

First Report

28 August 1992

Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 14 of Commission resolution 1992/S-1/1 of 14 August 1992

Introduction

1. At its first special session, the Commission on Human Rights adopted resolution 1992/S-1/1 on 14 August 1992 in which it requested its Chairman to appoint a Special Rapporteur to investigate first-hand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina, and to receive relevant, credible information on the human rights situation there from Governments, individuals, intergovernmental and non-governmental organizations, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights.

2. The Special Rapporteur visited areas of interest in the former Yugoslavia, and in particular Bosnia and Herzegovina, from 21 to 26 August 1992 in order to report to the members of the Commission on Human Rights not later than 28 August 1992, in accordance with the request expressed in the resolution. Given the very limited time at the disposal of the Special Rapporteur, his first visit had to concentrate on the most urgent problems, notably the particularly dramatic situation in the Republic of Bosnia and Herzegovina. Under the circumstances, it was not possible to examine in depth all the human rights-related aspects of the tragic situation prevailing in that part of the former Yugoslavia. The present report therefore contains a diagnosis of the main problems on the basis of the evidence obtained during the mission, which has allowed the Special Rapporteur to understand the situation and to formulate recommendations.

3. The Special Rapporteur requested the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture¹ to accompany him on the mission. The Chairman of the Working Group on Arbitrary Detention, Mr. Louis Joinet,² and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre W. Ndiaye,³ were in a position to accept his invitation. This enabled the mission to examine a number of situations at the same time and within the short period available, to visit more places and interview more people than would otherwise have been possible.

4. In accordance with established practice, the mission met with representatives of Governments and local authorities as well as intergovernmental and non-governmental organizations. It also received information from representatives of political parties and minority groups and met with religious dignitaries of various faiths. The mission interviewed a number of victims of human rights violations from all the ethnic groups concerned as well as witnesses to such violations, and spoke to ordinary citizens in the various places visited.

5. It should be noted that although the visit concentrated on Bosnia and Herzegovina it was not possible to visit all the areas of interest in that Republic, owing to difficulties of access to certain areas of conflict surrounded by combat zones. It is therefore the intention of the Special Rapporteur to include in future missions not only parts of the former Yugoslavia not yet visited but also to return to those areas of Bosnia and Herzegovina in which additional investigations will be necessary, in particular in connection with the problem of detention camps.

I. Observations concerning the situation of human rights in the areas visited

A. The policy of ethnic cleansing

6. Most of the territory of the former Yugoslavia, in particular Bosnia and Herzegovina, is at present the scene of massive and systematic violations of human rights, as well as serious grave violations of humanitarian law. Ethnic cleansing is the cause of most such violations.

¹ See List of International Institutions, p. 863.

² See Index of Names, p. 873.

³ Ibid., p. 877.

**1. Ethnic cleansing directed against Muslims and ethnic Croats
in the territories of Bosnia and Herzegovina and Croatia under the
control of ethnic Serbs⁴**

7. The Special Rapporteur was able to collect credible testimony concerning the policy of ethnic cleansing and the methods applied to achieve its aim. According to the testimony received, the policy has been openly pursued on the territory of those parts of Bosnia and Herzegovina and Croatia which are controlled by ethnic Serbs.

8. The methods used are illustrated by the testimony of a witness from Bosanska Dubica.⁵ According to the witness, the elected authorities who were moderates or who tried to prevent acts of violence were dismissed and replaced by Serbian extremists. Muslims, who represented the majority in Bosanska Dubica, and to a lesser extent Croats were continuously subjected to harassment, discrimination and violence perpetrated by Serbian soldiers, Serbian mercenaries and even by some of their Serbian neighbours in the village. The witness described an incident in which Serbian soldiers from different villages boasted in her presence about the number of Muslims they had killed.

9. Several people, among them a boyfriend of the witness, were killed. Every night, during a curfew imposed from 10 p.m. to 5 a.m., houses were burnt. The mosque was also burnt down. A large number of people were arrested. Taken to the local police station for interrogation, they were either beaten and tortured by the police or forced to beat each other. Children from Muslim or Croatian families were refused treatment at the local hospital.

