



PRESS RELEASE
FOR IMMEDIATE RELEASE

Contact: Pamela Merchant, Executive Director, 415-544-0444 ext. 307,
pmerchant@cja.org

U.S. JUDGE HOLDS BOSNIAN SERB LIABLE FOR TORTURE

San Francisco, April 29, 2002. An Atlanta federal judge today ordered former Bosnian Serb soldier Nikola Vuckovic to pay \$140 million in damages to four Bosnians whom the court found he had tortured during the Bosnian Serb campaign of "ethnic cleansing" in the early 1990s. The case is the first legal action against a Bosnian living in the United States for human rights abuses during the Balkans conflict. Vuckovic received asylum in the United States in 1997. Trial in the case was held in October 2001.

The four plaintiffs are Bosniaks (Bosnian citizens of Muslim Slavic ancestry) who were detained by Serb forces and subjected to repeated beatings and other abuses by Vuckovic. The four were held for some six months with other Bosniaks and Croats in converted schools and warehouses in their hometown of Bosanski Samac in northern Bosnia-Herzegovina. Most were then transferred to other detention and labor camps in Bosnia. Serbs seized the plaintiffs' homes and businesses, and their families were forced to flee. Two of the plaintiffs received political asylum in the U.S. with their families, and are living in Salt Lake City, while the others now live with their families in Belgium and Germany.

Judge Marvin H. Shoob found Vuckovic liable for severe acts of physical and mental torture. In the judgment he states: "[D]efendant repeatedly tortured and humiliated each plaintiff on a variety of different occasions and committed these abuses in furtherance of a deliberate campaign to destroy, terrorize, and displace the Muslim population of large sections of Bosnia. These abuses were carried out wantonly and maliciously and violated the most fundamental international norms of human rights. Accordingly, the court finds that an award of substantial punitive damages ... is appropriate."

"This victory comes at a particularly important time," said Sandra Coliver, Executive Director of the Center for Justice and Accountability, a human rights law group that represents the four torture survivors. "Our country and the world are focused on the urgent need to ensure justice and accountability for terrorists who have committed crimes against humanity. Judge Shoob's verdict highlights the capacity of U.S. courts to hold such perpetrators accountable under U.S. and international law. The case underscores the U.S. legal system's commitment to justice for victims of crimes against humanity, whoever they are, be they Muslims from any part of the world, or U.S. citizens."

Kemal Mehinovic, the lead plaintiff, said "I brought this case because I felt an obligation towards those who were killed or tortured by Vuckovic. I am satisfied with the result. He will no longer be able to live peacefully in the United States." Mehinovic noted that the amount of the judgment was not particularly important to him. "It is enough that justice was done," he said.

"One of the main purposes of this case was to disrupt Vuckovic's ability to live comfortably in this country," said Joshua Sondheimer, CJA's Litigation Director, "and we

have succeeded in that regard. Vuckovic has left his previous address, and seems to be living as a fugitive. He will be responsible for paying everything that he has beyond basic living expenses to his victims. Many perpetrators seek to live in the United States so that they can take advantage of the economic opportunities this country offers, and preventing them from doing so serves as a form of punishment and also can afford their victims a measure of justice."

Paul Hoffman, the lead counsel in the case, said that "Judge Shoob heard overwhelming evidence of the inhumane acts perpetrated by Vuckovic and other Bosnian Serbs on the plaintiffs and hundreds of other Muslims and Croats in Bosanski Samac during the ethnic cleansing that swept across Bosnia in 1992. He has rendered a Judgment which gives the plaintiffs an official recognition of the human rights violations they have suffered, demonstrates that U.S. courts are open to the victims of human rights criminals and for the enforcement of international law and imposes a penalty on Vuckovic that will deny him a safe haven in this country."

The case, profiled in a January 1999 segment of the ABC news show "20/20," was filed under two federal laws - the Alien Tort Claims Act of 1789 and the Torture Victim Protection Act of 1991 - that allow victims of torture and other serious human rights abuses to bring lawsuits against perpetrators who reside in or visit the United States, even if the abuses were committed in a foreign country. Over the last twenty years, these laws have allowed victims to hold perpetrators in the United States accountable in situations where the U.S. government has been unable or unwilling to deport or prosecute them. All four of the plaintiffs in this case have or will testify in a trial concerning similar events conducted in the Hague by the International Criminal Tribunal for the Former Yugoslavia. The defendants there include the leaders of the campaign of ethnic cleansing in Bosanski Samac. One of them, Stefan Todorovic, pled guilty in December 2000 to crimes against humanity. Vuckovic had served as his bodyguard and had participated in many of the crimes that he organized or committed.

Several attorneys worked on the case on a volunteer basis including: lead counsel Paul Hoffman, a partner with the firm of Schonbrun, DeSimone, Seplow, Harris & Hoffman in Venice, CA; Gerald Weber, Legal Director of the ACLU of Georgia; and Amanda Smith, associate with the San Francisco-based firm of Brobeck, Phleger & Harrison.

CENTER FOR JUSTICE & ACCOUNTABILITY

CJA, established in 1998, represents victims of egregious human rights abuses in actions against perpetrators who live in or visit the U.S. In addition to the Bosnian case, CJA has cases pending against perpetrators from El Salvador, Chile and China. CJA, together with two other human rights groups, recently won a \$66 million judgment against an Indonesian general for atrocities committed in East Timor in 1999. To receive updates on other CJA cases, please contact Chris McKenna at Tel: 415-544-0444, x302, Fax: 415-544-0456 and Email: cmckenna@cja.org.

-end-