

£BOSNIA-HERZEGOVINA: @The missing of Srebrenica

Introduction

In July 1995 the Bosnian Serb Army (BSA) attacked the Srebrenica and Žepa enclaves in eastern Bosnia-Herzegovina which were under the control of the mainly Muslim Bosnian Government Army (ABiH). The people living in these enclaves, who were almost exclusively Muslims, were variously estimated to number between 42,000 and 50,000. Both areas had been designated "safe areas" in United Nations (UN) Security Council Resolutions and both had small contingents of UN peacekeeping troops, members of the UN Protection Force (UNPROFOR), stationed in them. The territories quickly fell under BSA control resulting in the displacement of the entire population of the enclaves.

Shortly after the fall of the enclaves an Amnesty International delegation visited the Tuzla area, in government-controlled Bosnia-Herzegovina, where most of the civilians and soldiers eventually found refuge. The testimony gathered by the delegates revealed a disturbing series of abuses perpetrated by BSA forces against the Muslims who were attempting to flee the Srebrenica enclave. The aspect which causes the greatest concern is that some 4,000 people, mostly men of military age, but not all soldiers, who must have fallen into the hands of the BSA, still remain unaccounted for. Of the displaced persons interviewed by Amnesty International, there was not a single family in which the whereabouts of all the members was known.

Many of the displaced persons or ABiH soldiers had fled through the woods and were subjected to frequent ambushes by BSA soldiers. They were in poor physical condition after spending days without sleep or adequate food or shelter. Many were consequently limited in their ability to recall specific dates, times or locations. It was thus difficult to compile a complete picture of the abuses and to substantiate the full range of allegations that have been made by the local media and authorities. Nevertheless, the testimony Amnesty International has obtained is consistent enough to raise grave concerns both about abuses which have been perpetrated and the risk of further abuses. In particular, the fact that such a large number of people remain unaccounted for, the indications that many were taken into detention by or otherwise fell into the hands of the BSA and the lack of access to them so far granted to international agencies such as the International Committee of the Red Cross (ICRC) are cause for deep concern about their fate.

The reports of other international observers, such as the [former] UN Special Rapporteur for Human Rights on the former Yugoslavia, Tadeusz Mazowiecki¹, reinforce

¹ See *Final periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Tadeusz Mazowiecki, Special Rapporteur of the*

Amnesty International's concerns about the abuses perpetrated during and after the fall of Srebrenica.

There were numerous reports of attacks on and apparent deliberate and arbitrary killings of men who were captured by BSA forces as they attempted to flee through the forest to Bosnian Government-controlled territory. But the organization is particularly disturbed at the fact that many thousands of men, including boys as young as 13, are unaccounted for and may have been victims of or be at risk from further abuses. Testimony gathered by Amnesty International from persons evacuated from Srebrenica by convoy reinforces estimates that at least 4,000 men may be missing, and indicates that there was a deliberate policy on the part of the BSA to detain all male civilians who stayed in Srebrenica (cases reported to Amnesty International delegates include children as young as 13 years of age and an old man of 77 years). One eyewitness interviewed, who was in a position to make an assessment, estimated that as many as 1,000 males may have been taken away from Poto_ari and detained while a further 3,000 may have been captured or surrendered in the course of their flight through the forest.

On 26 July the ICRC registered 164 men from Srebrenica in a camp at Batkovi_ in north-eastern Bosnia. Amnesty International believes that these men may have been captured or detained by the BSA in the period before Srebrenica finally fell, and that the men detained at Poto_ari or captured in their attempt to flee to Bosnian Government-held territory are not among those in Batkovi_.

There are also some reports that women and girls were abducted, but many of these reports are based on hearsay evidence only. On the basis of the information that Amnesty International was able to gather, the indications are that although there was no widespread policy of abducting women and girls similar to that of detaining males, there were some isolated cases which give rise to concern.

