

Bulletin I

BUKOVICA – A PERFECT CRIME

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Boris Raonić

Authors

Boris Raonić
Milan Radović
Sead Sadiković
Zoran Vujičić

Translation

Jelena Ristović

Layout and design

Zoran Zola Vujačić

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I INTRODUCTION

This document is prepared by the nongovernmental foundation Civic Alliance (CA) as the part of the Bulletin Edition: Montenegrin magnum crimen, published under the framework of the project “Jointly for the progress in negotiation chapters 23 and 24”. The Edition starts with the Bulletin “Bukovica – a perfect crime”. Our goal is to point out, through the set of bulletins, to the extent of which the justice has been achieved in Montenegro.

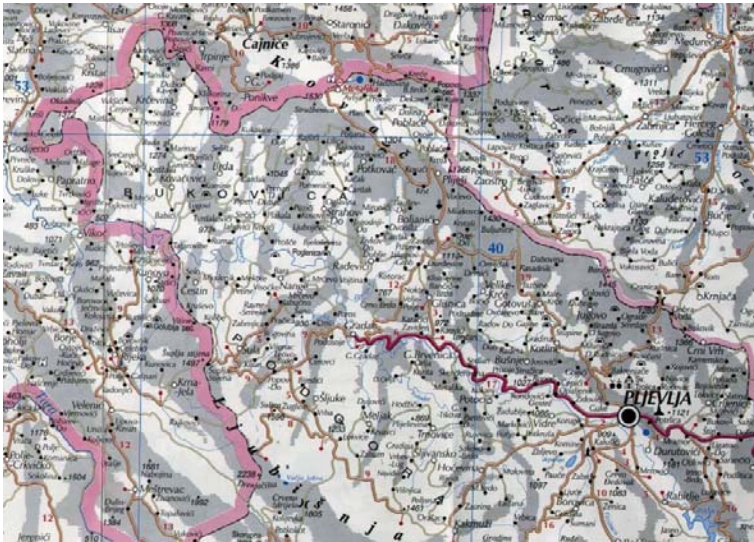
The goal of this bulletin is to additionally inform public and decision makers about all important facts related to war crimes at the territory of Bukovica during the period from 1992 until 1995, and the manner in which Montenegrin judicial institution processed this crime and the results of the process. We want to remind You that the last European Commission Report for Montenegro stated that Montenegro should improve efforts in fight against impunity for war crimes. The Report also stated that it was important to use more proactive approach in order to investigate efficiently, pursue and punish war crimes in accordance with international standards and that the previous court decisions had legal mistakes and deficiencies in implementation of international humanitarian law.

Alumni of the School of Political Studies worked on this bulletin, using the methodology CA developed in the perennial researching of human rights violations. We used the method of the terrain research, review of previously published reports of local and international institutions and organizations and judicial verdicts. We accessed to a certain number of information, in accordance with the Law on Free Access to Information.

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II THREE CRIMES IN ONE CENTURY

Bukovica is a rural area composed of 37 villages that covers 104 square kilometers. It lies on the western part of municipality Pljevlja. Bukovica was predominantly inhabited by Muslim population until 1993. On its three sides, Bukovica borders with Bosnia and Herzegovina in the length of 104 kilometers. Local community, post office, ambulance and elementary school are placed in the village Kovačevići. This village is 70 km far from Pljevlja, but some villages are even 80 km far from this town. Good natural conditions, adequate climate and a sunny ground provided good conditions for cattle breeding and agronomy. This region is well known for good breed of old sorts of plums and barley. There used to be a significant mining place. Iron mine was in the village Kržava.¹



During XX century, Bukovica was the target of ethnical cleansing, from the World War I and II until the war during 1990s and the collapse of SFRY.

The suffering of people in Bukovica, during the World War I was not even documented. Our researchers received poor information from a few residents, based on memories of old relatives on killing of people committed by Montenegrin Komiti.

Information on World War II are wider and testify on a large number of civil victims from local Muslim community. Chetnik's units ignited villages in Bukovica in 1943, and killed almost 570 old people, women and children, while men who were capable for the army, were kept by Italian occupation command in the barrack on Metaljka, between Pljevlja and Čajniče.

¹ Jakub Durgut, Bukovica 1992-1995, Almanah, Podgorica 2003, page 5-7

Victims from Bukovica and victims of whole region of Pljevlja, almost 1500 people, were listed in the book "Prilog u krvi", published in 1969 by the SUBNOR Committee in Pljevlja. Victims of that war were also listed in the book of Vladimir Dedijer and Antun Miletić, in 1990 edition.

