

# **GENOCIDE IN BOSNIA-HERZEGOVINA**

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We welcome you.

## **TESTIMONY OF PROFESSOR M. CHERIF BASSIOUNI**

Professor Bassiouni. Thank you, Mr. Chairman.

If I may start by saying that I was deeply moved and touched by your remarks and the remarks of the distinguished members of this panel. And, if I may start with a general observation, there is no doubt that there can be no peace without justice, and there can be no justice without truth being established first, and this applies not only to this conflict, but to any other conflict. And, there certainly cannot be peace if major powers like the United States are not willing to make their commitment felt beyond the mere expression of their good intentions and good wishes.

The difference between a mighty power and a truly great power is the ability for the great power to take the high moral road. Hopefully, the United States will continue in its tradition of moral leadership and effective leadership in the field.

The Security Council established in 1992 a commission of experts to investigate the violations of international humanitarian law in the former Yugoslavia. This was the precursor for the establishment of an International Tribunal. At the time, we did not know what the extent of the violations were. But as events subsequently developed, we identified approximately 200,000 people killed; 800 prison camps and detention facilities which housed over half a million people; our estimate is that more than 50,000 have been tortured. We conducted the world's largest rape investigation. We examined over 1,600 cases of rape and sexual assault and interviewed 223 actual victims and witnesses. We have 575 affidavits of victims who identified their perpetrators.

Mr. **Hoyer**. Professor, I'm sorry, 1,600 cases you've investigated of alleged rape?

Professor Bassiouni. That is correct.

Mr. **Hoyer**. OK. And then, would you go on with the other things?

Professor **Bassiouni**. Sure. We interviewed directly 223 victims and witnesses. We have over 575 affidavits in which the victim is not only identified, but the victim identified the perpetrator as well.

Of the 1,600 cases alleged and brought to our attention, a number of them indicate others who have been raped in their presence. The number of cases exceeds 4,500. Consequently, we are able to make a reasonable projection of four times the number of alleged cases which brings the total to well over 20,000. This number is no longer a figure picked from thin air. It is now based on verifiable facts from which we can make this reasonable projection.

We identified 151 mass graves containing anywhere between five and 3,000 bodies. Most of these mass graves, of course, are clustered around principal places of detention.

The volume of the victimization that has taken place in a relatively short period of time is quite astounding. Consider, if you will, that in a population base of a little over 5 million people, this high level of victimization has occurred in approximately a year and a half.

To put that in perspective, consider, if you will, the Arab/Israeli conflict over the last 70 years involving a population base of about 50 million people. There isn't a single reported rape case occurring on either side.

Consider that in four major wars between Egypt and Israel, with a POW population base of 35,000, there isn't a single case of a POW being tortured to death.

Now, this is quite astounding, as I said, considering the short period of time, the limited territory in which the victimization occurred, the limited population base, and the volume in terms of quantitative volume. But above all, the ferocity with which harm was inflicted is particularly shocking.

As Mr. Wolf and others indicated, I spent the last 2 years, between 1992 and 1994, visiting these areas, being in mass graves from which we exhumed bodies, standing up to my knees in dead bodies, interviewing victims of rape and torture, seeing how life has gone from their eyes, and seeing not only the physical, but the psychological consequences of their victimization. As I said earlier, I think it is the ferocity of the victimization that is particularly shocking. It is the absolute senseless brutality that one sees time and again that is particularly surprising.

Two important footnotes. In many of the interviews of the witnesses, there was a recurrent theme of the perpetrators telling the victims that nobody will ever know about them. Nobody will ever care. Nobody will know what will happen to them. This is a very important fact.

By the end of our mission, as I was crisscrossing Bosnia-Herzegovina and Croatia, members of the International Committee of the Red Cross who inspected prison camps would come and tell me that they would go into camps and the camp commanders would take them on the side and would say, you know, we understand that there's a commission that's gathering evidence here and we want you to come and see that we are not running bad camps.