Background

From April 1992 Srebrenica, a small town in eastern Bosnia close to the Drina river which forms the border between Bosnia-Herzegovina and Serbia, was besieged by Bosnian Serb armed forces. These were unable to capture the town, but defending forces were unable to lift the siege. Refugees and displaced persons from the surrounding area fled to the relative safety of the town, so that by early 1993 its pre-war population of less than 5,000 had risen to around 25,000. A blockade of humanitarian aid led to attempts by the United Nations (UN) to evacuate wounded and women and children, although these attempts were opposed by the

Commission in Human Rights, pursuant to paragraph 42 of Commission resolution 1995/89, UN document, E/CN.4/1996/9, 22 August 1995.

local authorities, who considered that this constituted cooperation with Bosnian Serb efforts to establish an ethnically homogenous state. On 16 April 1993 UN Security Council Resolution 819 declared Srebrenica and its surroundings a "safe area", and demanded that military activity in the area should cease. Units of UNPROFOR were stationed in the area with a mandate to ensure the security of the inhabitants and monitor the ceasefire.

Despite this, the area was not completely demilitarized and low level military activity continued, including shelling of the town by the BSA who were also involved in armed clashes with members of the ABiH, whose strength in Srebrenica in July 1995 is estimated at between three and four thousand lightly armed men. Refugees continued to enter the town, and by mid-1995 the population of Srebrenica was estimated at between 35,000 and 42,000.

On 8 July 1995 the BSA mounted an attack and overran the UN posts around the enclave, detaining 15 UNPROFOR troops. Some UNPROFOR troops attempting to retreat from their positions came under attack by the ABiH and one was killed. The BSA attack continued on the following day when further UN personnel were detained. On 10 July shelling of the town was followed by an infantry attack, and 4,000 refugees from the surrounding area fled to the town. Despite UN warnings that further military action would be met with retaliation, the attack was resumed the following day and, although attacks by NATO aircraft resulted in two BSA tanks being hit, the town was occupied by BSA forces on 11 July.

Prior to the fall of the town members of the ABiH began to withdraw from the area, travelling on foot through the surrounding forest with the intention of reaching Bosnian Government-held territory. They were accompanied by an unknown number of male civilians of draft age and a small number of women and children who were relatives of prominent local politicians or military officers, or who were otherwise thought to be at risk if they were captured by the BSA. The size of this group was around 15,000. As they fled through the forests and mountains, soldiers and civilians alike appear to have been subject to systematic ambushes by BSA soldiers. Many of those who succeeded in reaching Bosnian Government-held territory reported that some of their companions were killed after surrendering to or having been captured by the BSA. It has not been possible to confirm these reports but there are strong indications that such killings, possibly mass killings, took place. It is certain that a considerable number of those who set off in this way did not succeed in reaching Government-held areas and remain unaccounted for.

The remaining population, almost entirely civilian, accompanied UNPROFOR peacekeepers as they withdrew to a disused car battery factory at Poto_ari, five kilometres north of the town, which they used as a base. Of these people, men of draft age, as well as some boys in their early teens and old men who were clearly not of military age, were detained by the BSA, while women, children and the elderly were evacuated to Bosnian Government-held territory. Their route followed the main asphalted roads via Bratunac, a

town which had been under BSA control since the outbreak of hostilities in mid 1992, Konjevi_i, Nova Kasaba, Vlasenica and finally the village of Tiš_a, which is on the edge of the no-man's-land between the lines of confrontation. Some of those interviewed reported seeing large groups of detainees on the way, others report seeing bodies lying by the side of the road. On arrival at Tiš_a the evacuees were ordered to leave the buses and make their way on foot to Kladanj in Bosnian Government-held territory. Members of this group were subject to human rights abuses both while at Poto_ari and during evacuation.

Abductions, detentions and killings at Poto_ari

The majority of those who arrived at Poto_ari did so on 11 July, in flight from Srebrenica. Many reported that they were driven there by artillery fire falling behind them. On arrival many took shelter in the buildings of factories in an industrial area neighbouring the UNPROFOR base. Since the number of displaced persons was at least 20,000 there was insufficient space to accommodate them all in the factory area itself, and the majority clustered around the perimeter.

The following day BSA troops began to enter Poto_ari, and by the end of the day were effectively in control of the area. The first buses carrying displaced persons began to move out that afternoon. As they began to board the buses, men were separated from the women and detained by the Serbs.

