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U.S. STATE DEPARTMENT

**COUNTRY REPORTS ON HUMAN RIGHTS
PRACTICES FOR 1995**

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REPORT

SUBMITTED TO THE

COMMITTEE ON INTERNATIONAL
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AND THE

COMMITTEE ON FOREIGN RELATIONS

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BOSNIA AND HERZEGOVINA

The Republic of Bosnia and Herzegovina was formed from one of six constituent republics of the former Yugoslavia. Citizens endorsed independence in a 1992 referendum. President Alija Izetbegovic heads the multiethnic collective presidency of a parliamentary democratic government elected in 1990. Within days of independence, Serbian nationalist militias, supported by elements of the former Yugoslav national army (JNA), launched attacks throughout northern and eastern Bosnia, and Serbian Democratic Party (SDS) leader Radovan Karadzic declared the establishment of the "Republika Srpska" or "Serb Republic."

Seventy percent of the Bosnian Republic remained under Serbian occupation until the Bosnian government and Croatian offensives in August. During 4 years of war an estimated 263,000 people were killed, and two-thirds of the country's prewar population of 4½ million was uprooted and dispersed as either refugees or displaced persons. The Government of Bosnia and Herzegovina, rebel Serb forces, and representatives of the international community wielded varying forms of authority over various areas of the country during the year.

The Federation of Bosnia and Herzegovina was established in March 1994, transforming the internal structure of the Bosnian territories under Bosniak and Croat control. Although the parliaments of the Federation and the Republic differed slightly in their makeup, the Prime Minister and cabinet ministers governed in the name of both the Republic and the Federation. Federation structures have for the most part not yet been implemented. The signing of the Federation agreement in March 1994 led to an effective truce, and even some military coordination, between the Bosnian and Croat partners. However, the situation in Mostar remains tense despite the European Union's (EU) Administrator's efforts, and both sides have yet to implement fully an agreement to arrange for the return of Bosniaks and Croats to four key cities.

The Republika Srpska, headed by SDS leader Karadzic and headquartered in Pale near Sarajevo, controls the territory held by the nationalist Serbs. Although a parliament exists, the Pale government is run by a small group of military and civilian authorities dedicated to an extreme nationalist ideology, who control an elaborate

police and security structure and an army inherited from and still supplied by the former Yugoslavia.

The self-proclaimed "Croatian Republic of Herceg-Bosna," was the institutional wing of the Croatian Defense Council (HVO) and Croatian Democratic Union (HDZ), as well as a rival claimant to territory in Bosnia and Herzegovina until the Washington Agreement in March 1994, which led to formation of the Federation. It continued to exist through much of western Herzegovina and some of central Bosnia as a provisional Croatian authority within the Federation, pending formation of cantons as prescribed by the Federation Constitution. Under a separate agreement reached in Dayton, Herceg-Bosna is to be dissolved, and that process is already under way. The HVO appears to be directly under the command of the army of Croatia (HV). For example, HVO commander and indicted war criminal Tihomir Blaskic was recently appointed by Croatian President Tudjman to the Inspectorate General of the HV. This, along with the fact that Bosnian Croats have dual citizenship with Croatia and are able to vote in Croatian elections, brings into question the degree of the HDZ's independence from Croatia.

The Bosnian Serb occupation of the U.N. "safe area" of Srebrenica in July resulted in one of the worst single reported incidents of genocidal mass killing of members of an ethnic or religious group in Europe since World War II. This massacre, combined with the Bosnian Serb intensive shelling of civilian Sarajevo and continuing ethnic cleansing, galvanized NATO into making a decisive military intervention. Massive NATO bombing of Bosnian Serb military targets and unrelated Bosnian government and Croatian ground assaults allowed the Federation to reclaim nearly 20 percent of Bosnia's territory. The changed battlefield circumstances, plus an intensive diplomatic effort led by the United States and its Contact Group partners (Russia, Germany, the United Kingdom, and France) led to the negotiation of a comprehensive peace agreement in November 1995 near Dayton, Ohio; the agreement was formally signed in December in Paris.

The complex and difficult process of political reconciliation among Bosnia's three major religious/ethnic groups—Bosniaks (Muslims), Serbs (Orthodox), and Croats (Catholics)—is scheduled to move forward as outlined by the Dayton agreement. The agreement provides for the continuity of Bosnia-Herzegovina as a single state with two constituent entities, the Bosnian Federation and the Republika Srpska (Serb Republic). The agreement provides for a central government with a bicameral legislature, a three-member Presidency, a Council of Ministers, a Constitutional Court, and a central bank. The agreement provides the central government with control over foreign policy, foreign trade, customs policy (but not collection, a federation function), immigration, monetary policy, communications, and the financing of government operations. Defense, however, remains under the control of the respective entities.

Under the Dayton Agreement, 51 percent of Bosnia's territory lies within the Bosniak-Croat Federation, and 49 percent within the Republika Srpska. The Dayton agreement provides for the reunification of Sarajevo within the Federation and the linkage of Gorazde to the Federation by a secure land corridor. All of Bosnia's people are accorded the right to move freely throughout the country. Refugees and displaced persons are accorded the right to reclaim their property or receive just compensation. The Government is committed to respect human rights, allow human rights monitors unrestricted access to their territory, support the International Committee of the Red Cross (ICRC) in the search for missing persons, release all combatants or civilians held in relation to the conflict, and cooperate fully with the international investigation and prosecution of war crimes and other crime against humanity.

Free and democratic elections are scheduled to be held throughout Bosnia in the latter half of 1996. The Organization for Security and Cooperation in Europe (OSCE) is responsible for supervising the preparation and conduct of these elections. The Dayton agreement provides that all adults listed in the 1991 Bosnian census are eligible to vote; refugees and displaced persons have the right to vote in their original place of residence, unless they choose to vote elsewhere.

The Bosnian Army (ABiH) is the military arm of the Republic. It is a multiethnic fighting force, comprised predominantly of Bosnian Muslims, but also Croats, Serbs, and Bosnians of mixed ethnicity. In the course of the war it developed from a citizen militia into an army. The ABiH generally respected citizens' human rights, although it did commit some violations. Foreign mercenaries and Bosnian Muslims who called themselves "mujahadein," fought alongside the ABiH. Some "mujahadein" reportedly harassed Christians in central Bosnia. Under the terms of the Dayton Agreement, all foreign forces are to depart Bosnia. Under the November 10 Dayton Agreement Implementing the Federation, defense matters were to become a Federation

responsibility, and the forces of the Bosnian Army (ABiH) and those of the Bosnian Croats (HVO) were to be joined.

The Bosnian Serb army (BSA) is the military arm of the Republika Srpska. Amalgamated in 1992 from Serbian paramilitary bands, local rural militias, and elements of the JNA, it continued its pattern of using terror tactics against Sarajevo and other civilian areas within sniper or artillery range. It also attacked, kidnaped, and harassed the United Nations Protection Force (UNPROFOR), cut utilities to Sarajevo in violation of U.N. Security Council (UNSC) Resolution 900, and blockaded deliveries of humanitarian assistance. Mercenaries from Russia, Greece, and Ukraine fought alongside BSA forces.

UNPROFOR in Bosnia and Herzegovina exercised limited and sporadic authority in specific areas, including control of some border points and control of air space and some overland movement, as well as police powers and other quasi-governmental functions.