According to quotations from the book of Jakub Durgut "Bukovica 1992 – 1995, Ethnical cleansing, crimes and violence", wars hit Bukovica twice in the last 80 years, and its people were killed and displaced in different ways. Durgut wrote that during 1990s Bukovica was the only target territory of ethnical cleansing in Montenegro.

Durgut also wrote that 24 villages were displaced at the beginning of 1992, 221 people were displaced, while six civilians were killed in a period from 1992 until 1995 – Muslić Hajro(75) and Muslić Ejub (28), Bungur Latif (87), Drkenda Hilmo (70), Đogo Džafer (57) and Džaka Bijela (70). He added that 11 people were kidnapped, while two people committed suicide as the consequence of torture – Himzo Stovrag (67) and Hamed Bavčić (75). Almost 70 people faced physical torture, eight houses were fired and the local mosque as well. According to information we received from the terrain, body of Latif Bungur was buried after the intervention of international organizations, which helped his nephew Šefko Bungur to overtake his body and bury him in Pljevlja.

Police reserve force was specifically marked as the turmoil perpetrator. At the beginning of 1990s, BiH felt the war atmosphere and some border areas in Montenegro. This was the case with Pljevlja, the northernmost town in Montenegro, and Bukovica, which is 75 km far from Pljevlja. Due to the situation with Pljevlja, the Supreme Council of Defense (VSO) of SRY met in the form of V session of VSO on 7 August 1992, attended by Momir Bulatović, the President of Montenegro and Milo Đukanović, Prime Minister of Montenegro.

According to information we obtained from the terrain, different paramilitary formations were in Pljevlja that summer. At the beginning of August they blocked police station and all vital facilities in the town. Muslim shops and vehicles were bombing targets and almost 30 bomb attacks were registered. During one night only, a complex of seven craft shops was on fire, whose owners were Muslims.



During 1992, young Muslim woman with a child in her arms was shot at the bus station in Pljevlja, while she was waiting for a bus. Everyday searches of restaurants owned by Muslims were carried out with physical abuse of guests. A van of Jasmin Pelidija, who transported people to work, was shot from an ambush. Fortunately, a few passengers and Pelidija were injured. During one night, a girl was wounded by an automatic rifle in the yard by three soldiers who ambushed her when she went to visit her aunt. These are only few out of the large number of crimes that took place in Pljevlja during 1992 and 1993, for which nobody ever responded. On a Christmas Day on 7 January, members of special forces, who were accommodated at the Hotel "Pljevlja", fired from automatic weapons at the minaret of Husein paša's Mosque in Pljevlja. According to information we received from the terrain, a number of Muslim inhabitants gave significant sums of money, ranging from one to two thousand DM, to those who were putting pressure and committed crimes against them, to bring them out of the town. Money was taken by people who were under the command of M.Č.D.

According to information CA researchers received, Muslims from Čajniče, who were at treatments in the hospital in Pljevlja, were taken away by members of the Army of Republika Srpska in Čajniče, and were killed there. It is unknown how many similar cases happened, but the one was registered in the summer 1992, when Zijad Velić was taken from the hospital. He was a retiree and was killed in Mostina near Čajniče. His body was exhumed from the mass grave Mostina and was identified among 130 victims. Members of Republika Srpska Army recognized him when they brought injured soldiers at the hospital in Pljevlja.

We also received information that Sandal Ibrahim, a farmer from the village Kunovo (BiH), which is few kilometers far from Bukovica, ran into Bukovica when his house was fired. He went at the Police, hoping he would be protected, but the police handed him over to the military of Republika Srpska, information said he was afterwards killed in Foča.

The same statement said that the arrival of the Army of Yugoslavia and the Police of Montenegro at the territory of Bukovica caused troubles of the Muslim population. Members of the military reserve forces under the influence of alcohol, and everyday shooting from automatic weapon, gave ugly image of people who were supposed to protect inhabitants and property. They searched Muslim houses almost every day and physically abused people, cursing them on national grounds. They would often take the money and gold jewelry. Once, they brought wooden poles, gave them to brothers and forced them to hit one another, because military reserve members threatened them with guns. Gold jewelry was stolen from the family of Osman Tahirbegović from village Rosulje, and the money was stolen from Latif Hodžić from village Brdo. As our source said, there were presumptions that there was more similar cases, because a lot of people from Bukovica were prohibited to speak about what had happened during the communication with reservists on the terrain. Bavčić Halima owned the first abandoned house in Bukovica in village Đenovići that was fired on 23 September 1993. After that, houses of Osman Durgut, Alma Močević, Šemso Babić, Nurija Bavčić, Hamed Bavčić, Latif Bungur, Almas Dedović were fired as well. The same source of information said that a father and a son Hajro and Ejub Muslić were

