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REFERENCE: jmn/mm/fg/follow-up/CAT

13 May 2008

Mrs. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of Croatia (CAT/C/54/Add.3) at its 598th and 601st meetings (CAT/C/SR.598 and 601), held on 6 and 7 May 2004. At the end of this session, the Committee's Conclusions and Recommendations (CAT/C/CR/32/3) were transmitted to your Permanent Mission.

In those Conclusions and Recommendations the Committee requested Croatia to provide, within one year, information on its response to the Committee's recommendations contained in paragraph 9 (a), (b), (f), (n) and (p). This is part of the procedure through which the Committee follows up on specific recommendations that are serious and protective.

Thank you for your Government's communication of 12 July 2006 which contained responses concerning the recommendations identified for follow up (CAT/C/HRV/CO/3/1Add.1). Having reviewed it, I am writing to request clarification as to the following matters, where sufficient information is not yet provided to enable the Committee to complete an analysis of the progress made regarding implementation of aspects of the Convention.

Your response with regard to the Committee's recommendation in paragraph 9(a) provides very useful additional information about Croatia's State Attorney's Office efforts, as allowed for under the Criminal Procedure Act, to ensure impartial, full and prompt investigations into all allegations of torture and other cruel, inhuman or degrading treatment. However, there did not appear to be information about measures taken to ensure the provision of fair and adequate compensation for the victims of such crimes. We would appreciate clarification of what measures in place to ensure that victims are able to receive such compensation for acts of torture and other cruel, inhuman or degrading treatment.

The Committee is pleased to learn of your Government's cooperation with the International Tribunal of Former Yugoslavia (ICTY) in regard to the recommendation in paragraph 9(b). We would appreciate further information regarding the number of indicted persons who have been transferred to the Court for trial. Furthermore, if indictees have been or will be transferred back to national courts to undergo prosecution in Croatia, what are the oversight mechanisms in place to ensure that such persons are brought before a criminal tribunal? Additionally, we would welcome any information on cases relating to torture or other war crimes that have already been prosecuted in Croatia, including the number of cases, their outcomes and sentences for these cases. Please also provide information on the witness protection mechanisms in place to prevent persons testifying in such cases from becoming targets of violence or other reprisal.

H.E. Mrs. Mirjana MLADINEO  
Ambassador Extraordinary and Plenipotentiary  
Permanent Mission of Croatia to the United Nations Office at Geneva  
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Thank you for the information provided regarding the adoption of measures to improve material conditions of reception centres for asylum seekers and immigrants, as requested in the Committee's recommendation 9(f). The Committee noted the important renovations and expansion of asylum seeker reception and accommodation capacities aimed at improving the conditions for the implementation of various programmes. Your report stated that you expected renovations to be completed in June 2006. The Committee would be grateful for updated information on this, as well as information on plans for other reception centers to accommodate asylum seekers.

In regard to the recommendation in 9(n) concerning the measures undertaken to ensure the professionally, legally and ethically correct methods and practices of the police officers, we appreciated the information provided about training manuals and instructions to relevant units. Does your Government have other plans to ensure the systematic review of the rules, methods, and practices themselves, for example by providing for regular inspections, or other oversight of police personnel? Do the training manuals described provide specific information on matters related to the prohibition against torture and ill-treatment and other human rights obligations under the Convention?

In paragraph 9(p) the Committee requests statistical data regarding cases of torture and other forms of cruel and inhuman or degrading treatment or punishment reported to administrative authorities and the result of the investigations, disaggregated by, *inter alia*, gender, ethnic group, geographical region, and type and location of place of deprivation of liberty, where it occurred. Please provide the Committee with this detailed information. If this information is not available, please outline the Government's plans to improve criminal statistics data so that it will be obtained.

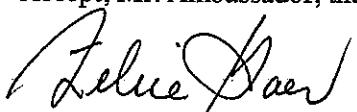
The Committee particularly appreciates learning about the criminal offenses and disciplinary measures the Government initiated under Articles 126 (Extortion of Statements by Coercion) and 127 (Maltreatment in Discharge of Duty or Public Authority) of the Criminal Code, noting in particular the number of teachers disciplined under the latter provision. Please clarify the nature of the disciplinary measures imposed. Noting that not a single criminal offence referred to in the Article 176 of the Criminal Code (Torture and Other Cruel, Inhuman or Degrading Treatment) was detected and reported, can you clarify the reasons? The Committee would appreciate updated information on the number of complaints received regarding offences referred to in Article 176, and about the existing complaints mechanisms for offences of Articles 125 and 126, including information on who receives the complaints, and who carries out the investigations.

In 2006, the European Commission reported that there was no decrease in the number of ethnically motivated attacks against the Serb Minority, and that there is still insufficient police investigation and prosecution for such incidents. Under what Article of the Criminal Code are these incidents being reported? What measures have the State Attorney's Office taken to ensure prompt and effective investigations, processing and appropriate criminal sanctioning of ethnically motivated attacks which may fall under Article 176? The Committee would appreciate receiving statistical data regarding ethnically motivated attacks disaggregated by, *inter alia*, gender, ethnic group, geographical region, and type and location of place of deprivation of liberty, and where it occurred.

Lastly, the Committee reiterates its request for information under paragraph 9(p) regarding complaints and cases filed with domestic courts, including the results of investigations and the outcomes for the victim in terms of redress and compensation.

Upon receipt of additional information, the Committee will be able to assess whether further information may be required. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Republic of Croatia on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest considerations.



Felice Gaer

Rapporteur for Follow-up on Conclusions and Recommendations  
Committee Against Torture