The Dayton agreement provided for the establishment of the NATO Implementation Force (IFOR), which is headed by a U.S. commander. IFOR's role is to enforce the military aspects of the settlement, including the separation of forces. The parties committed themselves to withdraw their forces behind an agreed cease-fire line within 30 days of signature of the agreement and withdraw all heavy weapons and forces to barracks within 120 days. All parties are required to cooperate fully with IFOR, which has unimpeded freedom of movement throughout Bosnia.

The Dayton agreement paves the way for international assistance to help rebuild the economy. An estimated 25 percent of industrial facilities and infrastructure, and probably a greater percentage of housing, have been lost. Most industrial facilities that were not damaged by the fighting were shut down due to lack of labor, utilities, raw materials, and spare parts. The passage of 3 years without maintenance poses additional problems for rebuilding the industrial base. The health sector has lost most of its doctors and nurses. The number of hospital beds has fallen by 35 percent, and infant mortality has doubled since 1990. There is some agricultural production in contiguous Federation territory, minimizing the need for humanitarian food assistance there. Bosniaks complained that traders in the Croat area, which lies between the Bosniak sector and the Adriatic coast, monopolized trade and informally taxed humanitarian assistance convoys in this area at the Bosniaks' expense. Sarajevo and Gorazde, which suffered from a Serb blockade—as well as Srebrenica and Zepa before their fall and Bihac before its liberation—were almost completely dependent upon humanitarian assistance for most of the year. The German mark remains the de facto currency in Bosniak territory. The Serbs were able to feed themselves in Serb-occupied territory, but lack of markets and raw materials shut down most industry there as well. The Dayton agreement allows for the organization of a comprehensive international reconstruction program to rebuild Bosnia's shattered physical infrastructure and revive the economy.

Although all sides committed human rights violations during 1995, the Serbs—through continued ethnic cleansing, mass murders, and attacks on civilian areas—were responsible for the overwhelming majority of abuses. The Federation Government's policy and more open society allowed the collection of detailed information about human rights problems at all levels of society, while the more closed and repressive Republika Srpska restricted the efforts of human rights observers.

Prison conditions were poor. There were credible reports that the BSA, and to a lesser extent the HVO and ABiH, seized civilians to use in trade with other armies for prisoners and commodities such as food and fuel. In some cases, the rising commodity value of humans for trade reportedly resulted in improved treatment of the human commodities—mostly military-age males—to bring a higher price. In all three armies, local commanders appeared to exercise a significant degree of independence from their senior commanders.

The HVO was credibly accused of human rights abuses against Bosniaks and Serbs and conducted a scorched earth campaign in territory to be ceded to the Bosnian Serbs in the Dayton agreement. HVO forces on occasion killed civilians and shelled civilian areas. Some local Croat paramilitary units retained a considerable criminal element, especially in areas such as Kiseljak, Vitez, and Prozor. The HVO also attracted mercenary elements who were implicated in human rights abuses.

The Serb expulsion of Bosniaks and Croats from Serb-controlled territory—"ethnic cleansing"—continued in varying degrees until May, when the recapture of western Slavonia in Croatia by the Croatian army led to an influx of Serb refugees into northern Bosnia. Paramilitary groups, with assistance from local Serb authorities, accelerated the ethnic cleansing of non-Serbs in that area by forcible evictions, killings, rapes, beatings, and general harassment. In July the Serb attack and seizure of the U.N. safe area of Srebrenica became the most massive and savage single act of ethnic cleansing in the 4-year history of the war. The Serb overrunning of

the Zepa safe area followed a few days later. The Serbs continued to lay siege to cities, deliberately shell civilian areas and hospitals, withhold food deliveries, and cut off utilities. They also continued to execute noncombatants and run detention camps in which they executed some prisoners and tortured others. They employed rape as a tool of war, forced large numbers of civilians to flee to other regions, razed villages to prevent the return of displaced persons, and blocked international relief efforts, including attacks on relief personnel.

Respect for human rights is a fundamental part of the Dayton agreement and a key to the reconciliation process. The agreement provides for the establishment of a Human Rights Commission (consisting of a human rights chamber and ombudsmen) to enforce the entities' human rights obligations. The OSCE will organize a system of international observers to monitor the human rights situation and facilitate the election process throughout the country.

The agreement commits Bosnia, Croatia, and Serbia to cooperate fully with the international investigation and prosecution of war crimes and other crimes against humanity. The new Bosnian Constitution obligates all authorities, including the Republika Srpska, to obey orders of the U.N. war crimes tribunal for the Former Yugoslavia, which was established at The Hague in 1994. Accused war criminals who refuse to obey the tribunal's orders are forbidden from holding elective or appointive office. The tribunal continued to indict suspected war criminals and investigate the extent to which atrocities and genocide were a matter of low-level loss of control or of high-level policy. By punishing the individuals responsible for the atrocities, victims will feel less need to take revenge into their own hands and attack innocent members of other ethnic groups.

The tribunal has indicted 52 individuals thus far, 45 of whom are Bosnian Serbs, including "President" Karadzic and his top military commander General Ratko Mladic, and 7 who are Bosnian Croats. Further indictments are expected in early 1996.

With the coming of peace and IFOR, the significance of the Hague tribunal has become apparent. For example, Serb mayors of some towns in northern Bosnia reportedly had begun seeking expert advice on how to justify their actions while atrocities were taking place in their towns. In addition, both the Bosnian Serbs and the Federal Republic of Yugoslavia have announced that they would conduct their own war crimes trials, in a transparent attempt to avoid surrendering their people to the Hague tribunal. Bosnian Croats under indictment have not yet been apprehended.

Wartime conditions stalled the democratization process in Bosnia. The 1990 free elections brought about the victories of ethnic-based parties: the Party of Democratic Action (SDA) of President Izetbegovic, the HDZ, and Karadzic's SDS. The SDA and HDZ dominate in Federation territory. Opposition parties claimed that the SDA and HDZ systematically replaced minorities and non-party members of their own ethnic groups with the party faithful in senior positions in the economy and military. In Serb-held territory, the SDS controlled both the media and political activity and did not permit dissent.

The Bosnian Federation Human Rights Ombudsmen appointed by the OSCE, a committee of three (a Bosniak, a Croat, and a Serb), have done impressive work monitoring the human rights situation and bringing cases of abuse to the Bosniak and Croat Governments. However, the Ombudsmen have no enforcement power, and authorities treat them with varying degrees of indifference and hostility. The Ombudsmen say that were it not for international backing Federation authorities would disband them immediately.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—The Bosnian government forces did not as a matter of policy commit political or other extrajudicial killings. There are credible reports that Bosnian army troops murdered some of the followers of Bosniak renegade Fikrat Abdic, who fled to Croatian territory and were taken prisoner by the Croatian army following the liberation of the Bihac enclave. The Croatian forces reportedly allowed Bosnian army troops to cross their lines and enter the camp of 20,000 (soldiers and families) where they killed some of the refugees and harassed others in revenge for their role in the siege of Bihac. In December a joint police force made up of Croat, Bosnian, and Turkish police was formed to create a safe environment for the refugees to return to Velika Kladusa. There were also credible reports that the administration of Hrasnica, a majority Serb district of Sarajevo controlled by the Government, seized over 150 Serb males in 1994 for forced labor on the front lines, the majority of whom were killed in the line of fire (see

Section 1.c.). Government troops also shelled a Serb refugee column in August (see Section 1.g.).

