

Availability of illegal weapons: connecting the dots

Case study of the Republic of Croatia

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The territory of the Republic of Croatia has been a corridor for the transportation of people, goods and ideas from its early history to the present day. The modern security environment and the risks facing Croatia are partly the legacy of its recent history, its geostrategic and geopolitical position, and its role as a transit country on the so-called Balkan route¹ for the smuggling of people, drugs, contraband and firearms from Asia, Africa and South Eastern Europe to Western Europe, as well as the smuggling of various goods such as stolen vehicles and synthetic drugs in the opposite direction. As a result Croatia is often referred to in the context of organised crime. In professional security related circles it is usually linked to the smuggling of heroin from Afghanistan – the world’s largest producer – to Western Europe, where there are developed markets and high demand for heroin. In recent years the Balkan route has also been important for the movement of migrants.¹ This route has at least three main branches: the Bulgarian branch, the east Balkan route and the Adriatic route.²

Not surprisingly, the Yugoslav wars in the 1990s strongly impacted the security situation in Croatia and trafficking along the Balkan route. On 25 June 1991 the Republic of Croatia declared its independence and broke its ties with Yugoslavia. The regime in Belgrade refused to accept this and attempted to undermine Croatian independence by encouraging rebellion among the local Serb population and sending the

¹ The assumption is that the original route ran through Turkey, Greece, Bulgaria, Romania, Macedonia, Serbia, Bosnia and Herzegovina, Croatia, and Slovenia to Austria, Italy, and other Western European countries.

Yugoslav People's Army to attack Croatia. The violence soon escalated and significant parts of the country became a battlefield for the next few years. This caused the relocation of the original Balkan route away from Croatian territory. The fighting ended in a Croatian victory in 1995 and the country was able to reclaim all of its occupied territory and take control of its current borders. During what is known in Croatia as the Homeland War, an international arms embargo was imposed on the country, which armed itself by confiscating weapons from the Yugoslav People's Army, obtaining supplies on the black market and increasing domestic production.

The Yugoslav wars also influenced the dynamics of the Balkan route after the wars and, among other things, boosted firearms trafficking from South Eastern Europe to Western Europe. During the wars in the territory of the former Yugoslavia, particularly in Croatia and Bosnia and Herzegovina, significant quantities of small arms, ammunition and explosives remained in the illegal possession of ordinary citizens. Simultaneously, the continuing demand from organised crime groups (OCGs) for arms in both Western and Eastern Europe motivated such groups to reactivate the Balkan route and take up arms smuggling.

Box 1: Research design

This study used a research methodology that includes an analysis of various sets of materials. Firstly, an extensive literature review and comprehensive document analysis were carried out. This consisted of analysing existing research on the availability of illegal firearms in Croatia prepared by the South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC), complemented by analysis of Croatia's current legislative and strategic framework for firearms control. In addition, quantitative data from the Ministry of the Interior was obtained and publicly available statistical data were collected and analysed. Obtaining these data was time-consuming and their analysis was hindered by the challenge of comparing and verifying disparate datasets.

Given the lack of significant and reliable open-source data, the research team introduced two additional research methods to address the questions posed for this research project. Firstly, interviews were held with key actors, including high-level government officials responsible for firearms-related issues from the Ministry of the Interior, Ministry of Foreign and European Affairs, and Security and Intelligence Agency; firearms business practitioners (manufacturers of and traders in firearms); relevant scientists; and experts (military and security analysts, firearms collectors, and firearms museum

personnel) who deal with this area. During this phase of the research formal interviews were conducted with 11 high-level government officials and six practitioners, scientists and experts. This part of the research process also included a visit to the largest Croatian manufacturer of small arms and light weapons (HS Produkt Ltd).

Finally, the research team also collected and analysed data gathered via questionnaires distributed to experts. For the purposes of the research, two questionnaires were developed, the first covering specific points that required fuller responses and the second statistical in nature. Both questionnaires covered three thematic areas:

1. the characteristics of the illegal weapons market in Croatia;
2. the availability of weapons to terrorists on this market; and
3. Croatian policies to deal with (terrorist access to) the illegal weapons market.

The first questionnaire containing 20 questions was distributed to the experts referred to above (11 high-level government officials and six practitioners, scientists and experts). After it had been completed we held a meeting with the experts so that we could go through their answers and analyse them together. This meeting and the interviews were held in Zagreb from March to October 2017. Between 1 March 2017 and 21 April 2017 a total of 102 statistical questionnaires were collected from experts in all parts of Croatia, which were processed using IBM SPSS software. This questionnaire contained 22 questions requiring answers reflecting participants' perceptions of the matters raised.¹

This chapter presents the results of an investigation into the size and dynamics of the illegal firearms market in Croatia, as well as this market's potential availability to terrorist organisations and/or individuals with terrorist intentions. Despite the country's reputation as a source and transit country for illegal firearms trafficking, in-depth research on the illicit firearms market and illicit firearms trafficking in Croatia is currently lacking. This is partly due to the lack of national databases that contain relevant data for such research. In addition, publicly available data are often fragmented. A key contribution to this research project is constituted by the results of interviews with and surveys of experts and analysts who deal with or have dealt directly or indirectly with the subject area during their professional careers (see Box 1). Indeed, this is the first research project designed to comprehensively

¹ In a very small number of cases some participants did not answer or answered with multiple answers. In such situations these answers or sections without answers were excluded from the data analysis.

and systematically examine the illegal firearms market in Croatia that includes the opinions of key experts and stakeholders in the field. Institutions that deal with these issues were also actively involved in the research, with some providing access to their databases.

This chapter consists of three sections and a conclusion. In the first section we give an overview of Croatian national policy to fight the illicit firearms market (and terrorist access to this market) and the modus operandi and models of cooperation of official institutions working in this area. In the second section we analyse the size and characteristics of the country's illicit firearms market, and in the third section we discuss the potential for terrorists to procure firearms from this market.

1. Croatian national policy to fight the illicit firearms market and terrorist access to it

1.1 Main elements of Croatia's security policy

The Republic of Croatia is located in the Central European, Danube, Adriatic and Mediterranean regions. The country designs its strategies and policies to protect its national interests, citizens' security, national identity and the fundamental values defined by its Constitution, and to achieve its national goals and its economic, political and social development. Through its own actions, combined with numerous international processes, a high level of security has been achieved that enables Croatia to achieve balanced development. However, external and internal threats, risks, and challenges that change continuously and rapidly are highly complex, inter-linked, and often unpredictable create the need for the constant development of national security policy and responsiveness to changes. The need to ensure such a framework was the driving force behind the new National Security Strategy of the Republic of Croatia adopted on 8 June 2017.³

This strategy clearly highlights the security threats, risks and challenges facing Croatia at the global level, and the levels of Europe and the European neighbourhood (primarily South Eastern Europe), as well as ways of protecting the country's national interests and achieving national security.

The country's south-eastern neighbouring surroundings are a source of potential challenges in its attempts to protect its national interests. Political instability; insufficiently established state institutions; corruption; high unemployment rates; and

social, ethnic and inter-nationality tensions make the region's security situation very fragile, which strongly affects Croatian interests. Croatia's south east neighbourhood shows trends of increasing intolerance, radicalism and extremism, especially Islamist radicalism. The National Security Strategy states that in some countries, for years, there has been a visible defamatory campaign directed against the Republic of Croatia with all the features of hybrid and special action, i.e. planned, permanent and systematic activities supported by state bodies. The security threats facing the country include the proliferation of weapons of mass destruction and dual-use equipment and technologies, in particular through the use of Croatian territory to transport them to other countries.⁴ The unstable security situation in the Middle East, North Africa and Ukraine increases demand for weapons and military equipment obtained through illegal channels, and members of the criminal underworld see fulfilling this demand as a profitable activity.⁵

Unresolved issues of border delimitation with some neighbouring countries could have a negative impact on the effective control of state borders and surveillance of the state territory of Croatia. The probability of terrorist attacks in the country is low, but the potential consequences were such attacks to occur are high, especially in the context of the tourist and transport sectors. One of the security threats facing Croatia is the transit of members of terrorist organisations across the country's territory via illegal migration routes. Like in every country, corruption is also in Croatia a challenge that affects the functioning of the free market, economic growth, and the independence and efficiency of public and state activities, and results in a loss of trust in public institutions. Organised crime is a threat to national security because it jeopardises the country's institutional system, economic and financial stability, and public security. Croatia's economic and geographical positions are among the reasons for the threats it faces from transnational organised crime. Landmines and unexploded ordnance left over from the Homeland War also remain a security problem for the country.⁶

Croatia attempts to ensure its national security by coordinated action in all areas of its development, not only security instruments and related activities. The main elements of the country's security policy involve the development of a national security policy, structure and capabilities that will ensure effective action not only within the national territory, but also beyond it, both independently and through joint international efforts to achieve peace, resolve conflicts and build trust. Croatia recognises that in the modern world the internal (national) and external (international) aspects of security are strongly linked, requiring a commitment to a comprehensive approach to achieving security-related goals. These goals are pursued through a security paradigm based on a human security model designed to ensure the security of every Croatian citizen. The country will use all available resources

for the achievement and protection of national interests and the implementation of strategic goals, in proportion to the threats and risks to which it is exposed.⁷

Specifically – and relevant to the present research – the smuggling and (illegal) distribution of weapons is recognised as a challenge. This distribution process was largely uncontrolled during the Homeland War period (1991-1995), and consequently opened up the potential for an illegal trade in small arms and light weapons, because a lot of weapons have stayed out of state control. That is why numerous efforts were and continue to be made to control small arms and light weapons as much as possible. This research project aims to develop an understanding of the phenomenon and to provide recommendations for future approaches to it. According to the Croatian Security and Intelligence Agency, arms smuggling from South Eastern Europe to European Union (EU) countries mainly involves the weapons remaining in circulation from the 1990s wars, as well those leaking from inadequately secured arms depots in some countries.⁸ The latest Security and Intelligence Agency public report for 2017 goes even further in its assessment, stating that: *“Due to a number of crisis areas in the Middle East and Africa, demand for weapons and military equipment through illegal channels has increased. Given the high profitability of the arms trade, members of the criminal milieu from the Republic of Croatia and surrounding states are trying to position themselves as intermediaries in that trade. Such weapons, using false export documentation, end up in areas under an international embargo.”*⁹

While interesting from a security point of view and for the present research, this statement is problematic because it does not specify to which areas under an international embargo it refers, while it is important to note that the present researchers were unable to uncover any facts that confirm such a claim.

