

BOSNIA AND HERCEGOVINA

“A CLOSED, DARK PLACE”:

Past and Present Human Rights Abuses in Foca

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SUMMARY

The Foca municipality was the site of some of the most brutal crimes committed during the 1992-1995 war in Bosnia and Hercegovina.¹ Bosnian Serb civilian, police, and military officials, in collaboration with paramilitary troops and former Yugoslav Army reservists called in from Serbia and Montenegro, took over Foca in April 1992. They established a wartime government called the "Crisis Committee," much like those established in many towns in Bosnian Serb-controlled territory, to plan and carry out the expulsion of the non-Serb population. Using a thorough propaganda campaign to convince the local Bosnian Serb population that they were under threat of a Muslim fundamentalist coup, the Crisis Committee established a network of detention centers, where non-Serb civilians were detained, tortured, raped, and either expelled, killed, or "disappeared," leaving the town as it is today, almost completely ethnically Serb. Businesses and properties of non-Serbs were expropriated or destroyed.

The persons alleged by many sources to be responsible for the crimes committed in Foca during the war continue to wield power in the town. In many cases, they are in governmental or police positions. In other cases, they hold even higher-ranking positions in the Republika Srpska or Bosnian government. In these positions they may have been identified by international observers as responsible for protracted noncompliance with the provisions of the Dayton Accords, as well as systematic human rights abuses in the post-war period. In Foca, where the authorities and police remain loyal to the indicted Radovan Karadzic, there has been no refugee return, there is no freedom of movement or expression, there has been absolutely no vetting of the police, and there are six publicly indicted war criminals known to be harbored in the town. French NATO troops stationed in the town since late 1995 refused to arrest a single indicted person until recently, when on June 15, 1998, they arrested Milorad Krnojelac based upon a sealed indictment. Six publicly indicted persons, however, remain in Foca. The International Police Task Force (IPTF), the Organization for Security and Cooperation in Europe (OSCE), and the European Community Monitoring Mission (ECMM) work in Foca as if it were any other town, turning a blind eye to past and current abuses, in favor of "peaceful relations." The failure to hold officials accountable for past and present abuses in Foca, however, has not brought compliance with the Dayton agreement; there has been no return of refugees or displaced persons, no screening or vetting of the local police, freedom of expression, association, and movement remain severely restricted, and there have been numerous cases of attacks and harassment against international journalists and other members of the international community, and against local citizens who do not agree with the authorities. Yet multilateral institutions and donor governments have considered granting—and in some cases, granted—considerable sums of economic assistance to the Foca area. In fact, several donor countries and organizations, including the Italian government and the World Bank, the European Union (E.U.), the European Bank for Reconstruction and Development (EBRD), and the United Nations High Commissioner for Refugees (UNHCR) have invested in the Foca area in the past year. In December, the World Bank turned down a proposal to send additional assistance to Foca only after nongovernmental organizations protested to donor governments. Human Rights Watch is seriously concerned that in the current atmosphere of impunity and noncooperation described in this report, this money is likely only to enrich and empower those officials responsible for ongoing violations of human rights and systematic obstruction of the implementation of the Dayton Peace Agreement. (For more details, see section on International Investment in Foca.)

Further, the failure of the international organizations in Foca to report publicly on abuses, and to press for alleged perpetrators to be brought to justice, has given a false impression of a town described recently to Human Rights Watch as "very calm." Accountability has been cast aside in Foca for so long that indictees and persons alleged to be responsible for heinous crimes remain in control, ruling with total impunity. In the current climate in Foca, any international economic aid which would be granted to the town would serve to line the pockets of these individuals.

The military takeover of Foca began on April 7, 1992. The takeover was a coordinated effort between Serb irregulars from Serbia proper and Montenegro, and paramilitary forces of the Bosnian Serb army. They quickly established the Crisis Committee, which worked in collaboration with military and police officials in the planning and execution of the takeover. The Bosnian Serb army inherited weapons and other military supplies from the former

¹ After the war was over, Bosnian Serb authorities in Foca renamed the town "Srbinje." Out of respect for the thousands of victims tortured and murdered by these same Bosnian Serb authorities, the town will be referred to by its traditional name, Foca, [in this report](#).

Yugoslav National Army (*Jugoslav Narodna Armija*, JNA), and paramilitary troops from Serbia and Montenegro were promptly brought in. What took place in the Foca municipality after the Bosnian Serbs were firmly in control was beyond anyone's worst nightmare.

Once the Bosnian Serb and Serb forces had completely occupied the Foca municipality, they began rounding up all non-Serb civilians from the surrounding villages, separating the men from the women, and imprisoning them in numerous detention facilities. The Foca police worked closely with the Serb military forces occupying the municipality and played primary and direct roles in the arrest, expulsion, detention, rape, torture, and murder of the non-Serb population of the town. The International Committee of the Red Cross (ICRC) was denied access to Foca from the time of the takeover on April 7, 1992, until the beginning of October of that year. By the time they gained access, it was too late for thousands of non-Serbs from Foca who had been imprisoned and subsequently either expelled or killed. By the time the ICRC entered, few non-Serbs were left alive in the municipality.

The takeover of Foca was planned and managed by a crisis committee, similar to committees that were formed in other areas of the Serb territory. The leaders of the Crisis Committee in Foca have been identified by residents of Foca and others as Velibor Ostojic, Vojislav "Vojo" Maksimovic, and Petar "Petko" Cancar. Under the authority of the Crisis Committee, military and paramilitary forces from the Serb-controlled territory in Bosnia and from Serbia and Montenegro carried out "disappearances," detentions, expulsions, torture, executions, and rape, with the assistance of the local police. Businesses and factories, as well as private property belonging to non-Serbs, were expropriated and the former owners and directors either imprisoned, expelled, or "disappeared." Bosnian Muslim (hereafter "Bosniak") and Croat men were sent, often via the short-term detention center "Livade," to the central Foca prison, called the "Kazneno-Popravni Dom" or "KP Dom" (Home for Criminal Rehabilitation), where they were tortured and many "disappeared." KP Dom is mentioned in the indictments against Radovan Karadzic, then leader of the Bosnian Serbs, and Ratko Mladic, then commander of the Bosnian Serb army. Non-Serb women in Foca were taken from their homes, separated from their husbands, and many were held in short or long-term detention centers. The Partizan Sports Hall, located in the center of the town very near to the municipality building and the central police station, is where women were held and systematically raped or otherwise sexually assaulted as part of the Serb campaign. The Crisis Committee headquarters was in Velecevo, on the edge of the town of Foca, which also later became the sight of a detention camp where non-Serb women were sexually assaulted as part of the "ethnic cleansing" campaign. Other rape camps were established in Buk Bijela and in private houses and apartments in town. There are also allegations that women were detained and sexually assaulted in the Foca high school during the takeover in 1992.

Nine individuals—Dragan Gagovic, Gojko Jankovic, Janko Janjic, Dragan Zelenovic, Zoran Vukovic, Dragoljub Kunarac, Radomir Kovac, Radovan Stankovic, and Milorad Krnojelac—are publicly indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their involvement in the "ethnic cleansing" in Foca. They are indicted for crimes against humanity, including rape, grave breaches of the Geneva Conventions, and violations of the laws or customs of war. These indictments are the first in history in which persons were indicted for rape as a war crime.

Seven of the nine public indictees remain at large, and six are known to be living in the Foca municipality. They have been living freely, under no apparent fear of arrest by the French SFOR (the North Atlantic Treaty Organization—NATO)—troops in the region are called the Stabilization Force, or SFOR) troops stationed in the region, until recently the only SFOR sector in Bosnia in which no arrests had taken place. These indicted persons can often be seen in public places such as bars and restaurants, which are also frequented by SFOR troops. According to a February 20, 1998 article in the Dutch newspaper *Nieuwsblad*,

Take for instance Janko Janjic, one of the Serbs on the list, who drinks coffee and rakija in the "Merkur," the "Passager" or the "Krsma" every morning around nine. All three bars are located near the bus station in the center of the town....Should French SFOR troops decide to arrest Janko Janjic while he is sipping his rakija in the "Krsma" bar, they could make a second arrest in the process: the owner of this bar, Dragan Gagovic, also features on the Hague's list.

Aside from those individuals who have been publicly indicted by the Tribunal, many individuals who are not yet publicly indicted but are alleged to have been responsible for war crimes and human rights abuses during the war still hold positions of power. These persons, in their current influential roles in the government, infrastructure, and police of Foca use their continued influence to block the implementation of the Dayton Accords, including in particular those provisions relating to human rights guarantees and the return of refugees. They severely and actively restrict freedom of movement; they block all attempts at freedom of expression by local civilians; and they blatantly prevent any discussion of the return of displaced persons and refugees. Furthermore, since the signing of the Dayton Accords, the "unindicted" have frequently blocked the work of the international community by refusing to attend meetings to discuss Dayton implementation, and by obstructing projects which they felt would threaten their stranglehold on society. International journalists who visit have been threatened. Volunteers who came to work with the teenagers in the town have been harassed and kicked out of the town. Micro-credit projects which could assist the women in Foca by offering them opportunities for income generation have been halted by the authorities. Residents of Foca who interact or work with organizations that the authorities perceive as a threat to their power have been harassed and threatened. "Foca is a closed, dark place," people who have worked there say, time and again.

To date, efforts by the international community to obtain compliance with the provisions of Dayton have been unsuccessful in Foca. In the two and a half years since the signing of the Dayton Accords, any officials within Foca who have attempted to cooperate with the international community have eventually been replaced by their more radical, nationalistic, and isolationist colleagues.

The June 15, 1998 arrest by French SFOR troops was the very first time French SFOR troops had arrested any inditees in Bosnia, and though late in coming, it was a welcome step.

However, the failure of French SFOR to arrest the six individuals publicly indicted by the ICTY who still wander free in Foca is just a small part of the picture of an international community that is prepared to let bygones be bygones. It is no longer an unusual sight, nor does it even seem strange any more to see international armed troops patrolling in Foca, sitting in its cafes, eating in its restaurants, drinking in its bars, "keeping the peace." As a result of the international community's failure to insist, from the outset, on compliance by the Foca authorities with the provisions of the Dayton Accords, and as a result of the failure of the French NATO troops to arrest anyone responsible for war crimes in Foca for two and a half years, individuals allegedly responsible for mass murder and rape have been free to rule the town they conquered with complete and total impunity. And they have succeeded splendidly: three of the individuals linked to overseeing the planning, organization, and execution of the massive "ethnic cleansing" in the Foca municipality, namely Petar Cancar, Vojislav Maksimovic, and Velibor Ostojic, have been rewarded for their efforts. Cancar has been promoted from mayor of Foca to minister of justice of the Republika Srpska. Maksimovic sits on the Republika Srpska National Assembly and remains in his post as rector of the Philosophy Faculty in the Serb-controlled part of Sarajevo. Even more shocking is that Ostojic was appointed head of a state human rights commission in the Bosnian Parliament.

Despite the Foca authorities' systematic obstruction of the peace accords, and their ongoing loyalty to Radovan Karadzic, bilateral and international donors have targeted Foca for reconstruction assistance. In December 1997, nongovernmental organizations raised objections to a planned World Bank project in the area, and as a result, that project did not receive final approval. Nonetheless, other reconstruction projects in Foca, financed by bilateral donors including Italy, multilateral donors, including the World Bank, the EBRD, the E.U., and the UNHCR, have gone forward. Donor organizations appear eager to give economic aid to Foca, apparently under the misguided notions that such aid would coax compliance from the local authorities, and that the donor's vetting procedures can adequately ensure that war crimes suspects and Dayton obstructionists would not benefit. To the contrary, any international funding that would enter Foca in the current atmosphere would be almost impossible to track. In Foca, where even the local Serb population cannot speak freely against its authorities; where the international staff and SFOR troops based in the town are under pressure to be completely uncritical in order to maintain peaceful relations and in order to live there in safety; and where access is severely limited for persons who wish to investigate and report on the reality in the town, any mechanisms established to track economic aid would fail. The authorities block access to information on

companies, individuals, and local institutions in Foca. This information would be crucial to any vetting system to prevent aid from enriching indicted war crimes suspects and those allegedly responsible for human rights abuses. For this reason, it is highly unlikely that aid granted to the municipality will reach its target beneficiaries.

It is the obligation of international donor institutions and countries to prevent money from flowing into the hands of persons who may be responsible for war crimes and serious and widespread human rights abuses during and after the war, or who are responsible for ongoing obstruction of the implementation of the Dayton Accords in Foca and throughout Bosnia and Hercegovina. It is also their obligation to ensure that international economic aid is not used in ways that would strengthen the political power base of such individuals.

This report should serve as a resource for information on the crimes that were perpetrated against the Bosniak and Croat population in Foca during the war, as well as on persons who have either been indicted for these crimes by the ICTY or whose responsibility for these crimes should be further investigated.

Over twenty persons have been named in this report in connection with human rights abuses committed in Foca. We have named individuals where we have found some evidence that they may have played a role in the institutions or processes that contributed to the gross violations of human rights and humanitarian law that took place. Human Rights Watch does not state or imply that named individuals are necessarily responsible for these violations; however, in these cases we believe that further investigation is warranted. Where it is at all possible, we have provided the names of witnesses and sources of information; however, many witnesses, both residents of Foca and international journalists and observers, have specifically requested that their identities be withheld because of genuine fears of retaliation.

Lastly, but most importantly, this report exposes the suffering of the survivors of the "ethnic cleansing" in Foca and is therefore a plea from them for accountability. Their risk in sharing information from their experiences must not go unnoticed, especially in the atmosphere of impunity that reigns in Bosnia and Hercegovina. They shared their tragic stories with great pain, but also with the hope that in recalling their nightmares, and in naming their abusers, the world would not forget, and those responsible would be brought to justice. Their wish, universally, was to go home to Foca.

RECOMMENDATIONS

Human Rights Watch urges the Foca municipal authorities and police to:

- arrest and surrender all indicted persons present in Foca to the International Criminal Tribunal for the Former Yugoslavia for trial in the Hague;
- immediately cease any and all obstruction of the Dayton agreement, including in particular restrictions on freedom of movement, and freedom of expression and association;
- immediately cease any and all attacks and harassment against the local population, including that which is based upon their ethnicity, political opinion or affiliation and against representatives of the international community, and investigate and prosecute those alleged to be responsible for such attacks and harassment;
- guarantee the right of refugees and displaced persons to return to Foca and ensure the security of persons who choose to return;
- comply with IPTF procedures for screening and vetting the police based on human rights criteria. As a first step at rectifying the failure to do so for two and a half years, immediately provide IPTF with a complete list of all police officers, including secret and special police as well as trainers and teachers in the special police training school in Tjentiste, and of all staff and personnel in the KP Dom prison;

- immediately provide international organizations with any and all information regarding persons missing from the Foca municipality and grant complete access to any organizations charged with the task of investigating the fate of people who “disappeared” or are otherwise unaccounted for;
- immediately implement the results of the September 1997 municipal elections, allowing those elected to assume their offices, and provide protection for all representatives who have been elected when they travel to Foca for assembly sessions.

Human Rights Watch calls upon Republika Srpska Prime Minister Milorad Dodik to:

- dismiss Petko Cancar from his post as minister of justice of Republika Srpska, pending investigation by the ICTY of substantive allegations of his responsibility for war crimes committed under his authority during the war in Foca;
- insist that the authorities in places such as Foca, which remain under the influence of the indicted Radovan Karadzic, implement the provisions of the Dayton Accords. Specifically, insist that the Foca authorities grant full freedom of movement, allow refugees and displaced persons to return to their homes, guarantee freedom of expression and association, immediately cease any and all attacks and harassment based upon political opinion or affiliation, and implement the September 1997 municipal election results;
- immediately transfer to the custody of the ICTY any and all publicly indicted individuals, including Radovan Karadzic and Ratko Mladic, and including the six public indictees who roam freely in Foca;
- ensure that anyone who holds a position of authority in the Republika Srpska government has been cleared of any serious, credible allegations of wartime atrocities;
- arrest, prosecute, and punish persons responsible for human rights abuses.

Human Rights Watch urges the Organization for Security and Cooperation in Europe (OSCE), the European Community Monitoring Mission (ECMM), and the International Police Task Force (IPTF), which have bases in Foca, and the Office of the High Representative (OHR), the United Nations High Commissioner for Refugees (UNHCR), and SFOR, which operate in Foca to:

- articulate clearly a duty of their representatives to expose publicly instances of serious or continuing human rights abuses and protracted noncompliance with the Dayton agreement, as well as to name those found responsible. While sources and information that would directly endanger witnesses must obviously be protected, reports of human rights abuses should not be withheld from the public for political reasons, and disclosure should be timely. Further, investigations of human rights abuses must not be delayed or prevented for political reasons;
- continue to exert pressure on local authorities to exclude from official positions individuals alleged to be responsible for war crimes and serious human rights violations, including in particular Velibor Ostojic, Petko Cancar, and Vojislav Maksimovic, until such time as they have been investigated and cleared of such allegations. Refuse to afford these individuals political or diplomatic recognition or to interact with them in any official capacity until such time as they have been investigated and cleared of the serious allegations that they were responsible for war crimes in the Foca municipality;
- continue to devote resources, both financial and material, to the resolution of the missing persons issue in Bosnia and Hercegovina. Though much is being done in this realm already, more remains to be accomplished. A resolution to this issue is a crucial basis on which future stability in Bosnia and Hercegovina depends;

- continue to devote attention and resources to restore freedom of expression and association, with a particular focus on isolated areas in Eastern Republika Srpska such as Foca;
- conduct a special investigation into the fate of the persons who “disappeared” from Foca, specifically from the KP Dom prison, during the war. The first step in such an investigation should include a background check of all current prisoners being held there, beyond the routine perusal of the list of detainees regularly performed by IPTF, to ensure that no non-Serbs are being held under false Serb names. The same investigation to ensure non-Serbs are not being concealed in detention centers should be undertaken in other places within the Foca municipality, such as the Miljevina coal mine, the Tjentiste region, Buk Bijela, and any and all military facilities;
- consider the establishment of an Office of the Ombudsman in the Republika Srpska similar to the one operating in the Federation entity of Bosnia and Hercegovina, to act as a legal representative for individual victims of human rights abuses and charged with obtaining remedies for such abuses from governmental authorities, in liaison with the International Office of the Ombudsperson established by the Dayton agreement;
- insist on full implementation of the results of the September 1997 municipal election results, and the protection of representatives who have been elected.

Human Rights Watch calls on the International Police Task Force, in addition, to:

- link all financial support for the restructuring of the local police with the final completion of the full IPTF screening/vetting process;
- share all information related to local police involvement in war crimes or serious human rights abuses with the ICTY, with an agreement on the effective and timely exchange of information in ICTY records on police officials, politicians, and members of paramilitary groups in the area;
- provide any and all information known to IPTF monitors regarding the locations of persons publicly indicted for war crimes to IPTF headquarters, and to the other international organizations based in Foca, in particular to SFOR, and to the ICTY, to facilitate the arrests of these individuals;
- respond with action to reports that unacknowledged prisoners are still being held secretly in official and unofficial places of detention in the Foca municipality, and perform surprise searches of any and all such locations on an ongoing basis. In a collaborative effort with SFOR and without prior notice to or the presence of local police or military, routinely search KP Dom, the Miljevina mine, Buk Bijela, the Tjentiste area, the Zinc mine at Suplja Stijena, and any and all military or police facilities;
- pressure the police authorities, in particular those employed in the KP Dom prison, to provide information on the individuals missing from Foca as a result of the Serb takeover and the “ethnic cleansing” that took place during the war;
- routinely check the list of police officers in the civilian police force, special police forces, and secret police in order to ensure that those indicted for war crimes are not working as police officers anywhere in the Foca municipality;
- urge the local police to investigate thoroughly any human rights violations that occur in the Foca municipality and monitor and report on the ongoing progress of such investigations. The results of such investigations should be made public. In cases where incidents are inadequately investigated, IPTF should publicize this fact, and hold the local police accountable through the filing of “noncompliance reports”—IPTF reports on police

noncompliance with the Dayton Peace Agreement. Accountability should also include making sure that such units do not benefit from international aid;

- if there are cases of reported participation in or instigation of violations of human rights by the local police, IPTF should file noncompliance reports, publicize these cases, and, in collaboration with other international organizations on the ground, should take all possible steps to ensure that the perpetrators are brought to justice. One such case is the alleged police beating of a local Serb civilian in the Foca central police station in December 1997. The results of this investigation should be made public;
- ensure that all police officers responsible for post-Dayton human rights abuses, or who have failed to investigate and punish those responsible for human rights abuses committed under their jurisdiction, be ineligible for police posts and be removed from their current police positions. Acts of noncompliance with the Dayton Peace Agreement should be understood to include, but should not be limited to, the obstruction of freedom of movement, failure to protect the right to remain, violations of freedom of expression and association, and harassment and intimidation of minorities or opposition members. Police officials or officers who have threatened or committed acts of violence against IPTF should also be ineligible for police posts and should be removed from their positions and prosecuted when criminal acts have been committed;
- ensure that the local police provide security and protection for municipal assembly representatives and for returnees.

Human Rights Watch urges the NATO Stabilization Force (SFOR), specifically the French troops based in the Foca area to:

- arrest immediately those indicted for war crimes who live in or visit the Foca municipality. According to the latest information obtained by Human Rights Watch, those publicly indicted by the ICTY and currently living in Foca include Radovan Stankovic, Dragan Zelenovic, Dragan Gagovic, Janko Janjic, Gojko Jankovic, and Radomir Kovac;²
- conduct routine searches of any and all military facilities to ensure that they are not being used as places of detention, and to ensure that the stock of weapons is in accordance with the limitations outlined by the Dayton agreement;
- conduct routine searches, in collaboration with IPTF, of any sites in which detainees may be held. (See IPTF recommendations above for specific locations.)

Human Rights Watch urges all nongovernmental and other international humanitarian organizations working in the region, including the International Rescue Committee, the United Nations High Commissioner for Refugees, Equilibre, and Oxfam and all others who have been involved in efforts to provide programming and assistance in Foca to:

- continue their consistent and dedicated efforts to bring opportunities for cooperation between the populations of Foca (Republika Srpska) and Gorazde (Federation). However, in doing so, exercise extreme caution regarding distribution of funding or in-kind assistance in order to prevent the perpetrators of war crimes or human rights abuses from benefiting in any way from the assistance;

² Zoran Vukovic is alleged to be living in the Prijedor area.

- make every effort within their mandates to ensure that the perpetrators of war crimes and human rights abuses do not benefit from economic aid.