During the day members of the BSA entered the factory compounds, reportedly in search of members of the ABiH and of others who had been prominent in the political leadership of the town. No abuses were reported to have occurred at this time in the factories. However, many witnesses report that in the evening BSA soldiers re-entered the compound in small groups and took men away. The majority of these were men of draft age, although boys as young as 13 are reported to have been among those taken. One man in late middle age who had taken refuge inside one of the factories stated that around 7pm on the evening of 12 July a number of BSA soldiers entered the building and took away a small group of men, three of whom, Hediba Ali_, Hajrudin Begzadi_ and Esad Mustafi_ were known to him. He saw them being led away across a nearby cornfield but then lost sight of them. Another witness, who was outside, reported that a group of BSA soldiers entered the factory buildings and took away Ibran Mustafi_, a leading member of the Party of Democratic Action (*Stranka Demokratske Akcije* - SDA, the main Muslim party) in Srebrenica. She was able to see him, his brother and another elderly relative as they were led away by the soldiers and loaded onto a truck which was driven away in the direction of Bratunac.

Many of those in the group clustered outside the factories spoke of similar abductions. One 41-year-old woman saw her 37-year-old brother-in-law taken away by three

soldiers; the soldiers said nothing as they took him away except to tell everyone to stay quiet. She was unable to see where he was taken.

It is unclear what happened to those who were detained. In some cases they were seen being loaded onto lorries or buses and driven away in the direction of Bratunac but in other cases witnesses reported that they were taken out of sight into or behind a building, and that the sound of shots followed. There is considerable evidence that at least some of those abducted or detained in this way were killed in the immediate area. Several witnesses reported that on the night of 12 July or the morning of 13 July they saw the bodies of men lying in a cornfield near the factory buildings, close to a stream. Their statements agree that on leaving the area where they were sheltering to fetch water or use the WC in buildings on the other side of the cornfield, or as they were passing across the cornfield to where the buses were being loaded up the following morning, they came across the bodies of men in civilian clothing lying in a row. Most reports speak of 10 or 12 bodies, and some witnesses claim that their throats had been cut. Reports of deliberate and arbitrary killings as well as the sighting of bodies dressed in civilian clothes have also been made by members of UNPROFOR.

On 13 July nine unarmed men were reportedly shot in a field near one of the factories by three BSA soldiers acting under orders from a superior. The nine had attempted to escape from the group of people assembled at the factory, but had been recaptured almost at once.

Although the movement of the displaced persons out of Poto_ari began on Wednesday 12 July, the majority left on Thursday and Friday. The reports of all those interviewed by Amnesty International who were evacuated from Poto_ari agree that while people were boarding the buses and lorries men of all ages were separated from the women and children and detained by the Bosnian Serb authorities. One woman, who had been sheltering with her seven-year-old daughter, 15-year-old son, 77-year-old father and 55-year-old brother in the UNPROFOR base, said that they were all about to board a bus on Thursday 13 June when the men were separated from the women and all three taken away by BSA soldiers. Another woman saw her brother (in his mid-forties), her father (62), her father-in-law (77) and her husband's uncle (73) pushed and kicked as BSA soldiers prevented them from boarding the bus and took them to a nearby building. Similarly, on Friday, another woman, whose brother had been among those taken from the compound on the night of 12 July, saw her father, her remaining brother and her nephew separated and led away as she boarded the bus. One woman reported that several soldiers, one of whom struck her with the butt of a rifle, had attempted to separate her mentally retarded 17-year-old son from her. She was finally allowed to take him with her onto one of the buses after appealing to a BSA soldier who had been at school with him. This soldier accompanied them to the bus and told the driver not to stop or let anyone take her son off. She stated that she reached Kladanj without further incident.

One witness who was in a position to observe events from inside the compound and take notes, and who was later able to travel to Tuzla, claims that 293 of the men who were inside the compound were detained in this way when attempting to board the buses, and estimates that some 600 of those outside were also detained. He was unable to see where they were taken.

People who travelled in these organized convoys were subject to harassment. Many of those who travelled in the buses reported being robbed of money and valuables en route by BSA soldiers. Many people were threatened or verbally abused although in most cases the victims were not physically harmed.

Rape and Sexual Abuse

Members of the delegation received numerous accounts of the abduction of young women from the convoys, most of which were not based on firsthand information and frequently consisted of rumour. There were, however, some accounts which gave rise to concern that isolated cases of rape or sexual abuse may have taken place. Amnesty International was able to investigate one of these in sufficient detail to conclude that it was well-founded.

