

CROATIA

**BRIEFING TO THE
EUROPEAN COMMISSION
ON THE PROGRESS MADE
BY THE REPUBLIC OF
CROATIA IN PROSECUTION
OF WAR CRIMES**

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**AMNESTY
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1. INTRODUCTION

In this briefing Amnesty International sets out its primary concerns in relation to continuing impunity for war crimes in Croatia.¹ Despite recent progress made by the Croatian authorities in addressing impunity for war crimes, there are persisting obstacles to the effective investigation and prosecution of those crimes in Croatia. Many of the obstacles identified by the European Commission (EC) in its 2010 Progress Report still exist and some new, negative trends emerged in 2011.

The organization is extremely concerned that since the report was launched and despite some limited progress, lack of political will is even more evident at present. A number of technical obstacles to tackle impunity identified in Amnesty International's December 2010 report still have not been adequately addressed.

Amnesty International is concerned that declarations made by the key Croatian politicians at international forums about their commitment to resolving the outstanding issue of war crimes prosecutions, are not translated into targeted and systematic action on the ground.

Amnesty International is concerned that some key political figures in the country engage in public attacks on courts dealing with war crimes and crimes against humanity, undermining efforts to bring justice to the victims of the 1991-1995 war, including before the International Criminal Tribunal for the former Yugoslavia (the Tribunal).

2. LACK OF POLITICAL WILL

2.1. Attack on international justice system by the Croatian government

On 15 April the Tribunal convicted two Croatian generals, Ante Gotovina and Mladen Markač, of command responsibility for crimes against humanity. They were found guilty of having participated in a joint criminal enterprise during and after the "Operation Storm" (Oluja), carried out between August and November 1995 with the aim of forcibly and permanently removing the ethnic Serb population from the Krajina region of Croatia.²

The ICTY found Croatian military forces and the Special Police responsible of a "large number of crimes"³ against the Serb population during "Operation Storm". Ante Gotovina, who held the rank of Colonel General in the Croatian army and was the Commander of the Split Military District during the indictment period, and Mladen Markač, who held the position of Assistant Minister of Interior in charge of Special Police matters, were convicted of persecution, deportation, plunder, wanton destruction, two counts of murder, inhumane acts and cruel treatment of the civilian Serb population. They were sentenced to 24 and 18 years' imprisonment respectively.

Amnesty International considers the judgement to be an important step towards justice for many victims of crimes committed during "Operation Storm" in Croatia in 1995.

However, the organization is extremely concerned that the conviction of the two generals was met with protests and condemnation by high level officials and government representatives in Croatia.

¹ This briefing updates Amnesty International report of December 2010, *Behind a Wall of Silence: Prosecution of war crimes in Croatia* (EUR 64/003/2010). Available at: <http://www.amnesty.org/en/news-and-updates/report/croatia-urged-speed-war-crimes-prosecutions-2010-12-09>

² Prosecutor v. Ante Gotovina, Ivan Čermak & Mladen Markac IT 06 90

³ "Tribunal Convicts Gotovina and Markač, Acquits Čermak", 15 April 2011, Press release available at: <http://www.icty.org/sid/10633>

The Prime Minister, Jadranka Kosor, among other officials, stated that the Croatian government found the judgement unacceptable and rejected its findings.⁴ She also stated that “Operation Storm” was a legitimate military and police operation, and that the Croatian nation should be proud of all people who took part in the operation and contributed to the Croatian victory. She added that the government would take all possible measures to successfully appeal the judgement.⁵ The vice president of the ruling Croatian Democratic Union (HDZ), Andrija Hebrang, said he took part in “Operation Storm” and he denied that war crimes were committed.⁶ The President of the Social Democratic Party (SDP), Zoran Milanović rejected the verdict as political.⁷

Two weeks after the Tribunal verdict, the President of the Croatian Parliament and member of the HDZ, Luka Bebić, made statements, by which he appeared to reject the responsibility for war crimes committed by Croatian army and police forces against the Croatian Serb population during “Operation Flash” (Bljesak) conducted between May and August 1995.⁸ Amnesty International is extremely concerned about such statements, which might be understood as indirect pressure on the justice system not to investigate war crimes committed during “Operation Flash”.⁹

Amnesty International considers that the attitude of the Croatian authorities in relation to the above-mentioned judgement of the Tribunal constitutes an attack on the international justice system in general and reflects the lack of political will to deal with impunity for war crimes.