Human Rights Watch urges the World Bank, the European Bank for Reconstruction and Development, the European Community Humanitarian Organization, and other donor institutions and governments to:

- withhold from organizations and institutions located in the Foca municipality, as well as throughout Bosnia and Hercegovina, any reconstruction assistance, with the exception of emergency humanitarian aid, that cannot be adequately and meticulously tracked to ensure that those indicted for war crimes, as well as those alleged to be responsible for war crimes and/or human rights abuses, do not benefit politically or economically from this assistance. Assistance to municipal authorities should be conditioned on their full cooperation with the ICTY, respect for human rights, full implementation of the results of the municipal elections, and concrete actions to assist refugees and displaced persons who seek to return to their homes. Donors should require that assistance be disbursed in a nondiscriminatory manner, to all needy persons regardless of ethnicity or gender. Further, with respect to assistance channeled through private for-profit or nonprofit enterprises, donors should investigate the ownership and control of companies, organizations, and institutions prior to making loans or grants or awarding contracts, to ensure that persons indicted for or implicated in war crimes, human rights abuses, or obstruction of implementation of the Dayton Peace Agreement do not benefit. Such investigations should include inquiries into whether current directors, owners, or managers were involved in the murder, imprisonment, “disappearance,” or discriminatory dismissal of previous directors, owners, or managers;
- investigate carefully any plans for assistance to entities located in towns such as Foca within the Republika Srpska and in other places in Bosnia where persons already publicly indicted maintain significant influence, where persons allegedly responsible for human rights abuses and war crimes are in positions of power, and where the local authorities have consistently obstructed the implementation of the provisions of the Dayton agreement. Among the towns which should be of great concern in this regard, aside from Foca, are Bijeljina, Bratunac, Rogatica, Visegrad, Prijedor, Zvornik, Stolac, Capljina, Gradiska, Doboј, Teslic, West Mostar, Livno, Tomislavgrad, Drvar. Withhold any such assistance that cannot be adequately and meticulously tracked to ensure that those responsible for war crimes, as well as those alleged to be responsible for war crimes and/or human rights abuses, do not benefit politically or economically from this assistance;
- withhold any assistance to the local police until the full IPTF screening and vetting process has been finally completed;
- as part of the vetting process for all potential aid projects, seek information from the organizations and governments involved in the implementation of the Dayton agreement, concerning the human rights records of government officials, including police officials who may play a direct or indirect role in the projects;
- provide crucial financial and material support for the ICTY to enable the continued investigations of war crimes. We strongly encourage support for investigations into the wartime activities of the persons named in this report as alleged perpetrators of gross abuses, in particular, of Velibor Ostojic, Petar “Petko” Cancar, Vojislav Maksimovic, Miroslav Stanic, Radojica Mladjenovic, and Mico Olovic.

WARTIME ABUSES IN FOCA

Background

Foca is a town in southeastern Bosnia and Hercegovina, in the entity known as the Republika Srpska (Bosnian-Serb controlled territory). According to the 1991 census, the pre-war population of Foca municipality was 40,513, of which 51.6 percent were Bosniak, 45.3 percent were Bosnian Serbs, and 3.1 percent other. Before the war, there were fourteen mosques in the area, including the Aladza mosque, built in 1550 and the Ustikolina mosque, built in 1448.

All fourteen were destroyed by Bosnian Serb, Serbian, and Montenegrin forces during their takeover of the region, and all traces of their existence removed. International monitors in the region estimate that the current population of Foca municipality is approximately 24,000, and that fewer than one hundred non-Serbs remain in the Foca municipality today out of a pre-war population of more than 20,000.

The actual takeover of Foca began on April 7, 1992. However, Bosnian Serb civilian, police, and military officials had been preparing for the attack for many months, gathering weapons they had inherited from the former JNA. I.H., once a prominent and well-connected professional in Foca and now living in exile, described the time leading up to the takeover to a Human Rights Watch representative:

At the end of February and the beginning of March 1992, especially after the referendum of Bosnia, they [the Serbs] just gathered technical equipment in preparation for war. These preparations were done in all municipalities in Bosnia and Hercegovina, especially in municipalities where Serbs formed half or more of the population, knowing that Bosniaks did not have any weapons at all, and with promises of assistance from Milosevic and the JNA. They rejected a dialogue and decided to fight a war.³

Bosnian Serb leaders in Foca formed the Crisis Committee, similar to those which were formed in other regions of Bosnian Serb controlled territory to oversee the takeover and "ethnic cleansing" campaigns (see below for details). The Crisis Committee in Foca was charged with the organization, planning, and carrying out of the Serb takeover of Foca. The Crisis Committee supervised all aspects of the attack on Foca, including the activities of the local police, and worked in close collaboration with the Bosnian Serb army. To assist them in the takeover, the Crisis Committee called in paramilitary troops and reservists from neighboring Serbia and Montenegro. Many non-Serbs were violently expelled from Foca, and others were imprisoned in one of the network of detention centers which the Crisis Committee organized for this purpose throughout the municipality. The property of non-Serbs was confiscated and expropriated by the conquering Serb forces.

³ Human Rights Watch interview, Sarajevo, Bosnia and Hercegovina, 1997. The Serbs chose to attack Foca on April 7, 1992, the third day of the Muslim holiday of Bajram, which comes at the end of Ramadan, the month of fasting.

The military takeover of Foca took only nine days, yet the suffering inflicted on the non-Serbs who remained in Foca after the initial attack lasted for months thereafter. Non-Serb men were imprisoned in abominable conditions in detention centers, where they were routinely tortured, beaten, and terrorized. Scores died in the process, or were summarily executed by Serb forces. Many non-Serb women were held in rape camps throughout the municipality, where they were systematically sexually assaulted. The ICRC estimates that there are 588 persons missing from the Foca municipality.⁴ The ICTY has publicly indicted nine individuals for rape as a war crime, and genocide, committed in Foca.⁵ Many others who have not yet been indicted were involved in the planning and commission of war crimes and other systematic human rights abuses in Foca. Many of these individuals are currently in positions of power in the municipality.

Forces from Serbia and Montenegro

During March 1992, ethnic Serb paramilitary units were arming themselves with the assistance of Serbia and Montenegro. These units were under the direction and instructions of the Crisis Committee and called themselves “Serb territorials.” The Crisis Committee knew that the local Bosnian Serb forces would not be strong enough to achieve their aims without outside support, and so arranged for reservists, paramilitaries, and even regular army units of what was previously called the Yugoslav People’s Army from Serbia and Montenegro to assist the Bosnian Serb forces in conquering the region, and driving out all non-Serbs. Witnesses interviewed by Human Rights Watch all said that Serbs from outside Bosnia were among the soldiers who were involved in their arrest, expulsion, detention, or abuse. Numerous victims reported hearing their accents, which were clearly not the Bosnian “Ijekavski” dialect, but were the Montenegrin or Serbian “Ekavski” dialect, and they described their different uniforms. Many described the paramilitary soldiers as “Cetniks,”⁶ with long beards and square hats. According to the Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992):⁷

⁴ ICRC Special Report, “The Issue of Missing Persons in Bosnia-Herzegovina, Croatia, and the Federal Republic of Yugoslavia,” February 1, 1998.

⁵ The SFOR troops in Bosnia and Herzegovina are divided into three sectors: British, American, and French. British SFOR troops, in an action in the Prijedor region in July 1997, arrested one secretly indicted person and killed a second when he resisted arrest. Dutch SFOR troops arrested Vlatko Kupreskic, who was publicly indicted, and Anto Furundzija, whose indictment was sealed, in Vitez in December 1997. American SFOR troops arrested the publicly indicted Goran Jelusic in Bijeljina in January 1998. British troops also arrested Miroslav Kvočka and Mladen Radic—both publicly indicted—in Omarska, near Prijedor, in April 1998. French SFOR troops did not attempt to arrest any of the indictees in their region, in which Radovan Karadzic also allegedly resides, until June 15, 1998, when they arrested Milorad Krnojelac, under sealed indictment for his role as manager of the KP Dom detention center. For more details of KP Dom and on Krnojelac’s role, see below.

⁶ During the Second World War, the Cetniks fought against the occupying Axis powers and called for the restoration of the Serbian monarchy and the creation of a Greater Serbia. The Cetniks also fought against the pro-Nazi Ustasa forces of Croatia and Tito’s communist Partisans and were responsible for widespread atrocities against Muslims and Croats, primarily in Bosnia and Herzegovina. Croats and Muslims both in Croatia and Bosnia commonly refer to Serbian military and paramilitary forces engaged in the recent war in Bosnia as “Cetniks” in a derogatory sense. Though some military institutions in Serbia and the Republika Srpska vehemently reject the label “Cetnik,” claiming they are merely defenders of their people and their land and that they are not extremists, others, such as those loyal to the ultra-right wing leader of the Serbian Radical Party, Vojislav Seselj, commonly refer to themselves as Cetniks.

⁷ Hereinafter referred to as the U.N. Commission of Experts.

Several individuals have been identified in the source materials as those primarily responsible for the attack upon and ethnic cleansing of Foca. One of them apparently called in additional forces from Niksic, Montenegro. Bringing the total number of Serbian forces in and around Foca to about 4,000 by the end of April [1992].[sic]⁸

The U. N. Commission of Experts report describes the reported involvement of forces under the direction of Zeljko Raznatovic "Arkan" and Vojislav Seselj, two extremist paramilitary and political leaders renowned for having carried out mass murders and brutal "ethnic cleansing" campaigns. The report states:

Arkan and Seselj reportedly deployed soldiers in the county of Foca. Reports also indicate the presence of Commander Turtle's Units, the Montenegro Guard, the Uzice Corps, and Pero Elez. During the occupation of Foca by Arkan's men in late April 1992, many bodies were thrown into the river...Seselj's forces and volunteers were said to have participated in the fighting in the city of Foca, as assistance to the Serbian Democratic Party forces.⁹

L.K., a woman from Miljevina, a village outside the town of Foca but within the Foca municipality, told Human Rights Watch that "there were lots of different army groups in the area." L.K. was taken from her home in Miljevina to the Partizan Sports Hall,¹⁰ where she reported that "groups of Serbs came at night, many Serbs from Foca, and also many Serbs from Serbia."¹¹

E.D., a Bosniak from Foca, reported that he and his family were taken from their house in Foca by Serb neighbors, on April 13, 1992, and imprisoned in a private house with approximately fifty-five other persons. After being held captive for five days in this house, E.D. reported that seven or eight men from Montenegro, in uniforms, took twenty-five of them to the KP Dom prison. E.D. said that he knew that these men were from Montenegro by their pronunciation and by the fact that he did not recognize any of them. He claimed that the uniforms the Montenegrin troops were wearing were newer than those of the local Bosnian Serb forces and that they had all kinds of equipment, including knives, bombs on their belts, and automatic rifles, whereas the local Bosnian Serb forces did not have such equipment and had old uniforms.¹² G.F., a Bosniak woman from Foca, reported that she was taken from her home and detained in the Partizan Sports Hall in September 1992 by "reservists" in uniforms. She said they wore gloves and hats, were speaking the Serbian dialect, and she deduced they were thus not from Bosnia. According to G.F., these reservists were well armed and there were female soldiers among them.

We were held for half a day in Partizan, and then [one of] these Serbs from Serbia told us he was sorry that we are all "children" because he will have to kill us. They confiscated all our jewelry. We were hugging each other and very scared. They said, "Now Baliija [a derogatory term for Muslims] you will go swim in the Drina..."They took us to Mrdalici, and there we met Cetniks with long beards.¹³

Detention Centers

⁸ United Nations, *Final Report of the United Nations Commission of Experts, established pursuant to Security Council Resolution 780* (New York: United Nations, 1992), S/1994/674/Annex III.A., 17. 746, 413, p. 136.

⁹ United Nations, *Final Report of the United Nations Commission of Experts*, Annex III. A., 17. 746, 413, p. 169.

¹⁰ For details of the crimes committed in the Partizan Sports Hall rape camp for women, please see section on detention centers.

¹¹ Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998.

¹² Human Rights Watch interview, Bosnia and Hercegovina, December 21, 1997.

¹³ Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997.

Once the military takeover in Foca was underway, a campaign of terror was unleashed on the non-Serb civilian population. Large numbers of Muslims and Croats were tortured, “disappeared,” raped, or executed and those who survived were expelled from their homes.

Livade

According to several witnesses, when the aggression began, most non-Serb men were first taken to Livade, a military facility in Foca which was the former JNA headquarters. Livade is near the village of Aladza, the site of the Aladza mosque. I.H., who was also a survivor of the Livade detention center, explained:

The program of attack on Foca started from a few directions. Most important is from the direction of Livade, where they established their military garrison, and in this garrison was the first camp. From April 11 to April 17, 1992, they started bringing people from the town and most from the local community of Aladza. The first prisoners in Foca, including myself and approximately 150-200 others, spent these first five days in Livade, and then we were all taken from there to KP Dom.¹⁴

According to I.H., Veselin Cancar was the commander of the facility during his imprisonment.

Livade was used during the whole time between April 1992 and August or September 1992 as a transit center where prisoners were taken for a few days and then transferred to other camps or transit centers...the whole offensive came from that direction....Life in Livade was very difficult. We had no organized meals, food was distributed randomly. There were no hygienic conditions, and the accommodations were wet and full of water. When they first brought people to Livade, they separated the men, women, and children. Later, the men were taken to KP Dom and the women were prepared to be sent out of Foca. Veselin [Cancar] was the commander, but the Serb Guard was there, as were Serb territorials and reservists from the former JNA.¹⁵

I.H. said Veselin Cancar was also the commander of the local Serbian territorial forces, which were involved in the main offensive against Foca. Veselin Cancar was arrested by the Bosnian government after the war and tried on charges of war crimes. He was sentenced to eleven years in prison for his involvement in the crimes in Foca and is currently serving his sentence in the Sarajevo Central Prison.

KP Dom

The central prison in Foca, called the *Kazneno-Popravni Dom* (KP Dom—Home for Criminal Rehabilitation) was, prior to the war, the central prison for the entire southeastern region of Bosnia and Hercegovina and one of the largest prisons in the former Yugoslavia. The Crisis Committee decided that the prison would serve as an appropriate detention facility and, by the middle of April 1992, non-Serb men from all over the Foca municipality and surrounding areas, as well as some Serb men who opposed the takeover, had been arrested and were being brutalized in this prison.

¹⁴ Human Rights Watch interview, Bosnia and Hercegovina, 1997.

¹⁵ Human Rights Watch interview, Sarajevo, Bosnia and Hercegovina, January 1998.

The office of Mayor Ibro Poplata, the exiled Bosniak mayor of Foca, reported that there are 456 missing persons whom the municipal government-in-exile knows are missing from the Foca municipality,¹⁶ however, the ICRC has received 588 reports of missing relatives from survivors.¹⁷ The vast majority of these missing persons—some 354 men according to the Foca municipal government-in-exile, which represents the former residents of Foca—were “disappeared” from KP Dom.

Reports from survivors of KP Dom are laden with gruesome tales of starvation, torture, intimidation and threats, beatings, and “disappearances.” E.D., a survivor of KP Dom, reported to Human Rights Watch:

I was taken to KP Dom on April 17. Every night at 8:00 they would come to the rooms to take people for interrogations. There were 730 people in KP Dom during the time I was there....Miodrag Koprivica came with two other guards and police officers to people's rooms every night at 8:00 and called people's names from a list...They would take some people to the former meeting room and beat them, and around 12 midnight we heard shooting and these people usually never returned...Of the eighteen men in my room, only eight were left at the end. On average more than half of each room was killed or “disappeared.”¹⁸

I.H., who was imprisoned in KP Dom for more than six months, described his experience:

KP Dom opened [as a detention center] on April 18. Men from the ages of seventeen to eighty-five were held there. When I was brought there, there were already a hundred to 150 there. They were mostly from Donje Polje, the area around KP Dom....During April and May, they brought around 600 men to KP Dom. Around 400 of them were taken away and “disappeared.” I think they were all killed. This happened between April and December 1992. They were taken away in small groups, mostly at night, and sometimes during the day by the guards, with the excuse of taking them to be exchanged....The army made decisions about what would take place. There were lists of people and prisoners were taken from the lists.¹⁹

I.H. told Human Rights Watch that one copy of the list of prisoners was in the hands of the director of the facility. He further told Human Rights Watch that the military decided who would be taken away. I.H. also said that Milorad Krnojelac was the manager (*upravnik*) of the facility and that sometimes the police from the town, then under the command of Dragan Gagovic (indicted by the ICTY), came to take people away.

Regarding prisoners, civilian and military structures collaborated closely. For example, for each Serb soldier who was killed on the front line, a few Muslim prisoners would be taken away and killed...The days Serb soldiers were killed on the front line, the Serb soldiers were very angry. These were the worst days. We got less food. We knew what had happened by the way they treated us. After a couple of days burying their soldiers, they took [away] prisoners.

¹⁶ Human Rights Watch interview with Foca municipal government-in-exile, Ustikolina, Bosnia and Hercegovina, January 14, 1998.

¹⁷ ICRC Special Report, “The Issue of Missing Persons in Bosnia-Herzegovina, Croatia, and the Federal Republic of Yugoslavia,” February 1, 1998.

¹⁸ Human Rights Watch interview, Bosnia and Hercegovina, December 21, 1997.

¹⁹ Human Rights Watch interview, Bosnia and Hercegovina, January 1998.

We had very poor food, a little tea and a little bread, three times per day, and some macaroni in water....There were no washing facilities. We lost weight, and had psychophysical symptoms. We had difficulty walking, pain in our muscles, and dizziness. When this happened, the guards would joke.

People were consistently taken away in small or big groups. The first big group was between June 13 and 30, 1992. Thirty-five people were taken at night. Before that men were taken at night and tortured. After that they “disappeared.” Some of the men [who “disappeared” in that time period] were Krunoslav Marjanovic, a Croat reporter and television mechanic, Mate Ivanovic, who was a nurse, and Adil Granov. There were prisoners with heart diseases, there were minors, there were elderly....During the nights, when people were brought to the prison, some of them were in torture chambers, and when they were taken away, they were also tortured. The guards and military police were torturing them.²⁰

The torture rooms which I.H. spoke of are shown on a map of the layout of the KP Dom prison, provided to Human Rights Watch by a former Foca official and attached as Appendix I to this report. The U.S. Department of State reported in its Seventh Report on War Crimes in the Former Yugoslavia about a fifty-nine-year-old Bosniak male who was taken with his son and eighteen others to KP Dom:

A 59-year old Bosnian Muslim from Foca was at home on April 27, 1992, when Serbian special forces entered his home and forced him and his son outside. The soldiers wore camouflage uniforms and black headbands and were complete strangers to him. He assumed they came from Serbia because they spoke in Ekavski dialect. The witness, his son, and eighteen other men from the neighborhood were taken by buses to the local KP Dom....The Serbs running the camp kept written records and biographic files on all those interned....Those running the center instilled fear in the Muslim prisoners by selecting certain prisoners for beatings. From his window in Room 13, the witness saw prisoners regularly being taken to a building where beatings were conducted. The building was close enough for him to hear the screams of those who were being beaten....From his window in Room 13, he saw prisoners covered with blood, leaving the building.²¹

F.E., another Bosniak survivor of KP Dom, told Human Rights Watch he fled from his home in a village outside Foca when the Serb forces took over the Foca municipality. When he and his son returned a few weeks later they found their house had been burned down.²²

A Serb army tank was going by, with buses and cars behind it. We tried to hide behind the house. The last car stopped and four men got out of the car. They were all in black, they had bombs on them and masks on their faces. They said “hands up!” and they asked us “what the fuck are you doing here, you Ustashe,²³ where all is burned down?” They put us in the car and brought us to Ustlikolina.

²⁰ Ibid.

²¹ United States Department of State, “Seventh Report on War Crimes in the Former Yugoslavia,” Supplemental United States Submission of information to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992), dated April 12, 1993, (17) April-August 1992.

²² Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997. At the time, Ustikolina, which is on the road between Gorazde and Foca, was under Bosnian Serb control. After the war, it was transferred to the Bosniak-Croat Federation.

²³ “Ustashe” is the name for the Croatian forces which joined sides with the Nazis during World War II. It is a term currently used to describe nationalist fascist Croats, both by themselves and by others. In this case, the term is meant simply as a slur.

The four men [in black] brought me before [the police commander], who knows me from before because I had a little cafe in Ustikolina before the war. My son had escaped via the bridge and had fled back to Gorazde. [One man] was wearing his police uniform...his younger brother was there with him, also wearing a police uniform...they told me to get into the car. [He] said, "we have to take you to KP Dom for interrogation." They took me to KP Dom on May 15.

One woman and two men in civilian clothing interrogated me in KP Dom. They asked me questions about the army in Gorazde and how I got back to my house from there...They had all my documentation in front of them....They took me to room 18 and did not mistreat me. There were eighty people in room 18, and it was full. I heard at the time that there were 713 people in KP Dom. I knew everyone in the room...On September 17, they took thirty-five people ostensibly to pick plums, and they never came back. On September 25, they took twenty-five people, and they never came back.

Among those who did not come back were Husein Cengic, Eso Dzano, Rasim Muslic, whose father they had killed in his home. Later they took Muradif Music and nineteen others. That was on October 9, 1992. They never came back...Those who were known to have been in the army in Gorazde were beaten. The others were not beaten. They did not beat me.

My friend had been taken to the basement where he was beaten. I asked...one of the guards if I could see my friend. He said yes. He was a friend of my brother and that is why he did this favor. He said I can see him for two minutes. He [the friend] was all bruised and black....[the guard] was next to me. [My friend] put his hand in his pocket and gave me money for cigarettes. They had not taken his money from him. In the same room where [my friend] was, there was one guy hanging one meter off the floor at the wall. Ropes held him up there and on one side there was hot water falling on one of his shoulders and on the other side there was cold water and he was crying. I did not know him but he was suffering a lot. It was really hot water, and he was really suffering and he was screaming. [The guard] told me not to tell anyone what I saw.²⁴

The United Nations Commission of Experts report describes the KP Dom detention facility in detail, including the physical facility, the number of guards and the uniforms worn, and confirms the allegations of "disappearances."

One source reported that on 19 May 1992, there were 130 Muslim detainees in the Foca men's prison, and between 19 and 25 May, 400 new detainees were brought in. Inmates estimated at least 36 prisoners were killed by guards in June. Guards would typically enter a cell between 8:00 p.m. and 10:00 p.m., call out inmates' names, inform them that they were to be exchanged, and take them away.

These prisoners were never heard from again. Approximately 200 inmates were taken from the prison for unknown reasons in late August, most inmates believed they were killed by guards. Thirty-five prisoners were taken away on 15 September and 12 more at the end of the same month, allegedly for prisoner exchange. Prisoners released since that time failed to locate any of these men. Prisoners on the fourth floor observed guards carrying blankets containing what seemed to be human bodies and dumping them in the Drina River.²⁵

The United States submitted information on violations of humanitarian law, including grave breaches of the Geneva Conventions in the Foca region to the U.N. Security Council on October 22, 1992. In their Seventh Report on War Crimes in the Former Yugoslavia, the U.S. Department of State reports on the case of a forty-year-old woman witness to the killing of Bosniaks from Foca in early July 1992:

²⁴ Human Rights Watch interview, December 22, 1997.

²⁵ United Nations, *Final Report of the United Nations Commission of Experts...* Annex VIII, p. 139.

