

BOSNIA-HERZEGOVINA

Gross abuses of basic human rights

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Introduction

Amnesty International is deeply disturbed by the huge suffering and destruction occurring in Bosnia-Herzegovina as a result of the civil war which broke out in April 1992. The organization takes no position on the legitimacy of the territorial claims, or the political objectives of the parties to the conflict. However, Amnesty International is concerned when such policies lead to human rights violations. As a human rights organization with a clear mandate, Amnesty International is particularly concerned about reports of the detention or "disappearance" of non-combatants, extrajudicial killings and other deliberate and arbitrary killings of unarmed civilians or combatants no longer taking part in hostilities and the ill-treatment or torture (including) of both non-combatants and combatants. These abuses have been committed by military, paramilitary and police forces. The organization is also concerned about the right of refugees to be protected from being forcibly returned to Bosnia-Herzegovina where they are at risk of suffering such human rights violations and about the mobilization into the Bosnian Government forces of men or women who may have conscientiously-held objections to fighting.

Information about the full range of violations occurring in the republic is incomplete and often difficult to verify, but the information available indicates that all sides are responsible for some of the violations listed above, many of which are occurring outside the immediate zones of battle. Amnesty International repeats its appeals to all parties to the conflict in Bosnia-Herzegovina and their supporters outside the republic to uphold international humanitarian standards and to protect human rights.

Amnesty International strives to be politically impartial in all its work for the promotion and upholding of human rights. It strongly believes that all violations of human rights are to be deplored and that in no circumstances can abuses perpetrated by one party be used as justification for abuses carried out by another.

International law

The repeated, gross violations of the most basic standards of humane conduct in Bosnia-Herzegovina are prohibited equally by human rights law and humanitarian law standards. Particularly concerning fundamental principles such as the right to life, physical integrity and freedom from torture and ill-treatment, everyone in Bosnia-Herzegovina has a right to expect that all parties will respect at least the basic minimum standards enshrined in customary international human rights law, human rights instruments such as the Universal Declaration of Human Rights (the Universal Declaration) and the International Covenant on Civil and Political Rights (ICCPR), and international humanitarian law.

Both customary international law and treaties such as the ICCPR provide that the right to life and the right to be free from torture and other cruel, inhuman or degrading treatment or punishment are two of the rights which must always be protected and can never be suspended in any circumstances. Even an acute public emergency or state of war are not justifications for their violation. Such fundamental human rights standards apply equally in times of both war and peace.

In addition to human rights standards, international humanitarian law standards establish minimum standards for the protection of individuals in situations of armed conflict such as the one within Bosnia-Herzegovina. In particular, Common Article 3, which appears in all four Geneva Conventions of 1949 defines the people to whom its protection is extended in a clear and comprehensive manner:

"Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause..."

Paragraph 1 of Common Article 3 requires that "in all circumstances" such people shall be "treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria". The article then prohibits certain acts "at any time and in any place whatsoever with respect to the above mentioned persons", including:

- "...a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular humiliating and degrading treatment..."

On 22 May 1992 representatives of four parties in Bosnia-Herzegovina - the Presidency of the Republic of Bosnia-Herzegovina, the Serbian Democratic Party (henceforth known by its Serbo-Croat acronym - SDS), the Party of Democratic Action (Serbo-Croat acronym - SDA) and the Croatian Democratic Union (Serbo-Croat acronym - HDZ) - signed an agreement (the 22 May agreement) at the invitation of the International Committee of the Red Cross (ICRC) in which they committed themselves to "respect and ensure respect for" provisions in the Geneva Conventions including those for the protection of civilians, captured combatants, the wounded and sick and hospitals. In particular, the parties agreed to be bound by Common Article 3 of the Geneva Conventions.

The parties also undertook, in Clause 4 ("Dissemination"), that they would:

"...spread knowledge of and promote respect for the principles and rules of international humanitarian law and the terms of the present agreement, especially among combatants".

It also is important to note that the Socialist Federal Republic of Yugoslavia succeeded to the four Geneva Conventions and the two Additional Protocols in 1950 and 1979 respectively. Therefore, regardless of the 22 May agreement, in international law all the states which have emerged from the break up of the former Yugoslavia continue to be bound by these treaties. The Republic of Croatia reaffirmed its commitment to these instruments by formally depositing a declaration of succession to the four Geneva Conventions and the two Additional Protocols on 11 May 1992. During the London Conference held on 26 and 27 August, all the parties to the conflict agreed to a Programme of Action on Humanitarian Issues which included a commitment to be bound by their obligations under the Geneva Conventions and the Additional Protocols "and that persons who commit or order the commission of grave breaches are individually responsible".

Background

For reasons of space the following description of the background to the conflict in Bosnia-Herzegovina and preceding conflict in Croatia is very abbreviated. Readers who require more detailed information are encouraged to use other sources.

Since the creation of the first Yugoslav state in 1918, this multinational state had always experienced strong nationalist tensions which in part led to its dismemberment during the Second World War. The post-Second-World-War state (the Socialist Federal Republic of Yugoslavia - SFRY) attempted to reconcile these tensions by dividing the state into six republics under a federal structure, but with a strong central government. All the republics, with the exception of Slovenia, contained significant minority groups. The cohesion of this state was reinforced by strong one-party rule under the League of Communists of Yugoslavia and the repression of nationalist and political dissent. In 1974, however, a new constitution promoted decentralization and gave considerable powers to the republic's administrations. Throughout the 1980s nationalist tensions increased and federal authority weakened in the face of the increasing assertiveness of the republics. This process rapidly accelerated with the end of one-party rule in 1990 and the holding of multi-party elections in all six republics. Nationalist parties did well everywhere, and in Slovenia and Croatia the new governments pressed for confederation and eventually for independence. The moves towards a breakup of the federation met with strong opposition elsewhere within Yugoslavia, particularly from Serbia. The Slovenian and Croatian demands for independence were countered with warnings from Serbia that if these republics changed the state's international borders, Serbia would seek to change internal borders in order to safeguard the large Serbian communities in Croatia and Bosnia-Herzegovina.

The conflict in Croatia

On 25 June 1991 the Republics of Croatia and Slovenia unilaterally declared independence after having failed to negotiate either a confederal solution or their independence. Units of the Yugoslav National Army (JNA) were sent into Slovenia where fierce fighting followed. They withdrew after an agreement was signed in Brioni on 7 July. At the same time, JNA reinforcements were sent to areas of Croatia where enclaves of the Serbian population had clashed with Croatian forces after setting up at the end of 1990 self-proclaimed "Serbian autonomous districts" which refused to recognize Croatian authority and demanded to be joined to Serbia. They justified these moves by pointing to constitutional changes which had reduced their status to that of a minority and by various measures which revived memories, exploited by nationalist media and politicians, of the persecution and massacre of Serbs under the fascist government of the Independent State of Croatia, established under German and Italian protection in the Second World War. The armed conflict in Croatia soon spread to border areas of Bosnia-Herzegovina. By 7 September 1991, when a European Community-sponsored peace conference opened, Serbian paramilitary forces and JNA units had gained control of almost a third of Croatian territory and Yugoslavia's federal institutions had largely ceased to operate. These developments were marked by a breakdown of law and order in many areas and atrocities in war zones.

Amnesty International has grave concerns about torture and deliberate and arbitrary killings which occurred in the context of the conflict in Croatia (see the Amnesty International reports *Yugoslavia: Torture and deliberate and arbitrary killings in war zones*, November 1991, AI Index: EUR 48/26/91 and *Yugoslavia: Further reports of torture and deliberate and arbitrary killings in war zones*, March 1992, AI Index: EUR 48/13/92). New information continues to emerge about these concerns relating both to atrocities which occurred in the period up to the ceasefire and torture and ill-treatment of prisoners of war and detained non-combatants which occurred after it.

Numerous ceasefires were agreed under the sponsorship of the European Community (EC) and later the United Nations (UN), all of which proved to be ineffective until a lasting ceasefire came into effect on 3 January 1992. Numerous violations of this ceasefire have been reported since it came into effect. The ceasefire allowed plans to go ahead to establish a UN peace-keeping force, called the United Nations Protection Force (UNPROFOR), in the zones of conflict in Croatia.

A new Yugoslav state, comprising only the republics of Serbia and Montenegro, was proclaimed in Belgrade on 27 April 1992. Croatia and Slovenia obtained widespread international recognition with their acceptance into membership of the United Nations on 22 May 1992.

Between March and July 1992, a number of captured Croatian soldiers were charged with war crimes in military courts in Serbia. Some of these were tried and found guilty, including four who were sentenced to death in June and July. Amnesty International is concerned that the trials may have not have conformed to international standards of fairness and it unconditionally opposes the death penalty. War crimes trials have also taken place in Croatia, the majority involving Serbs who allegedly fought against Croatian forces. A number of Croatian soldiers have also been tried in Croatia. Exchanges of the remaining prisoners of war between the federal Yugoslav and Croatian sides which started in August 1992, on the basis of "all for all" and without conditions, resulted in the exchange and release of many who had been convicted of war crimes by both sides. Many people on both sides, who are widely believed to have committed war crimes, have yet to be investigated or brought to justice.

The conflict in Bosnia-Herzegovina

The 1991 census in Bosnia-Herzegovina recorded the Muslims (recognized as a nationality in the 1960s) as making up the largest single national group in the republic with 43.7 per cent of the population while the Serbs made up 31.3 per cent and the Croats 17.3 per cent (the remainder declared themselves as "Yugoslavs" or other nationalities). These three national groups were neither concentrated in contiguous areas nor spread evenly throughout the republic, although some areas had a clear majority of one nationality.

In the multi-party parliamentary elections which were held in Bosnia-Herzegovina in November 1990 the majority of seats were won by parties representing the three main nationalities. The three main national parties are the Party of Democratic Action (SDA), which draws its support from the Muslim community, the Serbian Democratic Party (SDS) and the Croatian Democratic Union (HDZ), which is a sister party of its namesake in Croatia. Each took seats in the parliament approximately in proportion to their numbers in the national make-up recorded in the 1991 census. The seven-member presidency, which was subsequently elected by the parliament, included representatives of all three parties as did the government. The SDA leader, Alija Izetbegović, became President of the Presidency.

The problems of achieving a consensus between the three national groups became acute as the break-up of the old federation became imminent with the declarations of independence by and conflict in Slovenia and Croatia in June 1991.

In October 1991 Muslim and Croatian deputies in the parliament approved documents which paved the way for the eventual secession of the republic from the Yugoslav federation. The majority of Serbian deputies had previously walked out of the session. Radovan Karadžić, leader of the SDS, was quoted in a report in the British *Financial Times* of 16 October 1991 as saying that the approval of the documents set Bosnia "on the same road to hell as Croatia and Slovenia". SDS leaders had protested that in important political decisions, such as those involving

the organization or sovereignty of the republic, representatives of one nationality should not be able to be outvoted by combinations of the others.

Muslim and Croatian politicians in the republic continued to press for independence and in December 1991 the presidency applied for diplomatic recognition by the European Community (EC). Defending the decision to seek independence in a television interview, the President of the Presidency, Alija Izetbegović, was quoted as saying "Our choice was whether we wanted to be independent and equal or to be part of some Greater Serbia" (in a report by *TANJUG*, the Yugoslav news agency, dated 22 December 1992). In another *TANJUG* report of 31 December he implied that his leadership favoured some form of loose confederation for Yugoslavia.

