

# Yugoslav Wars 1991-1999 and Some of Their Social Consequences

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## **Abstract**

*This paper primarily intends to provide a brief introduction into the causes, chronology and context of the Yugoslav wars 1991 – 1999. It is worth mentioning that this overview has been inevitably abridged, since Yugoslav wars, due to their extreme complexity and tremendous abundance of events, require a separate extensive study. The second part of the paper attempts to point out the specific features of Yugoslav wars, which distinguish them from other wars, which is a widespread practice of ethnic cleansing, great number of improvised prison camps and places of detention and strong reliance on paramilitary formations by all warring sides. Third part represents an attempt to determine the correct number of those killed and missing in the Yugoslav wars. This chapter stresses the difficulties of establishing correct numbers, not only because incomplete and often conflicting material sources, but also due to political manipulations with the number of casualties. Therefore this paper ends with an appeal to finally determine the exact number of casualties, not only for the sake of numeric end to the Yugoslav wars and prevention of various manipulations, but also for the sake of piety and respect for the victims.*

## **POLITICAL AND HISTORICAL INTRODUCTION INTO THE WARS IN FORMER YUGOSLAVIA 1991-1999**

There is a variety of conflicting opinions about the causes of disintegration of the Socialist Federal Republic of Yugoslavia. Besides, there are opposing views regarding whether the disintegration of this state was inevitable or it could have been avoided. Finally, opinions also differ as to whether the reason for the dissolution should be sought in the influence of internal or the external political factors.

The response to these complex issues requires an in-depth historical research far beyond the scope of this paper. Nevertheless, we shall at least attempt to outline a concise answer to all these questions.

According to Richard Holbrooke<sup>1</sup> there are five key reasons for the break-up of Yugoslavia: "first, wrong reading of the Balkan history; second, the end of the Cold War; third, the behaviour of the very Yugoslav leaders; four, an inadequate American response to the crisis; and, in the end, a false belief of the Europeans that they by themselves can cope with their first challenge following the end of the Cold War".<sup>2</sup>

Under "wrong reading of the Balkan history" Holbrooke implies the tendency of a number of western analysts to regard Balkan societies as a region of traditional and therefore inevitable ethnic conflicts that have been going on for centuries. According to this view (embodied, for example, in David Kaplan's book *Balkan ghosts*) the Balkans is simply doomed to a chronic state of ethnic conflicts and wars, so in Holbrooke's opinion, quite a few western analysts of the Yugoslav crisis, have adopted a view that the disintegration of Yugoslavia was yet another Balkan crisis that nobody can do anything about. However, this opinion is strongly contradicted by the fact that Balkan nations, more specifically, the peoples of former Yugoslavia, have succeeded in having long periods of peace and stability; therefore, it can hardly be said that conflict and war are the unavoidable *fate* of the Balkans.

Holbrooke's list of causal factors nevertheless suggests that he implicitly sees the majority of reasons for the disintegration of Yugoslavia in external factors (1. the end of the Cold War; 2. inadequate American response; 3. unwillingness or inability of the European political class to solve the Yugoslav crisis). We would be inclined to agree with Holbrooke in this respect, but only considering the gravest part of the crisis that culminated in the secession of certain Yugoslav Republics and the wars of 1990 – 1999. In that case, the disintegration of Yugoslavia could be easily placed within the historical context of the end of the Cold War and disintegration of multinational communist countries (the Soviet Union, Czechoslovakia). Then we could comfortably talk about the collapse of communism and crisis of legitimacy of communist parties, which either withdraw from the political scene or

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1 Richard Holbrooke, *To End A War*, Modern Library, New York, 1999.

2 *ibid.* p. 21-22.

seek new *discourses* of legitimisation: building of civil society, establishment of market economy or, on the other hand, ethnic or religious fundamentalism.

However, in our view, the crisis of Yugoslav society began at least about ten years prior to the collapse of the Berlin Wall. In that respect, we entirely agree with Petritsch's observation, which perceives economy as the key reason for the crisis of the late Yugoslav socialist society:

"An increase of nationalist tensions throughout the eighties was noticeable in whole Yugoslavia. The basic responsibility for that was borne by the country's accelerated deterioration of trade. The growing inflation, decreasing standard of living and straining at the labour market contributed, along with a widespread corruption and obviously weak economy, to the loss of confidence in the political leadership. During the eighties, when together with the collapse of trade there also started the struggle over the distribution of lesser resources, the conflicts over the building and leading of the country came to light in their entirety. While Serbia supported the re-centralisation of the state, with sustaining the socialist system of government, Slovenia and Croatia gave priority to the federal state confederation with to a great extent independent republics and concurrent strengthening of pluralist and market economy structures".<sup>3</sup>

The personal conviction of the author of this paper is that the disintegration of Yugoslavia began in Kosovo in 1981 and that it was in Kosovo that the process of disintegration ended in the war of 1999.

The crisis in Kosovo erupted publicly when the mass rally was held by Kosovo Albanians in March 1981.<sup>1</sup> The key political aim stated at the rally was to end the status of Kosovo as an autonomous province within Serbia and become a republic by itself, same as the other six republics that constituted the Yugoslav federal state. It is important to stress that the leadership of the then ruling League of Communists of Yugoslavia labelled the rally as nationalistic, claiming that behind the request for transformation of the autonomous province into a republic lay hidden motives to separate Kosovo from Yugoslavia and unite it with the neighbouring Albania.

It should be said that the majority of inhabitants of the then Yugoslavia did not understand what the rally of 1981 was about. The average citizen of Serbia thought that Albanians in the Autonomous Province of Kosovo have got "everything" and that the province *de facto* had the status of a republic.

The rally raised a taboo topic which was to dominate Yugoslav media during the following 6 years. One of the key issues was the mass exodus of Serbs and Montenegrins. Serbian and Yugoslav communists claimed that there was a mass emigration of non-Albanians from Kosovo due to discrimination, pressure and violence.<sup>ii</sup> In addition, there was much talk about frequent rapes of Serbian women and girls, destruction of crops,

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3 Wolfgang Petritsch, Robert Pichler, *The Long Way into War: Kosovo and the International Community (Dugi put u rat: Kosovo i međunarodna zajednica)*, Samizdat B92, Beograd, 2002, p. 30

demolition of Serbian cultural monuments and desecration of cemeteries. On the other hand, Albanian leaders of the League of Communists of Kosovo alleged that the exodus was caused primarily by economic factors, due to the fact that the province was the poorest part of the SFRY and an area with the highest unemployment rate.<sup>4</sup>

What is certain, however, is the fact that following the Second World War, the demographic structure of the population in Kosovo has changed significantly in favour of Albanians (due to the combination of high fertility and ever lower mortality), while on the other hand, “in the period of between 1961 and 1981 about 100.000 Slavic inhabitants deserted the province”<sup>5</sup>, so that at the beginning of the nineties, according to Petritsch, the Albanians accounted for 90% of the population.<sup>6</sup>

The growing nationalist emotion in Serbia perceives the situation in Kosovo as a consequence of the 1974 Federal Constitution, which is increasingly felt as an anti-Serbian solution.<sup>7</sup> This was the background against which appeared the so-called Memorandum of the Serbian Academy of Sciences and Arts demanding “the restriction of the autonomy, suspension of relations with Albania and a complete de-albanisation of the province”<sup>8</sup>. Although the Memorandum was never published, remaining an internal document of the Serbian Academy of Sciences and Arts, numerous analysts of the Yugoslav wars believe that this document in fact reflected the growing nationalistic orientation of a part of Serbian humanistic intelligentsia.

Several years after the 1981 demonstrations, the Kosovo Serbs and Montenegrins began to self-organise, and entered the political scene. Hence the petition by 2.016 Kosovo Serbs in January 1986, which condemns “Albanian nationalism and separatism as responsible for the situation in the province, “and demands that Belgrade put an end to further discrimination”<sup>9</sup>, while in February 1986 a group of a hundred odd Serbs set out for Belgrade to complain to the political leadership of unjust conditions.<sup>10</sup>

The major turning point in the political methodology of solving the Kosovo crisis took place on 24<sup>th</sup> April 1987 in Kosovo Polje, when the leader of the League of Communists of Serbia, Slobodan Milošević, , before 15.000 Serbs and Montenegrins who protested when the police resorted to force in unsuccessful attempt to keep the rally under

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4 Wolfgang Petritsch, Robert Pichler, Dugi put u rat: Kosovo i medjunarodna zajednica, Samizdat B92, Beograd, 2002, p. 35.

5 *ibid.* p. 38

6 *ibid.* p. 39. Tim Judah does not agree with this percentage, which, according to him, amounts to the figure of 82.2% (Tim Judah, *Kosovo- War and Revenge*, Yale University Press, New Haven and London, 2000, p. 44). The figure of 90% was persistently used by Albanian politicians of the late eighties as a justification for the political demand for a Republic of Kosovo.

7 Wolfgang Petritsch, Robert Pichler, Dugi put u rat: Kosovo i medjunarodna zajednica, Samizdat B92, Beograd, 2002, p. 36.

8 *ibid.* p. 37.

9 *ibid.* p. 38

10 *ibid.* p. 38.

control, delivered his well-known speech, in which he said that “Nobody shall beat this people”. In this improvised speech Milošević further told:

“Comrades, you should stay here. This is your land. Here are your homes, your fields and gardens, your memories. You wouldn’t possibly leave your land because life is hard here, because injustice and humiliation weighted heavily upon you, would you? It has never been in the spirit of the Serbian and Montenegrin people to yield to obstacles, to demobilise when it should fight, to become demoralised in difficult times.”<sup>11</sup>

Some analysts interpreted this address as an appearance of a new non-bureaucratic politician who with his clear manner of speech expresses his genuine patriotic concern about the position of Serbs and Montenegrins in Kosovo. Others, however, assessed this speech as an unconcealed nationalist declaration. Nevertheless, all shared the opinion that Milošević by this appearance “played a nationalist card” earning for himself an enormous political capital to be persistently exploited during years that followed.

Further development of the political situation went towards the reduction of powers given to the province under the 1974 Constitution:

“Pursuant to a large number of additional provisions of the Serbian Constitution, in February 1989 the autonomy of Kosovo was gradually abolished. Treпча miners responded to this by going on a hunger strike. They demanded the resignation of the ‘puppet Government’ and preservation of the 1974 Constitution, announcing that they would endure staying in their pits until their demands were met.”<sup>12</sup> Belgrade ignores this strike, and in reaction to such an attitude mass strikes of solidarity with the miners break out throughout Kosovo. The Federal Army troops are then redeployed to Kosovo. “For the second time since 1981, a state of emergency has been declared. Hundreds of persons have been arrested.”<sup>13</sup>

“On 23<sup>rd</sup> March 1990, with strong pressure and the presence of army and secret police, the announced amendments to the Constitution were enforced, this following the stormy sessions in the Parliament of the capital of the province. Thus, the autonomy of the province was actually abolished.”<sup>14</sup> which immediately triggered mass rebellions and demonstrations. In June 1990, in response to the constitutional changes, the Albanian deputies of the provincial Parliament adopt the “Declaration of the Independence of Kosovo”, which prompt Serbian authorities to dissolve the Parliament in Priština and impose a permanent state of emergency in the province. On 7<sup>th</sup> September 1990, the Albanian deputies respond to the dissolution of the Parliament of Kosovo by the enactment of their own Constitution and proclamation of the Republic of Kosovo.

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11 Florence Hartmann, Milošević – dijagonala lauffera, Den Graf, Belgrade, 2001, p. 24-25. Original: Florence Hartmann, Milosevic – la diagonale du fou, Editions Denoël, Paris, 1999.

12 *ibid.* p. 47.

13 *ibid.* p. 47

14 *ibid.* p. 47.

Upon the take-over of power over Kosovo, ensued what Petritsch calls "Serbization of institutions": the police are placed under the auspices of the Serbian Ministry of Internal Affairs (April 1990), and in "summer 1990 Serbian institutions took over the local radio and TV stations, while the employees of Albanian nationality were thrown in the street."<sup>15</sup> "Serbization" also spread to other institutions: "under the pretext that they lack adequate professional training, a huge wave of dismissals of Albanian doctors was carried out".<sup>16</sup> With regard to companies, the Parliament of Serbia determined an ethnic quota system of employment: "firms were forced to employ one Serb or Montenegrin per one employed Albanian. Besides, Albanian workers were required to sign the declaration of loyalty in which they had to express their consent to the politics of Serbia. In case that somebody opposed, he or she would be sacked. In this manner, during the course of only one year, about 45% Albanian workers of both sexes lost their jobs. After several years, this percentage increased twofold, and reached 90%".<sup>17</sup>

As a consequence of the measures undertaken by the Serbian leadership and the disappointment with the conduct of Albanian members of the Kosovo Parliament who supported the amendments to the Constitution, Albanians increasingly form parties, principally on ethnic basis, the most important of which was the Democratic League of Kosovo (LDK) under the leadership of Ibrahim Rugova, established on 23<sup>rd</sup> December 1989 and growing to 200.000 persons within the two-month period.<sup>18</sup>

In response to the repressive measures undertaken by Serbian authorities, the Albanians organise non-violent resistance. Such resistance is predominantly motivated by the fact that the Albanians would stand no chance in violent resistance. Apart from the non-violent resistance, the Kosovo Albanian political action has focused on the establishing of parallel institutions. In 1992 the Kosovo Government moves to Bonn, while Albanians working abroad begin contributing 3% of their monthly income to the Government.<sup>19</sup> In Kosovo, the Albanians impose their system of taxation, and 90% of the raised funds are spent on financing their own education system.<sup>20</sup> "In economy, "the Albanians have completely centred on setting up of small private enterprises, as well as on their emigration,... in the period of 1989-98 around 400 000 Kosovo Albanians, mainly men, left their country and set off in the direction of Central and Western Europe, many of them by reason of avoiding recruitment for the Yugoslav People's Army (JNA)".<sup>21</sup>

Concurrently with the development of parallel institutions, there were significant developments on the political level:

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15 *ibid.* p.48.

16 *ibid.* p. 49.

17 *ibid.* p. 50.

18 *ibid.* p. 50

19 *ibid.* p. 58

20 *ibid.* p. 59.

