



January 2008

country summary

Croatia

Croatia's human rights record saw modest improvement in 2007, linked in part to its candidacy for European Union membership. Key continuing problems relate to the legacy of Croatia's 1991-95 war. There was insufficient progress in removing the remaining obstacles to the return and reintegration of refugee Serbs. There was some movement toward genuine accountability for wartime abuses, but the impartiality and effectiveness of domestic prosecutions remains in question.

Return and Reintegration of Serbs

There was limited progress toward resolving the ongoing obstacles to the return and reintegration of displaced and refugee Serbs. As of July 2007 around 125,000 of the 300,000 to 350,000 Serb refugees who fled the conflict were registered as having returned to Croatia. Around 60 percent of those who return stay permanently in Croatia. Figures from the United Nations High Commissioner for Refugees (UNHCR) indicate that 1,745 Serbs returned between January and September 2007. More than 80,000 refugees in neighboring countries have yet to decide about their future.

Serbs, particularly returnees, continue to suffer violence and intimidation, although at a lower rate in 2007 than in previous years. Police showed improved efficiency in the apprehension of perpetrators of inter-ethnic criminal incidents. However, prosecutions frequently drag, with resolution long separated from incidents and attacks rarely qualified as "hate crimes."

In the most serious incident of the year, in July 2007 a Serb father and his son who were returning to Gornji Vrhovci village were beaten in their home following an alleged land dispute. Their assailants then locked them in a room and set fire to the house, but the victims escaped. At this writing, three suspects await trial on charges of attempted murder. In February the Serb Orthodox Church in Sibenik reported a series of attacks on church property and Serb returnees in the Kistanje area, and in

October six Serb-owned reconstructed houses in the Zadar area were damaged. At this writing, three juveniles have been charged with criminal damage. In April seven members of Serbia's national hockey team were assaulted by a group of about 20 young men in Zagreb.

Serbs continued to face practical difficulties repossessing occupied homes, despite court judgments in their favor. Some cases were delayed in lengthy court proceedings. Access to reconstruction assistance for wartime damage is available to Serbs, but applications are frequently refused on procedural grounds and at least 9,000 appeals are pending. There remains no effective remedy for those seeking the return of occupied agricultural land.

There was little progress toward a viable solution for Serbs stripped during the war of the right to occupy socially-owned property (tenancy rights), an issue linked to the return of Serbs. Delays and flawed procedures mean that the number of Serb former tenancy-right holders allocated social housing remains small. As a result, a June 2007 decision allowing people allocated social housing in previously war-affected areas to buy their homes at below market prices is unlikely to benefit many Serbs. No comparable right to buy exists in urban areas, where limited housing stock further complicates access for Serb former tenancy-right holders.

There was no progress toward recognizing working time between 1991 and 1995 in Serb-occupied areas for the purposes of Croatian state pensions, compromising the financial security of returnee and other elderly Serbs.

There was movement toward the implementation of minority rights legislation at the national level in 2007, notably with the publication of the Central State Administration Office's annual employment plan that included for the first time statistics on minority employment and hiring targets at central and county level. No such plan exists for hiring in the judiciary, however, and the Council for National Minorities assessed that legal guarantees for minority representation in state administration are not fully respected.

War Crimes Accountability

The conviction in June 2007 of Milan Martić by the International Criminal Tribunal for the former Yugoslavia (ICTY) for war crimes against Croats, for which he received a 35-year sentence, was welcomed by Serbs and Croats alike. But the October ruling by the court in the so-called Vukovar Three trial was criticized by the Croatian parliament for leniency after Miroslav Radić was acquitted and Veselin Sljivčanin given five years' imprisonment in a case dealing with the 1991 mass killing of Croats in Vukovar; the third defendant, Mile Mrksić, received a 20-year sentence. The ICTY prosecutor appealed against the sentence and verdict on Mrksić and Sljivčanin.

