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BOSNIA-HERCEGOVINA

SARAJEVO

INTRODUCTION

Sarajevo, the capital of Bosnia-Hercegovina, has become a stark symbol of both the strengths and the depravities of human nature. The dignity and resourcefulness of Sarajevans who have survived a siege of more than 900 days stands in bold contrast to the atrocities that have been committed in the savage war against civilians that continues, unending, in Bosnia-Hercegovina. That the international community has failed to bring an end to this war in which civilians are the express targets is all the more inexplicable because these barbarities are happening in the heart of Europe and the facts are known to all. Artists and intellectuals in Sarajevo have proclaimed their city a "post-cataclysmic environment" in which "survival" is the new philosophy. They believe that Sarajevo holds the knowledge we all need in preparation for the 21st century. Let us hope that they are wrong.

For many centuries, Sarajevo was a multi-ethnic society with a tradition of diversity and tolerance. Muslims, Serbs, Croats and other nationalities lived there peacefully side by side.[1] But the citizens of Sarajevo, perhaps because they were such models of multi-culturalism, have been subjected to relentless, punitive attacks since the start of the war in Bosnia-Hercegovina, and the propaganda of extreme nationalism that has propelled this war has taken its toll on Sarajevo's ethnic unity as well.

It was in October 1991 that Muslim and Croatian representatives in the Bosnian parliament declared the sovereignty of Bosnia-Hercegovina and decided to seek international recognition for the country. During a nation-wide referendum on February 29 and March 1, 1992, boycotted by most of Bosnia's Serbs, a majority of Bosnia's Muslims and Croats voted for independence. Serbs in the police force of Bosnia-Hercegovina broke away to form their own armed force, and outbreaks of violence took place throughout the months of March and early April. On April 6 and 7, 1992, when Bosnia-Hercegovina was recognized as an independent state by most of the international community, Bosnian Serb forces revolted and attacked areas of Bosnia-Hercegovina, eventually assuming control of approximately 70 percent of the country. These Bosnian Serb forces were armed and trained and aided in combat by the Yugoslav People's Army (Jugoslavenska Narodna Armija - JNA), the government of the Republic of Serbia and paramilitary groups from Serbia proper.[2] The part of Sarajevo controlled by the government of Bosnia-Hercegovina has been under siege since April 1992, and well over ten thousand civilians have been killed and wounded by shells and snipers.[3]

Many people think of Sarajevo as a single besieged fortress, rather than the divided city that it has become. Part of the city is occupied by Serbian forces and that portion was "ethnically cleansed" of most

[1] Human Rights Watch/Helsinki (formerly Helsinki Watch) representatives travelled to Sarajevo in 1991 to investigate freedom of the press and the status of minorities and national groups living in the city. We found no evidence of discrimination or abuse of any one group, despite claims of discrimination by Serbian authorities, most notably Radovan Karadžić and some members of his Serbian Democratic Party (Srpska Demokratska Stranka - SDS), the political party representing most, but not all, Bosnian Serbs. Bosnian Serb, Muslim and Croat political representatives in Sarajevo all claimed "discrimination" of their respective groups in the press in Bosnia-Hercegovina, believing that the ethnicity of journalists employed by the state-run media should be apportioned to reflect the demographic structure of the country. However, only SDS officials cited violations of their political and civil rights, of which there was no evidence.

[2] Although this report will refer primarily to Bosnian Serb forces, it should be remembered that these forces have included and may still include the troops and entities mentioned here.

[3] For a description of the events that led to the war in Bosnia-Hercegovina and tensions in Sarajevo in late March and early April of 1992, see *Helsinki Watch: War Crimes in Bosnia-Hercegovina, Volume I,* (New York: Human Rights Watch, August 1992.)

Muslims and Croats at the start of the war in April 1992. The other section has an ethnically mixed population, but the interethnic harmony that characterized the pre-war city has given way considerably under war-induced tensions. This report describes human rights abuses in both sectors of the city directed against unwanted ethnic groups.

Serbian forces, supported by the Yugoslav People's Army at the start of the war, ruthlessly "cleansed" the districts that came under their control, including those described in this report - Grbavica, Ilidža, a section of Dobrinja and the Airport Settlement. They used various forms of terror including rape, torture and the detention of many who were beaten and sent to work at the front lines under dangerous conditions. Abuses also occurred in the sector of the city that is under the control of the Bosnian government where some non-Muslims at the beginning of the war were harassed and abused by government-tolerated gangs. Men of fighting age who were caught trying to leave the city have been sentenced to terms of more than two years and sent to work in dangerous areas near the front lines. Despite the Bosnian government's expressed desire to remain a multi-cultural state, there is discrimination against non-Muslims in the preferential allotment of housing to Muslim refugees from occupied Sarajevo and other parts of Bosnia-Hercegovina, and non-Muslims are sometimes evicted from their homes so that Muslim refugees might occupy them. There are increasing signs that non-Muslims are treated with distrust and discriminated against in public and political life.

The testimonies in this report are painfully vivid. A Muslim resident of Grbavica watched her district come under Serbian control at the beginning of the attack: "One night at three in the morning ...I noticed that all our Serbian neighbors were switching their lights on and off. We immediately knew that something was going to happen because we remembered that Jovo Trifković had made a list of all non-Serb houses and apartments." Another resident of Grbavica described looking out her window and seeing armed men approaching her building: "All the Serbian families in my building had left one or two months earlier. Then, I thought nothing of it - it never occurred to me that they knew what was going to happen." A Muslim woman graphically described the horror of being gang-raped by Serbian soldiers when she was caught trying to flee to the Bosnian government-held sector of the city; she ended her testimony by talking of her "humiliation ...not as a Muslim but as a woman, as a human being sullied by smelly monsters. For what reason and why? I will never understand that. God, do they have daughters, mothers, wives?"

There are testimonies about Serbs who tried to defend their Muslim neighbors. One, when challenged by an abusive soldier, replied: "I am a Yugoslav and I came to defend a human being." The soldier hit him with his gun. And a Serb in the Bosnian government-controlled sector of Sarajevo described the ostracism that Serbs there experienced after the war began: "...people began changing offices. All of a sudden I found myself sitting in an "ethnically pure" Serb room. When I would walk into the neighboring office, all conversation would abruptly stop. In the canteen, people would say, loud enough for me to hear, that `all Serbs should be killed'."

Non-Muslims in Sarajevo still remain active in cultural and political life. Nevertheless, a great deal of tolerance and wisdom will be necessary to preserve the city's multi-ethnicity . Yet this report shows how, even in a sophisticated city like Sarajevo, ethnic tensions have been manipulated to some effect, making Sarajevo a paradigm of what is happening in Bosnia-Hercegovina as a whole. "It was as if they didn't know you," a Muslim woman exclaimed, describing the suddenly changed behavior of her Serbian neighbors whom she had previously considered friends. Citizens of Bosnia-Hercegovina and Croatia might repeat that refrain about their European neighbors and the international community as a whole, nations which, by their inaction, have become passive accomplices to the crimes of this brutal war.

ABUSES BY BOSNIAN SERB AND OTHER SERBIAN FORCES

Many of the abuses attributed to Serbian forces follow a recognizable pattern that has come to be known as "ethnic cleansing," used against civilians during the wars in both Croatia and Bosnia-Hercegovina. The primary aim of "ethnic cleansing" is the capture or consolidation of control over territory by forcibly displacing, killing, mistreating or otherwise terrorizing members of the "enemy" ethnic group(s) in the area. In most Serbian-held areas of Bosnia-Hercegovina, "ethnic cleansing" against non-Serbs is part of a premeditated plan engineered at the very least by local and regional civilian, military and/or police authorities. In some instances, such abuses have been perpetrated by individual soldiers or single military, paramilitary and police units. The public nature of the abuses and the frequency with which they have taken place indicate that individual soldiers and military units do not anticipate disciplinary action by their superiors. The lack of punishment of Serbian soldiers for their abuses implies complicity on the part of the civilian, military and police authorities of the self-proclaimed Serbian state in Bosnia-Hercegovina, known as the "Republika Srpska."

Forced Displacement[4] and Attacks Against Civilian Targets[5]

The forced displacement of non-Serbs from Serbian-occupied areas of Sarajevo is similar to campaigns carried out in other parts of Bosnia-Hercegovina under Serbian control. In the first few days of

[4] 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.

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 later justify 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.

[5] An elaborate legal regime governs the use of force affecting non-combatants in times of war. For a more detailed explanation of the relevant laws, refer to Helsinki Watch, *War Crimes in Bosnia–Hercegovina*, August 1992, pp. 203-19. Customary international law and the Geneva Conventions and their Protocols expressly recognize that civilians and civilian objects may not be the direct object of attack, notwithstanding that damage may occur among civilians and civilian objects collateral to a legitimate attack against military targets. (See *Respect for Human Rights in Armed Conflicts*, General Assembly Resolution 2444, 23 U.N. GAOR Supp. (No. 18), p. 164; U.N. Doc. A/7433 (1968); and Articles 48, 50, 51(2), 52, and 53 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts [hereinafter Protocol I], which prohibit attacks against civilians or cultural property and define the principle of proportionality, which places a duty on combatants to choose means of attack that avoid or minimize damage to civilians.)
Appendix G of Human Rights Watch/Helsinki's report, *War Crimes in Bosnia-Hercegovina Vol. II*, April 1993, further explicates provisions of international law as they relate to siege warfare.

April 1992, Serbian civilian, military and/or police officials in parts of Sarajevo called on the population to relinquish any weapons they possessed. In areas where Serbian forces already had a strong presence, the local non-Serbian population complied with the demand and relinquished what weaponry they owned, mostly hunting rifles and pistols, according to witnesses. Non-Serb men were questioned after the weapons were collected. In other areas, Serbian forces conducted an overnight "coup," assuming control of the local government and disarming the non-Serbian members of the local police force. Several days thereafter, mortar and artillery attacks began on given sections of a neighborhood, forcing many to flee to Bosnian government-controlled areas.

