

COPYRIGHT / USAGE

Material on this site may be quoted or reproduced for **personal and educational purposes** without prior permission, provided appropriate credit is given. Any commercial use of this material is prohibited without prior permission from The Special Collections Department - Langsdale Library, University of Baltimore. Commercial requests for use of the transcript or related documentation must be submitted in writing to the address below.

When crediting the use of portions from this site or materials within that are copyrighted by us please use the citation: *Used with permission of the University of Baltimore.*

If you have any requests or questions regarding the use of the transcript or supporting documents, please contact us:

Langsdale Library
Special Collections Department
1420 Maryland Avenue
Baltimore, MD 21201-5779
<http://archives.ubalt.edu>

BILL McCOLLUM, FLORIDA
CHAIRMAN

DANA ROHRBACH, CALIFORNIA
CO-CHAIRMAN

MEMBERS

WILLIAM BROOMFIELD, MICHIGAN
CHRISTOPHER COX, CALIFORNIA
JOHN T. COULTLE, CALIFORNIA
ROBERT DORNAN, CALIFORNIA
GEORGE W. GEKAS, PENNSYLVANIA
BENJAMIN GILMAN, NEW YORK
JIM LIGHTFOOT, IOWA
BOB LIVINGSTON, LOUISIANA
DAVID OBAYE, NEW YORK
FRANK D. RIGGS, CALIFORNIA
TIMOTHY W. WISE, WISCONSIN
OLYMPIA J. SNOWE, MAINE
D. W. BROWN, FLORIDA



TASK FORCE ON TERRORISM &
UNCONVENTIONAL WARFARE
HOUSE REPUBLICAN RESEARCH COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

LAUGHN S. FORREST
CHIEF OF STAFF

YOSSEF BODANSKY
DIRECTOR

DONALD J. MORRISSEY
LEGISLATIVE DIRECTOR

JAMES E. GEOFFREY
EDITOR

SCOTT BRENNER
PUBLIC AFFAIRS

1522 LONGWORTH BUILDING
202/225-1871

IRAN'S EUROPEAN SPRINGBOARD?

September 1, 1992

The escalation of the fighting in Bosnia-Herzegovina has a significance for Europe that extends far beyond the human tragedy of the conflict. The struggle for Sarajevo and the fate of the area's diverse population is rapidly transforming into a proxy battlefield for the future and fortunes of the growing Muslim community of Western Europe. This fact directly affects the extent and nature of the assistance provided by several outside powers led by Iran to the local Muslim authorities.

Thus, Tehran and its allies are using the violence in Bosnia-Herzegovina as a springboard for the launching of a jihad in Europe. Consequently, the character of the armed struggle waged by the Muslims of Bosnia-Herzegovina -- against the Serbs and Croats, as well as against their own brothers -- has been determined as much by the "needs" of the Muslim world as by the peculiarities of the local situation.

* * *

The history of Yugoslavia's Muslim community has been one of victimization by the Slavic majority. However, Bosnia-Herzegovina's Muslims have long been considered by the Islamist leadership in the Middle East to be ripe as a vehicle for the expansion of Islamic militancy into Europe. Additionally, the pro-Arab policies of the Tito government during the 1960s further enhanced the situation of the Muslims as radical Arab movements were permitted to conduct active propaganda in Yugoslavia, and during the 1970s were even allowed to recruit volunteers to join Palestinian terrorist organizations such as the PLO. Yugoslavia also provided extensive military assistance to the Arab world and numerous experts and technicians, many of them Muslims, spent long periods in the Middle East.

That said, although Muslims constitute only some 40% of the population of Bosnia-Herzegovina, they have defined the character of the republic because of the peculiarities of the power structure that was imposed during Marshal Tito's rule. Further,

BILL McCOLLUM, FLORIDA
CHAIRMAN

DANA ROHRBACHER, CALIFORNIA
CO-CHAIRMAN

MEMBERS

WILLIAM BROOMFIELD, MICHIGAN
CHRISTOPHER COX, CALIFORNIA
JOHN T. DOOLITTLE, CALIFORNIA
ROBERT DORNAN, CALIFORNIA
GEORGE W. GEKAS, PENNSYLVANIA
BENJAMIN GILMAN, NEW YORK
JIM LIGHTFOOT, IOWA
BOB LIVINGSTON, LOUISIANA
DAVID O'S MARTIN, NEW YORK
FRANK D. RIGGS, CALIFORNIA
AMES F. SENSENBRENNER JR., WISCONSIN
OLYMPIA J. SNOWE, MAINE
D. W. BILL YOUNG, FLORIDA



TASK FORCE ON TERRORISM &
UNCONVENTIONAL WARFARE
HOUSE REPUBLICAN RESEARCH COMMITTEE

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515

DAUGHN S. FORREST
CHIEF OF STAFF

YOSSEF BODANSKY
DIRECTOR

DONALD J. MORRISSEY
LEGISLATIVE DIRECTOR

JAMES E. GEOFFREY
EDITOR

SCOTT BRENNER
PUBLIC AFFAIRS

622 LONGWORTH BUILDING
202 225-0871

Executive Summary
IRAN'S EUROPEAN SPRINGBOARD?
September 3, 1992

The following paper outlines the history and current relationship between Iran and the conflict in Bosnia-Herzegovina, particularly the Muslim community of that former Yugoslav republic. The article also touches on the impact of the conflict on the Muslim minority communities of Western Europe. The paper will include the following points:

- The history of the Muslim community in Yugoslavia was largely one of oppression, however, during the Tito years, policies were adopted that enhanced the position of Bosnia-Herzegovina's Islamic community.

- Iran's terrorist infrastructure has derived much of its support from Bosnia's President, Alija Izetbegovic, "a fundamentalist Muslim and a member of the Fida'iyen-e Islam organization," a group dedicated to establishing Islamic rule wherever Muslims live.

- In an effort to increase support for the Muslims of Bosnia, Izetbegovic undertook an Iranian inspired strategy of having Muslim operatives stage atrocities, including possibly the killing of ABC producer Dave Kaplan, to gain world support.

- By portraying American inaction in the Sarajevo battle as part of a Western effort to purge Europe of its Islamic community, Iran has been able to rally Muslim support throughout the world, and tap into bitter resentments in Western Europe's Muslim population.

- During the Sarajevo battle, Iran sent a fact finding delegation led by Ayatollah Ahmad Janati to Bosnia. Upon his return, Janati proclaimed the provision of weapons to Europe's Muslims as Iran's highest priority and threatened that if the Bosnian Muslims were defeated, they would launch a guerilla war that would engulf all Europe.

- With an estimated 3% to 6% of the over 8 million Muslims living in Europe believed to be involved in some form of Islamist activity, there is an increasing possibility of a major terrorist action being launched from Europe's Muslim community.

beginning in the mid-1970s, Islam began experiencing an unexpected renaissance in communist Yugoslavia. This was a direct outcome of Belgrade's close relations with the Arab world and involvement in Arab radical politics.

Indeed, the 1980s saw a marked increase in the number of mosques throughout Bosnia-Herzegovina in the wake of a revival of Islamic life. Increasingly, a growing number of local youth were sent to higher Islamic studies in the Middle East, especially Iran, where the classes in schools for radical mullahs included some 250 Bosnians a year. This interrelationship developed so much so that by the summer of 1984, Yugoslav security authorities had become worried about the growing internal security risks posed by illegal immigration, particularly of Muslims from Albania and the Middle East.

Thus, as of the early-1980s, the Belgrade authorities were aware of the "increasing militancy" of the Muslim population and their growing contacts with Iran and other radical Arab states. Belgrade recognized that having become a base for "Muslim terrorists" operating against the West, the Yugoslav Muslim youth were drawn into cooperation with, and emulation of, Arab terrorists.

Consequently, in due course, Islamic revolutionary violence began in 1983-84, albeit on a small scale, but the precedents were established. For example, 18 Muslims were convicted in Bosnia in August 1983 for "political and religious activism" which amounted to membership in a clandestine terrorist/subversion Islamist organization, including contacts with Islamic Jihad. In March 1984, a Muslim terrorist threw a home-made bomb into a crowd in a local municipality. He committed this act of terrorism as a protest against the authorities' refusal to recognize Islam and the suppression of religion by the communist authorities in the township. It is important to note that these and other fledgling Islamic terrorist activities received assistance from the Middle East, especially Palestinian organizations. However, most of the militants did not act in the name of Islamic solidarity because they did not want to adversely affect the extensive support they were receiving from Belgrade.

Meanwhile, the Muslim youth of Bosnia-Herzegovina were being exposed to Islamist terrorism. The Syrian-Iranian terrorist campaign in Western Europe was conducted in the early-1980s under the cover of the Lebanese Armed Revolutionary Forces (LARF) from a forward base in Yugoslavia that included several Islamic Jihad operatives. Other Palestinian terrorist organizations operating in close cooperation with Syria and Iran were also using Yugoslavia as their own forward base as well as for launching operations by their international partners. Since 1987, Ahmad Jibril's "foreign division," optimized to conduct operations in the West, has been the primary operational channel of the

international terrorist system controlled by Syria and Iran. The PFLP-GC had networks and offices in Yugoslavia that also housed HizbAllah operatives. "Islamic Jihad's planners expect to be able to use Yugoslavia as their base in Eastern Europe if only because of the assured sympathy of the Bosnian Muslims," John Laffin observed in 1988.

Many of these Islamist terrorists established contacts with the local Muslim communities and began to actively recruit supporters from their ranks. Tehran was very encouraged by the local welcome, for by then, many Bosnians who had undergone extensive terrorist training and Islamist indoctrination in Lebanon and Iran were returning home, where they immediately began organizing and radicalizing the local communities. However, with the growing intra-ethnic tensions in Yugoslavia, many of the Iranian controlled and trained terrorists and their local support networks gradually shifted their attention away from Islamic Revolution to supporting their Muslim brethren in the more local struggle against the Serbs and Croats.

Meanwhile, Iran has also consolidated a Muslim leadership network supportive of Tehran's world view. At the center of the Iranian system in Europe is Bosnia-Herzegovina's President, Alija Izetbegovic, "a fundamentalist Muslim and a member of the Fida'iyān-e Islam organization," who is committed to the establishment of an Islamic Republic in Bosnia-Herzegovina. The Fida'iyān-e Islam group advocates the struggle for the establishment of Islamic rule wherever Muslims live, and as early as the late-1960s, had already recognized the leadership of Ayatollah Khomeyni and maintained close cooperation with his people.

Indeed, in 1970, Izetbegovic published his Islamic Declaration stating his world view: "There can be no peace or coexistence between Islamic faith and non-Islamic faith and non-Islamic institutions," he wrote. "The Islamic movement must and can take power as soon as it is morally and numerically strong enough, not only to destroy the non-Islamic power, but to build up a new Islamic one." After Khomeyni's triumph in Tehran, Izetbegovic renewed his call to implement his Islamic Declaration, began organizing an Islamist political movement, and within a few years was thrown in jail for subversion.

Later, in early-May 1991, Alija Izetbegovic made an official visit to Tehran where he reiterated his long-held views about the future of his country. He was described by Tehran as "a Muslim believer whose party is the strongest political organization in Bosnia-Herzegovina and rallies Yugoslav Muslims" to the Islamic cause. While in Tehran, Izetbegovic emphasized that "Islam has very deep roots in Bosnia-Herzegovina" which affects its policies. Alija Izetbegovic also declared that Bosnia-Herzegovina was "anxious to expand" its diverse and comprehensive ties with

Iran.

In return, Iran promised massive financial assistance and other help to rejuvenate Bosnia's local economy. In Tehran, members of the Bosnian delegation emphasized the importance of the Islamic factor in generating Iranian investments in Bosnia-Herzegovina: "Muslim intellectuals in Yugoslavia believe that in the event of inevitable privatization of the Bosnia-Herzegovina's (sic) industry, the capital from the larger neighboring republics of Serbia and Croatia could flow into these industries and outvote Muslims in the republic's economy. This will lead to their political weakness, they fear, adding that Islamic countries' investments in the republican economy could change such unfavorable developments."

In addition to these economic considerations, special attention was paid to the expansion of religious and cultural ties, including expansion of the training of Yugoslav Muslims in Iranian schools as well as the translation and publication of key Islamic texts, including the basic Shi'ite works, in Bosnia-Herzegovina. Tehran, needless to say, has been enthusiastic concerning Islamic-cultural assistance.

Later, in pursuit of his goal to establish an Islamic Republic, Izetbegovic also visited Libya in the summer of 1991, seeking financial and political support. "At present," he explained upon returning to Sarajevo, "I do not ask our brothers in the Muslim states for weapons, only political support. However, if the civil war expanding in our country endangers our Muslim brothers, then many things can happen."

*

*

*

However, with the changes in the military situation in Bosnia-Herzegovina, primarily the tightening of the siege on Sarajevo, and the off-again, on-again cooperation between the Muslims and the local Croat forces under Mate Boban, (who repeatedly cuts off the supply of weapons to the Muslim forces), Izetbegovic became convinced that it was necessary to undertake drastic measures of a kind that had long been advocated by Tehran. The Iranians had argued that before any escalation in the fighting could take place, it was imperative to either gain the sympathies of the West or, at the least, to ensure that there existed a legitimate excuse that would enable the presentation of any action undertaken by Muslim forces as justifying revenge for Serbian atrocities.

To that end, beginning in May 1992, a special group of Bosnian Muslim forces, many of whom had served with Islamist terrorist organizations, began committing a series of atrocities, including "some of the worst recent killings," against Muslim civilians in Sarajevo "as a propaganda ploy to win world sympathy and military

intervention." For example, around June 20, Serbian troops besieging Sarajevo engaged a detachment of Muslim special forces dressed in Serbian uniforms who were on their way to attack the Muslim sector from within the Serbian lines. Such an attack, if successful, would have been attributed to the Serbs. As it was, some of these Muslims troops were killed in the brief encounter and a few were captured.

Moreover, a UN investigation concluded that several key events, mostly strikes against civilians, that had galvanized public opinion and governments in the West to take bolder action in Bosnia-Herzegovina, were in fact "staged" for the Western media by the Muslims themselves in order to dramatize the city's plight. Investigations by the UN and other military experts count among these self-inflicted actions the "bombing of the bread queue" (May 27), the "shelling" of Douglas Hurd's visit (July 17), the "explosion in the cemetery" (August 4), and the killing of ABC producer David Kaplan (August 13). In all these cases, Serbian forces were out of range, and the weapons actually used against the victims were not those claimed by the Bosnian authorities and the Western media.

However, despite their putting the plight of Sarajevo on the front page of the world's newspapers, these provocations ultimately failed to deliver the results anticipated by Izetbegovic. The West proved unwilling to stop the Serbian onslaught and to relieve Bosnia-Herzegovina's dependence on Croatia for access to the outside world. Thus, when these actions largely failed, beyond symbolic gestures, Sarajevo turned to Tehran for assistance in undertaking more drastic measures.

Indeed, Iran has markedly intensified its political involvement in Bosnia-Herzegovina since late-June. From the very beginning, Tehran argued that the plight of the Muslims was an issue directly affecting the entire Muslim world. Therefore, Tehran argued, "the governments ruling Islamic countries should take measures to prevent genocide of Muslims in Europe." Although the West acknowledged that the deterioration of the situation in Sarajevo called for a military intervention, nothing was done by the UN. "It seems that Muslims have been left with no choice but to take practical measures to face the brutal Serbs and to make up for the indifference shown by the fraudulent West.... It can even include facilities for the participation of volunteers in the war against the Serbs to defend Muslims."

Additionally, Tehran warned that "if Muslims did not rise up today and take a practical, serious and deterrent measures, the Serbs would commit similar crimes in other Muslim-dwelling areas of former Yugoslavia and no Muslim would be immune in any part of Europe." This was the first introduction of the theme that would characterize the Iranian approach, namely, that the situation in Bosnia-Herzegovina was a microcosm of the real situation of Islam

in Europe.

Thus, on July 2, a \$10m shipment of humanitarian assistance from Iran to the Muslims of Bosnia-Herzegovina was sent via Hungary to Zagreb for further distribution via Islamic humanitarian organizations. The Iranians shipped primarily food and medicine. Bashir Begovich, the head of the Marhamat, the Bosnian Muslim charity organization that received the bulk of the Iranian assistance, hailed its importance because the food delivered conformed with the dietary requirements of the Shari'a. (He added that most of the food delivered by the Europeans cannot be eaten by Muslims.) A second major shipment, almost double the first, was dispatched in mid-August and subsequent shipments are expected to follow in growing frequency.

Meanwhile, Iran's political profile continued to rise. On July 11, Alija Izetbegovic made a special stop in Zagreb on his way from Helsinki, where President Bush had refused his request for air strikes and military assistance, to consult with the Iranian ambassador, Nasrallah Kamyab-Kazemi. Officially, they talked on the coordination of the Iranian humanitarian aid. However, Izetbegovic handed Kamyab-Kazemi special messages for Khamene'i and Hashemi-Rafsanjani promising Croatia economic assistance in return for access to the Muslim parts of Bosnia-Herzegovina.

Subsequently, on July 16, the Iranian Majlis "denounced the genocide of Muslims in Bosnia-Herzegovina by the Christian Serbs" and called these events "catastrophic developments in the Muslim populated European republic." The Majlis reported that "Islamic countries were also asked to help Muslims in this Muslim populated republic by any possible means without any delay." Tehran defined the situation in Bosnia-Herzegovina in terms of a global struggle against Islam. "The reality is that the Serbs cannot carry out such brutal acts without explicit guarantees from the US and the capitalist system of the West," the Majlis explained.

Thus, the Majlis concluded, the plight of Sarajevo is a part of the fateful struggle against Islam. "The capitalist West seems intent to destroy all the potentials of the Islamic world which, inspired by the Islamic Revolution and the dynamic thoughts of its founder, the late Imam Khomeyni, poses a challenge to the US and its idea of the new world order." The Majlis anticipated an Islamic backlash against the entire West starting from Sarajevo. "The US and the criminal West should know that these fascist and abortive policies would lead nowhere, and...the shouts of Allah-o-Akbar [God is Greatest] will be chanted by all freedom-loving people of the world," the Majlis concluded.

The next day, July 17, Hashemi-Rafsanjani attacked the West for not doing enough "to squelch the fire of sedition and the destructive, all-consuming war" waged against the Muslims of

JAM

Yugoslavia. He argued that the "blatant discrimination" exercised against the Muslims is but a part of a global conspiracy against Islam which necessitates urgent steps "to mobilize Arab and Islamic countries to help rescue Muslims wherever they are."

Tehran's perception of the challenges facing it was outlined authoritatively by Iran's spiritual leader, Ayatollah Ali Hussayn Khamene'i in a sermon on 29 July 1992. The essence of Khamene'i's sermon was to warn Tehran, and the entire Muslim world, that they were on the verge of a fateful confrontation between Islam and the West, a confrontation that might result in the expansion of the Muslim world by force of arms. In this context, Khamene'i paid special attention to the plight of the Muslim community in Bosnia-Herzegovina because he considered its suppression an integral part of a US-led Western/Christian campaign "against the Islamic wave throughout the world." In short, Khamene'i's thesis was that with the Church actively supporting the campaign against Islam, the entire Muslim world, led by Iran, must mobilize to support the Muslims of Yugoslavia and Western Europe as a whole.

In Europe, Khamene'i explained, the West wants the Serbs to "destroy that group of Muslims in that region. ... They do not want an independent Muslim country in the heart of Europe." Furthermore, the support of the Christian West to the Serbs is intended to further the ultimate anti-Muslim objectives of the entire European community. "They want to destroy them completely so that a Muslim entity does not remain in Europe. ... In the future, any Muslim entity in Europe, either as a nation or as a large minority within another country poses a threat. That is why they put so much pressure."

Khamene'i pointed out that it is Iran's sacred obligation to help the Muslims of Bosnia-Herzegovina not just because of their responsibility for the Muslims of the entire world, but also in view of Iran's national defense considerations: "We are extremely concerned about the Muslims of Bosnia-Herzegovina. They are Muslims. They are our brothers. They are a helpless minority in the middle of a collective opposed to Islam in different countries. And they face an armed community backed by a strong army which possesses advanced and modern weapons -- these are the same people who for years equipped Iraq against us; it was the same Serbs in the capital city of former Yugoslavia." The entire Muslim world should rally to the help of Europe's Muslims, and Iran will "give them every kind of support," Khamene'i declared.

Subsequently, the Bosnian Foreign Minister Haris Silajdzic visited Tehran in early August and met with several senior officials. He hailed Iran's resolute position and the inspiration of the Islamic Revolution to the struggle of Bosnia-Herzegovina. In his meeting with Silajdzic, Hashemi-Rafsanjani "declared the Islamic Republic of Iran's readiness to extend any form of assistance to that country." He vowed that Iran would provide

Bosnia-Hercegovina with all its fuel requirements. Silajdzic was also told that "experiences have shown that international organizations have not acted in the interests of Muslims and that it is Muslims who should care about themselves."

Mahmud Veza'i went even further, ridiculing Western "duplicity" concerning the plight of the Muslims. "In the heart of Europe and the cradle of freedom and democracy a newly independent nation is being massacred and annihilated in an unequal war and no serious action is being taken to prevent this human catastrophe. This is where once again this analysis gains credence that maybe this is the way Bosnian-Hercegovina Muslim must pay the price of their religious and cultural difference with the rest of the European family." The accusation that the population of Bosnian-Hercegovina is being sacrificed intentionally by the West because of it is Islamic soon evolved into the center of Iranian analysis of the situation in the region.

Indeed, within a few days, Iran significantly increased the level of accusations directed against the West. Now, Tehran accused the West of being the primary force motivating the killings. "When the Serbs declare they are killing the Muslims in order to prevent formation of an Islamic state in Europe, in fact they have formally notified the West of their intentions." Therefore, Tehran saw no alternative but for the Muslim world to mobilize and directly intervene in the fighting on behalf of the Muslims.

Toward this end, "Iran's specific proposal is the formation of an Islamic army comprising volunteer forces from the Muslim world to defend and support [Bosnia-Hercegovina's] Muslims and prevent further massacre of innocent people whose only guilt is being Muslim." Tehran no longer believes that anybody would come to the aid of Bosnia-Hercegovina. "Although it is the responsibility of Europe to maintain security in that part of the world, as long as the West refuses to abide by its commitments, the responsibility should then be shouldered by the Muslims themselves."

Moreover, Tehran warned, time was running out for the Muslim population and decisive action by the Muslim world was urgently needed. "It is about time to put an end to the Serbian crimes and this could only be done by volunteer forces from all over the Muslim world who would rush to help their brothers in faith in the Balkans," Tehran concluded.

Iran immediately began to study the problem and closely examine the situation in Bosnia-Hercegovina. Consequently, in early-August, a high-level Iranian fact-finding delegation led by Ayatollah Ahmad Janati was dispatched to Sarajevo. (Janati is a member of the Council of Guardians and a veteran supervisor of terrorist activities including the US and Canada in the late-1980s). The Janati delegation travelled to Sarajevo via Zagreb and crossed the front lines on the way into the Muslim

heartland. Their mandate was to examine measures to confront "the genocide" of the local Muslims. They studied the weapons supplied to the Serbs from local industries, and several foreign countries.

