

BOSNIA-HERZEGOVINA**“Honouring the Ghosts”: challenging impunity for
“disappearances”****APPEAL CASE 1*****Missing birthdays: the case of Dragan Mitrović***

Dragan Mitrović, a Serb from Bijeljina in what is now Republika Srpska, was born on 16 November 1975, the only child of Smilja and Mile Mitrović. In 1995, aged 19, he finished high school and was promptly drafted into the Bosnian Serb Army (VRS, *Vojske republike srpske*). Dragan Mitrović expected his military service to last only a short time because he had registered for a business course at Bijeljina University. Within weeks, however, he was captured by Bosnian Croat forces near the town of Jajce in western Bosnia-Herzegovina in September 1995. He has been missing ever since, although unconfirmed reports claim he may have been alive in March 1996 in or near Mostar.

Uncertainty about Dragan’s fate haunts Smilja Mitrović to this day (her husband Mile died in December 2000). She went to great lengths to try to discover news of him. Initially she was hopeful that Dragan was still alive. On his first birthday after he went “missing”, she organized a party for his girlfriend and other friends. But now she appears to accept that her son is dead. She has not had the heart to organize more birthday parties.

Dragan Mitrović and other members of his unit were captured on 16 September 1995 near Jajce, during an offensive by Bosnian Government forces, which included Bosnian Croat paramilitary forces (the HVO, *Hrvatsko Vijeće Obrane*, Croatian Defence Council) and the regular, predominantly Muslim, government Army of Bosnia-Herzegovina (the ABiH). On 17 September a Croatian television report presented a group of soldiers who it said had surrendered to the Vares unit (*Vareska jedinica*) of the HVO after escaping from ABiH forces between Donji Vakuf and Jajce. Dragan Mitrović’s parents later identified their son from the footage.

In early 1996 the commander and other members of Dragan Mitrović’s unit were released in prisoner exchanges. The commander reportedly stated that he and some other soldiers were held briefly in Livno before being moved on to Mostar. The commander has not, however, confirmed whether Dragan Mitrović was one of these prisoners.

Official stonewalling has robbed Smilja Mitrović of the certainty of knowing for sure what happened to her son and being able to grieve Dragan’s loss properly. The Federation authorities have denied that Dragan was taken captive by the HVO, despite the evidence of the television footage, and have asserted that they are not the competent authorities to handle an investigation (the HVO was incorporated into the Federation Army after the end of the war). Although the evidence suggests that Dragan Mitrović was captured and imprisoned by the HVO, it is possible that he was later handed over to the ABiH or the regular Croatian army.

The Republika Srpska authorities have also been unable or unwilling to help the family trace other soldiers who were captured with Dragan Mitrović and who might have important evidence about his fate. On her own initiative, Smilja Mitrović placed an advertisement in a Republika Srpska newspaper asking soldiers captured with Dragan Mitrović to contact them with news of their son. This led to two reports from purported witnesses (one of whom remained anonymous) that Dragan Mitrović was still alive in detention in February and March 1996. These reports have never been confirmed.

Smilja Mitrović has supplied a blood sample for DNA analysis, in case Dragan's remains are ever uncovered, and the family tried to file a complaint about their son's case to the Bosnian Human Rights Chamber in Banja Luka. The application was not accepted, however, because the family could not provide evidence that Dragan Mitrović was still alive after December 1995. The Chamber may only investigate human rights violations that originated or continued after 15 December 1995, the date on which the Dayton Peace Agreement was signed.

Eight years after the end of the 1992-1995 war, establishing the fate of the "disappeared" remains Bosnia-Herzegovina's most pressing human rights concern. Over 17,000 people from all ethnic groups are still unaccounted for, many of whom "disappeared" after having last been seen in the hands of armed forces of one or other of the opposing armed forces.

Tremendous progress has been made in exhuming and identifying human remains from numerous mass graves around the country. This progress, however, has not been matched by the Bosnian authorities on the political, judicial or investigative levels. Very few police or judicial investigations have been opened into "disappearance" cases, and so far virtually no investigation has resulted in bringing to justice those responsible for committing "disappearances".