killed in village Madžari on 28 October 1992. On 1 October 1992, a group of policemen from Pljevlja beaten up almost every day a large group of men in villages Čejrenci, Ograda, Vuksići, and Madžari, because of the investigation of murder of Muslić. Himzo Stovrag, 70 years old man from village Vuksići, committed suicide after the physical abuse he suffered by the police and threats they would come the following day on examination. The same day, a military unit with weapon, came from Foča, through the village Madžari, lead by M.N. from village Rudići – Bukovica, member of the Army of Republika Srpska, who worked as a policeman in Foča before the war. Head of the police patrol from Pljevlja contacted him and the unit continued though Bukovica, to Čajniče.

On 15 February 1993, a group of ten to twenty people in uniforms kidnapped Ramiz Bungur from village Kruševci and her family: sister-in-law Zlatija with two children – one child was two years old and baby had eight months; a son Mamak, 14 years old; and took them to prison in Čajniče where they spent three months. They were afterwards exchanged for Serbian soldiers in Goražde. Abduction in village Ravni took place on 16 February 1993. Group of almost 20 soldiers from RS entered in the village and kidnapped six people whose last name was Bungur (Osman, Almasa, Sevda, Vezira, Lamka, and Devla). Latif Bungur was murdered then. He was born in 1905 and due to his age, he could not go with the rest of the group. After the intervention of Momir Bulatović, this group was released from prison in Čajniče after nearly a month and was returned to Pljevlja.

On 18 February 1993, reservists of the Army of Yugoslavia physically abused three elderly persons: Ago Bavčić from village Planjsko, Emin Drkenda from village Vuksići, and Šaban Rizvanović from village Mrčići. They were all beaten up in their villages and their homes. After this case, Ago Bavčić and Emin Drkenda escaped with their families in Goražde. Rizvanović was at the medical treatment for a month (due to a broken ribs) at the hospital in Pljevlja and returned to village Mrčići afterwards. He escaped with his family in Goražde in 1994. Šaban Rizvanović was the actual President of the local community Bukovica. In the middle of March 1993, reservists of the Army of Yugoslavia beaten up Šaćir Osmanagić and his wife, in village Čejrenci. They were both 60 years old, as his wife Hajrija said, reservists hit Šaćir with their legs, gunstocks, fists, while certain B. from village Lugovi, a reservist from the Army of Yugoslavia, kicked him with legs all over the house forcing him to bark like a dog and to sing Chetnik songs. At the end of March 1993, a group of almost 30 reservists of the Army of Yugoslavia beaten up Hilmo Drkenda (70) in village Vuksići. They broke his ribs and a jaw, and Hilmo died the following day. His wife buried him with a neighbor Zlatija Stovrag in a house yard, because all men from the village escaped. At the end of March 1993, uniformed persons had beaten up Atif Hodžić (65), his wife Zlatija (62) and their daughter Selima (35). Both elderly Hodžić were persons with disabilities. After the abuse, this family escaped in Goražde.

At the end of March 1993, reserve forces of the Army of Yugoslavia had beaten up Halim Hodžić and his wife Tim, both of them aged about 60, in the village Stražice. On the same day, a group of reserve forces beat Mustafa Hodžić and his wife Hanka. In the following days, Halim escaped with his wife in Goražde, and Mustafa Hodžić escaped with his wife in Pljevlja, where they lived until 1996, and then

went to Sarajevo. On 15 June 1993, Džafer Đogo, 57 years old, was killed in the village Tvrdakovići. He was a local maintenance worker. He was killed in the workplace, in the area of Tvrdaković, place Potrkuša. While he was doing his job, two uniformed persons – members of the Army of Bosnian Serbs from Čajniče arrived: M.V. from the village Lehovo brdo-Bukovica and D.K. from the village Rosulje-Bukovica, citizens of Montenegro and Yugoslavia. Uniformed persons M.V. and D.K. were armed with automatic weapons, and were visibly drunk. They arrived in the afternoon (at about 16:00 pm) and physically abused Džafer at that place. M.V. ordered him to lie on the ground and shot him in the occiput. Afterwards, they threw the body along the road. The case was reported and received a court epilogue, but was treated as an ordinary murder. The murdered was amnestied and the accomplice was released. Maltreatment on everyday grounds, shooting from firearms, killing of the cattle on the meadows by the military reserve forces led to the fact that most residents of the western part of Bukovica left their homes completely during June. The old tombstones, hundreds of years old, have not been spared from the shootings. There were two cases in which old people died of starvation because of their age and because they had no one to help them.