10. At the beginning of June, 200 men were arrested and taken to the detention camp in Manjača.⁶ Among them were 10 Croats, whom the Serbs had labelled "Muslim extremists". Reportedly, after the first visit by representatives of the International Committee of the Red Cross (ICRC) to the camp, the families in Bosanska Dubica received typewritten letters from their relatives stating that they were well.

⁴ Cf. Annex II. Observations concerning the parties in control of the territories visited, p. 56.

⁵ Bosanska Dubica – Today known as Kozarska Dubica. A town in northern Bosnia and Herzegovina, within Republika Srpska, near the border with Croatia. Another part of the divided town lies across the border: Hrvatska Dubica.

⁶ Manjača – A camp for Muslims and Croats from Banja Luka and its surroundings, established in 1991 by the Yugoslav National Army (JNA) on the slopes of Mount Manjača and administered by Republika Srpska until 1995.

11. Muslims who wanted to leave the village were allowed to do so only together with their entire family. The transfer of the refugees was organized by the local Red Cross, which cooperated closely with the local Serbian authorities. Before those willing to leave were permitted to do so, they were forced to sign documents stating that they would never come back. No reference was made in those documents to their possessions in the village, their houses in particular. The witness stated that they could either sell them at a ridiculous price or give the keys to the municipality for the duration of their absence which, after they had signed the above-mentioned documents, was supposedly for ever.

12. Indeed, a variety of methods are used to pursue ethnic cleansing. Ethnic Croats and Muslims employed in the public sector have been fired because of their ethnic origin. The public sector is large in the former Yugoslavia, and tens of thousands of persons have been affected by such measures. In so far as persons employed in the private sector are concerned, evidence was received that the shops and businesses owned by ethnic Croats have been burned or looted.

13. In territories controlled by ethnic Serbs, shooting during the night at homes belonging to members of other ethnic groups or throwing explosives into them are common forms of intimidation. One such incident occurred a few days before the arrival of the Special Rapporteur in Banja Luka. In the village of Čelinac, 17 houses occupied by Muslim families were blown up in a single night, after reports were received that some soldiers from the village had been killed in combat. As a result, and since it would have been impossible to flee the region, some 650 Muslims sought refuge in a school. The ICRC had not yet been allowed to visit the school, and there was fear that the Muslims were in danger of starvation. During his interview with the authorities in the regional capital, some 15 kilometres from Čelinac, the Special Rapporteur asked whether it would be possible to visit the school. Despite the fact that one of the authorities present was President of the Regional Executive Council and that there was no reason to think that the Muslim families were in custody, the Special Rapporteur was informed that it would not be possible to visit the school without the permission of the mayor of the village, who was said to be away visiting the battle-front. He was promised that the ICRC would be allowed access and to provide relief.

14. Another recent example brought to the attention of the Special Rapporteur concerned the displacement of some 1,000 Muslims from their homes in the town of Sanski Most, 28 kilometres from Banja Luka,⁷ the week before his visit.

⁷ The distance between these towns is actually approx. 60 km.

These persons were driven by the local authorities towards territory controlled by the Government of Bosnia and Herzegovina, but were left on their own inside Serbian-controlled territory. The ICRC does not assist in such forced evacuations, since it wishes to avoid cooperating in ethnic cleansing. Consequently, in order to reach a zone controlled by friendly forces, the victims of ethnic cleansing must cross through combat zones, at great risk to their life and safety.

15. Such tactics were also common in the Serbian-occupied areas of Croatia, especially prior to the deployment of the United Nations Protection Force (UNPROFOR).⁸ In the United Nations Protected Area (UNPA)⁹-North the members of the mission saw one town which was almost completely destroyed and others where the homes belonging to Muslims had been selectively destroyed by explosives. The use of such tactics has decreased thanks to the efforts of UNPROFOR to restrain the activities of the local militia, but the shootings and the bombing of homes continues in the UNPAs, although on a lesser scale, and the victims of ethnic cleansing continue to flee.