2.2. Lack of prosecution of alleged war crimes committed during “Operation Storm”

Amnesty International is concerned that the authorities have failed to conduct prompt, impartial and full investigations and prosecutions for war crimes committed during “Operation Storm”.

According to the State Attorney’s Office only three investigations into alleged war crimes committed during and after “Operation Storm” have been opened to date. Ten members of the Croatian army have been charged for the murder of 11 people. The investigations are ongoing; therefore to date no one has been prosecuted for war crimes committed during “Operation Storm” in Croatia outside of the Tribunal.

According to the State Attorney’s Office additional 24 war crimes cases involving 156 victims have been registered by the authorities in relation to “Operation Storm”. However, the perpetrators of those crimes have not been yet identified.

⁴ “President Josipovic and Prime Minister Kosor shocked by the judgement” Vecernji List, 15 April 2011. Available at : <http://www.vecernji.hr/vijesti/predsjednik-josipovic-premierka-kosor-sokirani-presudama-clanak-276870>

⁵ “The judgement is unacceptable” TPortal, 15 April 2011. Available at: <http://www.tportal.hr/vijesti/hrvatska/122662/Presuda-je-neprihvatljiva.html>
<http://www.index.hr/vijesti/clanak/jadranka-kosor-istine-se-ne-bojimo-ova-presuda-ce-se-ponistiti/547323.aspx>

⁶ “Opposition leader says generals paying others debt” TPortal, 15 April. Available at: <http://daily.tportal.hr/122730/Opposition-leader-says-generals-paying-others-debt.html>

⁷ “The judgement was political” Dalmacija News 15 April 2011. Available at: <http://www.dalmacijanews.com/Vijesti/View/tabid/74/ID/52859/Milanovic-Optuznica-protiv-Gotovine-politicka-inkriminacija.aspx>

⁸ “Flash was an excellent and clear operation” Jutarnji List 2 May 2011. Available at: <http://www.jutarnji.hr/luka-bebic-bljesak-je-briljantna-cista-akcija-koja-nam-moze-sluziti-na-cast/942901/>

⁹ Several NGOs have called the Croatian authorities to investigate alleged war crimes committed during “Operation Flash”. See: Youth Initiative for Human Rights: <http://hr.yihr.org/en/article/27/Bljesak-Crimes-Must-Be-Prosecuted> and Amnesty International: Croatia: Impunity for killings after Storm, Index: EUR 64/04/98, August 1998. and Croatian Helsinki Committee: <http://www.hho.hr/civilne-zrtve-operacije-bljesak>.

Amnesty International is concerned that the number of investigations conducted by the Croatian authorities are low compared to the scale of war crimes allegedly committed during and after “Operation Storm”.

For example, according to the Croatian Helsinki Committee for Human Rights at least 677 persons were killed during operation “Storm”.¹⁰

The Tribunal found that large number of crimes was committed against the Serb population of the Krajina region in a relatively short period of time. The Tribunal heard 145 witnesses, of whom 81 were called by the prosecution. They testified about crimes committed in Mokro Polje in Ervenik municipality, Očestovo, Palanka, Knin, Benkovac, Gračac, and Obrovac.

In its verdict, the trial chamber concluded that Ante Gotovina ordered an unlawful attack on civilians and civilian objects through the shelling of Benkovac, Knin and Obrovac on 4 and 5 August 1995. The Tribunal also concluded that Mladen Markač ordered the Special Police’s shelling of Gračac on 4 and 5 August 1995, which constituted an unlawful attack on civilians.

According to the State Attorney Office there were more than 6,000 criminal reports filed in relation to crimes committed during “Operation Storm”, out of which in total 3,728 was investigated and prosecuted, including against 395 persons who were members of the Croatian military and police forces. However, the State Attorney stated that only 27 of all these crimes were qualified as war crimes. Amnesty International is concerned that in light of the scale of the crimes committed during “Operation Storm”, the authorities have failed to fulfil their obligation to fully investigate and prosecute war crimes and other crimes under international law committed during this operation.

2.3. Failure to ensure fair and adequate reparation to victims

Amnesty International considers that the lack of political will in Croatia to deal with the legacy of the war creates an atmosphere that not only hampers the prosecution of war crimes, but also prevents victims of those crimes – and their families – from exercising their right to justice and reparation. The Croatian authorities must intensify efforts to investigate and, if appropriate, to prosecute all those responsible for committing crimes under international law during the 1991-95 war.