Upon returning from Sarajevo, Janati stopped in Vienna. There he proclaimed the supply of "weapons for self-defense" to the Muslims as Iran's highest priority. "It is the truth and a reality that only such help can save the lives of the Bosnians. We have already thought about that. Our foreign ministry has invited all foreign and defense ministers of the Islamic world to attend a conference on military aid in Tehran. If all countries reach agreement, we will be the first to provide this kind of help."

Returning to Iran, Janati urged Tehran to take action, declaring that "the people of Bosnia-Herzegovina badly need arms to defend their lives and property and that Islamic countries should assist the people by rapidly forming a common army and supplying arms to avert a great human tragedy in the region. ... Their major need is arms. They have resisted truly courageously. They are under great pressure now, but they lack enough arms to defend themselves and are worried about their fate; if they do not receive assistance, they may soon be defeated and their resistance may break. Something should be done, and the Islamic Republic should take the first step and overcome their needs and problems by every possible means. If the Islamic countries can form a common army or extend joint arms assistance to them, they can preserve themselves."

In a sermon a few days later, Janati further warned that if the Muslims were defeated, they "will launch a guerilla movement" which would engulf all Europe. He added that in his discussions with Bosnian officials, "their main demand was for weapons." Janati emphasized that the fighting against Muslims in Bosnia-Herzegovina must be considered a major phase in the unfolding struggle for Islam. He explained that in recounting the atrocities committed by the Serbians against the Bosnian Muslims, "the memories of the Crusades are now being almost repeated." Janati concluded that "the only solution [is] that Islamic states must form a joint Islamic army and give them military and arms assistance. If Islam is to be sovereign there can be no other way." Subsequently, in late-August, Tehran formally declared the situation in Bosnia-Herzegovina to be a test-case for the validity of its grand strategy.

Needless to say, it would not take long for the implementation of Janati's recommendations to commence. Indeed, since the early-summer, Muslim troops had been reinforced by "volunteers" from the ranks of several Islamist organizations. They arrived in Bosnia-Herzegovina in answer to Tehran's call to fight the Jihad and eager to commit martyrdom in the name of Islam. They included

highly trained and combat proven volunteers from Iran, Afghanistan, Lebanon (HizbAllah), and several other Arab countries. Most of the Arab volunteers had previously fought in the ranks of Palestinian terrorist organizations in Lebanon and the resistance in Afghanistan, and in fact General Amin Pohara of the Bosnian Army confirmed that some 180 mujahideen had arrived from the Middle East by mid-August. (Iranian sources insist that their number is more than one thousand.)

Additionally, the flow of arms to the Muslim forces in Bosnia-Hercegovina also increased markedly during August as the Iranians flew into Zagreb strategically important weapons systems as part of their emergency "humanitarian" assistance program. At the outset, Tehran began supplying the Muslim forces with high-quality weapons that might offset the tactical superiority of the Serbian forces. The weapons supplied included "several" Stinger SAMs provided by the Afghan Mujahideen to Tehran for further distribution to "brothers in need."

Since then, massive quantities of weapons needed to create a larger army capable of waging mid-intensity wars have been shipped from Iran, Turkey and Pakistan. For example, a 32 truck weapons convoy arrived at Konjic in southwestern Bosnia in early-August on its way to Sarajevo, and a 60 truck weapons convoy arrived there in late-August. The convoys arrived from the ports of Split and Rijeka, both in Croatia. Additional shiploads of weapons have already arrived in Ploce and are being unloaded for delivery by truck convoy. However, the security of these lines of communications is extremely precarious even though Zagreb agreed "to close our eyes" and "not ... make any problems" to the flow of weapons to the Muslim forces.

As before, the implementation of the Croatian policy would be entrusted to the local Croat forces under Mate Boban and would be placed in position to block the convoy traffic while on the territory of Bosnia-Hercegovina. Indeed, in late-June, Boban's forces near Busovaca seized a 38 truck weapons convoy that was on its way to Sarajevo. Moreover, Sarajevo's agreement with Zagreb hinges on Izetbegovic's surrendering to Croatia 17 Muslim ex-Yugoslav Army senior officers now holding key positions in his Muslim forces in order to stand trial for war crimes they had committed while in the military during the fighting against Croatia. However, it is highly unlikely that Izetbegovic can afford to hand over senior Muslim officers for a show trial and certain execution at the hands of the Christian Croats. Thus, the siege of Sarajevo and the suppression of the local Muslim population will continue with no end in sight.

* * *

Tehran's warnings to Western Europe are not an idle threat. The greatest potential threat comes from the Muslim emigre

communities in Western Europe. Even without outside agitation, the rise of the Islamic communities in Europe will be a potential source of Western social instability in the next decade.

In Western Europe, Muslim communities will constitute 25% of the population by the year 2000. (At present, Muslims constitute 7-9% of the population in the UK, and 8-10% in France.) Moreover, the Muslim emigre community, and especially the younger, European born, generation is rapidly becoming militant Islamist in outlook. Since the mid-1980s, Iran and the HizbAllah have successfully conducted a massive recruitment drive among these locally-born Muslim youth and many were provided with advance terrorist and clandestine activity training in Iran. Thus, there is in the making a formidable threat because, by a cautious estimate in mid-1991, about 3%-6% of the over 8 million Muslim emigres in Western Europe were already actively involved in Islamist activities.

However, the fundamental source of the problem lies in the irreconcilable difference between Muslim society and the West European environment. The Islamists in Europe have fundamental and uncompromising differences with the society in which they live. The Islamists consider democracy as "the worst scourge the West inflicted on Muslim society in order to destroy it from the inside and annihilate its ancestral values," and are therefore determined to strike it at its core.

Specifically, the religious freedom in the West are a source of trouble. Islam is a communal way of life and the vast majority of emigrants and their European born children live together isolated from, and hostile to, the society around them. The separation of Church and State is contradictory to the tenets of Islam and hence a constant source of tension. The Muslim communities demand to be allowed to retain all aspects of Islam, including laws unacceptable in the West (such as blood vengeance and the killing of females for in revenge for the desecration of family honor, to name but a few), and argue for making Islamic law superior to the civil law of the land. For Muslims, the mere acceptance of the Western law of the land means a contradiction of Islam's tenet that the Sharia is the world's supreme law.

Thus, in early-1992, Mohand Khellil, a journalist and sociologist living in Paris, observed that despite the seeming integration into French society of the younger, second generation of Muslim emigrants, "on every side there seems to be genuine agreement that the Maghrib immigrants are unassimilable." Furthermore, the economic situation in Europe and the oppression in North Africa ensures that they will not return home. Consequently, the Muslim communities of Western Europe are drawn together against a perceived all-encompassing external threat from the society in which they live. The flow of largely Islamist emigrants from Algeria and Tunisia only helps swell a militant community already

"resistant to integration." Thus, the growing tension between the Muslim communities and liberal society may very well result in an Islamist outburst and even armed rebellion.

Thus, sentiments conducive to Islamist terrorism are returning to Western Europe as a direct outcome of the tremendous escalation of the Islamist struggle against the West in Europe. A large segment of the Islamic communities all over Western Europe "openly expresses the ambitious program of radical Islamists engaged in total war against the West." For example, Salah Tamimi, a Tunisian-born activist and a university student in Paris, justifies his presence in France as a commitment to the Jihad: "I am here in France to learn from the inside out the system of the West that oppresses us, to learn its science, techniques, and tricks. I will then be better equipped to fight it ... Even by violence."

Meanwhile, the vast majority of the huge North African community in France ardently supports the fundamentalist FIS [Islamic Salvation Front] in Algeria. Indeed, there is growing evidence of clandestine organizational activities in the Muslim community in several French cities in preparation for the launching of a terrorist campaign in revenge for the support and encouragement given by the French Government to the suppression of FIS in Algeria. The local HizbAllah networks assist these clandestine preparations, and the Islamists' call to avenge the carnage against the Muslims of Bosnia-Herzegovina merely intensifies the turmoil of the already agitated and committed community.

Indeed, the European Islamists have a good organization with state support. As early as 1991, there had already been a surge in the preparations for terrorist activities of the Sunni Islamist clandestine organizations, all of them off-shoots of the Muslim Brotherhood, in Western Europe. At present, some 47 Sunni organizations in Western Europe are organized under the umbrella of the Islamic Liberation Party [Hizb al-Tahrir al-Islami or PLI] with headquarters near Hamburg. In mid-1991, there were some 200 PLI operatives in France alone, all of them well equipped, including having several passports with different names for each key activist.

Meanwhile, as of the summer of 1991, Iran has already begun active preparations for long-term terrorist operations in Western Europe. Most important, in this context, is the advanced terrorist training provided to Islamists from Tunisia, Algeria, France, and Belgium in camps in Sudan. In late-May 1991, the first course for "65 mujahideen who will act as a nucleus for Islamic action in Europe" was launched. In addition to extensive terrorists and clandestine training, they also receive psychological and Islamic tempering and conditioning courses so that they can sustain clandestine operations under conditions of "materialistic Western slavery" without losing their identity and

Islamist zeal.

In the fall of 1991, these efforts were expanded with the establishment of "the Islamic Tide Brigade in Europe," the organization responsible for training and preparing Islamist terrorists for long-term operations in Western Europe, under the direct supervision of the newly promoted Brig.Gen. Bakri Hassan Salih, the Chief of Security Agency of the Sudanese RCC. The first target countries are France, Belgium, Holland, and the UK. In late-November 1991, a group of 16 Tunisian terrorists, a high quality assassination squad, left Khartoum for Paris and Tunis. Additional groups have begun penetrating Western Europe since February 1992.

Thus, the rejuvenation of the PLI as a terrorist organization since the fall of 1991 has come atop the establishment of a comprehensive terrorist infrastructure controlled by Syria and Iran and serving the organizations they sponsor. Between the local assets and the newly inserted detachments, the Islamist radical organizations associated with Iran and Syria have a vibrant system of activists and supporters that constitutes a ready base for operations. They also have large caches of weapons and explosives safely hidden all over Europe. There are several car-bombs, mainly "recycled" European cars so that the licence plates and serial numbers are genuine, stashed away in several cities. A solid command and control system that belongs to the sponsoring states, mainly Iran, tightly supervises these preparations. The overt control system is exercised through diplomatic channels. The covert system is exercised through student and cultural associations used by intelligence agents and operatives. These networks can be used for deniable operations without directly involving the controlling states.

*

*

*

The current crisis in former Yugoslavia may well become the catalyst that will push the Muslim communities of Western Europe into waging a terrorist campaign as an avenging Jihad. The horrors and carnage of the war in Bosnia-Herzegovina are brought home every night to the Muslims of Western Europe by the television news. Consequently, Tehran's argument that the suppression of the Bosnia-Herzegovina Muslims is the first step in a major campaign waged the Western governments aimed at destroying the Muslim communities of Europe is in agreement with, and strongly reinforces, the beliefs already held by these emigre communities. The stream of graphic images of violence in Sarajevo makes inescapable their confronting the possibility that this will be the fate of all Muslims in Europe, and therefore Iranian propaganda finds a receptive audience in an already radicalized community.

Thus, as the siege Sarajevo continues to intensify, so does the

radicalization of the Islamist world. Consequently, the great threat caused by the continued carnage in Bosnia-Herzegovina comes from the foreign volunteers and the numerous local Muslims trained in the Middle East who are capable of carrying their avenging Jihad into the heart of Western Europe, as advocated and urged by Iran, their ideological source and sponsoring patron. These terrorists are highly trained and qualified for such operations. Moreover, when deploying into Europe they will encounter a vast local network of Islamist terrorists and operatives living in the midst of an emigre Muslim community already radicalized and agitated to be on the verge of an indigenous uprising against the West European governments.

Now, further exacerbated by the massive media coverage of the plight of the Muslims of Bosnia-Herzegovina, these Muslim communities are highly motivated and ready to provide help in the rapid expansion and escalation of the new wave of anti-West Jihad advocated by Tehran.

by Yossef Bodansky
& Vaughn S. Forrest

(This paper may not necessarily reflect the views of all of the Members of the Republican Task Force on Terrorism and Unconventional Warfare. It is intended to provoke discussion and debate.)

HELEN DELICH BENTLEY
2ND DISTRICT, MARYLAND

COMMITTEE ON
THE BUDGET
COMMITTEE ON
PUBLIC WORKS AND
TRANSPORTATION
COMMITTEE ON
MERCHANT MARINE
AND FISHERIES

SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, DC 20515-2002

CAUCUSES
STEEL
ART
TRADE AND TOURISM
MARITIME
HUMAN RIGHTS
ENERGY TASK FORCE

September 22, 1992

The Honorable Slobodan Milosevic
President
Republic of Serbia
Belgrade, Yugoslavia

Dear Mr. President:

I made several attempts to telephone you today, but was unable to get through. I am contacting you via facsimile instead.

The House today passed a bill withdrawing Most Favored Nation (MFN) status from the Federal Republic of Yugoslavia. This may not seem much on top of the current sanctions that the international community and the United States have already placed on Yugoslavia, but it is going to make life in Serbia and Montenegro just that much harder for the people, and make new Yugoslavia's economic recovery that much more difficult.

Congressman Phil Crane and myself spoke in opposition to this bill, but current Congressional sentiment is overwhelmingly anti-Serbian, and there was no real chance of defeating this bill. It seems that everyday, here and in other legislative forums, that Serbia is taking harder and harder hits. It has reached a stage where it is becoming impossible for me to defend Serbia's actions.

When I visited in May, I came for a specific purpose, and I backed off. Now, however, for the sake of the Serbian people, and of Yugoslavia, I am joining the chorus to request that you step down as President of the Republic of Serbia. The destruction of Serbia must stop, and this is the only way that is acceptable to the international community.

I will do all in my power to ease your transition from power, and to push for removal of sanctions from Yugoslavia. If it is your wish, I am willing to travel to Belgrade to discuss this with you. I understand your concern for the Serbian people, and I share that concern, but now it is time for a radical change to ensure their continued health and viability.

PLEASE REPLY TO:

WASHINGTON OFFICE:
1610 LONGWORTH BUILDING
WASHINGTON, DC 20515-2002
TELEPHONE: (202) 225-3061
FAX: (202) 225-4251

DISTRICT OFFICE:
200 EAST JOPPA ROAD
TOWSON, MD 21204
TELEPHONE: (410) 337-7222
FAX: (410) 337-0021

DISTRICT OFFICE:
7458 GERMAN HILL ROAD
DUNDALK, MD 21222
TELEPHONE: (410) 285-2747

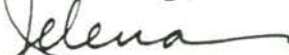
DISTRICT OFFICE:
6 NORTH MAIN STREET
BEL AIR, MD 21014
TELEPHONE: (410) 879-2517

BUY U.S.A. SAVE AMERICAN JOBS!

The Honorable Slobodan Milosevic
September 22, 1992
Page 2 of 2

Please think of the people. With winter approaching, the international sanctions on Serbia will bite even harder, compounding the suffering that the Serbs are already experiencing. Please take this to heart.

Sincerely,



Helen Delich Bentley
Member of Congress

SLOVENIA

Slovenia, formerly one of the constituent republics of the Socialist Federal Republic of Yugoslavia (SFRY), declared its independence from the SFRY on June 25, 1991. The Yugoslav National Army (JNA) attempted to prevent this action by force but after 10 days of fighting agreed to a cease-fire and withdrawal of JNA units from Slovenia. The United States recognized Slovenia as a sovereign state on April 7, 1992.

The Constitution adopted on December 23, 1991, proclaims that Slovenia is a democratic republic governed by the rule of law. Slovenia has a multiparty system with a mixed presidential and parliamentary form of government. The President serves as Chief of State and as commander-in-chief of the armed forces. The coalition government of Prime Minister Lojze Peterle, formed in April 1990, fell in April 1992, and the State Assembly (legislature) confirmed a new coalition Government headed by Janez Drnovsek on May 14. In the elections held on December 6, 1992, Milan Kucan was elected President with 63.8 percent of the total vote. Janez Drnovsek has been proposed as Prime Minister and is expected to be confirmed in January 1993. In the multiparty parliamentary elections held at the same time, no party won a clear majority. The three parties winning the most seats were the Liberal Democratic Party with 22 percent, the Slovenian Christian Democrats with 15 percent, and the Associated List with 14 percent.

Police and security forces are under the control of the Ministry of the Interior, which a civilian official heads. The security forces have been slower to adjust to the democratic transition than other components of the Government. The armed forces do not exercise civil police functions.

The Government is attempting to move from a largely state-owned economy to one primarily based on private ownership. The collapse of the unified Yugoslav market and a recession put serious strains on both labor and capital in Slovenia. Unemployment of 12 percent and the fall in industrial production of more than 20 percent since 1990 struck hard at the relatively compact Slovenian economy. Inflation, however, was cut sharply in 1992, exports increased, and the new currency, introduced in October 1991, remained stable. Nevertheless, unemployment and underemployment continued to be major problems.

Human rights are generally well respected in Slovenia; however, the transition to a democratic society and a free market economy has raised political and social tensions, for example, on the issue of whether Communists and former Communists should be allowed to continue in public life. Slovenia is also confronting decisions regarding political activity, including dissent, and issues of minority rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Unlawful killing instigated by official organs or vigilante groups did not occur in 1992. In June, however, Ivan Kramberger, a presidential candidate campaigning in Jurovksi

SLOVENIA

Dol, was murdered by a suspect who alleged personal motives for the attack.

b. Disappearance

There were no reports of politically motivated or government-instigated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and inhuman treatment, and such treatment is not known to have occurred.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or deprivation of liberty and requires that, on the detainee's request, the detaining authority must advise family or friends of the detention. A suspect may be detained on the basis of a court decision and has the right to immediate legal counsel of his choice. The suspect must be informed of the reason for his detention within 24 hours and may appeal that decision, and the court must decide the appeal within 48 hours. Such detention may not exceed 3 months, unless the Supreme Court extends it for another 3 months. If not indicted, the suspect is released. These rights and limitations are respected in practice. There is no exile.

e. Denial of Fair Public Trial

The court system comprises local and district courts, and the Supreme Court as the highest court in the State. The Constitution states that judges are independent and fill their offices permanently, subject to an age limit. They are elected by the State Assembly on the nomination of the Judicial Council. The Council is composed of 11 members, 5 of whom are elected by the State Assembly on the nomination of the President of the Republic, and the remaining 6 are sitting judges selected by their peers. The nine-member Constitutional Court rules on the constitutionality of legislation and legal regulations and on jurisdictional disputes, and it also acts as a final court of appeal in cases requiring a constitutional interpretation. Members of the Constitutional Court are appointed for one 9-year term. The President submits nominations to the State Assembly for their approval.

Trials are public. Defendants have the right to be given time to prepare their defense, to be present at their trial, to defend themselves on their own or with an attorney, to present evidence on their own behalf, and not to be obliged to testify against themselves. They have the right of appeal, and there is a presumption of innocence. These rights are generally respected in practice. There are no known political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides that a person's privacy and home are inviolable. A residence or other premises may only be searched by court order in the presence of the owner or person concerned and two witnesses. An official may enter such premises and conduct a search without witnesses, if necessary to capture a criminal or to protect people and property.

SLOVENIA

The privacy of correspondence and communications may not be violated, except by court order if necessary for criminal proceedings or state security. These rights are generally respected in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of thought, speech, public association, press, and other forms of public communication and expression.

Slovenia has lively print and broadcast media, with both public and private owners. Newspapers tend to be affiliated with political parties. There are four major dailies, and a fifth began publishing in November. Weekly newspapers are numerous. There are two television channels in Slovenia and radio stations in all the major cities. Television and radio stations were socially owned under the Communist regime, and formal privatization has not yet been completed; however, Television Channel A (Kanal A) is privately owned and operated. The State Assembly regulates the broadcast media through an appointed supervisory board. Journalists were not immune from political pressure; a television newscaster received a 1-month suspension for his comments on a statement by a Slovenian politician. Although the journalists' trade union protested, the suspension was upheld.

As Slovenia emerged from over four decades of an authoritarian political system, the legacy of self-censorship remained a problem among journalists trained under the old system. The newer group of print and broadcast journalists, however, do not seem to share that perceived need for self-censorship.

Some representatives of the private and publicly owned media protested that Article 5 of the election law is unfair. That article specifies that the media must offer free space and time to political parties for party use. The owners claim that such a regulation interferes with the media's commercial and editorial independence.

The Constitution provides that universities and other institutions of higher education shall be autonomous and scientific and artistic endeavor shall be free. Academic freedom is respected. Numerous private interest and academic journals and publications are available in Slovenia.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly and participation in public meetings, as well as the right to associate freely with others. These rights may be restricted in the interest of national security, public safety, or health. Career military and police personnel, however, may not be members of political parties. In general, permits for meetings and other gatherings are routinely granted.

c. Freedom of Religion

The Constitution states that the profession of religious and other beliefs of any person in private and public shall be free. No person may be compelled to acknowledge his religious or other beliefs. There is no state religion. While 70 percent of the population of 2.2 million is Roman Catholic,

SLOVENIA

Protestant and other religious clergy, churches, and centers operate without hindrance. There are no restrictions on particular religious groups or on foreign clergy.

Some religious leaders have expressed concern that some teachers were continuing to promote an antireligious outlook in the classroom, a legacy of the educational system under the former Communist regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides that each person has the right to freedom of movement, to choose a place of residence, to leave the country, and to return. Any limitations on this right must be legally executed, and only when necessary in criminal cases, in protecting public health, and in defense of the State. In practice, Slovenes travel widely, freely, and often, without practical restrictions on their movements. The right of political asylum is provided for those foreign nationals and persons without citizenship persecuted for their stand on human rights and fundamental freedoms.

Slovenia has taken in some 100,000 refugees from Bosnia and Herzegovina; it serves primarily as a transit country for those going to third states. The Government stated in September that there were 20,000 refugees in camps and 80,000 in private homes or awaiting housing. Many of these refugees hope to return home once the fighting ends.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Slovene citizens have the right to change their government. In April 1992, Prime Minister Peterle lost a vote of no confidence in the Assembly and was replaced in May by Janez Drnovsek who formed a moderate-left coalition Government, retaining 12 of the 27 ministers from the previous government.

In the December elections for President and Parliament, Milan Kucan won the Presidency handily with 63.8 percent of the vote. In the parliamentary contest, the Liberal Democratic Party won 22 seats, the Slovenian Christian Democrats 15, the Associated List 14, the Slovenian National Party 12, Slovenian People's Party 10, Democratic Party 6, Greens of Slovenia 5, and the Social Democratic Party of Slovenia 4. The Hungarian and Italian minorities had one reserved seat each for which they selected their candidates. Janez Drnovsek has been proposed as Prime Minister and is expected to be confirmed in January 1993. Some public concern was expressed by the relatively strong showing of the rightwing Slovenian National Party whose appeal was linked to economic problems and the lingering market crisis.

