

CROATIA

THE CROATIAN ARMY OFFENSIVE IN WESTERN SLAVONIA AND ITS AFTERMATH

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INTRODUCTION

On May 1, 1995, Croatian Army troops launched an offensive aimed at regaining control of Serb-held lands in western Slavonia, an area designated as a "United Nations Protected Area" (UNPA). By May 4, Croatian government troops had recaptured the area. During the week of May 8, Human Rights Watch/Helsinki representatives traveled to Croatia to assess the behavior of Croatian troops during and immediately after the offensive. Based on information gathered during that trip and additional evidence made available as of June 10, violations of the rules of war appear not to have been widespread. But violations of humanitarian and human rights law did take place during and after the offensive, and many allegations require still further investigation.

In an unfortunate and premature assessment, U.N. officials — most notably Yasushi Akashi, the secretary-general's special representative to the former Yugoslavia — alleged that "massive" human rights abuses by Croatian authorities had taken place during the offensive. Evidence of widespread abuse has not emerged, however; the information available at the time was flawed or incomplete and required further investigation and corroboration. While Human Rights Watch/Helsinki encourages the U.N. to condemn publicly human rights abuses by all parties to a conflict, we believe that criticism of a government's human rights record should be commensurate with the level of abuse and that criticisms should be as specific as possible. Because hasty statements can remove the incentive of a government or military to abide by international humanitarian law during subsequent military campaigns and because unwarranted exaggeration of abuses tends to increase inter-ethnic fear and tension, U.N. officials should take care to explain their human rights concerns clearly.

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Although violations of international humanitarian law do not appear to have been widespread, some human rights violations by Croatian forces did occur immediately after the offensive. Several issues remain unresolved and require further investigation. First, Serbian civilians may have been intentionally targeted by Croatian Army troops as they fled the enclave, or they may have been caught in a crossfire during an ensuing battle. Further detailed testimony needs to be collected from those who fled from the area at the time of the attack to determine the circumstances under which the shooting ensued and whether civilians were intentionally targeted as they fled south. As of June 10, Serbian forces were refusing access to international observers seeking to interview Serbs displaced from western Slavonia during the recent offensive.

Second, Croatian authorities have failed to account adequately for the bodies of those Serbs killed during the offensive. The Croatian government initially claimed that between 350 and 450 Serbs had been killed during the offensive but have since revised that figure, claiming 188 were killed. The bodies of all those killed should be made available to independent forensic experts, who should examine the corpses to determine the cause of death and the possible violations of humanitarian law. Even if no violations occurred, the Croatian authorities must count and identify each corpse, provide information to the families through the International Committee of the Red Cross (ICRC) or other means, and facilitate dignified burials in graves properly marked so that they can be found in the future.

Following the offensive, approximately 1,500 Serbs — mostly men of draft age — were arrested, detained and interrogated by Croatian authorities in three facilities throughout Croatia, in Varaždin, Požega and Bjelovar. Although the Croatian government may be entitled to arrest prisoners of war as an exercise of emergency measures until the situation in the recaptured territory is stabilized, Croatian authorities must show that those being detained are combatants, that each case is being reviewed individually, and that a person's detention is not arbitrary or unnecessarily prolonged. During the first evening of their detention and possibly thereafter, some Serbian detainees were beaten or otherwise mistreated, although as of May 17, treatment by Croatian authorities thereafter had generally been good. Although the Croatian government has pledged to protect the human rights of Serbs remaining in western Slavonia, numerous reports indicate that groups of Croatian Army soldiers and military and civilian police officers have threatened, harassed, robbed and, in some cases, beaten Serbs remaining in the area. Many Serbs who remained in western Slavonia after the offensive have left for Serb-controlled territory in Bosnia or Croatia and the vast majority of

remaining Serbs have expressed their wish to leave, claiming there is little chance of peaceful co-existence between Serbs and Croats, particularly with those Croats who were displaced from their homes by Serbian forces in 1991 and will now be returning to western Slavonia.

In response to the Croatian Army offensive, Serbian forces have retaliated against non-Serbian civilians. Rebel Serbs launched rockets carrying cluster bombs into downtown Zagreb, the capital of Croatia. The attacks were meant to kill and terrorize the civilian population and, therefore, constitute a violation of international humanitarian law. In addition, Serbian refugees fleeing from the Croatian Army offensive in western Slavonia who have sought refuge in the Bosnian Serb-held city of Banja Luka have attacked Croats living in the area and have destroyed Catholic churches and monasteries in the region, killing or expelling clergy and nuns from the area. Croats living in Serb-controlled areas of Croatia have also been terrorized. Serbian and U.N. authorities have done little to prevent the persecution of Croats and other non-Serbs in Serbian-controlled areas of Croatia and Bosnia.

RECOMMENDATIONS

U.N. civilian police monitors and civil affairs officers, United Nations High Commissioner for Refugees (UNHCR) protection officers, and the staff of the special rapporteur of the U.N. Commission on Human Rights for the former Yugoslavia all have responsibility, to varying degrees, for monitoring or protecting the human rights of civilians, particularly minorities in various localities and displaced persons and refugees. Despite their earnest efforts, the human rights component of the U.N. mission in the former Yugoslavia has long been overworked, understaffed and underappreciated. Yet, human rights monitors can play an important role in ensuring respect for human rights and facilitating inter-ethnic reconciliation in western Slavonia. The U.N. and international community should support such efforts — both materially and politically. To this end, the international community and United Nations officials in Croatia should take the following steps in regard to western Slavonia:

- Further investigate allegations that Croatian forces deliberately targeted Serbian civilians as they were fleeing the fighting in western Slavonia on May 1-2;
- Respond to allegations of harassment of Serbs remaining in western Slavonia by sending and supporting qualified U.N. and other independent monitors to the area to prevent further abuse and to urge local authorities to prosecute those responsible for such abuse; and
- Make clear to rebel Serb authorities in Croatia that further attacks on civilian populations in Croatian government-held areas will be considered war crimes and thus subject to prosecution by the Hague-based international tribunal established to prosecute violations of international humanitarian law in the former Yugoslavia.