One night at 9 PM, the witness saw Serbs leading a group of seven people up to the “Tito” sign on a hill overlooking Foca. She said [that] group was driven up the hill in a yellow mini-van...She saw the Serbs make the group strip, take their money and the identification cards, and murder them with knives. The bodies were thrown in the Drina River. During the next four to five days, the witness saw the same yellow mini-van bringing people to the same site where they were slaughtered in the same fashion. She saw some bodies thrown in the Drina, and others thrown into [a] truck that were driven away. The witness said the van came from the direction of the men’s prison at the KP Dom and she suspected [that] the victims were prisoners from that camp. She believes there is a mass grave under the “Tito” sign, and two or three mass graves near the outdoor stadium in Foca.²⁶

KP Dom Personnel

Milorad Krnojelac - *Wartime:* Manager (“Upravnik”) of KP Dom (April 1992-September 1993) / ***Current:*** Indicted, Arrested by SFOR troops on June 15, 1998 and transferred to the Tribunal in The Hague

According to reports survivors of KP Dom, Krnojelac, a teacher of mathematics by profession, was the manager of KP Dom until September 1993.²⁷ Human Rights Watch estimates that a large proportion of those who “disappeared” from KP Dom (estimated at 354 by former Foca municipal leaders in exile,) “disappeared” during the time of Krnojelac’s tenure.²⁸

I.H. informed Human Rights Watch that Krnojelac had substantial decision-making power during the period between April 18, 1992 and September 1993.²⁹ Similarly, the Bosnian government State Commission for Gathering Facts on War Crimes (hereinafter State War Crimes Commission), which conducted extensive interviews with survivors of the takeover of Foca as they were fleeing the town, identified Krnojelac as the manager of KP Dom during this time period.³⁰ Krnojelac, a teacher in a primary school in Foca until June 15, 1998, was arrested by French SFOR troops on that date, based on a sealed indictment by ICTY in the Hague. He is currently in the Hague awaiting trial.³¹

Miodrag Koprivica - *Wartime:* Interrogator in KP Dom / ***Current:*** Police Inspector

Three survivors of the KP Dom detention center, E.D., F.E., and I.H., identified Koprivica to Human Rights Watch as an interrogator in KP Dom during their detention there.³² Interrogations were a routine part of daily life in KP Dom, and all of the KP Dom survivors interviewed by Human Rights Watch reported having been interrogated repeatedly. Someone in the position of routinely interrogating prisoners in KP Dom would have been likely to know the identities of many of the detainees, and would also have been in a position to know about the fates of many of those

²⁶ United States Department of State, “Seventh Report on War Crimes in the Former Yugoslavia,” (4) July 1992.

²⁷ Human Rights Watch interviews, Bosnia and Hercegovina, December 1997 and January 1998.

²⁸ Human Rights Watch was unable to determine the precise number of persons who “disappeared” before September 1993. However, extensive interviews with survivors, former officials, and journalists working in the region during the war have shown the period of Krnojelac’s management, April 1992-September 1993, to have been the period during which the greatest number of non-Serbs were detained in KP Dom, tortured and mistreated, and “disappeared.”

²⁹ Human Rights Watch interview, Bosnia and Hercegovina, 1997.

³⁰ “Persons Accused of Having Committed War Crimes,” State Commission for Gathering Facts on War Crimes, Bulletin no.4, Sarajevo, April 1993.

³¹ See Appendix II for details on Krnojelac’s indictment.

³² Human Rights Watch interviews with survivors of KP Dom, namely E.D., interview December 21, 1997, F.E., interview December 22, 1997, and I.H., interviews 1997 and 1998.

who “disappeared.” E.D. informed Human Rights Watch that, “Koprivica came every night at eight [and] called people’s names from a list, and those never came back.”³³

³³ Human Rights Watch interview, Bosnia and Hercegovina, December 21, 1997.

I.H. told Human Rights Watch that he was in the next room when Koprivica was interrogating and beating a Bosniak prisoner named Adnan Berbergic. I.H. said that when Berbergic emerged from the interrogation room, he saw that he was badly injured by the beating and that later Berbergic told him that Koprivica had beaten him. Berbergic later "disappeared." Koprivica is currently a police inspector in Foca and is one of the suspects interviewed by IPTF for having allegedly participated in the beatings of two individuals in detention in December 1997. No arrests have been made in connection with that case. (For details, see Zoran Vladicic below, and also section on Human Rights Abuses Against the Current Population of Foca.)³⁴

Vojo Starevic - *Wartime: Criminal police inspector, interrogator in KP Dom / Current: Police officer*

According to one source, Starevic was a criminal police inspector prior to the war and was the chief of the criminal police department during the war as well.³⁵ According to E.D. and F.E., two survivors of KP Dom, Starevic interrogated prisoners in KP Dom during the period of their detention.³⁶ It is likely he would have been in a position to know about the fate of many of the prisoners who "disappeared" from the detention center. According to two staff members of international organizations in the region, Starevic is still working as a police officer in Foca.³⁷

Miro Burilo - *Wartime: Guard, KP Dom / Current: Uncertain; Possibly Same*

According to four witnesses interviewed by Human Rights Watch, Burilo was a guard at KP Dom during the time of their detention. F.E., who was imprisoned in KP Dom, reported that Burilo was in the interrogation room when he was brought to KP Dom in 1992. According to F.E., Burilo and two other guards told him to empty his pockets, and took 300 DM, some food, his ring, and his watch. Then Burilo and the other guards took F.E. to a room where he was kept during his detention in KP Dom. F.E. said he encountered Burilo many times during his stay in the detention center:

Burilo was the worst one in KP Dom. He couldn't wait for someone to beat up. I saw when Burilo brought Fikret³⁸ into KP Dom...Fikret was taken later to the basement and beaten...I heard that Burilo is still working in KP Dom...In August 1992, [every night] at 9 p.m. [name withheld] and Burilo called many people from many rooms. They took people and beat them, we heard them scream. For more than one hour they beat them. They were beating people always in the basement, so you could hear them screaming. We were sitting in the corner afraid in our room. After more than one hour everything stopped and was quiet. We never slept at night because we were so scared. One morning they took us room by room out to the bridge and those people who had been taken that night all had their heads cut off. There were nine bodies and the heads were separated from the bodies...I recognized some of them as Munib Vejz, Salem Bico, and Ekrem Dzelilovic.³⁹

³⁴ Human Rights Watch interview with IPTF, Bosnia and Hercegovina, May 30, 1998.

³⁵ Human Rights Watch interview with staff member of an international institution which has been functioning in the region of Foca throughout the war and in the post-Dayton period, Bosnia and Hercegovina, December 1997.

³⁶ Human Rights Watch interviews, Bosnia and Hercegovina, December 21, 1997 and December 22, 1997.

³⁷ Human Rights Watch interviews, Bosnia and Hercegovina, December 1997 and May 1998.

³⁸ This is a pseudonym for the witness' friend, because naming the friend might enable someone to identify the witness, who wished to remain anonymous.

³⁹ Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997.

E.D., who was detained in KP Dom and witnessed the abuses which took place there, named Burilo as “one of the most ugly. He mistreated everyone.”⁴⁰ Another Bosniak survivor also reported that Burilo was one of the guards in the detention center during his entire imprisonment there, which was for fifteen months.⁴¹ H.G., a witness who was in KP Dom during late 1995 and early 1996, said Burilo was still a guard there during his imprisonment.⁴² According to two witnesses from Foca, Burilo is still a guard in KP Dom today.⁴³ Human Rights Watch was unable to corroborate this allegation.

Slavko Koroman - *Wartime: Commander of Guards in KP Dom / Current: Uncertain; Possibly Police Officer*

According to E.D., H.G., and I.H., all survivors of KP Dom who were interviewed by Human Rights Watch, Koroman was a police officer who worked in the KP Dom prison before the war. During the war, according to these witnesses, Koroman was the commander of the guards in KP Dom.⁴⁴ Someone in the position of supervisor of the guards in KP Dom would be responsible for overseeing their actions, which often included mistreatment, torture, and beatings as described in the above section. By the end of the war, according to H.G., who was imprisoned in late 1995 and remained in KP Dom until April 1996, Koroman was no longer working as a guard, but instead returned to his position in the police in Foca, yet continued to visit KP Dom.⁴⁵ The Bosnian government State War Crimes Commission alleges that Koroman was the commander of the guards in KP Dom in its bulletin of 1993, and includes Koroman in its list of persons allegedly responsible for war crimes in Foca. Human Rights Watch was unable to confirm that Koroman is still a police officer in Foca. According to B.A., a staff member of an international organization in the region, he owns the “Roma” coffeehouse in the town.⁴⁶

Zoran Vladicic - *Wartime: Police Interrogator in KP Dom / Current: Head of Criminal Investigations Unit for Regional Public Security Center (Ministry of the Interior)*

H.G., a survivor of KP Dom who was imprisoned there late in the war, told Human Rights Watch that Vladicic was a police inspector in the prison during his time there. He said Vladicic and other police officers who worked in the prison transported the prisoners back and forth between the prison and Brioni, a farm where prisoners were used as forced labor.⁴⁷ E.D., an inmate of KP Dom from April 1992 until the end of the year, told Human Rights Watch that Vladicic interrogated the prisoners in KP Dom. E.D. believed that Vladicic had interrogated all prisoners in the detention center at least once if not more often. He stated:

All prisoners had interrogations with Zoran. He did not beat me during interrogations because his father worked where I worked [before the war]. But others came back bloody... Prisoners would have to go to interrogations many times, but I only had to go once.⁴⁸

⁴⁰ Human Rights Watch interview, Bosnia and Hercegovina, December 21, 1997.

⁴¹ Human Rights Watch interview, Bosnia and Hercegovina, 1997.

⁴² Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997.

⁴³ Human Rights Watch interviews, December 22, 1997.

⁴⁴ Human Rights Watch interviews, Bosnia and Hercegovina, 1997 and 1998.

⁴⁵ Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997.

⁴⁶ Human Rights Watch interview, December 1997.

⁴⁷ Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997.

⁴⁸ Human Rights Watch interview, Bosnia and Hercegovina, December 21, 1997.

The Bosnian government State War Crimes Commission also alleges that Vladicic was an “interrogator in Foca prison.”⁴⁹

Vladicic is reportedly responsible, along with Miodrag Koprivica (see above), for the beatings of two detainees in the Foca police station in December 1997. One of the detainees was severely wounded by the beatings, and neither received medical assistance until three days later, when IPTF interviewed them during a routine inspection of the prison. Human Rights Watch viewed photographs of this detainee, taken by IPTF three days after his beating, in which the detainee’s entire back from his head to his knees was severely bruised and bloody. IPTF informed Human Rights Watch that it had identified Vladicic as one of those who committed the beatings. According to the IPTF monitor, Vladicic claimed that he and Koprivica were in Montenegro on the day of the beatings. However, IPTF requested proof from the border police at the Montenegrin border and was informed that there was no record of their crossing. IPTF plans to present its findings in this investigation to the court in Trebinje. (For more details of this case, see section on Attacks Against the Current Foca Population, below.)⁵⁰

Partizan Sports Hall

⁴⁹ “Persons Accused of Having Committed War Crimes,” State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Hercegovina, Bulletin no. 4, Sarajevo, April 1993.

⁵⁰ Human Rights Watch interview with IPTF, Bosnia and Hercegovina, May 30, 1998.

The Partizan Sports Hall was originally used as a staging area for women and children who were to be deported from Foca; however, for at least several months in 1992, the hall became a rape camp where women endured being raped dozens, if not hundreds, of times over the period of their detention. Located next to the police station in the center of town, residents of Foca soon began to realize that Partizan was being used as the site of torture and killings by Bosnian Serb "guards"; though many reported alerting officers at the police station about what was happening in the building next door, local police, rather than intervening, continued to send citizens to the sports hall as if it were still merely a deportation center.⁵¹ "Women who were kept there were taken to be raped every evening," one survivor who spent two months in "Partizan" reported. "What they went through can simply not be described."⁵²

Women and girls were also held in the Foca high school for different periods of time during the summer of 1992, from where they were usually transferred to Partizan. According to the U.N. Commission of Experts report:

On or about 3 July, 500 "Cetniks" surrounded the forest near Mesaje, where the remaining Muslims [after the April takeover and the mass imprisonment of non-Serb men] had fled, and killed and captured those within. Approximately seventy women and children and five old men were taken to a collection camp located in the high school in Foca....All seventy were kept there from 3 July to 17 July 1992. All were forced to stay in a former classroom ten meters by ten meters. They were able to use mattresses and blankets left behind by Serbian soldiers who had occupied the school earlier....All women between ages fifteen and forty-five were continuously raped by Serbian military members....On 17 July all those detained at the high school were transferred to the Partizan Sports Hall in the centre of Foca on Samoborska Street....They slept on the floor without mattresses or blankets.... "Cetniks" continued to rape women as they did earlier at the school.⁵³

According to the U.S. Department of State's Seventh Report on War Crimes in the Former Yugoslavia, on July 3, 1992, approximately thirty-six women were reportedly taken from their village in the Foca municipality to Buk Bijela, which was a construction site with barracks for workers, where they were systematically raped. One of the women reported that, after having been held there for several hours and raped:

The group was then taken to Foca high school where they spent eight days. Every night, three to five women were taken away and often returned severely beaten. They were taken by truck to the Partisan sport center in the middle of downtown Foca for forty days....This group from [this village] was the first group to be interned at Partisan, but more came later, eventually totaling seventy-four detainees....During her time at Partisan, the witness [said] the "soldiers" entered day and night to led [sic] away young women. One twenty-four-year-old woman was raped in front of the entire group of detainees. [sic]⁵⁴

G.F., a Bosniak woman from Miljevina, told Human Rights Watch that she remained in her house until September 3, 1992. On that date:

They took 250 of us, women and children, to Partizan. We were taken there by bus. Reservists came to get us, in uniforms. They wore gloves and hats. Those who took us were Serbs from Serbia

⁵¹ Roy Gutman, "A Daily Ritual of Sex Abuse," *Newsday*, April 19, 1993.

⁵² "Refugee Days," *Vreme News Digest Agency*, March 29, 1993.

⁵³ United Nations, *Final Report of the United Nations Commission of Experts*, Annex VIII, p. 146.

⁵⁴ United States Department of State, "Seventh Report on War Crimes in the Former Yugoslavia," (21) July-August 1992.

speaking the Serb dialect. They were well armed. There were women among the soldiers well armed as well. I was in Partizan only from 12 noon until 4 p.m. the next day.⁵⁵

In a separate interview, L.K., another woman taken with G.F. to Partizan, described in greater detail what they witnessed in Partizan during their brief stay there:⁵⁶

⁵⁵ Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997.

⁵⁶ Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998.

They took us by bus into [downtown] Foca to Partizan. "Zeko" Vukovic⁵⁷ was the leader of the group which took us to Partizan at 12 noon on September 3. Two hundred and fifty women, children, elderly and disabled. Our imprisonment was because they [the Serbs] had lost territory near Gorazde and wanted revenge. We received news that another group of Muslim civilians were killed in "Focanske Jabuka." They kept us alive.

Partizan was a sports hall, they beat us, raped us, no electricity, no water, we slept on the floor.⁵⁸ Groups of Serbs came at night. There were many Foca Serbs and also many Serbs from Serbia. [They] mistreated women, beat women, tortured us. One woman recognized a Serb from Foca and asked him for help, he said to get some women together and he will take care of them the next day. They took these women the next day up to Velecevo in Brioni and mistreated them, raped them. There were five of them. Four returned, but the fifth did not.

Survivors of Partizan who were later interviewed in refugee camps outside of Bosnia described experiencing rape as a systematic ritual. Several of these women reported that they had been raped over one hundred times during the period of their imprisonment. One woman told *Newsday* journalist Roy Gutman that she had been raped approximately one hundred and fifty times during her detention in Partizan. Another reported having been raped up to six times a night.⁵⁹ Though women were sometimes raped in front of other prisoners in the hall, they were routinely taken to locations outside the hall to be gang-raped by groups of soldiers, often in deserted houses or apartments nearby. One woman who hid in an apartment close to the hall witnessed the same soldiers removing women from the hall every day; she estimated that there were fifty soldiers involved in the daily raping of prisoners.⁶⁰ Another woman tells of being taken to an outdoor stadium where she was gang-raped by uniformed soldiers. "I counted 29 of them. Then I lost consciousness."⁶¹ When she woke up, she was taken back to the camp; one woman in a refugee camp in Kirklareli, Turkey, however, remembered four young girls, three of whom were teenagers, who never returned to Partizan after having been taken out one night. "When they take you away, they may kill you. So if you are raped, you feel lucky. At least you're alive."⁶²

Partizan was an active rape camp for several months during mid-1992, and though there were many warnings about the existence of the camp, the reports were ignored. Locally, according to international journalists, complaints made by citizens to the police station next door were noted but never acted upon. One woman who was raped was told directly, "Get out, we can't help you," by a Bosnian Serb police officer in the station.⁶³ On a grander scale, the international community also turned a blind eye. At the same time that Partizan became a rape camp, Bosnian President Alija Izetbegovic asked French President Francois Mitterrand to see to it that the international community investigated the rape camps in Foca. The request was met with silence. Later, Mitterrand denied that such an appeal had ever been made.⁶⁴

⁵⁷ For details on Milenko "Zeko" Vukovic, see section on Miljevina below.

⁵⁸ This witness spoke in terms of the abuses that occurred in Partizan as they were told to her by other women during her brief stay there, not exclusively about her own experiences there, since she was imprisoned there for only one night.

⁵⁹ Roy Gutman, "Rape Camps: Evidence Serb Leaders in Bosnia OK'd attacks," *Newsday*, April 19, 1993.

⁶⁰ Gutman, "A Daily Ritual...", *Newsday*.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Victoria Clark, "Rape Thy Neighbour," *Observer* (London), February 21, 1993.

⁶⁴ Roy Gutman, "Bosnian Camp Plea Unheeded; Mitterrand alerted early to killings, witnesses say, but remained passive," *Newsday*, May 11, 1994, p. 6.

The practice of rape as “ethnic cleansing” made the Bosniak women of Foca into a deliberately targeted group. One woman interviewed in a refugee camp noted that the group of men who raped her and thirteen other women with whom she was imprisoned, “were a kind of military police [that] did nothing but rape. It was all organized; they had a group for raping and a group for killing.”⁶⁵

Human Rights Watch is aware of allegations of rape occurring at the camp at least until September 1992.

The Foca Hospital

One witness who worked in the Foca hospital reported to Human Rights Watch that many people in Foca fled to the hospital when the attack started, thinking that the hospital would be a safe place:

However, the “Serb territorials” supported by the Cetniks from Serbia occupied even the hospital around April 15, 1992, and did not allow anyone to leave the hospital, so that all men of military ability were taken from the hospital to KP Dom—doctors, nurses, and patients. The process of taking male patients from the hospital to KP Dom lasted until September 1992.... From the hospital, they took seven male nurses, and four doctors, and many other men....Among them was Dr. Aziz Torlak, who “disappeared” from KP Dom on July 7, 1993...A number of other medical staff stayed in the hospital for a longer time until June or July 1992, and after were taken to home detention, and later deported through Montenegro. Many of them survived.⁶⁶

Former staff of the Foca hospital told Human Rights Watch that as early as one month before the takeover, the Bosnian Serb medical staff of the hospital began transferring medical supplies from the warehouse of the main hospital to a medical clinic that they were setting up exclusively for Serbs, in anticipation of what was to come. The Serb hospital was set up in Velecevo,⁶⁷ the site of the headquarters of the Crisis Committee, and later the site of the detention center for women. According to reports of former hospital personnel, Dr. Radovan Mandic, who before the war was a doctor in the Foca hospital, was director of this ad hoc Serb hospital.

N.M, a nurse from Foca who was forced to stay in the hospital when Serb paramilitary forces took it over, told Human Rights Watch that:

From April 8 until April 12 the “Cetniks” entered and took over the hospital. Until that day we worked relatively normally, we had some reserve, we did not have any information about what was going on outside. We did not know anything, we were all in the hospital and did not go anywhere....the hospital was out of control. There were sixty children and many mothers. There were thirteen babies without mothers each around two or three months old. Seven kids were separated from their families. All the rest were mothers and children...The mothers were sleeping on the floor. They did not have anything. There were four nurses working for all those children. We could not take care of all of them....We were hungry, there was very little food. The bread was so hard that the kids lost their teeth while trying to eat it...we could hear the shooting.⁶⁸

N.M. reported that several Bosniaks had been killed by Serbs behind the hospital. Similarly, the U.N. Commission of Experts, in a special report on mass graves in the Foca municipality, also reported that:

⁶⁵ Clark, “Rape Thy Neighbour,” *Observer*.

⁶⁶ Human Rights Watch interview, Bosnia and Hercegovina, December 1997.

⁶⁷ The United Nations Commission of Experts report says of Velecevo that “Serb forces allegedly used the Velecevo women’s prison in Foca as a concentration camp for Muslim women. Women were reportedly held there as late as April 1993.” United Nations, *Final Report of the United Nations Commission of Experts*, Annex VIII, p. 147.

⁶⁸ Human Rights Watch interview, Bosnia and Hercegovina, January 1998.

On 20 April [1992], several Muslims were taken behind the hospital, executed, after being found guilty of possessing weapons, and buried in a grass field behind the hospital. Muslim Foca residents believe that because the field had an unbroken grass surface before hostilities, and afterward it was full of overturned sod, the soldiers were using the area to bury numerous bodies.⁶⁹

According to two former hospital employees, Dr. Radovan Mandic became director of the hospital for Serbs that was set up near Velecevo in Foca prior to and during the takeover in March and April 1992. Dr. Mandic and his associates began transporting medical supplies from the main hospital in Foca up to this then-newly established facility in March 1992, in preparation for the Serb takeover of Foca and the subsequent takeover of the hospital. This Serb hospital was set up to ensure that Serbs would get medical care, while the main hospital was taken over by Serb forces on April 15, 1992. The Bosniak medical staff and patients were held in the hospital for days on end, and many of the Bosniak male patients and staff were transferred to KP Dom, from where many “disappeared.”⁷⁰ One former staff member of the hospital in Foca did claim that Dr. Mandic was responsible for overseeing the transfer to detention centers such as KP Dom and Partizan of all the non-Serb medical staff of the Foca hospital.⁷¹ (For details on crimes committed in the Foca hospital, see above.) Human Rights Watch was unable to ascertain whether Dr. Mandic left Bosniak staff and medical patients in the hospital on his own accord or under duress.

The Bosnian government State War Crimes Commission alleges that Dr. Mandic was a “member of the SDS war HQ” (what Human Rights Watch refers to as the Crisis Committee), but Human Rights Watch was unable to corroborate this allegation.⁷² Mandic was a candidate in the September 1997 Foca municipal elections, and, according to one local and one international source, is currently working as a specialist in the Foca hospital.

Other Unofficial Camps

Aside from the larger public detention centers and several well-known private detention centers, there were many cases of detention of non-Serbs which have gone unreported. Several witnesses reported to Human Rights Watch that they were held in a house for short periods of time ranging from a few days to a few weeks before being transferred either to KP Dom or to the Partizan Sports Hall, or before being expelled from Foca. For example, E.D., a Bosniak from Foca, reported that

I was imprisoned on April 13, 1992. I was arrested from my cousin’s house, where I was living temporarily. It was close to my house. Our Serb neighbors gathered us from the area and put my whole family in a house with fifty to fifty-five others. There were four or five men, all in Serb army uniforms. The boss of these men was Zoran Milicevic. I knew him because he was my neighbor. We spent altogether five days in that house. On the sixth night they separated the women and children and sent them home, telling them not to move anywhere but to go directly home. The men stayed alone in the house. The next morning, seven or eight Montenegrin men in uniforms came and took twenty-five of us to KP Dom. The house where we had been held was called the “Zait Sandal” house, after the owner, who was not there while we were held there.⁷³

In the U.S. Department of State’s Seventh Report, a Bosniak woman from Foca states that:

⁶⁹ United Nations, *Final Report of the United Nations Commission of Experts*, Annex X, Mass Graves, December 28, 1994.

