

104

WAR CRIMES IN THE BALKANS

Y 4. IN 8/19: S. HRG. 104-448

War Crimes in the Balkans, S.Hrg. 1...

JOINT HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

AND

COMMITTEE ON FOREIGN RELATIONS

OF THE

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

WEDNESDAY, AUGUST 9, 1995

Printed for the use of the Select Committee on Intelligence of the United States Senate and the Committee on Foreign Relations



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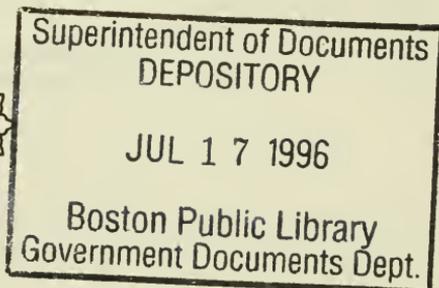
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JOINT HEARING ON WAR CRIMES IN THE BALKANS

WEDNESDAY, AUGUST 9, 1995

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE AND
THE COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The Joint Hearing commenced, pursuant to notice, at 10:08 a.m., in room SDG-50, Dirksen Senate Office Building, the Honorable Arlen Specter, (chairman of the Select Committee on Intelligence) presiding.

Present: Senators Specter, Kyl, Hutchison, Kerrey of Nebraska, Robb, and Feinstein.

Also present from the Senate Intelligence Committee: Charles Battaglia, Staff Director; Chris Straub, Minority Staff Director; Suzanne Spaulding, Chief Counsel; Kathleen McGhee, Chief Clerk.

Chairman SPECTER. This Joint Hearing of the Senate Foreign Relations Committee and the Select Committee on Intelligence will now proceed. We regret the delay, but we have just finished a vote which was scheduled this morning after we had scheduled this hearing.

The purpose of this hearing is to explore the underlying facts on the war crimes in the Balkans, which are being committed by all parties. With the new military action by the Croats against the Serbs, more devastation and destruction and human suffering are an issue.

The evidence which will be presented today discloses that most of the atrocities heretofore have been committed by the Bosnian Serbs against the Muslims, but we will await the testimony by the witnesses on those important points.

It has been the sense of Senator Kerrey, the Vice Chairman of the Intelligence Committee, and myself, together with Senator Helms, Chairman of the Foreign Relations Committee, that these are important subjects which ought to be publicly disclosed.

The Senate Intelligence Committee recently held a closed door hearing on CIA findings which support the fact of ethnic cleansing by the Serbs against the Muslims, and we thought it important to make those disclosures public to the extent that they could be made public, consistent with the sources and methods confidentiality which we have to maintain on certain of the CIA's activities. But that evidence, we think, is significant, and will be produced, as I say, to the extent that it can be, consistent with the rules of confidentiality for the Intelligence Committee and the CIA.

A very short prepared statement will be included in the record at this point.

[The prepared opening statement of Chairman Specter follows:]

OPENING STATEMENT OF SENATOR ARLEN SPECTER

The Senate Foreign Relations Committee and the Select Committee on Intelligence are conducting a joint hearing today regarding the extent of war crimes and crimes against humanity in the Balkans since 1992. Equally important is the question of who is responsible for these atrocities and what efforts the U.S. Government has made to support the international tribunal established to investigate war crimes in the former Yugoslavia.

We have heard the reports from the UN's high commission for refugees: the pre-war population of Bosnia-Herzegovina was 4.3 million people; 1 million have now become refugees to other countries, and another 1.3 million have been displaced within Bosnia-Herzegovina. An estimated 200,000 people have been killed and of that it is estimated that 75 percent have been Muslims. However, in recent days, there has been press reporting that Croatians forces have been involved in ethnic cleansing.

Today we will hear from the head of the UN commission of experts to investigate violations in the former Yugoslavia, Mr. Cherif Bassiouni, about the results of his investigations. In addition, we hope to learn what evidence the U.S. intelligence community has regarding war crimes in the Balkans. To provide this testimony for the intelligence community, we have Mr. John Gannon, who was recently selected by Director Deutch to be the CIA's senior analyst—the Deputy Director of Intelligence.

We will conclude with testimony by three victims of war crimes in the Balkans who will provide first hand accounts of how they suffered and what they witnessed. We welcome our witnesses.

Chairman SPECTER. I was struck by a report today in a Newsday story which appears on the front page of the Philadelphia Inquirer, and I think a short extract is worth noting at this time.

The report quotes a number of witnesses—and we will have a number of witness victims testifying here today—on the proposition that General Ratko Mladic, the Bosnian Serb military leader, announced a, quote, “feast of blood” and he personally attended much of the butchery which followed.

The witnesses, as disclosed in this article, commented that Mladic repeatedly declared his intention to kill as many Muslims as possible, in particular the able bodied men, and at one point, according to eye witnesses, encouraged his troops to rape the young women who were present there.

The feast of blood, according to eye witness Nedzida Sadikovic, occurred on or about July 12, and Mladic was quoted as saying, it is going to be a *meze*, which means a delectable feast, there will be blood up to your knees. He then nodded at the many young women in the crowd and said to keep the good ones over there, enjoy them.

The witness, Ms. Sabladovic, 42, who fled Srebrenica in 1991, said that each night many young women were removed from the buildings in which they stayed, and that the women were not seen again. That the men and the boys, 16 to 60, were led away with the Dutch soldiers then reporting that they heard shots in the forest.

Mladic is quoted as saying for every one of mine, 1,000 of yours will die. At least 2,000 Muslim men and boys were shot that evening, according to eyewitness reports. Both Mladic and Bosnian Serb political leader Radovan Karadzic have been indicted by the

International Criminal Court for genocide and crimes against humanity.

One of the items which is of utmost importance is the United States support for the International War Crimes Tribunal, which has been undertaken, but it is our sense that a broader public understanding of the atrocities involved is very important for the formulation of public opinion, an informed public, and ultimately for U.S. foreign policy.

I am pleased to yield at this time to the distinguished Vice Chairman of the Intelligence Committee, Senator Kerrey.

Vice Chairman KERREY. Mr. Chairman, I have an opening statement I will include in the record, since we're late in getting to the witnesses. Also, Senator John Kerry, a member of both the Intelligence Committee and the Foreign Relations Committee, has asked that I submit a statement for him to be placed in the record.

I think your opening statement can stand for both of us.

Chairman SPECTER. All right, thank you very much, Senator Kerrey.

[The opening statements of Senator J. Robert Kerrey of Nebraska and Senator John Kerry of Massachusetts follow:]

OPENING STATEMENT OF SENATOR J. ROBERT KERREY

Thank you, Mr. Chairman. The hearing we are holding today, along with our colleagues from the Foreign Relations Committee, is extremely important and timely. Stories of human rights abuses in the former Yugoslavia are rampant. News accounts of less than a month ago of Bosnian Muslim civilians being forcibly ejected from Srebrenica and Zepa are now matched by stories of Krajina Serbs fleeing Croatia. Today we hopefully will have a glimpse at the true measure of the tragedy that has been created in the former Yugoslavia over the past 3½ years. And I say "created," Mr. Chairman, because all of this is the result of the measured policies of people who have decided to force their neighbors into lives of upheaval and misery. They have selected war as a means to settle their differences and the outcome is unsettling.

Our witnesses this morning will be able to provide us with many important insights into how much we know about war crimes committed in the former Yugoslavia. All of us want to be able to separate facts from propaganda, and I'm sure the sad truth is the facts are worse than whatever the most able propagandist could ever create.

I don't want to detract from the importance of the information that we'll hear this morning on the nature and extent of the war crimes being committed, but I am also interested in finding out how we know this information. It is my understanding that U.S. intelligence has played, and is playing, a critical role in gathering and disseminating information on war crimes. This is important for the conduct of U.S. foreign policy. But its importance does not end there.

One of the new roles for U.S. intelligence is its usefulness for international bodies such as the United Nations. U.S. intelligence is no less important because it is available to an international body such as the United Nation or the International Court of Justice. Our foreign policy goals demand that we seek out the perpetrators and force them to stop their criminal behavior. Therefore, rather than posing a threat to U.S. intelligence sources and methods, I would argue that our sharing of intelligence in this case directly helps the United States, the people of the former Yugoslavia, and a world that has watched in horror as events in the Balkans have unfolded.

So Mr. Chairman, I thank you for organizing this hearing. I can't say that I look forward to the testimony because these are stark, shocking facts. Nonetheless, this is a story that must be told so that the American people have a better understanding of what is at stake in the former Yugoslavia.

OPENING STATEMENT OF SENATOR JOHN KERRY

I commend my two Chairmen for holding this hearing and making the effort to increase American public awareness of the horrible atrocities being committed in Bosnia. We often hear talk of human rights abuses and ethnic cleansing without stopping to contemplate the enormity of the tragedy behind these words. I hope the testimony of our witnesses will remind us of just how great the human suffering has been in Bosnia. And I hope it will help educate America as to the depth of depravity and the viciousness of the acts perpetrated in the name of ethnic purity.

Unfortunately, diplomats and Western leaders, including our own, have done a poor job of speaking out and impressing upon our citizens the true nature of the policies being pursued by the Bosnian Serbs. The reprehensible acts that they have carried out should not be downplayed. The International War Crimes Tribunal has indicted Bosnian Serb leaders on charges of genocide and crimes against humanity and we should stop dancing around the issue by using the euphemism of "ethnic cleansing." The policies of the Bosnian Serbs, both the political and military leadership, have been genocidal. We are not talking about isolated or sporadic incidents. The Bosnian Serbs have carried out a planned and coordinated effort to create an ethnically pure state in the areas of Bosnia that they now control and the world community should seek to bring those responsible to justice.

The human rights abuses of the other parties in this conflict also should be condemned, investigated, and prosecuted as appropriate by the Tribunal, but to date these cases are far fewer and pale when compared to the ferocity of Serbian atrocities. However, I am concerned about reports of abuses emanating from recently recaptured Croatian territory. I hope that we will not see Croats and Muslims exacting retribution on the civilian Serb population in the Krajina.

Regardless of which side engages in this horrific behavior, these actions should be brought to the attention of the American people and the world. This combined hearing of the Foreign Relations and Intelligence Committees is a useful forum for addressing this issue and I thank the Chairmen for their leadership.

Chairman SPECTER. At this time I would like to turn to Mr. John Gannon, the Deputy Director of Intelligence for CIA, and welcome you, Mr. Gannon, and the floor is yours.

Mr. GANNON. Thank you, Mr. Chairman. I am pleased to be here. I have a brief statement to provide you and then I will show you some related aerial photography.

[The prepared statement of John Gannon follows:]

PREPARED STATEMENT OF JOHN GANNON

"ETHNIC CLEANSING" AND ATROCITIES IN BOSNIA

SUMMARY

Evidence drawn from press reports, international relief agencies, refugees, and other sources of information indicate that ethnic Serbs are responsible for the vast majority of ethnic cleansing in Bosnia.

Croats and Muslims in Bosnia have also committed atrocities and forced other ethnic groups to flee—the Croat destruction of Mostar is a noteworthy example—but the ethnic cleansing actions of the Bosnian Serbs are unrivaled in scale and intensity. There is no pattern of events, moreover, indicating that Croats or Muslims have planned or carried out systematic, large-scale ethnic cleansing.

Sustained campaigns of ethnic cleansing by Bosnian Serbs since 1992 have resulted in the likely deaths of tens of thousands of non-Serbs, the displacement of hundreds of thousands more, and radical change in Bosnia's demographics. Up to 90 percent of non-Serbs who lived in the 65 percent of Bosnia now under Serb control have been forced to flee, were detained, or were killed. Well over 3,000 settlements—mainly in Serb controlled areas—have been destroyed and some 1.3 million Bosnians, primarily Muslims, have been displaced within Bosnia, mainly as a result of ethnic cleansing.

The Bosnian Serb Army, paramilitary groups, Bosnian Serb political leaders, and security elements have played pivotal coordinating roles in ethnic cleansing in Bosnia. Consistent patterns of political-military collusion and coordination are evident in Serb seizures of Bosnian towns. Many non-Serb refugees from throughout Bosnia have described Serb takeovers in strikingly similar terms.

The bloodiest rounds of ethnic cleansing took place earlier in the Bosnian conflict in 1992 and 1993, but Serb efforts to expel non-Serbs continue. More than 16,000

have been evicted from northern Bosnia since last summer, and thousands more have been forced from the eastern enclaves of Srebrenica and Zepa this month alone.

The apparently systematic, widespread nature of Serb actions strongly suggests that, from the beginning of the conflict, Bosnian Serb political and military leaders have played a central role in the purposeful destruction and dispersal of Bosnia's non-Serb population.

INTRODUCTION

Ethnic cleansing has been carried out in Bosnia since at least early 1992, primarily by Bosnian Serb political and military forces opposed to the Bosnian Government's declaration of independence following a republic-wide referendum in early March 1992. The Bosnian Serbs boycotted the vote. Refugees have indicated that Bosnian Serbs probably were planning takeovers of some towns, such as Brcko, before the referendum and reportedly sought help from the Yugoslav People's Army (JNA) and paramilitary groups formed in Serbia to do so.

In many cases, ethnic Serbs did not constitute majorities or significantly greater pluralities in key multiethnic towns that they subjected to ethnic cleansing. Official census data shows, for example, that in early 1992 Muslims constituted a majority of 56 percent in the northeastern city of Brcko. The Muslim population was about equal to that of Serbs in the northwestern town of Prijedor (39 and 40 percent, respectively), as well as in the larger opstina of Prijedor (44 and 43 percent, respectively). Both areas have since been virtually depopulated of non-Serb residents.

Well over a million of those displaced since early 1992, primarily by Serb ethnic cleansing, remain in Bosnia. A majority are Muslims forced into overcrowded enclaves and towns in Bosnian Government-held areas. Ethnic cleansing by Bosnian Serbs continues today, although the most brutal and widespread incidents took place in 1992 and 1993, when some of the most notorious detention camps were forced to close following extensive international publicity. More than 16,000 non-Serbs have been expelled from Serb-controlled areas of northern Bosnia alone since last summer, and thousands more have been forced from the eastern enclaves of Srebrenica and Zepa this month.

Croats and Muslims have also committed atrocities during the Bosnian conflict, but their actions have consisted for the most part of discrete—though sometimes fierce—episodes that lack the sustained intensity, orchestration, and scale of the Bosnian Serbs' efforts. The majority of refugee accounts—corroborated by information from the UN, international relief organizations, and other sources of information—indicate that ethnic Serbs are responsible for the overwhelming majority of the destruction, displacement, and loss of life associated with ethnic cleansing in Bosnia.

KEY ACTORS IN ETHNIC CLEANSING BY BOSNIAN SERBS

A substantial body of evidence indicates that political, security, military, and paramilitary elements all played central, coordinated roles in carrying out ethnic cleansing in Bosnia. Statements by refugees from affected towns as distant from each other as Prijedor, Brcko, and Foca reveal a strikingly similar pattern. They describe how non-Serbs were disarmed and Serb political, security, and military forces took control of towns, setting up new local government structures with identical names or functions in each case, and systematically rounding up, interrogating, torturing, and imprisoning or expelling members of non-Serb elites—usually Muslims. The almost simultaneous timing of the takeovers of many towns in spring 1992 also suggests collusion among Bosnian Serb authorities. The balance among these political and military elements appears to have shifted over the past 2 years—the military, for example, has expanded its role in ethnic cleansing through its offensives—but all appear to remain involved.

The Serbian Democratic Party and Internal Security

Local and regional members of Bosnian Serb leader Radovan Karadzic's Serbian Democratic Party (SDS) appear to have been responsible for many tactical decisions involving the ethnic cleansing of non-Serbs. Numerous refugee accounts name the SDS as having orchestrated Serb takeovers of previously multiethnic towns, where they put in place new regimes, set up interrogation centers, established mock "courts," and moved thousands of non-Serb civilian prisoners to detention camps.

The SDS mayor of Prijedor, who took office following the takeover of the town in April 1992, stated to a U.S. news organization in a fall 1992 interview that the three principal detention sites in the area—Keraterm, Trnopolje, and Omarska, where thousands reportedly were tortured and died—were "formed on decisions of

the Prijedor civil authorities." Many ethnic Serbs identified as local SDS activists have also been affiliated with local paramilitary or irregular units reported to have terrorized the non-Serb populace.

Local SDS officials have also worked closely with internal security elements. Interior Ministry officials traditionally control the local police, and their authority for dealing with public order gives them access to municipal records. Many refugees have reported that, in town takeovers, prominent local non-Serbs have been quickly rounded up by police using organized lists. Bosnian Serb internal affairs officials also reportedly have commanded interrogation sites and detention camps for civilians, such as Omarska, according to various refugee interviews.

Karadzic has consistently denied that Serbs have engaged in ethnic cleansing or that his regime is responsible for any atrocities, but he and his associates apparently have exercised authority over some Bosnian Serb detention camps. Journalists, for example, have described having to arrange visits to detention camps in 1992 through Karadzic's office, and other Westerners reportedly toured camps accompanied by SDS "escorts." This information and the consistent patterns evident in the takeovers of towns throughout Bosnia strongly suggest that top SDS leaders, including Karadzic, knew about ethnic cleansing plans from the outset—and that they probably initiated them in coordination with internal security organs and the military.