In January 1992, SDS politicians declared the formation of the "Serbian Republic of Bosnia-Herzegovina" (later shortened to the "Serbian Republic") and said that the declaration would be implemented if Bosnia-Herzegovina was recognized as independent. By the declaration, the SDS politicians apparently wished to rule out the possibility of areas of Bosnia-Herzegovina populated by Serbs (including those where they were in the minority) leaving the Yugoslav federation. At the same time they announced that they no longer considered the Bosnian president and foreign minister to be the legitimate representatives of the Serbian people of Bosnia-Herzegovina abroad. They also accused the Muslim and Croatian national communities of destroying the foundations on which the federal unit was created through their decision to pursue independence and thus of forcing the Serbian community into their declaration. SDS politicians did, however, continue nominally to participate in the republic's bodies.

Later in January 1992 SDA and HDZ deputies in the parliament voted for a referendum on the independence of the republic in order to satisfy a condition of recognition imposed by the EC. Some members of the HDZ later expressed some reservations about this decision. The SDS leadership refused to recognize the legality of the decision on the grounds it had not been approved by the full assembly and therefore did not have the approval all three nationalities.

The day before the referendum was to be held, Radovan Karadžić, the SDS leader, stated that the referendum did not exist for the Serbs and they would neither obstruct it nor prevent it. He again proposed the division of the republic into ethnic cantons as the solution to the republic's problems and that Serbs should be given two thirds of the territory within a confederation. Muslim leaders generally opposed cantonization of Bosnia-Herzegovina (which had been much discussed among all parties), arguing for a unitary state. Croatian leaders, both in Bosnia and Croatia, favour cantonization but have tempered their support for it in public so as to avoid damaging their relations with the Bosnian Government. The Croatian President, Franjo Tuđman, denied allegations that a secret deal had been struck between the Belgrade and Zagreb governments on the division of Bosnia-Herzegovina between Croatia and Serbia at the expense of the Muslims.

The referendum was held on 29 February and 1 March 1992. Local SDS administrations refused to cooperate and polling stations were not opened in many districts. In the announced results 63.4 per cent of eligible voters participated and 99.4 per cent of the votes cast were in favour. Afterwards, President Izetbegović declared the republic independent and called for international recognition.

Tension between the nationalities increased significantly from the time of the referendum and a number of violent incidents occurred involving armed civilians, police and paramilitaries of different nationalities. Serbs and Muslims erected barricades after a Serb was shot dead at a wedding in Sarajevo on 1 March 1992. The violence quickly escalated throughout the republic. In mid-March, serious fighting between Serbian territorial forces and Croatian forces occurred around Bosanski Brod.

Serbian leaders started to implement their declaration of a Serbian republic within Bosnia-Herzegovina through measures such as the reorganization of the police departments in areas which they controlled. On 31 March they announced that the Bosnian Government would have no control over these police departments and that their own laws would apply. On 7 April they declared the independence of the "Serbian Republic of Bosnia-Herzegovina".

Serbian paramilitaries commanded by *Đeljko Račnatović* (known by the *nom de guerre* "Arkan"), reportedly killed at least 27 people, mainly Muslim civilians, in Bijeljina on 1 and 2 April. The Bosnian President, Alija Izetbegović, criticized JNA commanders for failing to intervene. On 4 April the Bosnian Government declared a general mobilization of Territorial Defence (TO) forces (a reserve military force organized by each republic in the former Yugoslavia). By this time the Bosnian Government had control of TO units only in Muslim-dominated areas. The TO forces were later expanded by a government decree theoretically placing all armed groups in the republic under its command. In practice, this meant the incorporation of Muslim paramilitaries since units of the JNA and Serbian irregulars did not obey. Croats are largely organized into forces organized by the HDZ. The TO forces are largely composed of Muslims but also include a number of Croats and Serbs loyal to the Bosnian Government.

The European Community and the United States recognized Bosnia-Herzegovina's independence on 7 April. The two SDS members of the presidency resigned on 8 April, reportedly citing the decision to mobilize forces as their reason (they were later replaced by non-SDS Serbs). SDS members also left all government posts.

After international recognition of Bosnia-Herzegovina's independence fighting spread quickly throughout the republic. Yugoslav army troops, mobilized Serbian reservists and Serbian irregulars soon took control of large areas of territory (more than 60 per cent of the republic according to some reports).

The JNA had a strong presence in Bosnia-Herzegovina, particularly since many units were moved there after withdrawal from Croatia and Slovenia. The JNA troops in Bosnia soon came to be seen as supporting the Serbian leadership in Bosnia, even though they were supposed to be intervening to stop fighting between armed groups of differing nationalities. On 4 May the Yugoslav federal presidency in Belgrade announced the withdrawal of the JNA from Bosnia within 15 days, although soldiers having their origins in Bosnia would be allowed to stay. Only a small number of troops were withdrawn and most of the men and equipment remained and were effectively reformed into the army of the "Serbian Republic of Bosnia-Herzegovina".

Several paramilitary groups originating in Serbia, but apparently including new members from Bosnia, have been fighting alongside the Serbian forces (mobilized reservists and the transformed JNA) in Bosnia. Some of them are reported to have been present before the serious fighting erupted. Similarly, large numbers of Croatian paramilitaries, members of the HOS (Croatian Defence Forces) which is affiliated to the extreme-right wing HSP (Party of Rights) in Croatia, were also reported to have been present in western Herzegovina as early as January 1992. Since the outbreak of fighting the ranks of the HOS have reportedly been swelled by many Muslim volunteers.

The Croatian Defence Council (HVO) is the principal Croatian military force fighting in Bosnia. Officially it is composed of Croats from Bosnia including men who have been allowed to leave the Croatian Army to volunteer to fight in Bosnia. However, there are numerous reports of strong links between the Croatian Army and the HVO and of Croatian Army units or soldiers fighting under the guise of the HVO. In July, part of the HDZ leadership in Herzegovina (the territory of southern Bosnia-Herzegovina roughly centred on Mostar) declared an autonomous unit, the "Croatian Community of Herzeg-Bosna", further straining already delicate relations with the Bosnian Government. Members of the HDZ leadership who favour a unitary state have remained in the Bosnian Government in Sarajevo.

The HVO has an uneasy alliance with the Territorial Defence force of the Bosnian Government and appears primarily concerned with defending and expanding the territory of the "Croatian Community of Herzeg-Bosna". Clashes have been reported between HVO and TO units and between HVO and HOS units.

Estimates of casualties in the conflict are made difficult by the war conditions. On 1 October 1992 the main medical centre in Sarajevo reported that they had calculated 14,364 dead in the conflict between April and September 1992, including 1,447 children, mainly on the basis of information from Muslim and Croatian sources. An official stated that the figure would be much higher when Serbian casualties were included. The United Nations High Commissioner for Refugees (UNHCR) reported more than 1.25 million refugees and displaced persons from Bosnia by July 1992. International aid agencies have expressed serious concerns about their welfare and that of others who remain in Bosnia-Herzegovina during the coming winter.

AMNESTY INTERNATIONAL'S CONCERNS

This report documents gross human rights abuses committed by military, paramilitary and police forces involved in the conflict in Bosnia-Herzegovina. The majority of allegations received have related to abuses committed by Serbian forces. However, the report also documents violations reportedly committed by forces under the control of the Bosnian Government, and Amnesty International is investigating allegations of abuses committed by Croatian forces operating in Bosnia-Herzegovina.

Responsibility for abuses in Bosnia-Herzegovina, however, does not stop with those within the country who have directly ordered or carried out the orders to commit abuses. The Government of the Federal Republic of Yugoslavia and the Government of Croatia have a heavy responsibility for abuses to the extent that they have supported politically and materially the various forces within Bosnia-Herzegovina.

This report gives details of incidents of concern to Amnesty International, based largely on interviews with victims or witnesses from Bosnia-Herzegovina during visits by Amnesty International delegations to Croatia, Serbia and Hungary in June and August 1992. Additional information comes from press reports and from testimony obtained from victims and witnesses by contacts of Amnesty International as well as from non-governmental organizations operating in the former Yugoslavia.

While this report documents many of the abuses which have taken place, it is in no way an exhaustive report of all incidents. Amnesty International believes that the scale of human rights abuses in Bosnia-Herzegovina and factors such as difficulties in communication, destruction of evidence, lack of forensic evidence, the non-availability or vulnerability of witnesses and many other factors mean that numerous incidents will never be adequately reported or investigated.

The conditions and problems of communications in Bosnia-Herzegovina make verification of information very difficult. While only limited corroboration of human rights abuses is possible in many cases, Amnesty International has assessed the information available and has reported only claims which it believes are substantially correct. Many incidents, about which the organization has some information, have not been reported on because further information is being sought. Similarly, details of some of the incidents reported have been omitted where Amnesty International considers that the safety of the informants or their relatives is at risk. The amount of detail available about alleged abuses is also very variable. Where substantial new information becomes available it will be incorporated in future reports.

Witnesses were often imprecise in describing perpetrators of human rights violations. This may stem partly from media reporting in the former Yugoslavia, where there has been a tendency to generalize when referring to combatants of the opposing side, reflecting and reinforcing popular sentiment. Muslims or Croats tend to refer to Serbian fighters as "„*etniks*" (the name was used by anti-communist Serbian fighters during the Second World War and has been adopted by some modern Serbian paramilitary groups). Muslim and Croatian fighters are often referred to respectively as "Muslim fundamentalists" and "*Ustaša*" (the "*Ustaša*" was the pro-Nazi movement in power in Croatia during the Second World War). The situation is further complicated by the fact that there are a variety of paramilitary groups fighting on both sides. Fighters from all sides and in many different armed groups, both regular and irregular, often wear the same or similar uniforms, different groups being distinguished only by different badges or caps. The distinctions also become further blurred as some fighters change (or claim to change) the group they fight in.

The witnesses' descriptions of perpetrators have generally been used in this report, although terms such as "Serbian soldiers" have been used where the witnesses were unclear.

This report largely contains information relating to incidents which occurred between April and August 1992. Recent information indicates that the concerns reflected are continuing.

ARBITRARY ARREST AND DETENTION, TORTURE AND ILL-TREATMENT

Arbitrary arrests and detentions have taken place in Bosnia-Herzegovina since April 1992, although the scale of detentions appears to have increased from May onwards. Most of Amnesty International's detailed information indicates that Muslims or Croats, and in some cases Serbs, have been held in large numbers by forces under the control of the Serbian leadership in Bosnia-Herzegovina with Bosnian Government and Croatian forces in Bosnia responsible for smaller numbers of detentions.

Amnesty International believes that because of the restricted international access to the territory and frequent transfers of the prisoners between locations, many of which are undeclared, no accurate total figure for the number of detentions is possible. The latest figures issued by the ICRC, on 8 September 1992, record 6,718 prisoners still held by Serbian forces, 854 by Muslim forces and 913 by Croatian forces making a total 8,485 prisoners. Since the ICRC is not able to visit all detention centres, many being undeclared or inaccessible, the true figure is undoubtedly much higher. The Bosnian Government has alleged that 260,000 prisoners have passed through Serbian-controlled camps, including alleged detention camps in Serbia. Both it and the Serbian leadership have published lists of alleged places of detention.

Torture and ill-treatment in detention centres have been widespread and the detention conditions often amount to cruel, inhuman or degrading treatment. Deliberate and arbitrary killings by guards have taken place, although it is difficult to determine how often they have occurred. The practices used by the authorities controlling places of detention include torture and ill-treatment to intimidate, to extract information during interrogation and to ensure the compliance of prisoners. Incidents of torture and ill-treatment have occurred at all stages of detention; at the point when people are taken from their homes or made to assemble before being taken away; in the course of transportation; during interrogations and during periods of imprisonment ranging from hours to months. The most common form of torture and ill-treatment has consisted of beatings with objects near to hand, such as rifle butts, and kicking or punching. A number of other objects such as sticks, pickaxe handles, electric cables, knives and wire have also reportedly been used.

