

£BOSNIA-HERZEGOVINA

@ "You have no place here":

Abuses in Bosnian Serb-controlled areas

(abridged version)¹

Amnesty International has long been concerned that serious human rights abuses continue to be perpetrated against minorities in areas under control of rebel Bosnian Serb forces. Testimony collected in Croatia from recently arrived refugees from these areas, which forms the basis of this report, reinforces these concerns. The abuses which have been reported are torture and ill-treatment including rape, deliberate and arbitrary killings and arbitrary detention of civilians. The perpetrators have frequently been seen to be uniformed Bosnian Serb soldiers. Many of the victims reported the incidents or sought protection from the civilian or military police or the civilian authorities. They claimed that the reaction of the police was often slow and the investigations were superficial. Moreover, there is a clear pattern of abuses, which shows that, in effect, the authorities condone or even encourage Bosnian Serbs (principally those displaced from other areas of Bosnia-Herzegovina) who harass members of the remaining minorities. Those carrying out the harassment seek to take over the Muslims' or Croats' houses and other property and to force them to leave while the authorities turn a blind eye to most of the abuses which are perpetrated with this aim. The encouragement includes giving out details of the houses or flats occupied by non-Serbs.

The *de facto* Bosnian Serb authorities have in the past given assurances that members of the minorities have been and will be protected. However, the recent testimony from refugees indicates that this protection is severely lacking. Moreover, those seeking to leave face numerous obstacles. Many have had to pay exorbitant sums for transport and give up rights to their property. They also had to obtain guarantee letters for reception in a third country before they are allowed to pass into Croatia. Tens of thousands of people left in this manner in 1993 and 1994.

The responses and commitments of the responsible authorities

Amnesty International has repeatedly appealed to the *de facto* Bosnian Serb authorities to ensure that the remaining minorities under their control are protected. A response from the Banja Luka police in 1993 stated that "as far as possible, we do everything in our power to protect the safety of individuals and their property regardless of their ethnic, religious or other affiliations...". Testimony gathered from refugees who have recently fled Banja Luka

¹ This is a shortened version of the report of the same name (AI Index: EUR 63/11/94). Please see the full report for more information or summary.

indicates that this promised protection is severely lacking. Some individuals report being told by police officers to whom they appealed that "[i]t would be better for your safety to go. We cannot protect you", or similar statements.

Amnesty International reminds the Bosnian Serb authorities that on 27 August 1992 at the London Conference on the former Yugoslavia, Radovan Karadžić, as representative of the Bosnian Serbs, along with the Bosnian President, Alija Izetbegović and representatives of the Bosnian Croats, signed a Program of Action on Humanitarian Issues. The commitments in this program included respect for human rights and humanitarian law standards, the exercise of control over "undisciplined elements" and an end to "all practices involving forcible displacement, all forms of harassment, humiliation ... and all acts involved in the practice of ethnic cleansing". Amnesty International concludes that the *de facto* Bosnian Serb authorities have failed to implement these commitments.² The organization does not consider that failures to respect such commitments on the part of the *de facto* Bosnian Croat authorities and the mainly Muslim Bosnian Government (to whom Amnesty International has also appealed) in any way diminish the responsibility of the Bosnian Serb authorities.³

RESTRICTIONS ON THOSE SEEKING TO LEAVE

Despite the clear pressure to leave, numerous obstacles have faced those who finally opted to do so. Most of those who have left have had to pay exorbitant sums for one-way bus tickets, "transit" taxes or other spurious expenses, which often amount to between 300 and 600 German Marks per person. They have also frequently had to sign documents giving up rights to their property. Many of the Muslims and Croats have left via Croatia and have been required by the Croatian authorities to obtain guarantee letters for reception in a third country or from hosts in Croatia before being allowed into Croatia. In order to ensure that the individuals concerned are not turned back from Croatia, the Bosnian Serb authorities have insisted that these documents are obtained before leaving. The Bosnian Serb authorities or their agents have also charged large sums for arranging the delivery of the visas and guarantee letters.

Amnesty International has in the past continually raised concerns about the restrictions which Croatia and many other European countries have imposed on the entry to their territories of people from Bosnia-Herzegovina. One European country after another

² See the Amnesty International report *Rana u duši - A wound to the soul* (AI Index: EUR 63/03/93, January 1993) which documented the forced displacement of most of the Muslim population of the Bosnian Serb-controlled town of Bosanski Petrovac in September 1992, that is, immediately after the commitments were made.

³ See the Amnesty International report *Central and southwest Bosnia-Herzegovina: civilian population trapped in a cycle of violence* (AI Index: EUR 63/01/94, January 1994), which focuses on human rights abuses committed by the mainly Muslim Bosnian Government forces and Bosnian Croat forces in 1993.

has imposed a visa requirement on nationals of Bosnia-Herzegovina and to date all European Union member states except Italy, and many other European states, have such a visa requirement – in most cases imposed after the war started in Bosnia-Herzegovina and people started to flee. Such measures obviously add to the difficulties of those seeking to leave Bosnian Serb-controlled areas, particularly since they have been cited by the Croatian authorities as a justification for their own restrictions on the entry of refugees from Bosnia-Herzegovina into Croatia.

Recent abuses

With the exception of the killings in Prijedor between the 29 March and 1 April 1994, the following information is largely based on testimony gathered by Amnesty International in Croatia in March and April 1994. Victims and witnesses were concerned for the safety of relatives or friends and Amnesty International agreed that only limited details would be revealed of their testimony. All names given are pseudonyms. Although some of the refugees reported abuses committed in 1992, the focus here is on abuses committed in late 1993 and early 1994. The cases given here are for illustration: more cases and contextual information are given in the full version of this report.