21 *ibid.* p. 61

“Following the Slovenian and Croatian Declarations of Independence of June 1991, the political leadership of Kosovo Albanians changed course deciding to demand its national independence. The inhabitants confirmed this course at the referendum held between 26<sup>th</sup> and 30<sup>th</sup> September; 99% of voters committed themselves in favour of independence. The Constitution having been adapted to this result, on 19<sup>th</sup> October 1991 the Declaration was issued. In May 1992 there followed the parliamentary elections in which the LDK kept the dominant position: it polled 76% of the votes. At the concurrently held presidential elections Ibrahim Rugova won 99,5% votes. While Serbian/Yugoslav security forces allowed the holding of the elections in Kosovo, though they did not admit their results, meanwhile the Albanian population later boycotted all the elections on the Serbian and Yugoslav level (they refused the offer by the Serbian political opposition to go jointly to the 1992 elections and thus oust Milošević... In the conduct of Albanian leadership in this situation there can be recognised a strategy which is to remain a landmark of the subsequent developments, and is founded on the following premises: a systematic refusal to acknowledge the legitimacy of the Serbian institution in Kosovo, setting all hopes in the intervention of the international community’ with a view of attaining its political institutions”.<sup>22</sup>

The London Conference on Yugoslavia held in August 1992, at which the Kosovo delegation was given the observer status and where there were no discussions about the independence of Kosovo, and particularly the Dayton Conference at which Kosovo was not discussed at all at the express request by Milošević, were especially bitter experiences for political representatives of Kosovo Albanians. The Dayton Peace Conference in particular, which strengthened Milošević’s international position, provoked reflections that non-violent resistance led nowhere and that violence paid after all. Ibrahim Rugova’s reputation suffered a relative loss and more radical elements came to the scene:

“In February 1996 in several Kosovo cities bombs were thrown on Serbian refugee camps. About 10 000 expelled Serbs from Croatia were displaced to Kosovo and accommodated in collective centres. The responsibility for the bombing attacks was taken by one unknown organisation, the National Movement for the Liberation of Kosovo. At the same time, another group, the Kosovo Liberation Army (KLA), drew attention to itself with bombing attacks. Circumstances in neighbouring Albania played into the hands of the KLA: the fall of pyramidal banks followed by national uprising and chaos including, among other things, the plundering of military arsenals, resulted in those weapons soon reaching Kosovo across the northern Albanian frontier that was difficult to control”<sup>23</sup> “Since 1997, the KLA had had its training camps in the inaccessible northern-Albanian areas in the vicinity of Kukës and Tropoja. On 28<sup>th</sup> November 1997, three masked KLA fighters appeared for the first time at a funeral of a schoolteacher executed by a Serbian units’ firing squad, to announce in the speech before about 20 000 grieving people that the KLA was a force combating for ‘liberation and national unification of Kosovo’ ”<sup>24</sup> Soon the

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22 *ibid.* p. 63, 64

23 *ibid.* p. 78.

24 *ibid.* p. 78.

KLA also started killing Albanian members of the Socialist Party of Serbia, then the ruling party in Serbia.

The emergence of KLA marks the most troubled period of the Kosovo crisis, the time of an opened armed conflict between KLA on one side and the Yugoslav Army and Serbian police on the other. Many members of armed forces were killed in the clashes, as well as many civilians – either as casualties of planned assassinations, kidnappings and killings, or due to the mere fact that they accidentally happened to be in the conflict area.

The climax of this conflict is the NATO air strikes action (from 24<sup>th</sup> March to 10<sup>th</sup> June 1999). During this period the phenomenon of mass migrations (either due to fear of armed conflict or under threat of force) reached its peak. The war lasted 78 days and ended on 10<sup>th</sup> June with the termination of the NATO bombardment, signing of the Military-Technical Agreement in Kumanovo and the adoption of UN Resolution 1244, which guaranteed the Yugoslav sovereignty.

All Yugoslav armed and security forces left Kosovo while the NATO troops entered. The Albanian refugees return to their homes and over 200 000 non-Albanian inhabitants are forced to leave their homes, setting out mainly towards the territory of central Serbia and Vojvodina.

Due to the complexity of political and military developments in the most troubled period, the chronology of the political and military events from the time of the unfolding of the Kosovo crisis is given at the end of this paper.<sup>iii</sup>

## SHORT HISTORICAL INTRODUCTION INTO THE WARS IN SLOVENIA, CROATIA AND BOSNIA AND HERZEGOVINA <sup>25</sup>

Since the foundation of the first Yugoslav State of 1918, this multiethnic state has always been characterised by strong national tensions, which are partially responsible for the dismemberment of the state during the Second World War. The state established after the Second World War (the Socialist Federal Republic of Yugoslavia - SFRY) attempted to reconcile these tensions by dividing the state into 6 constituent federal republics, but with strong central power. All the republics, with exception of Slovenia, had their significant minority groups. The cohesion of this state was strengthened by the strict one-party rule of the League of Communists of Yugoslavia and repression of national and political dissidence. However, in 1974 a new Constitution was adopted that promoted decentralisation and placed significant power in the hands of republic authorities. Throughout the eighties national tensions increasingly heightened while the federal power

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25 As sources for this chapter there were used in extenso reports by the Amnesty International: Bosnia-Herzegovina: Gross abuses of basic human rights, AI index: EUR 63/01/92 i Yugoslavia: Torture and deliberate and arbitrary killings in war zones, AI index: EUR 48/26/91. Of all brief outlines of politico-historical circumstances leading to war conflicts in Croatia and Bosnia-Herzegovina, these two reports seemed to be the most concise and objective.

weakened before the growing assertiveness of the republics. This process was significantly accelerated with the end of the one-party rule of 1990 and multi-party elections held in all 6 republics. The nationalist parties (DEMOS in Slovenia and the Croatian Democratic Union in Croatia) did well everywhere, while the new Slovenian and Croatian governments started pushing towards confederation and, finally, independence.<sup>iv</sup> Actions leading to the breakdown of the federation met strong opposition in other parts of Yugoslavia, especially in Serbia, which had its large minorities both in Croatia and Bosnia-Herzegovina. Croatian drift towards independence provoked strong resistance of many Serbs in Croatia (accounting for 11.5% of the total Croatian population numbering 4.5 million) who saw the end of Federal Yugoslavia as a transformation of their status from that of the largest national group of Federal Yugoslavia into that of a national minority within Croatia. Thereby, Slovenian and Croatian requests for independence encountered warnings from Serbia that should these republics redraw the state's international frontiers, Serbia would make every effort to redraw the internal borders in an attempt to protect large Serbian communities in Croatia and Bosnia-Herzegovina. The leaders of Serbian enclaves in Croatia stated that if Croatia should chose independence they would demand the redefining of internal borders and the secession of the Serb-majority districts from Croatia and their annexation to the Republic of Serbia. Serbia supported this request, asserting that the right to self-determination could not be limited exclusively to Croatia and Slovenia (though Serbia denied this right to ethnic Albanians in the province of Kosovo) and that Slovenia and Croatia, by means of one-sided and unconstitutional declarations of independence, demanded the revision of internationally recognised borders of the Yugoslav state, which was by far a more radical step than the revision of internal borders, which did not enjoy such recognition.

## CONFLICT IN CROATIA

On 25<sup>th</sup> June 1991, the Republics of Croatia and Slovenia unilaterally declared their independence, after unsuccessful negotiations on either a confederative solution or independence. Yugoslav People's Army (JNA) deployed its additional units to Slovenia, where fierce fighting soon broke out. These army units withdrew upon signing of the Brioni agreement of 7<sup>th</sup> July. At the same time, the JNA reinforcements that had been sent to the Serbian enclaves in Croatia clashed with Croatian forces, following the foundation of their self-proclaimed "Serbian Autonomous District", which refused to recognise Croatian authorities and began demanding annexation to Serbia. They justified those moves by pointing out to the amendments of the Croatian Constitution, which reduced their status from one of the constituent nations to that of a national minority. Also, they stressed various actions by the authorities that revived the memories (exploited by the nationalist media and politicians) of the pogroms and mass killings of Serbs under the fascist Government of the Independent State of Croatia, created with German and Italian

assistance during the Second World War.<sup>26</sup> The armed conflict in Croatia soon spilled over to the border zones of Bosnia-Herzegovina. On 7<sup>th</sup> September 1991, when the Peace Conference was opened under the auspices of the European Community, Serbian paramilitary formations and JNA units established control over almost a third of the Republic of Croatia territory and Yugoslav federal institutions to a large degree ceased to operate. This course of events was characterised by a collapse of law and order in many areas and numerous violations of the Geneva Conventions and international humanitarian law in war zones.

Many truces were agreed under the sponsorship of the European Community, all of which were ineffective until the permanent cessation of hostilities entered into force on 3<sup>rd</sup> January 1992. That ceasefire ensured the implementation of plans for establishment of the UN peacekeeping force (UNPROFOR) in the conflict zones of Croatia.

The new Yugoslav State, composed only of the Republics of Serbia and Montenegro, was proclaimed in Belgrade, on 27<sup>th</sup> April. Croatia and Slovenia obtained the general international recognition with its acceptance to the membership of the UN, on 22<sup>nd</sup> May 1992.

## CONFLICT IN BOSNIA-HERZEGOVINA

The 1991 census in Bosnia-Herzegovina showed that the Muslims (recognised as a nation in the sixties) are the largest ethnic group in the republic (43.7% of population), while the Serbs accounted for 31.3%, and the Croats 17.3% (the remaining part of population registered as “Yugoslavs” or members of other nationalities). These three national groups were neither concentrated in homogenous areas nor evenly distributed throughout the republic, although some districts had a clear majority of one of these three nations.

At the multi-party parliamentary elections held in Bosnia-Herzegovina in November 1990, the parties representing three major nationalities won the majority of seats. Those were: the Party of Democratic Action (SDA), supported by the Muslim community, the Serb Democratic Party (SDS) and the Croatian Democratic Union (HDZ), as a sister party of its Croatian namesake. Each of them won the number of seats proportionate to its share in the general population according to the 1991 census. Seven-member presidency, thereupon elected by the Parliament, consisted of representatives of all three parties, as was the case with the Government. The SDA leader, Alija Izetbegovic, became Chairman of the Presidency.

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26 On this rhetoric, Petritsch writes: “Croatian Serbs’ apprehensions were confirmed by their constitutional degradation which turned them from the second largest constituent nation into a national minority, as well as by the abolition of the requisite two thirds majority vote in case of politico-national decisions made by the Croatian Parliament. As was the case with Serbian nationalists, Tudman’s party used historical symbolism and language reminding of the Second World War, that is, fascist Ustashi state.» *ibid.* p. 62

The problems of reaching a consensus among the three ethnic groups became acute to the same extent as the break-up of the former federation was inevitable after the declarations of independence by Slovenia and Croatia, in June 1991, followed by the conflict in their territory.

In October 1991, the Muslim and Croatian members of Parliament adopted documents that paved the way to the secession of the Republic from the Yugoslav Federation. Most Serbian representatives had previously walked out of the session. Radovan Karadžić, leader of the SDS, according to the report published by the British magazine *Financial Times* of 16<sup>th</sup> October 1991, stated that the adoption of those documents placed Bosnia “on the same road to Hell as it did Croatia and Slovenia”. The SDS leadership protested, stating that in case of important political decisions, as were those concerning the organisation or sovereignty of the republic, the representatives of one nationality should not be outvoted by the alliance of others.

Muslim and Croatian politicians kept on pushing for independence and in December 1991 the Presidency submitted a request for diplomatic recognition by the European Community. Defending the decision to request independence, in a TV interview, Chairman of the Presidency, Alija Izetbegovic asserted that “it was our choice whether we want to be independent and equal or to be a part of some Greater Serbia” (in a news item by the TANJUG, the official Yugoslav news agency, of 22<sup>nd</sup> December 1992). In another TANJUG’s report, dated 31<sup>st</sup> December, he suggested that his leadership was for some form of a loose Yugoslav confederation. On January 1992, the SDS politicians proclaimed the formation of the “Srpska Republika of Bosnia-Herzegovina” (later abbreviated to the “Republika Srpska”) stating that the proclamation will be realised should Bosnia-Herzegovina be recognised as an independent state. By means of this proclamation the SDS leadership obviously wanted to exclude the possibility of the Serb-inhabited districts of Bosnia-Herzegovina (including those where they were a minority) being left out of the Yugoslav Federation. At the same time, they asserted that they did not consider the Bosnian President and Ministry of Foreign Affairs to be legitimate representatives of Serbian people of BiH abroad any more. Also, they accused the Muslim and Croatian communities of actually destroying by their decision to proceed towards independence (pushing by force the Serbian community into their proclamation) the foundation on which that federal unit had been constituted. Nevertheless, the SDS leadership continues to formally participate in the republic bodies.

Later on, in January 1992, the SDA and HDZ members of parliament voted for a referendum on the independence of the republic, to meet the conditions for recognition imposed by the European Community. Some HDZ members later expressed certain reserves with regard to this decision. The SDS leadership refused to acknowledge the legality of this decision, since it had not been approved by the entire Parliament, and therefore did not have the consent of all the three nationalities.

One day prior to the holding of the referendum, Radovan Karadžić, leader of the SDS, stated that the referendum did not exist for Serbs and that would neither prevent nor obstruct it. Then he proposed division of the republic into ethnic cantons as a solution to the

BiH problems. Muslim leaders opposed unanimously to the cantonisation of BiH (discussed at great length by all the sides), advocating a unitarian state. Croatian leaders (both those in BiH and those in Croatia), were in favour of the cantonisation but moderated their public support to it not to harm their relations with the Bosnian Government. Croatian President, Franjo Tudman, denied the accusations that there had been a secret agreement concluded between Belgrade and Zagreb governments on the division of BiH between Croatia and Serbia at the expense of Muslims.

The referendum on independence was held on 29<sup>th</sup> February and on 1<sup>st</sup> March 1992. The local SDS authorities refused to cooperate, so that ballot stations of many places remained closed. Pursuant to the results announced, 63.4% of the electorate took part in the referendum, while 99.4% of those voted for independence. Subsequently, President Izetbegovic declared the republic independent and called for its international recognition.

The tensions among ethnic communities significantly increased following the referendum and a whole series of violent events occurred, involving armed civilians, police and paramilitaries of various nationalities. Serbs and Muslims set up barricades, after the incident of 1<sup>st</sup> March 1992, in which one Serb was killed during a wedding in Sarajevo. Violence spread fast throughout the republic. Halfway through March, serious fighting erupted between Serbian and Croatian territorial forces, around Bosanski Brod.

Serbian leaders started implementing their declaration on the Republika Srpska within BiH through measures such as the reorganisation of police districts in the areas under their control. On 31<sup>st</sup> March they stated that the Bosnian government would not have control over these areas and that their own laws would be enforced. On 7<sup>th</sup> April they promulgated the independence of "Srpska Republika of Bosnia-Herzegovina".

Members of paramilitary units under the command of Željko Ražnatovic (also known as Arkan), allegedly killed at least 27 people, mainly Muslim civilians, in Bijeljina on 1<sup>st</sup> and 2<sup>nd</sup> April. Bosnian president declared general mobilisation of the Territorial Defence (reserve military force - TO) organised by each of the republics. At that time, the Bosnian Government controlled TO units only in the Muslim-majority districts. TO units were afterwards extended by a Government's decree that theoretically placed all armed forces under its control. In practice, it meant the incorporation of members of paramilitary units, as the JNA and paramilitary units would not obey the Government. Croats organised themselves to a high degree into forces organised by the HDZ. The TO forces comprised mostly Muslims but they also included a number of Serbs and Croats loyal to the Bosnian Government.

