

EXTERNAL



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Impunity following the death in custody of Šefik Mujkić

According to reports received by Amnesty International, on 15 September 1995 Šefik Mujkić, a Croatian citizen of Bosniac (Bosnian Muslim) origin died as a result of police torture. On the said day Šefik Mujkić was summoned to the police station in Slavonski Brod because of an unpaid parking ticket. When he arrived at the station he was arrested on suspicion of performing the criminal act of "espionage" and taken to the offices of the local branch of the Service for the Protection of the Constitutional Order (*Služba za Zaštitu Ustavnog Poretka*, or SZUP) for an "informative interview"¹. Later accounts of the events in the Croatian media suggested that Šefik Mujkić worked as an informal negotiator for the SZUP and the Croatian Ministry of the Interior, facilitating prisoner exchanges with the Bosnian Serb military authorities during the armed conflict in Bosnia-Herzegovina, and that his ill-treatment had been in revenge for a dispute which had arisen between him and the local SZUP.

The reports state that immediately upon Šefik Mujkić's arrival at the SZUP offices, two officers belonging to the Osijek branch of the SZUP² started beating him. Šefik Mujkić was then taken to a basement room where for the next several hours he continued to be severely beaten and tortured, including by electro-shocks. In addition, the police officers carved a U-shaped letter in his right arm. Šefik Mujkić died in police custody in the early evening of the same day.

According to a forensic expert of the Institute for Forensic Medicine and Criminology in Zagreb, who performed the autopsy on Šefik Mujkić's body on 17 September 1995, his death was caused by the numerous injuries he received. The autopsy report states that the victim suffered multiple bruises, apparently caused by blows with oblong objects, and a fractured rib, while he was either in a seated position or lying down, with his hands handcuffed behind his back. A further analysis of the autopsy report and the preliminary external examination of the body was done by a Slovenian forensic expert a month later on request of the Mujkić family, who concluded that Šefik Mujkić's death was caused by severe traumatic shock he suffered as a result of the injuries.

¹ The term *informativni razgovor* refers to an informal questioning by the police, usually to establish a suspect's identity.

² The identity of the two officers is known to Amnesty International.

After the Mujki family filed a complaint against unknown perpetrators for the death of their relative, the Po ega County Prosecutor carried out an investigation against two SZUP policemen, who were subsequently charged with the criminal acts of extracting a confession by force and of causing grievous bodily harm. On 8 May 1996 the Po ega County Court found the officers guilty of both crimes and sentenced them to six years' imprisonment. However, the Croatian Supreme Court overturned the verdict of the Po ega court in October 1996 and sent the case back for retrial. The two defendants were released from prison pending renewed legal proceedings against them. The primary reason for granting the retrial was to reconcile the two differing forensic opinions - neither of which disputed that the injuries received had led to Šefik Mujki 's death - and to establish whether the officers had reason to try to extract a statement from Šefik Mujki by force, as it was clear that at the time the police officers were already in possession of the necessary evidence against the suspect.

More than two years after the Supreme Court's decision no date has been set for a retrial, despite the repeated appeals by the Mujki family to the Croatian authorities to bring those responsible for the death of Šefik Mujki to justice. The two defendants continue to remain at liberty.

Background

Although allegations of torture and ill-treatment by police officers appear from time to time in the Croatian media, Amnesty International believes that this human rights violation is to a large extent under-reported in Croatia. When in September 1998 an Italian tourist, Riccardo Cetina, died as a result of injuries received after being detained by Šibenik police, the Croatian authorities were quick to take action against the officers involved and to dismiss the incident in the press as "the first case of its kind where police officers acted violently". However, the death of Šefik Mujki , and other cases of ill-treatment and torture demonstrate that Croatian police officers have previously resorted to the unlawful use of force. For example, in May 1998 Mario Bariši was severely beaten by Zagreb police, resulting in his hospitalization, and, although three police officers were dismissed, no criminal charges are known to have been filed against them. Furthermore, numerous reports of human rights violations, including torture and ill-treatment, committed by Croatian security forces after the 1995 Operations Flash and Storm³, have been either inadequately or not at all investigated by the authorities and Amnesty International is concerned that the perpetrators of these crimes have enjoyed impunity.

While the new Croatian Penal Code, which went into effect in January 1998, specifically makes torture and other forms of cruel, inhuman or degrading treatment a criminal offence with possible prison sentences from one to eight years (Article 176), Amnesty International is unaware that this provision has been used to date in any cases. Thus, in the case of Riccardo Cetina, a number of police officers were charged with "inflicting serious bodily harm" and "inflicting ill-treatment", instead of with committing acts of torture. It is unclear to what degree police officers, prosecutors, judges and lawyers have been trained concerning the changes to the Penal Code, which will be necessary for the relevant provisions to be used effectively.

The United Nations Committee against Torture (Committee) reviewed Croatia's second periodic report in November 1998 and raised a number of concerns, more or less similar to those expressed by Amnesty International. The Committee specifically requested the Croatian authorities to report back on the current status of legal proceedings concerning the death of Šefik Mujki .

³ See *Croatia: Impunity for killings after Storm*, AI Index: EUR 64/04/98, August 1998.

Amnesty International's recommendations

Amnesty International appeals to the Croatian authorities to proceed as a matter of urgency with the retrial of the police officers charged with having caused Šefik Mujki 's death. The organization further urges the authorities to carry out prompt, impartial and thorough investigations into all reports of torture and ill-treatment and to bring those thought to be responsible for these human rights violations to justice without delay. The authorities should ensure that existing safeguards preventing the use of torture and ill-treatment are adhered to by all law enforcement officials at all times. Finally, effective training should be provided for law enforcement officials and those in the legal system on the newly introduced legal provisions making torture a criminal offence.