To Croatian government authorities:

- Identify the fate of all Serbs — both civilians and combatants — killed during the May 1-2 offensive. If the bodies of those killed during the fighting had been buried in a mass grave(s), the Croatian authorities should identify the site(s) of such grave(s) and allow international forensic experts to exhume and examine the bodies immediately to determine cause of death and to identify whether any violations of international humanitarian law took place. The Croatian authorities are obligated to count and identify each corpse, provide information to the families through the International Committee of the Red Cross (ICRC) or other means, and facilitate a dignified burial in graves properly marked so that they can be found;
- Investigate and prosecute those responsible for abuses against and harassment of Serbs remaining in western Slavonia following the offensive. Take steps to prevent future abuse against remaining Serbs in the enclave;

- Allow independent observers from both governmental and nongovernmental human rights entities, access to all areas of and persons residing in western Slavonia. Issue and enforce specific orders to military and police officers allowing international monitors such access;
- Justify the continued detention of captured Serbs by showing that those being detained are combatants or that credible evidence exists implicating a person's involvement in the commission of past war crimes. Ensure that each case is being reviewed individually, that detention is not arbitrary or unnecessarily prolonged and that the detainees' rights to due process are respected;
- Investigate and prosecute those responsible for abuses against Serbs during the first days of their detention in Požega, Bjelovar and Varaždin. Continue to treat those who remain in detention in accordance with international humanitarian law;
- Repatriate Croats and others forcibly displaced by Serbian forces in 1991 to their homes in western Slavonia but take steps to prevent the outbreak of conflict between Croats returning to and Serbs remaining in western Slavonia: for example, increase civilian police patrols in the area, especially at night, and permit international and domestic human rights observers to monitor the situation. Implement social and humanitarian programs aimed at re-integrating the Serbs and Croats in the area. Promptly investigate and prosecute any attacks against Serbian or Croatian residents; and
- Allow Serbs who have fled to Serb-held territory to return to their homes in western Slavonia, if they so choose, without fear of retribution.

To the Serb authorities in Bosnia and Croatia:

- Cease all attacks against Croats and other non-Serbs in Serbian-held areas, particularly around Banja Luka and in eastern Slavonia, and take steps to prevent such attacks by Serbs coming from western Slavonia. Investigate and prosecute those responsible for such crimes.

BACKGROUND

A war between Croatian government forces and rebel Serbs opposed to Croatia's secession from the former Socialist Federal Republic of Yugoslavia (SFRY) raged in Croatia from early July to late December 1991. Serbian forces, with the aid of the Yugoslav Army and the government of the Republic of Serbia, assumed control over approximately 30 percent of Croatia. It was in these areas that the policy of "ethnic cleansing" first appeared, before later expanding into Serb-held, and later in Croat-held, areas of Bosnia-Herzegovina.¹ Croatian government forces also perpetrated abuses against Serbian civilians and disarmed combatants in areas under their control.²

¹ For an account of violations of humanitarian and human rights law by Serbian and Yugoslav Army forces during the Croatian war, see Human Rights Watch/Helsinki letter to Slobodan Milošević, President of the Republic of Serbia, and General Blagoje Adžić, then Acting Minister of Defense and Chief of Staff of the Yugoslav People's Army, January 21, 1992. Human Rights Watch/Helsinki has also reported violations of civil and political rights in Serbia and Montenegro in a series of newsletters and reports since the late 1980s and violations of humanitarian law by all parties to the war in Bosnia-Herzegovina since 1992.

² For an account of violations of humanitarian and human rights law by Croatian government forces and authorities during and immediately prior to the war in Croatia in 1991, see Human Rights Watch/Helsinki letter to Franjo Tuđman, President of the Republic of Croatia, February 13, 1992.

In January 1992, a plan brokered by the special representative of the U.N. secretary-general to Croatia and former U.S. Secretary of State Cyrus Vance established a tenuous truce between Croatian government and rebel Serbian forces in Croatia. Under the terms of what became known as "the Vance plan," a U.N. peacekeeping mission called the United Nations Protection Force (UNPROFOR) was to be stationed in three areas of Croatia designated "United Nations Protected Areas" (UNPAs). The UNPAs were divided into four sectors (Sectors North and South included the so-called Krajina region, Sector West included western Slavonia, and Sector East included eastern Slavonia, Baranja and Srijem/Srem.) Rebel Serb forces controlled all the sectors, except the northern half of Sector West, which remained under Croatian government control. According to the terms of its mandate, UNPROFOR was to demilitarize the UNPAs. In exchange for the U.N.'s demilitarization of mostly Serbian troops in the UNPAs, the Croatian government was to refrain from attacking the areas in order to recapture Serb-held regions by force. UNPROFOR also was to assist in the reconstitution and monitoring of the local police force and to help the police protect the human rights primarily of minority groups living in the UNPAs, most of whom were non-Serbs. All those forcibly displaced from their homes in the UNPAs — most as a result of "ethnic cleansing" — during the 1991 war in Croatia also were to be repatriated to their homes with UNPROFOR assistance.³

Despite its three-year-long presence in the UNPAs, UNPROFOR has failed to fulfill any part of its mandate. Heavy weaponry has remained in the UNPAs, and Croatian Serb forces have attacked U.N.-declared "safe areas" in Bosnia from the UNPAs. Serbian forces have continued to expel minorities living in the UNPAs — primarily Croats and Hungarians but also some Serbs living in Croatian-controlled areas — and not one person forcibly displaced from his or her home by Serbian authorities in the UNPAs has been repatriated. UNPROFOR's only success in Croatia had been to separate Croatian government and rebel Serbian forces on the battlefield, thereby preventing the resumption of all-out war in Croatia. But this has had the practical effect of consolidating Serbian territorial gains in Croatia and has allowed the continuation of human rights abuses within and outside the UNPAs.⁴

The U.N. has largely failed in its mission in the UNPAs because rebel Serbian authorities have refused to allow either full demilitarization, protection of human rights, or repatriation of non-Serbs in Serbian-held areas, despite their acceptance of such terms under the Vance plan. The U.N. Security Council did not provide UNPROFOR with the necessary material and personnel to enforce its mandate, nor have U.N. and individual government officials punished violations of and demanded compliance with the Vance plan.

Since acceptance of the Vance plan and deployment of UNPROFOR in Croatia in early 1992, Serbian forces have refused to withdraw from areas that it had agreed to cede back to Croatian government control, otherwise known as "pink zones." Also in violation of the Vance plan, the Croatian Army launched offensives and captured areas within the Serb-held "pink zone" around the Maslenica bridge, near Zadar, and in the Medak pocket, near Gospić, in January and September 1993, respectively. The Croatian Army perpetrated abuses against Serbian civilians and conducted a "scorched earth" policy during its offensive in the Medak pocket. The Croatian government suspended the commander of the Medak operation but Human Rights Watch/Helsinki has not received any information indicating that this commander or participating Croatian Army troops were held accountable for the abuses perpetrated during that operation.

