

Dear All,

At the regional round table conference held in Podgorica, Montenegro, on 4 December 2006, organized by the local UNDP office on the “Prosecution of war crimes, crimes against humanity and genocide and award of non-material damages to the victims”, the official representatives of the State Prosecutors’ Office of the Republic of Montenegro have announced the following:

1. the victims of the 1992 deportation war crime submitted “weak” evidence in the civil proceedings for redress;
2. the civil courts have made a mistake by deciding not to abort civil proceedings until the criminal procedure is finalized;
3. the major problem for the criminal investigation is caused by the witnesses who live in the region, outside Montenegro and who do not respond to the Court’s summons.

Due to the fact that the above statements have been broadcasted by all Montenegrin media and that we in our capacity of legal representatives of the 180 members of families of 36 victims of the 1992 Montenegrin deportation war crime have not been invited to participate at this round table to rebut those statements, we were forced to issue today a short public statement emphasizing the following facts:

1. The State Prosecutor’s Office of the Republic of Montenegro approved in May 1992 the execution of the war crime against civilians, Bosnian Muslim refugees who were randomly arrested by the Montenegrin police and deported across the border with the Republic of Bosnia and Herzegovina to the hostile Army of Bosnian Serbs in order to serve for exchange of prisoners of war.

This fact is evident from the document Response of the Ministry of Interior to the parliamentary inquiry from 1993, we submitted both to the court and the state prosecutor in December 2004.

This document may be seen at

www.prelevic.com/Documents/Odgovor%20na%20poslanicko%20pitanje.doc, and upon request, we may provide a certified copy in English).

2. In the past two years since the first claims for redress have been filed with the Basic Court in Podgorica, the State Prosecutor’s Office used all available means to obstruct the procedures for civil compensation for 180 victims and their closest family members. The last example of such practice is the public announcement of false facts at the regional round table in Podgorica.

It is simply not true that the evidence provided for redress is “weak”, as emphasized by the deputy Supreme State Prosecutor. On the contrary, both the Court and the State Prosecutor’s Office has been presented by numerous evidence, both personal statements of the eye-witnesses and survivors and written official documents of the Montenegrin Ministry of Interior and Parliament, which have been rescued from a systematic destruction of evidence undertaken by the two institutions. Needless to mention, this destruction, also documented by written evidence, has never been of interest of the State Prosecutor’s office.

For a choice of the most significant written evidence submitted to the Court and the Prosecutor's office, please see http://www.prelevic.com/deportation_written_evidence.htm. We will also gladly provide a certified English translation of this evidence upon request.

Among the evidence submitted is the response of the Ministry of Interior to the letter directed to then Prime Minister, Mr. Milo Djukanovic, which includes the following statement: "Your husband, Titoric Alenko, from Novo Sarajevo, has been arrested on 26 May 1992 in Herceg-Novi together with another 34 persons ... on the same day **he was surrendered to the military police of the TO (Territorial Defence) headquarters in Bratunac, where he was supposed to join a group of Muslims set for exchange for apprehended Serb territorial fighters.**" This is a confession and a definition of a criminal act War Crime against Civilian Population, prescribed both in the then and now valid national criminal law.

Please see the original letter at www.prelevic.com/Documents/Pismo-D-Stupar-Titoric.doc.

The so-called criminal investigation, the Prosecutor's Office of the Republic of Montenegro has initiated under pressure from the victims and domestic civil society only 14 years after the crime was committed and two days before the first hearing for redress before the civil Court in Podgorica. The purpose of this initiation was to serve as an argument for abortion of all civil procedures for damages against the State, until individual criminal convictions of police officers are achieved. The High Court in Podgorica turned down all such requests. Ever since, this investigation is used to fool international observers of the implementation of the rule of law in Montenegro, and this has also been attempted at the Round table. The same Prosecutor's Office made the criminal procedure senseless by proposing that 15 dead people, victims of deportation, be heard as witnesses. The witnesses have only started to be summoned after six months of complete inactivity of investigation. Also, in the State such as Montenegro, where people are often detained without a reasonable doubt and convincing reasons of necessity, the State Prosecutor's Office never even suggested detention of the six suspects for this war crime. Moreover, no higher state officials have been included among the suspects.

Following recent public statements of the representatives of the State Prosecutors' Office and seven first instance Court decisions, which have shown incoherent approach to same factual and legal grounds, as well as disrespect for the European standards, on behalf of our clients, 180 members of families of 36 Bosnian Muslim refugees illegally apprehended by Montenegrin police and deported to the hostile Bosnian Serb Army in May 1992, we have decided to appeal to the new Prime Minister of the Republic of Montenegro, Mr. Zeljko Sturanovic, to settle this case and provide redress to the victims in accordance with the principles established by the UN GA Resolution No. 60/147, Basic Principles and Guidelines for Implementation of the Right to Remedy and Reparation for the Victims of the Grave Violation of International Human Rights and Serious Violation of the International Humanitarian Law.

We thank you for your interest in this matter and would very much appreciate any kind of assistance in this regard.

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