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HUMAN RIGHTS COMMITTEE COUNTRY REPORT

Croatia

**Independent information for the 113th session
of the Human Rights Committee (HRC)**

**OBRIS - OBRANA I SIGURNOST, CENTRE FOR PEACE STUDIES,
INTERNATIONAL ACTION NETWORK ON SMALL ARMS (IANSA),
UNIVERSITY OF MINNESOTA HUMAN RIGHTS PROGRAM and the
HUMAN RIGHTS LITIGATION AND INTERNATIONAL ADVOCACY
CLINIC AT THE UNIVERSITY OF MINNESOTA LAW SCHOOL**

CRITICAL ISSUES

Right to Life (Article 6)

Transfer of small arms where they are likely to be used to violate the right to life

**PROPOSED QUESTIONS FOR THE GOVERNMENT OF
CROATIA**

1. In light of the Human Rights Committee's Concluding Observations on the Fourth Periodic Report of the United States of America, in which the Committee expressed its concern about "the continuing high numbers of gun-related deaths and injuries" in the United States,¹ please describe measures taken by the Croatian Government to ensure that transfers of small arms to the United States will not be used to violate the right to life by the ultimate end users.
2. With the ongoing civil war in Syria and the presence of Croatian-made weapons in Syrian combat zones (including in the hands of Islamic State fighters), please describe measures taken by the Croatian Government to ensure that transfers of weapons to other States will not be used to violate the right to life by the ultimate end users; in particular, that exports to allies are not re-exported to forces involved in serious violations of human rights.

¹ Concluding Observations on the Fourth Periodic Report of the United States of America, Human Rights Comm., U.N. Doc. CCPR/C/USA/CO/4, ¶ 10 (2014).

I. INTRODUCTION

Croatia has taken many strong domestic and international steps to regulate the transfer of small arms and light weapons (SALW). However, this report highlights the need for the Croatian Government to fully carry out its obligations by ensuring that its weapons are not transferred where they may be used to commit human rights abuses.

II. STATE OBLIGATIONS WITH REGARD TO SMALL ARMS AND LIGHT WEAPONS

*Governments shall prohibit international transfers of small arms which would violate their obligations under international law, including in circumstances in which such arms are likely to be used to commit serious human rights violations.*²

Croatia has taken important steps towards the regulation of small arms and light weapons. On April 2, 2014, Croatia ratified the Arms Trade Treaty (ATT), which regulates the international trade in conventional arms, including SALW.³ The ATT requires State parties to assess the potential that the arms covered by the treaty could be used to “commit or facilitate a serious violation of international human rights law.”⁴ If there is an overriding risk that mitigation of human rights violations is not possible, State parties shall not authorize exports.⁵

Croatia also has obligations under European Union law to deny an export license to any country if approval would be inconsistent with international obligations, or if there is a clear risk that the arms might be used for violations of human rights or humanitarian law.⁶

Croatia’s national law reflects a strong commitment to the regulation of its firearms exports. The Act on the Export and Import of Military and Non-military Lethal Goods empowers the Ministry of Economy to issue export licenses for firearms.⁷ The application for an export license must include “the import licence issued by the competent authority of the country to which the goods are to be exported, plus the original end user certificate certified by the competent authority of the country to which the goods are to be exported.”⁸ The Ministry is required to deny the export license if the exported weapons would “jeopardise the fulfilment of the international obligations of the Republic of Croatia, ... may cause an outbreak or

² Prevention of Human Rights Violations Committed with Small Arms and Light Weapons, Sub-Com. res. 2006/22, U.N. Doc A/HRC/Sub.1/58/L.11/Add.1 at 3 (2006) (Small Arms Principles), Principle 14.

³ Arms Trade Treaty, United Nations Office for Disarmament Affairs, *available at* [http://disarmament.un.org/treaties/t/att_\(entered into force December 2014\)](http://disarmament.un.org/treaties/t/att_(entered%20into%20force%20December%202014)).

⁴ Arms Trade Treaty art. 7 (1) (b) (2).

⁵ *Id.* art. 7 (2).

⁶ Council of the European Union, Council Common Position 2008/944/CFSP art. 2 (2) (2008), *available at* <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008E0944&from=EN>.

⁷ Act on the Export and Import of Military and Non-military Lethal Goods, art. 3, *available at* <http://kontrolaizvoza.mingorp.hr/default.aspx?id=140>. The Croatian State Office for Trade Policy’s English translation was used for this report.

⁸ *Id.* art. 15.

continuation of armed conflicts in the country of end use, ... or may cause violence in the country of end use.”⁹

Despite its proactive approach to the regulation of its arms exports under the ATT, the European Union, and in its domestic law, a gap remains in the enforcement of these provisions with regard to exports to the United States and Syria, among others. With firearms facilitating human rights abuses in both countries, Croatia must fulfil its obligation to ensure that its firearms are not able to fall into the hands of perpetrators.

