
Josip
JURČEVIĆ

Katica
IVANDA

Ivo Pilar Institute of Social Sciences, Zagreb, Croatia

VUKOVAR '91
– GENEVA
CONVENTIONS
AND CAMP
EXPERIENCES

In the history of civilization, it is very likely that one will find numerous forms of inhuman interpersonal treatment with no great effort. The same can be said when observing the civilization as a whole or separately, by particular periods, as when observing all levels of relations between people - from relations between individuals to relations between structured social communities. Within those negative experiences, camps were always places where the most inhuman forms of organized interpersonal treatment were taking place systematically and extensively, from the civilizational standard perspective as from the traditional customs or formal positive law perspective.

Camps can be determined as “larger or smaller localities where groups of persons were confined, systematically and in an organized manner, according to different war, racial, religious, ethnic, political, social and other criteria, by military, police and other official bodies or by different groups and individuals”.¹ In specialized literature and public perception, camps are most often classified in several types (categories): prison camps, concentration camps, work camps, private camps and mass rape camps. However, in camp experiences there were rarely camps that could be deduced to only one form, so this categorization is conditional and made mostly according to prevailing suffering circumstances in particular camps.

By analyzing the complete history of camps, it can be concluded that convincingly the worst camp experiences occurred in the 20th century, when camps became a regular mean of armed conflicts, and often also a mean of interior and intergovernmental reprisals in the so called peacetime periods. Besides, a sort of, principle-related paradox has also occurred during the 20th century. On one hand, number of victims and ways of suffering in camps was constantly enlarging, and on the other hand international law was progressively developing a normative system that should be protecting camp prisoners.²

In that respect, it is significant that in the second half of the 20th century, numerous stereotypes, that is, misconceptions, were prevailing in Croatian but also in the world public perception, communicated through the media but also through historical and political-science writings. First, inaccurate data were imposed; data that placed the camp issue exclusively in the Second World War period, creating thus a completely false public impression that camps were not used in the postwar (and prewar) world.

Another basic misconception was that camps were the illegal (anti-legal) war instruments. However, reality is completely different: during the entire 20th century, according to the international law, camps were the legalized war instrument. What is more, we can say that one of the most elaborated and specialized parts of international law is exactly the one referring exclusively to regulation of the camp issue.

It is not necessary to mention here complex reasons or interests behind the production of such stereotyped general situation, but all that has definitely led to a decrease in possibilities to prevent contemporary camp experiences, as well as the overall dealing with those experiences and their consequences. This is best shown by the fact that camp experiences caused by the Serbian military aggression on the Republic of Croatia and on Bosnia and Herzegovina, enormous in number and in tragedy, remained drastically marginalized in the Croatian and in the world public perception, as well as on the local and international political and judicial level. The range of suffering can be best illustrated with the data that in November 1991, after the occupation of Vukovar, Serbian Army has captured and sent to camps approximately five thousand Vukovar civilians and defenders, where they were exposed to the worst, almost unimaginable, forms of physical and mental torture.

In view of this, the purpose of this paper is to contribute – by using the comparison between the international law and camp experiences caused by the Serbian military aggression at the end of the 20th century – to the change of the existing situation, where the problem of contemporary camps is unjustifiably marginalized.

International law

Regardless of numerous camp experiences, during nearly all history, legal status of camps or camp prisoners was not formally regulated. Therefore, the camp issue in different periods can be observed, from the legal aspect, on the

basis of different customs and circumstances, or can be indirectly related to general principles of the positive law in particular periods and areas.

First legal norms that would refer to the treatment in camps were not issued before the second half of the 19th century, even then being parts of the more extensive set of legal regulations intended to formally regulate the war prisoners' issue. In all that, general initiative and conceptual influence came from the growing civic worldview, while the actual reason was the increasing number of military conflicts, in which experienced human suffering multiplied. And so, a number of European states issued the first written regulations on the position of war prisoners, and in 1864 these issues were for the first time discussed on the international level at the diplomatic *Geneva Conference*, but not a single norm or declarative document were concluded.

Ten years later, in 1874, at the international conference held in Brussels, fifteen European states adopted the *Brussels Declaration* that was referring to war laws and customs, and also directly to interned war prisoners. It is interesting that this *Declaration* has never entered into force, due to the opposition of Great Britain and the increasingly tense international situation, but is nevertheless mentioned in literature as the first international codification of the war prisoners' position, including the camp detainees.

In 1899 and 1907, two *International Peace Conferences* were held in The Hague, where international conventions and declarations were issued and were ratified by as much as 44 states before the beginning of the *First World War*. Therefore, as well as for their later significance, these international legal acts present the foundation of the current international war and humanitarian law.

The *Hague Conventions*, among other things, also regulate the status and treatment of war prisoners. Thus the founding of the office for information on war prisoners is prescribed, obligation to pay war prisoners for their work is introduced, regulations regarding repatriation are established, work of humanitarian organizations in prisoner camps is facilitated, etc.

The first completely separate international convention, regulating the war prisoners' issue was issued in 1929 in Geneva, and is accordingly named – the *Geneva Convention relative to the Treatment of Prisoners of War*. Besides landforces war prisoners, this convention also referred to naval and air forces prisoners. It imposed prohibition of using repression and coercion on war prisoners, suggested foun-

dation of hospitals in prisoner camps, easier treatment towards women prisoners in general was prescribed, prisoners gained the right to lodge a complaint to military authorities etc.

It is especially significant that all mentioned conventions and other international legal documents were referring exclusively to military war prisoners, that is, to persons in military service, although increased and diverse mass suffering of civilians during war conflicts became more present in the 20th century. It was not before *Geneva Conventions* issued in 1949, that the international legal protection of civilians in time of war was prescribed.

Geneva Conventions relative to the Protection of Civilian Persons in Time of War, from the year 1949, include four conventions: *Geneva Convention relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*; *Geneva Convention relative to the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*; *Geneva Convention relative to the Treatment of Prisoners of War*; *Geneva Convention relative to the Protection of Civilian Persons in Time of War*.³

All four conventions present a unique whole consisting of the total of 426 articles and numerous supplements (annexes, forms etc.), “which, besides setting new regulations, in many ways contributed to expansion and comprehensiveness of the international humanitarian law in armed conflicts thus far”.⁴ *Geneva Conventions* are ratified by almost every country in the world (apart from certain reservations), and principles of those conventions are also incorporated into national law system of most countries.

After *Conventions*, that is, until the end of the 20th century, a series of international legal documents, directly or indirectly referring to the humanitarian law, were issued, but they were not nearly as significant as *Geneva Conventions* from the year 1949. “Therefore, *Geneva Conventions* today still represent the basic and most comprehensive valid and generally accepted international codification regarding protection of victims of armed conflicts, including camps, where war prisoners and civilians are interned”.⁵

The third and the fourth *Convention* are directly and thoroughly dealing with legal regulation of the camp issue. Those two *Conventions* are mutually correspondent, and for the most part their articles are identical in contents and expression. In the first part of both *Conventions*, there are articles setting forth general provisions. Thus the first article of *Conventions* prescribes: “The High Contracting Parties undertake to respect and to ensure respect

for the present Convention in all circumstances”. Second article recommends that *Conventions* “shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them”. Furthermore, *Conventions* “shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance”, and “although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations”.⁶

The fourth article of the third *Geneva Convention* (relative to the treatment of prisoners of war) in details and precisely sets categories of war prisoners. It is the longest article in both mentioned *Conventions*. Prisoners of war, “in the sense of the present Convention”, are classified into three groups and the total of nine categories, and prisoners of war are all “persons belonging to one of the mentioned categories, who have fallen into the power of the enemy”. The first category of war prisoners includes “members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces”.

