

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

Podgorica, 13 December 2006

Subject: Initiative for settlement with respect to the compensation of damages to the victims of the 1992 deportation of Bosnian refugees

Respected Mr. Prime Minister,

We address you aware of the deep democratic and professional commitment You personally and Your Government have for the respect of the principles of humanity and human rights.

As you well know, 36 proceedings were initiated before the Basic Court in Podgorica exactly two years ago for compensation of damages to the victims and the families of the victims of the deportation of Bosnian Muslims to the army of Bosnian Serbs in May 1992. Seven first-instance judgements have so far been passed, six partially adopting and one entirely dismissing the plaintiffs' claims.

In the six judgements, the Republic of Montenegro was found liable for damages caused by the illegal action of its officers, who had without legal grounds deprived of liberty refugees from Bosnia and Herzegovina and handed them over the hostile army in the capacity of prisoners of war. Most of these men were killed immediately after the hand-over. The bodies of many have not been recovered yet and only six survived the horrors of the Foca concentration camp to which they had been deported.

Apart from a clear affirmation of the legal grounds for compensation, these judgements also contain significant flaws, notably:

- Diverse and incoherent interpretations of almost exact cases on serious issues such as awarding material damages, awarding compensation to brothers and sisters, interpretation of the statute of limitations, etc.;

- Rejection of the claims for compensation for the fear suffered by the plaintiffs and for violations of their human rights, filed in accordance with Arts. 2 and 3 of the European Convention on Human Rights and the case-law of the European Court of Human Rights, as well as the International Covenant for Civil and Political Rights and the jurisprudence of the Committee for Human Rights;

- The awards of compensation for pain suffered due to death of kin are not even remotely appropriate when one takes into account the amounts that the same Court awarded to various individuals for the pain they suffered due to defamation, illegal deprivation of liberty, etc.

We believe that the plaintiffs have the right to compensation for the fear they suffered for the lives of their abducted relatives, and, in case of family members who confronted the officers of the Republic of Montenegro in May 1992, the fear they suffered for their own safety, and to compensation for violations of their human rights, i.e. inhuman and degrading treatment they have been subjected to by the Republic of Montenegro for the past 14 years, and to material damages, as nearly all victims of deportation had been their families' breadwinners, in the prime of their lives.

Taking into account that the State Prosecutor, as well as the plaintiffs, appealed the judgements, there is no doubt whatsoever that the appellate procedure and re-trials, which are unavoidable due to the obvious judicial errors made in all the judgements, would only extend the trauma of the damaged families, many of whom live in utmost poverty and may not live long enough to hear the final judgements, as was the case with the mother of Malik Meholjic, the prominent pre-war mayor of Srebrenica, who died this June.

The plaintiffs' hope that the Republic of Montenegro after more than 14 years since this war crime would find the strength to act in line with the principles of humanity and international law and apologise to and compensate the victims, was dashed by the public appearance of the State Prosecutor's Office on 4 December 2006. In addition to exerting inappropriate pressure on the court, the Office expressed not only doubts about the right of the plaintiffs to compensation but the very existence of the crime as well. It asserted that the evidence submitted for the purpose of compensation was „poor“, in spite of the fact that the plaintiffs submitted dozens of official documents, testimonies and expert witness reports.

Please find enclosed the letter the Private Office of the Ministry of Interior of the Republic of Montenegro forwarded on 18 August 1992 to Mrs. Danijela Stupar, the wife of the deported Alenko Titoric, as well as the statement of Narcisa Bosno, daughter of the deported Esad Bosno. The rest of the written evidence regarding this case submitted to the Basic Court in Podgorica and the State Prosecutor's Office has been scanned and is available at: [www.prelevic.com/deportacija\\_pisani\\_dokazi.htm](http://www.prelevic.com/deportacija_pisani_dokazi.htm).

Therefore, taking into account our clients' interests, as well as the interest and ability of the defendant, the Republic of Montenegro, we hereby initiate the achievement of an appropriate settlement in all 36 court cases regarding the 1992 deportation. With respect to the right of the victims to reparations, comprising compensation of damages, an apology and a show of respect to the victims, we hereby invoke United Nations General Assembly Resolution No. 60/147, of 14 December 2005, notably Chapter IX, appended to this letter.

We stand at your disposal to further discuss this matter.

With respect,

The representative of the victims of  
deportation and the families of the victims

---

**Radomir Prelević, Ph.D,**  
Attorney at Law