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and the other with the other side. At this point, everybody is in agreement that this is an absurd conflict.

So, it's a question of, if this thing escalates, and if it deteriorates in the way it does, is there a political will to fill up the vacuum which has been created by the disappearance of the East/West conflict, and that would be an interesting question.

Sorry to answer a question with a question.

Chairman HOYER. We'll all look for the interesting answer.

Ambassador VAN HOUTEN. That's right.

Mr. HOYER. All right.

Mrs. BENTLEY. Mr. Chairman, I'd like to ask the Ambassador and Ms. Laber whether you are familiar with a speech that Mr. Mesic supposedly gave in Germany in the last two or three weeks, in which he said, and he was the last President of the old Yugoslavia as we know it, in which he said that, "The only Serbians that will be left in Croatia will be dead ones." That was quoted in a German publication.

Ms. LABER. I'm not aware of that particular statement. Do you want a comment on it?

Mrs. BENTLEY. Well, no, I just wondered whether you had heard it, but we are trying to get a copy of it.

Ms. LABER. I see.

Mrs. BENTLEY. It was in one of the German publications.

You haven't heard it either?

Ambassador VAN HOUTEN. I heard a statement along these lines by a Croatian parliamentarian, but he was the only one who made the statement.

Mrs. BENTLEY. Okay.

Chairman HOYER. Mr. Smith, did you want to ask questions?

Mr. SMITH. Yes, I would, thank you, Mr. Chairman.

Chairman HOYER. I also want to recognize the presence of Mr. Wolf now. Have you and Chris voted on this last vote?

Mr. SMITH. Yes.

Mr. WOLF. Yes, we did.

Chairman HOYER. You may proceed.

Mr. SMITH. Thank you, Mr. Chairman.

Ms. Laber, welcome to the committee, it's so good to see you again.

Ms. LABER. Thank you.

Mr. SMITH. Earlier in her comments, Mrs. Bentley made the point that—or suggested that the war started because of human rights violations committed against Serbs by Croats in Croatia.

Interestingly, that is a similar line that we heard in Belgrade over, and over, and over again, including—it was spoken by President Milosevic.

Just for the record, in your view is that accurate, or were there other contributing causes, for example, we also heard, and we've seen some evidence that suggests that there's a land grab going on. It's an attempt to create a greater Serbia, despite all the protestations earlier on, one just has to look at the deployment of military, and there is at least some evidence that suggests this is a land grab. If you could answer that question, I'd appreciate it.

Chairman HOYER. Before you do, Mr. Ambassador, I'm looking at the time, John, you've voted as well?

Mr. PORTER. Yes.

Chairman HOYER. OK. Mrs. Bentley and I are the only ones that haven't voted and there's only about 5 minutes to go. We will have to leave, and by that time we will not be able to come back.

I want to thank you on behalf of the Commission, Mr. Ambassador and Ms. Laber, for joining us. Senator DeConcini, I know, will do so on behalf of the Commission as well.

There is great concern and frustration about what we can do, realistically, effectively, in this matter, and I'm not so sure we've resolved that concern, but at least we've investigated a little more on what the situation is.

Thank you very, very much.

Mr. Smith?

Ambassador VAN HOUTEN. The question, is it a war for grabbing land, yes, I think it is. And, that is what makes the whole situation so intolerable, as has been described by Ms. Laber.

The object is not to concur infrastructure or terrain, the object is to destroy the living environment and to force people off the land, and then grab the land and keep it as another—as an extension of the frontier.

Mr. SMITH. Ms. Laber?

Ms. LABER. I happened to be in Croatia in September 1990, which was when this conflict was just beginning, and I traveled to some of the villages the names of which subsequently became familiar to all of us, although at the time they were quite new to me.

My reading of it was this: I think that the Croatian Government came into power with an election campaign that was highly nationalistic in content, using inflammatory symbols that truly terrified the local Serbian population.

I saw some of these Serbian villages, which were barricaded at the time with trees cut down so people couldn't cross the roads. The Croatians were beginning their campaign of disarming the local police stations. They said they were doing so throughout Croatia, but they picked the Serbian villages to start.

It seemed very heavy handed. I don't know how much of it was intentional. Given the past history of the region, it was reason enough for the Serbian population to be highly exercised. I think the hysteria we saw was genuine. I mean, it was not an act. People were sleeping in fields at night, afraid to be in their homes.

I also think that President Milosevic capitalized on that hysteria and got it going, so that he could manipulate frightened people and capitalize on misguided slogans by the Croatian Government to increase the war hysteria. There's nothing inconsistent with what I'm saying and what Ambassador Houten is saying. The ultimate outcome is a land grab by the Serbians by exploiting, in the most manipulative and inexcusable way, the fears of these people which stem from very real events in the past.

Mr. SMITH. Thank you.

What possible military significance could the leveling of Dubrovnik have achieved? It's my understanding there is a very small number of Serbs who live there, so any pretense deliberations certainly is, you know, stretching it a bit.

Ambassador VAN HOUTEN. I've heard—I've asked this question many times, and I've heard different answers.

One of the answers is that, just towards the east, southeast of Dubrovnik is a very important missile installation which controls the entrance to the Adriatic, so for the military that is an important place.

Another explanation I heard was that this was a reaction to the occupation by Croatian forces of a JNA vacation resort. I guess another explanation could be that Tuzla, which is in Bosnia-Herzegovina, has a sizeable militia and it's very close to Dubrovnik, and maybe this would give any kind of national setup, regional setup, an outlet towards the sea.

These are three explanations. I don't know which one I'd choose.

Mr. SMITH. Okay.

Ms. Laber, unless you wanted to comment on it, in your testimony you point out that after the fall of various villages and towns, the Serbian forces, many non-Serbs, were taken to unknown destinations and remained missing, and you point out there's some 3,000 people who are missing are from the city of Vukovar, and as I briefly indicated earlier, Mr. Wolf and I were there in late August, early September, and saw this city under siege, saw a large number of people holed up in cellars, and just very fearful just simply to step outdoors, because of the fear of another bomb exploding on their front yard.

Has the EC, for example, has anyone really gotten any kind of word back from Milosevic or any of the Serbian leaders what is becoming of this people?

And, you mentioned 3,000, is there an aggregate that we might have, how many are missing as a result of these bombardments?

Ms. LABER. Well, the figure 3,000 is a rough figure. There's a group in Zagreb that has been trying to compile the names of the missing.

We have personally gathered a couple of hundred names, maybe 300 now, of missing people, but we haven't been going at it as systematically as local groups are doing.

One of the things that was really staggering to me is how little people know of what's really happening. In Dubrovnik, for example: We were told the old city was not bombed; we were told it was bombed, and this seems like a fact that could be ascertained; we should know one way or another whether it was. When you are there you are not sure anymore who to believe. We were told by highly placed people in the army—generals—that there was no bombing of the old city whatsoever.

It's a highly charged atmosphere. As for the missing people from Vukovar, I'm convinced that they are missing, but the number is something else. I think that the victims may be the very people you spoke to who were hiding in their basements. They had reason to be afraid to come out. When they came out, they were taken off.

And, we're afraid that most of them are probably dead.

Mr. SMITH. Two very brief follow-up questions or final questions.

I know, Ms. Laber, you indicated that your organization does not take a position on independence, but if it's possible to take off that hat and give a personal view as to whether or not you think the United States ought to recognize Slovenia and Croatia, and, Mr. Ambassador, if you could answer that as well.

And, secondly, do we know who is in charge in Serbia, really calling the shots? Is it a group? Is it President Milosevic? Is it the army?

Ms. LABER. Do you want to go first?

Ambassador VAN HOUTEN. Recognition is always a very difficult question, because the substantive question of recognition seems to be inevitable, it's a question of timing.

And, again, I've said on the timing, one should be very sure that the recognition of Croatia and Slovenia by the United States does not trigger off other events.

I think one sensitive date in the future is the referendum in Bosnia-Herzegovina on the 28th of February. So, again, I think taking the decision is inevitable, but the timing should be very, very carefully considered with people on the spot, and I have seen, for instance, that your Ambassador, with whom we've had very close contacts throughout, is very well informed about the situation.

Mr. SMITH. Who is in charge? Do we know who is in charge in Serbia?

Ambassador VAN HOUTEN. Who is in charge?

Mr. SMITH. Other than the obvious names we all know.

Ambassador VAN HOUTEN. I think Mr. Milosevic is still in charge, certainly not—yes, Mr. Milosevic, I would say.

Ms. LABER. I would agree that, as far as I can see, Mr. Milosevic is still in charge. He was enough in charge to manage to avoid seeing us.

Mr. SMITH. I saw that in your testimony, yes.

Ms. LABER. As for your other question, you know that Helsinki Watch takes no position on recognition. I'll take off half my hat and say that, although I take no position on recognition, I would say that if the United States were to recognize republics in Yugoslavia, it should recognize all of them, and not just some of them.

Mr. SMITH. Okay, thank you very much for your testimony.

I yield back.

Mr. PORTER. Congressman Frank Wolf of Virginia.

Mr. WOLF. Thank you, John.

I apologize for not being here. I had another meeting and a couple other things that came up, so I'm asking questions with really not even knowing what you said, and you may have covered it. But, let me just ask you three quick questions.

How many displaced people are there who are alive but not living in their homes, Serbs and Croats, do you know how many, roughly?

Ms. LABER. I don't know if that figure is available. Do you?

Ambassador VAN HOUTEN. I don't think it's a verified figure. I have heard—I have heard figures quoted to me about two months ago by the government of Croatia, and the total number would be somewhere in the 500,000, 500,000 or 600,000.

Mr. WOLF. 500,000.

How will they—what are the plans of the EC, the UN, with regard to dealing with a lost land? Is there any talk of that now? How is your—how do you think that will develop, land that was taken to be given back?

Ambassador VAN HOUTEN. I think, except for the principle that no changes of frontiers which have been created by violence will be recognized, aside from that principle I don't think there's any thought at this moment about how we should finally come to a settlement, a resettlement, or a reshaping of the territory which used to contain Yugoslavia.

Mr. WOLF. The other question, you mentioned about U.S. recognition. The February 28th date, why—just for the record, and I think I understand, but is the U.S. recognition important, whether it be February 10th or March 15th, particularly in light of the fact that all the EC countries have recognized them? How many countries have now, 40 some have recognized Croatia?

Ambassador VAN HOUTEN. I don't know, I think about 28.

Mr. WOLF. Twenty-eight.

Ambassador VAN HOUTEN. The last count I've seen was 28, which must have been two weeks ago.

The importance, again, as I said, it's not really the question of recognition per se, it is the timing, and given the volatility of this situation, especially in Bosnia-Herzegovina, any decision as important as a recognition by the United States should be very carefully considered.

Mr. WOLF. Well, that puts a tremendous burden on the U.S. Does that mean that U.S. recognition was more important than German recognition?

Ambassador VAN HOUTEN. I think at this moment the German recognition is a fact, and the recognition by the United States is a decision which has to be taken.

Mr. WOLF. Well, it seems, and I know there are good people on both sides, and I know there are good people over there on both sides, both sides have suffered tremendously. It seems to me that there really ought to be some sort of spirit of reconciliation, almost from a religious point of view, if you will.

I personally am of the opinion that the United States should not recognize Croatia, the reason being that we said that we would not do it, and we followed the EC. Once you lock in and use that as an excuse that you are not going to do anything that the EC doesn't do, and I, for one, was one who tried to get our Administration to be much more proactive in September when we got back from Vukovar and Osijek to do something more, not recognition necessarily, but to do something. I thought it was important for the United States Government to be involved, because everywhere we went, from Belgrade to Zagreb, they wanted to know, what did the United States government feel. So, apparently, our position mattered a lot.

Now, though, once we said that we were not going to do anything until the EC, we almost give the EC our proxy for everything, which I think personally was a mistake, but now that we've given that proxy it does sort of follow through that you are almost obligated once you give it to follow through with regard to recognition.

So, I think it's an inevitable thing, and, hopefully, there can be some, and this is my last question, some reconciliation as somebody, how do you think the reconciliation—should the patriarch of the church, and the cardinal come together and begin, or where does it begin? How do you begin to put aside the differences and

the wounds and bring people together, because they are going to be both living in that part of the world together, their economies are interrelated in many respects. There have been a number of intermarriages. There are good people on both sides politically, what do you think the United States should do, but also what do you think has to be done to begin the reconciliation process to put aside so that young people can, you know, go on and live and not have to fight this battle 20, 30, 40 years from now?

Ambassador VAN HOUTEN. I have worked in Yugoslavia very close to the fighting, or in the fighting even, and I've seen that we are, first, with a volatile situation that changes from day to day and, therefore, any long-term plan is very liable to be non-operable because the situation changes again.

At this moment, I think the important thing is to maintain the cease fire and to somehow reach a situation of protection of the minorities in Croatia, which is credible for those minorities.

I think once we reach that stage, we can start addressing other problems.

And, as time goes by, the situation of peace becomes more credible, and then we certainly can address the basic problems, like how can these people live together, and how can they build up a country and their economy, which was in trouble before the conflict started, and which is now virtually destroyed?

And, I guess, again, this basic question is the final question of a long list which has to be addressed, but the first one is to see that this cease fire holds, that it is stabilized, and that we do find a modus to build on the cease fire and develop it into a situation of peace.

Mr. WOLF. Well, let me just make a last comment, it's not a question, and if you want to make a comment to it you can.

I think, as someone who wanted my government to be more involved, because I think people wanted it, wanted us to be involved, I thought we should have sent General Vessey there, who was a military man, who was a spokesman for the President, who could have talked as one military man to another military man, and to let some of those people in the Yugoslav army know that they may very well be held accountable. They can't continue to bomb people with Soviet MIGs and drop bombs.

