



## 安全理事会

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## 1993年2月9日秘书长给安全理事会主席的信

安全理事会第780(1992)号决议要求我设立一个专家委员会,以期就前南斯拉夫境内发生的严重违反各项《日内瓦公约》和其他违反国际人道主义法行为的证据,向我提出结论。该委员会在1992年11月初展开工作,于1993年1月25日和26日在日内瓦举行了第三届会议,随后向我提交了第一份临时报告和几份附带文件,包括一份对武科瓦尔附近一处万人坑进行初步现场勘察的报告。

该临时报告概略地汇报了专家委员会至今所做的工作、它对所审查的证据的初步结论和对若干重要的法律问题的看法,并对它的下一阶段活动的工作计划作了说明。

我想特别提请你注意临时报告中的下列内容:

(a) 确实发生了严重违反各项公约和其他违反国际人道主义法的行为,包括蓄意杀人、“种族清洗”和大规模杀人、严刑拷打、强奸、抢劫和破坏平民财产、破坏文化和宗教财产,以及任意逮捕;

(b) 由于各方所提供的大部分资料真实性很不均匀,所以真相的核实非常重要;

(c) 专家委员会确定了并且提议对下列情况进行现场调查:关于在武科瓦尔地

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区发生的罪行的控诉,武科瓦尔附近的万人坑,各个拘留营,以及关于系统地进行性攻击的控诉。

关于所提议的各项调查,专家委员会表示,它打算借助各国政府和非政府组织所曾表示愿意提供的协助。它还请我设立一个信托基金来协助它履行它的任务。

最后,专家委员会在其结语(第74段)中指出,如果安全理事会或者其他国际机关或机构决定设立一个审判战争罪行的特设法庭,这样一项行动与委员会的工作方向是互相一致的。

我已经认真审阅了这个临时报告;我认为,专家委员会所提出的工作计划纲要,将使它能够履行它的首要任务,就是就前南斯拉夫境内发生的严重违反各项《日内瓦公约》和其他违反国际人道主义法行为的证据,向我提出结论。因此,我打算请专家委员会继续进行数据库方面的工作,并且按照它在报告中扼要提出的方案,尽快着手核实各项事实真相。与此同时,我将开动必要的行政步骤来设立一个信托基金。

鉴于临时报告的内容所具有的明显重要性,以及安全理事会对专家委员会的工作所表示的强烈关注,所以我将临时报告(附件一)和关于对武科瓦尔附近的万人坑进行初步现场勘察的报告(附件二)转达给你,以供安全理事会参考。我觉得我有责任在现阶段采取这一步骤,虽然该临时报告还不是安全理事会第780(1992)号决议第4段所设想的报告。

布特罗斯·布特罗斯-加利(签名)

附件一

(原件: 英文和法文)

安全理事会第780(1992)号决议  
所设专家委员会的临时报告

1993年1月26日

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## 导 言

### A. 任务

1. 安全理事会第780(1992)号决议请秘书长设立的专家委员会的任务,按照该决议第2段的规定,是审查和分析根据第771(1992)号和第780(1992)号决议提出的资料以及专家委员会通过自行调查或其他人士或团体根据第771(1992)号决议作出的努力而可能取得的其他资料,以期就前南斯拉夫境内发生的严重违反各项《日内瓦公约》和其他违反国际人道主义法行为的证据,向秘书长提出结论。

### B. 组成

2. 委员会的成员以个人身份参加。委员会的主席是弗里茨·卡尔斯霍芬教授(荷兰),成员为谢里夫·巴西欧尼教授(埃及)、威廉·芬里克先生(加拿大)、基巴·姆巴耶法官(塞内加尔)和托克尔·奥普萨尔教授(挪威)。

### C. 会议

3. 委员会于1992年11月4日和5日在纽约举行了第一届为期两天的会议。它在该届会议上讨论了各项组织和程序上的问题,并且开始处理与其任务有关的方法问题和实质性问题。委员会还任命了芬里克先生为法律问题报告员。

4. 委员会分别于1992年12月14日至16日及1993年1月25日和26日在日内瓦举行了第二届和第三届会议。在这两届会议上,委员会通过了自己的议事规则(见附录),任命了巴西欧尼先生为实况资料收集和分析工作的报告员、芬里克先生为现场调查工作的报告员,并继续审议上面第3段所述的那些问题。在第三届会议上,委员会讨论和通过了本临时报告。

#### D. 其他联合国论坛提到本委员会的情况

5. 委员会在第二届会议上,注意到安全理事会第787(1992)号决议请它“积极调查前南斯拉夫境内严重违反各项《日内瓦公约》和其他违反国际人道主义法的事件,尤其是‘种族清洗’的做法”。

6. 委员会又注意到,人权委员会1992年12月1日第1992/S-2/1号决议建议给予专家委员会必要的工作人员和支援,使它能够有效地展开工作,并请专家委员会向秘书长提出它的结论,以便安全理事会能够审议采取哪些进一步的适当步骤,使那些被控诉的人受到审判。

7. 也是在第二届会议上,委员会注意到,人权委员会的同一决议以及大会第三委员会1992年12月11日通过的一项决议草案<sup>a</sup>都重申,犯下或授权他人犯下危害人类罪和其他严重违反国际人道主义法的所有人必须为这些行为承担个人责任,国际社会将尽一切努力把他们绳之以法,并吁请所有各方按照安全理事会第780(1992)号决议向专家委员会提供一切相关资料。

#### E. 委员会收到的资料

8. 继安全理事会第771(1992)号和第780(1992)号决议提出要求和委员会自己进行调查之后,委员会收到了数千页的文件,内载有关在前南斯拉夫境内严重违反各项《日内瓦公约》和其他违反国际人道主义法的行为的指挥。委员会还看到了一些录像资料。

9. 至1993年1月26日为止,奥地利、波斯尼亚-黑塞哥维那、克罗地亚、法国、德国、挪威、斯洛文尼亚、乌克兰、美利坚合众国和南斯拉夫等国提出了载有这类指控<sup>b</sup>的报告。其中一些报告内提供了一些关于具体指控的数据,这些指控如果有证据为凭,足以构成“严重违反”行为和其他违反国际人道主义法的行为。其他一些报告则是一般性的。各国政府如能向委员会提交这些报告所根据的档案或更加

详细的资料,便可以帮助委员会收集必要的数据,以建立适当的调查档案。奥地利、加拿大、克罗地亚、丹麦、斯洛文尼亚、瑞典和瑞士等国已来文表示愿意协助向委员会传递难民和其他离开战区的人士向各国有关当局提供的资料。这种资料一旦收到后,便将转给实况资料收集和分析工作报告员。各国政府提供的材料表明,确实发生了大规模的残杀和伤害。

10. 委员会还收到许多联合国机构、政府间组织、国际非政府组织、全国性组织和民间渠道提出的报告,内载以上所述那种指控。

11. 联合国的有关机构和当局包括:根据人权委员会第1992/S-1/1号决议任命的负责亲自调查前南斯拉夫境内人权状况的特别报告员、人权委员会的法外处决、即审即决或任意处决问题特别报告员、联合国难民事务高级专员办事处(难民专员办事处)人权事务委员会和联合国保护部队(联保部队)。这些报告还揭露或证实了大规模残杀和伤害事件的发生。其中一些报告表示有证据可查,另一些报告则建议了今后调查的方向。

12. 欧洲安全理事会和合作会议(欧安会)提出了一些报告,包括欧安会派往波斯尼亚-黑塞哥维那拘留营的特派团的报告、欧安会派往南斯拉夫的人权报告员的报告,以及根据欧安会莫斯科人的问题机制派往波斯尼亚-黑塞哥维那和克罗地亚的特派团的报告。其中第三份报告讨论了在确定“严重违反”行为和其他违反国际人道主义法行为的责任方面实际涉及到的问题。欧洲共同体也提出了报告,包括由欧洲共同体各监测团提供的资料和欧共体调查前南斯拉夫境内穆斯林妇女所受待遇特派团的初步调查结果。

13. 至1993年1月26日为止,还收到以下各国的来文,对事态和违反国际人道主义法的行为表示一般的关切:澳大利亚、奥地利、比利时、哥伦比亚、法国、伊朗伊斯兰共和国、俄罗斯联邦和斯洛文尼亚。另外还收到以下政府间论坛的同类来文:联合国内的阿拉伯国家集团、巴尔干国家及该区域国家外交部长会议、欧洲委员会、西欧联盟部长理事会、欧洲共同体、伊斯兰会议组织、阿拉伯马格里布联盟

总统委员会、海湾合作委员会最高理事会。

14. 至同日为止,还收到一些国际非政府组织的报告。这些报告对委员会收集重要资料很有用处,它们里面的论述往往比较详细,最接近于委员会需要的数据,委员会有了这些数据,并且查明证据属实才可以追究“严重违反”行为和其他违反国际人道主义法行为的责任。有关的国际非政府组织有:大赦国际、红十字国际委员会(红十字委员会)、医师无国界协会、赫尔辛基观察、国际人权联盟、向波斯尼亚-黑塞哥维那提供人道主义援助和平联盟和“拯救人类世界运动”。委员会如能收到未列入这些报告的有关数据,更有助于它完成任务。

15. 所收到的报告的确实性、性质、内容和文风各不相同,其中大多数的有关证据缺乏可以核实的具体细节。鉴于这些报告的性质,这是可以理解的。

16. 委员会注意到,这些报告往往表明,该地区的武装冲突各方的行为有明显的相似之处,而这种行为往往是应受最严重谴责的。委员会强调,冲突一方应受严责的行径,并不能成为冲突其他各方做出严重违反行为或其他违法行为的借口或理由。

#### 一、与其他机构和组织的协调

17. 委员会认识到,委员会的活动一定要与关心前南斯拉夫境内局势的其他联合国机构和政府间组织的活动互相协调。委员会特别注意到,人权委员会第1992/S-2/1号决议要求尽可能密切地与根据该委员会第1992/S-1/1号决议任命的特别报告员塔德乌什·马佐维耶茨基先生协调。现已与马佐维耶茨基先生作出以下安排:对至今仍未视察过的、但可能是战争罪行的现场或有战争罪行的证据的场地的初步调查工作一般;应由特别报告员负责;凡是看来有充足理由继续追查的情况,便将有关资料提供给委员会,以供委员会采取它认为适当的行动。

18. 委员会通过其主席,还与前南斯拉夫问题国际会议的联合主席保持联系。

19. 委员会还与欧安会保持联系。欧安会高级官员委员会1992年11月7日通过的决定指出,专家委员会应特别注意对战争罪行承担个人责任的原则,并重新审查怎



样由一个特设法庭来落实这一原则。在1992年12月15日的斯德哥尔摩理事会会议上,部长们一致认为,应“通过与专家委员会继续协商”,进一步完善关于使承担正式责任的原则生效的建议,包括设立特设法庭的可能性。委员会考虑到其任务规定授权它就完善个人责任原则的问题进行协商,已指定巴西欧尼先生就此问题与欧安会联络。

20. 主席、巴西欧尼先生和芬里克先生应以科雷尔先生为主席的欧安会委员会的要求,于1月24日与该委员会会晤,就设立前南斯拉夫国际战争罪行特设法庭的法律、采证和实际问题交换意见。该委员会成员除主席外,还有蒂尔克先生和图恩夫人。

21. 委员会通过其主席,还写红十字委员会和难民专员办事处建立了联系。

## 二、委员会为履行职权完成的任务

### A. 资料的审查和分析

22. 委员会认为,要公正客观地履行职权就必须系统地分析已收到的所有资料。因此委员会已着手筹建一个数据库,以便记录正在前南斯拉夫境内发生的所有已见报道的严重违反各项日内瓦公约和其他违反国际人道主义法的行为。记录力求全面连贯,又易于管理。

23. 在创建数据库的过程中,通过使用统一报表特别注意详细资料的搜集。之所以需要数据库和统一报告制度是因为所收到的信息量大,各种报告的内容和风格也相差甚远。

24. 编好的《资料报告表》由八个不同部分组成。头两个部分为身体伤害表(1)和财产损害表(2)。接下来的三个部分都是鉴定表,分别为受害人鉴定表(3),犯罪人鉴定表(4)和证人鉴定表(5)。再下一部分是地点资料表(6),其中记载所报案件发生地点的详细记录。第七部分为证据表(7),内含证据及其发现地点的说明。最后一部分则是战争罪资料表(8),专门搜集有关违反行为性质的具体资料。数据库计算