Relatives of some of those detained by Serbian forces have found difficulty in obtaining information about the detainees. Because of the climate of fear which exists among non-Serbs in many Serbian-controlled towns, some relatives have apparently been too fearful to enquire with the Serbian authorities. Not all places of detention have been declared and/or made available for inspection by international bodies. Because of these factors, the whereabouts of many people who have been taken into detention are not known.

Torture and other cruel, inhuman or degrading treatment or punishment are prohibited equally by international human rights law and humanitarian law. Both branches of law set out these principles as customary norms and in well established international instruments. Among the acts prohibited absolutely by Common Article 3 of the Geneva Conventions are "violence to life and person, in particular...mutilation, cruel treatment and torture" and "outrages upon personal dignity, in particular humiliating and degrading treatment..." committed against "persons taking no active part in the hostilities" - regardless of whether they are civilians or combatants who have been incapacitated, captured or have surrendered.

Furthermore, the conditions in many of the detention centres described below, amount to cruel, inhuman or degrading treatment in contravention of international human rights standards. The conditions also often violate many of the minimum standards for treatment of civilian detainees set out in the Fourth Geneva Convention and for prisoners of war set out in the Third Geneva Convention, particularly relating to water, food, clothing, shelter, health and hygiene.

From the testimony received by Amnesty International it is clear that the majority of detainees held in detention camps are non-combatants. Thousands of civilians - particularly Muslims - have been detained solely because of their nationality or political affiliations.

Their detention is contrary to the right to liberty enshrined in Article 3 of the Universal Declaration and the right not to be arbitrarily arrested or detained as set out in Article 9 of the

Universal Declaration. Furthermore, the detention of these civilians cannot be justified under the terms of international humanitarian law.

Amnesty International considers all non-combatants detained solely because of their nationality or political affiliation to be prisoners of conscience. They must be unconditionally released. However, the risk of violence outside the detention centres is as serious as during detention. Amnesty International hopes that intergovernmental organizations will continue to coordinate and monitor the release of detainees to ensure that, upon release, those who wish to return home are given safe conduct there or, if they are unwilling to return home out of fear for their safety, to an appropriate place of refuge.

Amnesty International is also concerned at the continued use of unacknowledged places of detention, ranging from private cellars to school halls. The parties to the 22 May agreement committed themselves to giving the ICRC free access to all detained civilians. The Security Council has repeatedly demanded that international humanitarian organizations including the ICRC be granted "immediate, unimpeded and continued access to camps, prisons and detention centres within the territory of the former Yugoslavia"¹. Despite these developments, in a statement on 3 October, the ICRC again expressed its concerns about the restricted access for humanitarian organizations to civilian victims of the conflict. Amnesty International calls on all parties to identify all facilities being used for detention, whether under their direct control or that of paramilitary forces owing allegiance to them. All such locations should be declared immediately and be made available for regular inspection by international bodies including the ICRC.

The detentions range from the taking of individuals, who may be specifically targeted or selected because of their nationality and/or political affiliation, to the rounding up of large groups of people, including whole villages. Serbian forces arresting Muslim or Croatian men of military age are reported in many cases to have used lists of men eligible for mobilization, claiming that the men would otherwise have been called up to fight by the Bosnian Government or Croatian forces. In other cases they are said to have had lists of other categories of people targeted for detention or interrogation - Muslims report that prominent people such as political activists, educated people, owners of businesses and others have been singled out.

The length of time persons have been detained ranges from hours to months in places ranging from house cellars to sports stadiums. The detainees have sometimes been held in homes - including their own - where they have been locked in cellars. The cellars of other buildings such as hotels, post offices, cultural centres and police stations have also been used to hold detainees. Police station lock-ups, prisons and military hangars or sheds, barracks and

¹. UN Security Council Resolution 771 (1992), 13 August 1992; see also Resolution 770 (1992), 13 August 1992.

bunkers have also been used as holding centres. Makeshift detention centres also include schools, dormitories, farms, factories, sports stadiums, trains and fenced open areas.

In many of the incidents documented by Amnesty International, no fighting was taking place in the locality when detentions took place. Some of the detentions by Serbian forces took place during bombardment or shooting in the area, although the indications are that in many cases little or no resistance was being offered and the bombardment and shooting was by Serbian forces and may have been intended only to instil fear in the civilian population.

There appears to have been much confusion and disorganization in finding places in which to hold prisoners. In one case detailed below, several hundred Muslim men were taken by freight train hundreds of kilometres from their home area around Bosanski Novi before being returned and detained in Bosanski Novi some days later, having slept in the train throughout the period. Many ex-detainees report that they were driven to camps and had to wait in vehicles outside before being moved elsewhere because of lack of space. Some also reported being held in two or more locations before being released or exchanged - they were often held in a place local to their arrest, such as a police station, where they were interrogated before being transferred to larger centres such as Manja..a, Omarska or the *Keraterm* factory near Prijedor. Many prisoners appear also to have been transferred between the larger centres both before and after international attention focused on them in early August.

The following pages give details of a number of cases of detention, torture and ill-treatment. Arbitrary killings associated with them are included in a separate section.

DETENTIONS AND ILL-TREATMENT BY SERBIAN FORCES

The town of Bosanski Novi and surrounding villages

In June 1992, large numbers of Muslim and Croat men, women and children were detained in and around the town of Bosanski Novi which lies in western Bosnia-Herzegovina on the river Una, which forms the border with Croatia. They included people from Bosanski Novi and surrounding villages. Most of the men were held at the stadium at Mlakve, while others were held at the police station and a local hotel. Many women and children and some older men were expelled to Muslim-controlled territory.

Men from the town of Bosanski Novi said in interviews with Amnesty International that they believed that better-educated people (including teachers and engineers) or people prominent in other ways (such as policemen and businessmen), had been targeted for interrogation and detention. Serbian civilian or military police reportedly had lists of men for arrest. Large numbers of Muslim and Croat civilians were also rounded-up in surrounding villages. The following paragraphs give details of three related incidents: the round-up and transportation en masse of

villagers from the village of Blagaj, large-scale detentions in a football stadium in Bosanski Novi and the detention and interrogation of individuals in a hotel.

Bosanski Novi: Blagaj

On 9 June 1992 Serbian soldiers, including local men, rounded up several hundred people from the largely Muslim village of Blagaj which lies about seven kilometres from Bosanski Novi at the confluence of the rivers Japra and Sana. People from other villages in the area who were sheltering in Blagaj after having abandoned their homes were also picked up. Many of them reportedly had been threatened with death by Serbian military police if they remained. The village was reportedly bombarded for several days until the early afternoon of 9 June, when a number of Serbian soldiers with the support of at least one tank started to move through the village. The soldiers directed people to assembly points at gunpoint and the men were made to lie face down with their hands on their heads in the main street of the village, where they were searched and personal possessions and documents were taken from them. The women and children were made to line up in an adjoining street.

They were then made to assemble in the yard of the *Japra* metal processing plant in the village and waited there. Most of them were ordered to get onto a train composed of freight or cattle wagons on the railway line which ran nearby. Men were put into separate wagons from the women and children. Several killings were reported to have occurred (see page 35).

The train set off at about 7pm and travelled through the night, arriving in Dobož early the next morning, a journey of at least 200 kilometres. The detainees complained of extreme discomfort during the journey owing to overcrowding in the wagons and lack of air as the doors and vents were shut. At Dobož they were allowed to leave the wagons and were given water to drink. Men under 60 years of age were separated and were threatened. One witness stated:

"They shouted that Alija (referring to Alija Izetbegović [the President of Bosnia-Herzegovina]) didn't want us so they would kill us. They said that a mechanical digger had already excavated a communal grave for us."

Women, children and the men over 60 years of age were taken on part of the train to the other side of Dobož from where they were allowed to cross to Muslim-controlled territory. The other men remained in the train in Dobož for at least one day before the train was driven back in the direction it had come from. It stopped in Banja Luka for one more day before going on to Bosanski Novi the next day, passing through its original departure point at Blagaj. At Bosanski Novi the men were taken to the football stadium at Mlakve, where some were held for at least 48 days.

Bosanski Novi: The stadium at Mlakve

The men who arrived from Blagaj were among a group of several hundred Muslim and Croat men who were held in the stadium of the Sloboda football club at Mlakve on the edge of Bosanski Novi, beside the river Una, which forms the border with Croatia. The stadium appears to have been used for detentions since May 1992. Some men interviewed by Amnesty International reported being held there only a few days before being released, others said they were held for 48 days or more. The men slept in changing rooms, corridors and other spaces under the grandstand. During the day most of them went outside to a roughly marked area of the football pitch immediately in front of the grandstand.

One ex-inmate interviewed by Amnesty International recalled an occasion in early July when a man fell unconscious on the pitch, apparently as a result of the heat and lack of food. Prisoners could not revive him whereupon guards called a doctor, who did not arrive for three or four hours. All ex-inmates interviewed reported that they were badly fed and overcrowded in the stadium. Besides the men who were brought from Blagaj, other men were brought to the stadium from the town by uniformed Serbs whom ex-detainees described as military and civilian police.

Ex-detainees interviewed by Amnesty International reported that beatings occurred routinely, although they themselves largely escaped this while held in the stadium. In one incident in mid-July, a man about 50 years old, from the village of Crna Rijeka, described as being "abnormal" or "retarded", was separated out, apparently for interrogation, and was beaten on the pitch by two military policemen using truncheons. One witness claimed that "they laughed as the truncheons bounced on his head". Ex-detainees also alleged that killings occurred although Amnesty International has not been able to confirm this.

A large number of detainees were released from the stadium on 22 July 1992 and were taken to Croatia in a convoy arranged by international agencies. Some of the detainees who were released said that they had been made to sign a declaration stating that they were leaving the town freely.

Bosanski Novi: The hotel *Una*

Many men were held in other locations in the town, such as the police station and a hotel, where they were interrogated before being released or taken to the stadium at Mlakve.

One ex-detainee who gave his account to Amnesty International was a 38-year-old Muslim teacher who hid with friends in the town after police came three times to his house searching for him. On 6 June, after military police had sought him at his hiding place and he had narrowly escaped detention, he gave himself up to civilian police. The teacher was taken to the hotel *Una*, where he was blindfolded in a corridor in the hotel and was beaten with what he believes were truncheons and bags full of sand. The beatings accompanied an interrogation in which he was made to stand up with his arms held high while he was asked questions about who were the "extremists" in the town and why he had not been mobilized to fight the Serbs.

After a two-hour interrogation he was taken to the cellar where 17 men were held in a room of about 15 square metres. The others were interrogated but not all were beaten. Men were allowed to leave the room once a day to use the toilet and there was a receptacle for them to urinate in. Relatives were allowed to bring food and there were some blankets for sleeping. All his fellow detainees were released on 11 June. He himself, however, was taken to the Mlakve stadium on 14 June where he was again interrogated upon his arrival.

Sarajevo - Kula

Amnesty International has received reports of the arbitrary detention and ill-treatment of civilians by both Serbian and Bosnian Government forces in and around Sarajevo, including the nearby town of Pale, which serves as the headquarters of the Bosnian Serb leadership. Although it appears that a significant number of detentions have occurred, the reports have often been unconfirmed or incomplete.

Mohamed Kaltak, a Muslim aged about 45 years, was reportedly detained and ill-treated by Serbian soldiers in a detention centre in a building in a part of Sarajevo known as Kula in May 1992. He spoke to foreign journalists in Sarajevo in June 1992; part of his account was reported in *The Independent*, London, on 25 June 1992. The following account is based on the notes of a British Broadcasting Corporation (BBC) radio journalist who spoke with him.

