

LIABILITY

MINES

**MINE
ACTION**

**MINE ACTION
CENTRE**

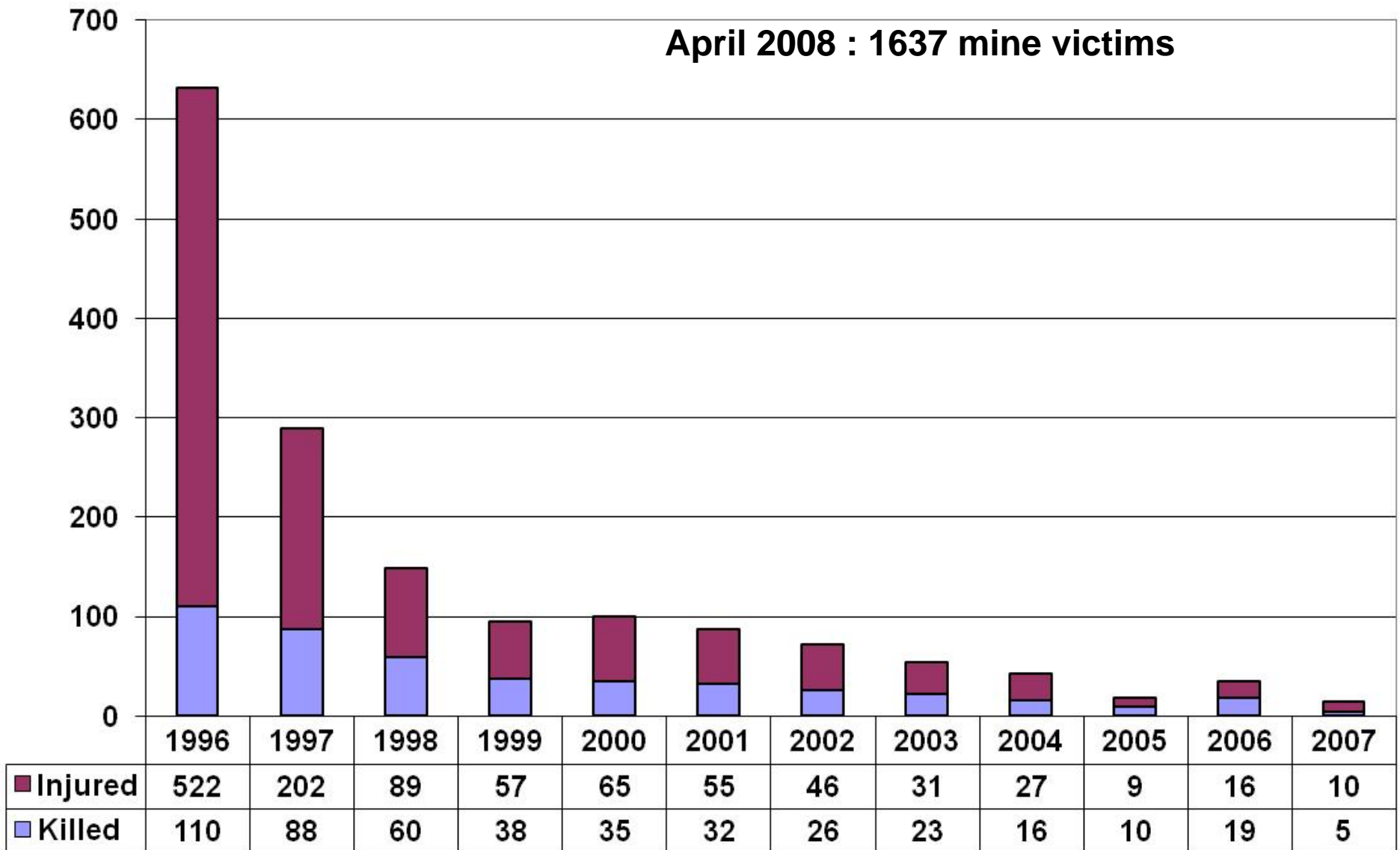
**MINE
ACCIDENTS**

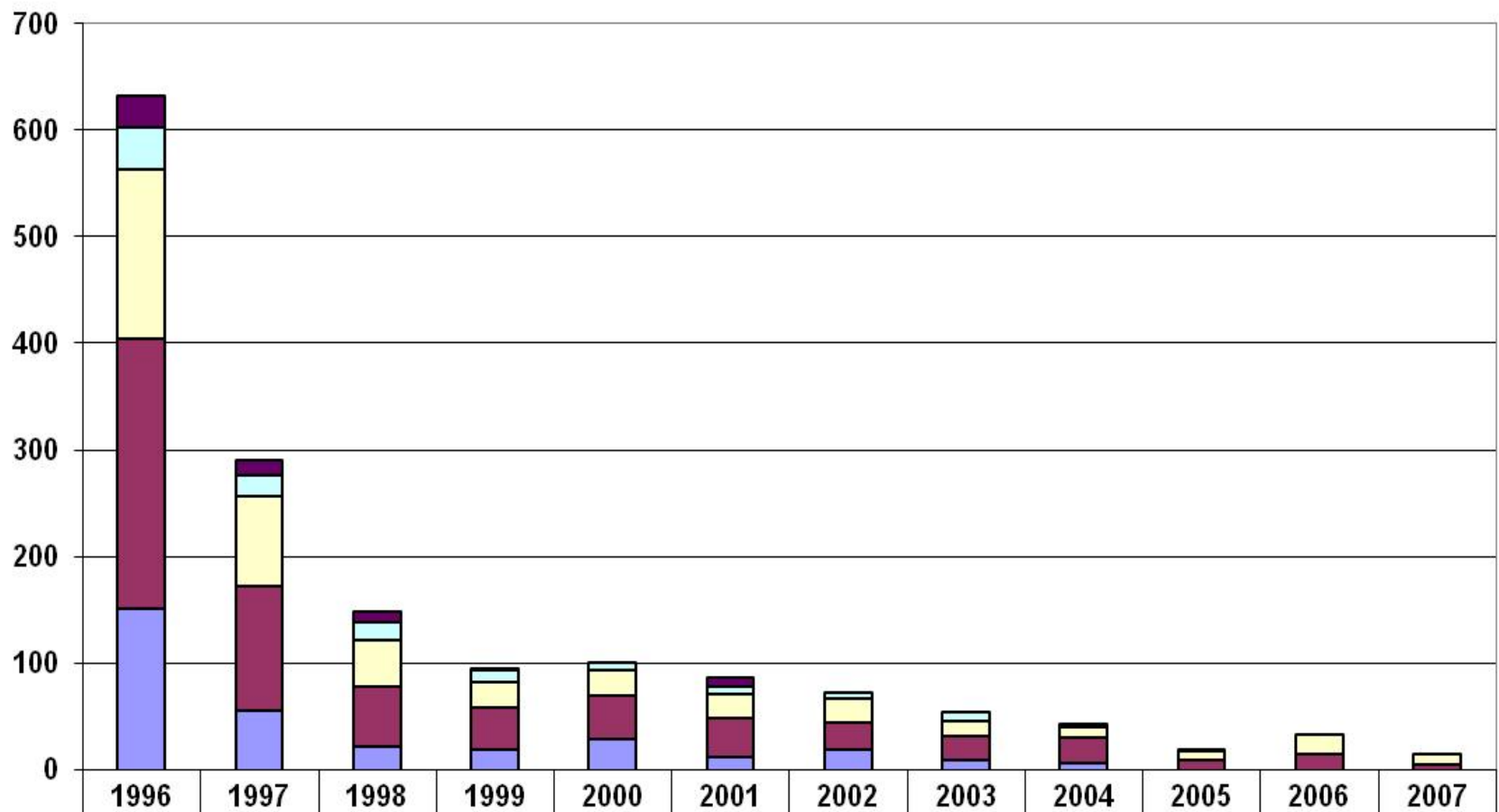
**MINE
VICTIMS**

**LEGAL
ACTIONS**

**Bosnia and Herzegovina Mine Action Centre
Ahdim Orahovac Deputy Director**

Ratio between the injured and killed





■ Unknown age	29	13	10	2	0	9	0	0	0	0		
□ Older than 60	40	20	17	10	7	7	5	8	3	1		
□ Adults (40-60)	158	84	44	25	24	23	22	14	10	9	18	10
■ Adults (19-39)	254	118	56	39	40	36	26	23	24	7	15	5
■ Children (0-18)	151	55	22	19	29	12	19	9	6	2		