机输入系统的设计要求是能交叉引用数据项目或数据组目,并查明重复资料。虽然每项报告首次输入时都写成摘要,但是也可输入文件全文。这样就可以研究各种文件,从中找出所有涉及某一事件、人或地点的数据库输入条目,并列成清单。然后,如有必要,可把有关文件全文印出。输入数据库的信息按照所需信息的不同可以不同表格形式排列。这样就可按照日期、地点、受害人姓名、犯罪人姓名等内容把各种案例存入不同的表格。这样的表格有助于发现有关个别犯罪者、武装部队和地点的典型。

25. 截至1993年1月26日为止,委员会收到的报告约有70%已储入数据库。委员会谨向搜集与分析事实报告员对这一工作所作出的宝贵贡献表示深切的谢意。

26. 从至今所作的分析中可得出下列暂定结论。

27. 已报道的违反国际人道主义法的行为大致有以下几种:肆意屠杀;“种族清洗”和大规模屠杀;酷刑;强奸;抢劫和毁坏民用财产;毁坏文化和宗教财产;任意逮捕;强迫驱逐、拘留以及拘留期间虐待;歧视性解雇和骚扰;袭击救灾人员和车辆;袭击新闻记者。

28. 数据库是否有效完全取决于所收到的证据。委员会能否成功地用事实揭露某些人对严重违反情事和其他违反国际人道主义法行为应负的责任,首先取决于委员会能收到什么样的资料。某些报告似乎过于偏重二手和新闻资料。许多报告则没有提供重要数据(受害人姓名、犯罪人、日期和具体地点)。委员会为了开展有效的调查,需要掌握证实报告的档案材料。委员会注意到一些政府愿意提供这些档案材料(参看上文第9段)。委员会打算利用这些材料。

29. 在若干案件中,所称事实似乎是由那些无组织无纪律且不受什么指挥或管制的团体所干的。由于没有有关军事作战的资料(军事部队的行踪、战斗命令、民兵和民事或军事单位的调动),虽然可以确定大规模受害事件,但却极难肯定这类受害事件是否在武装冲突中发生,也极难弄清指挥环节和指挥责任。

30. 关于某一事件的资料常可在不止一份报告中找到。核查该事件数据基时可

能发现,不同的材料来源能相互补充。这只会便利进一步的调查。

#### B. 需要特别深入调查的案件的鉴定

31. 委员会了解到,安全理事会要求根据违反国际人道主义法“证据”做出结论的目的不仅仅在于证实犯罪行为的某些类型,而且还在于获得调查机构起诉所需的那种具体的证据。从这个角度来看,委员会有深入调查的任务。但是由于所掌握资料的数量以及现有的一些实际限制,只能在有选择的基础上开展调查。委员会已初步决定,将以资料来源的可靠性、证据的强度、受害者人数、被指控应负责的人的身份及其级别以及所指控的违反行为的严重性作为指导选择过程的客观标准。委员会在确定哪些案件应予以深入调查时的一个重要考虑是要发现某些行为是否具有共同一贯的特点,是否可用此来证明种族灭绝、“种族清洗”或系统的性袭击的存在。

#### C. 事实的核查

32. 各项报告表明,严重违反情事和其他违反国际人道主义法的行为确有发生。然而必须通过证词、书面陈述、受害人辨认、病理/法医报告、影片、照相、发案地点地图和其他旁证形式来掌握这些违反行为的确凿证据。委员会认识到这方面可能出现的困难:证据可能被有意销毁,也可因天气条件而遭毁损。受害人和证人可能很难找到,或因受到恫吓,害怕报复,不肯提供资料。

33. 委员会议事规则第8条题为“调查”,规定如下:

“1. 委员会可自行决定,或根据国家、国际人道主义组织、或其他人士或机构的提议,听取证人或专家的证词。在这种情况下,委员会得确定传唤证人和专家的方式。一国国民如被传唤以证人或专家身份出席委员会作证,可邀请该国民所属国家出席听证会。

“2. 委员会可决定请国家听取证人或专家的证词。

“3. 委员会如获属于前南斯拉夫一部分的某一或一个以上国家或任何其他国家的邀请,或在任一国家的同意下,可自行或应邀视查这些国家的领土。委员会可以决定,视查任务由全体委员会执行,或由一个或几个成员执行,也可由委员会工作人员执行。”

34. 就实地调查而言,委员会注意到,一些政府已表示可提供专门调查员组队在委员会的领导下开展特定的工作。委员会打算在适当的情况下利用这些专长。

35. 在组成这样的调查团以前,以及在委员会按照议事规则第8条第3款进行视查以前,将就所称事实进行仔细分析,从可靠来源广收旁证,以便使调查工作有合适的重点,并取得具体和丰硕的成果。

#### D 法律问题

##### 1. 国际法的适用规则

36. 前南斯拉夫领土内的武装冲突引起了不同的法律问题。这些问题涉及法律的适用,又由于各种事实情况,涉及法律的解释。委员会开始对这些问题进行审查,并在此就其中部分问题提出初步的看法。

37. 安全理事会第780(1992)号决议执行部分第2段规定,委员会必须适用的法律是1949年日内瓦各项公约和“国际人道主义法”。委员会对后一句的解释是,它与日内瓦各项公约第1号附加议定书第2条第(b)款所界定的“武装冲突中适用的国际法规则”同义,即“冲突当事各方为缔约国的国际协定所规定的武装冲突中适用的规则,和适用于武装冲突的国际法公认原则和规则”。

38. 此外,这些规则首先出现在日内瓦各项公约1977年附加议定书。前南斯拉夫是这些文书的缔约国。南斯拉夫联邦共和国认为自己为该国的继承者,因此应受这些条约的约束;克罗地亚、斯洛文尼亚和波斯尼亚-黑塞哥维那都已自行宣布接受同样的约束。

39. 其他与前南斯拉夫境内武装冲突有关的国际协定包括:

- 1907年第四项海牙公约和陆战法规及惯例;
- 1948年防止及惩治灭绝种族罪公约;
- 1954年关于在武装冲突中保护文化财产的海牙公约;
- 1980年禁止或限制使用某些可被认为具有过份伤害力或滥杀滥伤作用的常规武器公约及附加议定书;

以及适用于前南斯拉夫境内冲突的有关人权法规。

40. 除了上述各项国际协议外,前南斯拉夫境内敌对行为还如上所述,应受“适用于武装冲突的国际法公认原则和规则”的管辖,即习惯国际法的有关规则。委员会注意到,除了在各项日内瓦公约和某些其他有关文书中可以找到习惯国际法的规则以外,一些特别重要的关于武装冲突中保护平民的规则也反映在大会第2444(XXIII)和第2675(XXV)号决议,标题分别为“武装冲突中对人权之尊重”和“武装冲突中保护平民之基本原则”。关于危害人类罪的各项公约和习惯法也具有特别重要的意义。

## 2. 有关国际武装冲突的各项规则对前南斯拉夫境内冲突的适用

41. 从1949年以来,法律区分了国际武装冲突和单一国家境内发生的非国际性武装冲突(以下称国内武装冲突)。一般而言,关于国内武装冲突的规则数量较少,也没有那些适用于国际武装冲突的规则那么详尽。在1949年各项日内瓦公约中,关于国内冲突的规则载于一个条文,即共同的第3条。1954年海牙文化财产公约也同样只有一项条文(第19条)涉及国内武装冲突。

42. 至于1977年通过的两项附加议定书,其中一项(第一号议定书)适用于国际武装冲突,另一项(第二号议定书)则适用于国内武装冲突。

43. 1949年日内瓦各项公约和1954年海牙公约都留下了可能性,由国内武装冲突的当事各方通过特别协议,让这些公约条款的全部或部分产生效力。前南斯拉夫境内连续不断的各次武装冲突的当事各方已经缔结了一系列这种特别协议。

44. 委员会如果根据现有条约法就前南斯拉夫境内各次武装冲突为国际冲突或国内冲突进行分类的话,它必须确定某一局势是否达到武装冲突的程度,如果达到的话,究竟是两国或两个以上国家之间发生的冲突,还是在一个国家领土内发生的冲突。进一步的决定性因素为,该区域内若干国家被视为取得国家地位的日期,和有关条约被视为适用于所有这些国家的日期。

45. 不过,委员会的意见是,由于有关武装冲突的性质和复杂性,加上当事各方之间缔结的所有关于人道主义问题的协议,让委员会觉得有理由将适用于国际冲突的法律适用于前南斯拉夫境内的所有各次武装冲突。

46. 委员会强调,适用的规则包括关于种族灭绝公约所规定的禁止种族灭绝,以及关于人权法律的基本准则。后者虽已体现并载入前南斯拉夫作为缔约者的条约,其对该区域的冲突当事各方的适用性可能被视为来自其作为国际法强制规范的特性。

### 3. 严重违反、战争罪、危害人类罪

47. 日内瓦各项公约和第一号议定书载有关于处理严重违反行为的规则。虽然这些文书都对“严重违反”下了审慎的定义,但这些犯行是置于战争罪的总标题之下。委员会对战争罪一般概念的理解是:程度足够严重且具有必要犯意可视为罪行的对国际武装冲突法律的任何违反。

48. 战争罪通常指明属于武装冲突一方的人对另一方的人员或财产所犯的一项罪行。犯者可能是武装部队的一个成员(如第一号议定书第43条所界定)或一位平民。明显属于一方这个问题在受害人和犯罪者属于同一国籍或来自冲突同一方的国家时特别相关。委员会将在适当时机讨论这一问题。

49. 关于危害人类罪观念,委员会认为,传统国际法所界定和适用于习惯国际法的观念可以适用于这些冲突。委员会所认定的危害人类罪,指犯罪者明显属于冲突一方,作为以歧视一可辨明的人群为基础的官方政策的一部分,对基本人道主义规则

和人权法的粗暴侵犯,不论是否有战争发生,也不问受害者的国籍。

50. 委员会注意到,人权法的基本规则实质上往往同武装冲突法的规则相同。因此,同一行为可能既可以是一项战争罪,也可以是危害人类罪。

#### 4. 指挥责任

51. 一个发号施令触犯战争罪或触犯危害人类罪的人,与实际执行这一罪行的人同罪。这一在1949年日内瓦各项公约中已经表明原则,同样适用于军事长官,无论是正规军或非常规武装部队,也适用于民政长官。

52. 此外,长官个人应对部属所触犯的战争罪或危害人类罪负责,如果他们知情或具有足以使他们作出结论的情报,在当时的情况下,部属正在触犯或将要触犯这样一件罪行而他们没有采取其权力范围内一切可能的措施来预防或阻止这一行为。

53. 军事指挥员对其指挥下的武装部队成员或在其控制下的其他人员具有特别的义务,即应预防和必要时镇压这种行为,并将这种行为向主管当局报告。

#### 5. 上级命令

54. 下级人员如奉上级命令或奉政府指示行动从而触犯战争罪或危害人类罪可能提出所谓上级命令作为抗辩的理由,声称他不能就奉命执行的行为负刑事责任。委员会指出,适用的各项条约不幸对这一事项没有表明态度。委员会对习惯国际法的解释,特别如纽伦堡各原则所指明,认为一个遵照其政府命令或上级命令行事的个人,只要事实上存在道德选择存在,就不能免除国际法上的责任。

#### 6. “种族清洗”

55. “种族清洗”是比较新近的用语。在前南斯拉夫冲突的这个范围内考虑,“种族清洗”指对一个地区的人或人群使用武力或胁迫,以造成该地区种族上的统一。“种族清洗”违反国际法。

56. 根据描述在前南斯拉夫执行的政策和措施的许多报告,“种族清洗”是以下述各种手段进行的:谋杀、酷刑、任意逮捕和拘留、非法处决、强奸和性攻击、将平民监禁在贫民区、将平民人口强迫转移、赶离家园和驱逐出境、对平民和平民居住区故意进行军事攻击或威胁进行攻击以及必须对产业的疯狂破坏。这些措施构成危害人类罪,可以纳入具体战争罪的范畴。此外,这些行为还可以纳入种族灭绝公约的意义范围内。

57. 在对报道的各项控诉进行审查时,委员会铭记上述这些考虑。

#### 7. 强奸和其他形式的性攻击

58. 在前南斯拉夫武装冲突的各个不同阶段,各种报告都提及有关广泛和有计划的强奸和其他形式的性攻击的控诉。这些报告越来越多,引起了各方的重大关切,并导致对这些控诉进行了若干具体的调查。