The Bosnian Serb Military

The Bosnian Serb Army (BSA), which was formed from the Yugoslav People's Army (JNA) in mid-May 1992, has been a central participant in ethnic cleansing campaigns against Muslims and Croats. BSA units have conducted systematic ethnic cleansing operations, controlled detention camps, and methodically destroyed Muslim villages, in particular, most notably in northern and eastern Bosnia. BSA forces have often operated in conjunction with Serb paramilitary units identified as perpetrators of some of the worst atrocities of the Balkan conflict.

The BSA has operated many of the detention camps that have held primarily Muslim and Croat civilians—rather than bona fide POWs—according to press accounts and statements by refugees. BSA-run camps, notorious for their alleged brutality and death tolls, include facilities at Manjaca and Batkovic. A significant part of the Serb detention camp and prison system in Bosnia was an integrated entity organized within the corps structure of the BSA, according to information from various sources. Some former detainees claim to have been able to discern the military command structure in BSA-run camps and, in some cases, identify former JNA officers then serving in the camps' commands. The BSA's security service reportedly exercised command and control of the camp system using military police as guards.

As the BSA, under the command of General Ratko Mladic, has intensified its military operations, its role in ethnic cleansing has grown. The BSA has incorporated into its campaigns the systematic destruction of villages—primarily Muslim—to ensure that their inhabitants will not return. BSA forces in both the January–April 1993 Srebrenica offensive and the April 1994 Gorazde attack, for example, razed Muslim villages well after Bosnian Serb troops had control of the areas surrounding them.

Paramilitary Forces

Numerous Bosnian refugees have indicated that both Bosnian Serb and Serbian paramilitary units initially operated in conjunction with the JNA and later the BSA, as well as local police forces, to seize control of territory and ethnically cleanse areas in 1992. There is some circumstantial evidence that the JNA/BSA and the Serbian Interior Ministry armed Bosnian Serb and Serbian paramilitaries in 1992.

In many cases, the JNA/BSA secured the area around a town and fired artillery or tank rounds into the area to terrorize the population, according to a variety of reports. Paramilitary units appeared to operate in close coordination with the Army—if not under its command—typically following up on the Army's encirclement of the town by entering it to "ethnically cleanse" it through murder, terror tactics, and expulsions. The BSA appears to have disbanded most paramilitary units or incorporated them into the Army in the past 2 years for various reasons. Volunteer paramilitary units that have operated since that time appear to have functioned under BSA command or as part of BSA units.

THE TOLL OF ETHNIC CLEANSING

There is no reliable estimate of how many Bosnians have died as a result of Serb ethnic cleansing, but information from refugees and press reports strongly suggests that they number in the tens of thousands. Information on deaths is mostly anecdotal and not the result of formal investigations or exhumation since most deaths

claimed took place in areas under Serb control to which access for outsiders is denied. In many cases, however, refugees who have reported such deaths claim to have witnessed them.

Approximately 2,000,000 people from states of the former Yugoslavia have been displaced but reside elsewhere in their home republic or in another republic of the former Yugoslavia. About 1,300,000 of those displaced persons are in Bosnia, a majority of them Muslims forced to leave Serb-controlled areas. In addition, approximately 1,000,000 more refugees from the former Yugoslavia have fled abroad, according to UN information, most of them to Europe. Although it is difficult to estimate the breakdown of Balkan refugee populations by ethnic group, either within the former Yugoslavia or abroad, a clear but unspecified majority almost certainly is Bosnian Muslim.

CONCLUSION

Sustained ethnic cleansing campaigns in Bosnia over 3 years have radically altered the formerly multiethnic state. Restoring its pre-war demographic balance and ethnic distribution now appears virtually impossible. The actions of ethnic Serb political and military forces have created a Bosnian—mainly Muslim—diaspora. At the same time, ethnic Serbs have succeeded in securing their hold over large parts of Bosnian territory and made significant strides toward their apparent objective of establishing, or expanding, an ethnically pure Serb state.

CROAT AND MUSLIM ATROCITIES IN BOSNIA

The vast majority of deaths and expulsions because of ethnic cleansing in Bosnia have been the work of ethnic Serbs, according to all available sources of information. Bosnian Muslims and Croats, however, have also been responsible for atrocities against each other and ethnic Serbs—though on a significantly lesser scale. Both groups have detained, abused, expelled, and killed civilians, particularly in central Bosnia.

Some notorious detention sites, such as the Tarcin camp run by the Bosnian Government Army, reportedly still operate and may hold some civilians along with Bosnian Serb Army POWs.

Reports also persist of localized brutality and persecution of minorities.

Although many official Bosnian detention sites, such as those run by the army in Bugojno in central Bosnia, reportedly have been closed, refugees indicate that harassment and expulsions of non-Muslim civilians continues in some Muslim-dominated towns in Bosnia.

Both press and UN reports have documented Bosnian Croat efforts to evict Muslims from western Mostar since early 1993. The Croats also continue to resist the return of non-Croats to areas over which the Croats asserted control in 1993–1994, under the guise of “implementing” the Vance-Owen plan.

Despite this record of offenses, there is no information nor pattern of events suggesting that either Bosnian Muslim or Bosnian Croat leaders have encouraged large-scale ethnic cleansing efforts to gain and hold territory.

Estimates by various of international humanitarian and human rights organizations of the number of deaths and displaced persons in Bosnia suggest, when compared with 1991 census data for Bosnia, that far fewer ethnic Serbs than Muslims and Croats have been killed or expelled from their homes.

OPENING STATEMENT OF JOHN GANNON, DEPUTY DIRECTOR FOR INTELLIGENCE CENTRAL INTELLIGENCE AGENCY

Mr. GANNON. We have heard and read the statements of many Bosnian refugees since 1992 and have found them compelling and dramatic. Those who were forced from their homes earlier in the conflict told stories of cruelty and inhumanity that we found hard to believe, but we now know that too many were true.

Similar reports of terror, rape, torture, and murder have emerged since the attacks last month by Bosnian Serb forces on the eastern enclaves of Srebrenica and Zepa. The Bosnian Serb assaults have displaced tens of thousands of Muslims, led to the detention of perhaps several thousand more, and resulted in the ap-

parent purposeful deaths of at least several thousand, a number that could increase to thousands as we learn more.

Bosnian Serbs took many Muslim men prisoner, and the fate of most of them is unknown. The International Red Cross has gained access to only a small number of detainees and estimates that some 6000 refugees from Srebrenica remain unaccounted for. Exactly how many of those missing are prisoners, are in hiding, or have been killed, remains unclear. But a growing body of information from a variety of sources indicates that Bosnian Serbs have, again, committed atrocities in the region.

The testimony and eye witness accounts of atrocities by those who have been displaced increasingly have been corroborated. Dutch peacekeepers who are in Srebrenica have offered eye witness accounts of Bosnian Serb abuses and atrocities against Muslims. The Dutch reported that, in one case, Bosnian Serb soldiers took away nine Muslim men who were later found dead from gunshot wounds. The Dutch troops also found the personal effects—shoes and backpacks—of about 100 people in Nova Kasaba where Muslim refugees had earlier reported seeing bodies.

One peacekeeper also saw bodies piled on a cart, a dumptruck, and an earth mover. At least two refugees claim to have survived a massacre there.

And last week in Bosnia, Assistant Secretary of State John Shattuck interviewed a number of Muslims who fled from Zepa and Srebrenica. He reported hearing credible accounts of mass executions of men and boys who were then bulldozed into mass graves on the spot. Other refugees told him how the Bosnian Serbs ambushed and killed fleeing Muslims.

These latest events in eastern Bosnia are especially disturbing because they indicate the continuation of a pattern of activity by the Bosnian Serbs that we can trace back over 3 years. Our analysis shows that the vast majority of the ethnic cleansing carried out in Bosnia since 1992 can be attributed to the Bosnian Serbs.

We base this judgment on a large body of evidence from a wide range of sources, including press accounts, reports from international human rights and relief organizations, and public statements by refugees. We know that Croats and Muslims in Bosnia have also committed atrocities and have forced Serb civilians to flee. But the ethnic cleansing actions carried out by the Bosnian Serbs are unequalled in their scale and intensity.

The expulsions of thousands of non-Serbs from Srebrenica and Zepa continue Bosnian Serb efforts to consolidate their control and establish an ethnically pure Serb homeland.

I would like to show you some of the photography and ask our analyst, Ted Holt, to run you through a few of those photos.

Ted.

Chairman SPECTER. What you are moving to now, Mr. Gannon, has been obtained in what way?

Mr. GANNON. This is aerial photography, U-2 photography.

Chairman SPECTER. And would you identify yourself for the record, please?

Mr. HOLT. Sir, my name is Ted Holt. I am an imagery analyst.

Chairman SPECTER. You may proceed.

Mr. HOLT. Thank you, sir.

DESCRIPTION OF AERIAL PHOTOGRAPHY SHOWING EVIDENCE OF ETHNIC CLEANSING
BY BOSNIAN SERBS

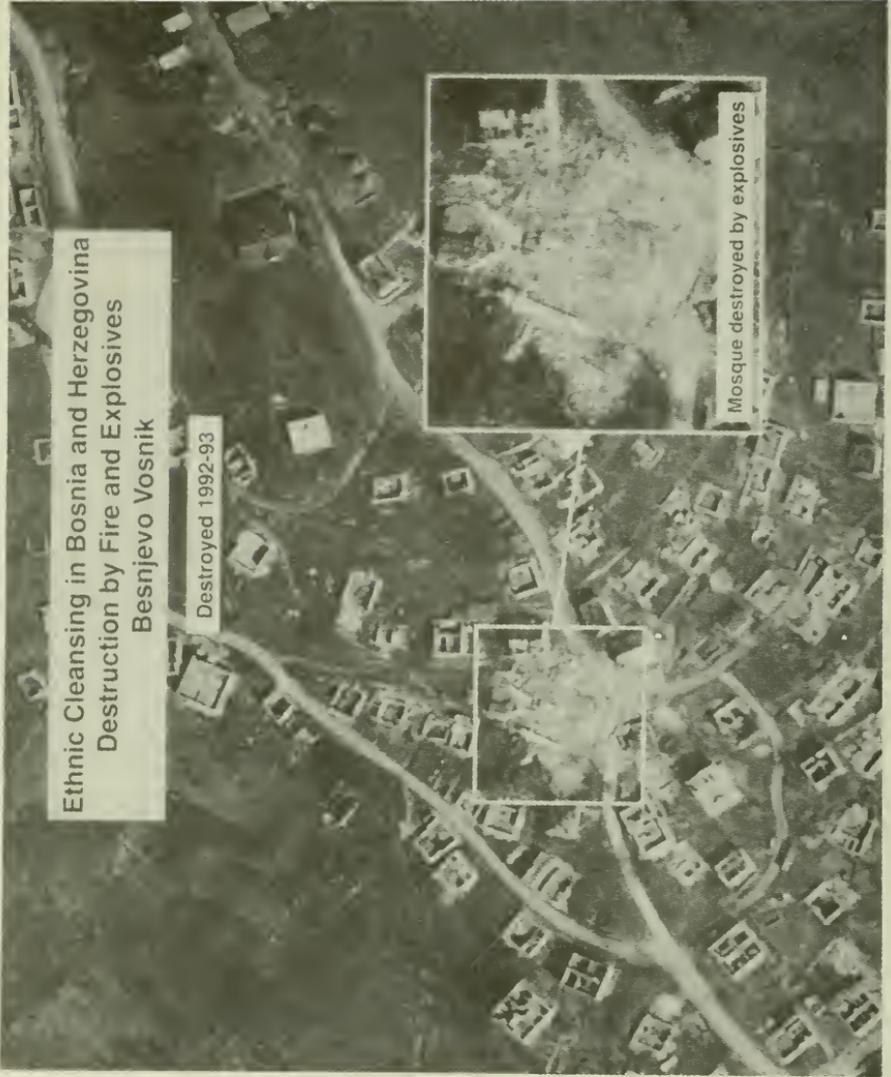
Besnjevo Vosnik, located near Sipovo in west-central Bosnia, is in Bosnian Serb-controlled territory. The houses were thoroughly destroyed by fire in an apparently systematic manner; only masonry walls and foundations remain. The extent to which the debris of the mosque is scattered indicates that powerful explosive charges were used to level it. According to the 1991 census, the town was 70 percent Muslim. This is one of well over 3,000 settlements in Bosnia destroyed in this manner.

The village of Gunjevici, near the town of Gorazde in southeastern Bosnia, was razed during an April 1994 offensive by the Bosnian Serb Army under the direct command of General Ratko Mladic. This town, along with 14 other Muslim settlements in the Drina River Valley, was burned for no apparent military purpose as Bosnian Serb forces withdrew from the area.

The town of Trebinje, in southern Herzegovina, had a majority Serb population, according to the 1991 census. The destruction seen in this old Muslim cemetery is typical of that directed at non-Serb cultural sites and artifacts by Bosnian Serbs; the debris of the mausoleum indicates that it has been destroyed by explosives, and graves were likely damaged as well. Such destruction aims at eradicating signs of a Muslim presence and deterring Muslims who are forced out from returning to the area. This damage probably was done prior to spring 1993.

These mostly Muslim homes in the southeastern Bosnia town of Gorazde are located on the left bank of the Drina River. That so many, but not all, of the houses were burned down to their masonry walls and foundations indicates a pattern of calculated destruction inconsistent with that resulting from battle damage. The houses were destroyed during the 1992-1993 timeframe.

This settlement, near the city of Zvornik on the Drina River in eastern Bosnia, is one of several Muslim villages in the area destroyed by explosives in early 1993. Again, the extent to which debris is scattered indicates the use of powerful explosive charges.



Ethnic Cleansing in Bosnia and Herzegovina
Destruction by Fire and Explosives
Besnjevo Vosnik

Destroyed 1992-93



Mosque destroyed by explosives

**Destruction of Gunjevici, April 1994
One of 15 Villages Burned Near Gorazde**

April 1994

March 1994





Ethnic Cleansing in Bosnia and Herzegovina
Desecrated Muslim Graveyard Near Trebinje

March 1994



**Ethnic Cleansing in Bosnia and Herzegovina
Destroyed Housing in Gorazde**

June 1993

Ethnic Cleansing in Bosnia and Herzegovina
Dynamited Muslim Houses Near Zvornik

August 1993



**OPENING STATEMENT OF TED HOLT, IMAGERY ANALYST,
NATIONAL PHOTOGRAPHIC INTERPRETATION CENTER**

Mr. HOLT. I have four graphics present. A map which depicts parts of east central Bosnia, which Director Gannon just referenced; Srebrenica and Zepa are in this area. This map depicts nearly a couple of thousand of well over 3,000 settlements in Bosnia-Herzegovina which have been completely burned to the ground since 1992 and 1993 timeframe. Most of the information I am presenting goes back to that timeframe.

Besnjevo Vosnik, the graphic behind me, is typical of that large number of settlements which were destroyed by fire deliberately. The buildings are reduced to merely the masonry foundations. They were apparently set fire deliberately. The mosque in the village, typical of all of the mosques in areas of this type, was apparently destroyed by explosives, from the debris pattern. There is an enlargement on the graphic that shows the downed minaret.

Chairman SPECTER. Mr. Holt, what is the basis for your conclusion that it is ethnic cleansing contrasted with simple war damage?

Mr. HOLT. We can tell the difference between battle damage and deliberate destruction.

Chairman SPECTER. In what way do you make that determination?

Mr. HOLT. There is a way to tell if the damage is from shelling. The damage pattern is completely different. You can tell—

Chairman SPECTER. What is the damage pattern here?

Mr. HOLT. Sir, this damage is completely by fire. Had there been battle damage, a lot of the roofs would still be present. You can actually see the damage from the entry of shells into buildings. That's from overhead as well as from ground level.

Chairman SPECTER. Please proceed.

Mr. HOLT. Thank you.

The last comment I have on Besnjevo Vosnik is, according to the 1991 census, the population was approximately 70 percent Muslim. Our map depicts census information behind the red damage as well, and you can see most of the red portions do fall in areas which had ethnic Muslim majorities. The areas in the pink color are controlled by Bosnian Serbs. Besnjevo Vosnik is in an area that is still today controlled by the Bosnian Serb forces.

The village of Gunjevici is in southeastern Bosnia, not far from Gorazde. This village is 1 of 15 which were burned after the combat action that occurred in the spring of 1994, I believe, in March.

This campaign was led personally by General Ratko Mladic. And after the period of the action, as the Serbs were withdrawing, typically that is the time in which the villages are destroyed. This graphic shows a before and after image of that village, 1 of 15.

Chairman SPECTER. What is your basis for the determination that that is ethnic cleansing as contrasted with battle damage?

Mr. HOLT. This was purely a civilian location, sir. There were no combat actions in this particular area, and this was to prevent the residents from those villages from returning to their homes.

Chairman SPECTER. Please proceed.

Mr. HOLT. Thank you.

My final graphic depicts a cemetery in an area in southern Herzegovina near the city of Trebinje. There have been many

ground reports of people in the country seeing things even more detailed than this graphic depicts. This graphic depicts a mausoleum that was also destroyed by explosives. We can determine that from the rubble pattern. We cannot tell exactly what has happened to the graveyard itself, but it very likely has also been damaged in a similar fashion. Trebinje is—was then and is today a majority Bosnian Serb population.

Chairman SPECTER. Would you amplify the purpose on desecrating the Muslim graveyard as a part of ethnic cleansing?

Mr. HOLT. Yes, sir.

This is a typical pattern, especially those that are conducted against mosques and Catholic Churches in Croat populated areas in Bosnia, to cut cultural ties to the residents of that area so they will not have reason to return to their original homes, much—

Chairman SPECTER. So what you are saying is that it is a systematic part of an effort to drive those people out of their homeland and to eliminate the Bosnian Muslims from continuing to live there?