Landmine Victim Assistance

-LMVA in accordance to the Entity Laws
(for persons with 100% dissability)

- Procurement of prosthetics in ammount of 1250 euros every 3 years
 - Financial assistance in ammount of 110 euros per month



**LIABILITY
MINE ACTION**

JUDICIAL PROCEEDINGS

CRIMINAL PROCEEDINGS No 1

PLAINTIFF: PUBLIC PROSECUTOR OF SARAJEVO CANTON

DEFENDANT: MAC Director and Chief of Civil Protection

EVENT: "On April 10th 2000, on location "Debelo Brdo" in Sarajevo, a mine explosion caused death of three children."

DEFENDANT POSITION: Huge and complex problem, impossible to control. Marking was done, but marking signs were stolen.

CHARGES:

- Unmarked minefield
- Failure to organize due-time demining

Course of Proceedings:

Verdict : Acquitted - Prosecutor could not prove the guilt.

2. ONGOING CRIMINAL INVESTIGATION PROCEEDINGS

- PROSECUTOR'S OFFICE BRCKO DISTRICT

EVENT: On April 6th 2000, Babić Viktor was killed in village Endek, settlement Gornji Vukšić, Brcko District, in an accident caused by activation of AT mine while driving tractor. This location was treated with technical survey method, controlled by BHMAL.

BHMAL position: BHMAL Investigation Board submitted the Report.

- PROSECUTOR'S OFFICE BRCKO DISTRICT (family of killed deminer)

EVENT: On September 4th 2001 Zajic Nihad was killed , during demining, task ID 10675, settlement Rogozan, Brcko District.

CHARGES: Somebody failed to ensure standard safety measures during demining.

BHMAL position:

BHMAL Investigation Board submitted their Report and other available documents

II LEGAL PROCEEDINGS

1.FINALIZED PROCEEDINGS

VERDICT REACHED OBLIGATING BHMACH TO COMPENSATE DAMAGE

1. PLAINTIFF: Mine victim family -Šahman Sabina and others

DEFENDANT: UNIPAK Demining Pale, MAC, UNHCR

EVENT: On February 6th 2000, near village Vlasinje, municipality Jajce, a mine explosion caused death of Sahman Mustafa. The accidents happened on the location where UNHCR performed demining, UNIPAK Demining Pale was Sub-contrator for mine detection dogs and MAC issued Clearance Certificate.

CHARGES: UNHCR and UNPAK are responsible for failing to remove a left-over mine and MAC for conducted quality control and issuance of Certificate.

Course of Proceedings:

- UNHCR has immunity.
- UNIPAK Demining Pale was sub-contracted with their MDD teams
- Demining quality control was done by BHMACH, with issuance of Quality Control Certificate.
- Verdict reached on April 29th 2004 in favor of Plaintiff against BHMACH; UNIPAK nad UNHCR excluded from lawsuit.
- Apeel filed on 16.06.2004
- Final verdict June 22nd 2007 was in favor of Plaintiff.
- BiH is obligated to compensate plaintiffs "total amount" of 43.700,00 KM with inetersts and law suit proceeding costs in amount of 13.264,00 KM.

II LEGAL PROCEEDINGS
1.FINALIZED PROCEEDINGS

PROSECUTION REQUEST DENIED AS UNJUSTIFIED

1. PLAINTIFF: Owner of Greenary Cetina Zavidovici

DEFENDANT:1. Municipality Zavidovici; 2. BHMAC

EVENT: "On March 15th 2000, as requested by Municipal Civil Protection, Army demining unit started demining on location Cardak, bank of River Gostovic. All demining works were controlled by second defendant. Due to safety reasons, access to the greenary was blocked.

