

# BOSNIA-HERZEGOVINA

## How can they sleep at night? Arrest Now!

Can they sleep at night? The surviving victims or their relatives, who know that those who are responsible for the violations they endured remain at large? The international troops serving in Bosnia-Herzegovina, who know that every day they patrol areas where individuals suspected of committing genocide, crimes against humanity and violations of humanitarian law are at liberty?<sup>1</sup> The international community, who demanded the establishment of the Tribunal after being horrified and outraged by these crimes, and who know that it will itself be judged by history if justice is not done? Ironically, those who are most likely to be able to sleep at night are those who perpetrated the crimes, knowing that their leaders will protect them and that the international community does not dare to arrest them for fear of the perceived difficulties which would result.<sup>2</sup>

Violations and abuses of human rights and humanitarian law were committed by all sides in the wars in former Yugoslavia. The incidents featured in this report have been chosen not only because they are the subject of known Tribunal indictments, but also because those believed to be responsible are among the indicted suspects who remain at large.<sup>3</sup>

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<sup>1</sup> The mandate of the International Criminal Tribunal for the former Yugoslavia (the Tribunal) includes prosecution for genocide, crimes against humanity, grave breaches of the Geneva Conventions of August 12, 1949 (1949 Geneva Conventions) and violations of the laws and customs of war. Although commonly referred to by the erroneous shorthand "war crimes," this term only applies to the latter two categories (humanitarian law). The term "war crimes" applies to violations of humanitarian law committed during international armed conflict. Therefore, to cover both violations committed during international and non-international armed conflict, Amnesty International uses the term violations of humanitarian law. Genocide and crimes against humanity are violations and abuses of human rights which can be committed in peace as well as armed conflict.

<sup>2</sup> For a full discussion of the legal responsibilities which oblige the multinational forces in Bosnia-Herzegovina -- the Stabilization Force (SFOR) -- to seek out and arrest those indicted by the Tribunal, see *Bosnia-Herzegovina: the duty to search for war crimes suspects* (AI Index: EUR 63/08/96), 1 March 1996; and *Bosnia-Herzegovina: Amnesty International renews calls for IFOR to comply with international law* (AI Index: EUR 63/11/96), April 1996. As the successor to IFOR, SFOR is bound by the same obligations. For challenges to some of the excuses offered by the international community for its inaction, see Human Rights Watch, *Arrest Now! Urgent Need for NATO to Apprehend the Persons Indicted for War Crimes in the Former Yugoslavia*, July 1997. See also the Arrest Now! web site: <http://www.hrw.org/hrw/campaigns/bosnia/arst-mn.htm>

<sup>3</sup> For information about other violations of humanitarian law, crimes against humanity and acts of genocide committed in Bosnia-Herzegovina which have been the subject of other publicly-known Tribunal indictments, see also Amnesty International *Bosnia-Herzegovina: to bury my brothers' bones* (AI Index: EUR 63/15/96), July 1996 (Srebrenica); Human Rights Watch / Helsinki, *Bosnia and Herzegovina: the unindicted: reaping the rewards of "ethnic cleansing"* (Vol 9. No. 1[D]), January 1997 (Prijedor).

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Far too common is the complaint, by all sides in the wars in former Yugoslavia, that the Tribunal Prosecutor's office has been unfair in the number of indictments it has issued. The justification for failing to cooperate is often based in the belief that the number of indictments against one's own nationality is too great given the extent that one's own side was the victim of abuses. The Tribunal will not collectively punish one side or another for atrocities; it is an international and independent court where individuals accused of specific crimes -- the worst crimes in the world -- will have the opportunity to establish their innocence or have their guilt proven beyond a reasonable doubt on charges based on specific allegations. However, some political leaders allow these and other suspects to remain at liberty in territories they control, where they still exercise power and influence.