59. 强奸、强迫卖淫或对妇女进行的任何形式的性攻击是各项有效条约明白禁止的行为。授权或容忍触犯这一类行为的上级人员,或未能采取一切实际措施以预防或镇压这些行为的上级人员,也应受惩罚。

60. 委员会将审查有计划的触犯这类行为或制订和鼓励一项鼓励这类行为的政策本身是否属于犯罪的问题,如果答案是肯定的话,则应审查是否属于战争罪或危害人类罪。

### 三、对万人坑现场的调查

61. 委员会并没有等到数据库完成才去核查特别令人不安的指控。委员会响应迫切的和一再的请求,特别是前南斯拉夫问题国际会议联合主席之一万斯先生和人权委员会第1992/S-2/1号决议第13段的请求,安排由一个法医专家小组立即对联合国保护区(联保区)东区里武科瓦尔附近的奥夫查拉万人坑进行调查,该万人坑是在马佐维耶茨基先生第二次前往该地区期间发现的。委员会为此目的请一个非政府组



织--医生促进人权协会提供服务。根据联合国和医生促进人权协会之间缔订的《合作服务协定》，一个法医专家小组将在委员会的控制和监督下，对万人坑进行调查。尽管在本组织和这些专家之间没有直接的合同关系，但是给了他们特派专家的地位；鉴于他们的任务性质，这种地位向他们提供了必要的保护。在这方面，《合作服务协定》和在维持和平行动中各国政府提供的文职人员的现行程序是一致的，根据这些程序，如此提供的文职人员尽管和联合国之间没有直接的合同关系，但仍按照《联合国特权及豁免公约》第六条，享有联合国特派专家的地位（见1990年9月18日秘书长的报告，A/45/502）。本组织不为他们所提供的服务负担任何费用，医生促进人权协会负责支付所有薪金和福利，其中特别包括向专家们提供足够的人寿和医疗保险。

62. 委员会第三届会议收到了医生促进人权协会实地进行第一阶段调查的报告。该报告的结论包括：

- (1) 在墓地现场曾发生一次大规模处决；
- (2) 该墓地是一个万人坑，也许埋有多达200具尸体；
- (3) 墓地的偏僻位置显示，杀人者意图秘密掩埋其受害者；
- (4) 自处决和埋葬以来该墓地没有被掘动过的迹象；
- (5) 该墓地看来符合目击者的证词，他们说，那里是处决和掩埋1991年11月20日武科瓦尔医院撤退期间失踪的病人和医务人员的地方。然而，在可以做出有科学把握的断定之前，将需要发掘该墓地，用法医方法和程序验明若干具尸体的身份；
- (6) 有迹象表明，至少有一些尸体是克罗地亚人。

63. 专家委员会注意到，法外处决、即审即决或任意处决问题特别报告员已根据人权委员会第1992/S-1/1号决议，并应前南斯拉夫境内人权状况特别报告员的请求，对关于在前南斯拉夫境内，特别是在克罗地亚的各个万人坑掩埋战争罪行受害者的指控进行了初步调查，目的是决定可以在何种程度上将这些指控视为在表面上是

可靠的。如果根据调查结果可以合理地假设这些地方有一部分或全部埋有战争罪行受害者的尸骨,就会把特别报告员的调查结果转交给专家委员会。

64. 法外处决、即审即决或任意处决问题特别报告员从1992年12月15日至20日进行了调查。在对所去过的现场进行的初步调查和评估中,特别报告员得到了上文第61段提到的法医专家小组一名成员的协助。调查结果将成为前南斯拉夫境内人权状况特别报告员提交给人权委员会第四十九届会议的报告的一部分。

#### 四、预计工作计划

65. 委员会打算尽快完成数据库,因为仅靠它便足以提供基础,就严重违反各项《日内瓦公约》和其他违反国际人道主义法行为的证据得出结论。

66. 出于上文第31段提出的理由,委员会打算在下列各个一般性方面选择性地进行深入调查:

- (a) 大规模屠杀和破坏财产;
- (b) 囚犯和被拘留者受到的待遇;
- (c) 系统的性侵犯;
- (d) “种族清洗”。

67. 作为短期目标,委员会打算:

(a) 对武科瓦尔地区的大规模屠杀和破坏财产进行进一步调查,其方式是扩大医生促进人权协会法医专家所进行的各项调查的范围,和向武科瓦尔地区派出一队军法律师、警方调查人员和必要的支助人员;

(b) 对波斯尼亚-黑塞哥维那境内尚待确定的地点的两个或两个以上营地或拘留中心内囚犯和被拘留者所受到的待遇进行现场调查;

(c) 研究所有能够得到的关于系统的性侵犯的报道,并尽快确定处理这个问题的最有效途径,以及是否应该进行现场调查;

(d) 研究所有能够得到的关于“种族清洗”的报道,并尽快确定处理这个问题

的最有效途径,以及是否应该进行现场调查。

68. 委员会打算借助加拿大政府表示愿意提供的一支调查队,尽快利用它来开始调查在武科瓦尔地区发生的罪行。委员会目前没有可供使用的调查队来进行上文第67(b)分段所述的调查或第67(c)和(d)分段所述的可能要进行的现场调查。

#### 五、资源和所需预算经费

69. 委员会已经有了从1992年12月1日起为期9个月的预算,用来支付成员的补偿金和旅费,以及从总部法律事务厅派来的两名工作人员的旅费和生活津贴。预算还包括一般临时助理人员的费用,但只允许聘请两名秘书。因此,任何其他费用都要由本组织的普通预算匀支。

70. 为了执行任务,包括数据库工作和深入调查,还需要额外的资源。如上文第34和68段所指出,委员会打算利用某些国家政府已经表示愿意提供的服务。然而,在财政和人员资源方面都还有更多的需求。

71. 委员会将尽一切努力取得这些额外资源,特别是请求设立一个信托基金来接受自愿捐款,用来帮助委员会执行其任务。

#### 六、结束语

72. 对战争罪行的裁判权是受普遍性原则制约的,因此是属于所有国家,无论它们是冲突的当事方与否。虽然《种族灭绝公约》强调属地管辖权,但也规定了由国际法庭进行司法审判的根据。众所公认,普遍性原则对种族灭绝罪行与对其他危害人类罪一样适用。

73. 各国可以选择将其在普遍性原则下的裁判权集中起来,并把集中的裁判权交给一个国际法庭。纽伦堡国际军事法庭可以说就是这样将设立该法庭的《伦敦协定》各缔约国的国家裁判权集中起来而得到它的裁判权的。

74. 委员会因而讨论了设立一个特设国际法庭的调查。它认为,应该由安全理

事会或联合国的另一个主管机构设立这样一个法庭来审理在前南斯拉夫境内发生的事情。委员会认为,这样一项决定与其工作的方向是一致的。

注

- <sup>a</sup> 大会于1992年12月18日通过了这项决议草案,成为第47/147号决议。
- <sup>b</sup> 即与前南斯拉夫境内的情况直接有关的指控。

## 附 录

### 委员会的议事规则

#### 第1条 职权

委员会将审查和分析各国、各国际人道主义组织或其他人士或机关按照安全理事会第771(1992)号和第780(1992)号决议所提出的资料以及委员会通过其本身的调查或努力得到的进一步资料,旨在向秘书长提出它对那些在前南斯拉夫领土上严重触犯1949年8月12日《日内瓦公约》和其他国际人道主义法的证据所作出的结论。

#### 第2条 会议和法定人数

1. 委员会的会议不对外公开,可是当它认为对提高其工作效率有必要时可以对外公开。

2. 委员会可在其指定的时间开会;会议也可以由主席召开,原则上至少要于一周以前发出通知。

3. 在委员会起码有一半以上的成员出席时,主席可以宣布开会。任何决定必须在超过半数的成员出席的情况下才能作出。

#### 第3条 在公布资料方面的限制

委员会成员们在透露资料方面应实行自我节制。对于委员会正在讨论的任何机密问题,他们不能公开采取立场。主席可以斟酌情况对外提供有关委员会工作的信息。

#### 第4条 主席的权力

主席应宣布委员会每次会议的开始和结束,并在这些会议上主持讨论、给予发

言权、将问题提出表决、宣布表决结果、并对程序问题作出裁决和全面掌握会议的进行。

#### 第5条 秘书处

委员会的秘书处应负责作出所有与委员会工作有关的安排,包括委员会会议的安排。秘书应按照委员会、委员会主席或它的任何成员的要求向委员会成员分发文件和资料,并应负责编写委员会会议的记录。

#### 第6条 会议记录

1. 委员会将得到英文本和法文本的会议记录。

2. 委员会将作出安排,以安全保存它的记录和档案。在结束它的工作以后,委员会应把会议记录和档案交给联合国秘书长。

#### 第7条 各国、各国际人道主义组织或其他人士或机关的参与

在委员会觉得对提高其工作效率有此必要时得邀请各国、各国际人道主义组织或其他人士或机关参加它的讨论。

#### 第8条 调查工作

1. 委员会可主动邀请或在各国、各国际人道主义组织或其他人士或机关建议下听取证人或专家的证词。在这种情况下,应决定传召证人和专家的方式。当某个国家的国民被传召到委员会作证或担任专家时,可以邀请该国在其国民出席时同时列席。

2. 委员会可以决定要求某些国家听取证人或专家的证词。

3. 委员会可以应邀或在得到所涉国家的同意下主动到一个或多个组成前南斯拉夫的国家领土上访问。委员会可以决定这种访问由整个委员会、一名或多名成

员、或委员会的工作人员进行。

#### 第9条 决定

委员会将尽一切努力以协商一致的方式作出决定。在不能达到协商一致的意见时,委员会也可以由出席会议的成员进行投票,以半数以上成员通过的方式作出决定。

#### 第10条 报告

1. 委员会可以对任何一个一般的或具体的问题指定一名报告员。
2. 委员会应根据安全理事会第780(1992)号决议的规定将其结论向秘书长提出报告。
3. 委员会成员中想要单独表示意见的成员可以将这个意见附在报告中。

#### 第11条 其他程序问题

在会议上产生的没有包括在此处所列条文中的任何程序问题应由主席在考虑到适用于大会各委员会的议事规则来加以处理。

附件二

(只有英文)

**REPORT OF A PRELIMINARY SITE EXPLORATION  
OF A MASS GRAVE  
NEAR VUKOVAR, FORMER YUGOSLAVIA**

19 January 1993

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specified elsewhere in this report.

## II. Introduction

On 17-19 December 1992, a 4-member international forensic team, assembled by Physicians for Human Rights (PHR), conducted a preliminary site exploration of a mass grave approximately 6 km southeast of Vukovar, in the territory of former Yugoslavia. The work was carried out under the auspices of the United Nations Commission of Experts ("Commission"), which is charged under U.N. security resolution 780 (1992) to collect and analyze evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. The members of the forensic team were Mr. Eric Stover, PHR executive director; Dr. Clyde Collins Snow, forensic anthropologist; Dr. Rebecca Ann Saunders, archeologist; and Dr. Morris Tidball-Binz, medical doctor.

The grave was discovered by Dr. Snow and members of the UNPROFOR Civilian Police (UNCIVPOL) in an isolated wooded area southeast of the farming village of Ovcar, near Vukovar, on 18 October 1992. A preliminary inspection of the site revealed three young adult male skeletons partially exposed by erosion and animal scavengers. Two of the skeletons bore signs of perimortem trauma (see Appendix A, Photo 1). Soon after the discovery of the grave, UNPROFOR authorities took immediate action to insure round-the-clock security of the site.

The discovery of the Ovcar site is consistent with witness testimony of the disappearance of about 200 patients and medical staff members from the Vukovar Hospital during the evacuation of Croatian patients from that facility on 20 November 1991.<sup>1</sup> At that time, the hospital held several hundred civilian and military patients, most of whom had been wounded in the heavy fighting in and around Vukovar during the preceeding months. When Serbian forces occupied the hospital in mid-November, both sides agreed that the approximately 420 Croatian patients should be evacuated to Croatian-held territory. According to this agreement, the evacuation was to be monitored by representatives of the European Monitoring Mission and the International Committee of the Red Cross.