This situation is made worse by the lack of legal remedy for the victims of "disappearances" and their families. Officially and legally "disappearances" do not exist as a crime in Bosnia-Herzegovina. Most families have never received any form of reparation for their suffering, including material or monetary compensation. The authorities of the different entities in Bosnia have been persistently unwilling to disclose any information on the "disappeared" to relatives, human rights organizations or other relevant institutions, or to cooperate with one another in investigations.

This forlorn situation is impeding the recovery of Bosnia-Herzegovina from the war and in particular has left relatives of the "disappeared" in limbo, without certain knowledge of what happened to their loved ones and without the justice and compensation that would help rebuild their lives.

Please help. Write to:

Minister of Defence, Federation of Bosnia-Herzegovina

Miroslav Nikolic, Hamdije Kreševljakovića 98, Sarajevo, Bosnia-Herzegovina

Fax: +387 33 663 785

Minister of Defence, Republika Srpska

Milovan Stanković, Vuka Karadžića 4, 78000 Banja Luka, Republika Srpska

Fax: +387 51 300 243

Express your concern at the continuing impunity for "disappearances" and other violations of international human rights or humanitarian law committed during the war in Bosnia-Herzegovina, and at the continuing lack of justice and redress for the victims of these violations and their relatives.

Call on the Federation of Bosnia-Herzegovina authorities to open an immediate, impartial and effective investigation, with the findings made public, into the fate of Dragan Mitrović, a VRS soldier who "disappeared" after being captured by HVO forces near Jajce on 16 September 1995. Evidence suggests that he may have been detained for several months after his capture, along with other VRS soldiers, at a prison in or near Mostar.

Ensure that those who may be identified by investigation as responsible for committing Dragan Mitrović's "disappearance" and other other violations of international human rights or humanitarian law are brought promptly to justice.

Call on the Republika Srpska authorities to cooperate fully with and assist the Federation authorities in investigating the "disappearance" of Dragan Mitrović, and to provide Dragan Mitrović's family with all relevant information they have on the fate of Dragan Mitrović.

Call on the authorities of the Federation of Bosnia-Herzegovina and the Republika Srpska to:

- Introduce legislation to make all acts of "disappearance", including individual "disappearances", a criminal offence.
- Provide fair and adequate redress, including financial compensation, to the victims of "disappearance" and their dependants. In particular, the authorities should amend legislation in both Bosnia-Herzegovina's entities and Brčko District so that the relatives of the "disappeared" are able to claim reparation for themselves and their missing relatives through the civil courts.

Remind all the authorities that the Human Rights Chamber of Bosnia-Herzegovina has ruled that the continued suffering of the relatives of the "disappeared" amount to a violation of their right not to be subjected to torture or to inhuman or degrading treatment, under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Call on the authorities to cooperate fully with the Chamber, other relevant organizations and the families of the "disappeared" in resolving outstanding cases of "disappearance".

Amnesty International

April 2003

BOSNIA-HERZEGOVINA

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APPEAL CASE 2

Vladimir and Radislav Madjura – beaten and driven away to an unknown fate

Bosnian Croat brothers Vladimir and Radislav Madjura were abducted from their home in Stup-Ilidza, a suburb of Bosnia’s capital, Sarajevo, by Bosnian Serb paramilitaries on 11 September 1992. They have been missing ever since.

Vladimir Madjura, aged 39, was an economist who had been serving in the Bosnia Croat armed forces, the HVO (*Hrvatsko Vijeće Obrane*, Croatian Defence Council), which with the Bosnian Government Army, the ABiH, were defending Sarajevo during the siege of the city by Bosnian Serb forces. He was married to Jasna and father of an 11-year-old son, Ivica, both of whom had fled to Croatia at the outbreak of the war.