CHARGES: Plaintiff's facility and greenary were inside demining zone and he was forbidden the access . Inability to maintain the greenary resulted with the damage to the plants.

BHMAC position: Demining is of importance for general safety, and blockage and control of movement are part of safety standards during demining operations.

Course of Proceedings:

- First instance verdict in favor of Plaintiff. BHMAC is obliged to compensate the damage in amount of 482.454,00 KM with interests. (!?)
- Appeal filed
- Second instance verdict: Plaintiff's request denied.

3. PLAINTIFF: Mine victim Sefer Halil

DEFENDANT:1. FBIH; 2.FMAC; 3. Federal Civil Protection

EVENT: "On February 19th 1998, on Vlastic, parcel Krc, a mine was activated by sheep, severely injuring the Plaintiff – Sefer Halil.

CHARGES: There were no mine warning signs in vicinity.

Course of Proceedings:

Final verdict : Plaintiff's request denied as unjustified.

3. PROSECUTION AGAINST BHMAL WITHDRAWN

1. PLAINTIFF: Mitric Boro and others

DEFENDANT: City Mostar, Municipality Mostar-North, FMAC

EVENT: In October 1998, with prior approval of city Mostar, destruction of mine explosive ordnances was carried out by SFOR and Army teams on Plaintiff's land.

CHARGES: Seeking compensation for damaged land and facilities.

Course of Proceedings:

Prosecution withdrawn.

ONGOING LEGAL PROCEEDINGS No1

PLAINTIFF: Mine victim Bačić Milan

DEFENDANT:BHMAC - RSMAC

EVENT: "On June 1st 1999 in village Brvnik, a mine exploded causing death of one person - MAC surveyor, severe injuries for two persons.Plaintiff was one of them as an external informer.

CHARGES: Injury during general survey

•**BHMAC position:**

Unpredictable situation during general survey

•**Course of Proceedings**

•Verdict was in favor of Plaintiff

•Public Attorney's Office filed an extraordinary appeal (Revision).

LEGAL PROCEEDINGS No 2

PLAINTIFF: Minie victim family Šahman Elmina, Minor Šahman Selmin, son of Semir

DEFENDANT: Bosnia and Herzegovina ,BHMAC

EVENT: On October 25th 2004 in village Brvnik, municipality Jajce on land parcel "Kosarice" a mine exploded causing death of Sahman Semir.

CHARGES: Unmarked minefield.

- **BHMAC position:**

Location of the accident is unknown minefield. It is not registered in data base and municipality never requested general survey of the location.

- **Course of Proceedings:**

Awaiting verdict.

LEGAL PROCEEDINGS No 3

PLAINTIFF: Mine victim Panic Rado

DEFENDANT: Republic of Srpska, Ministry of Finance, Directorate for urgent mine removal and BHMAL (with the expansion of law suit)

EVENT: On March 11th 2000 Panic Rade suffered severe injuries caused by mine explosion on a demined area in Sionica municipality Sockovac.

CHARGES: The clearance completed by Minetech in 1998 and demining accepted by PIU (WB). Civil Protection issued a Clearance Certificate.

BHMAL position

BHMAL states no responsibility because BHMAL was neither orderer or the organizer of demining works, since these works were not within its authority.

Course of Proceedings

Awaiting verdict.

LEGAL PROCEEDINGS No 4

PLAINTIFF: Ivo Kovacevic

DEFENDANT: Bosnia and Herzegovina, BiH Federation, Ministry of Civil Affairs and Communication, Federal Ministry of Defense, Canton Tuzla, Municipality Tuzla

SITIAUTION: Plaintiff is the owner of mine contaminated land awaiting clearance

CHARGES: Impossibility to use his property or make any income from his real estate.

- **BHMAC position**

BHMAC placed the subject land on the Priority List. To date no funds or assets have been available for its clearance.