Prosecution of war crimes in Croatia is slow, which means that the victims of those crimes have to wait for years to see their perpetrators being brought to justice. This is why it is very important that the Croatian authorities publicly condemn war crimes and crimes against humanity, and assure the victims that they will make all necessary efforts to bring those responsible to justice. The Croatian government has a duty to do so under the international law, including in fulfilling their obligation as part of the right to reparation. However, by showing public support for high level officials indicted by the Tribunal and by rejecting its verdict, the authorities violate victims’ right to reparation.

Under international law the right to reparation includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. These five forms of reparation are defined in Articles 19-23 of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation of Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law¹¹.

Some of the measures that authorities should undertake include:

¹⁰ *Vojna operacija "Oluja" i poslije*.2001, Hrvatski Helsinški Odbor za Ljudska Prava (Croatian Helsinki Committee for Human Rights).

¹¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law available at: <http://www2.ohchr.org/english/law/remedy.htm>.

- Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threatens the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- Public apology, including acknowledgement of the facts and acceptance of responsibility;
- Judicial and administrative sanctions against persons liable for the violations;
- Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels, including for law enforcement officers, prosecutors and judges.

2.4. Failure to address allegations of war crimes committed by senior officials

In its 2010 report *Behind a Wall of Silence: Prosecution of War Crimes in Croatia* (EUR 64/003/2010), Amnesty International documented in detail allegations related to the potential command responsibility of some senior government officials for war crimes committed during 1991-1995. Those allegations were related to Davor Domazet Lošo (General of the Croatian Army), Vladimir Šeks (Deputy Speaker of the Croatian Parliament) and Tomislav Merčep (War-time Assistant Minister of the Interior), who was arrested in December 2010 following the publication of Amnesty International's report.¹²

Amnesty International is extremely concerned that the Ministry of Justice found no grounds for conducting an investigation into Vladimir Šeks alleged command responsibility for war crimes¹³. The refusal by the Ministry to consider whether evidence in the public domain may warrant an investigation demonstrates a troubling lack of impartiality which may be perceived as pressure on the independence of the justice system, including the State Prosecutor's Office, whose responsibility it is to investigate such evidence.

Amnesty International and other NGOs, including the Youth Initiative for Human Rights, raised concerns regarding Vladimir Šeks based on Croatian court judgments of 8 May 2009 in the case against Branimir Glavaš and other co-accused.¹⁴ The Zagreb County Court in the verdict of 8 May 2009 in the above-mentioned case established that on 29 July 1991, Vladimir Šeks was appointed President of the Regional Crisis Headquarters for the Eastern Slavonija Region. In this post, Vladimir Šeks was responsible for "general supervision of the activities of the Headquarters and managed the work of the Headquarters as a whole".¹⁵

From the court judgement, witnesses' testimonies, NGO and media reports, it appears that Vladimir Šeks may not have taken any steps with respect to members of the armed forces under his command or other persons under his control, to prevent and, where necessary, to suppress or to report to competent authorities breaches of the Geneva Conventions and of Protocol I.

¹² See Amnesty Press release available at: <http://www.amnesty.org/en/news-and-updates/croatian-war-crimes-suspect-arrested-2010-12-10>.

¹³ Croatian Ministry of Justice observations on Amnesty International's report "Behind a Wall of Silence" January 2011. Available at: <http://www.monitor.hr/clanci/ocitovanje-ministarstva-pravosuda-na-izvjestaj-amnesty-internacionala/45279/>

¹⁴ See Amnesty International report *Behind a Wall of Silence: Prosecution of war crimes in Croatia* (EUR 64/003/2010), December 2010. Pp.26-28. Available at: <http://www.amnesty.org/en/news-and-updates/report/croatia-urged-speed-war-crimes-prosecutions-2010-12-09>.

¹⁵ RH vs. Branimir Glavaš, Ivica Krnjak, Gordana Getoš-Magdić, Dino Kontić, Tihomir Valentić and Zdravko Dragić, Case No. X K-rz-1/07, Zagreb County Court. Judgement of 8 May 2009. p9.

Amnesty International is concerned that the allegations against Vladimir Šeks have not yet been investigated. According to the Geneva Conventions, which Croatia is a party to, military and civilian superiors may be criminally responsible for the acts of their subordinates if they knew, or had information that such crimes under international law were committed or were about to be committed.

In March 2011 a Croatian NGO, The Youth Initiative for Human Rights (YIHR) published a report "Against Immunity of Power" on lack of prosecution of war crimes allegedly committed by political and military senior officials.¹⁶

3. ABSENCE OF AN EFFECTIVE STRATEGY TO IMPROVE THE CAPACITY OF THE JUSTICE SYSTEM FOR TACKLING IMPUNITY FOR WAR CRIMES

Amnesty International is concerned that the lack of capacity of the justice system has not been adequately addressed in the *Strategy for the Investigation and Prosecution of War Crimes Committed in the Period 1991-1995* adopted by the Croatian government in February 2011 (Strategy).