The attack on Sarajevo, with its attendant abuses, was not a spontaneous revolt by local Serbs who opposed Bosnia-Hercegovina's independence. The attack on the city was well planned, and some local Serbs were openly armed by Serbian extremists and the Yugoslav People's Army. It should be noted that when Serbian forces assumed control over parts of Sarajevo, some local Serbs steadfastly defended their Muslim, Croat and other non-Serbian neighbors, unfortunately with little success. A.[6], a resident of Grbavica, described the events she witnessed unfolding in her neighborhood in March 1992, as Serbian extremists and the Yugoslav People's Army openly prepared for the attack which they would carry out against Sarajevo:

> In the middle of March 1992, I watched from my windows as weapons were being driven into Grbavica. They were being delivered in broad daylight by JNA trucks; no secret was made of it. The soldiers carried out big crates too. People were walking by with bullet belts and machine guns. From that time on, I would see them daily from the courtyard of my building or from my window. They didn't give any weapons to the Muslims or the Croats. All of my Serb neighbors started coming out with bullet belts and fully loaded automatic rifles, Kalashnikovs and hand grenades. All of them wore military fatigues. Slobodan Plakalović was the boss at the local community board (*mjesna zajednica*), and he distributed all the weapons from its cellar. Five days before the attack on Sarajevo, while we were drinking coffee, I asked him whether he was going to distribute weapons to us Muslims as well, as I saw it was only being distributed to the Serbs. He replied that they would be distributed in two hours, but there were no weapons left the following day and the cellar was empty.
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> One night at three in the morning at the end of March, my neighbor B. - who is a Serb - and I noticed that all our Serbian neighbors were switching their lights on and off. We immediately knew that something was going to happen, because we remembered that Jovo Trifković had made a list of all non-Serb houses and apartments. I had asked my other female Serb neighbors before whether or not their apartments and houses had been listed, but they told me not to worry. However, I noticed that their behavior, too, was different than before; they would pass you by as if they didn't know you, while previously we were on good terms, visiting each other, etc. Thus on April 3, 1992, I fled out of fear for my life. All I took were some clothes in a bag.

The siege of Sarajevo involved light and heavy artillery, used indiscriminately and disproportionately in order to terrorize the population and force its flight. The siege involved both the indiscriminate use of force and deliberate attacks against civilians and civilian objects. Sniper and mortar attacks against civilians continue to be a common occurrence in Sarajevo. Even areas in which there was no armed resistance to Serbian attacks were besieged solely for the purpose of displacing or terrorizing the population. After a given time, Serbian infantry units entered the besieged area. Some of those who remained in the vicinity

[6] Interviewed by Human Rights Watch/Helsinki representatives in Sarajevo, May 1994. The witness asked that her identity remain confidential.

were either summarily executed or taken to detention facilities. Some were allowed to flee while others were allowed to stay. Those non-Serbs who resided or chose to remain in Serbian-controlled sections of Sarajevo were often victimized by arbitrary arrest, interrogation and physical violence and torture. Many non-Serbs were confined to their neighborhoods or apartments or were taken to other areas where they were held hostage until they were exchanged for Serbs held by Bosnian government forces.

Grbavica

T.L.[7], a forty-two-year-old woman from the neighborhood of Grbavica, recounted her experience of listening to radio broadcasts on the first day of the attack on her neighborhood. According to T.L. and other witnesses from Grbavica, the radio announcer informed listeners in Grbavica what was in store for them as the JNA and Serbian irregular forces rolled into their neighborhood. According to T.L.:

[7] Interviewed by a Human Rights Watch/Helsinki representative in May 1994 in Sarajevo

All of Grbavica[8] came under sniper fire in April 1992; the fighting started at the police training school. The Serbs fought to take it, and they designated my house as their headquarters because it is directly in the middle of everything. One night at five a.m., heavy shooting broke out. The attack lasted from five a.m. to five p.m.. I woke up, got dressed and turned on the radio to the state-operated program. I looked outside my window and saw Četniks[9] dressed in moss green shirts and pants and black boots surrounding my building. They started to shoot with rocket-propelled grenade launchers (RPGs), and I got down on the floor. Then I realized that the radio was reporting exactly what was taking place in front of my apartment. I was still on the floor when I heard on the radio that a Colonel Krstanović had gone mad, and had stolen an armored personnel carrier (APC) and had begun shooting at houses near the stadium. I looked out my window and a tank with its turret pointed at our building started to shoot. This is when the JNA attacked Grbavica. During this entire time, General Kukanjac [the JNA general who led the attack on Sarajevo] kept on saying that the JNA was not involved in the fighting. But a colonel just doesn't go mad and simply decides to move APCs out of the military barracks! The JNA was attacking Grbavica, and they didn't want the rest of Sarajevo to know what was going on in our neighborhood.

Someone outside yelled over the megaphone, "Come on Balije,[10] come downstairs, it's noon, it's time for lunch." Then I heard on the radio, "Special divisions from Niš [in southern Serbia] are entering Grbavica." The soldiers I saw now wore camouflage uniforms and berets. They were fully armed with heavy weaponry. Later the radio started reporting that Arkan's army[11] was coming towards Ljubljanska street, and was heading towards the stadium and buildings [whose address] number[s were] eighty-three, eighty-five, eighty-seven where it would take the residents of the buildings hostage and hold them in the stadium. I was horrified, because I was in building number eighty-seven! Soon thereafter, the radio announced that the soldiers were taking people from the neighboring building; I then quickly took the nameplate off of our door, and replaced it with a Serbian name. All the Serbian families in my building had left one or two months earlier. Then, I thought nothing of it - it never occurred to me that they knew what was going to happen. From my window, I saw

[8] The Grbavica section of Sarajevo is divided into several quarters; Grbavica I and II are both situated along the Miljacka River.

[9] During the Second World War, Serbian forces loyal to the Serbian king fought against the Croatian fascists known as Ustašas, Tito's communist Partisans, and at times with and against the Nazis. The main objective of the Četniks was the restoration of the Serbian monarchy and the creation of a Greater Serbia. Feared for their brutality, the Četniks committed atrocities against non-Serbs and Serbs opposed to their policies in Bosnia-Hercegovina, Croatia and Serbia. Croats and Muslims both in Croatia and Bosnia-Hercegovina commonly refer to Serbian military and paramilitary forces engaged in the current wars in Croatia and Bosnia-Hercegovina as "Četniks." The Yugoslav army and some Serbian paramilitary groups vehemently reject the label "Četnik," claiming they are merely defenders of their people and their land and that they are not extremists. Others, such as paramilitary units loyal to the ultra-right wing former leader of the Serbian Radical Party, Vojislav Šešelj, commonly refer to themselves as Četniks.

[10] A derogatory term for Muslims. Some Serbs also refer to Muslims as "Turks," associating Muslims with the Ottoman rulers who reigned over most of Serbia from 1371 to 1878.

[11] Željko Ražnjatović, commonly referred to by his nom de guerre "Arkan," is the leader of a paramilitary group based in Serbia which fought in the wars in Croatia and Bosnia-Hercegovina and which is responsible for many abuses against the non-Serbian population in both countries.

men with beards down to their knees, wearing kokarde[12], all types of knives around their waists, carrying RPGs and sitting around and drinking. I disconnected the radio and stopped answering the telephone. My nerves were shot, and I didn't need the radio telling me in advance what I was going to see. I was scared. I knew what had happened in Croatia, and I knew we would not be spared. The only people in my building were my sister and I, a Croat family, a Muslim couple, and an elderly Croat woman, so we all got together and went down to the basement. In the morning, my sister and I went past the Marshall Tito barracks, and left Grbavica. On May 2, Grbavica was closed off from the rest of Sarajevo.

I.D.[13], a forty-seven-year-old glove maker from Grbavica, also recounted how shooting erupted around the police training school in her neighborhood in Grbavica in April 1992. According to I.D., she watched with binoculars from her balcony as Serbian forces attacked the school.

[12] The kokarda is a Serbian nationalist emblem which depicts a double-headed eagle and is worn by some Serbian paramilitary groups.

[13] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, April 1994

They were members of the special forces dressed in military uniforms with white arm bands. They had automatic weapons, RPGs and hand grenades. The shooting was terribly loud. The JNA arrived that same day; they helped the Serb soldiers advance towards Grbavica. Ten days after the police school had been taken, Šešelj's White Eagles[14] took over. They announced over the megaphone that all Muslims must leave their houses and surrender.

A Bozo Baljić ordered the first wave of "cleansing" in our part of Grbavica, some time around June 10, 1992. I didn't know him before the war. People said he came from Vukovar.[15] He wore a camouflage uniform with a Serbian flag. He was about forty-five years old, medium height, chubby and balding. He said that if any of his soldiers got killed, that they'd go after the Ustaše[16] and Balije. A neighbor of mine - Mirza - was told he had to report for forced labor duty; he had to give 1,000 German marks to Bozo. Baljić later chased Mirza out of the building, made him lie on the street and beat him. They then took him into the building next to my apartment; I heard screams that night, and all we could do was sit quietly in our apartments.

I.D. remained in Grbavica after Serbian forces assumed control. She and many former Grbavica residents to whom Human Rights Watch/Helsinki representatives spoke described how they were harassed and terrorized by local Serbian forces. According to I.D.:

[14] The "White Eagles" (Beli Orlovi) are a paramilitary group based in Serbia proper and which is responsible for atrocities against non-Serb civilians and disarmed combatants in Croatia and Bosnia-Hercegovina.

[15] Vukovar is a city in Croatia which was besieged and destroyed by Serbian and JNA forces in 1991. Many of the city's non-Serbian inhabitants were summarily executed, imprisoned and/or tortured following the city's fall to Serbian forces in November 1991.

[16] During World War II, with the backing of the Nazi and Italian fascist governments, Croatian fascists (known as Ustaše) established the puppet state of the Independent State of Croatia (Nezavisna Država Hrvatska - NDH). Under the Ustaša regime, thousands of Serbs, Jews, Gypsies and others were killed between 1941 and 1945. Some Muslims were members of the NDH government and some Muslim forces fought on the side of the Ustaša regime during World War II. Serbian military and paramilitary forces commonly refer to Croat and Muslims forces in the current war as "Ustašas." Both Croats and Muslims reject the label and vehemently deny that they are Ustaša sympathizers or fascists.