Reserve forces of the Army of Yugoslavia were placed in elementary school in the village Planjsko, in the summer of 1992. They were previously located in another school in the village Krčevina, which was about two kilometers far from the school in Planjsko. Members of this reserve force fired the school in the village Krčevina and went to the other one. They stayed in this school until 1994 until they constructed a nearby watchtower.



Elementary school Planjsko; Remains of cans food after departure of the Army of Yugoslavia

Members of the Army took off the roofs from houses in Bukovica and covered the military watchtower. They scattered all the tiles from houses to cover the guard spots and ditches. Five houses were burnt.



Mujo Korora who lived in Čajniče when the war began in BiH, escaped in Bukovica with his wife, where they had a house. According to the testimonies we obtained, he was under the pressure of the Army of Yugoslavia, and the Police of Montenegro, who told them they could not stay in Bukovica as the citizens of BiH. After that, they moved to their relatives in Pljevlja. However, the police took him and handed him to Bosnian Serbs, and since then, every trail has been lost. As people from Bukovica said, a man died in a village Madžari in Bukovica in June 1992, and was buried at the village cemetery. Reserve forces of the Army dug the grave under the excuse that Muslims perhaps might have hidden the weapon. Even the village cemetery was not spared of shooting on the gravestones. A mosque in village Planjsko was burnt on 19 April 1993. Investigation of destruction of this mosque has never been initiated.



Remains of the mosque in village Planjsko

After all that had happened and the atmosphere of fear, most Muslims left Bukovica. Epilogue of the whole situation in Bukovica from 1992 until 1995 were six killed people, eleven kidnapped and imprisoned in Čajniče, two persons who committed suicide as the result of torture, all male population who was often beaten up, at least eight houses that were fired and all the property that was robbed, devastated and destroyed houses. Almost 125 families with 330 members were displaced.

III COURT PROCEEDINGS

Although media and NGOs indicated and made statements on numerous crimes, although they demanded determination of responsibility, although the state took the responsibility for the return of displaced people and directly emphasized its responsibility in this case, individual and objective responsibility has not been determined yet. Only a murder of Džafer Đogo has been processed and punished, but the case was processed as a murder not as a war crime.

Assessments of legal experts said that the quality of investigation was poor, resolving of allegations very slow, while investigation was returned even eight times and a number of witnesses proposed by lawyers and NGO representatives have never been questioned. In December 2007, a Senior State Prosecutor filed a request for investigation. Immediately after the opening of investigation, it was declared as confidential. The investigation covered five former members of the reserve force of the Army of Yugoslavia, and two members of the reserve forces of the Ministry of Interior of Montenegro. The investigation marked problems such as the summonses that were handed over to witnesses in an unreasonably short time. Therefore, a number of them could not even contact the authorities in order to make a statement. This was especially a problem for people who lived in BiH.

The investigation finished in March 2010, and the indictment for war crimes against humanity was issued in April 2010. Members of the reserve composition of the Army of Yugoslavia R.Đ., R.Đ., S.C., M.B., Đ.G. were accused and S.S. and R.Š. members of the reserve forces of the Ministry of Interior of Montenegro. High Court in Bijelo Polje released all accused persons for war crimes committed in Bukovica on 31 December 2010. They were charged for inhuman treatment of civilians - Bosniaks and Muslims, causing severe suffering, endangering their health and physical integrity.

At the end of June 2011, the Appellate Court abolished the first instance verdict for formal reasons. The verdict was abolished because, according to the new Criminal Procedure Code, a three-member panel should adjudicate instead of a five-member panel, composed of permanent judges. The High Court in Bijelo Polje repeated the proceeding on 27 September 2011. As neither the Prosecution nor the accused persons had any objections to the previously presented evidence, the trial ended the same day.