The European Community and USA recognised the independence of BiH on 6<sup>th</sup> April 1992. Two members of the SDS Presidency stepped down on 8<sup>th</sup> April, stating the decision on the mobilisation of armed forces as a reason (subsequently replaced by non-SDS Serbs). The SDS members also resigned from all seats in the Government.

Following the international recognition of BiH independence, fighting soon engulfed the entire republic. JNA troops, mobilised Serbian reservists and paramilitary

units quickly took control over large parts of the territory (over 60% of the republic, according to some reports).

The JNA was extensively present in BiH, first of all due to the arrival of many of its units in Bosnia after the withdrawal from Slovenia and Croatia. The JNA troops in Bosnia soon started to be taken as a stronghold of support to the Serbian leadership of Bosnia. Soon it became a common belief that JNA troops in Bosnia provided support to the Serbian leadership of Bosnia despite the fact that they should have intervened to stop the fighting among armed groups of various nationalities. On 4<sup>th</sup> May the Yugoslav Federal Presidency in Belgrade announced the JNA withdrawal from Bosnia within 15 days, allowing only the soldiers of Bosnian origin to remain in the country. Only a small number of troops were withdrawn while most of the people and equipment remained and were in fact transformed into the army of the “Republika Srpska of BiH”.

Several paramilitary groups originating from Serbia, but with an obvious presence of new members from Bosnia, fought in conjunction with the Serb forces (mobilised reservists and the transformed JNA) in Bosnia. Some of them were claimed to have been present prior to the onset of serious fighting. Similarly, a large number of Croatian paramilitaries, members of the HOS (Croatian Armed Forces) linked to the extreme nationalist Croatian Party of Rights (HSP), were alleged to have been in Western Herzegovina as early as January 1992. From the very beginning of fighting, HOS forces were reinforced by quite a few Muslim volunteers.

The dominant Croatian political parties of Bosnia also contributed to the destabilisation of the republic, primarily by insisting on the formation of a separate, dominantly Croatian territory in BiH and their close relations, up to final annexation to the Republic of Croatia. There was an overall consensus of dominant Croatian parties of BiH and Croatia on this issue. Namely, the HDZ, which was the key and influential political party in Croatia, proclaimed as one of its objectives the achievement of ‘the sovereignty of the Croatian nation’ and ‘the inalienable right of the entire Croatian nation, within its historical and natural borders, to self-determination up to a secession, as well as the attainment of the ‘trade-market and spiritually-civilised uniting ... of Croatia and ... BiH, which constitute a natural, indivisible geopolitical entity, and which are by historical fate oriented towards their unity’.<sup>27</sup> In Bosnia, however, the HDZ of BiH was the major political party of Bosnian Croats in the Republic of BiH. One of the proclaimed goals of the HDZ of BiH was to ‘ensure the right of Croatian nation to the self-determination up to secession’.<sup>28</sup>

“The Croatian Community of Herzeg-Bosnia” (HZ H-B) proclaimed its existence on 18<sup>th</sup> November 1991, claiming to be a separate and clearly expressed ‘political, cultural, economic and territorial entity’ in the territory of BiH. One of its aims was the establishment of closer relations or unity with Croatia, which is indicated by the use of the Croatian currency and language in the HZ H-B, and granting of the Croatian citizenship to

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27 International Criminal Tribunal for the former Yugoslavia, “Indictment against Darije Kordic and Mario Cerkez” (Subject number: IT-95-14-/2-PT), paragraphs 2-4.

28 *ibid.*

Bosnian Croats by Croatia... On 28<sup>th</sup> August 1993, the (HR H-B) proclaimed itself “the Croatian Republic of Herzeg Bosnia” (HR H-B), at the head of which there were a President and Vice president. The international Community has never recognised either the Croatian Community of Herzeg-Bosnia (HZ HB) or the Croatian Republic of Herzeg Bosnia (HR H-B), while the Constitutional Court of BiH declared the (HR H-B) illegal on 14<sup>th</sup> June 1992.

The Croatian Defence Council (HVO) is the key Croatian military force in Bosnia. Officially it consists of Bosnian Croats, including persons who were permitted to leave the Croatian Army (HV) in order to fight in Bosnia as volunteers. However, there are numerous reports on the strong links between the Croatian Army (HV) and the HVO, as well as those on Croatian Army units or soldiers bearing the insignia of the Croatian Army (HV). The HVO had a complex alliance with the TO of the Bosnian Government and seemed to be mainly occupied with defence and expansion of the territory of the “Croatian Community of Herzeg-Bosnia”. However, as early as October 1992, the HVO attacked the Bosnian Muslims at the municipality of Prozor. There followed an armed conflict of the HV and HVO with the armed forces of the BiH Government that ended in February 1994 by the signing of the Washington agreement. In the course of the conflict, the HVO, for example, in April 1993, launched a series of attacks on Bosnian Muslim civilians, such as the attack on the village of Ahmici on 16<sup>th</sup> April and other places in northern Bosnia. Concurrently, on 17<sup>th</sup> April 1993 the forces of the Croatian Army (HV) and Croatian Defence Council HVO attacked the villages of Sovici and Doljani (the municipality of Jablanica) carrying out forced displacement of the Bosnian-Muslim population and destruction of their property. In April 1993, in the Herzegovina municipalities of Stolac, Capljina and Mostar the HVO began arresting more prominent Bosnian Muslims and enforcing various measures of persecution against Bosnian Muslims, such as dismissals from jobs and public positions, discrimination in the distribution of humanitarian aid, attacks on property and houses, forceful imposition of Croatian language and education. On 9<sup>th</sup> May 1993, the HV and HVO mounted a large offensive on the Bosnian Muslim population of Mostar and positions of the BiH Army in the town, thus beginning an armed conflict with the BiH Army in the municipality of Mostar. Then there followed a wide campaign of violence against Bosnian Muslim population in the areas of Mostar under the occupation of the HV and HVO, which lasted at least until the cease-fire and peace agreements of February and March 1994. From the other side of the combat line, the part of the town seized by the BiH Army was under siege of HV and HVO forces, which were intensively shelling that area preventing the arrival of humanitarian aids and basic provisions.<sup>29</sup>

Mostar is the town which underwent the greatest destruction during the war of Bosnia-Herzegovina, though the widest attention of the world was drawn by Sarajevo, kept under siege by Bosnian Serbs from the very onset of the war up to the NATO air strikes on the positions of Bosnian Serbs around Sarajevo in August 1995. The war in Bosnia-Herzegovina was ended by signing of the Dayton peace agreement in November 1995. The

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29 International Criminal Tribunal for the former Yugoslavia, “Indictment against Mladen Naletilic and Vinko Martinovic” (Subject no. IT-98-34I), paragraphs 9-10.

fall of Muslim enclave of Srebrenica into the hands of Bosnian Serb armed forces of August 1995 is considered to be the most shocking episode of the war in BiH, since it was followed by organised killings of several thousand men, civilians and war prisoners.<sup>30</sup>

## SOME SPECIFICITIES OF YUGOSLAV WARS OF 1991-1999

### ETHNIC CLEANSING

One of the specificities of Yugoslav wars (especially of the war in Croatia and Bosnia-Herzegovina) is "ethnic cleansing". The expert group of the United Nations led by Sheriff Basiuni defines "ethnic cleansing" as "rendering an area ethnically homogenous by using force or intimidation to remove from a given area persons from another ethnic or religious group".<sup>31</sup> Besides killings, expulsions, detentions, torture, sexual violence, destruction of property, educational or religious institutions of a certain ethnic group and other means of violence and intimidation, ethnic cleansing also encompasses some "softer" means such as "restriction of movement; removal from positions of authority in local government institutions and the police; dismissal from jobs; denial of medical care, and arbitrary searches of homes".<sup>32</sup> In brief, it could be said that "ethnic cleansing" represents a set of all violent and non-violent means by which members of some ethnic group are forced to leave a certain geographical location or area.

Basiuni's expert team then concludes that "all parties involved in the conflict have committed 'grave breaches' of the Geneva Conventions and other violations of international humanitarian law. These violations include the killing of civilians, rape, torture, and the deliberate destruction of civilian property, including cultural and religious property, such as churches and mosques. But, there are significant qualitative differences. Most of the violations were committed by Serbs against Bosnian Muslims. The second largest group of victims was Croats, whose perpetrators have been Serbs from Serbia, BiH, and the Krajina areas. Both Bosnian Muslims and Catholic Croats have also victimised Serbs in BiH and Croatia, but in lesser number. The policy of 'ethnic cleansing', however, has been systematically carried out by Serbs in BiH and Croatia against their opponents, though Croats have also carried out similar policies, but on a more restricted scale, against

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30 See reports by the Amnesty International: To bury my brother's bones, July 1996 (AI index: EUR/63/15/96) i The missing of Srebrenica, September 1995, (AI index: EUR/63/22/95). Also : THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, INTERNATIONAL TRIBUNAL PROSECUTOR AGAINST RADISLAV KRSTIC TUŽILAC MEĐUNARODNOG SUDA PROTIV RADISLAVA KRSTICA. Subject no. IT-98-33-PT (<http://www.un.org/icty>)

31 In the: Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992)- Annex IV The policy of ethnic cleansing, UN document, S/1994/674/Add.2 (Vol. I), 28 December 1994, Chapter I – Introduction,

32 In : THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, THE PROSECUTOR OF THE TRIBUNAL AGAINST VOJISLAV SESELJ, subject IT-03-67, count 17.g., <http://www.un.org/icty>

Serbs in Croatia and Muslims in Herzegovina. Forceful population removal by BiH of Serbs has also occurred in some limited areas, but not as a policy. In fact, BiH-occupied areas contain both Croats and Serbs, while Bosnian Serb areas have been cleansed of all but Serbs. The Krajina areas in Croatia also have been cleansed of Croats, while Eastern and Western Slavonia (Croatia) have been cleansed of Serbs.<sup>33</sup> Croatian forces in the Republic of Croatia and BiH have engaged in 'ethnic cleansing' practices against Serbs and Muslims. Croats, for example, have conducted 'ethnic cleansing' campaigns against Serbs in Eastern and Western Slavonia and in parts of the Krajina region, as well as against Muslims in the Mostar area. While Bosnian Muslim forces have engaged in practices that constitute 'grave breaches' of the Geneva Conventions and other violations of international humanitarian law, they have not engaged in 'ethnic cleansing' operations. The vast majority of reports alleging 'ethnic cleansing' operations involved Serbian forces who have used means, such as the mass killing of civilians, torture, sexual assault, the bombardment of cities, the destruction of mosques and churches, and other practices to eliminate Muslim and Croat populations that lie within Serb-claimed territory".<sup>34</sup>

Similar conclusions were reached by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights for the Former Yugoslavia,<sup>v</sup> who noticed another important issue: "another factor which contributed to the intensity of the ethnic cleansing in the zones under Serbian control is significant imbalance between the armaments at the disposal of Serbs and materiel at the disposal of Muslim population in Bosnia and Herzegovina. In 1991 the war broke out between Croatia, just having acquired independence, and Yugoslav People's Army (JNA) and Serbian irregular forces in Croatia. Bosnian Muslims who, at that time still being an integral part of Yugoslavia, tried to avoid being conscripted and drawn into the conflict while a part of the Serb population in the north joined the armed forces fighting in the Croatian zones near Bosnia. Following the international recognition of Croatian independence and withdrawal of the JNA, a considerable part of forces were replaced in Bosnia. Upon the 'demobilisation' of those forces, considerable amounts of stocks of military materiel were left under the control of Bosnian Serbs while numerous soldiers of 'demobilised' troops remained in Bosnia by reason of forming of an army of the newly formed Serb Government. However, the armament of the Muslim population remained rather poor".<sup>35</sup>

The author of this paper believes that there is no essential difference in mentality between Bosnian Muslims, Serbs and Croats and we dare say that Bosnian Muslims and/or Bosnian Croats would be title holders of ethnic cleansing had they by the concatenation of historical circumstances been those having the largest quantities of arms on their side, and in support of this claim we may cite (as an example) the conduct of the Croatian Army in

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33 Final report of the United Nations Commission of Experts established pursuant to Security Council Resolution 780 (1992) – Annex IV The policy of ethnic cleansing, UN document, S/1994/674/Add.2 (Vol.I), 28 December 1994, Chapter I - Introduction

34 *ibid.*

35 *ibid.* paragraph 14

the course of its operations “Flash” i “Storm” in 1995 as well as that of the 5<sup>th</sup> Corps of the BiH Army during the capture of the insurgent enclaves of Bihac and Western Bosnia.

Yet, thinking in thinking along these lines, we are not attempting either to reassess or render relative the responsibility for the committed violations of the Geneva Convention and international humanitarian law. We would only like to emphasise the fact that the Serbs, alleged up until 1995 to have carried out “ethnic cleansing” on the widest scale, twice were victims of the mass ethnic cleansing: first in 1991 and 1990, at the beginning of the war in Croatia and Bosnia and Herzegovina, when hundreds of thousands of ethnic Serbs were forced to leave their homes in these countries and mainly sought refuge in Serbia; then in 1995, upon the Croatian Army operations of "Flash" and "Storm", when practically the entire Serbian population of Krajina was expelled, and the third time following the end of war in Kosovo.

The expulsion from Krajina presents the largest single episode of the mass exodus throughout the course of the Yugoslav wars. As a result of that 'ethnic cleansing', the Serbian population of Croatia was reduced from 12.5% (or 600 000 people), as registered at the 1991 census, to 4.5% (or 201 000 people) as shown by the figures from the last census of the Republic of Croatia, conducted in April 2001. Thus Croatia has practically been 'cleansed' of Serbs.

The third huge wave of the forced exodus of Serbs, as pointed out already, took place after the termination of the war in Kosovo. The *Human Rights Watch* reports: "By the end of 2000 over 210 000 Serbs took refuge from the province, most of them leaving in the course of the first 6 weeks upon the arrival of the NATO. Those staying behind increasingly concentrated in mono-ethnic enclaves like the northern part of Kosovska Mitrovica, Kosovo Polje or Gracanica",<sup>36</sup>

As the result of these three episodes, Serbia today accommodates 649 980<sup>37</sup> refugees, internally displaced and war-affected persons, which makes it the country with the largest number of refugees in Europe. While the return of refugees originating from Croatia and Bosnia-Herzegovina produces some, albeit shy results, the return of Kosovo Serbs to Kosovo does not exist at all and it is completely uncertain when those citizens will (and whether they will at all) be able to return to their homes.