We saw the buildings, we saw the MIGs, and we saw everything. So, I thought maybe a military man to a military man could have really made a difference.

You all in the EC have a tremendous responsibility. The baton has been passed. This country, for whatever reason, backed off and allowed Europe to take it over.

Whether you've covered yourself with glory or not I think has yet been written, but I think, and personally I'm going to now hold, if you will, the EC responsible for being aggressive and coming in and doing something, because we are out of it, and, apparently, Lord Carrington and others asked the United States to hold off. It certainly is the middle of your area, it's in your sphere of interest, but we didn't get involved, and I think that you are involved. It was your call, so you are going to have to not just stay there until you get the cease fire, but move in and develop means of reconciliation and get the patriarch together, get the cardinal together. Chris

Smith had one of the best ideas, I thought, get the patriarch and the cardinal to come together on television, hold a day of prayer and fasting, and let the nation see the patriarch and the cardinal together.

But, it is really going to be the EC's responsibility to solve this problem, and to stay with it, the same way that the United States, when we got involved in Korea, and we got involved in other—we are still there, we are still in North Korea. It's going to be your responsibility.

So, it's going to be a big, big test, and I hope somebody, I hope our government is making it clear to the EC, not that we are holding you accountable, but that we're expecting them to kind of, now you started, to finish this thing, in a way that when two or three years from now Serbs, and Croats, and people of different face, and religions, and beliefs and backgrounds, can live together and work together and be together. It's your responsibility.

Mr. PORTER. Let me pick up at that point and ask you a question, Mr. Ambassador. Now that the EC nations have recognized Slovenia and Croatia, can you still be a middle ground player in the negotiations and fulfill the responsibility that Frank Wolf just laid upon you, or have you compromised your ability to deal with Serbia by reason of having recognized Croatia? In other words, can you still fulfill your mandate?

Ambassador VAN HOUTEN. That's a difficult question to answer.

At any given moment in a conflict between two parties, a mediator is liable to be accused of favoring one side or the other, that is true. And, I have noticed that the Serbs take that position, vis-a-vis the European Economic Community. However, that position has not been translated to the monitors in the field.

The neutrality of the monitor teams and of the efforts which are going on in the field have always been in place. So, basically, I was caught in this rather schizophrenic situation.

Mr. PORTER. Let me look at this from the other end of the telescope for a minute.

As Congressman Wolf says, the United States really hasn't been very involved. They have deferred to the EC and followed their lead.

A very good argument could be made that by reason of actions and pressures of the United States, Communism fell in the Soviet Union and fell away in eastern Europe, therefore allowing a situation to develop where there was no force left to prevent nationalistic feelings within Yugoslavia. Didn't the United States have a greater responsibility to at least work more up front with the EC in all of this?

What do people like yourself, who have been on the front lines with the EC, feel about the U.S. involvement? Has it been too little? Did we not take a sufficient lead? Would you have liked the United States to work more closely with you, or are you happy with everything that we've done?

Ambassador VAN HOUTEN. In working in the field in Yugoslavia, as I have, I have always been very happy with my relations with the U.S. authorities in Yugoslavia. That goes for the Consulate General in Zegrab and for the Embassy in Belgrade.

On the wider issue, I just can't comment. That is far beyond my brief. I'm a representative of another country. I think whatever, whatever the United States does is important, and, therefore, any decision which is taken should be taken with the element of timing in mind.

Mr. PORTER. Are you able to comment upon the role of the CSCE in all of this? Should the situation in Yugoslavia have been a greater focus to CSCE? Should it have played a greater role? Are you happy with what CSCE did or didn't do?

Ambassador VAN HOUTEN. I think under the circumstances, and the circumstances is that the decision was made to try to mediate in this conflict, the CSCE has done everything it possibly could do.

I have never, in any moment in our activities in the ground, felt that I couldn't work because I didn't have the technical, or the physical, or the financial possibilities to do what I wanted or needed to do.

So, in this sense, I think once the decision had been taken to try to solve this problem, by an effort of mediation, the support was all out.

Mr. PORTER. When is the Bosnian vote going to take place, or has it not been set?

Ambassador VAN HOUTEN. Which vote?

Mr. PORTER. The vote in Bosnia.

Ambassador VAN HOUTEN. I think it was 28th of February.

Mr. PORTER. What do you foresee happening if the people vote for independence?

Ambassador VAN HOUTEN. I think if the vote takes place, it will be a vote for a referendum for independence, because in the—as Bosnia-Herzegovina is structured, the opponents of independence are a minority, and it is that minority which will feel isolated and threatened and might take action, and that is exactly the kind of situation which is so dangerous.

Mr. PORTER. Is there any effort being—or, will there be any effort mounted to try to head that off before it begins?

Ambassador VAN HOUTEN. I'm sure it will be.

Mr. PORTER. And, that would be the EC taking—

Ambassador VAN HOUTEN. I don't know. I have been away from Yugoslavia and this mission as from the beginning of January.

Mr. PORTER. Ms. Laber, I believe, I wasn't here, and I apologize for not getting here earlier, but I understand that you testified that 17 journalists have been killed?

Ms. LABER. That's right, at least 17.

Mr. PORTER. Isn't that an unusually large number?

Ms. LABER. It's an extraordinarily large number.

Mr. PORTER. Does that mean that they are being targeted by either side or both sides?

Ms. LABER. Well, these are examples of facts that are very hard to ascertain. We have reason to believe that at least some of them have been targeted. This has been a war in which the usual protections don't seem to apply. Medical personnel have also been targeted and hospitals have been targeted.

Mr. PORTER. Are journalists identified in some way in the field?

Ms. LABER. Well, they are supposed—yes, as far as I know.

Mr. PORTER. Like Red Cross workers have a red cross.

Ms. LABER. Usually, there's a white handkerchief or something on their car.

It's a complicated war, because you can't tell who is a Serb and who is a Croat, especially if you are a foreign journalist and you don't pick up on the sort of subtle cues that native-born people do.

So, I think it's quite easy for journalists to get confused and to find themselves thinking they are on one side and being on another side. I think some of these deaths were probably accidental, in the sense that the journalists were in the wrong place at the wrong time.

I've noticed also that a lot of the foreign press in Yugoslavia seem to be fairly inexperienced people. You often find that in this kind of a conflict.

However, there is reason to believe that some of them were targeted directly, because they were seen as the enemy.

Mr. PORTER. What about relief efforts for people who are not able to get food or medical supplies? Are you aware of any of this?

Ms. LABER. Well—

Mr. PORTER. Am I asking the right person?

Ms. LABER [continuing]. Well, we are not a relief organization, but I do know that the ICRC is working in Yugoslavia, and they do good work. It's important that they are there and that they have access to people in camps, to refugees and so forth.

I know that there was a medical group that was derailed, hit a mine. There have been some deaths among medical workers also. It's not an easy situation.

Mr. PORTER. Helen Bentley.

Mrs. BENTLEY. Thank you.

Mr. DECONCINI. Excuse me.

Mr. PORTER. Oh, I'm sorry.

Mr. DECONCINI. Mr. Chairman, I'd like to ask a few questions, if you don't mind, Helen, because I have to leave, and we're going to have to call this off after Helen's questions, because we said we wouldn't keep the witnesses much after 4.

But, let me ask just a couple of questions of Ambassador van Houten.

You said in your statement, Ambassador, that the situation in Bosnia-Herzegovina is very serious. Do you think that the EC and the United States are doing enough to encourage the peacekeeping forces to be extended if, in fact, they get in this part of the world at all, do you think we've done enough and the EC has done enough to get them there? According to Cy Vance, he has very strong reservations about sending them there and expanding their area of jurisdiction.

Ambassador VAN HOUTEN. It's a very difficult question. I think what I meant to say is that, anything we can do or not do in order to keep the situation in Bosnia-Herzegovina stable, as it is, is a good action. Any action we take which rocks the boat, so to say, is very dangerous.

Mr. DECONCINI. I understand, and along that line, Ambassador, I conclude from that that you think a U.N. peacekeeping force in Bosnia-Herzegovina would be a very positive thing.

Ambassador VAN HOUTEN. I'm not sure. What I mean is that, if that is necessary, and if the situation in Bosnia-Herzegovina tight-

ens up or gets worse, then the communities which I visited once a week might have to be visited once every two or three days.

Mr. DECONCINI. For right now, if the peacekeeping force was to move tomorrow or next week into Slovenia, and Croatia, and other troubled spots there, do you think that is most important? I gather you do not think it's necessary right now for them to go into Bosnia-Herzegovina.

Ambassador VAN HOUTEN. I think the peacekeeping forces, as they have been foreseen by the United Nations, which are police units or military units, are not the kind of units which would contribute to stabilizing the peace in Bosnia-Herzegovina.

Mr. DECONCINI. And, maybe you don't want to give an opinion of this, but what is the attitude of the EC Community about the United States not following the EC Community on recognition of independence of any of the republics.

Ambassador VAN HOUTEN. That is very difficult. That is something I find very difficult to answer.

Mr. DECONCINI. I mean, do just—

Ambassador VAN HOUTEN. Let me put it this way, I don't think that the—I don't think that the EC had expected the United States to follow its lead in the question of recognition. I don't think it's—for the EC it's an important item, the important item is the attempts to keep the situation in Yugoslavia from exploding.

Mr. DECONCINI. Well, if it isn't an important item, why did they do it then?

Ambassador VAN HOUTEN. Why did they do it?

Mr. DECONCINI. Yes.

Ambassador VAN HOUTEN. Why did the European countries do it, because that was—it was a decision which was based on another set of priorities.

Mr. DECONCINI. Well, are you telling us because the Germans were going to do it, and they didn't want to be left out with just the German Republic doing it, is that really what you are saying, that those were the priorities, and they just decided, well, we better go along with Mr. Kohl and his initiative? I'm not trying to put you in a bad spot, I'm just trying to understand how the EC decided to recognize, because I have so much trouble with the United States not doing it. On the other hand, Ambassador Zimmerman certainly argues a very compelling case for us not to do it. That case is partly, if we do recognize them as the EC did, this will make it worse. I don't know how it could be much worse, but I suspect it could be, and, yet, the EC did do it, and now we are not on board. And, I just want to find out how the EC feels about that, and maybe without putting you on the spot maybe you can help us understand that.

Ambassador VAN HOUTEN. Let's see. The decision of the EC Community was a political decision, and it was based on a lot of sympathy, which the Croats had at that moment from the public opinion.

And, it was not a decision which was aimed at the solving of the Yugoslav problem per se, it was a decision taken on different criteria.

Mr. DECONCINI. Thank you.

Ambassador VAN HOUTEN. The way I have been arguing here is, taking Yugoslavia as the top question on the list of priorities, and

now I know that in any policy decision there's a list of priorities, and maybe Yugoslavia is not number one.

Mr. DECONCINI. Well, Ambassador, thank you very much, and—

Mr. WOLF. Would the Senator yield?

Mr. DECONCINI. Sure.

Mr. WOLF. But, I think what Senator DeConcini has brought out is really a very important point. Now that you have taken the action, though, you really have, it says in the Bible, "To whom much is given, much is expected." You've been given the role, and you are now really going to be expected, and the EC really does have to go through.

And, I think this is—the top priority should be saving lives and bringing about peace, because how we respond and act in this will have an impact on throughout the Soviet Union and many other places.

So, it can't be, you know, you are in it now, and now you've got to kind of suck up your gut and get your mind and your heart together and go kind of do it and do it right.

Excuse me. Thank you, Senator.

Ambassador VAN HOUTEN. If what you are saying is that once the EC decided to get involved in this conflict by monitoring and by organizing the peace agreement and so on, and has made a commitment to the solution of the problem of Yugoslavia, I agree with you.

Mr. DECONCINI. Ambassador, let me ask you about the downed helicopter. Those were, in essence, your people, is that correct?

Ambassador VAN HOUTEN. Correct.

Mr. DECONCINI. There's no question that that was done by the Yugoslavia army, is that correct?

Ambassador VAN HOUTEN. The Yugoslav Air Force, that's correct.

Mr. DECONCINI. The Yugoslavia Air Force.

And, what involvement did the Serbian Republic and the political leaders of Serbia, in your judgment, have, if any, with that downing?

Ambassador VAN HOUTEN. I don't really know at this moment. I know there is an investigation going on. I don't know if the investigation has reached conclusions.

Mr. DECONCINI. Investigation by the Federal Army or by the Serbian?

Ambassador VAN HOUTEN. By the federal authorities, in which they had invited participation of the European Economic Community of Italy and France. It was Frenchmen and a number of Italians who died in this incident.

And, the General of the JNA involved told me that he hoped that by this investigation he would be able to establish discipline and find the people who were responsible. That is the last I know.

Mr. DECONCINI. From your opinion, from your observations, is the National Army truly independent of the Serbian Republic government?

Ambassador VAN HOUTEN. I think it's a marriage, it's a marriage of convenience.

Mr. DECONCINI. A marriage, which means to me sharing resources, sharing ideas, communicating, and knowing a lot what goes on, if not everything, is that right?

Ambassador VAN HOUTEN. And, not necessarily agreeing always.

Mr. DECONCINI. Not always necessarily agreeing.

Ambassador VAN HOUTEN. Right.

Mr. DECONCINI. And, that takes me to the next question, the shelling of Dubrovnik, as was mentioned, and the Yugoslav Army's attack on Vukovar, do you think those, in your opinion, were sanctioned by the Serbian authorities, the Serbian government? Do you think they knew about them before they happened?

Ambassador VAN HOUTEN. I think the shelling of Vukovar was something that went on for months. I'd be surprised if they did not.

Mr. DECONCINI. If they did not, how about Dubrovnik?

Ambassador VAN HOUTEN. Dubrovnik also has been under pressure for more than a month.