Slovenia has a mixed parliamentary and presidential form of government. The President serves as Head of State and commander-in-chief of the armed forces, with the power to call elections and proclaim statutes. He may not serve more than two consecutive 5-year terms. The President nominates the Prime Minister, who must be confirmed by the State Assembly (Parliament). The 90-member State Assembly is headed by the president of the Assembly and has a 4-year term of office.

An elected 40-member State Council, representing social, economic, professional, and local interests, is an advisory

SLOVENIA

body that, among other duties, may propose legislation, give the Assembly its opinion on legislation, and ask the Assembly to reconsider legislation before it becomes law. Its term of office is 5 years.

There are no de jure restrictions on women or minorities participating in politics or government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

Slovenia has a well-respected, independent Council of Human Rights and Fundamental Freedoms, founded by law in 1990. The Council, composed of men and women from various professions associated with human rights and freedoms, as well as nongovernmental, judicial, and political officials, investigates complaints about violations of human rights and governmental responsibility. The Government places no formal obstacles in the way of visits or investigations by international or local human rights groups.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In addition to the majority Slovenes (88 percent of the population), the predominant ethnic groups living in Slovenia are Croats, Serbs, Muslims, Hungarians, and Italians.

Hungarians and Italians are constitutionally guaranteed one seat each in the State Assembly. In addition, the Italian and Hungarian ethnic communities have special rights, including the right to use national symbols, establish organizations, and enjoy bilingual education. The Constitution states that the position and special rights of the Gypsy community are regulated by law.

Slovenia has made the equality of males and females a matter of state policy, and the Constitution and various laws are intended to promote that policy. Slovenia generally provides equal pay for equal work for both males and females. In general, there appears to be little official discrimination against women or minorities in housing, jobs, education, or elsewhere in the society.

There is a government bureau for women's policy which, among other activities, participated in the Female Entrepreneurship competition organized by the Fund for the Promotion of Small Businesses. Women are active in trade, consulting, education, marketing, advertising, tourism, design, and food production. In practice, women, including those who are otherwise employed, continue to bear a disproportionate share of household chores and family care. Although many women still are found more often in lower paying jobs in the society, they do not suffer disproportionately from growing unemployment. It is difficult to determine with specificity the extent of violence against women in Slovenia. Informed observers have not highlighted domestic violence as a major problem.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that the establishment and activities of trade unions and the recruitment of their membership shall

SLOVENIA

be unrestricted. Except for the police and security forces, virtually all workers are eligible to form and join labor organizations of their own choosing. Slovenian labor has three main labor federations, with constituent branches throughout the society. Unions are formally independent of government and political parties, but individual union members may and do hold positions in the legislature. For example, the head of the Nezavidnost Trade Union Federation was a presidential candidate of the Social Democratic Party of Slovenia.

The right to strike is constitutionally guaranteed. During 1992 a number of strikes occurred, largely over wages and working conditions. Two independent trade unions organized a 1-hour general warning strike on March 18 to protest the rapid fall in the standard of living, and 400,000 workers participated without government interference.

There are no restrictions on joining or forming federations or affiliating with like-minded international unions.

b. The Right to Organize and Bargain Collectively

Slovenia is in transition from a Socialist to a market-based economy. The collective bargaining process is undergoing change. The Government still had a role in setting minimum wage and other conditions, although private businesses, which are growing in number, set such pay scales directly with their employees' unions or representatives.

There are no export processing zones in Slovenia.

c. Prohibition of Forced or Compulsory Labor

Article 49 of the Constitution prohibits forced labor, and it does not exist.

d. Minimum Age for Employment of Children

The minimum age for employment is 16. Some farm communities probably employ younger children during harvest or for farm chores. In general, urban employers respect these age limits.

e. Acceptable Conditions of Work

In general, Slovenian enterprises and businesses provide acceptable conditions of work for their employees. The Government and trade union federations try to set adequate minimum wages through negotiations. Such a wage base serves as a standard for both public and private firms. Insolvent firms during this period of economic change have been reported to renege or delay wage payments. Workers, faced with unemployment in a tight market, often prefer to get a delayed payment than no wages at all. The standard workweek is 40 hours. Occupation health and safety standards are set by various government offices; standardization has not yet been achieved.

SERBIA/MONTENEGRO*

The dissolution of the Socialist Federal Republic of Yugoslavia, which began in 1991, was completed in 1992 with international recognition of the independence of three of the former Yugoslav republics (Slovenia, Croatia, and Bosnia and Herzegovina). On April 27, Serbia and Montenegro, two of the remaining constituent republics of the former Yugoslavia, proclaimed the establishment of the "Federal Republic of Yugoslavia" (FRY) and promulgated a new constitution. The international community rejected the FRY's claim to be the sole successor of the former Yugoslavia, and Yugoslav participation was suspended in the United Nations General Assembly and the Conference on Security and Cooperation in Europe (CSCE). This section of the Country Reports addresses human rights within the territory of Serbia/Montenegro. Serbian responsibility for human rights abuses on the territory of Bosnia and Herzegovina --abuses characterized by a scale and level of sheer cruelty, brutality, and killing rarely equalled in this century--are addressed in the Country Report on Bosnia and Herzegovina.

Elections were held in May for delegates to the bicameral Federal Assembly. The democratic opposition in Serbia and Montenegro boycotted the elections, which the CSCE denounced as unfair and illegitimate. In June the Assembly, controlled by the Socialist Party of Serbia (SPS), selected as Federal President Dobrica Cosic, a prominent Serbian writer known for his nationalist views. In July a Serbian-American businessman, Milan Panic, was named Federal Prime Minister and formed a Government that included some respected opposition figures. Real power remained in the hands of the President of the Republic of Serbia and SPS leader Slobodan Milosevic, who led the Serbian bloc in usurping the authority of the Federal Presidency in October 1991. Accusing Federal President Cosic and Prime Minister Panic of betraying Serbian interests, President Milosevic used his party's dominance over the FRY Assembly to water down democratic reforms, delay new federal and republic elections, and ensure continued support for military aggression in Bosnia and Herzegovina.

Federal, republic, and local elections which were held on December 20, 1992, failed to meet international standards for a free and fair democratic process. In the preelection period in Serbia, the ruling Socialist Party of Slobodan Milosevic used state-run television and radio for its own advantage and to the disadvantage of the opposition. On election day, voter lists were found to have been manipulated so that many eligible voters were excluded; procedures for ballot secrecy and ballot security were inadequate, and other irregularities occurred. Milosevic retained complete control over Serbian republic police, who in October seized federal police headquarters and did not relinquish it despite a court order to do so. Although the Army of Yugoslavia (VJ), successor to the old Yugoslav National Army, (JNA), under the joint command of the Federal, Serbian, and Montenegrin presidents, ostensibly remained outside politics, its position was made clear in an interview just before the December election, when a senior Yugoslav Army general said that no Serbian general would serve as Minister of Defense in a government led by opposition candidate Milan Panic.

* The United States does not recognize the Federal Republic of Yugoslavia.

SERBIA/MONTENEGRO

On January 2, 1992, Federal/Serbian and Croatian authorities signed a United Nations-brokered cease-fire, the Vance Plan, which provided for the introduction of U.N. peacekeeping forces (UNPROFOR) in Serb-controlled areas of Croatia (approximately one-third of Croatia's territory) and withdrawal of JNA forces. This resolved the fighting, during the last 6 months of 1991, between Croatian forces and the JNA, which had intervened on the side of militant Serbs opposed to Croatian independence.

During the war in Croatia, JNA soldiers and Serbian paramilitary forces were stationed throughout neighboring Bosnia and Herzegovina. When sporadic outbursts of violence there escalated into full-scale war in April 1992 as Serbian nationalists attempted to establish an independent state within Bosnia and Herzegovina, the JNA armed Bosnian Serb irregulars and fought on behalf of Serbian forces until its nominal withdrawal in mid-May. At that time, federal and republic authorities claimed that the 80 percent of the personnel of the JNA in Bosnia who were Bosnian Serbs were free to remain in Bosnia and Herzegovina to fight. The approximately 80,000 "volunteers" who "left" the JNA formed the core of the newly formed Serbian Army of Bosnia and Herzegovina. The federal and Serbian authorities continued to provide fuel and other forms of support.

Because of the role of Serbia/Montenegro in the Bosnian war, the U.N. Security Council imposed broad military and economic sanctions on Serbia/Montenegro on May 30, aimed at forcing compliance with U.N. Resolution 752, which called for an immediate cease-fire and an end to ethnic oppression in Bosnia and Herzegovina. After the London International Conference on the Former Yugoslavia in August, Federal President Cosic and Prime Minister Panic for the first time condemned the practice of "ethnic cleansing," the brutal and systematic practice of forcing members of one ethnic group to leave their homes by any means necessary, including murder and the razing of villages. They also fulfilled the federal commitment under the Vance Plan for the JNA's withdrawal from Croatia and began a dialog with Croatian and Bosnian leaders on mutual recognition. Although federal officials promised a crack-down on Serbian nationalist paramilitary groups that were intimidating minorities in Serbia/Montenegro and fighting in Bosnia and Herzegovina, federal authorities arrested only a handful of paramilitary figures and did not confront the most notorious ones who were thought to have special links to Serbian President Milosevic.

The disastrous economic policies of the Serbian Government, the cost of the wars in Croatia and Bosnia and Herzegovina, and the effects of international sanctions produced a massive economic crisis in Serbia/Montenegro. Many essential commodities were in short supply, and foreign trade was at a standstill. An estimated 60 to 80 percent of the work force was either unemployed or on mandatory leave, and hyperinflation amounting to 20,000 percent in 1992 destroyed the value of the currency.

Serbian police under President Milosevic's control extensively, brutally, and systematically violated human rights in the Serbian province of Kosovo, continuing the pattern of gross human rights violations and systematic repression of Kosovo's majority Albanian population. Serbian authorities maintained complete control over all aspects of political, economic, social, and cultural life. The police routinely and systematically carried out arbitrary arrests of Albanians, and police torture and brutal beatings during interrogations

SERBIA/MONTENEGRO

resulted in a number of deaths; those responsible were not prosecuted. Serbian nationalists and paramilitary groups, encouraged by the Milosevic regime, used threats and violence to intimidate minorities--Muslims in the Sandzak area, Croats and Hungarians living in Vojvodina, and ethnic Albanians in Kosovo--resulting in disappearances and deaths. Ethnic Serbian and Montenegrin democratic opposition leaders were routinely denied fair access to government-controlled mass media and subjected to acts of intimidation. The Milosevic-dominated Serbian Assembly adopted laws restricting freedom of assembly and university autonomy. Freedom of press and speech are guaranteed by law but in practice not respected.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Political violence in Serbia/Montenegro resulted primarily from efforts by Serbian authorities to suppress other ethnic groups. Leaders of minority communities centered in Vojvodina, Sandzak, and Kosovo reported that violence by the authorities or by Serbian paramilitary groups was intended to intimidate non-Serbs into leaving Serbia and Montenegro and ultimately to achieve the "ethnic cleansing" of these republics.

One of a number of extrajudicial killings took place in the village of Hrtkovci, in Vojvodina, where one ethnic Croat was killed, apparently by Serbian nationalists carrying out "ethnic cleansing" in the village, and an ethnic Serb accused of aiding his non-Serbian neighbors was also attacked. In August, at the insistence of federal authorities, the Hrtkovci mayor and a local Serbian paramilitary leader, together with three other men, were charged in connection with violence in the village.

In the Sandzak, Muslim leaders alleged that several unsolved murders of ethnic Muslims were politically motivated, including those of Selim Sejfic near Novi Pazar on October 15 and of Berbo Ramo near Priboj on August 26, the latter allegedly killed by members of the Serbian "White Eagles" paramilitary group. In October two Muslim men were killed in Belgrade (Ismet Bektasevic on October 14 and Ibro Hajrovic on October 17), and Muslim leaders claimed their deaths also were connected to a campaign to intimidate Muslims into leaving Serbia. On December 8, a hand grenade exploded at a mosque in Belgrade. Two Muslim patients abducted from the Priboj hospital in July were later found murdered across the border in Bosnia, in an area controlled by Serbian paramilitary forces.

In Kosovo at least 15 ethnic Albanians died at the hands of police during 1992. None of the incidents were investigated by the authorities, nor were the policemen involved in the killings indicted. In a well-documented case in mid-December 1992, Adem Zegijaj was severely beaten by policemen in the police station of Ponosnec. When taken to a hospital, he was reported to have been in a state of shock, his kidneys had almost stopped functioning, and he suffered from internal bleeding. He died the following day, reportedly from kidney insufficiency. However, the Director of the Institute of Forensics, who was unwilling to give international observers details of the cause of death, denied that the victim's kidneys had been damaged. An international human rights organization reported two deaths as the result of injuries sustained during

SERBIA/MONTENEGRO

interrogations. Although the families of both victims requested investigations of these killings, the Government did not respond. Kosovo Albanian sources reported at least two other deaths as the result of police raids on the villages of Lesan and Ldrovic. In the latter case, police claimed one of the dead had committed a crime. A number of Albanian citizens were killed by Serbian/Montenegrin border guards in the vicinity of the border with Albania under circumstances suggesting excessive use of force.

b. Disappearance

Serbian paramilitary forces and nationalist groups are largely responsible for numerous disappearances of Muslims. In October Serbian paramilitary forces kidnaped 17 Muslims who were traveling between the village of Sjeverin and the town of Priboj in Serbia's Sandzak region on a section of road that passes through Bosnian territory. Although Serbian republic police and federal army units were subsequently dispatched to the area and two persons were arrested, the fate of the abducted Muslims remained unknown. Two men disappeared from the predominantly Muslim district of Rozaje, Montenegro, after being forcibly mobilized into the VJ in August, according to their parents, who were refused information on their sons' whereabouts by military officials. On May 20, Sefko Kubat, a refugee from Bosnia, was arrested in Sutomore, Montenegro. After 4 days in detention, he was moved to an unknown location, according to his wife, who believes he may have been turned over to the Serbian Democratic Party (SDS) in Bosnia, to be offered in a prisoner exchange there.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Federal law prohibits torture, but there were numerous reports of severe beatings of persons in detention, most frequently involving ethnic Albanians in Kosovo. Among the hundreds of victims of such abuse were the Secretary of the Council for the Defense of Human Rights and Freedoms and a member of the Executive Board of the Kosovo Helsinki Committee. In many cases, police inflicted beatings on citizens in the street, in full public view. Although defense lawyers demonstrated that 19 Albanian youths were beaten while being held in pretrial detention, no police or prison officials were prosecuted for the beatings. During demonstrations in Pristina and other Kosovo towns in October, police used tear gas and truncheons against peaceful ethnic Albanian demonstrators, and a number of people were injured (see Section 2.b.). Police also beat ethnic Turks in Prizren for participating in a peaceful demonstration and arrested and beat a German citizen observing the demonstration.

In Sandzak, several cases were reported in which army reservists and Serbian paramilitary members beat ethnic Muslims, including one incident near Tutin in May in which an 85-year-old man was beaten.

Prison conditions are harsh. A citizen of Albania, arrested on suspicion that he was traveling to Croatia to join the military forces there, was badly beaten while incarcerated at the prison in Sremska Mitrovica. In women's prisons, inmates were reported to be forced to stand or sit on the concrete floor from 5:30 a.m. to 9:00 p.m.; they were fed twice daily, allowed two 10-minute exercise periods (with handcuffs), and permitted

SERBIA/MONTENEGRO

two bathroom breaks daily. Men's prisons are reported to be crowded with meagre rations.

d. Arbitrary Arrest, Detention, or Exile

Federal law permits detainees to be arrested without a warrant and held incommunicado up to 3 days without charge or access to a defense attorney. After this period, a suspect must be turned over to an investigating judge, who may order a 30-day extension of investigative detention. The courts may extend this period an additional 5 months before charges must be brought. During investigative detention, detainees have theoretical access to a lawyer, although in practice they often do not.

Arbitrary arrest continued to occur frequently in Kosovo in 1992. Ethnic Albanians were frequently detained for as long as 2 months for peacefully exercising their rights to freedom of expression, association, and assembly. Among those arrested were the Chairman of the Albanian Teachers' Association, who was detained in August and held for over 2 months, and the Vice President of the Democratic Alliance of Kosovo (LDK), who was detained in June. No charges were filed in either case. Mass arrests occurred in June when the Albanians attempted to convene the assembly of the self-proclaimed "Kosovo Republic," in September when they attempted to enter public schools without accepting the education program mandated by the Serbian Government, and in October when they organized a mass education protest.

For harassment with the intention of provoking departure and exile, see Section 1.g.

e. Denial of Fair Public Trial

The court system comprises local, district, and supreme courts at the republic level, and a Federal Supreme Court to which republic Supreme Court decisions may be appealed. There is also a military court system. According to the federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations, relying on the republic authorities to enforce its rulings. The Federal Criminal Code of the former Yugoslavia still applies, but until the new Federal Constitutional Court is established, republic constitutional courts in effect have the final say on federal law. The Federal Assembly blocked efforts by the Federal President and his Government to establish a new constitutional court under the new FRY Constitution. The result is that the constitutionality of federal laws cannot be contested effectively.

Under federal law, defendants have the right to be present at their trials and to have an attorney, at public expense if needed. The defense, however, is sometimes restricted in the time allowed to prepare its case. Both the defendant and the prosecutor may appeal the verdict. The judiciary is not free of political influence or of ethnic bias.

As the army became embroiled on the side of Serbian forces in ethnic violence in Croatia and Bosnia, thousands of Serbian and Montenegrin citizens refused military service. In addition to direct legal sanctions, those who resisted conscription or mobilization were sometimes fired from their jobs. According to Muslim leaders in the Sandzak, criminal proceedings were

SERBIA/MONTENEGRO

being conducted against 2,000 ethnic Muslims who refused military service.

Between March and July, many Croatian prisoners of war (POW's) were charged with war crimes in military courts. Some of these were tried and found guilty. Many had confessed to crimes after being beaten, and some defendants were not provided with competent defense counsel. A military court in Belgrade sentenced four Croats to death and seven others to long prison terms for crimes allegedly committed during the 3-month siege of Vukovar. The FRY Constitution does not allow for the death penalty, but the Croats were tried under a law of the former Yugoslavia, which does. Most Croatian POW's, including those sentenced for war crimes, were released in a prisoner exchange negotiated by Prime Minister Panic under International Committee of the Red Cross (ICRC) auspices. At year's end, talks on exchanging the remaining POW's between Croatia and Serbia/Montenegro were stalled by the fact that some Croatian POW's had been convicted by a civil court on charges of terrorism.

When Kosovo's status as a separate federal unit was annulled in 1989, provincial courts in Kosovo were abolished. Only a handful of ethnic Albanian judges remain at the district or appellate level in Kosovo. In the case of 19 Albanians sentenced in Pec from 1 to 7 years under Federal Criminal Code Articles 136 (association for hostile activities) and 135 (endangering the territorial integrity of Yugoslavia), the judge, contrary to the Penal Code, did not carry out the investigation of the alleged crimes but turned it over to state prosecutors, and defense attorneys were not allowed to be present during the interrogation of their clients or to examine evidence before the indictment was handed down. Albanian human rights groups report there are at least 17 Albanian political prisoners in Kosovo sentenced to terms ranging from 5 to 20 years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Federal law gives republic Ministries of Interior sole control over the decision to monitor potential criminal activities, a power they routinely abused. Authorities continued to monitor opposition and dissident activity, eavesdropped on conversations, read mail, and tapped telephones. Although the law includes restrictions on searches, these safeguards were often ignored, particularly in Kosovo.

In Kosovo, police searches were accompanied by indiscriminate use of force. Following an incident in Glogovac in which a Serbian policeman was killed, the police conducted house-to-house searches and entered and vandalized a number of Albanian shops, allegedly in order to collect evidence related to this murder.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

While the Governments of Serbia and Montenegro insisted they were not involved in the war in Croatia in 1991 or the subsequent war in Bosnia and Herzegovina, they were, in fact, deeply involved in the extensive and egregious violations of humanitarian law and human decency in the Bosnian war committed by JNA and Serbian paramilitary forces there. They armed the Serbian forces in both Republics through the JNA, their

SERBIA/MONTENEGRO

citizens participated in the wars as members of paramilitary formations with government sanction, and they permitted JNA regular troops to remain in Bosnia after May in the renamed "Serbian Army" there. In addition, they continued to supply the Bosnian Serb forces with fuel, food, and other supplies, even while these items were in critically short supply in their own republics. They have not prosecuted personnel who appear to have been involved in war crimes. The unspeakable human rights violations in Bosnia and Herzegovina are described more fully in the report on that country.

Members of ethnic minorities in Serbia were frequently subject to intimidation, with the goal of provoking the emigration of non-Serbs. The military and the police did not interfere with or try to prevent paramilitary forces and other extreme nationalists from carrying out numerous attacks and harassment against minorities designed to drive them from their homes. In Vojvodina, paramilitary groups associated with such extremist groups as the Serbian Radical Party (SRS), led by Vojislav Seselj, openly threatened Croats, Ruthenians, Hungarians, and others and waged a campaign to replace the non-Serbian population with Serbian refugees from Croatia and Bosnia.

In Sandzak, ethnic Muslims were harassed by paramilitary forces and by army reservists. In the districts of Priboj (Serbia) and Pljevlja (Montenegro), in particular, Muslims were pressured to emigrate. Beginning in May, numerous bombings of businesses and homes owned by Muslims were reported in Pljevlja; Muslim leaders claimed there were 32 such incidents by September. In August Montenegrin authorities arrested the local SRS leader and some of his followers in Pljevlja because of their paramilitary activities. Serbian paramilitary members who were arrested in the Serbian town of Priboj by Serbian police in connection with the October kidnaping and disappearance of 17 Muslims from a bus near Priboj were released from custody. Although the VJ has now agreed to provide villagers from the area with protection when they travel to and from Priboj, it has not moved against the paramilitaries.

In Kosovo, a village near Pristina that recently had an estimated 700 Croatian families now has 100. In 1991 young men fled because of possible mobilization into the JNA, then at war in Croatia. In response to searches by Serbian authorities looking for draft resisters and intimidation by paramilitary groups, villagers began emigrating.

The Serbian Government's actions in summarily firing local law enforcement and judicial personnel and replacing them with ethnic Serbian officials, often from outside the area, had the effect of withdrawing the protection of the law from targeted ethnic communities. Members of the ethnic Hungarian community in Vojvodina, for example, have no confidence that threats against their lives and property will be investigated because the new police officials normally fail to take any action when called in. Members of an ethnic Hungarian family received murder threats from an ethnic Serb wishing to buy their new home. Based on the experience of friends and neighbors, they believed that the authorities would make no effort to protect them and therefore succumbed to this intimidation.