The second category consists of “members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied”. *Convention* recognizes the status of every member of this (second) category if they fulfill the following (pre)conditions: that they are “being commanded by a person responsible for his subordinates”; that they have “a fixed distinctive sign recognizable at a distance”; that they carry “arms openly”; and that they conduct “their operations in accordance with the laws and customs of war”.

The third category includes “members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power”.

The fourth category are “persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labor units or of services responsible for the welfare of the armed forces”.

The fifth category includes “members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the

conflict, who do not benefit by more favorable treatment under any other provisions of international law”.

The sixth category embraces “inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war”.

The second group of the prisoners of war includes two categories of persons, to whom the *Convention* guarantees exactly the same status like the one of persons from other groups and categories. Those are “persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment”.

Furthermore, it also includes “persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law”.

Regarding the third group, it is stated: “this Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention”.⁷

In Article 4 it is stated: “the present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation” (that is, return to their homeland).

Article 5 ensures that “the High Contracting Parties may conclude other special agreements for all matters, concerning which they may deem it suitable to make separate provision”, but it is concluded that “no special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them”. Additional universal protection of war prisoners’ rights is determined by the Article 7, in which it is stated: “Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be”.

Next several Articles of the General Provision of *Conventions* explicitly and precisely determine the status of the *Protecting Powers*: “The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers ... The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers”,⁸ of the International Committee of the Red Cross (ICRC) and of other neutral humanitarian organizations.

Second part of the *Convention relative to the Treatment of Prisoners of War* includes five Articles (12-16), referring to the principles of the general protection of prisoners of war. It is concluded that “prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them” and that “irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them”.⁹ Furthermore, it is stated: “Prisoners of war must at all times be humanely treated” and that they “must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity”, that is: “Measures of reprisal against prisoners of war are prohibited”.¹⁰

Prisoners of war “shall retain the full civil capacity which they enjoyed at the time of their capture”, except “in so far as the captivity requires”,¹¹ and “The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health”.¹² All prisoners must be treated “alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria”.¹³

Third part of the *Convention relative to the Treatment of Prisoners of War* is relative to the regulation of concrete captivity situations, and is definitely the most extensive and most comprehensive by the number of Articles. This part includes six sections and the total of 92 Articles.¹⁴

First section regulates the situation of the beginning of the imprisonment. It is first prescribed: “Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information”, and “Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card”¹⁵ with the mentioned information. It is furthermore prescribed that “no physical or mental torture,

nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever”.¹⁶

Treatment of the articles of personal use (including money and values, except arms, military equipment and such) is prescribed in details. Basically these articles “remain in possession of prisoners of war”, and itemized receipt has to be given. After the end of the captivity, all articles “shall be returned in their initial shape”.¹⁷

As soon as possible after their capture, “prisoners of war shall be evacuated to camps situated in an area far enough from the combat zone for them to be out of danger”.¹⁸ It is prescribed that conditions of evacuation “shall always be effected humanely”, with “sufficient food and potable water, and with the necessary clothing and medical attention”, and “as soon as possible”, “a list of the prisoners of war who are evacuated”, shall be established.¹⁹

Second section includes eight subsections, with the total of 28 Articles, in which regulations of the internment of prisoners of war are elaborated in details. “The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned.” However, “prisoners of war may be partially or wholly released on parole or promise”, in which case they “are bound on their personal honor scrupulously to fulfill, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises”.²⁰ If prisoners of war are “interned in unhealthy areas, or where the climate is injurious for them, they shall be removed as soon as possible to a more favorable climate”.²¹ War prisoners “shall not be interned in penitentiaries”, but “only in premises located on land and affording every guarantee of hygiene and healthfulness”.²² Prisoners of war shall be assembled “in camps or camp compounds according to their nationality, language and customs”.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”.²⁴

Furthermore, it is prescribed that prisoners of war “shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population”.²⁵

It is also stated: “Prisoners of war shall be quartered under conditions as favorable as those for the forces of the

Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health”, and all these provisions “shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets”.²⁶ Also, “premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted”, and “in any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them”.²⁷

“The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies”; “sufficient drinking water shall be supplied to prisoners of war”; and “collective disciplinary measures affecting food are prohibited”.²⁸

“Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power”, and “the regular replacement and repair of the above shall be installed and articles shall be assured by the Detaining Power”.²⁹

“Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices” and “the profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose”.³⁰

Prisoners of war “shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness”, and “separate conveniences shall be provided” for women. Also, “apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry”.³¹

“Every camp shall have an adequate infirmary”, while in case of serious diseases, or those whose condition necessitates special treatment, a surgical operation or hospital care, prisoners of war “must be admitted to any military or civilian medical unit where such treatment can be given”, and “all costs of treatment, any necessary apparatus” etc. “shall be borne by the Detaining Power”.³²

Status and work of members of the medical personnel and chaplains captivated or “retained by the Detaining Power while with a view to assisting prisoners of war,” is

elaborated in details. They shall “receive as a minimum the benefits and protection of the present Convention”.³³

Interned prisoners of war “shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith”, for which “adequate premises shall be provided”.³⁴

Possibility and the way in which prisoners of war, who have not the assistance of a retained chaplain, may practice their religion are also provided.³⁵

“While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment” ... and “sufficient open spaces”.³⁶

The managing of camps, transfer of prisoners after their arrival to the camp, maintaining of discipline in the camp, as well as treatment of officers³⁷ are all prescribed in details, and it is specially determined: “In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners’ own language, in places where all may read them”. Similar is prescribed for all communication (regulations, orders, notices etc.) relating or addressed to the interned prisoners.³⁸ The basic principle for regulation of these situations was – to prescribe the maximum protection (safety, material, physical, emotional, spiritual, health and hygienic) of the interned persons.

Regulation of war prisoners’ work is regulated in a special section of the Convention, consisting of nine Articles.³⁹ It is thus determined that “the Detaining Power may utilize the labour of prisoners of war who are physically fit”, bearing in mind that non-commissioned officers “shall only be required to do supervisory work”, and officers “may in no circumstances be compelled to work”.⁴⁰ It is explicitly prescribed in which economical areas and which types of labor may the prisoners of war perform; everything of a military nature or purpose, as well as the humiliating and public labor, and labor which is of an unhealthy or dangerous nature, is excluded.⁴¹

War prisoners’ working conditions (accommodation and food; working period; the right to daily, weekly and yearly rests; compensation for the accidents at work; safety at work etc.) “shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work”.⁴²

Working prisoners of war must be paid for their work, which is elaborated on in a separate Article⁴³ in the section, where prisoners' rights regarding financial means are prescribed in details. This section includes eleven Articles. Among other things, there is stated: "The Detaining Power shall grant all prisoners of war a monthly advance of pay", because of their status as prisoners of war,⁴⁴ and "the Detaining Power shall hold an account for each prisoner of war".⁴⁵ It is also prescribed that every prisoner has the right to "have at his disposal the credit balance of his account",⁴⁶ as is the way of controlling and concluding the account.