On 27 September 2011, High Court in Bijelo Polje rendered a verdict for the war crime in Bukovica. The Court publicly announced on 3 October 2011 another verdict, which released all accused persons - R.Đ., R.Đ., S.C., M.B., Đ.G. members of the reserve forces of the Army of Yugoslavia and S.S. and R.Š. members of the Ministry of Interior of Montenegro reserve forces, of charges that during the international armed conflict in Bosnia and Herzegovina during 1992-1995, as members of the border battalion of the Army of Yugoslavia and members of the Ministry of Interior of Montenegro, Security Center Pljevlja, violating the rules of International Law determined by Article 7 paragraph 2. Of the Roma Statute towards civilians in BiH in the framework of a widespread and systematic attack on

civilian population of the Bosniak-Muslim ethnicity, while searching of houses in order to find and take away weapons, treated the inhabitants of Muslim ethnicity in an inhuman manner, tortured them and violated, beat them while they were asking people to give weapons, checking whether they were involved in conflicts on the side of green berets, and whether they supplied food and other goods and hide members of green berets in their houses in Bukovica. With inhuman treatment they caused severe suffering and seriously endangered their health, insulted their physical integrity, applied intimidation measures and caused psychosis for forced eviction from villages in that area, which led to emigration of the Muslim population.

After appealing against the previous verdict, High Court of Bijelo Polje announced on 19 April 2012 that the Appellate Court released the accused from having committed the criminal offense against humanity, and the rendered verdict has become final.

Representatives of NGOs and associations of victims assessed that the indictment did not include the perpetrators and people who ordered crimes and exile in Bukovica.

Minutes of the 44th session of the Board for Political System, Justice and Administration that took place on 10 March 2014, when a consultative hearing of candidates for the election of the Supreme State Prosecutor of Montenegro took place, said that Stojanka Radović, the prosecutor, said that "standpoint of the Supreme Court was appropriate, because our constitutional regulation states that criminal and other punishable offenses are determined by the law that was in force at the time of committing of criminal offense. In the case of Bukovica, the defendants were charged for committing acts during the period from 1992 until 1995, for acts that violated the rules established by the Rome Statute, whose implementation started in 2002."²

NGO Human Rights Action stated in the report "War Crime Trials in Montenegro", May 2013, that "the stance of the Appellate Court and the Supreme Court that the acts committed at the time specified in the indictment may not constitute a crime against humanity, because this act was not stipulated by an international regulation ratified and, as such, binding on the territory of Montenegro, is unfounded. The Appellate Court and the Supreme Court wrongly concluded that when the legal description of a crime against humanity from Art. 427 of Montenegrin Criminal Code refers to the rules of international law, these rules must take the form of "international regulation", i.e. "International act" ratified at the time of the offence. In fact, the binding rules of international law may exist in the form of customary international law, as was recognized in the Constitution of the Federal Republic of Yugoslavia, and this customary law does not need to be codified in an international regulation/act. The Constitution of the Federal Republic of Yugoslavia, in force at the time of the crime in Bukovica, prescribed that "international

² Minutes from the 44th Session of the Board for Political System, Judiciary and Administration that took place on 10 March 2014.

treaties that have been ratified and published in accordance with the Constitution and the generally recognized rules of international law are an integral part of the internal legal order”.

IV THE RETURN

Project implementation process related to displaced people from Bukovica does not contribute to their return, because the program of sustainable return has not been defined yet. Programs on encouragement for return have no economic support, in the form of benefits for provision of mechanization, cattle, and other employment programs. Criteria for house construction and supporting objects were inadequate. Certain statements indicate on political corruption or, that the part of houses were constructed in order to obtain votes on elections, and that significantly higher prices were presented than their real cost. All of this resulted in a small number of people who returned. Only eight families returned and permanently reside Bukovica (12 members). Number of families who reside their properties longer than six months is six (ten members). And there is also six families (ten members) that reside Bukovica up to 15 days a year. Two years ago, when the Government's project implementation started, there was a huge interest in return, but as the time passes and a number of deficiencies have occurred, interest of people have decreased and almost disappeared.

Representatives of Bosniaks from Bukovica believe that the return project is the final part of the crime over Bosniaks in Bukovica, which lasts almost 100 years. Their standpoint is grounded on the fact that the manner of implementation of the Government's project with large financial investments, has not achieved desired results. Although construction of houses finished two years ago, a number of owners did not show interest in taking the keys of the newly built houses. Significant number of houses that were firstly built have slowly become covered by weeds, and the wooden terraces are decaying. Access to some houses is so hard, due to the weeds and plants, and its owners never come. Animosity occurred due to construction of "single-nation facilities". President of the territorial community G.T. was dismissed for his open communication on this topic. He was replaced by the staff from the authority lines, who approved construction.