Amnesty International welcomes the adoption of the strategy as a commitment to reflect the scope of the problems faced by the justice system. However, the organization is concerned that the authorities have failed to analyse in the strategy a wide range of problems in the justice system, including ethnic bias in war crimes proceedings, inadequate legal framework, lack of sufficient witness protection and support system and the large number of war crimes cases that have not yet been investigated.

The strategy also fails to propose specific activities, measures and timelines, which would enable respective authorities to take concrete steps to improve the strategy's implementation and monitor progress. Those concerns are discussed in more detail in the paragraphs below.

3.1. Failure to identify the total number of war crimes cases

Amnesty International is concerned that the strategy lacks information about concrete activities that the authorities are planning to undertake in order to identify the total number of crimes allegedly committed during the war, including the number of all persons killed as well victims of enforced disappearance, torture, rape and other crimes under international law. Identifying the total number of crimes constitutes a necessary prerequisite to any meaningful effort to address impunity for these crimes. Without it the authorities are not able to identify the resources needed to address those crimes, some of which were committed almost 20 years ago.

Currently there are around 500 cases in Croatia, which have been reported to the State Attorney's Office and need yet to be investigated.¹⁷ However, based on its research, Amnesty International believes that the number of open cases is higher than stated.

The organization has documented considerable discrepancies between the numbers recorded by the authorities and the number of incidents of war crimes and other crimes under international law that families of victims and other witnesses report.¹⁸

¹⁶ The report is available at: <http://hr.yihr.org/en/article/68/Against-immunity-of-power-report-on-prosecution-of-war-crimes>

¹⁷ Information is available at State Attorney's website: <http://www.dorh.hr/PodaciOPrijavama2>

¹⁸ See Amnesty International report *Behind a Wall of Silence: Prosecution of war crimes in Croatia* (EUR 64/003/2010), December 2010. Pp.33-36. Available at: <http://www.amnesty.org/en/news-and-updates/report/croatia-urged-speed-war-crimes-prosecutions-2010-12-09>.

For example, in the Sisak area, estimates on the numbers of victims vary. The Croatian authorities, including the County Prosecutor in Sisak, estimate that 35 Croatian Serbs were killed or forcibly disappeared in the Sisak area. However, associations of victims give much higher estimates (between 100 and 600 war crimes victims). As explained above, Amnesty International is also concerned that many of the war crimes committed during “Operation Storm” have not yet been investigated by the authorities.

The State Attorney’s statistics largely do not include persons in command or superior responsibility, including the potential command responsibility of senior officials: Davor Domazet Lošo and Vladimir Šeks. The crimes for which those individuals may have been potentially responsible are not reflected in the database. The Youth Initiative for Human Rights, in its report of March 2011, analyse more examples of unprosecuted cases of alleged criminal responsibility and point out that the problem is systematic.¹⁹ Amnesty International is concerned that other crimes based on the principle of command or superior responsibility may also not be included in the database.

3.2. Ethnic bias in prosecutions

Amnesty International is concerned that very little has been done between November 2010 and May 2011 to reverse the worrying trend of ethnic bias in prosecutions, evident from the statistical information provided by the government of Croatia. Out of all war crimes proceedings conducted since 1991, less than **three per cent** involved cases against ethnic Croats.²⁰ In official statistics for the period 2005-2009, out of the total number of 88 war crimes verdicts issued in Croatia, 73 related to members of the Yugoslav National Army, Croatian Serb forces or paramilitary units. Cases against Croatian Serbs constituted nearly 83 per cent of all war crimes cases prosecuted in Croatia in the last five years.

In its strategy the government argues that the number of judgements against Croatian Serbs reflect the number of reported war crimes cases recorded in the official database of the state Attorney’s Office. However, the State Attorney has also admitted that the official records do not include information about all war crimes reported between 1991 and 2010.²¹ This is clear from large number of sources, including the above-mentioned judgement of the Tribunal, data provided by NGOs and victims, as well as from concluded and ongoing compensation proceedings.

Additionally, many of the prosecutions, which took place in *in absentia* trials were largely targeted against Croatian Serbs. Out of 148 members of the Yugoslav People’s Army (JNA) or Croatian Serb forces or paramilitary units prosecuted for war crimes nearly 44 per cent (65 individuals) were tried in their absence.