Mirkan - their "main guy" who was in charge of our area - lived in the building next to mine. He was an attractive man, tall, blond hair, blue eyes, normal build, and wasn't older than thirty-five. He came to kick us out of our apartments. They would come from time to time to abuse us. Sometimes I was shot at from outside the house. One night in mid-July, a soldier walked up the stairs, kicked in the door and searched the apartment. Then he began abusing me. He told me to sit in the small room and made my neighbor watch how he abused me. He sat across from me and shot at me twice - once right by my ear, and once by my back. He then took out his knife and I started to talk. I told him everything would be better, and that we will all live together. He answered, "Out of the question! Today, I was shooting at the Beg's mosque[17]. I shot seven mortar shells at it, and only one hit. Who gives a fuck! I'll destroy it!" He then told me that his name was M. Radić from Drvar. I told him we all have mixed marriages in our families. He was drunk, and he started throwing his knife at me. He was annoyed at the fact that I wasn't crying and said, "Why are you pretending to be brave?!" My neighbor tried to run away and he ran after her into the other room and made her lock the door. Then he started hitting me with his fists, grabbed me by the hair and put his knife to my throat. In the meantime, my neighbor called another neighbor - T.C., a Serb. [This Serbian neighbor] came to the door and the soldier asked him, "Why do you defend Balije?" at which T.C. responded "I am a Yugoslav, and I came to defend a human being." The soldier then hit T.C. with his gun. My neighbor then went to find Dr. H. [another resident in my building]. He arrived, and T.C. and he saved me; they talked to the soldier and took him away. Between July and November, I rarely stayed at my apartment. I slept at a neighbor's apartment. I was able to leave Grbavica on November 14, 1992, via an exchange for a Serbian soldier's parents who lived in the government-controlled part of Sarajevo.[18]

F.L.[19], a journalist from Grbavica, was chased out of her home on September 30, 1992. She lived in an apartment near the Vrbanja bridge with her mother. F.L. recounted her experience:

On May 2, 1992, the PTT [Pošta, Telefon i Telegraf - Post Office, Telephone and Telegraph] building was bombed and our telephones went dead. I looked out the window of my apartment and saw soldiers wearing moss green uniforms and helmets, armed with automatic weapons. When they saw me looking at them, they told me I shouldn't dare go near the window again. Then the shooting began, and it lasted for three days. They came to our apartment on May 6; they banged on the door and then started to shoot, so we opened it. We had to stand in front of the doors to our apartments while they searched for weapons. The soldiers were [members of the] White Eagles [paramilitary group]; some had JNA uniforms, others wore the insignia of the Serbian army with the eagle and the Serbian flag. Every two or three days, a group would come to search the apartment. They questioned us for seven days and asked us why we were there, where our families were, etc... We were happiest

[17] The Beg's mosque or Gazi Husrev Beg's mosque is Sarajevo's largest mosque located in the old section of the city.

[18] During her stay in Grbavica, I.D. also claims to have seen U.N. forces bringing Biljana Plavšić, a member of the self-proclaimed government of the so-called "Republika Srpska" to her home twice.
According to I.D. and others interviewed, Plavšić lived in the Grbavica shopping area, across the street from I.D.'s building. Human Rights Watch/Helsinki representatives have not been able to confirm this accusation with U.N. officials.

[19] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994.

when all they did was rob us; they would often walk out with bags of clothes, TVs and stereos. The armies kept changing; they rotated every seven days. We were always afraid on Fridays because the new shift would come and they wanted to assert their authority so they would rob everyone and everything they could.

At their headquarters, [the Serb forces] told us that if there were any problems, we should report it to them, but this was a lie. All those who reported anything only got it worse - they were abused even more. At the home of a Muslim couple, the soldiers carved a cross into their table, forced them to drink rakija [brandy][20] and ripped up their Kur'an. The wife went to the headquarters to report them. The next day we saw the soldiers coming back. One of them dragged the lady by her hair - she was seventy-four years old! They were yelling at her, "Tell us who told you to go to the headquarters!?" They yelled at her for two hours and made her pray Christian Orthodox prayers. The neighbor who suggested she go to the headquarters was a Serb, and she came out to ask the soldiers what they were doing. The soldiers grabbed her and hit her under the chin with their automatic rifles. They beat her too, and yelled, "You're defending the Turks! You're worse than they are!" Before the war 31,000 people lived in the Grbavica and Vrace sections [of Sarajevo]; now there are only 2,000 civilians left.

Ilidža

N.E.[21], a seventy-year-old widow from the neighborhood of Ilidža, described how quickly things changed in her area after a peace rally was held in front of the Parliament building during the early days of the war in 1992. According to N.E., Serbian police assumed control in Ilidža and began arresting Muslims and taking them to the prison known as "Kula:"

One morning at the end of May, a Serbian soldier in army fatigues and with a big cross on his chest came to my apartment and told me that I had to leave. Outside I saw soldiers forcing people to leave my apartment building and the building facing it: they screamed at the civilians while evicting them from their apartments. They were wearing grey-olive green colored uniforms of the JNA. While our area was being "cleansed," I saw that many Serbs from Ilidža were forced to take up arms. They were forced by non-local Serbs. Thus, they forcibly mobilized K.T.'s husband's nephew into the Serbian army. He had been hiding out at her place for days but they finally found him. A husband of another friend of mine was also hiding, and once he told me while in tears, "Oh Aunt N., I am more afraid than you are, I will be taken away."

I then waited for a good neighbor of mine - S.E. [a Serb] - to help me leave; and thanks to him and A.E. [also a Serb], I was able to leave on my own and take a traveling bag and a suitcase with me. Otherwise, nobody was allowed to take any belongings, not even a shopping bag, only small purses. They helped me get out and carried my things over.

Dobrinja

[20] Islamic belief strictly prohibits the consumption of alcohol.

[21] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994.

B.P.[22], a fifty-two-year-old administrative worker from Dobrinja, recounts living in a neighborhood that is cut off from Sarajevo's city center and has been completely surrounded and indiscriminately shelled by the Serbian forces for over two years:

[22] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, June 1994

On April 31, 1992, I came home from work, after which Dobrinja could not be left or entered from any side: Dobrinja itself - [sections] I, II, III, IV and V - was surrounded on all four sides. The aggressors were in Lukavica,[23] at the airport, in the village of Nedžarići, as well as on Mojmilo hill. In June, attacks began from all sides and from Serb houses surrounding our neighborhood, among which was an unfinished Serbian Orthodox church from which they would shoot and kill civilians - especially on the pedestrian bridge connecting Dobrinja II and III with the hospital. They attacked Dobrinja with all types of weapons and artillery, set fire to apartments with incendiary bullets, and killed innocent civilians whom we had to bury between the buildings around the schools. The population on my street was mixed, and some Serb neighbors sent their families away just before the attack on Dobrinja. The attacks took place mainly at night, and in one hour as many as ten to twelve apartments in one building would be destroyed. On September 6, 1992, at around ten p.m., the Četniks shot a guided 155 millimeter mortar from Gavrica hill into our apartment. My wife and I survived that.

Our sons were not so lucky. After we lost our seventeen-year-old son who was in the army, the horrors of war brought us even greater sorrow. With the organization of a football tournament on Bajram[24] on June 1, 1993, fifteen to twenty people - among them our son Dragan - played the very last game of their lives. That open space enabled the Četniks and the fifth-columnists[25] to carry out yet another genocidal act: the mortar which fell in the middle of the field killed twenty young kids and wounded three times as many.

The Airport Settlement

I.A.[26], a fifty-two-year-old soap producer from the neighborhood of Nedžarići and a father of two children, fled to the neighborhood near the Sarajevo airport (*aerodromsko naselje*), an area ravaged by shelling and whose residents were subject to indiscriminate execution. I.A. described what happened in the neighborhood in early April 1992:

The JNA dug in their artillery pieces into trenches fifty meters away from my home on Mojmilo hill. My neighbor T.T. - a Serb - told me in tears that I mustn't spend another night in my house because he heard that the Četniks from Nedžarići would set fire to me and my family together with our Muslim neighbors. So my family of four - my wife F., my daughter B., my son B., and myself - all fled to the neighborhood near the airport. However, I saw that the Četniks were also digging in artillery pieces and trenches around the airport settlement as well.

June 17, 1992, was the worst day for everybody in the settlement. The Četniks burst in and approached from all sides; they came in on military transports and tanks. I saw them run out in various uniforms: black ones, fatigues, and ordinary army ones. They were all armed and

[23] Lukavica is the site of the JNA military barracks.

[24] Among the most important Muslim holidays are Ramazan Bajram and Kurban Bajram. Ramazan Bajram is a holiday which Muslims celebrate at the end of a month-long fast during the first, second and third days of the month of Ševval. Kurban Bajram is a holiday which the Muslims celebrate on the tenth, eleventh, twelfth and thirteenth days of the month of Zul-hidždže.

[25] "Fifth-columnists" is a term used to refer to Serbs who remained inside the city during its siege by Serbian forces but who acted as quislings, snipers or relayers of information to the besieging forces.

[26] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, June 1994

well equipped with bazookas, bullet belts and machine guns. I ran into the cellar of my building where thirty civilians - women, children and the elderly - were already hiding. I broke a small cellar window and helped people get out onto the other side of the building which the soldiers had not passed by yet. In panic, people ran into the next building. A few hours later, I saw that a JNA tank had come close to that building, and that it would occasionally aim its barrel at the cellar where by now, almost 100 people were hiding. I crawled over and told the people to flee onwards in smaller groups. That day, [the Serb forces] systematically set fire to each building on the street of Akifa Šeremeta. A friend of mine was crying because his invalid mother was left behind in the apartment. There was an awful massacre in the parking lot; they led out the people who had stayed behind and beat them and killed them - mostly slaughtering them. You could hear screams and crying. They took a large group of our neighbors to Kula. They took away women and children too. After a dreadful massacre and our attempt to defend the settlement, it fell on June 18, 1992; I was also seriously wounded that day.

Rape[27]

Serbian soldiers attacking areas of Sarajevo under their control raped women and girls in their homes and apartments and in front of family members. Women were also raped during arrests and interrogation. Women and girls were gathered together and taken to holding centers - often schools or community sports

[27] Rape and sexual abuse constitute violations of international humanitarian law. The Fourth Geneva Convention of 1949 specifies in Article 27 that "[w]omen shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault." Further, Article 147 of the same Convention designates "wilfully causing great suffering or serious injury to body or health,""torture," and "inhuman treatment" as war crimes and as grave breaches of the Conventions. As the International Committee of the Red Cross (ICRC) has recognized, rape constitutes "wilfully causing great suffering or serious injury to body or health" and thus should be treated as a grave breach of the Convention. The ICRC also has stated that "inhuman treatment: should be interpreted in light of Article 27 and its specific prohibition against rape. *Commentary on the Geneva Conventions of 12 August 1949: Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, Oscar M. Uhler & Henri Coursier, eds. (1958) 598.