However, according to witnesses, reservists and Yugoslav National Army (JNA) officers and soldiers separated the lightly

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<sup>1</sup>See Annex II, U.N. Commission on Human Rights, "Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission of Human Rights," E/CN.4/1992/S-1/10, 27 October 1992, p. 13-14.

wounded military and civilian males from the other patients and boarded them on several buses near the hospital. Among this group were a number of male hospital workers. The buses, each containing about 60 prisoners and two JNA guards, were driven to the JNA barracks in Vukovar at about 11:00. At 14:00 the buses proceeded to Ovcara where the men were transferred to a large building used as a garage for farm equipment and vehicles. While moving from the buses to the building, the men were beaten by JNA soldiers and Serbian paramilitaries with a variety of blunt instruments. The beatings continued for several hours inside the building. According to witness testimony, at least 2 men were beaten to death.

At about 18:00 that same day, JNA soldiers divided the prisoners into groups of about 20 men. One by one, each group was loaded onto a truck and driven away. At intervals of about 15 to 20 minutes, the truck returned empty and another group was loaded onto it. According to witness testimony, the truck left the building and turned onto a paved road that leads to Grabovo, a village about 3 km southeast of Ovcara. A few minutes later, the truck made a left turn onto a dirt field road. This road ran between a cultivated sunflower field on the left and a heavily wooded area on the right.

Given the estimates of time and distance between the farm building and from the description of the roads used, only one location fits the description: the dirt field road turning off the main road at 1.1 km southeast of the Ovcara complex. This track runs northeast, between a cultivated field on the left and a heavily wooded ravine on the right. The area where the skeletons were discovered is located at the head of the ravine, at 0.9 km from where the field road turns off the main road (see Appendix B, Map 1).

### III. Field Report

The forensic team established five principal goals to be achieved during the on-site archeological survey. First, a detailed record and map of surface features of the site was to be completed. Second, a thorough surface survey of the site was to be conducted to determine if there was any evidence of a mass execution at or near the site. Third, a test trench was to be excavated through the site to establish the presence of a mass grave. Fourth, the site was to be examined so as to determine if it had been disturbed after the initial burial. Finally, preliminary forensic data were to be prepared for the skeletons exposed on the surface of the site.

### Surface Information

The site (hereafter referred to as OVC.1) lies at the northeast end of a ravine running northeast to southwest through cultivated fields (see Appendix B, Map 1). We arrived at the site around 10:30 on 17 December 1992. The perimeter of the site was secured with two rows of concertina wire. The UNPROFOR guard station, manned by Russian soldiers, lay about 40 meters northeast of OVC.1; sentries were posted at intervals on the field road and in the fields surrounding OVC.1.

Before we conducted a surface survey of OVC.1, a UNPROFOR demining team checked the area for booby-traps and anti-personnel mines. The deminers found no such devices.

OVC.1 was located in a slough which contained large piles of fill dirt around the northern edge. This dirt contained garbage, including large animal bone (cow and pig), 5 gallon cans, veterinary supplies, and glass bottles, apparently derived from the farm. A dense secondary growth of burr bushes had volunteered in this fill. The gravesite, cut through these burr bushes and lacking vegetation except around the borders, was quite visible. Topographic features of the site included a large bulldozer pushup pile at the southeastern edge. This, and a clear blade impression running through the center of the grave, indicated that a bulldozer had been used to excavate and/or backfill the grave.

Our test trench, discussed below, demonstrated that the edges of the grave were defined by intermittent fracture lines in the earth, created as the grave settled and the more recently disturbed fill of the grave pulled away from the compacted fill dirt that served as the matrix (see Appendix B, Map 3). While the width of the grave was established in the area of the test trench (6.8 meters), the complete dimensions of the grave have not yet been determined. It may be significant that no bone was observed eroding out of the ditch in the southwest corner of the site.

Other surface features of the site included the remains of two individuals, referred to as Surface Skeleton 1 (SSK.1) and Surface Skeleton 2 (SSK.2). (A third individual, unnumbered and unexamined to date, is visible in a hole towards the northeastern edge of the grave.) As the appellations suggest, both these individuals had become fully skeletonized. The former was exposed on top of the pushup pile at the southeastern edge of the grave. When the site was first visited by Dr. Snow and UNCIVPOL personnel only the left humerus was visible. During their reconnaissance, additional elements of the skeleton were uncovered, including the cranium, left scapula, left ribs, and the left iliac crest, as well as some clothing. These remains were left undisturbed until we arrived at the site on 17

December. Presumably this individual was caught up in the blade of the bulldozer during the final stages of backfilling. It is likely that no part of the body was visible a year ago, but that erosion of the soft dirt on top of the pushup pile subsequently exposed the humerus.

SSK.2 was located southeast of the site down a small footpath leading into the interior of the slough. Some longbones and additional clothing belonging to this individual were found spread out along the path. Rodent gnawing on some of these bones indicated that animals were possibly the agents of the dispersal of SSK.2. The main concentration of bones, including the cranium, ribs, and pelvis, was off to the left of the path some 17 meters from the edge of the gravesite proper.

The age of the vegetation in the area of SSK.2 indicated that there had been no filling and that the soils had not been disturbed within at least 5 years. Hence, another subsurface gravesite attributable to the events at Vukovar is unlikely in this area.

SSK.1 and SSK.2 were removed from their locations and subjected to a preliminary forensic examination. These data are presented in Appendix C. Both of these individuals were males and the cause of death in both cases was gunshot wounds to the head. The skeletal remains and clothing of SSK.1 and SSK.2 were placed in large plastic bags by the forensic team. These bags were put at the extreme eastern end of the test trench and were covered with dirt as the test trench was backfilled.

Prior to any subsurface testing of the grave, a thorough surface survey was conducted in the area. Two kinds of evidence recovered during this survey indicated that an execution had occurred at the site. First, a large concentration of spent 7.62 mm cartridges of the type used in Kalishnikov firearms were found in the burr bushes northwest of the gravesite (see Appendix A, Photo 2). Some of these cartridges, as well as a "Serbian ammunition box," had been taken from the site by UNPROFOR personnel prior to our visit. However, well over 75 spent cartridges remained in the area. In contrast, no cartridges were present on the northeastern side of the grave or to the south. The locations of some cartridges were identified with pink flagging tape. Moreover, it is likely that a more thorough search, including inspection of the surface soil and grasses at this location, will reveal more spent cartridges.

The second, related, type of evidence consisted of numerous bullet scorings on the small acacia trees southeast of the site, including one tree just north of SSK.2 (see Appendix A, Photo 3). Bullets also penetrated a rusted vehicle chassis in the area.

### Subsurface Information

The presence of the two skeletons with gunshot trauma and the spent cartridges did not constitute sufficient evidence to indicate that the site was a mass grave. To confirm the interment of numerous individuals, we excavated a 1 meter by 7 meter test trench across the site. (The trench was later expanded 1 meter to the west in order to ensure that the western boundary of the grave was within the unit.) The test trench was established within a 7 meter by 9 meter unit that encompassed the major topographic features of the site. It should be noted, however, that the northern (or northwestern) edge of the gravesite, which could not be established on the basis of fracture lines, may lie 1 to 2 meters outside the unit. This distance is derived from the fact that spent cartridges were found on the surface at this distance from the northern edge of the unit.

Shovels were used to remove the fill within the test trench. When human remains were exposed in one portion of the trench, that area was pedestaled. Excavation ceased when human remains were exposed throughout the trench.

Because no individual was completely uncovered, and the individuals were buried with no consistent orientation, the exact number of individuals was impossible to determine. However, approximately nine individuals were exposed in the test trench (see Appendix B, Map 3). The shallowest interment was that of Test Trench Burial (TTB.3), which was located at just 22 centimeters below ground surface. The remainder of the burials were deeper, beginning around 60 centimeters below ground surface.

In contrast to the surface skeletons, the subsurface burials were quite well preserved. Clothing was more or less intact. Most tissue was present as adipocere; skin and hair were present. The deeper burials appeared bloated. While further excavation will prove unpleasant, the good preservation promises excellent recovery of both soft tissue and skeletal data.

A number of spent cartridges, one unspent projectile, and one tracer cartridge were recovered from the test trench during excavation. These were plotted and bagged. Three of the cartridges, including the tracer, were found below ground surface in the westernmost 1-meter of the trench, or outside the grave as presently defined. This may mean that these cartridges were present in the fill or that the western boundary of the grave may have to be revised. The bags containing all the cartridges were placed inside the larger bag containing the remains of SSK.2 and secured with that skeleton.

Excavation inside the grave proper ceased at about 80 centimeters below ground surface. We did attempt to determine the total depth of the grave by digging a deeper test, or "sondage," within the trench at the extreme eastern edge of the grave. It was possible to follow the contour of the fill of the grave as it was distinct in color and texture from that of the surrounding fill matrix. Unfortunately, however, TTB.2 was against the wall of the grave and grave fill cut in sharply underneath that individual. Not wanting to undercut and destabilize this individual, we abandoned the sondage.

Before leaving the site, the team lined the floor of the trench with plastic sheeting and backfilled the trench.

#### Summary of Findings

Based on the preliminary site survey, the findings of the forensic team are as follows:

1. A bulldozer was used to cut through the secondary growth along the margins of the slough and to dig a grave within the pre-existing fill. The grave was approximately 9 X 7 meters. The exact boundaries of the grave, however, remain to be defined.

2. A mass execution took place at OVC.1. The executioners apparently lined up along the northern boundary of the grave, approximately 4 meters from the field road, and fired at their captives to the south and southeast. During the firing, spent cartridges were ejected to the right and many fell into the burr bushes on the southwest side of the grave. The bodies were then covered over by the bulldozer.

3. OVC.1 is a clandestine mass grave. The number of individuals within the relatively small "window" of the test trench, as well as the disposition of the bodies, indicate that a mass grave is present and that it may contain as many as 200 bodies. The remote location of the grave suggests that the executioners intended to bury their victims secretly. Moreover, it appears that SSK.2 may have been attempting to flee the scene, but was shot and left lying in the wooded area behind the grave.

4. There is no indication that OVC.1 has been disturbed since the time of execution and interment.

5. OVC.1 appears to be consistent with witness testimony that purports that the site is the place of execution and interment of the patients from Vukovar Hospital. However, before that determination can be made with scientific certainty, OVC.1 will need to be excavated and a number of bodies will need to be identified using forensic methods and procedures.



6. Finally, the fact that two bodies bore necklaces with Roman Catholic crosses--one bearing a small metal plate with the inscription "BOG I HRVATI" (God and Croats)--suggests that the grave is likely to contain the remains of Croats (see Appendix A, Photo 4).

#### IV. Antemortem Information

In Zagreb, the forensic team met with doctors who are members of the Joint Commission to Trace Missing Persons and Mortal Remains. This commission, which is comprised of Croatian and Serbian doctors and forensic specialists, meets periodically in Budapest to exchange information about persons believed to have been killed or are missing as a result of the war. We received from the commission a list of the names, and some antemortem information, of those patients and medical personnel from the Vukovar Hospital who are still missing (see Appendix D). The commission will continue to gather antemortem data.

The forensic team gave members of the commission photographs of the necklaces found on SSK.1 and SSK.2, as well as a photograph of the small figurine of a saint found wrapped in cloth on SSK.2. These photographs should be distributed to relatives of the missing from Vukovar Hospital.

#### V. Recommendations: Excavation & Medicolegal Investigation

The forensic team is now ready to begin the second phase of the investigation of OCV.1. This phase will entail the complete excavation of the grave and the removal of all of the bodies for laboratory analysis. At present, the forensic team plans to return to Vukovar in mid-March to continue the excavation of OCV.1. The excavation phase will take 3-4 weeks; the medicolegal examination phase will take 4-6 weeks.

To complete the investigation of the Ovchara grave, the forensic team will require the full support and cooperation of the U.N. Secretary General, the U.N. Security Council, the U.N. Commission of Experts, UNPROFOR, and interested governments which may be called on to provide logistical support. The forensic team will require the following commitments and logistical support:

1. The U.N. Commission of Experts should appoint one of its members to act as a direct liaison with the forensic team.

2. The U.N. Secretary General and/or the U.N. Security Council should instruct all U.N. agencies to cooperate and provide logistical support to the forensic team during the course of the investigation of OCV.1 and other mass grave sites. They

should also call on governments to assist the forensic team by providing it with the various logistical supplies specified below.

