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COMITÉ INTERNATIONAL DE LA CROIX-ROUGE

HERCEG-BOSNIA

ICRC REPORT
ON
THE USE OF DETAINEES HELD
BY THE AUTHORITIES OF THE CROATIAN REPUBLIC OF HERCEG-BOSNIA
FOR WORK IN DANGEROUS CONDITIONS

July 1992 to October 1993

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This is one of three ICRC reports sent to the parties to the conflict in Bosnia-Herzegovina on the subject of detainees working in dangerous conditions. The authorities in Sarajevo and in Pale have also received reports concerning the detainees held by them.

INTRODUCTION

The International Committee of the Red Cross (ICRC) wishes to submit to the Croatian Republic of Herceg-Bosnia a report on the practice of obliging detainees to work in conditions which put their physical integrity at risk. That the Croatian Defence Council (HVO) uses detainees for such work has not only been noted by ICRC delegates visiting detention centres, it has also been confirmed by representatives of the HVO on various occasions.

The present report covers the period from July 1992 to October 1993.

WORK DONE BY DETAINEES

Through its visits to places of detention, it has come to the ICRC's notice on numerous occasions not only that detainees in the power of the authorities of the Croatian Republic of Herceg-Bosnia have been made to work, but that the work was often of a dangerous nature, and on or near the front line. Furthermore, the work done by detainees was regularly used for military purposes.

The following observations have been made:

- Since 27 June 1993, the authorities in charge of the places of detention in Žepče have obliged detainees to work not only for the HVO but also for the Bosnian Serb forces, to whom they were loaned.

The detainees were made to dig trenches (both main arteries, parallel to the front line, and communications trenches at right angles), to cut down trees and to cover the trenches with the trunks and branches and with earth.

Since this work was carried out in the no-man's land between the two front lines, the detainees were exposed to fire from both sides.

Working hours were from 06:00 hrs. to 20:00 hrs. However, detainees were sometimes kept at the front line for longer periods, the maximum known to the ICRC being 43 days.

- In the area around Mostar, the situation which the ICRC found when it entered the Heliodrom (Rodoč) detention centre for the first time after the wave of arrests in early July 1993 revealed that the exposure of detainees to danger was commonplace. Men between the ages of 18 and 50 years were systematically obliged to carry out work that was military in nature: carrying sandbags to forward positions, digging trenches, building shelters. Detainees were sent to various areas between Sovići and Buna, the most dangerous place being

Šantićeva street. The ICRC has also received several allegations about the use of detainees as "human shields", with HVO soldiers firing from behind them.

Detainees were often sent to work for long periods, not returning to Rodoč for several weeks at a time.

- In *Kiseljak*, persons detained during April 1993 were not obliged to work and were rapidly exchanged. In May 1993, a second group was detained in *Kiseljak*; these prisoners were obliged to work on the front line. The practice ceased after the majority of detainees were exchanged in June, but started again in August when more were brought in.
- In *Vitez*, some 600 persons were held in four centres (*Dubravica*, *Vitez SDK*, *Cinema*, and the primary school) during April 1993. Most of the detainees were obliged to work on the front line. The practice ceased after they were exchanged (June 1993).
- The detainees in *Kaonik* were obliged to do dangerous work in February 1993 (300 persons detained for one week) and in April (120 detainees held until May). Thereafter, as the number of detainees decreased, the obligation to work was dropped.
- ICRC visits to the *Gymnasium* detention centre in *Novi Travnik* revealed that 12 men were out digging trenches on the day of the visit (14 September 1993). All the detainees were released on 17 September.
- Detainees were obliged to work in dangerous conditions in *Orasje* until December 1992. After this date detainees were no longer made to work on the front line but carried out other tasks which exposed them to the same risks as the local population.
- Detainees in *Prozor* were sent to *Gornji Vakuf* to dig trenches in groups of 20, some dressed in army uniforms. According to the authorities, nine were absent from the *School* detention centre for that reason during an ICRC visit in October 1993.
- Detainees depending on the *Ljubuški* brigade (*Otok*, *Ljubuški* detention centres) were also sent to *Gornji Vakuf* to work on the front line, between July and August 1993.
- Detainees in *Posušje* were sent to work on the front line (digging trenches) at *Rakitno* for one month, before being transferred to *Gabela*.