Mr. DECONCINI. Well, there's little question in your mind that the Serbian leader, particularly, Mr. Milosevic, and others there, knew about it and haven't been able to stop it or want to stop it, perhaps.

Ambassador VAN HOUTEN. I don't know if he would have wanted to stop it, but I have never seen any attempt to stop it.

Mr. DECONCINI. To stop it, from the Serbian side.

Ambassador VAN HOUTEN. From the JNA side.

Mr. DECONCINI. Yes.

Now, last question, really for Ms. Laber. Let me just ask you, Ms. Laber, have you seen any indications that the Serbian authorities will take any action whatsoever in Kosovo?

Ms. LABER. I'm sorry to say, no. The situation there seems to be getting worse and entrenched.

Mr. DECONCINI. Can you explain worse to us? Does that mean more troops, more authoritarian, more arrests, more human rights violations, or just what?

Ms. LABER. You just explained it.

Mr. DECONCINI. Okay, thank you. That's all I have.

Mrs. Bentley?

Mrs. BENTLEY. Thank you, Mr. Chairman.

Mr. Ambassador, when England and France agreed to go along in the recognition with Germany of the EC, weren't there certain conditions that they attached to their recognition? I mean, it was a conditional recognition, as I read it in some of the press.

Ambassador VAN HOUTEN. I think there was a concern about the situation of the minorities and the legislation in Croatia, I think that is correct.

Mrs. BENTLEY. And, has that been violated? I mean, have those problems been resolved, or have they been aggravated?

Ambassador VAN HOUTEN. I believe that the legislation was found to be adequate when the recognition took place.

Mrs. BENTLEY. Well, about President Tudjman the other day, he said that they were not going to have to change their constitution or any of their legislation to accommodate the minorities. And, as I read that, that was a violation of that agreement.

Ambassador VAN HOUTEN. If he said a thing like that, that would be, yes.

Mrs. BENTLEY. And, also, as I also understand it, when the U.N. troops go in, they go in on a 6-month basis that's renewed, and renewed and renewed, until an agreement is reached, until negotiations are settled, am I right or wrong on that?

Ambassador VAN HOUTEN. I wouldn't know.

Mrs. BENTLEY. You don't know.

Well, that's what Mr. Vance told me. And, as I understand also, the other day President Tudjman said that they would only allow the U.N. troops to be in there for six months, one year at the most, regardless of any agreement. Would that be a violation of that agreement then, the EC agreement?

Ambassador VAN HOUTEN. I think this would, if anything, this would be a change by Mr. Tudjman in the agreement with the United Nations.

Mrs. BENTLEY. Yes.

And then, as I also understand from what Secretary Vance told me, that one of the points that he was pushing in getting the Serbian side, in particular, those in Krajina, to agree to accept the U.N. troops and to drop their arms, was that the local police would be the ones who would be enforcing the law there. And, as I now understand it, President Tudjman has said they will not allow that to happen. Is that in violation?

Ambassador VAN HOUTEN. In violation of the agreement which was—

Mrs. BENTLEY. Of the U.N. agreement.

Ambassador VAN HOUTEN. —made with the U.N.

Mrs. BENTLEY. Yes.

Ambassador VAN HOUTEN. It would appear to be so, yes.

Mrs. BENTLEY. Okay.

Then, Mr. Ambassador, you said, as I was leaving to go over to vote, that this was a land grab of Croatian land by the Serbians. Do you really think that the people in Krajina are taking someone else's land?

Ambassador VAN HOUTEN. I don't know, but they are certainly—there's been heavy fighting in the area, and part of the fighting has been around the old town of Zada. I don't know where this conflict involving Krajina is going. I don't know what the motives are, but there certainly has been an element of trying to expand the frontiers, yes.

Mrs. BENTLEY. And, the people, the residents of Krajina, or the people grew up there and have lived there all their lives, have considered this their homeland, their area, I think, you know, going back many, many decades, as my parents came from that area, and that, I can tell you, their family was there to 100, 150 years ago, and I would think that they would—those that were left would certainly resent saying that they are trying to grab somebody else's land. And, I think there are many, many families around there, and I think that's something we have to think about.

There are several other things that we've gotten reports on. I haven't had them confirmed, but supposedly there are 17,000 Croatian National Guard troops on the western border of Hercegovina, which is within the Republic of Bosnia-Hercegovina, and that the Croatian troops took the airport of the city of Mostar yesterday

and, yet, the EC has said nothing about it. Have you heard anything on that?

Ambassador VAN HOUTEN. I heard nothing about it.

Mrs. BENTLEY. There are a couple of other similar instances that supposedly have been occurring there in the last two weeks, Mr. Chairman, and on that part, I think those things need to be explored too.

And, one last question to Ms. Laber and then I'll shut up. Have you had the opportunity, or any of your people had the opportunity to talk to this Italian journalist, the woman who saw these 41 babies who were killed in, I think it was, Vukovar, the Serbian children that were killed, slaughtered, and she was taken away then by some of the troops. And, when she came back everything was cleaned up.

I have her on tape making her statement, and I'm just wondering whether the Helsinki Watch or anybody else interested in human rights has troubled to go see her.

Ms. LABER. I don't think we've seen her. I am under the impression that there is some serious question about the veracity of that report.

Mrs. BENTLEY. Well, I know about the—I know the questions, and I also know that her life has been threatened, and that she's under police guard.

Ms. LABER. Where is she at this point?

Mrs. BENTLEY. She's in Italy.

Ms. LABER. In Italy.

Mrs. BENTLEY. Yes.

Ms. LABER. Well, she might be worth seeing. We should pursue that.

Mrs. BENTLEY. Yes, I think it would be worth talking to her.

I thank you, Mr. Chairman.

Mr. DECONCINI. Congressman Porter, to finish up.

Mr. PORTER. Just a quick question.

Ms. Laber, you indicated that the ongoing human rights abuses in Kosovo have increased in intensity. What should the CSCE be doing now to try to reduce that intensity, and what should this CSCE nation be doing?

Ms. LABER. Well, to the extent that anyone can prevail upon President Milosevic, he should ease the pressure there. This situation is similar to what goes on in other parts of the world. It always seems tremendously counterproductive when governments put a large ethnic minority under martial law and military pressure. I've been in Kosovo. I have seen the spirit there. It's a powder keg ready to explode. It's amazing to me, as a matter of fact, that nothing has happened yet. There were violations on both sides. At the beginning of this—it's not unlike what happened in Croatia, really—there were Serbs whose rights were being violated by the Albanian minority, and that was used as a pretext to put the entire minority under repressive control. The kids aren't going to school there. The whole society has more or less come to a stop and nothing seems to be happening.

Mr. PORTER. Do the Albanians in Kosovo pose a military threat to the Serbs? Are they worried they are going to have two fronts, two religions even, opposing them?

Ms. LABER. At this point, of course, everything is a possible military threat because the country is at war.

Initially there may have been some concern about separatism, joining, rejoining the country of Albania. I've been told that that's not the wish of the people of Kosovo, and from what I hear about Albania right now, I can understand why they might not want to become part of it, because of the economic situation that Albania is in.

The Albanians wanted a form of autonomy, and they didn't get it.

Mr. PORTER. Thank you very much.

Mr. DECONCINI. Thank you, Congressman.

I want to thank our witnesses for staying as long as they did. Ms. Laber, thank you for your testimony and your report. And, Ambassador van Houten, thank you very much for your perspective from the vantage point you have been in.

We are most grateful, the Commission is, for your taking all this time and giving us your views.

The Commission will stand in recess.

[The hearing was concluded at 4:26 p.m.]

APPENDIX

STENY H. HOYER, MARYLAND, CHAIRMAN
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DAIETE B. FASCELL, FLORIDA
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Statement of Steny H. Hoyer, Chairman

Hearing on
**THE YUGOSLAV REPUBLICS:
PROSPECTS FOR PEACE AND HUMAN RIGHTS**
February 5, 1992

Today, the Helsinki Commission is holding its second hearing on the political crisis and civil conflict in Yugoslavia. This hearing is certainly a timely one, for it appears as if this conflict, which has brought death and destruction of unprecedented scale for post-World War II Europe, is at a critical stage. The fighting has ebbed considerably, thanks in large part to the efforts of U.N. Envoy Cyrus Vance, but it remains unclear whether the conflict will soon continue and in fact spread to other republics, or whether a peaceful settlement that is acceptable to all the peoples of the region is the course that will now be followed.

Fueling the conflict in Yugoslavia are feelings of universal anger, mutual bitterness and actual hatred in light of specific circumstances in which the country found itself as Europe entered this new age of democratic transformation. The two main antagonists, Serbia and Croatia, certainly perceive that they have been wronged by recent decades of communist rule. In my view, the legitimacy of their complaints is not mutually exclusive. That Croatia sees its future as an independent republic seems quite natural, and, indeed, this has many parallels in today's East-Central Europe and the former Soviet Union. At the same time, one can understand the concern Serbia has for the Serbs which live in Croatia and Bosnia, just as it has for the Serbs who live in Kosovo.

What is particularly disturbing and sad is not that there is legitimacy in the concerns of the various groups, but that these concerns are being addressed in an unacceptable manner, such as the use of force in Croatia or repression in Kosovo. In today's Europe, which has accepted the ten Principles of the Helsinki Final Act as universal standards for the behavior of governments, such methods and the changes they create must be rejected. What is more, the course of events in Yugoslavia has shown that violence and repression do not work, for they have led to the country's disintegration. The only way in which a just and lasting solution to the crisis in Yugoslavia will be found is through dialogue and negotiation, and by building democracy and respecting human rights.

Over

We are fortunate to have as witnesses today two individuals who have only recently returned from Yugoslavia. One observed firsthand the repeated use of force while the other documented many human rights violations.

First, we have Ambassador Dirk Jan van Houten, who has been -- until the rotation of the EC Presidency from the Netherlands to Portugal earlier this year -- the head of the European Community Monitoring Mission in Yugoslavia. Ambassador van Houten was scheduled to appear at our last hearing on Yugoslavia, but the senseless shelling of Dubrovnik which began at that time precluded his departure from Yugoslavia to visit the United States. We are glad to see him here today.

Second, we have Jeri Laber, Executive Director of Helsinki Watch. Helsinki Watch has just released two reports on human rights violations in Yugoslavia, including those committed by both sides of the conflict in Croatia. The Commission has a high regard for the substantial and professional human rights monitoring efforts of Helsinki Watch over the years, and we look forward to hearing Jeri Laber's comments in light of her recent visit to the Yugoslav republics.

STENY H. HOYER, MARYLAND, CHAIRMAN
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Hearing on
THE YUGOSLAV REPUBLICS:
PROSPECTS FOR PEACE AND HUMAN RIGHTS
February 5, 1992

Statement of Dennis DeConcini, Co-Chairman

I am looking forward to hearing the views of our two expert witnesses regarding the prospects for peace and human rights in the Yugoslav republics.

As a Senator who has followed the course of events in Yugoslavia for quite some time, I highly commend Cyrus Vance for the progress he has achieved in bringing a ceasefire into effect and preparing for the deployment of peacekeeping troops.

I also want to say that I welcome the decision of the European Community, and the many other countries, who have recognized the independence of Slovenia and Croatia. Given all that has happened in the past six months, I hope that this move will facilitate the achievement of a lasting peace. I would also urge the Administration to join the ranks of the more than forty governments that have already recognized independent Yugoslav republics.

These developments offer some room for cautious optimism, but there is good reason to remain deeply concerned about the fragility of the peace in Croatia. Moreover, the increasing tension in Bosnia-Herzegovina could lead to an eruption of violence there that would be very hard to stop, despite the best efforts of very capable leaders in that republic. The precarious position in which Macedonia currently finds itself is also very troubling, as some of us learned last week in meetings with the President of that republic, Kiro Gligorov. Meanwhile, the repression of the Albanian population of Kosovo seems to continue with unabated severity. Of course, efforts to stop the massive killing must be given first priority, but in the end, the international community -- the European Community-sponsored peace conference, the CSCE, and the United Nations -- must address these problems as well if the Yugoslav crisis is to be fully resolved.

I hope that this hearing will examine these issues as well, and that we could also take a closer look at what role the CSCE process has played in the shaping the international effort to resolve the Yugoslav crisis. Yugoslavia has presented the CSCE with its first major challenge in the post-Cold War era. While EC and some other European countries took an active interest in responding to this challenge, in my view the CSCE States collectively fell short in dealing with the conflict. With the convening of the Helsinki Follow-Up Meeting in about six-weeks, it would be useful to examine some of the lessons learned from the Yugoslav crisis as the CSCE is further enhanced in Helsinki to deal with the future challenges for Europe which lie ahead.

STATEMENT OF LARRY E. CRAIG
UNITED STATES SENATOR

February 5, 1992

MR. CHAIRMAN, I WANT TO THANK THE COMMISSION FOR HAVING THIS HEARING AND OUR WITNESSES FOR COMING AND SHARING THEIR THOUGHTS AND IMPRESSIONS ON THE CONFLICT IN THE FORMER YUGOSLAVIAN TERRITORY.

WE CONTINUE TO READ REPORTS AND NEWS ARTICLES FILLED WITH THE HORRORS AND ATROCITIES BEING COMMITTED IN CROATIA; THE NATURE OF THESE VIOLENT ACTS IS VERY DISTURBING. IT IS DISCONCERTING TO SEE SUCH BLATANT DISREGARD FOR HUMAN LIFE IN THIS CONFLICT. THERE HAVE BEEN CONFLICTING REPORTS COMING OUT OF YUGOSLAVIA, MAKING IT DIFFICULT TO SIFT THROUGH TO FIND THE TRUTH. I, PERSONALLY, LOOK FORWARD TO GAINING A BETTER UNDERSTANDING OF THE SITUATION THERE.