I think these two, if you will, little vignettes are very telling. When people realize that they can get away with committing these crimes with impunity, obviously, the deterrent element is gone and the level of victimization increases. And, too, when they know that there is some type of accountability, they become more conscious of the level of victimization.

When we started our work in the investigation, you might be very interested to know that the United Nations provided this Commission with absolutely no resources to engage in its investigation. It was quite a surprise to me to realize that although we had a broad mandate to investigate all types of violations of international humanitarian law in a fairly large territory while the war was going on, only the Chairman was full time; the other four members would come in occasionally on a part-time basis, 2 or 3 days a month for meetings in Geneva; and there was neither a single person nor a single dollar for investigations.

We did not start receiving some moneys in a voluntary trust until July 1993, after about 7 or 8 months had passed. Most of the work done had really been done along two lines. I started a data base at my university, at DePaul University in Chicago, with the resources of the university. Thanks to grants from the Soros Foundation and the McArthur Foundation, we accumulated 65,000 documents and 300 tapes, and produced over 3,500 pages of volumes of reports, all of which became the first base for the Tribunal when it started. Without this foundation the Tribunal would have had nothing to start with, and all of this was accomplished in the United States through private fund sources which ultimately exceeded the total amount of funds provided by the international community.

The data base project cost over \$1,400,000.00, which is not an excessive amount operating for a 2-year period, mostly with volunteer young lawyers and volunteer students. The total contributions from about 18 countries out of the 184 member states of the U.N. amounted to \$1,300,000.00. However, what we did have is the assistance of some governments, which I solicited to provide us with individuals. I organized individual teams for investigative missions. When we did our rape investigation, we organized 11 teams consisting of 33 women, 11 women prosecutors, 11 women mental health persons, and 11 interpreters and we had teams of three who would go out in the field working in seven cities in Croatia, two in Bosnia, in Germany, as well as in Sweden, collecting information.

All of these teams were volunteer teams. They came at their own expense. In addition, we used the money that we had from the governments, this piddly sum of \$1.3 million, which many of you will probably equate in your minds with the \$40 to \$45 million spent on the Iran Contra investigation just to put things into perspective. We were able to use these funds in order to put people in the field, but their time was contributed.

We did mass grave investigations in Vukovar, where you went, Mr. Wolf, because of the terrible situation in Ovchara, where 204 Croatian persons were taken out of the Vukovar Hospital; taken onto an open field in an agricultural co-op, about five kilometers in the middle of nowhere; and just summarily shot and buried in a shallow grave. We were unable to complete our initial investigation and exhumation for lack of remittances and authorization by the local leaders.

We conducted a mass grave exhumation in Sector West of Serbs who had been allegedly killed by Croats. We carried out the investigations. We had received reports that 1,700 Serbs had been killed. Since I was concerned in the dispensing of my responsibilities about being fair and even-handed, I proceeded there. We found 19 bodies, not 1,700 bodies. We exhumed the bodies, but were not able to complete the exhumation and identification process because our Commission was unfortunately terminated prematurely by the U.N. bureaucracy, even without a decision of the Security Council.

As part of our investigative work, we did an investigation in Dubrovnik. We sent several experts, one from the Council of Europe, one from UNESCO, two experts from Norway, and two officers from the Canadian government, to do a thorough investigation of the destruction of Dubrovnik and other cultural sites.

Probably more importantly, we did a significant study of the Battle of Sarajevo. We did a day-to-day chronology for a period of close to 2 years, showing every day the number of shells, the number of people killed, the number of persons injured, and above all following the targeting of civilians. I can tell you that in a period of less than 2 years, the Kosevo Hospital, a civil hospital, was bombed 289 times. I can also tell you something very curious, at least it was curious to me, that over 40 percent of the bombing at the Kosevo Hospital occurred between the hours of noon

and 2 p.m. I subsequently, of course, found out while there one day and a bomb fell near my car during noon and 2 p.m., that these were visitation hours when the shelling was the most severe.