There are reliable reports that HVO forces occasionally killed Serb civilians, mostly elderly men but occasionally women and children, who were unable to flee when their towns were shelled.

Republika Srpska was responsible for by far the most massive, egregious, and well-organized killings targeted on members of an ethnic group, including one of the worst single reported incidents of genocidal mass killing in Europe since World War II. Serb military and paramilitary forces continued to terrorize Bosnian civilians through shelling, sniping, attacks on hospitals, and other military action (see Section 1.g.). The Serb seizure of Srebrenica, began at 3:15 a.m. on July 6 with an intensive bombardment of civilian targets in the enclave, causing chaos among the populace which had nowhere to retreat. In the next few days the shelling continued and Serb forces closed in, taking control of U.N. observation posts one by one and taking 55 U.N. troops hostage. The desperate civilians fled, many on foot, to the U.N. base in the neighboring village of Potocari.

On July 10 most of the military-age civilian males, and a number of ABiH soldiers, correctly concluded that they would be slaughtered if they were captured. They decided that their best chance of survival would be to try to walk 50 kilometers through Serb territory to the nearest government lines. Groups of varying sizes totalling from 10,000 to 15,000, including some women and children, departed over July 10 to 12. The various columns broke up into smaller groups as Serb forces attacked them. Survivors who reached safety in the Tuzla area reported mass executions of ABiH soldiers and civilian males. According to one report, the Serbs ambushed a group of about 2,000 in a confined area near Kamenica, killing most. According to some reports, Serbs dressed in U.N. uniforms they had stolen from UNPROFOR troops joined the column and knifed or strangled individuals. Many of the men surrendered to the Serbs; some were killed after they surrendered. Others reportedly committed suicide rather than surrender and face the possibility of torture. There are numerous, credible reports that many of those who surrendered were taken to places of mass execution north of Srebrenica. The systematic way in which prisoners were moved to execution sites, and the presence of trailers and bulldozers (to transport corpses and to dig mass graves) indicate that the mass killings were planned well in advance. More than 7,000 remain unaccounted for and presumed dead.

By July 12, 3,000 to 4,000 civilians were packed into the U.N. base and another 24,000 were grouped around the base. By this time, according to reports gathered by Human Rights Watch/Helsinki, Serb soldiers had killed at least 99 people, including 20 to 30 women and children, and Bosnian Serb troops were freely walking inside the camp among the civilians, with the U.N. troops reduced to bystanders. Some Serbs donned U.N. uniforms, drove white U.N. jeeps, and thus disguised lured the refugees out of hiding to their deaths, according to U.N. and press reports.

The deportation of civilians began on July 13. Those men who did not leave on July 10 were separated from the women and children, including boys younger than 16 and men in their 70s. Bosnian Serb commanding General Ratko Mladic arrived that afternoon with the Serb press. With the cameras rolling and Serb soldiers handing out bread and water, Mladic told the refugees that they would be cared for.

Once the press departed the mass killings began in earnest. According to numerous and corroborated reports collected by the U.N., ICRC, and other international observers, eyewitnesses saw bodies of dead civilians along the road, many with their throats cut; others had been shot in the back of the head. On the morning of July 14 two women who left their camp to look for water told Human Rights Watch/Helsinki that on their way back along the same path at around 8:00 a.m. they saw 10 dead males, some of whom they recognized, with their throats slashed. Witnesses reported seeing military-age men being taken off of buses and taken out of sight, and then hearing gunfire. Local Serb civilians confirmed to international journalists that the killings took place, and identified locations, such as the school in Karakaj, where the victims were held pending their execution. Members of the UNPROFOR battalion that was to protect Srebrenica reported seeing an estimated 1,000 ABiH soldiers confined in a soccer stadium north of Nova Kasaba on July 13 and hearing about 45 minutes of continuous shooting from the stadium beginning at about 2:30 a.m. on the morning of July 14.

According to an eyewitness who survived by pretending to be dead, some 2,000 civilian Muslims were packed into a warehouse in Kravica 2 days after Srebrenica was overrun: Serb soldiers then fired automatic weapons and rocket propelled grenades into the building. Mass killings of civilian Muslims also took place at detention sites in Konjevic Polje, Potocari, and Karakaj. Dutch soldiers saw Serbs kill unarmed Muslims and masses of dead bodies. On July 15 Dutch troops saw 30 bodies

on the road between Nova Kasaba and Bratunac and on July 17 saw approximately 100 bodies on two trailers coming from the direction of Srebrenica. A local man interviewed by journalists said he saw about 500 killed while he lay hiding in reeds along the main road to Nova Kasaba. Eyewitnesses reported that Serb army commander General Ratko Mladic was present at some of the mass executions of civilian Muslims, cradling an AK-47 rifle. Serb paramilitary groups, including the Drina Wolves, Seselj Militia, Specialna Policia, White Eagles, and Arkan Tigers reportedly were also present.

Similar atrocities may have occurred during the occupation of the Zepa safe-area, although a greater percentage of Zepa's population has been accounted for.

Mass killings of non-Serbs as part of ethnic cleansing also took place in Banja Luka, Prijedor, Bosanski Novi, and Bosanska Dubica in September and October, in part to make room for Serb refugees who fled from the Croatian reoccupation of Krajina. Croats reportedly were particular targets for revenge. U.N. and other international observers collected numerous accounts of killings and other atrocities.

In addition to mass killings, the Bosnian Serbs most often shot or slit the throats of their victims. Beatings to death were also frequently reported. Reports of grotesque cruelty were also common. For example, a Bosniak woman described to Human Rights Watch/Helsinki how at Potocari Serb soldiers slit her son's throat before her eyes and forced her to drink his blood. Victims of mass expulsions in the Banja Luka/Prijedor area in October reported that in some cases captives were forced to walk across mine fields or to cross rivers where the older and weak drowned. Many sick or wounded captives died because Bosnian Serb authorities denied them access to medical treatment. There are reports of suicides by non-Serbs who were traumatized by the brutality they experienced. In Potocari on July 12 a 14-year-old Bosniak girl hung herself with her scarf after she and her 12-year old cousin were raped by Serb soldiers.

One Bosniak woman reported that she was forced out of her Bosanska Dubica home at gunpoint by paramilitary forces wearing black stockings over their heads, was beaten by them, and dragged away by her hair. At the town square where she was held before her expulsion, she witnessed two women and three men beaten to death. In another case, all four members of a retarded family were killed because they failed to understand that they were supposed to leave their home and get onto a bus.