Mohamed Kaltak came out of his house in the Dobrinja suburb of Sarajevo early in the morning of 12 May 1992 when a group of about 25 Serbian soldiers (whom he referred to as „*etniks*“) came to the area ostensibly searching for weapons. The soldiers took him with others to a Serb-owned house about 1.5km away in the suburb of Lukavica. A shot was fired from a nearby building as the group were taken into the house, killing one of the Serbian soldiers. They returned fire after taking the prisoners into the house. Here the journalist noted Mohamed

Kaltak's words (Mohamed Kaltak implies in the reported statement below that he was not himself a combatant):

"We were a group of 20 - four Croats, five Serbs and 11 Muslims. They were 25 „*etniks*. They took us to one room and separated Serbs on one side and Muslims and Croats on the other. At the beginning they threatened only Serbs. They said they would kill [us]. They told these Serbs that we were good Croats and Muslims because we didn't join the army of Alija [referring to the Bosnian President, Alija Izetbegović], but they were bad Serbs because they didn't fight for the Serbian cause. They were heavily beaten by these „*etniks*."

The group were held for about two hours before the detained Serbs were taken away (Mohamed Kaltak speculated that they were taken to be enlisted in the Serbian forces) and the Muslims and Croats were taken to a detention centre at Kula, apparently a public building. Upon their arrival, they were beaten outside the building; one of the men allegedly lost all his teeth. A Serbian officer shouted to the soldiers to stop the beatings, but they threatened the officer and ignored the order. The men were taken into a small room where they were held for four days and nights. They were questioned about members of their families, and Mohamed Kaltak alleges that people were beaten for making requests such as to use a toilet. On the fourth day they were taken out one by one and beaten before being put into a large room with a group of women and children from a village in the area. He estimated that there were about 200 people there. Mohamed Kaltak stated:

"We spent the next five days in this room. Groups of 20 were taken somewhere, and we were told that they were going to be executed. After they would take away a group of 10, some „*etniks* would come back with [their] hands covered with blood, giving the strong impression that they had been executed. Not all were cruel - some were mobilized by force. They told us we were to be exchanged."

Mohamed Kaltak was exchanged for Serbs on 20 May 1992. The men were beaten with rifle butts as they waited at the exchange point, the Vrbanja bridge in Sarajevo, and were threatened that they would be killed if they tried to run as they crossed the bridge. Serbian soldiers fired over their heads as they crossed.

Modri..a and Doboj

A middle-aged Muslim man, KB, was detained and ill-treated in his own cellar and in one in a neighbouring house before being held in a school in the town. He was finally taken to a military barracks in Doboj, being detained for two months in total. Modri..a lies in an area of northern Bosnia which has been the scene of fierce fighting between Serbian and Croatian forces. KB gave the following account to Amnesty International.

Early in the morning of 3 May 1992 the town came under bombardment from Serbian forces. He did not believe that his neighbourhood, Srpska Varoš, was being directly targeted because it was largely populated by Serbs.

At about 10am that day seven or eight Serbs dressed in camouflage uniforms, whom he recognized as locals, came to his house. Other people were sheltering in the cellar from the bombardment; KB's wife and two teenage sons, his mother, two teenage female neighbours and a Serb neighbour and his Croat wife. KB maintained that there were no arms in the house nor did he have any connection with any armed groups. Serbian soldiers broke into the house and found the people in the cellar. Three soldiers were posted to guard the house and they were held in the cellar for several hours.

Later in the afternoon another group of men arrived who were dressed in dark camouflage uniforms with blackened faces and insignia depicting a skull and eagle on their arms. KB believed them to be "Šešelj's men" (paramilitaries from Serbia organized by the Serbian Radical Party). The Serb neighbour was first ordered out of the cellar by the new arrivals; KB did not see what happened to him. The others were then ordered to come out, all were kicked in the stomach as they came out of the cellar door. Outside they were made to walk with their hands on the backs of their heads to another building - a house owned by a Serb family - where they were made to face the wall. As they faced the wall they heard the sound of weapons being cocked and the Serbs making "cat noises". Their hands were then tied behind their backs before they were punched and beaten with rifle butts.

After the beating they were taken to the cellar of the house where they found 10 other men. The cellar was extremely cramped and 15 more men were brought during the 15 days he was held there, leaving a total of 25 when he was taken from there. KB's hands remained tied for the first few days; on one occasion he was made to open his legs before being kicked in the groin while sitting with tied hands. Neither food nor water were provided for the first three days. Fifteen days later he was moved to a school called *Sitjeska* in the centre of town. The prefabricated buildings were linked by a corridor. KB was held in a classroom with about 50 other men of military age. Women, children and older men were held in the school sports hall. Local Serbs guarded the school. Others came to interrogate the detainees, including paramilitaries from Serbia wearing badges of the *Beli Orlovi* and *Knindīe kornja..e* (*knindīa* turtles - paramilitaries from the Serbian-populated area of Croatia around the town of Knin).

In KB's account, another Muslim detainee, MH (about 47 years old), was beaten with a pickaxe handle during interrogation. KB saw him covered with bruises when he was returned to the classroom. He related that he himself was not ill-treated during interrogation but was kicked and punched on some other occasions. His own interrogation involved questions about where the Muslims held weapons and his past activities, particularly in the days before his attention.

Detainees were moved out after the school hall was hit by a shell around 18 May. Most of those held were transferred to a military barracks at Doboj where up to 300 Muslims and Croats of both sexes and all ages were put into storehouses in a military barracks in Doboj. Some of these had not been held in the school in Modriča; KB's wife, who had been sheltering at home, was among them. They had to sleep the first night on the concrete floor before being given wooden pallets to put on the floor the second day. KB stated that they were given small amounts of stale bread in the first few days with plenty of water and opportunities to use toilets. They were not otherwise ill-treated. Early in June representatives of the local Red Cross came and took away the women (including KB's wife), children and old men, leaving about 80 men of military age. He was exchanged for Serbs, who appeared to be civilians, at Bosanska Gradiška on 7 July 1992.

Prijedor - The Keraterm factory

Keraterm is a ceramics factory near Prijedor in north-west Bosnia. The Bosnian Government alleged in August 1992 that 3,000 prisoners were being held there by Serbian forces. Amnesty International is able to confirm that many hundreds of men were detained there, after speaking with ex-inmates who were held there in June and July. All prisoners are reported to have been moved out by early August; most were reportedly moved to Omarska or Trnopolje.

The *Keraterm* factory appears to have been used to hold Muslim and Croat men, possibly all non-combatants, from Prijedor and villages in the area. Detainees were held in the factory building, which consists of four production halls. Ex-detainees say that conditions were extremely poor; several hundred men were held in each hall and they were fed only a small amount of bread each day with less regular supplies of soup.

There are many reports of ill-treatment and torture in *Keraterm*, most apparently occurring in the evening or at night and involving beatings. Ex-detainees have made the following allegations, among others: that groups of men were made to sing Serbian songs and were beaten; that men were forced to perform sexual acts with each other; that on at least one occasion guards fired guns over the heads of the detainees in one of the halls. Ex-inmates have also identified certain guards and one particular commander of the guards whom they associate with the abuses. Amnesty International is seeking more information about these allegations.

Glamoč and Knin (Croatia)

Zvonimir Matijević, a 40-year-old Croatian Catholic priest, was detained by JNA soldiers in Glamoč in western Bosnia and was badly beaten in Drvar and Knin. He spent three weeks in hospital in Knin before being exchanged. Zvonimir Matijević was arrested in the town on 12 April 1992 by JNA soldiers (at that time the JNA still officially functioned within Bosnia-Herzegovina). In a written statement to Amnesty International, he stated that he was detained

at the house of another Catholic priest in the town and taken in a car to the police station in Glamo... After two or three hours waiting in the car, he was questioned in the vehicle and was hit several times by a captain and two soldiers under his command. He was then transferred to a police vehicle and taken to his house which was searched by soldiers under the captain's command. After this he was put into a cell in the police station where he found himself with a Croatian soldier who was handcuffed and tied with rope and who appeared to have been beaten.

The next day Zvonimir Matijević was taken to Knin in a Serbian-populated area of Croatia, which was then being put under UN control. His guards stopped for a rest in Drvar (Bosnia), where he saw many military vehicles parked. He stated:

"Here between 15 and 20 soldiers appeared shouting: 'Here's an Ustaša priest, let's beat him up.' And here they twice beat me up so badly that I couldn't sit any more. They kicked me and beat me with truncheons and everything that came to hand. When they took me to Knin, the military police thought that perhaps I was feigning so they set upon me with even greater fury. There they threw me into some building with small rooms lined with leather into which they brought prisoners to be beaten. Here they beat me, but I couldn't move any more. Then they threw me into another room nearby and after a kick in the head I lost consciousness. After they poured some water [on me], probably coincidentally, their commandant came and told them to take me into his office which was in another building on the second or third floor. With the help of the military policemen who had beaten me, I just about managed to get to his office and only then did they release the handcuffs which had made my hands swell so much because they constricted them during all the blows. They had consequently swollen extremely badly, both from the blows and from the constriction. I had been beaten over my whole body so that a colleague, who had been with me in the hospital and who saw me when they undressed me, said that I had one dark blue bruise from one end of my body to the other. There the commander began to talk to me in his office and said that I was not guilty to which I answered that it was most important to stop this war. Then he started to talk about military honour, but I was already at the end of my strength and couldn't follow what he was saying any more. I begged him to let me lie down on a bed which was in his office. Then an army doctor came who sent me to the hospital as soon as he saw me."

"That army doctor took me for x-rays and established that everything was injured or broken, my left hand, my rib cage was so terribly beaten from the kicks that I heard noises as I breathed."

Zvonimir Matijević stated that he believes that the purpose of his arrest and torture was to make him confess to being "the one who led enemy formations onto the territory of Glamo...", an accusation which he denies. He was treated for three weeks in hospital in Knin and was held for a day in Knin prison before being exchanged for two Serbian priests.

Donji Vakuf

An ex-inmate of Manja...a camp, a 32-year-old Muslim from Donji Vakuf in central Bosnia, was reportedly ill-treated and detained for 17 days in the police station in Donji Vakuf before being taken to Manja...a where he spent a further 33 days in detention. In his account he was arrested at about 9.30am on 11 June 1992 together with his brother by a group of six Serbs from the town who wore camouflage uniforms and carried automatic weapons, whom he believed to be reserve militiamen. He named three of the men and stated that he knew the others by sight. He also maintained that neither he nor his brother had been mobilized or possessed arms.

He was taken to a police station in the town where he was kicked and beaten with rifle butts, ammunition boxes and oak sticks before being taken to a large cell in the basement. About 15 days into his detention he was interrogated in the station but was not ill-treated during the questioning. He and his fellow detainees were guarded by men wearing camouflage uniforms or blue police uniforms. Other prisoners were brought to the station while he was there and he claims that many were beaten before being brought to the cell. Only a little bread was provided for the growing group of prisoners, but relatives brought food to supplement it. About three days after his arrest he was told that the prisoners would be exchanged for Serbs. At about 9am on 28 June, 28 names were called out and these men were taken out one by one. They were ordered onto a covered lorry after their hands were tied behind their backs and were driven to the Manja...a camp.

A second man from Donji Vakuf, who had been earlier held in the police station, stated that he received more severe beatings there than during his subsequent detention in the Manja...a camp.

Omarska

Facilities at an iron-ore mine near the village of Omarska near Prijedor in north-western Bosnia have been used for the detention by Serbian forces of large numbers of Muslim and Croat men from the surrounding area since late May 1992. Amnesty International has also spoken to two young Muslim women who said that they were held in Omarska for one day on 26 May 1992.