It cannot be emphasized strongly enough that Amnesty International takes no position on the guilt or innocence of any of the persons indicted by the Tribunal. Each is entitled to be presumed innocent until proved guilty according to law beyond a reasonable doubt, not only under Article 21(3) of the Statute of the Tribunal, but also under other international law and standards.<sup>4</sup> Indeed, it is likely that some of those indicted may be found not guilty.<sup>5</sup>

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<sup>4</sup> See Article 14(2) of the International Covenant on Civil and Political Rights and Article 6(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>5</sup> One of those arrested by the Tribunal was released as a case of mistaken identity and Duško Tadić, indicted for grave breaches of the 1949 Geneva Conventions, violations of the laws and customs of war, and crimes against humanity was acquitted of some charges. Three defendants at the International Military Tribunal at Nuremberg were acquitted of all charges and others were acquitted of some charges; one person has been released by the International Criminal Tribunal for Rwanda as a case of mistaken identity.

The specific crimes mentioned below are not the result of new information -- the international community has been aware for years of what happened during the conflicts in former Yugoslavia, and knows where the suspects who have been indicted for these crimes are. The High Representative, appointed by the United Nations (UN) and responsible for civilian implementation of the General Framework Agreement for Peace in Bosnia-Herzegovina, has stated: "International monitors and the media have documented and publicized the current whereabouts of a number of persons who have been indicted by the Tribunal, some of whom are believed to be working in a public capacity, including as police. In my last report to the Secretary-General, I noted that persons indicted by the Tribunal are believed to be living, and in some cases working in a public capacity, in the municipalities of Prijedor, Bosanski Šamac, Fo\_a and Vitez. There also continue to be reports involving the ongoing influence of Radovan Karad\_i\_ in the Republika Srpska."<sup>6</sup>

Those indicted by the Tribunal not only continue to exercise power, their continued presence obstructs the return of refugees and displaced persons and their suppression of dissent and control of the media poisons the peace process. As long as they remain free to carry out those activities national reconciliation is being seriously jeopardised, the enormous investment the international community has made in rebuilding peace in the region could be in vain, and the entire peace process risks unravelling into a repetition of the horrors that shocked the world. It is shameful that human rights organizations now have to remind the international community of some of these horrors in order to encourage them to take action to bring those accused to trial: Arrest Now!

### **Systematic rape and sexual enslavement in Fo\_a<sup>7</sup>**

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<sup>6</sup> "Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General," S/1997/542, 11 July 1997, at paragraph 84. For the reported whereabouts and continued influence of those indicted by the Tribunal and their encounters with SFOR, see Human Rights Watch Press Release "Failure to Arrest Radovan Karad\_i\_ gravely undermines municipal elections," 12 September 1997, Human Rights Watch *Arrest Now!*, July 1997, and see the Coalition for International Justice web site: <http://www.igc.apc.org/cij>.

<sup>7</sup> The municipality which in 1992 was called Fo\_a has been renamed Srbinje by Republika Srpska authorities. However, the change has not been recognized by those in the Federation of Bosnia-Herzegovina. Amnesty International takes no position on the names of municipalities in Bosnia-Herzegovina, and when referring to events in such places which took place after the name change, follows the convention employed by many international organizations which refers to both names (ie Fo\_a/Srbinje).

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The conflict in Fo\_a, a town in the south of Bosnia-Herzegovina near the border with Montenegro, began in early April 1992. As Bosnian Serb and Yugoslav armed forces took control of the town and surrounding villages, Bosniacs (Bosnian Muslims) and Bosnian Croats were rounded up and arrested or kept confined in their homes. Men were taken to a number of detention centres, including one where hundreds if not thousands were detained, the *Kazneni Popravni Dom* (KPD) prison in Fo\_a; many are still "missing" from that prison, although it is likely they were killed. Women and girls were held in those centres as well as in places organized specifically for sexual enslavement or rape.

One place where scores of women, children, and the elderly were held in inhumane conditions was the Partizan Sports Hall. According to testimony of those who were detained there, women were taken every night to be raped, both within the premises of the Partizan Sports Hall and to other locations. Furthermore, women and girls who were injured because of sexual abuse or because of beatings received no medical care, the prisoners were denied blankets or towels, and given only meagre amounts of food. Two women reportedly died there due to beatings.