In May Bosnian Serbs shot down a helicopter carrying Bosnian Foreign Minister Irfan Ljubjankic and Deputy Justice Minister Izet Muhamedagic from Binac to Sarajevo. All seven persons aboard were killed. During the siege of Zepa, Serb commander Mladic lured Bosnian garrison commander Palic out of the enclave with an invitation to talk with him under UNPROFOR auspices. Mladic's forces killed the commander on his way back to the enclave, and Mladic publicly took credit for the killing.

b. *Disappearance.*—Thousands of citizens are believed to be missing. During the year and following the ethnic cleansing in Srebrenica and northern Bosnia, the total will likely reach into the tens of thousands. The ICRC estimates that as many as 7,000 are missing from Srebrenica alone, and many thousands more are missing and unaccounted for since the beginning of the conflict. Accurate statistics are difficult to obtain because the number of missing is constantly in flux as some are found and others are displaced or captured. The accuracy of any estimate suffers from the inability of many Bosnian citizens to come to the Red Cross to register those missing. In addition, since some families were completely wiped out, many missing citizens may simply have no one left to inquire about them. The Red Cross believes that these missing persons fall into different categories: some have escaped but have failed to contact relatives, some have been killed, and some remain in work camps that the ICRC has not been able to visit. An accurate accounting will likely not be possible for months, and possibly years, after the war's end. The majority of those who disappeared in 1995 came from Srebrenica and areas subjected to ethnic cleansing in the Banja Luka area of northern Bosnia from August to October.

Local Bosnian officials in Bugojno have yet to provide satisfactory information on the whereabouts of 26 prominent Croats who disappeared when the ABiH took the town in late 1993.

There was no resolution of the longstanding case involving the disappearance of approximately 180 Bosniak men from Hadzici in June 1992. Pending information on the whereabouts of these men, the Bosnian Government continued to detain for a third year approximately 150 Bosnian Serbs in a grain silo in the nearby town of Tarcin. (The men were released in January 1996.)

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment. The Federation Government and its authorities do

not condone such actions, although there were some credible reports that incidents took place.

There were reliable reports that Serbs were used as forced labor on the front lines at a battle at the covered market Gusica Hala near Stup in June or July. Men from Hrasnica and other detention centers reportedly were tied together, to prevent escape, and sent to remove mines and build sandbag walls. Two reportedly were killed, and a number of wounded were traded in a prisoner exchange.

Non-Serbs and international observers in Serb-held territory credibly reported that Serb authorities and Serb civilians, with the support of the authorities, routinely used cruel and degrading treatment to further ethnic cleansing. For example, Bosnian Serbs beat a 61-year old Prijedor man 10 times over a 3-year period for refusing to abandon his house. He was finally expelled. Serb authorities in Banja Luka arrested, beat, and tortured Banja Luka community leaders in Mali Logor barracks in what was viewed as an attempt to further ethnic cleansing (see Section 1.d.).

Serb forces routinely used rape to accelerate the process of ethnic cleansing. Statistics are difficult to obtain because of the cultural stigma, especially for Muslim women, that comes with the victim's acknowledgement that she was raped.

Numerous civilians who fled or were expelled from the Banja Luka area in September and October reported that they had been robbed, beaten, raped, threatened, and forced to pay to keep men from being taken for forced labor on the front lines (many were taken despite the payment). Many civilians held in forced labor on the front lines were killed in the line of fire. According to one Muslim from Banja Luka who was forced to work on the front lines, laborers were sometimes forced to sleep in the trenches during the winter and would sometimes freeze to death overnight.

Serb refugees from other parts of Bosnia and Krajina, with the help of local Serb authorities, forced non-Serb families out of their homes. Non-Serbs were not able to work or receive a salary legally or to obtain medical insurance. As a result, many non-Serbs in the Banja Luka/Prijedor area could not obtain medicines, which were available. Many therefore suffered and died from lack of medicine and medical treatment. For example, there were credible reports of diabetics attempting to use herb mixtures as a substitute for insulin, with unsuccessful results. Many were expelled from their homes but not permitted to leave Serb-held territory. Many of them live under bridges, in caves, and on the streets, according to U.N. sources.

Bosnian Serb authorities in Prijedor and other towns in the Banja Luka area forced Muslims to wear white arm bands and painted their houses with white stripes. Serb soldiers sometimes cut crosses into the heads of Croats with knives.

According to the Federation Ombudsmen, conditions in government prisons are poor and well below international standards, though not life-threatening. Food, clothing, and soap are in chronic short supply. To a limited extent, there are accounts of beatings and mistreatment by officials in government detention centers. Women, minors, and the mentally retarded are sometimes kept in the same facilities with adult male criminals. Prisoners of war (POW's), civilians seized for use in exchanges, and common criminals are usually segregated.

In government prisons, access to prisoners being held for criminal offenses was generally adequate, according to human rights lawyers. However, the ABiH began refusing access to its detention centers following an influx of prisoners taken during its offensive in August. Local observers believe these prisoners will be traded for Bosniak prisoners.

There are credible accounts of prisoners being brutalized and murdered in Serb detention facilities. Republika Srpska authorities allowed the ICRC access to prisoners held in detention centers already known to the ICRC, but many observers believe the Serbs have secret detention and forced labor centers where abuses continue.

Serb authorities released well-known Serbian scholar and poet Vladimir Srebrov in November. The Republika Srpska's most famous political prisoner, Srebrov in 1992 went to Serb-controlled Iidza and publicly called on Bosnian Serbs to be loyal to the Bosnian government. He was arrested and sentenced to 10 years in jail for being an "enemy of the Serbian nation." Srebrov said that he was kept in solitary confinement much of the time and beaten on a regular basis, "no less than once per week, sometimes every day." Those who beat him said that they would "teach him to become a Great Serbian." His health deteriorated and he lost nearly 100 pounds in the course of 1 year. He said that Kula prison, where he was kept, was being used as a "Potemkin village" to show Western visitors that prisoners of the Serbs were being treated properly, and that probably no killings had occurred there since 1992. Srebrov stated that he had heard from other prisoners that killing, torture (including skinning alive, putting out of eyes, hacking off of limbs), and inhumane conditions had been commonplace at other Serb prison camps functioning at various

times since 1992, including Manjaca, Omarska, Keraterm, Tomasica, and Trnopolje. He also noted that prisoners were segregated by ethnic group (Serbs, Croats, and Bosniaks) with Serbs receiving the best treatment and Bosniaks the worst. International humanitarian aid was not distributed to prisoners except in token amounts on days when international visitors were present. When not in solitary confinement Srebrov was sometimes kept with Serb common criminals, many of whom were eventually sent to work on the front lines. Srebrov noted that the greatest acts of brutality came from uneducated rural Serbs who were "guzla patriots." (The guzla is a two-stringed instrument used to accompany songs of Serb exploits against the Turks, with whom the Bosniaks are identified.) These people were reportedly the most vulnerable targets for Serbian leader Karadzic's hate propaganda.

d. *Arbitrary Arrest, Detention, or Exile.*—There are credible reports that military police in Sarajevo sometimes arrested civilians, particularly Serbs and Croats, but also Bosniaks. The military police told inquiring friends and relatives not to inquire about those arrested "if they know what's good for them." It is illegal for military police to arrest civilians.

The authorities continued to detain approximately 150 Bosnian Serbs in Tarcin, pending resolution of longstanding disappearances (see Section 1.b.). (The detainees were released in January 1996.)

Throughout the war and continuing in 1995 both Federation forces and Republika Srpska authorities routinely seized civilians for use in exchanges for POWs or commodities such as fuel, food, and alcohol. However, the Federation reportedly reduced this practice to a great extent in 1995. According to the Federation Ombudsmen, military-age men bring the highest value; there are reports that military-age men have been traded for two women or children. The trades are frequently arranged by local military commands without the involvement of the ICRC or UNPROFOR.