Ex-detainees from Omarska interviewed by Amnesty International have reported frequent beatings in the camp. There are many reports of deaths as a result of beatings (see page 37). The ex-detainees otherwise gave a picture of routine torture and ill-treatment in the camp. A 17-year-old Muslim youth from the village of Kozarac, who was taken to the camp one evening at the end of June, described how he and the others brought with him had to pass through two lines of soldiers who formed a passage between the bus and the shed into which the prisoners were first taken. He said that they were beaten with rifle butts, truncheons and a whip as they ran the distance of about 10 metres between the bus and the shed. Another ex-prisoner from

Kozarac, a 54-year-old man, made similar allegations. He and others also reported that prisoners were regularly taken for interrogation, confirming statements given to the press by Serbian camp officials. Many ex-detainees also reported that they were badly underfed in the camp.

There are conflicting reports about the location and number of prisoners held in Omarska and allegations that many prisoners have been hidden from outside observers. In August 1992, the Bosnian Government alleged that 11,000 prisoners were being held there by Serbian forces and various figures up to this number have been alleged by other sources. A large number of prisoners are believed to have been transferred to Manja...a and Trnopolje in early August. The ICRC was able to register only 173 prisoners during a visit on 12 August.

Manja...a

Buildings in a cattle farm which had been taken over by the JNA, reportedly as a training facility, at Manja...a, south of Banja Luka in western Bosnia-Herzegovina, were used as a prisoner-of-war camp in the summer and autumn of 1991. Croatian soldiers captured by the JNA during the war in Croatia were held there.

From April or May 1992 onwards the same buildings have been used to hold Muslims and Croats arrested in a wide area of Bosnia-Herzegovina, the majority, however, apparently coming from the immediate locality. Most reports indicate that the majority of prisoners who have been held in the camp were not bearing arms or were not mobilized at the time of their arrest. Almost all sources agree that ill-treatment and torture have been frequent and that conditions in the camp are extremely poor. These have been reported widely in the media throughout the world. Ex-detainees have reported being made to perform strenuous manual tasks such as heavy agricultural work. There have been allegations of the deliberate and arbitrary killings of prisoners (see page 37).

Ex-inmates of the Manja...a camp interviewed by Amnesty International in August 1992, less than three weeks after their release from the camp, still complained of health problems, and were clearly in poor physical condition, allegedly as a result of beatings and poor conditions in the camp. One showed signs of ill-treatment, including bruising, which he stated were the result of beatings. Two said that beatings ceased for the first visit of the ICRC to the camp in mid-July, but that all the prisoners were systematically beaten the day after the departure of the delegation.

As a result of the publicity given to conditions in the camp some aspects, nutrition at least, appeared to have improved by the end of August. However, all reports indicate that, as in many other places of detention in Bosnia-Herzegovina, conditions remain seriously inadequate, and the location is unsuitable for detention particularly in view of the coming winter weather.

The *New York Times* of 8 August 1992 reported Serbian officials in the Omarska camp as saying that men "found to have taken up arms against Serbian forces" were sent to Manja...a from Omarska. This apparently referred to 1,300 men reported to have been transferred to Manja...a in early August.

Trnopolje

An area around the school building at Trnopolje near Prijedor has been used by Serbian forces to hold Muslims of all ages and both sexes since April 1992. There are numerous allegations of torture, ill-treatment and deliberate and arbitrary killings of inmates in the camp.

The nature of the regime at the camp is difficult to assess fully since interviews with ex-inmates and other sources have sometimes yielded vague or conflicting information - this may be partly because there is no clear authority organizing the camp. Ex-inmates believed that the camp authorities are located in one of the buildings in the camp which bears the sign of the local Red Cross society.

Women and children, often those expelled from their homes and whose male family members had been detained in other locations, have been held there. Men have mostly been brought there from other places of large-scale detention. Some people have reportedly taken shelter there fearing for their safety in the surrounding area, although Amnesty International cannot confirm this. When an ICRC delegation visited on 11 August 1992 it reported that about 4,000 people were held there. An article in the London *Times* of 17 August 1992 reported that 1,000 prisoners had been released in the previous week but that, to secure their release, many had had to sign forms stating that they would leave the Serbian-controlled area of Bosnia. More than 1,500 people were moved out of the camp into Croatia in early October 1992, under the supervision of the ICRC.

Until early August the area was surrounded by barbed wire, but since its removal guards armed with automatic weapons are reported to have made patrols around the limits. However, the regime (perhaps because of the disorganization) to some extent gives the camp the appearance of being open. Some detainees are reported to have been able to leave the area of the camp to go for food in the village or to perform work. At least one ex-detainee said that he was able to escape from the camp by mingling with a group of women and children who were being moved out.

A large number of detainees have to sleep in the open with improvised coverings such as lorry trailers or home-made tents; others, mainly women and children, are able to sleep inside the school building and a foodshop. Ex-detainees report that little or no food was provided by the authorities and that they had to depend on what relatives brought them, on what they could buy in the town (or from the authorities in the camp), or on food provided by the ICRC. Conditions

of hygiene appear to have been totally inadequate, particularly in relation to the number of detainees.

Some ex-detainees have reported that a number of men detained were interrogated in Trnopolje, although many of them had already been previously interrogated in other locations such as Omarska.

DETENTIONS OF SERBS BY BOSNIAN GOVERNMENT AND CROATIAN FORCES

Territorial Defence forces of the Bosnian Government, the HVO and HOS have all been responsible for the detention of Serbs, including non-combatants, in Bosnia-Herzegovina. However, the number is certainly far fewer than those held by Serbian forces. Amnesty International has less detailed information about many other places of detention controlled by Bosnian Government or Croatian forces. The following paragraphs document two cases of detention by Bosnian Government Forces.

Konjic

Amnesty International has spoken to two young Serbian men from the Konjic area who stated that they were taken from their village in June, although they did not bear arms. They were detained in one of three detention camps in the Konjic area for 40 days in June and July. However, they were unwilling to allow the publication of the name of the location because of fears for the safety of relatives they believed were still detained. Both claimed that regular beatings (some resulting in deaths) and other cruel, inhuman or degrading treatment was taking place in the camp and that they themselves were regularly subject to beatings when they left the building they were held in to go to the toilet outside. They said that the men who detained and guarded them were local Muslims in camouflage uniforms. Amnesty International also has reports that Croatian forces (HVO) are active in the area and may be involved with the running of the camps around Konjic.

ICRC delegations have visited two locations around Konjic where Serbs have been held and have confirmed that on 22 August 1992 133 prisoners were being held in a sports hall in Konjic and 199 (88 had been released in the week since their previous visit) in a former JNA facility at the village of „elebifi. Amnesty International has other reports which confirm parts of the statements made by the two young Serbs.

Zenica

Milan Šobif, a Serbian journalist based in Zenica, was reportedly severely beaten in July 1992 by Muslim paramilitaries and military police and was subsequently detained for 78 days in the prison in the town. Since his release in an exchange on 19 September he has given a written statement to Amnesty International.

In his account, Milan Šobif stated that on 17 June 1992 the office of the *TANJUG* news agency in the town, where he was their correspondent, was ransacked by men he described as belonging to the Patriotic League (a Muslim paramilitary group, believed to have been officially

incorporated into the Bosnian Territorial Defence forces). After protesting, he was taken to the cellar of a hotel which they used for their headquarters where he was punched and kicked.

On 28 June 1992 his house was searched by four men he said were armed police and he was taken for questioning at a police station before being released. He did not state how long he was detained there, but he was not ill-treated during this detention.

Three days later, Milan Šobif was taken back to the police station where he was savagely beaten by four military policemen dressed in camouflage uniforms and armed with automatic weapons. The men handcuffed him to a radiator pipe near floor level in a corridor and left him. In this position he was kicked or struck with other objects by people passing through the corridor. He complains that he felt the effects of those beatings, including headaches, nausea, kidney pains and blood in his urine, for several weeks after.

He was then detained in the prison in Zenica (a regular civilian prison used for criminals and political prisoners for many years). Upon arrival in the prison, he was made to stand for several hours facing a wall with his hands above his head and to kiss the wall. He was not beaten in the prison.

Milan Šobif estimated that about 400 Serbs (apparently including both combatants and non-combatants) were held in the prison when he arrived. Many of the men, particularly captured combatants, had allegedly been severely beaten, although his account is not clear as to whether the beatings occurred in the prison itself. He complained of extremely poor food and hygiene conditions in the prison. At the time of his release, he estimates that about 300 prisoners remained in the prison. The ICRC confirms having registered 296 prisoners in visits in July and August.

REPORTS OF RAPE

Amnesty International has received many reports of rape, most of which centre on the Trnopolje camp. There are numerous allegations that young women, mainly in their teens, were taken and raped at night by Serbian guards at the camp. However, because of the sensitivity of the issue victims are often reluctant to provide detailed testimony. Some women, reported to be victims, whom Amnesty International has tried to contact have been unwilling to testify. Amnesty International believes that some of the women with whom delegates spoke and who made generalised allegations of rape in Trnopolje may have been victims themselves but were unwilling to admit this. The organization continues to seek detailed testimony about cases. The following paragraph summarizes a press report in the British *Guardian* of 17 August 1992.

The article reports an interview with three Serbian women in Novigrad. The first, 37-year-old Ljubica Lešif, stated that one night (the date was not specified, but was apparently in

July or August) she and three other women were abducted and taken to a nearby house by Croatian neighbours who had previously accused them of hiding „*etniks*. Fifteen uniformed men were waiting, they reportedly told the women that they were to be raped because „*etniks* had raped 150 women (presumably Croats). Seven men (all neighbours according to Ljubica Lešif) raped the women in the course of five hours. The following night another woman, a 37-year-old named Smilja (her surname was not reported), who was apparently sheltering with Ljubica Lešif, was taken away in a van by militiamen, one of whom she knew well, together with a 45-year-old woman from another house. Croatian military policemen reportedly tried to intervene upon hearing the women's screams but failed when the van drove off. Smilja stated that she was repeatedly raped in the back of the van when it stopped in a wood. A third woman sheltering in the same house, 36-year-old Gordana, stated that she had been taken away at gunpoint and raped by three men in a nearby house. She also said that one man knocked her head against the floor when she screamed.

EXCHANGES OF NON-COMBATANTS AND HOSTAGE TAKING

It is clear from the testimony received by Amnesty International that many of the civilian detainees have been held as hostages, solely for the purpose of arranging an exchange of prisoners with an opposing party. Humanitarian law standards prohibit the taking of hostages in all types of conflict. The ICRC *Commentary* to Common Article 3 of the Geneva Conventions describes various practices including the taking of hostages as "shocking to the civilized mind". It continues:

"The taking of hostages, like reprisals, to which it is often the prelude, is contrary to the modern idea of justice in that it is based on the principle of collective responsibility for crime. Both strike at persons who are innocent of the crime which it is intended to prevent or punish".²

The Fourth Geneva Convention, concerning civilians in time of war, flatly prohibits the taking of hostages in Article 34.

Amnesty International opposes the taking and holding of hostages by both governments and armed political opposition groups.

Most of the former detainees interviewed by Amnesty International claim that they were not mobilized at the time of their arrest and that they were not in possession of weapons. Although it is naturally difficult to corroborate these claims, Amnesty International believes that

². *Commentary*, I Geneva Convention, Article 3, sub-paragraphs (1) and (2), Geneva, ICRC, 1952, p.54.

in most cases they are true. This is borne out by reports received from other individuals and organizations who have interviewed former detainees and/or visited places of detention.

A large number of releases, particularly of men of military age, appear to have involved an exchange of prisoners with the opposing side. These exchanges appear to have taken place in a variety of circumstances. Testimony and reports from many sources also indicate that many people are taken prisoner with the intention of exchanging them for people detained in areas controlled by the opposing side. In some cases specific individuals are detained with the intention of exchanging them for designated people held by the other side.

