

# War Crimes in Bosnia-Hercegovina: Bosanski Šamac

## Six War Criminals Named by Victims of "Ethnic Cleansing"

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### INTRODUCTION

In this report on gross violations of human rights and humanitarian law in Bosanski Šamac, Human Rights Watch/Helsinki identifies six war criminals and continues its call for immediate activity by the international tribunal on war crimes in the former Yugoslavia. Despite overwhelming evidence of war crimes in the former Yugoslavia, the tribunal, voted into being by the United Nations on February 8, 1993, has not begun its work. Although the judges have been appointed and the rules of evidence have been adopted, it remains without a chief prosecutor and it has not received adequate long term funding. Moreover, the U.N.'s Commission of Experts, which is charged with assembling evidence of war crimes and crimes against humanity in the former Yugoslavia, will soon be disbanded.<sup>1</sup> As a result, the U.N. pledge to hold to account those responsible for egregious crimes in Bosnia-Hercegovina has hardly been a deterrent to continuing atrocities in the former Yugoslavia. A community in northeastern Bosnia-Hercegovina near a Serb-controlled area of Croatia, Bosanski Šamac was one of the first municipalities to come under attack by a joint force of the Yugoslav People's Army (Jugoslavenska Narodna Armija - JNA) and Serb paramilitary and irregular forces from Bosnia and Serbia proper.

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<sup>1</sup> See Sadruddin Aga Khan, "War Crimes Without Punishment," *The New York Times*, February 18, 1994.

It is not the last. As international attention now focuses on the current cease-fire in Sarajevo, Bosnian Serb forces are continuing the horrendous practice of "ethnic cleansing" in northwestern, northeastern and eastern Bosnia-Herzegovina that are under their control. With this report, and another one soon to follow on the Banja Luka region, Human Rights Watch/Helsinki directs attention to the ongoing human rights abuses in areas of Bosnia-Herzegovina strategically important to the Serbs, yet out of the public eye.

The brutal measures of "ethnic cleansing" described here are pursued for military and political aims and continue to be carried out in many areas of northeastern and northwestern Bosnia-Herzegovina that are not under siege. The public nature of the abuses, and the frequency with which they take place indicates that soldiers and military units do not anticipate disciplinary action either from the international community or by their superiors. The lack of punishment of Serbian soldiers for their abuses in Bosanski Šamac and other areas of Bosnia-Herzegovina implies complicity on the part of the civilian, military and police authorities of the self-proclaimed "Republika Srpska" as well as the military and civilian authorities in Serbia proper. Human Rights Watch/Helsinki is not aware of any case in which Serbian forces guilty of abuses have been punished by their superiors for their crimes carried out against non-Serbs.

Many of the criminals are known by name, and witnesses exist. In this report alone, six war criminals are identified by a number of different witnesses: Stevo Todorović, Slavko and Makso from the Obodovac area, Goran from Orašje, and "Lugar" and "čika Tralja" from Serbia proper. Such criminals should be investigated, indicted and, when possible, prosecuted by the international war crimes tribunal.<sup>2</sup>

The information in this report is based on numerous interviews,<sup>3</sup> conducted by Human Rights Watch/Helsinki representatives in August 1993, with refugees and displaced persons from the Bosanski Šamac municipality who sought refuge in Croatia or Bosnian Croat-controlled areas of Bosnia-Herzegovina. This report is part of Human Rights Watch/Helsinki's ongoing project of documenting war crimes by all sides in Bosnia-Herzegovina, which includes a two-volume report and subsequent newsletters based on interviews with displaced persons, refugees, medical and relief personnel, journalists, lawyers, combatants, and civilian and military representatives of the parties to the conflict.

## **BACKGROUND**

**In the autumn of 1991, repeating the pattern which had occurred earlier in Croatia, Serbian militias**

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<sup>2</sup> Several suspected war criminals from the former Yugoslavia have already been arrested in Europe: On February 14, 1994, German authorities arrested Duško Tadić, a former Bosnian Serb policeman who worked at the infamous Omarska prison camp; he was identified by refugees as one of the torturers at the camp. Testimony gathered by Human Rights Watch/Helsinki also identifies Tadić as a possible war criminal (See Helsinki Watch, *War Crimes in Bosnia-Herzegovina, Vol. II*, p. 87). Similarly, Danish authorities recently arrested a Muslim who is accused of having committed war crimes against Serbs in a Bosnian Croat-run detention camp in southwestern Bosnia-Herzegovina. In February of 1994, Human Rights Watch/Helsinki issued an updated summary of eight cases that, with immediate investigation, would be strong candidates for prosecution (See Human Rights Watch/Helsinki, *The War Crimes Tribunal: One Year Later*, February 1994). The summaries identify twenty-nine possible defendants by name, link each defendant to specific crimes, and, in turn, enumerate potential violations of the pertinent law.