16. Attacks on churches and mosques is also part of the campaign of intimidation used to force Muslims and ethnic Croats to flee Bosnian territory, and the mission saw places of worship bearing the marks of bullets and explosives during its trip to Banja Luka.

17. The siege, including the shelling of population centres and the cutting off of supplies of food and other essential goods, is another tactic used to force Muslims and ethnic Croats to flee. The most dramatic and well-known case is Sarajevo, the capital of Bosnia and Herzegovina. The city is shelled on a regular basis, in what appears to be a deliberate attempt to spread terror among the population. Snipers shoot innocent civilians. The mission visited the hospital, and was able to see many civilian victims. It was also able to see the damage done to the hospital itself, which has been deliberately shelled on several occasions, despite the proper display of the internationally recognized Red Cross symbol. Cultural centres have also been targeted, leading some observers to the belief that the attacking forces are determined to "kill" the city itself, and the tradition of tolerance and inter-ethnic harmony which it represents.

18. The civilian population lives in a constant state of anxiety, leaving their homes or shelters only when necessary. Any movement out of doors is hazardous, and many persons and families spend long periods in isolation. The public systems

⁸ See List of International Institutions, p. 861.

⁹ Ibid., p. 863.

for distribution of electrical power and water no longer function. Food and other basic necessities are scarce, and depend on the airlift organized by UNHCR¹⁰ and protected by UNPROFOR. UNPROFOR barracks and headquarters, as well as the airport itself, have been among the principal targets of the shelling. All three were attacked during the few hours that the mission was in Sarajevo. Delivery of such humanitarian supplies as do arrive is problematic. All inhabitants of the city are seriously affected by the fighting and the siege.

19. The Special Rapporteur also visited Vukovar, a city in eastern Croatia almost entirely destroyed by shelling during a siege which commenced in November 1991 during the attack on Croatia by the Yugoslav army.¹¹ It is to be feared that the same fate may befall Sarajevo, unless action is taken to prevent the constant bombardment by mortars and artillery.

20. The city and region of Bihać, in north-west Bosnia, is also besieged by ethnic Serbian forces. Shelling occurs daily. There are no significant military targets in the city, and the main reason for the shelling appears to be that of terrorizing the civilian population. Fifty-one children have been killed there since the beginning of the war, according to the physician who is director of the hospital, and the hospital itself had been struck by shells on three occasions. Humanitarian convoys bring a limited amount of food and medicine to the town and carry some of those needing specialized medical care to better equipped hospitals outside the region. However, the lack of certain medical supplies and the limited access to medical facilities constitute a grave threat to the health and lives of those in need.

21. The siege has also had a dramatic effect on the economy of the region, making this previously prosperous area dependent on food aid provided by the international community. A humanitarian worker interviewed in Bihać who had previously worked in Kurdistan said that the economic blockade of Bihać was “a hundred times worse” than the one in Kurdistan.¹²

22. Other cities and regions in Bosnia and Herzegovina are reportedly in a similar situation.

23. The detention of civilians is clearly being used as a method of pressuring them to leave the territory. In many cases, after agreeing to leave, they are obliged

¹⁰ Ibid., p. 861; this office was then held by Sadako Ogata, see Index of Names, p. 877.

¹¹ See Timeline of the Conflict, pp. 829–830.

¹² In 1991, after the bloody suppression of the Iraqi Kurdish uprising by Saddam Hussein, humanitarian organizations had provided aid to war victims and refugees from Kurdistan.

to sign documents renouncing their claim to their homes and other property, or indicating that they agree to donate their property to the local government. Ethnic Serbs in Bosnia and Herzegovina have also adopted the policy of "exchanging prisoners". According to some impartial observers, the need to obtain ethnic Serbs to exchange against detained Muslims is one of the main reasons for arbitrary detention of ethnic Serbs in Bosnia and Herzegovina.

