

THE CENTER FOR JUSTICE & ACCOUNTABILITY

588 Sutter Street #433
San Francisco, CA 94102
t) (415) 544-0444
f) (415) 544-0456

PRESS RELEASE

FOR IMMEDIATE RELEASE:
Wednesday, September 15, 1999

CONTACT:
Ross Hanig, *Information Officer*
The Center for Justice and Accountability
(415) 544-0444

MOTION TO DISMISS DENIED IN SUIT FILED AGAINST SERB RESIDING NEAR ATLANTA, GEORGIA ACCUSED OF TORTURE AND ACTS OF GENOCIDE

- U.S. should not be a safe haven for murderers and torturers -

San Francisco-

In a court order received yesterday in *Mehinovic v. Vuckovic*, Federal Judge Willis B. Hunt denied a partial motion to dismiss in the case filed against Nikola Vuckovic, which alleges that Vuckovic was responsible for torture, crimes against humanity and other atrocities committed in 1992 against Bosnian Muslims and Croats at detention facilities in Bosnia-Herzegovina.

In his motion to dismiss, Vuckovic argued that claims made under Georgia law should be dismissed because too much time had passed between when the alleged events took place and when the case was filed by the San Francisco-based Center for Justice and Accountability (CJA), the ACLU of Georgia and private human rights attorneys.

Although the alleged human rights abuses took place in 1992, it was not until early 1998 when the lead plaintiff, Kemal Mehinovic, first learned of Vuckovic's whereabouts. The order states: "the court finds that the statute of limitations was tolled until early 1998, when plaintiffs first discovered defendant's whereabouts, and thus finds that no claim is time-barred."

“This decision allows the plaintiffs a full trial on their claims in the US court,” Shawn Roberts, Legal Director for CJA said. “The passage of time does not make these types of claims disappear; even if human rights violators arrive in the US many years after the events in question, they can still be subject to suit since they were previously unavailable to be held accountable for their actions.”

“In this case, the defendant was a soldier serving during active war and, after the conflict, plaintiffs were forced to relocate,” the order reads. “It is beyond reason to expect that the plaintiffs knew of defendant’s whereabouts.”

The court order also granted the plaintiff’s motion to amend the complaint to add three new plaintiffs—Safet Hadzialijagic, Muhamed Bivic and Hasan Subasic—to the case.

Mr. Mehinovic’s lawsuit alleges that Vuckovic committed acts of genocide, war crimes, torture and other forms of cruel, inhuman and degrading treatment during a Bosnian Serb ethnic cleansing campaign in 1992. The lawsuit is the first such legal action against a Serb defendant living in the United States.

CJA was established in 1998 with the support of Amnesty International USA and the United Nations Voluntary Fund for Victims of Torture to provide redress to victims of human rights violations and to pursue human rights violators found in the United States. CJA is committed to ensuring that the U.S. is a genuine safe haven for survivors of human rights abuses by providing them redress through civil lawsuits brought against their alleged torturers under two federal statutes: the Alien Tort Claims Act and the Torture Victim Protection Act. In addition to the *Mehinovic v. Vuckovic* case, CJA has also filed civil complaints against alleged human rights violators from Chile and El Salvador who are all currently living in the United States. CJA also works with U.S. government officials and agencies to encourage criminal prosecutions of human rights violators and the strengthening and enforcement of international and domestic human rights laws.