Mr. HOLT. Exactly, sir.

This is the pattern throughout all of the Bosnian Serb controlled territory. I only know of one mosque that remains standing in that area.

Chairman SPECTER. Out of how many mosques?

Mr. HOLT. It is—the number—we don't have the resource or evidence to actually count, because it is hard to tell the difference between the rubble in some of the smaller mosques from that of houses. I can make a guess for it, if you wish. The number—

Chairman SPECTER. Give us an estimate of the total number of mosques.

Mr. HOLT. The numbers have reported at, I believe, around—between 1,000 and 2,000—more like 1,600.

Chairman SPECTER. And only one remains.

Mr. HOLT. Only one that I am aware of.

Chairman SPECTER. Any speculation as to why they left the one?

Mr. HOLT. It's on a high plateau, very difficult to reach. That's the only reason I know that it may remain.

Chairman SPECTER. Anything further to add?

Mr. HOLT. No, sir.

Chairman SPECTER. Thank you very much.

You may proceed, Mr. Gannon.

Mr. GANNON. To conclude, Mr. Chairman, let me just refer briefly to the situation in the Krajina. The situation there since the Croatian invasion last week differs from that in eastern Bosnia. We have not heard reports of the kind of atrocities and human rights violations that so quickly followed the fall of Srebrenica. International observers report scattered human rights abuses, but so far there have been no reports of the massive systematic abuses we have seen in Bosnia.

Nonetheless, by failing to reassure the Serb population of the Krajina, or more accurately, to follow up on Croatian government pledges that its human and civil rights would be respected, the Croatians have added measurably to the humanitarian disaster in the region. Reports from the United Nation and relief organizations indicate that some 150,000 to 200,000 Serb refugees are fleeing the

region. This represents almost the entire Serb population of the Krajina.

That concludes my statement.

Thank you, sir.

Chairman SPECTER. We now welcome Professor Bassiouni as a witness. Professor Bassiouni has a very distinguished record as an international scholar, concentrating on the international criminal courts, was one of the driving forces to create this special criminal court for Yugoslavia. Has written very extensively in the field. Has been a leader in amassing a great deal of the basic evidence which is going to be used in the prosecutions for violation of human rights.

We very much appreciate your rearranging your schedule, Professor Bassiouni, to be with us today.

Please proceed.

**OPENING STATEMENT OF M. CHERIF BASSIOUNI, CHAIRMAN,
UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED
PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)**

Mr. BASSIOUNI. Thank you, Mr. Chairman, and thank you for inviting me to join in these hearings.

As you know, Mr. Chairman, I had the honor of serving for 2 years as a member and chairman of the U.N. commission of experts to investigate the violations of international humanitarian law in the former Yugoslavia commission, which was set up by the Security Council as the precursor for the establishment of the tribunal.

When the commission was established in October 1992, there was a great deal of reluctance by some members to establish the commission to gather the evidence. There was also a great deal of reluctance by a number of major powers to see the commission continue its work in gathering the evidence. The same reaction occurred with respect to setting up the International Criminal Tribunal for the former Yugoslavia and for its adequate funding.

Nevertheless, overcoming all of these difficulties, the mandate given by the Security Council to the commission was the broadest mandate given to an international investigating body since Nuremberg. Interestingly enough, notwithstanding the enormity of the work that had to be done, the United Nations, in its infinite wisdom gave the commission zero as resources. So we had the task of gathering the evidence, which in the final analysis we were able to do, showing at the time we concluded our work in May 1994, an estimated 200,000 civilians killed, an estimated 50,000 civilians tortured. We were able to identify 151 mass graves with anywhere between 5 and 3,000 bodies. Over 900 places of detention. We have conducted the largest mass rape investigation in history, identifying 1,600 actual cases with over 575 cases where affidavits have been presented and where the victim and the perpetrators are identified.

Chairman SPECTER. You say 1,500 cases of rape?

Mr. BASSIOUNI. Over 1,600 cases reported to us. Of these, 575 cases where we were able to obtain affidavits of the victims, thus identifying the victim and in those cases, the victims have been able to identify the perpetrators.

We have followed up with a field investigation in which we have interviewed 223 victims, obtained their statements as well. Those victims have also reported to us a larger number of victims which we have totaled to over 4,500. If the projection of 20,000 rape victim is predicated on 4,500 reported, then it is a sustainable projection and a reasonable one.

I think if I may, I would like to illustrate these general findings which are contained in 3,500 pages of reports that are here which I would like to present to the committee, that have been submitted to the Security Council, they have been published by the United Nations, and they are the bases of 65,000 pages of documents we have submitted to the prosecutor of the Tribunal, Mr. Goldstone, and it is on the basis of this evidence and the reports we have given them that they have been able to start with their indictments and now the prosecutions.

[The documents referred to, the Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), Volumes I through V and attached annexes, may be found in the files of the Committee.]

**FINAL REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED
PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992),
S/1994/674, 27 MAY 1994 AND ANNEXES (submitted by the
Secretary-General to the Security Council December 1994,
available soon through United Nations documentation)**

VOLUME 1 - FINAL REPORT AND ANNEXES I THROUGH V

REPRINT

GUIDE TO CONTENTS

The reprint contains the Final Report of the Commission of Experts and the Annexes which are divided into five volumes:

Volume I

- Final Report of the Commission of Experts;
- Introduction by the Commission of Experts;
- General table of contents of the Annexes;
- Summaries and Conclusions of the Annexes;
- Annex I Rules of Procedure of the Commission of Experts;
- Annex I.A The Database and Documents Received;
- Annex I.B List of Missions Undertaken by the Commission;
- Annex I.C List of Organizations which Assisted or Supported the Work of the Commission;
- Annex II Rape and Sexual Assault: A Legal Study;
- Annex III The Military Structure, Strategy and Tactics of the Warring Factions;
- Annex III.A Special Forces;
- Annex IV The Policy of Ethnic Cleansing; and
- Annex V The Prijedor Report

Volume II

- Annex VI Part I, Study of the Battle and Siege of Sarajevo

Volume III

- Annex VI Part 2, Study of the Battle and Siege of Sarajevo;
- Annex VI.A Incident Study Report Regarding Mortar Shelling Dobrinja, Sarajevo on 1 June 1993; Investigation;
- Annex VI.B The Battle of Sarajevo and the Law of Armed Conflict; and
- Annex VII Medak Investigation

Volume IV

- Annex VIII Prison Camps

Volume V

- Annex IX Rape and Sexual Assault;
- Annex IX.A Sexual Assault Investigation;
- Annex IX.B Rape Pilot Study (Sarajevo);
- Annex X Mass Graves;
- Annex X.A Mass Graves - Ovčara, Near Vukovar, UNPA Sector East
- Annex X.B Mass Graves - Pakračka Poljana, UNPA Sector West, Croatia;
- Annex XI Destruction of Cultural Property Report;
- Annex XI.A The Battle of Dubrovnik and the Law of Armed Conflict; and
- Annex XII Radiological Investigation (UNPA Sector West, Croatia) October/November 1993.

Note

1. The Final Report, reprinted here, is already a published United Nations document. The Annexes, which follow, were transmitted by the Secretary-General to the Security Council in December 1994. The Annexes are to be published by the United Nations at the end of March 1995, and will be available through the United Nations documentation system. (See Introduction to the Annexes.)
2. Because the Final Report and the Annexes will be separate documents, it was felt that a limited reprint of both would be useful to academic and non-governmental organizations, which may need immediate access to the complete set of documents.
3. The document number and date appearing on this reprinted text of the Annexes are the ones known at this date. Both should be verified when official United Nations publication occurs.

10 February 1995

M. Cherif Bassiouni
Professor of Law, President, International Human
Rights Law Institute, DePaul University; Former
Chairman, United Nations Commission of Experts

FINAL REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED
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VOLUME 2 - ANNEX VI, PART 1

REPRINT

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28 December 1994

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FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX VI, PART 1
STUDY OF THE BATTLE AND SIEGE OF SARAJEVO

Under the Direction of:

M. Cherif Bassiouni
Chairman and Rapporteur on the Gathering
and Analysis of the Facts, Commission of Experts
Established Pursuant to Security Council Resolution 780 (1992)

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William B. Schiller, Director of Research

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The Staff of the International Human Rights Law Institute,
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ANNEX VI, PART 2
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ANNEX VIII
PRISON CAMPS

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FINAL REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED
PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992),
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FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX IX
RAPE AND SEXUAL ASSAULT

Under the Direction of:

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and Analysis of the Facts, Commission of Experts
Established Pursuant to Security Council Resolution 780 (1992)

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Mr. BASSIOUNI. If I may, at the risk of being somewhat graphic, I would like to relate to you my first experience in the winter of 93 in Sarajevo.

I was taken first to visit the Kosovo hospital, and while at the Kosovo hospital, the hospital was being bombed and we were rushed into the basement of the hospital. After a while, when our eyes got accustomed to the darkness, it was a rather eerie sight to see in the basement of that hospital all sorts of beds of people who were piled up in the dark. Suddenly the sirens came whirling and some of the victims who had just been shot were brought in and they were being operated in a dark corner, with hand held gas lights. It was approximately 1 p.m.

Since then, I conducted a study, which is contained in our annexes, of the shelling of the city of Sarajevo. We have a day to day chronology for a period of 4 years of the shelling of Sarajevo, showing how many shells fell, how many people were killed, how many were injured, what is the recurrence of the targeting and the shelling. We have mapped it out. I can tell you that the Kosovo civilian hospital has been hit 289 times during that period.

Quite curiously we find out, in our statistical analysis, that over 60 percent of these times it was hit between the hours of 12 and 2. Because I had happened to be there on one of those days and talked to the people there, I understood why between the hours of 1200 and 1400 hours. That is because it was visitation time.

The recurrence of the shelling, with such systematicity in the city of Sarajevo, where every cultural monument has been targeted and hit, every mosque and Catholic Church have been targeted and hit, clearly indicate that cumulatively there was a policy to destroy those targets which are impermissible under the international regulation of armed conflict.

This becomes extremely important because there is only one unit surrounding Sarajevo, and that is the Sarajevo Rumanian Corps, or the 1st Corps. That was the name of the Sarajevo Rumania Corps when it was the Yugoslav National Army. Its remnants remain there, and were reorganized as part of the Bosnian Serb army. It is one of seven army corps. Its commander obviously directly is answerable to General Mladic. Under the law of command responsibility, the commanding general is, of course, responsible for these violations insofar as he may have ordered them being committed, or insofar as he failed to do anything to prevent their commission.

During that trip, I visited the psychiatric hospital and there I saw two young women, at the time 16 and 17. They were 15 and 16 at the time they were held along with six other young girls in the city of Foca in 1992. For a period of 8 months, these eight girls had been kept in a house where they had been repeatedly raped. One of them, at the time age 11, I saw in that hospital, was in a catatonic stage, lying in a fetal position in a hospital bed. At 11 she became forcefully impregnated, she had to give birth. It was a still-birth at the age of 12. But in the meantime her parents had died and here was this 12-year-old girl who had given birth to a still-born child, without parents, lying all by herself in this very dismal condition of the hospital.

The two girls were very strong. You could see in their eyes that life had gone out of their eyes, but you see their determination to

wanting justice. The girls were kept there for purposes of ultimately being ransomed, which is what happened.

This led me to the conduct of this rape investigation, which leads me to the conclusion that this is probably the first time in the history of war, where rape has been used as an instrument of war, deliberate, planned, instrument of war.

Chairman SPECTER. Professor Bassiouni, that is a very important point. I want to interrupt you just to have you amplify as to what the evidentiary base is for the conclusion that is an instrument of war, systematic rape?

Mr. BASSIOUNI. If I may start with the larger picture, the policy of ethnic cleansing is not a policy that just sprang out of nowhere. This was a policy that had clearly been considered in 1989 and 1990. It had been put into effect in 1991, in the conflict in Croatia. The reason for that is an obvious strategic reason. The population in Bosnia along the Drina River and the Sava River, the Drina River connecting Bosnia and Serbia, and the Sava River between Bosnia and Croatia, was a very mixed population. It was therefore indispensable from a strategic military point of view, as well as for other tactical reasons, to forcefully remove all of the civilian population from there that was not a Serb population in order to achieve the geographic contiguity along the arc of the Drina River and the Sava River.

In order to accomplish that, two goals were set. First, the population had to be removed forcefully and very rapidly at the beginning of the conflict. Second, the population had to be removed with such terror inspiring methods that they would not have the desire to return.

In order to achieve that, a strategy was developed which is to divide each county in what is called an *obstna* [?], and each *obstna* had an emergency committee. The emergency committee consisted of three members. The representative of the Serb party, the representative of the local police from the Serb side, and the representative of the army. Very much characteristic of the traditional communist system division between the army, the party, and the executive branch with the policy.

Each one had its own methods of operation. The army, to a large extent, operated in units outside the populated and inhabited areas. The party usually relied on militias, and we have tracked down, in our reports, 89 different militias, some of which, like Arkan's Tigers at one time had as many as 10,000 men under his command, many of them engaging, in addition to that, into all sorts of organized crime activity. Then the police going out and recruiting people to be auxiliaries to the police. Usually they would recruit from the cities themselves, and many of them were simply thugs and criminals. So what you had is a situation where you have the worst elements of society who yesterday would have been convicted for the crimes, and the next day they were clothed with the flag of nationalism, and were heralded for whatever they were doing.

As a result, you not only had a complete breakdown in the social order, you had a very precise system which encouraged the worst elements of society to engage in those activities. Also, to create an opportunity for political plausible deniability by the leaders and by

the military by claiming that those were police auxiliaries, they were not even wearing uniforms, they were acting on their own, or they were militias, and as I said, 89 of them, and nobody knows how they operated and under whose control they were.

Chairman SPECTER. Professor Bassiouni, permit me to interrupt you for just a moment. Mr. Gannon has another commitment and has asked to be excused at about this time. Before he goes, I would like to inquire of the panel, starting with the Vice Chairman, as to whether there are any questions for Mr. Gannon.

Vice Chairman KERREY. Yes, I do, Mr. Chairman.

Mr. Gannon, can you tell me, what have the recent, starting with Friday evening, military actions in the Krajina done to the political situation in this area now? What's your own evaluation of how this Croatian attack has changed the picture, talking specifically about war crimes.

Mr. GANNON. Well, it certainly has dramatically changed the demographic outlook of the region. If there are between 150,000 and 200,000 Krajina Serbs who have been forced into Bosnia and onward into Serbia, it has clearly greatly enhanced the political control of Croatia of its national territory. There is only one area now of Croatia under Krajina Serb domination, and that is eastern Slavonia.

Vice Chairman KERREY. Do you think it is useful for Americans, in particular as we try to have some constructive influence on the events, which is what we are trying to do, for us to separate into categories—I mean, for example, it seems to me that one of the useful things for us is to say, let's identify those things that are violations of agreements. If we get an agreement in place on the ground, it seems to me that we ought to, in a neutral fashion, object to any violation of those agreements, whether they are done by the Bosnians or the Croatian or the Bosnian Serbs, it seems to me that we ought to separate them into that category.

Second, the subject for this hearing, which is violation of international rules of military conduct, which is what we're discussing today, that you've got—that you're able to tell the difference between the two, rather than merely, as I think we are apt to, we are apt to understandably come immediately to the violations of international military rules.

Third, it seems to me that we need to describe and define what ethnic cleansing is, so that we recognize and are able to distinguish it from a fourth category, which is a desire to acquire territory. And movements of one party or another as a consequence of a desire to acquire that territory.

I mean, we are seeing substantial movements, west to east, of Serbs in the Krajina area, and the question would occur logically, is that the same thing as what we saw earlier in the Srebrenica area. Is that—and you both have indicated that there is qualitative differences between what the Bosnian Serbs are doing and the Croats are doing and the Bosnian Muslims are doing.

But do you think it would be useful for us, Mr. Gannon, to do some kind of separation so we know what it is we are talking about, because it seems to me if we are going to have a—if we are going to have a constructive impact upon that—upon the outcome, that we are going to in particular have to be neutral in our con-

demnation of any violation of the international agreement. If we have an international agreement and get it set in place, but as a result of sort of, you know, previous arguments we are concerned about criticizing, let's say, Croatia for a violation of the international agreement, or the Bosnian Muslims of a violation of an international agreement, that it is going to be difficult for us to have much credibility or impact upon the very thing that we are discussing today, which is the need to stop these violations, these atrocious violations of international rules of military conduct.

I mean, I am not suggesting that we ought to stop the proceedings of the Tribunal at all. In fact, I am quite encouraged by the establishment of that tribunal, I am quite impressed by the presentation of the evidence. But for Americans who are trying to sort this out, and particularly for those Americans who have been elected to represent and serve in the Congress and make decisions about it, I would be very interested in your response to the statement I have just made about the need to do some kind of separation by category so that we know what it is that we are observing.

Mr. GANNON. Yes, sir. I would hope that intelligence and intelligence analysis can help you to make those distinctions.

Vice Chairman KERREY. I don't think the intelligence analysis will help us to make those distinctions unless we make the distinctions ahead of time, and then insist that the intelligence efforts be directed to one particular area or another. Because I must tell you, Mr. Gannon, it's just—the testimony and the presentation of the atrocities so overwhelms anyone with any human feelings at all, that it's difficult at that point to understand what to do, other than to pursue the cases in the tribunal and to try to do something to bring to justice those who have committed these horrible crimes.