During the 10 days that one 12-year-old girl was detained at the Partizan Sports Hall in August 1992, she said that she was taken out of the centre 10 times to be raped; her mother was taken twice.<sup>8</sup> One night in September, a group of Bosnian Serbs took a group of women and their children from the Partizan Sports Hall to a nearby apartment building; three of them were Sanelia, Fikreta and Nusreta.<sup>9</sup> Sanelia reported: "I was raped by two of them. Then they brought more *etniks*<sup>10</sup> in who wanted to rape me. I said no. They said that they would throw my child out the window. I cried and screamed, and they did nothing." Fikreta's four-year-old daughter was also taken with her; she was able to watch through an open door as her mother was stripped, searched for valuables, and as a pistol was put to her head. She reported that she was then raped by four men. "They told me they would like us to give birth to *etnik* children... They told me 'we will do everything so that you never even think of returning'."

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<sup>8</sup> The girl's name is known to Amnesty International.

<sup>9</sup> These names are pseudonyms; their real names are known to Amnesty International.

<sup>10</sup> *etniks* were Serbian fascists in the Second World War. Although some Serb paramilitary troops used the term to refer to themselves in the recent conflict, most find the term derogatory. The term is also sometimes used to distinguish Bosnian Serbs supportive of Republika Srpska from those loyal to the Federation of Bosnia-Herzegovina.

Rape was a systematic practice in Fo\_a. The Tribunal has issued an indictment against eight men, several of whom are alleged to have directly participated in the repeated rapes over several months of two victims who were allegedly detained and repeatedly and systematically raped for more than six months. One, a 15-year-old girl, was allegedly held from July 1992 until February 1993. Both were held in numerous detention centres, including the Buk Bijela settlement, the Fo\_a High School and the Partizan Sports Hall (in which they were held with scores of other detainees), as well as held in sexual enslavement in private residences with several other women, including Nusret Karaman's house and an apartment in the Brena apartment complex. The indictment describes how they were frequently gang raped, and the rape included vaginal and anal penetration as well as fellatio.<sup>11</sup>

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<sup>11</sup> Information from the indictment of eight people confirmed on 26 June 1996 by the Tribunal, Case No. IT-96-23-I (Fo\_a indictment).

The eight men indicted by the Tribunal are accused of committing gang rape, systematic rape, sexual assaults, torture and enslavement of Bosniac women and girls. According to the indictment, "Acts of forcible sexual penetration of a person, or forcing a person to sexually penetrate another...can constitute an element of a crime against humanity, violations of the laws and customs of war, and a grave breach of the Geneva Conventions."<sup>12</sup> According to the Tribunal one of the indicted, who was the chief of police, not only decided that women should be detained in Fo\_a High School and the Partizan Sports Hall and had his subordinates guard the centres, but also raped a woman who had complained about sexual assault.<sup>13</sup> As of at least August 1997, he was reportedly training Bosnian Serb special police near Fo\_a/Srbinje. Another suspect owns or co-owns two shops in the town, where his name is displayed on the storefront, and he is reportedly the proprietor of two other shops currently under construction. A third man indicted by the Tribunal is the co-owner of the "Leonard" cafe in Fo\_a/Srbinje. When an emergency meeting was called between representatives of the Organization for Security and Co-operation in Europe (OSCE), the UN International Police Task Force (IPTF) and SFOR in Fo\_a to decide how to respond when this individual threatened the lives of an OSCE supervisor and his translator for the 13-14 September 1997 municipal elections, the decision was reportedly taken to request the Bosnian Serb police to ask the indicted suspect not to harass foreigners.<sup>14</sup> Journalists on assignment for the United States television network CBS found the same indicted suspect in the "Leonard" cafe on 26 August 1997; while they spoke in the outdoor cafe, two SFOR soldiers sat at a table in an adjacent restaurant.<sup>15</sup> According to the journalists, the SFOR soldiers would have had to walk by this indicted suspect to get to the table where they drank their coffee. France, which controls the land division of SFOR where Fo\_a/Srbinje is located, has said that its position is "without ambiguity: arresting and bringing to justice war criminals constitutes a moral as well as political obligation."<sup>16</sup> However, when the journalists later asked a French SFOR captain on active duty in the area why SFOR had not arrested the indicted

<sup>12</sup> Fo\_a indictment, at paragraph 4.8.

<sup>13</sup> Fo\_a indictment, see in particular paragraphs 3.1 and 8.1.

<sup>14</sup> Takis Michas, "Appeasing Criminals in Bosnia," *Wall Street Journal* (European edition), 24 September 1997.