³ The mandate of the U.N. forces is set forth in Annex III of U.N. Document S/23280 of December 11, 1991. Amendments to and expansion of UNPROFOR's mandate followed in early 1992. A forthcoming Human Rights Watch/Helsinki report will examine the U.N. peacekeeping operation in Croatia in depth. The information contained here is meant to serve as background to events that precipitated the May 1995 Croatian Army offensive in western Slavonia.

⁴ A forthcoming report by Human Rights Watch/Helsinki will report on the status of civil and political rights in Croatian-government-controlled areas that are not part of the UNPAs.

Despite some easing of tensions in the past year, fundamental differences between the two parties remain unresolved. On March 29, 1994, the Croatian government and the authorities of the self-proclaimed Republic of Serbian Krajina (RSK) agreed to a "permanent cease-fire." On December 2, 1994, Croatian government and RSK authorities signed an economic agreement that re-opened both a stretch of highway in Serb-held areas of western Slavonia and an oil pipeline. On the other hand, an internationally brokered peace plan for Croatia known as the "Z-4 plan," presented in January 1995, was later rejected by both the Croatian government and RSK authorities. The proposed plan offered virtually complete self-government to Serbs in the areas where they constituted a majority before the war. This autonomy was to provide Serbs with their own flag, education system, parliament, executive authority, police force and currency.⁵ Under the plan, Serbs would have to surrender direct authority to Croatia in areas they currently control but where they were not a majority before the war, and they would have to recognize Croatia's international borders and allow them to be policed along their entire length by the Croatian Army.⁶

THE MAY 1995 CROATIAN ARMY OFFENSIVE

On May 1, 1995, the Croatian Army (Hrvatska Vojska - HV) launched an offensive against the Serb-held area of Sector West, which included the area between the Serb-held part of the town Pakrac⁷ to the north and the Sava river and Bosnian border to the south. Approximately 13,000 Serbs lived in the enclave prior to the May 1 offensive.⁸ Croatian Army offensives into the UNPAs are violations of the Vance plan, which forbids such military operations in the areas. UNPROFOR forces⁹ are to protect the UNPAs from attack but, during the May 1 offensive, did not intervene. Indeed, according to members of the UNPROFOR mission,¹⁰ some soldiers belonging to the Argentine battalion fled in their armored personnel carriers when the offensive began. After three members of the Jordanian battalion were wounded by a tank round fired by Croatian forces, the more than 2,000-strong U.N. force stationed in the sector took cover in their barracks.¹¹ Although it has a mandate to protect from human rights abuses and military attack those living within the UNPAs in Croatia and the "safe areas" in Bosnia, the U.N. has generally sacrificed the protection of civilians in order to protect U.N. troops themselves.

Days before the offensive, on April 28, a Croat who had been displaced from his home by Serbian forces fatally stabbed a Serb at a gasoline station near the line separating Serbian and Croatian forces in Sector West. In response to the murder, Serbian troops opened fire on civilian vehicles travelling along the highway that cuts through Sector West on April 29, killing three Croats. Although the Croatian Army pointed to the Serbian forces' attack on the highway as justification for the offensive, the size and speed of the military operation indicates that Croatian authorities had planned the offensive well in advance.

By May 4, Croatian Army forces had captured all of Serb-held Sector West. In general, the operation was professionally conducted and, based on the evidence available as of June 10, violations of the rules of war appear not to have been "widespread." However, circumstances surrounding at least one incident in which violations of international humanitarian law may have taken place remain unclear and should be further investigated.

⁵ Roger Cohen, "Plan for Croatia Would Give Serbs Autonomy for Some Areas," *The New York Times*, January 30, 1995.

⁶ *Ibid.*

⁷ The town of Pakrac was divided between a Serb-held area and a Croat-held area. The front line ran through the center of town.

⁸ Roger Cohen, "Rebel Serbs Shell Croatian Capital," *The New York Times*, May 3, 1995.

⁹ Argentine, Nepalese and Jordanian battalions belonging to the UNPROFOR mission were deployed in the sector.

¹⁰ Interviewed by Human Rights Watch/Helsinki representatives in Zagreb on May 7-8, 1995. Most U.N. representatives whom we interviewed asked to remain anonymous, and their names are not disclosed in this report.

¹¹ Roger Cohen, "Croatia Hits Serb-Held Area After Crossing U.N. Lines," *The New York Times*, May 2, 1995.

The incident in which violations of the laws of war may have occurred took place during the late afternoon of May 1, when Serbian civilians and possibly combatants¹² began fleeing from the town of Okučani, hoping to cross the bridge over the Sava river and seek refuge in Serb-held areas of Bosnia. During their flight, the convoy was either directly attacked by Croatian forces, or a battle between Serbian and Croatian forces ensued, in or near the village of Novi Varoš. No craters or other evidence of shelling were visible on the road during a visit to the area by a Human Rights Watch/Helsinki representative on May 10. According to U.N. officials and foreign journalists, at least thirty Serbian civilians — but possibly many more — were killed at or near Novi Varoš. If Croatian soldiers directly attacked fleeing civilians in Novi Varoš or elsewhere, such an act would constitute a violation of international humanitarian law. If, however, a battle between Serbian and Croatian forces took place and civilian casualties were incidental to it, the death of civilians may not have been a violation of the laws of war. Civilian casualties are "collateral" or "incidental" if the attack is otherwise legitimate, as directed to an appropriate target and with permissible weapons and means of warfare. Civilians who are close to a military target assume the risk of battle. Even under those circumstances, the attacker is under the permanent obligation to minimize civilian harm.¹³

¹² It should be noted that, during the fighting in western Slavonia, not all Serbian combatants wore uniforms. According to Serbian prisoners interviewed by Human Rights Watch/Helsinki in a Croatian government-established detention center in Bjelovar and in the district prison in Zagreb, Serbian commanders ordered their soldiers to change from their uniforms into civilian clothing. However, many of the men retained their weapons. If combatants remove their uniforms in order to disguise themselves within the civilian population and to facilitate sneak attacks, this is a serious breach of the rules of war. According to Article 43 of 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (hereinafter referred to as Protocol I) combatants are defined as "members of the armed forces of a Party to the conflict." According to Article 44 (3) of Protocol I

In order to promote the protection of the civilian population from the effects of hostilities, combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack.

