes later his wife could hear gunshots and soon after saw her husband lying dead in front of the house.

She reported the case to the police immediately and a criminal case was lodged in March 1992 with the military prosecutor in Osijek. An investigation followed in August 1992 and between 1993 and 1997 she and other witnesses gave their testimonies to the court in Osijek. Between 1997 and 2000 there was no progress in the investigation as the alleged perpetrators resided outside the jurisdiction of the Croatian authorities. In November 2000 the case was transferred to the Vukovar County Court after the Croatian authorities had regained the control over the region of Eastern Slavonija in 1998.

Despite the fact that in 2001 one of the suspects was arrested and that several witnesses testified in the case, nobody has ever been brought to justice for the killing of A.J.

In July 2010 the proceedings were terminated as the charges against the suspects had been reclassified as armed rebellion based on the Amnesty Act.

In the second case filed by Josipa Skendžić and her two children their husband and father was arrested by the Croatian police on 3 November 1991 in the family flat in Otočac. He never came back home. In March 1998 upon request from the family he was declared dead by Croatian courts.

Investigative measures were ordered by the Gospić County Prosecutor only in July 2000, following yet another inquiry by the Skendžić family and a letter to the Minister of Justice. After that several attempts were made to identify those responsible for the disappearance of Skendžić but they failed to bring any results.