In addition, under Article 85 (4)(c) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts [hereinafter Protocol I], "inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination" - a provision that almost certainly applies in many particular instances, given the ethnic character of this conflict - are also "grave breaches" and hence judicially actionable war crimes. Article 86 (2) of Protocol I makes commanders who had information about such crimes punishable themselves "if they did not take all feasible measures within their power to prevent or suppress" a grave breach.

Finally, rape - like murder, extermination, deportation and other equally serious crimes - can be a constituent crime against humanity, as that term was defined in the Nurnberg trial and in Article 6(c) of the Nurnberg Charter, provided that it is part of a mass pattern of such crimes and other definitional elements are met. See Appendix 5 of Human Rights Watch/Middle East/Physicians for Human Rights, *The Anfal Campaign in Iraqi Kurdistan: The Destruction of Koreme*, January 1993, for the opinion of Human Rights Watch as to the definitional elements of crimes against humanity. Rape was specifically enumerated in the second set of Nurnberg war criminal trials, conducted under the authority of Control Council Law No. 10, which named with greater specificity the constituent crimes falling within crimes against humanity. See generally Diane Orentlicher, "Setting Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," 100 *Yale L.J.* 2537 (1991).

Rape can also be one of the crimes used as a means of carrying out genocide, although rape does not by itself constitute genocide, even when committed on a mass basis.

The status of rape as a war crime in international humanitarian law and the ability to prosecute it is accordingly not at issue.

halls - where they were raped, gang-raped and abused repeatedly, for days or months at a time. In all such cases, these women were raped with a political purpose - to intimidate, humiliate and degrade both the victim and others affected by her suffering. The effect of rape is often to ensure that women and their families will flee and never return.

Human Rights Watch/Helsinki interviewed women who described how they were raped, taunted with ethnic slurs and cursed by rapists who stated their intention to impregnate the women as a haunting reminder of the rape and an intensification of the trauma it inflicts. In our view, the forcible impregnation of women, or the threat or intention to so impregnate them, constitutes an abuse separate from the rape itself and should be denounced and investigated as such.

Moreover, the rape of women in an organized fashion - whether in buildings where they are kept for the purpose of being raped or by soldiers extracting women from camps where they are detained with family members - establishes that local commanders must know that their soldiers are raping women and are doing nothing to stop these abuses. The failure to punish rapists appears to be as consistent and widespread as the act of rape itself. Although we have not found hard evidence showing a policy of deploying rape as a means of tactical warfare, we also found no evidence that any soldier or member of a paramilitary group has been punished or held to account for raping women and girls. To the contrary, soldiers often rape without regard for witnesses, and, on occasion, identify themselves to their victims. These are not the actions of men who fear retribution.

B.N.[28], a forty-year-old mother and administrative worker from Grbavica recounted how on June 13, 1992, she had tried to flee Grbavica on her own, only to be caught by Serb guards and violently raped. According to B.N.:

> At five a.m. on May 2, 1994, Šešelj's soldiers arrived. I lived in a building that was inhabited by people of all nationalities and we were friends as such. One of the [Serb] commanders lined us up on the ground floor of the building and gave us a lecture that they had come to "liberate" us. He was Dragan Petković from Aleksinac [in Serbia], and had previously been an active officer in the JNA. He was a monster in human form as were all those who raided our apartments for days. All these peasants and mountain people from Sokolac, Romanija and Pale did not surprise me as much as some people who I thought were normal until the previous day - Serb neighbors who changed into Četnik uniforms; they became the main bandits. They robbed or demolished apartments from which Muslims and Croats fled. They disconnected our telephones; I could no longer speak to my daughter. I was seized by an even greater fear, for while the phones were working, I could at least talk to people in the free parts of Sarajevo. People around me managed to flee thanks to various connections and channels. I tried to find out how I could do the same but finally I decided to go on my own. It was June 13 [when I decided to flee], and it was raining and I thought that the weather would help my situation: I counted on the Četniks to be inside. I crossed three barricades unhindered because at each one I said that I was going only a street further. The fourth and last one was fatal for me. The street was deserted; from the window of a building to my left a woman called out to me and said that I should go into a door way because the Četniks were right in front of me. But I couldn't move from the place where I stood out of fear. I thought I had been standing there for an eternity, and just as I plucked up the courage to look at the window where the woman called to me from, I heard a whistle and saw a Četnik motioning for me to approach him with his finger.

[28] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994

For a second I thought of running, but then I thought that he would surely not let me get away alive. I tried to think up the best possible story in my mind: "My daughter is a Serb, I am on my way to save her from the Muslims, I'm going to get her in order to bring her back to Grbavica; my brother-in-law is a Serb and my mother is a Serb." All this was going through my head as I walked towards him. I was so naive - he took me into a house entrance; he was not alone, there were seven of them. He asked for my identity card and with that, everything I intended to say fell through. My last name is N. by marriage[29], but my first name is B. and my father's is O.[30] - Muslim from head to toe. I told them I was married to a Serb and that my daughter's name was Ivana [which can either be a Serb or Croat name], and that I was on my way to get her, but for them I was just a Balinka[31] and nothing else.

I was hit and taken down to the cellar of the building. I will never forget the face of that Djerić - that is how the others addressed him. He is tall, fat, oily, fair-haired, with enormous hands. In such moments there is no struggle, everything is real and it is nothing like when you watch such an act on film. You simply feel as if you're sinking, falling down somewhere deep, and that you will never reach the bottom. Two of them held me, one of them was called Sloba; they were all from Sokolac because they were bragging about the masculinity of the men from Sokolac. The Četnik who had motioned to me must have been some kind of commander of theirs, for he was the first to "do the job" - I am using their jargon. I also remember the second one - young, so young that I could have been his mother. That's when I lost it; I thought I was shouting, but I didn't hear myself, I only heard voices and laughter belonging to them. I felt pain, but not such that I could not stand it. What was inside hurt more - the humiliation at that moment, not as a Muslim but as a woman, as a human being being sullied by smelly monsters. For what reason and why? I will never understand that. God, do they have daughters, mothers, wives?

I woke up, the monsters were still above me, but I heard the voice of a boy cursing and shouting. He lifted me to my feet and helped me dress. They called him A.. He has long hair tied in a pony tail, dressed in fatigues and a black beret. He is beautiful, maybe beautiful to me because I see a savior in him. He asked my forgiveness while escorting me to the street corner. It was still raining, my feet hurt, I had no strength. I wanted to shout so much, but I knew I mustn't; I knew that I had to be silent. I comforted myself that it was better that it happened to me than to my daughter, and that I was neither the first nor the last. I had already heard about rapes in Grbavica.

My neighbor K. [a Serb] helped me, and a nurse gave me medication. I lay in my apartment, but during the raids I had to get up so that the Četniks wouldn't ask me why I was ill. My neighbor W., a Croat with a Serb name, befriended a military policeman and lied to him about me in order to help me leave Grbavica. On July 1, 1992, at twelve o'clock I crossed into free Sarajevo. In the meantime I had an abortion at a medical facility. I did not keep, nor would I ever have kept, the little Četnik whom they wanted so much. While they carry their act out, they tell you that you will give birth to a little Četnik who will grow up and kill all the Balije.

[29] A non-Muslim last name.

[30] Both are common Bosnian Muslim names.

[31] Derogatory term for a Muslim woman

I.T.[32], a fifty-two-year-old administrative worker from Grbavica, described how she had lived "under house arrest" from April to November 1992, never leaving her apartment out of fear that something would happen to her out on the streets. Instead, she was raped inside her apartment. According to I.T.:

> On November 1, 1992, as dusk was falling, soldiers banged on my door with their guns and shouted, "It's the army! Open up!" Five of them immediately came in, accusing me of sending light signals to the other side. They ordered me to cover up the windows in the apartment and throw away all my potted plants after which they proceeded to beat me. They threw me on the bed, attempted to rape me, scraped my neck with a knife, and brought in a boy - Dušan Mijatović - to testify against me, to say that I had "threatened a Serbian boy." They threw my books at me, took my jewelry, asked for German marks, and took a suitcase full of food with them. The neighbors heard everything, but did not dare to come and help me. The next day, A.T. [a Serb] had asked my neighbor Q.E. [another Serb] to report all this to the Command of the Serbian Army, but he didn't dare because, previously, when he tried to help I.L. [a Muslim], he was beaten up by the Serbian Army.
>
> The following day, at dusk again, one of them returned. They called him Sladoje. He was accompanied by a young sixteen year-old girl - a blonde in a military uniform. I found out later that her name was Biljana. They came into my apartment, and once again tried to force me to confess that I was giving light signals. When I denied it, Sladoje raped me, beat me and called me a "Balijko."[33] While he raped me, Biljana went through my things; a soldier with a moustache on the floor below kept guard. After the rape, Sladoje and Biljana beat me up; she was especially vicious. She asked me what I was doing in Grbavica. I told her that I had been living there for twenty-nine years. For me it was an absurd idea that someone should have the right to drive me out my only home of twenty-nine years.
>
> That evening they beat me up so badly that my face was a black-and-blue mass with a hole beside my mouth where Biljana had kicked me with her boot. Blood streamed from my mouth all night; a tooth is still loose. That evening I wanted to commit suicide out of fear because they told me that worse people would come down from Sokolac the next day to torture me. I then moved in with E.S. [a Serb]. That's where I looked after myself; I didn't dare go to a doctor. I had a great desire to go to [the government-controlled section of] Sarajevo, and I was lucky because I was soon exchanged. During the exchange, I was amazed to see how many Četniks there were. Those costumes of theirs amazed me: the šubaras [a fur cap worn by Četniks], the kokardas, etc. On December 23, 1992, I arrived in my free, dear Sarajevo.

[32] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, June 1994.

[33] A derogatory term for a Muslim woman.

Human Rights Watch/Helsinki received allegations that in the Vogošća area outside Sarajevo sexual abuse of non-Serbian women has been particularly brutal, although to date, Human Rights Watch/Helsinki representatives have not interviewed any victims from the Vogošća area. Women who were reportedly raped in Vogošća chose not to recount their experiences.[34] Many rape victims also are believed to have been executed after detention and torture.