The shelling varied according to something else that we were able to track. We tracked the whole history of negotiations and we overlaid the history of the negotiations with the history of targeting. As you can well imagine, we can document and have, indeed, documented for 2 years how when political negotiations went in a particular way the shelling decreased, and how when they went in another way the shelling increased. This is particularly true toward the end of August, beginning of September, as a peace agreement was about to be signed in Geneva. During the last days of the negotiations, we were witnessing ten to 20 shells a day. When the negotiations broke down, we went up to 3,000 shells the next day, thus, clearly revealing the nexus between them.

Of particular interest, too, is the fact that we were able to develop a study of the military structure of the parties, the order of battle, establishing which units were where. Probably one of the most unique features of this conflict was the fact that there were 80 paramilitary groups active in it. Many of these paramilitary groups acted within or with the army, others acted outside the army.

At first, many thought that this was a sort of haphazard type of situation. We subsequently found that this was not haphazard, particularly in Bosnia, as you know, but also throughout most of the territory of the former Yugoslavia. The administrative unit is called an opstina. We found out that immediately as the conflict broke out in May 1992, each opstina developed an emergency committee. The emergency committee consisted usually of three persons: the head of the police, the head of the Serb party or whatever party was dominant in the area, and the head of the army unit that was there.

Surprisingly enough, throughout the entire arc, starting with Foca, Gorazde, Srebrenica, Brcko, going on to the central part, Prijedor, Baja Luka, all the way to Bihac, in other words across the Drina and the Sava Rivers in that important strategic corridor which was ultimately cleansed, there is no doubt that, in a large territorial expanse, over a significant period of time, the same

patterns of behavior occurred, and the same administrative organization characterized the acts of ethnic cleansing who did it, and how it was done.

Particularly interesting is the way ethnic cleansing was done. It was done with plausible deniability in mind. Most of the time, the army was only involved on a support basis. At the beginning, it was the JNA itself. Subsequently, it was the Bosnian Serb Army. Most of the more serious crimes were committed by paramilitary groups who either came in or out of the area, or who sprang up locally. But the persistent violations came subsequently from the local police and the paramilitary that they recruited.

Unfortunately, police contact is usually not with the elites of a given society, nor with its intelligencia, but rather with its worst elements, and so it is no surprise that they gathered around them the worst elements of society; armed them; gave them the Nationalistic flag to wrap themselves up with; promised them impunity; and allowed them to go and do whatever they wanted. That is really the sad picture of what happened. It evidences a complete breakdown of command and control. It evidences a lack of supervision.

Now, if you looked at it without going in depth, you may think that this is simply the product of chaos. If you looked at it as we have over a 2-year period of time and documented it, you would find out that it is systematic and is not planned.

We completed our work and before you here is approximately 3,500 pages of the reports of the Commission which were delivered to the Security Council at the end of December. The United Nations is supposed to be printing, publishing, and making them available. We are still awaiting that. Last word was that it was coming out at the end of April. I would like, with the Chair's permission, to present a copy to this committee.

We have a summary of approximately 100 pages at the beginning, which if the Chair and the distinguished members agree, I would like to submit to be part of the record. I think that the summaries will very adequately convey the message if you would publish them as part of the hearing.

**Mr. Smith.** Without objection. I think that's a very good idea.

Professor **Bassiouni**. Thank you, Mr. Chairman.

You will see, from this complete documentation, an overall structure that is very methodical and very detailed. The policy of ethnic cleansing had a strategic logic, as well as a political logic, and it was carried out in a consistent pattern. The idea was simply to establish an area along the Drina and Sava Rivers, which would make contiguous the areas inhabited by Serbs in Bosnia, Serbia, Montenegro, and Croatia, to facilitate the contacts between those groups.