Mr. GANNON. Sir, my response would be that as the policy side makes the decisions about what categories they want to make, intelligence is prepared to support them.

On your distinction between the actions of the Croats and what has happened in Bosnia, our conclusions up to this point are that in both cases, there have been forcible movement of populations that have significantly added to the humanitarian disaster of this conflict. But in the Croatian case we have not seen the centralized systematic abuses that we saw in Bosnia.

Vice Chairman KERREY. Mr. Gannon, the Chairman says that you may have to leave, and since you are the only Administration witness here this morning, can you make a statement to us that would give us an indication of the importance of our intelligence gathering effort for these kinds of discussions? I mean, this is basically a national case, a case in which the intelligence is being provided, it seems to me both to diplomats and policymakers who are then making essentially non-military judgments.

Is that the way you see it as well?

Mr. GANNON. Yes, sir. Ted, could you put up the map that shows the 3,000 destroyed towns?

I think what intelligence has done, sir, is to take a lot of this anguished testimony from refugees and cross check it. We have done detective work, checking what one person has said against what another has said. That has given us more reliable information about sites and what happened at them, which we have then fur-

ther checked using various intelligence methods. We have, at the end of this, been able to show you, quite apart from the human suffering, a pattern of abuse that we can say with confidence took place in over 3,000 villages of Bosnia. I think that has been a very significant contribution of intelligence to the detective work needed to build what is an overwhelmingly circumstantial case against the Bosnian Serb leadership.

Chairman SPECTER. Mr. Gannon, what are your time constraints? When do you have to leave?

Mr. GANNON. I did have an appointment, I believe, about 5 minutes ago. I am pleased to answer other questions you may have.

Chairman SPECTER. All right. Keeping your situation in mind, let us see if the Members do have some other questions.

Senator Feinstein.

Senator FEINSTEIN. I would like to ask both gentlemen, it seems that—

Chairman SPECTER. Senator Feinstein, may we hold the questions for Professor Bassiouni because he will be here, but direct them to Mr. Gannon.

Senator FEINSTEIN. All right, fine.

Then Mr. Gannon, there is some indication in recent press that the Croats are also pursuing a policy of ethnic cleansing. Do your reports sustain that, and, if so, is it also accompanied not only by destruction of cultural homelands, but by rape and torture as well?

Mr. GANNON. Senator, as I said to Senator Kerrey, there are differences. The movement of Serbs from the Krajina is a forceable and very significant movement of a population. Clearly it can be argued that the Croatian government might have had policies in place to reassure that population and to give indications that its rights would be guaranteed in Croatia. That did not happen.

However, I think it is important to note while there have been perhaps instances of lack of discipline on the part of the Croatian military, we are hearing some reports that clearly should be characterized as atrocities. We are checking those reports. We have still seen nothing that approaches the scale or the systematic nature of the Bosnian Serb effort to cleanse the northern and eastern sections of Bosnia.

In our reporting, we have used the term ethnic cleansing to designate that particular systematic, centrally controlled policy.

Senator FEINSTEIN. I am sure you probably read the article in this morning's paper by retired Air Force General Charles Boyd, where he points out—and this is my interpretation—that these kinds of actions of one nationality to the other are really endemic in the whole area. He also points out that more than 90 percent of the Serbs in western Slavonia were ethnically cleansed when Croatian troops overran the United Nations protected area in May. He goes on to say that currently 150,000 or more Serbs are fleeing ancestral homes in the Krajina, yet this exodus has generated little of the concern accorded to Muslims.

Mr. GANNON. Senator Feinstein, my response to that is, again, you have to have a clear definition of ethnic cleansing. If we are talking about the forceable movement of populations, clearly that has occurred in Croatia. But if you are talking about systematic

use of some of the methods that Professor Bassiouni referred to—the rape, the use of paramilitary groups, the destruction of mosques and cemeteries and monuments, with a clear intention to not only drive a population out through terror, but also to remove any incentive for those people to come back—we have not seen anything there that has occurred on the scale of in Bosnia itself.

Senator FEINSTEIN. So what you are saying is, of all of the parties involved in this war, the side practicing the most torture, rape, and ethnic cleansing is the Bosnian Serbs.

Mr. GANNON. I would say that based on the evidence that we have of actual behavior, the Bosnian Serb case is the strongest in terms of the centralized, systematic effort to use terror to drive out a population.

Senator FEINSTEIN. Thank you very much.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you, Senator Feinstein.

Senator Robb.

Senator ROBB. Thank you, Mr. Chairman. I'll be very brief, having had an opportunity to discuss these issues in our classified Intelligence Committee meeting last week. Mr. Gannon, I do have one question. You made the statement, and I don't think that there is anyone who would contest it, that there is overwhelming circumstantial evidence to support the case that you make.

How would you characterize the amount of direct evidence that is available, either here or through other sources, that could directly establish either an official order or some indication of what in criminal terminology we would refer to as a *mens rea*, the specific intent to cleanse ethnically and with the systematic destruction of a people? What kind of case could you make if we were somehow restricted, which clearly we are not, to that kind of evidence?

Mr. GANNON. Sir, as you say, there is an overwhelming circumstantial case that we can't talk about here. I would respectfully ask that I be able to go over with you in a closed session any other evidence that we might have, if that is acceptable to you.

Senator ROBB. I would respect that. Suffice it to say, though, that there is a body of evidence that would support the inquiry that I have just made.

Mr. GANNON. I would say that there are other kinds of evidence, but I would prefer to be able to talk with you about it and the kinds of case it makes, in a closed session.

Senator ROBB. I respect that, and with that, Mr. Chairman, I will refrain from any additional questions at this time.

Chairman SPECTER. Thank you very much, Senator Robb.

Senator Hutchison.

Senator HUTCHISON. Thank you, Mr. Chairman.

I remember the pictures after the overrunning of Srebrenica of, of course, the horror of the men being confined and held for atrocities we probably don't even know about yet. But I also remember the pictures of women and children haplessly wandering around, heading for the fields, just trying to get away from there. I just wanted to ask you if there were any special United Nations efforts to help those women who were just let go, to get out of harm's way.

Mr. GANNON. Senator, I know there have been significant United Nations and other humanitarian efforts to help those people, but I am honestly not competent to respond to your question in full.

Senator HUTCHISON. Well, I just—I know that there is no really good solution to this issue, but seeing and reading of the atrocities and hearing both of you talk this morning and for so many months, I just have to wonder if having at least some sense of a fair fight with both side, with some equity, might give the women who have taken an enormous part of the pain here, as Mr. Bassiouni said earlier, more than we have ever seen in any war type situation. The women who are innocent victims are bearing a great burden. I just wonder if, painful as it is, if at least having two more equal sides in the actual conflict wouldn't be more protection for them than this situation where one side is not fully armed and the United Nations is unable to really function as we would like for them to be able to do.

Mr. GANNON. Well, Senator Hutchison, I think the evidence is very clear that not only have women borne a great deal of the suffering and burden in this conflict, but they have also shown a great deal of the courage that has sustained this population.

As to the specific issue of leveling playing fields, again I would respectfully ask if I could see you in a closed session where we could perhaps run through the issues there. I don't feel that I am competent now to answer your question adequately.

Senator HUTCHISON. I understand.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you very much, Senator Hutchison.

Senator KYL.

Senator KYL. Thank you, Mr. Chairman.

Mr. Gannon, I just have one primary focus here, and that is whether or not the evidence that has been accumulated is in effect admissible in court in the war crimes commission. What can you tell us about the kinds of things that we have developed. Is it usable. What other kinds of evidence is usable and can a case be made based upon what we have obtained?

Mr. GANNON. The judgment I would make on that, sir, is again we have accumulated evidence that shows a pattern involving over 3,000 villages, where you have a very strong circumstantial case about what has happened. What we do with it, of course, is to turn it over to the Department of State, as we do intelligence with regard to any other policy agency. I suspect the answer is that you will have information that is leading, but I don't know to what degree it would stand up in court.

Senator KYL. All right, thank you.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you very much, Senator Kyl.

Thank you very much, Mr. Gannon. We know your other commitments and we very much appreciate your coming and we thank the CIA for the efforts made here on unusual surveillance procedures to confirm the issue of ethnic cleansing. There will be war trials and there will be eye witness testimony. But I think what the CIA has done here in using overhead surveillance is especially helpful as corroboration, and I think that will be very useful in the criminal proceedings.

We thank you, and you are permitted to attend to your other business.

Mr. GANNON. Thank you, Mr. Chairman. It was my pleasure to be here.

(Mr. Gannon was excused.)

Chairman SPECTER. Professor Bassiouni, you were in the midst of giving a response to try to pinpoint the issue of rape as an instrumentality of war, and that is a very unusual situation. I know you have time constraints as well, so if you could fill in that picture and perhaps conclude, all the prepared statements will be made a part of the record. Then I know that the Members present will want to have an opportunity to have your insights in response to their questions.

Mr. BASSIOUNI. Surely.

May I first point out that the term, ethnic cleansing, was coined by the SDS, which is the Serb Democratic Party, that developed that term between 1989 and 1990, and it became very prevalent in the literature of that party, which was very instrumental in carrying out these policies in Bosnia.

The notion of ethnic cleansing that came out of that party policy was really developed originally by a psychiatrist who had since then died and written a very interesting psychopolitical book. Dr. Karadzic is the person who followed in footsteps of this psychiatrist who had developed this particular theory, and it was a way of implementing the policy of greater Serbia. So this is not a term that came after the fact, it came before the fact.

The conclusion as to why rape was used as an instrument of war basically comes very much like many of the conclusions concerning the systematicity and policy of ethnic cleansing. You look at an overall pattern. If you had in mind the map presented by the CIA and you looked at the arc going down from Goradze all the way up through Srebrenica up to the top part, Brcko, and then into the Banja Luka-Prijedor area, you will notice that we are speaking of about 3,000 to 3,500 small towns and villages. Now, when you have the same thing happening in all of these places which are far away from one another, which are not contiguously related, you have to conclude that this is the product of a policy. Things simply do not spring out of no where with the same type of pattern, the same type of repetition.

Now, let's look a little bit about what happened in the rape cases, taking a multitude of cases. These are not situations in which we have a group of drunken soldiers going into a town and raping a limited number of women. We have situations, for example, in a town like the town Osvrjne[?], just on the Drina river, where all of the women remained in the village were rounded up, approximately 400 women. They were then put in a building which was a converted factory. The guards there raped the women, and they went out in the streets soliciting men to come and rape the women. Each woman that was raped was allowed to leave. So you could see that the purpose of that was to achieve something, which was the rape of the woman, and then to release the woman. The idea behind it was to create a sense of humiliation.

We ran into a study that we could not—we cannot confirm its authenticity—which was prepared by an academic of Sarajevo Univer-

sity, who presented it to the psychological operations department of the ministry of defense in the former Yugoslavia. That paper was then discussed in a meeting which was reported by a Slovenian officer, indicating the presence at that time of General Adic[?] and General Mladic, General Adic being the chief of staff of the Yugoslav National Army. General Mladic at the time being a brigadier general, stationed in Croatia in 1991.

The report, as we have it, indicated that the study was based on some academic who had studied the customs, morays and habits of Muslim rural women in Bosnia, and concluded that the worst thing that could happen to the family was rape of the woman, because that would cause great shame and disintegration of the family.

We then note that something along the line of a policy was placed in action in order to generate this not only terror inspiring effect, but also the breakdown of the family in the hope that this will cause a destruction in that entire society.

As we looked into the patterns of rape, again, as I said, through an enormous arc, we can see that many of these acts were done in a way designed exclusively to shame, embarrass, and humiliate the woman. I went in Tuzla and we looked at the hospital records there, and we found the record of an 81-year-old woman who had been raped. There were many other incidents and observations and reports that we have, where the rape, for example, was done in a public place, and it would be, for example, of an older woman that was maybe the wife of one of the leaders of the community, in the presence of other people.

So that all of the traditional stereotypes about rape being done by the soldiers for their enjoyment or whatnot were not present in most of these cases. There were quite clearly a pattern designed to create humiliation and disintegration of the society.

Chairman SPECTER. Professor Bassiouni, let us turn if we may now, to a round of questions so that we may have the benefit of your responses.

I would like to begin on the discussion of the international criminal court. You have done a tremendous amount of work in this field and it may be worth noting that you and I and others in the Congress—Senator Dodd, Representative Leach—have been pushing the idea of an international criminal court generally for more than a decade. The thought has been to find an international tribunal which could try terrorists and also drug dealers, where there is a great deal of difficulty in having extradition, say, to the United States, where we have had the drug dealers in Columbia, as a political matter, they will not extradite to the United States, but might extradite to an international criminal court.

In the organization of the criminal tribunal, and it's worth just identifying it by its full name—the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991. Now, this is the first such international tribunal since the Nuremberg War Crimes, and as a precedent has enormous potential to establish international justice, which would be an enormous step forward.

Now, there are very significant indictments which have already been brought against many people, and perhaps among the most

important are the indictments as to Radovan Karadzic and Ratko Mladic, the leaders of the Bosnian Serbs. They are charged with—and this is from the indictment—individually or in concert with others, planned, instigated, ordered, otherwise aided or abetted in the planning, preparation, execution, and persecution on political and religious grounds of Bosnian Muslims and Bosnian Croatian civilians, the indictment goes on.

Now, one of the key concerns has been a dependency of these indictments might be used to effect a settlement, to have a political determination, division of land or whatever might occur, with the elimination of these indictments against these national leaders.

Now, it is my hope that that will not occur; that these crimes will not be the subject of a plea bargain, if you will, to exonerate these individuals from this horrendous, heinous, criminal conduct.

I would like your comment on two points. One is, your view of that as an international scholar on the international criminal court, and also your evaluation of the sufficiency of evidence as to these two individuals. Ordinarily we do not talk about that pre-trial, but I think there is no realistic likelihood of prejudicing these people in this proceeding, and I think those two questions are of real import for the American people and really for the international community.

Mr. BASSIOUNI. Well, you might recall, Senator, that acting Secretary of State Eagleburger, on December 15, 1992, in Geneva, prepared a list of seven persons whom he felt were guilty of war crimes. I happened to be in the room next to him in Geneva at the time that he made that announcement, which shocked the world. That list really hasn't changed to a large extent because Prosecutor Goldstone has brought up some of the names on that list.

The evidence is cumulative on two grounds. One is direct evidence that is audio recordings of orders being given by Mr. Karadzic and General Mladic to his troops. Eyewitness reports of the presence of General Mladic as a commanding officer in the field at the time these crimes were committed.

Both of those individuals would probably be charged and I assume also found guilty if they were tried, on the basis of command responsibility. It is well established in military law, in old countries in the world, on the basis of the Geneva Conventions and on the Nuremberg precedents, that a commander has the responsibility to prevent—

Chairman SPECTER. Well, is that sufficient? That is a form of vicarious liability. That is holding someone responsible for the acts of a subordinate. Now, in U.S. civil law, you can hold the agent responsible for the acts of the master, or employer holding liable for the acts of the employee. But is that a sound principle for criminal law, even international criminal law?

Mr. BASSIOUNI. It is so, because it is contained in the Geneva Conventions, it is a part of the outcome of the Nuremberg proceedings. It is contained in the military laws of over a hundred countries in the world. There isn't a single officer who does not go through a military academy anywhere in the world who is not instructed on the duties of a commander. A commander cannot issue an order which is in violation of military law or the Geneva Conventions. A commander has the duty to prevent any of these viola-

tions if he knows that these violations are taking place, and if he fails to do so intentionally. And if subsequently he discovers that information and fails to take action to punish those that perpetrate them.

So that you do have a convergence in the situation of these two individuals, not only of some evidence pointing to the fact that they have given the orders directly, but they have also been present at the scene where the orders have been carried out.

The example of Sarajevo is probably very telling. One can say that a commander may not know the first time that a shell falls on a civilian hospital. But when 289 times a hospital is shelled, the commanding officer cannot certainly claim ignorance of the fact. So it is the totality of the patterns of violations which have occurred over a period of 4 years, with such degree of regularity that it is impossible for any superior officer to claim not to have known.

Chairman SPECTER. Senator Kerrey.

Vice Chairman KERREY. Mr. Bassiouni, it seems to me that tribunals of this sort could accomplish something useful if they would change both current and future behavior. Do you think there is a chance that in Mr. Karadzic's case or Mladic's case, either one, that it is going to alter their behavior, the fact that we're bringing charges against them in the international tribunals? Do you think, as a follow on to that, just to disclose where my own thinking is going, that international law needs to be strengthened in order to be able to deter this kind of behavior in the future?

Mr. BASSIOUNI. Well, I think, to start with your conclusion, there is no doubt that international law needs to be strengthened to do so, and that is where it ties back in with the suggestion of Senator Specter to have a permanent international criminal court. That way we don't have to reinvent the wheel every time. That way, if we have a situation like, for example, the situation of Cambodia, which I know is dear to the heart of Senator Robb, which we don't have to reinvent the wheel for each one of these conflicts. We have an institution that is in place, we have a structure that is in place, we have an investigating mechanism that is in place.

But let me illustrate what you said with a story.

Vice Chairman KERREY. Don't you need to have some method of punishment as well?

Mr. BASSIOUNI. Yes, indeed.

Vice Chairman KERREY. I mean, if these men don't expect to be punished, certainly it is not going to affect their behavior, just another tribunal having a good time, is it not? I mean, there must be some expectation of punishment before behavior is going to be altered.

Mr. BASSIOUNI. There is no doubt that this is true. I think as we look at—

Vice Chairman KERREY. What expectation of punishment do these two men have?