[34] Documenting the sexual abuse, including rape of women and, to a lesser extent men, presents a distinct set of problems. Women typically do not report rape, nor in many cases do they seek medical attention after being raped unless they fear that they are pregnant as a consequence of rape. The reluctance to report rape is attributable to the dual obstacles of fear and shame, a disabling combination that contributes to rape's strategic function as a weapon of war: the victim is terrorized and will not identify her tormentor. Rapists threaten their victims with future harm to them and their family members in order to ensure women's silence. Aggressors presume that their victims will not report rape, and, very often, they are correct. Many have been severely traumatized by sexual abuse. Rape victims also harbor great shame associated with the nature of the abuse they have suffered; thus, they are reluctant to reveal what has happened to them. This reluctance is exacerbated by the fact that when women do come forward to report rape in times of peace as well as of war, they are confronted with unresponsive officials and inadequate support services. The human rights community, too, has been remiss in overlooking rape as a human rights abuse in the past. (For a Human Rights Watch report on rape in situations of conflict, see *Untold Terror: Violence Against Women in Peru's Armed Conflict*, Human Rights Watch/Americas and the Women's Rights Project, 1993.)

Treatment in Detention[35] and Dangerous Labor Conditions[36]

[35] Article 75 (2) of Protocol I states:

> 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.

Also, 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.

> "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.

[36] Article 52 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 [hereinafter the Third Geneva Convention] states:

> Unless he be a volunteer, no prisoner of war may be employed on labor which is of an unhealthy or dangerous nature.

Furthermore, Article 50 of the Third Geneva Convention states:

> Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:
>
> (a) agriculture;
>
> (b) ...public works and building operations which have no military character or purpose.
>
> (c) transport and handling of stores which are not military in character or purpose;
>
> (d) commercial business, and arts and crafts;
>
> (e) domestic service;
>
> (f) public utility services having no military character or purpose.

Twenty-seven year-old P.I.[37] was taken prisoner in Grapska in May 1992 when, according to P.I., the JNA and paramilitary forces belonging to Arkan and the "White Eagles" ("Beli Orlovi") attacked. He was taken to Doboj, Stara Gradiška [a Serbian-controlled part of Croatia], Batković, and finally to the Sarajevo area where he was placed in the Kula prison on December 15, 1992. He spent a year and a half there, living in a small room crammed with thirty people. He was forced to dig trenches on the front lines at Nedžarići, Poljine, and Vogošča. According to P.I.:

> We dug during the heaviest fighting around Sarajevo.[38] We repeatedly asked the Serbs not to send us to work during the fighting, and the reply was always, "They [i.e., Bosnian government forces] shouldn't be shooting at you, you're theirs." Fifteen prisoners died and twenty were wounded during my time there. Two from my group died at Zlatište. At Širokača, we had to dig in a minefield - that was around October 20, [1993]. Samir Hidić, born in 1969, had his legs blown off; he died while crawling toward us. Mustafa Hurtić, born in 1961, had his head blown off. Ismet Hidić died in Novaković near Butmir on February 28, 1993, in a front line trench in a crossfire; he was hit in the head by a sniper. Izudin Hodžić, born in 1971, was killed by a sniper in Lukavica while laying down asphalt. The whole time we were forced to continue working.
>
> Later ten of us from Kula - led by Valter Perić [the guard accompanying us] - were forced to carry railroad ties across a minefield. The man in front of the line, Osman Škiljan, died while Mujo Škiljan, Haris Jasenković and Muhamed Hurtić were wounded.

P.I. also described how the prisoners were forced to partake in the fighting that raged around them while they were working at the front lines in the late summer of 1993.

> In August and September of 1993, we had to dig bunkers and trenches under the "Osmica" restaurant in Zlatište. Our lines were about twenty meters away from the Bosnian army lines. We were ordered to light a fuse on a boiler bomb and roll it down into the enemy trenches since they were downhill from us; we protested about the danger of such a job, but they didn't care. The bomb was made of a small boiler filled with gunpowder, and it weighed approximately seventy kilograms. Someone had to lift it in order to light it; we were not allowed to let it go until the fuse was lit. Meanwhile, the snipers were shooting at the bomb, trying to blow it up before we let go of it. Bullets were bouncing off the boiler as I held it. Finally I let it go, but all it did was destroy a lot of trees; it got stuck after it hit a tree.

[37] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994.

[38] See footnote 35, specifically Article 52.

Twenty-nine-year-old T.I.[39] was also rounded up with the rest of the males between the ages of sixteen and sixty when the JNA and Serbian paramilitary forces attacked the area of Grapska in May 1992. T.I. and approximately 520 men were transferred to a detention center in Doboj and later, with a group of 240 men he was sent to Stara Gradiška, a major prison complex which is now operated by Serbian forces in the Serbian-controlled area of Croatia. In both detention centers the men were brutally interrogated, beaten with wooden bats, cables and rifles and attacked by dogs. Weeks later, T.I. was transferred to the Manjača camp in northwestern Bosnia-Hercegovina[40] where he and sixty-five other men were forced to work between twelve and fifteen hours a day. Prisoners from Stara Gradiška also were brought to Manjača and severe beatings ensued. These campaigns of brutal beatings in Manjača were sanctioned by a commander Božidar Popović and the camp's administrator, nicknamed "Špaga."

On the 13th of December, 520 prisoners were transferred to the Serbian-controlled Batković detention center near Bijeljina, where they joined by approximately 1,000 more from Bosanski Šamac, Tuzla and Zvornik. On December 15, 131 prisoners - including T.I. - were told they were being sent to the Kula prison in Serbian-controlled Sarajevo. T.I. recounted his treatment at the Kula prison:

> When we arrived in Kula, they beat us for the first three or four days. On the fifth day, paramilitaries took us to Zlatište and forced us to go to the front lines and dig trenches. We dug day and night; there was much verbal and physical abuse. We were beaten as we worked. We also weren't able to drink, we didn't get any water. In March 1993, while I was working on a road - digging and laying down asphalt - a mortar exploded in Kula and killed five Serbs and wounded fourteen. They were prisoners - criminals jailed for murder and robbery, etc.. That day Zoran Milinković came in, and without saying anything, he broke a pick and beat us with it from 9:30 in the morning until two [o'clock] in the afternoon, even while we were working. A woman and her child passed us by while this was happening and Zoran - giving her a gun - asked her if she wanted to kill any of us.
>
> Then in September sixteen of us went to work on the front lines in Vojković. I was put in charge of the group. We worked at night, digging trenches while guarded by three policemen from Kula - Božić, "Lala the volunteer" ("*Lala dobrovoljac*")[41] from Serbia, and another man

[39] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994.

[40] In mid-1992, military and police forces of the self-proclaimed "Srpska Republika" detained Muslims and Croats in four detention camps in northwestern Bosnia-Hercegovina, three of which were subsequently closed as a result of international condemnation. Manjača remains open and mostly prisoners of war are still detained in the camp. In two of the camps - Omarska and Keraterm - detained persons, primarily men, were regularly beaten to death, starved and terrorized. Members of the intelligentsia were detained in the camps, many who have since "disappeared" or are known to have been killed. Some men were summarily executed. The abuses perpetrated in these two camps were systematic and intentional. Abuses also took place in the other two camps in the region - Manjača and Trnopolje. Women were raped in the Omarska and Trnopolje camps. The fact that the four largest detention camps in Bosnia-Hercegovina were situated so close to Banja Luka - a center of power of the self-proclaimed "Republika Srpska" - makes it virtually impossible for Serbian civilian and military officials in the region to claim that they did not know of the camps' existence or of the abuses perpetrated within their confines. For further accounts of the abuses perpetrated in the four aforementioned camps, see Helsinki Watch, *War Crimes in Bosnia-Hercegovina, Volume II*, (New York: Human Rights Watch, April 1993.)

[41] "Lala" is a term - not necessarily derogatory - by which men from the northern Serbian province of Vojvodina are sometimes referred.

who was very fair towards us. It was very difficult; we had to dig through rock. We would usually start around seven p.m. and finish at six the next morning. We would eat only once during our single ten-minute break. Božić and "Lala" often beat us while we worked; they would beat us until twelve at night. One night I was even forced to beat my own men. Luckily, the commander at Vojković was a good man because he transferred Božić and "Lala."

Both T.I. and P.I. were wounded while working on the front lines. They were taken to Pale, where they received medical attention. T.I. reports that he was treated well in Pale while P.I. claims to have been taunted, but not physically abused, by Serbian patients. According to T.I.:

In Pale, I received good treatment. I was fed three times a day, I had cigarettes, and sometimes even coffee. On Bajram,[42] I was given dessert and coffee. On their holiday, I was given ten packs of cigarettes and coffee! I spent eight days in Pale. I slept in a house in Poljine with five other injured men that was guarded by two soldiers. I was operated on and was supposed to be transferred to Belgrade. I still have pieces of shrapnel in my back.

P.I. was also taken to Pale for medical treatment after he was badly wounded in the Dobrinja IV section of Sarajevo while on forced labor duty. According to P.I.:

It was dangerous to work during the day so we always worked at night. We spent fifty nights on Ozranska, above Grbavica. On January 6, 1994, six of us were forced to work at Dobrinja IV. While crossing a river, we suddenly came under fire. I was shot in the quadracep muscle and through the biceps and triceps in my right arm. Two prisoners - Senad from Doboj and Hasudin Smajić from Rogatica - died next to me. We yelled that we are a work brigade, but the shooting didn't stop for another half hour. I was supposed to have surgery but Grbavica was attacked [by Bosnian government forces], and [Serb] wounded soldiers took precedence. I was transferred to a hospital in Pale where I was the only Muslim in a room full of Serbian soldiers. There were many provocations, especially after the marketplace massacre.[43] Three guards were assigned to me, and then I was sent back to Kula via Lukavica.

In October 1993, the [International Committee of the] Red Cross was supposed to take fifty-four people from Kula for a [prisoner] exchange in Zenica. I was supposed to be in that group, but a commander Radović needed six prisoners to go to Poljine to clear a warehouse, so I missed the exchange. Thereafter, I continued to work in Dobrinja IV. I was exchanged on May 19, 1994.

As was the case with P.I., T.I. was taken back to Kula after he recovered from his wounds in Pale and was again subject to mistreatment. According to T.I.:

[42] See footnote 24.