2. The situation elsewhere in Bosnia and Herzegovina

24. The Muslims have been accused of pursuing a deliberate policy of emptying the territory under their control of ethnic Serbs. Members of the mission were able to visit Bihać, a predominantly Muslim area under government control. The information obtained led to the conclusion that no policy which could be compared to ethnic cleansing is being applied in this region. Unfortunately, the visit of the mission to Sarajevo had to be terminated prematurely due to an intensification of attacks on United Nations forces stationed there, and it was not possible to visit other regions of central Bosnia under the control of the recognized Government. Consequently, it was not possible to verify whether the policy of tolerance observed in Bihać is common to other areas controlled by the Government of Bosnia and Herzegovina.

25. Some information was received that a policy of ethnic cleansing is being applied against ethnic Serbs and Muslims in an area of Bosnia and Herzegovina adjacent to southern Croatia, where the population is predominantly of Croatian origin. It was not possible to visit this area during the first mission, and thus not possible to investigate the situation prevailing there nor the extent to which this area is under the effective control of the recognized Government of Bosnia and Herzegovina. Efforts will be made to visit this area at the earliest opportunity.

3. The flight of ethnic Serbs from Croatia

26. Discrimination, harassment and maltreatment of ethnic Serbs are also serious and widespread problems in Croatia. These practices have resulted in the flight of a large number of ethnic Serbs to Serbia and to those parts of Croatia and Bosnia and Herzegovina under the control of ethnic Serbs.

27. The mission received copies of published lists of citizens of Croatia indicating their ethnic origin. These lists are widely distributed, and even available for sale to the public. The circulation of such lists facilitates discrimination and harassment throughout the society. Tens of thousands of persons have reportedly

lost their jobs as a result. The mission was also informed that ethnic Serbs suffer discrimination in the exercise of their political rights, in education and in their right to a pension.

28. In a refugee camp near Belgrade, members of the mission interviewed a citizen of Croatia of Serbian origin who had been prosecuted for rebellion. After acquittal, he was denounced by the local radio as a “Chetnik”, that is, a member of the virulently anti-Croatian paramilitary group believed responsible for the commission of many atrocities against the civilian population.¹³ He considered this accusation to represent an implicit threat against his life and safety, and fled to Serbia, leaving his wife and children in Croatia.

29. In Croatia, the Chairman of the Working Group on Arbitrary Detention received evidence of the detention of large numbers of ethnic Serbs on charges of rebellion, often with no tangible evidence of real links to the unrecognized government of Krajina and the forces loyal to it. This practice, in effect, amounts to detention of the civilian population on the basis of their ethnic origin.

30. The importance of the human rights violations suffered by ethnic Serbs in Croatia cannot be underestimated or minimized. Nevertheless, the evidence available at this time suggests that the practices which have caused large numbers of Serbs to flee to Serbia and to parts of Croatia and Bosnia and Herzegovina under the control of ethnic Serbs, however repugnant, cannot be compared to the systematic use of violence employed against ethnic Croats and Muslims in Bosnia and Herzegovina.

4. The situation in Serbia and Montenegro

31. The leadership of the Federal Republic of Yugoslavia, which comprises the Republics of Serbia and Montenegro, does not openly endorse the policy of ethnic cleansing. In a statement made to the Special Rapporteur, the President of the Federal Republic of Yugoslavia¹⁴ condemned ethnic cleansing. He also stated that the solution to the ethnic conflict in Bosnia and Herzegovina is “cantonization”,

¹³ In the 1990s, Serbian paramilitary units invoked the traditions of the Chetniks, leading to the colloquial use of the term for Serbian nationalists. During World War II, Chetnik units loyal to the King of Yugoslavia and the exile government in London had initially fought against Italian and German occupiers but later collaborated with them, focusing primarily on combating Tito’s communist partisans and the nationalist Croatian Ustaše. They conducted brutal ethnic cleansing of Muslim and Croatian civilian populations.