Within the structure of the national security system, the authority to prevent and suppress the illegal arms trade, prevent illegal weapons production, and control exports and imports of military equipment and dual-use products is invested in the following bodies: the Ministry of the Interior and police; the Ministry of Finance; the Ministry of the Economy, Entrepreneurship and Crafts; the Ministry of Foreign and European Affairs; and the entire intelligence system (primarily the Security and Intelligence Agency and the Military Security and Intelligence Agency). Certain specific jurisdictions and activities of these organisations will be discussed below.

1.2 The most important elements of the Weapons Act and Criminal Code

The normative framework that regulates firearms-related issues in the Republic of Croatia – including both legal and illegal weapons – is primarily determined by the Weapons Act, while the criminal law dealing with illegal weapons and the illegal possession of weapons is regulated by the Criminal Code. This normative framework is fully harmonised with the relevant EU legislation. The suppression of the illegal weapons market in Croatia falls under the jurisdiction of the Ministry of the Interior. The General Police Directorate – as the key operational component of the Interior Ministry – carries out measures within its competence aimed at, among other things, the prevention and suppression of criminality. Criminality related to the illegal weapons market is dealt with by the Police Directorate's working unit responsible for the suppression of organised criminality. The normative penal framework is contained in the Criminal Code, which in Article 331 lays down the criminal offence pertaining to the 'unauthorised ownership, manufacturing and procurement of weapons and explosive substances'.

The Weapons Act was adopted in 2007 and has been amended three times.¹⁰ The first amendment involved minor tweaks. The second amendment in 2012 was designed to fully harmonise the Act with the relevant EU legislation, within the framework of the free movement of persons and goods within the EU. In particular this amendment harmonised the Weapons Act with Directive 2008/51/EC of the European Parliament and Council of 21 May 2008 amending Council Directive 91/477/EEC on the control of the acquisition and possession of weapons.¹¹ The third amendment to the Weapons Act was in 2017 to ensure compliance with Croatia's Act on Explosive Substances and the Production and Transportation of Weapons.¹²

The Weapons Act classifies weapons into four categories: the possession, handling and trafficking of weapons in Category A (such as automatic weapons, military-grade weapons, explosive weapons, weapons hidden in other items, etc.) are prohibited to the public; weapons in Category B are those firearms for which citizens must have previously obtained a possession and carrying permit from the competent authority, such as semi-automatic weapons, semi-automatic long weapons with a magazine containing up to three rounds, antique weapons, etc.; weapons in Category C are permitted weapons for which no permit is required, but which need to be registered with the competent authority, such as an air weapon of energy force greater than 10.5 J and a calibre greater than 4.5 mm, a gas weapon, and a longbow or crossbow with a force greater than 450 N; and weapons in Category D are permitted weapons that do not require a permit or registration.¹³

The Weapons Act primarily regulates the legal possession of weapons and is very strict in terms of the conditions under which citizens can legally possess weapons and the deadline for the issuance of permits. According to the Act, Croatian citizens may be issued with a permit to own or own and carry weapons if they have a good reason for procuring such weapons, have reached the age of 21, have not been convicted of violence-related criminal offences or misdemeanours, there are no other circumstances indicating that the weapons could be misused, are equipped to safeguard the weapons, and have the necessary mental and physical capabilities and technical knowledge to handle the weapons. Citizens can procure weapons if their lives are in danger and if they engage in sports shooting or hunting; for the latter reason they must prove their membership of a hunting society or sports shooting club.¹⁴

Article 97 of the Weapons Act prescribes that citizens who illegally possess weapons in categories A, B and C are obliged to report this to the police. The police will take over the weapons and ammunition at the place where they are located and the owner will be issued a receipt. If a citizen wishes to disable a weapon that has been surrendered, he/she has to apply for a weapon deactivation permit within eight days of the date of the handover of the weapon. The costs of disabling the weapon are borne by the applicant. According to the Misdemeanour Act, Criminal Code and Police Act, if a citizen surrenders illegally owned weapons to the police prior to the police taking action to recover them, no criminal proceedings will be instituted against him/her.¹⁵

According to the 2002 National Programme for Increasing General Security by the Voluntary Surrender of Weapons, Ammunition and Explosive Devices (hereafter the National Programme), 394,419 firearms were registered in the possession of 236,918 people. Thus, one in every 19 citizens of the Republic of Croatia possesses at least one registered firearm. Of that number, a large proportion of weapons are registered for possession (mostly hunting weapons), another part for possession and carrying, and a smaller part as a token. The larger number of registered weapons for possession and carrying arises from the fact that included in this number are weapons for hunting and sports shooting, and weapons privately owned by police officers, prison officers and members of the Armed Forces of the Republic of Croatia who are authorised to own and carry weapons in accordance with the Weapons Act.¹⁶

The current Criminal Code was adopted in October 2011 and entered into force on 1 January 2013.¹⁷ The general criminal framework for the punishment of illegal firearm offences is contained in the previously mentioned Article 331. Punishment by imprisonment for up to five years can be imposed for various types of firearms-related criminal offences. Besides Article 331, the use of weapons of some kind constitutes an integral part of numerous other criminal offences. For example, with

regard to terrorism: it is considered a criminal offense if someone who manufactures, possesses, supplies, transports or uses firearms, explosives, or nuclear, biological or chemical weapons with the purpose to cause major fear among the population, to force a state or an international organization to do or not to do something, or to seriously jeopardize or destroy fundamental constitutional, political, economic or social structures of a state or an international organization¹⁸

The second questionnaire (see Box 1) attempted to ascertain the surveyed experts' perceptions of the adequacy of the normative framework of the Republic of Croatia in terms of issues relevant to this research. It is interesting to look at the answers to the following two questions:

1. What are your views on the existing system of regulation relating to the illegal possession, use and trafficking of weapons?
2. Is there a need to increase the control of legal and illegal weapons by stricter laws?

Of 102 surveyed experts, the distribution of the answers to the first question is as follows: 7% of them answered 'regulation is inappropriate'; 37% answered 'needs to be upgraded'; 36% answered that 'regulation is satisfactory, but that the problem is its application'; while 20% answered 'regulation is appropriate'. Answers to the second question are: 41% answered 'the problem is not in the laws, but in their implementation', 40% answered 'yes', and 19% answered 'no, the laws are satisfactory'. In this regard it should be noted that most of the respondents were police officers who wanted a stricter legal framework and stronger sanctions in the area being researched.

In light of these responses and the totality of the other responses, it should be borne in mind that while this research was under way in 2017, the Weapons Act, the Criminal Code, and the Act on Explosive Substances and the Production and Transportation of Weapons were amended to achieve greater standards of control and regulation of the subject area. Analysis of the dynamics of changes in other normative, system-related and operational procedures caused us to conclude that the Republic of Croatia currently has satisfactory existing regulations dealing with the illegal possession, use and trafficking of weapons, and that the problem is primarily that of their implementation. Although a high percentage of participants advocated stricter regulation, we consider that this is not necessary, but that more attention needs to be devoted to the implementation of existing legislation: laws can be written with lofty ideals, but if they are not implemented properly, the whole framework remains incomplete. We therefore wish to emphasise the importance of the effective implementation of weapons-related laws and regulations.

1.3 National policy dealing with illegal firearms possession and the illegal firearms market

The Republic of Croatia's policies for the control of illegal weapons and their availability to terrorists have been established in strategic and operational documents for the prevention and suppression of terrorism, as well as normative frameworks that provide for the criminalising of illicit weapons and national programmes for the surrender of illegally owned weapons. These constituent parts form the basis of national policies for the control of illegal weapons, which are implemented by the relevant bodies.

National policies to minimise the possibility of terrorists obtaining weapons on the illegal weapons market are very strict and are structured to prevent such activities as far as is humanly possible. Croatia complies strictly with national and EU regulations regarding donations and sales of weapons to other countries. However, Croatia cannot prevent individuals or terrorist groups operating outside the country from accessing weapons from Croatia or obtaining weapons produced in Croatia and transferring, donating or selling them to third countries. All the interviewed actors stressed this.

1.3.1 Voluntary surrender programmes

With the aim of reducing the number of illegal weapons in the possession of its citizens, Croatia has taken significant preventive actions that have resulted in the large-scale voluntary surrender of illegal firearms left over from the Homeland War (including ammunition and explosives). This has reduced the possibility of such firearms ending up on the illegal firearms market.