There are credible reports that people bribe those conducting the exchanges to move their relatives who are held by the other side to the top of the priority list of captives for whom the exchanges are made. Bribes for military-age males reportedly range from \$100 to \$750. This practice contributed to the process of ethnic cleansing by further concentrating the members of the three ethnic groups in their respective areas. There are no reliable statistics on the number of prisoners held or exchanged, but there are a number of reports of exchanges of over 100 people at a time. Prisoners are being released in accordance with the Dayton peace agreement.

Arbitrary arrest was a common experience for non-Serbs in Serb-held areas. Serb authorities in Banja Luka arrested 5 Bosnian Muslim community leaders in August 1994 and another 10 in February on charges of espionage. Many local Muslims believe that the arrests were an effort to "decapitate" the community as part of ethnic cleansing. The leaders were held in Mali Logor barracks and beaten and tortured. Three were reportedly released in 1995 as part of a prisoner exchange. There is no further word on the welfare of the others. Bosnian Serbs also detained foreign journalists (see Section 2.a.) and nongovernmental organization (NGO) employees, including physicians from "Doctors Without Borders."

The Government does not have a policy of forced exile, although most Serbs have fled government-held territory.

Tens of thousands of Bosnians were seized, detained, and forcibly removed to Federation territory in the ethnic cleansing process in 1995, including at least 37,000 from Srebrenica and Zepa and at least 26,000 from northern Bosnia, with more than 10,000 still unaccounted for and presumed dead. As of mid-December, Serb ethnic cleansing had left only about 20,000 non-Serbs in Serb-held north Bosnia, from a pre-war population of over 500,000. In Serb-held east Bosnia, after the fall of Srebrenica and Zepa (and excluding the Gorazde enclave), fewer than 1,000 remain, many of whom are members of mixed marriage families.

e. *Denial of Fair Public Trial.*—The Republic's Constitution provides for an independent judiciary, extends the judiciary's independence to the investigative division of the criminal justice system, and establishes a judicial police force that reports directly to the courts. However, these provisions have not yet been implemented, and the executive appears to exercise authority over the judiciary. For example, on September 9 the Ministry of Finance issued a decree ordering government banks not to pay those who had won grievances in court against government enterprises. The legal system is designed to guard against discrimination against ethnic minorities by ensuring adequate diversity of representation on the bench. However, according to numerous observers, the ruling SDA and HDZ parties are "packing" the courts with party loyalists, thus undermining the independence of the judiciary. All court appointments in the Tuzla area reportedly must be approved by the local SDA personnel chief.

The Constitution establishes a judicial hierarchy based on municipal courts, which have original jurisdiction in most civil and criminal cases, and cantonal courts, which have appellate jurisdiction over the canton's municipalities, as well as three federal courts (Constitutional, Supreme, and Human Rights). The Constitution provides for open and public trials, the appointment of judges for terms which end when they reach age 70, and internal administration of the judicial branch. However, the court structures outlined in the Federation agreement have yet to be implemented.

The Constitution provides for the right to fair criminal proceedings. There is a functioning appellate system, and the accused has the right to legal counsel.

In 1995 the legal system was essentially the same as that of the former Socialist Republic of Bosnia, with modifications for the wartime situation which are restrictive of basic rights. For example, the Law on Implementation of the Law on Internal Affairs gives the police the discretion to arrest and detain for 5 days anyone they believe may be a danger to the State. Police also have the authority to expel people to and from different regions of the country if they deem a suspect to be a danger to the State. The Law on Refugees defines refugees as "victims of the aggressor," which is interpreted to be the Bosnian Serbs. Therefore people forced out of their homes by the HVO or ABiH are not entitled to refugee status. The Law on Amendments to the Criminal Law defines the prevention of refugees from returning to their homes as a criminal act. Under these laws, it is not a criminal act for the ABiH to prevent Croats that it expelled—or for the HVO to prevent Bosniaks that it expelled—from returning home. However, under the Dayton Agreement, all refugees and displaced persons have the right to return to their homes voluntarily.

According to international relief workers based in Pale, the Bosnian Serbs also use a modified form of the Yugoslav Republic of Bosnia's criminal code. There have been no credible reports that the Bosnian Government holds political prisoners. In November the Serbian authorities released poet Vladimir Srebrov (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Republic's Constitution provides for the right to privacy, protection of the family and of children, and property. Governmental respect for these rights was the rule rather than the exception in 1995. Authorities nevertheless monitored communications that impinged on military or other national security concerns.

The persistence of the Serb policy of ethnic cleansing throughout the year in varying degrees constituted sustained arbitrary interference with family and home. In a formal communication to the ICRC on August 14, Bosnian Serb authorities gave assurances that minorities were free to stay or leave territories under their control and that they would not be subject to harassment nor would families be separated in the course of evacuation or men be seized for labor on the front lines. All of these commitments were violated massively and systematically from August through December in the Serb-held areas of northern Bosnia.

More than 26,000 Bosniaks and Croats were forced from their homes during this period. A great many of the refugees reported a similar pattern of events. Serb soldiers or police would forcibly enter their homes without notice and threaten the family members with death if they did not leave immediately. Often, no time was allowed for packing and valuables, including property titles, were stolen on the spot. In some cases military-age men would be separated and taken away, members of the family would be beaten, and sometimes killed or raped in the course of the eviction. One 17-year-old Muslim girl from Sanski Most told U.N. officials that she managed to run away with her sisters after her parents had been killed in the course of expelling them from their home on September 21. She was later captured by soldiers of paramilitary leader Zejko Raznatovic ("Arkan") and raped.

In some cases these atrocities would take place en route to the Bosnian lines. During the week of September 19–26, according to eyewitness reports collected by the U.N., nearly 1,500 Muslim residents of Doboje were forced out of their homes on very short notice, gathered in a sports stadium, and from there bused to an area near the confrontation line and forced to walk some 10 to 15 miles in very difficult conditions. Several elderly people died of exhaustion. Some of the displaced showed clear signs of severe physical abuse.

Families were often told that they could ransom their men for as much as \$400 to \$500, but even when the money was paid, the men were never released. Many refugees reported that they were harassed in the weeks prior to their expulsions by the paramilitary forces of "Arkan" and Vojislav Seselj, leader of the Radical Party of Serbia. The harassment included threats, beating, murder, rape, and destruction of property.

Local Serbian authorities in Serb-occupied territories continued a policy of summarily confiscating the property of mixed-marriage couples with sons who had either fled abroad or to Federation territory.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Bosnian government forces are under orders to honor the Geneva Convention and subject to discipline if they violate it. ABiH forces generally respected international human rights standards. UNPROFOR observers reported that ABiH forces shelled a refugee column in Donji Zirovac on August 8. There are credible reports that ABiH soldiers, with the cooperation of Croatian forces, harassed and murdered followers of renegade Muslim leader Abdic while they were confined to a detention camp in Croatia (see Section 1.a.).

Croatian forces also were responsible for indiscriminate killing. During HVO offensives in western Bosnia in September and October, HVO forces shelled civilian areas in Bosanski Novi, Bosanska Dubica, Knezica, Svodna, and Doboj.

International observers agree that Serb forces continued to violate international humanitarian law on a massive scale, especially during the takeover of Srebrenica and Zepa and the mass expulsions from northern Bosnia throughout autumn. Serb forces used rape as a tool of war, and as a means to accelerate ethnic cleansing.