<sup>15</sup> CBS news program "Public Eye with Bryant Gumbel".

<sup>16</sup> Letter dated 19 September 1997 to Human Rights Watch from François Delattre, *Chargé de la Mission*, Presidency of the Republic of France. This letter was a response to an open letter dated 9 September 1997 calling on SFOR to arrest those indicted by the Tribunal, sent to political leaders and signed by more than 100 individuals and more than 90 organizations including Amnesty International.

suspects whom the journalists had so easily "encountered", he responded: "We must have good relations with the community and not shock them."

### **Acts of genocide in Br\_ko**

At the beginning of May 1992 in the northeast town of Br\_ko, thousands of Bosniacs and Bosnian Croats were systematically rounded up by Bosnian and Yugoslav Serbs and taken to a number of detention centres. Hundreds of detainees were systematically killed, including those who were held in the police station, a depository for sand and gravel, the former textile factory, the Partizan Sports Hall, the Laser bus factory, and the largest detention centre in the area, the Luka brick factory and port facilities. While they were in detention, many women were systematically raped, and some men were sodomized and forced to perform sexual acts on one another. Detainees were often ordered to dispose of the bodies of those who had been killed.

One man who was detained in Luka camp in early May 1992 reported that "people from the SDA [*Stranka Demokratska Akcija* -- the political party led by Bosniac Alija Izetbegovi\_] and [others] by last name were called to go out in groups of three, after which we heard three shots; and these people never returned... Through a door of the hangar which was ajar, I saw that they took these people and lay them on their sides, with their heads on the pavement near a chute where blood ran out."<sup>17</sup> The same man reports that after he was released from Luka camp, he was able to leave the area by signing a certificate which stated that he gave up any claim to all his property in the area and he no longer had the right to return to Br\_ko insofar as he did not return within three days.

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<sup>17</sup> The name of the witness is known to Amnesty International.

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The Tribunal indictment names many non-Serbs who were reportedly killed in the Br\_ko area in 1992. One of them is Kemal Sulejmanovi\_, a 64-year-old Bosniac from Br\_ko who was taken from his home by Bosnian Serbs on 4 May 1992. His relatives appealed to Amnesty International to help secure his release, but later received information from other released prisoners that he had been killed. According to the Tribunal Prosecutor, Kemal Sulejmanovi\_ was taken to the Laser bus factory.<sup>18</sup> There, on 5 or 6 May 1992 his name was called out and he was taken away and shot. He was only one of many reported victims. Sead Cerimagi\_ and Jasmin Cumurovi\_, on or around 8 May 1992 were taken from the main hangar building at Luka camp and reportedly shot and killed. According to the indictment, on or around the same day, Huso and Smajil Zahirovi\_, Bosniac brothers from Zvornik, were accused of fighting for the Muslim resistance; they too were taken outside of the main hangar building where they were shot and killed. On about 9 May 1992 Bosniac detainee Naza Bukvi\_ was detained and questioned about the whereabouts and activities of her brother. Her interrogators beat her with police batons and a shovel and then killed her. Her father Muharem Ahmetovi\_, was also taken from the main hangar building at Luka camp and killed. The same day a Bosnian Croat or Croatian detainee named Stipo Glavo\_evi\_, who reportedly had at least one ear cut off and was covered in blood, was brought into the centre of the main hangar building at Luka camp, forced to kneel, and was then beaten. A guard was then directed to shoot and kill him just outside the entrance to the main hangar. On approximately 12 May 1992, an elderly Muslim man known as "Novalija" was beaten with a metal pipe, shovel, and wooden stick inside the main hangar building at Luka camp, and died as a result of the beatings. On about 18 May 1992, detainee Adnan Kucalovi\_ was taken from the main hangar at Luka and accused of having a brother who was fighting with the Muslim resistance. He was then shot and killed.