In nine Articles of the fifth section, relation between prisoners and the outer world is regulated in details.⁴⁷ It is stated: "Immediately upon capture, or not more than one week after arrival at a camp ... every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card ... informing his relatives of his capture, address and state of health".⁴⁸ This section also prescribes the war prisoners' right to send and receive letters and cards ("not less than two letters and four cards monthly"), "conforming as closely as possible to the models annexed to the present Convention",⁴⁹ and to "receive by post or by any other means individual parcels or collective shipments", bearing in mind that "all relief shipments for prisoners of war shall be exempt from import, customs and other dues", as well as "from any postal dues, both in the countries of origin and destination, and in intermediate countries".⁵⁰

A very comprehensive sixth section (with the total of 31 Articles), regulated in the smallest detail, different types of relations between prisoners of war and the Detaining Power.⁵¹ Prisoners of war have the right to make known "their requests regarding the conditions of captivity to which they are subjected" and "even if they are recognized to be unfounded, they may not give rise to any punishment".⁵²

"In all places where there are prisoners of war ... the prisoners shall freely elect by secret ballot, every six months ... prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them".⁵³ If a camp has sections, each of them must have a special representative, and representatives may name their assistants among prisoners. Furthermore, a series of representatives' duties and obligations is prescribed, facilitating their work regarding all kinds of assistance and protection

of prisoners, and communication with the authorities, *Protecting Powers* and other organizations. Representatives in the officers' camp have the same status, except from not being elected, but the highest-ranking officer is recognized as the representative.⁵⁴

As much as 27 Articles particularly thoroughly and precisely elaborate on issues of the penal and disciplinary sanctions for prisoners of war.⁵⁵ In general provisions it is prescribed that the *Detaining Power* "shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only".⁵⁶ Among others, the following principles are essential: "in no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence",⁵⁷ and "collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden".⁵⁸

It would be interesting to mention here the provision that the prisoner of war recaptured after the attempt to escape shall only receive a disciplinary punishment, and that a successfully escaped prisoner, if again falling into captivity, shall not be punished for his previous escape.⁵⁹

In the fourth part of the *Convention*, procedures regarding the termination of captivity, and especially regarding repatriation are provided.⁶⁰

The fifth part regulates the status of information bureaux and relief societies for prisoners of war. It is prescribed: "Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power", and "Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information ... regarding any enemy person". Furthermore: "The Bureau shall immediately forward such information by the most rapid means to the Powers concerned".⁶¹

Besides: "A Central Prisoners of War Information Agency shall be created in a neutral country", with the task "to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend".⁶²

Considering the topic of this paper, the final, sixth part of the *Convention* is especially significant, which prescribes regulations regarding the enforcement of the *Convention*, including the legal responsibility and sanctions.⁶³ It is stated: “Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be”, and “the delegates of the International Committee of the Red Cross shall enjoy the same prerogatives”.⁶⁴

It is furthermore prescribed that the High Contracting Parties of the *Convention* undertake “in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction”.⁶⁵

Each High Contracting Party undertakes to “enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed”, and is “under the obligation to search for persons alleged to have committed or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts”.⁶⁶

Convention has explicitly described acts, which are considered to be grave breaches of the *Convention*: “wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention”.⁶⁷

Next Article prescribes an exceptionally significant measure of protection, which states: “No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article”.⁶⁸

The fourth *Convention*, or the *Convention Relative to the Protection of Civilian Persons in Time of War*, not only includes all principles from the three previous Geneva Conventions, relating to protection of wounded and sick members of armed forces, and especially war prisoners, but is into a certain degree even more thorough and conforms to specific requirements resulting from the fact that those are all civilian persons.

For example, it is prescribed: “In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own terri-

tory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven”.⁶⁹

Furthermore, each of the parties to the conflict may “propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons ... wounded and sick combatants or non-combatants ... and civilian persons who take no part in hostilities”.⁷⁰

Regarding the civilian hospitals, it is prescribed that “the fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy”.⁷¹

For the better protection of children and families, it is prescribed that the parties to the conflict shall facilitate the reception of orphaned children and children separated from their families in a neutral country, and that they “shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible”.⁷² It is furthermore stated: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”.⁷³

“Individual or mass forcible transfers, as well as deportations of protected persons” are explicitly forbidden by the *Convention* “regardless of their motive”, and the Occupying Power may only “undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand”. However, such evacuation may not involve “the displacement of protected persons outside the bounds of the occupied territory”, and “persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased”.⁷⁴

It is also prescribed: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.⁷⁵

“Internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. (...) No place other than an internment camp shall be marked as such”.⁷⁶

“The internment or placing in assigned residence of protected persons may be ordered only if the security of

the Detaining Power makes it absolutely necessary”. It is also prescribed that any civilian persons protected by the Convention may voluntarily, acting through the representatives of the *Protecting Power*, demand the internment, and in that case the Power in whose hands he may be must fulfil their demands.⁷⁷ “If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case”.⁷⁸

It is prescribed: “Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason”,⁷⁹ while throughout the duration of their internment, “members of the same family, and in particular parents and children, shall be lodged together in the same place of internment”.⁸⁰

Differently from the treatment of prisoners of war, “the Detaining Power shall not employ internees as workers, unless they so desire”, but even if that is the case, the interned civilian persons “shall be free to give up work at any moment”.⁸¹

It is furthermore prescribed that in every place of internment, the interned civilian persons “shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them”.⁸²

Geneva Convention Relative to the Protection of Civilian Persons in Time of War also explicitly prescribes acts, which are considered to be grave breaches of the Convention. Apart from stating all grave breaches, as in the Third Convention, the following grave breaches of the Convention are here expanded: “unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”.⁸³

In decades after the *Geneva Conventions* were issued as the foundation of the humanitarian law, international law was being greatly developed as a unique system. In such way, an entire series of different international legal acts – lately referred to with the collective term *human rights* – at the same time present an indirect supplementation of the *Geneva Conventions*.⁸⁴

Due to a series of negative experiences in formally not interstate (“international”) armed conflicts, or conflicts in which participating countries denied its international character, applicability of *Geneva Conventions*, which are by definition international/interstate, has often been questioned. On the other hand, an accelerated global integration changed the traditional meaning of terms *sovereignty* of states and *internationality* of events.

Question of competence of *Geneva Conventions* was therefore completely open, regarding conflicts that are indeed international (according to participants and overall consequences), and which could be attributed inner (not international) character according to the previous criteria.

This problem was already open, that is, prescribed, in Article 3 of each *Geneva Convention*. Namely, Article 3 is identical in every one of the four *Geneva Conventions*, and explicitly applies to cases of armed conflicts “not of an international character”, and proscribes that each Party to the conflict “shall be bound to apply, as a minimum, the following provisions: ... shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria”.

Furthermore, Article 3 explicitly forbids “at any time and in any place whatsoever”, the following treatment of protected persons: “... murder of all kinds, mutilation, cruel treatment and torture ... taking of hostages ... outrages upon personal dignity, in particular humiliating and degrading treatment ... passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples”.

However, that question, as well as some other questions, are regulated, to a certain measure, in two *Additional Protocols to the Geneva Conventions*, issued in the year 1977 and representing a direct supplement; meaning, since 1977, they are constituent parts of *Geneva Conventions*.

Comprehensive *Additional Protocol I* already in the Article 1 proscribes that its competence applies, among other things, also to armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the *Charter of the United Nations*. This expands the definition of the international conflict included in *Geneva Conventions* (1949) to certain armed conflicts led with the purpose of the national liberation, thus also expanding all protective rights of *Conventions* to such conflicts.