SINCE THE BEGINNING OF THE CONFLICT MANY CONCERNS HAVE BEEN RAISED BY AMERICANS, ESPECIALLY THOSE WITH FAMILY AND FRIENDS STILL LIVING IN THE FORMER YUGOSLAVIAN REPUBLICS, ABOUT HUMAN RIGHTS ABUSES, OUTSIDE INVOLVEMENT IN THE CONFLICT AND WHAT DIRECTION WILL BEST LEAD TOWARD PEACE.

MANY HAVE SUPPORTED THE POSITION THAT NATION-STATES IN THE INTERNATIONAL COMMUNITY SHOULD IMMEDIATELY RECOGNIZE THE OPPOSING PARTIES AS INDEPENDENT ENTITIES. SOME COUNTRIES HAVE ALREADY

DONE THAT, BUT THE UNITED STATES CONTINUES TO LAG BEHIND. IN A HEARING THIS MORNING IN THE SENATE FOREIGN RELATIONS COMMITTEE, SECRETARY BAKER, IN RESPONSE TO A QUESTION ON THIS SUBJECT, SAID THAT SOME PARTIES INVOLVED IN MEDIATING THE CEASE-FIRE HAVE RECOMMENDED WE NOT GIVE OFFICIAL RECOGNITION AT THIS TIME BECAUSE IT WOULD MOVE THE PEACE PROCESS IN THE WRONG DIRECTION. HE ALSO NOTED THAT RECOGNITION IS STILL UNDER REVIEW WITH THE ADMINISTRATION. I HOPE THAT OUR WITNESSES TODAY WILL TOUCH ON THIS ISSUE, AS WELL AS SHARING THEIR OPINION ON THE GENERAL PATH TO PEACE THAT THE UNITED STATES AND THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE (CSCE) SHOULD BE TAKING TO ENHANCE THE PROCESS.

IN CLOSING MR. CHAIRMAN, THIS CONFLICT HAS BEEN A DIFFICULT TEST NOT ONLY FOR THE EUROPEAN COMMUNITY AND THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE (CSCE), BUT FOR THE COMMUNITY OF NATION-STATES AS A WHOLE. WE HAVE SEEN NUMEROUS CEASE-FIRE ATTEMPTS QUICKLY DISINTEGRATE, PEACE MONITORS SHOT AT, AND IN SOME INSTANCES KILLED. THE INSIGHTS THESE WITNESSES CAN PROVIDE WILL BE VERY HELPFUL AS THE SITUATION EVOLVES, SO THAT WE CAN IMPROVE OUR PURSUIT OF PEACE.

JIM MOODY
WISCONSIN

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Findings
of a

Dec. 23-31 Visit to Yugoslavia
by Congressman Jim Moody

I have recently completed an 8-day fact finding and peace-supporting trip to Yugoslavia--a country I know well from serving there 2 years with CARE, whose language I speak, and whose people I deeply admire. My wife and I travelled at our own expense.

We met with over 50 political, military and religious leaders spanning the entire political and ethnic spectrum, visited the war front to see the devastation, and heard the horrifying personal experiences of Serbian and Croatian refugees driven from their homes by the war.

Unless decisive action is taken, Yugoslavia stands at the abyss of a catastrophic war that could easily (1) kill tens of thousands of people, (2) destabilize a region that is important for the U.S. economically and by historic ties, and (3) jeopardize the recent democratization process of the region

The U.S. has a economic and political stake. The many billions of dollars American taxpayers have invested since 1948 to bring about a democratic and economically viable Yugoslavia is now in jeopardy. A general Balkan war would cost the West and the U.S. many billions more.

Key Points to Understand

. This war is essentially a continuation of an old conflict between Serbs and Croats, not an ideological struggle over Marxism as often alleged.

. The Yugoslav army has it's own political and economic agenda which seriously jeopardizes prospects for peace.

. Despite disagreements on details and timing, there are substantial points of agreement on both the Serbian and Croatian government sides that could serve as the basis of agreement.

Conclusions

My key conclusions are:

1. The shooting must be stopped as soon as possible. Given the seething distrust and ill will on both sides, every day the war goes on makes it harder to reach final solution by negotiation.
2. It is particularly important to prevent the fighting from spreading to Bosnia-Herzegovina where a spark could ignite a bloody war of endless reprisals involving not only Serbs and Croats, but also Moslems.
3. The Yugoslav National Army, the second largest and most powerful in Europe, must be brought under immediate civilian control. It now acts largely autonomously and has itself become a major "player" in the crisis. Its composition has become predominately Serbian, but it has institutional and political goals separate and apart from Serbia.

Crucial Concerns that must be Included in Any Solution

The two crucial concerns that must be addressed for any durable solution to the conflict:

I. Extreme concern by Serbia for the personal safety and free cultural expression of Serbs living under Croatian control.

In my judgement this Serbian insecurity and fear is the single most emotional element driving the war. Obviously it springs from the 1941-45 experience when an estimated 700,000 Serbs were slaughtered under the last existing separate Croation state. Croations were killed too but in far smaller numbers.

Clearly a separate Croatia state today would not be a puppet of Facist Germany as the 1941-45 one was, and it would be operating in a totally different European and international environment. Hopefully airtight and absolutely assured guarantees and circumstances could allay these intense Serbian fears. Likewise, given the historic ill feelings of Croations for Serbs, developed from earlier periods but strongly reinforced by this war, any durable solution would have to entail comparable guarantees for Croatian safety and cultural rights.

II. Croatia's absolute insistance on legal and political independence from any and all parts of Yugoslavia. They want to leave Yugoslavia at all cost. This is a many-decades old desire by Croatia and must also be part of any stable solution.

Here is where the Yugoslav army's separate agenda plays a crucial role. Only a state much larger than Serbia can support the army's enormous annual budget, its future pensions, the provision of housing etc. for its thousands of career officers. If Croatia succeeds from Yugoslavia, along with Slovenia and possibly Bosnia-Macedonia, the army's future economic status is deeply jeopardized. This explains the Yugoslav's army's strong motive to continue the war to prevent Croatia and the country from further break up.

I support fully meeting both sets of concerns, items #I and #II outlined above. Serbs must be protected and Croatia must be allowed to leave Yugoslavia.

The key issues will be how and when these are accomplished.

Achieving the Peace

The main ways to achieve both #I and #II fall into two approaches:

1. Plebiscites, held under international supervision, in the disputed border areas, to let people choose what republic they want to live in.

This could well--would probably--cause some changes in the border areas now in Croatia where Serbs are a clear majority. For this reason the Croatian government will clearly oppose this proposal just as "land for peace" proposals in the Middle East are often resisted by those with entrenched interest.

Plebiscites to confirm or adjust Yugoslav borders by popular will would have to be supplemented with voluntary population exchanges for people ending up on the "wrong" side of any border. (Other Balkan countries have had such swaps in the past, with very favorable results).

The alternative approach is:

2. Absolute guarantees for personal safety and cultural expression for Serbian and Croatian minority populations outside their "home" republics. These would have to be internationally guaranteed for the Serbs and Croatians to have confidence in them and prevent future violence.

I personally prefer option #I--plebiscites and voluntary population swaps--because continuous on-site guarantees by international organizations would be extremely expensive as they would have to be of open-ended duration. Also, the plebiscite option better fits with the traditional American philosophical commitment to self determination. In my opinion, the "land for peace" option based on popular vote, not political gerrymandering, would be far more secure and durable.

Final Observations

There is relatively little time left before the Yugoslav powder keg explodes.

The immediate need is for an outside force to physically separate the warring parties--both regular and irregular units. Only then can time be obtained to begin productive negotiations and stop continued needless killing.

provide the outside intervention needed right now--the so called "Blue Helmet" option. Neither the E.C. or any other multi-national body has the international stature or the neutral coloration to be effective. From my talks with Presidents Milosevic and Tudjman this would be acceptable.

The Blue Helmet option also depends on agreement by all members of the UN Security Council where the U.S. has particularly strong influence in light of the current international conditions.

Unfortunately--most unfortunately--the Bush Administration has until now deferred almost entirely to E.C. leadership, thus greatly strengthening the hand of Germany which is deeply distrusted by Serbs from their experience in World Wars I and II. The Bush Administration has also been very slow to recognize the two essential ingredients of Croatian independence and allaying Serbian minority fears for physical safety.

Official U.S. policy has clung tenaciously to the obsolete notion of Yugoslavia as a viable single nation state. In this context the U.S. policy until now has failed to address the key problem of a vastly oversized Yugoslavia army with its own agenda.

No one knows when the current momentum towards total war in Yugoslavia will reach the point of no return, so UN action must be swift.

The sooner the Bush Administration moves to urge the United Nations to act, the sooner lives will be saved and a peaceful outcome secured.

STATEMENT OF THE HONORABLE HELEN DELICH BENTLEY
BEFORE THE HELSINKI COMMISSION
FEBRUARY 5, 1992

Mr. Chairman:

I would like to thank the Commission for asking me to attend today's hearing, and look forward to the light that Ambassador van Houten and Ms. Laber can shed on the complex human rights situation in Yugoslavia.

I am particularly interested in Helsinki Watch's findings regarding human rights abuses perpetrated by the Croats against ethnic Serbs in the Serb majority and other areas of Croatia. Since the letter sent to Milosevic two weeks ago detailing Serbian violations, I have been waiting patiently for the letter that Helsinki Watch said it would send to Tudjman, but since it has not been sent yet, I certainly will be interested in what Ms. Laber can tell me about it.

I believe many of us are aware by now of the mass killing of ethnic Serbs perpetrated by the Croats in Gospic that was detailed in the January 25th New York Times.

In addition, Amnesty International has also documented a number of abuses from both sides in their November 1991 report entitled Yugoslavia: Torture and deliberate and arbitrary killings in war zones.

I would like to read from the introduction of this report in order that the general public be aware that widespread abuses are being perpetrated by all combatants in the current crisis:

"Reports from the war zones of Yugoslavia over the past four months show that all sides in the conflict have blatantly flouted international human rights and humanitarian standards that explicitly forbid the murder and torture of captured combatants and civilians not actively involved in the fighting. Among the thousands of people killed in the conflict, mainly in Croatia and in border areas of Bosnia-Herzegovina, are unarmed civilians and captured combatants who have been deliberately killed by police, military or paramilitary forces. People who have been detained in connection with the fighting have in some cases also been ill-treated or tortured, in some cases resulting in death. Reports from the media and other sources indicate that those responsible for committing these atrocities come from all parties in the conflict -- the federal army, Croatian security forces and Serbian paramilitaries."

I ask the Chairman's permission to insert these and a number of other articles and reports into the record.

I have been viewing over the last week or so, a number of videotapes, both professional propaganda efforts out of Belgrade, and amateur footage, of alleged atrocities committed against Serbs in the current conflict.

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I am aware that such tapes are also widely distributed by the Croatian lobby here in the U.S. If anything, this indicates that one must take them with the requisite grain of salt, but it is hard not to believe what one sees with ones own eyes. I even know of one documented instance of footage broadcast on German television, where Serbian victims were represented as Croats. After this was discovered, the bodies were repatriated to Serbia.

Everything that I have brought up today is indicative of the mood of intolerance and revenge that has been fueling the current civil war, and of the misinformation that has been obscuring the many of issues that must be addressed if there is to be a comprehensive solution to the crisis. The war started because of the human rights concerns of the Serbian minority in Croatia, and their human rights continue to be blatantly violated, not just in the war zones, but also throughout the republic.

Offers of autonomy for the Serbian minority in Croatia by the Tudjman government have been orchestrated for consumption by the international community, but do not bear close scrutiny. Tudjman's promise of more minority guarantees was just paying lip service to the demands of Germany and the EC for recognition. To my knowledge, no representatives of the Serbian minority in Croatia took part in that process, which one would think would be the first step if the process were to be considered legitimate.

Even the Badinter report expressed reservations on Croatia's human rights guarantees. Despite this, Croatia was recognized by the EC. Since recognition, Zdravko Tomac, Deputy Prime Minister of Croatia, has been quoted in Danas, regarding Tudjman's promise of expanded minority rights as saying that, "Croatia has no need to change the Law on Minorities because it is in agreement with the Hague Conference", and that, "What the Arbitration has requested is already contained in the law." This is patently false, and I think of great concern.

In fact, the Washington Post published an editorial yesterday on the very subject on the independence wishes of the Krajina region. It states:

"Here is the dilemma of Croatian self determination. From a distance, 'Croatia' looks like an integral territory easily broken off and accorded recognition and independence in the name of high principle. But what about those Serbs in Croatia who to this day have not received constitutional guarantees of their minority rights and shows in any event resist living in other than a Serbian country."

The editorial continues later:

"Recognition of Krajina's right to self-determination would amount to dismemberment of Croatia and would build in an irredentist cause. But how is its claim to secession or independence any less worthy than Croatia's?"

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An article by Chuck Sudetic in the January 31st New York Times also sheds some light on Tadjman's sincerity vis-a-vis the Serbian minority in Croatia. It states:

"Another [western diplomat] described the Croatian objections [to the peace plan] delivered to United Nations officials this week, a result of 'post recognition euphoria,' which he said emboldened officials in Zagreb to demand revisions after their Government gained recognition from Germany and then from the rest of the European Community."

The article continues later quoting another western diplomat:

"The Croats are obviously demanding explicit recognition from the United Nations that the disputed territory is Croatian and will be Croatian and that Croatia's constitution and laws will be valid there. This is obviously something that the Serbs will never go along with."

Summing up the current Croatian position, Mr. Sudetic states:

"While openly expressing support for the peacekeeping plan, according to one western diplomat, Croatian officials have threatened the United Nations team that Croat forces would invade Bosnia-Herzegovina to save Croats in that multi-ethnic tinderbox republic."

"Croatian officials have repeatedly warned that Zagreb will use force if necessary to retake Serb-held areas."