<sup>3</sup> Human Rights Watch/Helsinki bases its reports on direct testimony from victims or witnesses to abuses taken at sites where those abuses have taken place or at sites to which the victims have been displaced. It is not our practice to deal with the parties to a conflict, or groups allied with them, in locating those from whom we wish to take statements. Our general practice is to seek out witnesses ourselves, preferably those who have not had advance warning that we will talk to them. We prefer to take testimony when it is fresh and from witnesses who have not become practiced in giving statements to interviewers. We attempt to interview outside the presence of friends, family or other witnesses; and the interviewers are generally members of our staff or of our committees who speak the language of those from whom we take testimony. When we need to use translators, we make every effort to provide our own. We conduct interviews in depth and seek corroboration through independent testimony and through other evidence.

began appearing in predominantly Serbian populated villages of Bosnia-Herzegovina. Hoping to avoid a confrontation with the JNA, Bosnian President Alija Izetbegović allowed the "federal" army to confiscate weapons from Bosnian territorial defense (Teritorijalna Odbrana - TO) units.<sup>4</sup> The TO's military hardware was almost immediately handed over to Serbian militias and to local Serbian paramilitary groups. Furthermore, Yugoslav People's Army units which were withdrawn from Croatia and Slovenia and massed in Bosnia-Herzegovina also began openly distributing weapons to Serb militias, while simultaneously harassing Croatian and Muslim villagers in an effort to confiscate their weaponry.<sup>5</sup>

Using the international recognition of Bosnia-Herzegovina's independence as a pretext for the use of force, Serbian units opened fire on Sarajevo on April 6, 1992. At the same time, Serbian paramilitary forces invaded Bosnia-Herzegovina en masse with assistance from the JNA. In the first weeks of the war, Serbian forces succeeded in seizing between 50 and 70 percent of the republic's territory. Soon, they captured key territory in the northeastern (Posavina) region of Bosnia-Herzegovina where the town of Bosanski Šamac lies. These conquests have allowed the Serbs to establish a narrow land corridor linking Serbia proper with "Republika Srpska,"<sup>6</sup> and the "Republic of Serbian Krajina," the self proclaimed Serbian states in Bosnia-Herzegovina and Croatia, respectively. But the corridor is very thin, and so far, the Serbs have been unsuccessful in gaining complete control of the area around it.

Northeastern Bosnia continues to be the site of heavy fighting between Serbian, Bosnian, and Croatian troops, all of which are vying for control over this highly contested piece of territory. Bosanski Šamac remains under the control of Serbian forces. This region of Bosnia-Herzegovina, due to its strategic importance, has seen brutal abuses and violations of human rights.

## **"ETHNIC CLEANSING" AND FORCED DISPLACEMENT IN BOSANSKI ŠAMAC**

Many of the abuses attributed to Serbian forces follow a recognizable pattern, used during the war in Croatia and in Bosnia-Herzegovina, that has come to be known as "ethnic cleansing."<sup>7</sup> The primary aim

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<sup>4</sup> At the outset of the war in Bosnia-Herzegovina, the armed forces of the Bosnian government were comprised of local territorial defense (Teritorijalna Odbrana) units - local defense forces separate from the federal Yugoslav army. After World War II and during Tito's reign, the official Yugoslav position maintained that Yugoslavia, as a non-aligned state, was surrounded by external enemies, such as the North Atlantic Treaty Organization to the west and the Warsaw Pact to the east. In preparation for possible attacks, weapons for the general population were stored at the local level throughout the country. The weapons were purchased from workers' revenues at local enterprises and kept in various storage areas throughout each locality. Each of Yugoslavia's six constituent republics maintained a territorial defense structure, which included a civilian security force (civilna zaštita) and a local reserve militia. All former soldiers who served in the federal army could be called up to serve as reserve police officers for the republican police force or members of the local territorial defense unit. The TO's weapons could be distributed by the republican government, in consultation with the federal army and the federal government. Most of the weapons stored in territorial defense arsenals in Croatia and Bosnia-Herzegovina were confiscated by Serbian paramilitaries and the Yugoslav People's Army (JNA) at the beginning of the war in both countries.

<sup>5</sup> See Alan Fogelquist, "The Break-Up of Yugoslavia, International Policy, and the War in Bosnia-Herzegovina," p. 22, Research Institute of South Central European and Balkan Affairs, Los Angeles, 1993. Human Rights Watch/Helsinki retains testimonial evidence of such events carried out by Serbian militias, particularly in the Trebinje municipality.

<sup>6</sup> The self-proclaimed Bosnian Serb state is referred to as the "Republika Srpska" (Serbian Republic).

<sup>7</sup> The main objective of "ethnic cleansing" is the removal of an ethnic group from a given area through murder, population exchanges, or forced displacement. Forced displacement is itself a violation of international humanitarian law (the laws of war): Article 49 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (hereinafter Fourth Geneva Convention), states:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of motive.

of Serbian forces in Bosanski Šamac was to gain control of the region by forcibly displacing or killing non-Serbs in the area.<sup>8</sup> During this campaign of "ethnic cleansing," Serb forces were responsible for violations of human rights and humanitarian law including attacks against civilian targets, disproportionate use of force, pillage and the destruction of civilian homes and cultural objects, summary executions, and abuse in detention. The forced displacement of non-Serbs in Bosanski Šamac was similar, if not identical, to other "cleansing" campaigns that occurred in many other Serbian-controlled areas of Bosnia-Herzegovina.

The initial attack on Bosanski Šamac involved light and heavy artillery, which were used indiscriminately and disproportionately in order to terrorize the local population. According to witnesses interviewed by Human Rights Watch/Helsinki, the Serbian offensive was not met with any armed resistance and the area appears to have been attacked solely for the purpose of displacing the non-Serbian population.

I.B.,<sup>9</sup> a fifty-two-year-old Muslim clerk from the electro-industrial plant in Bosanski Šamac,

There are only two exceptions to the prohibition on displacement, for war-related reasons, of civilians: for their security or for imperative military reasons. "Imperative military reasons" require "the most meticulous assessment of the circumstances" because such reasons are so capable of abuse. One authority has stated:

Clearly, the imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident group.