¹³ An elaborate legal regime governs the use of force affecting non-combatants in times of war. For a detailed explanation of the relevant laws, refer to Human Rights Watch/Helsinki, *War Crimes in Bosnia-Herzegovina, Volume I*, August 1992, pp. 203-29. 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 Protocol I, which prohibit attacks against civilians or cultural property and define the principle of proportionality.) According to Article 51(5)(b) of Protocol I:

Among others, the following types of attacks are to be considered as indiscriminate:

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Croatian military, police and other forces secured the area they recaptured between May 4 and May 7, restricted the movement of U.N. officials, and possibly destroyed evidence of rules of war violations, during that three-day period. According to U.N. and UNHCR officials interviewed by Human Rights Watch/Helsinki, some of the restrictions on movement appeared valid, as sporadic fighting and threats to safety continued between May 4 and 7. However, during this time, Croatian authorities cleaned the area of debris and any possible evidence of human rights violations. For example, international media reported that Croatian authorities had sprayed chlorine on an area in the vicinity of Novi Varoš, where human rights abuses may have taken place, thus removing or destroying much of the forensic evidence that may have remained.¹⁴

After May 7, however, the Croatian media and government called on the international and Serbian media and international humanitarian and human rights organizations to visit the area and interview local Serbs who chose not to leave for Bosnian Serb-held territory. Independent observers also were allowed access to those interned following the fighting.

The Croatian Army offensive was a large-scale operation, involving infantry, mortar and aerial attacks, and many Serbs — both combatants and civilians — were killed during the attack. On May 4, Croatian Defense Minister Gojko Šušak claimed that between 350 and 450 Serbs were killed during the operation, without distinguishing between civilian and combatant dead. Šušak also stated that a total of thirty-three Croatian soldiers were killed out of a total Croatian force of 7,200 soldiers.¹⁵ The Croatian government later revised the number dead, claiming that 188 Serbs — both civilians and combatants — had been killed during the offensive. According to the Croatian government, 127 of those killed had been positively identified but only the identities of the civilian dead would be disclosed; the Croatian government has stated that it will not release the names of Serbian soldiers who were killed during the offensive because rebel Serbian forces have refused to explain the fate of Croatian combatants who were disappeared after the city of Vukovar fell to and was destroyed by Serbian and Yugoslav forces in November 1991.

According to Nataša Rajaković, spokeswoman for Croatian President Franjo Tuđman, the Croatian police had removed the bodies of those killed during the offensive.¹⁶ During the week of May 8, Human Rights Watch/Helsinki representatives asked Croatian officials to view the corpses of those killed and inquired as to the burial of those Serbs killed during the offensive. On May 10, Human Rights Watch/Helsinki representatives visited the police station in Pakrac and spoke with Josko Morić, Croatia's deputy interior minister, who had been dispatched to Pakrac from Zagreb to oversee the police in western Slavonia. When asked about the remains of those Serbs killed during the fighting and whether any attempt had been made to identify the dead, Morić claimed that people had picked up their dead from the road and buried them individually. Morić referred us to the civilian security force (*civilna zaštita*), which is charged with attending to non-military duties in times of war, claiming the civilian security force, not the police, had disposed of the bodies. The Croatian government later claimed to have buried the dead in several graves in western Slavonia and provided the staff of Tadeusz Mazowiecki, the U.N. Commission on Human Rights' Special Rapporteur for the former Yugoslavia, what it claims is a full list of all such graves.¹⁷

¹⁴ John Pomfret, "U.N. Investigates Killing of Civilians in Croatia," *The Washington Post*, May 8, 1995.

¹⁵ Roger Cohen, "Croats Attack, Serbs Flee and Another Town Is Uprooted," *The New York Times*, May 5, 1995.

¹⁶ John Pomfret, "U.N. Investigates Killings of Civilians in Croatia," *op. cit.*

¹⁷ The search, collection and identification of the wounded, sick and dead are regulated by Articles 15 and 17 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949 (hereinafter First Geneva Convention).

Most of the destruction to homes and property in western Slavonia at the time of our visit dated from 1991,¹⁸ although rocks or other objects had been thrown in some stores and shops exhibiting the Cyrillic script.¹⁹ In Jasenovac, some fresh signs of battle were visible, but the exterior of the Serbian Orthodox church was not damaged. During our visit on a rainy day, few civilians could be seen in the area south of Pakrac. Rather, Croatian Army soldiers, regular and reserve units of the police and a handful of members of the civilian security force (*civilna zaštita*) were present in the area. In the formerly Serbian-held part of Pakrac, a convoy of what was later clarified as seventy-one tractors and two buses carrying Serbs wishing to leave the area, assembled under U.N. supervision without visible impediment by the Croatian authorities.

Although evidence of widespread looting was not readily evident when we visited, there are a large number of U.N. reports claiming that Croatian forces — primarily members of the Croatian Army or military and civilian police — have been confiscating property owned by Serbs in the area. U.N. representatives interviewed by Human Rights Watch/Helsinki complained that both Serbian and Croatian soldiers had confiscated weapons and other equipment and personal items belonging to the U.N. during the offensive. For example, on the evening of May 2, Croatian soldiers ransacked a camp belonging to a platoon of Nepalese soldiers, taking the U.N. soldiers' machine guns and personal belongings, including about \$25,000 in cash.²⁰ Croatian soldiers also robbed stations belonging to the U.N. civilian police. Croatian authorities have undertaken to return all U.N. property in their possession and pay reimbursement for equipment and property damage by Croatian forces in Sector West during their offensive.²¹

Some Serbs remaining in Sector West have been harassed by groups of Croatian army soldiers or military and civilian police officers, although the civilian police have generally been less abusive than the military forces. As stated above, Croatian soldiers have stole cars, as well as tractors and money, belonging to Serbs. Soldiers threatened remaining Serbs, telling them to leave or risk being killed. Special police units also beat an elderly Serb. Many reported abuses took place at night, when international monitors were not patrolling the area. U.N. officials also received reports of murder shortly after the offensive, but these allegations have not yet been thoroughly investigated. Despite Croatian government promises to respect the Serbs' human rights, many Serbs who remain in western Slavonia remain fearful and threatened and have chosen to leave. As of early June, over 12,000 Serbs have left western Slavonia.²²

According to Deputy Interior Minister Josko Morić, Croatian Army troops were to be withdrawn from western Slavonia by the evening of May 10. Although the military was to retain a presence along the Sava river (which separates Croatian forces from Serbian forces in Bosnia), Morić claimed that civilian and police authorities would assume responsibility for the area. In fact, the Croatian military has been withdrawn from the area, although Croatian Army soldiers continue to monitor the border. A large number of civilian police officers patrol the other areas of western Slavonia and international observers generally agree that, as of June 10, the behavior of the Croatian police has generally been good and that remaining Serbs have generally not been mistreated by the police in recent weeks.