The logic of the strategic purpose was also inevitable in its outcome. As the Serb population in those areas was much less than the non-Serb population, it behooved that logic to remove the population, which was inimical simply because there weren't enough people of the dominant group to be able to control those who were not. So, rather than risk having, if you will, an inimical or enemy group at your back, the strategic dictates were to ethnically cleanse them.

The tactics were really very simple and rather simplistic. The tactics were simply to engage in the type of violence that would cause people to leave, after many had suffered and been killed, with the fear of what happened to them and with the terrorizing effect that it created. In fact, it is very telling that in 80 percent of the rape cases that we investigated, the acts of rape were done with the purpose of enhancing the element of shame and embarrassment of the victim, of her family, and of the community, so as to create a terror inspiring effect that would cause people, (A) to flee, and (B) not to return.

Now, I hesitate to classify or categorize those acts. The final report of the Commission, which is also here, takes a strong position in favor of considering these acts as crimes against humanity, and we have no hesitation about that. The question of genocide is a little more complicated because of the way the convention is drafted in terms of requiring a specific intent in the way it was carried out, and as to whether or not the convention is to be interpreted as encompassing an entire group.

We at the Commission took a more progressive look at it and said that genocide should be interpreted not in light of an entire group, as was the interpretation that followed the Holocaust because that was the pattern that was taken by the Nazis, but rather to look at it in terms of more specific contexts. So that if you took, for example, the context of Prijedor, where 56,000

Bosnians are missing and a large number of them were killed, particularly the intellectual elite, the leadership, et cetera if you took that context, that is, the Prijedor context, then you can find an intent to eliminate in whole or in part a particular group within that context.

If you take the broader interpretation of genocide as involving the entire group of the nation, then, of course, you cannot reach the same conclusion.

So, there is no doubt at least in the final report of the Commission there is no doubt that if you took it in narrower context, you would reach that conclusion, whereas if you took it in its overall broader context, it would be more difficult to achieve.

Even though the Commission was supposed to finish its work on 31 July 1994, we were administratively terminated 30 April 1994. The final report and the annexes were completed by me, even though the Commission was terminated, through resources that we obtained in the United States and through my university, without any financial assistance from the United Nations to complete the task.

I have frequently stated, and I repeat it again publicly, that there was a political purpose in prematurely terminating the Commission, which was reaching some very damaging conclusions, conclusions that did reach to the military and political leadership. In my judgment, the purpose of eliminating the facts from being known facilitated the ultimate political process.

I have always thought that this was very shortsighted, because, as I said when I started, you cannot have justice without peace. History has taught this in this conflict, with the people in this area, with the historic claims that the Serbs have or others may have in this area, we simply cannot put these things under the rug.

What is important is gathering of the evidence. Prosecution can always occur at a later time. If you have the evidence, there is no fear as to when you can prosecute. We are still pursuing Nazis all over the world 50 years later now. But, if the evidence is not there, and there is no commission that investigates the overall conduct of what happened, it will be very difficult ultimately to prosecute. But we are delighted to see that the Tribunal is functioning, it is

producing indictments, and hopefully it will make a significant record of achievement. Certainly, your support for the Tribunal is very important.

I apologize, Mr. Chairman, if I spoke a little too long, and I thank you for inviting me.

**Mr. Smith.** Professor Bassiouni, I thank you for your expert testimony. I've been advised you have to leave very shortly for a plane to New York. I would ask that we go right to maybe one question from each of us to accommodate your schedule, and then we'll go back to the regular format.

Let me pick up on that last point that you raised, Professor, regarding evidence gathering. In your view, is there a body of evidence sufficient to reach to the higher echelon of the political and military leadership of the Serbs, and are you aware of any facts that might suggest that the War Crimes Tribunal is disregarding that evidence? Are they looking to go after the leaders, or just after perpetrators at the lower level?