(See International Committee of the Red Cross, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva: Martinus Nijhoff Publishers, 1987) at 1472 [hereinafter *1977 ICRC Commentary*].

Mass relocation or capture of civilians for the purpose of changing the ethnic composition of territory, in order to justify later annexation, is a political, not a military, move and does not qualify as an "imperative military reason." Destruction of civilian homes as a means to force those civilians to move is as illegal as a direct order to move.

International humanitarian law distinguishes international and non-international (internal) armed conflicts. Because of the direct involvement of forces from the Yugoslav, Serbian and Croatian governments, Human Rights Watch/Helsinki has treated the conflict as international in character, therefore allowing for the applicability of humanitarian law governing such conflicts (i.e., the 1949 Geneva Conventions and the First Protocol Additional to the Geneva Conventions). Although forces belonging to the Yugoslav/Serbian and Croatian governments have nominally withdrawn from Bosnia-Herzegovina, the direct military, economic and political aid provided by both governments to their surrogate forces in Bosnia-Herzegovina continues to make them parties to the conflict.

<sup>8</sup> According to the 1991 Population Census of Bosnia-Herzegovina, the total population of the Bosanski Šamac municipality was 32,835 of which 41.5 percent were Serb, 44.7 percent were Croat, 6.8 percent were Muslim, and 7 percent constituted various other minorities.

<sup>9</sup> Interviewed by Human Rights Watch/Helsinki representatives in a refugee camp in Croatia, summer 1993. The vast majority of those interviewed by Human Rights Watch/Helsinki have asked that their names be kept confidential and, in some cases, that the place of the interview remain secret because it might help identify them. Many people fear for the lives of friends and relatives who remain in the war zone or that their enemies might find them in refugee camps and other placement centers, even when these areas are far removed from the arena of warfare. In deference to their concerns, Human Rights Watch/Helsinki has adopted a policy of using pseudonyms or initials for all witnesses and avoiding specifics as to the places where the witnesses were interviewed. The names, dates, and places of such interviews and other supplemental information are kept in secure files outside the Human Rights Watch/Helsinki office and, under appropriate safeguards, will be made available, in a fashion consistent with our agreements with witnesses, to the prosecution for the U.N. War Crimes Tribunal.

recalled:

**The attack on Bosanski Šamac started on the 17th of April 1992. The Serbs together with the JNA "liberated" the town from Muslims and Croats. They shelled Šamac and entered it with tanks and military transports, although nobody tried to fight against them. Their attack started in the morning and the town was occupied by the evening... Almost immediately they started to round up Muslims and Croats.**

**N.,<sup>10</sup> a fifteen-year-old Muslim girl also from Bosanski Šamac, gave a similar account:**

**When the Serbs came, they were shooting, but no one was fighting [them]... They were shooting as if someone was attacking... [Later] the Serbs attacked Slavonski Šamac<sup>11</sup> from here...**

**Many witnesses and refugees from Bosanski Šamac confirmed that "ethnic cleansing" practices in this area were carried out not only by local armed forces and the self-proclaimed "Army of the Serbian Republic," but also by the Yugoslav People's Army and paramilitary troops from Serbia proper.<sup>12</sup> More specifically, witnesses claim that Serbian paramilitary forces belonging to Željko Ražnjatović's (alias "Arkan") and Vojislav Šešelj's forces - also known as the Tigers and the Četniks, respectively - participated in the hostilities.**

**J.T.,<sup>13</sup> a forty-year-old tinman from Bosanski Šamac, recounted:**

**On April 18, 1992, I saw the Serbian army... We heard they were Arkan's soldiers; they were with the JNA... I was arrested by men in olive green uniforms and with Serbian flags on their caps; one of them was called Zoran and he told me he was from Grocka in Serbia.**

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<sup>10</sup> Interviewed by Human Rights Watch/Helsinki representatives in a refugee camp in Croatia, summer 1993.

<sup>11</sup> A town in Croatia which lies north-east of Bosanski Šamac, and across the Sava river which serves as the natural border between Croatia and Bosnia-Herzegovina. Locals often refer to their respective towns as "Šamac" and, unless otherwise indicated, any reference to "Šamac" denotes Bosanski Šamac.

<sup>12</sup> When fighting broke out in early April 1992, the Yugoslav People's Army (Jugoslavenska Narodna Armija - JNA) and paramilitary groups based in Serbia proper fought openly on behalf of indigenous Serbian forces in Bosnia-Herzegovina. On May 19, 1992, the JNA announced its withdrawal, although approximately 80,000 Bosnian Serbs who were JNA officers and soldiers were permitted to remain behind and fight on behalf of Serbian forces in Bosnia. The JNA also passed on most of its weaponry to Bosnian Serb forces, which now call themselves the "Army of the Serbian Republic" (Vojska Republike Srpske - VRS) and are commanded by a former JNA general, Ratko Mladić. Despite claims by the Yugoslav government that citizens of Serbia and Montenegro do not participate in hostilities in Bosnia, Serbian and Montenegrin members of paramilitary groups and the JNA continue to fight on behalf of, or provide military and other aid to, Serbian forces in Bosnia. Furthermore, the Bosnian Serbs receive food, fuel, and weapons from Serbia. As late as January 14, 1994, witnesses, including journalists, saw convoys of 105-millimeter cannons being pulled by vehicles bearing Yugoslav Army markings that had crossed the Drina River in broad daylight from Serbia travelling toward Tuzla. United Nations military observers have also seen large troop movements, some in vehicles without identification, from the Serb-held town of Zvornik, on the Bosnian-Serbian border. Yugoslav Army troops are widely believed to have mounted short operations inside Bosnia, often ostensibly while on leave or in uniforms without their identity patches. See Helsinki Watch, *War Crimes in Bosnia-Herzegovina*, August 1992, pp. 32-49 and 199-202, and John Kifner, "Yugoslav Army Reported Fighting In Bosnia to Help Serbian Forces," *The New York Times*, January 27, 1994.