Additional Protocol II is much shorter and less detailed, and regarding competence, it is prescribed that it applies to all armed conflicts included in *Geneva Conventions* and *Additional Protocol I*, and to armed conflicts “which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups”. However, there is also a restriction stating that it “shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature”.⁸⁵

Considering that the Serbian propaganda system has tried for a long time to present the Serbian armed aggression on Croatia, Slovenia, Bosnia and Herzegovina and Kosovo as the *inner* (not international) *thing*, and with such approach it succeeded to achieve different media, psychological, political, diplomatic and legal effects in the widest area and institutions of the international community, as well as in the area of the South Eastern Europe, we should here remind of the *UN Resolution - GA Res.3314*, from the year 1974. This Resolution also defines aggression as the use of military force of one country against sovereignty, territorial integrity and political independence of another country, or in any other way contrary to the UN Charter not stated here. Definition of the term country is also stated there, and among other things, it is determined that it is used regardless of the country being recognised or being the member of the UN.

Camp experiences

Regarding contemporary camp experiences, it should again be pointed out that camps were a regular practice during the entire 20th century, not only in the series of local, regional or world wars, but also in the so-called peacetime periods and circumstances.⁸⁶ Causes of formation of contemporary camps are manifold and can be researched and explained from all social sciences' viewpoint. Here it would be most appropriate to state two general contexts. The first one is the civilisational context, which can monitor the formation of contemporary camps as the historiographical and value continuity of relations between the European capitals (colony owners) and their non-European colonial estates and peoples, from the 16th century on.

This relation was in every view - civilisational, culturological, humanistic, legal etc. - discriminating, because colonies, including their population were exposed to the most inhuman, meaning camp, treatment practice. On

that exact basis of the European relation towards the colonial world can the roots of the appearance and mass use of camps be observed in the European experiences in the 20th century, especially during the First and the Second World War.

One more circumstance, which facilitated the use of camps, is related to the increasing overall interdependence of events and social processes in the world. That is also how wars became totalitarian in the 20th century. Namely, it became unimaginable (and hopeless) to start modern wars – regarding both, aggression and defence – without including all social (national, state etc.) potentials. Such situation supported the increase in mass suffering of people, especially civilian persons.

Accordingly, camps became the constituent part of military doctrines, plans and operative actions, that is, one of the regular war means for achieving victory. Internment of particular social groups was applied as the regular war practice in almost all armed conflicts from local to global level, and all parties to the conflict were using it – both defeated and victorious.

Regarding camp practice in the South Slavic area, it is rarely stated that on the territory of the first authoritarian Yugoslavia they were used even before the beginning of the Second World War. The first camp formed by the regime was in Višegrad (eastern Bosnia and Herzegovina) in 1935, where – which is most interesting – mostly students and intellectuals unwelcome by the government were interned. In Croatia, after the Cvetković-Maček agreement (summer 1939), almost two years before the World War started on this territory, camps were also used (Kerestinec, Lepoglava) as the means of repression towards the unwelcome social groups.

Despite difficult experiences from the Second World War, camps stayed the regular practice of all participants in several hundreds regional and local armed conflicts all over the world, led for most different reasons. In order to point to the complete inaccuracy of the prevailing stereotype placing the camp practice almost exclusively in the period of the Second World War, we should state several examples. In the *Korean War* (1950–1953), the most powerful states of the world were participating, and it is especially significant that *western* countries (led by the USA) formally appeared on the South Korean side as the *UN army*. All parties were then using camps, including the USA (UN) forces, which have formed 72 camps only in one Korean province (Chungchong), where around 100.000 persons were interned.

The USA forces (this time without the UN patronage) participated as one of the leading actors in yet another great regional war – the *Vietnamese War* – and have formed, together with the Saigon regime, a great number of the so-called strategic settlements (in fact, collective camps), where the civilian population was interned.

In numerous attempts of capitals to stop the processes of their colonies gaining political independence, we can single out one data showing that France had more than 2200 so-called collective centres (*centres de regroupement*) in the Algerian area (before the Algerian proclamation of independence in 1962), where approximately two millions Algerians were interned.

Furthermore, in the series of communist states in the east and south Europe, regimes were using camps (prison, concentration and work) as one of the repressive means for the continuation of their governing. Thus, towards the end of the Second World War and in the immediate post-war period, on the entire territory of the communist Yugoslavia, a camp system was created, interning numerous persons according to different ideological, political, property and other criteria.

It is interesting that, along with a series of newly formed camps, all localities and objects used by the enemy regimes and armies during the war were also utilized for internment.

All previously briefly mentioned camp experiences also represent one part of the context, within which the genesis of camp experiences practiced by the Serbian armed aggression in the period 1990–1995, should be observed. That act of aggressiveness represent the cardinal and planned process of the “conquering war raid, integral by a series of characteristics: historical genesis, goals, methods of conduct, consequences etc.”, and it is only possible to relevantly understand the camp system used by Serbian structures during the armed aggression on neighbouring countries on the basis of this integrity.⁸⁷

Just as the complete Serbian aggression – according to concept, goals, performance and consequences – the Serbian camp system formed since 1990 is also very comparable, in all mentioned components, with camps formed by the Nazi Germany. The same way the camps of allying states in the Second World War, according to their origin and purpose, were quite different from camps formed by the Nazi Germany, camps formed since the year 1991 under the surveillance of attacked countries were also rather different from the Serbian camp system. In few words, these camps – different from the Serbian ones – were not

parts of a previously planned system, or a component of the military strategy and political goals. Such conclusion can be recognised from the series of facts and documents stated later in this text.

In this context, the fact that support of systematic research was avoided in Croatia and in the international community is paradoxically significant and, at first sight, incredible. Thus, for example, in Croatia (Bosnia and Herzegovina etc.) there are no official or other structured camp data, their analysis and interpretation.

In such situation the rarely mentioned *Final Report* and *Annexes* issued in the year 1994–1995 by the *Commission of Experts*, based on the *UN Security Council Resolution 780* from the year 1992, represent a valuable start.⁸⁸

In the document, the *UN Commission of Experts* states the geographical position of a series of approximately 480 (four hundred and eighty) separate camps, which were formed as a system under the Serbian surveillance, intern-ing both military and civilian persons. According to the Commission data, existence of around 300 camps was reported by one or more neutral sources, and the Commission considers the existence of those camps definitely corroborated, while the existence of around 180 camps is reported by the non-neutral sources, and they are considered as uncorroborated.

From around 480 Serbian camps, around 330 (200 corroborated and 130 uncorroborated) were located in Bosnia and Herzegovina; around 80 (30 corroborated and 50 uncorroborated) in occupied parts of the Republic of Croatia; and approximately 70 (40 corroborated and 30 uncorroborated) in Serbia (60) and Montenegro (10).

Serbian camp system – as well as other characteristics – clearly confirms that the Serbian armed aggression was a complete, integral project. Namely, the camp system was an entirety, which is confirmed by the *Commission Report*, where it is stated that the interned persons from Croatia and from Bosnia and Herzegovina were placed and moved to camps on the territory of all three countries (occupied parts of Croatia and Bosnia and Herzegovina, and territory of Serbia and Montenegro) without any obstacles. It is also stated in the *Report* that Serbian civilians and soldiers from one country were visiting camps in other two countries, in order to “participate in the ill-treatment” of interned persons.

Furthermore, the *Commission* states that “the ill-treatment of prisoners was customary” and that “commanding officers in Serbian camps knew of the ill-treatment and have often allowed Serbian civilians and paramilitary for-

mations to abuse the prisoners”. It is also described how “Serbs, commanding the camps in Croatia, have several times tried to deceive visitors interested in camp conditions” (ICRC and others) etc.