SERBIA/MONTENEGRO

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Press and Speech

Although existing laws in Serbia and Montenegro provide for freedom of speech and press, it is not respected in practice. Media institutions are organized and run under laws and guidelines established by the two republic Governments. The print media are subject to varying degrees of government influence, although a few publications (particularly low-circulation weeklies such as Vreme and Monitor) are highly critical of the Governments of Serbia and Montenegro. Both Governments kept a firm grip on radio and television and used them for propaganda purposes. Republic authorities use provisions of the Federal Criminal Code to restrict freedom of speech.

The laws under which Kosovo Albanians were charged because of political activities were most frequently Serbian Criminal Code Article 216, "Inciting to Resistance" (punishable by imprisonment of 1 to 5 years), and Federal Criminal Code Articles 134, "Spreading of Ethnic Hatred" (6 months to 5 years), and 136, "Association for Illegal Activity" (up to 3 years). In addition, the leader of the Muslim Party of Democratic Action (SDA) in April was sentenced to 6 months' imprisonment on charges of spreading disinformation, inciting ethnic intolerance, and disturbing the peace.

Montenegrin radio and television (RTV Montenegro) is controlled by the Government and serves as its mouthpiece. In January 1992, Serbia implemented a new law on radio and television, which consolidated control over government-run radio and television (RTV) organizations in Belgrade, Pristina, and Novi Sad under the framework of a new entity, Serbian Radio-Television (RTV Serbia). This consolidation instituted government editorial control over all news programming. The most popular evening news broadcast, produced by TV Belgrade, was used to present the Serbian Government's point of view on all issues. For example, broadcasts often featured lengthy scenes of mutilated corpses presented as alleged Serbian victims of "Ustasha" (a reference to World War II Croatian Fascists) or "Muslim fundamentalists."

Coverage of the Bosnian conflict was so one-sided that the independent daily, Borba, accused TV Belgrade journalists of encouraging revenge and "ethnic cleansing." As the December election campaign heated up, the attacks by TV Belgrade and TV Novi Sad against independent journalists, opposition parties, and ethnic minorities became ever more scurrilous. For example, Borba and Vreme were accused of enabling "slaughters in which tens of thousands of people died." The TV's nightly commentaries ranged from accusing unnamed, but still readily identifiable, local journalists as traitors in service to Bonn and Washington to charging that the Hungarians in Vojvodina wished the return of fascism and planned to rename a square in the town of Subotica for Hitler.

Serbian authorities tightened control over Radio Belgrade, purging respected journalists from senior editorial positions. The ruling party also applied pressure through the local government to replace key personnel in order to rein in the publicly owned but independent-minded Radio Pancevo, located in a suburb of Belgrade. Other independent electronic media, including Studio B Radio and Television, B-92 Radio, and TV Politika, continued to broadcast but do not reach beyond the

SERBIA/MONTENEGRO

suburbs of Belgrade. The Serbian Government used its control over frequencies to restrict licenses to new, independent broadcasters and to threaten existing stations (B-92, for example, has yet to receive a license for its frequency). The Serbian Government also set a frequency fee schedule that, if put into effect, would force most private broadcasters into bankruptcy.

When regional electronic media showed independence, the Serbian Government took steps to bring them under control. In Vojvodina, TV Novi Sad imposed tighter editorial restrictions on its Hungarian-language service. At least 10 employees resigned during August and September because of pressure and interference from government-appointed managers. In Subotica, an ethnically mixed city, the Government refused to renew the "experimental" broadcast license of a local radio station. Government pressure on the independent Pan Radio in Novi Sad, resulted in key personnel changes that curbed its independent editorial line.

The Serbian Government exerted strong but less direct influence over the print media, although emboldened by the accession of Federal President Cosic and Federal Prime Minister Panic, newspapers thereafter took a more critical stance toward the Milosevic regime. Unhappy with changes in key editorial positions, the Serbian Government moved in July to convert the Politika publishing house, the most influential in Serbia, into a public enterprise but backed down in the face of strong negative public reaction. The independent daily, Borba, was hampered by high costs, a weak economy, and a sanctions-related shortage of spare parts and newsprint. The Serbian Government controlled the sole local producer of newsprint. The same was true of the independent weekly, Vreme, the Novi Sad Hungarian-language daily, Magyar Szo, and the recently founded Novi Sad weekly, Novosadski Indeks. In fact, the high cost of newspapers and the weakness of the Serbian economy greatly reduced circulation--and therefore the influence--of all newspapers and magazines, to the benefit of television and radio. Pressures by the Serbian Government discouraged businesses from placing advertisements with private publications and private radio and television stations.

In Montenegro, the major daily, Pobjeda, remained firmly in progovernment hands. The only independent news publication, The Weekly Monitor, continued to reach a significant but small audience. In May a Monitor journalist was given a suspended sentence of 8 months for making the President and Prime Minister of Montenegro "objects of public ridicule" by alleging that they had abused their offices for personal financial gain. He was charged under the Communist-era statute prohibiting criticism of government leaders. Other part-time Monitor journalists were fired from their jobs at Montenegrin Radio and Television.

In the Kosovo region, the only local television service was TV Pristina, an affiliate of the government-controlled TV Serbia. Although the primary Albanian-language daily, Rilindja, was closed in 1990, other publications of the Rilindja publishing house, such as the newspaper Bujku, provided an alternative source of information in Albanian to the progovernment, Serbian-language daily, Jedinstvo. On several occasions, however, Bujku was unable to publish because of difficulty in obtaining newsprint. In order to control Rilindja publications, the Serbian Government declared both Jedinstvo and Rilindja operations bankrupt, shut down their operations for 10 days,

SERBIA/MONTENEGRO

and moved to establish a public corporation to manage the operations of both, including the Jedinstvo printing press.

Both local and international journalists were harassed and intimidated. Rightwing politicians publicly referred to independent journalists as "traitors." One Western reporter, singled out for criticism by TV Belgrade, subsequently received a number of threatening telephone calls. Another journalist representing a foreign publication was shot and slightly wounded, while other foreign journalists were harassed. While the Serbian Government denied any involvement in these activities, it campaigned actively to convince its citizens that foreign journalists formed part of an international conspiracy against Serbia. At year's end, local journalists working for foreign media received calls from the Serbian Ministry of the Interior asking why they worked for foreigners and suggesting that they might like to come in for an interview.

Representatives of news media from other former Yugoslav republics were also harassed. In May armed men from the Serbian News Agency (SRNA) operated by Bosnian Serb insurgents seized the Belgrade offices of the Sarajevo daily newspaper, Oslobodjenje. Despite a court decision finding the seizure illegal, Serbian police did nothing to overturn the illegal occupation of these offices.

Activists in political groups opposed to war or to nationalist extremism in Serbia and Montenegro received death threats and were subjected to other harassment.

In Montenegro a warrant remains in effect for the arrest of the Vice President of the PEN Club there, Jevrem Brkovic. He is charged with "inciting ethnic and religious hatred," because of an open letter he wrote in 1991, apologizing to Bosnians for the behavior of Montenegrin reservists in Herzegovina. The authorities ordered the immediate arrest and pretrial detention of Brkovic, who sought refuge in Croatia and remained there through 1992.

Serbia's government-controlled media were highly critical of Belgrade University at the time of antigovernment demonstrations in June and July, in which professors and students played a prominent role. The Serbian Assembly (legislature) subsequently passed a new universities law, significantly curtailing the independence of universities and increasing political control over management and personnel policies through the republic Education Ministry. In Kosovo, Serbia's sweeping purge of Albanian faculty and administrators and associated measures have effectively denied university education to most ethnic Albanians. The Albanian community chose to educate many elementary and all secondary school students privately rather than accept the curriculum imposed by Belgrade. Ethnic Albanian teachers and students attempted to conduct Albanian-curriculum classes in public school buildings at the beginning of the 1992/93 school year but were barred by police.

b. Freedom of Peaceful Assembly and Association

Although Serbian authorities permitted opposition parties in most of Serbia to organize demonstrations with advance authorization, in Kosovo they sharply restricted freedom of assembly. Anti-Milosevic opposition parties held a series of demonstrations in Belgrade and other cities, beginning on June

SERBIA/MONTENEGRO

28, with which the authorities generally did not interfere. Following the demonstrations, however, the Serbian Assembly passed legislation banning political demonstrations in front of public buildings, where peaceful protests had previously been held. The legislation also discouraged the organization of demonstrations by requiring an (unspecified) cash deposit in advance to cover the costs to municipal authorities for sanitation and possible damages.

In Kosovo, virtually any gathering of ethnic Albanians was likely to be broken up on the pretext that the gathering had separatist aims or did not receive prior police permission. In June Serbian police surrounded a building in Pristina where Kosovo Albanian leaders were planning to convene the "Kosova Republic Assembly" in defiance of a Serbian government ban, and some leaders were detained. In October Albanians held 2 days of protests over the closing of schools. On the first day, Serbian police arrested and beat demonstrators in Pec, Prizren, and Klina, while on the second day, police used tear gas and truncheons to disperse protestors in Pristina.

The federal law against association for hostile activities was used to prosecute ethnic Albanians who advocated independence for Kosovo. The Serbian election law denies registration to any party that does not accept the territorial integrity of Serbia, a provision aimed at Albanian political parties, almost all of which have sought separate status for Kosovo. The Serbian Government lodged a motion to ban the Muslim Party of Democratic Action (SDA) in December 1991. Although the Party continued to function in 1992, the motion to ban it remained as a form of intimidation.

c. Freedom of Religion

There are no legal restrictions on the practice of religion; however, the rise of nationalism in Serbia and Montenegro was reflected in increasingly intolerant attitudes in religious matters. In Serbia, a single school program imposed throughout the Republic focused on the history of the Serbian people and the development of Orthodox Christianity, a provocative development to ethnic minorities practicing Islam, Roman Catholicism, and other faiths.

The authorities continued to block the Muslim community in Belgrade from building a mosque, since requests to build places of worship required changes in the city's prescriptive "urban plan." In Sandzak, the Serbian Government refused to register the Muslim charitable organization Merhamet, although it was allowed to function unofficially.

On at least two occasions, Serbian police in Kosovo harassed Roman Catholic Albanians who were attending religious services.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement.. Exit visas are generally not required, except for travel to Albania, and passports are available to most citizens of Serbia and Montenegro. Until May, citizens subject to mobilization had to obtain permission from military authorities before a passport could be issued.

SERBIA/MONTENEGRO

Early in the Bosnian war, the Serbian authorities facilitated the work of Serbian nationalists driving non-Serbs out of Bosnia. Transit camps were set up for Bosnian Muslims in Vojvodina, and travel documents were rapidly issued allowing them to proceed to other European countries. Some Muslim refugees said they were told by authorities never to return to "Yugoslavia." This practice changed after the countries bordering Serbia refused to accept additional refugees. The U.N. High Commissioner for Refugees reports a total of 433,000 refugees in Serbia who have come from Croatia (162,000) and Bosnia (271,000). The majority are believed to be ethnic Serbs displaced from their homes.

Ethnic Albanians in Kosovo and Montenegro were routinely harassed by police and subjected to interrogation and searches when attempting to cross the border with Albania. Border guards, in a number of cases, shot and killed Albanian citizens in the vicinity of the border. Security officials claimed these individuals, in some cases, were armed, which the Albanians denied.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Elections to the Federal Assembly and local government bodies were held on May 31. Most democratic opposition parties boycotted them, and international bodies rejected them as illegitimate. The 30-day period between the announcement of elections and election day was judged insufficient to allow political parties to organize their campaigns and communicate their positions to the voters. In addition, government control and manipulation of the principal news media, particularly state television, made it impossible to hold a fair election.

Efforts by FRY President Cosic and Prime Minister Panic to hold new elections at the federal and republic level were hindered by Milosevic's Socialist Party of Serbia (SPS), which insisted on holding a referendum on whether Serbia should hold elections (the referendum failed to draw the required majority of eligible voters), refused to give up its control of RTV Serbia, and blocked opposition demands for a straightforward system of proportional representation. Serbia eventually moved to schedule elections for December 20 after decisions were taken to hold elections at the federal level and in Montenegro. Anticipating the candidacy of Milan Panic, the Serbian Assembly in November passed a law requiring candidates to have 1 year's residence in Serbia. The Federal Election Commission twice tried to exclude Panic from the ballot on that basis, although it was overruled by the courts. Officials removed many names from electoral rolls, including many who had not voted in the May 1992 elections, which the opposition boycotted. Procedures for reregistration were cumbersome. In another example of misuse of the democratic process, Zeljko Raznatovic, a Serb paramilitary leader and notorious criminal, better known as "Arkan," was permitted to run for the Serbian Assembly from Kosovo. He was elected and will therefore enjoy immunity from prosecution.

Montenegro's Assembly adopted a new Constitution in October which contained provisions to ensure representation for Muslim and ethnic Albanian minorities in government institutions, but Muslim and Albanian political parties objected to the Constitution as providing insufficient guarantees of minority rights. Other democratic opposition parties refused to participate in drafting the Constitution, given the government

SERBIA/MONTENEGRO

party's dominance in the republic Assembly and its ability to override alternative views. On November 14, a Montenegrin opposition party convoy was blocked by an armed paramilitary unit wearing Serbian insignia from reaching a party rally in Bijelo Polje in the Montenegrin portion of the Sandzak. Again on November 18, leaders of an opposition party attempted the same trip with the same result.

In Kosovo, ethnic Albanians boycotted elections, leaving the Serbian minority in control of local government and the Albanians without representation in the Federal and Republic Assemblies. Albanians instead held their own elections, which were not recognized by the international community or the Serbian Republic, for the presidency and parliament of a self-proclaimed "Kosova Republic" in May. While Serbian police set up checkpoints and the balloting had to be conducted in secret, the authorities did not attempt to prevent the vote entirely. Police did prevent the assembly that was elected from meeting in June and arrested several deputies, one of whom received a 60-day sentence.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Serbian Government frequently prohibited investigation of alleged human rights violations by domestic organizations. For example, Kosovo Albanian human rights monitors were stopped at a roadblock in Pec in June, were taken to a police station, and beaten after human rights material was found in their car.

The Governments of Serbia and Montenegro formally maintained they had no objection to international bodies conducting human rights investigations on their territories. The Federal Government was more forthcoming in its dealings with international bodies, and a Federal Ministry of Minority and Human Rights Affairs was created, headed by a widely respected human rights advocate. The new Ministry lacked the authority to investigate and correct human rights abuses, as real power (and, in some cases, formal authority) rested with the Serbian Government. Many international groups sent missions to the two republics, and in September, the CSCE, with the Federal Government's cooperation, established a long-duration mission to Kosovo, Sandzak, and Vojvodina to monitor and investigate minority and human rights issues. After an earlier visit to Belgrade, U.N. Special Human Rights Rapporteur Tadeusz Mazowiecki visited Kosovo in October and reported on the gross violations of the human rights of the Albanian population there. In a 1992 report, an international human rights group described the human rights situation in Kosovo as deteriorating to the extent that civil war was considered a real possibility.

In practice, obstacles were placed in the way of human rights investigations in Serbia by republic authorities. A staff member of an international human rights organization was robbed in Belgrade of documents, including the testimony and names and addresses of contacts. Two U.S. election observers visiting Kosovo for the May assembly elections were detained at gunpoint and held for 90 minutes.

The findings and recommendations of human rights groups invariably elicited a defensive response from the Serbian Government, which, instead of taking measures to stop abuses on its own territory, referred to abuses it claimed were suffered by ethnic Serbs elsewhere.

SERBIA/MONTENEGRO

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Federal and republic laws guarantee equal rights to all citizens, regardless of ethnic group, religion, language, or social status. However, the ethnic minorities of the FRY (that is, those who are neither Serb nor Montenegrin) suffered discrimination in employment, education, housing, and other respects, in addition to the egregious abuses described in previous sections of this report. For example, in the Subotica district, Vojvodina, where ethnic Serbs make up about 15 percent of the population, the directors of the vast majority of state enterprises are Serbs, appointed to their positions by the Socialist Party of Serbia. In Sandzak, in the district of Tutin, whose population is almost entirely ethnic Muslim, three of four school directors are Serbs. In Kosovo, where Serbs constitute less than 10 percent of the population, virtually all key positions in administration and the state sector of the economy are held by Serbs.

Since 1989, tens of thousands of ethnic Albanians have been summarily dismissed from their jobs. Among those dismissed were many physicians, teachers, and other professionals in what amounted to an attempt to deprive the Kosovo Albanian community of its educated elite.

Federal and republic law prohibits discrimination against women; however, because of traditional attitudes, women have relatively limited access to senior positions in political or economic life. Women are entitled to equal pay for equal work; maternity leave for employed women is granted, usually for 1 year and in some cases for a longer period. Legal penalties for spouse abuse are the same as those for assault on other persons, but the abused spouse must file a complaint, and this is seldom done.

Gypsies have complained that they suffer discrimination in employment, social services, and education.

Section 6 Worker Rights

a. The Right of Association

Legally, all workers (except military personnel) are entitled to form or join unions of their own choosing without prior authorization, and this right is formally respected. Workers are no longer formally obligated to join and pay dues to the official unions. However, the older progovernment union umbrella organizations (the Council of Independent Trade Unions of Serbia--CITUS, the Council of Independent Trade Unions of Montenegro--CITUM, and their federal counterpart, the Council of Independent Trade Unions of Yugoslavia--CITUY) can offer material benefits to members, such as preferential access to lower cost commodities from government reserves, that the fledgling independent unions are unable to match. Although statistics on the size of the organized work force are unreliable, the large bulk of Serbian and Montenegrin workers are probably members of the semiofficial CITUS and CITUM. CITUS claims current membership of 1.8 million workers, while the more loosely affiliated Serbian independent trade union organization (Nezavisnost) has between 80,000 and 200,000 members. There are reportedly no unions independent of CITUM in Montenegro.

SERBIA/MONTENEGRO

Since mid-1991, union activity has generally been at a reduced level, either out of support for the Belgrade Government or due to fears of being perceived as disloyal. As the economy also has continued to decline throughout 1992, independent trade union leaders in particular have claimed workers are avoiding activism out of fears for job security in extremely tough economic times.

The right to strike is recognized and was exercised by both the independent and progovernment trade union organizations throughout 1992. Serbian law requires a 30-day notification before striking, although there are no reports of unions being sanctioned for violating this provision in 1992. Strikes in the latter half of 1992 focused on demands for job security for the duration of U.N. economic sanctions against Serbia and Montenegro, and for government-controlled wages to keep pace with hyperinflation. Some unions also called for the resignation of the current Serbian Government for failing to fulfill wage promises.

In Kosovo, the Independent Trade Unions of Kosovo (ITUK), formally recognized by the Federal Government, continued to face huge obstacles at the local level in representing a work force that suffered from official repression, repeated mass dismissals on ethnic grounds, and consequent massive unemployment. The ITUK received significant support in October when the International Labor Organization (ILO) condemned the labor situation in Kosovo as "ethnic cleansing of the work place" and demanded that all workers fired illegally from their jobs be reinstated and compensated for lost wages.

Federal Prime Minister Panic requested the formation of a joint Albanian/Serbian government working group to discuss this issue, but the Federal Government has no authority to override Serbian government decisions. CITUS is well represented in Kosovo and has taken over the offices occupied by the Communist-era trade union. According to ITUK, worker union fees deducted from paychecks are deposited with CITUS, and benefits are only distributed to Serbian workers. Union fees from ethnic Albanian workers are all paid voluntarily by the workers. On the eve of the attempted convening of the Albanian Kosovo Assembly in June, police raided the ITUK offices and reportedly broke office equipment and confiscated printed material.

b. The Right To Organize and Bargain Collectively

This right is guaranteed by law, but Western-style collective bargaining has yet to take hold. Pending development of economic reforms, plant management is not independent of the Government nor an effective bargaining partner for the unions. Republic wage controls effectively usurped the role of enterprises and the semiofficial Chambers of Economy. The republic Governments promised that no workers would be discharged as a result of U.N. economic sanctions and guaranteed that idled workers would receive an income equal to 65 percent of their former wages. Some collective agreements were negotiated with the Chambers of Economy but proved unsatisfactory for lack of the Chambers' clear authority and management responsibility. Privatization of "social property" is another problem in which the rights and interests of workers are not well defined or understood.

SERBIA/MONTENEGRO

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law and is not known to occur.

d. Minimum Age for Employment of Children

The minimum age for employment is 16, although in villages and farm communities younger children often assist with family agricultural obligations.

e. Acceptable Conditions of Work

Minimum wages are guaranteed by the republic Governments, but delays and partial payments were pandemic throughout 1992. In June the Governments of Serbia and Montenegro instituted strict wage controls, with delayed monthly adjustments for rapidly increasing inflation. Massive unemployment or underemployment due to both U.N.-mandated sanctions and internal economic structural problems also reduced the number of families with two wage earners. The minimum wage is insufficient to provide a worker and family a decent living standard. The official workweek was listed as 42 hours, but many enterprises and workers worked fewer hours for lack of raw materials. Formally, sick leave and other benefits were generous. Federal and republic laws and regulations on occupational health and safety were adequate, although enforcement was reportedly lax.

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina, one of the six constituent republics of the former Socialist Federal Republic of Yugoslavia, was formally recognized as an independent State in early April but swiftly fell victim to some of the most widespread and egregious human rights abuses witnessed in the past 50 years. Paramilitary forces (both Serbian and Bosnian Serbian), armed and abetted by the army of the former Yugoslavia (JNA) and the political leadership of Serbia under Slobodan Milosevic, committed the vast majority of these abuses against Bosnian Muslims. Limitations of space and the standardized format used in this report make it difficult to detail the true scope and horror of the atrocities committed by these Serbian forces. To be sure, members of other ethnic groups in the former Yugoslavia, including Croats and, to a much lesser extent, Bosnian Muslims, were responsible for human rights violations directed in almost all cases against members of other ethnic groups, particularly Serbs. However, the atrocities of the Croats and Bosnian Muslims pale in comparison to the sheer scale and calculated cruelty of the killings and other abuses committed by Serbian and Bosnian Serbian forces against Bosnian Muslims, ostensibly in defense of the interests of Serbs in Bosnia.

Much of the earliest violence (predating recognition) was caused by paramilitary units from Serbia and Montenegro which carried out acts of terror and intimidation against non-Serbs. The war did not break out spontaneously but was consciously stimulated from the outside in the absence of any significant threat to the safety of the Serbian population. The greatest atrocity--the systematic shelling and starvation by siege of large cities--was carried out by Serbian forces, which alone had both the means and the will to carry out such crimes against humanity. Civilians were the primary targets of military action, making a mockery of the Geneva Conventions. Accompanying abuses of individuals and groups of non-Serbs took almost every conceivable form of torture, humiliation, and killing. The policy of driving out innocent civilians of a different ethnic or religious group from their homes, so-called ethnic cleansing, was practiced by Serbian forces in Bosnia on a scale that dwarfs anything seen in Europe since Nazi times.