One man, Ivan, described a violent attack against him at around 11pm one night in January 1994:

"When they burst in, one of them immediately hit me with a rifle here by the eye [he pointed to his face]. He started beating me, shouted, "*Ustaša*⁴, where's your money?". Then another went into the kitchen. I called to Nevenka "Flee!". My girlfriend jumped through the window. He opened fire with a sub-machine gun through the window. Then he came back; there were three of them. They jumped on me, pulled out a knife and started to slash me from head to toe. They wore camouflage uniforms with black caps."

Ivan described in detail how the injuries were made. An Amnesty International delegate observed recently formed scars consistent with his account, which was corroborated by Nevenka. He had knife wounds to his face, arms and legs as well as injuries to his hands which he said were made by hammer blows. Later in his account he stated: "...two or three minutes before departing they hit me with an iron bar on the back and said `Ustaša, get out'".

Many refugees spoke of shots being fired or grenades being thrown at their houses, with obvious disregard for the safety of the occupants. Most such incidents occurred after dark and the perpetrators were unseen. They associated them with threats to leave which they also heard shouted from the streets. One man described how he was injured in January 1994:

⁴ *Ustaša* is a perjorative name for a Croat as used by Serbs. It derives from the name of the Croatian fascist regime during the Second World War.

"Sometime around 9.20pm I heard the dog barking and I opened the entrance door about 20 centimetres to see. I heard shooting, he had a silencer, surely. I heard tak... tak... tak... tak... tak.... I collapsed in the corridor, but remained conscious. As I fell, the other bullet hit my wife in the leg, the ankle, and passed through. There was a pool of blood formed. Our child fainted. My father was stunned. When the old man came to his senses he called a neighbour ... Later we discovered that they had fired from about 15 metres and ambushed us from behind the wall."

His wife gave a similar account. Both displayed injuries consistent with their accounts. After they returned from hospital their house was reportedly hit by a rocket-propelled grenade in March 1994.

Recent violent attacks by uniformed soldiers also include alleged rape. One survivor, a woman in her early thirties, described how in February 1994 two men in military uniforms, with stockings over their heads, came to her house late one evening:

"They demanded money from us. I said that we had none. Then they beat my mother and father and they also beat my daughter. They wanted to take revenge because we had no money. We screamed and shouted. They were armed. My daughter had earrings and when they hit her on the ear and pulled off an earring, she started to bleed from the nose and mouth. Then I threw myself on one of them to save my child. Then they beat and raped me ... [After the rape] one of them said to my daughter, 'You musn't tell anyone that we were here or we will come again'."

She also stated that the same men raped her nine-year-old daughter. In the conditions under which the interviews took place, Amnesty International did not consider that it was in the interest of the child to try to confirm this with her.

Two other women stated that they had been raped recently, both in Banja Luka, one in October 1993 and the other in February 1994. Amnesty International did not press for full details since the demeanour of both women indicated that they had undergone severe trauma.

Up to 20 Muslims and Croats were allegedly deliberately and arbitrarily killed in Prijedor between 29 March and 1 April 1994. The killings reportedly followed the return of the bodies of six Serbian policemen who had been killed on the front line. In responding to international outcry following the 20 killings, the authorities gave as an excuse allegations that the policemen had been tortured before being killed, thus provoking a response from the Serbian side. They also stated that the killings had been carried out by "uncontrolled elements" with the motive of greed. They announced that investigations had been initiated into the killings, that some suspects had been arrested and that extra measures for the security of the non-Serbs were being taken.

Amnesty International's conclusions

Amnesty International concludes that serious human rights abuses have been committed regularly against members of the Muslim, Croat and Roma communities remaining in Bosnian Serb-controlled areas. It is concerned that these abuses have been perpetrated

regularly since 1992. Although the scale of the abuses has certainly varied with time, recent evidence of abuses reinforces concern for the safety of the remaining minorities. As in the past, recent abuses have been committed by men wearing Bosnian Serb military uniforms and the authorities, including the civilian and military police, have not acted effectively to prevent such abuses. Moreover, the actions of the *de facto* Bosnian Serb authorities appeared to condone such acts and often to encourage them. The resulting atmosphere of fear and insecurity has caused members of the remaining minorities to seek to leave. Amnesty International considers that these people have effectively been forcibly expelled.

Amnesty International's recommendations

Amnesty International calls on the *de facto* Bosnian Serb authorities:

- to respect the commitments made in the Program of Action on Humanitarian issues, signed in London on 27 August 1992;
- to ensure adequate protection for non-Serbs in the areas they control;
- to cease condoning the victimization of non-Serbs in the areas they control;
- to strengthen discipline among members of armed forces;
- to investigate all reported human rights abuses;
- to actively encourage the reporting of any further abuses;
- to bring to justice all those suspected of perpetrating or ordering human rights abuses;
- to cooperate with international bodies present in Bosnian Serb-controlled areas in confidence-building measures to reassure members of the minorities;
- to remove restrictions on the movements of members of the minorities enabling those who wish to leave to do so safely and without prejudicing their right to return, including their right to ownership of their housing and other property.

Amnesty International also repeats its calls upon governments in refugee-receiving countries, particularly in Europe, to take positive steps, including the removal of visa requirements on people from Bosnia-Herzegovina, to ensure that those fleeing human rights abuses in Bosnian Serb-controlled areas are able effectively to exercise their right to seek asylum and are able to find effective protection.

APPENDIX I - Map of Bosnia-Herzegovina showing approximate areas of control as at Spring 1994