Three programmes should be highlighted, each of which consisted of various processes and phases:

- The initial phase of programme development and implementation (1993-2002);
- Awareness-raising campaigns (1 September 2007-31 December 2014); and
- Weapons collection programme (1 September 2007-continuing).

During these three programmes a large number of weapons were voluntarily surrendered: 54,818 firearms, 13,719,940 rounds of ammunition, 2,068,892 explosive devices, and 3,352,948.79 kg of military and commercial explosives. In the following sections we will briefly describe the main features of these programmes.

Initial phase of programme development and implementation (1993-2002)

From 1993 to 2002 six campaigns¹ were conducted to encourage citizens to voluntarily surrender illegal weapons. From 31 May 2001 to 31 December 2002 the National Programme was implemented as the concluding phase of the preceding efforts to communicate to citizens the need to surrender illegal weapons. The purpose was to consolidate relevant indicators and data from previous activities, as well as to carry out additional activities in this phase. The Ministry of the Interior oversaw these activities. At the conclusion of the National Programme Croatia's citizens had been given six opportunities to surrender or legalise unrecorded firearms without sanction. Between January 1996 and January 1997 people were paid to surrender illegal weapons, and during this period the largest number of weapons were surrendered to police supervision. In total, 30,542,894 kunas (approximately €4 million today) were paid out.

During these campaigns citizens surrendered 33,598 firearms (including automatic rifles, sub-machine guns and similar weapons); 1,670,355 explosive devices (bombs, landmines, various kinds of portable unguided anti-tank weapons and similar weapons); 5,080,693 rounds of ammunition; and 7,597 kg of military and commercial explosives.

Awareness-raising campaigns (1 September 2007-31 December 2014)

As a continuation of the previous programme, the Ministry of the Interior and the United Nations Development Programme (UNDP) launched a joint action entitled 'Less Weapons, Less Tragedy'. The aim was to sensitise the public to the issue of illicit firearms and encourage the voluntary surrender of weapons, as well as to raise public awareness of the dangers of improper handling of weapons and explosive devices. The campaign lasted from October 2007 to March 2008, starting at the same time as the introduction of the new Weapons Act, which had a new provision to provide the time-unlimited voluntary surrender of prohibited and permitted weapons. In other words, weapons could always be surrendered and no misdemeanour or criminal procedure was initiated against the person who did so. In this eight-month period, citizens surrendered 697 automatic firearms and 14,741 explosive devices categorised as prohibited weapons, and 1,001 items categorised as permitted weapons. A total of 644,442 rounds of ammunition and 720.62 kg of various explosives were collected. UNDP considered this initiative to be particu-

¹ These campaigns covered the following periods: 30 October 1992-30 April 1993; 10 April 1993-10 April 1994; 5 January 1996-5 January 1997; 19 February 1997-19 August 1997; 1 January 1999-2 August 1999; 22 February 2001-22 February 2002.

larly successful and stressed that this was ‘the most effective campaign to collect weapons in the history of the UN’.¹⁹

At the end of 2008 the Ministry of the Interior and UNDP published the document ‘Destroying Weapons for Community Development’, which, along with other activities, allowed for the continuation of the ‘Less Weapons, Less Tragedies’ campaign in the period 2009-2011. During 2010 and 2011 the slogan was changed to ‘Get Rid of Weapons without Sanctions and Make Your Life Safer’. From 2010 the EU funded the campaign through a regional project called SEESAC Assistance to Arms Control Activities in South East Europe.²⁰

In total, during the various promotional campaigns running from 1 September 2007 to 31 December 2014 citizens voluntarily surrendered 9,484 firearms, 3,340,835 kg of explosives, 87,691 explosive devices and 3,988,457 rounds of ammunition of various calibres.²¹

Collection programme (1 September 2007-continuing)

The next major weapons collection programme carried out by the Ministry of the Interior began on 1 September 2007 and is still under way. Up to 28 February 2017 a total of 4,330 Category A automatic weapons and 310,846 explosive devices were collected. A total of 7,406 Category B firearms were collected, while 4,650,790 rounds of various types of ammunition and 4,516.79 kg of explosives were handed in.²²

1.3.2 National Strategy and Action Plan for the Control of Small Arms and Light Weapons

The Croatian government has adopted several strategies and action plans dealing with weapons – primarily illegal weapons and ammunition – to strengthen inter-departmental action and set policy guidelines. In light of the fact that the issue of illegal weapons at the operational level in the Police Directorate of the Ministry of the Interior is dealt with in terms of the framework to deal with organised crime, it should be noted that Croatia annually prepares an Organised Crime Threat Assessment modelled on the Europol Serious and Organised Crime Threat Assessment; this document deals with all types of organised crime in Croatia. Because it is classified, it was not available for this research.

During the accession negotiations for Croatia’s EU membership, it was agreed in Negotiating Chapter 31 (‘Foreign, Security and Defence Policy’) that: *“Croatia needs to continue to strengthen its implementation and enforcement capabilities as well as the transparency of weapons information and ensure that the National Strategy and the accompanying Action Plan for Control of Small Arms and Light Weapons are*

*harmonised with the EU Strategy to combat illicit accumulation and trafficking of SALW [small arms and light weapons] and their ammunition”.*²³

In order to fulfil this criterion, but also to adopt a strategic and implementation document to regulate small arms and light weapons control, the Croatian government adopted the National Strategy and Action Plan for the Control of SALW (National SALW Strategy) on 10 September 2009.²⁴

The overall objective of the National SALW Strategy was to build an effective system for controlling small arms and light weapons in all relevant areas. To operationalise this strategy 15 functional areas were established containing prescribed activities and deadlines for their implementation in order to enable the effective monitoring of the implementation of the planned measures. These areas include the establishment of a National SALW Committee, border control measures, criminal investigations, awareness campaigns, and the collection and destruction of collected and seized firearms.¹

On 5 May 2015, after the completion of all the measures of the National SALW Strategy, the government adopted the ‘Decision on the Termination of the Work of the National Committee’ after concluding that all the requirements of the strategy’s Action Plan had been fulfilled. However, in our view this decision has undermined Croatia’s ability to combat the illegal firearms market (see section 1.5, below).²⁵

¹ The following 15 functional areas were identified:

- FP 1 – Establishing the National SALW Committee
- FP 2 – Coordination of activities
- FP 3 – Suppression of the illegal firearms market
- FP 4 – Control of procurement, handling, trade and production of firearms
- FP 5 – Border control measures
- FP 6 – Legal framework
- FP 7 – Criminal investigation
- FP 8 – Implementation of Information system for firearms licensing
- FP 9 – Research and assessment of the illegal possession of firearms
- FP 10 – Awareness-raising campaigns
- FP 11 – Collection and destruction of collected and seized firearms
- FP 12 – Managing of supplies
- FP 13 – Reporting on applied measures
- FP 14 – Export and import of firearms and ammunition
- FP 15 – Regional and international cooperation

1.3.3 National Strategy for the Prevention and Suppression of Terrorism

On 8 June 2017 the Croatian government adopted a new National Strategy for the Security of the Republic of Croatia (National Security Strategy), which recognises that the country is situated on one of the routes that OCGs use to smuggle weapons, people, drugs and other illegal assets. It is necessary to repeatedly underline how the estimates show that the probability of terrorist attack in Croatia is low, but the potential consequences of such an attack would be high. Countering terrorism will be implemented through an integrated approach and inter-agency co-operation, and strengthened international cooperation.²⁶

The National Security Strategy is the basic strategic document dealing with security, and forms the basis for all other strategies and laws dealing with this issue, and also for the National Strategy for the Prevention and Suppression of Terrorism. This strategy was adopted by the Croatian government on 27 November 2008 and revised on 7 October 2015.²⁷ It has five key pillars and determines the general framework of Croatia's efforts to fight terrorism. The five pillars are: the prevention of terrorism, the suppression of terrorism, protection from terrorism, the repair of damage after and recovery from a terrorist attack, and the criminal justice response to terrorism.

In order to operationalise and implement measures and harmonise the organisational framework for the prevention and suppression of terrorism, the Action Plan for the Prevention and Suppression of Terrorism was adopted on 28 April 2011.²⁸ The aim of this plan is to operationalise and create an effective operational system for the prevention and suppression of terrorism. In the section on measures to control and thwart the transport and supply of weapons, explosives and other devices intended for potential terrorist activities, the Action Plan lays down the following measures:

- the surveillance of the production of, trade in and export of explosive devices and weapons;
- supervision by national commissions that issue export licences for military and dual-purpose goods and other commissions tasked with monitoring related problem areas;
- the gathering of data on businesses producing customised military products; the trade in weapons, explosives and other devices; and mediating companies (so-called 'middle men');

- the investigation of theft from or forced entry into civil and military facilities for the production, processing, packaging or storage, transport, and (il)legal trade in weapons and military equipment;
- the introduction and use of up-to-date technical equipment for the detection of explosives; radioactive substances; chemical, biological and other agents; and equipment for their production at all border crossing points and harbours, along with increased surveillance;
- the provision of security and intelligence support for measures to protect military storage facilities and other storage facilities for ammunition and military equipment;
- the control and management of stockpiles of weapons, explosives and other substances; and
- the suppression of the illegal possession of weapons.