Mr. BASSIOUNI. As we look at studies of deterrence, deterrence starts, No. 1, with the ability of gathering the evidence and having the evidence. No. 2, being able to successfully prosecute. And No. 3, being able to successfully punish those who are going to be prosecuted. If you don't have the combination of those three, you don't have deterrence.

But to illustrate your point, in March 1994, I had a meeting at the International Committee of the Red Cross in Geneva and met with some of the people who were investigating the prisons. Three of them told me that when they went into some prison camps they had the camp commander come out to them and say, "I want you to make sure that we are not committing any violations here because we know there is a commission out there gathering evidence and there is a tribunal and we don't want to be caught in the middle."

That is anecdotal, but it certainly indicates that the moment they realize that there was a body investigating, that the evidence was there, they started to be worried. The problem in 1992 was that there was nobody in the field doing the investigation. The evidence was not assembled. Everybody was being promised impunity and everybody thought they could get away with it. So the first thing is to gather the evidence.

We know that from our experience with the Nazis. Fifty years later they still cannot find refuge in many countries in the world, because the evidence is there. If the evidence wasn't there, then it wouldn't have been effective.

No. 2, we need to have a mechanism in place such as an international criminal court to be able to prosecute.

But you are absolutely correct. We need to have the ability to enforce. The ability to enforce is going to have to come from the political will of major governments in the world who are willing to support the notion that there is a course of justice and that the course of justice cannot be compromised by *real politik*.

The problem that we have had in this conflict in the former Yugoslavia is that from the beginning there has been an incongruence between the pursuit of a political settlement at any cost on the one hand, and the attempt by some to establish a system of justice. What Senator Specter was mentioning earlier is his fear that in our attempt to pursue the political settlement at any cost, we may compromise justice. That is probably the worst thing that we can do, because ultimately in this area or in any other area of the world, you cannot have peace without justice. People will remember what happened to them. They will seek to extract vengeance on their own in generations to come and you will never have reconciliation unless the true facts are brought to the fore and those who have committed at least the worst crimes should be prosecuted and punished.

Vice Chairman KERREY. Well, it seems to me that a substantial amount of change is going to have—you said if the political governments have the will, or if governments have the political will to set *real politik* and bring a charge forward, as opposed to negotiating, as the Chairman indicated earlier, with the very people that you have just charged, it seems to me that that is—if that standard is going to apply, it is going to mean substantial change in behavior in many other areas other than just in war crimes.

Mr. BASSIOUNI. Well, there is no doubt this is true, Senator, but there is also another question, and that is when governments decide to introduce as part of their foreign policy—

Vice Chairman KERREY. Just to give you an example, let's say I chain up 500 12-year-olds in order to manufacture shoes—

Mr. BASSIOUNI. Yes.

Vice Chairman KERREY. And I don't care if they live or die in the manufacturing of these shoes. You know, it seems to me that you have got other situations besides this if you are going to establish a tribunal for the purpose of altering people's behavior based upon the presumption that we are going to at least have limited capacity to set aside *real politik* in order to bring to justice those who have committed crimes in this fashion, that it is going to take us beyond just this situation, this terrible situation that we are trying to deal with in the Balkans.

Mr. BASSIOUNI. Well, Senator, if I may say so, the difference between a great nation and just a mighty or powerful nation, is the degree to which the great nation is imbued with moral considerations when it acts in matters which are not necessarily bound to national security or national economic interests. That, I think, has been something that has been so tied and bound to the greatness of this country, that we have taken the high moral ground, that we have intervened in many conflicts throughout the world when we have no interests, but we have done so on the basis of principle.

Vice Chairman KERREY. I would just alert you, Mr. Bassiouni, one of the reasons this hearing was late was because we were debating an amendment on the floor to cut \$280 million out of the Bureau of Indian Affairs so they could operate reservations on behalf of American Indians. I mean, we've—this great Nation has demonstrated the capacity to play *real politik* before and still survive.

I am just suggesting that I fully support an effort to make certain that whatever the results of this tribunal are, that it is much more than merely assembling evidence and bringing the evidence in a persuasive fashion. I would like to see the execution of justice fulfilled, but I am very much aware that that has implications beyond just the Balkans.

Mr. BASSIOUNI. Surely.

Chairman SPECTER. Thank you very much, Senator Kerrey.

Senator Feinstein.

Senator FEINSTEIN. Mr. Bassiouni, I am as struck by your testimony as I am by any that I have heard since I have been in the Senate, because I think the impact of it is really quite monumental. If I really understand what you are saying, you are saying that essentially all human civility has been thrown out and that we have a new dimension in this war with ethnic cleansing and rape being used as tools of war, and, I suppose, torture. And that the Free World, the caring world, the moral world, really has to do something about it.

So the question I have is, do you presently look at the war crimes tribunal as a sufficient structure to do something about it? Senator Specter and you both had this discussion on the subject of an international court. If you had your recommendations followed, what chain of events should happen and what should be the results at the end of that chain of events?

Mr. BASSIOUNI. Thank you, Senator.

The present tribunal is going to be engaged in prosecuting a number of persons. It is obviously going to prosecute a limited number of persons. In the database that we have accumulated in

2 years investigation, we have turned over to the tribunal 6,000 cases. But that is scratching the surface. They are not likely to even issue that many indictments. This is not going to be a mass case tribunal.

We have a gap here and the gap is we have no body that is now collecting the evidence. Since we terminated our work at the end of April 1994, there is no constituted body established by the United Nations to continue to gather the evidence. Whether you want to call it a commission of experts, an investigating commission, a truth commission, or what have you, much of that evidence is going by the wayside, and we see the continuation of things happening.

Why is that important? Well, I think it is important not only for the pursuit of justice, but it is important ultimately for a true reconciliation between the people. People will want to know. Whereas today nobody is interested in these documents, I assure you that within a few years people will scour them to find out where are the location of the 151 mass graves that I talked to you about.

The United States is still today concerned and tormented about the MIAs in Vietnam. Think of the 151 mass graves known, let alone those that are not known, with anywhere between 5 and 3,000 bodies buried beneath them. Think today of what is known as the Mothers of Vukovar, who have an association in Zagreb and who have put these little bricks in front of UNPROFOR with the names of their children who have disappeared in the battle of Vukovar, where we have discovered the mass grave of 204 persons who had been taken out of the hospital of Vukovar and summarily executed. People are going to want to find out where the remains are. If nothing else, that type of evidence will help soothe, will help bring about reconciliation.

On the third side, you have Serbs today who are saying that over 200,000 or more of Serbs have been killed by the Croat Ustashi regime during World War II and nothing has been done about it. Aren't they entitled to know what the truth is? Of course they are. Haven't there been any Serb victims? Of course there have been. Why isn't there evidence being gathered about that? Why aren't they entitled to know what happens? And if we do want peace, wouldn't people want to know who did what to whom and why?

That is a big gap, unfortunately, so we cannot pursue only justice and justice that will necessarily be limited to certain number of people. We have got to look at the larger picture for these ultimate purposes. That's the first step.

The next step is that we have to realize that the tribunal for the former Yugoslavia has its limitations, because it was set up by the Security Council, pursuant to Chapter 7, which means its powers, in the event there is a threat to peace and security. If there is a peace treaty tomorrow, there may not be a threat to peace and security. So the Security Council would have to invoke the continuation of the tribunal on the bases that it is indispensable to the maintenance of peace. But if the parties say it is not indispensable to the maintenance of peace because there is a peace deal, then of course, what happens to the tribunal is a big question mark. And that's where—

Senator FEINSTEIN. So you are saying, conceivably there could be no trials?

Mr. BASSIOUNI. Well, there is one person already who will be tried, but the number of trials is likely to be limited. However, that doesn't mean the experience is not valid. It is a very valid experience. The mere fact that the tribunal was established and is functioning is great progress. But as Senator Specter was saying, we have got to move beyond that. We have to institutionalize it.

Allow me to just point out that contemporaneous with the establishment of the tribunal for Yugoslavia, the Security Council established a tribunal for Rwanda. It is not even up and running, let alone effective. Yet, there are over 10,000 people in prisons in Rwanda that might await trial.

So here you've got an experience that hasn't yet even gotten off the ground. We can't be jumping from ad hoc to ad hoc, not making too sure what we are doing, emphasizing one over the other. Justice cannot be compromised, it has to be institutionalized, it has to apply equally if it is going to have international credibility.

Senator FEINSTEIN. Thank you.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you very much, Senator Feinstein. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman.

Mr. Bassiouni, let me just follow up on one early part of your testimony, even before the break, where we had an opportunity to ask some questions of Mr. Gannon before he departed. I believe you indicated, with respect to the institutionalization, if you will, of rape as an instrument of war and policy in this kind of a situation, that there were some 1,600 cases that you identified, and over 400, as I recall, in which you had the names of both victims and perpetrators. I assume that getting the names of the victims and sufficient information to identify those individuals—not for individual rape trials, but for presentation of evidence at some larger proceeding—would be possible.

How about the specific identification, though, of the individual rapist? In other words, do you have enough information that the rapist could be identified with sufficient precision to use the testimony of the victim as related to the specific perpetrator?

Mr. BASSIOUNI. The answer is both yes and no. We have a large number of affidavits of witnesses who have identified the perpetrator or the rapist.

Senator ROBB. If I may interrupt, do you mean that somebody from the other side had a general description of the perpetrator that they might be able to give, or could they specify somebody—name, rank and serial number, to use our identification process, not theirs—as the perpetrator and, if asked to do so in a court of law, identify the perpetrator?

Mr. BASSIOUNI. Yes. What I meant by identification—I meant an identification of the name of the person and a description of the person. You see, what happened in the course of ethnic cleansing is that particularly during the period of April 1992 to April 1993, most of the violations were committed by militia people as well as by auxiliaries to the police. They were therefore people within the village or the neighborhood.

Senator ROBB. OK.

Mr. BASSIOUNI. So the victims knew who the perpetrators were. It was not somebody who came from an army unit at a distance that they didn't know. That's No. 1.

No. 2, in many cases, the army unit was identified, so that we have two sources of identification. But we do have individual identification. The problem, I think, is that these victims, and as I said, we did 223 interviews with these victims—I can tell you, these victims are traumatized, but they would want to testify. However, they are very much afraid. They are very much afraid that if they would go to the Hague, there is no assistance to victims, there is no sufficient protection to victims, there is no resources in the budget sufficient to produce this type of protection. The Dutch police is not going to be able to provide it free of cost. These people are very much afraid.

Senator ROBB. But I assume that is a curable infirmity that the international community could address, is that correct?

Mr. BASSIOUNI. Very much so. For example, those witnesses could be heard in different places, they could be heard *in camera*, defense counsel could be there for purposes of cross examination. They can be examined somewhere and relayed by television and cross examined by satellite even. There are many ways in which it can be done.

But we must not overlook the fact that many of these victims have sought to relocate, have sought to reestablish a family, a new life. Their privacy can be shattered. They would go through a new traumatization of their experience, and they have legitimate fears.

Many of these militia people came from outside of the former Yugoslavia. They have gone back into Europe, Australia, Canada, and nobody knows how they can surface again and do harm to these people and to their families.

So the answer is, yes, they can be identified; yes, the evidence is usable in court; yes, they will testify. But we need more resources and means to protect them.

Senator ROBB. You anticipated the second part of my question, suggesting that there were militia personnel from within the area or the community, whatever the case may be. The only other question, which is more difficult and was, in part, one of the questions I put to Mr. Gannon, is: are there any instances in which you believe that specific evidence of some authoritative order, or of any other specific act that would give the imprimatur of authority to specific acts of rape, could be established in a court of law?

In other words, are there any perpetrators who are known to have said or in some way demonstrated that they were doing this as a direct order from higher authority and not simply as an undisciplined soldier, as you suggested, they might attempt to be portrayed in a different context?

Mr. BASSIOUNI. If I may address it by looking at the broader question. This is not the German army with a strong tradition of military history and discipline, where every order is recorded in five copies that can be traced. This is a situation where, as I said, there were 89 different paramilitary groups functioning. There were five regular armies. Each of the regular armies were split down in command responsibility by regions. Therefore, the entire

structure from the period of April 1992 until the beginning of 1994, was very diffuse, and it is going to be very difficult to retrace it.

Now, most of the communications were done on open lines, and therefore the Defense Intelligence Agency might be the best source for intercepts that would clearly indicate where the orders came from and how they communicated down, because they were done, as I said, on open telephone lines, or regular open radio communication lines, because there was no other way of doing it.

What we were able to do, not having any resources, is to reconstruct things on the bases of patterns, that when you see the same thing happening over a period of 4 years, and happening in the same way, with the same structure, you are bound to reach the conclusion that this was the product of policy, unless there is an extraordinary coincidence of events that occurs over a very large period of time by people.

Senator ROBB. I am not challenging your conclusion. Obviously I am just trying to see what might stand up in a particular tribunal.

I thank you. My time has expired, Mr. Chairman. Thank you.

Chairman SPECTER. Thank you very much, Senator Robb.

Professor Bassiouni, if convicted, would Serb political leader Radovan Karadzic and General Ratko Mladic be subject to the death penalty?

Mr. BASSIOUNI. No. The statute of the tribunal does not have the death penalty. In fact, the statute of the tribunal does not even contain penalties. This is one of the weaknesses of the statute. The rules of the tribunal, however, will rely, by analogy, on the national laws that existed. The national laws that existed, which by the way, prohibit all this conduct, are the Yugoslav Federal Criminal Code, the military regulations of the Federal Criminal Code as well as the criminal codes of Serbia, Croatia, and Bosnia. All of these codes contain specific prohibitions.

However, insofar as the death penalty is prohibited, the highest penalty that could be applied under the military regulations of the Yugoslav Federal Criminal Code in existence at the time, is 20 years.

Chairman SPECTER. Why couldn't we apply the international code which was applied to Eichmann, who received the death penalty even though it was carried out in the country, Israel, which rejected the death penalty? Why not?

Mr. BASSIOUNI. Because the Security Council has specifically excluded it. Specifically excluded it.

Chairman SPECTER. So the Security Council could change that exclusion and the death penalty could be imposed?

Mr. BASSIOUNI. It could be. However, a number of members, such as France, for example, do not have the death penalty in their country and are quite likely to oppose the death penalty because it doesn't exist in their national laws and because they would feel that it is going a step backwards from what the European Convention on Human Rights has achieved.

Chairman SPECTER. Well, perhaps so. But perhaps like the Eichmann case, this is so extraordinary that if we join forces, perhaps, we can bring the death penalty to bear, at least make a real effort to do so.

Professor Bassiouni, we know you have other commitments. We very much appreciate your coming in. I would associate myself with Senator Feinstein's remarks about the profound nature of your testimony. I would agree with her that this hearing is as important as any that I have been associated in my tenure in the Senate. These are very, very important issues on humanitarian principles, on political principles. There is much to be done yet on an on-going way for U.S. public policy as we respond to what is going on in Bosnia, and certainly in terms of the institutionalization of the International Criminal Court.

So we thank you very much for your work here today and for all you have done in gathering evidence. I think that if we institutionalize the criminal court, that your writings and your efforts will be as significant as any in the field.

Mr. BASSIOUNI. Thank you very much.

Chairman SPECTER. Thank you.

Vice Chairman KERREY. Mr. Chairman, if I could make one point, particularly for Senator Feinstein, who is on the Foreign Relations Committee, there is some—there are some in our body who, as a consequence of intelligence having been handled in an improper fashion in Somalia, are trying to restrict the President's ability to be able to provide intelligence to these kinds of tribunals, and that kind of restriction would make it much, much more difficult—

Senator FEINSTEIN. Right.

Vice Chairman KERREY [continuing]. For these kinds of prosecutions to proceed.

Chairman SPECTER. Thank you very much, Professor Bassiouni.

We now turn to our second panel, and we would appreciate it if the following people would come forward; Dr. Danica Ramljak, Mr. Raif Zukanovic; Mr. Emir Kaptanovic; and Ms. Nihada Ademovic.

Senator Helms, Chairman of the Foreign Relations Committee, asked me to convey his regrets that he has other commitments which prevented his being here today, but he joins with those who are present in emphasizing the importance of the proceeding.

Dr. Ramljak, you will be acting as our translator here today.

Ms. RAMLJAK. Yes.

Chairman SPECTER. We will see just how we can proceed. But I would like to start now with Mr. Raif Zukanovic, who is a road and bridge construction laborer and has experience in Bosnia.

Mr. Zukanovic, please proceed.

Ms. RAMLJAK. I'm sorry, I would like to say, Mr. Zukanovic is sitting on my left, and this is Mr. Kapetanovic. So, would you like Mr. Zukanovic to start first or—

Chairman SPECTER. We would like Mr. Zukanovic to proceed, yes.

Ms. RAMLJAK. On behalf of everybody, before Mr. Zukanovic starts, I would like to thank all of you for inviting them today. And it is our honor to be here.

Mr. ZUKANOVIC (through translator). Good morning.

Chairman SPECTER. Good morning.

PREPARED STATEMENT OF RAIIF ZUKANOVIC

Good morning, distinguished members of the Committee, it is an honor to be able to testify before you about my own experiences in the present war in Bosnia-Herzegovina. My name is Raif Zukanovic, born March 27, 1955, married, father of two children, of Muslim religion, road and bridge engineer.