⁷⁰ Human Rights Watch interviews, Bosnia and Hercegovina, December 1997 and January 1998.

⁷¹ Human Rights Watch interview, Bosnia and Hercegovina.

⁷² “Persons Accused of Having Committed War Crimes,” State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Hercegovina, Bulletin no. 4, Sarajevo, April 1993.

⁷³ Human Rights Watch interview, Gorazde, Bosnia and Hercegovina, December 21, 1997.

A forty-year-old Muslim woman was at home on July 14, 1992, in Foca when twenty-six Serbian soldiers—claiming to be Seseljovci⁷⁴ from Trebinje—came to her door. She said that she did not know most of the soldiers because their accents were not local, but that two Foca Serbs had led them to the Muslim homes. The soldiers hit the witness on the head twice with a police truncheon, asked for her husband, and ordered her to go outside. They sliced the neck of a 16-year-old boy with a rusty knife while asking for his father; the boy was not seriously injured. Then they ordered the Muslims to kiss an Orthodox cross, which they all did.

After separating the men from the women and children, they took the later group to the police station. As the group was leaving, the soldiers burned the Muslim houses. The women and children were separated into four groups at the police station and taken to separate houses confiscated from Muslim owners. The witness was placed with a group of 28 women...They were kept in this house for 27 days.

Day and night, soldiers came to the house taking two to three women at a time. They were four to five guards at all times, all local Foca Serbs....the women were ordered to strip and soldiers entered the homes taking the ones they wanted. The age of women ranged from 12 to 60. Frequently the soldiers would seek out mother and daughter combinations. Many of the women were severely beaten during the rapes.

The witness was selected twice....While the witness was being raped, her rapist told her, "You should have already left this town. We'll make you have Serbian babies who will be Christians." Two soldiers raped her at that time; five soldiers raped [an] 18-year-old girl in full view of the witness....The witness also said she was forced to drink alcohol and eat pork at the rape house.[sic]⁷⁵

Miljevina

Miljevina is a village in the Foca municipality, where many war crimes and gross human rights abuses reportedly took place during the takeover. According to several persons from the town who were interviewed by Human Rights Watch, Miljevina had its own power structure which, although under the authority of the Crisis Committee in central Foca, also made decisions on its own regarding the "ethnic cleansing" of the non-Serb residents of Miljevina. Bosniak and Croat citizens of Miljevina were arrested and detained for short periods of time in the Miljevina police station.

Miljevina is the site of the Miljevina coal mine, which prior to the war provided coal for most of the surrounding region. Prisoners from KP Dom were allegedly taken to work in the coal mine during the war. In late 1996, Human Rights Watch received allegations that non-Serb individuals were still being held prisoner at several locations in the Foca municipality, one of which was the Miljevina mine. The allegations suggested that such persons may have been or may be held under false Serb names in order to hide their identities. In-depth investigations into these allegations not only in Miljevina but in the entire region were inconclusive. However, as long as the Foca authorities continue to obstruct SFOR's and IPTF's free and unlimited access to any and all alleged places of detention—access they are required to provide under the Dayton Accords—these allegations may never be totally disproven and the possibility, though slight, remains that persons may still be held.

⁷⁴ The name for soldiers loyal to Serbian Radical Vojislav Seselj, widely known as one of the most brutal Serb leaders in the former Yugoslavia. Seselj won the 1997 presidential elections in Serbia, but the results were annulled due to supposed election fraud. (When the election was reheld, SPS candidate Milan Milutinovic was elected president by a narrow margin.) In March 1998, however, Seselj was appointed to the position of deputy prime minister of Serbia as a reflection of the significant percentage of seats won by his Serbian Radical Party in the 1998 federal elections.

⁷⁵ United States Department of State, "Seventh Report on War Crimes in the Former Yugoslavia," (20) July-August 1992.
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Four witnesses from Miljevina reported that Pero Elez⁷⁶ was the head of the Bosnian Serb military in Miljevina. They also said that a local crisis committee was established in Miljevina to organize and direct the “ethnic cleansing” campaign and the takeover of Miljevina, and that the committee headquarters was located in the Motel Miljevina.

K.J., a man from the village of “Poljica,” located very near Miljevina, informed Human Rights Watch that although he escaped from the village as it was being attacked, his aunt and cousin remained in the village and witnessed the attack. Although these relatives of K.J. refused to speak to Human Rights Watch representatives out of fear, K.J. alleged that his aunt had seen dead bodies of eleven civilians, which remained in the village after the Serb army pulled out. The aunt and cousin both alleged to K.J. that fifteen elderly persons had stayed in the village, unable to escape, and were never heard from again.

Mico Olovic - Wartime: Miljevina Chief of Police, Current: Same

Olovic was the chief of police of Miljevina during the war. According to G.F., L.K., K.J., and M.L.,⁷⁷ all former residents of Miljevina interviewed by Human Rights Watch, Olovic, as the chief of police, supervised the Miljevina police in their round up of non-Serbs. Those detained were frequently beaten in the Miljevina police station/jailhouse and transferred to various detention centers that had been established in the Foca municipality. Others were expelled from the region. According to reports from these survivors, those non-Serbs from Miljevina who were expelled or transferred to detention facilities first passed through the Miljevina police station/jailhouse. As chief of police, Olovic held a position in which he would be expected to have been aware of and directly involved in organizing such transfers. The fact that serious crimes may have been committed by those under Olovic’s command raises concerns about Olovic’s own knowledge of or larger role in those crimes, thereby necessitating a thorough investigation.

G.F., a woman from Miljevina, described the first few days of the takeover of Miljevina.

The Serbs surrounded us in all our houses. They told my husband he could not leave the house. On April 8 and 9, I was with my daughter, son-in-law, and grandchild. We could not go out. We stayed in the house. My husband stayed in the house for ten days. Mico Olovic was the commander of the police, but he did not come. I can’t remember the name of the guy who took my husband. Two [men] came to take my husband...on May 2, 1992...one was a policeman and one was a reservist. They took my husband in a police car. Fifteen days later we went to visit him [in KP Dom]. We saw him for five minutes and a guard was with him.⁷⁸

G.F. never saw her husband again.

L.K., another witness from Miljevina, reported to Human Rights Watch that after her father was arrested and taken to KP Dom, she hid her own husband in the basement:

⁷⁶ According to the Foca municipal government-in-exile, Pero Elez is deceased.

⁷⁷ Human Rights Watch interviews, Bosnia and Hercegovina, respectively, December 22, 1997 and January 4, 1998 (K.J. and L.K.), and January 5, 1998.

⁷⁸ Human Rights Watch interview, Bosnia and Hercegovina, December 22, 1997.

Krsto and Zeljko Skakavac came to arrest my husband on June 9, 1992. They were police, under ...Mico Olovic....On June 8, Serbs died in a mine field. On June 9, because of that, under Mico's orders, they arrested thirty-eight people immediately. This always happened each time they lost some of their people....They took my husband to the police station and later I heard that they transported all of them in private cars and killed all of them. All thirty-eight were men, fathers and sons. Mico Olovic was in charge of all of this. I don't know under whose orders [Olovic worked]. He was so good before the war....I never heard anything about my husband again. I suspect [they are in] a mass grave in Mitrino Vrelo. I was in contact with these women whose husbands and sons were taken that day. No one got any information about the group.⁷⁹

M.L., another woman from Miljevina, told Human Rights Watch that:

On May 2, 1992, thirty men were taken away from Miljevina. Seventeen of them returned, and the others did not. The seventeen who returned were taken away for good on May 9, 1992. We know nothing about them after that.⁸⁰

L.K., whose father was among the thirty men taken from Miljevina on May 2, 1992, described his arrest, which she witnessed:

My father was arrested on May 2, 1992. Dragan Jovanovic arrested my father. He [Jovanovic] was originally from Montenegro, but had worked as a cop in Miljevina since a few years before the war. He [my father] was taken to the police station in Miljevina and from there to KP Dom. On May 15, I got permission from my firm and from Mico Olovic [chief of police in Miljevina] to visit my father. With me was another woman who was going to visit her husband and son [in KP Dom]. Her name was Ramiza and her husband's name was Zaim, and her son's name Zikro. [She was] killed ...in her apartment a couple of days later. Her son and husband are missing...I saw my father in KP Dom that day. He did not dare to say anything. He was very pale, and I only stayed five minutes. They did not let me give him the food I'd brought for him. There was a cop standing with us at the time.....I never saw my father again.⁸¹

Two other witnesses from Miljevina, K.J., and M.L., named Rade Draskovic as one of the police officers in Miljevina working under the authority of Mico Olovic.⁸² K.J., a Bosniak man from a village just outside Miljevina, informed Human Rights Watch that his father told him he had been arrested by Draskovic, a police officer in Miljevina, who took him to the police station in Miljevina, from where he was imprisoned in KP Dom. K.J.'s father survived his detention, but was unwilling to meet with Human Rights Watch in person.⁸³

L.K. described the power structure in Miljevina during the takeover, stating that,

Mico Olovic was the head, he was the chief of police in Miljevina. Krsto and Zeljko Skakavac [worked as police officers] under...Olovic...Rade Skakavac was a reservist who also worked under

⁷⁹ Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998.

⁸⁰ Human Rights Watch interview, Bosnia and Hercegovina, January 5, 1998.

⁸¹ Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998.

⁸² Human Rights Watch interview, Bosnia and Hercegovina, January 5, 1998.

⁸³ Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998

Olovic. Olovic was the chief of police before the war as well. Later on, women were involved too. Ruza Medjo worked under Olovic, as did Vera Skakavac, who took away people, but who was working under and with Tuta [Janko Janjic, indicted by the ICTY] and Pero Elez. There was a public house where Vera collected girls, in Miljevina, this was the Karaman House.⁸⁴

The Karaman House (referred to by the U.N. as the Miljevina Bordello) was used as a detention center in Miljevina where non-Serb women were allegedly held and systematically raped. The U.N. Commission of Experts report describes the Karaman House and the involvement of the military under the local command of Pero Elez.

According to one woman, Pero Elez was the "main Cetnik" in Miljevina. According to her, he knew everyone in the village and therefore did no harm; however, his soldiers were criminal, and among them the Montenegrins were supposedly the worst. She stated, though, that it was understood that Elez took five 12 year old girls from Kalinovik and brought them to what the witness reported as Elez's bordello in Miljevina where they were kept as concubines.

⁸⁴ Ibid.

Another woman describes being taken to a Nusret Karaman's house and held there six months with other young women and raped. According to another woman, the Miljevina bordello was located in a three story white house with an orange tile roof, owned by Nusret Karaman, a Muslim who worked in Germany. The bordello was 50 meters from her window across the Bistrica River. Another woman confirmed the existence of the bordello. She, too, could see it from her home. According to another source, by 3 September 1992, the only Muslims left in Miljevina were bordello girls. Another source reported that on or about 2 September 1992, 10 girls 12 years-old or less were being held in the brothel in Miljevina.⁸⁵

According to the Foca municipal government-in-exile, eighty people, including women and children, were killed in Miljevina during the Serb takeover of the town between April and December 1992. All of these people, according to the exiled municipal authorities, passed through the Miljevina police station before being sent to meet their fates. Mico Olovic, as chief of police during that time, should have known about the fate of many of the eighty, as would anyone in his position.⁸⁶

In fact, the Miljevina police station, under the authority of Olovic, was used as a detention facility itself. According to the United Nations Commission of Experts,

As in all other villages conquered by the Serb forces, Muslims [in Miljevina] were rounded up and placed in detention for various amounts of time. Reportedly, the Serbs used the Miljevina jailhouse to imprison all the men of the village on 11 June 1992....On 20 June 1992, a man was imprisoned at the Miljevina jail and held for seven days and beaten after which he was used to clear mines. He was forced to drive a car in front of a convoy to clear a path or at least ensure the location of a safe path through minefields for Serb forces. He was later imprisoned in KP Dom.⁸⁷

According to international monitors in the region, Mico Olovic is still the chief of police in Miljevina.

Other Participants in the Takeover of Miljevina

Milenko "Zeka" Vukovic - *Wartime:* Guard at Partizan Sports Hall, Soldier / *Current:* Uncertain; Possibly Member of Municipal Executive Board

⁸⁵ United Nations, *Final Report of the United Nations Commission of Experts*, S/1994/674/Annex VIII, pp. 147-8. The Karaman House is not the only private accommodation that was used as a detention and rape center for women. In fact, Human Rights Watch's interviews and the U.N. Commission of Experts report both have produced evidence that many houses and apartments which were confiscated by Serb forces during the Foca takeover were used as private rape camps. See U.N. Commission of Experts report, p. 144.

⁸⁶ Human Rights Watch interview with Foca municipal government-in-exile, Ustikolina, Bosnia and Hercegovina, January 14, 1998.

⁸⁷ United Nations, *Final Report of the United Nations Commission of Experts*, Annex VIII, p. 144.

Prior to the war, Vukovic worked in the coal mine in Miljevina in the accounting department. L.K. and G.F., two witnesses interviewed by Human Rights Watch, alleged that Vukovic rounded up women and transported them to the Partizan Sports Hall as part of the “ethnic cleansing” of the non-Serb population in Miljevina during the war, under the authority of Pero Elez. L.K., a woman from Miljevina, reported that Vukovic headed a group of Serb soldiers who arrested her and 250 other women, children, elderly, and disabled non-Serbs from Miljevina at the beginning of September 1992 and transported them to the Partizan Hall, where many were raped and tortured. She said Zeka Vukovic thereafter stood guard in the hall and that he appeared to be in a position of authority. She also said that she witnessed five women being taken away on Vukovic’s orders on September 4, 1992, from Partizan up to Velecevo, another detention center for women, where she later heard they had been raped and otherwise mistreated. Four of the five returned to tell the tale. The fifth is missing.⁸⁸

A list of current officials in the Foca municipal government provided to Human Rights Watch by U.N. Civil Affairs lists a “Milenko Vukovic” as a member of the municipal executive board under President Radojica Tesevic. Human Rights Watch was unable to confirm that the person is the same as described above.⁸⁹

Nedzo Golubovic - *Wartime: Soldier / Current: Unknown*

M.L., a Bosniak from a village near Miljevina, alleged Golubovic arrested four Bosniak neighbors, took them away, and later brought their bodies back to the village where M.L. and other residents of this village buried them. Although M.L. said she saw Golubovic take away the four Bosniaks and bring back their bodies, she could not confirm that Golubovic actually committed the murders. According to M.L., these murders took place in May 1992, when Pero Elez was commander of the Bosnian Serb army in Miljevina. M.L. gave Human Rights Watch the names of the four who were murdered, but for reasons of security asked that we not name the victims or the village in this report.⁹⁰

Vera Skakavac - *Wartime: Officer / Current: Civilian in Miljevina*

Vera Skakavac was allegedly involved in arresting women in Miljevina and taking them to the Karaman House detention center for women. The women held there were allegedly raped systematically during their detention. K.J., a Bosniak from Miljevina, claimed that Vera Skakavac “gathered girls and took them to the Karaman detention center.”⁹¹

According to a former Miljevina resident, Vera Skakavac worked under and with Tuta (Janko Janjic, indicted by the ICTY) and Pero Elez in arresting people. This witness said “there was a public house where Vera collected girls, in Miljevina, the Karaman House.”⁹² M.L., another witness from Miljevina, also said that Vera “took young women away to detention centers.”⁹³

According to a witness from Foca who participated in the September 1997 municipal elections as a member of the local election commission, Vera Skakavac is still living in Miljevina with her parents.⁹⁴

The Crisis Committee and Its Leaders

⁸⁸ Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998.

⁸⁹ One witness interviewed alleged to Human Rights Watch that Milenko Vukovic is deceased, however, we have received contradictory information regarding this question, and have therefore included him in the list.

⁹⁰ Human Rights Watch interview, Bosnia and Hercegovina, January 5, 1998.

⁹¹ Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998.

⁹² Human Rights Watch interview, Bosnia and Hercegovina, January 4, 1998.

⁹³ Human Rights Watch interview, Bosnia and Hercegovina, January 5, 1998.

⁹⁴ Human Rights Watch interview with Bosniak from Miljevina, Bosnia and Hercegovina, January 14, 1998.

In early April 1992, the Crisis Committee for the Municipality of Foca was established with specific responsibility for planning and carrying out the takeover of the municipality. According to *Newsday* correspondent Roy Gutman, the leadership of the Crisis Committee was composed of:

three top associates of Bosnian Serb leader Radovan Karadzic. Velibor Ostojic, a minister in Karadzic's breakaway government, and two other close aides, Vojislav Maksimovic and Petar Cancar, organized the military assault in Foca in April 1992 and took charge of the town, even stationing their own guards in front of the police station.⁹⁵

The crisis committee (*Krizni Stab*) was a body frequently established in towns throughout the Serb-controlled territory of Bosnia to coordinate first the takeover of towns by Serbian and Bosnian Serb military forces, and later the systematic "cleansing" of non-Serb residents from the towns. Crisis committees, made up of Serb community leaders (typically SDS activists), played a number of roles in facilitating the transition from the multi-ethnic nature of these towns to "ethnically pure" Bosnian Serb towns. The responsibility of the crisis committees ranged from organizing the expulsion or "disappearance" of legitimate elected non-Serb officials and community leaders, to the expropriation of the property of the non-Serb citizens of the town. The actions of the Prijedor Crisis Committee (*Krizni Stab Srpske Opštine Prijedor*) are particularly well documented, and this committee is the model for the U.N. Commission of Experts' detailing the role of crisis committees within the context of the takeovers:

I. The concept of the Krizni Štab existed already in military strategic theory in the former Yugoslavia prior to the wars. The military as such was in a sense always afraid of the people. The military were above the people and had privileges which easily could lead to the people turning against the military.

The military consisted of rather conservative or reactionary Communists, whereas the people seemed to be progressing towards democracy. The military wanted to control the people and thus needed to give the people the impression that in actual fact, the people controlled the military. In this the military, generally speaking, succeeded. The worst case scenario contained the plan that the military would establish the Krizni Štab. Thus, the military would make sure to have included in the Krizni Štab people whom they trusted. Trust in this context means loyalty and subordination.

ii. The Krizni Štab Srpske Opštine Prijedor was involved in the logistic support and production for the army. The Krizni Štab was an instrument of gaining complete control of the entirety of Opština Prijedor (or over any other geographic area where a Krizni Štab was proclaimed). Soldiers who worked for the interests of the army were posted also in industry and other production units to control the production, to gain support, and to control civilians.

iii. The Krizni Štab also had as its function to arm the Serbs within its operational area. Other functions were to block communications and make provocations within mixed ethnic settings. The pivotal function, however, was to voice that the Serbian people as such were threatened by the non-Serbs, the consequence of which was the urgent need for the JNA to act to protect the people. The idea was to be able to mobilize strategically with the consent of the people, i.e. to take up positions with artillery and tanks, etc. and soldiers to "defend" the Serbian people.⁹⁶

Frequently, crisis committees were composed of a combination of military and civilian officials, as was the case both in Prijedor and in Foca. The civilians were either loyal SDS members, or pre-war officials themselves, or, in the case of Foca, they were allegedly close associates of then-Bosnian Serb President Radovan Karadzic, who appointed them to their positions in the Foca Crisis Committee.

⁹⁵ Roy Gutman, *A Witness to Genocide* (New York: MacMillan Publishing Company, 1993), p. 157.

⁹⁶ *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), Annex V: "The Prijedor Report"* (New York: United Nations, 1995) pp.49-50.

In the Ludwig Boltzmann Institute for Human Rights' report to the U.N. Commission of Experts on the fall of Zvornik,⁹⁷ a clear picture of the crisis committee as the administrative center of "ethnic cleansing" emerges. Before the military takeover of Zvornik, the SDS declared Zvornik a part of the "Autonomous Serbian Region of Semberija and Majevisa" and facilitated through its members the delivery of arms and other military supplies. This group of activists also formed a "territorial defense" militia which, alongside other official military and paramilitary groups, terrorized and attacked residents in order to obtain control of the town. Shortly before or during the military attack, this group of activists became the Crisis Committee of the "Serbian District of Zvornik."⁹⁸

Following the attack, the "Serbian District of Zvornik" appealed through media outlets to the residents who had fled, telling them that the violence was over and, less congenially, that they had to return within a matter of weeks or their property would be turned over to the "Serbian District of Zvornik." Once Bosniaks returned, they were forced to register their property and from that point, the "Serbian District of Zvornik" operated hand-in-hand with the "territorial defense" officially to confiscate property, terrorize minority residents, and collect and deport them from Zvornik.⁹⁹ A number of documents were necessary in order for the resident to be able to leave, all of which were prepared and provided by the "Serbian District of Zvornik."¹⁰⁰

The Prijedor Crisis Committee achieved a similar degree of coordinated administrative and military control over Prijedor and surrounding towns. It was sufficiently integrated into that region's military structures to deliver ultimatums to several villages—including Kozarac and Hambarine—to the effect that unless its various demands for surrender of arms, a Bosniak police officer, and signatures to a "loyalty pledge" were complied with, the town would come under military attack. Following noncompliance with the Crisis Committee's ultimatums, both Kozarac and Hambarine were attacked.¹⁰¹ The Prijedor Crisis Committee's power extended far beyond the specifically military, however, ranging from the ability to censor and spread propaganda via local media outlets, to controlling detention camps. (For a further discussion of the Prijedor Crisis Committee, see Human Rights Watch/Helsinki (now Human Rights Watch, Europe and Central Asia Division), "The Unindicted: Reaping the Rewards of 'Ethnic Cleansing,'" *A Human Rights Watch Report*, vol. 9, no. 1, January 1997.)

⁹⁷ Hannes Tretter, Stephan Muller, Roswitha Schwanke, Paul Angeli, and Andreas Richter, *Ethnic Cleansing Operations' in the northeast-Bosnian City of Zvornik from April through June 1992* (Vienna: Ludwig Boltzmann Institute for Human Rights, 1994).

⁹⁸ Also referred to in the Ludwig Boltzmann report and the Final Report of the Commission of Experts as the "emergency staff."

⁹⁹ *Final Report of the Commission of Experts, Annex IV: "The Policy of Ethnic Cleansing"*, Tretter et al., *Ethnic Cleansing Operations' in the northeast-Bosnian City of Zvornik from April through June 1992*.

¹⁰⁰ One of these documents was a certification that the male resident had "donated" blood. Blood was taken from detainees at some regional camps; additionally, some witnesses report that deaths occurred in the Zvornik hospital as a result of people being literally bled to death. *Final Report of the Commission of Experts, Annex IV*, n. 324.

¹⁰¹ *Final Report of the Commission of Experts, Annex IV*.

The Foca Crisis Committee was no exception. Taking and maintaining control of the town throughout the war, it acted as the administrative organ for “ethnic cleansing.” In April 1993, Karadzic confirmed that Ostojic, Maksimovic and Cancar “influenced the establishment of civilian authorities” in Foca.¹⁰² According to interviews with survivors conducted by Human Rights Watch and reports of international journalists, other members of the Crisis Committee in Foca included Radojica Mladjenovic, president of the Executive Board of the Foca municipality for most of the post-war period, until the November 1997 Republika Srpska parliamentary elections; Vojo Bodiroga, civil engineer who was a member of Karadzic’s Serb Democratic Party (SDS) in Foca; and Miro Stanic, who was president of the SDS in Foca. The Crisis Committee reportedly worked in collaboration with an ex-JNA Colonel Marko Kovac, who was one of the military commanders in the area, and with Branislav Cosovic, the local commander of the military police.