Morić also stated that U.N. civilian police monitors and other U.N. personnel are free to monitor the area and that their freedom of movement is guaranteed. U.N. military personnel could also remain in the area, according to Morić, but they would not be permitted to bring in heavy weaponry or armored vehicles; rather, they would be confined to the monitoring role of U.N. civilian personnel. Despite Morić's guarantees of freedom of movement for international

¹⁸ Human Rights Watch/Helsinki representatives travelled to the enclave on May 10, 1995. Human Rights Watch/Helsinki has been monitoring violations of human rights and humanitarian law prior to, during and since the 1991 war in Croatia and its representatives have made several visits to western Slavonia since 1991.

¹⁹ Serbs generally use the Cyrillic script while Croats utilize the Latin alphabet.

²⁰ Roger Cohen, "Serbia Moves Tanks to Croatia Border," *The New York Times*, May 7, 1995.

²¹ United Nations Security Council, "Report of the Secretary-General Submitted Pursuant to Security Council Resolution 994 (1995)," S/1995/467, June 9, 1995, p. 5.

²² *Ibid.*, p. 9.

monitors, individual Croatian soldiers and police officers sometimes impeded the movement of U.N. personnel in western Slavonia, and prevented some from speaking to Serbs.

On May 3, U.N. officials negotiated an agreement between the two sides for a cessation of hostilities. According to the agreement, hostilities in Sector West and elsewhere²³ were to cease at 4:00 P.M. on May 3, 1995; civilians and soldiers wishing to leave Sector West could do so under U.N. protection in conjunction with the UNHCR, ICRC and local Red Cross; Serbian soldiers could leave with only personal side arms, and the U.N. was to assume custody over all their other weapons; those wishing to leave Sector West could do so along a road that would be under U.N. surveillance, and the first movement of persons was to begin at 9:00 A.M. on May 4, 1995.

Despite the agreement, the two sides exchanged tank and artillery fire, initiated by the Croatian military, at about 2:00 P.M. on May 4, and Serb forces did not surrender until later that day. Although the Croatian government had agreed to allow Serbian civilians and soldiers to lay down their weapons and leave the area under U.N. protection following their surrender, Croatian authorities violated the terms of the agreement and arrested approximately 1,500 Serbs,²⁴ mostly men of military draft age whom they had separated from the women, children and elderly. The Serbian men were put on buses and taken to detention facilities in the towns of Varaždin, Bjelovar and Požega. Some women, children and elderly were also arrested but were released almost immediately thereafter.

According to the Croatian authorities, the Serbs were being held in detention and questioned to ascertain whether they had committed war crimes during or subsequent to the war in Croatia in 1991. By May 9, most of those held in the Požega facility had been transferred to the district prison in the Remetinec section of Zagreb, although the transferred prisoners told Human Rights Watch/Helsinki representatives that two Serbian military officers remained in Požega. According to the Croatian government, as of 10:00 A.M. on May 8, criminal investigatory procedures had been initiated against 105 detainees; 554 had been released and granted amnesty from prosecution; and a total of 816 remained in detention in the Varaždin and Bjelovar detention facilities.²⁵ Those released from the Varaždin and Bjelovar detention facilities were returned to western Slavonia on buses where, according to Croatian officials, they can remain or leave for Bosnian Serb-held territory if they so choose.

²³ By "elsewhere," the accord apparently referred to rebel Serb positions near Petrinja, where rockets were launched against Zagreb on May 2 and 3. (See Roger Cohen, "Rebel Serbs Pound Zagreb for Second Day," *The New York Times*, May 4, 1995.)

²⁴ Of these, about 600 were Serbian combatants who had surrendered in the town of Pakrac. On May 10, Deputy Interior Minister Josko Morić told Human Rights Watch representatives that 1,400 Serbs had been taken to "collection centers for questioning."

²⁵ "Croatia Proposes Meeting of Croatian Army and Serb Paramilitaries," Croatian Government Information and Press Agency (HINA) News Bulletin, Zagreb, No. 1629, May 8, 1995.

As of June 10, the Varaždin facility has been closed and, according to U.N. officials in Zagreb, all but approximately 200 detainees have been released and returned to their homes in western Slavonia. The men who remain in detention reportedly have been charged with or are still being investigated for the commission of war crimes or crimes against the state and remain in detention while they await trial or indictment. Some of those detained have been moved to other detention facilities although the detainees' rights to due process have not been respected in some cases. For example, three Muslims who lived in the Serb-held town of Lještani, near Okučani, were arrested during the offensive, were held in the Bjelovar facility and have since been taken to the Lora military prison in Split.²⁶ The military reportedly refuses to clarify the continued detention of the three men and, as of June 1, they remain in detention.

Human Rights Watch/Helsinki representatives interviewed Serbian men detained in the Zagreb prison and Bjelovar sports hall, and all reported that they were well treated by the Croatian authorities at the time of our interviews. However, some detainees also stated that they had been beaten or otherwise mistreated when they first arrived to places of detention in Varaždin and Požega. The detainees chose not to elaborate on this topic, fearing retribution by their guards, and allegations of abuse during the first days of their detention should further be investigated. Those in detention at the time of our visit reported that they were receiving enough food and that the ICRC had visited them in the Bjelovar detention center. Most were eager to be reunited with their families but expressed ambivalence about remaining in Croatia or going to Serb-held areas of Bosnia, wishing to avoid being drafted into the Bosnian Serb army. Some of those interviewed claimed they would like to leave for Serbia proper, while others claimed they wanted to leave the Balkans altogether.