I am from Kljuc, a town in western Bosnia, situated between Banja Luka and Bihac. About 55 (fifty-five) thousand people lived in Kljuc before this war, 49 percent of which were Serbs, 48 percent Muslims and the rest Croats. Throughout their long history, regardless of their respective religion, the three peoples lived in peace and tolerance in Kljuc—just as it was the case in other parts of Bosnia. The course of time has sometimes brought disagreements, even wars that were products of disintegration of empires, world wars and political turmoil in Europe. By all this, Bosnia was no different from other countries in that part of Europe.

As a proof of our mutual tolerance that was reigning throughout the history of Bosnia, I would like to emphasize that until this horrible war, not one religious monument was deliberately destroyed, nor were people displaced only because they belonged to a different nation. I would like to point out that the majority of inhabitants of Bosnia-Herzegovina were declaring themselves as Bosnians of Muslim, Catholic or Orthodox religion. Suffice it to say that in Kljuc and in the neighboring city of Mrkonjic Grad, there stood a 402-years-old mosque; next to it was a catholic church—400-years-old. Both sites of worship were left untouched by turbulence of history, only to be recently destroyed by Serbian extremists. This example is just a token of deliberate destruction of all non-orthodox cultural and religious objects that became a pattern of behavior of Serbian extremists in this war throughout Bosnia.

It is therefore clear that the current conflict in Bosnia is a consequence of aggression, perpetrated by those Serbian extremists who dream of a "greater Serbia", as well as it is a consequence of genocide on all of the non-Serbian population, their cultural and religious sites that were throughout history a living proof of religious and national tolerance among the peoples of Bosnia.

With the beginning of this war in Bosnia-Herzegovina, all of the non-Serb population in Kljuc lost their jobs. Our fundamental human rights, such as the right to work and right to freedom of choice were taken away from us. First came the removal of all Muslims and Croats from the Federal organs (especially police force and local governmental posts), followed by mass firing from state-owned companies. Since 1977 to 1992, I was employed in "Sipad", in Kljuc. As I arrived to work one morning, I was told that I was fired, since I was no longer "suitable" I was fired without explanation, without a written notice. Of course, it was impossible to appeal.

On May 26, 1992, Serbian authorities in local radio broadcast demanded that all non-Serbian civilian (mostly Muslims and Croats)—men, women, children, elderly and sick as well gather the next morning on a nearby soccer field. We did not know what this was about. So, I arrived the next morning to the soccer field and was kept there almost the whole day. At arrival, all men older than sixteen (16) were separated from women, children, and the elderly. We spent the whole day in uncertainty and fear as we were looking at our families; women and children were looking toward us, their fathers. Buses arrived at dusk. I estimate that each bus could transport forty (40) people maximum; yet 80–100 of us were shoved in each bus. People were sitting on each other, on the floor . . . It was frightening. In every bus there were 4–5 Serbian extremists. During the transport, they were beating everyone within their reach with bats (similar to baseball bats) and metal sticks. They were insulting us verbally. They were armed with automatic rifles. As we were entering the bus, we were forced to keep our heads lowered, as not to look where to we were being transported. The air in the buses was horribly stuffy, all the windows were closed and it was unbearably hot. We were joined by a large number of people from surrounding villages (Nezici and Hasici). They were badly beaten with metal sticks and wires of different sorts. They were dehydrated to the point of utter exhaustion and they were constantly begging for water. Our torturers, however, refused to give them water. As we arrive at the camp, eight people were dead already from beatings and thirst. Those people who fell from exhaustion while exiting the bus, were either beaten by the guards with rifle buts or they were kicked with soldier boots. Their main target were lower body-parts.

But, when we arrived, almost all of us knew where we were: in Manjaca, a place that was in the pre-war period used as a military ground of a tank division for the Yugoslav Peoples Army. Six barns were a part of the complex; cows have been kept there to provide meat for soldiers. As we arrived, I noticed that this huge place was surrounded by barbed wire and soon I realized that mine-fields were set up around

the camp in order to prevent our escape. I estimated that it took several months to set up the camp. Soon I realized that people from cities of Kljuc, Sanski Most, Mrkonjic Grad were being brought to Manjaca, and later—as the camp at Omarska was closed down, the detainees from Prijedor were also shipped to Manjaca. Barns in Manjaca could hold between 650–700 people. We were told to sit on the concrete floor, our heads down, hands behind our backs. They started taking people away already on the first evening. Those people were systematically beaten in a separate room, hours at a time. Soon we found out that there was a system behind the beating procedure: a policeman would hold a detainee, while three others were beating him with police batons and metal sticks or kicked with soldier boots. Us detainees were not able to help the beaten people who were returned to the barn. The only thing we could do, and that was only sometimes, is to hand them some water. I will never forget a Croat, Stipe (whose last name I do not know). He came from Majden (near Mrkonjic-grad). They were taking him out for beatings a few nights in a row. They would return him in the morning, half-conscious, his body all black from marks of the beatings he took. They were kicking his testicles with boots and broke his ribs. Just to look at him was horrifying and scary . . . Although he was a man in a better-than-average physical condition, he did not suffer only physically, but also mentally. His nights consisted of screaming, hallucinations and talk of suicide. None of use could sleep, since night after night we were listening to their moaning and screaming. None of us knew when it was going to be his turn. They were especially vicious toward intellectuals and well-respected people. I remember the case of Omer Filipovic, a respected Muslem from Kljuc, who was beaten with metal sticks throughout the night to his death. If a police guard would think that one man was not following their rules in the camp, men in the whole barn were beaten that day. Very soon we realized that our torturers were men highly trained for such violent sadism. The commander of the camp was Bozidar Popovic. I found out he was from Monte Negro and he was a lieutenant colonel in the Yugoslav Army. The camp inspector was especially cruel. I have never found out his real name, he went by a nickname of "Spaga". He was always armed, patrolling the camp, shouting frighteningly. He was between 35–40 years old, blond and tall (around 180 centimeters), thin, athletically built. There was a number of policemen in the camp and I believe their names are already known to the International Court in Hague.

I would like to talk about the physical condition of men whose sons were interned with them. One would expect that a father would offer to be taken away instead of the son. At Manjaca, I have been seeing fathers who had so much fear in their eyes, that they were relieved at a mere fact that it was not them who were being taken away. Under such extreme psychological and physical torture, fathers were losing their paternal feelings. I have never witnessed that before and I must say I found it horrible. If they would return a beaten and wounded son in the morning, the father would regain the feeling for his own child, as he would look at him after hours of torture. It is not possible to describe in words the feeling of fatherly pain witnessed there. Throughout my stay in Majaca, we were forced to sit with our heads down and hands behind our backs and we were repeatedly told: "Only Serbs can keep their heads up."

Let me tell you about our typical meal: Breakfast consisted of unsweetened tea; for lunch we had rice and an unpeeled potato, cooked in water with no salt; we would also get bread, sometimes it was 10–15 days old. Nevertheless, we ate: one loaf of bread for 25 people. Some of us lost 30–35 kilograms. The conditions improved somewhat with the arrival from representatives of the International Red Cross. They compiled lists with our names, but that fact deterred our torturers only somewhat. However, with the departure of Red Cross representatives, everyone who was talking with them got beaten the same day. That way, we were prevented from giving information to the Red Cross people. . . .

During our stay in Manjaca, we were subjected to force labor: digging trenches for waterpipes, carrying wood on our backs from the forest and serving their every need in Manjaca. We were also forced to build an Orthodox church next to the camp. Some of the detainees recognized the material used in building the church: it was the material from the torn down mosque and the Catholic church. We have recognized the copper roof from the mosque in Kljuc. The Orthodox church we built next to Manjaca still exists and my desire is that nobody ever tears it down. . . . July 20, 1992 was one of the most dramatic days in Manjaca: namely, detainees from Omarska (another camp) were brought in. Omarska was the most notorious camp in Bosnia-Herzegovina. People coming from Omarska were telling me that over 1,500 (fifteen hundred) people were killed in the Omarska camp. Between 1,400 and 1,500 people were brought by buses; however, they were kept outside the camp the whole night, since the commander did not want to take them. I myself witnessed how they slit throats of nine people in front of those buses. There are no possible

words that justly depict the stories from people of Omarska camp. Emin Jakupovic, a prisoner from Omarska was transferred to Manjaca. He told me that he was forced, by a gun glued to his temple, to virtually bite off testicles of a number of people. Thereupon, he was forced to drink machine-lubricating oil. He was told: "After eating meat, a man should have some wine". He lost his sanity. His testimony is included in the files of the International Crimes Tribunal in Hague. There was another story from Omarska that was relayed in Manjaca: A man by the name Emir (I can not remember his last name) told me about a professor from Prijedor, who was killed in Omarska camp, because he refused to rape one of his students. She was begging to rape her, so that his life would be saved. He refused, saying it was better to be killed than to rape his own student. However, they killed him, but not before they raped the student and made him watch their hyenous act. The testimony of this case is also on file in Hague. . . . After long and exhausting talks between Red Cross, commanders of the camp and Karadzic, Manjaca camp was closed on December 18, 1992. Upon closure, we were transported to a center for refugees in Karlovac, Croatia. At that point, several hundred Croats and Muslims were transferred to another camp—batkovic, near Bijeljina. Among them was my friend—a Croat, who spent 14 months altogether in Serbian camps and who was cruelly tortured. His psychological suffering has been so immense that he was frightened to come here and talk before you, here in America. His wife is Serbian and they are both afraid for their family, who still lives there, in case he talks.

Concluding this testimony, I would like to emphasize that I have never pursued politics and I was therefore unable to deliver a political speech. I am speaking to you as a builder who spent his whole career building roads and bridges that would connect people in my country. In those roads I invested my love and my human dignity. I was happy I was doing something for all the people of Bosnia-Herzegovina. I could have never imagined that there would come a day when people belonging to one nation would think it was only them who were free to walk those roads. I have always believed the history lessons we were taught after the Holocaust and genocide over Jews: NEVER AGAIN. Ironically, there is a saying in my country that goes: "Never say never again". But I still do believe that after these tragic developments in Bosnia, there will indeed arrive a day where we can really say: NEVER AGAIN. I wish that you, distinguished members of the U.S. Senate, never again have a chance of hearing a testimony of the kind you have heard today.

Thank you for your attention.

OPENING STATEMENT OF RAIF ZUKANOVIC, ROAD AND BRIDGE CONSTRUCTION ENGINEER

Mr. ZUKANOVIC (through translator). Distinguished members of the committee, Mr. Chairman, it is honor to be able to testify before you about my own experience in the present war in Bosnia-Herzegovnia.

My name is Raif Zukanovic. I was born on March 27, 1955. I am married and I am father of two children.

I am a Muslim, and before the war I was engineer and I was building road and bridges.

At the beginning of the war in Bosnia-Herzegovina in Kljuc, where I am from, everybody who was non-Serb was asked to leave their jobs. They were forced to leave their jobs.

We were deprived of all the human rights. We couldn't live there, we couldn't work there, and everything was actually deprived from us.

First came the removal of all Muslims and Croats from the Federal organs, especially police force and local governmental posts, followed by massed firings from State-owned companies.

After that, everybody was also fired who was a Muslim or Croat from the State-owned companies.

Since 1977 to 1992, I was employed in SIPAD in Kljuc.

As I arrived to work one morning, I was told that I was fired since I was no longer suitable.

I was fired without explanation, without any written notice.

Of course, it was impossible to appeal to anybody.

On May 26, 1992, Serbian authorities in a local radio broadcast demanded that all non-Serbian civilians—Muslim and Croats, men, women, children, elderly, and sick—as they all gathered the next morning on the nearby soccer field.

We didn't know what this was all about. So I arrived the next morning to the soccer field and was kept there almost the whole day.

At arrival, all men older than 16 were separated from women, children, and the elderly.

We spent the whole day in uncertainty and fear as we were looking at our families. Women were looking toward us, and of course our children and our fathers were looking toward our families.

Buses arrived at dusk. I estimate that each bus could actually accommodate around 40 people, however 80 to 100 of us were shut in each bus.

People were sitting on each other, on the floor.

It was so frightening. In every bus there were four to five Serbian extremists who were armed.

As soon as this transport started, they started beating us up, and particularly those who were closer to them. They were using baseball bats—something very similar to the baseball bats and metal rods.

They were armed, but all this time they were also insulting us verbally.

As we were entering the bus, we were forced to keep our heads lowered down as not to look where we were being transported.

There in the buses was horribly stuffy. All the windows were closed and it was terribly hot.

Together with us from Kljuc, they joined also people from surrounding villages, particularly two villages, Nazici and Hasici, which are nearby Kljuc.

As soon as they brought these people and they joined them together with us, we realized that these people were beaten up badly.

They were beating them up with metal sticks and wires of different sorts. They were so dehydrated to the point that they were so exhausted and they were begging for the water constantly.

However, our torturers refused to give them the water.

By the time we arrived to the concentration camp, to this Camp Manjaca, total of eight people died because mostly of their dehydration and because they were beaten up so badly.

Those people who fell from exhaustion while exiting the bus were either beaten by the guards with rifle butts or they were kicked with the soldier boots.

As soon as we arrived, all of us knew where we are.

We arrived at Manjaca which is a place that was in the pre-war period used as a military ground of the tank division for the Yugoslav People's Army.

Six barns were a part of the complex. Cows have been kept there to provide meat for soldiers.

As soon as we arrived, I noticed that this huge place was surrounded by barbed wire, and soon I realized that minefields were set up around the camp in order to prevent our escape.

Based on my estimation, it took them several months to set up this camp.

Very soon I realized that people from cities of Kljuc, nearby Sanski Most, Mrkonjic Grad, were being brought to Manjaca and later at the camp at Omarska—Omarska is a camp which was located close to Prijedor—was closed down. The detainees from Prijedor were also shipped to Manjaca.

Barns in Manjaca could hold between 650 to 700 people. We were told to sit on the concrete floor, our heads down, hands behind our backs. They started taking people away already on the first evening. Those people were systematically beaten in a separate room, hours at a time.

Soon we found out that there was a system behind the beating procedure. A policeman would hold a detainee while two others were beating him with the police batons and metal sticks or kicked with the soldier boots.

Basically that looks like 20 people were witnessing when they were beating up one person. But they will wait when they will come to be beaten up.

This was happening all the time, and nobody could know when is your turn.

The special targets were intellectuals.

Ms. RAMLJAK. Excuse me.

[Pause.]

Ms. RAMLJAK. We'll try to summarize, because we know the time is concern here.

Mr. ZUKANOVIC (through translator). I will never forget the Croat by name Steped whose last name I don't know. He came from Maglad near Mrkonjic Grad, and he was in a camp with me.

They were taking him out for beatings a few nights in a row. They would return him in the morning, half conscious, his body all black from the marks of the beatings he took.

They were kicking his testicles with boots and broke his ribs.

Just to look at him, it was horrifying and scary.

His nights consisted of screaming, hallucinations, and talk of suicide.

Another example I remember quite clearly was one prominent Muslim by name of Omer Filipovic who was from Kljuc.

He was beaten with the metal sticks throughout the nights to his death.

The main commanding officer who was the commanding officer of the camp, his name was Bozidar Popovic.

We knew that he was from Montenegro, and he was a lieutenant colonel in the Yugoslav army.

The camp inspector was especially cruel. I have never found out his real name. He went by nickname of Spaga.

He was yelling all the time and he was armed all the time and he tried to threaten us.

Ms. RAMLJAK. Excuse me for a second.

[Pause.]

Ms. RAMLJAK. Mr. Zukanovic is going to summarize his testimony in a second.

[Pause.]

Mr. ZUKANOVIC (through interpreter). During our stay in Manjaca, we were subjected to forced labor. Digging trench for water pipes. Carrying wood on our backs from the forest and serving their every need in Manjaca.

We were also forced to build an Orthodox Church next to the camp.

Some of the detainees recognized that material used in building the church; it was the material from the torn down mosque and the Catholic Church. They could recognize the copper roof from the mosque in Kljuc.

The Orthodox Church built next to Manjaca still exists, and my desire is that nobody ever tears it down.

Thank you very much.

Mr. ZUKANOVIC. Thank you very much.

Chairman SPECTER. Thank you very much, Mr. Zukanovic.

We will now turn to Ms. Nihada Ademovic.

OPENING STATEMENT OF NIHADA ADEMOVIC, SALESPERSON

Ms. ADEMOVIC (through translator). Good morning, distinguished members of the committee. It is an honor to be able to testify before you about my own experience in this—about this present horri-fying war in Bosnia-Herzegovina.

My name is Nihada Ademovic. I was born on October 9, 1960, in Gradacac which is near by Tuzla. I am married and I have two children. I was salesperson before the war and I lived with my family in Bosanski Samac, which is in the region of Bosanska Posavina.

Everything started on April 14, 1992, when Bosanski Samac was occupied by the Yugoslav army and in collaboration with Seselö—that is one of the leaders of one of the extremists group. He had a group, "White Eagles" which is quite known to the international war crimes.

Chairman SPECTER. Ms. Ademovic, do you have a copy of the statement? We do not have one.

Ms. RAMLJAK. Unfortunately, because we just notified Ms. Ademovic yesterday, I do have in Bosnian, but we couldn't translate, but I am going to do that, so I will turn the testimony in.

Chairman SPECTER. All right fine. Then you may proceed.

Ms. RAMLJAK. Yes.

Ms. ADEMOVIC (through translator). On April 14, when the Serbs occupied Bosanski Samac, I was forced to stay in the town and I was forced to work, and stay, you know, at a duty. But unfortunately, they didn't give us any salary, few—I mean 2 months after I was deprived of my right to work, and you know, that was the same what happened to me, what happened to all Muslims and Croats in our town.

However, I couldn't dream about the fact that on June 15, 1992, I would be taken to the prison and also I was—they actually put me in a prison and they took all belongings what I have, including my car and everything I saved over the years.

