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Croatia: Operation "Storm" - still no justice ten years on

Ten years ago, on 4 August 1995, Croatian forces began Operation "Storm", to retake areas under *de facto* Croatian Serb control. On the occasion of the tenth anniversary of Operation "Storm", Amnesty International calls on the Croatian authorities to immediately start fulfilling their obligation to bring to justice all those responsible for war crimes and crimes against humanity committed during the 1991-95 war, regardless of the ethnicity of the victims or of the perpetrators.

In May and August 1995, the Croatian Army and police forces recaptured Western Slavonia and the Krajina region. During and after these military offensives, some 200,000 Croatian Serbs, including the entire Croatian Serb Army, fled to the neighbouring Federal Republic of Yugoslavia and areas of Bosnia and Herzegovina under Bosnian Serb control. In the aftermath of the operations members of the Croatian Army and police murdered, tortured, and forcibly expelled Croatian Serb civilians who had remained in the area as well as members of the withdrawing Croatian Serb armed forces. Steps taken by the Croatian authorities to investigate such crimes, to bring to justice those responsible, and to award reparations to the victims and their families have been largely insufficient.

Former Croatian Army General Ante Gotovina is charged by the International Criminal Tribunal for the former Yugoslavia (Tribunal) with crimes against humanity and war crimes, including the murder of at least 150 Krajina Serbs, committed against the Croatian Serb population during and after Operation "Storm". To date, the Croatian authorities have failed in their obligation to locate, arrest, and transfer to the Tribunal's custody Ante Gotovina. In her address to the UN Security Council in June 2005, the Tribunal Prosecutor stated that "in the first part of this year, the efforts made by the authorities [to arrest Ante Gotovina] were neither pro-active, nor focused, and several incidents occurred where sensitive information was manipulated so as to obstruct the investigation against Gotovina and his protective networks". The Tribunal Prosecutor also noted that there are indications that Ante Gotovina can still count on active support networks, including within state institutions.

The failure of the Croatian authorities to fully cooperate with the Tribunal and to arrest Ante Gotovina led to the European Union's decision to indefinitely postpone the beginning of membership negotiations with Croatia which were due to start on 17 March 2005.

Proceedings conducted by domestic Courts in Croatia have failed to bring justice to all victims, and their families, of war crimes and crimes against humanity. While Croatian courts have been vigorous in pursuing the prosecution of Croatian Serbs and others accused of committing war crimes against ethnic Croats, they have done little to tackle impunity for violations committed by members of the Croatian Army and police forces. Crimes against Croatian Serbs committed during Operations "Flash" and "Storm", as

well as in previous phases of the conflict are often not acknowledged, investigated, and their perpetrators have largely enjoyed impunity.

In a report issued in December 2004, *A shadow on Croatia's future: Continuing impunity for war crimes and crimes against humanity*, (<http://web.amnesty.org/library/index/engneur640052004>) Amnesty International had documented a pattern of widespread impunity including for killings and “disappearances” of Croatian Serbs committed in Sisak in 1991-92. To Amnesty International's knowledge, no progress was made in the investigation of these crimes and in the prosecution of those responsible.

The latest Organization for Security and Co-operation in Europe (OSCE) report on Croatia's progress in meeting international commitments, issued in July 2005, noted that Croatian Serbs continue to represent the vast majority of those prosecuted (often *in absentia*) for war crimes and crimes against humanity, while in 2005 no new prosecutions have been initiated against members of the Croatian armed forces.

The failure to ensure that the Croatian judiciary addresses all violations, regardless of the ethnicity of the victims or of the perpetrators, is in breach of Croatia's international obligations, and seriously undermines the rule of law.

Out of approximately 300,000 Croatian Serbs displaced during the 1991-95 war, only approximately 117,000 are officially registered as having returned. According to the UN High Commissioner for Refugees, some 200,000 Croatian refugees, mostly Croatian Serbs, are still displaced in neighbouring countries and beyond. Many Croatian Serbs, especially those who formerly lived in urban areas, cannot return because they have lost their tenancy rights to socially-owned apartments. Croatian Serbs continue to be the victim of discrimination in access to employment and in realising other economic and social rights; some cases of violence and harassment against Croatian Serbs continue to be reported.

Amnesty International reiterates its call on the Croatian authorities to address impunity for war crimes and crimes against humanity, through full and unconditional cooperation with the Tribunal, with a view to ensuring that Ante Gotovina is arrested and transferred to the Tribunal's custody.

Amnesty International notes with interest that the Croatian authorities appear to have recently taken initial steps to investigate killings and “disappearances” of Croatian Serbs in Osijek committed in 1991-92; the organization will closely monitor the efforts of the authorities to end impunity for these crimes. Amnesty International urges the Croatian authorities to begin similar investigations in all other cases where members of the Croatian Army and police forces were suspected of having committed war crimes and crimes against humanity. Impunity must end for crimes committed during Operations “Flash” and “Storm” as well as for killings, “disappearances” and torture committed against Croatian Serbs in the first phase of the conflict.

Finally, Amnesty International urges the authorities to ensure that all obstacles to the sustainable return of Croatian Serb refugees are removed, including by ensuring access to housing and by ending discrimination against Croatian Serbs.