In addition, the section on measures for the control of arms, explosives and other devices that could be used in terrorist attacks, the Action Plan prescribes:

- the timely reporting to relevant institutions of cases where irregularities have been identified, particularly regarding the identification of possible thefts or other kind of misuse;
- the planning, implementation, and supervision of technical and physical measures for the security of facilities and premises in which the mentioned items are kept;
- the proper storage, safeguarding, handling, transportation, supply, maintenance and surveillance of the items stored;
- the central logging of infantry weapons and arms that are being withdrawn from use, sold or donated (exported), or destroyed for the purposes of recycling and reuse;
- the supervision of the activities of national commissions responsible for monitoring these matters; and
- the improvement of technical solutions to protect buildings that might become potential targets for terrorist attacks and activities in compliance with security assessments of such buildings.

The research questionnaire explored Croatian experts' perceptions of the national policy to deal with the illegal weapons market and possibility of terrorists obtaining weapons on this market. It is interesting to examine the answers to the following two questions:

- 1) How do you assess national policy regarding the illegal weapons market in general and specifically in terms of the possibilities of terrorists entering this market?
- 2) What is your level of confidence in the institutions that implement national policy to combat the illegal weapons market?

The interviewed experts answered the first question as follows: 38% considered that national policy needs to be upgraded; 29% considered that policy is satisfactory, but the problem is its application; 24% considered policy to be appropriate; and 9% considered policy to be inappropriate. Responses to the second question were as follows: 57% believed that the institutions were doing a good job; while 39% expressed limited confidence in them and 4% had no confidence.

From these responses and in light of our analysis of other factors affecting Croatia's attempts to deal with the illicit firearms market and terrorist access to that market, we concluded that the country has a normative framework that is in line with EU legislation, but which clearly has space for improvement, and that Croatia should do more in terms of its practical implementation. It is worth noting that most respondents had confidence in the state institutions dealing with these issues, although a significant percentage had limited trust in these institutions (39%) and a small percentage (4%) had no confidence in them.

Besides the statistical questionnaires, a very significant indicator and source of information were interviews with 11 high-level government officials and six practitioners, relevant scientists and experts. The high-level government officials were the most consistent in their responses, and these responses were much closer to each other than the answers given by practitioners, relevant scientists and experts. There was a significant level of consensus that rigorous laws will not reduce the number of illegal weapons in circulation, and that targeted preventive programmes are needed. These programmes should focus on individual groups within society and their specific needs, such as various war veteran associations in different parts of the country where their needs differ from those in other areas. Likewise, special attention needs to be given to minors growing up in the virtual world where the boundaries between reality and the imaginary world are blurred, and to hunters and their organisations – a category that has about 60,000 members in Croatia. Additionally, the need for a clear strategic and operative approach to this problem and the strengthening of the international exchange of information were highlighted, both of which are included in the new National Security Strategy.¹

¹ Two researchers who worked on the present report participated as members of the National Security Council of the President of the Republic of Croatia.

Occasionally the interviewed military and security analysts had very different views. This is especially visible in their perceptions of the main features of regulations governing the illegal possession, use and trafficking of weapons. Some stressed that strict regulation is a good choice in light of the context of present-day Croatia. They stated that there is no need to change the legal system of regulation, but practical work needs to be done to reduce the transit of weapons through Croatia. Others argued that the existing system of regulation is too rigid in its approach to, for example, legal weapons collectors. Also, in recent years domestic regulations governing legal possession have frequently been tightened – very often in response to wrongdoing or risks arising from illegal weapons. This has mainly restricted the possession of legal weapons and resulted in the accumulation of costs, constraints and obligations imposed on people willing to comply with the law.

Arms business practitioners also emphasised the ‘rigidity’ of Croatian regulations and procedures. In terms of arms exports, the interviewed actors highlighted the strict laws and procedures that apply in Croatia compared to those in other EU member states. They noted problems that resulted from much stricter and unnecessarily complicated regulations compared to those in other countries, such as the requirement to obtain an export licence for weapons-related tools of the kind that can be freely bought in retail shops (e.g. hammers, pliers, rasps, etc.), while, for example, in Germany, Italy or France the things that need to be licensed are pistols or weapons, as well as essential weapons parts (grips, covers, barrels, etc.). There is obviously room for work on harmonising Croatia’s standards with those of other EU member states. Interviewees also noticed items in a list of military goods in Croatia that are outdated and should be changed/removed.

1.4 The various actors and their specific roles

Cooperation in the fight against the illegal weapons market involves the inter-agency cooperation of all national bodies involved in the prevention of terrorism and the suppression of illegal weapons, and wider cooperation with relevant EU and international agencies. This cooperation is defined by the 2015 Act on the Organisation and Scope of Ministries and Other Central State Administrative Bodies,²⁹ which defines the various ministries’ and agencies’ modes of cooperation, and in some cases is governed by cooperation protocols.

The main national government agencies involved in the prevention and suppression of terrorism and the illicit firearms market are the:

- National Security Council;
- Office of the National Security Council;
- Ministry of the Interior;
- Security and Intelligence Agency;
- Military Security and Intelligence Agency;
- Public Prosecutor's Office;
- Ministry of Justice;
- Ministry of Finance;
- Ministry of the Economy, Entrepreneurship and Crafts;
- Ministry of Foreign and European Affairs; and
- Ministry of Defence.

These bodies are responsible for the implementation of measures to suppress the illegal weapons market and control the availability of weapons to terrorists. As the body that discusses security issues at the highest strategic level, the National Security Council participates in the creation of all key national policies. The Office of the National Security Council monitors and coordinates the activities of the country's security system in cooperation with the other ministries and agencies listed above.

The Ministry of the Interior is responsible for the suppression of the illegal weapons market in Croatia. The Police Directorate – as the ministry's key operational arm – is tasked with preventing and suppressing criminality. The Police Directorate's organisational working unit responsible for the suppression of organised crime deals with illegal-weapons-related issues.

The most important operational cooperation in the fight against the illegal weapons market is between the police and security intelligence agencies (the Security and Intelligence Agency and the Military Security and Intelligence Agency) and the State Attorney's Office, and between the police and the Customs Administration. These bodies collect, process, analyse, store, and evaluate all security phenomena that point to the existence and activities of the illegal weapons market. The Ministry of the Interior also cooperates with the Ministry of Defence and the Ministry of Foreign and European Affairs, which deal with the issue of illegal weapons at the political level.

European and international cooperation in the fight against illegal weapons is primarily determined by Croatia's membership of international organisations such as the UN, EU and North Atlantic Treaty Organisation (NATO). However, special emphasis should be put on cooperation with Europol, Interpol and the UN in which Croatian representatives actively participate and exchange information. In this regard the role of Europol's Focal Point Firearms, the UN Convention against

Transnational Organised Crime, the UN Office on Drugs and Crime, and iARMS (the Interpol Illicit Arms Records and Tracing Management System) should be emphasised. The Ministry of the Interior is, for example, expected to join iARMS in the first half of 2018, and is currently preparing the national database for this purpose. However, despite Croatia's position as a transit country for illegal weapons, a number of joint international operational activities aimed at suppressing the illegal weapons market have not occurred in Croatia, but in the countries to where illegal weapons were being sent, so statistics on the nature and extent of the illegal arms trade are only available in these countries.

1.5 Main challenges

The main challenge confronting Croatian national policy to address the illicit firearms market and terrorist access to it is the lack of a strategic document such as the National SALW Strategy and Action Plan that would regulate and integrate the activities of all the institutions involved in the illegal weapons issue and monitor the results of their activities. The National SALW Strategy ceased to apply in 2015 (see section 1.3.2, above), although key activities of the competent authorities and their mutual cooperation in the field of illegal weapons continued. However, the lack of a clear framework for role definition and cooperation, which had been provided by the National SALW Strategy, and the resulting lack of focus of the competent bodies lead to the inadequate routing of available capacities to deal with the illegal weapons market.

Because the issue of illegal weapons continues to be present, both in Croatia and elsewhere, stronger action at the international level may be a more effective way of dealing with it. Therefore, the administrative capacities of all competent bodies need to be continually strengthened and their activities should be made permanent. Stronger international police cooperation and the high-quality exchange of information on seizures of illegal weapons and ammunition and the smuggling of weapons, ammunition and explosives among all EU member states and states bordering on the EU are preconditions for reducing the availability of weapons in the illegal market.

In this regard, it is important to point out the lack of comparable databases both nationally and internationally, because it is impossible to investigate and draw relevant conclusions without high-quality input data and comparable statistics that indicate trends. Much more attention should therefore be devoted to the synchronisation, organisation, and management of relevant firearms-related databases, both nationally and internationally.

2. Characteristics of Croatia's illicit firearms market

Croatia's legal weapons market is regulated by the provisions of the Weapons Act and the Ordinance on Special Conditions for the Production, Accommodation and Sale of Weapons and Ammunition, the Repair of Weapons and the Guidance of Civilian Shooting.³⁰ Key factors of the legal weapons market are the licensed arms manufacturers (which must obtain Interior Ministry approval to produce weapons) and arms dealers (who need Interior Ministry approval to sell weapons and ammunition to license holders). Croatia's internal legal weapons market is influenced by the tradition of hunting and the development of hunting tourism and sports shooting. On 1 January 2017 a total of 266,479 firearms¹ were registered in Croatia, comprising 259,129 weapons in the possession of natural persons and 7,368 in the possession of legal persons. There were 106,616 firearms owners, including both natural and legal persons.³¹

The Croatian defence industry played a crucial role during the Homeland War. Today it represents an important component of the defence and security segment and is also an important part of Croatia's economic and export activity. Various types of Croatian military equipment are exported worldwide. In recent years arms exports strongly increased and currently exceed several billion Croatian kunas in value.³² There is a limited number of firearms manufacturers in the country, the most important of which is HS Produkt Ltd. This company was established during the Homeland War and today has its factory in the city of Karlovac. HS Produkt manufactures four semi-automatic handgun lines, the VHS-2 assault rifle (which uses 5.56 x 45 mm calibre ammunition) and the VHS-BG grenade launcher (40 x 46 mm calibre). Approximately 95% of its products are exported to the US market.³³ There has been no known disappearance or theft of a weapon from the company in the last 17 years. In addition, the company does not have any information that its weapons have been used in illegal activities. The research team found that HS Produkt operates according to the highest world standards and conforms with domestic and EU legislation. The company is careful to protect its quality level and contracts, and attempts to ensure that no incident occurs that would threaten its existing brands and jobs.