3. The U.N., at the highest level, should issue a written statement to the effect that the Ovchara grave is under U.N. jurisdiction. The U.N. should authorize the Commission of Experts, through its forensic team, to remove the bodies and other artefacts from the grave so that they may be examined in a secure place. The U.N. should also instruct UNPROFOR to provide additional protection for the site during the course of the excavation. This procedure should be followed in all subsequent investigations of individual or mass graves associated with apparent war crimes in the territory of former Yugoslavia.

4. On-site Excavation: The forensic team will need the following supplies in order to carry out the excavation of the grave in a quick and efficient manner:

- o Four (4) container units, similar to the ones now being supplied to UNPROFOR by the Finnish government. Two (2) of the containers should be a refrigeration unit, which should be used to store the bodies either on the site or at the Vukovar Barracks. An alternative would be several "temp tents," similar to those used by the United States military.
- o Two (2) water pumps and a generator to drain water from the site.

5. Vukovar Barracks: For security reasons, the forensic team should be housed in the Vukovar Barracks (UNPROFOR) for the duration of the excavation. This will require:

- o Five (5) housing units and 1 shower/disinfecting unit similar to the ones supplied to UNPROFOR by the Finnish government.

6. Transportation of the Bodies: To maintain security and chain-of-custody of the bodies and other artefacts from the site, UNPROFOR should be in charge of transporting them from the grave to the Vukovar Barracks and then, by air or overland, to UNPROFOR headquarters at the Zagreb airport.

7. Medicolegal Examination: The medicolegal examination of the bodies and artefacts will be conducted by an international team of forensic specialists in pathology, radiology, physical anthropology, and odontology. The team will need a facility that has hot and cold running water, adequate space and lighting, ventilation and heating, X-ray capabilities, basic autopsy tables, and refrigeration units for storage of the bodies. If

the facility is located in Zagreb, it will need to be kept under UNPROFOR jurisdiction to maintain security and chain-of-custody. Our first choice would be to conduct the medicolegal examination of the bodies in the area where the 212 U.S. Mash Unit is now operating at the Zagreb airport. However, X-ray units would need to be brought in. An alternative would be to transport the bodies to an vacant hangar or warehouse near a military air base (or possibly a civilian airport) somewhere in Europe. The international forensic team could examine the bodies at this facility, so long as it was equipped with the items listed above.

After the forensic team completes its medicolegal examination, the bodies should be handed over to the Joint Commission to Trace Missing Persons and Mortal Remains, based at the University of Zagreb Medical School.

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**APPENDIX A**  
**(Photographs)**



Surface Skeleton 1: Skull  
exhibits two externally-beveled  
exit wounds on the left cranial  
vault.



Red flag markers indicate where  
clusters of spent cartridges  
were found next to the grave.



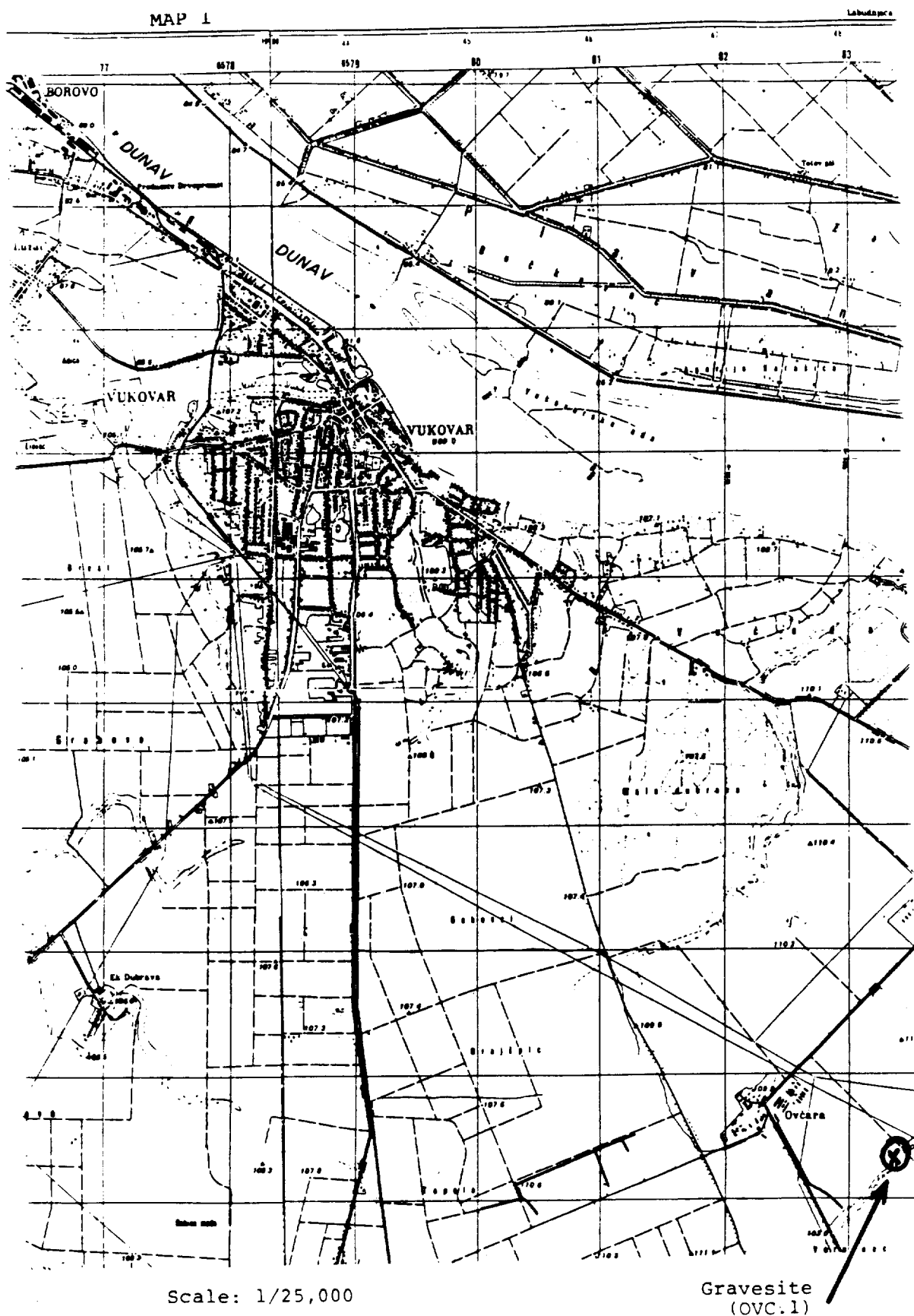
Numerous bullet scorings were  
found on the small acacia trees  
southeast of the grave.



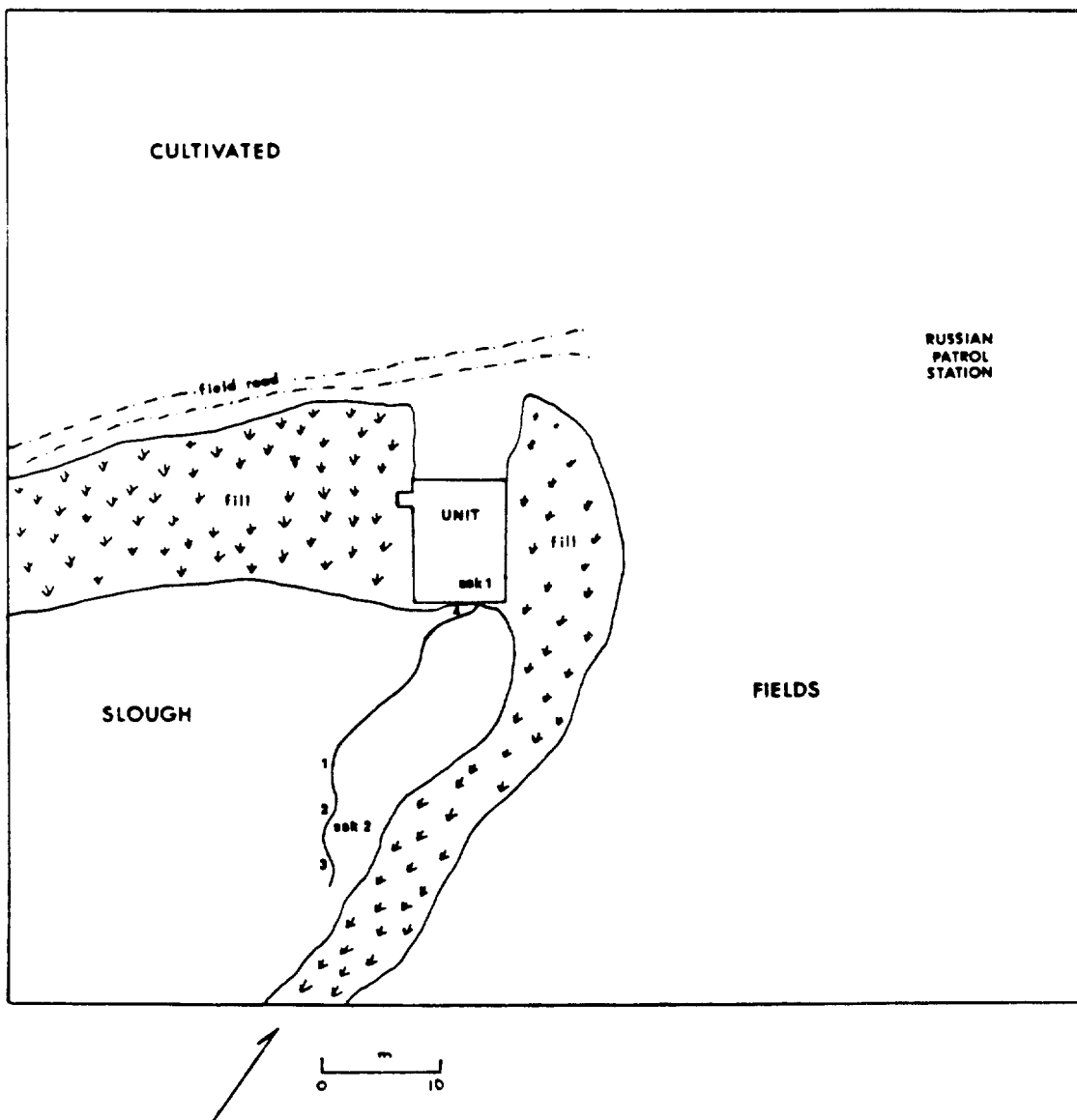
Surface Skeleton 1: This necklace contained a medallion with the inscription "BOG I HVARTI."