A man in his late fifties who had been wounded prior to his flight from Srebrenica and who was evacuated under UN supervision told Amnesty International delegates that he was evacuated in a medical convoy of trucks carrying wounded and some medical staff that left Poto_ari on Wednesday 12 July at 5 pm heading for Tiš_a. When they arrived late that evening four to five soldiers went to each truck and verbally abused the wounded. All those who were capable of walking, some with the help of crutches, were forced off the trucks along with the nurses who were accompanying the convoy, although the more seriously wounded were permitted to remain on the vehicles. The UN soldiers were also forced out of the trucks. The testimony of other witnesses indicates that they were forced to return to the Poto_ari area. (Some witnesses state that this happened before the convoy arrived at Tiš_a.) He and the others were searched and their valuables taken. They were then allowed to sit on the ground, but further abused verbally, while some were kicked or struck with rifle butts. One of the nurses was ordered to accompany two soldiers for questioning, and returned a short time later weeping. She later reportedly said that she had been questioned about whether one of the other nurses was the sister of the commander of the ABiH forces in Srebrenica and asked to identify her. Her reply was that she did not know. A second nurse was also taken away, and returned some time later, saying that she had been beaten and raped. The name of the nurse is known to Amnesty International, and the Gynecological Department of Gradina Hospital in Tuzla confirmed that a woman by this name had received medical treatment after reporting rape. The hospital further confirmed that medical examination revealed signs of recent sexual activity.

The following morning there was a further inspection, and another group of younger people was separated, one of whom was a young male nurse who was reportedly badly beaten. This group was returned to Bratunac, and most of these were later evacuated to Tuzla under ICRC supervision. There are unconfirmed reports that about 10 of the remainder were taken to the hospital in the BSA-controlled town of Zvornik.

Reports of killings after surrender or capture

The group of people who left Srebrenica before the Serbs entered the town comprised soldiers of the ABiH and men of military age, began to move off on the night of 10 July. Of the 15,000 or so members of this group, around one third were estimated to be lightly-armed soldiers of the ABiH, and the remainder unarmed civilians. All the testimony collected from members of this group by Amnesty International delegates agreed in stating that the column was ambushed several times by the BSA and that a considerable number of people may have been killed during these attacks, which met with resistance from the members of the ABiH in the column. As a result of these attacks, the column split into ever smaller groups, although some of these small groups later met up and travelled together.

Many people stated that the largest ambushes took place near a road junction close to Konjevići village, where the road from Bratunac meets another running north-south between Zvornik and Vlasenica. Other ambushes are reported to have taken place near Nova Kasaba and the village of Kravica. All these villages lie along the exposed metalled road which makes up two sides of a square surrounding the Srebrenica area and which those escaping the area needed to cross on their way to Bosnian Government-held territory. Reports of attacks on the survivors once they had succeeded in crossing this road suggest that they involved smaller BSA patrols and were conducted in a less organized fashion.

Several thousand of this group are believed to have surrendered or been captured during or immediately following these ambushes. Testimony gathered by the Amnesty International delegation from women and men evacuated from Potočari by bus indicates that men who appeared either to have surrendered or been captured were being held in various locations by the side of the road, or were seen walking along the road in the direction of Bratunac with their hands clasped behind their heads. Several also reported seeing bodies lying by the side of the road, but were unable to see the likely cause of death.

The Amnesty International delegation also received numerous reports from those who had reached Tuzla after making their way through the forest, alleging that men who were captured by or surrendered to BSA forces were summarily executed; others spoke of seeing bodies lying in the forest with their throats cut.

On 13 July one woman who was being evacuated by bus saw a group of men that she estimated to number around 400 being held under armed guard near the village of Sandići.

She claimed to have seen members of this group lined up and shot with a machine gun while her bus was stopped. Further along the road she saw another group of men walking towards Bratunac. Another witness reported seeing a group of around a dozen men, their hands tied, being forced onto a bus at a playing-field near Nova Kasaba. There are further reports of men being held under guard at Konjevići and Kravica, and there is evidence that at least some were being held in various locations in Bratunac around the middle of July. However, an ICRC delegation that visited Bratunac in late July was not able to discover any sites being used as places of detention.

Events in Žepa

The smaller enclave of Žepa, another UN "safe area" which had a population of around 7,000, 3,000 of whom were soldiers and men of draft age, came under intensified attack after the fall of Srebrenica. As a result of a series of negotiations between Bosnian Serb military leaders and the Bosnian military and civil authorities which followed the fall of the town on 23 July, the evacuation of civilians began on Tuesday 25 July and continued until Friday 28 July. The soldiers and the majority of the draft age males took refuge in the hills above the town to await the outcome of negotiations concerning their evacuation.

