

EXTERNAL

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Croatia: Ill-treatment including rape in the Zuzija apartment

Amnesty International is concerned about reports of ill-treatment, including rape, of three Ukrainian women, committed by members of the Croatian Armed Forces in the course of an eviction in Zagreb on 21 July 1995. It is further concerned by reports that law enforcement officers were present in the apartment at the time but failed to protect the women from ill-treatment.

At the time of the incident, three Ukrainian women were in Marija Zuzija's apartment in Zagreb. One of the Ukrainian women, Lyubov Milyk, was the fiancée of Marija Zuzija's son Zoran Zuzija (they have since married and are settled in Croatia). "Irena" and "Natasha", two Ukrainian friends of Lyubov Milyk, were guests in the apartment at the time.¹ The apartment was formerly owned by the Yugoslav National Army (JNA) and had passed into the ownership of the Croatian Ministry of Defence.

Sometime before 5pm on the afternoon of 21 July 1995 a group of approximately six men broke into the apartment by forcing the front door open. The three Ukrainian women were alone in the apartment at the time and one of the intruders had telephoned in advance to ascertain that Zoran Zuzija and his mother were absent.

Lyubov Milyk was grabbed by one man as she went to see what was happening. Another man started to hit her about the shoulders and the back of the head. One of them had a pistol which he

aimed at her as if to threaten her. The two men then took Lyubov Milyk into one of the bedrooms where they threw her onto the bed. The men ordered her to undress, which she refused to do, and one of them hit her again as she lay on the bed. It appeared that their intention was to rape her, but she was able to escape into the corridor while the men were distracted.

In the corridor Lyubov Milyk came upon a civilian police officer who had come in response to a call from a neighbour. The police officer reportedly failed to intervene despite her pleas. One of the intruders pulled her back into the bedroom in full view of the police officer and again hit Lyubov Milyk before taking her back to the corridor. By this time she was aware that there were other police officers in the apartment and that the intruders were still moving around it.

In the living room, the three women had to present their passports for inspection by the police officer. Again in view of the police officer, one of the intruders reportedly stole all the money which the women had. One or more of the intruders then took "Irena" to another room while Lyubov Milyk and "Natasha" remained in the living room. A little later Lyubov Milyk asked the police officer what was happening to "Irena". As one of the intruders entered the room the

¹"Irena" and "Natasha" are pseudonyms; their names are known to Amnesty International.

police officer asked him about her. The intruder reportedly replied to the effect that she was engaged in sexual intercourse in another room.

Three officers of the military police arrived after "Irena" had been taken off to the other room and they were later joined by other officers. Upon their arrival one of the intruders was reported to have said, "Where have you been up until now?", as if he was expecting their arrival. Beer was brought and the intruders reportedly drank with the military police officers, as if in celebration. "Irena" later returned to the living room, trembling and dressed in only her underwear. The circumstances point to her having been raped.

One of the military police officers then wrote out a statement by hand to the effect that the women had allowed the intruders into the apartment and that they were giving up the keys and rights to residence in it. When they first refused to sign it, one of the intruders hit Lyubov Milyk on the head again several times. This again took place in front of at least one civilian police officer without his intervention. After this the women signed the statement. The military police officers also asked to see the women's passports and identity papers. They reportedly tore up some of Lyubov Milyk's documents. One of them told Lyubov Milyk that she would be deported and should take her things and go.

The civilian police officers took the women to the police station at Remetinec. As they waited at the police station, an officer in plain clothes came and returned Lyubov Milyk's passport to her. Despite telling her that her passport was in order, he told her that she should leave Croatia and refused to take a statement from her. She was allowed to go and she eventually made her way back to the apartment. There, plainclothes officers, apparently from another station, were investigating the scene and taking photographs. The intruders had been temporarily removed from the apartment and she was able to point out to the officers the rooms in which the incidents had taken place. She again complained that she had not been allowed to give a statement at the station.

Lyubov Milyk returned to the Remetinec police station and eventually met a female plainclothes officer who explained that the case was the responsibility of the military police. Military police officers subsequently took Lyubov Milyk and "Irena" to a gynaecological clinic before returning them with the excuse that they did not have the documents to arrange examination. The female civilian police officer then took them back to the clinic where "Irena" was given a gynaecological examination. Lyubov Milyk was not given any physical examination or treatment for the bruises which she had sustained in the beatings.

After the women had been taken back to the Remetinec police station in the early hours of the following morning, officers reportedly took samples from "Irena's" body and clothing for forensic tests. She and "Natasha" were kept in custody in connection with alleged irregularities with their registration as foreigners, and were due to be deported upon release. Although the Croatian authorities have provided Amnesty International with copies of documents indicating that the women were released from custody on 25 July 1995, it is not clear if they were subsequently deported.

In August 1995 Amnesty International raised its concerns with the Croatian authorities about reports that military personnel raped or otherwise ill-treated two of the women and that military police officers apparently colluded with them. It raised further concerns that civilian police officers reportedly failed to intervene when Lyubov Milyk was beaten in front of them, and that "Irena" was allegedly raped while at least one civilian police officer was present in the

apartment. The organization called for clarification as to what criminal investigations had been initiated in connection with the alleged rape of "Irena" and the ill-treatment of Lyubov Milyk. It further called for an investigation into the report that civilian police officers failed to intervene to protect the women, and asked to be kept informed as to which authorities were carrying out any investigations as well as to be kept informed of the progress and results of the investigations. Responses from the Croatian authorities have failed to answer Amnesty International's concerns, and the authorities have not provided the organization with information about any investigations which have been conducted.