Radislav Madjura, aged 38, worked as a manager for the *Sipad* furniture company. He was married to Zeljka and father of three children, who had also fled to Croatia. Both brothers occupied prominent positions in the local community and were known as successful businessmen.

Since the departure of their families, the brothers had been living together at Radislav’s house in Stup-Ilidza. The neighbourhood was on the front line between the Bosnian government and Bosnian Serb forces and subject to frequent Bosnian Serb attacks and raids. Late on 11 September 1992, Serb paramilitaries believed by eyewitnesses to be members of the *Arkanovci* and *Seseljevci* armed groups, came to the house searching for the two men and a third brother who had already left Sarajevo. The *Arkanovci* and *Seseljevci* armed groups, named after their leaders, Zeljko Raznatovic (“Arkan”) and Vojislav Seselj, were reportedly responsible for numerous grave human rights abuses during the war.¹

According to reports, the brothers were severely beaten by the paramilitaries, who demanded that Radislav hand over 10,000 German marks in return for a false promise that the brothers would be released. Instead, when he handed over what money he had, the paramilitaries immediately divided this among themselves, forced the brothers into a car and drove them away to an unknown location.

For a long time the families of the two men hoped that the brothers would return. Vladimir’s son, Ilica, in particular, expected his father to come home one day, as soon as the world had forced “the cruel men” who had abducted Vladimir Madjura to release him and other or “disappeared” people.

The families have made repeated appeals to the authorities in the Republika Srpska, Bosnia-Herzegovina and Croatia, and appeals to international organizations such as the International Committee of the Red Cross for help in tracing the men. In late 1999, an Amnesty International group in the Netherlands was informed by Federation authorities that Federation police in Sarajevo had arrested a Bosnian Serb man, allegedly a former commander of a Sarajevo brigade of the Bosnian Serb Army, in connection with the brothers’ abduction. He was later released, as there was reportedly insufficient evidence to charge him.

¹ Zeljko Raznatovic Arkan was shot dead in a gangland killing in Belgrade in 2000; Vojislav Seselj was indicted by the International Criminal Tribunal for the former Yugoslavia for war crimes and crimes against humanity in February 2003.

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This situation is made worse by the lack of legal remedy for the victims of "disappearances" and their families. Officially and legally "disappearances" do not exist as a crime in Bosnia-Herzegovina. Most families have never received any form of reparation for their suffering, including material or monetary compensation. The authorities of the different entities in Bosnia have been persistently unwilling to disclose any information on the "disappeared" to relatives, human rights organizations or other relevant institutions, or to cooperate with one another in investigations.

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Please help. Write to:

Minister of Interior, Federation of Bosnia-Herzegovina
Mevludin Halilović, Mehmeda Spahe 7, Sarajevo, Bosnia-Herzegovina
Fax: +387 33 472 976, E-mail (via Deputy Minister): tlimov@fbihvlada.gov.ba

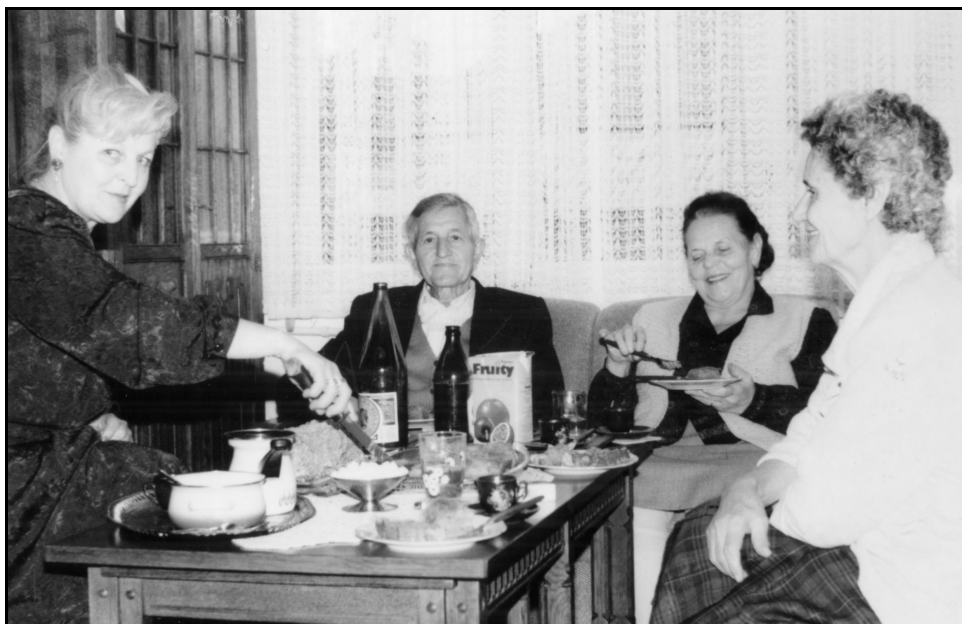
Minister of Internal Affairs, Republika Srpska
Zoran Djerić, Jug Bogdana 108, 78000 Banja Luka, Republika Srpska
Fax: +387 51 331 211 or 331 296 E-mail: mup@mup.vladars.net