These reported crimes form part of what the Tribunal describes as part of a policy "intending to destroy a substantial or significant part of the Bosnian Muslim people as a national, ethnical, or religious group."<sup>19</sup> In addition to killing countless detainees whose identities are unknown, one man is accused of ordering or personally carrying out the killing of all the victims named above. According to the indictment, this man "introduced himself as the 'Serb Adolf', said that he had come to Br\_ko to kill Muslims, and often informed the Muslim detainees and others of the number of Muslims he had killed."<sup>20</sup>

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<sup>18</sup> Information from the indictment against two men confirmed on 21 July 1995, Case No. IT-95-10-I (Br\_ko indictment). The other cases which follow in this paragraph are also taken from this indictment.

<sup>19</sup> Br\_ko indictment, at paragraph 17.

<sup>20</sup> Br\_ko indictment, at paragraph 17.

Among other charges, by these actions, this man is accused of having instigated, ordered, committed or aided and abetted genocide. He frequently visits his parents' house in the Republika Srpska town of Bijeljina, which is under the patrol of Russian SFOR troops, and at times has been known to live there. The exact street address is available on the Internet.<sup>21</sup> Another man is also charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions, and violations of the laws and customs of war. He, too, is at large. The United States Ambassador at large for war crimes issues stated in a press conference on 18 September 1997 that both suspects were in the Federal Republic of Yugoslavia.

### **Attacks on civilians in the Lašva Valley**

Serious violations of international humanitarian law took place from May 1992 to May 1993 when the Croatian Defence Council (HVO), the Bosnian Croat armed forces, attacked the Muslim civilian population in the towns, villages and hamlets of the Lašva Valley area in central Bosnia. One example which captured international attention at the time was the brutal killing of hundreds of Bosniacs, many of them civilians, in Ahmi\_i and surrounding villages near Vitez on and around 16 April 1993. After the attacks, British troops serving with the UN Protection Force (UNPROFOR) removed seven charred bodies from the ruins of one house in Ahmi\_i. Two of the bodies, of a man and a boy, were found shot dead on the stairs just inside the front door. Five other charred corpses, believed to be the man's wife and their other children, were found in the cellar of the house; their position indicated they had been huddled together before they died.

These family members were only some of more than one hundred victims from Ahmi\_i. According to Behija Ahmi\_, her husband Ramiz Ahmi\_ and sons Nazif, Asim, and Rasim as well as her grandson Amil were also among those killed.

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<sup>21</sup> See: "Addresses of Indicted War Criminals/Original German" by the Coalition for International Justice, posted on Tribunal Watch (Internet) list server (twatch-l@listserv.acsu.buffalo.edu) on 7 July 1997; version in English also posted.

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"They broke into the house early in the morning and shut the women in a shop and led the men away. We looked through a hole in the wall and saw the houses burning and how the *Ustaša*<sup>22</sup> in black uniforms carried things...televisions, radios. There was shooting everywhere, the children were crying and people running around the courtyard... We went out when our house began to burn. I saw [some Bosnian Croat] neighbours...and asked them where my family was. They told me 'There they are, over there. Lying down. They're fine.' They laughed, jeered, and left... And my family were all on the ground, one across another, covered in blood, all killed."<sup>23</sup>

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<sup>22</sup> *Ustaša* were Croatian and Bosnian Muslim Fascists in the Second World War. Although some Croatians and Bosnian Croats use the term to refer to themselves, most Croats find the term derogatory.

<sup>23</sup> "Had\_ija razapet kao isus: Ahmi\_i dvije godine poslige," *Feral Tribune* 1 May 1995.

In addition to killings, hundreds of Bosniacs were systematically selected and detained in the Lašva Valley area by the HVO because of their nationality, religion, or on political grounds, and held until they were killed or otherwise were forced to leave the area. Many of those detained were tortured and/or inhumanely treated, forced to dig trenches on the front lines, and used as human shields. Some were shot or beaten to death. Undefended towns and villages and the civilians living in them were deliberately attacked. Businesses, homes, personal property and livestock were destroyed and plundered, and civilians were forcibly expelled or intimidated into moving out of the area. According to the Tribunal's indictment, "The effect of this unlawful, excessive and wanton destruction of hundreds of Bosnian Muslim homes, personal property and livestock, not justified by military necessity, was to ensure that the inhabitants who had not been killed, could not or would not return to their homes and communities in the Lašva Valley area."<sup>24</sup>