And then later:

"Croatia's foreign minister, Zvonimir Separovic, confirmed Serb fears that Croatia may not agree with a long-term presence of peacekeeping forces in the disputed areas."

"We are prepared to risk a certain amount of time, maybe the six months planned for the deployment, maybe even one extension," Mr. Separovic said in an interview published Wednesday in Frankfurter Rundschau, a German newspaper. "But there is no way they will be here for 10, 15, or 20 years. That is out of the question."

U.N. special envoy Cyrus Vance said in New York on Monday regarding current Croatian unwillingness to support the peace plan that the Croats were "backing off from what they committed to do at an earlier date, and that simply is unacceptable."

In addition, it has come to my attention that there currently is an effort to rehabilitate Cardinal Stepinac in the Croatian Parliament. Stepinac was a Roman Catholic Cardinal who was intimately involved with the Nazis and the World War II Ustashe government, and who was tried and convicted on war crimes. This echoes Tadjman's previous actions regarding the renaming of the Square of Victims of Fascism, a pivotal point in the events leading up to the current civil war.

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I would also point out that Stipe Mesic was recently quoted in the German newspaper Die Zeit as saying that all Serbs within the boundaries of Croatia should be killed.

These events are evidently serious enough to provoke a response even from Germany. A Reuters article by correspondent Stephen Nisbet on February 3rd details this action. Mr. Nisbet begins:

"Germany undertook on Monday to press Croatia to restore impetus to peace moves in order to avert the threat of renewed civil war in Yugoslavia, British Foreign Secretary Douglas Hurd said."

"He told a news conference after an Economic Community foreign ministers' meeting the 12 EC states were anxious that their twin-track approach to peace in Yugoslavia was being blocked."

"German Foreign Minister Hans-Dietrich Genscher undertook to do what he could with Croatia to revive the impetus of the twin-track approach, Hurd said. This involved the planned deployment of 10,000 United Nations peacekeeping troops and the EC-sponsored peace conference chaired by former British foreign secretary Lord Carrington."

"Hurd's emphasis on Genscher's role in pressing the Community's concern on Croatia reflects Germany's role in pushing the EC to early diplomatic recognition of Croatia and Slovenia, which declared their independence last June."

Mr. Nisbet continues later in the article:

"Hurd said the foreign ministers reaffirmed their plan to lift economic sanctions against all Yugoslav republics except Serbia."

"Asked why the EC was lifting sanctions against Croatia when it was not satisfied with its actions, Hurd said ministers had not wanted to go back on earlier decisions."

"But he hinted that Croatia would not profit in other ways from its new international diplomatic recognition unless it became more cooperative in easing the Yugoslav crisis."

"'Croatia needs many things, like entry into the United Nations, and international financial organisation, and the lifting of the arms embargo,' he said."

"Hurd said Croatian President Franjo Tudjman should introduce legislation on ethnic minority rights."

The Republic of Croatia's record on human rights is dismal, not that Serbia's is any better. I think it is important for people to recognize this, and use appropriate caution in analyzing the current situation, or espousing support for one side or another in this bloody civil war.

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To sum up, an editorial in the January 27th Washington Post does an excellent job of putting the current civil war in the Balkans in the proper perspective.

The most important U.S. policy goal at this point in time should not be to recognize Croatia, but to ensure the placement of U.N. troops to separate the warring factions and therefore protect the human rights of all groups involved.

The editorial states:

"There is no taking back whatever inadvertent license may have been given outside parties -- as when, for instance, Germany "unconditionally" recognized an independent Croatia whose regulars as well as irregulars (and of course Serbia's too) stand plausibly accused of hideous crimes. Perhaps the Germans, so eager to assert leadership in the new Europe, can break of the celebration of 'democratic self-determination' in Croatia and drop a word about human rights."

Let us address human rights concerns first, and only then, act on recognition. It is important that the U.S. maintain its flexibility in addressing the issue of human rights without restrictions like those that the EC has inadvertently set for itself by unconditional recognition of the break-away republics.

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The Yugoslav Republics: Prospects for Peace and Human Rights

Testimony of Jeri Laber, Executive Director,
Helsinki Watch

Before the Commission on Security and
Cooperation in Europe, United States Congress

Wednesday, February 5, 1992

Thank you, Chairman Hoyer, for holding this important hearing and for inviting me to testify. My name is Jeri Laber and I am executive director of Helsinki Watch, a human rights monitoring organization associated with Human Rights Watch. We appreciate your attention to the growing human rights crisis in the Yugoslav republics, and your commitment to human rights generally.

The human rights situation in the republics of Yugoslavia has worsened dramatically in the past year. Helsinki Watch takes no position on the claims to independence of the Yugoslav republics, provinces or other regions. Our only concern is that the human rights of all individuals -- including ethnic minorities -- be respected. A summary of our human rights concerns in the Yugoslav republics includes violations of the rules of war by Serbian paramilitary groups, the federal Yugoslav armed forces and the Croatian military, such as the summary execution of civilians and disarmed combatants; the indiscriminate and disproportionate use of force against civilian targets; the torture and mistreatment of detainees; the taking of hostages; the forced displacement and resettlement of civilian populations; and the killing of and attacks upon a large number of journalists covering the war. Moreover, Helsinki Watch is gravely concerned about the disappearances of both Serbs and Croats in Croatia and the harassment and repression of opposition political figures and anti-war activists in Serbia. Helsinki Watch also deplores the continuing persecution of the Albanian population of Kosovo. Moreover, Helsinki Watch has documented restrictions on

freedom of expression and the press in Croatia, Montenegro and Serbia -- including the provinces of Kosovo and Vojvodina. We are also concerned that the potential for violence in Bosnia-Herzegovina and Macedonia will lead to a dramatic worsening of human rights in those regions.

Helsinki Watch's Letters to Serbian and Croatian Authorities

I believe that you have all been given copies of Helsinki Watch's letters to Serbian President Slobodan Milosevic and General Blagoja Adzic, Acting Minister of Defense and Chief of Staff of the Yugoslav People's Army. The letter to President Milosevic and General Adzic was released on January 23. The letter to Croatian President Franjo Tudjman will be sent to him this week and released to the public on February 12. We will see that you all receive copies.

Both letters call upon the relevant parties to take immediate steps to investigate and bring to an end flagrant violations of human rights in areas under their control. As a matter of policy, Helsinki Watch does not compare the extent of the violations by the offending parties. We did not release the two letters simultaneously because we wanted to avoid comparisons, particularly in the Serbian and Croatian press, and because we wanted to focus attention on abuses committed by each respective party on an individual basis.

Helsinki Watch's Chair, Jonathan Fanton, and I travelled to Belgrade in late January in order to meet with President Milosevic and General Adzic. Unfortunately, neither President Milosevic nor General Adzic agreed to meet with us but we were received by Dragan Ignjatijevic, Assistant Minister of Foreign Affairs of the Republic of Serbia and by General Milan Pujic, Assistant Secretary of National Defense, and Lieutenant General Vladimir Vojvodic, Director General of the Medical Service of the Yugoslav People's Army. Likewise, we will ask to meet with President Tudjman of Croatia in the coming weeks to discuss our concerns personally. Numerous violations of the rules of war are being committed by both sides in Croatia; I will summarize our conclusions and main concerns here.

Violations of the Rules of War in Croatia

Summary Executions and Disappearances

Helsinki Watch is gravely concerned about the summary execution and torture of civilians and disarmed combatants in the war in Croatia. We are also alarmed by the disappearance of thousands of people -- Serbs, Croats, and others. We have

documented 14 cases in which civilians were summarily executed in a brutal manner by Serbian paramilitary groups and army reservists and volunteers, usually after the fall of a Croatian-held area to Serbian forces. In many instances, the Yugoslav army appears to have been aware of such behavior by the Serbian irregulars and sometimes by members of its own forces, but it has not stopped such massacres. After the fall of various villages and towns to Serbian forces, many non-Serbs were taken to unknown destinations and remain missing. Over 3,000 people are missing from the city of Vukovar alone, which fell to Serbian troops in mid-November.

Croatian forces are abducting Serbian civilians, many of whom remain missing or have been found bestially murdered, as in the case of 24 Serbs who were massacred near Gospic. Croatian police and military forces have arrested Serbs without apparent reason -- particularly in the cities of Sisak and Gospic -- and their whereabouts remain unknown. Such flagrant violations of the rules of war by Croatian forces are frequently committed by local police officers and members of the Croatian army. In some cases, the republican authorities have lost control over local-level commanders, particularly in areas which have been under siege by Serbian forces and the Yugoslav army for prolonged periods of time. Nevertheless, the Croatian government is responsible for the acts of its agents and the Croatian government must investigate and vigorously prosecute all human rights abuses on territory which it controls.

Helsinki Watch has forwarded lists of missing persons believed to have been captured by Serbian forces to General Adzic and President Milosevic. We will present a similar list to President Tudjman. Helsinki Watch is gravely concerned that those still missing may have been killed by their captors and that their bodies may have been burned or disposed of in unmarked graves so as to disguise the nature of their deaths. Helsinki Watch is also concerned that the existence and whereabouts of certain internment centers are being concealed from domestic and international human rights and humanitarian organizations, particularly in Serbia.

Excessive and Indiscriminate Use of Force

The excessive and indiscriminate use of force throughout Croatia by Serbian forces -- particularly by the Yugoslav army -- has resulted in thousands of civilian deaths and injuries. In almost all cases, artillery, aerial and naval attacks by Serbian troops and the Yugoslav army were disproportionate to the threat posed by Croatian troops, most notably in Dubrovnik, but also in Vukovar, Osijek and elsewhere.

Torture, Destruction of Civilian Property and Forced Displacement

Both Croatian and Serbian forces are guilty of torturing and mistreating persons held in detention. Civilian property has been destroyed by individual extremists as a means of intimidating and driving out members of the opposite ethnic group. In Croatia, residences, vacation homes and places of business owned by Serbs have been destroyed by Croats, particularly in Dalmatia. Likewise, Croatian property in Serbian-controlled areas has been vandalized while, in other cases, non-Serbs have been required to sign their property over to local Serbian authorities before being allowed to leave Serbian-occupied areas. Moreover, Croats, Hungarians, Czechs and others are being forcibly displaced by Serbian forces from their homes in Serbian-occupied territory in order to create purely Serbian regions in areas that are otherwise of mixed population. Displaced Serbs are being resettled in Serbian-occupied territory in Croatia to consolidate Serbian control over regions captured from Croats and to prevent the original non-Serbian inhabitants from returning. This practice is concentrated primarily in eastern Slavonia and Baranja and, to a lesser extent, in the Knin and eastern Dalmatian regions.

Harassment and Discrimination

Individual harassment of and discrimination against Serbian civilians in Croatian-held territory is increasing. In some instances, local government officials have condoned, encouraged or perpetrated acts of violence or harassment against Serbian civilians. The fact that Croatia is engaged in an armed conflict with Serbian forces in no way gives individual Croats or Croatian government officials -- whether at the republican or local level -- the right to violate the rights of Serbian civilians who are law-abiding citizens in Croatia. Moreover, in mid-1991, individual Croatian workers authored and organized the signing of "loyalty oaths" to the Croatian government. The loyalty oaths were typically written by Croatian workers and presented either to all employees or only to Serbian workers for signatures. Those who refused to sign -- mostly Serbs -- were threatened with dismissal or were, in fact, fired from their jobs. Although the Croatian government belatedly condemned such campaigns and required the reinstatement of those dismissed, the organizers of such campaigns were never prosecuted. Although the practice of signing loyalty oaths appears to have ceased, the Croatian government must ensure that such campaigns are not reorganized in the future, especially in light of growing inter-ethnic tensions and distrust in Croatia.

Killings and Attacks Against Journalists

An alarmingly large number of journalists have been killed, wounded, physically assaulted or otherwise attacked while reporting on the war in Croatia. On the basis of Helsinki Watch's investigations, we have found that at least 17 foreign and domestic journalists have been killed in Croatia in the past seven months. Nine journalists were captured and subsequently released by Serbian forces and four remain missing. At least 28 journalists were wounded while covering the war in Croatia. At least 63 were attacked and over 38 were otherwise harassed (i.e., threatened, property confiscated, etc.). Although some of the journalists appear to have been killed or injured by crossfire during a battle, Helsinki Watch fears that some of the journalists killed in Croatia were deliberately targeted because of their professional affiliation.

Restrictions on Free Expression

The Serbian government and the Yugoslav army are also conducting campaigns of harassment and repression against the Serbian opposition and anti-war activists in Serbia. Helsinki Watch is particularly concerned about what appears to be an effort by the Serbian government to silence anti-war activists and opposition figures by sending them to the battlefields in Croatia. Police intimidation has been used against ethnic Hungarian anti-war activists in the province of Vojvodina. Individual vandals -- many of whom are believed to be members of Serbian paramilitary groups active in Croatia -- have harassed members of the Serbian opposition, the anti-war movement and the independent or non-Serbian press and have vandalized their property or assaulted their persons. Helsinki Watch is not aware of any efforts by the Serbian government to investigate or prosecute reported cases of assault and vandalism. Rather, we are concerned that President Milosevic's government is condoning -- and possibly encouraging -- such attacks against those opposed to his regime or policies.

The Serbian government has also tried to silence and intimidate members of the political opposition by bringing criminal charges against them. Helsinki Watch believes that criminal charges brought against Vuk Draskovic, leader of the Serbian Renewal Movement, for his role in organizing a demonstration in Belgrade in March 1991 are unjustified. Rather, the Serbian government bears responsibility for the excessive use of police force during the March demonstrations, in which two persons were killed, at least 203 were wounded and scores of demonstration participants and organizers were arbitrarily arrested and harassed. Threats of criminal prosecution -- such as the charges brought against Vuk Draskovic -- are being used by President Milosevic's government as a means to intimidate

opposition groups in Serbia and to cow them into submission.