<sup>13</sup> Interviewed by Human Rights Watch/Helsinki representatives during the summer of 1993.

**T.T.,<sup>14</sup> a fifty-eight-year-old Muslim woman from Bosanski Šamac, gave similar accounts:**

**Šešelji's guys came in early June. Arkan's men came and threatened us, saying, "How would you prefer to be killed? To be cut up or shot?" The locals were afraid of Šešelji's guys. Šešelji's men wore black jackets and pants; they carried a flag which bore a skull... Arkan's guys were run out of the village by Šešelji's men and then some guys from Krajina came.**

**P.O.,<sup>15</sup> a forty-seven-year-old Muslim who was a technical director in the electro-distribution firm in Bosanski Šamac, remembered the first day after Serbian forces had taken control of the area:**

**First some special divisions came in camouflage uniforms; they were from Serbia -- I could tell by their accent; they were between thirty and forty years old. They wore bullet-proof vests and were well armed with AK-47s and rocket-propelled grenade launchers (RPGs).**

**T.K. and I.L.,<sup>16</sup> two Muslim women from the village of Zasavica, and I.B. - the clerk from the electro-industrial plant in Bosanski Šamac - all mentioned that many of the paramilitary soldiers in Bosanski Šamac were not locals. Many of them were overheard mentioning that they were under Šešelji's command and came from places such as Ruma, Srijem, Valjevo, and Zrenjanin (i.e. Serbia proper and Vojvodina).**

**After the initial attack, Serbian civilian, military and/or police officials disarmed the non-Serbian members of the local police force, took control of the local government, and called on the population of Bosanski Šamac to relinquish its weapons. The call was broadcast over the radio and by police vehicles mounted with loudspeakers. Fearful of the increased Serbian presence in Bosanski Šamac, the local non-Serbian population complied with the demand and relinquished any weapons that they had in their possession. Non-Serbian men were questioned after the weapons were collected. Muslims and Croats who remained in Bosanski Šamac were often victimized by arbitrary arrest, interrogation and physical violence which caused them to hide or flee. The abuses against non-Serbs appear to have been the result of a premeditated plan by local and regional civilian, military and police authorities.**

**According to J.T.:**

**No resistance was given to Serbs in Bosanski Šamac, and whoever had weapons gave it to them after the demands were heard on the radio and on the loud-speakers which were mounted on police cars... Groups of Serbian soldiers were going from house to house picking up Muslims and Croats. They already had the list of names... They were going around in groups of four or five men... Twenty-eight of us were taken into the SUP (Sekreterijat Unutrašnjih Poslova - the police station). The next day we were taken into the hall of the TO, into hangars, and then forty-seven of us were transferred to Brčko.**

**T.T., whose son was taken away during the roundups, gave a similar account:**

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<sup>14</sup> Interviewed by Human Rights Watch/Helsinki representatives in a refugee camp in Croatia, summer 1993.

<sup>15</sup> Interviewed by Human Rights Watch/Helsinki representatives in Domjanovci, Bosnia-Herzegovina, summer 1993.

<sup>16</sup> Both women interviewed by Human Rights Watch/Helsinki representatives in Domjanovci, Bosnia-Herzegovina, summer 1993.

**First, they arrested the Croats -- they locked up all the men; this happened at the end of April... Then they started to pick up the Muslim men from Šamac. Every day, they picked up between ten and twenty (people) and put them in cars and trucks.**

**I.L., the thirty-four-year-old woman from Zasavica, reported:**

**There were round-ups and they started blocking the roads. Before the round-ups, approximately eight to ten Serbian soldiers in camouflage and police looked over the buses. People were going to work and they got arrested... A truck full of men with beards and high hats, and dressed in camouflage passed through the village... They told us they had orders to collect us. We all got on the trucks and they took us to Crkvina, where they put us in the "house," as they called it. It is a hall for cultural events...**

**T.T. claimed that her Serb neighbors knew beforehand of the occupation which was taking place:**

**At about 6:30 a.m., on the 16th or 17th of April, we saw the JNA in our yard. I was preparing a party for my son. We had no idea that anything was about to happen. The soldiers wore moss green and camouflage uniforms. They wore all types of hats (including some) with red stars.<sup>17</sup> There were about three tanks. Our Serbian neighbors were also dressed in camouflage. They were from the (predominantly Serbian) villages of Crkvina, Pisari, and Škarići.**

**T.K. gave a similar account:**

**Five or six of them came by our house early in the morning at about 6:30 a.m.. They were in front and in back of the house, in camouflage. There were local Serbs from Crkvina, among them Dragan Spasojević and Lazo Evdjić. They told us to get out of the house because they were looking for weapons.**

**Prior to their expulsion from the Bosanski Šamac municipality, many non-Serbs were forced to sign statements that they were voluntarily leaving the area. In other cases, civilian authorities drafted and issued statements in which the signatory relinquished all claims to his or her property to the local Serbian-controlled agencies. Non-Serbs also had the "option" to sign loyalty oaths to the regional Serbian authorities. In almost all cases, the aforementioned documents were prepared, issued, signed and stamped by high- or mid-ranking civilian or military authorities in the region. According to Mr. T.,<sup>18</sup> T.T.'s husband from Bosanski Šamac:**

**I saw the professor of mechanics, Miro Tadić; he was the main guy in our building... He said, "You have to sign a loyalty oath... You know what happens to those who don't want to join us.**

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<sup>17</sup> The red star is the symbol formerly worn on all the official uniforms of the Yugoslav People's Army.