**APPENDIX B**  
**(Maps)**



MAP 2 -- OVC.1 Site Map

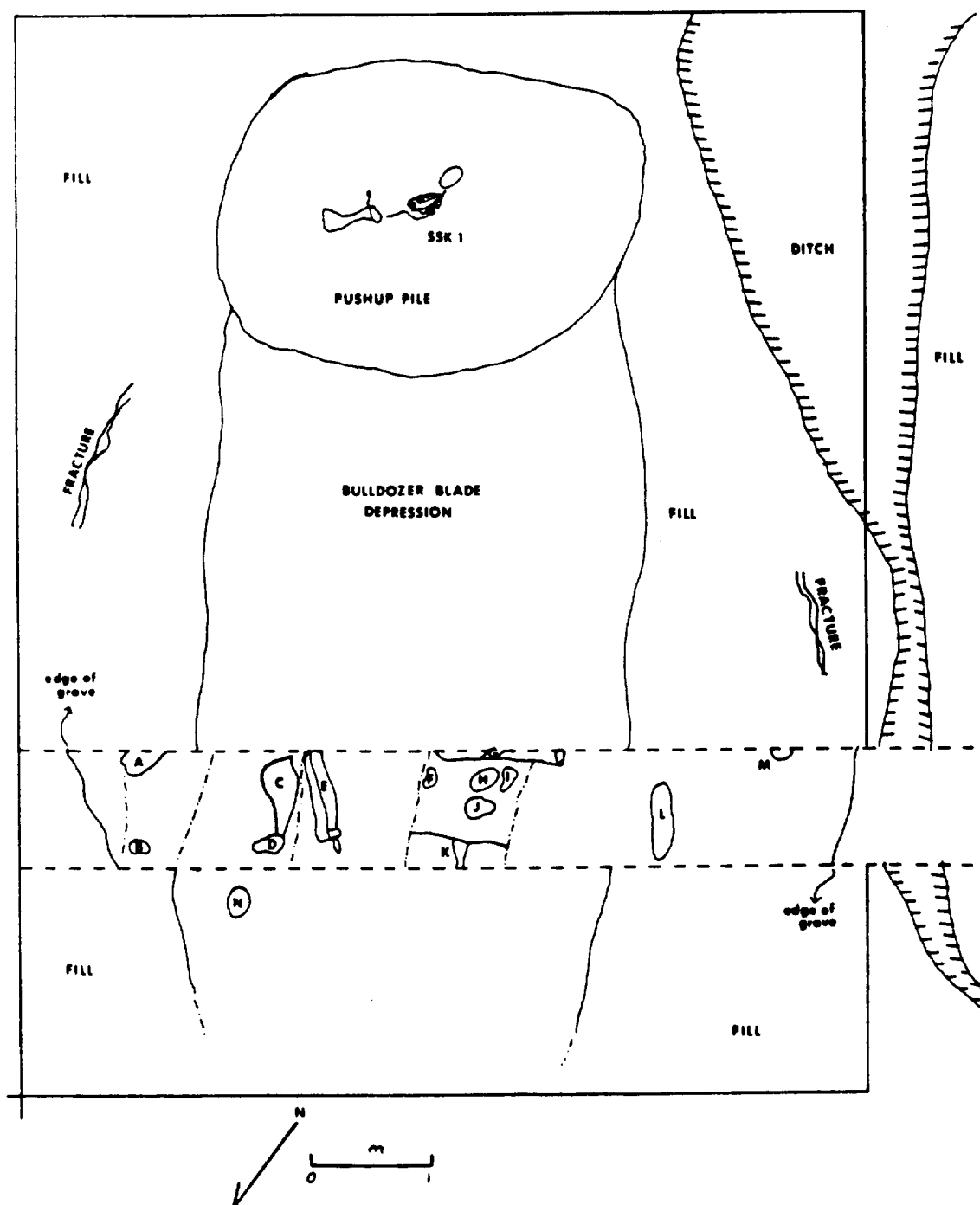


Map 2. OVC.1 Site Map.

Key:

1. Left tibia and fibula of SSK 2.
2. Right tibia and fibula of SSK 2.
3. Human ribs and sweatshirt probably belonging to SSK 2.
4. Vehicle chassis with bullet holes.

MAP 3 -- OVC.1 Unit with Test Trench



Map 3. OVC.1 Unit with Test Trench.

Key:

- A. Soft tissue, depth .68 meters below ground surface (mbgs).
- B. Clothing, Test Trench Burial 2, depth .72 mbgs.
- C. Possible pants leg, depth .57 mbgs.
- D. Boot or shoe, depth .48 mbgs.
- E. Shirt, with hand exposed, Test Trench Burial 3, depth .22 mbgs.
- F. Clothing, depth .64 mbgs.
- G. Pants leg with sock, Test Trench Burial 4, depth .44 mbgs.
- H. Skin, depth .50 mbgs.
- I. Clothing, depth .50 mbgs.
- J. Cranium, Test Trench Burial 5, depth .58 mbgs.
- K. Sweater, belt, pants, Test Trench Burial 6, depth .74 mbgs.
- L. Clothing, Test Trench Burial 7, depth .37 mbgs.
- M. Sock, Test Trench Burial 8, depth .51 mbgs.

Note: No Test Trench Burial 1 number was assigned. Numbers given are those burials photographed individually. Estimated number of individuals exposed within the trench is nine.

**APPENDIX C**  
**(Preliminary Forensic Reports)**

## APPENDIX C

### PRELIMINARY DESCRIPTIONS OF TWO SKELETONS FOUND ON SURFACE AT OVCARA SITE ONE

Both of these skeletons were found on the surface at the Ovcara site. They were examined in the field under less than optimum conditions so that the results presented here should be considered preliminary until a more complete and adequate examination can be made under laboratory conditions. After examination, the each skeleton, along with its associated clothing was placed in a labelled plastic bag and buried in the exploratory test trench in order to secure them until they can be recovered for a more detailed examination.

#### SURFACE SKELETON #1 (SSk1)

This skeleton was first observed during the initial examination of the site on October 18, 1992. It was located in the area of pushed-up earth at the southeastern section of the site. Initially, only the left humerus was exposed. Some of the earth was cleared from around the skull and left shoulder skeleton. A gunshot wound of exit was observed in the left temple.

Since at that time UNPROFOR officials were concerned that the site might be disturbed or even destroyed by locals before it could be properly secured, the left scapula was photographed in situ, labelled and removed in order to serve as evidence that human remains were indeed present at the scene when it was first examined. The remaining bones were left undisturbed. The scapula remained in custody of SECTOR EAST CIVPOL authorities until we returned in December to more fully explore the site. At that time, it was returned to the site and reburied with the other SSK1 remains in the test trench.

#### Determination of Sex

The skeleton is diagnosed as male on the basis of pelvic morphology. The innominate bones display the typical masculine features of a highly-arched iliac crest, acute sciatic notch, everted ischiopubic ramus and the subtriangular pubes. Cranial morphological features are also strongly male and include large supraorbital brow ridges, robust mastoid processes and strongly developed nuchal musculature margins.

#### Age at Death

Long bone epiphyses, including the medial clavicular, are fully closed, although the latter displays signs of fairly recent union. The first and second sacral segments are unfused. These findings are consistent with an age of around 23 to 31 years. This range can be narrowed somewhat based on pubic symphyseal



morphology. Using the McKern-Stewart standards the pubic symphysis is scored at 4, 2.5, 1 corresponding to a pubic age of about  $23 \pm 2$  years. Therefore, a final age estimate of around  $25 \pm 3$  years appears reasonable.

#### Diagnosis of Race

Cranial morphological features are strongly Caucasoid. These include the mesocranic vault, long face, relatively narrow nasal aperture and high nasal bridge.

#### Antemortem Stature

Using the Trotter-Glesser regression equations for calculating antemortem stature of Caucasoid males from the combined lengths of the femur (476 mm) and tibia (405 mm), antemortem stature is estimated at 178 cm with a SEest of 3.00 cm. This yields a .95 probability range of 172 to 184 cm.

#### Handedness

Scapular beveling, long bone musculature attachments are more strongly developed on the right. The right forearm bones exceed the left in length by several millimeters. These features indicate that the decedent was right-handed.

#### Individuation

The skeleton displayed no apparent signs of anomalies or antemortem pathologies which might be reflected in the decedent's medical history. However, since this examination was conducted under field conditions, the presence of such features should not be entirely ruled out until a more detailed laboratory examination of the flesh-free bones can be made.

Dentally, the strong labial displacement of the right maxillary canine would be a feature recognised by the family and friends of the decedent. It might also be apparent in any photographs of the decedent shown smiling.

#### Dental Observations

Pending a detailed examination and charting of the dentition under laboratory conditions, only the salient dental findings will be noted. These were as follows:

<u>Tooth No. (Universal)</u>	<u>Condition</u>
1.	Not present
4.	Occluso-distal amalgam filling
6.	Buccal displacement by #7
7.	Strong lingual displacement
10.	Missing antemortem
16.	Not present
18.	Missing antemortem
19.	Missing antemortem
20.	Small gold foil filling?
30.	Massive caries, alveolar abcess
31.	Massive caries

#### Clothing

The following clothing items were found with the remains:

1. Loose-knit black sweater
2. Black or dark-blue T-shirt bearing "LINATTENOF"
3. Red long underwear
4. Levi-Straus blue jeans, made in Yugoslavia
5. Heavy leather belt with iron buckle
6. Red socks

In addition to the above items, a leather shoe was found near the remains but was not directly associated with them.

#### Personal Effects

These consisted of three items suspended from a chain found around the decedent's neck: 1. metal cross, 2. small gold clover leaf, 3. a silver-colored medallion bearing the inscription "BOG I HVARTI"

#### Time of Death

This estimate is based on the general condition of the remains which were partially disarticulated, but retaining considerable amounts of soft tissue in an advanced state of decomposition. The cranial cavity still contained a large mass of semi-liquified cerebral tissue. Considering the fact that the remains were still partially earth-covered when first examined a time of death of 6-18 months prior to discovery seems reasonable.

#### Cause of Death

A single, small caliber gunshot entrance wound is located in the right parietal, 1 cm posterior to the coronal suture and 4 cm right of the sagittal suture. Two irregularly-shaped, externally-beveled exit wounds are present on the left cranial vault. The anteriormost is in the left pterionic region; the posterior wound is in the left temporal squama immediately posterior to the transverse temporal crest. Additionally, there is a large defect in the petrous portion of the temporal bones.

The observed trauma is consistent with a single bullet entering the right parietal and passing transversely, inferiorly and slightly posteriorly to exit as three fragments in the left pterio-temporal region

#### SUMMARY OF FINDINGS: SSk1

This skeleton is that of a adult caucasoid male who was between 23 and 28 years old at the time of death which occurred about 6-18 months prior to the first examination of the body in December, 1992. He was around 178 ± 6 cm tall and right-handed. The cause of death was a gunshot wound of the head, with the bullet entering the right side of the cranial vault with downward and backward transverse trajectory.

## SURFACE SKELETON #2 (SSk2)

This skeleton was first observed on the initial visit to the Ovcara site on October 18, 1992. It was lying in the southeast of the mass grave burial in an area wooded by small acacia saplings, along a path leading away from the burial site. The main concentration, including the skull, pelvis and most of the trunk and extremity bones lay immediately to the left of the path. This area apparently marked the original location of the body. Several extremity bones, some ribs, as well as some of the clothing were found several meters from the main concentration - apparently they had been drug away by small animal scavengers, at some stage of post-mortem decomposition. Many of the bones showed damage caused by gnawing by small rodents. At the time of initial discovery, the bones were left in situ. Upon our return in December, the site was found undisturbed except for the cranium which had been moved approximately one meter from its original location. This may have been done by a medical officer of the UNPROFOR BritMed Unit who later reported that he made an inspection of the site on October 19, before it had been fully secured by RUSSBAT troops.

### Determination of Sex

Sex was determined to be male on the basis on pelvic morphology which displayed the typical masculine features of a highly-arched iliac crest, narrow subpubic and sciatic angles, everted ischio-public rami and subtriangular pubes. Cranial features were also robustly male and included large mastoids, heavy supraorbital brow ridges and strongly developed nuchal musculature attachments.

### Estimation of Age

Long bone epiphyses, including the medial clavicular were fully closed as were the sacral S1-2 segments. These findings are consistent with an age of at least 24 years at the time of death. Pubic symphyseal morphology also suggested an age in the mid-20s. A final age estimate of 24 to 32 years appears reasonable.

### Diagnosis of Race

Cranial racial indicators are strongly Caucasoid. These include the mesocranic cranial vault, relatively long facial skeleton, narrow nasal aperture, and salient nasal bridge and orthognathous facial profile.

### Antemortem Stature

As noted above, small animals had damaged most of the long bones of the extremities, leaving only the left radius intact. This measured 255 mm. Using the Trotter-Glesser equations for predicting antemortem stature from the radius in caucasoid males, an estimate of 175.5 cm  $\pm$  4.3 SEest. is derived. From this, a .95 probability range for stature is 167 to 184 cm.

#### Handedness

Scapular beveling was pronounced on the right. The right forearms displayed heavier muscle attachments and were slightly longer than the left. These findings indicate that the decedent was right-handed.

#### Individuation

No skeletal evidence of old anomalies, injuries or diseases which would be reflected in the decedent's medical history were observed. However, since the examination was made in the field, such findings may be discovered when a fuller examination of the cleaned bones can be made under laboratory conditions.

#### Dental Observations

The dentition displays a number of features which would be undoubtedly reflected in his dental records should these be obtained. Until a fuller examination can be made under laboratory conditions, the following observations should be considered provisional.

<u>TOOTH NO. (Universal)</u>	<u>OBSERVATION</u>
2.	Occlusal amalgam
3.	Mesio-occlusal & disto-lingal amg.
13. - 16.	Missing antemortem
18.	Occluso-buccal amg.
19.	Mesio-occluso-distal amg.
20.	Occlusal amg.
22.	Lingually displaced
28.	Mesio-occlusal amg.
29.	Occlusal amg.
30.	Mesio-occlusal-distal amg.
31.	Mesio-occlusal-buccal amg.