## PARAMILITARY FORMATIONS

Another specificity of the Yugoslav wars (and especially wars of Croatia 1991-5 and Bosnia-Herzegovina 1992-5) is the use of a large number of paramilitary formations.

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36 Human Rights Watch, *Under Orders: War Crimes in Kosovo*, Samizdat B92, Belgrade, (2003: 31)

37 This figure presents an aggregate of 377 431 refugees, 74 849 of war-affected and 197 700 internally displaced persons located in Serbia.

As far as we know, the only comprehensive study of paramilitary units in those wars is an investigation conducted in the second half of 1994 by the expert commission of the United Nations under the leadership of Sheriff Basiuni.<sup>38</sup>

The report classifies the paramilitary units in the territory of the former Yugoslavia into 4 categories: "Special Forces, 'Militias', 'Paramilitary units', and 'police augmented by armed civilians'<sup>39</sup> The chapter further says:

"The conflict in the former Yugoslavia has seen the widespread use of paramilitary organisations within the territories of the Republic of Bosnia and Herzegovina (BiH), the Republic of Croatia, and to a lesser extent, the Federal Republic of Yugoslavia (FRJ). The use of paramilitary organizations by all 'warring factions' must be viewed in the context of the break-up of Yugoslavia and the structure of the military before the break-up"<sup>40</sup> As to the difference among respective units, the report notices that "paramilitary organizations exist in several forms. Some are highly-organized groups and operate in several theatres in conjunction with regular military formations. Others are loosely organized and act alone in a single village or on an *ad hoc* basis. Some of the groups preceded the conflict, others followed it. Still others were formed as the need arose during the conflict. These groups have been organized by the governments or militaries of the warring factions, by political parties, as well as by local police, political, military or community leaders. The members of these paramilitary organizations have been drawn from the regular army, Territorial Defence forces, local militia and police, local civilians, expatriates, and foreign nationals. According to some reports, the paramilitary organizations also include criminals released from prison solely for the purpose of forming these units."<sup>41</sup>

The results of the investigation are as stated below:

- There are at least 83 identified paramilitary groups operating in the territories of the former Yugoslavia: 56 are working in support of FRJ and the self-declared Serbian Republics; 13 are working in support of the Republic of Croatia; and 14 are working in support of Bosnia-Herzegovina;
- The number of paramilitary groups, and the size of each group, has varied throughout the course of the conflict. The number and size of the groups rise, for example, when the conflict intensifies. The reports received indicate only a rough approximation of paramilitary troop strength. The number of persons in paramilitary groups fighting in support of BiH range from 4,000 to 6,000; between 12,000 and 20,000 have supported the Republic of Croatia; and

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38 Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992) - Annex III.A Special forces, UN document S/1994/674/Add.2 (Vol. I), 28 December 1994

39 *ibid* . Chapter I: Introduction

40 *ibid*.

41 "*ibid*.

between 20,000 and 40,000 paramilitaries have fought on behalf of the self-declared Serb Republics;

- In addition to the 83 paramilitary groups, there are groups which consist of persons who have been drawn essentially from outside the former Yugoslavia. Three groups specifically mentioned are the Mujahedin (operating with the BiH Army), the Garibaldi Unit (an Italian unit operating alongside the Croats), and Russian Mercenaries (operating in conjunction with the Serbs). There are also general reports of the presence of mercenaries from Denmark, Finland, Sweden, the United Kingdom, and the United States.<sup>42</sup>

Almost all reports read by this author agree that the gravest breaches of humanitarian law in the Yugoslav wars were committed by members of paramilitary units. The authors of the above-stated report consider that this may mostly be ascribed to the fact that the members of paramilitary units were mainly younger people, more capable of committing violence and less susceptible to control, as well as that those were often persons with a criminal past.<sup>43</sup>

The authors of this report also claim that the greatest extent of paramilitary activities was observed on the Serbian side involved in the Bosnian conflict, but, in our opinion, there are several reasons explaining a major role the paramilitary units played on the Serbian side to the conflict.

First, the official policy held by the Milošević's regime was that "Serbia is not at war". In other words, following the recognition of Croatia and Bosnia-Herzegovina as independent states, any presence of foreign troops (that is, that of the regular armed forces of the other former Yugoslav republics as well) would be considered as an aggression, due to which sanctions were imposed on the FR Yugoslavia by the United Nations in May 1992.<sup>44</sup> We hold a view – though we can not formally affirm it at present – that in the given international political constellation the Milošević's regime decided to place the reliance on irregular, paramilitary forces.

The second reason was the so-called "mobilisation crisis" of 1991-1992: "Confronted with the systematic avoidance of responding to the partial mobilisations of 1991, the then JNA gave in to the pressures and temptations of the Milošević's apparatus and permitted the operation of paramilitary units within its formations, but under somebody

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42 *ibid.* In: Chapter C: Summary analysis.

43 *ibid.* Chapter I («Introduction»), subchapter D («General Remarks»).

44 It is interesting that Croatia, in spite of the Seville-times-confirmed presence and aggressive actions of the Croatian Army (official Croatian armed forces) in Bosnia and Herzegovina, was never punished by any sanctions. More details on the presence of the Croatian Army in (BiH) can be found in 1) the Hague indictment against Mladen Naletilic and Vinko Martinovic, subject no. IT-98-34-I, counts 7-11 and 43. Also: Branko Horvat, «The Wars in Yugoslavia: Notions of a Contemporary », Wars in Yugoslavia of 1991-1999, Society for the truth about antifascist national liberation war in Yugoslavia of 1941-1945, Belgrade, 2002, p. 70. Also, the report by the U.S. Department of State: Bosnia and Herzegovina Human Rights Practices, 1995, U.S. Department of State, Date: March 1996

else's command and control."<sup>45</sup> Also, Misha Glenny mentions the failure of the 1991-92 mobilisation in Serbia stating that when "in Belgrade there was the mass mobilisation of reservists ordered, only 10 per cent of those liable to it responded. Concurrently, thousands of young men in Belgrade slept in somebody else's flats and houses every night to avoid the draft"<sup>46</sup>

The author of this paper has unsystematic knowledge that the response to the draft was higher in smaller Serbian towns than in Belgrade,<sup>47</sup> but this does not change the fact that we cannot talk about the unanimous acceptance of the war in Serbia. To say the least, Serbia entered into the conflict deeply divided. Nevertheless, the then regime did not take into account the fact that the majority of those called under arms had refused to respond to the war, and launched a war adventure with the forces it had at hand: the regular JNA forces (later renamed into the Yugoslav Army)<sup>48</sup>, the special police forces and paramilitary units (often composed of persons with criminal past).

## PRISON CAMPS AND PLACES OF DETENTION

Finally, one of the specificities of Yugoslav wars, especially, the wars in Croatia and Bosnia-Herzegovina, is the existence of a large number of prison camps, or more precisely, places of detention. They are, in the first place, characterised by a wide variety:

- First of all on the *official or formal level*. Some prison camps were under control of the regular armies, while the others were of an unofficial, almost private character, under control of local military and paramilitary heavies.
- Prison camps vary according to the *length of functioning*. While some of them function only for several weeks, some were functioning as prison camps throughout the entire course of the conflicts.

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45 Miloš Vasić and Filip Švarn, "Serbian Paramilitary Formations of 1990-2000", In the State Force Triangle: army, police, paramilitaries, Helsinki Committee for Human Rights in Serbia, Belgrade, 2001, p. 57.

46 Miša Gieni, *Pad Jugoslavije: treci balkanski rat*, Belgrade, Samizdat, 1992, p. 141. (Misha Glenny, *The Fall of Yugoslavia*, 1992, 1993, 1996). Pursuant to our informal information, this Glenny's datum is correct, the response in some of Belgrade municipalities reaches barely 8%.

47 "Unsystematic" because the official figures on draft response in 1991 and 1992, as well as the figures from 1999 have never been made public.

48 The Yugoslav Army, the official armed force of Serbia and Montenegro, kept to a considerable degree a multiethnic character, a part of its regular, recruitment and reserve contingent of that army being still composed of the Hungarians, Slovaks, Ruthenians and other nationalities of Vojvodina and Muslims (Bosniaks) of Sandžak. Not to talk about the Montenegrins.

- Prison camps also differ in accordance with the *number of prisoners*. While some had several dozens inmates, some contained several thousand.<sup>49</sup>
- Prison camps also varied according to the *purpose*. While some functioned as ordinary places of detention, others, however, had special purposes, like, for example, the detention of women and their sexual assault and rape.<sup>vi</sup>
- Prison camps also differed pursuant to the *diversity of facilities used for detention*. In this respect, there were used classical prisons and correctional institutions, as well as military barracks, police stations, primary and secondary schools, sports halls and various industrial, traffic and trade facilities, abandoned mines, warehouses, agricultural states, silos, catering establishments (hotels, motels, inns, disco clubs), as well as private houses.

It is important to note that in the vast majority of these sites of detention grave breaches of the Geneva Convention and humanitarian law occurred. Almost everywhere severe beating up and detention in inhuman and life-threatening conditions was a *minimum* treatment reserved for prisoners. Somewhere, however, the treatment of prisoners was left to a perverse imagination of prison camp guards.<sup>vii</sup>

The worst reputation, with regard to the grave breaches of the Geneva Convention and humanitarian law was held by the following places of detention:

**Prison camps under Serbian control:**

- “Manjaca, in the municipality of Banja Luka, roughly from 21st April to 18th December 1992;
- Batkovic, in the area of Biljeljina, roughly from 1st June 1992 to 31st December 1992
- the school Vuk Karadžić in the municipality of Bratunac, from 1st May to 31st December
- Luka, in the municipality Brcko, from 7th May to the beginning of July 1992
- the arms dump Bare, the municipality, from 1st May 1992
- the prison Spreca, the municipality of Doboj, from 1st May 1992
- the police station of the municipality of Doboj, from 1st May to 31st July 1992
- the disco club “Percinov disko”, the municipality of Doboj, from 1st May 1992
- the JNA barracks Ševarlije, the municipality of Doboj, from 1st May to 30th June 1992
- the JNA hangars near the Bosnian plantation, the municipality of Doboj from May 1992

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49 Thus, for example, in the ICTY indictment against Vojislav Šešelj, there are examples stated of the places of detention which had only three (3) detainees, while some had up to 1200. Source: THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, THE PROSECUTOR OF THE TRIBUNAL AGAINST VOJISLAV SESELJ, Subject IT-03-67, count 25, <http://www.un.org/icty>

- the correctional facility in the municipality of Foca, from 18th April 1992 to 31st December 1992
- Omarska, the municipality of Prijedor, from 15th May to 15th August 1992
- Keraterm, the municipality of Prijedor, from 15th May to 6th August 1992
- Trnopolje, the municipality of Prijedor, from 15th May to 30th September 1992
- Rasadnik/Sladara, the municipality of Rogatica, from 1st May to 31 December 1992
- school Veljko Vlahovic, the municipality of Rogatica, from 1st May to 31st August 1992
- Betonirka, the municipality of Sanski Most, from 27th May to 7th July 1992
- Sušica, the municipality of Vlasenica, from 2nd June to the beginning of September 1992
- Cultural Centre of Celopek, the municipality of Zvornik, from 29th May to 30th June 1992
- Ekonomija, the municipality of Zvornik, from 7th to 22nd May 1992
- Technical School of Karakaj, the municipality of Zvornik, from 29th May to June 1992
- the prison camp of Rajlovac, the municipality of Novi Grad<sup>50</sup>

### **The camps under control of Bosnian Croats**

- the prison of Kaonik, near Busovaca
- the cinema at Vitez
- the SDK premises at Vitez
- the chess club at Vitez
- the primary school at Dubravica
- the municipality building at Kiseljak
- the barracks at Kiseljak
- the village of Rotilj
- Nova trgovina<sup>51</sup>.
- veterinary station at Vitez
- the house at Gacice<sup>52</sup>
- the prison camp Heliodrom [Heliport] at Rodoce, the municipality of Mostar
- the primary school at Dobrkovici, in the municipality of Lištica-Široki Brijeg
- the police station in the municipality of Lištica-Široki Brijeg

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<sup>50</sup> Source: The Indictment against Momcilo Krajišnik, International Criminal Tribunal for the former Yugoslavia, subject: IT-00-39I, count 13.

<sup>51</sup> Source: Indictment against Dario Kordic and Mario Cerkez, International Criminal Tribunal for the former Yugoslavia, subject: IT-95-14/2-PT, count 44.

<sup>52</sup> Source: Indictment against Tihomir Blaškic, International Criminal Tribunal for the former Yugoslavia, subject: IT-95-14-T, count 11.

- the basis of Punitive Battalion of the Croatian Defence Council (HVO) in the municipality of Lištica-Široki Brijeg
- the basis Punitive battalion of the Croatian Defence Council (HVO), in the municipality of Ljubuško
- the prison, in the municipality of Ljubuško
- the basis Punitive battalion of the Croatian Defence Council (HVO), in the municipality of Mostar<sup>53</sup>
- Dretelj, the municipality of Capljina<sup>54</sup>
- the prison Lora, the municipality of Split<sup>55</sup>
- the prison camp in Kupres<sup>56</sup>
- the prison camp in Kozarska Dubica<sup>57</sup>,

**Of all prison camps under control of Bosnian Muslims, the following ones had the worst reputation:**

- Celebic, the municipality of Konjic<sup>58</sup>,
- the former JNA barracks of Viktor Bubanj in Sarajevo,
- the restaurant Sunce /Sun/, in Sarajevo
- Tarcin, Bihac, Pazaric, Igman, Hrasnica, and Mostar.<sup>59</sup>

Regarding the *number of prison camps* that existed throughout the course of the Yugoslav wars, the United Nations experts' report, written at the end of May 1994, says the following: "The reports reviewed allege a total of 960 reported places of detention in the territory of the former Yugoslavia. Of those 960 alleged places of detention, 466 (48.5 per cent) were reportedly operated by Bosnian Serbs or forces of FRJ; 121 (12.6 per cent) by Bosnian Croats or the Government of Croatia and the Croatian Army; 84 (8.8 per cent) by the Government and Army of BiH or Bosnian Muslims; 32 (3.3 per cent) jointly by Bosnian Muslims and Bosnian Croats; 9 (.9 per cent) as private prisons, individuals or

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53 Source: Indictment against Mladen Naletilic and Vinko Martinovic, International Criminal Tribunal for the former Yugoslavia, subject: IT-98-34-I, counts 28-31.

54 Source: Documents on war crimes in the territory of the former Yugoslavia 1991-5, (X report), the Federal Republic of Yugoslavia, Komitet za prikupljanje podataka o izvršenim zločinima protiv čovečnosti i međunarodnog prava. Publisher: Služba za zajednicke poslove Savezne vlade i saveznih organa uprave, Belgrade, 2001, p. 37-112.