According to the strategy judgments were systematically analysed and assessed in 2009, and proceedings were reopened or terminated in cases where this was found necessary. Amnesty International welcomes those developments. However, the organization remains concerned that the review of *in absentia* trials has been so far conducted in a limited scope. For example, according to the 2010 OSCE Status Report published in November 2010, as of October 2010 the State Prosecutor’s Office had sought judicial review of only 20 per cent of the convictions (93 convictions out of the total number of 465).²² The 2010 OSCE Status Report also observed that “based on the new legal possibility, four defendants have requested such renewals, with three of them having had their requests rejected”. The report further noted that “Edita Radjen is the only defendant who got her request for renewal granted for the time being, after proceedings which lasted over four years.”

¹⁹ The report is available at: <http://hr.yihr.org/en/article/68/Against-immunity-of-power-report-on-prosecution-of-war-crimes>

²⁰ Information is available at State Attorney’s website: <http://www.dorh.hr/PodaciOPrijavama2>

²¹ *ibid*

²² *Status Report of the Head of the OSCE Office in Zagreb to the OSCE Permanent Council*, Organisation for Security and Cooperation in Europe. 18 November 2010.

Based on the information provided by the OSCE Amnesty International believes that the issue of *in absentia* proceedings still remains to be fully addressed as 80 per cent of *in absentia* convictions are yet to be reviewed.

Moreover, the organization is concerned that the new procedure, which theoretically allows individuals to request reviews of *in absentia* convictions, is ineffective. This is due to the fact that 75 per cent (three out of four) of such requests have been rejected. It is also of great concern that the only review which was granted upon the applicant's request took four years to be decided. Moreover, such reviews do not address the need to vacate all judgments obtained *in absentia* and to provide new trials with a full opportunity to present a defence and to contest the evidence before different judges.

3.3. The inadequacy of the legal framework

Amnesty International is concerned that the legal framework applied in Croatia to prosecute crimes committed during the 1991-1995 war continues to be inadequate and in some cases may result in impunity.

The organization notes that the strategy claims that clear prosecutorial standards have been defined by the authorities for prosecuting and sanctioning war crimes, and the legal framework has been adjusted accordingly. Amnesty International welcomes information about these amendments. However, the organization notes that these changes will largely apply to the 1997 Criminal Code, which is not applied by the Croatian justice system when prosecuting war crimes committed between 1991 and 1995.

The authorities must ensure that all relevant international standards are applied related to war crimes and other crimes under international law committed between 1991-1995, including those related to war crimes of sexual violence, command responsibility and crimes against humanity.

The Croatian authorities object to applying the 1997 code to crimes committed during the war on the grounds that this would violate the principle of legality.²³ Amnesty International notes that the argument is incorrect and results in impunity for war crimes committed during 1991-1995 war.

The prohibition of crimes against humanity has been recognized as part of customary international law since the Second World War. The prohibition is also recognized as *jus cogens*. All states are obliged under international law to punish perpetrators of crimes against humanity, or extradite them to a state capable of doing so, regardless of whether crimes against humanity were explicitly criminalized under their domestic law at the time of their commission or not. Since crimes against humanity are universally recognized as crimes under international law – and were so during the time these acts were committed in the former Yugoslavia – prosecution and punishment does not violate the principle of legality, even if they were not expressly criminalized in domestic law at the time they were committed.

The principle was recognized in the Nuremberg Charter and judgments based on it. If this were not the case, prosecutions of the most serious international crimes, such as those tried at the International Military Tribunal at Nuremberg, or the International Criminal Tribunal for the former Yugoslavia, would not be possible.

Croatia is obliged to recognize in all circumstances the supremacy of both conventional international law and customary international law with regard to its national law. This

²³ Croatian Ministry of Justice observations on Amnesty International's report "Behind a Wall of Silence" January 2011. Available at: <http://www.monitor.hr/clanci/ocitovanje-ministarstva-pravosuda-na-izvjestaj-amnesty-internacionala/45279/>

obligation applies to all national law, including Croatia's constitution and other legislative framework. Therefore, Croatia, should have undertaken all legislative and constitutional amendments necessary to comply with its obligations under treaties and customary international law – such as the obligation to investigate and prosecute those responsible for crimes under international law.