[43] Mortars launched from Serbian-held territory landed in a crowded market place in the Bosnian government-controlled city center of Sarajevo on February 5, 1994 killing sixty-three civilians and wounding over 200. The attack prompted international condemnation and the establishment of a cease-fire in, and a weapons exclusion zone around, Sarajevo in February 1994.

> There we were beaten and forced to work again. After two months, the [International Committee of the] Red Cross [ICRC] arrived in Kula - around February 1993. They registered us and tried unsuccessfully to prevent prisoners from working at the front lines. They also brought 4,000 cans of cold cuts, but we didn't get one; the Serbs gave it to their own prisoners who ate three times a day and did absolutely no work.

T.I. recounted how Nedjo Pandurević, a man from Pale in his late forties, formerly employed at the central prison in Sarajevo and now commander of the guards in the Kula prison, abused many prisoners in Kula:

> Pandurević was the worst, he sent almost everyone to the front lines where working conditions and treatment were harsh. He [reportedly] received 400 liters of gas, oil, and cigarettes for every ten people he sent up to Nedžarići every month. He didn't care how old or in what condition people were in - he just sent them.

On April 2, 1994, T.I. was transferred to the Serbian-controlled town of Rudo in southeastern Bosnia-Hercegovina. On May 19, 1994, the ICRC took eleven prisoners - including T.I. - to the Bridge of Brotherhood and Unity in Sarajevo and mediated an exchange for nine Serbs held by government authorities of Bosnia-Hercegovina.

ABUSES IN BOSNIAN GOVERNMENT-CONTROLLED AREAS OF SARAJEVO

Treatment in Detention and Dangerous Labor Conditions

Since the beginning of the war in Bosnia-Hercegovina, all draft-age men and women without small children have been refused permission to leave Bosnian government-controlled areas because they are considered military draftees who must perform either military or civil defense duties. Only women over the age of fifty-five and the men over sixty-five years old, the handicapped and small children and their mothers have been granted permission by the authorities of Bosnia-Hercegovina to leave government-controlled areas. The government of Bosnia-Hercegovina believes that if it allowed free movement to all citizens, few would remain in Sarajevo to defend the city.[44] Many have tried to leave Sarajevo to escape the siege despite

[44] Under Article 4 of the International Covenant on Civil and Political Rights, the government of Bosnia-Hercegovina has the right - in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed - to derogate Article 12 which states:

> 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
> 2. Everyone shall be free to leave any country, including his own.

However, although the government of Bosnia-Hercegovina has the right to mobilize all able-bodied adults in such times of military emergencies in order to fulfill military and civil defense duties, it may not keep civilians in cities, towns and other areas strictly to prevent enemy attacks; that is prohibited by Protocol I, Article 51 (7) which states:

> The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military objectives from attack or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

the fact that such flight is viewed as "desertion from military duty" and is punishable under Bosnian law. Those convicted of illegally leaving the city are given prison terms ranging from several months to over two years.

Human Rights Watch/Helsinki representatives were allowed to visit and interview privately prisoners in the military prison at the "Ramiz Salčin" barracks of the Army of Bosnia-Hercegovina (formerly the "Viktor Bubanj" barracks of the Yugoslav People's Army). We were also permitted to visit and privately interview inmates at the Sarajevo central prison (*centralni zatvor*), the first four floors of which are a civilian-controlled prison. The fifth floor of the central prison is part of the Ramiz Salčin military prison under the jurisdiction of the military authorities of Bosnia-Hercegovina. Five women were held in the civilian prison, in separate quarters from the men. One of the five women had her case adjudicated by the military court but, since she was the only woman to have been incarcerated in the military prison, the authorities placed her in the women's section of the civilian prison.

According to the warden of the Sarajevo central prison[45] and Idriz Kamenica, president of the military court in Sarajevo,[46] the Ramiz Salčin military prison is actually used for those in investigatory detention awaiting trial by a military court; if convicted, persons are transferred to the Sarajevo central prison, which is under the control of the Justice Ministry, not Defense Ministry. However, at the time of our interview, some of those found guilty of trying to leave the city were still being held in the military prison, specifically on the fifth floor of the Sarajevo central prison which is otherwise part of the Ramiz Salčin military prison. According to Mr. Kamenica, military courts in Bosnia-Hercegovina are used to try cases involving military personnel (including members of the Army of Bosnia-Hercegovina accused of criminal activity or violations of international law) and civilians accused of committing crimes against the security of the state or international humanitarian law.

According to the warden of the Sarajevo central prison, at the time of our visit in late May 1994, sixty-three Serbs, twenty-one Muslims and one Croat were incarcerated in the prison. The warden claimed that soldiers of the Army of Bosnia-Hercegovina imprisoned for criminal acts were held separately from Serbian soldiers who had been captured by the authorities of Bosnia-Hercegovina. Inmates confirmed this in private interviews but also stated that when the Serbs were taken from their cells to go to the bathroom or to eat their meals, they were sometimes beaten by soldiers of the Army of Bosnia-Hercegovina who were also inmates and who were outside their cells awaiting their turn to eat. According to the warden of the Ramiz Salčin military prison,[47] captured Serbian army soldiers are held in the same cells as are soldiers of the Army of Bosnia-Hercegovina, although there were no Serbian combatants in detention at the Ramiz Salčin prison at the time of our visit; most had been exchanged during prisoner exchanges or had been tried and convicted and were serving their terms at the central prison.

At the time of our visit in May and June 1994, most prisoners did not complain about conditions in the Sarajevo central prison and the Ramiz Salčin military prison. Prisoners reported that they were adequately fed, received some form of exercise and were not otherwise subjected to mistreatment. However, some prisoners interviewed by Human Rights Watch/Helsinki reported that physical abuse of Serbian prisoners at the Ramiz Salčin military prison was severe and regular during the early stages of the war. Some

[45] Interviewed by Human Rights Watch/Helsinki representatives on May 27, 1994, in Sarajevo.

[46] Interviewed by Human Rights Watch/Helsinki representatives on May 28, 1994, in Sarajevo.

[47] Interviewed by Human Rights Watch/Helsinki representatives on May 30, 1994, in Sarajevo.

former prisoners claimed that they were inadequately fed at the time and that conditions in the prison were far from sanitary.

The warden at the Sarajevo central prison stated that, during the fighting, prisoners had been taken to work in areas close to the front lines or in the areas under sniper fire. For example, he stated that at the height of the war, prisoners obtained their water from the Sarajevo brewery where most of Sarajevo's other residents also obtained their water and where they were frequently shot at by Serbian snipers. The warden stated that private and publicly-owned enterprises approached him asking for prisoners to work for them. The warden agrees to each individual project in the name of the prisoners, and the Ministry of Justice reportedly regulates the work duties of the prisoners. According to the warden, prisoners are taken to attend to such chores as rebuilding walls, repairing buildings, working in the milk-producing plant, and unloading humanitarian aid. The warden stated that one prisoner was killed by a sniper when he stopped to eat his lunch after having burned trash. Noting that the U.N. has complained to authorities of Bosnia-Hercegovina about the practice of prisoners working in unsafe areas, he went on to say, "There is no need for such protests. Our guards from the prison are there to watch over and protect them while they work."

In addition to the Ramiz Salčin military prison and the central Sarajevo prison, places of detention are also maintained by the Army of Bosnia-Hercegovina or military police in government-controlled areas of Sarajevo. These detention facilities are often near the front lines, and prisoners are sometimes mistreated therein. Often, these places of detention are no more than a basement or an army outpost, and there is little control over the conduct of such troops, which are removed from Sarajevo's city center and central authorities. W.C.[48], a Serb, lived in the Dobrinja section of Sarajevo but was arrested while trying to reach the Serbian-controlled neighborhood of Ilidža. W.C. claimed that he wanted to go to Ilidža to see his fifteen-year-old son, who had been wounded. W.C. was taken to a jail in Hrasnica for one month, then to Dobrinja for nine days, then to the Ramiz Salčin military prison before finally being incarcerated in the Sarajevo central prison. According to W.C., he was mistreated in Dobrinja and at the Ramiz Salčin barracks in early 1993. W.C. recounted his experience in Dobrinja prior to his flight from the area:

> I lived in the Dobrinja section of town. At the beginning of the war, three military police officers dressed in camouflage searched my apartment, but they didn't find anything. The went to the Serbs' homes looking for weapons, but I didn't have any. I don't know if they looked in other houses [belonging to non-Serbs]. I was taken to a private jail in the Dobrinja V section - it was in the basement of an apartment complex. They wanted me to confess that I was a member of the SDS,[49] and they shot at me. A police officer told me to stand against a wall with my hands at my sides, and he shot under my arms. But I was not beaten there.
>
> I had money on me, and I gave it to one of the police officers, whom I knew. I gave him 2,000 German marks, and he let me go. I went home and didn't leave my house for one month. Then I decided to flee across the airport landing strip, but I got caught by three U.N. soldiers from the Egyptian battalion who handed me over to the Bosnian police. The police officers took me by the hair and threw me in the mud. They yelled, "Take out your knife and slit his throat." It was about 11:00 p.m. [in March 1993].

W.C. was taken to a detention facility in Hrasnica for one month, where he was interrogated by two police officers but not mistreated. However, W.C. stated that he was forced to work at the front lines while in Hrasnica. According to W.C., he dug trenches in an area called Donji Kotor, below the Butmir airport,

[48] Interviewed by Human Rights Watch/Helsinki representatives in the Sarajevo central prison on May 27, 1994.

[49] See footnote 1 for reference to the SDS party

toward the Serbian-controlled Lukavica military barracks. On May 15, 1993, W.C. was again taken to Dobrinja, where he was beaten. According to W.C.:

> I spent nine days in solitary confinement in their prison, which they called "Sun" ("Sunce"). In the basement, some people - I don't even know who, it was so dark - beat me; there were two of them. They beat me for two days. Each of them beat me for about ten minutes with their hands and feet.