55 *ibid.* p. 113-301.

56 *ibid.* p. 304-358

57 *ibid.* p. 359-386.

58 Filip Švarn, "Prison Camp", Vreme, Belgrade, FR Yugoslavia, 3/30/96. Also, in the Hague indictment: THE PROSECUTOR OF THE TRIBUNAL AGAINST ZEJNIL DELALIC, ZDRAVKO MUCIC (also known as "PAVO"), HAZIM DELIC and ESAD LANDZO (also known as "ZENGA"), count 2, <http://www.un.org/icty>

59 <http://www.gov.yu/cwc/rezimeiz.htm>

groups; 4 (.4 per cent) by the Government or armed forces of Slovenia; and 244 (25.4 per cent) by unidentified forces”<sup>60</sup>

Unfortunately, neither this report, nor any other produced by international bodies and agencies, gives an *accurate, or at least approximate, number of camp inmates that passed through these camps*. Therefore we had to address the Associations of Ex Camps Survivors.

With regard to Bosnian Muslim (or: Bosniak) side, according to the allegations by the non-governmental organisation *Centre for Torture Victims* from Sarajevo, referring to “the reliable data (collected by) the *Documentation centre of Association of ex camps survivors*, there were approximately 600 places of exile. The number of prisoners was approximately 250.000, and 39.000 persons were killed in concentration camps.”<sup>61</sup> The Internet presentation of the organisation *Centre for Torture Victims*, points out that the presented data at issue are relevant for the war in Bosnia-Herzegovina (April 1992-November 1995). Regarding the *number of prison camps*, in the written communication with this non-governmental organisation, we received the following information: “According to the data of Documentation centre of Association of Ex Camps Survivors of Bosnia-Herzegovina, in the territory of Bosnia-Herzegovina there were 614 prison camps and various places of detention established. About 250 000 people passed through camps, confinements and improvised places of detention. The Serbian faction held 572 camps, Croatian 39, and Bosniaks 3 ones. These are data from 2001. At present, the Association has at its disposal the figure of 650 places of detention and camps. The data are not final and the work on the data collection is still in progress”<sup>62</sup>.

Concerning the Serbian side, there is information by the *Committee for Collection of Data on Committed Crimes against Humanity and International Law*, which is the official body of the Serbian and Montenegrin Government responsible for the gathering of relevant data. According to the data of the *Committee*, Serbs, both war prisoners and civilians, were confined in the “total of 778 prison camps, 536 of which were in the territory of Bosnia-Herzegovina, 221 in that of Croatia and 21 in that of Slovenia.”<sup>63</sup> Unfortunately, the Committee has not collected the data on the total number of people who passed through these prison camps. However, according to the information of the *Association of Ex Camps Survivors of the Wars 1991-95 from Belgrade*, we may talk about

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60 Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992), United Nations, S/1994/674/Add.2 (Vol. IV), 27 May 1994, Annex VIII - part 1/10, Prison camps - Chapter II, “Summary and analysis”, Sub-chapter B. “Observations”

61 Homepage Centre for Torture Victims. (<http://www.bannet.org/2-4ctv.htm>)

62 These are informal, unpublished and unverified data obtained in the written communication with the organisation Centre for Torture Victims from Sarajevo.

63 Source: Documents on war crimes in the territory of the former Yugoslavia 1991-5, (X report), the Federal Republic of Yugoslavia, Komitet za prikupljanje podataka o izvršenim zločinima protiv čovečnosti i međunarodnog prava [Committee for Collection of Data on Committed Crimes against Humanity and International Law]. Publisher: Služba za zajednicke poslove Savezne vlade i saveznih organa uprave, Belgrade, 2001, p. 419. Within the same publication the Committee also published the list of all these prison camps as well as their geographical map, which is reproduced in the Annex of this paper.

5 000 ex camp survivors currently living in Serbia and Montenegro. The *Association's* database has personalised data on 1 756 camp survivors who are regular beneficiaries of services provided by the Centre for Rehabilitation of Torture Victims (CRTV), the non-governmental organisation the *International Aid Network* from Belgrade. It should be mentioned that there have been no official Serbian-Montenegrin data on the camp survivor number yet and that the allegation of the *Association of 1991-95 wars ex camps survivors* on 5 000 victims should be confirmed by a detailed register of all the torture victims known to this Association. "Yet, much more data on the suffering of the Serbian side are provided by the *Association of Republika Srpska (BiH) ex camps survivors*, established in December 2002 in Banja Luka. Namely the *Association* states that it is in possession of the documentation on 55 000 Serb ex camps survivors who were detained in 536 camps for Serbs in the territory which today constitutes the Federation of BiH, as well as of the list of 3156 persons –givers of orders and perpetrators of crimes committed against the imprisoned Serbs".<sup>64</sup>

Regarding the Croatian side, we have not succeeded in coming to know the number of camps in which Croatians were detained, but, on the other hand, we learned that the *Croatian Association of Croatian War of Independence Camp Survivors [Hrvatska udruga logoraša Domovinskog rata]*, "numbers 8 060 Croatian – civilians and soldiers – who spent shorter or longer period in Serbian prisons or camps."<sup>65</sup> *The Association [Udruga]* also makes no mention of the number of Croatians in the camps operated by Bosnian Muslims (Bosniaks) throughout the course of the war conflict among the Bosnian Croatian and Muslim forces, lasting from October 1992 to March 1994.

However, the aforementioned figures suggest certain observations. Thus, let's say, the allegations of the stated organisations do not comply with the findings of the Basiuni's expert commission. For example, if the number of camps and places of detention published by the *Centre for Torture Victims* from Sarajevo (600) and that of camps and places of detention published by the *Yugoslav Committee for Collection of Data on Committed Crimes against Humanity and International Law* (778) would be added up – with the number of camps and places of detention in which Croatians were confined - still unknown to us! – we would arrive at the figure of 1378, which is by far more than 960 camps and places of detention whose existence was affirmed by the Basuini's commission. Some of possible explanations are stated below:

- It is possible that the Basiuni's commission, in the course of its stay throughout 1994 in the war-engulfed Yugoslavia, did not discover all camps and places of detention

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64 "Srpska Srebrenica", NIN, issue no. 2758, 6th November 2003, page 26. The Association of Republika Srpska ex camps survivors's website (<http://www.savezlogorasa.rs.rs/>) is being updated at present and according to the words of its webmaster the updated website will soon be accessible to the public.

65 "Criminals walking free!", Slobodna Dalmacija /Free Dalmatia/ (<http://www.slobodnadalmacija.hr/20020509/zadar01.asp>)

- Perhaps, between 1994 (when the commission was in the field) and 2001 (when the aforesaid institutions published their data) there were 418 new camps established. Yet, it would be really a miraculous enterprise, because the war in Bosnia ended in November 1995, so that the warring factions had only a year to put 418 new camps in operation.
- The former warring factions might be in fact trying to present themselves primarily as victims, while, on the other hand, they are making efforts to minimise or negate the acts falling within their responsibility. Thus, for example, the CTV Sarajevo, in its written communiqué, claims that Bosniaks held only 3 camps throughout the course of the war in Bosnia, which strongly contradicts allegations made by the Basiuni's commission that Bosniaks themselves controlled 84 camps, along with 32 more operated jointly with Bosnian Croats. On the other hand, the *Yugoslav Committee for Collection of Data on Committed Crimes against Humanity and International Law* does not mention any camps operated by Serbs, but deals only with the crimes against Serbs. Minimisation or negation, means may differ, an impression is gained that the war waged with arms is now waged with numbers. It seems that great further efforts, research, moral courage and intellectual honesty will be needed to enable the numerical truth about certain aspects of the wars in the former Yugoslavia to come to light.

## HUMAN TOLL OF THE WARS IN THE FORMER YUGOSLAVIA

Four wars in the territory of the former SFRY took huge death toll. Besides the heaviest toll in lives, those killed and those who died as a result of the inhuman and cruel living conditions imposed on the civilian population of warring factions, the wars damaged hundreds of thousands of those who survived: from the physically disabled, through those suffering from permanent psychological disorders, to the forcibly displaced, confined, raped, tortured ones or those who, for years now, have been waiting to learn something about the fate of their loved ones registered as missing.

Although each of the above-mentioned categories of victims of the Yugoslav wars deserves a special balance-study (due to the complexity of the subject, historically specific complexity of the victimisation circumstances and difficulties in the determination of an accurate number of victims) we have limited ourselves in this chapter only to *the killed* and *the missing person*).<sup>viii</sup>

## CASUALTIES

### War in Slovenia (27<sup>th</sup> June – 7<sup>th</sup> July 1991)

As reported by the Zagreb daily *Jutarnji list*, "according to the data of the Slovenian Red Cross [Crveni križ], in only ten days, which was the duration of the formerly westernmost republic of the SFRY, at least 62 people lost their lives, among them 32 soldiers of the then JNA, four members of the Slovenian Territorial Defence and police respectively, five civilians and ten foreign citizens. There were no cities destroyed, but considerable damage was recorded to have been inflicted on certain border-area buildings during the JNA withdrawal. There should be added a datum by the Yugoslav authorities, entered into the charges filed with the international court in The Hague accusing Slovenia of the killing of 54 soldiers of the former JNA, which increases the war balance to **77 individuals killed**. Among the casualties, mainly the members of the former JNA, there were people of Croatian and Bosniak origin".<sup>66</sup>

### War in Croatia (1991-1995)

"In the war in Croatia 1991-1995, there were 834 casualties, 6 790 of whom were Croats and 298 Serbs", according to Ivan Grujic, President of the Croatian *Office for Detained and Missing Persons [Ured za zatocene i nestale]*. This figure of the killed Serbs does not encompass the members of the Army of the Republic of Serb Krajina [VRSK] and the casualties of the operations 'Flesh' and 'Storm', in which 1 000 persons were killed and 800 persons disappeared. On the other hand, according to the data of the *Documentation Centre "Veritas"*, in Croatia there were 6 744 Serbs killed"<sup>67</sup>

If all the figures of the **killed** presented by the Croatian *Office for the Detained and Missing* (11 834 + 1 000) are summed up, we arrive at the figure of 12 634. If we add to this figure the figure of 6 744 presented by the *Documentation Centre Veritas* (while it remains unclear whether *Veritas* there also counted in 298 Serbs a 1 000 civilians and members of the Army of the Republic of Serb Krajina, the victims of the operations 'Flesh' and 'Storm') we reach the number of **19 608** persons. We point out that this is the maximum possible figure (considering the dilemma related to the *Veritas's* data).

Nonetheless, this total figure seems rather reliable, taking into account that the United Nations Commission of Experts in its report of 28<sup>th</sup> December 1994 (that is *prior to*

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66 "Eight years of war: What is the Price of Milošević's politics? - 250.000 dead and 110 billion-dollar damage", *Jutarnji list*, 29.03.1999 (<http://www.monitor.hr/jutarnji/1999-03/29/steta.htm>).

67 *Danas*, 5th March 2003, p. 2.

the Croatian Army operations "Flash" and "Storm" in 1995) estimated that the number of casualties in the Croatian war was "over 16 000 persons".<sup>68</sup>

Yet, we must say that the number of casualties throughout the war in Croatia is by no means completely covered by this figure, and this remark holds true for the war in Bosnia-Herzegovina as well. Namely, we still do not know how many *citizens of Serbia and Montenegro* died in these two wars. All the time throughout the course of the Milošević's regime (9<sup>th</sup> December 1990 – 5<sup>th</sup> October 2000) the official policy, with regard to this issue, was that "Serbia was not at war". In spite of the war raging in the neighbourhood and in spite of the existence of numerous informal indications as well as the allegations of various international bodies that some citizens of Serbia and Montenegro took part in the war in Croatia, the authorities behaved as if Serbia and Montenegro had nothing to do with it. Thus, if "Serbia was not at war", then nobody from Serbia could be killed in the war waged outside its borders. Therefore, an impression was gained that among the citizens of Serbia and Montenegro there were no casualties whatsoever. Unfortunately, new authorities coming on the political scene after 5<sup>th</sup> October 2000, have not announced the official number of the Serbian and Montenegrin citizens killed in these 2 wars either, so that this still remains a subject to be investigated.

### War in Bosnia (April 1992 – November 1995)

According to the report "Status of Biological Substance and Changes in the Population of Bosnia-Herzegovina", by the *Public Health Institute of Bosnia-Herzegovina*, published in *May 1998*, casualties of the war in Bosnia-Herzegovina "exceed **250 000 killed and missing persons.**"<sup>69</sup> The Internet presentation of the *Patriotic Parties of Bosnia and Herzegovina* presented larger numbers: "Sarajevo, 29<sup>th</sup> March, 1996 – *State Public Health Commission* published the data on the casualties of the aggression on BiH in the period from 1992-1995. **The number of killed and missing persons amounts to 278 000** (which is 6.37% of the pre-war population Republic), and number of displaced 1.37 million (31.39%). The majority of victims (140 800 dead or 50,65% of the total number of deaths, or 7,39% of the pre-war number of Bosniaks in the Republic of BiH) are Bosniaks, mostly civilians, followed by the Serbs (97 000 dead, or 35% of the total number of deaths, or 7.1% of the pre-war population of Serbs in the RBiH – mainly soldiers) and Croats (28 400

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68 "By the time a cease-fire was signed in Spring 1992, Serbian irregular forces and the JNA had captured one-third of Croatia's territory; over 16,000 persons were killed, and there were hundreds of thousands of refugees", Final report of the United Nations Commission of Experts, established pursuant to security council resolution 780 (1992) - Annex IV, The policy of ethnic cleansing, III. Planning and implementing the «ethnic cleansing» campaign, A. Preparing for War, 28 December 1994 (unspecified number of UN document. The report may be found at: <http://www.ess.uwe.ac.uk/comexpert/ANX/IV.htm>

69 Sabina Popovic, Torture, consequences and rehabilitation – Bosnia-Herzegovina, CTV Sarajevo, 1999, p.19.

dead or 10.22% of the total number of deaths in the RBiH, or 3.76% of the pre-war population of Croats in the RBiH).”<sup>70</sup>

We will notice that apart from the difference of 28 000 killed and missing persons, these two aforementioned sources of information are characterised by one more difference: the first presents the official data of May 1998, while the latter discloses the official data of 29<sup>th</sup> March 1996. Therefore, we will use the data of a later date (not only because we believe that in the course of 2 years – from 1996 to 1998 – there was more time for a more systematic data processing but also due to the fact that fate of at least one part of the missing was solved meanwhile, either by discovering that they were alive or, on the other hand, dead. Therefore, we tend to consider the figure of **250 000 killed or missing persons** more plausible.<sup>71</sup>

### War in Kosovo

With regard to the war in Kosovo, we have decided to divide that war in 3 time intervals: I. pre-NATO period (1<sup>st</sup> January 1998 – 24<sup>th</sup> March 1999); II. NATO bombardment of the FR Yugoslavia (24<sup>th</sup> March 1999-11<sup>th</sup> June 1999); III. post-NATO period (from 11<sup>th</sup> June 1999 up to now).

