

Institute for War & Peace Reporting

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REPORT: SERB FACES US DAMAGES CLAIM

Muslim victims of Serb paramilitary sue him for millions of dollars in US court

By Tanya Domi in New York

A former Serb paramilitary is being sued in absentia in a US federal court for millions of dollars in damages for alleged war crimes in Bosnia.

Four Bosnian Muslims are demanding damages from Nikola Vukovic who allegedly beat and tortured them, along with hundreds of others, in Bosnia during the conflict of 1992.

The final session of this US civil court action in Atlanta, Georgia, was held on October 23. The verdict may take weeks, if not months.

Vukovic, who allegedly has political asylum in the US, is married to a Muslim, and has lived in Atlanta since 1997. He is now believed to have left America, but the plaintiffs, who no longer live in Bosnia, still hope the federal court case will secure damages amounting to several million dollars and confirm him as a war criminal.

Over the years, many war crimes suspects have been either tried by US courts or dealt with in an administrative manner - had their green cards, or even citizenship revoked. In the trials, damages have rarely been paid to plaintiffs due to the fact that most accused do not live in America and their assets are too difficult to pursue overseas.

The plaintiffs in the Atlanta case, Kemal Mehinovic, Hasan Subasic, Muhamed Bisic and Safet Hadzialijagic, claim they were beaten and tortured by Vukovic when his Black Wolves paramilitary group turned up in Bosanski Samac, northern Bosnia in April 1992.

He was a bodyguard of Stevan Todorovic, the former police chief of Bosanski Samac, currently serving a 10-year prison sentence after he confessed before The Hague tribunal to one count of crimes against humanity, in December 2000.

The four plaintiffs accuse Vukovic of beating them and others with metal pipes, baseball bats and chairs, and taunting them.

They say he "branded" one of the plaintiffs, Safet Hadzialijagic, by slicing his forehead with a knife to carve a moon and star (symbol of Islam), while riding him like a horse and shouting abusive and degrading ethnic slurs. After this, he forced the plaintiff's bleeding head into a receptacle used as a toilet.

The plaintiffs claim they were repeatedly subjected to mock executions, rounds of Russian roulette and forced to witness killings, torture, rapes and other atrocities.

Mehinovic, the lead plaintiff, said Vukovic forced him to "lick his own blood off the wall" after a beating administered in Bosanski Samac. The defendant had been described during the trial, and by those who witnessed his particular brand of brutality, as a "sadist" who seemed to derive pleasure in administering torture.

The case was filed on behalf of the four plaintiffs by the human rights group, the Centre for Justice and Accountability, CJA, after the US government declined to file criminal charges against Vukovic for technical reasons.

As this is a civil court action, he cannot go to jail. He may have to pay damages, he may be deported or his asylum status may be revoked.

"This civil lawsuit therefore is the only way that Vukovic's victims can seek to have him punished for what he and his cohorts did to them and hundreds of others," said Sandra Coliver, CJA executive director.

The Atlanta hearing coincided with a Hague trial of suspected perpetrators of war crimes in Bosanski Samac, at which Bicic also testified.

The CJA says the two cases are complementary: while the tribunal is prosecuting leading alleged war criminals, the Atlanta court is trying one of the hundreds of "lower-level" combatants suspected of actively participating in the crimes.

The CJA lawsuit is based on the Alien Tort Claims Act and the Torture Victims Protection Act - US laws that authorise federal courts to hear tort claims, brought by American citizens and non-citizens alike, against perpetrators of egregious (or exceptional) human rights violations who have come to America.

Larry Pankey, Vukovic's former lawyer, said the defendant has left the country to attend to some personal matters. CJA has told IWPR that an independent source in Bosnia believes Vukovic could be either still in the United States, or Slavonia, eastern Croatia, where he once lived.

"If Vukovic did indeed flee the country, that is in itself a small victory," said Coliver. "One reason for bringing this case was to send a clear message to perpetrators of such crimes, and would-be perpetrators, that they will not find a safe haven in the US.

"Moreover, we will seek a judgment that makes clear that the plaintiffs are entitled to any money Vukovic has or will earn during the rest of his life, beyond what he needs for the basic support of his family."

Tanya Domi, a former OSCE spokesperson in Bosnia, is pursuing post-graduate studies at Columbia University in New York.

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