Express your concern at the continuing impunity for "disappearances" and other violations of international human rights or humanitarian law committed during the war in Bosnia-Herzegovina, and at the continuing lack of justice and redress for the victims of these violations and their relatives.

Call on **the Interior Ministers** of the **Republika Srpska** and the **Federation** to conduct an impartial and thorough investigation, with the findings made public, into the fate of Vladimir and Radislav Madjura, Bosnian Croats who "disappeared" after being reportedly abducted in Stup-Ilidza, Sarajevo, by members of the Bosnian Serb *Arkanovci* and *Seseljevci* armed groups on 11 September 1992. The last sighting of the men was as they were bundled into a car by paramilitaries who then drove off.

Remind the RS authorities of their obligation to establish effective cooperate with the Federation Interior Ministry in whose (present) jurisdiction the "disappearances" happened – however state that AI understands that it is likely that those suspected of involvement in the crime may remain on RS territory. Urge the authorities to ensure that anyone identified as having been involved in the "disappearance" of Vladimir and Radislav Madjura's is brought promptly to justice.

Remind the authorities that the Human Rights Chamber of Bosnia-Herzegovina has ruled that the continued suffering of the relatives of the "disappeared" amount to a violation of their right not to be subjected to torture or to inhuman or degrading treatment, under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Call on the authorities to cooperate fully with the Chamber, other relevant organizations and the families of the "disappeared" in resolving outstanding cases of "disappearance".

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Nura Berbić (left) and her mother Hasnija Demirović (third from left) at a family gathering. Both women “disappeared” in Banja Luka on 14 August 1995. ©Private

Hasnija Demirović and Nura Berbić were Bosnian Muslims who lived in the city of Banja Luka in northern Bosnia-Herzegovina, now Republika Srpska (RS). Hasnija Demirović, aged 69, was retired. Her daughter, Nura Berbić, aged 51, worked in her husband’s firm.

Banja Luka had come under the control of Bosnian Serb forces immediately after the outbreak of war in Bosnia-Herzegovina in 1992. Unlike most other non-Serb inhabitants of the city, the Berbić family remained in Banja Luka although they faced constant pressure and harassment to leave.

Nura’s husband, Dzemil Berbić, was a successful businessman and co-owner of a firm *Energoinzeniring*, whose assets included a large shopping centre in Banja Luka. He and the other Muslim co-owners were put under persistent pressure to abandon the city and hand their business over to the Bosnian Serb municipal authorities. They received verbal and written threats, the firm was evicted from its office and financial police demanded arbitrary “taxes” from the company. One by one, Dzemil Berbić’s partners left or were expelled from the city.

At around 5pm on 14 August 1995, Dzemil Berbić telephoned his mother-in-law, Hasnija Demirović. She answered the phone in tears, saying that some men were in her apartment and that they were “ill-treating” her and asking for him. Nura Berbić drove immediately to her mother’s home. The two women were never seen again.