For better understanding of complexity and preparation of the Serbian armed aggression, another *Commission* statement is significant: “There were prisoners, who were forced to appear on the Belgrade Television and to describe their alleged attacks on Serbs”. Namely, *endangerment of Serbs* was one of the basic slogans and socially-motivating factors, with which the great-Serbian structures were conducting the national homogenisation of Serbs for the preparation of the executed aggression. All previous and current attempts to present and justify the Serbian armed aggression as the defence of *endangered Serbs* are based on the same stereotyped constructions.

Among systematically committed crimes during the Serbian armed aggression, Serbian camps for mass rape, formed in the occupied parts of Bosnia and Herzegovina by the Serbian government, hold an especially negative position. Namely, during the history of wars, sexual abuse, including rape, was regularly happening, but prior to the Serbian armed aggression on Bosnia and Herzegovina (since the year 1992) camps for the conduction of mass rape were never systematically formed. Only female persons of the non-Serbian ethnical origin (mostly Muslim Bosnians) were interned in such camps and raped. When raped women reached the high stage of pregnancy, they were released.

Mass rape camps were a part of the strategy with the purpose to conduct the ethnic cleansing of the non-Serbian population, and raped women represented the part of the banned population mostly motivated to stay in exile, that is to permanently reside in the most distant parts of the world – because of the psychological, moral, religious, custom and other reasons.

In the special part of the Report, the *UN Commission* reported on the conduction of rapes and sexual abuse in Serbian camps,⁸⁹ including the alleged cases of *rape camp* objects, where “all women were raped when soldiers would return from the front line, meaning every 15 days”, or *women prison centres*, where “mostly sexual abuse” was performed.⁹⁰

Results of the survey, conducted among survived camp internees, also partially, in a certain synthesised way, speak of the treatment in Serbian camps. Those results are published in a separate chapter of this book.⁹¹

However, because of the general unfavourable status of the camp issue, and in order to compare the international law and camp experiences left by the Serbian aggression in a more complete, objective and concrete way, it is necessary to read and face the following text, based on a series of completely marginalized books, in which documents and testimonies gathered and published by associations of survived internees from Serbian camps or by individual prisoners, are collected.⁹²

Passages from these works were selected as the prevailing typical experiences of camp internees, and will be included here, in order to facilitate their comparability with the part of this paper referring to the international law.

It is obvious from all documents and testimonies that in Serbian camps all provisions and regulations from *Geneva Conventions* relative to camps were violated systematically and in the most inhuman way, as well as numerous other international law regulations regarding the interpersonal treatment.

Locations of Serbian camps had no consideration for healthy climatic conditions and safety of interned persons. Condition of the premises was absolutely inappropriate for accommodation and residence not only of people, but also of animals. Accommodating conditions (number of persons, hygienic conditions, clothes, beds, blankets etc.) were dreadful. Camps were established in abandoned farms, in warehouses, basements of diverse public and private objects, sections of army barracks and regular prisons etc.

Most camps, in which thousand and more camp prisoners were placed, were previously abandoned and completely neglected cattle farms. For example, that was the case with the camp Begejci and camp Stajićevo in Vojvodina. Camp Begejci was active for around fifty days, from the beginning of October until the end of November 1991; camp Stajićevo was active 35 days, from the middle of November (November 18th, that is, since the occupation of Vukovar) until December 21st, 1991. During their existence and after they were closed, several thousand camp prisoners was moved to other camps, mostly in the Serbian territory (Sremska Mitrovica, Niš, Belgrade etc.).

One of the surviving internees described the camp Stajićevo in a following way: "It was a former cattle barn, deserted ten years ago. It was long about 200, and wide 30 meters, without the ceiling, covered only with tiles. On both sides across the room there were feeding-bins for stall-feeding of cattle. Bins were about one meter away from the longer walls. From the bins towards the centre of

the room there was a space (formerly) occupied by cattle, and across the entire barn there was a passage approximately three meters wide. Ground between the bins there was soil, and other parts of the barn were covered in some kind of a long ago worn-out concrete floor ... they squeezed around one thousand of us in that space. There was no living space ... we were squashed and walking all over each other”⁹³.

Treatment of internees – from the capturing or the arrest until the end of their internment or death – was permeated with frequent, cruel and most different forms of physical and mental abuse, in all Serbian camps. Prisoners were exposed to tortures individually or collectively, day and night, during lining up, meals, work and sleep. They were equally treated during systematic interrogations, which were experienced several times by all of the prisoners.

Articles for personal use, money, jewellery and other values held by prisoners at the time of the arrest were most often taken from them with the use of violence and threats, and without issuing any kind of a receipt. In most cases, men, women and children were interned in the same objects. Relocation of camp prisoners was often done without announcement or information on the destination, under the inhuman conditions and the cruellest treatment.

On all occasions – during the transfer, relocation and the internment in the camp – food was irregular, most insufficient in quantity and of extremely low quality. That was accompanied with the completely unhygienic conditions, inexistence of the infirmary and medical personnel. It all simply resulted in drastic loss of weight of all of the survived prisoners and in frequent sicknesses.

Religion confession was not only made completely impossible for the prisoners, but in many cases, the abuse was based on and motivated by the religious discrimination. Furthermore, for the prisoners, there was no possibility of satisfying intellectual, educational, cultural and other needs. Among other things, camp prisoners were abused by receiving false unfavourable and tragic general and personal information. There was no *Convention* text, or any other official written information regarding their status, available to prisoners in any of the camps.

Camp prisoners (soldiers and officers, as well as civilians) had to perform most different tasks, following the order of the camp holder. During work, prisoners were abused, and working conditions, additional nutrition and monetary reward were all completely neglected.

Communication with the outer world was disabled and retarded in different ways. It equally applied to the information on the existence of camps and records on prisoners, as well as on the communication of prisoners with their families, their native country government or with the international organizations, including the ICRC. There was no prisoners' representative elected in any of the Serbian camps.

Interned civilians were regularly placed in camps together with the prisoners of war, and in the series of cases, camp prisoners were confined together with the *local* persons, charged with for different criminal acts. Very often, interned members of the same family were separated, including children.

In all camps, methods of treatment characterised as grave breaches of the *Convention* were massively committed; intentional murders, torture and inhuman treatment, infliction of great suffering and serious injuries to body and health, deprivation of the right to the regular and unbiased trial, unlawful exile and relocation, illegal internment, taking of hostages, and property destruction and wrongful claiming. Serbian government did not take any measures to end and criminally sanction such treatment, but on the contrary, participated in the organization and execution of everything that was being done.

Arrival to each of the camps was similar, and it can thus be concluded that it was an organized model of treatment. One of the camp prisoners described it in the following way: "From the bus door all the way to the inside of the barn there were reservist military policemen and their civilian police on both sides of the walkway... Each one of them had some kind of a long stick in his hands, or some other hard object. We were not allowed to run to the entrance. While we were walking, they had more time to hit us repeatedly. For those who were going first, there was as much as one hundred meters to walk from the bus, and as the barn was becoming fuller, the walk was becoming shorter. We were coming out of the bus, and they were hitting us ... many were knocked down, and some never got up again... We were also carrying wounded persons... They had no mercy for them either. Some of our people were walking with crutches. They were tripped so that they would fall down and then they were completely helpless. There were broken arms, legs, ribs, heads. No one of us was allowed to come near and help those who were seriously injured... Along with all that, they were threatening us, saying that was really nothing yet, compared to what we shall be going through in the camp. And they were right".⁹⁴

Camp Sremska Mitrovica (in the region of Srijem, south-west of Belgrade) was located in the old, big prison, surrounded by the four meters high wall with the barbed wire on top. In the Serbian system, this camp was one of the largest and the longest lasting; it was open on November 18th, 1991 and active until August 13th, 1991; “approximately 1500 prisoners were interned there, while around 4000 women, children and senior persons were held there for a while”.⁹⁵

One of the numerous mutually similar testimonies on the Sremska Mitrovica camp, includes the following: “According to stories of those who arrived before my group, which also had to go through the same, all arrivals to the camp were accompanied by the so-called ‘double row’, through which all prisoners had to pass, while they were repeatedly and repeatedly hit with sticks by the official prison guards... As much as one hundred and sixty prisoners were literally suffocating in rooms, with no conditions for personal hygiene; they would not even give us the toilet paper or any other kind of paper that could be used for such purpose. We were all covered with the overgrown hairs and beards, we were finding most different ways to cut our nails, and we were rapidly losing weight, because what they were giving us to eat was such, quality and quantity wise, that it was questionable will we even be able to survive if we were to stay there for a longer time.