There were several high-profile trials of Croats in domestic courts in 2007, including that of Branimir Glavas and six others for the wartime murder of Serb civilians in Osijek, which began in October. The stripping of Glavas's immunity as a member of parliament in May 2006 had opened the way for proceedings against him. The first case transferred to Croatia from the ICTY (in September 2005), that of Rahim Ademi and Mirko Norac for the murder of Serb civilians in the Medak pocket, went to trial in June 2007. Both of these trials are ongoing at this writing.

Serbs continue to make up the vast majority of defendants and convicted war criminals in Croatia, a disproportion so large it suggests bias as a factor. According to statistics released by the state prosecutor's office in May, of 3,666 people charged with war crimes since 1991, 3,604 were prosecuted for involvement in aggression against Croatia, while 62 were members of the Croatian armed forces. The absence of an agreed threshold for determining when acts should be prosecuted as war crimes may also provide part of the explanation for the disparity. Prosecutors received evidence from the ICTY to facilitate the prosecution of Tomislav Mercep for crimes in 1991 against Serbs, but at this writing the trial has yet to begin. Serb victims of other wartime abuses, including the disappearance of over 100 civilians in Sisak, continue to wait for justice. The Sisak abuses were finally categorized as war crimes, allaying fears that they would be subject to the 15-year statute of limitation applied to ordinary murders.

Many prosecutions and trials against Serbs remain of questionable standard, with concerns relating to fairness—particularly for those tried in absentia or prosecuted in

areas where the crimes occurred—and about the effectiveness of the court-appointed defense lawyers. In absentia trials are opposed by the prosecutor's office in Zagreb, but continue to take place for war crimes, defendants mostly being Serbs: at the end of October 2007, 19 of the 23 defendants on trial in absentia were Serbs.

Trials against Croats for wartime abuses were far more likely to result in acquittals. In March the Karlovac County Court acquitted for the third time Mihajlo Hrastov over the 1991 killing in the Karlovac area of 13 Yugoslav Army reservists who had surrendered, the Supreme Court having overturned two previous acquittals. The case highlighted the continued predominance of trials in local courts where the crimes occurred, rather than the four courts designated to try war crimes.

Efforts to improve Croatia's cooperation with neighboring states as a way to overcome barriers to prosecution posed by extradition rules bore fruit in May 2007, when Croatia's transfer of evidence to Serbia led to the latter's arrest of 12 people for crimes against Croats in Lovas, near Vukovar. However, as noted by the Human Rights and Legal Affairs Committee of the Council of Europe in May, further progress was required to lower barriers to inter-state judicial cooperation, particularly in relation to the participation of refugee and other witnesses living elsewhere. Securing the participation of Serb witnesses residing outside Croatia proved difficult in the Ademi-Norac case.

Human Rights Defenders

Findings and requests for information to the government by the Human Rights Ombudsman were routinely ignored by the authorities, in the absence of powers to sanction for non-compliance. The institution was also compromised by a continuing proliferation of specialized ombudsmen, including on children and gender, rather than the development of a single institution with specialized departments or deputies.

In January 2007 the head of the Office for Associations arranged for secret service vetting of members of the state Civil Society Development Council. The government rejected her claims that it had authorized the vetting, and she was subsequently relieved of her post.

Key International Actors

The future of the Organization for Security and Co-operation in Europe (OSCE) Mission to Croatia was called into doubt following signals from the OSCE chairman-in-office, the head of mission, and the United States government that it should close at the end of 2007. At this writing the OSCE Permanent Council has yet to take a decision. The uncertainty undermined the mission's effectiveness, particularly its engagement on Serb returns issues with recalcitrant local authorities.

As a candidate for membership of the European Union, Croatia is expected to move toward meeting the EU's human rights criteria, although the willingness of the EU to prioritize war legacy issues remains in question. The European Commission annual report on Croatia published in November made reference to the rights of Serbs and other minorities, including obstacles to the reintegration the returning refugees and displaced persons, and domestic war crime prosecutions.