#### Clothing

Clothing found with the victim consisted of a dark blue sweatshirt. On the front is the legend "QUEBEC CANADIAN PACIFIC" below which appears "Canadian Pacific". On the back there is a winter scene with a skier in the foreground, ice skaters in the background. To the right of the skier are the words "Winter Sport" and below that "Canadian Pacific".

ERIC: DOUBLE CHECK ABOVE AGAINST PHOTOGRAPHS. ALSO, WHAT HAPPENED TO THE "UNIVERSITY TENNIS CLUB" SHIRT?

#### Personal Effects

A gold chain with two crosses and a small gold horseshoe inset with a ladybug. Also found was a small clear plastic pouch containing a small gold-colored statuette of a male saint holding a child.

**Time of Death**

The skeleton was completely disarticulated with the exception of the pelvic elements and some of the vertebral segments. Other soft tissue remnants were limited to tags of dried ligaments and hair. Based on the condition of the bones, and the exposure environment, time of death is estimated at about 6-18 months prior to examination of the skeleton in December, 1992.

**Cause of Death**

Perimortem trauma consisted of almost complete destruction of the midfacial area. The fracture pattern is consistent with a wound caused by high-velocity gunshot. However, until the remains can be more fully examined under laboratory conditions, the diagnosis of fatal gunshot injury must be considered provisional.

**SUMMARY OF FINDINGS: SSK2**

The skeleton is that of a caucasoid male who was somewhere between 24 and 32 years of age at the time of his death which occurred about 6-18 months prior to examination. He was around 175.5 cm tall (167-184 cm .95 g range) and right-handed. Perimortem destruction of the midfacial skeleton is consistent with a high-velocity gunshot wound to the head.

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Chinese  
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**APPENDIX D**

**(List of Missing Persons from the Vukovar Hospital  
and the Vukovar Area, prepared by the Joint  
Commission to Trace Missing Persons and  
Mortal Remains)**

List of Missing Persons from Vukovar Hospital  
and the Vukovar Area  
Provided by the Joint Commission to Trace  
Missing Persons and Mortal Remains

NO.	NAME	JC#	CRC	DOB	AGE
1	ADZAGA, JOSIP		PO	05/21/49	42.5
2	AHMETOVIC, ISMET		CV	11/14/68	23.0
3	ALVIR, IVICA		VR	11/03/65	26.0
4	ANIC-ANTIC, JADRANKO	1	VR	04/19/59	32.6
5	ANTOLOVIC, VLADIMIR		CV	06/26/47	44.4
6	ARNOLD, KRESIMIR		CV	04/18/58	33.6
7	ASADJANIN, ILIJA		ME	01/01/50	41.9
8	BABIC, DRAZEN (JOSIP)		VR	10/01/66	25.1
9	BAINRAUCH, IVAN		ME	06/21/56	35.4
10	BAKETA, GORAN		PO	06/28/60	31.4
11	BALAS, STEJEPAN		CV	05/01/56	35.6
12	BALOG, DRAGUTIN		VR	06/19/74	17.4
13	BALOG, JOSIP		VR	11/25/28	63.0
14	BALOG, ZVONIMIR	3	VR	01/10/58	33.9
15	BALVANAC, DJURO	4	VR	07/17/52	39.3
16	BANOZIC, BORIS		VR	02/02/67	24.8
17	BARANJAJ, PERO		CV	12/23/68	22.9
18	BARANJEK, IVAN		ME	04/05/39	52.6
19	BARBARIC, BRANKO	5	VR	11/01/67	24.1
20	BARBIR, LOVRO		CV	11/01/35	56.1
21	BARTA, ANDJELKO	6	VR	01/31/67	24.8
22	BATARELO, JOSIP	7	VR	03/12/47	44.7
23	BATARELO, ZELJKO	8	VR	10/25/55	36.1
24	BAUMGERTNER, TOMISLAV		PO	02/27/73	18.7
25	BEGCEVIC, MARKO		CV	04/01/68	23.6
26	BEGOV, ZELJKO	9	VR	09/30/58	33.1
27	BEGOVIC, DURO		CV	01/08/62	29.9
28	BESINGEN, VON HARLAN	10	VR	08/25/71	20.2
29	BESTRCAN, STEJEPAN		VR	12/05/72	19.0
30	BINGULA, STJEPAN		VR	10/10/58	33.1
31	BJELANOVIC, RINGO	12	VR	11/24/70	21.0
32	BLAZEVIC, ZLATKO	13	VR	02/24/64	27.7
33	BODROZIC, ANTE		VR	06/07/53	38.5
34	BOSAK, MARKO	284	CV	07/12/67	24.4
35	BOSANAC, DRAGUTIN	247	CV	08/20/19	72.3
36	BOSANAC, TOMISLAV	15	VR	03/05/41	50.7
37	BOSNJAKOV, JOSIP		VR	09/05/60	31.2
38	BOZAK, IVAN		ME	01/12/58	33.9
39	BRACIC, ZVONKO	17	VR	07/04/70	21.4
40	BRADARIC, JOSIP	18	VR	03/02/49	42.7
41	BRAJDIC, JOSIP		CV	03/16/50	41.7
42	BUOVAC, IVAN		ME	09/03/66	25.2
43	BUZIC, ZVONKO	19	VR	08/27/55	36.2
44	CALETA, ZVONKO		PO	02/24/53	38.7
45	COLAK, IVICA	21	VR	09/26/65	26.1
46	CRK, KARLO		PO	07/30/42	49.3
47	CRNJAC, IVAN	20	VR	03/18/66	25.7
48	CUPIC, MLADEN	22	VR	05/19/67	24.5
49	DALIC, TIHOMIR		PO	11/02/66	25.0
50	DJUKIC, PERICA	29	VR	09/23/53	38.2

51	DJUKIC, VLADIMIR	30	VR	02/21/48	43.7
52	DOLISNJI, IVICA	23	VR	11/26/60	31.0
53	DOMIC, SILVA		CV	01/30/62	29.8
54	DOSEN, IVAN	24	VR	01/04/58	33.9
55	DOSEN, MARTIN	25	VR	02/19/52	39.8
56	DOSEN, TADIJA	26	VR	01/01/50	41.9
57	DRAGUN, JOSIP	27	VR	09/09/62	29.2
58	DUDAR, SASA		VR	03/05/78	13.7
59	DUVNJAK, STANKO	28	VR	05/25/59	32.5
60	EBNER, VINKO		VR	04/07/61	30.6
61	EDELINSKI, GORAN		VR	07/29/75	16.3
62	FIRI, IVAN	33	VR	06/01/15	76.5
63	FITUS, KARLO	34	VR	01/01/64	27.9
64	FRISCIC, DRAGUTIN	35	VR	11/02/58	33.0
65	FURUNDZIJA, PETAR		CV	11/30/49	42.0
66	GAJDA, ROBERT		VR	12/27/66	24.9
67	GALIC, MILENKO		VR	12/10/65	25.9
68	GALIC, VEDRAN	37	VR	01/01/73	18.9
69	GARVANOVIC, BORISLAV	38	VR	11/23/54	37.0
70	GASPAR, ZORAN	39	VR	03/14/71	20.7
71	GAVRIC, DRAGAN	205	ME	10/31/56	35.1
72	GLAVASEVIC, SINISA	40	VR	11/04/60	31.0
73	GOJANI, JOZO		CV	01/01/66	25.9
74	GOLAC, KRUNOSLAV		CV	07/06/59	32.4
75	GRAF, BRANKO		CV	09/12/55	36.2
76	GRANIC DRAGAN	41	VR	01/01/60	31.9
77	GREJZA, MILAN	42	VR	06/27/59	32.4
78	GRUBER, ZORAN		VR	09/05/69	22.2
79	GRUJIC, LUKA		VR	08/16/57	34.3
80	GUDELJ, DRAGO	45	VR	09/09/40	51.2
81	GUDELJ, SINISA		VR		
82	GUDELJ, ZDRAVKO		VR	01/31/59	32.8
83	GUZIC, MARIJA	174	VR	10/14/55	36.1
84	GVOZDANOVIC, ANA		VR	04/15/26	65.6
85	HEGEDUS, TOMISLAV		PO	11/02/53	38.0
86	HEGEDUSIC, MARIO	51	VR	06/26/72	19.4
87	HERMAN, IVO		VR	05/14/69	22.5
88	HERMAN, STJEPAN	50	VR	03/10/55	36.7
89	HINCAK, ZVONIMIR	52	VR	09/08/55	36.2
90	HLEVNJAK, NEDELJKO	53	VR	01/08/64	27.9
91	HOLJEVAC, NIKICA	54	VR	04/10/55	36.6
92	HORVAT, VIKTOR		CV	08/17/48	43.3
93	HUSNJAK, NEDJELJKO	55	VR	06/30/69	22.4
94	ILES, ZVONIMIR		CV	12/12/41	49.9
95	IMBRISIC, IVICA		VR	02/13/57	34.8
96	IVAN, ZLATKO	57	VR	12/25/55	35.9
97	IVANIKA, IVAN	58	VR	09/10/67	24.2
98	IVEZIC, ALEKSANDAR	182	VR	12/05/50	41.0
99	IVIC, BARTOL		CV	08/22/29	62.2
100	JAJALO, MARKO	59	VR	10/27/57	34.1
101	JAKUBOVSKI, MARTIN	60	VR	04/01/71	20.6
102	JALSOVEC, LJUBOMIR	64	VR	11/02/57	34.0
103	JAMBOR, TOMO	63	VR	03/03/66	25.7
104	JANIC, MIHAJLO	66	VR	10/08/39	52.1
105	JANJIC, BORISLAV	61	VR	09/08/56	35.2
106	JANTOL BORIS	62	VR	09/21/59	32.2
107	JARABEK, ZLATKO		ME	06/21/56	35.4
108	JERGOVIC, TOMISLAV		VR	04/29/63	28.6
109	JEZIDZIC, IVICA	67	VR	11/05/57	34.0
110	JOSIC, JANJA		VR	09/08/41	50.2



111 JOVAN, ZVONIMIR	70	VR	07/04/67	24.4
112 JOVANOVIĆ, BRANKO		VR	02/04/55	36.8
113 JOVANOVIĆ, OLIVER		VR	12/01/72	19.0
114 JUKIĆ, TADIJA	226	PO	11/11/45	46.0
115 JULARIĆ, GORAN		CV	02/15/71	20.8
116 JURELA, DAMIR	71	VR	04/25/69	22.6
117 JURELA, ZELJKO		PO	06/30/56	35.4
118 JURENDIĆ, DRAGO	72	VR	04/23/66	25.6
119 JURISIĆ, MARKO	73	VR	08/17/46	45.3
120 JURISIĆ, PAVO		PO	08/28/66	25.2
121 JURISIĆ, ZELJKO		CV	10/01/63	28.1
122 KACIĆ, IGOR	74	VR	08/23/75	16.2
123 KAPUSTIĆ, JOSIP	75	VR	12/08/65	25.9
124 KELAVA, KRESIMIR	76	VR	01/17/53	38.8
125 KIRALJ, DAMIR	78	VR	07/17/59	32.3
126 KIRALJ, DAMIR	77	VR	03/10/64	27.7
127 KISPECO, ALEKSANDAR		CV	12/09/88	2.9
128 KISPECO, IGOR		CV	09/23/87	4.2
129 KISPECO, JULIJAN		CV	08/12/56	35.3
130 KISPECO, MIRJANA		CV	12/19/59	31.9
131 KITIĆ, GORAN	79	VR	02/23/66	25.7
132 KNEZEVIĆ, ANKA	80	VR	04/30/34	57.6
133 KNEŽIĆ, DJURO		ME	04/02/37	54.6
134 KOBAS, ANTUN		VR	01/01/72	19.9
135 KOLAK, TOMISLAV		VR	07/22/62	29.3
136 KOLAK, VLADIMIR		VR	01/20/66	25.8
137 KOLOGRANIĆ, DUŠKO	83	VR	10/23/50	41.1
138 KOMORSKI, IVAN		CV	06/22/52	39.4
139 KONJEVOD, TOMISLAV		VR	10/21/60	31.1
140 KOSIR, BOZIDAR	86	VR	09/28/57	34.1
141 KOSTENAC, BONO		CV	02/15/42	49.8
142 KOSTOVIĆ, BORISLAV	85	VR	12/24/62	28.9
143 KOVAČ, IVAN		PO	06/18/53	38.4
144 KOVAČ, MLADEN	87	VR	08/20/58	33.3
145 KOVAČEVIĆ, ZORAN		VR	04/16/62	29.6
146 KOVAČIĆ, DAMIR	89	VR	07/14/70	21.4
147 KOZUL, JOSIP		CV	03/08/69	22.7
148 KRAJINOVIĆ, IVAN		VR	10/14/66	25.1
149 KRAJINOVIĆ, ZLATKO		ME	12/04/69	22.0
150 KRASIĆ, IVAN	91	VR	06/18/64	27.4
151 KREZO, IVICA	92	VR	09/10/63	28.2
152 KRISTIĆEVIĆ, KAZIMIR	93	VR	06/13/59	32.4
153 KRIZAK, IVAN		VR	08/22/42	49.2
154 KRIZAN, DRAGO		PO	11/21/57	34.0
155 KRUNES, BRANIMIR		VR	02/28/66	25.7
156 LENDEL, TOMISLAV		PO	08/06/57	34.3
157 LENDEL, ZLATKO		PO		
158 LEROTIĆ, ZVONIMIR		VR	09/13/60	31.2
159 LESIĆ, TOMISLAV	95	VR	05/17/50	41.5
160 LET, MIHAJLO	290	CV	04/25/56	35.6
161 LETICA, SLOBODAN		VR	10/20/56	35.1
162 LILI, DRAGUTIN	97	VR	01/26/51	40.8
163 LJUBAC, HRVOJE		VR	01/26/71	20.8
164 LONČAR, TIHOMIR		CV	03/28/55	36.6
165 LONČAREVIĆ, ROBERT	98	VR	12/07/59	32.0
166 LOVRIĆ, JOKO		VR	11/06/68	23.0
167 LOVRIĆ, JOZO	99	VR	07/15/53	38.3
168 LUCIĆ, MARKO		VR	09/08/54	37.2
169 LUKENDA, BRANKO		PO	04/14/61	30.6
170 MAGDIĆ, MILE	100	VR	03/25/53	38.7