According to the Croatian government, those Serbs wishing to remain in what had been Sector West were being encouraged to do so. Those remaining in detention would be questioned, released, amnestied from prosecution and allowed to return to their homes; only those identified as war criminals would stand trial. During and for days following the offensive, the state-controlled Croatian media called on Serbs to lay down their arms and pledged protection of their human rights. Croatian President Franjo Tudjman promised that "all Croatian citizens of Serbian descent" would be guaranteed full respect for their "human and civil rights."²⁷ According to the U.N., the Croatian government has taken steps to normalize life for Serbs who remain in western Slavonia. Infrastructure improvements have begun, a bus line and telephone links have started and small grants have been given to each family.²⁸ A registration center had been opened in Gavrinica to process applications for Croatian citizenship and, according to the Croatian government, 1,070 requests had been received, 675 citizenship papers had so far been issued, and the remaining requests were being processed.²⁹ The Croatian authorities also have indicated that they will repatriate Croats who were expelled by Serbian forces from the area in 1991.

The Croatian government's official stance toward Serbs remaining in western Slavonia has generally been conciliatory, contrasting sharply with the jingoist rhetoric of the Croatian media and officials in the past three years. Yet despite the verbal guarantees provided by the Croatian authorities, few Serbs in western Slavonia plan to remain in the area. Many Serbs believe that inter-ethnic strife is inevitable, especially when Croats who had once been their neighbors but who were displaced from western Slavonia by Serbian forces in 1991, return to reclaim their homes and land. Despite such fears, it is the responsibility of the Croatian government to ensure that such inter-ethnic violence be

²⁶ The detainees are Mehmet Murić (aged forty-five), Arafat Omeragić (aged twenty-two) and Muamar Omeragić (aged seventeen).

²⁷ Roger Cohen, "Rebel Serbs Shell Croatian Capital," *op. cit.*

²⁸ United Nations Security Council, "Report of the Secretary-General Submitted Pursuant to Security Council Resolution 994 (1995)," S/1995/467, June 9, 1995, p. 10.

²⁹ *Ibid.*

avoided, that outstanding allegations of abuse during and after the recent offensive be investigated further, and those responsible for actual human rights violations be arrested and prosecuted.

THE RESPONSE OF THE KRAJINA SERB AUTHORITIES

In response to the Croatian Army offensive and the defeat of rebel Serb forces in western Slavonia, Milan Martić, the head of the self-proclaimed Republic of Serbian Krajina (RSK), vowed retaliation and shelled several cities in Croatia. On May 2 and 3, RSK forces sent Yugoslav-manufactured Orkan rockets into the center of Zagreb, the capital of Croatia. Three rocket-propelled cluster bombs hit downtown Zagreb and another six hit the southern outskirts near the Zagreb airport.³⁰ At least six people were killed and approximately 177 were wounded. The cities of Karlovac and Sisak also were attacked. The leader of the Bosnian Serbs, Radovan Karadžić, promised help to his counterparts in Croatia and, on May 1, the Dubrovnik airport was hit by several shells fired from Bosnian Serb positions. Moreover, during the offensive, Serbian forces took 115 U.N. soldiers and civilian police officers hostage in the Krajina area,³¹ these captives were freed by May 3.

The attacks on Zagreb's city center were not aimed at military targets; rather, they were launched to terrorize and kill civilians in the capital and, therefore, violate international humanitarian law.³² Indeed, on Krajina-run television Martić openly vowed to attack Zagreb indiscriminately. During the week of May 8, the RSK authorities vowed to attack Zagreb every day, between the hours of 3:00 and 5:00 P.M., unless all Serbian detainees had been released and brought to Serb-held areas of Bosnia. Also, during a meeting with Yasushi Akashi, the U.N. secretary-general's special representative to the former Yugoslavia, Martić threatened to continue attacking Zagreb, with the express aim of inflicting civilian casualties, although he did not follow through on his threats.

Some Serbs who fled from western Slavonia to northern Bosnia have been resettled in parts of eastern Slavonia, another Serbian-controlled area of Croatia. As a result, Croats have left or been expelled from the villages of Bapska and Tovarnik in eastern Slavonia suggesting that Serbs from western Slavonia may have been resettled in the Croats' homes.

³⁰ The attack on May 2 reportedly killed five people and wounded 134. Another attack the following day killed a police officer who was trying to defuse a cluster bomb carried by one of the rockets and wounded forty-three civilians. (See Roger Cohen, "Rebel Serbs Attack Croatian Capital With Rockets," *The New York Times*, May 3, 1995, and "Rebel Serbs Pound Zagreb for Second Day," *The New York Times*, May 4, 1995.) The rockets launched on May 2 landed a) in Strossmayer Square, near the Palace Hotel and a block from the Croatian Foreign Ministry and U.S. Embassy; b) in Petrinjska street; c) in Stara Vlačka street, near the busy traffic area of Drašković street, where a tramway full of passengers was hit; d) in the schoolyard of a high school in Križaničeva street, near the Croatian Defense Ministry; e) near a children's hospital in Klaićeva street; and f) near the Zagreb airport. The rockets launched the following day went through the roof of the Academy of Dramatic Arts in Mažuranić Square, near Zagreb University's Law School and the National Theatre.

³¹ Roger Cohen, "Croatia Hits Serb-Held Area After Crossing U.N. Lines,"

³² Article 51 of Protocol I expressly forbids attacks aimed at civilian populations. In particular, Article 51(2) states:

the civilian population as such, as well as individual civilians shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

ENSUING ABUSES IN BOSNIAN SERB-HELD AREAS

During the fighting on May 1-2, an estimated 5,000 to 7,500 Serbs fled western Slavonia for Bosnian Serb-held regions. More have since fled, and most were initially taken to the Bosnian Serb-held city of Banja Luka in northwestern Bosnia.³³ According to UNHCR officials,³⁴ many of the arriving Serbian refugees are heavily armed and since their arrival, a series of attacks on Catholic churches and monasteries in the Banja Luka area have taken place.³⁵ Reports of murders, beatings and robberies of Croats in the Banja Luka area also have been received by the UNHCR.

³³ According to UNHCR officials interviewed by Human Rights Watch/Helsinki representatives on May 11, 1995, in Zagreb, 2,500 of the Serbian refugees were to be resettled in the town of Bosanski Brod, 1,500 in Derventa and the remainder in Laktaši. Others were resettled in eastern Slavonia, another Serbian-controlled area in Croatia.

³⁴ Interviewed by Human Rights Watch/Helsinki representatives on May 11, 1995, in Zagreb.

³⁵ While most Serbs are adherents of the Serbian Orthodox religion, most Croats are Roman Catholics.