Under the authority of the Foca Crisis Committee, smaller local crisis committees were set up throughout other towns and villages in the Foca municipality. Human Rights Watch is aware of other local crisis committees in Ustikolina and in Miljevina.¹⁰³

As discussed above, the Foca Crisis Committee was established with specific responsibility for organizing and supervising the takeover of the municipality. Widespread abuses—including summary executions, torture, rape, “disappearances,” and mass expulsions—were essential tools for achieving the goal of an ethnically pure Bosnian Serb Foca. In other words, terror was the means used to achieve “ethnic cleansing.” The members of the Crisis Committee have been identified by numerous former residents of Foca, as well as by international journalists who reported on the war, as having overseen actions of the military and civil forces that generated this terror.

While Human Rights Watch is not able to exclude the possibility that individual members of the committee may have themselves perpetrated abuses, we have obtained no first-hand evidence that would confirm such conduct. Instead, most of the atrocities were committed by individuals who would have been under the military and/or political command of the Crisis Committee members.

Membership in the Crisis Committee is a strong indicator that the participating individuals knew or should have known of the widespread and severe abuses being committed under their watch, and indeed that they may have been issuing direct orders for the commission of these abuses.

Petko Cancar- Wartime: Mayor of Foca, Leader of Crisis Committee/ Current: Republika Srpska Minister of Justice

Petar “Petko” Cancar is an attorney by profession. Prior to the war, Cancar was head of the chamber of municipalities of the Parliament of the Republic of Bosnia and Hercegovina. He was the wartime mayor of Foca, and remained in that position until April 1997, when he was appointed judge in the Republika Srpska constitutional court in Pale. At the time, he was also appointed chairman of the Republika Srpska electoral commission.

As mayor of Foca during the war, Cancar played a direct and leading role in the planning and execution of the brutal campaign of terror which took place in Foca. Cancar himself acknowledged that he was a member of the Foca Crisis Committee and that he was involved in setting up a “Serb” municipality. In 1996, Cancar was interviewed by a journalist about his involvement in the war:

¹⁰² Roy Gutman, “Rape Camps; Evidence Serb leaders in Bosnia Okd Attacks,” *Newsday*, April 19, 1993.

¹⁰³ Simo Mojevic was allegedly a member of the Ustikolina Crisis Committee. For details see below.

I came from Sarajevo to Foca on April 4 [1992] before Easter. Already on April 6, the international community recognized Bosnia as a state. In Foca, Muslims were partying and celebrating....we already knew what was about to happen, that Foca was meant to be a guinea-pig, a trial case for the establishment of the green route from Kosovo, through Sandzak to Sarajevo¹⁰⁴...We formed a parallel Serb municipality in order to stop the threat of Islam along the Drina. We took care of everything, the defense, the presidency, the Crisis Committee. I was prepared, in the worst case scenario, to seize power. There were fifteen of us in that Crisis Committee and we communicated with their headquarters [of the Muslims], but then we took power in order to protect the civilians, to prevent another genocide like in World War II. This war was caused by Muslims. Just like in World War II, chaos reigned, but we liberated the town in eight days....I think that the Muslim residents left in the most civilized way to Montenegro and Macedonia. That was better for both sides. Now all sides have their own leader, and their own territory, and I would rather not remember everything that happened.¹⁰⁵

On November 28, 1993, Charlotte Eagar of the *Observer* (London) met Petko Cancar in his office and spoke to him about the then-upcoming referendum to be held in Republika Srpska on the Vance-Owen plan.

"We've got fifty-two Muslims here now and they're in the jail [referring to KP Dom]," said the mayor, Petko Cancar. "Five Serbian soldiers died in the fighting. Ask him. He lost his house; he is here to try to get a new apartment." Cancar pointed to a dentist waiting in the corner. Eye witness accounts described hundreds slain and their bodies hurled into the River Drina to float down through Gorazde. "From history, it's a tradition here. For five years we wouldn't eat fish from the Drina because of the dead Serbian bodies which floated there,' said the mayor, talking of ancient uprisings and the Second World War. "We are not eating fish at the moment, but that's because we are too busy to catch any."¹⁰⁶

The Bosnian government War Crimes Commission regards Cancar as one of the main organizers of the attack on Foca, along with Maksimovic, Ostojic, and Miro Stanic, SDS president in Foca at the time of the takeover. In April 1995, *Hina* News Agency reported that the Bosnian public prosecutor's office had launched investigations against a list of approximately 100 individuals alleged to be responsible for war crimes, including Cancar, and that the material collected was reportedly sent to the ICTY in the Hague.¹⁰⁷

Cancar himself readily admits having been an active member of the Foca Crisis Committee—a committee that had primary responsibility for organizing and overseeing the Bosnian Serb takeover of Foca, during which the non-Serb population of Foca was tortured, raped and otherwise mistreated, executed, "disappeared," or expelled from the municipality. While membership in the Crisis Committee is not, in and of itself, proof of criminal conduct, it is a strong indicator that Cancar and the other members were likely aware of and condoned the abuses being perpetrated to fulfill their plan, and indeed may have been issuing direct orders that these abuses be carried out.

¹⁰⁴ Green is a color used to indicate Muslim influence or control. Here, Cancar is referring to a commonly used propaganda tool, which alleges that the Bosnian Muslims were involved in a plot to connect different regions of the former Yugoslavia where there is a large Muslim population. The Serb authorities often described this "plot" in order to encourage the Bosnian Serb population to "defend itself" against the "Muslim expansionist threat."

¹⁰⁵ Transcript of interview with Petko Cancar, 1996. Transcript was provided to Human Rights Watch by the journalist on condition of anonymity. To date, the interview has not been published.

¹⁰⁶ Charlotte Eagar, "Bosnia: Cavalier Doctor Plots Carve-Up From His Lair," *Observer*, November 28, 1993.

¹⁰⁷ "Bosnia: Authorities To Send Documents On War Crimes to Hague," *Hina* News Agency, Zagreb in English, 1650 gmt, April 26, 1995.

In the post-war period, while Cancar remained in office as mayor, according to international personnel working in the Foca region during his time in office, Cancar refused to comply with the provisions of the Dayton agreement.¹⁰⁸ Human Rights Watch conducted interviews with international personnel working for four different institutions in the region during the time Cancar was in office. According to their reports, Cancar consistently blocked freedom of movement, restricted freedom of expression and association, prevented international agencies from fulfilling their mandates, and systematically blocked any discussion of the return of refugees and displaced persons. (For more details on the post-war situation in Foca, see below.) Cancar did his best to maintain an atmosphere of intimidation and fear in Foca that was felt by both international personnel and the local population alike. This atmosphere has been maintained by the officials who took over after Cancar's defection to Biljana Plavsic's SNS party in early summer 1997.

In January 1998, the new Republika Srpska Prime Minister Milorad Dodik appointed Petko Cancar as Republika Srpska minister of justice. This appointment by the otherwise more moderate Dodik was a surprise to many, and there were rumors at the time that Dodik was under pressure from hardliners to appoint Cancar. Despite serious questions about Cancar's conduct during the war, as well as substantial evidence that he has obstructed implementation of the Dayton agreement, the international community has not sought his removal from office.

Velibor Ostojic - Wartime: Minister of Information for Bosnian Serb-controlled Territory, Leader of Foca Crisis Committee/ Current: Head of Human Rights Commission of the Bosnian Parliament

Velibor Ostojic was born on August 8, 1945, in a village in Foca and is a professor of literature by profession. Ostojic was the minister of information for the Republic of Bosnia and Hercegovina prior to the war, and held the same post in areas under the control of Radovan Karadzic during the war. According to the reports of three well-known international journalists, at least three highly placed witnesses interviewed by Human Rights Watch, and representatives of local human rights organizations in the region, Ostojic was also an active member of the Crisis Committee in Foca. From the beginning of the war, as demonstrated by his public statements at the time, Ostojic was a staunch supporter of an "ethnically clean" Bosnian Serb Republic, in July 1992 even going as far as to define the "indisputable borders of the Serbian Republic of Bosnia-Hercegovina," and drawing these borders on the basis of ethnic majority areas.¹⁰⁹

As stated above, the leaders of the Crisis Committee played a central role in the takeover of Foca. As one of the three main leaders of the Crisis Committee in Foca, Ostojic was in a decision-making position within the committee. Several witnesses interviewed by Human Rights Watch, numerous international journalists who have worked extensively in the region, and the Bosnian War Crimes Commission allege that Ostojic organized weapons and training for members of Karadzic's SDS party in the region and also coordinated the arrival of paramilitary troops from Serbia to assist the Bosnian Serb army in its military campaign within Bosnia.

According to the U.N. Commission of Experts report, "A concentration camp was established in Foca in the former prison, and was run by Velibor Ostojic."¹¹⁰ Although Human Rights Watch has not been able to confirm this fact, as a leader of the Crisis Committee, Ostojic is directly implicated in planning and carrying out the takeover of Foca, during which the war crimes and gross abuses of human rights described in the above sections took place. What is more, survivors interviewed by Human Rights Watch identified Velibor Ostojic as one of the three individuals responsible for the "ethnic cleansing" campaign in the Foca municipality, along with Vojislav Maksimovic and Petar Cancar.

In 1993, Roy Gutman of *Newsday* conducted a three month investigation into the "ethnic cleansing" campaign in Foca. He concluded that:

¹⁰⁸ See section on Noncompliance by Foca Authorities in the Post-War Period.

¹⁰⁹ Radio Free Europe, "Bosnian Serbs Define Borders," no. 142, July 28, 1992.

¹¹⁰ United Nations, *Final Report of the United Nations Commission of Experts*, Annex III, A., 17, 746, 413, p. 169.

Those directing the process [of “ethnic cleansing”] were members of Karadzic's inner circle. They called in paramilitary troops to conquer the town and gave the orders to “cleanse” Foca of all non-Serbs, a broad array of witnesses said. They set up concentration camps and rape camps, and on their orders, Serb forces destroyed the mosques and nearly every other sign of half a millennium of Muslim culture...[in a telephone interview, Karadzic] confirmed that Ostojic, Maksimovic and Cancar “influenced the establishment of civilian authorities” at the time of the military assault one year ago and took control of Foca.¹¹¹

Gutman testified to these findings before a hearing of the Fourth Congress of the Commission on Security and Cooperation in Europe (CSCE) in Washington, D.C., on April 4, 1995. In his testimony, referring again to Ostojic, Maksimovic, and Cancar, he stated:

I, myself, have reported on one of the rape camps in Foca, and it was possible through an interview with Mr. Karadzic which I had on the telephone, to confirm that the people running Foca were his very closest associates, including a minister in his own government [Ostojic, minister of information]. And, he said they were responsible for everything that took place in Foca. The witnesses whom I interviewed from Foca, three or four women who were in a refugee camp in Turkey, made it very clear what happened in Foca. They were being raped daily in the Partizan Hall in the center of the town, right next to the police station, right under the eyes of the authorities....So, there is this very direct connection to the leadership.¹¹²

As part of his investigation, Gutman interviewed Enver Pilaff, who was president of the Bosniak Party for Democratic Action (SDA) in Foca in 1992, just after he fled to Sarajevo. Mr. Pilaff alleged that Ostojic entered Foca three days before the Serb takeover. Pilaff reported to Gutman that he attended a public meeting where:

Ostojic demanded that Muslims give up all weapons of self-defense and concede Foca was a Serbian territory. “He gave the Muslims fifteen minutes to think it over.”...Ostojic then demanded that all Muslims leave Foca for a concentration camp at nearby Jabuka mountain “or else the last Muslim seed will be destroyed in Foca,” according to a public statement cited by the Bosnian Interior Ministry....Ostojic's forces also began rounding up Muslim civilians, taking them to the state correctional prison in Foca...[sic.]¹¹³

In his simultaneous role as minister of information, Ostojic was responsible for control of the media, which was a powerful tool used by the authorities to instill fear in the minds of the population and crush any possible internal opposition to the brutal plan of “ethnic cleansing.” As minister of information, Ostojic often issued false reports of abuses being committed against ethnic Serbs, when testimonies of Muslim and Croat survivors, reports of journalists, and United Nations investigators provided ample evidence that the most brutal crimes in Foca were being committed by Bosnian Serbs against non-Serbs, under the authority of the Crisis Committee Ostojic was a part of. Radio Free Europe reported on August 5, 1992, that:

Velibor Ostojic, minister for information of the self-proclaimed “Serb Republic of Bosnia and Hercegovina,” stated that about 42,000 Serbs are being detained in more than 20 camps in Bosnia-Hercegovina, adding that in Sarajevo alone, there are another 22 camps for Serbs. He denied the

¹¹¹ Roy Gutman, “Rape Camps...,” *Newsday*.

¹¹² Commission on Security and Cooperation in Europe, Genocide in Bosnia Hearing, Fourth Congress, First Session, CSCE 104-1-4, Washington, D.C., Tuesday, April 4, 1995.

¹¹³ Roy Gutman, “Rape Camps...,” *Newsday*.

existence of Serb death camps for Muslims and Croats explaining that Serbs have only set up “prisons for captured Muslim fighters.”¹¹⁴

¹¹⁴ Radio Free Europe. “Bosnian Serbs Claim Thousands Executed in Croat-Muslim Camps.” August 5, 1992.

During the takeover of Foca, while Muslims and Croats were being arrested, detained, and brutalized under Ostojic's orders, Ostojic reportedly often traveled to Pale for "consultations" with Karadzic.¹¹⁵ In December 1995, Radovan Karadzic replaced some of his cabinet members with more hard-line officials who were closer to his nationalist ideology. In what appeared to be a demonstration of recognition of Ostojic's outspoken nationalism, and in support for his role in the "cleansing" of Foca, Ostojic was promoted by Karadzic to deputy prime minister of the Republika Srpska.

Velibor Ostojic is currently head of a commission for human rights of the Bosnian Parliament, a position he has held since September 1997. Following his election into this position, *The Los Angeles Times* wrote:

Velibor Ostojic has not been publicly indicted by the International Criminal Tribunal for the Former Yugoslavia in The Hague. But the senior Bosnian Serb official is remembered by survivors for having ordered the purge of thousands of Muslims from southeastern towns at the start of the Bosnian war in 1992. His name is especially associated with the once-Muslim municipality of Foca...as a member of top war crimes suspect Radovan Karadzic's inner circle, Ostojic seized control of Foca in April 1992.¹¹⁶

According to the same article, the Association of Citizens of the Bosansko-Podrinje Canton, which includes displaced persons from Foca, stated that the installment of Ostojic in this position "is a humiliation for tens of thousands of people killed and banished from eastern Bosnia who are victims of Ostojic and those like him."¹¹⁷

Vojislav Maksimovic - Wartime: Leader of the Crisis Committee/ Current: Rector of University of Republika Srpska, Republika Srpska Member of Parliament

Vojislav "Vojo" Maksimovic was born on August 4, 1935. He was a professor of literature at the University of Sarajevo and head of the SDS in the Bosnian parliament before the war. As one of the three leaders of the Foca Crisis Committee, Maksimovic is alleged, by international journalists, and by several witnesses interviewed by Human Rights Watch, to have participated in planning and organizing the takeover of the Foca municipality.

According to *Newsday's* Roy Gutman, Enver Pilaff told him that the day after Ostojic came to Foca on April 5, 1992:

Ostojic, Maksimovic and Cancar met at their favorite restaurant, the Ribarski Dom [Fish House]. "I was outside when Maksimovic came out and told his people that if they would not take up arms and start shooting Muslims, he would call for reinforcements from Serbia," Pilaff said. In the presence of his two associates, Maksimovic went to the telephone and "invited in" troops from nearby cities of Niksic in Montenegro, and Uzice in Serbia, Pilaff said. Pilaff said he heard the call through the open door.¹¹⁸

¹¹⁵ Roy Gutman, "Rape Camps..." *Newsday*. Gutman reported that he received confirmation of this fact from Bosnian Serb sources, who shared the information on condition of anonymity.

¹¹⁶ Tracy Wilkinson, "Harsh Light Shines on Dark Bosnian Corner," *Los Angeles Times*, September 27, 1997.

¹¹⁷ *Ibid.*

¹¹⁸ Roy Gutman, "Rape Camps..." *Newsday*.

Gutman goes on to report that “according to other Bosnian state and Muslim party sources, Ostojic, Maksimovic and Cancar decided the fate of hundreds of Muslims in the area, whether they would be executed by the paramilitary forces or sent to the concentration camp at Foca prison.”¹¹⁹

In 1995, Maksimovic was the mayor of the Serb part of Sarajevo and remained in this position until March 1996, when official control of the Sarajevo suburbs was transferred to the Bosniak-Croat Federation. Maksimovic, as mayor of Serb Sarajevo during the transfer of authority of the suburbs, failed to use his position to encourage the ethnic Serb population of Sarajevo to stay.¹²⁰

The Bosnian government’s State War Crimes Commission alleges that Maksimovic was involved in:

[the supplying] of weapons, training of the SDS members, arrival of the irregulars from Serbia, all for the purpose of occupation by arms [of] a large part of the RB&H [Republic of Bosnia and Hercegovina] territory and ethnic “cleansing” of that territory, carrying out terror, intimidation, dismissals, looting, humiliation, eviction, imprisonment, torture and killing.[sic]¹²¹

After the war, Maksimovic retained his position as head of the SDS deputies in the Republika Srpska Parliament. In August 1997, the Serb parliament announced that it was considering Maksimovic as a potential candidate for Republika Srpska president in the next national elections, scheduled for September 1998. In response, *Gradjanin*, a Belgrade news agency, reported that “recently [Maksimovic’s] name was mentioned as being on the list of Serb officials on the secret list for The Hague, due to supposed war crimes committed in Foca.”¹²²

Maksimovic has retained his political position and influence in Foca and has remained committed to Radovan Karadzic’s Serb Democratic Party, which has consistently and blatantly violated the provisions of the Dayton agreement. In November 1997, Maksimovic was disqualified as a candidate for the Republika Srpska parliamentary elections by the OSCE as a result of the SDS party’s failure to remove party posters which showed pictures of the indicted Radovan Karadzic.

Maksimovic is currently the rector of the University of Serb Sarajevo, now called the “University of the Serb Republic,” which is based in the part of Sarajevo that is in Republika Srpska. He is also still a member of the Republika Srpska National Assembly. One current resident of Foca, told Human Rights Watch that Maksimovic has “an apartment in Pale, one in Foca, and a house in the forest around Foca.”¹²³

Other Members of the Crisis Committee

Radojica Mladjenovic - *Wartime: High Level SDS Leader / Post-War: President of the Executive Board of Foca Municipality / Current: Delegate to Republika Srpska National Assembly*

¹¹⁹ Ibid.

¹²⁰ When the Sarajevo suburbs were transferred to Federation control in March 1996, most of the ethnic Serb population of these suburbs abandoned their homes to settle into temporary accommodations throughout Republika Srpska. Federation authorities failed to ensure the security of those Bosnian Serbs who wished to remain in their homes in Sarajevo. In addition, the Bosnian Serb authorities played a key role in encouraging the Bosnian Serb population to leave, frequently offering them incentives for resettling in Republika Srpska, a tactic that was part of Bosnian Serb efforts to move populations in order to cement the ethnic divide.

¹²¹ State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Hercegovina, Bulletin No. 4, April 1993, p. 28.

¹²² “Bosnia: Ruling Party Reportedly Grooming Successor to President Plavsic,” *Gradjanin*, Belgrade, in Serbo-Croat, 1218 gmt, August 11, 1997.

¹²³ Human Rights Watch interview, Bosnia and Hercegovina, February 1998.

According to B.A., a staff member of an international organization who has been working in the Foca region throughout the war and into the post-war period, Mladjenovic was both one of the top leaders of the SDS in Foca, and a member of the local Crisis Committee.¹²⁴ Mladjenovic's official role has been reported as president of the Executive Board of the Foca municipality,¹²⁵ a position which is very closely linked with the mayor of the town. According to B.K., an international journalist who has done extensive work in Foca and who spoke on condition of anonymity:

Mladjenovic...immediately [became] one of the leaders of [the] SDS in Foca...President of local government in 1992 and later, still lives in Foca. [He is] one of the people who organized "ethnic cleansing" in Foca. He was in charge [of] civilian affairs, his name is on all permissions which Muslims needed to leave Foca [between] June and August [1992].¹²⁶

One witness who was a candidate in the 1991 parliamentary elections in Foca named Mladjenovic as a member of the Crisis Committee.¹²⁷ Mladjenovic remained in his position as president of the executive board in Foca until he joined Biljana Plavsic's SNS party in mid-1997. Currently, Mladjenovic is a delegate to the Republika Srpska National Assembly. He ran as a candidate in the September 1997 Foca municipal elections, but the Serb Radical Party won.

Miroslav Stanic (Miro) - *Wartime: Alleged to be SDS President in Foca / Current: Unknown*

As president of the Foca SDS (Karadzic's political party), Stanic was allegedly one of the primary members of the Foca Crisis Committee. A Bosnian Serb soldier from Foca, who was in Foca during the entire war and remains there today claimed that Stanic, in collaboration with Vojislav Maksimovic, gave the high level orders under which the guards in the KP Dom detention facility functioned.¹²⁸ A former high-level Foca official, according to S.D., named Stanic as a member of the Crisis Committee, and as the one who was in charge of all paramilitary activities during the takeover.¹²⁹ B.K., another international journalist, speaking of the situation in Foca in 1996, after the war but while Cancar was still mayor, said:

President of the former Crisis Headquarters [Crisis Committee], Miro Stanic, is the leader of (Karadzic's) Serb Democratic Party, the only party in Foca ¹³⁰

Petko Cancar himself, in an interview with B.K., names Stanic as one of the main members of the Crisis Committee. Cancar stated:

¹²⁴ Human Rights Watch interview, Bosnia and Hercegovina, December 1997.

¹²⁵ Faik Tafro, "Krvavi Bajram," *Dani*, December 8, 1997

¹²⁶ Human Rights Watch telephone interview, April 1998.

¹²⁷ Human Rights Watch interview, January 1998.

¹²⁸ Testimony of Bosnian Serb soldier from Foca, provided to Human Rights Watch under condition of anonymity by S.D., an international journalist.

¹²⁹ Human Rights Watch interview, June 1998.

¹³⁰ Human Rights Watch telephone interview, April 1998.

