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SOCIETY - DEPORTATION

The Case of Deportation Goes to the Court in Strasbourg

Podgorica (MINA) - Serving justice in the case of deportation of Bosnian refugees from Montenegro in 1992 depends solely on the Montenegrin government that has been so persistently defying the victims in spite of the fact that the court has already ascertained the objective liability of the state for this crime.

The above statement was given to the MINA press agency by the attorney of the victims of deportation, lawyer Dragan Prelevic, who added further that “by reason of the criminal investigation that was conducted inefficiently and lasted for years, as well as inhuman and degrading treatment” of the victims of that crime by the state, a complaint against the state of Montenegro will be lodged with the European Court of Human Rights in Strasbourg.

He explained that the complaint to be submitted to the ECtHR would be grounded on the violation of provisions of Articles 2 and 3 of the European Convention of Human Rights and Fundamental Freedoms - infringement of the right to life, as well as due to inhuman and degrading treatment.

Prelevic reminded that there had been 27 first instance judgments so far, in 25 of which the objective liability of the state for the damage inflicted on the victims had been ascertained.

“Claims by the Buljbasic and Topalovic families were rejected in gross contravention of the law. None of the judgments has ever become final. In all these judgments pronounced in favor of the families of killed victims, the reparations have only been awarded on the ground of death of close family members”, he said.

Prelevic added that the claims for reparation on the grounds of breach of human rights of the relatives of the disappeared and other victims - discrimination, inefficient execution of investigation, inhuman and degrading treatment by the state - had been rejected.

“... by the state that remained silent about the crime for 15 years, failed to provide any information on the reasons of deprivation of freedom and destiny of victims, the state that has never made any attempt of finding their mortal remains”, Prelevic said.

Speaking of the “amounts awarded for the death of close family members vary from scandalous 15 thousand euros, what is the amount awarded to the mother of the killed Esad Bosno, to the amount not exceeding 30 thousand euros”, he finds these amounts to be an additional insult for the victims.

“These amounts represent an additional insult for the victims, if one only bears in mind the fact that the Prime Minister Milo Djukanovic, for his mental suffering caused by some press articles at the time when he was obligated as the highest state

official, according to the European standards of freedom of expression, to sustain particularly strong criticism”, Prelevic said.

He said that the state of Montenegro had appealed against all these 25 judgments on all grounds. “After more than one year and a half, the Higher Court has not yet decided on any of these appeals”.

“Regrettably, it is hard to believe that the Higher Court is going to use its power and reverse judgments that contain deficiencies and in such a manner to bring the proceedings to the end. It is much more probable, however, that these judgments will be overruled and sent back to the first-instance trial whereby humiliation of victims will be continued into the unforeseeable future”, Prelevic thinks.

He claims that the Montenegrin Prime Minister Zeljko Sturanovic has never responded to three letters containing a settlement proposal, forwarded to him on behalf of the victims, insomuch as the objective liability of the state for the illegitimate deportation of victims of this war crime has been ascertained by almost all of the pronounced first-instance judgments.

“We have appealed to the internationally recognized right of victims to reparation, as well as to the fundamental sense of humaneness in order to enable victims, preeminently those surviving and very old parents, to receive some kind of apology and compensation for the death of their children”, Prelevic said.

According to Prelevic, from the institution of the first-instance proceedings, four parents died and many of them are of a bad health condition, primarily as a consequence of mental stress caused by civil servants of the sued state of Montenegro.

“Widows of the victims have been living with their children mainly in impoverished conditions and as refugees ever since their escape from Montenegro. All of them, particularly those survived war prisoners broken down both mentally and physically, still live in 1992 recalling their memories, burdened by such an indifferent and ignorative stand of the official Montenegrin authorities towards the suffering and injustice inflicted on them”, Prelevic said.

He is of the opinion that “regrettably, such a stand of the Government has resulted in the third attack on the retired inspector of the Police Department of Herceg Novi Slobodan Pejovic, who testified conscientiously against the crime”.

“Pejovic’s exemplary morale and attitude towards the victims and truth are not desirable from the point of view of official Montenegrin authorities”, Prelevic concluded.

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