Bosnian politics had undergone growing ethnic polarization since the 1990 elections which resulted in the three nationalist parties--the Muslim Party of Democratic Action (SDA), the Croatian Democratic Union (HDZ), and the Serbian Democratic Party (SDS)--forming a governing "partnership" under the leadership of President Alija Izetbegovic, a Muslim. Muslims and Croats in the governing coalition wanted independence for Bosnia and Herzegovina, while Bosnian Serbs insisted it was their right to remain within "Yugoslavia." In January SDS leaders proclaimed their own Serbian entity within Bosnia, claiming 70 percent of the territory.

In a referendum on February 29-March 1, over 63 percent of the Bosnian electorate voted in favor of sovereignty and independence for the Republic. However, the SDS, led by Radovan Karadzic, boycotted the referendum, and on March 1 its armed followers erected barricades in Sarajevo. By the time Bosnia and Herzegovina achieved international recognition on April 6, Serbian paramilitary forces, reinforced by the JNA, had begun a campaign of terror in the eastern Bosnian town of Zijeljina, and the SDS was completing the withdrawal of its members from Bosnian institutions.

BOSNIA AND HERZEGOVINA

By mid-April, Bosnian territorial defense forces blockaded JNA installations in Sarajevo and elsewhere, demanding that the JNA turn over its weapons. In early May, the JNA announced it would withdraw from Bosnia and Herzegovina by May 19, but in fact it pulled out no more than 15 percent of its personnel, asserting the rest were Bosnian Serbs and leaving behind an arsenal of heavy weaponry, including tanks and warplanes. SDS leaders began in April to create institutions (including "the Serbian Army" commanded by a former JNA general) for this entity, which they later named "the Serbian Republic of Bosnia and Herzegovina." Croatian nationalists led by Mate Boban, vice president of the HDZ and leader of the Croatian Defense Council (HVO), proclaimed their own entity within Bosnia, which they called "the Croatia Community of Herceg-Bosna." Troop strength of the HVO is between 20,000 and 30,000; many were trained in Croatia and received weapons from the Croatian Government. Beginning in April, SDS and former JNA forces seized territory in northern and eastern Bosnia, expelled much of the non-Serbian population in a systematic campaign of terror that became known as "ethnic cleansing," and carried out massive artillery attacks against Sarajevo and other population centers.

In the early months of 1992, several thousand men belonging to the paramilitary Croatian Defense Forces (HOS) of the extremist Croatian Party of Right (HSP) were deployed in Western Herzegovina; many of these reportedly were Bosnian Croats who joined the Croatian Armed Forces during the war there in 1991. When violence broke out in March in Bosanski Brod, regular units of the Croatian Armed Forces were engaged against Serbian paramilitary groups, which were operating with JNA support. Regular Croatian forces were also engaged against Serbian forces in subsequent fighting in the "northern corridor" between Banja Luka in the west and Bijeljina in the east, and in Herzegovina, as far east as Trebinje. The Bosnian Government has never objected to the presence of Croatian forces on its territory, however, and has welcomed their support in resisting aggression against Bosnia by Serbia and Montenegro. Similarly, although the HVO is in fact controlled (through Mate Boban's hard-line faction of the HDZ) by Zagreb rather than Sarajevo and has clashed on several occasions with Bosnian Muslim forces, it is considered by the Bosnian Government to be part of the Bosnian Armed Forces.

Bosnian forces were initially called the Territorial Defense Force; this was later altered to the Armed Forces of Bosnia and Herzegovina. Croatian armed forces in Bosnia and Herzegovina include members of the Armed Forces of the Republic of Croatia as well as HVO.

Many civilians were taken prisoner, primarily by Serbian forces but also by Croatian militias and the primarily Muslim Bosnian government forces, and held in prison camps, often under the most brutal and inhumane conditions. While precise figures were not available, the number of refugees from Bosnia exceeded 1.5 million, more than one-third of the population, and the number of dead and missing reached into the tens of thousands. All of Bosnia and Herzegovina suffered terribly, but ethnic Muslims were the most severely affected and accounted for the largest share of casualties and of displaced persons. As winter set in, Bosnia and Herzegovina faced a humanitarian disaster, as many tens of thousands of undernourished people without proper shelter faced possible death from starvation and exposure.

BOSNIA AND HERZEGOVINA

As a result of the aggression against Bosnia, the U.N. Security Council (UNSC) on May 30 adopted Resolution 757, imposing comprehensive sanctions on Serbia/Montenegro, cutting off economic relations between them and all U.N. member states, while providing exceptions for food and medicines.

U.N. peacekeeping forces (UNPROFOR) were present in Bosnia before Serbian forces unleashed the war there in April, since UNPROFOR headquarters for the deployment in Croatia was initially located in Sarajevo. While UNPROFOR headquarters were subsequently withdrawn from Sarajevo, a separate Bosnian operation was authorized by Resolution 758, adopted on June 8, which extended the UNPROFOR's mandate and specifically sought to facilitate the reopening of Sarajevo airport for the delivery of humanitarian relief on the basis of an agreement between the Bosnian Government and Karadzic's SDS. In August the UNSC adopted Resolution 770, authorizing the use of "all necessary means" to ensure the delivery of humanitarian relief in Bosnia. In October UNSC resolution 781 established a ban on military flights in the airspace of Bosnia and Herzegovina, though by the end of the year agreement had not been reached on enforcement of the ban.

A staff report on "ethnic cleansing" in Bosnia issued in August 1992 by the U.S. Senate Foreign Relations Committee found there was prima facie evidence that Serbian forces had perpetrated war crimes and crimes against humanity, and an international human rights organization's report on war crimes in Bosnia issued at the same time found prima facie evidence that genocide was taking place.

In response to proliferating reports of gross human rights violations in Bosnia, particularly by the Bosnian Serb forces, the UNSC in August adopted Resolution 771, calling on all parties to respect international humanitarian law, demanding unimpeded access for the International Committee of the Red Cross (ICRC) and other international humanitarian organizations to all prisons and detention centers, inviting the submission to the UNSC of information concerning serious violations of humanitarian law in the former Yugoslavia, and asking the Secretary General to report to the Council on information received and possible measures to be taken. In October the Security Council established a Commission of Experts, chaired by jurist Frits Kalshoven, to investigate charges of war crimes in the former Yugoslavia.

The United States Government has submitted to the United Nations summary reports of such atrocities, totaling over 50 pages and encompassing thousands of instances of killings, torture, rape, and other abuse, which themselves represent only a small fraction of the offenses committed. Illustrative examples of these abuses appear in appropriate sections of this report.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing.

In the circumstances of the Bosnian war, it was difficult to distinguish targeted killings from killings resulting from indiscriminate attacks. (See Section 1.g. for a description of large-scale war-related atrocities committed against civilians, including killings.) Before the outbreak of war in April,

BOSNIA AND HERZEGOVINA

there were a number of killings that appeared to be politically or ethnically motivated. In January the head of the Muslim Bosnjak Organization (MBO--an opposition political party) in Bijeljina, Abdulah Kovacevic, was murdered. In February an ethnic Croat who headed the referendum commission in Glamoc was killed. In neither case were the killers apprehended. Some members of the MBO charged that Kovacevic was killed by Serbian paramilitary members in collusion with the JNA. It appears that the man killed in Glamoc was the victim of Serbian nationalists opposed to the referendum on independence, but this has not been proven.

In several instances, persons working for international organizations were killed in what appeared to be deliberate attacks. The ICRC delegate in Sarajevo, Frederic Maurice, was killed in June when his convoy came under fire as it entered the city. A Belgian member of the European Community (EC) monitoring mission was killed south of Mostar in April, apparently in an attack by SDS forces. In August American journalist David Kaplan was killed by a sniper while traveling in a motorcade in Sarajevo with "Yugoslav" Prime Minister Milan Panic. On September 3, an Italian plane participating in the Sarajevo airlift was shot down west of the city; investigators were unable to determine who fired on the aircraft. By October, five members of the UNPROFOR contingent in Sarajevo had been killed; in one incident, two French soldiers were killed by fire from Bosnian government positions.

b. Disappearance

In the chaos that accompanied the Bosnian war, the number of missing people reached into the tens of thousands, and only rough estimates of the total were possible. Bosnian government figures as of early October put the number of missing at 57,000, of whom about 8,500 were said to be children. There are no reliable figures for the number of persons missing as a result of the Bosnian war. (See Section 1.g. for a description of the circumstances resulting in these disappearances.)

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In prison camps operated by each faction--the Serbian SDS, the Croatian HVO, and the predominantly Muslim Bosnian Government--inmates were subjected to beatings, sometimes leading to death, intimidation, and other forms of inhuman treatment. In Serb-run camps, many prisoners were subjected to the most brutal forms of torture and murder their captors could devise. International observers formally gained access to some prison camps in July, including those operated by Serbian forces in northwest Bosnia (e.g., Omarska, Trnopolje, Manjaca) and by the HVO in western Herzegovina (e.g., Ljubuski, Capljina, Mostar). Later missions gained access to camps operated by the Bosnian Government where Serbian civilians were held (e.g., Konjic, Viktor Bubanj barracks in Sarajevo).

Refugee accounts indicate that the mistreatment of prisoners in SDS camps extended to beating and egregious forms of torture and mutilation, as well as killing. According to refugee accounts, in a number of SDS camps, physical mutilation of prisoners extended to deliberate disfigurement and excision of body parts. Systematic rape has been used, largely against the Muslim population, by the Bosnian Serbs as part of their "ethnic cleansing" campaign.

BOSNIA AND HERZEGOVINA

At Keraterm, there were reports of murders of prisoners, with inmates forced to carry their bodies out and stack them on trucks to be transported elsewhere. At the Trnopolje camp, Serbian soldiers wandered through nightly, brutally beating the male prisoners and randomly raping female prisoners. In Serbian camps near Foca, Muslim women were repeatedly raped, according to refugee accounts.

In Livno and Tomislavgrad, Croatian paramilitary forces, which took over from civilian authorities in April, forbade Serbian residents to leave. In September the Thomson mission of the Conference on Security and Cooperation in Europe (CSCE) inspected two sites in Livno where a total of 79 Serbs were incarcerated and apparently subjected to beatings. The mission reported that the three rooms holding prisoners in the Livno police station were overcrowded and lacked heating and that there were signs that prisoners had been beaten. The Thomson mission also visited the village of Rascani, in Tomislavgrad district, where about 250 Serbs, mostly women and children, some of whom had been brought to Rascani after their homes were demolished, were held prisoner and subjected to abuse by Croatian nationalists. According to credible refugee accounts, HOS forces were involved in the detention and mistreatment of Serbian civilians, including the rape of female prisoners.

Bosnian government authorities operating a prison in the Viktor Bubanj barracks in Sarajevo subjected Serbian prisoners to beatings; the facility also held a number of female prisoners, including some elderly women and one pregnant woman. According to the account of a refugee who said she was imprisoned in the Bubanj barracks during July and August, women inmates there as well as men were subject to beatings by the guards, and in one incident medical assistance was withheld from women prisoners injured by glass shattered by an exploding shell.

Karadzic and his supporters, in addition to denying charges of systematic and widespread rape of Muslim women by Bosnian Serb forces, have made countercharges against Bosnian Muslim and Croatian forces. These outrageous incidents of violence against Serbian women are the by-product of war and not part of a campaign of "ethnic cleansing." The CSCE Thomson mission found that the HVO held 75 Serbs, half of them women, at the city prison. Prisoners were forced to work constructing bunkers and cleaning up rubble from Serbian shelling and were beaten if they refused, according to refugee accounts. According to refugee accounts, several dozen Serbian women were raped while confined to their homes in Novi Grad and other villages near Odzak by Croatian forces during June. According to these accounts, the rapes were committed by local Croats, not by members of regular Croatian Armed Forces, who were present in the area at the time.

d. Arbitrary Arrest, Detention, or Exile

The onset of fighting in many parts of Bosnia and Herzegovina and the virtual siege of Sarajevo rendered the criminal justice system inoperable. In addition to instances of mass detention of civilians in prison camps (treated in Section 1.g. below), there were a number of cases of detention of prominent individuals for political purposes.

On his return to Sarajevo from an international conference in April, Bosnian President Izetbegovic was abducted by the JNA, which offered his release in return for the guaranteed safe passage of Second Military District commander General Milutin

BOSNIA AND HERZEGOVINA

Kukanjac, who was in a blockaded JNA installation in the city. Both men were released, but there was a dispute between the two sides over the terms of the agreement. The JNA attempted to withdraw a contingent of men and equipment from the barracks together with Kukanjac, and Bosnian forces fired on the withdrawing JNA column, killing as many as six JNA personnel.

In September an ethnic Serbian writer and former member of the SDS, Vladimir Srebrov, was arrested near Sarajevo when he attempted to cross "Serbian Army" lines on a peace mission. Srebrov, a harsh critic of Radovan Karadzic, was forcibly removed to the Kula prison at the former JNA barracks at Lukavica, and the SDS threatened to try him for treason.

On numerous occasions in Sarajevo, local police on their own initiative detained prominent citizens of Serbian nationality for questioning. Senior Bosnian officials repeatedly intervened to obtain the release of detainees but were unable to prevent arrests from occurring.

The Bosnian Government did not practice exile. The practice of "ethnic cleansing" by Serbian forces in Bosnia resulted in de facto exile for tens of thousands of non-Serbs (see Section 1.g.).

e. Denial of Fair Public Trial

In the context of the war, there was no guarantee of a fair public trial for the accused anywhere in Bosnia, regardless of whose forces were in control. By the summer of 1992, the authority of Bosnia's government institutions generally was limited to a small area, including the cities of Sarajevo, Zenica, Tuzla, Gorazde, Srebrenica, and Bihac, and surrounding areas. Even there, the civil justice system had collapsed along with civil government generally, and effective power rested largely in the hands of Bosnian military authorities or militias, and the Bosnian Government's ability and inclination to protect the rights of citizens, particularly ethnic Serbs, declined steadily.

In areas controlled by the HVO and "the Serbian Army," legal rights of non-Croats and non-Serbs, respectively, were severely abridged, as were those of all citizens who did not accept the legitimacy of the "governments" proclaimed by the paramilitary forces or who ran afoul of local militia leaders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Efforts by republic and local authorities to monitor political activity were widespread in the period preceding the outbreak of war. The Bosnian Government admitted that it monitored telephone communications of SDS members in the Government when it publicized their conversations with political leaders in Serbia. Similarly, the police of the "Serbian Republic" monitored telephone conversations of citizens and interrogated citizens about specific conversations, without attempting to conceal that eavesdropping was taking place.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.

Violations of humanitarian law and international conventions on the treatment of civilians in time of war were so egregious and systematic as to defy full description. These violations fell

BOSNIA AND HERZEGOVINA

into several categories, including: indiscriminate attacks against civilians, including massacres; detention of civilians and the worst kinds of torture and killings of prisoners; forced movements of populations; and use of paramilitary groups, including criminals. Because of the extent of the violence in Bosnia, this report can only cite illustrative examples of some of the worst incidents for which reliable information is currently available. Accurate figures for total casualties are not available. In late December, a Bosnian government spokesman said that 130,000 people had been killed in the Bosnian war, including 8,000 residents of Sarajevo. U.S. submissions to the United Nations to date on war crimes in Bosnia and Herzegovina reflect well over 25,000 deaths.

While all sides were guilty of purposefully carrying out violence against civilians, attacks on population centers were a central feature of the behavior of the "Serbian Army" and its paramilitary allies. Even after the passage of UNSC Resolution 770, Serbian forces frequently prevented the delivery of humanitarian aid to cities and towns they were besieging and cut off basic services, including electricity and water, to the civilian population.

From the beginning of the war in April, SDS paramilitary forces in the hills around Sarajevo bombarded the city, causing heavy civilian casualties day after day. The "Serbian Army's" assault killed thousands of innocent people and damaged or destroyed hospitals, schools, residential buildings, mosques, churches, and all kinds of civilian facilities. The attacks on Sarajevo became even more brutal and frequent after May 19, when Ratko Mladic assumed the position of commander of the "Serbian Army" as well as direct supervision of the siege of the Bosnian capital. In July a University of Sarajevo demographer estimated the average daily death toll in Sarajevo as a result of the attacks on the city at 17 persons; 70 percent of the dead were civilians, he calculated, and 10 percent were children. In addition to their attacks on Sarajevo with mortars, artillery, multiple rocket launchers, tanks, and other heavy weapons, the "Serbian Army" and former JNA forces also attacked the vital infrastructure of the city. In late July, outgoing telephone lines were made inoperable, although connections with the SDS stronghold in Pale (which is on the same intercity exchange) remained. SDS and former JNA forces later cut off the main water line and fired on electrical workers who attempted to repair transmission lines and restore power. Natural gas supplies were also periodically interrupted by Serbian forces.

On April 19, the commander of JNA forces in Mostar, General Momcilo Perisic, bombarded the town in retaliation for the disappearance of two JNA pilots, despite pleas by diplomats in Belgrade to the JNA General Staff for restraint. By the time Perisic's forces withdrew, they had destroyed much of Mostar and killed many residents. In their counteroffensive, Croatian forces also inflicted damage on parts of the city. In addition, JNA reservists wreaked havoc on Croatian and Muslim villages in the Neretva valley, south of Mostar.

JNA forces and Serbian irregular units began an assault on the northeastern city of Tuzla in May. The JNA officer commanding the assault, Colonel Mile Dubajic, threatened to destroy Tuzla if Bosnian forces there did not release the prisoners of war (POW's) they held. While his forces did not destroy the town, they repeatedly shelled the city center, where tens of thousands of Muslim refugees from northeastern Bosnia were

BOSNIA AND HERZEGOVINA

sheltering. The JNA's successor, the "Army of Yugoslavia" (VJ) has not prosecuted its personnel who appear to have been involved in war crimes in Bosnia.

Among the weapons left for Karadzic's "Serbian Republic" by the JNA were warplanes based at Banja Luka, which were used in attacks on Gradacac, Jajce, Bihac, Gorazde, and other towns. The air force of the "Serbian Army," under the command of General Zivomir Ninkovic, dropped cluster bombs in raids on Sarajevo and other places, and the commander of the Banja Luka-based "First Krajina Corps" (the renamed Banja Luka Corps of the JNA), General Momir Talic, claimed in October that the Bosnian Serbs' planes were using napalm. The Bosnian Government has reported that territory under its control has been attacked with napalm by Serbian planes, and the Bosnian Serb air force has this capability.

As the war continued into the summer and fall, Serbian forces bombarded predominantly Muslim and Croatian towns and villages throughout northern Bosnia, inflicting heavy civilian casualties and extensive destruction. In eastern Bosnia, they encountered stiff resistance from predominantly Muslim Bosnian forces in Gorazde and Srebrenica, and "the Serbian Army" again applied the tactic of heavy shelling of civilian targets. In August the siege of Gorazde was lifted, but attacks on Srebrenica continued. Twice in the fall, Serbian forces blocked convoys assembled by the U.N. High Commissioner for Refugees (UNHCR) that were attempting to bring humanitarian aid to Srebrenica but later bowed to pressure and allowed some convoys to get through.

Regular Croatian forces shelled the town of Trebinje in August, and Bosnian forces in Sarajevo fired shells at the town of Pale in September. However, there was no general pattern of Bosnian Territorial Defense or HVO assaults with heavy weapons on civilian targets.

As they seized towns and villages, Serbian forces began carrying out involuntary population transfers called "ethnic cleansing," particularly of the Muslim population in northern and eastern Bosnia. Hundreds of thousands of people were affected. In some cases, residents were coerced into signing away their property; in others, villages were simply destroyed, and residents were either killed or rounded up to be sent to detention camps. In attacks by Serbian forces on towns along the Drina river in April and May, hundreds and perhaps thousands of Muslim civilians were killed. During the violence along the Drina, massacres were reported in Bijeljina, Bratunac, Zvornik, Foca, and elsewhere.

Massive systematic rape, committed by Bosnian Serb military units and prison guards, was used as an extension of "ethnic cleansing" to terrify the population. Bosnian authorities claim that between 30,000 to 50,000 women have been raped since the onset of hostilities, while a December EC study put the figure closer to 20,000.

In addition to expelling non-Serbs from their homes, Serbian forces systematically destroyed the homes of Muslims who had fled. To a lesser extent, in areas of western Herzegovina and other areas under Croatian control, many Serbs fled from their homes, and in some cases their homes were then destroyed.

In the northwest, Serbian forces cleared the districts of Bosanski Novi, Bosanski Petrovac, Prijedor, Sanski Most, Kljuc,

BOSNIA AND HERZEGOVINA

and Kotor Varos. In late May, attacks by Serbian irregulars in northwest Bosnia caused many casualties in the district of Prijedor; the settlement of Kozarac, with a population of 25,000, was virtually destroyed. Many Muslim men were imprisoned, while women and children were herded into freight cars and sent eastward. At Banja Luka, Serbian authorities refused to shelter the refugees or to allow citizens to bring food and water to them at the railway station. Banja Luka police claimed the Muslim women and children were being sent to Doboij (where fighting was under way) en route to Zenica, in central Bosnia, but it is uncertain how many arrived there. Some of the male family members of these deportees were killed in SDS and JNA attacks, while others were incarcerated in prison camps such as Omarska and Manjaca, where an unknown number were killed or otherwise died.

Despite international condemnation of the practice of "ethnic cleansing" and promises by SDS leader Karadzic that it would stop, in September and October Serbian paramilitary forces continued to drive ethnic Muslims from their homes in Bosanski Petrovac, Prijedor, Kljuc, Kotor Varos, and other districts of northwestern Bosnia. Many Muslim refugees attempted to cross battle lines into Bosnian-held territory at Travnik; along the way they were harassed and robbed, and some never reached Travnik at all. On August 21, about 200 Muslim men were abducted from one such convoy and killed by Serbian paramilitary forces, according to credible refugee accounts. A column of refugees left Bosanski Petrovac in late September after an unknown number of Muslims there were killed. In October Muslim refugees fled the villages of Cela and Brezicani in the Prijedor district after an attack by Serbian paramilitary forces killed at least seven people. Also in October, violence erupted in Kotor Varos, and Muslim and Croatian villagers sought international protection to guarantee their flight into central Bosnia.

"Ethnic cleansing" was not always carried out at gunpoint or under direct threat. The general atmosphere of violence and intimidation drove many people, whose ethnic group was not dominant in a given area, to flee. International aid officials stated in October that more than 100,000 Muslims and Croats were seeking to leave northwestern Bosnia, which was largely under the control of the SDS. Although the Bosnian Government sought to prevent reprisals against Serbs in Sarajevo, the continuing siege of the city increased ethnic tension; reports of violence against Serbs and arbitrary arrest increased, and more and more Serbs sought to flee the city. Tensions were exacerbated by Bosnian government moves toward an alliance with Croatia, which fueled the fear of Serbs that they would lose their status as one of Bosnia's three constituent nationalities (together with Muslims and Croats). Although ethnic Serbs remained in the Bosnian presidency and government and were represented in the command of the Bosnian Armed Forces, all of the most senior figures in these structures were Muslims or Croats. Speaking in December, Bosnian Prime Minister Mile Akmadzic (a Croat) referred to the Muslim and Croatian nationalistic parties (the SDA and the HDZ) as the legitimate representatives of the two respective nationalities, while implying that, since the Serbian nationalist party (the SDS) had been banned, the Bosnian Serbs do not have a corresponding "legitimate representative".