Eight Bosnian Croats have been charged for grave breaches of the 1949 Geneva Conventions and violations of the laws and customs of war for attacks on villages within a 10 kilometre radius of Ahmi\_i.<sup>25</sup> According to that indictment, "Every Muslim owned house in Ahmi\_i was burned, and many unarmed Muslim civilians were deliberately and systematically shot."<sup>26</sup> In addition, The Tribunal prosecutor has indicted six Bosnian Croats who had superior responsibility over the Bosnian Croat armed forces in the Vitez area, two of them charged with crimes against humanity as well as grave breaches of the 1949 Geneva Conventions and violations of the laws and customs of war.<sup>27</sup> At least 11 of these men remain at large, and although the Croatian authorities have announced their willingness to arrest seven of them and transfer them to the Tribunal, they have refused to do so until the Tribunal can guarantee that their trials will begin within three or four months of the transfer.<sup>28</sup> The address of an apartment in Zagreb, Croatia reportedly

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<sup>24</sup> From the indictment of six people confirmed on 10 November 1995, Case No. IT-95-14-T (Lašva Valley I indictment), amended on 22 November 1996 and 25 April 1997, at paragraph 32 (there are significant changes in the amended and expanded indictment).

<sup>25</sup> Information based on indictment confirmed on 10 November 1995, Case No. IT-95-16-I (Lašva Valley II indictment).

<sup>26</sup> Lašva Valley II indictment, at paragraph 26.

<sup>27</sup> Lašva Valley I indictment.

One of the two people charged for crimes against humanity voluntarily surrendered himself to the Tribunal in April 1996 and his trial is currently underway. One of the others charged with having superior responsibility was arrested by Croatian authorities in 1996 and was transferred to the Tribunal in April 1997. Another was arrested in August 1997 and is currently detained by authorities in Zagreb, Croatia. Bosnian Croat authorities have claimed that one of the men named in the Lašva Valley II indictment emigrated from Bosnia-Herzegovina

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maintained by the suspect for crimes against humanity who remains at large is available on the Internet.<sup>29</sup> Some of the others charged for other crimes in these indictments are believed to still be living in or near Vitez, which is patrolled by British SFOR troops.

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in 1992 and died abroad in October 1995. It has not been possible to confirm this report.

<sup>28</sup> "Addresses of Indicted War Criminals/Original German".

### **Killings, arbitrary detention, torture and forcible expulsion in Bosanski Šamac<sup>30</sup>**

At the beginning of the war in Bosnia-Herzegovina, in the northeast town of Bosanski Šamac Bosnian Serb forces rounded up hundreds of Bosnian Croats, Bosniacs and some Bosnian Serbs, including political, economic, professional, academic and religious leaders. They were held in detention centres including the Territorial Defence building, the former police station, the elementary and secondary schools, and an agricultural building in a nearby village, Crkvina. Detainees were allegedly severely beaten with police batons, a large metal wrench, an automobile shock absorber and an automobile jack. Father Jo\_o Puškari\_, a Bosnian Croat and Roman Catholic priest, was one of those beaten; one of his facial bones was reportedly broken as a result.<sup>31</sup> A prisoner who was held in Crkvina camp told a journalist in 1992:

"I think the most horrible night was the one between the 7th and 8th of May, when a Serbian special forces squad came to the farmers' co-operative storerooms in Crkvini [sic], three miles from Bosanski Šamac, and shot 15 of the 45 people there. We were ordered to line up in the dark along one side of the room. Another special forces man shined a flashlight on us one by one, and the first special forces man chose his victim, hitting him on the head with his gun, and then shooting him dead. People collapsed on the floor in a heap, and blood poured across the floor. When he finished his first round, he ordered the survivors to line up on the other side of the room. He again began to choose and shoot his victims. In the second round of killing, he asked everybody their name and occupation, made his choice on those grounds, and then opened fire."<sup>32</sup>

The torture and killings described above are what the Tribunal describes as "part of a widespread, systematic or large-scale attack against the Croat and Muslim residents of the municipality of Bosanski Šamac" and four men suspected of committing these acts have been indicted by the Tribunal for violations of the laws or customs of war, grave breaches of the 1949 Geneva Conventions, and crimes against humanity.

