

13 July 2006

AI Index: EUR 63/012/2006

**Bosnia and Herzegovina Case-Sheet:
Anniversary of the “disappearance” of Avdo Palić**

Avdo Palić “disappeared” on 27 July 1995. His fate is still unknown despite an investigation which in April 2006 allegedly revealed details of the approximate location of his mortal remains. A delay in examining this location\ and exhuming any remains is causing additional suffering to his family who will continue to live in a state of uncertainty, until they find out exactly what has happened to him.

Colonel Avdo Palić was forcibly taken away from the UN Protection Forces (UNPROFOR) compound in Žepa in eastern Bosnia and Herzegovina (BiH) by soldiers from the Bosnian Serb Army (VRS - *Vojska Republike Srpske*). He was the war-time commander of the Army of the Republic of Bosnia and Herzegovina (ABiH - *Armija Bosne i Hercegovine*) in the UN “safe haven” of Žepa.

He had gone to negotiate the evacuation of civilians from the town which had surrendered to the VRS. General Ratko Mladić, the VRS commander, was reportedly present in Žepa during these negotiations, which were conducted by another commander, General Zdravko Tolimir. Avdo Palić was never seen in public again after reportedly having been taken by helicopter in the direction of Ratko Mladić’s headquarters in eastern BiH. He was reportedly still in custody in 1996, when he was allegedly being considered in a prisoner exchange.

In January 2001, the BiH Human Rights Chamber (Chamber) ordered the Republika Srpska (RS)¹ authorities to carry out a full investigation into the fate of Avdo Palić from the date of his “disappearance”.

The Chamber also ordered the RS authorities to pay compensation to his wife, Esma Palić, for her mental suffering. The RS authorities had three months to implement the Chamber’s decision, but compensation was only paid to Esma Palić at the end of 2001. Further investigations in 2001 by the RS Ministry of Defence reportedly revealed that Avdo Palić was taken to the garrison prison of Vanekov mlin in Bijeljina on 4 August 1995 and had been removed from there on 5 September 1995 by Captain Dragomir Pečanac, allegedly acting on orders by the VRS Headquarters who intended for him to be exchanged. The Ministry then stated that they have no further information relating to Dragomir Pečanac’s role in Avdo Palić’s “disappearance” and had no knowledge of his whereabouts.

In 2005, Esma Palić submitted an application to the Human Rights Commission of BiH (the Commission replaced the Chamber in 2003) asking that they re-examine the degree of enforcement of the 2001 Decision of the Human Rights Chamber. On 7 September 2005, the Commission found that the 2001 Decision of the Chamber had not been fully implemented. It gave the RS authorities three months to make up for their omissions, meaning that they had to carry out a complete investigation into the “disappearance” of Avdo Palić and to keep Esma Palić informed of all information relating to the investigation. This deadline expired at the end of December 2005.

¹ The RS is one of the two semi-autonomous ‘entities’ that now comprise BiH.

On 16 January 2006, the BiH Human Rights Commission published a further decision finding that the RS authorities had “failed to provide adequate details to establish the facts of the ‘disappearance’ of Colonel Avdo Palić after the fall of Žepa”. Following this decision, the Office of the High Representative (OHR)² ordered the RS to form a Commission to gather information about the fate and whereabouts of Avdo Palić. The RS did so on 25 January 2006. They were given until 21 April 2006 to complete their investigations and submit their report to the OHR. On 21 April 2006, the OHR issued a press release confirming that the RS had submitted its report and annexes as required. According to the press release,

“The report details the fate of Avdo Palić and claims to reveal the location of his mortal remains. If proved accurate, and this information is yet to be verified, it would mean the RS is close to full implementation of the HRC [Human Rights Chamber] chamber decision of 2001. The High Representative will grant no new deadlines in this case, the exhumation itself must take place as soon as ground conditions in the location allow.”

The press release also reported that the report would be sent to the BiH Prosecutor’s Office and that “criminal investigations in this case are currently underway”.

On 5 May 2006, the OHR issued a second press release urging the RS authorities to act upon the report and undertake the exhumation as soon as possible. The press release reported that the RS had apparently quoted “weather-related reasons” for the failure to undertake the exhumation. Reportedly, the RS “undertook to exhume the remains ‘in a matter of days’”.

However, the RS has consistently failed to undertake an exhumation in the location allegedly mentioned in the Palić Commission’s report.

We do not know for certain that any remains found in the location allegedly reported in the Palić Commission’s report will in fact be those of Avdo Palić. However, there is evidence that the RS may be close to finding Avdo Palić’s mortal remains and they should be urged to do so as a matter of urgency.

For more information about “disappearances” in BiH, please see AI Index: EUR 64/004/2003, 5 March 2003.

Action!

Please send appeals in English, Bosnian/Croatian/Serbian or your own language:

- stating that you are concerned about the ongoing failure to discover and disclose the exact fate and whereabouts of Avdo Palić who “disappeared” on 27 July 1995. Amnesty International has been working on his case for several years;
- adding that you are aware that the RS Commission that was recently established to investigate the fate and whereabouts of Avdo Palić produced a report on 21 April 2006 which allegedly revealed details of the approximate location of his mortal remains;
- stating that despite statements by the RS authorities that they would undertake an exhumation soon, and bearing in mind that there is no apparent reason for delay, you are seriously concerned about the continued failure to undertake an exhumation at this location, and the additional suffering that this is causing to Avdo Palić’s family;
- urging the RS authorities to take urgent measures to:
 - Positively identify the exact location of Avdo Palić’s mortal remains;
 - Undertake an exhumation at that location and identify any mortal remains found there;

² The OHR was established at the end of the 1992-95 war in BiH and is tasked with overseeing implementation of the civilian aspects of Dayton peace agreement. It has wide-ranging powers in BiH.

- Ensure that the relevant forensic procedures are carried out during the exhumation and identification so that those who are responsible for the “disappearance” of Avdo Palić can be brought to justice;
- requesting that Esma Palić, the wife of Avdo Palić, is kept fully informed of all developments in the exhumation, and that if the remains are those of her husband, she receives them promptly so that she can arrange a dignified burial.

Please write to the RS Prime Minister with copies to the RS Minister of the Interior, ideally to arrive on the anniversary of Avdo Palić’s “disappearance” or as near to that as possible. We recommend that, where possible, you send your letters via fax or email to ensure that they arrive swiftly.

APPEALS TO:

RS Prime Minister

Milorad Dodik

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Email: kabinet@vladars.net

Salutation: Dear Prime Minister

COPIES TO:

RS Minister of Interior

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