For breakfast and supper they would give us one slice of several days old, stale, dry and often mouldy bread, or a raw frankfurter, a hard-boiled egg, a piece of the undried bacon with nothing to cut it with ... a little piece of salami of very questionable quality, uncooked semolina with no salt or sugar, uncooked and unsalted corn grits and so on, from one day to another.

For lunch we had one slice of bread and several spoonfuls of unsalted liquid in a plate, with a hardly recognizable smell and taste of what ever was cooked in it. Mostly, it was a clear, transparent liquid, which a prisoner would finish in two sips, followed by the dry and mouldy slice of brown bread, and that was it. Until the end of the internment, food did not get any better in quantity or quality”.⁹⁶

In one section of the army barracks located on the road leading from Belgrade towards Valjevo, there was a camp called Bujanj Potok. There also the torture was going on, described by one of the survived prisoners: “there were days when we were separately taken to an empty bedroom, to have a kind of a conversation very characteristic for them. One officer would be sitting in the room, look-

ing through an open window, listening uninterestedly to our moans and cries from the pain caused by punches we were receiving to our face and stomach. When the officer was satisfied with our cries, he would then order the hitting to stop. My stomach was red and blue from the punches I have received, and my buttocks and hips black from the haematomas... On another day, the guards ordered me to lick the parquet in the bedroom. I had to do in such manner that they could see my tongue licking the floor.

On several occasions I had to dance in the bedroom in front of everyone. I was ordered to do that by kids I was old enough to be a father to ... one time, they took me out to the corridor, started hitting me so hard that I fell unconscious under the punches...

The entire bedroom, a dozen of us, was tortured in groups. Two or three guards were present, giving out terrifying orders. From the early morning until the late night hours. We had to stand opposite each other and to kick our heads as long as they would not be satisfied. Then we had to slap each other's faces. After that, we had to run and hit our heads into the iron bed bars, as hard as possible. We had to stand in the line faces turned to one another, and one by one had to go pass the line and hit everybody's behind. We had to stand for several hours looking up to the ceiling... Another one of the "games" was that following the order "airplanes" we had to jump of the beds, get dressed and lay under the beds".⁹⁷

Excerpt from the report of one of the prisoners in the Bubanj Potok camp testifies on the typical manner of interrogation and trial: "They asked me to come to the next room. There were a dozen of them inside. The beginning was that they were kicking me in the stomach and hitting me with the baton all over my back. The captain who was interrogating me offered me a cigarette and told me not to be afraid because they were not going to kill me, but they will be hitting me until I die slowly. He started hitting my head to the bed bars, I started bleeding from the mouth and I was slowly losing my senses. When I recovered consciousness, I was lying on the bed, all covered in blood. They pulled me out of the bed again and took me to the bathroom to wash myself. I was feeling cold and hot by turns. I had some water to drink, but very soon they pulled me away from the water and started hitting me again... The night was falling; I lost trace of time...

In the morning ... they put me in the paddy wagon and drove me for an hour to Topčider in Belgrade. There,

they started interrogating me all over again, but this time in front of the camera. After that, I was beaten again, and than tortured. They were putting out cigarettes on my arms and legs, breaking my ribs, hitting me on the head. They were slapping my face until I started spitting bits of my teeth, and they only laughed to all that. A new interrogation started, different than the previous ones. They were strangling me with wire, pricking my arms and legs with needles... Then they took me to the cell... Around midnight I received a “visit” of a group of soldiers, five or six of them, and they started torturing me again... Two of them were holding me, one was kicking me, and the other one was taking my pants off; then they tied my genitals and dragged me by it all over the room, shortly after that I lost consciousness again, and they pour water over me, and so I fell asleep from the cold... After the breakfast, another commission came. They read me my rights and a sentence to twenty years in prison... They let me sleep that night, but next morning, already when I was washing my face ... torture, beating, giving vent to their lowest instincts began all over again. They were telling me how they would cut me to pieces and send me home in such pieces. Days in Topčider were unimaginable and horrendous, you could not believe what people are capable of doing to another human being”.⁹⁸

Already in 1990, Serbian government started forming numerous camps in occupied parts of Croatia. And so, in Borovo Selo, a camp became active “shortly after Christmas 1990 in the cinema hall. Everyone who was captured in the area between Tenja and Dalj ended up in Borovo Selo”. When the number of interned persons started increasing in summer 1991, classrooms and the school gym were turned into the camp. Prisoners were tortured in many ways, and some were murdered “most brutally: they were massacred with broken bottles, metal objects and knives and then thrown into the river Danube”.⁹⁹

The situation was similar in other Serbian camps in occupied Croatian territory – in Dalj, Darda, Beli Manastir, Petrovci, Negoslavci, Bučje, Okučani, Glina, Knin etc.¹⁰⁰

For example, one of the prisoners in the camp in Darda stated the following in his testimony: “Torture was constant, even when we were working. We even had to pluck grass with three fingers... On the day before I came back, prisoners were murdered. They murdered Stjepan Penić, journalist for Radio Vukovar. First they beat him up, and then while he was still half alive, they poured gasoline over him and set him on fire. It was ordered by

Željko Čizmić and Lalo Mijoković. Drago and Franjo Kovčalića had to dig their own graves, and then they were murdered, together with Nikola Grobljar. On the same day, Andrija Ripić was murdered, Janoš Dioši and Stipo Lijić, who was slaughtered in bed”.¹⁰¹ Also, regarding Dalj, “it is not a well known fact that the mad ‘Chetnik duke’ Šešelj was personally interrogating the non-Serbian population in Dalj”.¹⁰²

Quite customary form of mental-physical torture in Serbian camps was the procedure of taking prisoners to false executions.

“In the middle of the night, they have suddenly put us in the field vehicle, the seven of us. We were all tied up... After a while, the vehicle stopped. First prisoner was thrown out. I can hear them beating him, he is wheezing. It is obvious that he is suffocating from the beating or they are strangling him. The same happens to each next one. But, it is dark and I can't see are those poor prisoners murdered or just beaten to death.