Compiling statistics for 1995 is difficult due to the Serb authorities' usual refusal to cooperate with international human rights groups, U.N. agencies, and the ICRC, in addition to the sheer number of those killed, missing, and displaced by Serb actions. Thorough documentation may well require months and possibly years. However, the overwhelming number of credible eyewitness reports collected by local and international human rights observers leaves no doubt that Serb forces committed mass killings in the ethnic cleansing of Srebrenica in July and in the Banja Luka/Prijedor area in August, September, and October (see Section 1.a.).

According to UNHCR reports, the arrival of the paramilitary forces of Zeliko Raznatovic, or "Arkan," in Sanski Most on September 21 led to the mass expulsion of Bosniaks from the area. Forced expulsions, as well as killings, continued well into December. According to credible reports more than 100 individuals were killed in October at a cement factory in Sanski Most.

Some of the distraught survivors of the Srebrenica massacre, upon reaching safety in the Tuzla area, forcibly expelled 160 Serb families from their homes and killed 4 Serb civilians. Tuzla authorities prevented the further spread of violence against local Serbs.

There are reports that large numbers of non-Serbs were killed in Serb-run detention camps (see Section 1.c.).

Throughout 1995 the BSA continued to pound Bosnian population centers with mortars and automatic weapons fire, causing the death of thousands of civilians. The BSA continued to target noncombatant and populated areas for shelling and sniping to maintain a constant atmosphere of terror and vulnerability. The population centers most affected were Srebrenica, Zepa, Sarajevo, Gorazde, Tuzla. From January through mid-October, Serbian gunners, including snipers, killed over 1,500 Sarajevo civilians and wounded more than 7,300. On October 3, a Serb cluster bomb killed 10 civilians and injured 34 in Zivinice, a town near Tuzla. In Sarajevo the most deadly results from a single projectile came in a downtown Sarajevo marketplace on August 28 when one shell killed 41 people and wounded more than 70 others. In June and July, Serb shelling appeared to be deliberately timed for when the greatest number of people would be on the street and most vulnerable. One school was hit twice during that period.

In addition to firing directly on civilians, during the year the BSA fired directly on humanitarian aid convoys and on UNPROFOR troops escorting them. It choked off assistance at various times to the eastern enclaves, Sarajevo, and (through its Krajina Serb allies) Bihac.

Bosnian Serb authorities continued to defy UNSC Resolution 900, which specifically provides for the uninterrupted supply of utilities to Sarajevo, by cutting off the supply of basic utilities as part of their strategy of pressuring and demoralizing the population of Sarajevo.

Additionally, perpetrators of grave violations of international humanitarian law could be indicted by the U.N. war crimes tribunal.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press. The Government partially respects this right in the majority of Federation territory; authorities in HDZ-controlled Herceg-Bosna do not respect it at all.

Continued wartime conditions have limited the development of truly independent media in Federation territory. Although there are some, in general the ruling SDA and HDZ political parties exert considerable influence over the media. Many private radio stations broadcast locally in Federation territory; a smaller number of private television stations serve local markets in Sarajevo, Zenica and Tuzla. Only state tel-

evision, which is controlled by the ruling SDA party, is broadcast throughout Bosniak territory as well as parts of Croat territory and the Republika Srpska.

The development of independent media also was constrained by the wartime lack of start-up capital, paper, and supplies and the rising world price of newsprint. Few of the media are commercially viable; some survive through the sponsorship of private organizations, cultural societies, and political parties, others with help from Western aid organizations. Western television broadcasts such as Cable News Network and Sky News are available to those with satellite receivers. In HDZ-controlled Herceg-Bosna, the media are part of the HDZ structure but not as strictly censored as in the Serbian Republic. Croatia supplies transmissions of Radio Split to the inhabitants of Herceg-Bosna.

Some independent media have complained about government intimidation. Studio 99's radio and television transmitter mysteriously caught fire and burned down following the station's show of support for an SDA rival of President Izetbegovic. The station was off the air for 7 days. An independent magazine complained that it and its sponsors were harassed by government financial police. In Tuzla the editorial staff of the radio station Chameleon was drafted for military duty following broadcasts critical of the Government.

Foreign journalists in Sarajevo and elsewhere on Federation territory generally were able to operate without problems. However, some said that it was difficult to gain access to territory recently taken from the Serbs, especially in Croat-controlled areas where the HVO tried to maintain tighter control over press activities.

In the Republika Srpska the media are a propaganda tool of the ruling SDS party. The party's media voice, the Serbian Republic News Agency, Tanjug (the news agency of the Milosevic regime in Serbia), and other Serbian sources formed the basis for near total domination of both print and electronic information media. All foreign media are banned in the Republika Srpska. The public in Serb territory only has access to two choices: Bosnian Serb media from Pale or Serbian media from Belgrade.

The SDS strictly censors the media in the Serb area. Sonja Karadzic, the "President's" daughter, is in charge of issuing safe-conduct passes for foreign journalists. Foreign journalists must work under significant restrictions, and face the possibility of being banned or arrested for researching stories that might be unfavorable to the Karadzic regime. Christian Science Monitor reporter David Rohde was held for nearly 2 weeks for researching stories of mass killing. American reporters Tracy Wilkinson and Kit Roane, and British reporter Emma Daily were detained without charges and held incommunicado overnight. Two Turkish journalists, Munira Acim and Alija Kocak, were seized on October 7 and 2 weeks later were traded to the ABiH for Serb POW's. In March two journalists, a Bosnian Muslim and a Jordanian-Bosnian dual national, were arrested and later exchanged for Serb POW's.

Wartime conditions, lack of resources, and difficulty in maintaining contact with other academic communities constrained academic freedom. Serbs and Croats complained that SDA party favorites were more likely to get promoted or obtain senior managerial positions.

In Serb-controlled areas, the authorities general lack of tolerance for dissent led to total control of the educational media. The curriculum in Serb-controlled areas has been revamped to teach solely Serb history, art, literature, etc. There has been no evidence of an intellectual exchange of ideas in the media or other academic forums in Serb-held territory since the 1992 invasion.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of association, and the Government generally respected this right in practice. Large gatherings, which might have attracted Serb shelling or sniping, were banned until September.

While political membership is not forced, membership in the ruling SDA and HDZ parties in Federation territory is increasingly viewed as a way to obtain housing and high-level jobs in the state-owned sector of the economy.

In the Republika Spraka the SDS's control over security and police imposes severe limitations on the right to assemble and associate. Authorities orchestrated large demonstrations protesting the Dayton agreement in November. Although political membership is not forced, membership in the SDS is viewed as the means to obtain access to both jobs and housing.

c. Freedom of Religion.—The Constitution provides for freedom of religion, including private and public worship. However, within the Federation the authorities did not respect these rights in consistent fashion. In general, conditions for religious observance were significantly better for non-Muslims in those parts of the Federation where Muslims dominated than they were for non-Catholics in areas where Croats dominated.

The dominant political parties are both based on ethnic and religious identification: SDA—Muslim and HDZ—Croat. Some members of these parties used religion or ethnicity as ideological litmus tests and a means of intraparty competition.

The Republika Srpska continued systematically to eradicate the remaining traces of Muslim and Catholic presence by demolishing religious and cultural sites. According to government statistics, some 1,424 Muslim and 275 Catholic religious sites were destroyed during the war as part of ethnic cleansing by Bosnian Serbs, as well as 30 Orthodox and 6 Jewish sites.