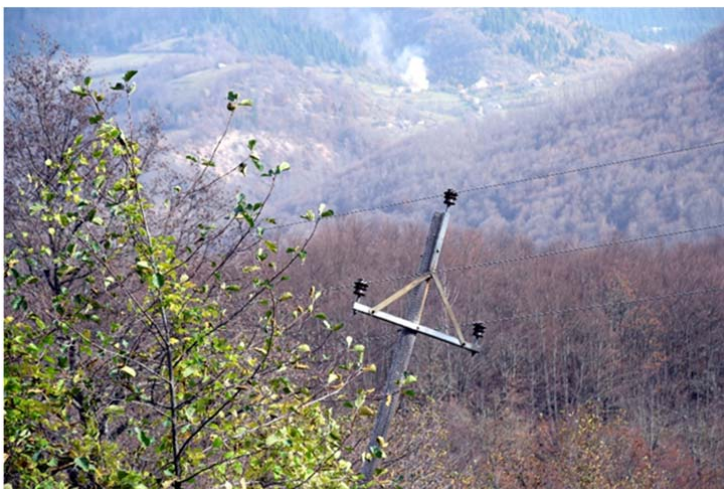
Until nowadays, 111 houses were built for Bosniak returnees and three houses for the Orthodox locals. One of the houses, according to testimonies of some people from Bukovica, was built for a returnee and two houses were built for two locals. As they said, among them was a house built for a family of M.N. who was sentenced to 10 years for the crime against humanity for crimes in Foca. As Muslims from Bukovica testified he served the sentence last year and was afterwards he was welcomed by Orthodox inhabitants of Bukovica in the most festive manner.

A quality of houses that were constructed for returnees was poor, and numerous omissions were noticed. Because of the distance from the town, and a lack of transport, it was hard and expensive for returnees to correct and obtain new material. For example, sidewalks that were built around the house were ruined after almost a year.



“Water supply pipe is blocked with the concrete. When I brought water and attached it on installation, water could not enter in the facility. I informed the Government’s Commission with the situation and the construction agency and have waited for a whole year on constructor to fix the problem, although workers constructed other nearby houses”, said one of the locals. Some houses, although built five years ago, still do not have electricity connection.

The electrical network is also in poor condition, network failures are frequent, especially during the storm, so the area remains five or more days without electricity. This means that storage of foods in the freezer is impossible. Two years ago, Bukovica had a regular electrician, since he lived in Bukovica, he was on the terrain every day, and he was able to solve problems quickly or alone with the help of the locals, but he was withdrawn to Pljevlja, so when the failure occurs in the area of Bukovica, the team from Pljevlja has to come, which is almost impossible in case of a large amount of snow. This happened last year, and the residents of Bukovica waited for electricity seven days, in some areas even ten. We want to emphasize that the terrain is poorly covered by the signal for mobile telephony and the Internet. Lately, the entire villages have stayed without electricity because of lack of consumption in these parts.



Road infrastructure is in a very bad condition. Distance between Pljevlja and final Bukovica villages is 70 to 80 km. Out of this, 35 km is the asphalt road Pljevlja - Čajniče, 30 km of the asphalt road with one tape Metaljka - Kovačevići (center of Bukovica), then 7 - 10 km of the gravel road to the last villages along the border with BiH. The road Pljevlja - Čajniče was restored two years ago and is in good condition, but the asphalt road from Metaljka to Kovačevići is very bad, because it is destroyed on a daily basis by heavy trucks of Vektra - Jakić, which export logs. About ten kilometers of the road has been repaired but the rest is in desperate condition.



V CONCLUSIONS

Murders, torture, and exiles that happened in Bukovica were based on the ethnic and religious grounds. The property of the Muslim population was destroyed during these crimes.

Relations between the state and the competent institutions in processing of war crimes in Bukovica during '90s, was passive and lacking strong commitment toward bringing the perpetrators before justice. It took a long time to begin with the investigation, and once the investigation started, it was slow and had obvious failures. Court proceedings included only direct perpetrators. Prosecution Office did not address the command responsibility, which above all implies responsibility of the superiors as they did nothing to prevent the crime they were clearly aware. Until nowadays, investigations and court proceedings have not included people responsible either by the command line or the perpetrators of these crimes.

Conditions for the return of exiled Muslims from Bukovica have not been properly resolved yet. Activities on return exiled people from Bukovica were not transparent, and were accompanied with abundance of failures. On the other side, construction of the "single-nation facilities" caused the animosity and divisions have deepened. Prosecution Office should initiate investigations on statements and political corruption in the return process and unrealistically high prices of houses in comparison with their market value.