III. CROATIAN EXPORT OF ARMS

The estimated value of small arms and ammunition exports from Croatia is on the rise. In 2011, exports totaled 62 million United States dollars (USD)¹⁰ and in 2013, Croatia exported 200 million USD worth of both weapons and military equipment.¹¹

Fifty percent of Croatia’s exports were to the United States. Included in the 490,000 firearms exported to the United States by the Croatian manufacturer HS Produkt¹² was the HS2000 (sold in the United States as the Springfield Armory XD),¹³ a gun used in shootings within the United States. Among these shootings involving the HS2000 were the 2012 shooting at a Sikh Temple in Wisconsin in which six people were killed and four were injured. In another case, in 2006, five school girls were killed and five were injured at an Amish schoolhouse shooting in Pennsylvania.¹⁴ Springfield Armory also manufactures high capacity magazines.¹⁵ This type of magazine has also been linked to numerous mass shootings across the United States.¹⁶

In the March 2014 Concluding Observations on the Fourth Periodic Report of the United States of America, this Committee expressed its concern about “the continuing high numbers of gun-related deaths and injuries” in the United States.¹⁷ Gun violence was one of five issues the Committee highlighted for ongoing monitoring in the Human Rights Committee Follow-up Procedure.¹⁸

⁹ *Id.* art. 21.

¹⁰ *Croatia — Gun Facts, Figures and the Law*, GUNPOLICY.ORG, <http://www.gunpolicy.org/firearms/region/croatia>.

¹¹ *Croatia Exports Weapons and Military Equipment to the Tune of 200 Million USD*, CROATIA WEEK (Jan 3), <http://www.croatiaweek.com/tag/exports/>.

¹² *Id.*

¹³ *Id.*

¹⁴ Janet L. Kaminski Leduc, *Weapons Used in Mass Shootings*, (Jan. 18. 2013), *available at* <http://www.cga.ct.gov/2013/rpt/2013-R-0057.htm>.

¹⁵ Violence Policy Center, *Blood Money: How the Gun Industry Bankrolls the NRA* (Apr. 2011).

¹⁶ Human Rights Litigation and International Advocacy Clinic and Human Rights Program of the University of Minnesota, *Human Rights Committee Country Report, United States of America* (Dec. 2012) at 17-18, *available at* http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_14523_E.pdf.

¹⁷ Concluding Observations on the Fourth Periodic Report of the United States of America, Human Rights Comm., U.N. Doc. CCPR/C/USA/CO/4, ¶ 10 (2014).

¹⁸ *Id.* ¶ 27.

This Committee has also recognized the importance of state regulation of multinational corporations which impact human rights in other countries.¹⁹

Though Croatia is bound by many international agreements regarding firearm exports, and has its own laws and regulations, there is a disturbing lack of concern about the re-transfer and end use of weapons to countries including Syria and Iraq. The Organized Crime and Corruption Reporting Project found that in December of 2012, Croatia conducted the largest transfer of arms in the country's history, with Jordan purchasing 230 tons for a total of 6.5 million USD.²⁰ Yugoslav arms, including some newly manufactured Croatian equipment, have been used by and against Islamic State fighters.²¹ The specific types of weapons appearing on the battlefields of Syria and Iraq include recoilless guns, assault rifles, grenade launchers and shoulder-fired rockets.²²

The sale from Croatia to Jordan was recorded and reflected in Croatia's public annual report on the export and import of military goods.²³ Croatia's President Ivo Josipovic confirmed the sale in 2012. However, when asked if he could confirm that the arms had not left Jordan and ended up in the hands of Syrian rebels, he stated, "What third countries or countries that we or someone else export weapons to do with them afterward, we unfortunately cannot control."²⁴

In a troubling decline in transparency, Croatia's annual public report on the export and import of military goods in 2013 differed substantially from previous annual reports. The report was between five and ten times shorter than prior reports and categories of information that had been in the public record were omitted.²⁵ On April 30, 2014, the Annual Report on the Export and Import of Military Goods and Non-Military Lethal Goods was modified to eliminate two types of information: the list of destination countries for Croatian arms exports and the overview of the categories of weaponry exported. These changes have limited public access to information about arms shipped after the end of 2012.²⁶

¹⁹ Concluding Observations on the Sixth Periodic Report of Germany, Human Rights Comm., UN Doc. CCPR/C/DEU/CO/6 (2012). *See also* The Global Initiative for Economic, Social and Cultural Rights, Human Rights Law Sources: UN Pronouncements on Extra-Territorial Obligations in Concluding Observations, General Comments and Recommendations and Special Procedures (Jan. 2015).

²⁰ Dan O'Huiginn, *Croatia Shipped Arms to Jordan*, ORGANIZED CRIME AND CORRUPTION REPORTING PROJECT (Mar. 29, 2013), <https://occrp.org/occrp/index.php/en/ccwatch/cc-watch-indepth/1905-croatia-shipped-arms-to-jordan>.

²¹ Lidija Knežević, *Vlada prikriva izvješće o izvozu oružja u 2013*, (June 16, 2014), *available at* <http://obris.org/hrvatska/zasto-vlada-skriva-izvjesce-o-trgovini-naoruzanjem/>.

²² *Who is supplying weapons to the warring sides in Syria?* BBC NEWS MIDDLE EAST (June 14, 2013), <http://www.bbc.com/news/world-middle-east-22906965>.

²³ Lidija Knežević, *supra* note 21.

²⁴ *Croatia exported weapons to Jordan, not Syria*, Jutarnji list (Apr. 6, 2013) *available at* http://www.b92.net/eng/news/region.php?yyyy=2013&mm=04&dd=06&nav_id=85564.

²⁵ Lidija Knežević, *supra* note 21.

²⁶ *Id.*

CONCLUSION

Croatia has taken a number of important steps towards respect for international standards with regards to international arms transfers. The information sought on end users is intended to continue this positive progress.

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