A 56-year-old Muslim teacher from Bosanski Novi, who was interviewed by Amnesty International, was taken from his apartment by Serbian military policemen on 16 June 1992. He had previously been detained on 2 June and held for four days in the Mlakve stadium where he described his treatment as being relatively good when compared to what he saw and heard of others held there. Late in the evening of 16 June three Serbian military policemen came to his apartment and ordered him and his wife to go with them. They were then taken to the village of Velika Graduša, which lies in Croatia, but within a United Nations Protected Area (UNPA), where they were held and guarded by Serbian militiamen in a house together with two other Bosnian Muslims. The detention there was apparently under the control of a Serbian militia captain (whose name he also gave), who openly stated that they were being held for exchange with designated Serbs held by the Croats and named at least one of the people with whom they were to be exchanged, a relative of the captain. At one point the captain asked him to speak on the telephone with his brother in Croatia, who was being pressed to arrange the exchange from the other side, in order to provide assurances about their well-being. His guards also told him that other Muslims were held for exchange in the area, in at least one case for relatives of their captors.

The planned exchange did not take place and the detainees were released and managed to leave the UNPA and reach an area of Croatia under full Croatian Government control.

In another interview, a Muslim woman from Doboj reported that, although she and her husband had not been detained, they had sought permission to leave the Serbian-controlled town because of the fear and pressure they felt as non-Serbs. They had to sign documents giving up rights to their property before they were taken on a bus to a crossing point into Croatian-held territory. At the crossing point Serbian civilians walked in the opposite direction to the group of Muslims.

A Catholic priest from Glamo., Zvonimir Matijević, whose arrest and detention is described above (see page 21), stated that he was exchanged for two Serbian Orthodox priests. Many other civilians of all nationalities interviewed by Amnesty International stated that they were released from detention in some form of exchange.

DELIBERATE AND ARBITRARY KILLINGS

Large but unquantifiable numbers of people have certainly been deliberately and arbitrarily killed in Bosnia-Herzegovina, although it is difficult to substantiate allegations of mass killings in places of detention. The majority of reports of large-scale killings being studied by Amnesty International involve incidents which were not directly associated with detentions. Amnesty International is seeking further information about allegations of large-scale killings in places of detention.

Amnesty International opposes both judicial and extrajudicial executions and other deliberate and arbitrary killings. The deliberate and arbitrary killing of civilians or of combatants who are no longer taking part in hostilities is a fundamental violation both of the right to life established in international human rights law and of international humanitarian law, including Common Article 3 of the Geneva Conventions.

Zaklopa...a

According to surviving eye-witnesses, at least 83 Muslims, including men, women and children, were massacred by uniformed Serbs in the village of Zaklopa...a, near Vlasenica, on 16 May 1992. The following account is based on Amnesty International's interviews with six women from the village, Jasmina, Mersudina, Ajka, Sena, Najla and Fazila Hodžić (aged between 15 and about 70 years). All the women interviewed gave accounts in varying degrees of detail of witnessing killings or of finding the bodies of the dead afterwards. Two of those killed were Mustafa Berbif (aged 62) and his wife, Fatima (aged 69), whose heads had reportedly been practically severed by gunfire. The women stated that the surviving villagers had counted 105 dead and two wounded women (one of whom they believed to have died later). According to one woman, the population of the village before the massacre was 150. Amnesty International later received a list of 83 names with ages given ranging from two to 69 years, which had been prepared with the help of the survivors. This list contained many of the names which the above women had mentioned in interviews; the women had also mentioned some names which were not on the list.

Prior to 16 May 1992 there had been some tension between the Muslim village and Serbs who populate the surrounding villages. The witnesses maintained that almost all the weapons in the village (with the exception of one or two hunting rifles which may have remained buried) had been surrendered to the local Serbs prior to the incident. After the handing over of the weapons, the women claimed that the Muslim villagers had been given assurances by certain local Serbs (they named two who had made such promises) that there would be no trouble. They did not relate any serious incident which had occurred before 16 May, although they did recall that

besides the assurances of safety, some other local Serbs had made threatening statements after the Muslims had surrendered their weapons. Najla Hodñif recounted the events of 16 May:

"That day in the morning we arose in my mother-in-law's house; she saw a mini-bus pass with „*etniks* in it, allegedly `reservists', who constantly passed that way through our village. They came at five in the morning so we did not pay attention to them because we had become accustomed [to them], they were always passing. That didn't surprise us. That day we moved around freely. We worked in the fields, I was digging potatoes. We heard shooting around 12 o'clock in their [Serbian] neighbouring village. They were firing, but we had got used to the shooting because they fired non-stop when we handed over our weapons."

The killings occurred at around 4.30 or 5pm. Fifteen-year-old Jasmina Hodñif gave the following account of the arrival of the perpetrators:

"At 5pm, my sister and I were returning from the fields when the first [vehicles] came, one police car and one *Niva* [a Russian-made off-road vehicle] full of reservists. It [the first car] was driven by MM [full name known to Amnesty International], until then a regular policeman, who brought the „*etniks* to the village. Later five or six cars of „*etniks* started to pass through the village. `Pokolj' [massacre] was written on one of the vehicles."

Najla Hodñif, gave more detail of their arrival:

"...At about 4.30pm one police car of the regular [civilian] police which worked regularly in the area arrived. That was MM from Klješćani. He accompanied a group [of men], [in] a big car, who were all wearing beards...and they were wearing cockades on their caps. They were in the uniforms of the Yugoslav People's Army [JNA] [otherwise] they were wearing only caps...the car was civilian."

"Less than five minutes passed, the police car returned towards Milići [one of the neighbouring Serbian villages]. I looked at the area around the bridge near my house. At the bridge I saw five or six cars, all large *Nivas*. There was one car on which `pokolj' was written. One group got out there and the cars drove on to the village."

According to the statements of these and other witnesses the men from other vehicles effectively surrounded the village, cutting off the exits. The earlier arrivals and shooting heard outside the village may indicate that some of the perpetrators had come into the village from other directions. The witnesses were unable to estimate the total number of men who had

arrived in the vehicles, although some remembered the vehicles as full, with some men riding on the roofs. The killings were carried out shortly after their arrival. Jasmina Hodñif relates the killing of her father, 53-year-old Haso Hodñif, at his house near the entrance to the village from the main road. He was apparently one of the first killed:

"I took my sister by the arm and started to run for the house. Two reservists stopped me and one pointed a rifle at me. In the meantime I had told my sister to run home. They asked me who had weapons, I said nobody. They told me I was lying and I said that I wasn't. He lowered his rifle and asked something of his commander, who was with them. He told me, 'Run home now, if we find something on anybody then be careful.' I went home, but when my father saw that they were coming in cars, he started to flee towards the river Jadar. He and two other neighbours. They saw them and started to shoot after them. They swore 'Ustaša mother' at them. We started to cry because we thought that they had killed my father because they were firing at him. He heard the crying and thought that they were harming us and beating us and he came back. He crossed the river and two „*etniks* were driving him with a rifle aimed at his back. He told us, among other things, not to be frightened, that nothing would happen because my aunts and their children were in the house. I grabbed some cigarettes for my father and they told him that they were going up towards the village. He had just taken out a cigarette, he hadn't yet lit it when they were 20 metres from us. They fired first at his legs, he jumped and they fired at his body. He fell, we saw how he fell and we started to cry. They fired at us and we ran into the house. As soon as we got into the house, they fired through the windows, they fired so much that, when they had stopped, they thought that they had killed us."

Najla Hodñif (a sister-in-law of Haso Hodñif), also stated that she saw the killing:

"...I saw two of them in front of the door driving Haso from the Jadar [the river] - he had tried to flee - with a rifle pointed at his back. He was all pale, scared, he told us not to worry, nothing would happen. One told him to hand over the weapons and there would be no trouble. He got scared and said, 'I have no weapons, only a cow to give you, I've never had them.' He said that they wouldn't get anything and took a cigarette to light, but the other [whom she later named] cut him down with gunfire."

Twenty-nine-year-old Sena Hodñif described the killing of her husband, Ibrahim (aged 39 years), and another man, Alija Hodñif:

"I was in front of my house when the „*etniks* surrounded the village and we immediately started to run. We came to a house and I took shelter with my

children in it. But my husband went off alone and when I arrived at the house [where she took refuge] I saw three „*etniks* in front of the door [of her own house]. One was in a blue uniform [police in the former Yugoslavia wore blue] and two in camouflage. They wore cockades on their caps. I watched how one beckoned my husband with his fingers. He answered but the other killed him immediately. Then he came in front of the house where I was with my children. He called a trader named Alija Hodžić who told me to fetch the car keys. They took the car keys and one of them took him beside the house and killed him, with firearms."

The whole incident lasted about 15 minutes after which the killers drove off. The women described them variously as "reservists" and "„*etniks*". They believed them all to be local men and named several of them.

In the days following the massacre about 25 women and children from the village made their way through the nearby Serbian-controlled town of Vlasenica, crossing the lines between Serbian and Muslim or Croatian-controlled territory. They claim that at one point they were made to move at gunpoint by Serbian soldiers and had to negotiate a minefield on the road through the lines. They arrived in Zagreb at the end of May.

An article in the British *Guardian* of 1 October 1992 reported allegations of a massacre of 28 Serbian men of various ages in villages around Vlasenica. According to this article the bodies were brought from nearby villages to Milifji and then buried in Vlasenica, although the locations of killings and the timing and circumstances of the deaths are not specified. The bodies allegedly showed signs of mutilation including castration and crude circumcision performed before or after death. An article in the Belgrade *Borba* of 30 September gives fewer details but alleges that the men disappeared from the villages of Rogosija and Nedirište and lists the names of 25 of them. Amnesty International is seeking further information about these allegations.

Mostar

Serbian forces are reported to have carried out a number of deliberate and arbitrary killings in parts of the town which they controlled in June 1992. A number of mass graves have been discovered since Croatian forces took control of those areas in late June. Reports by the news agency *Reuters* dated 30 August 1992 and 2 September 1992 quote the local police chief as saying that 150 bodies had been found in mass graves and a local pathologist as saying that almost all of the dead had been shot at close range with automatic weapons. Amnesty International has spoken to journalists who were present at the exhumation of a grave in the Sutina district of the town and is seeking copies of autopsies which are reported to have been carried out on some of the bodies. However, information on the killings at Sutina comes primarily from a single witness who survived them.

The following account is based upon a statement made on 4 August 1992 by the witness, a 21-year-old Muslim male, AB (whose name is known to Amnesty International). The statement was written by an interviewer in the third person and signed by AB and the interviewer.

At about midday on 13 June 1992 AB was in a shelter near his home in the Zalik district of the town when four Serbs (whom AB describes as „*etniks*) came and warned those in the shelter that there would be a big explosion in the district. They subsequently brought about 150 men, women and children to the shelter. Later in the afternoon, a group of 15 uniformed Serbs came to the shelter and ordered the men to be separated from the women. Some 56 or 57 men, including AB and his father, were taken to the "*Sjeverni logor*" (literally "Northern camp" - but it is not clear exactly where this refers to), under threat that anyone who tried to flee would be shot.

