

Mr. Zeljko Sturanovic
Prime Minister of the Republic of Montenegro
Podgorica

Podgorica, 14 February 2007

Subject: Addendum to the Initiative for settlement with respect to the compensation of damages to the victims of the 1992 deportation of Bosnian refugees, of 13 December 2006

Respected Mr. Prime Minister,

After two months since we have addressed you on behalf of the survivors of the war crime against civilian population executed in 1992 by the authorized officers of the Montenegrin police and their commanders, we are still awaiting your answer.

We have suggested negotiations for settlement in 36, now 37 proceedings that are currently processed by the courts, noting that all but one first-instance judgements, of seven at the time, and now ten, passed by the Basic Court in Podgorica found the Republic of Montenegro liable for damages caused by death of the Bosnian refugees, Muslims, whom the officers of the Ministry of Interior of the Republic of Montenegro had illegally arrested and handed over to the hostile army of the Bosnian Serbs.

The common key flaw of all first-instance judgements remains the refusal of judges to apply the law of the European Convention of Human Rights that qualifies the suffering of the families of the surviving family members of the forcefully disappeared persons on whose faith they have never received any official information and with no efficient investigation as to their destiny to date, as the violation of human rights with respect to absolute prohibition of inhuman and degrading treatment in accordance with the Article 3 of the Convention. As you are aware, the Republic of Montenegro continues to be bound by the

Convention in line with the articles 3 and 4 of the Decision on the proclamation of independence of the Republic of Montenegro.

As you also must have been informed, the Supreme State Prosecutor, who in these proceedings defends the Government from the claims of the victims' families, acts in a clear conflict of interest, emphasized also by the Council of Europe amongst one of the seven requirements that Montenegro needs fulfil in order to be accepted as a member of this organization of European states. It is probably also due to this fact that the criminal investigation of this crime, announced by the Supreme State Prosecutor already in July 2004 has still not been performed to date, one year after it was officially opened.

As you also well know, the State of Montenegro has appealed to all ten judgements, insisting on the lack of causal link between the fact that the Montenegrin police officers have delivered innocent civilians to the hostile army and the fact that that hostile army had deprived them of their lives, which is an absurd that continues to victimize the victims.

However, as we believe in your devotion to a just conclusion of this case and bear in mind that you most likely have not been informed about the content of the testimonies of the survivors of deportation, who were first arrested by the Montenegrin officers, then maltreated, humiliated, terrorized and finally, delivered to their enemies in war, we hereby enclose the Podgorica First Instance Court trial records containing testimonies of Ekrem Cemo, Munib Hadzic, Ismet Isakovic and Sadik Demirovic, who managed to survive deportation to Foca concentration camp. Additionally, for the purpose of a complete information, we enclose records of testimony of Vahida Isakovic, the spouse of the survivor Ismet Isakovic and sister of the murdered Enes Bico, who lived through humiliating and terrorizing treatment in Hercegovina from the Montenegrin police and who already in 1992 and 1993 had personally informed of the crime Momir Bulatovic, the then president of the Republic of Montenegro, Pavle Bulatovic, the then Minister of Interior Affairs of Montenegro, and Asim Dizdarevic, the then vice-president of the Montenegrin Parliament who had contributed to stop further execution of this crime.

We believe that you as the president of the Government of the RoM, that represents the State of Montenegro in these proceedings, all its political parties and citizens, should be informed of these testimonies and consider continuous sufferings of 182 plaintiffs, the majority of whom even after fifteen years do not know what happened to their sons, fathers, husbands and brothers after their arrest in Montenegro as well as they do not know where are their graves.

We recall that the United Nations Resolution we appended to our letter of 13 December 2006 has set the right to reparation of the victims of gross violations of human rights and serious violations of international humanitarian law to the level of the international responsibility of the states and that the respectful international non-governmental organization *Amnesty International* informed the international public on the details of this case as well as of its inadequate processing on 22 December 2006 in the report "Montenegro - right to redress and reparations of the families of the disappeared", the authorized translation of which we also enclose.

Two fathers and a mother of the victims of deportation had died to date without bearing to see a word of official apology, a court's judgement or the funeral of the remains of their children. We hereby emphasize once again that many parents will probably not live long enough to see the final verdicts of the Montenegrin court.

Our office is the authorized representative of all plaintiffs in these cases, which for you, who are a jurist, is a clear qualification of the trust we had been afforded. However, if you may consider that it would be easier for you for any reason to communicate directly with the victims, as recently suggested by Mr. Milo Djukanovic in his interview to Sarajevo daily *Dnevni Avaz*, we would also gladly facilitate a direct contact with all the plaintiffs.

Representative of 182 plaintiffs in the cases for redress
regarding 1992 deportation of refugees

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