As part of ethnic cleansing in northern Bosnia in May, Father Blaz Markovic of Trn and two nuns were severely beaten and their church blown up. A week earlier the burned bodies of a local priest and a nun were found in the Catholic church in Presnace.

In northern Bosnia Serb authorities required Muslims to wear white arm bands and marked their houses with painted white stripes. Serb soldiers sometimes cut crosses into the heads of Croats with knives (see Section 1.c.).

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—In practice, the ongoing hostilities effectively restricted the full exercise of these rights. The demands of mobilization and the dangers of crossing checkpoints and confrontation lines often made movement difficult. Moreover, as a matter of policy, the Government sought to avoid letting all would-be refugees flee to avoid both depopulating the country and creating massive resettlement problems throughout Europe. The Government declared that any citizen of any of the former Yugoslav republics present in Bosnia as of April 6, 1992 was a Bosnian citizen and could not leave Bosnia without special permission, especially military-age males. Serbs and Croats in Sarajevo complained that it was more difficult for them to obtain permission to leave the city than it was for Bosniaks, and that the Government abused Article 33 of the Law on Travel Orders, which authorizes restrictions on the movement of possible terrorists, to discriminate against them. Sarajevo Serbs in particular complained that government authorities arbitrarily denied them permission to cross the "Peace Bridge" into Serb-controlled Sarajevo even after they had scheduled a date to cross and paid the required fee (30 German marks). Bosniaks, too, complained about the difficulties in obtaining permission to leave, which was virtually impossible for military-age men of any ethnic group.

Under the Dayton Agreement, all refugees—however defined—have the right of return or just compensation.

Croat authorities so far have been slow to permit the agreed number of Muslims to resettle in Jajce and Stolac. As a clear demonstration of the bad faith that exists on both sides, lists of names of refugees accepted for return have included the names of people who died before the fighting began, and of refugees who have permanently settled abroad. The Bosnian Government generally permits Croats to enter and travel in Muslim territory more easily than Croat authorities allow Muslims to cross into Croat areas. In addition to official obstacles, many refugees on both sides are afraid to return to their former homes, since they fear that they would no longer be welcome there.

All sides have been credibly accused of "ethnic engineering," the process of resettling refugees of one side's ethnic group into the homes of members of other ethnic groups in a given area to prevent the return of the other side's people to that area. On the Federation side, the Ombudsmen received numerous cases of Serbs, Croats, or other minorities returning to their homes only to find that Bosniak refugees had been moved in. In some cases returning Bosniaks found that their property had been taken over by officials of the mostly Bosniak SDA. A Bosniak woman returning to her home in Vrnograc near Velika Kladusa told U.N. officials that the Mayor had moved into her house and refused to leave. The Government was generally unhelpful to the Ombudsmen in their attempts to resolve these cases. In one case an elderly Jewish woman, Viola Drucker, had left Sarajevo in 1992. When she returned in 1995, she found that her home was occupied by a Bosniak from Sarajevo whose family already had a house in Sarajevo. According to the Ombudsmen, the Government made an agreement with the Sarajevo Jewish community in 1992 to protect the homes of its members. The Rais el-Ulema, head of Sarajevo's Muslim community, intervened on Ms. Drucker's behalf but the Government still refused to return her property. In another case, a Bosniak woman returned to her house in Sarajevo to find an SDA official living there. The Government was also accused of seizing former JNA housing that had been purchased from the JNA under special agreement by JNA officers, especially housing owned by minority officers. President Izetbegovic decreed that the legal status of JNA housing be "frozen" until the end of the war. A number of the officers' families have already been evicted and the housing given to Bosniak refugees.

A common attitude within the Government and the SDA was summed up by the Secretary of the Sarajevo Municipality Committee for Housing Affairs when he said, "Those who left the country abandoning their property should not be protected." The assumption is that fleeing the war also indicates voluntary abandonment of property. The property issue is expected to take on greater importance in 1996 as the repatriation of refugees begins. Although better documented in the Bosniak side of the Federation, potential property claims exist throughout Bosnia.

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

Citizens of the Bosnian Federation have the right to change their government peacefully, both through direct elections and by amending the Constitution. The next elections are scheduled for the second half of 1996 and will be held throughout Bosnia and Herzegovina, as required by the Dayton Agreement.

The delay in establishing the Federation's internal structure was compounded by the nature of the Federation as a state of Bosniaks, Croats, and "others." Under the Constitution, power is to be shared primarily between Bosnians and Croats. However, it became clear that, in practice, "Bosnians" actually meant the dominant Muslim political party SDA, and "Croats" meant the dominant Croat party HDZ. Among the quasi-disfranchised "others" were non-SDA Muslims and non-HDZ Croats, along with Serbs who had been loyal to the multiethnic republic, Bosnians of mixed ethnicity (estimated to make up 30 percent of the prewar Bosnian population), Jews, Roma, Vlachs, and the rest of Bosnia's varied ethnic mix.

Women are underrepresented in government and politics, although a few women occupy prominent positions. For example, a Serbian woman belongs to the Republic's collective presidency, and a Bosniak woman heads Bosnian radio and television.

Although people on territory controlled by the Serbian Republic have a theoretical right to change their government and actually participated in "referendums," SDS control of the media and security apparatus effectively precludes true citizen participation without intimidation. In the Republika Srpska women such as Karadzic's daughter, his wife (head of the Serbian Republic Red Cross), and one of his vice presidents occupy important posts.

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

In general, the Government permits international and NGO investigations of alleged human rights violations, Herceg-Bosna authorities permit them to a much lesser extent, and the Republika Srpska is least responsive. Officials of the U.N. war crimes tribunal said that the Bosnian Government was cooperating fully with their investigations and inquiries, even in cases of accusations of war crimes by Bosnian forces, but cooperation by the Bosnian Croats and the Republika Srpska is far more limited.

According to the Federation Agreement, three Ombudsmen, one Bosniak, one Croat, and one other were appointed for a 3-year term by the OSCE with the approval of the Federation President and Vice President. Their mandate is to protect human rights and liberties as guaranteed by the Constitution. They monitor human rights abuses and seek to reverse the consequences of human rights violations, especially ethnic cleansing. The Ombudsmen have broad investigative powers and may initiate or intervene in court proceedings. They may also seek redress for individual complaints. In 1995 they received thousands of individual complaints, mostly concerning violation of property rights and freedom of movement. The Ombudsmen have done substantial work in collecting and cataloging abuses, and have succeeded in resolving some cases. However, their actual power is quite limited, and government agencies usually ignore them with impunity, especially on cases involving the ruling SDA and HVZ parties. A Human Rights Commission, provided for in the Dayton Agreement, will work closely with the Ombudsman.

The Bosnian Serbs generally refused to cooperate with any sort of investigation of alleged human rights abuses and made it clear, as in the case of American journalist David Rohde, who was seized because of his investigations into the Srebrenica killings (see Section 2.a.), that such activity could be dangerous. However, Federal Republic of Yugoslavia President Slobodan Milosevic said he would urge the Bosnian Serb authorities to cooperate with the ICRC and other international organizations in investigating the fate of some 1,400 persons missing from Banja Luka, and to provide access to international investigative missions to sites of alleged human rights atrocities. These diplomatic efforts eventually led Serb authorities to grant the ICRC access to Bosnian Serb prisons known to the organization. However, it is widely believed that there are other prisons still not known to international observers.