<sup>18</sup> Interviewed by Human Rights Watch/Helsinki representatives in a refugee camp in Croatia, summer 1993.

**Forced "confessions," in which non-Serbs declared themselves guilty of anti-Serbian activities, were recorded and later used as propaganda material and justification for the invasion. According to I.B.:**

**T.V. Novi Sad was filming while they were arresting people, and some of [those arrested] were "confessing" to [crimes of which they were accused] under pressure.**

**P.O. was arrested on April 24 in Bosanski Šamac and was held in detention for more than 11 months. During that time, he was transferred to numerous makeshift jails in which he and other Croats and Muslims were severely abused. He was tried almost a year after his "arrest." He told Human Rights Watch/Helsinki representatives:**

**I was charged with "armed insurrection" in a military court [in Bijeljina]... They beat us with [auto] parts. They broke people's noses and jaws. I made a statement after the beating in Šamac for TV Novi Sad... They told me what to say [for the cameras] and I said it.**

**The fact that the civilian authorities of the self-proclaimed "Republika Srpska" in Bosnia-Herzegovina are responsible for the displacement of non-Serbs and the interrogation and registration of detainees attests to the fact that the practices associated with "ethnic cleansing" are part of a coordinated effort by Serbian military and civilian leaders — at least on a municipal level — to rid Serbian-controlled areas of non-Serbs and, possibly, of those Serbs who disagree with their policies.**

## **SUMMARY EXECUTIONS AND MISTREATMENT IN DETENTION**

**Human Rights Watch/Helsinki documented cases in which civilians were summarily executed in Bosanski Šamac. Summary executions of non-Serbs took place immediately after the municipality fell to Serbian forces.<sup>19</sup> Serbian infantry units entered villages and summarily and randomly executed civilians;**

<sup>19</sup> The summary execution of civilians and persons *hors de combat* is prohibited under Article 75 of Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts [hereinafter Protocol II] which states that the following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

(a) violence to life, health, or physical or mental well-being of persons, in particular:

(i) murder;

(ii) torture of all kinds, whether physical or mental;

(iii) corporal punishments; and

(iv) mutilation;

(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;

(c) the taking of hostages;

(d) collective punishments; and

(e) threats to commit any of the foregoing acts.

**Article 147 of the Fourth Geneva Convention states:**

**Grave breaches ... shall be those involving any of the following acts, if committed against persons or property protected by the present Convention (i.e., civilian persons): wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.**



paramilitary groups based in Serbia proper also participated in such executions. Summary executions were directed particularly at men between the ages of eighteen and sixty. Human Rights Watch/Helsinki is also concerned that Serbs opposed to such methods of "ethnic cleansing" may have also been executed by Serbian forces.

**I.B. remembered:**

**I was arrested on the 4th of June. First, they started to arrest members of HDZ<sup>20</sup> and SDA<sup>21</sup>, and wealthy and educated Muslims and Croats; they were killing them. Josip Oršolić was among the first men who were killed - he was a wealthy Croat; his wife was a Serb... She was exchanged.**

**After Serbian troops occupied the area, residents were taken from their homes, separated by ethnicity, sex, and age, and taken to places of detention. They were held without legal basis in detention facilities under Serb control. There they were registered, interrogated, physically abused, beaten (sometimes to death), sexually humiliated, raped, and in some cases, summarily executed.<sup>22</sup> The primary criteria for detention was affiliation with another ethnic or religious group. Human Rights Watch/Helsinki has documented several cases of torture and severe mistreatment of prisoners held in detention centers in the Bosanski Šamac area, as well as in Serbian-occupied territories near the municipality.**

**As a prisoner, J.T. was frequently moved from one detention center to another. He witnessed summary executions of civilians by the JNA and paramilitary soldiers while detained in Bijeljina and Brčko. Many refugees and displaced persons interviewed by Human Rights Watch/Helsinki reported seeing an abusive Serbian soldier named "Lugar" in Bosanski Šamac, but J.T. remembers seeing "Lugar" for the first time in Brčko:**

**...Forty-seven of us were transferred to Brčko. We were beaten there; one young man -**

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**"Protected persons" are defined by Article 4 of the Fourth Geneva Convention as:**

**... those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.**

<sup>20</sup> **Croatian Democratic Union (Hrvatska Demokratska Zajednica or HDZ) is the ruling political party in Croatia proper, and the political party which represents part of the Croatian population in Bosnia-Herzegovina.**

<sup>21</sup> **Party of Democratic Action (Stranka Demokratske Akcije or SDA) is the political party which represents the vast majority of the Muslim population in Bosnia-Herzegovina.**

<sup>22</sup> **Article 13 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, [hereinafter Third Geneva Convention] states:**

**Prisoners of war must at all times be humanely treated. Any unlawful omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention.**