#### Pre-NATO period (1<sup>st</sup> January 1998 – 24<sup>th</sup> March 1999)

What is characteristic of the *pre-NATO period*, is that in this interval there occurred numerous conflicts between the Yugoslav armed forces (Yugoslav Army, police, and paramilitary formations) on one hand, and the Kosovo Liberation Army - KLA (UCK) and several groups of armed civilians, on the other. Unfortunately, the fighting caught not only the two armed forces in conflict, but it also took lives of *unarmed civilians*, of all ethnic groups. Civilians perished either by happening to be in the location of the conflict of the two warring factions, or as victims of wilful killings or bombing attacks.

To gain *an approximate idea* on the number of casualties in the pre -NATO period, we had recourse to the Petritsch’s book, whose extensive account has been used in the politico-historical chapter of this paper. On the basis of the Petritsch’s material we counted **224** killed persons of all ethnic groups, also including 36 members of the Kosovo Liberation Army (KLA) who lost their lives in the conflict with the Yugoslav Army (VJ) on the occasion of their attempt to cross the FRY frontier, as well as 6 members of the Serbian Ministry of Internal Affairs. Regarding the casualties among the members of the armed

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70 (<http://www.hdmagazine.com/bps/census.htm>)

71 There are titles in the Serbian press which consider that the number of killed persons in the BiH war is by far smaller. Thus, for example, the article “Years of tragic living” [“Godine tragicnog življenja”], Danas, 5th-6th April 2003, p. 2, says that “various estimates hold that the number of casualties of the war in Bosnia-Herzegovina ranges between 150 and 200 000 people”. However, since the article states no sources, a serious view cannot be taken of such allegations. Apart from that a question poses concerning the methodology and sources of the data for the “estimates” that vary for no fewer than 50 000 people!

forces of the SR Yugoslavia, they will be discussed in more detail in the paragraph dealing with the NATO bombardment. The Kosovo Liberation Army -UCK (KLA), as far as we know, has never published the data on its casualties, so that a grounded consideration of this subject is not possible for the time being. What is the most important for the above-stated number of casualties in the pre-NATO period, is that the given number is by all means larger inasmuch as Petritsch mentions the conflicts with the unspecified number of victims and it being considered that all the death incidents in this period were certainly not accounted for in the Petritsch's material.

#### NATO bombardment of the FR Yugoslavia (24<sup>th</sup> March 1999-11<sup>th</sup> June 1999)

Concerning the *civilian deaths* of the NATO bombardment of the FR Yugoslavia, the organisation Human Rights Watch, in its report *Civilian deaths in the NATO air campaign*<sup>72</sup> concludes that "**as few as 489 and as many as 528** Yugoslav civilians were killed in the ninety separate incidents in Operation Allied Force. In sixty-nine of the ninety incidents, the precise number and the names of the victims are known. In another nine incidents, the number of victims is known and some of the names have been confirmed. In nine incidents, the number of victims is known but the names are unknown. In three incidents, the names and precise numbers of victims are unknown.... Fifty-five of the incidents occurred in Serbia (including five in Vojvodina), three in Montenegro, and thirty-two in Kosovo. But between 279 and 318 of the dead-between 56 and 60 percent of the total number of deaths- were in Kosovo. In Serbia, 201 civilians were killed (five in Vojvodina) and eight died in Montenegro. A third of the incidents-thirty-three-occurred as a result of attacks on targets in densely populated urban areas"<sup>73</sup>

With regard to the *casualties among the members of the Yugoslav armed forces*, a year after the war in Kosovo "the Yugoslav Government published the book under the title of *Homeland Heroes*. It states the names of **1 002 soldiers and policemen** who were killed or disappeared in the course of the fighting with 'Albanian terrorists or throughout the NATO aggression against the FRY', which implies that this figure refers to the casualties from the beginning of 1998 ".<sup>74</sup>

As we have already said, the KLA (UCK), has never reported the data on its losses, throughout the period prior to or in the course of the NATO bombardment of the FR Yugoslavia. Unfortunately, in the period of the NATO bombardment numerous *civilians* of all ethnic groups, were killed, who, according to the allegations of the *Human Rights Watch*, most often were Kosovo Albanians: "up to July 2001, the International Criminal Tribunal for the former Yugoslavia (ICTY) exhumed about **4 300 bodies** persons believed

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72 <http://www.hrw.org/reports/2000/nato>

73 *ibid.* Chapter "Civilian Deaths as a Result of Attacks"».

74 Tim Judah, "Throughout the bombardment NATO suffered no losses", *Danas*, 2nd April 2002, p. 19.

to have been killed by Serbian and Yugoslav forces in Kosovo.<sup>75</sup> That figure is certainly lower than the total number of people killed by the governmental forces. Most importantly, there is indisputable evidence that Serbian and Yugoslav forces removed mass graves and took away bodies, which the authorities coming to power following the ousting of Milošević commenced admitting in the summer of 2001<sup>76</sup>. However, not only Kosovo Albanians are those who perished – members of other groups have perished as well, primarily Serbs and Roma, but more is to be said about them in the chapter on the missing in the Yugoslav wars.

#### Post-NATO period (from 11<sup>th</sup> June 1999 to date)

What characterises the *post-NATO period*, are the frequent violence and numerous killings of members of ethnic minorities, primarily Serbs and Roma, as well as Ashkali, Kosovo Croats, Bosniaks and Torbesh. Violence and murders are the consequence of *collective* revenge against Serbs and Roma, but indiscriminate revenge is not the only motive. In the opinion of the *Human Rights Watch*, "it is not excluded that criminal gangs and vindictive individuals are involved in the incidents occurring after the war. Yet, it is obvious that the responsibility for the large number of these crimes is borne by the Kosovo Liberation Army (KLA) elements. Thirst for revenge offers only a partial explanation, since many of such assaults have a clear political goal: to remove from Kosovo non-Albanian population so that an aspiration to the independent state can be more easily justified"<sup>77</sup>.

According to the allegations of that organisation "following 12<sup>th</sup> June 1999 as far as a thousand **Serbs and Roma** have been killed",<sup>78</sup> and according to the KFOR statistical data "in the period of 5 months upon the arrival of KFOR on 12<sup>th</sup> June up to the beginning of November 1999, in Kosovo there were 379 killings, in 135 incidents of which Serbs were victims.... Between 30<sup>th</sup> January and 27<sup>th</sup> May 2000, KFOR reported on 95 killings in Kosovo. Among the killed persons there were 26 Serbs, 7 Roma, two were Bosniaks, 52 Albanians while the nationality of 8 victims has not been determined".<sup>79</sup>

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75 By the end of December 2002 this figure rose to 4 428: »Pursuant to the latest data, in Kosovo there have been registered the total number of 4,428 persons missing of all nationalities. Exhumations are currently halted up to the spring when the digging up of victims' remains will be resumed. Head of UNMIK's Missing Persons Office, Jose Pablo Barayabar, expects all exhumations in Kosovo to be terminated the next year «. *Danas*, 25th December 2002, p.2

76 Human Rights Watch, *Po naredenju: ratni zlocini na Kosovu*, Samizdat B92, Belgrade, 2003, p. 31 (Original: Human Rights Watch, *Under Orders: War Crimes in Kosovo*, October 2001, by Human Rights Watch).

77 *ibid.* p. 39

78 *ibid.* p. 39

79 *ibid.* p. 560-1.

## THE MISSING

### War in Slovenia (27<sup>th</sup> June – 7<sup>th</sup> July 1991)

During the ten-day war in Slovenia, no case of disappearances was reported.

### War in Croatia (1991-1995)

In its last regular report to the *UN Commission on Human Rights*, submitted on 4<sup>th</sup> March 1996, Manfred Nowak (who was an expert member of the *United Nations Working Group on Enforced or Involuntary Disappearances*, between 1994 and April 1997), writes: "In Croatia, although some 200 cases were clarified there are still more than **2,800 persons missing** as the result of armed conflict between Croatian forces and the Yugoslav People's Army in 1991. It is reported that subsequent to the operations "Flash" and "Storm" launched by the Croatian Army, more than 100 persons have disappeared. It is feared that a vast majority of missing persons are buried in more than 300 suspected mass graves in Croatia and Bosnia and Herzegovina".<sup>80</sup>

However, a year later, in his letter of 26<sup>th</sup> March 1997 by which he resigns his post, Nowak writes: "In the Republic of Croatia, some **5,000 persons are still missing**. This includes more than 2,500 Croatian civilians and combatants who became victims of 'ethnic cleansing' operations by the JNA and Serb paramilitary group in late 1991, above all in Eastern Slavonia;<sup>1</sup> up to 1,000 JNA soldiers allegedly still missing as a result of the armed conflict in 1991; and up to 2,000 Croatian Serb civilians who allegedly disappeared as a result of operations "Flash" and "Storm" carried out by the Croatian Army in May and August 1995. The information provided on missing Serbs is, however, far less detailed and reliable than the information available in missing Croats".<sup>81</sup>

### War in Bosnia (April 1992 – November 1995)

"**Banja Luka** – In BiH, throughout the war passed, according to the data of the *International Committee of Red Cross (ICRC)* **20 879 persons disappeared**, the fate of 3 520 persons has been solved, while **17 353 persons** are still being searched for".<sup>82</sup> Gordon Bacon, Head of the International Commission on Missing Persons (ICMP), by no means agrees with this assessment, considering that "throughout the war 1992-5 there disappeared

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80 Special process on missing persons in the territory of the former Yugoslavia, Report submitted by Mr. Manfred Nowak, expert member of the Working Group on Enforced or Involuntary Disappearances, responsible for the special process, pursuant to paragraph 4 of Commission resolution 1995/35 UN document E/CN.4/1996/36, 4 March 1996

81 Final statement by Mr. Manfred Nowak, Expert, at the fifty-third session of the Commission on Human Rights, Geneva, 26 March 1997 (<http://193.194.138.190/html/country/yugmiss.htm>)

82 Glas javnosti, 13th March 2003, p. 11.

about **30 000** persons<sup>83</sup>, while his opinion is shared in a report by *Amnesty International*, which holds a view that “the missing of Srebrenica, however, comprise only a fraction of the estimated more than a 27 000 people unaccounted for following the conflicts in Bosnia-Herzegovina”.<sup>84</sup>

Finally, Amor Mašovic, President of the *BiH State Commission on the Search for Missing Persons*, states some of the reasons why the data by the International Committee of Red Cross differ from those provided by other organisations: “According to the International Red Cross of BiH, currently the number of missing persons is deemed to be (although the use of this term is strongly opposed by the family associations) 16,862 Bosniaks, 2,522 Serbs, 711 Croats, 35 Albanians, 11 Montenegrins, 19 Roma, 6 Ukrainians, 4 Slovenians and 2 Hungarians.<sup>85</sup> Besides everything, only figures are still contentious. The three Bosnian Commissions on Missing persons keep claiming that these numbers are higher. ‘The Red Cross criteria for reporting missing persons are very strict. Only a member of the immediate family may report while we relied on all available relevant sources: surviving witnesses, neighbours, friends, acquaintances’, says Amor Mašovic, President of the body which is still called the State Commission on Missing Persons. However, one part of the persons found so far has not been entered in the register of the International Committee of Red Cross (ICRC) at all due to several reasons: the whole families disappeared, so that nobody could report them as missing while the others did not know where to report their loved ones who disappeared. Namely, Mašovic, estimates that the number of missing Bosniaks, but also that of Serbs and Croats is higher. We had 31,105 missing persons reported. However, the reports have not been updated, although a certain number of people have been found, a certain number has not disappeared at all, but was reported as missing... Yet, he believes that at present this number amounts to about **28,000**.”<sup>86</sup>

## War in Kosovo

"According to the data of the International Committee of Red Cross (ICRC) up to 15<sup>th</sup> May 2000, the fate of **97 Kosovo Serbs** who disappeared in 1998 has remained unknown."<sup>87</sup> Yet, based on the allegations by Ranko Đinovic, President of the *Association of Families of Missing and Kidnapped Persons in Kosovo and Metohija*, from January 1998 to November 2000, there were **1 230 non-Albanians** missing".<sup>88</sup> According to the ICRC,

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83 Danas, 1-2 February 2003, p. 2

84 Amnesty International report AI:EUR 63/1596

85 That is, the total of 20 202 persons – note by B.R.

86 “Bones Coming Too Late”, Dani, 28th April 2000 (<http://www.bhdani.com/arhiva/152/t1525.htm>)

87 Human Rights Watch, *Po narednju: ratni zlocini na Kosovu*, Samizdat B92, Beograd, 2003, p. 559. Under Orders: War Crimes in Kosovo, October 2001, by Human Rights Watch

88 *ibid.* p. 559.

"**3 525 persons**, including Kosovo Serbs, is registered as missing in action".<sup>89</sup> "Finally, the United Nations Mission in Kosovo has counted 3,961 missing persons from the Kosovo war – 3,108 ethnic Albanians and 853 non-Albanians".<sup>90</sup>

In order to get an insight into the overall number of missing *in all of the Yugoslav wars*, perhaps it would be best to have recourse to the opinion held by the *International Commission on Missing Persons for the Former Yugoslavia (ICMP)* established in 1996 at the summit of the G7, in Lion, France. Namely, based on the estimates of this organisation, "the ICMP estimates that there could be as many as **40,000 persons** still missing as a result of these (i.e. Yugoslav) conflicts".<sup>91</sup>

## CONCLUSION

The purpose of this chapter is to provide an approximate idea of the number of killed and missing persons in the Yugoslav wars of 1991-2000. Namely, due to the time and territorial limitations we were not able to embark on an in-depth analysis of the veracity of the figures presented. However, given that the Yugoslav war is over, we are of the opinion that it is time to conduct reliable balance studies on victims of these conflicts. An extensive research on all sources, their methodologies and manners of establishing authenticity of their data should be conducted. Also, we hold the position that final data would have to be founded on the personal details of each respective victim, such as name and surname, date of birth, date of death (disappearance), origin, military status (member of an armed formation, armed civilian, unarmed civilian) and circumstances of death (disappearance). In brief, we think that there is a need to establish a comprehensive database, a sort of digital "encyclopaedia of the dead" of Yugoslav wars. This would be of importance not only for the final formulation, to say the least, of a numerical truth on the Yugoslav wars, but also for the prevention of any future political manipulation and incitement of belligerent emotions. Namely, as it is correctly perceived by Vanessa Pupavac,<sup>92</sup> an introduction into Yugoslav wars 1991-2000 presented emotionally charged disputes on the number of victims of the national conflicts dating from the time of the Second World War. If the disputes over the number of victims from the Second World War were an introduction into the new Yugoslav Wars in late XX century, then it would be appropriate to have those wars finally over by an overall acceptance of firmly established data on the number of victims.