Police officers, whether civilian or military and regardless of their jurisdiction, are required by international standards, such as the Code of Conduct for Law Enforcement Officials, to protect the public. Amnesty International is disturbed by the fact that military and civilian police allowed soldiers to beat, insult and threaten an individual in their presence. Amnesty International believes that the soldiers may be encouraged to commit further such acts by the lack of response from law enforcement officials.

As of February 1996, the intruders remain in the apartment and the Zuzija family including Marija Zuzija, Zoran Zuzija, and Lyubov Zuzija (née Milyk -- the pair have since married), have been made homeless. To the knowledge of the Zuzijas and Lyubov Milyk, the only judicial procedure that has begun is a private lawsuit initiated by the Zuzijas against the intruders for trespassing.

The defence in the trespassing lawsuit has put forward an allegation that the apartment was in fact being operated as a brothel, an allegation which corresponds to a widely-held stereotype in Croatia that characterizes young Ukrainian women residing in Croatia as prostitutes. Amnesty International takes no position on the activities in the apartment prior to the eviction or on the legality of prostitution in Croatia. Nevertheless, allegations that the women were prostitutes cannot be used in any way to justify the violent activity of the military personnel, or free civilian and military police from their responsibilities to protect members of the public from ill-treatment.

BACKGROUND INFORMATION

This case is the most serious of numerous reports received by Amnesty International in recent months that military personnel have used violence or intimidation to evict civilians from their apartments, seemingly with the intent to appropriate these apartments for their own use. When such evictions have occurred, military or civilian police have failed to provide appropriate protection, and little or no effort has been made to discipline the perpetrators.

Although Amnesty International takes no position on the legality of these evictions, it is concerned that little or no restraint appears to be placed upon military personnel who have reportedly carried out many such evictions. Indeed, in many cases, members of the military seemingly abuse their authority to force the tenants to leave. Since the evictions often take place without warning and sometimes at unusual times of the day or night, victims are further intimidated. Amnesty International also notes that military personnel seem to rely on the non-interference of the military and civilian police and may therefore be encouraged to use threats

or violence to carry out the evictions. In addition, military personnel appear to have had the cooperation of the authorities in obtaining details of the apartments and their occupants.

Evictions have been the focus of human rights concern in Croatia for Amnesty International in the past. Typically, the apartments involved were inhabited by Croatian citizens who before the break-up of the former Socialist Federal Republic of Yugoslavia had some connection with the JNA, either as former employees or their families; most frequently they were of Serbian or other non-Croatian ethnic background. Although in most cases the inhabitants were legally entitled to retain their tenancy, members of the Croatian Army violently expelled them, seemingly with the accord of the Ministry of Defence, which had taken ownership of them. Civilian police claim that since the perpetrators are members of the armed forces, they are not competent to intervene; military police frequently failed to respond to the tenants' requests for assistance or even assisted the perpetrators in the eviction. Violent evictions in this form were essentially halted by the authorities in May 1994, when an order issued to the Military Police instructed them to intervene and arrest the intruders if necessary.

Evictions remained a public issue throughout 1994 and 1995, however, as the Ministry of Defence sought to resolve a housing crisis affecting military personnel by reclaiming thousands of apartments, this time through administrative measures. In October 1994 Amnesty International took action in one case where police used violence to remove domestic human rights activists who were passively protesting such an administrative eviction (see Urgent Action: "Ill-treatment/Fear of ill-treatment: Zoran Pusi_, Kazimir Miculini_, Mrs. Miculini_, Vesna Bernadi_, and others," AI Index: EUR 64/03/94).

The armed forces have become heroes to much of the Croatian mainstream population, particularly after the military offensive in August 1995, in which the Croatian armed forces took the Krajina, a large territory of Croatia which had formerly been held by Croatian Serbs opposed to rule from Zagreb. Since in the past, few Croatian Army personnel who used violence to evict civilians from their apartments were punished and since the vast majority of soldiers retained tenancy in the apartments, members of the Croatian Army seem to be using their increase in status to resolve their housing needs by resorting to violence. Many seem to have the approval of the Ministry of Defence for their actions, and are able to produce documents assigning them the apartment in question before any legal procedure has begun to take away tenancy. In other cases the Ministry of Defence has issued documents allowing the perpetrators to remain in the apartments after they have violently evicted the previous tenants.

Those who are made homeless by being violently evicted are offered no substitute housing by the Ministry of Defence or other social institutions. Many are retired persons or single mothers whose cannot afford to rent accommodation on their small incomes. Where possible, they take accommodation with friends or family. However, not all individuals have such possibilities. For example, one man evicted from his apartment in Karlovac was forced into the streets in 1992 after being evicted, sleeping on park benches, and was still homeless in 1995. In many cases victims of evictions or attempted evictions have had to leave Croatia and seek accommodation in Serbia, Bosnia-Herzegovina, or with relatives in Western Europe.