**Professor Bassiouni.** I'm confident that Mr. Goldstone, the prosecutor, as well as the staff that is working with him, are very dedicated people, genuinely dedicated and genuinely concerned enough that they will not be affected or compromised by political circumstances.

However, there are objective difficulties as well as bureaucratic and financial difficulties that I am sure you are well aware of. The budget of the Tribunal has not yet been voted upon by the ACABQ [Advisory Council on Administrative and Budgetary Questions], which is the finance committee of the United Nations. There is an objective problem of putting together a team of people from different countries with different legal systems, and welding them into a team that speaks the same legal language. There are a lot of practical difficulties of going into the field.

To date, there are only ten countries that have adopted implementing legislation. The United States has not yet adopted implementing legislation with respect to the Tribunal. The government of the former Republic of Yugoslavia, the self-proclaimed Republic of Krajina, Serbia, and Bosnia have, of course, clearly stated that they will not recognize the competence of the Tribunal. All of these are objective difficulties.

Mr. **Smith**. Very quickly in follow up, is evidence evaporating because of the lack of people in the field doing what you were doing before the termination of your Commission?

Professor **Bassiouni**. In my judgment, yes, for the simple reason that the prosecutor has to focus on specific cases, and it's not difficult to indict and collect evidence on specific cases. Therefore, there is nobody that is looking at the overall picture. And, the overall picture has to be an in-depth study of the order of battle, the distribution of forces, where they were located, what units were under whose command, who among the 80 paramilitary groups were responsive to what commander, in what theatre of operation, where were the supplies coming from, who was financing them? All of these are sort of general questions, which the prosecutor at this point is not in a position to carry out.

Mr. **Smith**. Thank you.

Mr. Hoyer.

Mr. **Hoyer**. As a follow up, Secretary Eagleburger branded both Milosevic and Karadzic as war criminals, and others as well.

Chairman Smith's question went to the fact of, do you believe there is probable cause, that is to say, enough evidence on which to proceed against those two individuals and others at that level, either in terms of direct evidence or pattern of perpetration in areas estranged from one another. There seems to be patterns in different areas from which one could conclude, at least circumstantially, that there was an overall plan, as opposed to individual discreet action of violence and atrocity.

As a lawyer, you say to the prosecutor that, based upon this, we have probable cause in effect, a grand jury determination now you've got to prove it. But we believe there is enough evidence to give us cause to believe that the highest levels have implemented a plan of genocide and war crimes?

Professor **Bassiouni**. Mr. Hoyer, if I may give you two examples based on facts. The battle and siege of Sarajevo, which we documented over a period of 2 years, the unit doing the shelling of

Sarajevo is called the first corps, or Sarajevo Romanija Corps of the Bosnian Serb army. This is exactly the same unit that used to be part of the Yugoslav National Army, the JNA, when the JNA presumably pulled out, leaving most of the troops officers, as well as most of its weapons, behind.

The Sarajevo Romanija Corps has been commanded by three generals, all three generals coming out of the ranks. In a period of 2 years, the consistent pattern of bombing of civilian targets, which constitutes undoubtedly grave breaches and war crimes, without doubt establishes command responsibility with respect to these three generals.

Since there are seven army corps in the Bosnian Serb army, all directly under the leadership of Mr. Mladic, you can certainly establish the command responsibility of these generals and General Mladic as their commander.

In view of the connection between the bombardments and the political situation, you clearly see the linkage between the military and the political. Consequently, you only need one link in the chain in order to be able to establish political responsibility.

I do not have that added link, because I do not know the extent to which that political leader knew of what was going on or had the possibility of preventing it. However, should that be established, then clearly under the Doctrine of Command Responsibility that would be the case.

A second example is the paramilitary groups under the command of a man commonly known as "Arkan." Mr. Arkan, otherwise known as Zeljko Raznjatovic, is a man we discovered had eight arrest warrants outstanding for him with Interpol. He is a well-known thug who used to work for the Ministry of Interior in Belgrade before he started his patriotic career doing criminal acts in the name of Serb nationalism.