Restrictions on Freedom of the Press

Serious restrictions on freedom of the press exist in Serbia -- including the provinces of Vojvodina and Kosovo -- Montenegro and Croatia. The mainstream Albanian-language press in Kosovo has either been banned by the Serbian authorities or completely subordinated to the Belgrade media. The main Albanian-language daily in Kosovo, Rilindja, remains banned 19 months after its forcible closure by Serbian authorities. Between October 25 and December 1, 1991, four Albanian journalists were arrested and imprisoned for publishing a book, a map and two articles which were deemed subversive by the Serbian authorities.

The governments of Vojvodina and Montenegro have effectively taken control of the press in each region. Journalists, regardless of their ethnic affiliation, have been harassed throughout Vojvodina and Montenegro for their support of the political opposition. In addition to Vojvodina's Serbian-language media, the Hungarian-, Ruthenian-, Romanian-, and Slovak-language presses have been purged. The provincial government of Vojvodina -- which is widely regarded as an appendage of President Milosevic's regime -- is currently trying to strengthen its control over the Hungarian-language press in Vojvodina. Despite the fact that workers and journalists at the Hungarian-language daily, Macvar Sze, voted unanimously against the proposed appointment, Vojvodina's provincial government is trying to install an editor-in-chief who is an adherent of President Milosevic's policies.

In Croatia, after the adoption of a presidential decree in early November, foreign and domestic press reports about the war are subject to censorship by Croatian authorities. According to the new regulations, all media must comply with instructions issued by a government-appointed committee, local administrative bodies or regional defense centers before they can report on the war in Croatia. In effect, the decree establishes censorship panels on both the republican and local levels. Journalists can be sentenced to a maximum of five years' imprisonment for reporting military information if they fail to obtain permission from the Croatian armed forces. Helsinki Watch believes that such a decree seriously impedes freedom of the press in Croatia. The Croatian government has made no case for the imposition of such press restrictions and it has failed to prove that the press in any way obstructed military operations or endangered the republic's security.

Continuing Human Rights Abuses in Kosovo

The Serbian government's oppression of ethnic Albanians in

Kosovo is the most protracted human rights problem in Yugoslavia. Physical mistreatment in detention remains a serious problem, while systematic discrimination has increased dramatically in the past year.

Ethnic Albanians continue to be jailed for nonviolent political "offenses," including possession of certain Albanian-language publications, for participation in peaceful demonstrations and for committing so-called "verbal crimes," such as "insulting the socialist, patriotic, national and moral feelings of the citizenry," "insulting a public official, institution or organization," and "conveying disturbing news." Most Albanians are sentenced to 30- to 60-day prison terms for having committed such "offenses." By the time an appeal is filed and a hearing is granted, an individual has already served his sentence. Many Albanians have served multiple 30- to 60-day sentences; the purpose is to silence, intimidate and harass opponents and critics of the Serbian regime in Kosovo.

Over 20,000 Albanians -- including 2,000 medical personnel -- lost their jobs because of ethnic discrimination in 1991. Many Albanians were dismissed from their jobs and were subsequently replaced by Serbian and Montenegrin workers. Albanians have lost their jobs because they refused to sign loyalty oaths to the Serbian government, or because they organized or participated in peaceful demonstrations. Approximately 300 Albanian families have been illegally evicted from their homes. Such actions have worsened the socio-economic marginalization of Albanians in Kosovo, where 86 percent of the population already lives below the poverty line.

United States Policy

In contrast to the activism of the European Community, the United States has reacted sluggishly and ineffectively to the crisis in the Yugoslav republics. Although the United States, particularly the Embassy in Belgrade, has publicly criticized human rights abuses in each republic, the Bush Administration has devoted too much energy to trying to preserve Yugoslav unity and the faltering government of former Prime Minister Ante Markovic rather than to address the human rights violations by individual republican governments and the Yugoslav army.

The United States appears to have opted for "quiet diplomacy" in dealing with the Yugoslav military. Its approach has been to exercise its influence with the Yugoslav military by urging it to refrain from attacks against civilians in Croatia and from expanding the war into the ethnically-mixed republic of Bosnia-Herzegovina.

While Helsinki Watch understands the many factors that the United States government must weigh in its foreign policy

decisions, as a human rights organization we believe that the United States should distance itself from abusive governments or security forces engaged in the systematic and egregious abuse of human rights. The United States should have examined early on ways to punish the Yugoslav military and to prevent it from committing further abuses. Moreover, because paramilitary groups supported by the Serbian government act in conjunction with the Yugoslav military in attacking civilian targets in Croatia and because Serbian authorities are responsible for the systematic abuse of human rights in Kosovo, Helsinki Watch believes that economic sanctions should have been directed at both the Serbian government and the Yugoslav army.

The Bush Administration followed the European Community's lead and imposed economic sanctions against Yugoslavia in November. An arms embargo was also imposed against Yugoslavia. Currently, the United States can best exercise its diplomatic and political influence by trying to convince Greece and non-European Community members to impose similar sanctions against the Yugoslav military and the Serbian government.

In their meetings with Croatian government officials, the United States Embassy has frequently raised its concerns about human rights violations by Croatian forces. Helsinki Watch calls upon the U.S. to publicly express such concerns so as to bring greater pressure on Croatian authorities to ensure that the human rights of all of Croatia's citizens -- including Croats, Serbs and others -- are respected and that those found guilty of violating those rights are brought to justice. Insofar as local police or military officers are guilty of continued violations of human rights and humanitarian law, the Croatian government must take disciplinary action against all perpetrators of such abuses. The Croatian government must also be urged to take disciplinary measures against the perpetrators' immediate superiors, insofar as it can be established that such abuses are condoned -- or possibly encouraged -- by local military or police commanders. Should the Croatian government fail to take such steps and should egregious abuses of human rights and humanitarian law continue, Helsinki Watch advocates that sanctions also be directed against the Croatian government and any abusing agencies, such as abusive security forces or abusive local governments.

The United States should take active steps to condemn, and bring an end to the flagrant violations of human rights and humanitarian law in the Yugoslav republics. Such U.S. leadership would signal that gross abuses of human rights will not be tolerated as a way of resolving historical grievances, ethnic disputes and territorial claims.

Thank you again for this opportunity to appear before you.



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SERBIAN GOVERNMENT AND YUGOSLAV ARMY
 CHARGED WITH HUMAN RIGHTS VIOLATIONS

(New York) January 23--The Serbian government and the Yugoslav army must take immediate steps to investigate and bring to an end a series of flagrant violations of human rights, according to the U.S. Helsinki Watch Committee, a New York-based human rights organization. In a letter sent to Slobodan Milosevic, President of the Republic of Serbia, and General Blagoje Adzic, Acting Minister of Defense and Chief of Staff of the Yugoslav People's Army, Helsinki Watch described severe abuses that it has documented during many fact-finding missions to Yugoslavia over a period of years. Helsinki Watch Executive Director Jeri Laber arrived in Belgrade on January 22 in order to meet with President Milosevic and General Adzic and to discuss the organization's concerns in person.

Many of the abuses listed in the letter involve violations of the laws of war relating to the armed conflict in Croatia. Helsinki Watch has also documented violations of the laws of war by the Croatian forces and will present a letter detailing these violations to

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President Franjo Tudjman of Croatia. Helsinki Watch is aware of the fact that abuses have been committed by both sides in the conflict. As a matter of policy, the organization does not compare the extent of the violations by the offending parties.

Among the violations of the laws of war attributable to the Serbian government and the Yugoslav army are the summary execution of at least 295 civilians and disarmed combatants in at least 14 separate instances in five months; the indiscriminate, discriminate and disproportionate use of force against civilian targets; the torture and mistreatment of detainees; disappearances and the taking of hostages; the forced displacement and resettlement of civilian populations; and the killing and attacks upon a large number of journalists covering the war.

In addition to violations connected with the armed conflict in Croatia, Helsinki Watch has also documented restrictions on the press and on free expression in Serbia and the harassment and repression of opposition political figures and people who have spoken out against the war, sometimes by mobilizing them into the Yugoslav army and sending them to fight in Croatia.

The Helsinki Watch letter also deplores the continuing persecution of the Albanian population of Kosovo, including restrictions against free speech, expression and the press. The letter points out that ethnic Albanians continue to be imprisoned for verbal crimes and are mistreated in detention. Albanians are also arbitrarily dismissed from employment and evicted from their homes.

The letter ends with separate appeals to the Yugoslav military and the Serbian government.

The letter calls upon the Yugoslav army and the Serbian forces in Croatia to:

- Investigate reports of summary executions and torture of civilians and disarmed combatants by Serbian military or paramilitary groups and prosecute and punish all those guilty of such crimes.
- Refrain from the indiscriminate and disproportionate use of force, which has caused thousands of civilian deaths and injuries, and cease all discriminate attacks against civilians -- including journalists -- and civilian objects.
- Immediately and unconditionally release all civilians held hostage and treat all captured combatants humanely.
- Make known the whereabouts of all missing persons abducted by Serbian forces.

- Cease the robbing, pillaging, and forcible confiscation of homes and property.
- Refrain from forcibly displacing persons for non-war related reasons and allow all persons forcibly displaced to return to their homes without reprisals or mistreatment.
- Refrain from mobilizing members of the anti-war movement and political opposition in Serbia as a means of silencing government critics.
- Refrain from interfering with freedom of the press by demanding that it print the names of purported army deserters.

The letter calls upon the Serbian government to:

- Investigate reports of harassment of, and attacks upon, anti-war activists, opposition groups, and the independent-minded media.
- Drop all criminal charges brought against Vuk Drašković for his role in organizing the March 1991 demonstrations in Belgrade.
- Cease all harassment, arrest, demotion and dismissal of independent journalists and respect freedom of the press.
- Cease all arrests, prosecution and imprisonment of ethnic Albanians who have peacefully exercised their right to free speech and expression in Kosovo.
- Cease the mistreatment of Albanians held in detention.
- Immediately and unconditionally lift the ban against Rilindja.
- Cease all forms of discrimination against ethnic Albanians in Kosovo, including the arbitrary dismissal of Albanian workers from their jobs and their subsequent eviction from their homes.

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January 21, 1992

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Suzett Robinson
Pella G. Rokutyn
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Jerome J. Shestak
Stanford Solomon
George Soros
Susan Weber Soros
Michael Sovern
Suzanne Stone
Rose Stron
Jay Topik
Liv Ullmann
Gregory Wallerstein
Franklin Whitehead
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His Excellency Slobodan Milošević
President of the Republic of Serbia
Marsala Tita 14
11000 Belgrade
Serbia

General Blagoje Adžić
Acting Minister of Defense and
Chief of Staff of the Yugoslav People's Army
Kneza Miloša 35
11000 Belgrade
Serbia

Dear President Milošević and General Adžić:

The U.S. Helsinki Watch Committee is deeply troubled by reports of serious human rights abuses by the Serbian government and the Yugoslav Army. Our own investigations of these reports, conducted during a series of fact-finding missions to Yugoslavia over several years, indicate that many of these reports are well founded. We call upon you to investigate the abuses enumerated in this letter and to punish those responsible for them. We call upon you to take immediate measures to ensure that such violations of human rights do not occur again.

The abuses described in this letter include violations of the laws of war in the Croatian conflict, including the summary execution of civilians; the indiscriminate and disproportionate use of force against civilian targets; the torture and mistreatment of detainees; disappearances and the taking of hostages; the forced displacement and resettlement of civilian populations; and the killing of journalists covering the war. In addition to violations connected with the armed conflict in Croatia, Helsinki Watch has also documented restrictions on the press and on free expression in Serbia and the harassment and repression of opposition political figures and people who have spoken out against the war. Finally, we object to the continuing persecution of the Albanian population of Kosovo.

Helsinki Watch is an affiliate of Human Rights Watch. Robert L. Bernstein, Chairman • Adrian W. DeWard, Vice Chairman • Jeri Labeer, Executive Director
Kersti Bick, Deputy Director • Holly J. Burkhalter, Washington Director Helsinki Watch is a member of the International Helsinki Federation for Human Rights

Rules of War Violations in the Croatian Conflict

We hold the government of the Republic of Serbia responsible for violations of the rules of war by two groups of rebels -- local Serbian irregulars organized in Croatia, and those organized in Serbia and sent to Croatia.

The government of Serbia has provided military, economic and political support to locally-based insurgents in Croatia. Moreover, President Milošević has asserted that if Croatia were to secede from Yugoslavia, the Serbs in Croatia and the territory on which they live could not be part of an independent Croatian state. The Serbian government's statements that Serbs in Croatia need protection from Croatian government persecution has stirred up fear and hysteria among the Serbian population and contributed to the tension that has led to violence.

The Serbian government has also condoned and, in some cases, supported the formation of at least three paramilitary groups in Serbia which operate in Croatia. What appears to be the most brutal of these groups is led by Vojislav Šešelj, leader of the Serbian Radical Party (Srpska Radikalna Stranka) and the Serbian Četnik Movement (Srpski Četnički Pokret). Šešelj's group of paramilitaries call themselves "Četniks" and operate throughout Croatia. A second paramilitary force is commanded by Željko Ražnjatović (a.k.a. Arkan) and a third group is led by Mirko Jović. Both Arkan's and Jović's forces are most heavily concentrated in the eastern Slavonian region of Croatia. In addition, various Serbian paramilitary groups are organized and trained by the so-called Captain Dragan, described by the *Washington Post* as "a half-Serb mercenary with Australian citizenship who refuses to give his real name."¹

We hold the Yugoslav People's Army (JNA) and the federal Yugoslav government responsible for the conduct of these groups as well, since the JNA has conducted military operations in which it commands the irregulars or operates in conjunction and/or in coordination with them. Both local insurgents and Serbian-based paramilitary groups have been armed, either directly or indirectly, by the JNA and provided with army uniforms and possibly military intelligence.