By the end of 1992, the number of persons displaced by the war exceeded 1.5 million, more than one-third of Bosnia and Herzegovina's total population. In early July, a demographer

BOSNIA AND HERZEGOVINA

estimated that half of Bosnia Herzegovina's Muslim population, one-fifth of its Croats, and something less than one-tenth of its Serbs had been displaced by the war. The percentage of refugees among the Serbian population later rose considerably, including many refugees from "the Serbian Republic." Of the refugees, 45 percent were children and 30 percent elderly, with women making up the majority of the remaining one-quarter.

As indicated in Section 1.c., all sides held civilians in prison camps. Serbian forces confined thousands of non-Serbs, mostly ethnic Muslims, in "collection centers" as an adjunct to their campaign of "ethnic cleansing." The SDS held the majority of prisoners and subjected them to inadequate living conditions, beatings, torture, rape, and forced labor. In some camps, they executed prisoners, sometimes summarily and sometimes as the culmination of tortures carried out for the amusement of camp guards.

About 3,000 men, women, and children were killed during May and June at the Brcko-Luka camp, which held approximately 1,000 civilian internees at any one time. Some 95 percent were ethnic Muslims, and the remainder were Croats. About 95 percent were men. Until May the bodies were dumped into the Sava river.

In late July, more than 100 died in an incident at the Keraterm prison in Prijedor. According to refugee accounts, a riot erupted on a hot evening in July, when men who had been deprived of water and were locked in a building that lacked ventilation panicked and tried to break out. Most of the victims were said to have suffocated in the crush of men trying to get out, while others were executed the next day for their part in the riot. When Western journalists visited Keraterm a few weeks later, they were prevented from examining that part of the facility where, according to refugee accounts, the executions had taken place. Two of these journalists said it appeared that the Serbian authorities there were cleaning a wall and adjacent area where prisoners had allegedly been shot.

According to former inmates, 10 to 15 prisoners were killed each day at Omarska between May and August, and prisoners were also subjected to torture and mutilation. At the "Serbian Army" prison camp on Manjaca, prisoners were also killed; local residents found the bodies of 25 prisoners near the camp in July, while a CSCE team that visited Manjaca in August and saw prisoners who had been beaten with blunt instruments concluded that detainees had been executed there beginning in late May. According to credible and consistent accounts given by a number of Bosnian refugees, it appears that Muslim women were raped systematically and repeatedly while being held prisoner by Serbian forces in northern and southeastern Bosnia. The CSCE Thomson mission visited the village of Ripac, near Bihac, where about 60 Muslim inhabitants, mostly women and children, were denied freedom of movement and prevented from communicating with family members on the other side of the front line.

Serbian civilians held in prison camps by Croats and Muslims were also subjected to violence. According to credible refugee accounts, at least 20 Serbian civilians were murdered in the Celibici prison, operated by Muslim authorities near Konjic; the CSCE team which visited Celibici found circumstantial evidence of killings there. (See also Section 1.c. on the treatment of inmates in prison camps.)

BOSNIA AND HERZEGOVINA

The Bosnian Government has intervened to secure the release of Serbs arrested by police or paramilitary forces in Sarajevo, both in the case of individuals and of larger groups, as in one case where several hundred Serbian civilians were detained in the Kosevo stadium in Sarajevo. In addition, according to Serbs who were held in prison camps run by Bosnian Muslims, some prison officials suspected of atrocities, such as the commander of the prison camp at Celebici, have been arrested by the Bosnian Government.

Serbian civilians were the victims of violence by Croatian militias, by the primarily Muslim armed forces of Bosnia, and by Croatian and Muslim irregulars. Bosnian forces relieving the besieged town of Gorazde in August attacked columns of fleeing Serbs and killed a number of civilians, including women and children. Serbian refugees from Gorazde also asserted that some Serbian civilians were murdered in the town itself. Bosnian irregular forces attacked Serbian villages in eastern Bosnia during the summer and fall and in one incident near Milici in September reportedly killed at least 28 Serbian villagers. Other credible refugee accounts indicate that the HVO in a Mostar prison beat and threatened Serbian civilians, including women, and that some inmates died as a result of beatings or mistreatment. In the town of Prozor in October, following a dispute between the HVO and local Muslims, the heavily armed Croatian forces went on a rampage directed against the Muslim population, killing civilians and destroying much of the town.

Serbian attacks on Muslim and Croatian towns and villages in Bosnia were frequently spearheaded by paramilitary "volunteers," including many citizens of Serbia and Montenegro. In particular, three paramilitary leaders carried on activities publicly and with evident official support in Serbia:

Zeljko Raznjatovic, a criminal wanted in several Western countries, is a paramilitary leader known by the name "Arkan." Based in Belgrade, he took part in the fighting in Croatia in 1991. He led paramilitary forces in early April that murdered Muslim civilians in Bijeljina. He also participated in the seizure of the predominantly Muslim town of Zvornik where his forces allegedly murdered civilians. He was known to travel on some occasions in JNA aircraft.

Vojislav Seselj, a member of both the Serbian and "Yugoslav" parliaments and the leader of the Serbian Radical Party (SRSA) and its paramilitary wing, the Serbian Chetnik Movement (SCP), personally reviewed his SCP paramilitary forces in Sarajevo and in Herzegovina, traveling in some cases in JNA aircraft. His SCP forces were active in northern Bosnia and eastern Herzegovina where they were accused of killing civilians.

Mirko Jovic, the leader of the Serbian National Renewal Party (SNO), whose paramilitary wing is known as the White Eagles, was photographed in August at Serbian artillery positions outside Gorazde. The White Eagles took part in the assault on Visegrad in April, in which Muslim civilians were murdered, as well as in other actions in many parts of Bosnia and Herzegovina.

In several areas of Bosnia and Herzegovina, followers of the Croatian nationalist extremist, Dobroslav Paraga, and his Croatian Party of Rights (HSP), formed units of the Croatian Defense Forces (HOS). Thousands of HOS troops were already in

BOSNIA AND HERZEGOVINA

western Herzegovina in March, before the outbreak of heavy fighting in Bosnia and Herzegovina.

All sides in the Bosnian war charged each other with widespread atrocities against civilians, but many of these could not be substantiated by international observer investigations. The practice of the SDS of issuing through the Serbian News Agency (SRNA) a flood of unfounded charges of crimes by Bosnian government forces, charges then picked up by the wire service Tanjug and other Serbian media, in fact made it more difficult to sort out the real instances in which ethnic Serbs were the victims of atrocities. SRNA reported in September, for example, that 150 Serbs had been killed in Bihac in the presence of UNPROFOR and ICRC personnel, a report that these two agencies subsequently said was untrue. An investigation by the UNPROFOR in Bihac failed to produce any evidence of such killings. For its part, the Bosnian Government made allegations concerning atrocities by "Serbian Army" forces and Serbian paramilitary forces without solid evidence, charges that damaged its credibility.

The widespread incidence of violations of humanitarian law in the Bosnian war led the UNSC in September to adopt a resolution seeking the investigation of alleged war crimes. The War Crimes Commission, established by the UNSC following its first meeting in November, announced that it would be investigating reports of violations of international humanitarian law in the former Yugoslavia and analyzing applicable law. The Commission noted that it had received information relevant to the investigation from several governments, including that of the United States.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.

Before the outbreak of the war in April, the Bosnian media and particularly Sarajevo radio and television, the major Sarajevo daily *Oslobodjenje*, and the independent television studio Yutel were widely regarded as accurate and balanced. They displayed a critical stance toward all political parties and maintained a fair ethnic mix among their journalists. While the three major nationalist parties (the SDA, HDZ, and SDS) had earlier attempted unsuccessfully to place Sarajevo radio and television and *Oslobodjenje* under direct government control and effectively segregate them into three ethnic units, by early 1992 SDA leaders were supporting the independence of the media, although critics charged this was only a tactical retreat and that Muslim nationalists too were quietly seeking to place the media under state control. The SDS remained bitterly critical of Sarajevo radio and television and *Oslobodjenje*, and, after Mate Boban took control of the HDZ in February, it too renewed its demands for ethnically segregated media. SDS paramilitary forces, with the support of the JNA, seized most Sarajevo television relay stations and reprogrammed them to relay Belgrade television broadcasts. When the siege of Sarajevo began in April, the radio and television studios and the *Oslobodjenje* building came under heavy bombardment. After the war began, Sarajevo radio and television increasingly reflected government policy. The director of Sarajevo television, Nenad Pejic, left Bosnia in May, saying he was receiving threats from all sides in the conflict. *Oslobodjenje* continued to operate as an independent voice; its editor-in-chief was a Muslim and its deputy editor-in-chief a Serb, and major Bosnian ethnic groups were represented on its staff.

BOSNIA AND HERZEGOVINA

SDA and HDZ as well. In Banja Luka, SDA activists were subject to surveillance and frequent police interrogation, although they were allowed to meet with international observers.

c. Freedom of Religion

All speaking the same language, the Serbs, Croats, and Muslim Slavs of Bosnia and Herzegovina are distinguished most obviously by their religion (Orthodox Christian, Roman Catholic, and Muslim, respectively). The SDS indoctrinated its forces to believe they were fighting a religious war. Radovan Karadzic repeated this message many times, and Serbian forces systematically destroyed mosques and Catholic churches in many of the towns they captured. The mosque and Catholic church in the center of Prijedor were destroyed during the summer, not by shells in battle, but demolished intentionally with explosives. Similarly, the mosque in Celinac was destroyed, as was the Catholic church in Kotor Varos, where the local Catholic priest was forbidden to practice. In Visegrad, SDS paramilitary forces demolished a mosque in the center of the town after occupying it, and in Foca Serbian occupation forces destroyed the 15th-century "Sarena" (multicolored) mosque. In Tuzla, the residence of the Serbian Orthodox bishop was attacked and considerable damage inflicted, presumably by Muslim or Croatian nationalists; local officials condemned the attack, but no arrests were made. Many other mosques, churches, and other religious buildings were damaged or destroyed in the shelling of Sarajevo, Mostar, and other towns by "the Serbian Army" and its paramilitary allies. There were also cases in which Serbian Orthodox churches were damaged or destroyed in the fighting and appear to have been deliberately targeted. The Serbian Orthodox bishop of Herzegovina declared in September that 15 churches in his diocese had been destroyed in the districts of Mostar, Tomislavgrad, and Konjic, and that many Serbian villages in Herzegovina had been destroyed and their inhabitants imprisoned or killed by regular Croatian army units, ethnic Croatian forces from Western Herzegovina, and Bosnian Muslim forces.

Those who promoted the war encouraged religious hatred to motivate their followers. Leaders of the three principal religions condemned the violence but were unable to rally their congregations to forgiveness and reconciliation. Most of Sarajevo's Jewish community fled the city during the early weeks of the SDS/JNA siege.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The war deprived most of the people of Bosnia of the right to move freely in their own country or across its borders; large numbers of people were either expelled from their homes or held hostage because of their ethnic affiliation. Everywhere, mobilizations were declared which gave the authorities power to restrict the movement of most adults, other than the elderly. Serbs who wished to leave Sarajevo or Muslims who wished to leave Banja Luka could be denied permission on the grounds that they were subject to military duty. The northern corridor route crossing SDS-controlled territory between Banja Luka and the Serbian border was generally closed to non-Serbs.

BOSNIA AND HERZEGOVINA

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On February 29-March 1, Bosnia and Herzegovina held a referendum on whether it should become a sovereign and independent state. Bosnian leaders had preferred to try to hold Yugoslavia together in some loose form, since they believed this provided the best hope for stability and peace in their multiethnic republic. As it became clear that Croatia's independence would be recognized by the world community, these Bosnian leaders, including the Muslim and Croatian nationalist parties, all major opposition parties, and most independent intellectuals concluded that Bosnia must have the same status as Serbia and Croatia if Bosnia was to survive as a multiethnic society. The referendum produced a vote of 63.4 percent of all eligible voters in favor of independence. Staff members of the U.S. Congress' Commission on Security and Cooperation in Europe who observed the referendum concluded in a published report that "citizens legitimately expressed their desire to be sovereign and independent."

The SDS organized a boycott of the referendum, and although its leader, Karadzic, said his followers would not hinder those who wished to vote, many local governments under SDS control did not cooperate fully; in a few districts, SDS officials tried to prevent the vote from taking place. In addition, some SDS activists pressured ethnic Serbs not to vote, threatening that they would lose their jobs or suffer other sanctions. In Banja Luka, the local newspaper proclaimed on its front page that Serbs who voted (whether for or against) were "traitors" to their people. On March 1, as it became clear that the referendum was producing a majority yes vote, the SDS seized on the murder of a Serb in Sarajevo that day to throw up barricades that paralyzed the city. The violence in Sarajevo in the first days of March and the war the SDS forces unleashed the following month deprived Bosnian citizens of their right to determine their political future.

The bicameral National Assembly comprised 240 seats, of which 99 were filled by Muslims, 84 by Serbs, 50 by Croats, and 7 by others. This composition paralleled the breakdown in the population of 4,355,000, in which 43.7 percent were Muslim, 31.3 Serbs, 17.3 Croats, and 7.7 others.

The Republic's institutions, including the legislature, could not function, and effective political power fell to those who had arms and men at their disposal. The Bosnian Territorial Defense Force, later renamed the Armed Forces of Bosnia and Herzegovina, controlled relatively little territory, and, as the war went on, it was increasingly taken over by ethnic Muslims. The Croatian militias, the HVO and HOS, controlled western Herzegovina, parts of central Bosnia, and some territory along the Sava river in the north. More than half of Bosnia came under the control of SDS paramilitary groups and the former JNA forces that after May 19 referred to themselves as "the Serbian Army."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violation of Human Rights

The Bosnian Government, the SDS, and the Croatian militias all agreed in principle to allow international observers access to territory under their control to investigate alleged human rights abuses and for other purposes. In practice, political

BOSNIA AND HERZEGOVINA

authorities imposed obstacles, and the ongoing war made it difficult for international observers to carry out such investigations in many parts of Bosnia. While Radovan Karadzic responded to charges that his forces were operating concentration camps for non-Serbs by organizing group visits to SDS prison camps, journalists were not granted full access to such sites. For example, journalists participating in an SDS-organized visit were prevented from inspecting an area of the Keraterm prison where executions allegedly took place; "Serbian Republic" police detained several journalists traveling independently when they attempted to visit the Batkovic camp, without prior notice; and journalists in general were not permitted private discourse with prisoners.

Another journalist was summarily expelled from Banja Luka when he asked "Serbian Army" officials for the autopsy report on a prisoner who died at Manjaca. The U.N. Special Human Rights Rapporteur, Tadeusz Mazowiecki, was denied access to the Manjaca camp by "Serbian Army" officers in September, on the grounds that he had arrived there too late in the day and that preparations for his visit had not been made properly.

All sides in the Bosnian war viewed the work of international organizations through the prism of their political interests. The Government sometimes turned against the UNPROFOR because, in its view, the UNPROFOR would not clearly distinguish between aggressor and victim in the conflict. Karadzic and the SDS alleged that UNHCR planes were not only ferrying food into Sarajevo but also smuggling arms to Muslim and Croatian forces in Bosnia and Herzegovina. Such obstructionist attitudes rendered the work of international organizations both difficult and dangerous.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

All other forms of social tension were eclipsed by the ethnic hatred generated by the war to annex Bosnian territory to a "union of Serbian states." There have been widespread dismissals and intimidation of workers based on ethnicity and religion. Affiliation as an Orthodox Christian Serb, a Roman Catholic Croat, or a Muslim Slav became the crucial factor that determined if a person would keep a job or lose it, would remain at home or be driven out of it, and, all too often, would live or die. Support for a multiethnic society was eroded by violence, fear, and anarchy. The Bosnian war was especially tragic for the hundreds of thousands of citizens whose families included members of more than one ethnic group, a particularly common phenomenon among young, urban, and educated Bosnians. (In the 1991 census, 240,000 Bosnians did not even offer an ethnic affiliation, but declared themselves to be "Yugoslavs.")

Section 6 Worker Rights

a. The Right of Association

Legally, all workers are entitled to form or join unions of their own choosing without prior authorization and, up until Bosnia and Herzegovina's descent in early 1992 into war and economic chaos, this right was generally respected. Bosnian workers had independent trade unions, and journalists, teachers, and others were organized in independent professional organizations, which attempted through mass actions both to address labor issues and to promote peace during the tense

BOSNIA AND HERZEGOVINA

early months of 1992. The activities of unions were curtailed severely by the war and the collapse of the economy. Although statistics on the size of the organized work force are unreliable, the bulk of Bosnian workers were probably members of the semiofficial Council of Independent Trade Unions of Bosnia and Herzegovina (CITUBH). Throughout 1991 and into 1992, new trade unions were formed as the centralized national structure eroded, but the old union umbrella organization continued to be able to offer some material benefits to members, such as preferential access to lower cost commodities from government reserves, which the fledgling independent unions were unable to do.

The right to strike is recognized and was exercised in early 1992 prior to the outbreak of hostilities.

b. The Right to Organize and Bargain Collectively

This right is guaranteed formally by Bosnian law, but Western-style collective bargaining had yet to take hold, as the management of state-owned (or "socially owned") enterprises had not been given, and had not taken, responsibility for collective bargaining. Some agreements were negotiated with the semiofficial Chamber of Economy but proved unsatisfactory for lack of clear authority and management responsibility. Privatization of "social property" was another problem in which the rights and interests of workers were not well defined or understood. Ethnically motivated dismissals and curtailment of union activities increased in the context of the war. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.

Bosnian law prohibits forced labor, and it was not known to occur before the war's outbreak.

d. Minimum Age for Employment of Children

The minimum age for employment is 16, although in villages and farm communities younger children often assist with family agricultural work. The victimization of children is a horrifying aspect of the Bosnian war, and there were credible reports of the employment of children for military functions, including reconnaissance and running messages.

e. Acceptable Conditions of Work

Minimum wages are guaranteed, but delays and partial payments were pandemic even prior to the outbreak of fighting, due to the collapse of the Bosnian economy. Serbia had imposed an embargo on food deliveries, including shipments that had already been paid for. Banks had neither hard currency nor local currency, and purchasing power dropped to a fraction of its 1990 level. Formally, sick leave and other benefit programs were generous, and regulations on occupational health and safety were adequate, although enforcement was lax. In the context of the war, however, formal guarantees are worth very little; the economy of the entire Republic has been destroyed by the war and there have been widespread dismissals and intimidation of workers based on ethnicity and religion.

CROATIA

The Republic of Croatia, whose territory formerly constituted one of the constituent republics of the former Socialist Federal Republic of Yugoslavia, declared its independence on June 25, 1991, and sought international recognition. That action precipitated a war with the federal authorities in which they sent the Yugoslav National Army (JNA), led predominantly by Serbian and Montenegrin officers, against Croatian towns and cities. The JNA established control over a number of areas where Croatian residents of Serbian nationality were predominant, as well as over areas where Serbs had been in a minority. The JNA was assisted in this effort by paramilitary forces, who invaded from Serbia and Montenegro, and by local Serbian irregulars. These elements were often organized and led by regular JNA officers or their surrogates and all were directly supplied with weapons and ammunition by the JNA.

On January 3, 1992, after 14 previous cease-fire agreements collapsed, a cease-fire negotiated by former U.S. Secretary of State Cyrus Vance and approved by the United Nations Security Council (UNSC) went into effect. The Vance plan provided for normalizing the occupied areas through demilitarization, the return of displaced persons, and the reestablishment of Croatian government authority, with assurances for minority populations. The UNSC in March deployed a multinational military and civilian force called the U.N. Protection Force (UNPROFOR) to the areas of Croatia that were occupied by Serbs and established four U.N. Protected Areas (UNPA's). Withdrawal of JNA units from those areas was supposed to be completed in the spring and summer. But many of the soldiers in the JNA units stayed on in Serbian-occupied parts of Croatia which became the UNPA's and "converted" to the so-called police force or special police. In addition, JNA units continued to occupy the Prevlaka Peninsula and the region around Dubrovnik long after they had agreed with U.N. negotiators to depart. The last JNA units left only in the first week of November. Although the cease-fire was generally observed throughout 1992, Serbian armed forces effectively controlled most of the territory in the UNPA's and were responsible for many violations of human rights. The Republic of Croatia was recognized by the European Community nations on January 15 and by the United States on April 8. Serbian "authorities" declared the "Serbian Autonomous Region of Krajina" ("RSK") on July 18 and set up "governmental" institutions. (The RSK appears to have no international acceptance.)

Croatia has a multiparty parliamentary system with a strong president. The President, who serves as Chief of State, appoints the Prime Minister and chairs both the 23-member Presidential Council and the 14-member Defense Council. In August multicandidate presidential and parliamentary elections, the incumbent President, Dr. Franjo Tudjman, was reelected to a 5-year term, and his party, the Croatian Democratic Union (HDZ), won a majority of seats in the House of Representatives. Elections to the House of Districts will be held in February 1993.

The Minister of Defense oversees the armed forces, including an army, a nominal air force, a small navy, and a national guard reserve. The President is Commander-in-Chief of the armed forces. The Ministry of Interior is primarily responsible for directing and supervising the police. Both Ministries are headed by civilian officials. The Office for the Defense of the Constitution, the head of which is appointed by the President and reports directly to him, also plays a role in

CROATIA

various areas of internal affairs. Despite the Vance plan, local Serbian "authorities" in the UNPA's maintained arsenals of heavy weaponry. The forces in the UNPA's, numbering at most 17,000 and comprised of paramilitary groups, Serbian "police," "special police," and "border police," are directly involved in a continuing pattern of major human rights abuses against non-Serbian populations and against other Serbs.

Croatia is moving from a largely state-owned or "socially owned" economy toward a market system. Little progress was achieved in 1992 owing to the costs of the war, the spillover effects of the war in Bosnia and Herzegovina in which Croatian forces have been involved, and the burden of caring for refugees from both conflicts. National income fell, while unemployment rose and the rate of inflation approached hyperinflation levels.

Over 400,000 Croats were displaced by the war and its aftermath. There were numerous substantiated reports of political and other extrajudicial killings in various parts of Croatia in 1992. In the areas of Croatia under the Government's control, the most serious violations of human rights occurred near the cease-fire lines and were directed against ethnic Serbs. These violations included killings, disappearances, physical abuse, illegal detention, house bombings, and loss of employment. Serbs continued to be driven from their homes. The Croatian Government has stated that all crimes against citizens will be prosecuted to the fullest extent of the law. The Government tried and convicted some persons for these violations. In the areas of Croatia under the control of ethnic Serbs, who claim that their territory should be independent of Croatia, human rights violations included extensive killings, disappearances, beatings, arbitrary interference with privacy, family, and home, and forced resettlement or exile—all part of a campaign of "ethnic cleansing" designed to ensure Serbian dominance of the areas. The "authorities" in these areas showed flagrant and systematic disregard for human rights.