3.4. Low capacity of the justice system

According to government statistics the capacity of the justice system is extremely low and only 18 cases on average are prosecuted each year.²⁴ There are around 1,500 pending cases (546 on pre-investigative stage, 373 ongoing investigations, and 596 ongoing court proceedings).²⁵ Amnesty International notes that these numbers reflect only the war crimes cases that have been recorded by the State Attorney's Office, but they fail to include all incidents of war crimes and other crimes under international law which were committed during the 1991-1995 war.

Lack of adequate investigations into the enforced disappearances, abductions and deaths of war crimes victims was identified as a human rights violation by the European Court of Human Rights (ECtHR) in January 2011.²⁶ 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 in 2010, proceedings were terminated under an amnesty law.

Croatia is obliged to implement both judgments of the ECtHR unless they are appealed before the Grand Chamber. In implementing them they are obliged to introduce adequate reforms of the country's justice system so that the same violations do not re-occur.

Amnesty International is concerned that the authorities have failed to put in place mechanisms, which would enable victims of crimes under international law to receive justice in the proceedings before the domestic courts, and that the strategy falls short of solutions to increase the resources of the justice system in order to ensure access to justice.

The prosecution of cases takes place by prosecutors and judges who have no experience and training in international criminal law; and in court rooms which lack basic equipment for witness protection and witnesses in war crimes proceedings in the light of the risk of them being intimidated and verbally abused in the courtroom by Croatian army veterans.

Provision of witness support and protection is inadequate, preventing many potential witnesses to come forward and testify to or report war crimes. The unresolved case of the murder of Milan Levar sent a negative signal to all potential witnesses, which can be interpreted as a lack of will of the authorities to protect witnesses, in particular in cases they are testifying against ethnic Croats.

Amnesty International is concerned that the strategy falls short of proposals to allocate resources in order to improve the quality and speed of investigations and prosecutions. Without additional resources the justice system will have difficulties to prosecute more than the 18 cases per year it currently processes. The strategy also lacks a concrete plan of activities to be undertaken by the competent authorities and institutions in order to increase their effectiveness. The strategy also lacks information about concrete timelines for such activities.

²⁴ The information is based on a 2005-2009 analysis of war crimes proceedings done by the Ministry of Justice, which stated that there were 88 cases prosecuted in five years.

²⁵ Based on the numbers provided by the Ministry of Justice in the document of February 2011: Strategy for Investigation and Prosecution of War Crimes Committed in the Period 1991-1995 and the latest numbers provided by the state Attorney's Office in April 2011, which are not consistent in some places.

²⁶ Case Of Skendzic and Krznaric v. Croatia, European Court of Human Rights, January 2011 (16212/08)

Amnesty International welcomes the decision to refer war crimes cases to the four specialized courts in Zagreb, Osijek, Rijeka, Split. In particular Amnesty International welcomes the statement that “transferring trials avoids potential objections related to the conduct of proceedings, especially objections concerning impartiality. At the same time, when dealing with complex cases, it is possible to conduct more efficient and professional proceedings in better equipped courts and by judges with relevant experience”.²⁷

However, the organization is concerned that the decision refers only to “significant” war crimes cases, but the lacks explanation as to what criteria will be used when deciding on cases suitable for transfer.

According to the strategy, in 2010 twelve cases have been transferred to the specialized courts. However, all of those cases continue to be on pre-investigative or investigative stage. It has yet to be seen whether the transfer of the 12 cases will translate directly into improved access to justice for victims – especially considering the fact that prosecution of such cases in Croatia takes at least several years.

4. CONCLUSIONS AND RECOMMENDATIONS

Amnesty International is concerned that authorities in Croatia have made very limited progress in resolving the outstanding issue of ensuring accountability for war crimes and other crimes under international law. The organization notes that in the context of the EU accession process the authorities have made commitments to improve the quality of war crimes proceedings, including by adopting a new strategy. However, it appears that this is not translated into concrete, targeted and systematic action in practice.

The statements of government officials after the April judgement of the Tribunal revealed that there is no political will in the country to prosecute crimes under international law, irrespective of the ethnicity of those responsible and the victims. Amnesty International considers that this approach undermines the principles of international justice.

Amnesty International calls on the EU and other members of the international community to continue providing support to the Republic of Croatia in its efforts in the prosecution of war crimes, both by allocation of resources where necessary and by providing international monitoring of war crimes trials.

Amnesty International also calls on the EU to continue to measure Croatia’s progress in prosecuting war crimes not against verbal statements, but concrete measures on the ground.

²⁷ *Strategy for Investigation and Prosecution of War Crimes Committed in the Period 1991-1995*. Ministry of Justice of Republic of Croatia, February 2011.