This man had committed murders and bank robberies, and escaped from jail in Sweden. I've talked to the prosecutors there, and so I've followed his prior career. He had a training camp, in fact, near Vukovar. He, at one time, commanded in the Battle of Vukovar as many as 3,000 men. His men moved from Vukovar to Prijedor, where part of a variety of battles took place, implementing ethnic cleansing policies. They wore brand new army uniforms and had brand new

equipment. They worked hand-in-hand with the JNA, which provided tank and artillery support. The commander of the army corps in Vukovar, during the Battle of Vukovar, was undoubtedly knowledgeable of what was going on, and therefore, his command responsibility is established. He subsequently became chief of staff of the army.

So, you can see from these facts the way pointing out to at least the senior military leadership knowing. It is unlikely that a number of similar incidents occurring over a long period time, which were so well-publicized, could not have been known to the senior political leadership as well.

Mr. **Hoyer**. Thank you very much, Professor.

Mr. **Wolf [presiding]**. Mr. Smith asked me just to take the chair. I will have no questions, Mr. Cardin?

Mr. **Cardin**. Thank you, Mr. Chairman.

Let me ask a question. You have raised very serious concerns about the sincerity and interest of the international community, as far as the investigation is concerned, the lack of funding of the work of your Commission, and the premature termination of it. We know of the lack of enthusiasm, regarding the establishment of the Tribunal, of many countries, and the efforts to diffuse its attention from what's happening in Bosnia. All this raises very serious questions as to how sincere the international effort is, including the United Nations, to get to the truth in this matter.

I wonder whether you could share a little bit more of your insight as to why you believe there has been this lack of commitment within the United Nations and within the International Community to seek the truth of what's happening in the former Yugoslavia.

Professor **Bassiouni**. Well, I think to a large extent, it is quite obvious that the pursuit of a political settlement, and I use that word as opposed to peace, that the pursuit of a political settlement with certain types of leaders necessitated that the truth, in a sense, either be compromised or be held in abeyance.

It seems rather incongruous that one would sit with political leaders with whom one wants a political settlement, and who are receiving high honors by being treated as heads of states, and yet at the same time, threaten these very people with investigating them as war criminals or having committed crimes against humanity.

At the time when many of these leaders were elevated in stature and recognition in the course of these political negotiations, you could not have a parallel track that would, in the course of events at least, as Mr. Hoyer indicated, raise the question of command responsibility, if not by commission at least by omission, because they had the responsibility to act, they failed to act over a sufficiently long period of time during which they knew what was going on.

And, I think that this was unfortunately the reality in which we found ourselves trapped.

Mr. **Cardin.** So, the leaders have not understood your first comments, that is, to have peace you must have justice. They have not quite understood that yet.

Professor **Bassiouni.** I think, sir, that one should consider peace as a long-term process. A political settlement is hopefully the sort of thing you get a few people to sign on a piece of paper. Peace, at least in my estimation, is reconciliation between people, and that takes a lot of building, a lot of effort, a lot of consistency, a lot of recognition of what took place.

Victims all over the world, including victims of domestic crime in this country, the first thing they want is recognition of their victimization. They want somebody to say you've been victimized, we're sorry for you. They want compensation. They want to get on with their lives.

Unfortunately, what we have done is, we have compromised the rights of victims by saying that's not really important. You know, we'll resettle you as refugees in different countries in the world. What we want right now, above all, is people to sign an agreement that says there's going to be no more fighting, so that we can get this thing off the front burner of the various chanceries in the world.

Mr. **Cardin.** Thank you.

Mr. **Wolf.** Mr. Salmon.