The same day when I was taken to the prison, the Serbian commander of the police station there by name Mr. Stevan Todovic, and his nickname was Stiv, told me that I would be executed that

Friday on June 19, 1992. Of course, I was deprived of any explanation why.

I asked him, why are you going to execute me. He said, because Friday is the day when we are killing Muslims, and I am telling you I will personally execute you.

He was yelling at me and he was asking the questions, where is my family, where is my husband, and so how my husband managed to leave Samac.

During my stay in prison, I couldn't figure out, together with others, is it day or a night.

Ms. RAMLJAK. I would like to summarize if you would allow me, because we skipped one part which I think is worth hearing.

In the prison, Mrs. Ademovic was put together with other women and she was telling us this morning that there were 40 of them in the room which was three to five meters in size. So 40 of them were thrown in. Room was dark, no lights. It was terribly—conditions in the room were terrible.

However, what she said, when guards will come and use the lamp to see, you know, who is in or what is going on, she realized as soon as she was put it that it was blood all over the place—on the floor and on the walls. So she realized that this was a place where they tortured people before she was put up.

She said that guards were torturing them all day long, and she said that she doesn't have any words how she will describe this, what was happening in this prison.

Ms. ADEMOVIC (through translator). People, both women and men, were screaming, and you can hear this all the time.

They were choking me, they were torturing me all the time. But the worst experience I can recall was when person by nickname Crni, which means black—I don't know why, but they call him black—apparently he was choking her to the point that she couldn't breath.

Besides all those terrible things what were happening to me, I was all the time thinking about the fact they promised me that I'll be executed. I wanted to commit suicide, but I didn't have anything to do so.

One day they came and they—on her testimony she concluded that it might be after 45 days she spent already in a prison. They were put up, so she and some others were put up in a car, it was a truck which had a closed part in the back so they couldn't see where they were taking them, so she was under the impression, together with others, that they'll be executed.

Very soon we realized that they are not going to execute us. However, they brought us out to the concentration camp named Zasavica which is very nearby Bosanski Samac.

Then I realized why I was brought up there and why I was not executed before. The person who promised to do so, Mr. Stevan Todorovic—

Ms. RAMLJAK. I am going to just proceed, even though she didn't read this yet.

Mr. Todorovic, on June 18, 1992, went on a trip to Serbia and for my luck, I was lucky that he had a car accident. So that prevented him to come back and fulfill his promises.

Ms. ADEMOVIC (through translator). As soon as we were brought up to the camp, were doing different kind of forced labor, early in the morning they will take us on the trucks and, you know, they would bring us back late at night.

We were women but they didn't prevent them to force us to do difficult, physical, manual things, jobs, and we were working this until it was raining—when it was raining, and also when it was very cold.

Of course, armed Serbian guards were monitoring us all day long.

One of the most drastic things that I can recall is that when somebody was tired and decided to stop working for a moment, they will come and pull from that person teeth, of course, held his feet, and they were collecting those teeth in a box, and they were threatening us all day long with this teeth in the box, thinking that we might be next.

Women who were exhausted from work and this difficult physical jobs they were doing, they were forcing to sing Serbian songs.

I clearly remember one of my friends from the camp—her name is Eska—they were forcing her, after all day long she was working, to sing that night. She was crying and begging that they don't do that, particularly because she was exhausted, but in the same time they were forcing that she sing songs which had profanity words in it. So they didn't stop it. However, they were forcing her to sing to do so and they were beating her up all night long.

Ms. RAMLJAK. We will shorten at this point, but Miss Ademovic said that after all that day which was terrible all along, they were not happy to come to the camp at night, because nights were the most horrifying.

And at this point I think she will stop, so if you have additional questions, please feel free to ask.

Chairman SPECTER. All right, thank you. Thank you very much. We will turn now to Mr. Kapetanovic.

OPENING STATEMENT OF EMIR KAPETANOVIC, MEDICAL DOCTOR

Mr. KAPETANOVIC (through translator). Good morning, distinguished members of the committee. I am pleased to have the opportunity to tell you about terrible stories and genocide which is going on in my country, Bosnia-Herzegovina.

My name is Emir Kapetanovic. I was born in Kljuc in 1955. I am married, I have two children. My occupation is a medical doctor, and a specialization in gynecology.

I was taken up by the Serbs on June 18, 1992.

At the point where they took me, I was just sitting at my home, as all the civilians who didn't do anything. Then I was thrown in jail, in prison actually, in Kljuc police station, and I stayed there for 3 days.

The person who was asking me questions and torturing me was a person that is ironic. It was a person whose wife I operated on when I was during my specialization days which I spend in Zagreb in gynecology clinic.

For 3 days they didn't give me anything to eat.

I was abused psychologically and from time to time they were beating me up also. Together with nine other detainees, 3 days after, they took me to concentration camp Manjaca.

During our journey to Manjaca, which is approximately 20 miles, we stopped at a few Serbian villages, when local population was trying to lynch us, to throw stones and to physically abuse us.

Finally, on June 20, 1992, we were brought up to Manjaca, which is a camp called Camp of Death.

Most of the intellectuals who were brought up there were either killed or transferred later to the other camps.

As soon as we arrived, they ordered us to strip our clothes. They took all our belongings—gold, jewelry, money—and we were beaten up the first day.

They throw us in those barns where already lots of people were brought up previously, so they just throw us in after these beatings.

Then, one of the guards came close to me and he told me, from this point on, from tonight, you are going to have a special treatment.

From that point on, for the following 4 days, 4 nights actually, I was called. I was called together with a few more people, and then few of the Serbian guards were waiting for us. Some of them I realized very soon were very experienced in karate, tae kwondo type of physical exercise.

We were prevented from any kind of defense, so these guys could exercise their knowledge on us all time long.

After they were beating us up, they were forcing us to lay on the floor, to put our hands behind the necks.

Then they were beating us with the chains when we were laying on the floor, with the baseball bats, and with different cables.

I was forced—twice I was forced to move on the floor and my hands were in the back. And I was forced to kiss the boots of the Serbian soldier.

Then they were beating me in my face area.

After that they broke so many of my teeth.

Four days after this torture was happening, after all of this I was completely—it was impossible for me even to walk. I was urinating blood. My entire body was black with bruises all over.

But fortunately, we were given one deciliter to two deciliters of water per day.

As a medical doctor I was aware of the fact that I couldn't be dehydrated, that I will die. So other people who were with me in the barn were providing their share of water to me so I could survive.

I was very much afraid of the kidney failure.

Ms. RAMLJAK. Go ahead, I'll finish when you.

Mr. KAPETANOVIC (through translator). As soon as they realized the International Red Cross will be coming and checking what is happening in Manjaca, I was separated from the others in the barn in one separate room, together with others who were in conditions as I was. People who were brought up from different hospitals.

Together with me I clearly remember one little boy who was 13 years old, his spine was damaged. He was paraplegic. Together with him I remember one elderly man who before that had an operation, a surgery, probably due to the cancer of stomach.

The only reason why they were there in this camp was that they were Muslims.

Another thing which needs to be point out is when they were beating us up, particularly and so abusively as they did him and some others, they wanted all the doors on the barns to be opened so the others can hear their screams.

When you are at the gunpoint, fear is also very valuable weapon.

I just want to close by saying one thing, that it was astonishing to me, who by the way, am former Yugoslav army reserve officer, and who knew Manjaca quite well, and this area, that I realized that they actually prepared this camp for all these tortures ahead of time.

Chairman SPECTER. Thank you very much.

Mr. KAPETANOVIC. Thank you.

Ms. RAMLJAK. Thank you very much.

Mr. KAPETANOVIC. Thank you.

Chairman SPECTER. Ms. Ramljak, I want to come back to Mr. Zukanovic's statement, on page 5, on just a couple of particulars.

Ms. RAMLJAK. OK.

Chairman SPECTER. You note at the beginning of the page, he says, I myself witnessed how they—are you with me there?

Ms. RAMLJAK. Yes, I am.

Chairman SPECTER. Would you ask him to recount that specific situation, because I think that has a lot of impact.

Ms. RAMLJAK. Yes.

Chairman SPECTER. Mr. Zukanovic, what did you see?

Mr. ZUKANOVIC. No problem.

Ms. RAMLJAK. He is going to describe for us what happened.

Chairman SPECTER. Tell us what you saw.

Mr. ZUKANOVIC (through translator). They brought up a lot of people on the buses from Omarska camp. Just for your clarification, Omarska was probably one of the worst camps in Bosnia-Herzegovina.

They arrive at night, and you know, because of the timing, the commanders of Manjaca didn't let them be accepted, because it was a long procedure. They wanted to keep some records.

They were forced to be in buses all night long with no air, and with no water.

Next morning, the commanding officers of the Manjaca decided to let them in.

Chairman SPECTER. What happened to them?

Ms. RAMLJAK. What happened that night? Or next morning.

Chairman SPECTER. No, what happened to them with respect to that sentence on his statement? That is what I am trying to come to. Page 5?

Mr. ZUKANOVIC (through translator). OK. All night long they kept them in the buses, and then next morning, when they decided to accept them for some reason, guards decided to select those nine people out. And both of them witnessed when the throats of these nine people were slit.

All the detainees apparently who were out were able to witness this.

Chairman SPECTER. Miss Ramljak, would you just read into the record, starting with, "I myself witnessed," and read down to a

third of a page, "the heinous acts," just to put that in the record so that people can hear in English the statement that Mr. Zukanovic made.

Ms. RAMLJAK. Yes. Would you please stop me when you would like me to stop.

Chairman SPECTER. Just down to the words, heinous act, about a third of the way down.

Ms. RAMLJAK. OK.

I myself witnessed how they slit throats of nine people in front of those buses. There are no possible words that justly depict the stories from people of Omarska camp. Emin Jakupovic, a prisoner from Omarska was transferred to Manjaca. He told me that he was forced by a gun glued to his temple, to virtually bite off testicles of number of people. Thereupon, he was forced to drink machine-lubricating oil. He was told, after eating meat, a man should have some wine. He lost his sanity. His testimony is included in the files of the International Crimes Tribunal in Hague.

There was another story from Omarska that was relayed in Manjaca. A man by the name Emir—I cannot remember his last name—told me about professor from Prijedor who was killed in Omarska camp because he refused to rape one of his students. She was begging to rape her—he could rape her so that his life would be saved. He refused, saying it was better to be killed than to rape his own student. However, they killed him, but not before they raped the student and made him watch their heinous act.

Chairman SPECTER. Thank you very much.

Ms. RAMLJAK. You're welcome.

Chairman SPECTER. Senator Kerrey.

Vice Chairman KERREY. Mr. Chairman, I really have no additional questions other than the ones you have asked. I just—I want to take this opportunity to thank the witnesses for coming before this hearing and presenting not just to us, but to the American people, in a very brave fashion, the things that you have endured. And I assure you that we will not forget your testimony and that we'll make certain that those who have perpetrated this crime, to the best of our ability, are brought to justice.

Chairman SPECTER. Thank you very much, Senator Kerrey.

Senator Feinstein.

Senator FEINSTEIN. I have no questions, except I would like to echo what Senator Kerrey just said. I know how hard it is for you, and I think the fact that you have come here is extraordinarily important, that you are willing to tell your story. I hope you let others know as well, because I think it is very important that we really see that people are capable of enormous brutality, and that we, people who love and want freedom everywhere, begin to do something about it.

So thank you very much.

Ms. RAMLJAK. Thank you very much.

Chairman SPECTER. Well, we do thank you very much for your testimony. It is one thing to read about it in the newspapers, but it is something quite different to see people who have been subjected to that kind of brutality testify in a congressional hearing.

This is a joint hearing by the Senate Foreign Relations Committee and by the Senate Intelligence Committee, and our colleagues

will have access to this testimony and will put us in a better position to evaluate what our national policy should be as to how we respond to these atrocities and to support the work of the International Criminal Court to see that these people are brought to justice.

We thank you very much. That concludes our hearing.

Ms. RAMLJAK. Thank you for your time and your interest in this situation. It means lots to all of us.

Chairman SPECTER. Thank you.

Ms. RAMLJAK. If you don't mind, Mr. Zukanovic is kindly asking if I can read just three sentences that he has written at the end of his testimony.

Chairman SPECTER. Of course, you may read that.

Ms. RAMLJAK. He said, I still believe that after—OK, I'm sorry.

I have always believed that history lessons were taught after the Holocaust and genocide over Jews. Never again. Ironically, there is a saying in my country that goes, never say never again. But I still do believe that after these tragic developments in Bosnia, there will indeed arrive a day where we can really say never again.

I wish that you, distinguished members of the U.S. Senate, never again have a chance of hearing the testimony of the kind you have heard today.

Thank you.

Chairman SPECTER. That's very well said, Mr. Zukanovic. We thank you again.

[Whereupon, at 12:25 p.m., the hearing was concluded.]

NEWS CONFERENCE BY
ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS
JOHN SHATTUCK

Zagreb International Airport
Zagreb, Croatia
August 1, 1995
5:30 p.m.

AMBASSADOR PETER W. GALBRAITH (U.S. Ambassador to Croatia): It is a great pleasure to introduce my friend and my parents' neighbor -- literally across the street -- John Shattuck, who is our Assistant Secretary for Human Rights. Last week our embassy in Zagreb received some very disturbing accounts, suggesting that many of the men, possibly thousands, who were rounded up by the Bosnian Serbs in Srebrenica and supposedly taken as prisoners of war, or otherwise detained, had in fact been murdered. Secretary Christopher responded immediately and sent John Shattuck, who is the principal officer in the United States charged with human rights issues, out to investigate. He has spent two days -- two very full days -- in Tuzla and Zenica, and he now will share what he has discovered with you.

ASSISTANT SECRETARY SHATTUCK: Thank you very much. It's always a privilege to be with my friend Peter Galbraith. Let me describe to you the two-day mission that I've just completed to central and northeastern Bosnia. My focus has been on the events that occurred when the Bosnian Serb army attacked and took over two U.N. safe areas, Srebrenica and Zepa. My purpose was to ascertain the dimensions of the human rights atrocities and crimes that had been generally reported and clearly committed in both cases, and to find out about what specific kinds and categories of abuses were committed. I travelled to Tuzla and Zenica, and there I interviewed about a dozen refugees from both Srebrenica and Zepa, as well as Bosnian civilian authorities, leaders of the Tuzla Citizens' Forum, a local human rights organization, and other NGOs, and representatives of the U.N. High Commissioner for Refugees, the International Committee of the Red Cross, and the United Nations War Crimes Tribunal, of which the United States is the principal supporter in terms of funding and assistance and personnel.

Let me give you a summary of the main conclusions of my mission. First, a very large number of people, who were in Srebrenica and Zepa when these areas were seized by Bosnian Serb forces, are missing and unaccounted for. For Srebrenica credible estimates range from 6,000 to 12,000; my own estimate is approximately 10,000. For Zepa they are approximately 3,000. Most of these missing people are men and boys, but they also include undetermined numbers of women and young children. I have heard credible eyewitness accounts from refugees of mass executions of men and boys by Bosnian Serb

buried in mass graves that were dug on the spot by bulldozers. In at least two cases, I heard the stories, very moving stories, of people who survived mass executions -- one of them a cripple and the other a teenager. I've also heard first-hand accounts of horrible brutalities committed against people who were trying to flee, including the slitting of throats, cutting-off of ears, noses, jaws, and limbs of persons still alive, and tying persons to landmines, resulting in multiple killings. I've heard accounts of the rounding-up of unarmed men and boys, including some who were disabled, holding them in gymnasiums, small stadiums, and other enclosed places, where they were beaten and in some cases executed. There were many credible accounts of the shelling of large columns of civilians attempting to flee, and four separate accounts of the possible use of chemical weapons that severely disoriented fleeing people, causing several of them to commit suicide.

Information was presented to me also about rapes and sexual abuse of women. I also heard several accounts of Bosnian Serb soldiers luring residents to follow them by wearing U.N. helmets, and then attacking them. On the busses that transported displaced persons from Zepa and Srebrenica women, children, and the elderly were robbed of their money and jewelry, pelted by rocks, and repeatedly taunted and threatened by soldiers and others at checkpoints along the routes. In one case, I heard the very moving testimony of a woman from Zepa, whose five-year-old daughter was taken from her by a soldier, who held a knife at the girl's throat and threatened to slit it unless she turned over all her money, which she did.

Nearly all the refugees with whom I spoke stated that General Mladic was highly visible throughout this time in Srebrenica and Zepa, and one eyewitness claimed that he was present at a mass execution of men and boys.

Finally, I heard substantial information about the existence of Bosnian Serb detention centers or concentration camps for an undetermined number of men and boys from Srebrenica and Zepa at Potocari, Bratunac, Bratkovic, and Rogatica. Based on all of this information, I am deeply concerned about the safety and fate of a very large number of people who are missing from Srebrenica and Zepa, and I call upon the Bosnian Serb Army to release all civilians being held and to provide immediate access to these people. It is impossible at this point to estimate accurately how many may have been killed, but clearly that number is very substantial.

The accounts that I have heard in Tuzla and Zenica indicate that there may be substantial new evidence of genocide and crimes against humanity in eastern Bosnia. This evidence is now being investigated by the international war crimes tribunal, and I firmly believe, based on what I have heard, that if the evidence is substantiated, it will -- and should -- lead to additional indictments of the Bosnian Serb military and civilian leadership, and other individuals, for the most

serious crimes known to mankind.