- The ICRC has been visiting the Hala Resnik detention centre in Kreševo since September 1993. The detainees were working at the front line (digging trenches and bunkers, cutting wood) every day from 08:00 to 18:00 hours. Ill-treatment by soldiers at the places of work appeared to be systematic.

- During its visits to Turija and Zabrdje, in the *Drecelj* pocket, during October 1993, the ICRC was informed that detainees were regularly taken to the front line to dig trenches. These detainees were released on 19 October 1993.

CASUALTIES

The ICRC has knowledge of 136 prisoners killed while working on the front line between July 1992 and October 1993. Nineteen of them were killed in *Orašje* between August and December 1992, five¹ in *Kaonik* between February and May 1993, 11 in *Vitez* between 16 and 30 April 1993, one in *Kiseljak* on 20 May 1993, and at least 54 in *Mostar* after June 1993. One detainee allegedly died in *Posušje* in August 1993, and five were killed in *Kreševo* in July 1993. The ICRC estimates that the number of detainees killed so far in *Žepče* amounts to 40.

According to allegations received, 54 detainees died in July as they were being used as human shields in *Prozor*.

The number of wounded is much higher; during their visits to hospitals ICRC delegates have seen numerous prisoners who had been injured on the front line.

LEGAL OBLIGATIONS OF THE DETAINING AUTHORITY

The use of detainees, whether combatants or civilians; for labour in dangerous places or for work of a military nature is expressly forbidden by the Third and Fourth Geneva Conventions of 12 August 1949:

¹ three of whom were killed by an HVO guard on 7 February 1993.

(1) GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF 12 AUGUST 1949

- Article 23 NO PRISONER OF WAR MAY AT ANY TIME BE SENT TO, OR DETAINED IN AREAS WHERE HE MAY BE EXPOSED TO THE FIRE OF THE COMBAT ZONE, NOR MAY HIS PRESENCE BE USED TO RENDER CERTAIN POINTS OR AREAS IMMUNE FROM MILITARY OPERATIONS. (...)
- Article 50 BESIDES WORK CONNECTED WITH CAMP ADMINISTRATION, INSTALLATION OR MAINTENANCE, PRISONERS OF WAR MAY BE COMPELLED TO DO ONLY SUCH WORK AS IS INCLUDED IN THE FOLLOWING CLASSES:
- (A) AGRICULTURE;
 - (B) INDUSTRIES CONNECTED WITH THE PRODUCTION OR THE EXTRACTION OF RAW MATERIALS, AND MANUFACTURING INDUSTRIES, WITH THE EXCEPTION OF METALLURGICAL, MACHINERY AND CHEMICAL INDUSTRIES; PUBLIC WORKS AND BUILDING OPERATIONS WHICH HAVE NO MILITARY CHARACTER OR PURPOSE;
 - (C) TRANSPORT AND HANDLING OF STORES WHICH ARE NOT MILITARY IN CHARACTER OR PURPOSE;
 - (D) COMMERCIAL BUSINESS, AND ARTS AND CRAFTS;
 - (E) DOMESTIC SERVICE;
 - (F) PUBLIC UTILITY SERVICES HAVING NO MILITARY CHARACTER OR PURPOSE. (...)

Under the terms of the agreement signed on 22 May 1992 at ICRC Headquarters in Geneva, the authorities of the then Croatian Community of Herceg-Bosna undertook to treat captured combatants in accordance with the provisions of the Third Geneva Convention:

- Article 2.4 "CAPTURED COMBATANTS SHALL ENJOY THE TREATMENT PROVIDED FOR BY THE THIRD GENEVA CONVENTION."

Prisoners of war may be compelled to work for the detaining power, but in no circumstances may they be sent to or held in areas where they might be exposed to the fire of the combat zone (Third Geneva Convention, Art. 23). Moreover, Article 50 lists the type of tasks they may be required to perform, and rules out any work of a military nature of purpose. Work on the front line is in breach of both these prohibitions.