¹⁴ Dobrica Ćosić, see Index of Names, p. 871.

which he defined as the establishment of ethnically mixed units within Bosnia and Herzegovina with reciprocal guarantees for the rights of ethnic Serbs, ethnic Croats and Muslims. The President of Serbia¹⁵ also repudiated the policy of ethnic cleansing in statements to the Special Rapporteur. However, the Federal Republic of Yugoslavia and Serbia clearly exercise very great influence on the Serbian Republic of Bosnia and Herzegovina which, without their cooperation, would be completely cut off from the rest of the world. There is thus far no evidence that the Federal Republic of Yugoslavia and Serbia have taken effective measures to use their influence to put a stop to ethnic cleansing in Bosnia.

32. In addition, there is some evidence that ethnic cleansing may be imminent in certain parts of Serbia and Montenegro where there are large communities of persons not of Serbian origin. In Kosovo, where the population of Albanian origin has complained of discrimination and oppression for many years, non-governmental organizations presented evidence of an increasing number of torture and killings. In Vojvodina, in the north of Serbia, where there are large numbers of persons of Hungarian, Croatian and other origins, an increase in the harassment and intimidation of the non-Serbian population has been reported. Thousands of persons are already reported to be fleeing the region of Sandžak, on the border of Serbia and Montenegro, where the population is largely Muslim. It was not possible to visit any of these areas during the mission, and the Special Rapporteur intends to explore these aspects of his mandate further during future missions.

B. Other serious human rights violations

1. Detention

33. Detention has occurred in various contexts in the territories of the former Yugoslavia, including the war between Croatia and Serbia and Montenegro, the current conflict between various forces within Bosnia and Herzegovina and the continuing low-intensity conflict between the Croatian army and militias and the ethnic Serbs who occupy the UNPAs in Croatia. Nearly all the prisoners of war taken by both sides in the conflict between Croatia and Serbia and Montenegro have been exchanged. Within Bosnia and Herzegovina, an unknown number of true prisoners of war, i.e. combatants, are held by the various parties to the conflict. Civilians have also been detained in order

¹⁵ Slobodan Milošević, *ibid.*, p. 876.

to force them to leave their homes as part of the policy of ethnic cleansing, as indicated above.

34. At this stage, it is not possible to estimate the number of persons presently in detention, or the number who have been detained since the beginning of the conflict. Credible reports have been received concerning the use of unrecognized detention facilities containing from 10 to 100 prisoners, including homes, schools, disused factories and warehouses, sports facilities and the like. This practice has been reported in Croatia as well as in Bosnian territories under the control of the Government as well as territories under the control of ethnic Serbs. Increased use of this practice has been reported in Bosnian territories under the control of ethnic Serbs in recent weeks, since the issue of detention camps has come to the attention of international public opinion, in an apparent attempt to prevent access by international observers.

35. Although some prisons were visited, the mission was not able to visit any detention camps. This was due in part to the fact that few camps were located near the cities visited. The Special Rapporteur did, however, try to visit the military camp known as Manjača, near Banja Luka, which is said to be the largest detention camp on Bosnian territory under the control of ethnic Serbs. The mission reached the camp and was informed by the officer in charge that 3,000 prisoners of war were currently being held there. The Special Rapporteur requested the officer in charge to grant permission to visit the prisoners but this was denied. The officer in charge stated that the prisoners were "tired of being visited by international missions"; he then said that it was too late in the day for a visit, although it was more than an hour before sunset; finally he indicated that he could not allow the prisoners to be seen because the mission had not requested permission from the central authorities to enter the Serbian Republic of Bosnia-Herzegovina. The treatment the Special Rapporteur received from the officer in charge gave him a vivid impression of the state of terror under which the detainees are presumably living.

36. Although the mission failed to see the prisoners in Manjača camp, it was provided with information, including photos, by persons who had visited the camp a few weeks earlier. Many prisoners were in a poor state of health, with signs of malnutrition and in some cases torture. The Special Rapporteur has also been informed that a man detained at Manjača camp who was recently taken to hospital weighed only 34 kilogrammes. Well-informed sources estimated that the number of prisoners was in all probability considerably higher than the official figures indicated.