By April 17 [1992] we came to the municipality building and started organizing the civilian authority, while Stanic Miro¹³¹ was at the head of the Crisis Committee and led the military authorities and the liberation.¹³²

The United States Department of State Seventh Report on War Crimes in the Former Yugoslavia quotes a thirty-four-year-old Muslim male as stating:

Shortly after Bosnia declared its independence on April 8, the head of the local branch of the Serbian Democratic Party (SDS), became leader of the Foca area Serbs and ordered that the Muslim population of the city be rounded up and deported to various camps.¹³³

B.K. alleged to Human Rights Watch that Stanic was:

president [of the] SDS party since [the] beginning, organizer of ethnic cleansing together with Mladjenovic, Petko Cancar, Velibor Ostojic and Vojo Maksimovic.¹³⁴

The Bosnian War Crimes Commission states of Stanic that "he and Vojislav Maksimovic were direct commanders of the artillery and infantry attack on Foca."¹³⁵

Vojo Bodiroga - *Wartime:* Crisis Committee Member / *Current:* Director of local Branch of Electric Company "Elektrodistribucija"

According to Faik Tafro, a Bosniak journalist from Foca whose diaries about the Serb takeover of Foca were published by *Dani*, an independent journal in Bosnia and Hercegovina, Bodiroga was a member of the Crisis Committee in Foca.¹³⁶ I.H. also named Vojo Bodiroga as a member of the SDS in Foca.¹³⁷ According to the Foca municipal government-in-exile, Bodiroga is currently the director of the local branch of the state electric company "Electrodistribucija."¹³⁸ This was corroborated by the European Community Monitoring Mission (ECMM).¹³⁹

Simo Mojevic - *Wartime:* Member of Ustikolina Crisis Committee / *Current:* Director of Primary School

¹³¹ Bosnian names are frequently written in last-name-first order.

¹³² Transcript of interview with Petko Cancar, in Bosnian, 1996. Transcript was provided to Human Rights Watch by the journalist on condition of anonymity.

¹³³ United States Department of State, "Seventh Report on War Crimes in the Former Yugoslavia," (47) April 92.

¹³⁴ Human Rights Watch interview, April 1998.

¹³⁵ "Persons Accused of Having Committed War Crimes," State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Hercegovina, Bulletin no. 4, Sarajevo, April 1993.

¹³⁶ Faik Tafro, "Kravni Bajram," *Dani*.

¹³⁷ Human Rights Watch interview, Bosnia and Hercegovina, 1997.

¹³⁸ Human Rights Watch interview, Bosnia and Hercegovina, January 1998.

¹³⁹ List of personalities of the AOR, European Community Monitoring Mission (ECMM), June 16, 1997.

Prior to the war, Mojevic was the director of the school in Ustikolina, a village on the road between Foca and Gorazde, that is part of the Foca municipality. Ustikolina was transferred from Serb to Federation control by the Dayton agreement. During the war, according to O.N. and T.R., two witnesses from Ustikolina, Mojevic was a member of the local Crisis Committee in Ustikolina, and Tafro names him as the deputy commander of the “army and Chetniks in Previla,” a village in Ustikolina.¹⁴⁰ T.R. reported to Human Rights Watch that Mojevic, supported by Petar Mihajlovic in his role as SDS president in Ustikolina, was the commander of a Serb military battalion in Ustikolina, and that in this position he supervised the Bosnian Serb army’s “ethnic cleansing” of Ustikolina, which was part of the takeover of the Foca municipality.¹⁴¹ T.R. reported that Mojevic interrogated fifty men, including T.R., who were detained briefly in March 1992 on the road between Ustikolina and a village called Jabuka. Most of these men were imprisoned thereafter and were then “taken away” by the JNA.¹⁴² According to two international persons currently working in the region, Mojevic is currently director of the Foca primary school “Sveti Sava.”¹⁴³

Also Involved in the Takeover

Colonel Marko Kovac - *Wartime:* Commander of Bosnian Serb Army in Foca Region / *Current:* Unknown

Kovac, a colonel in the former JNA, was the commander of the Bosnian Serb military in Foca during the takeover. As commander of the Bosnian Serb army, Kovac would have been in a position to oversee the military aspects of the expulsion of the Bosniak population from Foca, during which Bosniaks “disappeared.” The military commander would also have been responsible for the conduct of the troops under his command who carried out the arrest, imprisonment, expulsion, and in many cases, executions, of the non-Serb population in Foca.

Maggie O’Kane, a journalist for *The Guardian*, interviewed Commander Kovac in the summer of 1992. She writes:

“Six hundred Muslims are being kept in two prisons in the town, for their own safety,” says the commandant [Kovac]. The women and children are held together in what looks like the old town hall. They have been in there for three months. “They live in peace, we protect the children from the Muslims in the hills and we provide sanitary services,” says the town’s commandant Marko Kovac, “we are fighting to take back what is ours. We do not want to live in an Islamic republic.”

A highly-placed former Foca resident alleged that:

[Kovac] commanded the Serb army in the expulsion of Bosniaks from Foca, “disappearance” of war prisoners from KP Dom to unknown places. Kovac was the commander of the city defense, thus the commander of the Serb army in this area. Kovac himself was one of the members of the Crisis Committee.¹⁴⁴

An international source, who spoke on condition of anonymity, reported to Human Rights Watch that if local Serbs wanted to leave Foca during the takeover, they had to have permission either from Kovac, or from the local chief of police. Kovac repeatedly went on the record to foreign journalists with inflammatory justifications for the actions of the soldiers under his command, including statements that Muslims “kill new-born Serbian babies and drown them in

¹⁴⁰ Faik Tafro, “Spavaona Broj 15,” *Dani*, January 19, 1998.

¹⁴¹ Human Rights Watch interview, Bosnia and Hercegovina, January 1998.

¹⁴² *Ibid.*

¹⁴³ Human Rights Watch interviews, Bosnia and Hercegovina, January 1998.

¹⁴⁴ Human Rights Watch interview, Sarajevo, Bosnia and Hercegovina, December 1998.

the River Drina...sexually assault Serbian children...and they cut off Serbian men's penises,"¹⁴⁵ and that Bosniaks "started the war with the aim of carrying out genocide and throwing the Serbs out of their hearth and home."¹⁴⁶

Branislav Cosovic - *Wartime: Commander of "Cosa's Guards" / Current: Police Officer*

¹⁴⁵ Ibid.

¹⁴⁶ Hugh Pain, "Bosnia: Moslem Culture Destroyed in Bosnian Town." *Reuters News Service*. September 25, 1992.

According to B.K., an international journalist, Cosovic, local commander of the military police in Foca during the takeover, organized his own paramilitary unit, in which Janko Janjic “Tuta”¹⁴⁷ (indicted) and Zoran Vukovic¹⁴⁸ (indicted) fought.¹⁴⁹ According to S.D., another international journalist, a former high-level Foca official named Cosovic as the key paramilitary leader in Foca during the takeover, and the “key link between paramilitary forces and the Crisis Committee.”¹⁵⁰

A survivor of KP Dom, reported to Human Rights Watch that, on a daily basis, he saw “Cosa’s Guards” taking prisoners away from KP Dom, after which they were never seen or heard from again.¹⁵¹ The ICTY indictment for rape as a war crime against the eight publicly indicted persons from Foca says, in speaking about crimes committed at the Foca High School, that:

[One witness], together with at least 72 other Muslim inhabitants of Foca, was transferred to Foca High School. [This witness] was one of several women who, from the second day of their detention, were sexually assaulted, including gang-raped every evening, by groups of soldiers, either in the classrooms or in nearby apartments. The soldiers consisted of members of the military police and referred to themselves as “Cosa’s Guards,” after the local commander of the military police, Cosovic.

Referring to the rape detention center in the Partizan Sports Hall, the indictment reads:

Two groups of perpetrators operated at Partizan. One group described themselves as “Cosa’s Guards,” which operated at the Foca High School also operated at Partizan.¹⁵²

According to S.D., Cosovic was still functioning as a uniformed police officer in Foca, as of May 1998.¹⁵³

POST-WAR ABUSES: NONCOMPLIANCE BY FOCA AUTHORITIES IN THE POST-WAR PERIOD

The individuals described in the first two sections of this report are not simply faces from the past in Foca. They have not been indicted for the crimes for which they are allegedly responsible and they have not been excluded from the post-war political process. Many of them remain in positions of influence locally within Foca, or, as we have seen with Ostojic, Cancar, and Maksimovic, they have been rewarded for their leading roles during the war by being

¹⁴⁷ Janjo Janjic was indicted on June 26, 1996, for his role in the attack on Foca, for arresting and detaining civilians, and raping women in detention and under interrogation.

¹⁴⁸ Zoran Vukovic was indicted on June 26, 1996, for his role in the attack on Foca, for arresting and detaining civilians, and raping women in detention.

¹⁴⁹ Human Rights Watch telephone interview, April 1998.

¹⁵⁰ Human Rights Watch telephone interview, June 1998.

¹⁵¹ Human Rights Watch interview, Bosnia and Hercegovina, December 1997.

¹⁵² Indictment against Dragan Gagovic, International Criminal Tribunal for the Former Yugoslavia, June 26, 1996.

¹⁵³ Human Rights Watch telephone interview, June 1998.

promoted to Bosnian or Republika Srpska-wide positions. Many were candidates in the municipal elections which took place in September 1997 and many will be candidates in elections which are upcoming.

The following section demonstrates the Foca authorities' systematic effort to restrict the rights of the current residents of Foca by preventing inter-entity movement or projects designed to foster communication between the residents of Foca and persons in the Federation, and by blocking the free flow of information by censoring the media. They have regularly blocked all efforts by the international community to establish inter-entity contact through harassing representatives of international organizations who attempt to establish such projects. Through a pattern of intimidation and threats they have made every effort to ensure that the local population does not break the wall of isolation which surrounds Foca by engaging in any inter-entity activities. They have systematically blocked any discussion of the return of refugees and displaced persons to Foca; they have failed to allow freedom of movement or expression; they have denied the international community any information on the persons who were "disappeared" during the war, denying even that a campaign of "ethnic cleansing" took place in Foca; they have prevented Bosniaks who fled from Foca from having access to documents, such as marriage and birth certificates, drivers licenses, and educational transcripts, which are held by the Foca municipal authorities; they have attacked and threatened foreign journalists and international staff they feel might have come to Foca to expose the dark truth about what happened during the war. In addition, they have prevented Serb displaced persons from areas now in the Federation from returning to their homes. The Foca authorities have created an atmosphere of fear in Foca, palpable to anyone who spends even a brief period of time there. Those who oppose the tight control of the local authorities risk their safety, security, and access to public services, including humanitarian assistance, and even their pensions, which are much needed in the post-war economic struggle.

Though this report focuses primarily on the "unindicted," the ongoing presence of persons indicted for rape as a war crime and other violations of the Geneva Conventions is a fact which permeates the current situation in Foca. The current officials are sheltering these individuals, allowing them complete freedom to influence society. One must bear in mind that the post-war human rights abuses that occur in Foca are committed in a collaborative effort of the indicted and unindicted, under the clear instructions of the Pale authorities. The current Foca authorities are not only responsible for the abuses that they themselves commit—they must also take responsibility for abuses committed by those operating under their authority. What is more, these officials have an obligation to prevent such abuses and to punish those responsible for them; and they must be held accountable when they fail to do so. These Foca authorities must also be held responsible for sheltering individuals indicted by the ICTY.

Human Rights Abuses Against the Current Population of Foca

The tight control that the Foca authorities maintain over the local population has created such an atmosphere of fear that it is almost impossible for a human rights organization to find Foca citizens who are willing to speak out against the authorities, even with assurances of anonymity. Despite the local authorities' dismal wartime human rights record and mounting evidence of serious abuses in the post-Dayton period, Human Rights Watch was unable to find local Serb civilians, except in very few cases, who are willing to talk about their problems. A few courageous individuals did share information with Human Rights Watch, as did international personnel who have worked in Foca at different times during the post-war period. Their stories have informed this section of the report.

One courageous Bosnian Serb woman who lives in Foca today expressed outrage at the local authorities and their mistreatment of the local population: "Every man will tell you all that I will tell you now. There are no rights here at all." This woman, who shall be referred to for the purposes of this report as S.R., is a displaced person from a village on the edge of the Foca municipality which was granted to the Federation under the Dayton agreement:

We have three houses in [former village]. We had to leave when Dayton left [the village] in the hands of the Federation. We have three houses, land, gardens, I had all that...In December 1995, our municipality called us to a public meeting to tell us all to leave [the village] because it belongs to the Muslims. [Among the officials were] Miro Stanic, Vojo Maksimovic, Radojica Mladjenovic, Velibor Ostojic, and Petko Cancar....They did not give us the option of staying there...we had to leave our

houses...We stayed until February 10, 1996..a Serb soldier came and asked us “why are you still here? You want to live with the Muslims? What are you waiting for?”

Feeling that she had no choice but to leave her home, S.R. went to visit the ministry for refugees in Foca in order to find a place to live in town, but she received no assistance. “We found this house which had pigs in it. It was destroyed, no roof, and they had kept pigs here and chickens for four years.”¹⁵⁴

The stench of the pigs was still palpable sitting in the cold room, the one room, where S.R. lives with her husband and her two grandchildren. In the summer of 1997, S.R. announced to the authorities her intention to return to her village, which she told Human Rights Watch she is willing to do, regardless of the fact that it is now in Federation territory. Since the day she announced to the Foca authorities her intention to return to her home in the Federation, they have denied her and her husband any humanitarian assistance. Referring to the social assistance card which displaced persons who receive humanitarian aid must hold, S.R. told Human Rights Watch:

I don't have this card because I announced to the authorities that I want to go home...So I do not get aid and I have to pay electricity, even though I am a displaced person....people hated me. They would not have given me a glass of water. They are afraid they will have to go home [too]. They have good lives here in town, better than in their villages. They have the nice houses of the Muslims....all the authorities tell me there are no more refugees here. What am I then?¹⁵⁵

S.R. described the situation prior to the September 1997 municipal elections in Foca, reporting that persons who join Karadzic's Serb Democratic Party (SDS) or the Serb Radical Party of Vojislav Seselj are taken care of by the Foca authorities:

The SDS said that if we vote for them, we can get two pensions. People got pensions after they voted for the SDS. Seselj came to Foca before the municipal elections [September 1997] and gave out coffee to everyone to get them to vote for the SRS. .. Anyone who has SDS membership will have work and have a place to live. My [...] had to join the SDS to get his job. If he had not joined, he would not have gotten a job.

When Human Rights Watch asked S.R. why she is so willing to speak, she replied simply, “I dare to speak because I just want to live freely.”¹⁵⁶

Police Beatings

¹⁵⁴ Human Rights Watch interview, Bosnia and Hercegovina, February 1998.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

There are numerous reports of physical abuse and harassment by the local police in Foca. In one case, five Bosnian Serb men reportedly robbed a disabled man near Foca, allegedly beating and seriously injuring him. According to the IPTF, the perpetrators were allegedly part of a "mafia-type gang" with a history of violent robberies. The five men were arrested by the Foca local police on December 9, 1997, and were taken to the local police station, where two of the suspects were reportedly beaten by the local police. One of the suspects who was most severely beaten claimed that he was interrogated and beaten by the police for more than five hours, and that once he lost consciousness during the beatings. This suspect identified three police officers as having been involved in the beating. IPTF took photographs of the suspect's injuries, taken three days after the interrogation, and one IPTF monitor reported that, "You could ask all IPTF officers in Bosnia, and over 90 percent would say they had never seen somebody beaten that badly in their lives."¹⁵⁷ The suspect's back was completely bruised, from his neck down to his thighs, and it was dark blue and black, with "hardly a normal spot of skin left."¹⁵⁸ According to the IPTF monitor who took the photos, the bruises were the result of being struck with a blunt instrument. The suspect also had bruises on his arms and a black eye. The other suspect had bruises on his neck as if he had been grabbed by the neck, or as if the police had tried to strangle him. The two were reportedly beaten in order to obtain a confession. (The other three suspects did not report having been beaten.) After the first had been beaten so severely, the police allegedly brought in the second suspect to see his injuries, and told him that the same would happen to him if he failed to confess. According to IPTF, the suspect thereafter confessed.

After this interrogation and beating, the suspects were taken to the court in Trebinje, where the investigative judge decided there was enough evidence to transfer them to the prison in Foca. They arrived in the Foca prison on December 12, 1997, on the day IPTF made a routine visit. The suspect who had been severely beaten requested a meeting with IPTF, and after IPTF viewed his wounds and heard his story, the monitors took the two suspects to the Foca hospital. This was the first medical exam the two had had. One guard from the prison accompanied them to the hospital; but soon after they arrived there, a police officer allegedly involved in the beating and two other plainclothed men arrived at the hospital. The officer accused IPTF of "protecting criminals," and said that the news that the suspects had been taken to the hospital had "hit them like a bomb." In the hospital, the officer threatened one of the suspects in the presence of IPTF and allegedly said to him, "you did not have to do this, why did you do this, now we are going to charge you with everything we have."¹⁵⁹

The local police, under the authority of Zoran Mandic, chief of public security, and local Chief of Police Milun Milanovic, have failed to conduct an investigation, according to IPTF. The police claim that the suspects were beaten in the course of resisting arrest. However, the IPTF member told Human Rights Watch "It is kind of strange to put up a fight with your back towards the officers." Both suspects are currently still in detention in the Foca prison.

IPTF arranged for the suspects to get legal counsel, through UNHCR's legal aid center (see section on Blocking Inter-Entity Projects, below), but the suspects did not want to file a complaint with the court. IPTF then asked for all information on the arrest from the Foca authorities and requested that a prosecutor be informed; while they got the information they requested quickly, to their knowledge the prosecutor was never informed of the incident or allegations. IPTF then initiated its own investigation.

According to IPTF's investigation, all three officers accused by the suspects of having beaten them are officers in the Foca criminal investigation unit, headed by Zoran Vladicic (see section above on KP Dom Personnel for background on Zoran Vladicic). IPTF informed Human Rights Watch that Vladicic himself was one of those allegedly involved in the beatings, as was Miodrag Koprivica. (Both men are mentioned above in connection with their

¹⁵⁷ Human Rights Watch interview with IPTF, Bosnia and Hercegovina, May 1998.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

involvement in the KP Dom detention center during the war.) The accused officers alleged that they were in Montenegro on that day. IPTF later received confirmation from the Montenegrin border police that they had no record of the officers crossing the border. No sanctions have been reported against the officers involved in the beatings, who remain at their posts.¹⁶⁰

According to IPTF, cooperation by the local authorities, in particular the local police, did not extend beyond the bare minimum required, “unless it suited the local police.”

¹⁶⁰ Human Rights Watch interview with IPTF, Bosnia and Hercegovina, May 30, 1998.

IPTF is charged with responsibility for restructuring local police forces under Dayton (and the screening and vetting procedures outlined in the September 24, 1997 agreement on the restructuring of police forces in the Republika Srpska). As part of the IPTF mandate in Bosnia and Hercegovina, they are supposed to screen the local police to remove from the force any police officers responsible for war crimes or human rights abuses. As part of the vetting process, advertisements should be placed in local papers to encourage the local population to report relevant information about police officers' backgrounds to IPTF. After the background check, the police are given psychological testing and training. IPTF informed Human Rights Watch that local police personnel had received preliminary certification by IPTF, and that police had finished a preliminary training course and had had their psychological tests. But one IPTF monitor informed Human Rights Watch that he was unaware of any background check having been done, and was also unaware that any advertisements to solicit background information on police candidates had been placed in the local papers. As of June 1998, according to an IPTF monitor familiar with the situation in Foca, no screening or vetting had been done in Foca. In fact, according to this monitor, the process "has come to a grinding halt." This monitor also was unaware of any advertisements having been placed in local papers.¹⁶¹

A representative of an international organization reported to Human Rights Watch, when asked what steps the local authorities have taken to prevent or prosecute post-war human rights violations, that "usually the local authorities did not really take any step to stop, investigat[e] or prosecut[e] those responsible of [sic] human rights violations; very often if not always, they were responsible for human rights abuses."¹⁶²

When the local authorities fail to comply with the provisions of the Dayton agreement, the local population is prevented from reaping the benefits of cooperation—freedom of movement, expression and association; opportunities to reunite with friends and family who have been separated by the war; opportunities to participate in projects which the international community is implementing; opportunities to return to their pre-war home; a chance to take part in rebuilding a country based on openness and tolerance. The Foca authorities rely upon the closed and restricted society which exists there to maintain their power and their vision of ethnic division. The people in Foca have yet to be given the opportunity to express an opinion on the inter-entity contact (between the Federation and the Republika Srpska) which could bring improvements in the local economic situation, and eventually, could actually bring lasting peace.

Freedom of Expression and Access to Information

In Foca, there is no independent media, and to the best of our knowledge, no one has dared to attempt to establish independent media of any sort in the town. Access to information for the residents of Foca is severely restricted, and is almost exclusively limited to Republika Srpska state radio and television. Due to this closed situation, the population is uninformed and almost completely ignorant of the world outside Foca. The restriction on information has played a significant role in the efforts of the Foca authorities to maintain strict control over the population.

One Foca resident told Human Rights Watch that he was too afraid to tell us what he knows about the town and the persons responsible for wartime abuses. "I don't want to have any problems," he told Human Rights Watch, "so I can't talk with you, not yet. It's true that things are changing very slowly here, not as fast as I'd like them to, but the time has not come yet for me to be able to talk. One day, maybe, but not yet." He did say, though, that "there is no outside information..the media is closed. We live in darkness here."¹⁶³

An IPTF report dated July 2, 1997, describes the restrictions on freedom of expression in Foca, in speaking about the public reactions to the political changes that were occurring in the Republika Srpska at the time. Around this time, Republika Srpska President Biljana Plavsic was in a political struggle with the SDS leadership loyal to indicted Radovan Karadzic. The report describes the local reaction in Foca to this rift.

¹⁶¹ Human Rights Watch interview, June 1998.

¹⁶² Human Rights Watch written interview, November 1997.

¹⁶³ Human Rights Watch interview, January 1998.

Most ordinary people are unaware of the power struggles, or even if they are, the citizens expressed a nonchalant attitude to the situation. The population is not informed through the local electronic or print media. Most of what people know is gathered from reports in the international media, which is available only to a small number of persons in the society.... That lack of information is responsible for the nonchalant attitude of the people... a combination of fear, bad economic condition, and insufficient information is responsible for the indifference.¹⁶⁴

Another international representative who works in the region told Human Rights Watch that he asked a local Bosnian Serb woman in Foca what she knew about what had happened in Srebrenica. The woman replied, "Very little." The person asked if the woman wanted to know, and when the woman responded affirmatively, explained what had occurred in Srebrenica: that all non-Serb women had been expelled and over 8,000 non-Serb men are missing and supposed slaughtered in the hills around Srebrenica. When the woman heard this, she reportedly began to shake, and, with visible shock, told the person, "if this is true, then it is absolutely awful."¹⁶⁵ Srebrenica is no more than two hours' drive from Foca.