On the night of May 6-7, a Franciscan monastery in Petrićevac near Banja Luka was blown up.³⁶ Several monks and nuns had allegedly been ill-treated and expelled from the buildings earlier, and one of the elderly monks died of a heart attack after being detained by the assailants.³⁷ On May 12, the burned bodies of Filip Lukenda, a fifty-two-year-old Catholic priest, and Pava Grgić (Sister Cecilija), a forty-three-year-old nun were found either in the rectory or inside St. Theresa's church in the village of Presnače, near Banja Luka.³⁸ Reports indicate that the church was either bombed or burned to the ground.³⁹ Another church was bombed five miles north of Bihać, and one in Vujnovici, five miles north of Banja Luka, was set on fire.⁴⁰ Destruction of Catholic churches has also been reported in the villages of Sergovac, Majdan and Trn. On May 17, armed men in civilian dress reportedly beat or otherwise ill-treated a Roman Catholic priest and two nuns in the village of Trn, near Banja Luka.⁴¹ The following night the parish church was blown up and the nuns' house was set alight.⁴² On May 13, approximately 190 Muslims also were forcibly expelled to the Bosnian government-controlled areas of central Bosnia.⁴³ Thirty or forty men of military age were reportedly taken from the group and their whereabouts remain unknown.⁴⁴

Serbian refugees from western Slavonia appear to have perpetrated the recent crimes against Croats in the Banja Luka area, although Bosnian Serb forces also appear to have perpetrated some attacks and Bosnian Serb authorities have taken little, if any, action to stop the abuse. International relief agencies report at least two other murders and expulsions of Croats from their homes in the Banja Luka area since the May 1-2 offensive.⁴⁵ In a May 8 statement, the so-called "Ministry of Religious Affairs" for the Bosnian Serb authorities condemned the attacks on the Roman Catholic religious buildings.⁴⁶ However, in later statements, the "minister" allegedly condoned the attacks as legitimate responses to Croatian forces' previous attacks on Serbian Orthodox villages or Serbian civilians.⁴⁷

³⁶ Amnesty International, "Urgent Action," EUR 63/11/95, May 19, 1995.

³⁷ See Amnesty International, "Urgent Action," EUR 63/11/95, May 19, 1995, and Julian Borger, "U.N. 'jumps gun' in condemning Croatia," *The Guardian*, May 8, 1995.

³⁸ While some reports indicate that the bodies were burned inside the church, presumably after it was set on fire, other reports claim the priest and nun were murdered in the rectory, their bodies were doused with gasoline and set on fire. (See Amnesty International, "Urgent Action," EUR 63/11/95, May 19, 1995, and Roy Gutman, "Serbs Targeting Catholic Clergy," *New York Newsday*, May 1995.)

³⁹ Roy Gutman, "Serbs Targeting Catholic Clergy," *op. cit.*

⁴⁰ *Ibid.*

⁴¹ Amnesty International, "Urgent Action," EUR 63/11/95, May 19, 1995.

⁴² *Ibid.*

⁴³ *Ibid.* International relief workers in central Bosnia also confirmed the expulsions of the Muslims throughout Serb-held areas of northern Bosnia in mid-May.

⁴⁴ *Ibid.*

⁴⁵ See also Roy Gutman, "Serbs Targeting Catholic Clergy," *op. cit.*

⁴⁶ Amnesty International, "Urgent Action," EUR/63/11/95, May 19, 1995.

⁴⁷ *Ibid.*

Human Rights Watch/Helsinki representatives interviewed a Catholic nun who had been expelled from the village of Bosanski Aleksandrovac near Banja Luka following the Croatian Army offensive in western Slavonia.⁴⁸ She stated that four armed men came to their convent at 4:05 P.M. on May 4, while six nuns and a lay woman were working on their collective farm. The soldiers told them to leave their work in the fields and board a bus immediately. They were not allowed to take their belongings or to change out of their work clothes. A nun who insisted on changing her clothes and getting her documents before being expelled was thrown to the ground by one of the soldiers, who otherwise identified themselves as Serbs from western Slavonia. The nuns and the lay woman then boarded the bus and were driven the distance of one kilometer, where they were told to disembark and board an ICRC jeep that was being driven by a Serbian soldier dressed in military fatigues without an insignia. Two soldiers also accompanied them. The nuns were then driven to the village of Nova Topola, where three more nuns and another lay woman were told to board the jeep. They were then taken to Bosanska Gradiška, where local Bosnian Serb soldiers and the local police tried to prevent the women's expulsions but the Serbian soldiers from western Slavonia threatened to kill everyone in the vicinity if the women were not expelled. According to the nun, Bosnian Serb soldiers went to their command post and then returned, informing their fellow soldiers that they were to permit the expulsion of the women and to allow them to cross the bridge to Croatian-held territory. According to Kris Janowski, spokesperson for the UNHCR in Sarajevo, the Bosnian Serb army set up headquarters in the convents from which the nuns had been expelled.⁴⁹

U.N. RESPONSES TO THE OFFENSIVE

⁴⁸ Interviewed in Zagreb on May 11, 1995.

⁴⁹ Roy Gutman, "Serbs Targeting Catholic Clergy," *op. cit.*

The U.N. has consistently denounced military efforts by Croatian or Bosnian forces aimed at regaining territory lost to Serbian forces, claiming such military operations damage peace negotiations and may endanger U.N. troops in the field. Indeed, the Croatian offensive effectively shatters the "permanent cease-fire" brokered by the U.S. and signed by Croatian and rebel Serbian authorities on March 29, 1994.⁵⁰ U.N. officials also believe that the recent Croatian offensive may damage efforts to re-negotiate the terms of the U.N. mission to Croatia.⁵¹ As of this writing, the U.N. remains in Croatia without a clearly defined role, and the recent Croatian offensive in western Slavonia effectively abolishes the existence of the "United Nations Protected Area" (UNPA) known as Sector West. According to Croatian Foreign Minister Mate Granić, the U.N.'s mandate will not be renewed in western Slavonia. Rather, U.N. observers will be allowed to patrol the area and some U.N. presence along the Bosnian-Croatian border will "be possible."⁵²