At the "*Sjeverni logor*" the men were put into a building and about 10 Serbs who had been with them in the shelter were separated from them and the rest had their personal details recorded. They were then taken in small military vehicles to the morgue at the graveyard in Sutina. At the morgue, AB's group was met by 20 to 30 „*etniks* who put him into a room with about 20 other prisoners. Pairs of men were taken into offices in the building from which screaming could be heard, and occasional machine-gun fire could be heard from the area outside the building. At about 8pm a military policeman came and took AB into the office where one of five „*etniks* interrogated him for about five minutes asking him whether he had been in any armed groups and if he knew the names of those from his part of town who carried arms. AB did not want to answer any of the questions and they, in particular one who wore the badge of the *Beli Orlovi*, started to hit him and threaten him with a knife and automatic weapon. After another five minutes, in which he waited with other prisoners who had been interrogated, a „*etnik* came into the room saying that two young men were needed to carry the bodies of some dead people, AB and another man, MS, were chosen, as the others were mostly older men. They went outside and, escorted by two or three „*etniks*, carried the bodies of seven or eight men on a stretcher from the front of the morgue to the banks of the river Neretva nearby where they put them on a rubbish dump. Among the corpses AB recognized the bodies of three men, one of whom had been with him in the vehicle which had brought them to the mortuary. After carrying the last body, AB thought that they would return to the morgue again because there were still two or three more bodies and he believed new killings were occurring.

Instead of escorting them back, one of the „*etniks* opened fire on MS who fell down the slope (presumably towards the river) and AB, fearing that he too would be shot, threw himself down the embankment and rolled into a hollow.

Here Amnesty International notes that the reporting of AB's story is contradictory. In his written statement he claims that he received two (apparently light) bullet wounds as he fell, but

an article published in the Zagreb daily *Vjesnik* on 27 June 1992 quotes AB as saying, "I was not hit by a bullet but my leg hurt terribly because of the beating."

The guards then left, apparently believing AB to be dead. AB hid in nearby bushes for 11 days drinking water from the river as battles were fought in the surrounding area. On the second day he heard a mechanical digger working nearby which he believes was burying corpses and claims that he heard a voice saying, "Cover up that one there, his head or some other part of the body is sticking out," AB was then found by local Muslims and Croats and taken to hospital.

Amnesty International has not yet been able to speak to AB to clarify differences in the reporting of his account. However it believes that there are sufficient indications to warrant concern that mass killings of civilians by Serbian forces may have occurred in Mostar in June 1992 and it will continue to seek further information.

Blagaj

At least nine Muslim men were reportedly shot during the roundup of several hundred people in the village on 9 June 1992 (see page 15 above). Samed Imširović, , amil Alif (both aged around 30 years) and Fehim Mehmedagić (aged around 60 years), who were forced to lie on the ground in the main street with the other men, were ordered to get up by three of the Serbian soldiers and were then marched along the street in which the women and children were assembled. They were reportedly shot dead about 30 metres down the street. No apparent reason for the shooting has been reported.

A sixth man, Sulejman Burzić (aged around 50 years), was shot while the villagers were assembled in the yard of the *Japra* plant. He was seen to greet one of the Serbian soldiers whom he apparently recognized. The soldier whom he addressed reportedly ordered him to put his hands up and kicked him before killing him with one or two bullets fired at close range.

Several other killings are alleged to have occurred. In one case, the covered bodies of two men, who witnesses believed to be of those of two men who had earlier been observed as they were marched at gunpoint by three Serbian soldiers, were seen lying on a street corner near the points where the people were assembled. Similarly, one witness reports that Sifet Bajraktarević, Hasan Merzić and "Buzga" Ekić were led from the factory yard back towards the centre of the village and taken under the bridge where he heard shots. No witnesses claim to have seen more.

Zvornik

According to the account of Smilja Jušić (aged around 50 years), a Serbian woman married to a Muslim man, Serbian paramilitaries who described themselves as "Arkan's men" strangled her

husband, Hajrudin Jušif (aged 54 years), and two elder sons, Meho (aged 22 years) and Fahrudin (aged 20 years), together with three neighbours, the brothers Mehmed and Alija Tušif and Safet Selimovif (all three in their fifties or sixties). Smilja Jušif was not sure whether the killers really were from a paramilitary unit formed or controlled by "Arkan" (Đeljko Rašatović) or whether they used the name to instil fear. In her account some of the perpetrators wore stockings over their heads, indicating that they may have been local men trying to hide their identities.

At about 3pm on 10 April 1992, a group of about 30 men arrived at the Jušif house which lies on the outskirts of Zvornik, ordered all the family members out of the house and rounded them up together with some neighbours. Smilja Jušif relates:

"They took us all out into my orchard...and made all of us lie face down. There were fifteen of us, women and children and the six of them [the Muslim men]. They strangled my eldest son with wire, I saw it all. Afterwards they got us all up from there, one man remained to kill us and somehow one girl begged him, 'If you have,' she said, 'a mother, if you have a sister,' she said, 'at least do not kill us.'"

The nine women were then locked in the cellar of the Jušif's house by one of the killers for three days until people from the nearby village of Divif found and released them and took the bodies of the men away for burial. Smilja Jušif also believes that villagers from Divif were later taken into detention (to a factory at Karakaj) as a reprisal for helping them. About 10 days later the surviving members of the Jušif family were driven from their house at gunpoint and made to cross into Mali Zvornik in Serbia, from where they had to make their own way, arriving eventually in Hungary.

Manja...a

It is not possible to confirm the number of deliberate and arbitrary killings which have occurred in the camp, although most sources indicate that the number is far higher than the five which have been admitted by the Serbian authorities (as reported in the *New York Times* of 29 August 1992). However, Amnesty International has not yet seen evidence that systematic killings have occurred in the camp although it may of course exist.

Omer Filipovif, a Muslim from Klju...in his thirties, reportedly died in the camp in late July, although accounts of the nature of his death vary. His reported political activities (he was a prominent member of the MBO - Bosnian Muslim Organization - another political party supported by Muslims, but much smaller than the SDA) indicate that he may have been specially targeted. A report in the *New York Times* on 29 August 1992 quotes an ex-inmate as saying that Omer Filipovif was not seen in the cattle-shed where he slept by other prisoners after about 6 July. The report also refers to a death certificate for the victim (apparently produced by Serbian

doctors in the camp) which was reported to state that he was found dead on 29 July 1992 and had bruises on the chest which were healing at the time of his death (the cause of death was not clearly reported). An ex-inmate interviewed by Amnesty International, who claimed to have witnessed the killing, alleged that Omer Filipović was severely beaten and jumped on by a group of four soldiers (he is not clear as to whether they were regular guards at the camp) after which his stomach was cut open.

Omarska

In August 1992, Muslims in Zagreb issued a list of 59 prominent Muslim dignitaries, teachers and businessmen from the nearby town of Prijedor alleged to be among those held in Omarska. The list was compiled by Muslims in Prijedor. On 16 September some Western journalists inquired about the persons on the list with police officials in Prijedor. After making some brief inquiries, a police chief reportedly gave an answer which apparently admitted the deaths or "disappearance" of a number of them. Amnesty International is seeking further information about this and other reports about the Omarska camp. There are numerous other reports of deaths in the Omarska camp, but these are difficult to confirm. Two such allegations are summarized here.

Bejir Medunjinin, a middle-aged member of the SDA, his son Haris, Dalja Hrnjak (aged between 40 and 45 years) and two others were allegedly beaten to death on a day in late July. The men were among 12 who were allegedly severely beaten for at least 20 minutes by a group of four guards. Men from another group of prisoners who watched part of the beating from a corridor were then made to take the bodies of the five dead outside.

A Muslim cleric (known as a *hodža* in Serbo-Croatian) aged about 30 years, believed to be called Hamed Softić and from the village of Kamišani, was allegedly shot in early July. A Serb soldier riding a motorcycle came to one of the buildings (a workshop or garage) and demanded to take away a *hodža*. He was apparently seeking Hamed Softić in particular. The motorcycle rider allegedly made Hamed Softić run in front of him as he drove off, having told another guard that he would "run a stake through him". The *hodža* was allegedly shot by the motorcyclist 200 or 300 metres from the garage.

Konjic

Two young Serbs who were interviewed by Amnesty International claimed that they witnessed at least five deaths resulting from beatings in a place of detention guarded by Bosnian Government forces in the Konjic area between mid-June and late July 1992 (see page 26). They described independently how men were taken out individually from the area where they were held and were badly beaten outside before being returned to their fellow prisoners. They stated

that at least five men died in the 40 days they were held there in June and July and alleged that other prisoners had witnessed many other deaths which had occurred prior to their arrival.

FORCIBLE EXPULSIONS

The conflict in Bosnia-Herzegovina has created a climate of such intense fear and despair in many areas that thousands of Muslims, Serbs and Croats have fled the fighting and its accompanying destruction to seek greater safety in areas within the Republic under the control of their own nationality or outside Bosnia-Herzegovina altogether. This has led to huge shifts of population which have significantly altered the ethnographic map of the Republic.

The process of moving populations has been deliberately accelerated by policies commonly referred to as "ethnic cleansing". All parties to the conflict have complained that their opponents have deliberately intimidated local populations with the aim of persuading them to leave their homes. In some cases, and this is most evident in areas under Serbian control, a series of other measures have been taken to ensure that Muslims and Croats leave or are forcibly expelled.

These include the rounding-up and transportation of large numbers of people who are then either forced to cross lines into territory controlled by opposing forces or left with no other choice than to do so. In some cases Muslims have been expelled into Serbia, where the authorities have continued the process by seeking to send them on to Hungary.

The intimidation associated with "ethnic cleansing" also appears to include the actual use or threat of detentions. Such detentions are accompanied by torture and ill-treatment apparently to ensure that detainees are compliant in accepting offers of release conditional upon them leaving their home area. People offered the possibility of release from detention, as a condition of their release, have been made to sign forms confirming that they are leaving the area and giving up rights to property. Others not held in detention, but wishing to leave their home area out of fear for their safety, have in some cases been made to sign similar declarations before being allowed to leave. In other cases, individuals' registration documents have been cancelled and they have been expelled from Bosnia-Herzegovina.

The following examples illustrate some instances of such practices.

Muslims from Blagaj and other villages around Bosanski Novi were rounded up and put onto a train on at least one occasion in early June (see page 15). The villages were subjected to bombardment in the days preceding the expulsions, although they claim little resistance was being offered to the arrival of the Serbian forces. Women, children and older men were, in

effect, expelled to Muslim or Croatian-controlled territory after being taken to Doboj. The men of military age were detained in the Mlakve stadium in Bosanski Novi.

Before being released and allowed to join a convoy of refugees heading for Croatia, the men had to queue up to add their signatures to a statement. The statement was apparently prepared on the lines: "I wish voluntarily to leave the commune of Bosanski Novi permanently in order to join my family which has already moved out." Amnesty International also possesses copies of individual documents which others, not in detention, said they were required to sign before being allowed to leave the town. These documents bear the heading "Serbian Republic of Bosnia-Herzegovina, Commune of Bosanski Novi", and have all the appearance of official documents issued in former Yugoslavia with the stamp of the local commune. The printed or mimeographed forms include the text: "I state that I do [or do not - deleted as applicable] possess real estate in my name." This part was followed by individually typed wording in the examples seen by Amnesty International such as: "...and I am permanently leaving the territory of the Commune of Bosanski Novi with my brother [name] who has no real estate of his own."

An elderly Muslim couple, both over 70 years of age, from Glumine near Zvornik on the border with Serbia were found hiding in their village by uniformed Serbs on 29 June 1992 after most of the population of the village had fled or been expelled in the previous days. They claimed to have witnessed atrocities committed by Serbian soldiers in the village. They were ill-treated during their detention - the woman said she was dragged with her legs scraping the ground and showed marks on her legs to representatives of Amnesty International which she said resulted from this. The couple were taken to a police station in Zvornik where clerks filled in forms cancelling their registration as residents. Copies of the forms were given to them which they showed to Amnesty International.