After the end of the Homeland War and during the subsequent restructuring and modernisation of the country's armed forces, Croatia experienced problems with a surplus of weapons that were no longer needed in such large quantities. Some analy-

¹ According to the Weapons Act, firearms are all devices that fire bullets, pellets, shots, arrows or other projectiles with the help of gunpowder gas pressure.

ses indicate that by the end of 2012 Croatia had exported weapons and ammunition worth €126 million to Saudi Arabia and €44 million to Jordan.³⁴ In 2013 the *New York Times* reported that many plane loads of weapons had left Croatia since December 2012, and not much later Croatian weapons began appearing in YouTube videos posted by rebels fighting in the Syrian civil war. Quoting undisclosed officials who were familiar with these transfers, the *New York Times* stated that the shipments included ‘thousands of rifles and hundreds of machine guns’ and an unknown quantity of ammunition that were part of an undeclared surplus remaining from the 1990s Balkan wars. However, Croatia’s Foreign Ministry and arms export agency strongly denied that such shipments had occurred.³⁵ In 2017 an investigative news report by Balkan Insight stated that in the first nine months of 2016 weapons and ammunition worth €83 million were exported to Saudi Arabia despite warnings that some of these deliveries ran the risk of being illegally diverted to war zones.³⁶ The Croatian authorities have repeatedly stated that they did not arm Syrian rebel groups. It should be noted that when a country legally sells weapons to another country that is not under embargo, the seller cannot realistically control the further sale or transfer of the purchased weapons and that abuse is beyond the control of the seller and is the responsibility of the buyer. This is not only Croatia’s approach to the sale of surplus weapons to crisis areas, but is also that of many other countries. These weapons can very easily come into the possession of combatants from either side of a conflict and then end up on the illegal market. They could even be smuggled back into Europe.

It is clear that the widespread possession of illegal firearms presents a considerable problem in Croatia. The widespread availability of such firearms is due to a number of historical and (geo)political factors such as the legacy of the Homeland War, the geographical location of the country on the Balkan route, corruption, and organised crime. However, the Croatian illegal weapons market is small and not very active. This apparent paradox is explained by the fact that Croatians mainly acquired illegal firearms for their individual needs and have limited interest in trading them. The demand for illegal firearms in Croatia has been largely met by weapons left over from the Homeland War. In the following sections we will discuss the characteristics and dynamics of the illicit firearms market in Croatia. We will start by exploring the difficulties of estimating the size of this market.

2.1 Estimating the size of Croatia's illicit firearms market

Research on estimates of the number of small arms and light weapons on the illegal market in Croatia is very limited, which is a little surprising in light of the apparent problem of the large numbers of weapons in civilian hands. The lack of previous credible research and reliable and detailed national databases means that it is difficult to compare data and to look at differences in these data over time.

A number of older estimates do exist, but have been criticised by government officials. Between January and June 2006 SEESAC conducted research into the possession of small arms and light weapons in Croatia by interviewing 30 people from state agencies dealing with small arms and light weapons and conducting a household survey across the country among a representative sample of a thousand people.¹ Based on this survey, SEESAC estimated that there were 371,000 legal and 597,000 illegal weapons in Croatia at the time of the survey.³⁷ These estimates have been the subject of dispute between experts in Croatia and the region during scientific conferences and official meetings, and in internal Interior Ministry and Security and Intelligence Agency reports. It should be noted that the SEESAC research project was not focused solely on the number of illegally owned weapons, but was directed at the general phenomenon of small arms and light weapons in Croatia. It is possible to assume that because of this not enough attention was paid to the development of the part of the research methodology that examined the number of illicit small arms and light weapons in citizens' possession, which is why the number of illegal weapons present in the country is disputed.

The 2009 National Strategy and Action Plan for the Control of Small Arms and Light Weapons³⁸ expressed the need to conduct research into illegally owned firearms in Croatia. Despite this, no such research has been carried out.

During 2014 the Small Arms Survey conducted research on firearms possession and armed violence in the western Balkans, referring to the 2006 SEESAC research, as well as the Gallup Balkan Monitor research of 2012.¹¹ This research estimated that Croatian citizens illegally owned between 150,000 and 600,000 firearms.³⁹ It should be noted that the research did not develop its own methodological framework for estimating the quantity of weapons, but relied on evaluations of the results obtained in other research. It was estimated that the majority of the citizens who

I The survey asked two questions:

1. Are there any weapons in your household and, if any, how many?
2. How many weapons on average do you think people have in their households?

II Links to both research projects can be found on the Small Arms Survey website under its research activities.

possessed weapons lived in the areas affected by the most intense fighting in the Homeland War, but there was no further explanation and analysis.

In recent years no significant attempts have been made to investigate and establish realistic indicators of the number of small arms and light weapons illegally owned by Croatians. It is therefore currently impossible to reliably estimate the size of the Croatian illicit firearms market. The surveys undertaken for this study indicated that the interviewed government officials were aware of the existence of the problem of illegal weapons: 50% of them estimated the market as small, while the remaining 50% regarded it as medium in size, especially in areas where firearms of military origin are most often available. In addition, 60% of questionnaire survey respondents stated that there is a significant problem with the number of illegal weapons, as opposed to only 5% who considered that there is no problem with such weapons and 35% who considered this problem to be very small. In the following sections we will analyse the available data on seized and destroyed firearms.

2.1.1 Seized firearms

Although there is currently no reliable estimate of the number of illegally owned firearms in Croatia, seizure data suggest that this number is significant. Every year a large number of firearms are seized as a result of police investigations, primarily in searches of crime-related premises. Internal Interior Ministry data obtained for this study indicate that in the period 2007-2016 a total of 63,913 firearms¹ were seized by the police during criminal, misdemeanour or administrative procedures (see Table 1). These data show strong variations in the annual number of firearms seized in Croatia. They also indicate that after a peak in 2010, a consistent and significant decrease in the number of seized firearms can be observed, especially with regard to firearms seizures connected to misdemeanours and administrative infringements.

In 2011-2016 the Croatian police recorded a total of 3,462 criminal offences involving firearms.⁴⁰ These figures fluctuate strongly from year to year. Among others, the reasons for these annual fluctuations in criminal offences and seized firearms are believed to be the result of changes in the national legal framework, since the higher numbers of criminal offences and seized firearms were recorded during the period when the illegal possession of Category B firearms was considered to be a criminal offence. After amendments to the Criminal Code this became a misdemeanour, and as a result the numbers of criminal offences and seized firearms fell. There are also

¹ This information includes all types of firearms, but excludes ammunition and explosive devices.

Table 1: Firearms seized, 2007-2016

Year	Criminal	Misdemeanour	Administrative	Total
2007	683	2,094	2,607	5,384
2008	644	2,127	3,067	5,838
2009	618	2,980	3,265	6,863
2010	1050	3,649	4,403	9,102
2011	808	2,956	4,115	7,879
2012	885	2,480	3,524	6,889
2013	995	1,769	3,215	5,979
2014	1,050	1,854	2,999	5,903
2015	1,034	1,502	3,522	6,058
2016	845	1,243	1,931	4,019
1 January 2007-31 December 2016				63,913

Source: Croatian Ministry of the Interior

significant differences in the seizures related to the various procedures. It should be noted that these differences are the result of substantive changes in the legislation that regulates illegal-weapons-related offences. Thus, until the entry into force of the Criminal Code in the period to 1 January 2013, the unauthorised possession of weapons that did not fall into the category of prohibited firearms in terms of the Weapons Act was an offence punishable in accordance with the Act's misdemeanour clauses. In the first period of the application of the Criminal Code from 2013 to 2015 any unlawful possession of firearms, both prohibited and not prohibited, but for whose possession the approval of the competent authority is required, was a criminal offence. Amendments to the Criminal Code in 2015 have again introduced misdemeanour punishment for the illegal possession of firearms that are not prohibited, but for whose possession the approval of the competent authority is required. These changes have directly affected the statistical indicators of the number of criminal offences. However, even with these changes, the constant presence of illegal firearms can be observed through the number of detected criminal offences.