It was my turn. I was the last one. I can hear someone to my right shouting: ‘Don't slay this one, we'll skin this captain alive.’ As soon as the guards threw me out of the vehicle, they started kicking me. In the dark, I am fumbling for those dead prisoners, beaten and strangled before me. And so, by kicking me and shoving me, they pushed me to a wall or a fence, but they continue to beat me. They are taking all of my clothes off. Then, two of them took me and carried me, half-dead, to a room”.¹⁰³

Another testimony: “Then they called the name of one of us and took him out of the house they were interrogating us in. We could hear the order given by the Yugoslav soldier: ‘Cover his eyes! Platoon ready for firing. Fire!’ And we could hear a sharp burst of gunshots. Then they took another prisoner and repeated all that. Then, it was my turn. At the moment they were taking me to the execution, many things ran through my mind. My feet were suddenly cut off, and somehow, instinctively, a desperate scream came out of me, like a farewell to life. When I came to the place of the execution, I was shocked when I saw those who went before me alive in that garage”.¹⁰⁴

Certain Serbs, who refused to participate in the aggression or did not express their support for it, were also interned in some of the Serbian camps. “Camp guards called such Serbs traitors of the Serbian people. They were also treated brutally. They acted so inhumanly towards one Serbian from Lozica near Dubrovnik. He was beaten and tortured as if he was a Croat”.¹⁰⁵

Apart from being forced to give different false statements for Serbian television networks, testimonies confirm that prisoners were also forced to do some other things: “we were forced to sign all kinds of statements we did not state, for example, that we are foreign mercenaries, that we are organisers of rebellions in different towns and that all kinds of weapons and tools for slaughtering and digging out eyes to Serbian population were found on us”.

Particularly long and hard experiences for prisoners were false exchanges. Camp authorities would read “a dozen names, and then put prisoners on a bus, drove them around the barracks, while guards would beat them during the drive, and they had to keep their heads down all the time, with their hands on the back of their head.

Then, after half an hour, all beaten up, they would be returned to their bedrooms”.¹⁰⁶ After false exchanges, they would tell us that our people do not want us, that Tuđman does not want us, that the Croatian side has given up on the exchange etc.”.¹⁰⁷

Many camp prisoners testify on the camp authorities often hiding one part of prisoners from the ICRC or making the free communication with the ICRC representatives impossible. It is confirmed with the following statement of a survived camp prisoner: “I was not identified and registered in the list of prisoners until the third visit of the ICRC representatives. On that occasion, the official translator was one lady from the Yugotours company from Herceg Novi, Montenegro. Later, we have found out that she told to the prison director everything the prisoners were saying to the ICRC representatives about the treatment in prison... Because of that, many prisoners were beaten hard after the ICRC representatives left the prison”.¹⁰⁸

However, even among the most inhuman atrocities mentioned here only in the small number, especially extreme forms of treatment in Serbian camps were exercised on interned civilians and defenders of Vukovar, who presented more than one half of the total number of interned persons from the territory of the Republic of Croatia. It was going on in camps formed in the occupied Vukovar by the Serbian authorities, as well as in numerous other camps to which people of Vukovar were later sent. The most explicit evidences of such treatment are exhumed victims from numerous mass graves in the Vukovar area, as well as one part of published testimonies of survived prisoners.¹⁰⁹

In the mentioned *UN Commission Report* relative to rapes and sexual assaults, the section referring to the

Vukovar area is the most comprehensive and describes the worst cruelties in cases of “sexual atrocities”. In the Velepromet camp, which “served as the great collective centre for thousands of civilians captured in the next several days after the occupation of Vukovar ... men were beaten on their genitals and castrated. In one case, Serbian soldiers cut of a Croat’s testicles and penis. In another case, a victim has reported that he was repeatedly beaten on his genitals and lined up together with a group of imprisoned men, and forced to walk around the room, while their genitals were bound together with a wire... Prisoners testify on hearing screams of raped women. Yet another prisoner (his name is not mentioned in the report) testifies on a pregnant woman, his friend, who was raped in the camp, together with fifteen other women. Serbian woman married to a Croat was also raped. The last source testifies on the Velepromet camp being the place of ‘brutal rapes’.

Sexual assaults were also committed outside the camp... One captain has raped two fourteen-years-old girls in front of their grandmother, and then killed all three of them... Young Croatian women who were attending Serbian volunteers were forced to a sexual intercourse... One Albanian woman reported that she was interrogated and raped continuously for twelve hours by a group of Yugoslav National Army soldiers”.¹¹⁰

Velepromet was a large, walled-in warehousing space belonging to the company of the same name, composed of seven brick-built buildings and eight tin warehouses. Serbian authorities formed a camp there before the complete occupation of Vukovar, which stayed active until spring 1992. During the first three days after the occupation of Vukovar, “people were constantly taken away, and all trace of them was lost. In the beginning, interrogations were conducted 24 hours a day... People in uniforms were entering all rooms, calling names of certain people, or just recognizing them and taking them away. After that we could hear screams, moaning and shots – single ones, as well as the machine-gun ones...

Over one thousand people were placed in one tin warehouse, without water, toilet or anything, floor was made of concrete. We could do nothing but stand on our feet.¹¹¹ People, women and children were urinating under themselves”.

“In the back of the backyard there was a space bordered with a wire, and there were people inside that space, desperately reaching out their hands through the wire fence, towards people brought from the hospital and from

the town, calling us, knowing they will die soon, wishing someone they know would see them, so that those who will survive could later tell where they were last seen... During the night mad Chetniks would burst in the hangars, beating people with different sticks, metal bars, multi-layered metal wire cables, butt-ends of rifles, military boots, and all sorts of things. They were searching for and taking wrist-watches, golden chains, rings and everything of value held by any of the prisoners...

The one who spoke to me took out from his pocket an object of the metal yellow colour and asked, looking at us all: 'Do you know what this is?'

Of course we knew. It was the so-called "cattle gun", from which, when you release the spring, a long, sharp, metal spike would flew out, killing instantly even the strongest bull.

We said nothing, because we were terrified, and he stood up in all his largeness, importantly taking air deep into the lungs, suggestively saying: 'With this you can kill nicely'. After the internment ended, I found out from our people that it was Miloš Bulić, called Bulidža, who was trialed in the year 1999–2000 and released due to lack of evidence".¹¹²

Serbian government has also formed the *Ovčara* camp in one part of the farm of the same name, several kilometres from Vukovar. In this camp, 200 prisoners were murdered, and 61 prisoners from this camp is still missing; those were mostly wounded persons from the Vukovar hospital, who were taken from the hospital by the Serbian army, in the presence of the ICRC representatives and a special envoy of the UN Secretary General (Cyrus Vance).

Concluding note

Based on all data set in this paper, it is beyond any doubt that in Europe and in the world, the camps have continued to be the usual practice in the interpersonal treatment, even towards the end of the 20th century, especially in the process of preparation and during armed conflicts. It is also unquestionable that in the course of time, the international law, and in particular its parts directly or indirectly relating to the camps, and the practical camp experiences, is being more and more disconnected. That is to say, the more thoroughly the international law was prescribing protection of camp prisoners, the worse their experiences were.

Obvious evidence to that fact are the camp experiences occurring in the camp system established by the Ser-

bian authorities during the armed aggression on the Republic of Croatia and on Bosnia and Herzegovina. However, despite all, adequate coping with the camp experiences after the Second World War is lacking, on the public perception level, as well as regarding the public status of this issue. That, too, is proven by the systematic marginalization of camp experiences occurring during the Serbian aggression.

Therefore, any unbiased word said in public on contemporary camps has a special meaning as encouragement for further researches and prevention of recurrence of the camp experiences.

FOOTNOTES

¹ Jurčević, J., *Povijest logora*, in D. Rehak, *Putevima pakla u 21. stoljeće*, Zagreb, 2000, page 10.

² See *idem*; where camp categories, history of camp experiences and creation of international humanitarian law is described in more details.

³ It is interesting to note that *Geneva Conventions related to the Protection of Civilian Persons in Time of War* was translated and published in Belgrade in 1962.

⁴ Jurčević, J., *Povijest logora*, in D. Rehak, *Putevima pakla u 21. stoljeće*, Zagreb, 2000, page 19.