There have been no reports from Žepa of abuses on the scale of those reported from Srebrenica. Those who travelled on the earliest convoys report no problems, but those evacuated later report that when they reached Tišća some of the men were taken from the buses and detained by BSA forces. Some of these men were at least 60 years old. The ICRC has registered 44 men from Žepa. Others have said that when attempting to cross to Ključ they were harassed by BSA soldiers, who threatened them and demanded money and valuables.

Reports of the ill-treatment of Serbs in the Tuzla region

One of the consequences of the fall of Srebrenica and Žepa has been a number of reprisals taken against ethnic Serbs resident in the Tuzla region. Amnesty International has received reports of evictions and beatings and other ill-treatment of ethnic Serbs at the hands of displaced persons from Srebrenica, as well as the death of one man in the village of Jasenica near Srebrenik and an elderly woman in the village of Simin Han near Tuzla. The local police authorities are reported to be investigating this case and to have made efforts to protect local Serb civilians, but to Amnesty International's knowledge no arrests had been made by the beginning of September 1995.

Expulsions of Muslims from Bijeljina

There have also been reports of new forcible expulsions of Muslims from Bosnian Serb-controlled Bijeljina in eastern Bosnia-Herzegovina. In late July 1995 a group of 47 people was expelled by military police who came to their houses at around 3am, gave them five minutes to pack, loaded them onto a truck and drove them towards the front line, which they were forced to cross on foot in order to reach Bosnian Government-held territory. Some have reported being kicked and beaten as well as being robbed of money and valuables during the journey. Amnesty International has documented earlier waves of forcible expulsions from the Bijeljina area. Around 6,000 were expelled in the summer of 1994.²

Amnesty International's conclusions

Following the gathering of the testimony which forms the basis of this report, the United States State Department made public reconnaissance photographs which showed recent earthworks in the Nova Kasaba area. It believed the earthworks resembled freshly-dug mass graves indicating that a large number of people had been buried in the area. Other photographs taken by the US Government but not made public were reported to show some 600 prisoners in one of the fields and the same sites with the earth undisturbed a few days before the fall of Srebrenica, as well as a group of around 400 people being held in a field near Sandi_i. The US State Department also released apparent eye-witness accounts of people who claimed to have survived mass executions in the area. Shortly after the photographs were published a journalist of the US newspaper *Christian Science Monitor*³ reached what he believed to be the sites depicted in the State Department photographs. He reported seeing what looked like a human thigh-bone protruding from the ground at the edge of one of the areas where the earth had been disturbed. According to his report, empty ammunition boxes and a few spent shell-casings were also to be found in the vicinity, as well as papers, personal documents and belongings that had apparently been abandoned or dumped in the area and which bore names, stamps and signatures suggesting that they had belonged to Muslims from Srebrenica.

It has not been possible, on the evidence that is available to Amnesty International, to confirm these widely publicized claims that mass executions of both civilian detainees and prisoners of war took place. It is nonetheless clear that the number of missing people, including those who surrendered, were captured or otherwise detained by the BSA runs into thousands, and that the Bosnian Serb *de facto* authorities have failed to provide any information on their fate. Although local Bosnian Serb representatives have admitted the

² See the Amnesty International report: *Living for the day: Forced Expulsions from Bijeljina and Janja*, AI Index: EUR 63/22/94, December 1994.

³ *Christian Science Monitor: Evidence Indicates Bosnia Massacre*. 18 August 1995

existence of mass graves in the area, they claim that these graves contain the bodies of those killed in military action. Representatives of international organizations, including the UN, have been denied access to the area to investigate these graves or to carry out forensic examination of those buried in them, despite repeated requests.

These reports, coupled with the lack of access to detainees and other prisoners by the ICRC and other international organizations give rise to the greatest concern for the safety of those detained by the BSA at Srebrenica and those who surrendered or were captured during their flight.

Amnesty International believes that grave abuses of fundamental human rights took place during the capture of Srebrenica and subsequently. These abuses include deliberate and arbitrary killings of civilians, rape, arbitrary detention and ill-treatment. The organization considers that further reports of mass executions of detainees and prisoners cannot be discounted, and repeats its call for the ICRC to be allowed access to all detainees, and for international organizations to be permitted to examine the areas in question in order to establish the truth or otherwise of these allegations.