In addition, the activities of the border police and their detection of smuggled weapons should be taken into account. Between 2010 and 2016 the Croatian border police seized 2,521 firearms and 56,787 rounds of ammunition (see Table 2). In recent years higher numbers of rifles, pistols, and gas and signal weapons were seized. Interestingly, while the general firearms seizure data indicate a decrease in

the number of seized firearms, an increase in the number of firearms seizures at the country's borders can be observed. In addition, the data on seizures at state borders indicate that a significant number of replicas are also being seized. This suggests that these types of weapons are also available on the illicit firearms market in Croatia and are being smuggled into or out of the country. Reasons for a significant increase in the number of seized firearms during border controls should be sought, among others, in strengthened border police capacity since the start of the negotiations on Croatia's accession to full EU membership. After joining the EU, Croatia started preparations for Schengen accession, which is why it continued to strengthen its border controls by increasing the number of border police officers and the procurement of technical equipment for border control. This has resulted in greater rates of detection of cross-border smuggling and increased seizures of firearms and ammunition. Other types of weapons have also been seized. In November 2017, for example, the border police arrested a citizen of Bosnia and Herzegovina who attempted to smuggle 60 kg of military explosives from Bosnia to Croatia by boat across the Sava River.⁴¹

Table 2: The number of firearms and rounds of ammunition seized at state borders, 2010–2016

	2010	2011	2012	2013	2014	2015	2016	Total
Cold-steel weapons	84	73	216	446	278	477	504	2,078
Pistols	11	10	42	22	15	27	25	152
Revolvers	–	2	–	–	–	1	–	3
Rifles	14	14	13	9	5	13	24	92
Gas and signal weapons	7	7	21	7	6	27	92	167
Air weapons	3	–	4	6	4	8	4	29
All firearms	119	106	296	490	308	553	649	2,521
Ammunition (rounds)	2,011	27,877	3,904	9,101	9,047	2,160	2,687	56,787

Source: Croatian Ministry of the Interior Border Police

The details of a number of recent cases (see Box 2) highlight the wide variety of firearms, ammunition, related equipment (such as optical sights and silencers), and other types of weapons such as rocket-propelled grenade (RPG) launchers, hand grenades and explosives seized in Croatia. In addition, these cases suggest that the illegal private ownership of weapons mainly involves rifles, automatic rifles, pistols,

automatic pistols and explosives of military origin. A more detailed analysis of the cases in which police reported the brand and models of found and seized firearms also suggests that the majority of illegally owned weapons are of military origin and were probably left over from the Homeland War. Unfortunately, more detailed information about police activities leading to the recovery of these firearms cannot be established because they are confidential.

It was impossible to analyse the potential sources of illegal weapons in Croatia based on these data. This would require a deeper analysis of whether the weapon was intended for the domestic illegal market or for transit through Croatia to third countries. At the moment we do not have sufficient information for such an analysis, but the number of weapons seized at the country's borders helps to build up a wider picture of the problem of illegal weapons in Croatia.

2.2.2 Destroyed firearms

The Ministry of the Interior, the Ministry of Defence and the Croatian Armed Forces are responsible for destroying weapons. Data on destroyed firearms are significant because they not only show the number of weapons that no longer appear on the illegal market, but also illustrate government efforts to destroy surplus weapons and prevent their re-use. In cooperation with domestic and international organisations, the responsible ministries destroy large numbers of small arms and light weapons. According to data for the period 1993-2012, in total more than 70,000 small arms and light weapons were destroyed in several large (sometimes parallel) cycles:

- According to the National Programme, more than 15,000 long and short weapons (pistols, revolvers, rifles, machine guns and other) were officially destroyed at the Sisak Steel Factory between 1993 and 2001.⁴²
- At the beginning of 2008 the Ministry of Defence and the Croatian Armed Forces organised the largest destruction to date of surplus military small arms and light weapons. Twenty-five thousand weapons of various kinds were destroyed as part of the UN Action Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and in line with Croatia's obligations to the EU and the Organisation for Security and Cooperation in Europe. The destruction was carried out by members of the Armed Forces at a repair facility in Zagreb and on a military firing range in the presence of representatives of international organisations and military envoys.⁴³
- On 19 October 2012, during the 20th round of weapons destruction in the MIV factory in Varaždin, the Ministry of the Interior in cooperation with

UNDP concluded the EU-funded regional small arms project to destroy 30,000 small arms and light weapons.⁴⁴

Box 2: Some recent illustrative firearm seizures

In December 2014, during a house search, police found and seized six hand grenades, 6,055 rounds of various types of ammunition, one semi-automatic rifle, two automatic rifles, one hunting rifle, three hunting carbines, one mini-calibre rifle with an optical sight and silencer, 11 automatic rifle tanks, two pistols, four electric detonator capsules, two hand grenade fuses, 1.4 kg of military explosives, one hand grenade, one hand-made firelock, 263 cartridges, seven gun barrels of various calibres, and various other rifle parts.⁴⁵

On 7 January 2015 the police concluded an investigation that ran for several months during which a truck with Dutch registration plates driven by a Dutch citizen was found to be carrying a rifle of unknown origin, 22 hand grenades, two RPG launchers, two CZ M88 pistols, one Beretta 9 mm pistol, two M70 B1 automatic rifles, a CZ M70 automatic rifle with folding stock, a Kalashnikov rifle, an M53 machine gun, an M72 machine gun, four RBR 64 mm hand grenade launchers, firing pins for an M53 machine gun, five ammunition belts for a light machine gun, three M70 automatic rifle magazines, 250 rounds of 7.62 mm ammunition, 860 rounds of 7.9 mm ammunition, and five detonator caps. Nine people were arrested: eight Croatian citizens and one Dutch citizen.⁴⁶

In January 2015, during the search of a house owned by a Croatian citizen, police found and seized 20 pistols, 16 automatic pistols, nine automatic rifles with associated magazines and ammunition, 2.8 kg of explosives, and 30 hand grenades. A subsequent search revealed another gun and a home-made rifle, as well as dozens of rounds of ammunition, dozens of silencers and 12 laser sights.⁴⁷

In August 2016, during a house search, police found a total of 10,365 rounds of various types of ammunition, eight rifles (including one automatic rifle), four pistols, 13 complete silencers and several silencer parts, 12 different magazines, 11 detonators caps, 11 metres of detonating cord, four hand grenades, one explosive bullet and various weapons parts. The investigation found that the suspect acquired the weapons, ammunition and explosive devices immediately after the Homeland War and then stored them illegally in his home.⁴⁸

During our research we found no information on recent weapons destruction activities. We also concluded that there is no unified system for the tracking and recording of destroyed weapons in Croatia.

2.3 Main characteristics of the Croatian illicit firearms market

The main feature of the illicit weapons market in Croatia is that it involves only small transactions, despite the large amount of weapons in citizens' illegal possession. The predominant theory is that individual citizens are usually the buyers and sellers of weapons, which supports the argument that the illegal market involves only small quantities of weapons. Supply mechanisms indicate that individuals sell weapons on the illegal market, although the possibility that OCGs are also involved cannot be excluded. To date, no major and significant cases have been officially reported that OCGs were significantly involved in these activities. In the following sections we will analyse the various supply mechanisms of the illicit firearms market in Croatia and the actors involved. Unfortunately, too little evidence is available for an in-depth analysis of the other characteristics of this market.

2.3.1 Supply mechanisms

In our survey, respondents were asked how they believed weapons ended up on the illegal market. The analysis of these responses reinforces the perception that most weapons on the illegal market originate from items illegally owned since the Homeland War. Smuggling from other countries, illicit production and theft were not considered to be important sources of supply.¹

Legacy from the Homeland War

The illegal market is largely supplied by weapons acquired to defend the country in the Homeland War. At that time a significant amount of weapons were imported both legally and illegally: during the war Croatia was under an international arms embargo and armed itself in various ways. Citizens who lived in war-affected areas armed themselves both for personal protection and to fight in the war. In addition, during the war large quantities of weapons were captured from the former Yugoslav People's Army. Since the primary focus was on the defence of the country,

¹ 37% and 39%, respectively, of respondents stated that 'very few' and 'few' weapons end up on the market through smuggling. 21%, 53% and 27%, respectively, of respondents stated that 'no', 'very few' and 'few' weapons end up on the illicit market through illegal production.

it was difficult to establish any form of control, and the number and type of weapons in the country, particularly those owned by civilians, were not recorded. Interviewed military and security analysts stressed the importance of easy access to small arms of military origin used in the Homeland War or kept in the reserves of the former Yugoslav People's Army and other former state bodies.

Semi-automatic and automatic weapons such as pistols and various versions of the AK-47 assault rifle can be found on the illegal market. The average price ranges from €100 to €500 per weapon, depending on the type. Due to its reliability and longevity, the AK-47 has significant personal value for the people who own it, and its price on the illegal market does not reflect this personal value. Similarly, during the Homeland War many bought AK-47-type assault rifles on the illegal market for more than they are now worth, which is one of the reasons why they may not want to sell them for lower prices today.

Cross-border smuggling

In various international media reports and some of the research undertaken for Project SAFTE, Croatia is mentioned as a source of illegal weapons used in criminal offences in other countries. These claims could not be substantiated during our research: we did not find any links in court judgments and police operations in Croatia that have a direct link with such claims. This indicates the need to continue detailed research on this topic, improve the exchange of information and confirm the authenticity of media claims.

In this section it is worth pointing out two recorded cases of weapons smuggling across Croatia to Western Europe, the first from 2003, the second from 2010. In both cases, members of Croatian OCGs acquired weapons (dozens of pistols and several kilograms of detonators) on the illegal market in neighbouring countries and smuggled them to the Netherlands and Scandinavian countries. Interestingly, in their destination countries these weapons were subsequently traded for large quantities of cocaine, ecstasy and amphetamines, which were then smuggled into Croatia and sold on the local market. In this way the smugglers realised high earnings compared to the potential earnings from the sale of the weapons in Croatia.⁴⁹ No evidence was found that the weapons were either illegally or legally acquired in other countries and subsequently transferred to Croatia for illegal sale there. Yet this does not mean that there are no such cases. We consider that this is not a common practice since quite large supplies of (generally not too expensive) illegal weapons are available in Croatia itself and potential weapons smugglers may not consider it worth the risk to smuggle weapons into the country for such small returns.