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

The Constitution provides for freedom from discrimination based on race, color, sex, language, religion or creed, political, or other opinions, and national or social origin. As described above, however, there were many cases of discrimination.

Women.—Women continue to be subjected to rape and other forms of physical abuse. Rape was one of the most frequently used tools of ethnic cleansing by the Bosnian Serbs (see Sections 1.c. and 1.g.). In northern Bosnia a 76-year-old woman was raped in the process of expulsion from her home. In Srebrenica a 91-year-old woman was shot to death for not getting into a bus fast enough.

Although accurate statistics are not available because of wartime conditions, there appears to be little legal or social discrimination against women. Women hold some of the most responsible positions in society, including judges, doctors, and professors. For example, a Muslim woman heads Bosnian radio and television. Women are entitled to 12 months' maternity leave and required to work no more than 4 hours per day until a child is 3 years old. A woman with underage children may not be forced to do shift work.

Children.—There is no discrimination or societal pattern of abuse against children. It is too early to tell what the long-term effects of the privations of war will have on the next generation of Bosnians. In addition to the shortages of food and clothing, closing of schools, and an environment constricted by sniping and shelling, the loss of one or both parents and other relatives—often brutally before their eyes—will likely have a significant long-term effect on Bosnia's children.

In the course of the war, nearly 17,000 children were killed, 35,000 wounded, and over 1,800 permanently disabled. In Sarajevo alone over 1,600 were killed, 15,000 wounded, and over 350 permanently disabled. Many of those killed in Sarajevo were killed by snipers, who could easily distinguish between children and adults. In fact, Serb snipers deliberately targeted children, and Serb artillery deliberately targeted schools and playgrounds for shelling. The elementary school in Alipasina Pale, a suburb of Sarajevo, was shelled twice in the spring; the first attack killed four pupils and a teacher and wounded 34, the second attack killed 7 and wounded 8. The small playground above the main Sarajevo marketplace was also attacked twice; two children were killed in the first attack and 4 killed and 4 wounded in the second. None of these places were located near military targets.

People With Disabilities.—By law the Government is required to assist people with disabilities in finding employment and protecting them against discrimination. In the current situation there are few jobs available, and approximately 12,000 newly disabled victims of the war entering the job market. The Government had limited resources to address the special needs of the disabled.

~~*National/Racial/Ethnic Minorities.*—Ethnic differences—complicated by religious differences—are at the heart of the war in Bosnia and Herzegovina and have been manipulated by both the SDS party and the HDZ to sustain concepts of a "Greater Serbia" and a "Greater Croatia." The serious human rights violations committed in Bosnia and Herzegovina—ethnic cleansing, rape, forced labor, forced relocation, extrajudicial killing—were largely perpetrated with the goal of establishing the superiority and political domination of a particular ethnic group. No group was more victimized than Bosnia's Muslims.~~

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the right of workers to form and join labor unions. The largest union is the Confederation of Independent Trade Unions of Bosnia and Herzegovina, the heir of the old Yugoslav Communist Trade Union Confederation. Unions have the right to strike, but in practice mobilization and other emergency wartime measures generally restricted the exercise of this right. Moreover, the economic devastation and joblessness caused by the war throughout much of the Federation allowed trade unions little opportunity to organize and carry out their normal role.

b. *The Right to Organize and Bargain Collectively.*—The law provides for this right, but the practice of collective bargaining in labor-management negotiations was not significantly used in 1995.

c. *Prohibition of Forced or Compulsory Labor.*—Most Bosnians of productive age in the Federation were mobilized to serve either in the military or in supporting capacities in connection with the war. Government authorities in practice tolerated a significant amount of independent freedom of choice in the selection of work to fulfill the obligations imposed by the mobilization decree. Reliable sources reported wide-scale use of prisoners for forced labor on the front lines by the Bosnian Serbs, and to a much more limited extent by the Federation (see Section 1.c.).

According to reliable reports the Serbs maintain a number of forced labor camps not yet discovered by the ICRC or other international humanitarian organizations. Non-Serb men and women in northern Bosnia, ages 12 to 60, were routinely forced to labor digging trenches, clearing mines, tilling fields, cleaning streets, etc. They received no compensation for this work.

d. *Minimum Age for Employment of Children.*—The minimum age for employment of children remained 16. Bosnia had no effective social services agency to enforce the limit. Children sometimes assisted their families with farm work and odd jobs.

e. *Acceptable Conditions of Work.*—The minimum monthly wage is slightly more than \$15 (20 German marks, the de facto currency), and \$13 per month for pensioners. In principle this wage level is guaranteed, but in reality it is meaningless as the economy is in a state of collapse. Workers were often not paid for all the work that they performed. The official wartime workweek is 7 hours per day, Monday through Saturday, though many people worked far more hours. Holidays are generally ignored with the exception of New Year's and certain Muslim holidays.

Occupational safety and health regulations were generally sacrificed because of the demands and constraints imposed by the war.

BULGARIA

Bulgaria is a parliamentary republic ruled by a democratically elected government. President Zhelyu Zhelev, former chairman of the Union of Democratic Forces (UDF), was elected in 1992 to a 5-year term in the country's first direct presidential elections. The Bulgarian Socialist Party (BSP), heir to the Communist Party, and two nominal coalition partners won an absolute majority in preterm elections in December 1994 and formed a government in January. The judiciary is independent but continued to struggle with structural and staffing problems. Most citizens have little confidence in their legal system.

Most security services are the responsibility of the Ministry of the Interior, which controls the police, the National Security Service (civilian intelligence), internal security troops, border guards, and special forces. A number of persons known to be involved in repressive activities during the Communist regime returned to senior-level positions in the security services in 1995. Some members of the police force committed serious human rights abuses.

The post-Communist economy remains heavily dependent on state enterprises. Most people are employed in the industrial and service sectors: key industries include food processing, chemical and oil processing, metallurgy, and energy. Principal exports are agricultural products, cigarettes and tobacco, chemicals, and metal products. The transformation of the economy into a market-oriented system has been retarded by continued political and social resistance. Privatization of the large Communist-era state enterprises has been very slow and is the main reason for Bulgaria's economic stagnation. The Government is now developing a mass privatization program which, if successfully implemented, would partially address this problem. The service and consumer goods sectors in private hands continued to be the most vibrant. Although all indicators point to a reviving economy this year, the last several years' decline has affected the employment of people from ethnic minorities disproportionately. The annual per capita Gross Domestic Product (GDP) of \$1,300 provides a low standard of living.

The Government generally respected the human rights of its citizens, but problems remained in some areas. Constitutional restrictions on political parties formed on ethnic, racial, or religious lines effectively limit participation. There were several reports that police used unwarranted lethal force against suspects and minorities, and security forces beat suspects and inmates. Human rights observers charged that the security forces are not sufficiently accountable to Parliament or to society and that the resultant climate of impunity is a major obstacle to ending police abuses. Prison conditions are harsh, and pretrial detention is often prolonged. Mistreatment of ethnic minorities by the population at large is a serious problem, and both the Government and private citizens continued to obstruct the activities of some non-Eastern Orthodox religious groups. Discrimination and violence against women and Roma are serious problems.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were several reports of police officers using unwarranted lethal force against criminal suspects, as well as against