See the report on Bosnia and Herzegovina for reports of human rights abuses by Croatian forces there.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were numerous substantiated reports of political and other extrajudicial killings throughout Croatia in 1992. Documented killings in areas under local Serbian control were more numerous and often involved the complicity of senior local Serbian "authorities." In government-controlled territory, there were also credible reports of killings of Serbs. Senior Ministry of Interior officials announced the arrest on November 27, for example, of four policemen from Podravska Slatina and Vocin on suspicion of the murder of a 62-year-old Croatian citizen of Serbian nationality.

In the Serb-controlled areas, murders occurred regularly and there was no documented attempt to punish the perpetrators of political and other extrajudicial killing. In the UNPA called Sector East (the Vukovar area), for example, a Serbian extremist was identified as the gunman in three murders

CROATIA

committed in the summer of 1992. He was held and released twice by the ethnic Serbian "authorities" who control the occupied Croatian city of Vukovar and then was allowed to cross over into Serbia after his third arrest.

b. Disappearance

Accusations of disappearances continued. Most of the new cases arose in Serbian-occupied areas of Croatia, particularly in Sector East. Reliable estimates place the numbers in the high tens or low hundreds.

The Croatian Commission for Missing Persons attempts to ascertain the whereabouts of 13,747 people. Many disappeared during the fighting in 1991, a significant number of them after Vukovar fell to Serbian forces in November 1991. A joint commission of Croatian and Serbian officials from Belgrade is reviewing the question of missing and dead. While the group has resolved some cases, the Serbian side has not been helpful with cases involving missing Croats last seen under JNA officers' control after the fall of Vukovar. An international investigating team believes that a mass grave found near Vukovar in October 1992 may be the site of the remains of over 170 Croatian soldiers taken alive by JNA officers from the Vukovar hospital.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or cruel or degrading punishment.

Persons incarcerated for ordinary crimes are not usually treated harshly. The treatment of prisoners of war (POW's) who are still near military front lines and of persons suspected of having collaborated with hostile Serbian forces has not met international standards. Beatings, detention, and verbal harassment were sometimes used to enforce compliance with orders and instructions. Beatings of Serbian POW's occurred in Croatian jails in Sector West at Daruvar and in detention facilities in the Split area. The Government fired some police officials who did not take sufficiently vigorous steps to prevent beatings and verbal abuse of detainees; none was known to have been prosecuted.

In Serbian-controlled places of detention within Croatia, harsh treatment is commonplace. No action is known to have been taken to punish those who committed excesses against non-Serbs.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains protections from capricious arrest and protections for the accused's legal rights. Judicial or prosecutorial warrants are required for arrests. Time limits vary for formal indictments depending on the kind and seriousness of the charges and may range from days to months. In practice, while these principles are generally upheld in the Croatian-controlled parts of the country, there have been some exceptions. Near Split, Osijek, and Daruvar, ethnic Serbs have periodically been detained without apparent cause and sometimes beaten. In Croatian-controlled parts of Sector West, ethnic Serbs detained without probable cause were not allowed the same rights and privileges granted to non-Serbian detainees.

CROATIA

In early 1992, persons of one nationality (e.g., Serbs) were seized to exchange them for captives of the other nationality (i.e., Croats) held by the other side. Although Serbian elements were far more often the perpetrators of such prisoner seizures, Croats, too, occasionally engaged in this practice.

In the Serb-controlled areas, virtually no safeguards existed against arbitrary detention, which was used regularly to intimidate and frighten the non-Serbian population.

The deliberate expulsion of persons from their homes based on their nationality was a serious problem in 1992. Most of the excesses of this nature committed by Croatian extremists occurred in 1991, with some residual revenge-taking occurring in 1992 along the cease-fire lines. In Serb-controlled areas, it is the practice of Serbian "authorities" to drive out or eliminate non-Serbian persons. Such atrocities against non-Serbs, especially in Sectors East and South, numbered in the thousands.

e. Denial of Fair Public Trial

The Croatian legal system consists of municipal and district courts, the Supreme Court, and the Constitutional Court specified in the Constitution. The High Judicial Council appoints judges and public prosecutors. The Council has a president and 14 members, drawn largely from among judges, public prosecutors, lawyers, and university law professors. Members of the Council are proposed by the House of Districts and elected by the House of Representatives for a term of 8 years.

There is also a military legal system of six courts. Military courts handle offenses by those in the armed forces, as well as charges against civilians for offenses involving national security. Defendants in military courts have the same legal rights and privileges as defendants in civil courts. Military courts in 7 Croatian cities brought charges against 8,000 persons, most of them in absentia. These indictments involved mostly Serbs who were reportedly assisting the JNA in the 1991 attacks or who were active in Serbian paramilitary groups.

Under the Constitution, a defendant has the right to a fair trial by a competent court, to attend the trial, and to have an attorney. In addition, the defendant must be informed of the charges and any evidence substantiating those charges and may not be forced to admit guilt. There is a presumption of innocence. Evidence illegally obtained is not to be admitted in court proceedings. An attorney is provided to indigent defendants.

In practice, the prosecuting attorney has a good deal of leeway in deciding whether to bring a case against an individual. In a "political" case, both the filing of charges and the conduct of trial proceedings may be subject to political influence. Critics have argued with the way in which Serbs are charged and convicted under section 236(f) of the Croatian Criminal Code, which prohibits "rebellion against the State." Critics have argued also that many of the accused were convicted on insufficient evidence.

International legal experts who queried Serbian "authorities" in areas the Serbs control found the answers regarding their so-called legal system to be evasive. Another reliable source said no legal system exists in the Serbian-controlled areas.

CROATIA

So-called "judges" carry out extremist policies directed against non-Serbian minorities.

Virtually all detainees in Croatia and the UNPA's are charged and classified as criminals. In reality many are held for political reasons, but it difficult to establish the number.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution declares that homes are inviolable. Only a court may issue a search warrant, and the reasons for the search of a home or other premises must be stated. Police may enter without either a warrant or the owner's consent only if necessary to enforce an arrest warrant, apprehend a suspect, or to prevent serious danger to life or major property. In practice, Croatian authorities do not always adhere to these constitutional requirements.

Serbian "officials" in areas the Serbs control enforce almost no restraint against arbitrary interference with the privacy, family, and home of non-Serbs. Serbian "authorities" and paramilitary forces in Sector East regularly invaded non-Serbs' homes, sometimes on the pretense of taking a "census" of people and belongings. Non-Serbs, including Hungarians and Slovaks, were then pressured by physical intimidation to sign over their property and leave. In isolated homesteads, gunmen walked through the targeted farmyards shooting at windows and people in the houses. International observers have documented reports of forcible entry into homes and the murder or assault of the occupants, mostly old women and men.

The Constitution guarantees the safety and secrecy of personal data.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Although the cease-fire changed the dimension of the internal conflict, human rights abuses against civilian populations continued throughout the year, with Serbs, Croats, Hungarians, and Muslims all targeted.

In the UNPA's, violations were the direct result of the practices and policies of Serbian "authorities," typically carried out by former JNA troops and Serbian paramilitary units that were transferred to the so-called regular and frontier police to circumvent the Vance Plan's demilitarization requirements in the UNPA's.

"Ethnic cleansing" is commonly and aggressively employed with Serbian official blessing against Croats, Hungarians, Slovaks, Czechs, and other non-Serbs. Numerous incidents of "ethnic cleansing" occurred. Typically, armed units blockaded a village and ordered the population to remain at home or to seek permission to move. A few incidents of this nature reportedly occurred in Croatian-controlled parts of Sector West. In the Serbian-controlled areas, "ethnic cleansing" occurred on a massive scale, including the establishment of strict curfews, prohibition of the movement of clergy, and strict limits on or prohibition of travel between towns and near military front lines.

Forced resettlement also occurred, for example, in the form of bombings and burnings of homes and businesses of a particular

CROATIA

ethnic group designed to compel its permanent departure. Vigilante attacks took place against the homes of ethnic Serbs in Croatia. Through October 1992, some 2,753 bombs and 873 suspicious fires had exploded or been set throughout Croatia. These attacks often targeted automobiles and businesses but also hit cultural monuments and railroad crossings. In the first 9 months of 1992, some 85 Serbian homes were damaged or destroyed around Daruvar (Sector West). The Government prosecuted a number of criminals for house bombings, and, in one case, eight Croats were recently indicted for such activity. The homes of some wealthy Gypsy and Serbian families on the island of Krk were damaged by terrorist bombings in 1992.

Serbian officials in Sector East were especially aggressive in implementing "ethnic cleansing" and forcing exile. It was common in Sector East for non-Serbs to be arrested, beaten, and otherwise aggressively harassed until they ultimately fled. Before their departure, they were forced "voluntarily" to sign over their property and homes to Serbian control. Serbian "officials" in Bosanski Novi, Vukovar, and Dalj were directly involved in these violations of human rights. Serbian "officials" and paramilitary groups in Knin, Sector South, continued to expel Croats from Serbian-controlled areas into Croatian-controlled territory. These tactics have been a regular and continuing practice of Serbian "authorities" in Serb-controlled areas.

In eastern Croatia, the JNA and Serbian paramilitary units razed Croatian sections of towns and entire villages such as Lipik, Nustar, and Vinkovci, deliberately destroying house after house to force Croats to flee. Before the occupation, Baranja had a population of 54,000 inhabitants, half of whom were Croats, but the Serbian "authorities" forced out over 20,000 Croats and several thousand Hungarians and moved in Serbs from West Slavonia, Bosnia, and Serbia.

In the Serbian-controlled area around Vukovar, forced resettlement took on a subtler twist. According to numerous reliable reports, Serbian "officials" demanded that Croatian, Hungarian, and Slovak families accept Serbian "refugees" into their homes. These "refugees" then harassed and tormented their hosts until the latter felt compelled to move out, thus "abandoning" their property. Such "abandoned" or "donated" property was then used to house Serbian immigrants.

In another incident, Croats and Hungarians in August and September were fired from the brick factory in Ilok, allegedly because of falling demand for building materials. As a result, they lost company-supplied housing and were forced into exile. Serbian workers were immediately hired at the factory and moved into the vacated houses. The formerly largely Croatian villages of Erdut and Ilok in Sector East have been stripped of their non-Serbian populations, with Slovaks, Croats, and Hungarians forced to emigrate in fear of their lives.

Infamous Serbian terrorist warlords operated in Sector East with the active support of local Serbian "authorities." One such paramilitary leader operated two "training centers," openly defying the Vance plan. Warlords from Serbia maintained strong connections with the Government there and were suspected of being links between the Milosevic Government in Serbia and the Serb-controlled UNPA's. They regularly and with impunity crossed back and forth into Serbia for supplies and additional recruits.

CROATIA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of thought and expression, which specifically includes freedom of the press and other media, speech, and public expression, but the Government significantly restricted these rights. In the Serbian-controlled areas, these rights virtually do not exist.

The Constitution states that "any call for or incitement to war, or resort to violence, national, racial, or religious hatred, or any form of intolerance shall be prohibited and punishable." The right of judicial redress is provided "to anyone whose constitutionally determined rights have been violated by public communication."

Croatian authorities responded to certain forms of press criticism with a number of what appeared to be politically motivated dismissals of journalists and editors, as well as with prosecutions of journalists for alleged libel and dissemination of false information. Although these cases were eventually dropped, the indictments had an intimidating effect. Moreover, during the armed conflict of 1991-92, the Government enforced tighter controls on the press.

In general, journalists were circumspect, when writing on certain political and religious topics, to avoid official censure. At the same time, however, some newspapers occasionally criticized political figures. In December an Osijek local government official revoked the accreditation of a Slobodna Dalmacija correspondent because of an article the journalist had written 2 days earlier criticizing the official.

One area of continuing controversy was the effect on freedom of the press of actions by the Government's Agency for Restructuring and Development, whose mandate is to supervise the privatization of "socially owned" property. Critics allege that heavy-handed or politically motivated actions resulted in the editorial straitjacketing or "financial" failure of several high quality independent periodicals, including the widely respected Danas and its short-lived successor, Novi Danas. Recent controversy focused on the Agency's efforts to compel the reprivatization of the respected daily Slobodna Dalmacija in Split by instituting new management. Critics argued that government-imposed management undermined the independence of the press and raised doubts about the Government's commitment to press freedom.

During the presidential and parliamentary election campaign, all newspapers devoted substantial space to each candidate and party platform. Political parties complained, however, that, due to the great disparity in availability of funding, they were not able to compete effectively in buying time for radio and television spots. State-owned television gained a reputation of being a messenger for the ruling party, reacting sympathetically to the Government's interpretation of events and limiting the exposure of opposition spokesmen. One exception was the popular, late night public affairs television program "Frame by Frame," which occasionally featured interviews with prominent opposition intellectuals and ran footage from international and Serbian networks.

CROATIA

State-owned radio offers a variety of music, news, and interview programming, but radio frequencies are strictly controlled. To date, the Government has awarded a license to only one private sports station, deferring some 40 other applications for later review.

Academic freedom is generally respected in Croatia, but Serbs were being harassed and denied job opportunities because of their nationality.

In the Serbian-controlled areas, the concept of open debate free of ethnic bias is not accepted. For example, in October local police in the Serbian-controlled area of Knin began enforcing a ban on outside newspapers and reportedly seized private radios and batteries used in transistor radios to prevent Serbs in these Serbian-controlled areas from learning details of the Croatian amnesty law.

b. Freedom of Peaceful Assembly and Association

The Constitution provides that all citizens shall be guaranteed the right to peaceful assembly and public protest. It also guarantees the right to free association for the protection of citizens' interests or promotion of social, economic, political, national, cultural, and other convictions and objectives. Citizens may freely form, join, and leave political parties, trade unions, and other associations.

In practice, the rights of peaceful assembly and association are respected in Croatia. This right is enjoyed by other nationalities in Croatia, including Croatians of Serbian nationality and Croatian Muslims. In Serbian-controlled areas in Croatia, these rights are not respected or enjoyed. Many political parties participating in the national elections held rallies and demonstrations elsewhere in Croatia without incident. Permits are required for rallies, but they are granted routinely.

c. Freedom of Religion

There is no state religion. The Constitution guarantees freedom of conscience and religion and free public expression of religious and other convictions. It also states that all religious communities are equal before the law and shall be separate from the State. Religious communities are free to conduct public religious services and to open and operate schools and social and charitable institutions.

Roman Catholicism, Eastern Orthodox Christianity, and Islam are the main faiths in Croatia. The majority of practicing Croats are Roman Catholic, and the Government provides an option of Catholic religious education in the schools. There is an active Jewish community, as well as several Protestant and eastern mystical sects or groups. The Jewish community center in Zagreb, damaged by an explosion in 1991, was rebuilt with the help of a loan from the Croatian Government. It reopened in a formal ceremony in September attended by senior government officials and world Jewish leaders and serves as a house of worship for believers. Foreign clergy may live and work in Croatia. No formal restrictions exist on religious publishing or education.

Although there were no formal restrictions on any religious group, religion was so closely identified with ethnicity in the former Yugoslavia that religious institutions were often

CROATIA

targeted. The Government listed some 325 Catholic churches and chapels as seriously damaged or destroyed, many of them specifically targeted by Serbian forces. In addition, 44 monasteries, 17 Orthodox churches, 4 synagogues, and 7 Protestant churches, as well as many cemeteries, were attacked, damaged, and looted. There are two mosques in Croatia, and some half dozen or so Islamic community centers which serve as locations for prayer and worship. The Islamic community center in Dubrovnik was destroyed by Serbian shelling, and another in Osijek was damaged, also by Serbian artillery. The destruction of Orthodox churches in Croatia and the bombings of Catholic churches in the Serbian-controlled areas continued in 1992. For example, in Sector East around Vukovar, five Catholic churches were leveled by explosions in August and September. An Orthodox church in Varazdin was bombed and slightly damaged by a disgruntled Croatian refugee who was arrested and charged with the crime.

There is a Serbian Orthodox cathedral in downtown Zagreb which has remained undamaged throughout the war. One of Croatia's two major mosques is also located in Zagreb. It not only serves a religious function but also has been the temporary residence for hundreds of Bosnian refugees.

Serbian community leaders expressed concern over what they described as pressures to convert from Orthodoxy to Catholicism. Some reportedly believed that the option of religious education in schools placed ethnic Serbian children at a social disadvantage when their parents declined that option. There is virtually no freedom of religion for non-Orthodox believers in Serbian-controlled areas.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution states that anyone who is lawfully in the territory of Croatia shall have the right freely to move and choose a residence. Any citizen has the right at any time to leave, permanently or temporarily settle abroad, and return home. The right of movement within Croatia and the right to enter or leave it may be restricted by law if necessary to protect the legal order or the health, rights, and freedoms of others.

The war in Croatia and the Serbian practice of "ethnic cleansing" both in Croatia and Bosnia and Herzegovina left Croatia host to some 700,000 refugees and displaced persons, of whom 264,000 are from other regions of Croatia and 430,000 from Bosnia and Herzegovina. The ethnic mix of this total is impossible to quantify; probably most of the Bosnian refugees are Muslims. The great majority of the Croat-origin refugees and displaced persons are housed with local families. The Muslims occupy camps and public facilities.

Following the large influx of refugees, the Croatian Government altered its declared policy to prohibit the entry of new refugees unless they were guaranteed passage to third countries. In practice, many refugees have entered Croatia, but the release of prison camp detainees held in Bosnia to go to the transit camp at Karlovac in Croatia has been timed to ensure a flow of detainees to other countries. The Government imposes no significant restrictions on the movement of these refugees and displaced persons. The bureaucracy was criticized for slowness in meeting the momentous task of issuing new passports and residence permits. Many non-Croats suggested that the delay in

CROATIA

processing their cases was the result of discrimination. There is reason to believe that the applications of persons not born in Croatia, or who held significant positions in such federal institutions as the JNA, were not processed expeditiously.

Despite the establishment of UNPA's, the goals of the Vance plan were not met. At the end of the year, over one-fourth of Croatia was still controlled by hostile Serbian elements sustained by links with the Serbian Government in Belgrade. No Croats or Muslims were able to return to their homes in Serbian-controlled areas. In fact, Serbian authorities actively promoted the resettlement of their own ethnic groups in the areas under their control, thereby making it much harder to reverse the results of "ethnic cleansing." In this context, there was freedom of movement only for the dominant ethnic group and only in the area that ethnic group controlled. Nevertheless, a number of Serbian families did return to the Croatian-controlled part of Sector West and to the area around Osijek (close to UNPA Sector East).

Travel in the UNPA's differs from travel elsewhere in Croatia, where foreigners and members of international organizations have no problem. In the Croatian-controlled portion of Sector West, everyone traveling needs proper identification. In Serbian-controlled areas, it is unwise for non-Serbian Croats to travel.

The Constitution states that foreign citizens and stateless persons may obtain asylum unless they are sought for nonpolitical crimes and activities contrary to the basic principles of international law. No alien who legally finds himself in Croatia may be banished or extradited unless a decision made in accordance with a treaty or law is to be enforced. At the request of the Government of Bosnia and Herzegovina and in accord with a bilateral cooperation agreement, however, Croatian authorities in several instances refused to accept for entry into Croatia some Bosnian males liable for military service. There were also instances in which Croatian authorities returned draft-age males to Bosnia and Herzegovina after they had entered Croatia.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Croats have had the right to change their government since April-May 1990 when, in multiparty parliamentary elections, the opposition Croatian Democratic Union (CDU) won 43 percent of the popular vote, as compared to 27 percent for the ruling party, the League of Communists of Croatia-Party of Democratic Change. The National Assembly (Parliament) elected the CDU candidate, Dr. Franjo Tudjman, as President. After passage of legislation reorganizing the Parliament, multicandidate presidential and parliamentary elections were again held on August 2, 1992. Dr. Tudjman was reelected as President to a 5-year term with 57 percent of the popular vote. Under the Croatian system, the President exercises considerable power, authority, and influence but is limited to two terms of office. His party, the CDU, won 85 seats out of 138 in the main chamber of Parliament. Elections to the second chamber, the House of Districts, are planned for 1993.

The elections were generally considered to be fair and valid, but some Western observers pointed out serious flaws centering around displaced persons' participation in the voting, composition of voter registries, civic education, and

CROATIA

application of citizenship laws. While there was some concern that the Government did not do enough to instill public confidence in the integrity of the electoral system, opposition parties who participated in the contest generally accepted the results. The Government implemented procedures that allowed refugees of Croatian nationality from Serb-controlled areas to vote not just for President but also for local parliamentary representatives. Allegations of intimidation of voters were not substantiated. An observer delegation from the European Council judged the elections overall as almost unqualifiedly free and fair.

There is no restriction in law or practice on women or minorities participating in politics or government. Four women hold seats in Parliament, one of whom serves as a Vice President and another leads one of the larger opposition parties.

Federal election law provides for representation of all minorities in Parliament, with proportional representation guaranteed for any minority that makes up more than 8 percent of the population. Serbs, who at 11 percent of the population are the only minority who met this qualification, would receive 13 seats according to the formula. Because most Serbian Croats lived in the Serb-controlled areas and were therefore unable to vote, the Federal Election Commission will choose 13 Serbs to "represent" the Serbian minority in the designated parliamentary seats. The 13 Serbs were designated and now sit in Parliament. Croatia has its own election laws and is presently completing laws about electing the House of Parishes.

Although the Serbian Democratic Party, based largely in the Serb-dominated areas of Croatia, won several seats in the 1990 elections and one of its deputies became Vice President of the National Assembly, Serbian "authorities" did not make it possible for those under their control to participate in the 1992 elections. The elections held by the Serbian "authorities" for the Serb-controlled and other Serbian "paaliaments" were not considered to have been open and fair and were not recognized as legitimate.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

Domestic human rights monitors are active in government-controlled territory and reportedly did not meet government interference. The Government at the highest level met with representatives of human rights groups and provided information about human rights issues. Serbian "authorities" in the areas under Serbian control deny violations of human rights there.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution specifies that all citizens shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. It also states that members of all nationalities and minorities shall have equal rights in Croatia. One article provides for wartime measures but says that restrictions shall be appropriate to the nature of the danger and may not result

CROATIA

in the inequality of citizens on the basis of race, color, sex, language, religion, or national or social origin.

Constitutionally, ethnic Serbs in Croatia enjoy the same protection as other minorities in the country. In practice, however, there continue to be many cases of serious discrimination against individuals based on their Serbian nationality, as noted in the preceding sections of this report.

Women appear to suffer more than men from the impact of unemployment associated with the severe war-related economic downturn. Although, in general, there is equal pay for equal work, women who held lower scale jobs were dismissed sooner than men. Reliable information on the extent of spouse abuse and other violence against women was not available. There is no legal barrier or discrimination in inheritance, marriage, and family laws and property rights of women.