Illegal production

Some of the weapons that ended up on the illegal market were illegally produced. The best-known case is that of the Vugrek family, which for generations was legally involved in repairing and remodelling firearms. At the beginning of the Homeland War, when there was a shortage of firearms, a member of the Vugrek family designed and produced a sub-machine gun known as the Agram. Since the Croatian Army had decided to adopt the ERO sub-machine gun manufactured by HS Produkt, the Vugrek family did not obtain a licence to manufacture the Agram, even though the design of the subsequent Agram 2000 was improved. After several murders were committed using Agram sub-machine guns, the police investigated the Vugrek family (first in 2006 and then in 2013) and found an illegal gun factory in their home.⁵⁰ The production equipment was seized in criminal proceedings and members of the family are currently in prison. There were also a few cases of small-scale production during the Homeland War. All such factories were closed during war, but some weapons produced in them are still in existence.

Theft

The storage of firearms in Croatia is primarily under the jurisdiction of the police and the Armed Forces, because police and army personnel are the main users of firearms in their duties. Manufacturers and firearms dealers also store some weapons. All of these are a potential source of weapons for the illegal market.

The Croatian police, with EU financial support and in cooperation with UNDP, established the MURAT central weapons and ammunition storage facility in the city of Jastrebarsko. The facility is equipped with modern security systems to control access and prevent unauthorised access. Thefts mainly occur from small police storage facilities where weapons seized in criminal and misdemeanour proceedings are kept until the end of these proceedings. Small military storage facilities are also targeted. It is not unusual for weapons to disappear from these two types of facilities. In 2003, for example, 231 HS95 pistols with related equipment were stolen from the Sveti Križ military storage facility in the Split area,⁵¹ while in 2010, 549 pistols (with an estimated value of 30,000 kunas) were removed from the police storage facility in Sesvete.⁵² Some more recent examples illustrate the recurrent problem of stockpile theft. In 2015, for example, it was discovered that three police officers from the Dubrovnik-Neretva police department stole firearms that should have been destroyed, in 2016 an official police sub-machine gun was stolen from the police station in Ogulin,⁵³ while in 2007 about 20 ERO sub-machine guns were removed from the police station in Zaprešić. The subsequent criminal investigation found that the guns were sold to a member of a Zagreb criminal group for €9,500.

It can be concluded that the central military and police storage facilities in Croatia are generally well equipped and protected and that weapons very rarely disappear from them. However, small storage facilities at police stations and lower-level military units are not well protected and are therefore more prone to theft. Improving the security systems of smaller firearms stores through cooperation with key international partners and with EU financial assistance is therefore recommended.

2.3.2 Actors

The surveys undertaken for this study provide some insight into the actors involved in the illicit firearms market in Croatia. More than half of the experts (54%) who completed the statistical questionnaire, for example, believed that the illegal weapons market is mainly supplied by illegally owned weapons left over from the Homeland War. The assumption is that individuals tend to put small quantities of weapons into circulation on the illegal market, that this is not an organised activity, and that it is difficult to acquire larger quantities of weapons in this way.

When asked about who sells illegal weapons in Croatia, the majority of respondents (61%) considered that they are sold by individuals, while 19% thought OCGs were the main sellers of weapons.ⁱ It is necessary to see this in the context of answers to questions on who purchases illegal weapons in Croatia and who smuggles illegal weapons through the country. Most participants answered that individuals from Croatia bought weapons (41%), while OCGs (20%) and citizens from other countries (13%) were named less often.ⁱⁱ In terms of the second question (on smuggling), 41% of participants answered that OCGs were the main actors. Citizens from other countries (20%) and individuals from Croatia (18%) were named less often.ⁱⁱⁱ

An interesting aspect of these responses is the role of OCGs, with 19% of respondents asserting that OCGs sell illegal firearms, 20% believing that OCGs buy illegal firearms and 41% thinking that OCGs smuggle illegal firearms through Croatia. This is in contrast to the available official data, which do not reflect interviewees' perceptions. OCGs were also mentioned in some documents and media reports (that we have analysed earlier in the text) as actors in a chain involving the purchase, transfer and sale of weapons on the illegal market. We did not encounter official indicators, statistics, court verdicts or police reports to confirm such a thesis, especially in terms of the trafficking of larger amounts of weapons. Clearly,

i 18% declared that they did not know or had no information about this issue.

ii 23% of respondents stated that they did not know, while two answers were invalid responses.

iii 21% of respondents stated 'I do not know/I have no information'. One answer was an invalid response.

however, this does not mean that such activities do not occur. Ongoing investigations by their very nature cannot be described here. Further research on the role of OCGs would be beneficial.

2.4 Croatia as a transit country for illegal weapons

The analysis in this section is based on official documents, assessments by competent institutions and border police records reflecting the number of seized weapons. Unfortunately, operational indicators and data on significant cases of smuggling of larger quantities of weapons were not available during the study. Most importantly, because the correlation between a particular weapon and its end use cannot be ascertained with great certainty from the available data, we prefer not to speculate on such links.

As mentioned above and as stated by the Security and Intelligence Agency, arms smuggling from South Eastern Europe to EU member states mainly involves weapons still in circulation from the 1990s wars and thefts from poorly secured arms depots in some countries. From an analysis of what few relevant data are available and the perceptions of experts interviewed for this study and those who filled in the questionnaires,¹ we believe that Croatia may be a significant route for the transport of illegal weapons through its territory, although adequate concrete evidence of this was lacking.

To sum up: it is difficult to determine the size of the illicit firearms market in Croatia, primarily because of the lack of available and reliable data. Furthermore, although many Croatians own a large number of illegal firearms, the active marketplace is comparatively small. Ultimately, the domestic illicit firearms market is not considered to be a significant problem and is probably small to medium in size. Croatia could be a transit country for smuggled firearms. However, the limited information currently available means that we are unable to be more specific about certain aspects of the illegal market. Further research needs to be done in this area.

¹ More than half of the participants (58%) considered that Croatia is mostly a transit country for illegal firearms, while a further 24% agreed that it is a transit country, but that there is some element of supply on the illegal domestic marketplace. 14% answered 'I do not know/I have no information'. This means that 82% of respondents believe that Croatia is a transit country for firearms, with only 3% dissenting from this view. Such a response should be seen in the context of the state of the illegal armaments market and the availability of weapons on this market.

3. Terrorist access to Croatia's illicit firearms market

The aim of this section is to understand the potential for terrorist activities to occur in Croatia involving terrorist access to illegal weapons, either independently or in cooperation with OCGs. It is also necessary to consider if firearms produced or procured in Croatia are being used for terrorist activities beyond its borders.

The Croatian National Strategy for the Prevention and Suppression of Terrorism⁵⁴ defines 'terrorism' as the planned, systematic and purposeful use of violence or the threat of violence against people and/or material objects, as the means of provoking and using fear among an ethnic or religious community, the public, the state or the entire international community to achieve political, religious, ideological or socially motivated ends.

Since the end of the Homeland War there has been minimal terrorist activity in Croatia. In recent decades only one terrorist attack has been carried out: on 20 October 1995 a suicide bomber blew himself up in a car in front of the headquarters of the Primorje-Gorski Kotar County Police Department in Rijeka. This was also the first attack by radical Islamist terrorist organisations in Europe. During the attack, for which the Egyptian terrorist organisation Al Gamma'a Al-Islamiyya claimed responsibility a day later, 29 people were injured, while only the perpetrator was killed. The aim of the attack was to force Croatian authorities to release the spokesman of the organisation Tala'at Fuad Kassem, who had been in police detention in Zagreb since 12 September 1995.⁵⁵ No firearms were used in the terrorist attack, while no small arms and/or light weapons were found that were intended for use in the attack.

According to the Croatian authorities there are currently no terrorist groups or individuals in Croatia who are officially seen as perpetrators of terrorist acts, or people clearly involved in terrorist activity.¹ There are currently no identified direct threats from terrorism in the country and no information is available about the activities of individuals or groups associated with terrorist organisations. However, if we take into consideration Croatia's geopolitical position, and in particular its full membership of the EU, NATO and other international organisations, associations and initiatives, a threat arises from the country's membership of such organisations. It should also be noted that no activities of organisations, groups or individuals associated with terrorism in Croatia have been recorded.

¹ For more information, see the National Security Strategy of the Republic of Croatia, and Security and Intelligence Agency public reports.

For now, there is no official awareness within the entire Croatian security sector that terrorists are acquiring weapons on the illegal market in Croatia or that the illegal weapons from Croatia are being transferred outside the country to arm terrorists. The respondents to our statistical questionnaire share this view: they are aware of the dangers of terrorism, but they consider it to be a small threat to Croatia.^I They also expressed the belief that terrorists occasionally transit through Croatia.^{II}

Because the 1995 terrorist incident is unique, it is not possible to draw conclusions from it that are relevant to the research subject because the suicide bomber did not use firearms. Also, no relevant data have been found that could be analysed for the purpose of this research and there is no evidence of terrorist groups in Croatia acquiring firearms. In the following paragraphs we will therefore focus on the potential access of terrorists to the illicit firearms market.