⁵ *Idem*, p. 20.

⁶ First two articles are literally the same in both *Conventions*.

⁷ This statement was intended to prevent possible malevolent reduction of protection and rights, to a great extent guaranteed for the medical personnel and chaplains in Article 33.

⁸ Article 7 of the *Convention relative to the Treatment of Prisoners of War*.

⁹ Article 12.

¹⁰ Article 13.

¹¹ Article 14.

¹² Article 15.

¹³ Article 16.

¹⁴ From Article 17 to Article 108 inclusively.

¹⁵ Article 17.

¹⁶ Article 17.

¹⁷ Article 18.

¹⁸ Article 19.

¹⁹ Article 20.

²⁰ Article 21.

²¹ Article 22.

²² Article 22.

²³ Article 22.

²⁴ Article 23.

²⁵ Article 23.

- ²⁶ Article 25.
²⁷ Article 25.
²⁸ Article 26.
²⁹ Article 27.
³⁰ Article 28.
³¹ Article 29.
³² Article 30.
³³ Article 33; see Articles 32, 35, 36 and 37.
³⁴ Article 34.
³⁵ See Article 37.
³⁶ Article 38.
³⁷ See Articles 39-48.
³⁸ See Article 41.
³⁹ Articles 49-57.
⁴⁰ Article 49.
⁴¹ See Articles 50 and 52.
⁴² Articles 51.
⁴³ Article 62; see Article 54.
⁴⁴ Article 60.
⁴⁵ Article 64.
⁴⁶ Article 63.
⁴⁷ Articles 69-77.
⁴⁸ Article 70.
⁴⁹ Article 71.
⁵⁰ Articles 71, 73 and 74.
⁵¹ Articles 78-108.
⁵² Article 78.
⁵³ Article 79.
⁵⁴ For detailed information on prisoners' representatives, see Articles 79, 80 and 81.
⁵⁵ Articles 82-108.
⁵⁶ Articles 82 and 87.
⁵⁷ Articles 84 and 105.
⁵⁸ Article 87.
⁵⁹ Articles 91-94.
⁶⁰ Articles 109-121.
⁶¹ Article 122.
⁶² Article 123.
⁶³ Articles 126-143.
⁶⁴ Article 126.
⁶⁵ Article 127.
⁶⁶ Article 129.
⁶⁷ Article 130.
⁶⁸ Article 131.

⁶⁹ Article 14 of the *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*.

⁷⁰ Article 15.

⁷¹ Article 19.

⁷² Articles 24 and 26.

⁷³ Article 27.

⁷⁴ Article 49.

⁷⁵ Article 49.

⁷⁶ Article 83.

⁷⁷ Article 42.

⁷⁸ Article 43.

⁷⁹ Article 84.

⁸⁰ Article 82.

⁸¹ Article 95.

⁸² Article 102.

⁸³ Article 147.

⁸⁴ See paper in this proceedings: Jurčević, J., *Vukovar '91 – International Law and European Security*.

⁸⁵ Article 4 of the *Additional Protocol II*.

⁸⁶ It suffices to remind of the peacetime camp victims of the totalitarian governing systems; apart from mostly publicly known camps in the pre-war Nazi Germany and the militaristic Japan, and the post-war Latin American dictatorships, it is necessary to point to certain peacetime communism victims, much less mentioned and much more numerous – see, for example, *Crna knjiga komunizma* (The Black Book of Communism), Zagreb, 2000.

⁸⁷ Jurčević, J., *Povijest logora* (History of Camps), page 28; except in the mentioned paper, for more comprehensive explanation of aggression characteristics see: *Rat protiv Hrvatske* (War against Croatia), thematic issue of the journal *Društvena istraživanja* (Social Researches), Zagreb, 1993, 4–5.

⁸⁸ Final Report of the Commission of Experts established pursuant to Security Council Resolution 780 (1992), S / 1994 / 674, 27 May and Annexes (submitted by the Secretary-General to the Security Council December 1994, available soon through United Nations documentation).

⁸⁹ Annex IX, Vol. V.

⁹⁰ *Idem*, for example items 111 and 114.

⁹¹ See paper in this proceedings: *O čemu svjedoče zatočenici srbijanskih logora? (What are Detainees of Serbian Concentration Camps Testifying on?)* by authors Milas, G. and Šakić, V.

⁹² *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000; *Sjećanja dubrovačkih logoraša*, Dubrovnik, 2003; Njavro, J., *Glava dolje, ruke na leđa*, Zagreb, 1992; Lukač, D., *Bosanski Šamac, grad logor*, Scharnitz, 1992 – Orašje, 1993; *Stotinu svjedočanstava*, Zagreb, 1993; Plavšić, D., *Zapisi iz srpskih logora*, Zagreb, 1994; Štefanac, V., *Iz Kostajnice na Manjaču*, Zagreb, 1994; Štefanac, V., *U logorima Manjače i Gline*, Zagreb, 1996; Vorgić, D., *Srpski logor Begejci*, Zagreb, 1996; Božičević, M., *Hranite ili ubijte*, Zagreb, 1997; Jelić, D., *Pogled u nepovrat*, Pazin, 1997; *Vukovarski franjevci u Domovinskom ratu (ratne*

i uzničke zabilješke), Zagreb, 1997; Antunović, D., *Od Kalvarije do pakla*, Zagreb, 1998; Barbarić, M., *Pozdrav iz Knina* 10. 10. 1991, Zagreb, 1999; Sablić, M., *Posljednja presuda "U ime naroda"*, Zagreb, 1999; Miljković, M., *Vukovarski deveti krug*, Zagreb, 2000.

- ⁹³ *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000, page 74.
- ⁹⁴ *Idem*, page 74; this book includes testimonies of prisoners from around 30 Serbian camps, with very similar descriptions of forms of physical and mental abuse of prisoners at the moment of their arrival to camps. More details on camp experiences are included in books published by particular camp prisoners, and some of those books are mentioned in the following notes.
- ⁹⁵ *Idem*, page 203.
- ⁹⁶ *Idem*, page 206.
- ⁹⁷ *Idem*, pp. 92–93.
- ⁹⁸ *Idem*, pp. 95–96.
- ⁹⁹ *Idem*, page 109.
- ¹⁰⁰ *Idem*, pp. 106–303.
- ¹⁰¹ *Idem*, page 138.
- ¹⁰² *Idem*, page 129.
- ¹⁰³ *Sjećanja dubrovačkih logoraša*, Dubrovnik, 2003.
- ¹⁰⁴ *Idem*, page 92.
- ¹⁰⁵ *Idem*, page 211.
- ¹⁰⁶ *Idem*, page 203.
- ¹⁰⁷ *Idem*, page 179.
- ¹⁰⁸ *Idem*, page 33; this testimony is from the Morinj camp in Montenegro; compare, for example, similar testimony from the Sombor camp, published in the book *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000, on page 159.
- ¹⁰⁹ One part of documents, lists and testimonies is published in the mentioned books – most of them referring to camp prisoners from Vukovar; detailed documentation from the previous exhumations and lists of missing persons are in the property of the *Committee for Confined and Missing Persons* under the Government of the Republic of Croatia; compare book *Deset godina nade i boli*, Zagreb, 2001.
- ¹¹⁰ *Putevima pakla u 21. stoljeće (kroz srpske koncentracijske logore)*, Zagreb, 2000, page 162.
- ¹¹¹ *Idem*, page 163.
- ¹¹² *Idem*, pp. 171–174; it is the testimony given by M. Miljković, who has later published a book mentioned in the note 91.