Sex-based support groups are relatively new in Croatia. Zagreb and several other large cities have started family crisis associations. There is no impediment in law or practice to the establishment of such groups. For example, an association of the "Women of Vukovar," who have relatives missing from the war in the east, is active in Zagreb and operates without hindrance. In Zagreb, the Croatian women's group Tresnjevka is working to open a support center for wartime rape victims from Bosnia.

Section 6 Worker Rights

a. The Right of Association

All workers, except military and police personnel, may form or join unions of their own choosing without prior authorization. There is an active labor movement in Croatia with three national labor federations and independent associations of both blue-collar and white-collar members. In general, unions are independent of the Government and political parties.

The right to strike is guaranteed in the Constitution but is limited in the armed forces, police, government administration, and public services. Certain clerical staff have a right to strike, but "essential services" personnel must remain on duty. Retention of police personnel on duty is a particularly sensitive topic. In 1991 virtually all of the Serbs in the Serbian-dominated police forces went over to the JNA in the war, contributing directly to the breakdown of law and order, which continues to be a problem. Several short work stoppages occurred during 1992 over wages and working conditions. Most of the strikers agreed to accept an improvement in wages and modest changes in working conditions.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and practiced freely. Because of inflation, the major public service unions sought relief through renegotiation of minimum wage agreements with the Government. In October they expressed their dissatisfaction with the Government, which did not meet its obligation to ensure a minimum wage level agreed to earlier in the month. The Government finally agreed to stand by its original minimum wage offer.

There are no export processing zones in Croatia.

CROATIA

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory work is forbidden and is not known to exist.

d. Minimum Age for Employment of Children

The minimum age for youth employment is 16. Under the Constitution, children may not be employed before reaching the legally determined age, nor may they be forced or allowed to do work which is harmful to their health or morality. Young people are entitled to special protection at work.

e. Acceptable Conditions of Work

There are national minimum wage standards. In early October, public service unions, pacesetters for the rest of the work force, won agreement on a new monthly minimum wage. But in late October the Government announced that severe economic conditions prohibited it from meeting that pay objective. Moreover, severe economic conditions related to the disruption caused by the war ensured that many companies were not able or willing to meet those standards. The minimum wage is not sufficient to provide a worker and family a decent living standard.

The basic national regulations include provisions for a 42-hour workweek, overtime pay, a half-hour daily break, and a minimum of 18 days of paid vacation annually. Health and safety standards are set by the Government and enforced by the Ministry of Health. In practice, industries generally are not diligent in meeting these protection standards.

LUKAC REPORT

Source: Handwritten report sent by underground channels through Cairo, written by Dr. Theodore Lukac, a Croatian, director of the District Hospital at Mostar, Yugoslavia:

... "Meanwhile, 24 days after the first pogrom, that is on June 24, 1941, the real massacre began. Vidovdan [the Serb national holiday] was approaching, and the Ustasis openly said that the Serbs would remember this Vidovdan. We now come to the most treacherous crime committed by the Ustasis. On June 22 Pavelich published an order in the official newspapers, on the wireless, and even through church sermons, that whoever used force against the citizens of the state would be most severely punished. At the same time he sent a coded telegram to each Ustashi group, directing them to carry out by whatever means they wished precisely during the days before Vidovdan the massacre and extermination of the Serbs.

"From June 24th to the 28th over 100,000 Serbs were murdered in Bosnia, Herzegovina, Dalmatia, Lika, Croatia, and Srem [Syrmia]. All of them were innocent men. On this occasion they were carried off, not under cover of night, but in full daylight. The Serbs were caught as if they were wild beasts, in the streets, in official buildings, and in their offices. The peasants were caught in their fields. They were thrown into lorries and carried outside the towns, where they were massacred. Many of them were subjected to the most brutal tortures before they were killed. . . .

"Out of 2,000 Serbs in Livno, over 1,900 were murdered. A few old men and women and some small children got away. At Ljuboski all the Serbs were killed and not one was spared. There perished with them a very popular doctor of the town, Dr. Alexander Lukac.

"In Stolac, all the Serbs, except three old men of over eighty, were put to death. At Ljubinje and in the valley of Popovo polje, more than 8,000 peasants were killed and all the Serbian villagers were completely exterminated.

"Twelve hundred people were killed in Mostar, among them some of the most prominent persons: seven priests, Dr. Valjko Jelashic,

THE SERBS CHOOSE WAR

the medical officer, the most prominent businessmen such as the brothers Cerekovic, Ljuba Sain, Jovo Oborin, Tosa Mjunic, and his brother, Dr. Veljko Mjunic, schoolmasters, engineers, judges, and railway officials.

"The remainder of the Serbs were saved either by flight into the forests or else by going into Serbia. For a great deal of money permits to travel to Serbia could be bought from the Gestapo. . . .

"In Bihac and the neighborhood not one Serb remained alive. On the eve of Vidovdan they rounded up the peasants in the neighborhood of Bihac and 9,000 men were killed in only four days. The executioners were the gypsy-moslem scum, and they were paid by the Ustasis fifty dinars, a kilogram of mutton, and a kilogram of rakija per hour of murdering.

"But the worst murder occurred in Glina. Each night Serbs were bound and taken (from the concentration camps) to the Orthodox Church, where they were killed with knives. The corpses floated on the blood, and the murderers boasted that they walked in Serbian blood up to their knees.

"In the valley of the Neretva, from Mostar towards Metkovic, all were exterminated; in Capljina only one Serbian remained alive. In the villages of Klepce and Pribilovci, near Capljina, they took away 300 peasants, deceiving them by telling them that they were being taken to work. Then they shut them up in great sheds, which they set alight so that they died of the most terrible suffering. . . .

"The concentration camps were not barracks, but merely open places which had been enclosed or else roofless sheds, with no floors to lie down upon and where people were shut in as if they were animals. For food they were given once a day a kind of soup, which was in fact merely lukewarm water with five or six beans in it. In the course of three weeks, most of them died of acute dysentery. The most infamous of the camps was the one at Jasenica on the Sava, where over 60,000 people succumbed.

"The worst of the women's camps was at Loborgrad. It is impossible to describe the conditions which women had to endure. They could not wash, and they had to lie down on the filth. All the young ones were raped, and girls of fourteen were found to be pregnant. The camp on the island of Pag was the scene of the most terrible bloodshed. There were about 4,500 Serbs there, 2,500 Jews, and about

THE SERBS CHOOSE WAR

1,500 Great Nationalists, Communists, and so-called Freemasons. They also lived in the open, and they were murdered under particularly brutal circumstances. When the Ustashis heard that Pag would again be taken over by the Italians, they killed all the persons in the camp at the last moment, merely in order to prevent their being set free by the Italians. . . .

"The turn of some towns, Sarajevo for instance, came as late as October and November 1941. At that time punitive expeditions were sent to the villages around Sarajevo, Palo, Blasuj, Romania, Semozovac, Railevac, all of them purely Serbian villages. They always proceeded in the same way: they either caught the peasants through trickery, or else during night attacks with the help of the regular troops.

"The district where the Serbian population was the most compact offered the strongest resistance to the Ustashis: that is, Bosanska, Krcina, E. Bosnia, and Herzegovina.

"This terrible catastrophe at the hands of their 'brothers,' according to quite certain information simultaneously collected by two committees, the one on Split and the other, a secret one, in Belgrade, cost the Serbs not less than 700,000 lives."

ANONYMOUS

Source: Letter written by a Jewish physician, professor in the Department of Medicine in the University of Belgrade, to a friend in London on his escape from Yugoslavia in 1942. As the writer is a Jew, for the sake of relatives who remain in Yugoslavia his name cannot be used:

"In Yugoslavia there were 85,000 Jews, including Jewish emigres from Germany, Austria, Poland, and Czechoslovakia. Thanks to the Serbs, the Yugoslav Jews had succeeded in saving and rescuing many of their compatriots from Germany and German-occupied countries. Service rendered and assistance given to Jews by Yugoslav consular officials in Austria and Czechoslovakia has specially to be recognized. Of the total number of Jews in Yugoslavia about 7,500 were refugees.

"The Jews in Yugoslavia were divided into Sephards, and Eskenasis [Ashkenazis]. The Sephards lived principally in Belgrade and

Serbia, also in south Serbia, Bosnia, and Herzegovina. The Eskenasis principally settled in Croatia, Slavonia, and the Voivodina. After the partition of Yugoslavia the Jews came under the rule of various regimes, including Pavelich's 'Independent Croatian State.'

"The 'solution' of the Jewish question in the Independent Croatia devolved upon the Croatian Ustashis. In Serbia, however, the Jewish problem was not dealt with by the Serbs themselves. This the Germans reserved for themselves. There are special reasons for this. When they occupied Serbia, the Germans did not find any anti-Semitic feeling in the country. They could not persuade either the local population or the local authorities to take any anti-Semitic measures.

"The fact that Nedich twice demanded from the German commanding officer in Serbia and the Banat that he and his government should be given the right to settle the Jewish problem, against whom no drastic measures should and could be taken in Serbia, shows the feeling of the Serbian people toward the Jews. The following reasons were given by Nedich to the Germans for this demand. If the Germans wanted the Serbs to calm down, it would be of first importance to stop the terrible persecution of the Serbian Jews. The Serbian people could not and would not accept such treatment of 'their compatriots of the Jewish religion.' The Serbs consider Jews as their brothers, only of a different religion. The answer which Nedich received from the Germans regarding this demand was 'that the Serbs have not attained a culture to the degree necessary to enable them to deal with the Jews. We ourselves shall settle the Jewish question in Serbia.'

"With regard to anti-Semitism, Yugoslavia can be divided into two parts, i.e., districts where this feeling was latent, and Serbia, where, it can be said without any exaggeration, anti-Semitic feeling has never had any root.

"During Yugoslavia's twenty-three years of existence, Serbia has always professed the free democratic tradition existing in the former kingdom of Serbia. There in the nineteenth century, and later in the twentieth, the Jews always had full civic rights and complete equality with their Serbian compatriots. This equality was not only granted in various constitutions of the kingdom of Serbia and later of the kingdom of Yugoslavia, but it was also a true expression of the relationship between the Orthodox Serbs and the Jews in their everyday con-

tact. This friendly and amicable relationship also existed in the economic, financial, and political life in Serbia. The small group of Jews living in Serbia gave their contribution towards the cultural and political life in Serbia's struggle for the formation of a state of South Slavs. The Jews had in Serbia members of Parliament. In Serbia's struggle for liberation, the Jews gave their contribution. Several were awarded the KaradGeorge Star for bravery in the battlefield—equivalent to the British V.C.

"About a year before Yugoslavia was attacked by Germany, by pressure from the Reich and in their attempt to suit their policy to the dictators, the Tsvetkovich-Machek Government passed the first anti-Semitic measure in Yugoslavia. The Government was not unanimous on this point. Dr. Koroshets, leader of the Slovenes, upheld the measure as Minister of Education. Serbian cabinet ministers, however, including the Minister of War, refused to apply the act. The application of it was confined to the Ministry of Education, under the Slovene Dr. Koroshets, and the Ministry of Trade and Industry, under the Croat Dr. Andres.

"In all the schools and universities, numerous restrictions were applied by circular, but in Serbia Serb teachers and professors succeeded in avoiding or sabotaging the regulations.

"In this regard Serbia completely differed from Croatia under Dr. Machek and the district governor or ban, Shubashich. In Croatia anti-Semitism was inherited from Austria-Hungary. Anti-Semitic centers had always existed. Dr. Shubashich's Croatia had even prepared elaborate laws and regulations just before the war broke out in Yugoslavia in 1941. A large part of the industries in Jewish hands in Croatia was to be confiscated and nationalized. Anti-Semitism was particularly stressed in Croatia by the right wing of Dr. Machek's Croatian Peasant Party.

"This report could be divided into two parts—the first beginning with the entry of German troops into Belgrade in April 1941 to the beginning of August 1941; the second from the middle of August 1941 until the closing down of the office of the 'Jewish section' late in 1942. The section was closed because there were no longer any Jews in occupied Serbia. During the first stage the Jews were tortured, persecuted, maltreated, taken for forced labor. Well-known Jews and Serbs were taken to German concentration camps. Women of the

intelligentsia class were forced to clean latrines in the German barracks, to clean floors and sweep streets under the supervision of the S.S. troops. They were made to clean the windows of high houses from the outside, and several of them lost their lives through falling down. Jewish girls were violated and taken to 'Militar-Medi.' Already during the first stage the Jews were deprived of all their property and most of them were evicted from their homes.

"In the second period male Jews were sent to concentration camps. But quite a number of men and young Jews succeeded in escaping to the villages, where they lived with Serbian peasant families. A number later joined the guerrillas. A considerable number of youths from the Jewish Zionist organization, which co-operated with the Serbian organizations for the preparation of resistance, actively helped the guerrilla fighters. Many collected hospital material for the guerrillas or posted anti-German posters in Belgrade streets. The name of Almozlino, a schoolboy of ten, the son of a well-known Belgrade dispensing chemist in King Peter Street, should be mentioned. He threw bombs at two armored German cars and a tank in Grobljanska Street in Belgrade and blew them up. His elder brother, a medical student, is still fighting in Bosnia, in spite of the order that the mayor and members of the rural councils would be shot if such cases were discovered in their villages.

"Some forty of my relatives were shot in Belgrade by the Germans. I am, however, very proud to say that today two small relatives of mine, one of five and one of seven years of age, whose parents were shot by the Gestapo, are being hidden by two Serbian mothers.

"No German measures in Belgrade were able to upset the friendly relations between the Serbs and Jews. During the forced-labor period Serbs talked to their Jewish friends in the streets even in front of the German soldiers and police. During the period when over 300,000 Serbs were massacred by the Croat Ustashi in Bosnia, Herzegovina, and Lika and some 60,000 shot by the Germans in Serbia, during the period when Serbian students and peasants were hung in the main square in Belgrade, the Serbs of the capital had sufficient courage to protest publicly their indignation at the treatment of the Jews.

"When Jewish women were transported in lorries to the concentration camps, Serb shopkeepers in the streets through which these processions passed closed their shops and their houses, thus express-

ing not only their protest, but also emphasizing the fact that the entire population of Serbia, yesterday and today, does not and cannot participate in the extermination of their Jewish neighbors.

"The example of the Serbian people with regard to the Jews is unique in Europe, particularly in the southern part of the continent. In spite of intensive German propaganda in writing and through the wireless, the Serbs remained unaffected. When we consider what happened to the Jews in neighboring countries, in the 'Independent State of Croatia,' Hungary, Rumania, and Bulgaria, the Serbian example shines out.

"Today there are no more Jews left in Serbia, except some children hidden by the Serbs and those fighting along with the Serbs in the forests. I saved my own life thanks to my Serbian friends. I was saved from certain death. Serbian peasants and my other friends also saved from death my only son, who was on several occasions sought by the Gestapo in Belgrade.

"It is my desire as a Jew and as a Serb that in free democratic countries where Jews are still enjoying full freedom and equality they should show gratitude to the Serbian people, pointing out their noble acts, their humane feelings, and their high civic consciousness and culture. . . .

"I cannot conclude this report without mentioning how the Serbian Orthodox Church, the Patriarch Gavriilo, and his clergy tried to save Serbian Jews and Gypsies. Up to the present day the Germans have massacred 170,000 Gypsies, men, women, and children, in Serbia and the Banat. Serbian Orthodox priests and the Serbian peasantry risked their lives not only to save ordinary Jews and their children but also to save those Gypsies and their children. Today the chief rabbi of Yugoslav Jews lives in America. He was saved from the Gestapo, being smuggled out from Serbia from monastery to monastery by the Serbian clergy. He was handed over by one Serbian church to another, by one Serbian priest to another until he was passed on to Bulgarian territory. There, with the assistance of the Orthodox Bulgarian clergy, some of whom were his personal friends, he arrived at the Turkish frontier."

The preceding documents, only a few of many, give some indication of the extent and ferocity of the Croat crime against their utterly

defenseless fellow countrymen and also of the really magnificent spirit of our allies and brothers, the Serbs. The thought of what the result will be is truly terrifying.

There is not a Serb alive who has not lost some relative dear to him, murdered, with unimaginable torture, by a race whom the Serbs themselves rescued from what the Croats then called their "oppressor," Austria—by those same Croats, even the identical men, who only twenty-three years ago received their "dear deliverers," their "dear brother-Slavs," with fervent acclamation and expressions of "undying gratitude and love."

If ever revenge massacres were justified they are justified in this case. But in the interests of world peace and of the remaining Serbs themselves, our splendid allies, every one of whom we value and want to save alive, we must prevent a postwar war of revenge in the Balkans.

CONFESSION OF A CROATIAN USTASHA*

"In 1938, I came to Belgrade where I have lived continuously up to the present time. At first I peddled various articles along the streets, and later I was engaged as a handy man with the Central Transport Society in Belgrade, No. 1 Kolarcheva Street.

On the day of the bombardment, April 6, 1941, I was in Belgrade. Immediately I went to my army command at Sisak, according to my war orders, and there I reported to the commander of the 44th Infantry Reserve Regiment. The Regiment had received orders to proceed to Slavonska Pozega, and from there we left to take up positions in a village on the outskirts of Pozega. I don't remember the exact date, but I believe it was the 17th or 18th of April, 1941. I was at home only eight days when I received a notice from the military command in Petrinja to report at once to the Military District in Petrinja. When I reported, I was immediately given a uniform and there I remained in the barracks for a month, where we did military drills according to new regulations.

At the beginning of the month of June, 1941, my regiment received orders to go to Glina, to restore peace

*From the official stenographic record taken in the examination and hearing of Hilmija Berberovich, who with other Croatian Ustashi participated in the massacre of Serbs in the Serbian Church at Glina. The witness, Hilmija Berberovich, was arrested on a charge of suspicion by the Belgrade police, where he was identified as a former building janitor, residing at No. 1 Kolarcheva Street, Belgrade. The witness was born April 15, 1915 at Bosanski Novi, his parents being Hasan, his father, and Halina Hajtovich, his mother. The witness is single, of Mohammedan religion and without previous criminal record.

and order in the Glina district, and to collect all weapons and ammunition from the civilians. Before the departure of the regiment, the commander, Captain Josip Dobrich, born in Split, and by profession a teacher, ordered us to search every house and all premises in every town we came to, regardless of whether these homes were of Orthodox or of Catholic citizens. He also ordered us to kill anyone who would resist us.

Upon our arrival in Glina, we accomplished the searching of the buildings there first, and then after that we went to the surrounding villages. This search lasted for about 15 days. When the search ended, the Ustashi from Zagreb and Petrinja came and then we were ordered to round up all men between 20 and 45 years of age in the villages. During this round up, one Orthodox man, in the village of Cemernici, resisted and fired at us. My companion was wounded so I used my rifle and killed him. I do not remember the name of the dead man. In the beginning we arrested men, we rounded them up from the villages and brought them to Glina, and there we placed them in the Court jail. They remained in jail for a few days until the jails were filled and then the prisoners were killed. The killing was accomplished in more than one fashion.

Some were locked in the Orthodox Church in Glina. About 1,000 men could stand in that Church. Then the commanding captain would order 15 men to execute the work of killing. Before they would leave for this job, they were given alcoholic drinks, to some rum, to others strong whiskey, and when they became intoxicated, they were given knives and sent inside the Church. During the slaughtering, guards were posted outside the Church. This was necessary because some of the Orthodox men would climb to the belfry, and

jump into the churchyard. All of these were killed by the guards in the churchyard. Three times I was ordered to execute the Commander's orders and participate in the killings in the Church. Each time some officers would go along, Josip Dobrich and Mihajlo Cvitkovich, and besides them some of the officers of the Ustashi.

Upon entering the Church, the officers would stand at the door and watch our work of slaughtering. The killing was done by striking some directly into the heart with a knife, and some across the neck and others wherever we landed with the knife. If some Serbian survived the first blow, the Ustashi would finish him up with a knife. At the time of these killings, no lights were burning in the Church, but special soldiers were designated to hold flashlights which would throw light in the room. Many times it would happen that some Serb would throw his fist at us or kick his foot into our stomachs but he was immediately cut to pieces. During these killings, there was a great deal of noise in the church. The Serbs would cry out: "Long live King Peter! Long live Queen Marie! Long live Serbia; Long live the Serbs! Down with Quisling Pavelich! Down with the Ustashi! Down with the State of Croatia!"

These killings would usually last until about two o'clock in the morning or until the last Serb was killed. These killings in the Church took place seven or eight times, and I participated in them three times. During these killings we were so soaked with blood that our uniforms could not be cleaned, but we would change uniforms at the storehouse, and later wash them out. After each slaughter, the Church was washed up and the trucks would come to take away the corpses. They

would usually throw them into the river, but some they would bury.

Some of the men of the Orthodox faith would be taken from jail and taken to the shores of the nearby river where they would be lined up and shot to death with machine guns. This sort of killing would take in from 300 to 400 men at one time. They would be lined up in two groups along the shore with their hands tied to one rope, and thus standing, they were mowed down by machine guns which were not far away. These executions were done by the Ustashi. The corpses of those killed along the shore were thrown into the river. Some groups of Serbs were taken from the jail and killed in the woods near Glina, and later their bodies were buried in the same place where the killings occurred.

The round-up of Serbs was done by having about 70 Ustashi and about 30 of us soldiers go to a town, all being under the command of Ustashi officers. The town was always surrounded and a designated group went in to round up the Serbs. When gathered, they were taken, under guard, to the court jail in Glina. At first, we took only men, but later we were ordered to bring along women also from 15 to 50 years of age. During these trips I saw some of the Ustashi and my companions rape the women and girls, and later they would take them to Glina. Here they would all be placed in the court jail, and later taken to some requisitioned houses which were transformed into military outposts. They remained there from eight to ten days, after which they were permitted to return to their homes. I saw outposts some of the Ustashi would enter at night and take away the women upon whom they wanted to force their lovemaking, to some spot on the outskirts of town, and later return them to the outposts. This

practice was not forbidden by the officers, and some of the officers did the same thing.

My regiment had the task of gathering all the Serbs in Glina and in the Glina district, but it was ordered that all the Serbs from the districts of Topusko and Vrgin Most were to be taken to Glina, and there executed. I don't know how many Serbs were executed, but from conversation with my companions, I should say there were about 120,000 Serbs killed in Glina. During these round-ups of Serbs, many of them escaped to the forest with weapons, and some of them are still in Petrova Gora. Once the Ustashi went to find them, but the Serbs pounced upon them and fought them. About August 20th of this year, a notice was posted inviting all Serbians to return to their homes and their work, and this time we were ordered not to touch or kill any of them. Whoever should disobey this order was to be court martialed. I stayed in Glina until September 3rd, 1942 when I was discharged because other soldiers were called for drilling. From Glina I returned to Belgrade with the intention of returning to my old job, but I was jailed by the police.

To the above I have nothing more to add. These minutes were read to me and my statements were recorded exactly as I stated them. I am literate.

At Belgrade, October 20, 1942

(Signed) Hilmija Berberovich.