Prevention of the Return of Refugees and Displaced Persons To Foca

UNHCR has encountered consistent opposition to its attempts to facilitate the return of refugees and displaced persons to Foca. In early 1997, UNHCR was working on two pilot projects for the return of Bosniaks to the villages of Filipovici and Paonci, both in the Foca municipality. According to UNHCR, twenty Bosniak families wanted to return to their homes in Paonci, a village in the zone of separation controlled by the Foca municipality, yet totally empty and abandoned since the war. At an inter-agency meeting held in Foca on April 17, 1997, which Human Rights Watch attended, Radojica Mladjenovic, then president of the executive board in Foca, stated that "If there are requests for return, then the Municipality should be informed and the procedure should be followed in accordance with the Dayton agreement."¹⁶⁶ In order to take advantage of Mladjenovic's stated willingness to cooperate on returns, on May 30, 1997, UNHCR offered to rebuild ten of the twenty-seven apartments that had been damaged in the war in a building in the center of Foca; in exchange, Mladjenovic was asked to allow the twenty families to return to Paonci. Mladjenovic's response, according to UNHCR, seemed to be positive. He reportedly told UNHCR that he would have to consult his superiors, and that he would write them a letter stating that the Foca authorities support this return project. (According to UNHCR, Mladjenovic also made an announcement on the Foca radio stating that refugees should be allowed to return to Foca.) However, this letter was never written, and the pilot project was never initiated: after this meeting, Mladjenovic was removed from his position as president of the executive board, just one of several members of the government replaced suddenly in Foca. Reports at the time indicated that Mladjenovic's more hardline superiors viewed him as too cooperative with the international community. Mladjenovic was replaced by Radojica Tesevic, and has reportedly joined Biljana Plavsic's political party. UNHCR reported that at a later meeting with Foca officials, which took place around the time of the July SFOR arrest in Prijedor, which left one indicted dead and another transferred to the ICTY for trial, they were told by the current officials, "I can't talk to you because you are the enemy."¹⁶⁷ UNHCR staff reported that they had several meetings with Radojica Tesevic, the current president of the executive board, in the summer of 1997, but that he refused to allow Bosniaks to return to Foca at that time.

Mayor Milos Lazovic, the former director of the post office, took over from Petko Cancar in June 1997. When UNHCR approached Lazovic to discuss the pilot return project to Paonci, explaining again that in exchange UNHCR

¹⁶⁴ "Public Reactions at Srbinje/Foca Municipality on the Political Struggles in the RS," IPTF Gorazde, July 2, 1997.

¹⁶⁵ Human Rights Watch interview, Bosnia and Hercegovina, May 16, 1998.

¹⁶⁶ "Minutes of Inter-Agency Meeting Held in Foca/Srbinje on 17.4.1997," UNHCR/Gorazde, Bosnia and Hercegovina, April 1997.

¹⁶⁷ Human Rights Watch interview with UNHCR staff, Bosnia and Hercegovina, January 5 and 14, 1998.

would rebuild the twenty-seven apartments in downtown Foca, Lazovic reportedly replied, "No. First give [us] 270,000 DM and then I will trust you." The pilot project was not implemented.¹⁶⁸

¹⁶⁸ Human Rights Watch interview with UNHCR staff, Bosnia and Hercegovina, January 13, 1998.

Another return pilot project was planned soon after, in June 1997. It was to involve the two-way return of Bosnian Serbs to the village of Nekupi in the Federation and Bosniaks to the village of Marevci, in the Serb territory. UNHCR organized an assessment visit to these villages. According to UNHCR, six Bosnian Serbs visited Nekupi under their auspices. The visit was successful. However, soon after the visit, all but one of the six backed out of the project, stating that they were no longer interested in returning to their homes in Federation territory. According to UNHCR, one of the six was beaten up, and the others were threatened in Foca. According to UNHCR, shortly after a visit by a UNHCR staff person, one of the Bosnian Serbs was visited twice by the local Foca police, who interrogated him and asked for the name and other information about the UNHCR staff person who had visited. Following these incidents, the individual pulled out of the return project.¹⁶⁹

Ljubo Veljovic, a member of Vojislav Seselj's Serb Radical Party, has been the de facto mayor of Foca since November 1997.¹⁷⁰ According to representatives of international organizations based in Foca, he is alleged to have permitted and encouraged systematic harassment and attacks against international personnel and on local people based for their political opinion, and is reportedly responsible for the consistent failure to comply with the provisions of the Dayton agreement, including blocking all discussion of the return of refugees and displaced persons, and obstructing the exercise of freedom of movement, expression and association. Veljovic has been even more adamantly against cooperation with UNHCR on return issues than his predecessor. During a meeting between Veljovic and UNHCR representatives at the end of January 1998, UNHCR staff reportedly did not even mention the issue of return, thinking it was too sensitive. They did, however, mention the issue of the exchange of personal documents, such as drivers licenses and birth and marriage certificates, between the entities. However, the mayor said this should not be done in person (i.e. individuals should not travel inter-entity to obtain the documents.) He reportedly told UNHCR staff that he would not guarantee the security of any displaced persons who come to Foca to obtain legal documents from the authorities. According to UNHCR staff, Veljovic reportedly asked them at this meeting why UNHCR is trying to bring the populations back together again, and why UNHCR is trying to start another war. He reportedly told the UNHCR staff person leading the meeting to leave Foca immediately, and to go back to his/her home.¹⁷¹

Not a single non-Serb from Foca has returned to the town since the war ended in December 1995.

Blocking Inter-Entity Projects

¹⁶⁹ Human Rights Watch interview with UNHCR staff, Bosnia and Hercegovina, January 5 and 14, 1998.

¹⁷⁰ Mayors of municipalities in Bosnia have been chosen by the municipal assemblies, whose members were elected in the September 1997 municipal elections. Due to the fact that the municipal assembly of Foca, in which the Bosniaks won a majority, has never been permitted to take its seat in the Foca government, the OSCE has not yet certified the Foca municipal election results. Thus, under the OSCE's Provisional Election Commission rules and regulations, Ljubo Veljovic is not the legitimate mayor of Foca.

¹⁷¹ Human Rights Watch interview with UNHCR staff, Bosnia and Hercegovina, February 6, 1998.

In December 1996, the International Rescue Committee (IRC) arranged for the purchase of coal from the Miljevina mine in the Foca municipality by the authorities of Gorazde, in the Bosnian Federation. Five transport companies were hired by IRC to transport the coal, four of them from Gorazde and one from Foca. The day before the first coal delivery, December 18, 1996, the tires of the vehicles of the one transport company from Foca were slashed in an obvious effort to stop the Serb company from participating in inter-entity trade. The night of the delivery, an IRC vehicle was blown up in Foca in front of the OSCE office. Nevertheless, the coal delivery was successful, and one OSCE staff person reported to Human Rights Watch at the time that when the Bosniak drivers arrived at the Miljevina mine and met some of the workers there, they all cried, and asked about the "other side," wishing to know everything, having been cut off from any information from outside.¹⁷² The Miljevina coal mine directors did not want to cross the inter-entity boundary line to enter Gorazde to receive their payment by the IRC, apparently due to a fear of crossing into Federation territory. Radojica Mladjenovic, then president of the executive board, went to Gorazde to get the money. IRC staff told Human Rights Watch that after his visit to Gorazde and his return to Foca Mladjenovic was threatened, though they were unable to identify who had threatened him.¹⁷³

Mladjenovic seemed to be the most cooperative of the Foca authorities. In fact, he reportedly met with authorities from Gorazde in Foca on June 1, 1997, to discuss questions of infrastructure between the two towns. A positive atmosphere seemed to be developing until Milos Lazovic took over as mayor. From that time on, all inter-entity cooperation ceased. De facto Mayor Ljubo Veljovic has continued to pursue a policy of isolation and obstruct obligations under the Dayton agreement.

In September 1997, the IRC attempted to provide the women in Foca with access to micro-credits through the Bosnian Women's Initiative (BWI), which was a grant by the U.S. government to provide Bosnian women with an opportunity to use their skills for small income-generating projects. They had already successfully begun BWI-funded projects in Gorazde, a nearby Federation town, and wanted to offer access to these funds to the women in Foca.

IRC, through the assistance of the OSCE office in Foca, made a public announcement that they would visit Foca to explain the project, and that those women who wanted to find out about the project should attend the meeting. According to the IRC, fifty women attended this first meeting, and they came full of ideas and energy. The IRC described the project and set a date to return one week later, announcing that they would bring the appropriate forms with them and assist the women in applying for the funding. When they returned the following week, only one woman showed up. International staff in Foca alleged that the women had been threatened by the local authorities and had been afraid to participate in the project. The one woman who showed up had apparently not heard the warning. The project was never initiated.

One IRC staff member reported to Human Rights Watch that the women were "pushed by the authorities" not to take part in this project. This person alleged that the women were interrogated by the authorities following the first meeting.¹⁷⁴ Other international representatives also reported that the women had been pressured by the authorities not to participate in the project.

Obstruction of the Work of the Dayton-Implementing Bodies

The Pale Connection and Local Police Abuses

In the post-war period in Foca, the authorities have consistently obstructed the work of the international organizations permanently based in the town. According to several IPTF sources in the Foca region, one reason their

¹⁷² Human Rights Watch interview with OSCE staff in Foca, April 1997.

¹⁷³ Human Rights Watch interview with IRC staff in Gorazde, April 1997.

¹⁷⁴ Human Rights Watch interview with IRC, Bosnia and Hercegovina, February 5, 1998.

work is so difficult in Foca is that the local police still have very strong ties with Pale, from which Radovan Karadzic commands the police who are still loyal to him. In one example of this, an IPTF source who spoke on condition of anonymity said that IPTF requested that security be guaranteed for one Bosniak who had been elected to the Foca municipal parliamentary assembly, so that the member could travel to Foca for the assembly meetings. When Milun Milanovic, local chief of police, was asked if he could provide such security, he reportedly replied that "I guarantee it but I have to check with Pale." The IPTF source went on to say that "Pale is above everything. They never agree to anything without authorization from Pale."¹⁷⁵

An IPTF report from July 1997 also describes the close relationship between the Foca authorities and the Pale government loyal to the indicted Karadzic. The report talks about the fear that this connection causes among the population in the town, in this case a fear of supporting Biljana Plavsic's political party, which is in opposition to Karadzic's hardliners, and which is gaining strength in other parts of Republika Srpska:

¹⁷⁵ Human Rights Watch interview with IPTF staff member, Bosnia and Hercegovina, January 1998.

Out of sheer fear nobody can dare at Srbinje/Foca come out openly to support the President [Plavsic] if it would be contrary to Pale line. There is much connection between Pale and the officials at Srbinje/Foca.¹⁷⁶

The IPTF monitor responsible for advising several of the local chiefs of police in the Foca region during the research for this report informed Human Rights Watch that the police in Foca continue even today to “depend on Pale.” When asked whether IPTF has raised the issue of vetting with the local police, the monitor replied that “they know about the vetting process, but there are no orders from Pale.” Even meeting with the Foca police officials can be difficult, according to an anonymous IPTF source. The IPTF source said that on a daily basis, the obstruction of the local police is demonstrated by the difficulty IPTF has in meeting with the current local chief of police, Milun Milanovic, or with the chief of public security, Zoran Mandic. “We meet them once a week on Wednesdays, but we have to confirm it a few times before Wednesday in order to ensure that they will be there,” the source reported to Human Rights Watch, “And yet still sometimes we show up, and they say they have other obligations and leave, even though we confirmed it three times ahead of time that they would be there.”¹⁷⁷

Zoran Mandic is currently the chief of public security, the highest local police official, a position also often referred to as the local minister of the interior, for seven municipalities, including Foca, Rudo, Cajnica, Kalinovik, Visegrad, Serb Gorazde (Kopaci), and Serb Trnovo. Using his position as chief of public security, Mandic has obstructed the implementation of the Dayton peace agreement, refusing to cooperate with the IPTF vetting process even by providing the IPTF with a list of police officers in the municipalities under his authority. There is also substantial evidence to suggest that Mandic has employed indicted persons in his police force and in the police training school in the post-war period. Under Mandic’s and Milanovic’s authority, a Bosnian Serb man was severely beaten by the local police in the central police station in Foca in December 1997 (see above). He, in collaboration with local Chief of Police Milun Milanovic, has failed to prevent ongoing harassment and attacks against local persons for their political opinions, and has blocked investigations into the threats and attacks against international personnel and journalists (see section on Harassment of Internationals). In addition, Mandic has obstructed the return of refugees through failing to provide guarantees of security, and has prevented the establishment of inter-entity projects in the town during the post-war period.

Access to Collective Centers for Displaced Persons

Under the influence and strict control of the Pale authorities, the Foca authorities have made every effort to block international agencies from working in Foca to assist the local population. For example, in 1997 UNHCR was denied access to collective centers for displaced persons. UNHCR staff reported that during the first half of 1997, while Petko Cancar was still mayor of Foca, they were frequently denied access to the collective centers. This was despite the fact that UNHCR was implementing the USAID-funded cash aid program (in the amount of \$1.65 million for 1997). UNHCR was providing this funding to the Commission on Refugees and Displaced Persons, the Republika Srpska government office that handles issues relating to refugees and displaced persons in the Republika Srpska, for the care of the approximately 9,000 displaced persons living in collective centers in the Republika Srpska.

¹⁷⁶ “Public Reactions at Srbinje/Foca Municipality on the Political Struggles in the RS,” IPTF Gorazde, July 2, 1997.

¹⁷⁷ Human Rights Watch interview, Bosnia and Hercegovina, December 21, 1997.

In September 1997, UNHCR in Gorazde received a letter from the government of Republika Srpska prohibiting its staff from talking to displaced persons in the collective centers and claiming they had been “bothering people.” They were told to speak to the directors and local employees of the Republika Srpska Commission on Refugees for information, and not directly to the displaced persons housed in the collective centers. In April 1997, IRC access to collective centers in Foca was also a problem. In recent months, according to UNHCR, the problem of access by NGOs to the collective centers has been ameliorated. However, a UNHCR staff member added that “they are always willing to talk about food as long as you don’t ask anything else.”¹⁷⁸

Improvements

There have been some small improvements recently. In the past eight months, UNHCR and IRC have opened legal aid centers in Foca and in other towns in the region such as Rogatica, Visegrad, and Pale. These centers are responsible for helping the local population with property issues, occupancy rights, pensions, and helping displaced persons to gain access to documents held in the government offices of the Federation. The legal aid centers are primarily funded by the European Community Humanitarian Organization (ECHO) but are administered by IRC and UNHCR. OSCE has a facilitating role as well.¹⁷⁹ The centers also provide information on return to their places of origin to the local population, and all legal services are free of charge. The legal aid center in Foca has succeeded in gaining access to personal documents for Bosnian Serbs from Gorazde Canton. However, the Foca authorities, according to the Foca municipal government-in-exile, have refused to provide any of the more than 570 documents requested by Bosniaks from Foca now living in the Federation.

Although the legal aid center is functioning, interpreters working with several international organizations in the region reported that they have more trouble traveling to Foca than to any other town in the Republika Srpska, and all experienced verbal harassment, including ethnic slurs and threats of physical violence. One interpreter reported that s/he goes into the town, takes care of his/her responsibilities quickly, and leaves as soon as possible.¹⁸⁰

Harassment of Internationals

The July 1997 Prijedor Arrests and the Repercussions in Foca

Representatives of international organizations based in or working in Foca—OSCE, IRC, and IPTF—have faced numerous instances of harassment and violence in the post-Dayton period. For example, following the July 1997 SFOR arrest in Prijedor, which left one indictee dead and another transferred to the ICTY for trial, international representatives were harassed and were refused service in local restaurants and shops.

During this period, posters appeared throughout the Republika Srpska, including in Foca, with pictures of Radovan Karadzic reading, in English, “Don’t Touch Him. He Means Peace.” Similarly, other posters called on the population of Foca to “stand in defense of our people, and behave like that in defense of our state, as well, using all possible means” if a similar arrest effort should be carried out in Foca. ECMM reported that, on July 18, 1997, there was an explosion near the lodgings of two IPTF monitors in Foca. During that night, an ECMM vehicle was vandalized and severely damaged. ECMM asked SFOR to keep the vehicle at their base in Filipovici, in the Foca municipality, to prevent further damages from occurring. The next morning, according to a report by ECMM,

¹⁷⁸ Human Rights Watch interview with UNHCR, Bosnia and Hercegovina, January 5, 1998.

¹⁷⁹ The legal aid center in Foca is in the Hotel Zelengora, as is the IPTF station. Since the Hotel Zelengora is a publicly owned building, the Foca authorities receive the rent paid for the spaces. This may be one reason why the authorities have allowed the centers to open.

¹⁸⁰ Human Rights Watch interviews with interpreters, Bosnia and Hercegovina, January and February 1998.

the owners and the managers of the shops, bars and restaurants received the visit of two men who gave them a message to attend a meeting on Saturday afternoon. In this message, it was written, "The owner of this company is invited to attend a meeting today at 1500, in the gymnasium of the primary school. The subject will be the attitude you must have towards the IC [international community] representatives. If the owner or the manager cannot be present, an authorised person should be sent. The participation in this meeting is compulsory." Srbinje, the 19/7/97. No signature [sic].¹⁸¹

¹⁸¹ ECMM report on the general situation in the AOR, July 21, 1997.

According to U.N. Civil Affairs, this meeting was compulsory and was followed by a rash of threats against international personnel. On the evening of July 19, 1997, an IPTF monitor from India “received an anonymous phone call in his accommodation. The message was repeated several times. It was: ‘tomorrow morning go to Sarajevo Bamboula!’”¹⁸² On the same night, and the following night, the house of Shin Yasui, program coordinator of Youthspace, a youth center in Foca, was stoned several times.¹⁸³

ECMM had a meeting with Mayor Milos Lazovic¹⁸⁴ soon after these incidents. According to a report on the meeting:

This meeting was not a friendly meeting as usual in this town....Concerning the last events in the town, Mr. L. first expressed his astonishment asking what events. [ECMM] reminds him of the posters of Mr. Karadzic and destroyed car of [ECMM]. Mr. L. answers that, here, in RS [Republika Srpska], the persons are free to put on walls a few posters of the persons they like. No comment about the car. Concerning the fact that [a] few bars refused to serve us, Mr. L. answers that in RS the owner of a private bar is free to do whatever he wants....About the eventuality of a trade link between Federation and RS, Mr. L. told that the former executive board in the MUN [municipality] was totally wrong when they started such things. As pres. of MUN, he has to obey the orders coming from the higher level of the government of RS...trade with Gorazde is unauthorised...Mr. [L.] told that representatives of IC [international community] are not invited guests in the town. All of them parade in the town and have ‘sweet life’ in restaurants...Mr. L. ended this meeting telling that the best thing that IC could do, is to leave the country and to leave the inhabitants quiet.¹⁸⁵

In the weeks before the municipal elections of September 1997, an election observer with the OSCE, Takis Michas from Greece, was harassed in Foca by the indicted Janko Janjic, otherwise known by his nickname, “Tuta,” in the presence of two uniformed Foca policemen. In an article written by the election observer and published in the *Wall Street Journal Europe* a few weeks later, Michas writes that while on the streets in Foca,

An individual suddenly appeared, ordered me to stop taking pictures and, in a threatening manner, demanded to see my identity documents. This happened in the presence of two local Bosnian Serb policemen who nodded approvingly. Assuming by his demeanor that he was a local official, I obeyed. Only later did I discover that he was wanted by the International War Crimes Tribunal at the Hague....We met [him] on the street once more, and when we turned down his demand for money he threatened to have us both killed for, as he put it, “not showing him respect.”¹⁸⁶

Harassment of Local Staff of International Organizations

¹⁸² Ibid. A derogatory term for Muslim.

¹⁸³ ECMM report on the general situation in the AOR, July 21, 1997.

¹⁸⁴ Milos Lazovic was the mayor of Foca between April and November 1997. He also ran as a candidate in the September 1997 municipal elections. He was once the director of the main post office in Sarajevo, and during the war, director of the Foca post office. Lazovic replaced Cancar as mayor. According to U.N. Civil Affairs, Lazovic is currently president of a local governmental committee.

¹⁸⁵ ECMM Daily Report, July 29, 1997.

¹⁸⁶ Takis Michas, “Appeasing Criminals in Bosnia,” *Wall Street Journal Europe*, September 24, 1997.

The staff of an international organization active in the Foca region, who shared this information on request of anonymity, reported that a Bosnian Serb interpreter who works for them in the region was severely harassed and threatened by the authorities in Foca in late 1996 and early 1997. The organization for whom this person works reported that s/he felt extremely unsafe, and requested special measures to ensure his/her safety.¹⁸⁷ In a separate case, UNHCR reported that the driver and interpreter on the UNHCR bus that runs between Foca and Visegrad asked for the bus route to start in Visegrad and end there, rather than in Foca, because they were being threatened in Foca.¹⁸⁸ The driver of the UNHCR bus had reportedly been harassed before; once he was injured when the bus was attacked by angry civilians throwing stones.¹⁸⁹

Other Threats

On August 23, 1997, a member of the international community walking on the street in Foca was stopped by Zoran Mandic, chief of public security, asked for registration papers and threatened with expulsion from the town if he failed to provide them. On August 26, 1997, an IPTF monitor was threatened in Foca by a group of five civilians. According to an ECMM report on the incident,

when he was returning to his accommodation after his shift five men surrounded him and put a hand grenade in front of his face. Later returned to his accommodation. The local police was [sic] notified about this incident. [The monitor] told [ECMM] that the local [chief of police] stated that some people can not forget what happened.¹⁹⁰

Attacks against persons who attempt to report on the truth about Foca are not limited to the Foca region itself. In an incident that demonstrates the ongoing close connection between the Republika Srpska police and the Serbian police in the Federal Republic of Yugoslavia, Gordana Igric, a Serbian journalist who worked with a CBS television crew investigating the presence of indictees in Foca and the failure of French SFOR to arrest them, was harassed and threatened upon her return to Belgrade, her home, in October 1997. The Committee to Protect Journalists reported at the time that:

Gordana Igric, a prominent Serbian freelance journalist, has been forced into hiding by a series of death threats against her for a recent report broadcast on the U.S. television station CBS about indicted war criminals at large in the Bosnian town of Foca....The telephone calls that Igric received at home shortly after independent local and foreign media throughout Serbia and Bosnia broadcast excerpts of her interview featured the sounds of gunfire and the ticking of a time bomb. The journalist, who is writing a book about war crimes in Foca, hid in another location outside Belgrade. However, the threatening telephone calls continued to plague her in her hiding place, forcing her to move again with her two children.¹⁹¹

International Community's Failure to Hold the Local Authorities Accountable

The incidents of harassment and noncompliance described above have not brought strong responses from the international organizations involved in the implementation of the Dayton agreement. The threats against Takis Michas,

¹⁸⁷ Human Rights Watch interview, Bosnia and Hercegovina, January 1998.

¹⁸⁸ Human Rights Watch interview with UNHCR, Bosnia and Hercegovina, January 14, 1998.

¹⁸⁹ It is unclear whether this was the same individual.

¹⁹⁰ ECMM/Srbinje report, August 27, 1997.

¹⁹¹ Action Alert - Federal Republic of Yugoslavia (Serbia), "Serbian Journalist Threatened With Death," Committee to Protect Journalists, October 29, 1997.

described above, led the international organizations in the region to ask the local Serb police to please tell Janko Janjic, [the indicted person who threatened Michas' life] not to harass foreigners.¹⁹² Incidents such as this should have brought a strong condemnation from the international community.

The French SFOR troops in Foca continued peacefully to co-exist with the indictees throughout much of 1998. The IPTF failed to expose publicly the human rights abuses being committed by and under the auspices of the local police. And Robert Frowick, then-head of the OSCE mission in Bosnia, surrendered one of its most important tools against the ongoing influence of the Karadzic loyalists. When the Election Appeals Sub-Commission (EASC) struck the SDS party from the ballot for the September 1997 municipal elections for violating the rule that prohibits persons indicted by the ICTY from appearing on posters as leaders of political parties, Frowick overruled the decision. From that point on, the international community has squandered its leverage to effect compliance with the Dayton agreement. The election decision had severe consequences for places such as Foca, where the SDS leadership continues, in close collaboration since the November 1997 parliamentary elections, with the Serb Radical Party (SRS), to rule with unchecked and uncontested authority. This has often resulted in severe restrictions on political and civil rights for the present population as well as for those who were displaced from Foca during the war. From that point on, these authorities realized that the international community would back down when threatened.