**Mr. Salmon.** Yes. I just had a couple of questions. Some of the statistics that you've shared on the rape victims was harrowing. Were they mostly perpetrated within the concentration camps, or are these acts in their own homes, or are they mixed bag? And also, how difficult is it going to be to get some of these people to come back and testify as witnesses in an open tribunal?

**Professor Bassiouni.** Most of the rapes occurred in detention facilities or in custodial settings. Most of them occurred on a mass basis, not only in terms of the repeated number of rapes against the victim, but also the number of victims in other words, the victims were rounded up. I'll give you three examples in the town of Foca. There were three places where rape and sexual assault occurred: the Partizan Hall where women were brought in and raped and kept it was a sort of a turning point where people would be brought in and out and raped; in another place, a number of women were kept for the satisfaction of the soldiers coming in from the field on a 15 day rotation basis; and another place, and I can identify that one because the people are outside risk, is a little house where 18 women were women and girls, ranging in age from 11 to 17 were kept from between eight to 10 months. They were all daughters of prominent persons in the cities or all ultimately ransomed.

I interviewed a 14-year-old girl and a 15-year-old girl who had been raped, respectively, for eight and 10 months consistently by their guards. I saw an 11-year-old girl in a fetal position in the psychiatric hospital in Sarajevo, having given birth to a child, having completely lost her mind.

Let me add something that is also very significant. Two days before these girls were ransomed, the commander of that unit was killed, and another camp commander came. On the day of the release, the guards wanted to go in and have a last go at raping the girls, and that Serb commander stood in front of the door and trained his machine gun on his men and said, any one of you who comes close to these girls I'm going to kill him. And, I'm saying that because there have been many instances of really decent actions by individual Serbs in that conflict who have helped victims, and we should not overlook that as well, because otherwise we risk to sort of slip into, as the Chairman said earlier, of just smearing a whole group of people and that just isn't so.

Mr. **Wolf**. If Senator Lautenberg would agree to chair and you can stay, Matt. We are down to about 5 minutes, and we'll be right back. This way, Senator Lautenberg can chair it, and then we'll just continue to be back, and Mr. Smith will be back in about three or 4 minutes.

#### **OPENING STATEMENT OF SEN. FRANK R. LAUTENBERG**

Senator **Lautenberg** [presiding]. Is there something I said to my colleagues?

Well, thank you very much, Congressman Wolf, and I came late and assumed the chairmanship. I don't know whether that suggests a pattern for the future, but here I am, nevertheless, and I'm delighted to have had a chance to look at your respective biographies, and to pursue the issue being discussed. I find what is happening in Bosnia distasteful, and shocking, and unbelievable. I was in Croatia and in Bosnia 2 years ago for a short visit. I saw some of the communities and met residents and learned what happened. It's very painful for me to know that my country is unable to get support from other parts of the world, of the so-called civilized world. I find it astounding.

Professor, what happens with the progeny of these rapes? What happens to the children that are born in these incidents?

Professor **Bassiouni**. Well, Senator, I think this is something that should be really of quite concern to us. You were not here when I described the investigation we did of the rapes, and our interviews of 223 victims and witnesses. One of the most interesting things is, as we interviewed the victims I told our teams of investigators, I said, you know, the first thing I want you to tell these victims when you see them is to tell them that the world knows what happens to you, and that the world is concerned, and we are here to just bring you our human solidarity. We may not be able to do much for you, but at least that we wanted you to have.

And, at the end of each meeting, the victim would just break down and cry and sort of hug the three women interviewers who were there and thank them for their concern. And, it was particularly telling because I had agonized in planning this operation and many psychiatrists were telling me of the risk of retraumatizing the victims. Well, in 223 cases not one of them was

retraumatized. In most of these cases, the experience was a cathartic experience and, above all, the victims were grateful.

But what we did realize, of course, is that there is no aftercare. This is a time bomb. These women are extremely brave. The support network among women is the only thing that keeps this thing going on. But, there simply is very, very little effort, other than some NGO's and humanitarian organizations, who are trying to funnel things over. So, it's not only a question of the progeny. We know of some 200 cases of children who have been born out of forced impregnation like that, but it's the question of the mothers, and it's the question of the family.