- **Course of Proceedings**

Awaiting verdict

LEGAL PROCEEDINGS No 5

PLAINTIFF: Mine victim Brkic Rifet

DEFENDANT: BHM MAC

EVENT: On July 26th 2001, Brkic Rifet suffered severe injuries caused by mine explosion on area of Srbljani, municipality Cazin.

CHARGES: Plaintiff, a returnee to his land was not informed about mine threat on his property.

BHM MAC position

Location was marked, and the Plaintiff was aware of the threat.

Course of Proceedings

Awaiting verdict

LEGAL PROCEEDINGS No 6

PLAINTIFF: Mine victim Klopic Kemal and others

DEFENDANT: 1. BiH, BHMACH; 2. Employer Ilija and Slavko Mijic

EVENT: On June 15th 1998, Dzevad Klopic was killed and Kemal Klopic suffered severe injury caused by mine explosion in village Grebnice, municipality Domaljevac-Bosnaksi Samac. Both were employed by second defendant in firewood cutting activities.

CHARGES: Area was not marked and the employer did not warn about this fact.

BHMACH position

Official handover from UNMAC to FMACH happened on June 30th 1998, after the accident had happened. Therefore there is no official data.

Course of Proceedings

Awaiting verdict

LEGAL PROCEEDINGS No 7

PLAINTIFF: Mine victim family Dikedzic Zakir and others

DEFENDANT: BiH

EVENT: On March 1st 2005, a minor Dikedzic Edin was killed by mine explosion in Plane, municipality Maglaj.

CHARGES: Area was not marked.

BHMAC position

The location is forest area classified as a third priority category. MRE activities were carried out in municipality Maglaj.

Course of Proceedings

Awaiting verdict

LEGAL PROCEEDINGS No 8

PLAINTIFF: Mine victim family Sanopjan Tomislav and Slavojka

DEFENDANT: BiH, MCA, Commission and BHMACH

EVENT: On November 1st 2005, Sanopjan Milivoje was killed by mine explosion in village Bancici- Krusevo Brdo.

CHARGES: Area was not marked.

BHMACH position

The location is carst peripheral area classified as a third priority category. Municipality Ljubinje never submitted request for general survey.

Course of Proceedings

Awaiting verdict

LEGAL PROCEEDINGS No 9

PLAINTIFF: Family of Babic Momir, desased deminer

DEFENDANT: RSMAC

EVENT: On October 21st 1998, Babic Momir, as a deminer, lost concious during a break on the demining site. He died on the way to hospital.

CHARGES: Wife and a child seeking compensation.

BHMAC position

Insurance contract prescribes premium reimbustment only in case of permanent disability or death caused by mine injury.

Course of Proceedings

Awaiting verdict

JUDICIAL PROCEEDINGS WHERE BHMIC IS NOT A DEFENDANT (2)

1. PLAINTIFF: Mine victim family Stranjak Ismet and others

DEFENDANT: city Mostar FBiH-Federal Ministry of Defence

EVENT: On October 18th 2004, a boy Stranjak Imtjaz was killed by mine explosion in Podvelezje, municipality Mostar.

CHARGES: Family seeking compensation.

BHMIC position

Location of accident is clasified as third priority category. Municipality never sumbitted request for general survey. MRE activities were carried out .

Course of Proceedings

Awaiting verdict

JUDICIAL PROCEEDINGS WHERE BHMIC IS NOT A DEFENDANT (3)

2. PLAINTIFF: Mine victim family Fazlic Nezira and others

DEFENDANT: 1. Employer Bajric Halil, 2. FBiH

EVENT: On October 18th 2004, Fazlic Izudin was killed by AP mine explosion in forest "Kanatova kosa", village Ercezi, municipality Tesanj.

CHARGES: Family seeking compensation from the private employer Bajric Halil.
Location was not marked.

BHMIC position

Location was marked but mine signs were removed.

Course of Proceedings

Awaiting verdict

JUDICIAL PROCEEDINGS WHERE BHMIC IS NOT A DEFENDANT (3)

3. PLAINTIFF: Gosto Admir and others

DEFENDANT: FBiH Ministry of Defence

EVENT: In 1996, a mine exploded by the village road near Mostar, causing death of one person and injury for another.