According to neighbours, earlier in the afternoon of 14 August, two armed men, one of whom was in military uniform, arrived in the neighbourhood in a white Volkswagen Golf

car. At around 9pm, another neighbour saw a white four-door VW Golf car and another darker VW Golf drive away from the building with their headlights turned off.

The following night, unknown persons again entered Hasnija Demirović's apartment, apparently using a key. The intruders reportedly stole papers relating to a lawsuit Dzemil Berbić had filed against one of the leaders of the Banja Luka municipal authority, which alleged this man's involvement in the criminal attempts to force Dzemil Berbić to relinquish control of his business.

Local police did begin to investigate the "disappearance" of the two women but the case was apparently dropped shortly after, allegedly on the orders of the Chief of Banja Luka's Public Security Service. When Dzemil Berbić tried to meet with this Chief he was reportedly threatened and punched by a police officer.

Ten days after the abduction of his wife and mother-in-law, Dzemil Berbić handed his business over to the Banja Luka authorities, believing that the two women would be released in return.

In September 1995, Dzemil Berbić submitted a criminal report to the RS authorities alleging that a police officer and an officer in the secret police were responsible for the "disappearance" of his wife and mother-in-law, and that a further eight RS officials were directly or indirectly involved in the "disappearances". Subsequently, Dzemil Berbić reportedly suffered increasing intimidation, including death threats. In early 1996 a friend warned him that his life was in danger and he fled to Croatia. In April 1996 he was sentenced *in absentia* by the Banja Luka Court of First Instance for defaming a public official.

In March 1996 Dzemil Berbić submitted a case to the Human Rights Ombudsperson for Bosnia-Herzegovina on behalf of himself, his wife and mother-in-law, on the basis that their rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) had been violated by the RS. On 30 September 1998 the Human Rights Ombudsperson ruled in Dzemil Berbić's favour, acknowledging that the continued suffering inflicted on Dzemil Berbić in itself constituted inhuman treatment, by the fact that he had not been given any information about the fate of his relatives by the competent authorities.

The Ombudsperson ordered the RS authorities to investigate the "disappearance" of Hasnija Demirović and Nura Berbić thoroughly and to respond by the end of October 1998. To Amnesty International's knowledge, the RS did not launch an investigation or reply to the Ombudsperson, and has never provided the Berbić family with any information. The Ombudsperson's report confirmed that one of the cars reportedly used in the abduction of the women did belong to one of the officials named in Dzemil Berbić's criminal report.

Despite official obstruction, Dzemil Berbić continues to search relentlessly for information about the fate of his wife and mother-in-law.

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Minister of Internal Affairs, Republika Srpska

Zoran Djerić, Jug Bogdana 108, 78000 Banja Luka, Republika Srpska

Fax: +387 51 331 211 or 331 296 E-mail: mup@mup.vladars.net

Express your concern at the continuing impunity for "disappearances" and other violations of international human rights or humanitarian law committed during the war in Bosnia-Herzegovina, and at the continuing lack of justice and redress for the victims of these violations and their relatives.

Call on the authorities of the Republika Srpska to:

Conduct an impartial and effective investigation, with the findings made public, into the fate of Hasnija Demirović and Nura Berbić, Bosnian Muslims who "disappeared" after being reportedly abducted in Banja Luka by Republika Srpska officials on 14 August 1995.

Ensure that those who may be identified by investigation as responsible for committing Hasnija Demirović and Nura Berbić's "disappearance" and other other violations of international human rights or humanitarian law are brought promptly to justice.

Remind the authorities that the Human Rights Chamber of Bosnia-Herzegovina has ruled that the continued suffering of the relatives of the "disappeared" amount to a violation of their right not to be subjected to torture or to inhuman or degrading treatment, under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Call on the authorities to cooperate fully with the Chamber, other relevant organizations and the families of the "disappeared" in resolving outstanding cases of "disappearance".