



Promoting Minority Rights in the Future through Reparations for Human Rights Abuses in the Past / Sandzak

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Material Reparations for Violations of Human Rights of Bosniaks

Since 1 September 2006, the Humanitarian Law Center has initiated 11 compensation lawsuits on behalf of Bosniaks from the Sandzak because of violations of their fundamental human rights in the period 1992-1995 and in 2001. These lawsuits have been filed by HLC with the relevant courts within the context of the project: *Promoting Minority Rights in the Future through Reparations for Human Rights Abuses in the Past*, which is funded by the European Commission and the Swedish Helsinki Committee for Human Rights.¹ Implementation of the project began on 1 March 2006 and will continue until 28 February 2009.

The aim of the project is to promote minority rights through reparations for violations of minorities' fundamental human rights during the former regime.

Favourable rulings that result in compensation affirm that victims of violations of human rights have the right to material satisfaction in cases where state institutions are responsible for the violation. By awarding material compensation, courts affirm the validity and the binding nature of the legal norms that protect fundamental human rights.

A post-conflict state, which commits itself to re-establishing the rule of law, should guarantee the individual rights of all its citizens. If the state is to show its responsibility towards victims of human rights violations, which happened under a former regime, it must fulfil the rights of victims by awarding material compensation and other forms of reparation.

In international legal terms, the responsibility of a successor regime or government for abuses committed by a previous regime is beyond any doubt. In the case of Serbia, respecting this principle would make the creation of a democratic political identity possible.

¹ In the period: May 1, 2006 – April 30, 2007, the project was also supported by the United States Democracy Commission.

To date, the Republic of Serbia has yet to fulfill the recommendations of the UN General Assembly resolution on the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* adopted on 16 December 2005, which affirms the right of victims of human rights violations by state actors to compensation. On the contrary, victims of human rights abuses committed by members of the Serbian army and police are forced to assert their right to reparation by means of litigation.

Ethnic cleansing of Bosniaks from villages in the Municipality of Priboj

Reserve forces of the Uzice corps of Yugoslav Army were, from May 1992 until the end of the armed conflict in Bosnia and Herzegovina, stationed in the villages of Kukurovići, Sjeverin, Voskovina, Milanovići, Raičevići in the municipality of Priboj, Serbia. On a daily basis, Soldiers would abuse the Bosniak inhabitants of these villages and carry out illegal searches of their houses, accusing them of cooperating with BiH Army across the nearby border in neighbouring Bosnia and Herzegovina. Due to constant threats and fear of the YA reserve forces, Bosniaks from around 20 villages from this border region were forced to flee their homes during the course of the armed conflict. Members of the YA looted and then razed the majority of these houses to the ground. Since they were unable to repair their homes, the victims have not been able to return to them. Despite this, Serbia has not even granted them the status of internally displaced persons.

The gravest instance of the violation of human rights of Sandzak Bosniaks occurred on 18 February 1993 when members of the Yugoslav Army launched a mortar attack and subsequently an infantry attack on the Muslim village of Kukurovići. The inhabitants, among them children, escaped through the woods in the direction of Priboj and Pljevlja in Montenegro. As they fled, some of them saw their houses up in flames. Two days later, several villagers went back to the





village to inspect their property. They found slaughtered livestock and a number of houses burnt to the ground. The mortal remains of Uzeir Bulutović, Mušan Husović, and Fatima Sarač, who had been unable to leave the village with the rest of the villagers, were found in their burnt out houses. On April 11, 1993, when the village was entirely deserted, another eight homes and their out-houses were also burnt to the ground.

On 26 March 2007, HLC, on behalf of Zehra Omerović, Ismet Bulutović and Hanefija Bulutović, filed a non-material compensation lawsuit against the Republic of Serbia for its responsibility in the murder of Uzeir Bulutović. On 26 April 2007, HLC filed a compensation lawsuit on behalf of Emina Muratović, Zahida Rovčanin, Rašida Kaltak, Mevla Berbo, Ramiza Arbak, Džemila Čalaković and Huseina Husović against the Republic of Serbia for its responsibility in the murder of Mušan Husović. Also, HLC filed a lawsuit against the Republic of Serbia, on behalf of 20 inhabitants of Kukurovići, for material damages on 10 July 2007.

Abduction of 16 Bosniaks from Sjeverin

HLC filed on June 26, 2007 a compensation lawsuit against the Republic of Serbia on behalf of 25 family members of 16 Bosniaks from Sjeverin who were kidnapped on October 22, 1992 by members of the Army of Republika Srpska (VRS) in Mioče, Bosnia and Herzegovina, and then executed.

On October 22, 1992, some inhabitants of Sjeverin set off to work or for other reasons to Priboj on the regular bus line. In the village of Mioče, in Bosnia and Herzegovina (the Sjeverin-Priboj route crosses into Bosnia and Herzegovina near Mioče before crossing back into Serbia again) the bus was stopped by a group of Republika Srpska Army soldiers commanded by Milan Lukić from Višegrad. After checking their identification cards, the soldiers ordered 16 men of Bosniak nationality off the bus and took them to the *Vilina Vlas* hotel in Višegrad (BiH), where they were first brutally maltreated and then taken to the bank of the River Drina where they were executed. The bodies of these 16 Bosniaks have never been found.

The legal and moral responsibility of the Republic of Serbia arises from the fact that the state institutions financed and supplied arms to the Republika Srpska Army from the very start of the armed conflict in Bosnia and Herzegovina, which is well documented by numerous proofs of evidence presented in the trial of Slobodan Milošević.

Further, the state institutions did not take any measures to ensure the safety of its citizens which, because of their ethnic background, was threatened every time they crossed the territory of Bosnia and Herzegovina – at that time consumed by an armed conflict between different ethnic groups.

Torture against Bosniaks

During the armed conflict in Bosnia and Herzegovina, members of the Republic of Serbia Ministry of Interior conducted frequent searches for weapons in Bosniak homes in the Sandzak. When, as in the vast majority of cases, the police did not find any weapons, they took the Bosniaks into custody. At the police station, these Bosniaks were beaten with the aim of forcing them to confess that they owned weapons or that they participated in “activities against the state”. If these instances were ever reported, in the majority of cases no serious investigation was ever conducted by the responsible organs. Moreover, according to sources close to HLC, a large number of the police that participated in these beatings of Sandzak Bosniaks continue to hold posts within the Ministry of Interior.

Within the context of the *Promoting Minority Rights in the Future through Reparations for Human Rights Abuses in the Past* project, HLC has filed eight compensation lawsuits on behalf of the same number of Bosniaks who, in the time of the armed conflict in Bosnia and Herzegovina, were victims of torture.

INTERNATIONAL CONFERENCE

On 14 December 2007, HLC, with the financial support of the Swedish Helsinki Committee for Human Rights, plans to hold a one-day conference devoted to the issue of reparations for victims of human rights abuses. International and national experts will be invited to speak at the conference about all aspects of reparations, including: experiences of the other post-conflict countries which have – after periods of mass and systematic violations of fundamental rights – compensated victims; and the role of civil society in general and NGOs in particular in the process of designing and developing reparations programmes.

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