Takis Michas, the Greek journalist and OSCE election observer in Foca, described the inaction of the international organizations in Foca:

¹⁹² Takis Michas, "Appeasing Criminals In Bosnia," *Wall Street Journal Europe*, September 24, 1997.

The incident was only the latest, and by no means the most serious, of a whole series of aggressive acts that have gone unanswered in Foca during the last year. In December, two cars belonging to the OSCE were blown up. In July, a car belonging to the European Community Monitoring Mission was blown up by a hand grenade. In August, an Italian member of a nongovernmental organization was dragged out of his car in the middle of the city by a group that included some of the indicted war criminals and beaten up in full view of an IPTF officer who did nothing. In August, an IPTF policeman was stopped by the same group and they placed a hand grenade under his armpit "for fun." In all these incidents, according to witnesses, the same group of indicted war criminals was involved. Yet no action was taken against them.¹⁹³

Lack of Access to Information from IPTF

Human Rights Watch was unable to gather information on post-war police abuses in the Foca municipality from the IPTF, because its officials both in the field and in its headquarters generally refused to provide such information. In December 1997, when Human Rights Watch first visited the Foca area and the IPTF stations in the region, the IPTF monitors expressed their hope that our report would be able to expose the police abuses that are going on in Foca. They reported in very general terms to Human Rights Watch that there had recently been a beating case by the local police in the central police station, that IPTF had pictures of the victim's wounds, and that there was allegedly some high-level police involvement in the incident. However, Human Rights Watch was unable to learn more details about the case, because the monitors had apparently received an order. It is unclear who the order came from.

Human Rights Watch subsequently made numerous efforts to obtain information on specific cases of police abuse in Foca from the Human Rights Office at IPTF headquarters in Sarajevo. Although the head of the Human Rights Office, Claudio Cordone, appeared willing to authorize the monitors in the Foca region to share information, Human Rights Watch was later informed by staff that ultimately only the regional commander has the authority to authorize monitors to talk to Human Rights Watch.¹⁹⁴ The regional commander at the time, however, had been willing to share information only regarding IPTF's mandate and role in Bosnia and Hercegovina, and no more. A staff member told Human Rights Watch that even when the Human Rights Office needs information, it cannot make requests directly to the IPTF field offices; it must go through the regional commander.¹⁹⁵

Ultimately, on March 9, 1998, Human Rights Watch received a letter from another IPTF human rights officer informing us that the IPTF field monitor had received authorization from the Human Rights Office to speak with Human Rights Watch, but only about the one beating incident from December 1997. Human Rights Watch spoke with the monitor on April 26, 1998. A report on the incident was never completed by IPTF, however, and the IPTF monitor was hesitant to share details about any other cases of human rights abuse by the police in Foca.

International Reconstruction Assistance and Investment in Foca

According to the International Management Group (IMG), an organization that maintains a detailed database of all reconstruction projects throughout Bosnia and Hercegovina and the progress of their implementation, within the past two years, various donor governments and institutions have planned for, investigated, and implemented projects in Foca involving the influx of thousands, in some case millions, of German marks into the area. Policy makers justify such assistance, notwithstanding ongoing human rights violations and the obstruction of the peace process, as necessary in order to coax compliance out of the local authorities. While such policies may be effective in communities where there are local moderate leaders who need international support and encouragement, they risk backfiring in areas such as Foca that remain dominated by hardline extremists and war crimes suspects. Even worse, they risk providing funds to administrators who will divert them to uses intended to consolidate their wartime achievements.

¹⁹³ Takis Michas, "Appeasing Criminals In Bosnia," *Wall Street Journal Europe*, September 24, 1997.

¹⁹⁴ Human Rights Watch interview with a staff member of the Human Rights Office of IPTF, Sarajevo, January 1998.

¹⁹⁵ *Ibid.*

Throughout Bosnia, donors must use extreme care to avoid rewarding the architects of “ethnic cleansing.” Nowhere is this more apparent than in Foca, where, as detailed in this report, the entire community—not only local government, but also local companies, the hospital, and other institutions—were “ethnically cleansed” and many of those responsible are still running the show. To ensure that they do not benefit from or sabotage reconstruction assistance efforts, international donors must carefully vet the recipients of their aid and monitor and audit every aspect of project implementation. Under the current political and economic power structure of Foca, which even SFOR is disinclined to challenge, such scrutiny is not possible. Therefore, until the international community arrests the indicted war crimes suspects at large in Foca and insists on justice for other human rights abusers, as well as compliance with the Dayton Peace Agreement, it risks at best wasting donor resources and at worst enriching and empowering the enemies of the peace process and contributing to reinforcement of a social order founded on injustice. A number of reconstruction projects currently underway or recently completed in the Foca area that are detailed in the IMG report illustrate this danger.

According to IMG, UNHCR contributed 204,000 DM (\$113,000), for the repair of seventy houses in Foca. The IMG report indicates that this project was implemented by the Republika Srpska Ministry of Refugees and completed in 1997. In response to Human Rights Watch’s inquiries, UNHCR officials denied that it had funded this project in Foca. The IMG also reported that the Italian government contributed bilateral aid in the sum of 190,000 German marks (\$105,500) to repair twelve residential flats in Foca, and that this project was completed in 1997. Notwithstanding this assistance, the Foca authorities have publicly refused to permit the return of Bosniak refugees. The funds expended by UNHCR and the Italian government have accomplished nothing in terms of encouraging a more receptive attitude toward returning refugees. And particularly in the case of the UNHCR project, which was administered by Bosnian Serb government officials, there was a substantial risk that the intended repairs were never made. To the extent that the funds spent by UNHCR and the Italian government on housing reconstruction in Foca were even expended for that cause, they almost certainly did nothing to facilitate the right of any refugees or displaced persons to return to their pre-war homes, as the Dayton Peace Agreement promised.

In another example of misguided reconstruction assistance, the IMG report indicates that the Italian government invested 110,000 German marks (\$61,100) for the repair of the collective refugee center in the Hotel Zelengora, in downtown Foca. According to the Italian organization responsible for implementing these projects, they were completed in 1997.¹⁹⁶ Human Rights Watch representatives visited the Hotel Zelengora collective center in January of 1998, and found the facility terribly rundown, with visible remaining war damage, freezing cold, and with a stench of sewage pervading the building. On June 11, 1998, Human Rights Watch representatives revisited the facility and found displaced persons still living in the same squalid conditions as in January. The facility did not appear to have benefited from repairs reflecting the grant of 110,000 German marks, an enormous sum of money in Republika Srpska today. An IPTF monitor who worked in the region during the period between October 1997 and early 1998 confirmed to Human Rights Watch that no significant repairs were done on the collective center during his time in Foca. The IPTF station in Foca is also located in the Hotel Zelengora, and the conditions of the bathrooms in the station, shared with the displaced persons who are housed there, are so intolerable that the IPTF station will be moving its location out of the hotel.

Similar concerns are raised by European Bank for Reconstruction and Development and World Bank projects currently under way. According to IMG, the World Bank is in the investigative phases of projects they have planned for reconstruction of a Foca-area bridge that was destroyed by NATO forces during the war, in a last minute effort to hinder Serb attacks in southeastern Bosnia. The IMG report indicates that the World Bank has allocated 1.38 million German marks (\$766,600) to finance reconstruction of the bridge. The EBRD confirmed to Human Rights Watch that it also has plans to finance infrastructure projects in the Foca area.¹⁹⁷ The first project is, like the World Bank’s, a

¹⁹⁶Human Rights Watch telephone interview, June 25, 1998.

¹⁹⁷Letter of Mr. Roy Knighton, EBRD, to Human Rights Watch, June 24, 1998.

bridge reconstruction project, for which the EBRD originally budgeted \$3 million, an estimate that has now been reduced to \$1.5 million.¹⁹⁸ The second EBRD project in the area is for rehabilitation of the road between Foca and Ustipraca, at an estimated cost of \$5.6 million.¹⁹⁹ All three infrastructure projects are to be implemented by the Republika Srpska Ministry of Transport in Banja Luka. According to the EBRD, contracts for its projects were supposed to have been awarded in July 1997, but both were delayed because of "the move of the seat of [the Republika Sprska] government to Banja Luka and logistical problems in the operation of the Project Implementation Directorate [of the Republika Srpska Ministry of Transport]."²⁰⁰ The EBRD now expects to have these contracts mobilized by August 1998. In doing so, the Bank and the Ministry of Transport should carefully vet contractors and subcontractors to ensure that they are not owned or managed by those responsible for ethnically motivated dismissals, "disappearances," or "ethnic cleansing." In response to Human Rights Watch's inquiries about such vetting, the EBRD replied that its procurement policy is to "ensure that project funding is not applied in contravention of Section VII of the Charter of the United Nations"²⁰¹: provisions of the charter binding U.N. members to apply sanctions adopted by the Security Council in response to threats to the peace. There are no sanctions that preclude economic relations with Bosnian entities or individuals implicated in war crimes or obstruction of the Dayton Agreement, so this policy alone is insufficient to ensure that EBRD's reconstruction projects in the Foca area will not benefit the architects of "ethnic cleansing."

Problems also arise in connection with international organizations' efforts to lease space from which to work in the area. In Foca, both the OSCE and the IPTF rent facilities for their offices from the local authorities. In 1997, the OSCE office moved from a private accommodation to a facility owned by the local government. The IPTF office, currently in the Hotel Zelengora (owned by local government), is planning to move its station to a space above a restaurant that is part of the KP Dom prison facility. The prison and the restaurant are owned by the Foca municipality, and thus the IPTF will continue to pay rent to the Foca authorities. According to IPTF, their rent for this space will exceed 2,000 DM per month (\$1,110). Notwithstanding this patronage, representatives of these organizations face harassment and obstruction of their work.

In Foca and other similar communities, efforts to use reconstruction assistance as a carrot to encourage cooperation are clearly ill-fated. In terms of such cooperation, the international community has little to show for its investment to date in the Foca area. In the same vein, even the most rigorous vetting and auditing procedures cannot ensure that reconstruction projects in Foca will serve their intended purposes, without enriching and empowering corrupt and abusive local elites. The answer in Foca and other similar communities must be action by the international community to arrest indicted war criminals and enforce the Dayton Peace Agreement.

CONCLUSION

Human Rights Watch is concerned that the international organizations in the Foca region, and in Foca itself, may not be doing all that is within their respective briefs and capacities to hold the local authorities responsible for past

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ Ibid.

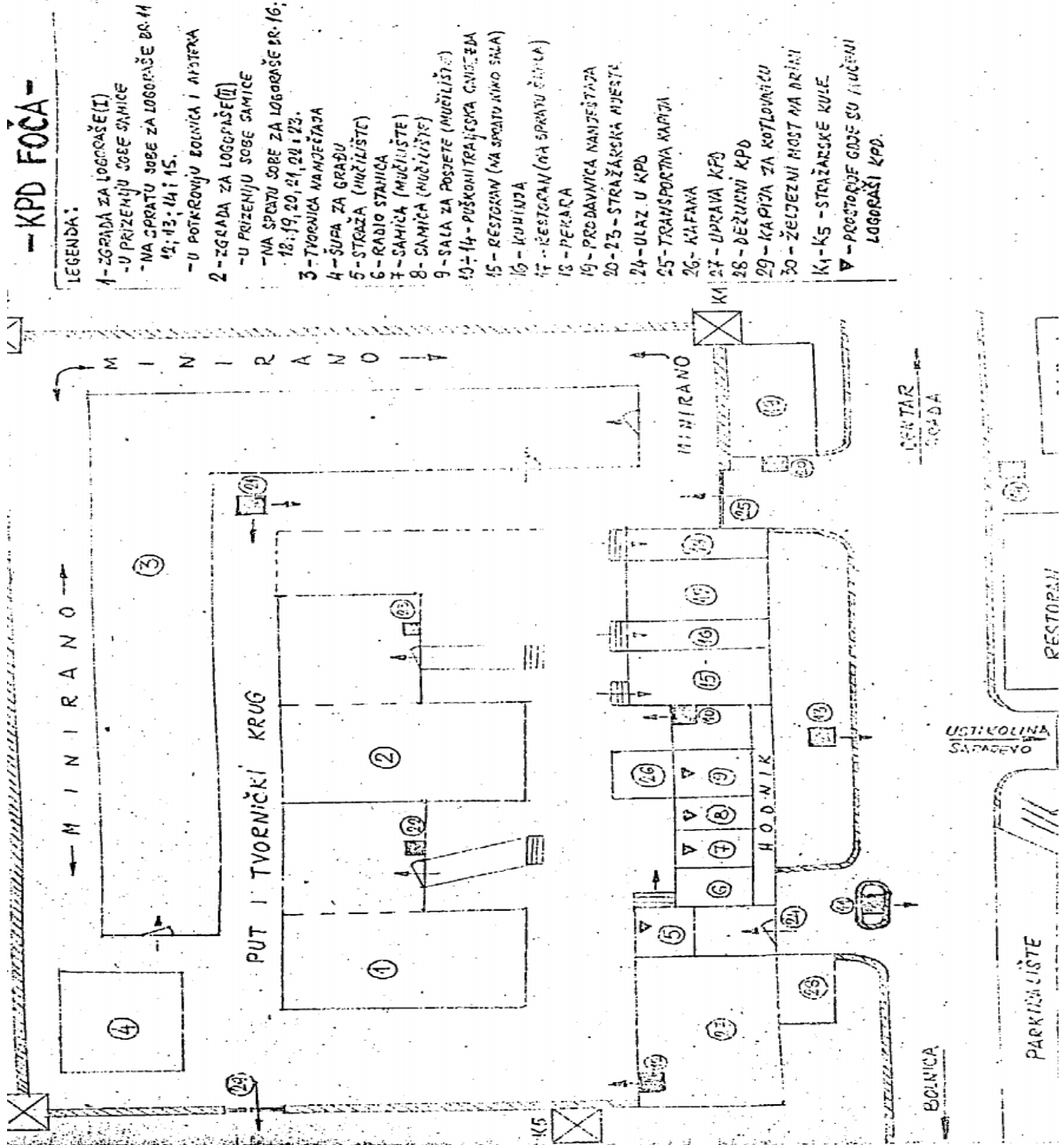
and present abuses and for noncompliance with the provisions of the Dayton agreement. This is likely related to a fundamental contradiction between attempts to maintain cordial relations and the idea of gently “coaxing” the local authorities into complying, and the duty to arrest some among them, while monitoring continuing human rights abuses, with a view to bringing the perpetrators to justice.

There are many reasons the staff of international organizations in towns like Foca might be unwilling to challenge local authorities that fail to comply with the Dayton agreement, not least of which is the risk of harassment, attacks, threats, or even of being “evicted” from the town that anyone who challenges the local authorities may face. The examples described above demonstrate clearly what has happened when international personnel have attempted to engage in activities or programs which the local authorities believe threaten their control in the town. But the tactic of reticence in withholding criticism of the local authorities in Foca has neither won friends nor made them more compliant; it has not brought freedom of expression or association; it has not opened Foca to the return of refugees and displaced persons; it has brought about a vetted police force that protects human rights; it has not even led to the permanent resettling of displaced Serbs who live in atrocious conditions. The international organizations have turned a blind eye not only to the connection between the brutal crimes which occurred in Foca during the war and the current leadership of the town, but also to their current noncompliance with the most basic principles of the Dayton agreement.

The failure of the international organizations in Foca, including OSCE, IPTF, and ECMM, and those whose mandates cover Foca and other towns, such as U.N. Civil Affairs, to report publicly on the lack of cooperation of the Foca authorities has accomplished nothing but, as one OSCE staff person reported to Human Rights Watch, to present the illusion that “things are very peaceful in Srbinje.” This portrayal of a town where indictees roam free, returnees face bodily harm, and where the local population may be denied humanitarian assistance because of their beliefs is dangerous and misleading. It is possibly because of the lack of open and public reporting on the actual situation in Foca that the World Bank and the U.S. government could have considered investing large sums of money in the town, which, under present conditions, would serve to entrench the power of those who are responsible for war crimes and post-war noncompliance. It is imperative that the perpetrators of war crimes and other gross abuses be held accountable for their crimes and that obstructionist authorities be pressured into compliance with the Dayton agreement. Most importantly, it is crucial that these persons do not benefit from economic aid in their efforts to build walls to permanently separate Foca’s divided people. It is the responsibility of the international organizations present in the region to ensure accountability.

APPENDIX I: "Concentration Camp in Foca": KP Dom Foca

APPENDIX I: "Concentration Camp in Foca": KP Dom Foca



Legend

- 1) - building for "inmates" (I)
 - ground floor solitary confinement cell
 - upper floor inmate cells number 11, 12, 13, 14, and 15
 - hospital and pharmacy in the attic
- 2) - building for inmates (II)
 - ground floor solitary confinement cell
 - upper floor inmate cells number 16, 18, 19, 20, 21, 22, and 23
- 3) -furniture factory
- 4) - shack for building materials
- 5) - guards room (torture chamber)
- 6) - radio station
- 7) - solitary confinement cell (torture chamber)
- 8) - solitary confinement cell (torture chamber)
- 9) - visitors room (torture chamber)
- 10-14) - machine guns rooms
- 15) - cafeteria (movie room on the upper floor)
- 16) - kitchen
- 17) - cafeteria (school on the upper floor)
- 18) - bakery
- 19) - furniture store
- 20-23) - guards quarters
- 24) - entrance to KP Dom
- 25) - transport gate
- 26) - coffee shop
- 27) - KP Dom management
- 28) - KP Dom guard on duty
- 29) - entrance to the engine room

30) - iron bridge over the Drina river

K1-K5 - watch towers

APPENDIX II: Events Following the Arrest of Milorad Krnojelac

On June 15, 1998, Milorad Krnojelac was arrested by SFOR troops in accordance with a sealed indictment accusing Krnojelac of beatings, murder, willful killing, willfully causing serious injury, cruel treatment and inhumane acts towards prisoners in the KP Dom prison camp in Foca. Following the arrest, a series of “spontaneous” demonstrations took place in Foca. They were characterized by Agence France Presse as “violent,”²⁰² and indeed resulted in the U.S. Consulate issuing an advisory to citizens on June 17 “to avoid the Foca area until further notice...[and that] U.S. citizens should remain alert to the security situation and exercise caution regarding their personal security.”

On June 16, demonstrators in Foca attacked local OSCE and IPTF stations, breaking into and damaging the offices as well as taking office equipment. One car belonging to IPTF was overturned during the protest. As the offices had taken the precaution of evacuating the town immediately following the arrest action, no international staff was injured.

However, Human Rights Watch learned that personal threats were delivered to representatives of international organizations immediately following the attacks on the offices. In one instance, when a representative who had evacuated the town following the arrest returned to his/her residence in Foca, s/he found that his/her landlady and her children had been threatened and did not feel safe with the representative remaining in her building. This international staff person reported that s/he and the landlady had been threatened repeatedly over the three months prior to the arrest of Krnojelac, but that the threats became too serious for him/her to remain in this residence.

Further, while local police were praised by U.N. representatives for their role in breaking up the protest, the role of local authorities in instigating the demonstrations and attacks against international representatives remains unclear. According to Bosnian Serb radio, de facto Mayor Ljubo Veljovic spoke out publicly at a rally against the international community for undertaking the arrest.²⁰³ Duncan Bullivant, spokesman for the Office of the High Representative (OHR), later appealed directly to Veljovic to stop the rallies and announced that “the mayor of Srinje will be responsible for possible incidents in this town.”²⁰⁴ Human Rights Watch has also received reports that OSCE has asked the mayor for compensation for the equipment that was damaged during the attack. These reports indicate that, at minimum, the international representatives present during the demonstrations believe that the “spontaneous” events were actually orchestrated by local authorities. If it were true that the local Foca authorities were responsible for the covert incitement of crowds of citizens into “unplanned” demonstrations, this would fit into a pattern of similar behavior long-noted throughout the war and post-war period in Bosnia—tactics popular because they successfully further the interests of hardline officials without directly implicating them in the violence that inevitably erupts during such incidents.

²⁰² Jacqueline Pietsch, “Bosnia-Herzegovina: AFP Gives Details of Krnojelac Indictment,” *Paris AFP (North European Service)*, June 18, 1998.

²⁰³ “Rally Held Over Bosnian Serb's Arrest for War Crimes,” *Pale SRNA* (in Serbo-Croatian), June 15, 1998, 15:10 GMT.

²⁰⁴ Mihajlo Orlovic report, *Banja Luka Srpska Televizija* (in Serbo-Croatian), June 17, 1998, 17:30 GMT.

APPENDIX III: Excerpts from the ICTY Indictment Against Gagovic et al.

The following were indicted by the Prosecutor of the International Criminal Tribunal of the former Yugoslavia:

Dragan Gagovic

Gojko Jankovic

Janko Janjic

Radomir Kovac

Zoran Vukovic

Dragan Zelenovic

Dragoljub Kunarac

(surrendered to the International Criminal Tribunal for the former Yugoslavia on March 4, 1998)

Radovan Stankovic

with **CRIMES AGAINST HUMANITY, GRAVE BREACHES OF THE GENEVA CONVENTIONS (HEREAFTER GRAVE BREACHES) and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**, as set forth below:

In the case of Torture and Rape at Buk Bijela,

GOJKO JANKOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

DRAGAN ZELENOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

JANKO JANIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

In the case of Torture and Rape at Foca High School,

DRAGAN ZELENOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

JANKO JANJIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

ZORAN VUKOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

GOJKO JANKOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

In the case of persecution in Partizan Sports Hall,

DRAGAN GAGOVIC indicted for:

persecution on political, racial and/or religious grounds as a **CRIME AGAINST HUMANITY**;
wilfully causing great suffering as a **GRAVE BREACH**;
outrages upon personal dignity as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

In the case of Torture and Rape of FWS-48 at Partizan Sports Hall,

DRAGAN GAGOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

In the case of Torture and Rape of FWS-48, FWS-50, FWS-75, FWS-87, FWS-95 and other women at Partizan Sports Hall,

JANKO JANJIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

DRAGOLJUB KUNARAC surrendered to the International Criminal Tribunal for the former Yugoslavia on March 4, 1998 on charges of:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

ZORAN VUKOVIC indicted for :

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

GOJKO JANKOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

DRAGAN ZELENOVIC indicted for:

torture as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
torture as a **GRAVE BREACH**;
torture as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

In the case of Enslavement and Rape of FWS-75, FWS-87 and Seven Other Women in the House of Nusret Karaman,

RADOVAN STANKOVIC indicted for:

enslavement as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**;
inhuman treatment as a **GRAVE BREACH**;
outrages upon personal dignity as a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**;

In the case of Rape of FWS-75 and FWS-87 and Two Other Women,

GOJKO JANKOVIC, DRAGAN ZELENOVIC and JANKO JANJIC indicted for:

rape as a **CRIME AGAINST HUMANITY**;

In the case of Enslavement and Rape of FWS-75 and FWS-87 in a Brena Apartment,

RADOMIR KOVAC indicted for:

enslavement as a **CRIME AGAINST HUMANITY**;
rape as a **CRIME AGAINST HUMANITY**.