Senator **Lautenberg**. But what happens to the children, those children that are born out of those rape attacks? I assume that when you talk about this repetition of process, you are talking about multiple partners with one woman, and no identification or anything of that nature. What do they do with?

Professor **Bassiouni**. We know only of 200 cases in which there has been childbirth. What we did notice, for example, is?

Senator **Lautenberg**. But, do they have abortions?

Professor **Bassiouni**. Yes. In the Sarajevo Hospital, we checked on that, and in 1993 there was something like over 3,000 abortions more than in 1992. We found the same phenomenon in the hospital in Tuzla, for example, where a lot of refugees came from other towns into the Tuzla area. The incidence has increased.

But, as statisticians tell me, the incidence of increase of abortion may not necessarily be due to rape. It may simply be due to the fact that people may not want children in time of war. So, it's a statistical probability.

Senator **Lautenberg**. I remember hearing one tale of women being forced to stay in a gymnasium, school-type building, until those pregnancies were ultimately delivered.

Professor **Bassiouni**. There are a few cases like that. As I said, we've been able to track down a little over 200 actual cases of birth as a result of forced impregnation, and from what I've heard,

the mothers have kept their children, dealt with them as I think most mothers would. As I said, what's very, very interesting in this conflict is that here you have a network of support by other women who have been equally victimized in different ways, who are supporting them with very limited resources, and that's an area that requires a great deal more of humanitarian attention.

Senator **Lautenberg**. Mr. Chairman, I wanted to put forward a couple more questions. If they are redundant, and they are already reflected in the record, please say so. If you don't mind I'll just take a few minutes.

Mr. **Smith [presiding]**. My understanding is that the Professor does have to leave for a plane, though.

Professor **Bassiouni**. If I can have 5 minutes.

Senator **Lautenberg**. Oh, sure. Do you have...

Mr. **Smith**. We have three more witnesses.

Senator **Lautenberg**. Oh, before the 5 minutes?

Mr. **Smith**. No, before the forty minutes to 4 o'clock.

Senator **Lautenberg**. Oh, before 4 o'clock. OK. I think I heard you respond to the question of direct evidence, as to whether or not the Serbian government or the Bosnian Serbs, the rogue government there, have engaged in genocide. Is there a quick answer to that question? Have they engaged in it directly, a matter of national policy or rogue government policy by the Bosnian Serbs?

Professor **Bassiouni**. I think that the facts indicated that the policy of ethnic cleansing conducted throughout certain geographic areas targeted a particular ethnic group for either elimination or, in part, physical extermination. This did not apply to all Muslims throughout all of Bosnia, but it did apply selectively in certain places. So, it will depend on how one defines or interprets the definition of the genocide convention as encompassing the entire group or just groups in a particular regional context.

Senator **Lautenberg**. Chris, I won't ask any other questions, because I guess examination of the record will show us a lot, and if the Professor or Mr. Riedlmayer are available for any questions that we might submit later on that would be appreciated.

Mr. **Smith**. I appreciate that, and thank you very much for your fine testimony. It was very illuminating.

Professor **Bassiouni**. Thank you very much.

Mr. **Smith**. I'd ask the other two witnesses if they could come to the table at this point. As they do, I'd like to introduce Andras Riedlmayer, a bibliographer in Islamic art and architecture, Aga Khan Program, Fine Arts Library, at Harvard University. Dr. Riedlmayer has been actively documenting the destruction of Muslim cultural sites in Bosnia, as well as seeking to preserve or replace the contents of Sarajevo's destroyed library. He has received degrees in history, Near Eastern studies and library and information science, and has fluency or reading knowledge of many European and Middle Eastern languages.

Mr. Riedlmayer, thank you, please proceed as you would like.