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<sup>29</sup> The town known as Bosanski Šamac in 1992 has been renamed Šamac by Republika Srpska authorities, however the change has not been recognized by those in the Federation of Bosnia-Herzegovina.

<sup>30</sup> Amnesty International was informed about the detention of Father Jo\_o Puškari\_ and others in 1992 by other released prisoners. The information on the torture he reportedly endured is from the indictment of six people confirmed on 21 July 1995, Case No. IT-95-9-I (Bosanski Šamac indictment).

<sup>32</sup> Roy Gutman, Newsday, reported in "Torture Survivor tells how guard shot prisoners dead in cold blood," *The Guardian*, 4 August 1992.

In 1991, there were approximately 17,000 non-Serbs living in the municipality of Bosanski Šamac. Most of them were either forcibly expelled or fled in fear of human rights abuses described above; in 1995 the non-Serb population was estimated to be only 300 people. Two other Bosnian Serbs have also been charged with committing a grave breach of the Geneva Conventions and a crime against humanity for the forcible expulsion of non-Serbs from the area. All of them remain at large. As of October 1996, one man was reportedly the deputy commander of the secret police in Bosanski Šamac/Šamac and lives in a village outside the town; he drives past the United States SFOR base on his way to and from work each day. Another was at least until recently working as the head of the municipal government and also, as a physician, works in the local hospital. Two others own small businesses in the town. Another maintains a residence in Kragujevac in the Federal Republic of Yugoslavia; however, he is reportedly currently imprisoned on criminal charges and faces additional charges for an assault on two police officers.

### **Wanted for inaction: the international community**

If people suspected of committing the crimes described above were residing in home communities of the international forces in Bosnia-Herzegovina, would leaders still abdicate their responsibility to arrest them? Time is running out before the planned withdrawal of SFOR, which has proved by arrests made in mid-1997 that it can secure the arrest of those indicted by the Tribunal when it has the will to do so. There is no doubt that such arrests risk short-term disruption and "shock" in the local community; however, failing to plan for and respond to such risks will only "shock" future generations in evaluating how the international community, faced with some of the worst crimes committed in Europe since the Second World War, lived up to its promise made after that war "never again."

### **Amnesty International says: Arrest Now!**

- Republika Srpska and Bosnian Croat authorities in Bosnia-Herzegovina, and authorities in Croatia and the Federal Republic of Yugoslavia, should stop protecting those suspected of committing these and other war crimes and arrest and transfer to the Tribunal all those who have been indicted by the Prosecutor. By appearing before the courts, the allegations which have been made will be able to be tested and the accused will have an opportunity to assert their innocence and be acquitted of the charges or have their guilt proved beyond a reasonable doubt.

- Given the reluctance and in some cases blatant refusal of some of the authorities in the region to fully cooperate with the Tribunal, the international community should not wait for national authorities to make arrests but should live up to their responsibility under international law to seek out and arrest those responsible for war crimes.
- All arrests should be made in strict accordance with international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

**STOP PRESS:**

3 October 1997 -- 10 publicly-indicted Bosnian Croats transferred to the Tribunal  
Since the time this document was finalized 10 publicly-indicted Bosnian Croats suspected of being responsible for the attacks on villages within a 10-kilometre radius of Ahmi i (see pages 7-9) have been transferred to the Tribunal. On 3 October, nine of the men voluntarily surrendered, and one other who had been in detention in Zagreb, Croatia since August 1997 was transferred to the Tribunal. Their transfer is a welcome step towards bringing to justice those who are being suspected of being responsible for the gross human rights abuses in former Yugoslavia. Nevertheless it is of great concern that it has taken the Croatian and Bosnian-Croat authorities almost two years to bring about this development.

At least one other Bosnian Croat who has been charged with grave breaches of the 1949 Geneva Conventions and violations of the laws and customs of war as part of the same indictment remains at large and is believed to be living in an area of Bosnia-Herzegovina which is regularly patrolled by SFOR troops. With more than 50 other suspects remaining at large and believed to be in Bosnia-Herzegovina, those who want to see justice done cannot afford to rely on other suspects taking the preferable route of voluntarily surrender. The international community should demonstrate its firm resolve that appearing before the Tribunal is an inescapable destiny for those indicted by it by instructing SFOR to Arrest Now.