**Prisoners are to be treated humanely "from the time they fall into the power of the enemy and until their final release and repatriation" (Article 5, Third Geneva Convention); i.e., after the combatants are rendered unable to bear arms as a consequence of surrender, wounds, illness or otherwise, the person no longer constitutes a legitimate military threat and, therefore, cannot be the subject of attack and is to be treated humanely and cannot be summarily executed.**

**Dikan - was killed [shot] by a man called "Lugar." I was beaten with an iron stick... On the ninth day we were transferred to the JNA military barracks... We were guarded by JNA soldiers. There we were beaten by them... After Brčko came under attack, they moved us into military barracks in Bijeljina; there, some JNA soldiers took one young man into the yard, and killed him with a machine gun burst.**

**After being transferred to Bosanski Šamac, J.T. stated that the detainees were, among other things, sexually abused:**

**When we were sent back to Bosanski Šamac, we were put into the elementary school "Mitar Trifunović..." One evening at the end of June or the beginning of July, six or seven of them came; it was around 9:30 p.m.. They took us outside, and one by one, they beat us and pulled teeth... They pulled out five or six teeth from E.E, T.I, and K.J. ... They tortured us in all possible ways. They would take two brothers, as they did with B. and B.L, and force them to have sexual intercourse. B. was always beaten in terrible ways since he refused to do it. They would take two friends outside and force them to take one another's penis into their mouth... They forced us to urinate in one another's mouths, and eat feces... There was a German imprisoned with us, his name was V.; he came to Gradačac as a truck driver... He was also sexually abused. We would hear through the gates how they ordered men to molest or rape one another... Stevo Todorović was one of the worst torturers. He would come with five or six of his men; they would make a circle and put you in the center and beat you. He would always be the first to start beating...**

**After being moved into another school in Bosanski Šamac, J.T. recounted what he witnessed:**

**We saw "Lugar" killing two Croats in the high school, they were civilians; it was at the end of June. We heard shooting and saw bodies being taken away through our window. Policemen - our guards - told us that he really did it. He was from somewhere in Serbia. The Serbs took about thirty prisoners into a hangar in Crkvina, and they were killed by "Lugar" and "Čika Tralja;" he was also from Serbia. They killed fifteen people with hunting rifles; among them were Luka Grigurević, Josip Oršolić, Luka Blaženović, and a man whose surname was Hurtić.**

**U.K., a thirty-year-old Croat resident of Zasavica, also claimed that "Lugar" was responsible for the executions. According to U.K.:**

**"Lugar" was one of the worst... He shot Bartol Kljaić and Marko Ević. ("Lugar") did it in the hall, but we were not allowed to watch. After the shooting, we heard him ordering the guards to take the bodies outside. C., my cousin, had to carry the bodies out. Later, we had to wash the blood from the floor... There was also a Četnik named Slavko, [who] would take men outside the hall and pull their teeth out with pincers.**

**P.O., who was picked up off the street by four police officers, described what happened to him after he was taken from the police station:**

**They took me to the TO around four o'clock, where a member of the special forces nicknamed "Lugar" was demanding money from I.C. and his brother. They said they didn't**

have any money; "Lugar" then took a sixty-year-old Croat, a small man who weighed about fifty kilos, and beat him with a broken chair, cutting the artery in his neck with the chair. He dragged him outside by the legs and shot him. I was next to the door; he shot him in the head. This man saved the two other men (i.e., I.C. and his brother!."

J.T. was also held in the Bosanski Šamac police station where, he reported, prisoners were tortured. According to J.T.:

I was put in the SUP jail (after June 1993); I was beaten there regularly by Stevo Todorović and seven or eight of his men. There were two men from the 111 Rijeka brigade<sup>23</sup> who were taken as prisoners in Vučilovac. They stabbed knives into their kidneys. They would usually torture us from 6 p.m. until 4 a.m.

I.B. recounted his experience mentioning, as J.T. did, a man by the name of Stevo:

They picked up my neighbor, B.D., and me. They handcuffed us and told us that they would take us into the police station and if we were not guilty, they would not hurt us. As soon as they put us into the car, I was hit in the nose with brass knuckles. In the police station, they wrote down our names and addresses. Then they drove us around Četnik (i.e., predominantly Serbian-populated) villages - Crkvina, Slatina Gornja and Dolnja; all night long they were beating us in these villages... Then they took us into Brnik... There was about twenty people there... They ordered us to sit down and then they beat us with truncheons... I lost consciousness a few times; they would pour water on us and continue to beat us!...

Then they took us to the police station in Šamac, and they continued to beat us there... The worst thing was to fall down - they would beat you with their feet and sticks... Ružmir Hodžić died after a few days... His liver was damaged in this beating, he couldn't stand upright... They were beating us until dawn; they turned the lights off, locked us in, and left. The floor and the walls were covered with blood... I couldn't eat, I had five broken ribs and I got pneumonia. Later, Četniks who came back from the front lines came into our cell, asking who was Croat and who was Muslim - one day beating Croats and the other, Muslims. We were often beaten by a man named Stevo; they called him Steve.

P.O. also confirmed Stevo's and "Lugar's" roles in the abuse and mistreatment of prisoners in Bosanski Šamac. According to P.O.:

Stevo Todorović beat me at the police station and at the school. Slavko from Obodovac, Makso from somewhere near Obodovac, Goran from Orašje, and "Lugar," the member of the special forces, knocked out my teeth... They beat me so badly, my head swelled up.