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89 *ibid.* p. 31.

90 *Vreme*, 22 April 2004, page 4

91 <http://www.ic-mp.org/icmp/home.php>

92 Vanessa Pupavac, "Disputes over war casualties in former Yugoslavia", <http://www.radstats.org.uk/no069/atricle3.htm>

## NOTES

<sup>i</sup> Tim Judah writes (2000: 38-41): "Tito died in 1980. With his death Yugoslav politics was deprived of its final arbiter, and, slowly but surely, the system began to unravel. In Kosovo, the first signs of this came in March and April 1981, when the province was rocked by demonstrations. They began in the University on 11 March, and at the very beginning had nothing to do with politics but with poor living condition at the University and problems in the canteen... Beginning to panic, the authorities called in units of special police, tanks appeared on the streets and a state of emergency was declared. When the unrest had been quelled, the Yugoslav press reported variously that nine or eleven people (including policemen) had died and that 57 had been injured...Arrests and trials now followed. According to Noel Malcolm, citing a 1986 survey published in the Belgrade magazine *NIN*, ' about 1.200 people had been given substantial prison sentences, and another 3.000 sent to gaol for up to three months. Purges of Kosovo's Communist Party of Kosovo now began and several of its leaders, such as its President Mahmut Bakalli... It is vitally important to remember, however, that, at this crucial juncture, and indeed until 1989, it was not Serbs who were in charge in Kosovo. It was Albanians ".

<sup>ii</sup> The sociologist Marina Blagojevic reports on the research conducted in the course of 1985/6 on the sample of Serbs and Montenegrins emigrating from Kosovo. "The basic finding of this survey is that only 15-25% of the cases of migration of Serbs and Montenegrins may be explained by economic factors, while the other cases are of predominantly non-economic character", while "71% of answers pertained to the relations in the place of origin, which were not good or were bad. The most frequent explanations were the ones related to 'a direct verbal pressure' and material damage. Over ¼ of all explanations is related to some form of physical violence", Marina Blagojevic, "The emigration of Serbs from Kosovo: A Trauma and/or Catharsis", *Srpska strana rata* – Popov, Volume I (2002 : 284)

<sup>iii</sup> "On the day of 8<sup>th</sup> January 1998, the KLA assumed the responsibility for a series of assassinations in Kosovo and Macedonia. On 22<sup>nd</sup> January Serbian units broke into a house of a family directly associated with the activities of the KLA in the small town of Srbica/Skenderaj. On that occasion one Albanian was killed. On the same day, obviously in reaction to this incident, two Serbs were killed. The exacerbation of events sparked off rumours according to which there was an impending military action in the area of Drenica. This region, north-westward of Priština, also hosted the KLA headquarters. This area consists of 52 villages with the total of 60 000 inhabitants, 98% of whom are Albanians". On the 23<sup>rd</sup> February the US Special envoy Robert Gelbard condemns the KLA as a terrorist organisation, and the Serbian police swing into action: "In the course of the attack on the village of Likošani of 28<sup>th</sup> February 1998 nine male members of the richest family were killed. In the neighbouring village of Cirez, the majority of victims were women, children and old men". In response to the events at Likošani, the demonstrations in Priština broke out, which the police dispersed using tear-gas and water cannons. "On 5<sup>th</sup> March, the next attack was carried out by Serbian police, this time on Donji Prekaz and Lauša. On that occasion, 58 Kosovo Albanians lost their lives, among them a large number of women, children and old men ... Among the victims of this attack was Adem Jašari, one of the founders of the KLA, who as the symbolic figure enjoyed high reputation as a representative of new military resistance".

The incident in Prekaz prompted numerous condemnations in the media worldwide. The statement by the Contact Group on 9<sup>th</sup> March 1998 on the occasion of events of Prekaz, requested that the Serbian, that is, Yugoslav Government should withdraw its special police units from the province within 10 days, allow the presence of international organisations in Kosovo and immediately enter into a political dialogue with political representatives of Kosovo Albanians.

“The Government in Belgrade, in response to the international criticism, offered an ‘open dialogue with responsible forces of the Albanian national minority’ and supported the implementation of the Agreement on Education<sup>iii</sup>. The leadership of Kosovo Albanians resolutely rejected an invitation to negotiations at the proposed level. The Albanians advocated exclusively for the negotiations on the independence of Kosovo, with international presence. On 12<sup>th</sup> March 1998 the Government of Serbia extended a new offer sending the Deputy Prime Minister of Serbia, Ratko Markovic, Professor of Law and one of the authors of the Serbian Constitution, along with three other ministers, but the Albanians refused any negotiations.

On the military level, on 24<sup>th</sup> March, “south of Decani, 6 Albanian villages were shelled with heavy artillery”, while on 25<sup>th</sup> March, the meeting of the Contact group was held in Bonn. The requests were formulated for the withdrawal of Serbian special police and urgent initiation of negotiations between the two parties “based exclusively on the territorial integrity of the FR Yugoslavia, in accordance with the standards laid down by the OSCE and under the Charter of the United Nations”. The deadline for the beginning of the negotiations was 9<sup>th</sup> April 1998. On 7<sup>th</sup> April 1998 the Serbian Government again invited Albanians to enter into negotiations. President of Serbia, Milan Milutinovic, arrived in Priština, at the Provincial Government building, but no representative of the Albanian side appeared there.

On 10<sup>th</sup> April 1998 Ibrahim Rugova forms a representative negotiation team, that is, the establishment of an Albanian platform for negotiations with the FR Yugoslavia. “The starting point has remained unchanged – the negotiation will be held only with international participation, their utmost goal being to achieve independence.” And that is where, in fact, once more, the fundamental problem of the clash is clearly seen. Actually, it is the clash of two irreconcilable national concepts: the Albanian one, advocating for the independence of Kosovo from Serbia and the Serbian one, upholding the wide autonomy of Kosovo within Serbia.

In the field, on 23<sup>rd</sup> and 24<sup>th</sup> April 1998 an armed conflict broke out between the Yugoslav Army units and KLA fighters at the Albanian frontier, while on 27<sup>th</sup> April the Serbian special police forces launched an offensive against the presumed KLA headquarters in the village of Glodane, in the south-western Kosovo. Concurrently, the KLA units attacked police stations nearby Đakovica/Gjakovë.

On 29<sup>th</sup> April, the Contact Group meeting took place in Rome. It was followed by the demand that Albanians politically condemn the terrorist actions, while Belgrade, on the account of its refusal to withdraw the special police, had its property abroad frozen. At the same time, the KLA launched an offensive: “it controlled all larger parts of Kosovo, went through to the central Kosovo and controlled the key transport routes connecting Priština, Pec and Montenegro”. Due to such situation on the ground, and under pressure of two American negotiators Richard Holbrooke and Robert Gelbard, Rugova forms a negotiating team.

On 15<sup>th</sup> May 1998 the first meeting was held of Rugova’s team with Slobodan Milošević, President of FR Yugoslavia, and Milan Milutinovic, President of Serbia. As Rugova himself said, the first meeting passed in a “tolerant” atmosphere. An agreement has been reached to hold meetings on a weekly basis. However, the next meeting scheduled for 22<sup>nd</sup> May was cancelled since “Rugova has been invited to the USA just at this moment”, while the meeting of 5<sup>th</sup> June is not held due to the ongoing fighting in the field.

In this period, both the KLA and Serbian military forces intensify their operations, which precipitate a humanitarian crisis. “On 15th June the ICRC reported on thousands of refugees in

Kosovo, of which 10 000 set out for Albania and about 3 000 fled for Montenegro. About 20 000 people were directly caught in fighting”.

On 9<sup>th</sup> June 1998, “the EU issues the “Common Position” to prohibit further foreign investment in Serbia, and on 11<sup>th</sup> June the NATO declares in Brussels that “it will urgently launch air manoeuvres over Albania and Macedonia, which are to commence on 15<sup>th</sup> June. There were 83 aircraft taking part in the manoeuvres and this measure was meant as a decisive warning to Belgrade”.

Immediately after the NATO manoeuvres began, Slobodan Milošević went to Moscow seeking Russian assistance in case of a NATO intervention. As a result of this meeting, the Yeltsin-Milošević agreement was concluded, according to which:

1. an urgent political solution is to be found, through the continued direct negotiations between both parties
2. an immediate unhindered access to the territory of Kosovo is to be granted to diplomatic personnel and humanitarian organisations
3. an OSCE observation mission in Kosovo is to be established

On 6<sup>th</sup> July 1998, the KDOM (Kosovo Diplomatic Observation Mission) is established. The KDOM writes regular reports available to all countries and sides involved in the conflict, and is subsequently transformed into the KVM (Kosovo Verification Mission), on 13<sup>th</sup> October.

On the other hand, “the KLA exerted strong pressure on Serbian security forces, advancing from several directions ... Since the international community undertook no measures to suppress the KLA influence, it was legitimate from Milošević’s point of view to work on the destruction of the KLA. Having a Yeltsin’s agreement behind him that Moscow would put a veto, the special police and army (which until that time lacked interrelated command structure) launched a joint offensive at the end of July. First, they recaptured Orahovac, which, 10 days earlier, had been seized by the KLA. Then they regained control the communication links Priština-Pec and Priština-Prizren, thus dividing in two parts the territory which had been previously ‘liberated’ by the KLA”. “In the first half of August, the KLA’s bases in Drenica and Western Kosovo were seized”.<sup>iii</sup> Concurrently, in August 1998, the number of expelled persons increased to about 250 000. According to the UNHCR report of the 29<sup>th</sup> September, there were 291 000 displaced persons, 200 000 of whom were displaced within Kosovo, while the remaining part took refuge in the neighbouring countries (Montenegro, other parts of Serbia, Albania, Bosnia and Herzegovina and Macedonia).

The world primarily blamed the Serbian/Yugoslav side for this aggravation. On 23<sup>rd</sup> September the SC UN passes a new resolution (Resolution 1199). Particular emphasis is put on the concern over the intensifying of fighting and “excessive use of force by the Serbian security forces and Yugoslav Army”. The SC requested an immediate cessation of hostilities, an action aimed at the improvement of the humanitarian situation and the opening of negotiations with the international participation). The Kosovo Albanian leadership was required to condemn terrorist actions and strive for finding a political solution to the crisis. Almost simultaneously, on 24<sup>th</sup> September 1998, the NATO passed the so-called “Activation Warning” which included a possibility of a restricted air intervention. NATO Secretary-General Javier Solana described the NATO Council’s decision as “an important political signal of the NATO readiness to employ force if necessary”. This resolve did not

envisage the decision to be adopted by the UN Security Council, since it was known that Russia would put a veto, while "the USA had recourse to the western military alliance in order to effectuate its threat of the use of violent measures if Belgrade continued not to comply with the UN requests".

The Western powers' resolve to launch air strikes as the last resort was unambiguously expressed by the transformation of the *Activation Warning* into the *Activation Order*, which entered into force on 13<sup>th</sup> October. It provided for limited air strikes as well as a phased air campaign in case that Belgrade should fail to concede within 96 hours and implement the Resolution 1199.

On the same day (13<sup>th</sup> October 1998), after nine-day negotiations, the Holbrooke-Milošević agreement was signed in Belgrade. "The negotiation results were brought down to 3 points: Milošević undertook to reduce his police and army units to the pre-war level. The agreement was reached to the deployment of 2 000 unarmed OESB monitors, as well as to the flights of non-combat surveillance NATO aircraft over Kosovo".

The Holbrooke-Milošević agreement resulted in a certain improvement in the situation: "According to the UNHCR, in the course of the month following the signing of the agreement about 50 000 people returned to their villages. The withdrawal of the Serbian special police to their barracks outside Kosovo immediately upon the adoption of Resolution 1203 marked another improvement in the Kosovo situation".

But, "the crucial and finally the weakest point of the agreement, however, was the failure to include the Albanian side. The problem, from one aspect, consisted of the fact that Holbrook negotiated exclusively with Belgrade, and that Albanian side was not included in the negotiation". Although Rugova at the insistence of Petritsch expressly supported the agreement, the KLA by no means considered itself bound by this document. "Concurrently, the defeated guerrilla made good use of the Serbian units' withdrawal of Serbian to reorganise itself. The phase of the withdrawal of Serbian units provided it with an opportunity to arm its troops and reoccupy those positions it had been driven away from a little while ago. Such developments would turn out to be fatal. In the given situation the KLA recognised its opportunity to decisively and permanently improve its position. An estimation that it would by means of provocations incite an escalation and thereby a NATO intervention certainly fell within the repertoire of the 'Liberation Army'".

"Meanwhile the KLA advanced to occupy the positions that had been abandoned by the Serbian/Yugoslav units, taking control over the large part of the province without fighting... The KLA, which was not bound by any agreement, demonstrated its newly acquired military power, demanding that it be given an important role in the future political solution. International observers expressed their concern over this provocative conduct...while Milošević reacted angrily to the unhindered advancements of the KLA.... As far back as November, he replaced Chief of Secret Police, Jovica Stanišić and moderate Chief of Supreme Command, Momcilo Perišić, with two other 'tougher men'."

On 14<sup>th</sup> December the Yugoslav frontier guards killed 36 KLA combatants who swooped down from Albania. Obviously, in direct response to that, on the same day, 6 young men of Serbian nationality were killed in a Serbian pub in Pec. The Serbian authorities blamed the KLA for this incident, while the KLA blamed the criminals. From mid-October onwards, incidents became increasingly fierce. They were an unmistakable blow to the peacekeeping efforts and made the negotiators realise even more clearly the necessity for finding an urgent solution. During the days that followed, assassinations and kidnappings alternated on both sides.

"The events which influenced the new and decisive escalation of violence commenced on 8<sup>th</sup> January, when KLA units killed 4 Serbian policemen in a village nearby the town of Štimlje. Three days later, in a neighbouring village another Serbian policeman was killed. To this provocation Belgrade reacted by redeploying its police and army units into that region. On the morning of 15<sup>th</sup> January fighting erupted between KLA and Serb units in the vicinity of the village Racak. The KLA retreated a few hours later. Then the Serb troops – according to some reports, in conjunction with paramilitary units – made a swoop on the village. The following morning the KVM reported that there were corpses of 45 Kosovo Albanians found, mainly civilians".

Kosovo Verification Mission Head, William Walker, "immediately upon the inspection of the village" described the incident at Racak "as a massacre and a crime against humanity".