(2) GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949

- Article 27 PROTECTED PERSONS ARE ENTITLED, IN ALL CIRCUMSTANCES, TO RESPECT FOR THEIR PERSONS, THEIR HONOUR, THEIR FAMILY RIGHTS, THEIR RELIGIOUS CONVICTIONS AND PRACTICES, AND THEIR MANNERS AND CUSTOMS. THEY SHALL AT ALL TIMES BE HUMANELY TREATED, AND SHALL BE PROTECTED ESPECIALLY AGAINST ALL ACTS OF VIOLENCE (...).
- Article 28 THE PRESENCE OF A PROTECTED PERSON MAY NOT BE USED TO RENDER CERTAIN POINTS OR AREAS IMMUNE FROM MILITARY OPERATIONS.
- Article 95 THE DETAINING POWER SHALL NOT EMPLOY INTERNEES AS WORKERS, UNLESS THEY SO DESIRE. (...)

Under the terms of the agreement of 22 May 1992, the authorities of the then Croatian Community of Herceg-Bosna undertook to treat the civilian population in accordance with Articles 13 to 34 of the Fourth Geneva Convention and Articles 72 to 79 of Additional Protocol I. Similarly, the agreement stipulated that civilians in the power of the respective parties who were deprived of their freedom for reasons related to the armed conflict would be treated in accordance with the rules governing the treatment of detainees that are laid down in the Fourth Geneva Convention.

Unlike prisoners of war, civilian detainees may work only of their own free will (Article 95 of the Fourth Geneva Convention) and thus cannot be obliged to do work of any kind.

Furthermore, all civilians, whether in detention or not, are entitled to respect for their physical integrity. In granting them protection against acts of violence, Article 27 requires the authorities to take all precautions and measures in their power to ensure that civilians come to no harm, and to assist the victims in case of need.

ICRC REPRESENTATIONS

Whenever ICRC delegates were been informed that detainees were being exposed to undue danger by being sent to work in dangerous places, they made oral representations to the authorities concerned.

Written representations were also made on several occasions:

- 29.12.92 Letter to Mr. Mate Boban, then President of the Croatian Community of Herceg-Bosna, concerning Orašje.
- 09.02.93 Letter to Mr. Mate Boban concerning Busovača.
- 05.05.93 Letter to Colonel Blaškić, Regional Commander, HVO, Vitez, concerning Kaonik prison.
- 25.06.93 Letter to Colonel Blaškić concerning Kiseljak and Kaonik.
- Aug. 93 Working paper on conditions of detention in Rodoč Heliostrom handed over to Mr. B. Pusic, liaison officer.
- 17.08.93 Letter to Mr. Slobodan Lovrenović, Adviser to the President on Public Relations, mentioning several places of detention.
- 26.08.93 Letter to Mr. Mate Boban concerning Rodoč Heliostrom.
- 23.09.93 Letter to General Petkovic, Chief of Staff, concerning Novi Travnik Gymnasium.

- 18.10.93 Letter to General Petković concerning Turija and Zabrdje.
- 20.10.93 Letter to Mr. Vladislav Pogarcic, Head of the Department of Human Rights and Humanitarian Issues, and Mr. N. Josinović, HVO Commander, 111th Brigade, Žepče, concerning Žepče.
- 26.10.93 Letter to Mr. Pogarčić concerning Rodoč, Gabela and Prozor.
- 01.11.93 Letter to Mr. Pogarčić concerning Hala Resnik and Kreševo.
- 01.11.93 Letter to Mr. Pogarčić concerning Kiseljak.

To date, no replies have been received to any of the above.

CONCLUSION

The authorities of the Croatian Republic of Herceg-Bosnia are in breach of their international and humanitarian obligations by using prisoners to work on the front line. Violations of international humanitarian law have been numerous since the beginning of the war in Bosnia-Herzegovina and have resulted in hundreds of injuries and deaths.

ICRC RECOMMENDATION

The ICRC hereby solemnly requests that the authorities of the Croatian Republic of Herceg-Bosnia order forthwith all forces under their command immediately to cease using detainees for work on or near the front lines or for any other tasks putting the detainees at risk.