I want to end my opening statement by paying tribute to the people of Tuzla and Zenica, who are committed to maintaining their diverse communities, to receive and help the displaced persons from Srebrenica and Zepa and other areas, and to ensure that their Bosnian cities will remain beacons of civilization, where different religions and ethnic groups can leave in peace as neighbors, side by side. The continued existence of these and similar cities and towns in Bosnia, and the principles for which they stand, is ultimately what is at stake here. Thank you. I'd be very glad to take your questions.

Q: What are you going to do after these findings, and is anyone pressing the Bosnian Serbs to allow access to these people detained [inaudible]?

ASSISTANT SECRETARY SHATTUCK: We certainly are strongly pressing for access by international humanitarian organizations and, as I said in my statement, for the immediate release of all civilians, and I will be travelling to Geneva tonight and having further discussions about this matter with the U. N. High Commissioner for Refugees, the International Committee of the Red Cross, and other organizations in Geneva.

Q: How many refugees did you actually interview?

ASSISTANT SECRETARY SHATTUCK: I interviewed either 11 or 12 individual refugees in both Zenica and Tuzla.

Q: A total of 11 or 12?

ASSISTANT SECRETARY SHATTUCK: Right.

Q: How many were actual witnesses to these atrocities, had seen them themselves?

ASSISTANT SECRETARY SHATTUCK: These were all eyewitnesses to the atrocities and individuals who were displaced persons and who had either witnessed, in the most horrendous case, mass executions when they were themselves targets but survived or other kinds of atrocities of a kind that I've outlined. All of the information that I've given you here today comes from eyewitnesses to those events.

AMBASSADOR GALBRAITH: If I can add a point about these accounts. Some of these were not just mass executions but also organized killings, seemingly intended to wipe out very large numbers of people, and the witnesses, several of them that Assistant Secretary Shattuck interviewed, were people who very fortuitously survived these organized killings. These are in circumstances where you would not expect to find very many witnesses, but which raise the question what has happened to, as Assistant Secretary Shattuck said, the 10,000 people

who are missing. Only a few hundred have been accounted for. That's what is so disturbing.

Q: You said you interviewed two cases [who were] survivors of these mass executions. Could you tell us what they told you - what were the circumstances of the mass executions and how they managed to survive.

ASSISTANT SECRETARY SHATTUCK: The cases involved, in one instance, an individual who was held with a large number of other men in an enclosed area -- he thinks a warehouse -- where lots of people were beaten during the course of the night, and then individuals were taken out one at a time and led blindfolded into trucks, and then taken off into groups of about twenty. He was in one of those groups of twenty. When his line was shot, he was certain that he was dead and he fell. But miraculously the bullet had not struck him. In the case of another individual, the situation occurred in an enclosed place that was open -- that was a small stadium or football field -- and this individual was grazed very badly and bloodied -- and there was certainly evidence of the fact that he was grazed -- but he was not killed. Both of them remained with the other bodies until those Serb soldiers had gone away.

Q: How did these witnesses come to your attention?

ASSISTANT SECRETARY SHATTUCK: I used three different ways of obtaining information. One was by going directly--with the approval of the Bosnian authorities--to the centers where large numbers of refugees were being protected--not the initial reception centers but the centers where large numbers of people come together; second was by requesting information from the Bosnian authorities, and they produced some of these individuals; and the third was through sources from NGOs.

Q: How many of the 11 or 12 were Srebrenica and how many were Zepa?

ASSISTANT SECRETARY SHATTUCK: I think it was six Srebrenica and five Zepa.

Q: And all had told their stories to their own government and/or to (inaudible)?

ASSISTANT SECRETARY SHATTUCK: No. In several instances I actually interviewed refugees who had not, apparently, told their stories to any outside organization. They, I think, had given information when they came into the reception areas.

Q: On the Zepa ones, other than this woman who told you about her daughter having the knife put at her throat, what kind of atrocities did you hear? Because, when we were there interviewing the refugees when they came out, it was quite different than the Srebrenica situation. They were not nearly

as traumatized and they did not have the reports of atrocities. In part, we felt, because the men had stayed behind and were still fighting.

ASSISTANT SECRETARY SHATTUCK: I think there were not as graphic accounts in the case of the Zepa refugees. Mostly they involved difficulties that women had encountered on the buses, including the case in the example that I cited. I think the biggest concern, with respect to the Zepa refugees, is who has remained behind, because we have no information regarding their situation, unlike the Srebrenica refugees where we do know stories of what happened.

Q: Can I just ask you what, if any, more details you have of the suggestion that chemical weapons might have been used (inaudible)?

ASSISTANT SECRETARY SHATTUCK: I think you have to bear in mind that, first of all, these are simple and very frightened people. So, I have no way of independently assessing. Although, I can tell you that in four different cases, I believe, one in Zepa and three in Srebrenica, we heard information about shells that came onto large groups of fleeing civilians, that didn't explode but emitted powder or dust, and then the refugees became disoriented; and that kind of story was what we were told. They said themselves, which made them I think quite credible, that they had no way of knowing whether these were toxic or chemical weapons, but they certainly knew that individuals were disoriented and in some cases committed suicide.

Q: How much evidence is there to tie Mladic directly to that mass execution?

ASSISTANT SECRETARY SHATTUCK: Again, many of the refugees indicate sightings of Gen. Mladic and instances in which he talked to the refugees. I have one story from one refugee that he saw Gen. Mladic at one of the mass execution sites.

Q: Was this one of the two who had actually survived?

ASSISTANT SECRETARY SHATTUCK: Yes.

Q: Are you going to make any attempt to get in contact with Bosnian Serb authorities to get their response or to work with them in any way on your report?

ASSISTANT SECRETARY SHATTUCK: Well, certainly all the information that I'm reporting here today is going to have to be sifted. It represents individual accounts. It will be very much taken into consideration and referred to the authorities, including Bosnian Serb authorities, no doubt. The International War Crimes Tribunal is also looking at this subject, I know. It's very important information, I think, for the international community to have and it must be further inquired into.

Q: The two cases of the men that you described, were they both from Srebrenica?

ASSISTANT SECRETARY SHATTUCK: Yes.

Q: And their approximate ages?

ASSISTANT SECRETARY SHATTUCK: One was an older man in his fifties and another was a considerably younger man, a teenager.

Q: Was he the one that was grazed?

ASSISTANT SECRETARY SHATTUCK: I think that I'd prefer, for the sake of protecting the identity of the individuals, not to get into further descriptions.

Q: Would it have been the teenager who saw Gen. Mladic?

ASSISTANT SECRETARY SHATTUCK: Again, I'd rather not get into identifying particular individuals at this point, until they determine how much their stories are ...

Q: (Inaudible) Was he in a group of twenty as well? Same pattern?

ASSISTANT SECRETARY SHATTUCK: Yes.

Q: Taken onto a truck? Taken off a truck?

ASSISTANT SECRETARY SHATTUCK: Right. Generally that seemed to be the pattern. There were also instances of--accounts of--killings that took place along the way of the escape route, the column of people who were trying to flee. I did not have any first hand accounts of individuals who had survived those executions.

Q: Do you mean to say that these eleven people of whom you spoke are newly arrived? Were they in the first wave of refugees?

ASSISTANT SECRETARY SHATTUCK: Relatively newly arrived, yes. They had been there for probably no more than a week or ten days.

Q: Can I ask Ambassador Galbraith to explain what happened in your talks with President Tudjman today?

AMBASSADOR GALBRAITH: Actually, I'm prepared to say very little about it. Needless to say, the United States is extremely concerned about the volatile situation that exists today in Croatia and about the prospects for a wider war, and I went to Brijuni to discuss that situation with President Tudjman.

Q: Do you have a sense that there is going to be an

operation in Krajina by the Croats? Is that what you warned the president against?

AMBASSADOR GALBRAITH: Certainly, as all of you have reported, the Croatian Army is very largely mobilized. The situation is extremely tense. And, obviously, there is a danger that conflict could break out in Croatia. And that's why, we think that it is imperative that the Croatian peace process be resumed. It's actually a process that made very substantial progress in the last year, beginning with the March 29, 1994 ceasefire agreement, the beginning of the so-called Z-4 process, the economic agreement, the preparation of a political plan that was supported by the U.S., the Russian Federation, the European Union and the United Nations. And we think that that still represents, a negotiated settlement represents a--by far--better alternative to a war, that is going to involve many casualties, much destruction, and, which, even if it were successful in Krajina, would leave the problem of Eastern Slavonia unresolved. And, of course, Eastern Slavonia is the place where most of the Croatian displaced come from.

Obviously, we wish to see the peaceful path resumed. The current crisis, let us be completely clear, was provoked by the decision of the krajina Serb authorities to cross the international border and engage in attacks on the territory of another state, Bosnia-Herzegovina, and on a U.N. safe area. They've made statements about withdrawing and, evidently, there have been some withdrawals, not complete withdrawals. And we think that they put themselves in an extremely perilous position by failing to withdraw completely, by continuing--apparently--artillery attacks from their territory onto the territory of Bosnia-Herzegovina, and it certainly would be true, if as has been reported to me--and I'm not in a position to verify this independently--if there were air strikes on Bosnian territory from Udbina airfield.

Q: Did the president accept your answer?

AMBASSADOR GALBRAITH: Well, that goes to diplomatic discussions, which I'm not going to get into.

Q: Are you concerned that war could break out in the next few days?

AMBASSADOR GALBRAITH: I'm very concerned about the volatile situation that exists in Croatia and stress the importance of resuming the peace process.

ASSISTANT SECRETARY SHATTUCK: Thank you very much.

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REPORTS: GENERAL ENCOURAGED RAPE, KILLING IN SREBRENICA
 Philadelphia Inquirer (PI) - WEDNESDAY August 9, 1995
 By: Roy Gutman, NEWSDAY
 Edition: FINAL Section: NATIONAL Page: A01
 Word Count: 1,515

TEXT:

TUZLA, Bosnia-Herzegovina - Witnesses to the "ethnic cleansing" of Muslims that took place last month in the former U.N. safe area of Srebrenica say that Gen. Ratko Mladic, the Bosnian Serb military leader, announced a "feast" of blood and personally attended much of the butchery that followed.

Refugees who were interviewed said Mladic repeatedly declared his intention to kill as many Muslims as possible, in particular able-bodied men, and at one point encouraged his troops to rape the young women of Srebrenica.

There was a major atrocity," said John Shattuck, U.S. assistant secretary of state for human rights. His interviews with more than a dozen survivors from Srebrenica and the nearby enclave of Zepa turned up "substantial new evidence of genocide and crimes against humanity," Shattuck said. "Mladic's involvement is unquestionable. He was omnipresent."

The reported murders and disappearances after Mladic's conquest of Srebrenica would rank among the largest-scale atrocities of a war that almost from its beginning in 1992 has shocked the world's conscience.

Mladic has denied that he has done anything wrong. After being indicted by an international war-crimes tribunal for genocide and crimes against humanity, he told reporters: "I got used to that. I am just a man who defends his people." He said charges of rape are unfounded because "we Serbs are too picky" and would not be attracted to Muslim women taken by force.

He has said that men and boys seized by Serbian forces are "war criminals," and has not otherwise accounted for the large numbers of missing people.

Refugees told reporters, human-rights investigators and Shattuck that Mladic appeared daily before thousands of refugees who fled on July 11 to the supposed protection of Dutch peacekeepers in ~~Srebrenica~~, six miles from Srebrenica. He arrived in a luxury sedan or on horseback, and sometimes distributed chocolate to the children.

On or about July 12 he announced the "feast" of blood, according to ~~refugees~~ who said she was present at the event. According to her account, Mladic exclaimed "there are so many" as he spotted the large number of men and boys in the crowd of several thousand refugees.

"It is going to be ~~very~~ (a long, delectable feast). There will be blood up to your knees," Sadikovic remembered him saying.

He then nodded at the many young women in the crowd.

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"Beautiful. Keep the good ones over there. Enjoy them," he told his troops, according to Sadikovic.

Sadikovic, 42, who fled to Srebrenica from the village of [redacted] in 1991, said that each night young women were removed from the building in which they stayed in [redacted] and that they were not seen again. Men and boys from 16 to 60 were led away; they never returned. Dutch soldiers said they heard shots fired in the forest above Srebrenica day and night in what they took to be executions.

A day or so later, at a different location, Mladic directly threatened to execute more than 4,000 Muslim men and boys captured by his troops while trying to flee the region on foot. Appearing at the outdoor soccer stadium in the Serb-occupied town of Nova Kasaba, Mladic first assured his captives that he would protect them. Then he switched his tone, denouncing the Bosnian army for killing 70 Serbian soldiers in a battle over Mladic's home village.

"For every one of mine, 1,000 of yours are going to die," he said, according to Small Hodzic, 63, a refugee from Cerska, who was in the crowd. A tape recounting his ordeal was obtained by ****Newsday****. Hodzic also was interviewed by Shattuck, and gave a statement to Globus, the independent Zagreb weekly.

At least 2,000 Muslim men and boys were shot that evening, according to Hodzic's account. He said he survived by falling at the first volley of machine-gun shots beneath a man who was killed. Hodzic said he waited for some hours and then crawled over 200 bodies toward the nearby woods. He and two others who had escaped made their way on foot to territory held by the Bosnian government, an 11-day trek.

Sadikovic was one of 10 refugees interviewed by ****Newsday**** from among the thousands of Srebrenica refugees who have flooded the Tuzla region. Hodzic and other witnesses to mass executions are being protected by the Bosnian police and are expected to testify before the U.N. War Crimes Tribunal in the Hague, Netherlands.

According to the highest elected civilian official in this area, Tuzla Mayor Selim Beslagic, about 10,000 of the 42,000 residents of Srebrenica are missing. Besides the 31,000 refugees in Tuzla, the International Red Cross has been able to locate only 164 survivors from Srebrenica, in a Serbian detention camp in Batkovic.

Mladic was reported to have held prisoners in other locations, but the Red Cross said it had inspected almost all the sites and found no prisoners.

Late last month, the Hague tribunal indicted Mladic and Bosnian Serb political leader Radovan Karadzic for genocide and crimes against humanity. U.S. sources predicted the indictment would be expanded as a result of Srebrenica.

Refugees said that poison gas was used in the assault on Srebrenica, which Mladic led. They also said that vehicles seized from Dutch peacekeeping troops were used in the attack, and that U.N. officers were impersonated.



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Shattuck said he also had heard convincing accounts of the use of toxic substances.

Sakir Muratovic, 33, a Bosnian army soldier, had set off from Srebrenica on July 10 along with Hodzic and about 15,000 others, of whom 12,000 were soldiers and the rest civilians. They got as far as Konjevic Polje, a predominantly Muslim town the Serbs captured in 1993, when Muratovic noticed a change in the air. "Suddenly, it smelled of roses," he said, and people in the column acted as if they had been drugged. "Some were dazed, some had memory loss, they turned on each other, and some even shot each other." Muratovic said he left the group and watched the next day as Serbian forces drove up in U.N. vehicles and promised to bring the refugees to safety.

He said that the Serbs announced each group that came over, and that the total number was 2,500. According to survivors' accounts, these men were later executed.

It took Muratovic 17 days to reach Bosnian government territory, he said.

A characteristic of nearly every survivor's account of Mladic's alleged abuses was that he offered soothing words as the slaughter was about to begin. Shattuck said this was a typical "fascist pattern we've seen throughout" the war.

Ramiza Begic, a Srebrenica native, recalled seeing Mladic inspecting a truck convoy of refugees before her departure from Potocari to Tuzla on July 13. "He walked along the line of trucks and said: 'Don't touch them.' Meanwhile, his escorts were removing people off the trucks and slitting their throats," she said. Begic said she saw at least 10 victims, mostly older people.

Hasna Fejzic, 47, recalled that Mladic sent off the July 15 convoy of buses with an order for the murder of its passengers. "Slaughter everything from young to old," she quoted him as saying. "Ali thought all of Bosnia will be his," he added, referring to Bosnian President Alija Izetbegovic. "He won't get anything."

Fejzic said that on her bus trip, five young girls and 15 boys from 12 to 15 years of age were removed and never seen again. One teenage girl from Srebrenica got on the bus almost naked and badly bruised - almost certainly a victim of rape and beatings. On arrival in Tuzla, she hanged herself from a tree, Fejzic said.

Witnesses said that Mladic was particularly disarming in his address to the captured Bosnian army soldiers. Appearing before the thousands who had been ambushed and captured near Konjevic Polje, according to Hodzic, he began with a hearty greeting.

"Good day, good people, good neighbors. Welcome," he said. "No one will touch you. Nobody will beat you. You are now protected." He promised to hold young Bosnian men for future prisoner-of-war exchanges, and to send older ones immediately to their families in Tuzla.

Then Mladic began to make threats, according to Hodzic: "We didn't touch you for three years. We respected the (demilitarized zone). And then your

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Zulfo (a Bosnian commander) breached the agreement. He sent the army to burn my Visnice. My village has burned down, and that is why thousands of yours are going to burn down." He then threatened to kill 1,000 Muslims for every Serb killed in the attack on his village.

The men were blindfolded, loaded onto covered trucks and taken that evening to Bratunac, and later to a sports hall in Karakaj, according to Hodzic's account. They then were taken in groups of 50 to the killing ground, thought to be at a village called Grbavce. Hodzic, riding along only minutes before what was to have been his execution, raised his blindfold for a moment and looked behind his truck. In a jeep following the death convoy he saw Gen. Mladic.

CAPTION:
PHOTO

PHOTO (1)

1. Ratko Mladic: Already under indictment for genocide.
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