A man from Petkovci, another village in the area, described the expulsion of Muslims from his village. In his account the villagers chose to go to Tuzla (a Muslim-controlled town in Bosnia) after Serbs made them hand over weapons (he said they had mostly hunting rifles) and gave them an ultimatum to leave. He alleged that some houses were set on fire as a warning, shots were fired in the air and people were beaten and had guns pointed at them. People from many villages in the area were brought to Klisa where they had been promised there would be transport to Tuzla. At Klisa, he alleges, men were segregated and beaten before being taken to the village of Karakaj (he also alleged that men were being detained in a factory there - Amnesty International has received other such allegations but has not been able to confirm them). At Karakaj he was taken out of the lorry by a Serb in civilian clothes and was taken by car to Zvornik where he was told to report to the Serbian authorities. He stayed there 23 days with his brother until 29 June when Serbian soldiers came to the house and took him, his brother and two others to a police station. At the police station the registration of his residence in Petkovci was cancelled in the same manner as for the couple described above. The words

"deregistered from Zvornik, departing for Subotica" were written onto his identity card (Subotica is the main Serbian town on the border with Hungary). He, together with his brother and the couple from Glumine, were then made to walk across the bridge into Serbia. From Mali Zvornik they made their way to Subotica via Belgrade from where they were able to cross into Hungary.

On 26 June 1992 a large number of Muslims including men, women and children were rounded up in the village of Kozluk in eastern Bosnia. Witnesses described the perpetrators as including uniformed local Serbs and paramilitaries from Serbia. They believed that the paramilitaries were "Šešelj's men" and men from the *Beli Orlovi*, although this is difficult to confirm. In the centre of the village they were made to get into a convoy of lorries, some at gunpoint, which took them to the Serbian town of Loznica where they were put onto a train which took them to Subotica.

After sleeping in the train for several days at a railway siding at Subotica, they were taken from the train to a nearby campsite at Palif where they remained for several more days. Several of the refugees interviewed by Amnesty International stated that although they had made no such request, a photographer (apparently at the request of the local police) came to the camp and they were made to pose for photographs and to give their personal documents and details. Officials then came to the camp and issued them with Yugoslav passports. The passports bore the personal details of the individuals with the photographs attached and stamped. The issuing authority was recorded as "MUP [Ministry of Internal Affairs] of the Republic of Serbia, Secretariat in Subotica". All the examples seen by Amnesty International remained without the bearer's signature.

After the issue of the passports, the people were taken by train, on different days, to the Hungarian border where the Hungarian authorities allowed them to enter as refugees. Some were taken to Hungary the same day the passports were issued.

The right of every individual to "freedom of movement and residence within the borders of each State" is set out in Article 13 of the Universal Declaration of Human Rights. The same article also guarantees every individual's right to "leave any country, including his own, and to return to his country".

In the 22 May agreement parties to the conflict declared they would abide by the humanitarian law prohibition on forced displacement of civilians. Forcible movement is only permitted in strictly defined and limited circumstances relating to "the security of civilians involved or imperative military reasons" and where the displaced people are given proper and continuing care for their shelter, health and safety. The 22 May agreement also reiterated the fundamental principle that "acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited". Forcible expulsion to another country is also directly addressed in Article 49 of the Fourth Geneva Convention, which prohibits, "regardless

of their motive", the "individual or mass forcible transfers, as well as deportations" of people who find themselves under the control of a party to the conflict "from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not...".

At the end of the London Conference on the former Yugoslavia in August 1992, all parties agreed to a Statement on Bosnia which reaffirmed that any political settlement in Bosnia-Herzegovina must include "just and adequate arrangements for people who have been forcibly expelled from their homes including the right to return and compensation for loss".

THE FORCIBLE RETURN OF REFUGEES FROM CROATIA TO BOSNIA-HERZEGOVINA

In April 1992 the Croatian Government stated that men from Bosnia-Herzegovina who were liable for military service in Bosnia would not be granted refugee status in Croatia. Croatia has received more refugees from Bosnia-Herzegovina than any other receiving country and already had a large population of people displaced during the earlier war on Croatian territory. The Croatian Government has appealed for further international help in coping with its refugee problem.

In an article in the Zagreb newspaper *Vjesnik* of 30 April 1992, a representative of the Zagreb branch of the Government's Office for Refugees and Displaced Persons is reported to have said that the office passed on details of all men liable to military service to the interior and defence ministries. Many male refugees from Bosnia interviewed by Amnesty International in August 1992 confirmed that they had not been granted refugee status.

Amnesty International has seen "leave" papers headed by the words "Croatian Community of Herceg-Bosna" and under it "Croatian Defence Council". These were issued to Muslim men who had been released from detention in Manja...a and who stated that they had not been mobilized at the time of their detention. They were living with their families in a refugee camp in Croatia. The "leave" papers apparently gave permission to leave Bosnia-Herzegovina for medical treatment and specified the date by which the men must report for duty. After the date the papers included the text: "After the expiry of the period for return this permit ceases to be valid and the named individual will be considered a deserter." The ex-inmates of Manja...a in possession of such "leave" papers feared that they would be returned to Bosnia-Herzegovina upon the expiry of these "leave" permits.

In August 1992, representatives of Amnesty International were able to interview a number of male refugees from Bosnia-Herzegovina in a sports hall at Karlovac near Zagreb. The men expressed fears that they would be returned against their will to Bosnia-Herzegovina, which duly occurred the next morning when they were put onto buses by police. The *New York Times* of 19 August 1992 reported and also cited the Croatian Vice-President, Mate Granif, as

confirming on 18 August that 2,000 such returns had taken place but that the practice had been suspended "for the moment". Amnesty International understands that this change came about as a result of pressure from international bodies. Amnesty International is investigating allegations that more men have subsequently been returned.

Amnesty International is calling on the Croatian authorities not to return people of military age, or any other persons against their will to Bosnia-Herzegovina because they risk becoming victims of human rights abuses. This principle of *non-refoulement* is recognised by the international community as a norm of international law binding on all states whether or not they are a party to the 1951 UN Convention relating to the Status of Refugees.

CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

According to press and radio reports, the Bosnian Government, the Croatian Defence Council and Serbian authorities have all broadcast or published notifications of the mobilization of men of military age within the zones under their control.

Radio Bosnia-Herzegovina (as monitored by the BBC and reported in *Summary of World Broadcasts: Eastern Europe* on 8 July 1992), in a broadcast from Sarajevo on 6 July 1992, stated that Sefer Halilović, the commander of the headquarters of the armed forces of Bosnia-Herzegovina, had issued a decree which included the text: "Any attempt to avoid military service, revised [medical] examination or implementation of this decree will be considered a criminal offence and will result in criminal prosecution."

Amnesty International is seeking more information about the implementation of this mandatory military service. Nevertheless, Amnesty International considers any citizen of Bosnia-Herzegovina detained for refusing to perform military service because of conscientiously held beliefs to be a prisoner of conscience. Amnesty International considers that people have a right to refuse to perform military service for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives. This right applies in both war and peace.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO ALL PARTIES TO THE CONFLICT

Amnesty International calls on all parties within Bosnia-Herzegovina, the Federal Republic of Yugoslavia and the Government of Croatia to implement immediately the following recommendations, which relate specifically to the situation in Bosnia-Herzegovina:

1. Respect for human rights law and humanitarian law

All parties must fulfil their repeated commitments to abide by fundamental human rights standards - including the Universal Declaration of Human Rights - as well as humanitarian law standards - especially the four Geneva Conventions of 1949 and the two Additional Protocols of 1977.

2. Leaders to exercise effective control to prevent abuses

(i) Leaders of all parties must strengthen the chain of command and exercise effective control to prevent human rights abuses occurring. They must issue strict orders instructing their forces to abide by international human rights and humanitarian law standards, in particular those relating to the humane treatment of civilians and others taking no part in hostilities.

(ii) Any individual suspected of committing or ordering abuses such as deliberate and arbitrary killing, torture or ill-treatment, should be removed from any position of authority and all duties in which he or she comes into contact with detainees or others at risk of human rights abuses. Such perpetrators should be held to account for their actions.

3. Arbitrary detention

(i) All civilians detained solely because of their national origin or held as hostages for the purpose of negotiating prisoner exchanges, must be unconditionally released with adequate protection for their safety following their release.

(ii) All parties must identify all facilities being used for detention under their control or that of any paramilitary forces owing allegiance to them. All such locations should be declared immediately and be open for regular inspection by international bodies including the International Committee of the Red Cross (ICRC).

(iii) While people remain in detention they should be given immediate and regular access to family and doctors without fear of reprisals against the detainees or visitors.

4. Torture and ill-treatment of detainees

No one should be tortured or subjected to cruel, inhuman or degrading treatment or punishment. All detainees must be treated at least in accordance with minimum humane standards. These standards include basic provision of adequate water, food, clothing, shelter, hygiene and medical care. Such basic standards are particularly urgent in the light of the imminent approach of winter.

5. Deliberate and arbitrary killings

All parties must ensure an immediate end to deliberate and arbitrary killings and the threat of such killings.

6. Resolving "disappearances"

All parties must immediately provide information to relatives and international organizations, particularly the ICRC, on the whereabouts and fate of people who have "disappeared" after being detained by military, para-military or police forces.

7. Discovering the truth and bringing those responsible to justice

(i) The leaders of all parties to the conflict must initiate full and impartial investigations into allegations of human rights abuses and breaches of humanitarian law. The object of such investigations should be to determine individual and collective responsibility and to provide a full account of the truth to the victims, their relatives and society. The results of these investigations should also be given to representatives of intergovernmental organizations involved in monitoring the human rights situation in the region, including the UN Special Rapporteur on the former Yugoslavia and the UN-EC- sponsored International Conference on the former Yugoslavia.

(ii) The parties to the conflict - and the international community - must ensure that those who ordered and those who carried out human rights abuses or grave breaches of international humanitarian law are brought to justice.

(iii) Given the highly charged atmosphere, it is particularly important to ensure that all defendants are given a fair trial in conformity with accepted international standards. Furthermore, Amnesty International would oppose the imposition of the death penalty on any person convicted.

8. Unimpeded access to international organizations

All parties should give unimpeded access to all areas under their control, including all places of detention, to fact-finding and other missions dispatched by humanitarian organizations and

intergovernmental organizations, including the UN Special Rapporteur on the former Yugoslavia, the ICRC, the Conference on Security and Cooperation in Europe (CSCE), the UN-EC International Conference on the Former Yugoslavia and United Nations High Commissioner for Refugees (UNHCR).

9. Protecting refugees from forced return

The Croatian Government must abide by its commitment not to forcibly return refugees to Bosnia-Herzegovina where they are at risk of serious human rights abuses.

10. Conscientious objectors to military service

The Bosnian Government must ensure that men or women who have conscientiously-held objections to performing military service are not imprisoned or subject to the death penalty for their refusal to undertake such military service.

GLOSSARY OF ABBREVIATIONS

CSCE	Conference on Security and Cooperation in Europe
EC	European Community
HDZ	<i>Hrvatska Demokratska Zajednica</i> (Croatian Democratic Union)
HOS	<i>Hrvatske Oružane Snage</i> (Croatian Armed Forces)
HSP	<i>Hrvatska Stranka Prava</i> (Croatian Party of Rights)
HVO	<i>Hrvatsko Vijeće Obrane</i> (Croatian Defence Council)
ICRC	International Committee of the Red Cross
JNA	<i>Jugoslovenska Narodna Armija</i> (Yugoslav People's Army)
MBO	<i>Muslimanska Bošnjačka Organizacija</i> (Muslim Bosnian Organization)
SFRY	Socialist Federal Republic of Yugoslavia
SDA	<i>Stranka Demokratske Akcije</i> (Party of Democratic Action)
SDS	<i>Srpska Demokratska Stranka</i> (Serbian Democratic Party)
TO	<i>Teritorijalna Odbrana</i> (Territorial Defence)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPA	United Nations Protected Area
UNPROFOR	United Nations Protection Force