We therefore request a response from both the Serbian President and the Chief of Staff of the Yugoslav People's Army to the following very serious and credible reports of violations of humanitarian law during the conflict in Croatia.

Summary Executions

Serbian rebel forces appear to be responsible for the extrajudicial executions of at least 200 civilians and disarmed soldiers in at least 14 separate instances in five months, committed in areas where these forces had exclusive military control or shared that control with the JNA. In several cases, the victims were tortured before their execution. Some were captured because they were not able to flee before advancing Serbian insurgent forces due to advanced age or physical incapacity.

July 22, 1991 - Benkovac

Three Croats were arrested in Benkovac by Serbian paramilitary police. Ivica Knez, 39, was beaten to death and the whereabouts of the other two men, Tomislav Ceranja and Tomislav Kolerić, remain unknown.

¹Mary Battiata, "Serbian Guerrilla Camps Operate Inside Croatia," *The Washington Post*, July 22, 1991, p. A1.

July 26, 1991 — Struga (municipality of Dvor)

During a Serbian assault against the predominantly Croatian village of Struga (population 254), three Croatian police officers surrendered after Serbian insurgents encircled a house in which they had taken up positions. According to eyewitnesses,² the police officers were stripped of their clothing, humiliated and ordered to run through a field, where they were shot and killed by the insurgents.

August 1 — Dalj (municipality of Osijek)

On August 1, Serbian insurgents attempted to take over the local police station in Dalj.³ Police trapped inside the station refused to surrender to JNA troops and a battle for the town ensued. After the JNA occupied Dalj, Serbian paramilitary groups reportedly searched the village for Croatian soldiers, police officers and civilians, and killed many of those who were found wounded. Some victims had been killed by a bullet to the head at close range, apparently after being wounded or beaten, according to autopsy reports.⁴ Pjetar Djeveckaj, a baker of Albanian origin was first beaten and then executed by two close-range gunshots to the head.

Between August 5 and 14 — Lovinac (municipality of Gračac)

Serbian paramilitary groups attacked the village of Lovinac (population 499) on August 5 and reportedly kidnapped five Croats (Ivan Ivezić, 38, Stejepan Katalinić, 55, Marko Pavičić, 75, Jure Sekulić, 57, and Martin Sarić, 40). Their bodies were found 10 days later.

August 16 — Pecki (municipality of Petrinja)

After the village of Pecki (population 374) was occupied by Serbian forces, four Croatian men were killed when they returned to the village to feed their livestock. Three of the men appear to have been tortured prior to their execution. According to autopsy reports,⁵ Ivica Bugarin, 23, was shot and stabbed repeatedly, most probably with bayonets. His left arm was amputated, probably with an ax.

² Interviewed by Helsinki Watch in late July 1991. Serbian insurgents launched an offensive from the town of Dvor against Croatian police in the village of Kozibrod. En route, the insurgents captured approximately 40 civilians, including some of these witnesses, and used them as human shields during their advance through the villages of Struga and Zamlata. Their testimony is contained in "Yugoslavia: Human Rights Abuses in the Croatian Conflict," Helsinki Watch, September 1991, pp. 6-10.

³ Dalj has a population of 5,492, in which Serbs constitute a slight majority over Croats and Hungarians.

⁴ The information was obtained from reports of autopsies performed by doctors from the Department of Pathology and Forensic Medicine at Osijek Hospital and the Department of Anatomy at Zagreb University's School of Medicine. The autopsy reports cited herein were performed by Croatian and non-Croatian doctors, including Serbian pathologists and forensic experts. Helsinki Watch interviewed some of the doctors who performed the autopsies in Osijek and Zagreb.

⁵ The following information is contained in reports of autopsies performed by doctors from the Department of Pathology and Cytology at Sisak Hospital and the Department of Anatomy at the Zagreb University School of Medicine.

Hand axes were probably used to kill Djuro Horvat, 28, and Mate Horvat, 32, whose skull was fractured after his head was held firmly to the ground while heavy blows were inflicted with a blunt object. Stjepan Horvat, 70, died as a result of multiple gunshot wounds.

September 3-4 — Četekovac, Čojlug and Balinci (municipality of Podravska Slatina)

On September 3-4, the villages of Četekovac (population 310) Čojlug (population 86) and Balinci (population 295) were attacked by Serbian forces. After the villages fell to Serbian forces, two policemen and 21 civilians (16 men and five women) were killed. The dead ranged in age from 18 to 91 years. According to autopsy reports,⁶ 15 civilians were killed by gunshots to the chest or neck. J.B., 65, died from two wounds inflicted by a sharp object, presumably a knife. The body of M.S., 36, was set on fire.

A man from Četekovac recounted how his 58-year-old sister was shot in the knees and then killed with a knife by local Serbian insurgents, many of whom were known to him. A 67-year-old man said that he was dragged from his home and then witnessed his house and barn set on fire by Serbian paramilitaries.⁷ Four separate witnesses interviewed by Helsinki Watch all identified Boro Lukić, a Serb from a nearby village, as the main perpetrator and organizer of the massacres in Četekovac and Balinac.

October 13 — Široka Kula (municipality of Gospić)

Reportedly 13 people (mostly elderly persons and at least one child) were shot or burned to death after a mob, led by a Serbian police officer, looted Croatian homes and set them on fire. Eight remaining survivors identified their attackers and those who looted their homes.

Of the 536 people who lived in the village of Široka Kula, approximately half were Serbs and half Croats. According to eyewitness statements, most of the Croats had fled by late September after being threatened and intimidated by local Serbian authorities, who had occupied the village. On October 13, the Serbian leader of the local police, Ivo Poakonjak, promised to evacuate the remaining Croats from the village and instructed Dane Orešković (a Croat) to gather the Croatian villagers in two houses. As the Croats assembled in the buildings, Serbian paramilitary groups began looting the homes and shot at the assembling villagers. Most of those killed were members of the Orešković family. They were killed with shotguns and their bodies were thrown into their homes which had been set on fire.

Mande Baša and Ana Nikšić, both over 70, were reportedly found with their throats slashed in Mande Baša's home.

October 31 — Grubišno Polje and other villages in western Slavonia

Reports by the news agency Tanjug accused Croats of having committed war crimes against Serbs in the areas near the town of Grubišno Polje⁸ in Croatia. The allegations were

⁶The autopsy reports were prepared by doctors from the Department of Pathology and forensic Medicine at Osijek Hospital and the Departments of Forensic Medicine and Anatomy at the Zagreb School of Medicine.

⁷Interviewed in the village of Četekovac and Balinac on January 7, 1992.

⁸The population of the municipality of Grubišno Polje is 14,186, of which 42.3 percent are Croatian, 32.1 percent are Serbian, 13.7 percent are Czech, 3.5 percent are Hungarian, and 4.5 percent are Yugoslav.

investigated by members of the European Community (EC) monitoring mission who found that Serbian forces, not Croatian forces, were guilty of summary executions and destruction of civilian property in the area. The monitoring mission's report concludes:

We established evidence of crimes which were committed by the [Serbian forces] during the two- and three-month period that they controlled that particular zone [western Slavonia]. Our team did not find evidence of killings later, nor of the systematic destruction of Serbian property by the Croatian National Guard or Croats from the area.⁹

The EC report also found that Czechs and Croats were killed in 16 villages visited by the mission, homes were destroyed and residents were terrorized.

November 10-11 -- Bogdanovci (municipality of Vukovar)

A 46-year-old Albanian woman, Z.B.,¹⁰ had lived in Bogdanovci (population 1,208) for 18 years with her family. In early July, members of the Croatian National Guard had taken up positions in the village and many slept in the cellars of people's homes, reportedly with the proprietors' permission. After hostilities in the surrounding areas commenced in early July, many villagers fled. When the JNA and Serbian paramilitary groups launched a mortar attack against Bogdanovci on July 24, only about 100 people remained in the village. Z.B. hid in the cellar of a house with nine other people ranging in age from 46 to 83. At the time of the attack, approximately 50 members of the Croatian National Guard were stationed in the village. Z.B. recounted the attack:

We were shelled from the Serbian-controlled villages of Petrovci, Bršadin and Pačetin. We hid in a basement for nearly two months, including my blind 83-year-old mother-in-law. The Croatian Guardsmen would bring us food during that time. On November 10, the village fell to Serbian insurgents and the JNA and they told us to leave the cellar.

After three hours of detention in a local store,¹¹ the Serbian forces told us to go home. When we got outside into the yard of the store, they told us to form a line. Two elderly Croats - about 80 years old - who they had evidently found in the village, were also put in the line with us. One of the soldiers started shooting at each person in the line with a machine gun. When he got to

⁹ Excerpts of the European Community monitoring mission's report were published by the Paris-based newspaper *Liberation* on November 20, 1991, and Stephen Engelberg, "Villagers in Croatia Recount Massacre by Serbian Forces," *The New York Times*, December 19, 1991, p. A1.

¹⁰ The woman was interviewed on December 12, 1991, in the village of Drsnik (municipality of Klina) in Kosovo.

¹¹ Four men who had hid with the witnesses and others were severely beaten by Serbian forces. The beatings are described below.

me, he said "I am going to spare this one" and I was the only one who wasn't killed. During this shooting, a crowd of [JNA] soldiers stood by but did nothing to stop him from killing us.

They left me alone and I hid behind a wall. I saw them loading videos and televisions into a truck; they were confiscating property from abandoned homes. A soldier later saw me and they put me into a house. I was taken to a room where I was interrogated and raped repeatedly for twelve hours by several men. One of the men raped me twice and took away my wedding ring.

At 9:00 the next morning, two soldiers took me out of the house and I saw that the dead bodies had been covered with blankets during the night. I was then interrogated by a Serbian lieutenant colonel in his mid-fifties who greeted me in Albanian. He told me that he was a friend of my late husband's and that he was from the village of Lukavac in Kosovo. He saw the bodies of the people who had been killed the night before and asked me who these people were and I identified the bodies. He told me that maybe the Croatian Guardsmen had killed them but I replied that I saw a man in Yugoslav army uniform shoot them. The lieutenant colonel frowned and appeared angry. He said that he would spare my life because he knew my husband. The two soldiers and the lieutenant colonel drove me to the predominantly Ruthenian village of Petrovci, where I stayed with a Ruthenian couple for ten days. I was then put in a truck full of soldiers and driven to Valjevo [in Serbia]. Two soldiers gave me money for a bus ticket to Belgrade, from there I took a train to Kosovo.

November 18 — Vukovar

The city of Vukovar¹² was under constant siege by Serbian forces for three months. When the city fell on November 18, 15,000 people who had not fled the fighting emerged from the basements in which they lived for 12 weeks. After Vukovar's fall, civilians and soldiers *hors de combat* were beaten or arrested by Serbian paramilitary groups and the JNA. On the basis of interviews with displaced persons from Vukovar and foreign journalists and humanitarian workers who visited Vukovar immediately after its fall,¹³ Helsinki Watch has reason to believe that many Croatian men, both civilians and combatants who had laid down their arms, were summarily executed by Serbian forces after Vukovar's fall.

¹²Prior to its occupation, Croats comprised a majority of the population of the city of Vukovar (population 44,942) while the villages surrounding the city are predominantly Serbian. Croats comprised 43.7 percent and Serbs 37.4 percent of the population of the entire Vukovar municipality (population 84,024). Hungarians, Ruthenians, Slovaks, Ukrainians and Yugoslavs accounted for the remaining 18 percent of Vukovar's population.

¹³These interviews were conducted in Belgrade and Zagreb on December 14-19, 1991 and January 2-6, 1992, respectively.

November 18 — Škabrnje (municipality of Zadar) and Nadin (municipality of Benkovac)

On November 18, at approximately 7:15 a.m., the JNA and the Serbian paramilitaries launched a mortar and artillery attack against the Croatian village of Škabrnje (population 1,964). At 11:00 a.m., a JNA tank reached St. Mary's Church in the center of town and fired a mortar at the main door. Serbian paramilitaries then sprayed the church with machine gun fire and one paramilitary took up position in the bell tower and shot at the village from the tower. On November 19, at approximately 1:30 p.m., the same forces attacked the neighboring Croatian village of Nadin (population 678). By 4:30 p.m., both Škabrnje and Nadin had fallen to Serbian forces.

Reportedly after Croats¹⁴ destroyed a Yugoslav army tank at the western end of Škabrnje, the Serbian forces turned against the civilians. Serbian paramilitaries began plundering and shooting throughout the villages, killing 48 civilians (41 from Škabrnje and seven from Nadin). Most of those killed were elderly persons and, according to autopsy reports, the vast majority were killed by a bullet to the head shot at close range.¹⁵ A tank crushed the head and chest of K.R., a 59-year-old woman. B.S., F.R., and S.S., were severely beaten and were subsequently killed by blows to the head with a blunt instrument.

A 19-year-old woman recounted her experience during the attack on Škabrnje:¹⁶

About 500 insurgents and 20 tanks entered Škabrnje and occupied the village. They told us that we were all Ustašas and that they were going to kill us. Approximately 35 of the villagers were taken to the basement of the local church, where the insurgents beat many of the men, most of whom were elderly, with fists, rifle butts and sticks. My 80-year-old grandfather was beaten to death. We were later removed from the basement and taken to a detention center in Benkovac. When we emerged from that cellar, I saw approximately 10 bodies in a pile. The victims were both men and women and I recognized one of the dead women. I also saw that my house had been ransacked and sprayed with machine gun fire.