Belgrade claimed that those killed were in fact KLA combatants, later dressed back into civilian clothes and declared William Walker a *persona non grata*. However, the first report by the team of Finnish pathologists led by Helena Ranta concludes that "there were no indications of the people being other than unarmed civilians". "The international community relying on the OECD's official statement to make its assessment of the incident of Racak expressed, in the protest note forwarded to the Belgrade Government, its outrage and utter consternation over the Serbian units' measures". It is interesting that Helena Ranta's team subsequently visited the site of the incident two more times and issued the final report in March 2000, where it is claimed that there were bullets and cartridge cases found (which had not been found on the original scene of the incident of 16th January 1999). It is also interesting that the final report is not accessible to the public. As Petritsch phrased it: "The final report, which has not been made available to the public yet, will present a basis for the total assessment of circumstances by the War Crimes Tribunal in the Hague".

The incident in Racak draws world-wide condemnations leading to a growing determination of the key international political actors to resolve the Kosovo crisis. The Contact Group recommends "the non-negotiable principles" as a political solution and demands that the parties to the conflict start peace negotiations at Rambouillet (France).

However, the peace negotiations at Rambouillet, France (6<sup>th</sup> February – 19<sup>th</sup> March 1999) failed, since the Albanian side agreed to the political and military solution (the implementation by the NATO) while the Serbian side did not accept the agreement.

After the failure of Rambouillet negotiations, on 24<sup>th</sup> March, the NATO launched an airborne war against Yugoslavia.

<sup>iv</sup> With reference to that historic moment Petritsch writes: "The parliamentary elections putting the national parties to the forefront also altered the perspective of a future Yugoslavia. In Slovenia, the DEMOS (an alliance of the left and the right) favoured independence, should Yugoslavia be reshaped in the manner which did not suit Slovenia. As a coexistence option, Slovenia accepted only a confederative solution, but throughout 1990 it increasingly leaned towards secession. In Croatia, Franjo Tudman celebrated the landslide electoral victory accompanied by the nationalist slogans, thus provoking the conflict with Serbian nationality, which numbered 600 000 inhabitants", Wolfgang Petritsch (2002: 62)

<sup>v</sup> "Though the precise figures have not been available yet, the number of Croatian and Moslem refugees fleeing the zones of Bosnia and Herzegovina under the control of Serbs is 3 to 4 times larger than the number of Serbian displaced persons and refugees coming from Bosnia and Herzegovina. The obvious prevalence of ethnic cleansing in the territories occupied by Serbs is beyond any doubt

related to the political objectives formulated and pursued by Serbian nationalists, that is, to ensure the Serbian control over all territories inhabited by a considerable number of Serbs as well as over the border-line areas assimilated due to the logistic and military reasons.” *Situation des droits de l’homme sur le territoire de l’ex-Yougoslavie*, Rapport préparé par Monsieur Tadeusz Mazowiecki ; Rapporteur Spécial de la Commission des Droits de l’homme sur la situation des droits de l’homme en ex-Yougoslavie. UN document A/47/666-7/24809, paragraph 12.

<sup>vi</sup> According to IX Annex of the Final Report of the UN Commission of Experts (or, the well-known Basiuni’s commission), drafted on 28<sup>th</sup> December 1994, “there are about 162 detention sites in the former Yugoslavia where people were detained and sexually assaulted:

- 88 of those are reportedly run by Serbs;
- 35 are run by unknown forces;
- 17 are allegedly run by Croats;
- 14 are allegedly run by Muslim and Croat forces together;
- 8 are reportedly run by Muslims.”.

Source: *Final report of the United Nations Commission of Experts, established pursuant to Security Council Resolution 780 (1992)*, S/1994/674/Add.2 (Vol. I), Annex IX - Rape and sexual assault, A. Summary of statistical information from all sources.

<sup>vii</sup> Thus, for example, in the prison camp Lora (in Split), controlled by the members of Croatian Army, and where Serbs (war prisoners and civilians) were detained , there were recorded the following methods of torture:

1. severe beatings: with hands, by kicking, with plumbing pipes, rubber hoses, batons, baseball bats, cattle prods, butts and grips of various weapons, chains, lengths of electrical conductors;
2. pouring cold water over the prisoners from a hose under the pester of a hydrant
3. forcing the prisoners to pass through the gauntlet of the guards
4. 'telephoning' – connecting of certain parts of detainees’ body (ears, genitals, temples, fingers and toes) to induced electrical current from a field telephone
5. taking of the prisoners out to mock execution,
6. taking off of the prisoner’s clothes and keeping them without clothes in the sun, all day long; forcing the prisoners to look at the sun all day long
7. forcing the prisoners to drink salty water
8. releasing and setting of German shepherds on prisoners in their cells
9. throwing of bread among prisoners to fight over it like dogs
10. spraying of tear-gas into prisoners’ eyes
11. stitching of the prisoner’s wound near his/her eye with wire
12. forcing the prisoners to run aimlessly for a long period of time around the prison camp and do push-ups after the exhausting labour at a quarry without any tools or with little adequate tools
13. forcing the prisoners to lick the guards’ boots

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14. forcing the prisoners to eat hot or salty food within the shortest possible time
15. extinguishing a lightened cigarette on the hand, ear, or other parts of the prisoner's body
16. burning of certain parts of the prisoner's body with a lighter
17. breaking of prisoners' jaw and its deliberate wrong setting so that it could not heal or prevent its proper healing
18. forcing the prisoners to move around the prison camp circle bare-footed, in the heat, until their feet started bleeding
19. death threats made against the prisoners (by murder, slaughter, mutilation, release of trained German shepherds)
20. prohibiting the prisoners to drink water all day long in the heat of almost 40C
21. the prisoners ridden around the prison camp circle like horses
22. forcing the prisoners to eat live snails with shells, feathers of killed birds, orange rinds, live frogs, earthworms, chicken bones, cigarette butts
23. forcing the prisoners to hard physical work: extracting stones at a quarry, building of houses, etc.
24. forcing the prisoners to run in the hot sun around the prison camp circle, and then pouring strong jets of cold water under pressure with the hose from a hydrant over the sweaty and hot prisoners
25. forcing of the prisoners to deliver blows with fists and kick each other until they lost consciousness
26. forcing the prisoners to lick the toilet bowl and WC toilet floor
27. forcing the prisoners to masturbation
28. hitting the prisoners on the testicles
29. forcing the prisoners to drink warm, turbid water into which the prison guard spat previously
30. hanging of the prisoners with their arms tied with their arms handcuffed to the metal bars of a door
31. forcing of the prisoners to drink urine
32. forcing of the prisoners to have public sexual intercourse between each other (in front of others)
33. forcing the prisoners to eat half a kilo of salt without giving any water
34. forcing of the prisoners to crawl on bare knees over crushed stone
35. pushing of a pistol barrel into the prisoners' mouth, threatening to trigger
36. not allowing the prisoners to sleep during night due to guards' repeated coming into cells, waking up and beating of prisoners
37. stamping toes of the prisoner's broken leg with boots
38. 'dancing in a circle' –in the yard the prisoners would form a circle holding their hands while the first and last were tied with electrodes to the source of electrical power
39. forcing of the prisoners to have homosexual intercourse
40. dry shaving of the prisoners with a knife and forcing them to eat their own beard
41. Allowing drunken citizens – civilians to beat up and mistreat the prisoners
42. allowing drunken citizens – civilians to beat and maltreat the prisoners

forcing the prisoners to earth up or mow the grass around the prison camp circle in the part which was mined » .

Source *Documents on war crimes in the territory of the former Yugoslavia 1991-5, (X report)*, the Federal Republic of Yugoslavia, the Committee for the collection of data on the committed crimes

against humanity and international law. Published by: Služba za zajednicke poslove Savezne vlade i saveznih organa uprave, Belgrade, 2001, p. 160-62.

<sup>viii</sup> Special studies, at the very least, deserve the subjects of refugees, confined and raped persons. Refugees, in the first place, due to an enormous number of people who are expelled or took refugee throughout the course of the Yugoslav wars, and then due to the great complexity of the refugee migrations (within the war-torn countries, migration among the countries at war, emigration into a third country), problems encountered by refugees in the host country and repatriation problems. The persons who were subjected to rape, on the other hand, require a specific study, not only on the account of the difficulties in the determination of the real number of victims but also on the account of the fact that throughout Yugoslav wars (especially in 1992, at the height of fighting in Bosnia and Herzegovina) this subject attracted a wide attention of media being prey to political manipulations. According to our knowledge, there are two methodologically serious studies on rape in the Yugoslav wars. One is the report by Tadeusz Mazowiecki, Special Rapporteur of the United Nations on the violations of human rights in the territory of the former Yugoslavia (see: Tadeusz Mazowiecki, Special Rapporteur to the Commission on Human Rights, *Report of the Team of Experts on Their Mission to Investigate Allegations of Rape in the Territory of the Former Yugoslavia* U.N. Doc. E/CN.4/1993/50 - 10 February 1993), and another one is the report by the United Nations Commission of Experts under the leadership of Sheriff Basiuni (see: *Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992) - Annex IX.A: Sexual assault investigation* U. N. doc S/1994/674/Add.2, 28 December 1994).

The study by the Mazowiecki's expert team was conducted on the 119 cases of pregnancy as a result of the confirmed rape in the war throughout 1992 (the subjects were interviewed in Croatia, BiH and Serbia). The study concludes: «It is not possible to know precisely the actual number of rapes or the number of pregnancies due to rape that have occurred. However, estimates can be made based on the 119 documented cases of pregnancy resulting from rape. Medical studies suggest that of every 100 incidents of rape, one will result in pregnancy. This suggests that the 119 documented cases were likely to have been the result of approximately 12,000 incidents of rape. Since it is clear that women experienced multiple and/or repeated rape, this figure should not be construed as a direct indication of the number of women who were raped in the populations using the medical facilities visited by the team of experts but may only serve as a guide to the general scale of the problem”], (*ibid.* paragraph. 30).

The second study was conducted on the sample of 223 individuals, women and men, victims of rape, who were interviewed in the course of February and March 1994. The interviews were conducted in Zagreb (the authorities of SR Yugoslavia of that time on several occasions refused the request by the Expert Team to carry out the same investigation in the SRJ as well), while the national structure of the subjects was as follows: “One hundred forty-six of these victim-witnesses were from BiH, while 77 were from Croatia. Among the victim-witnesses from BiH, there were 100 Muslims, 43 Croats and one Serb. Among the victim-witnesses with allegations concerning the war in Croatia, 26 were women and all were Croats”] (*ibid.* Part One, Report of phase I, A. Overview of the project). The investigation was aimed neither to determine the total number of rape victims in up-to-then Yugoslav wars nor to establish any numerical presentation of the scale of that phenomenon.

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- Assemblée générale, 47<sup>ème</sup> session - SITUATION DES DROITS DE L’HOMME SUR LE TERRITOIRE DE L’EX YUGOSLAVIA – Rapport préparé par M. Tadeusz Mazowiecki, Rapporteur Spécial de la Commission des Droits de l’homme sur la situation des droits de l’homme en ex-Yougoslavie, 25 November 1992, UN document: A/47/666-S/24809
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA - Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1992/S-1/1 of 14 August 1992, 10 February 1993, UN document: E/CN.4/1993/50
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA - Periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 12 February 1993, 5 May 1993, UN document: E/CN.4/1994/3

## PART I WAR AND LOSSES

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- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Second periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 12 February 1993, 19 May 1993, UN document: E/CN.4/1994/4
- SITUATION DES DROITS DE L'HOMME DANS LE TERRITOIRE DE L'EX YUGOSLAVIE – Troisième rapport périodique sur la situation des droits de l'homme dans le territoire de l'ancienne Yougoslavie, soumis par M. Tadeusz Mazowiecki, Rapporteur spécial de la Commission des droits de l'homme, en application du paragraphe 32 de la résolution 1993/7 du 23 février 1993, 26 August 1993, UN document: E/CN.4/1994/6
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Fourth periodic report submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, 26 September 1993, 1995, UN document: E/CN.4/1994/8
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Fifth periodic report submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, 17 November 1993, 1995, UN document: E/CN.4/1994/47
- SITUATION DES DROITS DE L'HOMME DANS LE TERRITOIRE DE L'EX YUGOSLAVIE – Sixième rapport périodique sur la situation des droits de l'homme dans le territoire de l'ex-Yougoslavie, soumis par M. Tadeusz Mazowiecki, Rapporteur spécial de la Commission des droits de l'homme, en application du paragraphe 32 de la résolution 1993/7 en date du 23 février 1993, 21 February 1994, UN document: E/CN.4/1994/110
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Seventh periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994, 10 June 1994, UN document: E/CN.4/1995/4
- SITUATION DES DROITS DE L'HOMME DANS L'EX YUGOSLAVIE – Neuvième rapport périodique sur la situation des droits de l'homme dans le territoire de l'ex-Yougoslavie, soumis par M. Tadeusz Mazowiecki, Rapporteur spécial de la Commission des droits de l'homme, en application du paragraphe 37 de la résolution 1994/72 de la Commission en date du 9 mars 1994 et de la décision 1994/262 du Conseil économique et social en date du 22 juillet 1994, 4 November 1994, UN document: A/49/641,S/1994/1252
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Special report on the media, Report on the Special Rapporteur submitted pursuant to Commission resolution 1994/72, 13 Decembar 1994, UN document: E/CN.4/1995/54
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Tenth periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994, 16 January 1995, UN document: E/CN.4/1995/57
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Periodic report submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 42 of Commission resolution 1995/89 of 8 March 18995, 21 April 1995, UN document: E/CN.4/1996/3
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Periodic report submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on

Human Rights, pursuant to paragraph 42 of Commission resolution 1995/89, 5 July, 1995, UN document: E/CN.4/1996/6

- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Tenth periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994, 16 January 1995, UN document: E/CN.4/1995/57
- SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA – Final report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 42 of Commission resolution 1995/89, 22 August 1995, UN document: E/CN.4/1996/9

### c) Other reports

- Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992) - Annex III.A - Special forces, 28 December 1994, UN document: S/1994/674/Add.2 (Vol. I)
- Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992) - Annex VIII - part 1/10 - Prison camps, 27 May 1994, UN document: S/1994/674/Add.2 (Vol. IV)
- Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992) - Annex IX.A - Sexual assault investigation, 28 December 1994, UN document: S/1994/674/Add.2 (Vol. V)
- Final report of the United Nations Commission of Experts established pursuant to security council resolution 780 (1992) - Annex IV - The policy of ethnic cleansing, unspecified UN document number <http://www.ess.uwe.ac.uk/comexpert/ANX/IV.htm>
- Special process on missing persons in the territory of the former Yugoslavia, Report submitted by Mr. Manfred Nowak, expert member of the Working Group on Enforced or Involuntary Disappearances, responsible for the special process, pursuant to paragraph 4 of Commission resolution 1995/35, 4 March 1996, UN document E/CN.4/1996/36,
- Human Rights Watch, Civilian deaths in the NATO air campaign, <http://www.hrw.org/reports/2000/nato>