Analysis of terrorist attacks carried out in Europe since January 2015 show that firearms were used in some form in most of them, whether as the main means of executing an attack (e.g. the attack on the *Charlie Hebdo* office in January 2015), as an auxiliary device, or in obtaining the main means of attack (e.g. the attack in Berlin in December 2016). Although the source of the firearms used in some terrorist attacks could not be clearly identified, the media have often identified the western Balkans as the source of the weapons, especially automatic weapons of military origin, while Slovakia has been reported as a source of modified weapons.⁵⁶ Some media sources have reported the possible linkage of weapons from Croatia to the Irish Republican Army⁵⁷ and accused leaders of the Serb Republic in Bosnia and Herzegovina of arming this group.⁵⁸ It is significant that these media reports have never been officially researched and either confirmed or denied by national or international bodies. However, regardless of the actual sources of the firearms used by terrorists, the availability of firearms on the illicit market points to the fact that there is insufficient systematic control and suppression of the illegal weapons market at the EU level.

From interviews with government officials a common opinion emerged that although many Croatian citizens undoubtedly own large numbers of illegal weapons, the illegal market is small and weak (although the possibility of individual purchases cannot be excluded), and there is no evidence that such weapons are available to

I When asked if terrorism is a real threat to Croatia, most participants (56%) considered that it poses little threat to the country and 10% even considered that it poses no threat, while only 31% of participants believed that terrorism represents a real threat to Croatia and 3% perceived it as a major threat.

II When asked if Croatia is a transit country for terrorists, the majority answered positively: 'periodically' (60%) and 'yes' (28%). The remaining 12% of respondents stated that they did not know or did not have enough information to answer this question. One answer was left empty.

terrorists, a finding that is based on official statistical and operational indicators and findings. If the creation of terrorist networks in Croatia or the increased involvement of OCGs in the country should occur, then there may be a danger that there will be an opening up of the market, with more weapons becoming available.

Military and security analysts consider that in general insufficient material is available for deeper analysis of specific features of this potential phenomenon. When asked in the statistical questionnaire whether terrorists are using illegal weapons market in Croatia for their own supply, a large group of participants (42%) answered that they did not know or had no information on this subject, followed by 'periodically' (34%), 'yes' (13%) and 'no' (11%). These responses show a lack of information about this complex issue among core practitioners and stakeholders who are directly or indirectly involved in tackling serious crime and terrorism. This shows that the true situation is currently unexplored and that there is an urgent need for further research.

In a follow-up question, respondents were asked whether terrorists obtain or have obtained weapons with the help of links with OCGs. Interestingly, the largest number of respondents (39%) considered that such links exist. However, these answers should be seen in light of the 37% who said that they did not know or have information on this subject. Clearly, there is not enough relevant information, knowledge and understanding in general about this issue, and responses are likely to be based on rough perceptions rather than real understanding or knowledge.

In conclusion, the answers to this part of the questionnaire indicate that survey participants considered Croatia not to be a potential terrorist target, but rather as a transit country for terrorists (and also a site for firearms acquisition). The most specific thoughts on this issue came from an Interior Ministry expert with considerable experience of the issue of arms smuggling: *"99% of weapons smuggled through Croatia to Western European countries come from South East Europe. From Asia and Africa almost no weapons pass through Croatia, since their main smuggling channels are through Italy and especially Spain. As for the so-called Balkan route, it exists as a smuggling channel because its main (central) part passes through the continental part of Croatia. There are also two auxiliary routes (north and south), and the southern route passes partly through the coastal part of Croatia."*

He added that *"based on long-term monitoring of weapons issue, I conclude that the illegal arms trade in Croatia and its near neighbourhood is not really a highly profitable business. For this reason it is not the main activity of criminal groups and such activities are mostly organised ad hoc. This paradoxically complicates the work of the police to detect organised groups of weapons smugglers. From my involvement in all the*

important criminal investigations in the last ten years, I can conclude that smuggled weapons from Croatia are primarily targeted towards criminal groups, most notably in the Netherlands, Sweden, Germany and the United Kingdom, while the weapons used in terrorist attacks in Western Europe came from smuggling routes through Spain, although Serbian and Bosnia-Herzegovina origins cannot be excluded."

4. Conclusions

This research study examined three key issues:

1. Croatian national policy to fight the illicit firearms market and terrorist access to this market;
2. the size and characteristics of the illicit firearms market in Croatia; and
3. the potential for terrorists to procure firearms from the illegal weapons market in Croatia.

The *first key finding* is that Croatian citizens own a large quantity of illegal firearms, primarily as a legacy of the Homeland War (1991-1995). However, it is extremely difficult to accurately gauge the number of illegal weapons in circulation. Past estimates are questionable because of the method of collecting and processing data. During the Homeland War a significant number of weapons were imported both legally and illegally, which today can be traded on the illegal market. They are mostly semi-automatic and automatic weapons such as pistols and various versions of the AK-47 assault rifle. A small but significant number of firearms have also been stolen from police and military storage facilities and ended up in illegal hands.

The *second key finding* is that, despite the fact that citizens own a large number of illegal firearms, the actual active illegal firearms market in the country is small and weak, and prices are relatively low, ranging on average from €100 to €500 per firearm, depending on the type of weapon. Firearms appear to be purchased individually or in small quantities, with limited opportunities to purchase large quantities of weapons, while buyers and sellers are mostly individuals who are not involved in general weapons trading. Most weapons offered for sale are left over from the Homeland War. Although illegally possessed firearms can be found all over Croatia, their initial journey mainly began in areas where military operations occurred during the war. OCGs are occasionally involved in smuggling, but further research is needed into the transit of illegal weapons through the country. In light of the presence of the so-called Balkan route, it is realistic to assume that Croatia is a transit country for smuggled firearms, among other items.

The *third key finding* is that Croatia is not being used to any significant degree to supply illegal weapons to terrorists, although it is certainly a transit country for weapons smuggling in general, and some of these weapons could end up in terrorist hands. It should be noted that in the last 25 years there has been minimal terrorist activity in Croatia, while no terrorist groups or individuals have been identified recently in the country. While it is possible that potential terrorists could acquire firearms from OCGs, we found no concrete evidence of this.

In the past decades several *policy instruments* have been developed to combat the illicit possession of and trade in firearms in Croatia, including primarily the Weapons Act and Criminal Code with an additional strategic framework. These instruments are fully harmonised with EU legislation. Two important features are noteworthy in this regard: firstly, the legislation itself is not a problem, but its implementation is; and, secondly, some regulations are unrealistic and the restrictive policy governing the legal procurement of weapons in the country could encourage illegal ownership. Cooperation among the various state institutions responsible for dealing with the illegal firearms market is a keystone of state policy, as is cooperation with international bodies. Croatian citizens have surrendered large numbers of illegal weapons, and police have seized other illegal firearms in the country itself and at the borders with neighbouring states. The police and Armed Forces have destroyed large numbers of illegal or surplus small arms and light weapons.

National policies to prevent terrorists from entering the illegal weapons market are very strict and designed to minimise such activities. This is a key priority in Croatia. However, the country is unable to control the acquisition by terrorist groups of weapons legally produced in Croatia and legally sold or donated to other countries.

During this study we have identified several *challenges* confronting attempts to combat the illicit possession of and trade in firearms. The Croatian government announced the completion of the implementation of the National SALW Strategy and its Action Plan in 2015. However, the problems and challenges identified in this research prompt the recommendation that a similar programme should be drawn up and implemented that will continuously regulate the activities of all the institutions involved in the illegal weapons issue and monitor the results of their activities. Clear strategic and tactical action plans should be developed at the national level that would raise awareness about the dangers of illegal weapons, standardise security at all weapons storage facilities, and require key actors to cooperate more effectively in implementing the existing system of regulation.

The aim of this research was to answer with as much precision as possible questions about the state of national policies to prevent the entry of terrorists into the illegal weapons market, the characteristics of this market and the possibility of terrorists acquiring weapons on it. Research of this kind has never been carried out in Croatia. Empirical security-related research is very rare in the country and therefore – and also due to the sensitivity of the subject – many participants in interviews and surveys were restrained in their responses. Full statistical indicators of material for the research were not available to the research team, but with the help of the Ministry of the Interior, which provided the available databases, an analysis was carried out. This analysis showed that it is not possible to accurately determine the number of illegal weapons in Croatia, the size of the illegal market and the possibility of terrorist access to that market. The majority of the conclusions of this research project are based on the perceptions of key stakeholders with very different profiles who were or still are actively involved in firearms and terrorism control and management. Using these perceptions and what materials are available, this study has identified trends that form a good basis for further research on these phenomena in both Croatia itself and in the wider region.

The need for further research should be emphasised. South Eastern Europe and countries such as Ukraine that have either previously experienced or are experiencing armed conflict on their territories are a rich source of weapons. It is necessary to extend the existing research in these areas to more accurately understand the extent of the problem, to identify the challenges and to make recommendations for further activities to tackle the issue of illegal firearms. Extremely limited research into this issue has been undertaken in Croatia, and based on the initial results of the present study, it is strongly recommended that further in-depth research be conducted. The argument for doing so is reinforced by the widely diverse and inconsistent perceptions of the key informants who contributed to this study. Clearly, few facts are known and few data are available that would allow a better understanding of the problems confronting Croatia and the wider region. In light of the widespread terrorist attacks in recent years across Europe, it is a matter of some urgency that our understanding of these problems should be based on much firmer factual information. This study suggests the need for higher level of cooperation between law enforcement agencies, judicial bodies, business entities, legislators and the scientific community. All are called and have not only the need, but also the obligation to cooperate, exchange information and strengthen the capacity of the system as the challenges ahead of us significantly increase and only with joint action they can be respond to.

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