171	MAGOC, PREDRAG	VR	12/18/65	25.9
172	MAJIC, ROBERT	102 VR	02/23/71	20.7
173	MALANCUK, MARIJA	CV	03/08/35	56.7
174	MALOVIC, PETAR	103 VR	06/27/59	32.4
175	MALOVIC, SVETISLAV	CV	04/03/52	39.6
176	MANDIC, MARKO	ME	07/26/53	38.3
177	MARIJANOVIC, MARTIN	104 VR	08/17/59	32.3
178	MARKOBASIC, RUZICA	CV	09/18/59	32.2
179	MAZAR, IVAN	CV	11/20/34	57.0
180	MEDES, ANDRIJA	CV	08/13/37	54.3
181	MEDESI, ZORAN	105 VR	01/03/64	27.9
182	MENGES, GORAN	106 VR	01/10/70	21.9
183	MERIC, OHRAN	107 VR	07/10/56	35.4
184	MIHOVIC, TOMISLAV	ME	06/23/52	39.4
185	MIKLETIC, JOSIP	PO	02/26/52	39.7
186	MIKULIC, ZDRAVKO	VR	03/15/61	30.7
187	MIKULIC, ZVONKO	109 VR	05/11/69	22.5
188	MILIC, GRETA	CV	01/24/84	7.8
189	MILIC, SLAVKO	CV	04/17/55	36.6
190	MILJAK, ZVONIMIR	VR	05/10/50	41.5
191	MISIC, IVAN	VR	12/22/68	22.9
192	MLINARIC, MILE	VR	12/05/66	25.0
193	MOKOS, ANDRIJA	VR	11/16/55	36.0
194	MOLNAR, ALEKSANDAR	112 VR	04/08/65	26.6
195	MUDRI, BORISLAV	VR	06/17/38	53.4
196	MUTVAR, ANTUN	114 VR	01/31/69	22.8
197	NADJ, DARKO	115 VR	02/27/65	26.7
198	NADJ, FRANJO	CV	08/17/35	56.3
199	NEJASMIC, IVAN	255 CV	10/19/58	33.1
200	NICOLIER, JEAN MICHEL	116 VR	07/01/66	25.4
201	NJIRJAK, GORAN	190 VR	01/21/70	21.8
202	OMEROVIC, MERSAD	VR	01/01/70	21.9
203	OMEROVIC, MUFAT	VR	01/31/68	23.8
204	ORESKI, IVAN	119 VR	04/12/50	41.6
205	PAJIC, TIHOMIR	120 VR	05/10/70	21.5
206	PAPP, TOMISLAV	PO	01/01/63	28.9
207	PATARIC, ZELJKO	VR	07/17/59	32.3
208	PAVIC, SLOBODAN	VR	10/07/52	39.1
209	PAVOLOVIC, ZLATKO	CV	11/19/63	28.0
210	PERAK, MATO	VR	11/28/61	30.0
211	PERKO, ALEKSANDAR	170 VR	03/17/67	24.7
212	PERKOVIC, DAMIR	123 VR	10/28/65	26.1
213	PERKOVIC, JOSIP	124 VR	03/24/63	28.7
214	PERKOVIC, THOMIR	VR	06/21/61	30.4
215	PETROVIC, STJEPAN	CV	10/26/49	42.1
216	PINTER, NIKOLA	PO	10/04/40	51.1
217	PLAVSIC, IVAN	126 VR	03/24/39	52.7
218	POLHERT, DAMIR	PO	11/22/62	29.0
219	POLOVINA, BRANIMIR	CV	06/22/50	41.4
220	POSAVEC, STANKO	VR	04/09/52	39.6
221	POTHORSKI, JANJA	VR	11/17/31	60.0
222	PRAVDIC, TOMO	ME	11/01/34	57.1
223	PUCAR, DMITAR	129 VR	01/01/49	42.9
224	RADIC, ZVONKO	130 VR	08/03/63	28.3
225	RAGUZ, IVAN	VR	04/22/53	38.6
226	RASIC, FRANJO	VR	04/16/54	37.6
227	RATKOVIC, KRESIMIR	132 VR	03/04/68	23.7
228	RAZIC, JOSIP	VR	11/17/69	22.0
229	REDZIC, IVAN	VR	12/23/66	24.9
230	RIBICIC, MARKO	135 VR	11/11/51	40.0

231	RIMAC, SALVADOR	VR	11/06/70	21.0
232	ROHACEK, KARLO	CV	10/21/42	49.1
233	ROHACEK, ZELJKO	CV	05/16/71	20.5
234	SAITI, CEMAN	CV	09/17/60	31.2
235	SAJTOVIC, MARTIN	CV	04/14/28	63.6
236	SAMARDZIC, DAMJAN	VR	07/23/46	45.3
237	SARIK, STJEPAN	ME	04/02/55	36.6
238	SASKIN, SEAD	145 VR	03/22/60	31.7
239	SAVANOVIC, TIHOMIR	137 VR	07/17/64	27.3
240	SEGEC, BOZIDAR	VR		
241	SENCIC, IVAN	138 VR	02/21/64	27.7
242	SINDILJ, VJEKOSLAV	260 CV	01/01/71	20.9
243	SOTINAC, STJEPAN	139 VR	11/25/39	52.0
244	SPUDIC, PAVAO	140 VR	07/16/65	26.3
245	SRENK, DJURO	ME		
246	STANIC, MARKO	VR	08/02/58	33.3
247	STANIC, ZELJKO	142 VR	01/01/68	23.9
248	STEFANKO, PETAR	CV	05/05/42	49.5
249	STEFULJ, DRAZEN	147 VR	01/01/63	28.9
250	STEVANOVIC, ZLATKO	VR	04/27/75	16.6
251	STOJANOVIC, IVAN	VR	03/19/49	42.7
252	STUBICAR, LJUBOMIR	VR	07/12/54	37.4
253	TABACEK, ANTUN	PO	06/05/58	33.5
254	TADIC, TADIJA	148 VR	08/15/59	32.3
255	TARLE, DUJO	149 VR	05/06/50	41.5
256	TEREK, ANTUN	CV	10/06/40	51.1
257	TISLIARIC, DARKO	150 VR	06/01/71	20.5
258	TIVANOVAC, IVICA	VR	06/22/63	28.4
259	TOMASIC, TIHOMIR	VR	07/14/63	28.4
260	TORDINAC, ZELJKO	195 VR	12/14/61	29.9
261	TOT, TOMISLAV	152 VR	06/06/67	24.5
262	TRALJIC, TIHOMIR	153 VR	07/17/67	24.3
263	TRUBAN, FRANJO	CV	01/01/48	43.9
264	TURK, MIROSLAV	154 VR	04/12/50	41.6
265	TURK, PETAR	VR	06/13/47	44.4
266	TURKALJ, ZELJKO	VR	04/06/65	26.6
267	TUSKAN, DRAGICA	158 VR	10/13/32	59.1
268	TUSKAN, DRAZEN	159 VR	10/26/66	25.1
269	TUSTONJIC, DANE	157 VR	10/10/59	32.1
270	VAGENHOFER, MIRKO	160 VR	06/03/37	54.5
271	VARENICA, ZVONKO	ME	05/19/57	34.5
272	VARGA, VLADIMIR	161 VR	08/17/44	47.3
273	VEBER, SINISA	162 VR	02/22/69	22.7
274	VIDOS, GORAN	PO	05/13/60	31.5
275	VILENICA, ZARKO	VR	02/01/70	21.8
276	VIRGES, ANTUN	VR	04/09/53	38.6
277	VLAHO, MATE	ME	02/03/59	32.8
278	VLAHO, MIROSLAV	ME	12/03/67	24.0
279	VOLODER, ZLATAN	CV	11/23/60	31.0
280	VUJEVIC, ZLATKO	CV	10/28/51	40.1
281	VUKOJEVIC, SLAVEN	164 VR	06/23/70	21.4
282	VUKOVIC, VLADIMIR	VR	11/25/57	34.0
283	VUKOVIC, ZDRAVKO	VR	09/07/67	24.2
284	VULIC, IVAN (1)	264 CV	06/18/46	45.4
285	VULIC, IVAN (2)	264 VR		
286	VULIC, VID	175 VR	09/01/51	40.2
287	VULIC, ZVONKO	PO	06/07/71	20.5
288	ZELJKO, JOSIP	PO	04/04/44	47.6
289	ZERA, MIHAJLO	ME	08/07/55	36.3
290	ZERAVICA, DOMINIK	VR	11/11/59	32.0

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291	ZIVALJIC, MILOS	VR	01/01/62	29.9
292	ZIVKOVIC, DAMIR	CV	02/17/70	21.8
293	ZIVKOVIC, GORAN	166 VR	12/20/69	21.9
294	ZUGEC, BORISLAV	242 PO	11/21/63	28.0

## **Physicians for Human Rights**

Physicians for Human Rights (PHR) is an organization of physicians and other health professionals that brings the knowledge and skills of the medical sciences to the investigation and prevention of violations of international human rights and humanitarian law.

PHR was founded in 1986 on the premise that human rights violations carry serious and often profound consequences to health. Since protection of the individual from physical and psychological health is intrinsic to medicine, physicians have a unique obligation to investigate, report and prevent human rights abuses with a direct bearing on health. To that end, Physicians for Human Rights works to:

- Apply the special skills of health professionals to stop torture, "disappearances" and political killings by governments and opposition groups;
- Report on conditions and protection of detainees in prisons and refugee camps;
- Investigate the physical and psychological consequences of violations of humanitarian law and medical ethics in internal and international conflicts;
- Defend the right of civilians and combatants to receive medical care during times of war;
- Protect health professionals who are victims of human rights abuses, and
- Prevent physician complicity in torture and other human rights abuses.

Since 1986, PHR has sent over 40 fact-finding and emergency missions to 25 countries. PHR bases its actions on the Universal Declaration of Human Rights and other international human rights and humanitarian agreements. The organization adheres to a policy of strict impartiality and is concerned with the medical consequences of human rights abuses regardless of the ideology of the offending government or group. The President of the Board of Directors is H. Jack Geiger, M.D.; the Vice President is Carola Eisenberg, M.D. Eric Stover is Executive Director; Susannah Sirkin is Deputy Director; Barbara Ayotte is Senior Program Associate, Gina VanderLoop is Development Director and Jonathan Fine, M.D. is Senior Medical Consultant.

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