A Human Rights Watch/Helsinki representative interviewed U.N. officials at their Zagreb headquarters and in western Slavonia during the week of May 8 about events during and after the Croatian offensive. In some cases, officials offered differing accounts or contradictory facts. In other instances, U.N. officials were not aware of events on the ground, or did not know how to define their role in western Slavonia following the offensive. In conversations with U.N. representatives in western Slavonia and at U.N. headquarters in Zagreb, U.N. personnel conceded that they were not aware of what they would be permitted to do, or what they should be doing, in western Slavonia following the *de facto* abolition of what had been a UNPA. U.N. field personnel had not received instructions from their superiors at U.N. headquarters concerning their current role in the sector nor were they aware of the Croatian government's redefinition of their role as one of monitors. In fairness to the U.N., it should be noted that although Croatian officials notified the U.N. that an offensive would take place two hours prior to the operation, Croatian authorities have not kept the U.N. fully informed of their actions since then.⁵³

⁵⁰ Roger Cohen, "Croatia Hits Serb-Held Area After Crossing U.N. Lines," *op. cit.*

⁵¹ On March 31, 1995, the name and mandate of the U.N. peacekeeping mission to Croatia were revised by the U.N. Security Council. The U.N. mission to Croatia has been renamed the United Nations Confidence Restoration Operation (UNCRO), and the number of U.N. troops in Croatia is to be scaled down from 12,000 to 8,750. According to the new UNCRO mandate, U.N. forces are to be stationed along the internationally recognized borders of Croatia, as opposed to their current deployment along cease-fire lines where they separate Croatian government and rebel Serb forces. The details of the plan are to be worked out by U.N. negotiators in Croatia but those negotiations have stalled in recent weeks, with both the Croatian government and rebel Serbs failing to agree on certain aspects of the new U.N. mission.

⁵² "Diplomatic Corps In Croatia Visit Western Slavonia," HINA News Bulletin, No. 1629, May 8, 1995.

⁵³ Croats, and many Bosnians, have grown increasingly contemptuous of, and less willing to cooperate with, the U.N. mission, claiming it did little if anything to protect civilians from "ethnic cleansing" and attack during its three year presence in the former Yugoslavia.

During the first few days of the offensive, U.N. officials claimed that "widespread" human rights abuses were taking place in western Slavonia, although evidence to support such claims was inconclusive at the time. According to U.N. officials,⁵⁴ the U.N. decided to issue such a statement after receiving reports from the European Union's Monitoring Mission that Croatian authorities were rounding up Serbs, placing them on buses and taking them to unknown destinations. According to the terms of an accord brokered on May 3 calling for a cessation of hostilities between the two parties, Serbian combatants were to lay down their weapons and leave the area under U.N. supervision. Croatian authorities violated the terms of the agreement and instead arrested and detained approximately 1,500 Serbs, primarily men of draft age.⁵⁵ Seeing that the Croatian authorities had violated the agreement, and having no information as to where the Serbs were being taken, U.N. officials decided to issue the statement alleging that "massive" human rights violations were taking place in the hopes that international condemnation and pressure would prevent the Croatian authorities from harming the Serbs. The U.N. Security Council reacted on May 4, issuing a presidential statement that expressed the Security Council's concerns about such human rights violations in western Slavonia.⁵⁶ Although Croatian authorities violated the terms of the May 3 agreement and some serious abuses may have taken place during and following the offensive, based on the evidence available as of June 10, these abuses appear not to have been "widespread" or systematic.

During the weekend of May 6, Yasushi Akashi's office issued another controversial statement saying that, as of May 6, local Serbian authorities in the Banja Luka area had registered 7,000 Serbian refugees from western Slavonia and that one-hundred persons had been interviewed in detail. According to the statement, reports of the Croatian military's direct artillery and sniper attacks on columns of hundreds of fleeing refugees were deemed "reliable and justified" by "experienced officials," i.e., members of the UNHCR office in Banja Luka.

Human Rights Watch/Helsinki representatives spoke with UNHCR officials at their Zagreb headquarters about their field staff's efforts to interview Serbs who had fled from western Slavonia to Banja Luka. UNHCR has long been understaffed and overworked in the Banja Luka area. When a Human Rights Watch/Helsinki representative inquired from UNHCR headquarters in Zagreb about the current staffing of its Banja Luka office, she was told that UNHCR had three protection officers, one head of office, one logistics program officer and two local radio operators present. If the three protection officers had conducted the interviews from May 2 until May 6, it is highly unlikely that these three non-Serbian speaking UNHCR officers could have properly interviewed one-hundred Serbs in four days, given UNHCR's heavy work load during that week. The Zagreb-based UNHCR officer to whom Human Rights Watch/Helsinki spoke conceded that, although UNHCR officials in Banja Luka had interviewed Serbs fleeing from western Slavonia, the interviews had not been detailed or conducted in a manner aimed at documenting war crimes. Indeed, in a communiqué sent to the Zagreb office, UNHCR staff in Banja Luka stated that as individual Serbian refugees made statements to UNHCR officials, such persons were "generally surrounded by ten or fifteen others from the same or nearby areas who supported the story." For the purposes of documenting war crimes, the circumstances under which refugee Serbs were questioned remains highly suspect. Serbs who have fled from western Slavonia and have sought refuge in Serb-held areas of Bosnia and Croatia should be interviewed in-depth and in private, and independent corroboration of their testimony should also be sought before reports of war crimes are deemed "reliable and justified." Indeed, Yasushi Akashi later retreated from his office's original claim that Croatian troops fired at fleeing Serbs. According to Akashi, "There were some alarming reports, but we may have sent signals louder than the situation justified itself."⁵⁷

⁵⁴ Interviewed by Human Rights Watch/Helsinki representatives on May 11, 1995.

⁵⁵ See preceding section for an account of the arrests and subsequent detention of the surrendering Serbs.

⁵⁶ Statement by the president of the Security Council, S/PRST/1995/26, May 4, 1995.

⁵⁷ Julian Borger, "Croatia calls on U.N. troops to use force," *The Guardian*, May 11, 1995.

Although the allegations of human rights abuses made by the U.N. between May 2 and 6 were based on inconclusive evidence, this is not to say that no abuses took place during the Croatian Army offensive. Rather, in highlighting the flaws of U.N. statements and judgment during the first few days of the offensive, Human Rights Watch/Helsinki would like to point to the need for further, impartial and thorough investigations of all allegations of human rights abuses in western Slavonia in recent weeks. Although U.N. efforts to prevent potential human rights abuses should be commended and encouraged, we also emphasize that exaggerated and imprudent remarks about such violations can potentially be counterproductive and damaging to respect for human rights, as they may serve to foment further violence and inter-ethnic hatred.

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Human Rights Watch/Helsinki

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