W.C. was then taken to the Ramiz Salčin military prison; there he was also mistreated. According to W.C.:

> I spent three days in solitary confinement, and three of them came at least six times a day and beat me with their hands, feet and clubs. They were all between twenty and twenty-eight years of age. One of them was named Damir Babić - he is about twenty years old, with blue-green eyes, hair parted on the side, slim. Another one's surname was Čustović - he had an angular face, with short sideburns and short blond hair. A third guy's name was Safet - he was balding, skinny, had brown hair. He may have been a "Sandžaklija"[50] or an Albanian. They were later transferred and now guard buildings around the city. I've seen them in front of the Bosnian army headquarters, in front of the volunteer command post in the city, and about town when I would leave the [central prison] to work.
>
> I spent four and a half months in Viktor Bubanj [the former name of the Ramiz Salčin barracks], and the treatment was heinous, catastrophic. We were beaten every day. The judges slept upstairs, and they must have heard how they beat us. They were all military police officers [who beat us]. Also, Bosnian army soldiers who were prisoners there would come to beat us - one of them is in prison with me now [at the central Sarajevo prison].

O.O.[51], born in 1973, spent two years in prison and also reported abuse at the Ramiz Salčin military prison during his incarceration there. He was accused and convicted of trying to escape Sarajevo under siege. Two months into the war, O.O. had set out on foot toward Nedžarići, a Serbian-controlled area of Sarajevo. Eventually, he was surrounded by several soldiers of the Army of Bosnia-Hercegovina and arrested. According to O.O.:

> I wanted to leave and join my sister in Holland. I didn't want this war, and I have absolutely no interest in politics. My father died before the war, and my mother who is sixty-five years old, didn't want to go anywhere; she was too old. I was kept in investigatory detention for fifteen months; during that time, the conditions in the [Ramiz Salčin military] prison were horrible. I lost thirty kilograms. I slept on cement floors, I ate water and bread, and I shared a very small room with five to ten people every day. Since I was transferred here [to the central Sarajevo prison], things have improved. The food is okay, and they treat us all right. The [International Committee of the] Red Cross comes about once a month, and we were always moved to a safe place when the city was being bombed.

[50] Referring to a person who comes from Sandžak - an area with a large Muslim population which straddles Serbia and Montenegro.

[51] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994

Dr. E.H.[52] was sentenced to two years and two months of imprisonment after he was captured during an attempted escape from Sarajevo. According to Dr. E.H.:

> I did break the law, but my reasons were existential; my decision was not political at all. I just wanted to leave for some third country, not Serbia, Montenegro or Croatia, or anywhere in the former Yugoslavia. I performed surgery here in Sarajevo for twenty-one months, during the worst fighting. I wanted a future for my newborn son; he didn't eat any fresh food for ten months. I'm a children's surgeon, so I was constantly aware of the poor conditions surrounding him. I just couldn't see an end to the war in sight. My mother is in Grbavica, and my wife and kids are in Belgrade. Here in Sarajevo I'm homeless, I have nothing. This is my first time in jail, and I feel that my punishment is harsh - two years and two months for trying to leave Sarajevo. I can't really judge the conditions of this prison since I've never been in any other one; I have nothing to compare it to. But the guards here are good, and health care is good. The [International Committee of the] Red Cross comes here often.

Dr. S.O.[53] claimed he ran into political and bureaucratic problems which hindered his opportunity to join his family in Montenegro after he received a permit to leave Sarajevo. According to S.O.:

> On May 13, 1993, I received a permit from the Ministry of Interior Affairs to visit my family - my wife and two kids - who were staying in Herceg-Novi. I ran into problems right away. Initially, they said that the permit is all I would need to cross the front lines. When the war erupted between Croats and Muslims,[54] I couldn't go because the permit was only valid for thirty days. When I finally got to a convoy with my permit, they said I needed a permit from the [Bosnian] army as well. At the offices of the army I was told that my first permit was worthless, since the man who signed it didn't work there anymore. But he didn't issue the permit, he just signed it! They told me it was expired, so I had to try and get a new one. This time they didn't give me one. I was desperate to see my family and help them since they didn't have anything in Herceg-Novi. In October, I tried again unsuccessfully. So I decided to try to leave on my own.
>
> In November and December [1993], I paid 2,000 German marks for an "illegal exit." I had no idea how it was to be carried out, I was just told that I would be picked up. The government insists that this was a coordinated plan since four doctors were leaving at once. I didn't know who I'd be travelling with until the car pulled up in front of my house on January 3, 1994. We were taken to an apartment in Hrasno and told that we would be split into two groups. Half an hour later we found out that there was no way out, and that we would attempt to leave the next day. The following day, I went to work and the police came for me at 12:30. They had caught the first group and traced everyone else. I was sentenced to eighteen months in prison for an illegal attempt to leave a city in a state of war. Now I sleep in the same room with regular criminals. But I must admit, the conditions here are fair and they treat us okay.

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[52] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994.

[53] Interviewed by a Human Rights Watch/Helsinki representative in Sarajevo, May 1994.

[54] In late 1992, tensions between the Bosnian Croat militia (HVO) and the predominantly Muslim forces of the Army of Bosnia-Hercegovina increased until all-out war broke out between the two sides in mid-1993. By early 1994, a rapprochement between Bosnian Croat and Bosnian government forces was negotiated and a federation between the Bosnian Croat- and the Bosnian government-controlled areas was established.

In the summer of 1992, P.C.,[55] fifty-years-old, hitched a ride from his Serb-controlled suburb of Sarajevo to Vogošća with an unknown civilian who drove him straight to a Bosnian army checkpoint near Sarajevo. P.C., who was wearing civilian clothes and bore no weapon, discovered that his captors were a convicted rapist turned Bosnian army commander, Ćelo Bajramović, and his unit. P.C. recalled his experience:

> There were about fifty of them. One of them tied a rope around my neck and tied me to a tree and the other tied my hands behind the tree. Someone punched me in the face. My nose was bleeding and they put a cup below my face so the blood dripped into it. Then they made me drink it. They threatened to cut my finger off, but didn't. They used pliers to pull my nails out (three on one foot and two on the other). They blindfolded me and threatened to kill me at a town dump. Then they said they would take me to a slaughter house and kill me there. They beat me from six a.m. to one p.m. I spent the night tied to a radiator in a school in Buća Potok [a part of Sarajevo]. They beat me with clubs, sticks and fists.

P.C. recognized Ćelo Bajramović, who beat him and broke three of his ribs. He also identified Mahmut Turkić "Mašo" who was apparently in charge of the group:

> He gave orders to the others to beat me "until my heart breaks." He beat me over the feet while four others held me down. Not all of them beat me.

After two days, P.C. was taken to the central prison, where he claims he was beaten again, but much less than before:

> [In the central prison] Kemal Dumonjić beat me most of all. He was the commander of the military police, although he is also a former convict. They gave me my arrest warrant after four days. I was interrogated repeatedly. They asked me how many people I killed, how many women I raped, how many did I slaughter. Since I never did any of those things I had nothing to confess.

P.C. was tried and sentenced to two years under Article 119 of the Criminal Code of Yugoslavia (i.e.,serving an enemy army). His court-appointed lawyer, claims P.C., "didn't say two words throughout the trial." About the conditions in the Sarajevo central prison, where he was interviewed by Human Rights Watch/Helsinki in May 1994, P.C. said:

> We are treated well here. The guards are professionals. We work - clearing rubble, digging ditches, etc. We were never taken to the front lines. The work was dangerous because we had to clear the rubble when grenades were falling. But the guards were always with us, and when it got to be too dangerous we would all hide. They do not make us work too hard. They want to leave a good impression on the world. Besides, we like to work; it gets to be boring in the prison.

[55] Interviewed by Human Rights Watch/Helsinki representatives in Sarajevo, May 1994

Another prisoner, A.H.,[56] confirmed:

> This prison is a whole new world [in comparison to a makeshift prison run by Ćelo Bajramović]. The guards are kind people. We work; we fix electricity cables in town, clean up the rubble, etc. It was dangerous under fire. Ostoja Šoja was killed by a sniper near the UNIS building. A guard is always with us when we work. They never took us to dig trenches. They are fair. We get packages from home regularly.

Treatment of Non-Muslims

Non-Muslim civilians in government-controlled parts of Sarajevo are not generally persecuted by government forces. The most violent crimes against Serbs, Croats and other non-Muslims have been perpetrated by local gangs, some of which were disbanded in early 1993 and their members killed or imprisoned by the government,[57] and some which still continue to operate, albeit on a smaller and less savage scale.

At the outbreak of the war, the police of Bosnia-Hercegovina split along ethnic lines, and the Bosnian government-controlled areas of the country had no army and hardly any weapons. Police loyal to the Sarajevo government therefore accepted all volunteers, including many criminals who were able and willing to defend the city. Those men, commonly known by pseudonyms such as Juka, Caco, a few Ćelos, and others, played a crucial role in the first weeks of fighting in and around Sarajevo, but their criminal activities soon outweighed their contribution.

T.R.,[58] a forty-five-year-old woman described the role of those gangs during the first year of the war:

> A few days after the outbreak of the war, some unknown armed people first arrived at the building where I worked, searched the offices and "controlled" the employees. "Čampo" and his men were in charge of Breka, the part of town where I worked. They set up a checkpoint on the street, searched cars and passengers. They would say: "Please, leave your car here; it has been mobilized for the use of the Bosnian territorial defense." They also looted our offices on several occasions until they had taken all valuables - computers, telephones, fax machines, cars... This had nothing to do with the nationality of the owner, this was pure theft.

According to N.T.,[59] a fifty-year-old businessman, during the first few weeks the territorial defense members went from house to house politely asking the occupants whether they had any weapons to surrender or to use to "fight the Četniks." By May of that year, house searches "by nationality" had begun. N.T., who lived close to the city center with his wife, continued:

> From early May to June [1992] my house was searched eight times by Juka's men and an additional six times by the regular territorial defense. They never took anything out of my house (they even once found 300 German marks lying around and they pointed that out to me in case I had forgotten!) and they never brought anything into the house, either. At the end

[56]Interviewed by Human Rights Watch/Helsinki representatives in Sarajevo, May 1994.

[57] The most infamous gangs were led by two men known as "Caco" and "Ćelo." Ćelo was imprisoned and Caco was killed during a shoot-out with Bosnian government forces.

[58]Interviewed by Human Rights Watch/Helsinki representatives in Sarajevo, May 1994.

[59]Interviewed by Human Rights Watch/Helsinki representatives in Belgrade, September 1994

they did "mobilize" my new VW Golf, though. We would search everything over after they left because we were afraid that they might try to set me up and leave a gun somewhere.

