

AMNESTY INTERNATIONAL

Media Briefing

AI Index: EUR 63/011/2002 (Public)
News Service No: 117
11 July 2002

Embargo Date: 11 July 2002 00:01 GMT

Bosnia-Herzegovina: Redress for Srebrenica

Amnesty International believes that the unresolved fate of thousands of persons still missing after the fall of Srebrenica is one of the largest continuing human rights violations in Bosnia-Herzegovina.

According to the human rights organization, the war crimes committed in Srebrenica will remain an open wound as long as the authorities -- notably those of the Republika Srpska -- fail to initiate thorough, impartial and independent investigations into those believed to be responsible for the crimes committed there.

Amnesty International believes that achieving justice for the surviving victims of a war crime of such magnitude is an absolute precondition for the restitution of respect for human rights and the rule of law. It is also an integral aspect of the fragile process of ethnic and political reconciliation throughout the country.

Many, if not most, of the estimated 20,000 persons still missing in Bosnia-Herzegovina are believed to be victims of enforced "disappearances" during the war, yet the relatives of the "disappeared" continue to be obstructed and ignored by the responsible authorities in their quest for information about the fate and whereabouts of their loved ones. Amnesty International considers that the pain and suffering of the relatives -- caused by both the "disappearance" and the failure of the authorities to investigate the fate and whereabouts of the "disappeared" -- can amount to a violation of their right not to be subjected to torture and ill-treatment.

Amnesty International deplores the fact that Radovan Karadzic and Ratko Mladic, both charged with superior responsibility for genocide committed in Srebrenica, have not yet been arrested and brought to justice. Ensuring their arrest and surrender to the International Criminal Tribunal for the former Yugoslavia (Tribunal) should be a matter of the highest priority for both the Republika Srpska and the Federal Yugoslav authorities as well as the NATO-led Stabilization Forces (SFOR).

The organization has repeatedly and consistently called on SFOR to discharge their duty to search for and arrest suspects indicted by the Tribunal, yet recent SFOR raids on locations where Radovan Karadzic is thought to be in hiding, have been spectacularly lacking in results. Amnesty International is concerned that these piecemeal exercises by SFOR have led to the perception that they are undertaken solely to bolster the image of the force, and that they are woefully inadequate to combat impunity for the massive crimes committed in Srebrenica.

In November 2001 a DNA analysis centre in Sarajevo, set up by the International Commission for

Missing Persons, made its first identification of the remains of a 15-year-old boy from Srebrenica. Every month since then, increasing numbers of the dead from Srebrenica have been identified, due to the technical specifications and scale of this forensic project, which will establish a world-wide centre of excellence for the identification of large numbers of victims of mass deaths.

Amnesty International believes that the progress made in identifying the dead of Srebrenica through this novel forensic project is heartening, and the international community should ensure that this program remains sufficiently funded. However, in many cases the chances of recovering the mortal remains of victims of "disappearances" and extra-judicial executions are small. According to the organization, the only way that relatives of the victims may ever find out what happened to them will be through police and judicial investigations.

It is up to those in the Bosnian criminal justice system to investigate and prosecute perpetrators in outstanding cases of "disappearances" and ensure reparation to relatives in order to achieve justice for both the victims and their relatives. Less than a handful of proceedings have been initiated so far, all upon the orders of the Human Rights Chamber for Bosnia and Herzegovina. However, the Chamber has declared applications concerning "disappearances" which occurred prior to 14 December 1995 (the date the Dayton Peace Agreement was signed) inadmissible. This means that in the vast majority of cases of "disappearances" the relatives have no access to an effective remedy in Bosnia-Herzegovina.

In order to break the chain of impunity for "disappearances", Bosnian legislation -- which currently does not criminalize all acts involved in this complex human rights violation as criminal offences -- needs to be amended. Amnesty International is calling on the authorities in Bosnia-Herzegovina to criminalize acts of "disappearances" as distinct offences under Criminal Codes in force in the country. Such measures should be taken as soon as possible, and as part of the ongoing process of legal reform and the establishment of mechanisms to prosecute violations of international humanitarian law in the country.

Furthermore, the special needs of the relatives of the "disappeared", who continue to live as refugees abroad or are internally displaced in the Federation, need to be addressed. Despite the increased number of returns to Srebrenica and other areas in Republika Srpska, many of the women survivors of Srebrenica may never go home. Durable solutions must be found to ensure their protection and integration in the communities where they have found refuge.

Further information:

According to official estimates, some 7,500 boys and men "disappeared" after the UN "safe area" of Srebrenica fell to the Bosnian Serb Army on 11 July 1995. At the time a small battalion of Dutch peacekeepers, part of the UNPROFOR (United Nations Protection Forces) troops, were stationed just outside the town. A report by the Dutch Institute for War Documentation (NIOD), commissioned by the Dutch government six years ago, concluded in early April this year that the Dutch battalion of peacekeepers, lacking in equipment and political guidance, failed to protect the enclave and handed over thousands of disarmed Bosnian Muslims to their deaths at the hands of Bosnian Serb armed forces. In the aftermath of the publication of the NIOD report the entire Dutch government resigned, citing moral and constitutional obligations to do so. Announced measures to look into Dutch government officials' criminal responsibility have so far not produced any results.

Over 7,000 bodies have been exhumed from various mass graves in and around Srebrenica so far, including victims of killings which happened in Srebrenica both prior to and after July 1995 -- several hundreds have now been positively identified. It is envisaged that many of the human remains that have been positively identified will be laid to rest in a special graveyard in a field opposite the battery factory in Potocari near Srebrenica where the UNPROFOR troops were stationed during the war. Families and survivors are also campaigning to have the battery factory itself closed down and turned into a lasting memorial testifying to the massacres in Srebrenica and the enduring human suffering.

So far, the Tribunal has convicted two persons in connection with the massive violations of international law which occurred in Srebrenica -- including Bosnian Serb General Radislav Krstic who was found guilty of genocide in August 2001. No prosecutions have, so far, taken place before Bosnian courts.

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