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Bosnia-Herzegovina: The "Disappeared" must not be forgotten

On the occasion of the International Day of the Disappeared, Amnesty International called for cooperation between entities and states of the former Yugoslavia in apprehending and bringing to trial individuals suspected of involvement with "disappearances" who remain outside Bosnia-Herzegovina, and in making available official documentation which may shed light on the last movements and whereabouts of the "disappeared". The organization stressed that "the investigations cannot end at the borders of Bosnia and Herzegovina".

Over the past year, there have been important developments, notably regarding the Srebrenica case. According to official estimates, some 7,500 Bosniak men and boys "disappeared" after the UN "safe area" of Srebrenica fell to the Bosnian Serb Army on 11 July 1995. On 7 March 2003 the Human Rights Chamber of Bosnia and Herzegovina issued its decision in a case brought by 49 relatives of missing men and boys from Srebrenica. The Chamber ordered the Republika Srpska (RS) to disclose immediately all information relevant to establishing the fate and whereabouts of the missing and the location of mass graves containing the bodies of Srebrenica victims. Furthermore the RS was ordered to conduct an investigation into the events at Srebrenica and to publish its findings by the beginning of September this year.

The RS was also ordered to pay compensation for the collective benefit of all applicants and families of Srebrenica victims, in the form of a lump sum of two million Konvertible Marks (approximately one million Euros) to the Foundation of the Srebrenica-Potocari Memorial and Cemetery. The RS must then make four additional payments of 500,000 Konvertible Marks each in the next four years to the same Foundation. To this date no payments have been made, although Amnesty International understands that the RS government has taken a decision to allocate funds in its budget to implement this part of the decision.

Meanwhile, the government has sent an interim reply to the Human Rights Chamber, which makes it abundantly clear that no steps have so far been taken to conduct a full and meaningful inquiry which could form the basis for effective prosecutions of the perpetrators.

The RS Government's response of the beginning of June stated that no investigation had been initiated into the events at Srebrenica due to several "limiting factors". These factors included investigations and proceedings conducted by the International Criminal Tribunal for the former Yugoslavia (Tribunal), which according to the RS authorities impeded their own investigation. Further, it was alleged that documentation of the relevant units of the Bosnian Serb Army had either been seized by the Tribunal, or had been destroyed, and that the commander of the NATO-led Stabilization Force had banned the Bosnian

Serb Army from conducting any investigations. The reply also indirectly contested the number of victims who had been killed following the fall of Srebrenica and implied that some had died as a result of suicide or natural causes. A separate note from the RS State Public Prosecutor stated that no indictments are currently pending before the RS courts in relation to crimes committed at Srebrenica.

According to Amnesty International , the government's interim reply does not even start to address the massive and grave human rights violations which were identified by the Human Rights Chamber. The Republika Srpska must take urgent steps to meet the orders of the Human Rights Chamber, and ensure a more serious approach in ensuring its human rights obligations to thousands of its own citizens.

Eight years after the ending of the war in Bosnia-Herzegovina, Amnesty International is renewing its call on the authorities in Bosnia-Herzegovina to make a commitment to the introduction of new legislation to criminalize acts of "disappearances", recognizing the severity of this human rights violation. Specifically, the organization recommends that such provisions are added to the new State Criminal Code to enable prosecutions for violations of international humanitarian law by a special division of the new State Court.

Despite real progress in the exhumation and identification of the victims of "disappearances" and abductions throughout Bosnia-Herzegovina there has been little progress in bringing those responsible for these human rights violations and abuses to justice. The authorities - especially, (but not exclusively), those in the RS - have shown almost a wilful refusal to end impunity for those suspected of "disappearances", abductions and other human rights violations carried out in the war in Bosnia-Herzegovina.

Conservative estimates suggest that some 17,000 persons in Bosnia-Herzegovina are still recorded as missing. Many of these people "disappeared" after last having been seen in the hands of the armed forces, police or paramilitary groups. Since the outbreak of war in the former Yugoslavia, Amnesty International has campaigned for the resolution of all cases of "disappearances", and for all those responsible to be brought to justice in accordance with international standards.

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