



## MEDIA RELEASE

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**For immediate release**

# Double jeopardy for wartime torture victims of Bosnia and Herzegovina: After having their compensation claims rejected, they are forced to pay high court fees

## *Victims of war crimes are now victims of failed reparations mechanism*

Sarajevo and Geneva, 26<sup>th</sup> of September – A growing number of wartime torture victims in Bosnia and Herzegovina are forced to pay thousands of Euros in court fees to Republika Srpska, one administrative unit of the country, after their claims for compensation were dismissed on statute of limitations grounds. In the absence of a comprehensive administrative reparation programme, many victims have decided to seek compensation through civil proceedings in the courts.

From 2007 to 2010, victims initiated legal proceedings against administrative units of BiH, and sometimes the state itself, in order to seek compensation. In 2014, the Constitutional Court of BiH ruled that application of statutes of limitations to such lawsuits should be applied. Such a practice is contrary to international standards which dictate that statutes of limitations should not be applied to claims for redress, compensation and rehabilitation needed by victims of certain crimes. Some even called it “illegal”.

*“As a result, the claims of victims of war crimes were rejected, and in addition, they were obliged to pay very high costs of the proceedings. Given that these citizens are mostly of poor financial standing and that many of them cannot pay the costs, enforcement proceedings are being initiated. There are instances when their property is taken away by officials. Some of the victims had suicidal thoughts when they received a writ notifying them of scheduled enforcement hearings”,* said [Adrijana Hanušić Bećirović](#), senior legal advisor of TRIAL International.

While in most of the country survivors have been exempted from paying such fees, in Republika Srpska property seizures are ongoing. Bahrudin Mujkić survived being brutally tortured in four prisons and two detention camps in 1992. He was severely beaten and starved as he watched his friends and neighbours being tortured. Every day he feared that he would be killed. Today, he still lives with permanent physical and psychological consequences. Instead of receiving justice and compensation for his sufferings, he now feels as if he is being made a victim again.

*“I lost my youth in those camps. Just hearing those cries, seeing the breaking of people, it was too much. I wanted at least to see the perpetrators punished. Instead, my authorities imposed a “judicial order to garnish my EUR 245 pension check”,* said Bahrudin Mujkić.

Bahrudin’s story is just one of many similar stories of war-related torture victims who sought compensation for the crimes they survived. Although there is no official data on the number of people who suffered severe forms of torture during the war in BiH, according to the data of the BiH Union of Camp Detainees, there are several hundred thousand of them.

TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

### Media contact:

Olivia Gerig  
[media@trialinternational.org](mailto:media@trialinternational.org)  
+41 22 519 03 96  
[www.trialinternational.org](http://www.trialinternational.org)  
@trial

In 2018 the Constitutional Court ruled that the imposition of such fees in one particular war crimes case violated the victim's right of access to courts and to property. The FBiH Attorney's Office and the BiH Attorney General's Office waived their claims for the costs of the proceedings following the adoption of this judgment. Still, a significant number of courts in Republika Srpska continue to impose court fees on victims, leading to inconsistencies in the exercise of victims' rights to reparations in the country.

A recent [report](#) of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-repetition on his visit to BiH, presented at the 51st session of the Human Rights Council, found that *"This practice is as unethical as it is unacceptable, and runs contrary to the international standards on the protection of victims of serious violations of human rights and international humanitarian law."*

TRIAL International prepared a video on this issue, focusing on the detrimental financial, moral and psychological consequences it may have on victims. The video can be found at this link : <https://youtu.be/721RYWkaRN8>

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