After long periods of detention, detainees were brought to the front lines, where they were

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<sup>23</sup> Rijeka is a coastal city in the neighboring republic of Croatia. The captured soldiers were apparently members of the Croatian Army (Hrvatska Vojska - HV) and not of the Bosnian Croat forces, Croatian Defense Council (Hrvatsko Vijeće Obrane - HVO). They were probably taken prisoner right across the border from Bosanski Šamac - in Slavonski Šamac - where the war was still being waged.

exchanged for Serbian prisoners of war and civilians held by Bosnian and Croatian forces.

## **PILLAGE AND DESTRUCTION OF CIVILIAN PROPERTY**

In the case of Bosanski Šamac, Serb military, paramilitary, and police forces appear to have intentionally targeted civilians (as described above) and civilian objects for destruction or looting as part of the "ethnic cleansing" campaign. On the basis of evidence collected by Human Rights Watch/Helsinki, such acts of destruction and/or looting were aimed at terrorizing the civilian population, thereby inducing them either to flee or surrender.<sup>24</sup> Such public displays of destruction suggest that local and regional Serbian authorities issued orders, organized or condoned efforts to loot and/or destroy non-Serbian property.

**I.B. told Human Rights Watch/Helsinki:**

**They were shelling Slavonia, Croatia [from Bosanski Šamac]. Their tanks were hiding between our houses. They came to my street with a tank, hid it behind my house and shelled Croatia. There was no electricity, so during the nights they did what they wanted. Shooting was going on all night long as well as robbery... Serbian soldiers were coming and taking whatever they wanted... We were not allowed to lock the door...**

**U.K. was rounded up with his family from Zasavica and taken to the community hall (i.e., "dom kulture") in Crkvina. He described how groups of prisoners were used as part of the looting campaign organized by the Serbs:**

**After one and a half months of imprisonment, we received working obligations; we were to collect washing machines, refrigerators, and technical equipment. My group went to the villages of Čardak and Kornica, while other groups went to Tišina and Hasići. A truck would take us to the villages, and the Serbs would tell us what to take out of the houses and into the street. Then a bigger truck would come and we had to load all their things. They [the soldiers] were competing over who was going to steal more. They were taking their stolen things into the UTVA factory of iron constructions. The houses from which we took things were left empty, and the villages [that were looted] were Muslim and Croat... After the fall of Odžak to the Serbian forces, we did the same thing in the villages of Novo Selo, Dubica, and Prud.**

**As of this writing, Human Rights Watch/Helsinki knows of no cases in which Serbian authorities have made an effort to arrest those guilty of wanton violence and destruction and large-scale banditry.**

## **HOLDING OF HOSTAGES AND CONFINEMENT TO GHETTO AREAS**

**While most Muslim and Croat men were held in detention centers in the Bosanski Šamac area, many non-Serbian women, children, and elders were confined to their villages or taken to other areas, where they were held hostage until they were exchanged for persons held by opposing forces. In**

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<sup>24</sup> According to Article 147 of the Fourth Geneva Convention, "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" is considered a "grave breach" of the Geneva Conventions of 1949.

international humanitarian law, the detention of civilians against their will amounts to hostage-taking.<sup>25</sup> In many respects, these villages were transformed into ghettos where non-Serbian civilians were held hostage. In the Bosanski Šamac municipality, many of these "ghetto villages" served as labor camps. The villages were surrounded by Serbian paramilitary forces and/or members of the JNA which patrolled the perimeters, while the local non-Serb residents were forced to perform hard labor.<sup>26</sup> Persons confined to such villages worked in the area until they were exchanged for Serbian combatants or civilians held by the opposing forces.

**T.K. described her experience in the village of Zasavica, after it was turned into a ghetto:**

**About 400 women - all from my village - and a few of the older people were returned to the village. Later, women from the villages of Vidovice and Kopanice were brought to our village. Women from the villages of Tišina and Hašići who had been captured were also brought to our village. Four women from Odžak came and they were very badly bruised when they arrived. They were terrified. One of the women was in her forties; she had been badly beaten and her teeth were knocked out..**

**A Četnik from Pisara made us get into a truck and told us to plow the fields... Women were taken to plow the fields in the Odžak municipality, especially in the villages of Novo Selo, Dubica, Svilaj and Potočan... They never let up... They also wanted us to work when it rained... A woman tried to eat a plum [while working in the fields] and a Serbian soldier told her to spit it out. He made her throw up. She had to put her fingers down her throat, and he threatened to kill her.**

**I.L., whose husband at the time of the interview was still held hostage, stated:**

**Zasavica is an open detention camp. The Serbs made this [village] a camp for civilians... At the entrance and exit to the village, Serbian soldiers stood on guard and we couldn't leave... The remaining inhabitants of the village -- primarily women -- were allotted work**

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<sup>25</sup> Article 75 of Protocol I and Article 147 of the Fourth Geneva Convention expressly forbid the taking of hostages. (Refer to footnote 11 for an explication of these provisions of international law.) "Hostages" are defined by the *1977 ICRC Commentary* at 874I as follows:

**Hostages are persons who find themselves, willingly or unwillingly, in the power of the enemy and who answer with their life or their freedom for compliance with the orders of the latter and for upholding the security of its armed forces.**

**Civilians captured and held for exchange purposes are hostages, since they answer with their freedom for compliance with the orders of their captors.**

<sup>26</sup> Although international law permits the use of prisoners of war as labor, the detained women, children and elderly persons in the ghetto villages in the Bosanski Šamac area are not prisoners of war, as defined under international law. Rather, they are illegally held as hostages. (See preceding definition of hostages and international law's prohibition against taking hostages.)

