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Croatia: Impunity for war crimes must end

The European Union (EU) Council's decision on 16 March to delay the start of EU accession negotiations with Croatia sends a strong message to the Croatian authorities that impunity for war crimes and crimes against humanity must end, Amnesty International said today.

The EU Council decided not to begin accession talks on 17 March, as originally scheduled. These will be opened only after it is established that Croatia is fully cooperating with the International Criminal Tribunal for the former Yugoslavia (Tribunal).

"The Croatian authorities must fully and unconditionally cooperate with the Tribunal. They must arrest and transfer to the Tribunal's custody former Croatian Army General Ante Gotovina, who is charged with crimes against humanity and war crimes committed in 1995," Omer Fisher, Amnesty International's researcher on Croatia said.

The crimes that General Gotovina is accused of were committed during Operation "Storm". They include the unlawful killing of at least 150 Croatian Serbs and the plunder and destruction of property, aimed at discouraging or preventing Croatian Serbs from returning to their homes. Ante Gotovina is currently at large and believed to be in Croatia.

"The task of tackling impunity for war crimes and crimes against humanity allegedly committed by members of the Croatian Army and police forces should not be left only to the Tribunal. The Croatian authorities must conduct thorough and impartial investigations into all such crimes going back to the start of the armed conflict in 1991," Omer Fisher said.

To date, efforts by the Croatian judicial system to bring perpetrators of war crimes and crimes against humanity committed against Croatian Serbs to justice have been largely insufficient. Proceedings before domestic courts have only resulted in a handful of convictions and impunity remains widespread.

The following case is an example of the ongoing failure to bring perpetrators of war-time human rights violations to justice. In the night of 3-4 October 1991, six captured Yugoslav Army reservists were reportedly transferred by men in Croatian special police uniforms from their place of detention at the Bjelovar Police Department to a wood near the village of Malo Korenovo. There they were shot dead. Almost 15 years after they were committed, these crimes remain unresolved. Three former Croatian police officers and one police officer still in service, who were suspected of having taken part in the killings, were tried and acquitted by the Bjelovar County Court in 2001. In May 2004 the Croatian Supreme Court quashed the acquittal verdict and ordered a retrial of the suspects. The new trial, which began in

November 2004 at the Varaždin County Court, ended on 28 February 2005 with another acquittal, reportedly for lack of evidence.

The EU Copenhagen Criteria require that institutions in candidate countries guarantee democracy, the rule of law, human rights and respect for and protection of ethnic minorities.

"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," Omer Fisher said.

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 still to be 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.

The Croatian government officially applied for membership in the EU in February 2003 and in June 2004 the EU granted Croatia the official status of candidate country. In December the EU Council decided that negotiations on Croatia's accession would begin on 17 March 2005, provided that Croatia fully cooperated with the Tribunal. Amnesty International takes no position on whether or not any candidate country should join the EU.

For further information on Amnesty International's concerns on impunity for war crimes and crimes against humanity in Croatia see also: *A shadow on Croatia's future: Continuing impunity for war crimes and crimes against humanity* (AI Index: EUR 64/005/2004)
<http://web.amnesty.org/library/index/engeur640052004>

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