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Photo: Fahir Penava (right) taken prisoner, Croatian TV, 10 May 1993

BOSNIA-HERZEGOVINA THE “DISAPPEARED”

Fahir Penava and 12 other Bosnian Army soldiers captured in Mostar

Over seven years after the end of the war in Bosnia-Herzegovina an estimated 17,000 people remain missing. These people - the “disappeared” - come from all ethnic groups, and from all walks of life: some were soldiers, some civilians; they include men, women and children.

Amnesty International calls on all parties to the former conflict, as well as the international community, to take steps to clarify the fate of “disappeared” and missing persons, like Fahir Penava. The organization also calls for those suspected of being responsible for such abductions to be brought to justice, and for the families of the “disappeared” to be compensated.

Amnesty International continues to campaign on the issue of the “disappeared” in order to help their relatives and to bring an end to the culture of impunity for crimes against international humanitarian law committed during the war in Bosnia-Herzegovina.

On 10 May 1993, Fahir Penava and 12 other soldiers in the Bosnian Government Army (ABiH - *Armija Bosne i Hercegovine*) were captured by military police from the Bosnian Croat armed forces (HVO - *Hrvatsko vijeće obrane*). The other "disappeared" soldiers are Alija Ćamo, Dževad Ćolić, Senad Ćehić, Mimo Grizović, Vahidin Hasić, Dževad Husić, Zlatko Mehić, Nenad Milojević, Ševko Pobrić, Nazif Šaranović, Hasan Balić and Fedjo Husković .

On 10 May their capture was shown on *Dnevnik*, the main Croatian TV evening news, and in a current affairs program (*Slikom na sliku*). The footage, shot by Croatian TV, shows Fahir Penava and the other ABiH soldiers after they had surrendered. They are seen - unarmed, and with their boots in their hands - walking across the picture, and then lining up against the wall of a building, with their hands above their heads. As the camera focuses on each soldier, he calls out his name and where he comes from.

Fahir Penava and the other members of his unit were captured after a two-day battle between the ABiH and the HVO for control of West Mostar. Much of the fighting took place in and around the *Vranica* building - the headquarters of the Fourth Corps of the ABiH. ¹ According to eye-witnesses, after their arrest Fahir Penava and the other prisoners were taken to the Croatian military intelligence headquarters SIS (*Sigurnosno-istražna služba*) where they were interrogated for several hours. They were then transferred to the HVO military police headquarters, located nearby in a building which formed part of the Engineering Faculty of the University of Mostar.

As prisoners of war, the 13 men should have been guaranteed the rights afforded to PoWs under the Geneva Conventions² and like other captured soldiers, they should have been released at the end of the war. However, none of the men have been seen since the night of the 10-11 May 1993, and no information has ever been made available by the Bosnian Croat authorities to the families about what happened to Fahir Penava and the other men captured that night.

During a trial for war crimes of five former HVO military police officers in Mostar in 2000 and 2001, some information was revealed about events in the Engineering Faculty building. Prisoners, who were detained in the cellar of this building, allege that during the night of 10 to 11 May the captured ABiH soldiers were severely ill-treated and tortured by HVO soldiers, military police and members of paramilitary groups. Members of the HVO military police apparently did nothing to stop them abusing the captured soldiers.

Some of those detained at the same time in the same building stated in court that they heard shots. One of these witnesses claims that shots were fired by HVO soldiers into a room where five or six of the ABiH soldiers were detained, and that HVO soldiers then threw a hand grenade into the room. Witnesses also allege that at some time during that night, all 13 of the captured men were shot dead inside the Engineering Faculty building.

Fahir Penava's wife believes that her husband was killed in the Engineering Faculty Building, and that his body - and those of the 12 other men - may have been dumped in a disused coal mine at Vihovići in West Mostar. The Bosnian Government Commission for Missing Persons also believes that the mine may contain a mass grave but no investigations have been carried out on the site to date.

¹ The building had previously been used by the *Vranica* building company.

² See for example, Articles 13 and 130, 1949 Geneva Convention III, and Article 41, 1997 Protocol I, Additional to the 1949 Geneva Conventions.

Amnesty International is calling on the Bosnian Government authorities, and on officials who previously occupied positions of authority in the HVO and the de facto government of Herzeg-Bosna - who the organization believes hold information about the fate of Fahir Penava and the 12 other ABiH soldiers - to make this information available to the families.

Amnesty International is also calling on the relevant authorities to open a criminal investigation into the disappearance of Fahir Penava and the 12 ABiH soldiers, and to bring those suspected of responsibility for their “disappearance” to justice.

Finally, the organization reminds the authorities that the relatives of the “disappeared” should be entitled to obtain fair and adequate redress, including financial compensation.