BHMIC position

Central data base has no data on mine clearance in 1996. Available minefield records were submitted to the Court including territory in the scope of 200 km from the mentioned location.

Course of Proceedings

Awaiting verdict

DEATH OF CIVILIANS AND SEVERE INJURIES CAUSED BY MINE EXPLOSIVE ORDNANCES (BHMIC delivers available information)

1. PLAINTIFF: Family of mine victim Mehmedovic Faik

DEFENDANT: Ministry of Interior (SB Canton FBiH)

EVENT: On October 27th 2000 Mehmedovic Faik, a deminer, was killed by a mine explosion on the hill Vrljevaca-Prusac, municipality Donji Vakuf.

BHMIC data

BHMIC delivered Initial mine accident report with the maps.

2. PLAINTIFF: Stankovic Simeon

DEFENDANT: Ministry of Defense

EVENT: On January 2001, Stankovic Simeon suffered injuries caused by mine explosion in village Siraja-Brcko.

BHMIC data

No information in data base.

DEATH OF CIVILIANS AND SEVERE INJURIES CAUSED BY MINE EXPLOSIVE ORDNANCES (BHMIC delivers available information)

3. PLAINTIFF: Family of mine victim Muslija Ibrahim

DEFENDANT: BiH Ministry of Defense

EVENT: On April 22nd 2002 Muslija Ibrahim was killed by a mine explosion and his two sons were severely injured by the bank of Bosna River, settlement Sije, municipality Tesanj.

BHMIC data

BHMIC has no registered minefield data on the location.

Possible movement of mines by the banks of Bosna River .

JUDICIAL PROCEEDINGS AGAINST INSURANCE COMPANIES: PAYMENT OF INSURANCE FOR DEATH OF A DEMINER (2)

1. PLAINTIFF: Family of the killed deminer Đulović Muhibija

DEFENDANT: Insurance company

EVENT: On August 22nd 2005 a deminer Đulović Muhibija was killed by a mine explosion.

CHARGES: Family seeking payment of insurance premium

2. PLAINTIFF: Family of the killed deminer Husić Rešad

DEFENDANT: Insurance company

EVENT: On December 12th 2007 a deminer Husić Rešad was killed by a mine explosion.

CHARGES: Family seeking payment of insurance premium

BHMAC position : BHMAC Investigation Board Report submitted.

PAYMENT OF INSURANCE FOR DEATH OF A CIVILIAN (1)

1. PLAINTIFF: Family of the killed civilian Zuka Hamdija

DEFENDANT: Insurance company

EVENT: On August 28th 2006 Zuka Hamdija was killed by a mine explosion on location Tolovic, municipality Vitez.

Family asking BHMIC for a confirmation that the area was not marked in order to receive premium payment from the insurance company.

CHARGES: Family seeking payment of insurance premium

BHMIC position:

- General survey of the location conducted.
- Permanent marking project done - Municipality Vitez placed permanent marking fence.

COMPENSATION FOR PROPERTY DAMAGED DURING DEMINING(1)

1. PLAINTIFF: Nuhanovic Sefika

DEFENDANT: BHM MAC

EVENT: Fence on the parcel of Nuhanovic Sefika in Konjic was destroyed during demining of her land.

CHARGES: Seeking compensation for damaged property .
Proposing settlement or she will press charges.

BHM MAC position:

- BHM MAC does not conduct demining operations.

Landmine Victim Assistance

Description of accident according to insurance companies

Injury or death caused by:

- mine or UXO explosion
- slipping, falling or tumbling
- tunder stroke
- animal or insect bite
- suffocation under drowning or trapping
- other natural disasters

AMNESTY

- **Dayton Peace Agreement for BiH;**
Annex VII Agreement on refugees and displaced persons
- **Amnesty Law of Republic of Srpska**
(RS Official Gazzete No 13 of July 26th 1996)
- **Amnesty Law of Federation BiH**
(FBiH Official Gazette No 9 of July 30th 1996)

Bosnia and Herzegovina

Made in Dayton 1995