The local Zadar Red Cross and members of the European Community monitoring mission were denied access to the area after Škabrnje's and Nadin's occupation. Despite the fact that Nadin had been under control for over 24 hours, the JNA claimed that access to the villages was restricted because fighting continued. After a week of negotiations, the JNA agreed to deliver several corpses from Škabrnje to the Croatian authorities. Thirty-five bodies were delivered on November 23, and 13 more bodies were delivered on November 26.

¹⁴ Eyewitnesses claim that neither members of the Croatian police force nor the Croatian army were stationed in Škabrnje or Nadin at the time of the attack. The resistance with which the Serbian forces were met was apparently organized by local Croats.

¹⁵ The autopsies were performed by the Pathology Departments at Zadar Hospital and Sibenik Hospital (three bodies).

¹⁶ Interviewed by Helsinki Watch on January 7, 1992, in Zagreb.

Mid-December - Joševica (municipality of Glina)

Serbian paramilitary groups reportedly killed 20 Croats (ages five to 65) in the village of Joševica (population 120), which is part of the Serbian-controlled municipality of Glina.

Reportedly, members of the JNA and Serbian paramilitary units attacked Joševica and conducted a house-to-house search. Twenty people were taken from their homes and brought to the center of the village, where they were subsequently executed. According to the Serbian press, the killing of civilians in Joševica was meant to avenge the recent deaths of 21 Serbian paramilitaries killed during a Croatian offensive in the village of Gračanica, near Pokupsko. The Serbian authorities in Glina are said to be conducting an investigation of the killings.¹⁷

December 19 - Hum and Voćin (municipality of Podravska Slatina)

In August, Serbian insurgents seized control of several villages in the western Slavonian region of Croatia, including the predominantly Serbian villages of Hum (population 245) and Voćin (population 1,558). The area was reportedly held without any support from the JNA.¹⁸ After Croatian forces launched an offensive to regain lost territory in western Slavonia in early December, over 20,000 Serbian civilians and an undetermined number of paramilitaries fled the area. As the Serbian forces withdrew from the villages, they killed 43 Croats and burned many Croatian homes in both Hum and Voćin. The Catholic Church in Voćin, which served as a storage area for the Serbs' munitions, was completely destroyed after the paramilitaries exploded the ammunition to prevent it from falling into Croatian hands.

Eyewitnesses¹⁹ claim that members of the "White Eagles" (Beli Orlovi) paramilitary group, were responsible for the massacre and destruction. According to one witness:

Serbian irregulars from Valjevo and other parts of Serbia came to our village by bus on December 1. Using these same buses, they evacuated the Serbs from our village; they were reportedly taken to Bosnia and then to Belgrade. Četniks [members of a paramilitary group led by Vojislav Šešelj] were coming in small trucks packed with trunks of body bags. They spread rumors throughout the village that hundreds of Serbs had been massacred by Croats in Podravska Slatina and that they [the Serbs] would retaliate.

Another witness from Hum recounted her father's murder:

Some time around December 1, 1991, my children and I were at my parents' and brother's home. Five or six police officers from the Krajina region came to our door dressed in army camouflage uniforms. They had driven in a car with "Z-101 - SAO Krajina" registration plates. They demanded that we turn over a radio transmitter which we did not have. They did not believe us and searched the entire house but found nothing.

¹⁷ "Ubijeno 20 Hrvata," *Borba*, December 18, 1991, p. 7.

¹⁸ Stephen Engleberg, "Villagers in Croatia Recount Massacre by Serbian Forces," *The New York Times*, December 19, 1991, p. A1.

¹⁹ Interviewed by Helsinki Watch on January 5, 1992, in Voćin, Hum and Podravska Slatina.

They took me, my parents, my children and my brother to Voćin. They put my brother in handcuffs and called him an Ustaša, because our other brother was in the Croatian Guard in [Podravska] Slatina. When we got to the Voćin police station, they told us that "this is where you will be seeing throats slashed." We were put in a room and periodically people would come in and say, "Ustaša, we are going to cut your throats and kill you." We were kept in detention from 2:00 pm to 8:00 pm and were periodically interrogated by an inspector who was in his early 30s and claimed to be from Daruvar. At 8:00 pm, we were released and we went to our friend's home in Voćin. We were told to report back to the police station at 8:00 am the next morning.

The next morning we went to see the police inspector. A second man in a white overcoat was also present and he told us that he had to kill us because we were all Ustašas. At 3:30 pm they took us back to Hum and we saw that my father's home had been burned. More Četniks then arrived in the village. My mother, children and I were forced into the house and my father was left in the yard. When we got into the house, they threw something that sounded like a bomb outside. Three Četniks were yelling "The old man stays." I recognized one of the voices as that of Jovan C., with whom I went to school for many years. I heard my father say, "Don't shoot," but shortly thereafter, we heard shooting and when we came out into the yard we saw my father's body; only half of his head remained. We then hid at the home of B.D., a Orthodox [Serbian] man who helped us remove my father's body from the yard.

According to autopsy reports,²⁰ many of the victims had multiple gunshot wounds to the face and neck, usually from the back. Some also were shot in the legs and arms. Ten bodies were badly burned. I.S. had his hands bound, was strangled and then stabbed in the thorax. M.S. and V.A. were hit on the crown of the head with a sharp object, probably an axe. F.M. and M.M. were both shot in the eyes with a 9mm handgun. T.M. and M.M. appear to have been chained to a table and then set afire while still alive, according to the autopsy report.

The body of a 77-year-old Serb, S.N., was severely beaten and bruised; his arms appeared to have been branded with a hot iron. S.N.'s body was found a few meters from the bodies of an elderly Croatian couple who were chained and burned in their backyard. The village priest believes that the Serb may have been beaten and then killed for coming to the defense of the Croatian couple.

Among the civilian victims was a 72-year-old American citizen, Marija Majdanžić, nee Skender, who was born in Erie, Pennsylvania, but moved to Croatia at an early age. She appears to have died of smoke inhalation after being trapped in her burning home.

²⁰ This information is taken from autopsy reports from Osijek Hospital and photographs of the dead bodies. When a Helsinki Watch representative visited Hum and Voćin on January 7, a local parish priest who had identified the bodies at the site of their murders also described the condition of the bodies and houses one day after the massacre. The bodies of burned animals and remains of the victims' clothing were still visible when Helsinki Watch visited the villages in January. Chains with which some victims were reportedly shackled also were found at the site where the bodies of the dead were burned.

December 16-17 -- Jasenice and Zaton Obrovački (municipality of Obrovac)

In the evening of December 16, five civilians were executed in the village of Jasenice (population 1,280). The predominantly Croatian village was situated between the Masliniški bridge and the town of Obrovac, which had been under the control of Serbian forces for several months. Two men (Stipe Žubak, 71, and Ive Maruna, 71) and three women (Zorka Žubak, 67, Božica Jurjević, 66, and Manda Maruna, 67) were killed in Jasenice. On the same day, Luka Modrić, 66, was killed in the town of Zaton Obrovački (population 464). Reportedly, the bodies remained unburied 15 days after the murder.

December 21 - Bruška (municipality of Benkovac)

Ten Croats and one Serb were reportedly killed in the village of Bruška (population 366), in the Serbian-controlled municipality of Benkovac. All 10 Croats were surnamed Marinović and were between 20 and 70 years of age. A deaf woman was among the dead.

Reportedly four Serbs entered the Marinović home, where the Serb was having dinner with the Marinović family. They stabbed four victims and shot the other seven with rifles, according to autopsy reports.

General Vladimir Vujović, the commander for the Knin-based corp of the JNA, reportedly confirmed that the killings had taken place and that he had formed a commission to investigate the matter and send a written report to the Croatian authorities in Zadar.²¹

Court Martial and Execution

It was reported that Nemanja Samardžić, an advocate against Serbian extremist groups, was hanged after a court-martial for urging the expulsion of Četniks from Mirkovci in late August.²² Such grounds for condemnation to death violate free speech and due process.

Torture and Mistreatment in Detention

Serbian forces maintain approximately 36 detention camps throughout Vojvodina, Serbia, Bosnia-Herzegovina and Krajina (where approximately 18 such camps exist).²³ Helsinki Watch has received reports that the conditions in these detention areas are often appalling and in many cases, detainees are tortured and beaten by their captors and guards. Begejći Camp, Vojvodina

Dr. Malden Lončar, who worked at the Novi Sad hospital in the Serbian province of Vojvodina, was arrested by Serbian police reportedly after a package of medicine he was carrying to his parents in Ilok, Croatia, was found on his person. Lončar was beaten for 30 hours and then released. He was subsequently arrested several times thereafter and finally ended up in Begejći camp near Zrenjanin, Vojvodina. According to Lončar's written statement received by Helsinki Watch:

²¹ *Vjesnik*, December 27, 1991.

²² "Report on Civilian and Non-Combatants Killed as of 31.08.91," United Nations, Center for Human Rights, Geneva, p. 21.

²³ According to an international humanitarian organization, some of the camps are located in the following places: Niš (about 500 prisoners), Sremska Mitrovica (about 1,000 prisoners), Stajićevo, Bjelinci, Stara Gradiška, Marinj, Kotor, Knin, Glina, Begejći, and Manjača (near Banja Luka). See also Mary Battiata, "Serbian Guerrilla Camps Operate Inside Croatia," *The Washington Post*, July 22, 1991, p. A1.

The camp was an old barn filled with hay. There were over 550 people packed in this camp and we had to sleep on our sides for lack of space. People were tortured and beaten regularly. They would even put a barbed wire around your neck and beat you: if you moved, your throat would be cut from the wire. One old man died before my very eyes after he had been severely beaten.

Over 90 percent of the people held were Croats and many were old. Some people were sick, some were paralyzed while others just needed immediate medical help. This maltreatment was not the work of individuals acting on their own accord. The orders came from above, from the commanders.

Lončar was released on December 10.

Sremska Mitrovica camp, Serbia

Helsinki Watch interviewed people who had been released from Serbian detention centers, many of whom were tortured, beaten and otherwise maltreated. Dr. Jure Njavro, a surgeon at the Vukovar Hospital, was taken to a detention camp in Sremska Mitrovica by Serbian forces after the fall of Vukovar on November 18. During his 22-day detention, Dr. Njavro was also physically maltreated and was forced to attend to people who had been severely beaten in the prison on a daily basis.

Every day I was called to attend to someone who had been badly beaten by his or her captors. I was usually awakened at night, which is when many people were beaten. I saw a prison guard beat and kick a medical technician. When I examined the technician, I saw that he had four broken ribs and that he was badly bruised.²⁴

Bogdanovci

On November 10, as Serbian forces were advancing on the village of Bogdanovci, three grenades were thrown into the cellar in which Z.B. and nine other people had hidden for over three months during the conflict. Z.B. told Helsinki Watch:

None of us were killed [by the grenades] because we hid in a narrow concrete corridor in the basement. A tank also fired at the house. At 9:00 the next morning, two bearded men dressed in Yugoslav army uniforms told us to leave the basement and go to our homes. We put my mother-in-law in a cart and started to move toward our house only to be stopped by a crowd of about 50 soldiers who kept asking us why we came to Bogdanovci and did we come because of our Catholic faith. They shouted vulgarities at us and took us to a store where the army had set up a headquarters. They searched all of us and I saw a soldier drop a bullet into the pocket of Nikola Palushi who had hidden with us

²⁴ Interview by Helsinki Watch on January 4, 1992, in Zagreb.

in the basement the entire time. When they searched Palushi and found the bullet in his pocket, the four men who had been hiding with us in the basement for over three months were beaten. They separated me from the rest of the crowd and put me in a room where I could see them beating Krist Lleshi in the corridor with machine gun butts and fists; he was also kicked repeatedly. I never saw Krist again and I presume that he died from the beatings.²⁵

Benkovac

On July 22, 1991, three Croats were arrested in Benkovac by Serbian paramilitary police. Ivica Knez, 59, was beaten to death and the whereabouts of the other two men, Tomislav Čeranja and Tomislav Kolerić, remain unknown.²⁶

Vukovar

One week after Vukovar's fall, only 128 of a total of about 440 patients from the Vukovar Hospital were handed over to the Croatian authorities. In some cases, it is feared that medical treatment was denied to the sick after their capture. More than 200 members of the hospital staff were captured and removed to Serbian detention centers.²⁷

Disappearances

Vukovar

According to independent humanitarian organizations, at least 3,000 prisoners, including many noncombatants, were captured after the fall of the city of Vukovar on November 18. During half the day on November 20, the JNA denied journalists and the ICRC access to Vukovar Hospital. Helsinki Watch interviewed medical personnel who were in the hospital when it was sealed off to outside observers by the JNA.²⁸ According to these eyewitnesses, the JNA interrogated the director of the hospital, Dr. Vesna Bosanac, and other doctors. In the interim, Serbian paramilitaries evacuated male medical personnel and wounded individuals who were identified as Croats by some Serbian members of the hospital staff.

Helsinki Watch is concerned about the arrests and disappearances of wounded Croatian forces and civilians, most of whom are males between the ages of 16 and 60. While most of the disappeared come from Vukovar, many Croatian males were captured by Serbian paramilitary groups after the fall of other villages, towns or cities.

Families have not been notified of their whereabouts and many missing are feared to have been the victims of extrajudicial executions. Ljubo Voloder was captured by Serbian forces after having spent three months in a basement in Vukovar. According to Ms. Marija Voloder,

²⁵ Interviewed by Helsinki Watch on December 12, 1991 in Kosovo.

²⁶ "Report on Civilian and Noncombatants Killed as of 31.08.91," United Nations Center for Human Rights, Geneva, p: 14.

²⁷ An American journalist who visited Vukovar two days after its fall saw two Serbian irregulars beat a man's head against a concrete wall while she looked on. Thereafter, a JNA officer ordered the two to stop beating the man.

²⁸ The interviews were conducted between January 2-6, 1992, in Zagreb.