According to the Third Geneva Convention, prisoners of war are defined as members of armed forces belonging to one party to the conflict, or "persons who accompany the armed forces without actually being members thereof," who otherwise have fallen into the power of an enemy or opposing party. Human Rights Watch/Helsinki does not have any evidence indicating that the women interviewed for this report were members of any armed force or had accompanied them as civilian members of such forces. (For the full and detailed definition of "prisoners of war" see Article 4 of The Third Geneva Convention.) Articles 23, 49, 50 (b) and (c), and 57 of the Third Geneva Convention regulates the treatment of prisoners of war and the conditions under which they can be used as labor. See also *1977 ICRC Commentary* at 267J.

**duty... Serbian soldiers came with trucks and picked up the women, including those with small children, and took them to the fields. Serbian neighbors from Crkvina came and took our harvest, and we were left to fend for ourselves... We never received any food... All that we had in our fields was theirs... Fifteen men were brought back to the village to slaughter pigs for their army... They [the Serbian forces] brought back thousands of swine and the men had to kill sixty to seventy pigs a day for their army.**

**T.T. stayed behind in Bosanski Šamac in order to track down her son who had been taken away by the Serbs. In early September, she herself was picked up by two soldiers and a civilian, put on a truck and sent to Zasavica. She stated:**

**All the Muslim and Croatian women and children and some older people awaited us [in the village]. There was no army inside [the village] but it was surrounded... In the morning, a truck came and it was filled with younger women from Šamac and Zasavica. They were taken to work in the villages around Odžak... We were surrounded by Četniks who were locals. They were stationed at the exit and entrance of the village; there was also a guard by the Bosna river...**

**Those who remained in the area were detained as hostages to be used in exchanges for civilians and combatants held by the opposing side(s). I.L. described the circumstances when she left Zasavica during a prisoner exchange in the late winter of 1992. According to I.L.:**

**One hundred and fifty-two people from Zasavica and Bosanski Šamac were exchanged. Of the 152, seven men, twelve women, and two children were inhabitants of Zasavica. Prisoner exchanges had taken place prior to the time I was exchanged. [Such exchanges took place] in June, August, October, and November 1992. After I left, there were exchanges in December 1992, January and June of 1993... As far as I know, more people are still in Zasavica. All of them are being held for exchange purposes.**

**N.'s account of the prisoner exchanges was similar to I.L.'s:**

**On December 25, 1992, there was a prisoner exchange of about fifty soldiers and 100 civilians in Bosanska Gradiška... I didn't see others being exchanged from the other side, but soldiers were exchanged.**

**Human Rights Watch/Helsinki is concerned that the local Serbian Red Cross played a direct role in aiding the Serbian forces, thus violating international law. As the following testimonies describe, the Serbian Red Cross refused to grant papers to non-Serb civilians wishing to leave Serbian-occupied territory. Rather, these persons were detained or confined to ghetto villages, held as hostages, and forced to perform hard labor. According to I.L.:**

**The Serbian Red Cross in Srpska Tišina told my sister and me that we had to go to Zasavica [the ghetto village]. They told me that because we're not Serbs, we had to leave Srpska Tišina.**

**N. recounted a similar account:**

**We registered at the Red Cross. We had been asking to leave for four months, but they didn't let us leave from Bosanski Šamac.**

**The flight of the non-Serbs from Bosanski Šamac was not just the result, but the goal of the fighting. Human Rights Watch/Helsinki interviewed refugees and displaced persons from the municipality who claimed that they did not flee to escape the fighting but had been forcibly expelled or displaced by the Serbian forces. Almost all the refugees and displaced persons interviewed by Human Rights Watch/Helsinki were civilians.**

## **RECOMMENDATIONS**

**Human Rights Watch/Helsinki calls on the Bosnian Serb leaders, as well as government authorities in Serbia proper to apprehend and prosecute all those guilty of human rights abuses and violations of the rules of war in the Bosanski Šamac municipality. Human Rights Watch/Helsinki also calls on the Bosnian Serb and Serbian leaders to:**

**1. Reverse and cease all military activity aimed at forcibly removing non-Serbs from their homes and to allow all those who have been forced to leave their homes to return without fear of reprisals or harassment;**

**2. Investigate and punish military personnel responsible for treating non-Serbs in an inhumane manner during the occupation of the Bosanski Šamac municipality;**

**3. Prosecute individuals, members of paramilitary groups, and soldiers who carried arms in an unlawful manner, terrorizing non-Serb civilians and at times killing them; and**

**4. Investigate Yugoslav Army personnel responsible for use of undue force against non-Serb civilians in Bosanski Šamac, including those responsible for the wounding and executions of non-Serb civilians as described above.**

**Human Rights Watch/Helsinki continues to call on the United Nations Security Council, the United States, and other governments and intergovernmental bodies to take the following steps:**

**1. In addition to recent efforts to end the siege of Sarajevo and other besieged cities, take measures immediately to prevent and suppress genocide and to end violations of human rights associated with the policy of "ethnic cleansing" in areas which are not under siege, but where abuses still continue; and**

**2. Properly fund the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, appoint a prosecutor and proceed as quickly as possible with the actual prosecutions of alleged war criminals.**

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***This report is based on a mission conducted by Ivana Nizich, Research Associate of Human Rights Watch/Helsinki and Željka Markić, Associate to Human Rights Watch/Helsinki, during the summer of 1993.***

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***Human Rights Watch/Helsinki, formerly Helsinki Watch***

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