If a gun was discovered in a Serb home, the owner would usually be beaten and detained in one of the makeshift prisons, and eventually sent to dig trenches on the front lines. Sarajevans say that the Serbs in one entire district dug trenches on the frontlines because of one single automatic gun that the gang members "found" in someone's home. A fifty-year-old Serb woman, T.U.,[60] says that her neighbors of different nationalities came into her apartment during every search and stood guard in every room to make sure that the police would not plant a gun.

N.T. was also detained four times by Juka's men. On the last occasion, a friend recognized and vouched for him, and they never bothered him again. In one such instance,

> [O]ne man asked me what am I doing in Sarajevo, and I said that this is my city and that I intend to stay here. To that he said that I can only stay if I am dead and that I will be dumped in a mass grave. They asked me if I knew any of the SDS leaders. They held me for a couple of hours each time, but they didn't beat me. I was also questioned twice by the state security about the doings of my company. It was tiring, but they were polite. During the entire time in Sarajevo, no one ever hurt me physically.

The government of Bosnia-Hercegovina did not promote but certainly tolerated harassment of Serb civilians. In some cases, local commanders arrested Serb civilians only to exchange them for Bosnian soldiers. The gangs picked people off the streets and took them to the front lines to dig trenches. As an economist, O.M.,[61] put it: "There was a man-hunt going on in the city. Caco, Ćelo, Juka and their gangs picked people off the streets. They caught people regardless of their nationality, but, at someone's intervention, the Muslims would always get out while the Serbs remained to dig trenches." After heavy bombardment of the city and reports of "ethnic cleansing" in the Serb-controlled parts of Bosnia-Hercegovina, such practices intensified, as a form of retaliation. Between 150 and 250 Sarajevo Serbs reportedly disappeared during the first two years and have not been heard of since. Most of those disappearances are attributed to the gangs.

Serbs and Croats who continue to live in areas of Sarajevo that remain under the control of the government of Bosnia-Hercegovina report that they are frequently the first to be robbed and evicted from their homes. In the case of robbery, some Serbs and Croats complained that the government was tolerating crime against non-Muslims. Only when the victims of local gangs were Muslims, they attest, has the government intervened to stop the crime. According to a Catholic priest in Sarajevo,[62] "Individual extremists are working on behalf of Muslim 'interests.' We can't say that the government is behind this but ... all that is not Muslim is less stable and secure."

[60]Interviewed by Human Rights Watch/Helsinki representatives in Belgrade, August 1994.

[61]Interviewed by Human Rights Watch/Helsinki representatives in Belgrade, July 1994.

[62] Interviewed by Human Rights Watch/Helsinki representatives in Sarajevo, May 26, 1994

While only some Serbs were terrorized by criminals and overly zealous Bosnian army soldiers, many are treated with a certain degree of distrust by their former colleagues and friends, and some have been accused of sympathizing with the "Četniks on the hills." S.T.,[63] a forty-five-year-old engineer testified:

> Almost immediately after the shooting began, people started changing offices. All of a sudden, I found myself sitting in a "ethnically pure" Serb room. When I would walk into the neighboring office, the conversation would abruptly stop. In the canteen, people would say, loud enough for me to hear, that "all Serbs should be killed."

While non-Muslims are not systematically abused in government-controlled areas of Sarajevo, Muslims - particularly members of the ruling Party for Democratic Action (Stranka Demokratske Akcije - SDA) - are generally privileged in Sarajevan public and political life. The Sarajevo-based government of Bosnia-Hercegovina is dominated by the Muslim-led SDA, and few Serbs and Croats hold high-ranking positions in the federal government, judiciary, army or Interior Ministry.[64] Many Sarajevans - including many Muslims - told Human Rights Watch/Helsinki representatives that SDA members have greater influence within and outside the government than do non-SDA members. Like its counterparts in Serbian- and Croatian-controlled areas, Bosnian-government-controlled television and radio give one-sided news broadcasts. Radio-Television Sarajevo (Radio-Televizija Sarajevo) has a strong pro-SDA perspective and generally has not reported criticism of Bosnia-Hercegovina's government, army or President Alija Izetbegović.

Non-Serbs have fled areas of Sarajevo occupied by Serbian forces to the sections of Sarajevo that remain under control of the government of Bosnia-Hercegovina. Simultaneously, thousands of persons - mostly Muslims - displaced from their homes in other parts of Bosnia-Hercegovina have fled to Sarajevo. As a result, housing in Sarajevo is scarce and laws regulating the administration of housing are not properly codified. Indeed, housing is allotted arbitrarily and often in a discriminatory manner. Some non-Muslims are denied housing or evicted from their homes. Although illegal evictions do not appear to be a widespread problem as of yet, non-Muslims fear that such evictions will continue and increase in scope and frequency as more displaced persons and Bosnian army soldiers returning from the battlefields seek housing in Sarajevo.

As a result of the war and fragmentation of the country, Bosnia-Hercegovina's legal and judicial system, which is supposed to provide due process to petitioners, is in disarray. According to a lawyer who works with a Catholic church's parishioners who have been evicted from their homes:[65]

[63] Interviewed by a Human Rights Watch/Helsinki representative in Belgrade, August 1994.

[64] Since the establishment of the Muslim-Croat federation, governing positions within the federation have been divided evenly between Muslims and Croats. However, the Sarajevo-based federal government of Bosnia-Hercegovina is overwhelmingly Muslim in composition.

[65] Interviewed by Human Rights Watch/Helsinki representatives in Sarajevo, May 26, 1994

> There are twenty to fifty people in our parish who have problems with the status of their homes or living quarters. People are threatening to kick them out. The municipal government maintains a secretariat for housing which deals with the allocation of housing. If you are kicked out of your [state-owned] apartment[66] you don't have recourse in the courts. You appeal to the local municipality's secretariat for housing, but this is the very agency that usually is responsible for the eviction in the first place. If the apartment is privately owned, you can appeal to a local municipal court, but most apartments are still publicly owned and then you have to go to the secretariat. There is total anarchy. Either you get a notice approving occupancy of an apartment which already is occupied by a Muslim family or you can't get a notice stating that the apartment is at your disposal. We don't have enough apartments for all the displaced [persons].

Some type of uniform guidelines and due process mechanisms should be established and followed to regulate the disbursement of housing to displaced persons and to prevent arbitrary evictions from homes or places of shelter. To date, the process of allotting housing to those who need shelter is arbitrary and open to abuse. The experience of Ms. V. and her family is not atypical in Sarajevo today. Ms. V.[67] is a Croatian woman who left her home in a Serbian-controlled area of Sarajevo when the war broke out. She and her family were living in a friend's small two-room house in the Marijin Dvor section of Sarajevo at the time of our interview. Her twenty-one-year-old son and her husband (also a Croat) were both members of the Army of Bosnia-Hercegovina and were on the battlefield at the time of our interview. Ms. and Mr. V. also have a twenty-year-old daughter and a five-year-old daughter who live in the small house as well. Mr. and Ms. V. received papers allowing them to use the house in which they currently lived, but their permit was later invalidated and they were facing the prospect of eviction at the time of our interview. According to Ms. V.:

> I was born in Sarajevo and so was my husband. Our families have been here for generations. At first we rented a place in Ilidža, and in 1973 we bought land from the municipality in the Otes neighborhood, which is part of Ilidža. We were here [in the Bosnian government-controlled area of Sarajevo] when the war broke out and my husband was in Ilidža [but he later joined us]. They [i.e., the local authorities] told us we could live in the shack across the street.[68] We lived in that shack until our neighbor who lived in this house left with her daughter for Belgrade in May 1992, and she told us we could use the house and watch over it. A mortar fell on the shack, and we moved here.

Ms. V. and her family then sought formal approval from the local housing authorities to occupy the apartment. The V. family provided the necessary papers including confirmation of their status as displaced persons from the local Red Cross and confirmation that the son and husband were part of the Army of Bosnia-Hercegovina. According to Ms. V.:

> In May 1993, I received a decision approving our temporary use of this apartment, which means that we could use it up to one year after the war ended. But in August 1993, inspectors from the local housing commission came to tell us that we had to leave the apartment. They claimed that we did not have permission to use the apartment. I showed them the decision

[66] In the former SFRY, most apartments were allotted to workers and their families by the state-owned enterprise for which they worked. References in this report to "state-owned" or "publicly-owned" housing refers to such cases.

[67] Interviewed by Human Rights Watch/Helsinki representatives in Sarajevo, May 26, 1994.

[68] The witness pointed to a dilapidated, burned-out structure from her window.

allowing us to occupy the apartment, but they claimed that they never received a copy of the decision. They said they would go back to their offices to check their files.

Apparently, the housing commission discovered that, although it had issued a decision to the V. family in May 1993, it issued another decision in August 1993 allowing a Muslim family to occupy the same house. According to Ms. V.:

> On February 2, 1994, two inspectors from the housing commission, three police officers, a man who was to have moved into the house and another man whom I did not know came to my door. I showed them the decision again, and one of the inspectors said that they could not kick me out but that we should allow the other family to move in with us. This apartment is fifty-four square meters in size - my husband and I have three children and the family that is supposed to have moved in have two children. Nine of us cannot live within the confines of a 54 square meter apartment.
>
> On February 15, the police from Marijin Dvor came to my door without any written order or warrant and ordered us to move out. I went to a local official who was recently removed from his position and he told me that we would have to find another apartment in which to live. The Jewish community helped us and intervened on our behalf, and the entire case was reviewed by the housing commission.

The local housing commission requested that Ms. V. re-submit all her papers and necessary documents and informed her that they were reassessing whether the earlier decision of the commission was valid. According to Ms. V.:

> We recently received a document saying our earlier decision was no longer valid, but we have not moved. Inspectors from the housing commission come here and harass us - usually when my husband is away on the front lines - telling us we have no right to be in this apartment. We never leave because we are afraid someone will break in and move in.
>
> You go to the local housing secretariat and all is in chaos. You can never find what you need. The Bosnian government wants me to bring proof that I owned property in another part of the city but I have been displaced from my house in the Serbian-held area and I can't get there - I'm from Ilidža. There are too many arbitrary decisions of the local administrative bodies and no laws regulating anything - everything is chaotic.

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This report was written by Ivan Lupis, Associate to Human Rights Watch/Helsinki and edited by Jeri Laber, Executive Director of Human Rights Watch/Helsinki.

Human Rights Watch/Helsinki (formerly Helsinki Watch)
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