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## RESPONSE TO THE VIEWS OF THE ASSOCIATION OF VETERANS OF WARS 1990

1. We believe that a reaction of the Association of Veterans of the Wars of 1990 against our initiative to use the Treaty on Extradition between Montenegro and Croatia, to allow the extradition of its own nationals responsible for war crimes, alongside of accused of organized crime and corruption, is constructive. It encourages further discussion on this important topic, which the state officials, unfortunately, decided to keep quiet about.
2. We appreciate the concern of the organization which brings together also the participants of the war in the territory of Croatia, so that "in the situation in which the Croatian side still refuses to confront its own responsibility for the events of the war and ignores the existence of war crimes committed by its armed forces over the citizens of Montenegro, the acceptance of initiative would be reduced to one-sided extradition of Montenegrin citizens to Croatia ", which is a concern we do not share, due to following reasons:
  - We do not accept the argument of reciprocity on the basis of nationality regarding the prosecution of those responsible for war crimes, and consider it contrary to the idea of justice, rule of law and equal human rights for all people, especially the victims. From our work so far, it is obvious that we primarily advocate for the prosecution of crimes committed in our name, by nationals of the countries in which we operate, and then all the other criminals too, so that all victims regardless of their nationality, can achieve justice. In other words, we cannot be led to justice for victims by insisting on the balance between the number of perpetrators among the citizens of our countries.
  - As for the claims regarding the refusal of the Croatian side to face responsibility for crimes against Montenegrin citizens, with no intention to prejudice the possible revelation of other such crimes, we assume that the Association of Veterans of wars 1990 has in mind a crime in the Military Research Centre "Lora" in Split, for which they have only in their early public appearances claimed that includes the crime against impaired citizens of Montenegro which still has not been processed in Croatia. We consider too harsh the stance that Croatia is unwilling to prosecute crimes against Montenegrin citizens, given that it has already legally completed two trials for the same crimes in the "Lora" towards (mostly) Serbian citizens, and that the third such procedure is in preparation and it also would need to include crimes against Montenegrin citizens. What we can do together is to investigate whether the Croatian State Prosecution has received information

about crimes in Lora against Montenegrin citizens and whether they will be included by the new procedure.

THIS IS A LONGER VERSION OF THE SAME INFORMATION

In order to fully inform the public, we remind that the County Court in Split has completed the repeated first-instance process against eight accused members of the Military Police of the Croatian army, for war crimes against civilians in the Military Research Centre *Lora*. First-instance trial conviction to imprisonment of 6-8 years was adopted on 2<sup>nd</sup> May of 2006 and became final on 6<sup>th</sup> February of 2007. On 29<sup>th</sup> December 2009 a retrial against Josip Bikić has been conducted, earlier legally convicted in absentia to 6 years in prison. The retrial sentenced him to a term of 4 years. The judgment includes crimes against murdered Nenad Knežević and Gojko Bulović, and tortured victims Mirko Šuško, Lazo Ostojić, Branko Borojević, Tomo Krivić, Rade Krivić, Uglješa Bulović, Dusan Galić, Jovan Prkut, Milosava Katalina and Đorđe Katić.

The second trial in the County Court in Split is in preparation, but the indictment still haven't been made publicly available. We assume that the proceedings will be conducted for **War crimes against prisoners of war**. We do not know whether it will include killed and/or tortured citizens of Montenegro. It should definitely be examined whether such a criminal complaint was filed to the Supreme State Prosecutor of Montenegro also for those impaired, and whether the information was forwarded to the Croatian State Prosecution through regional cooperation.

3. As far as legitimate question of the "numerous Croatian indictment towards the soldiers of the former JNA, which, due to being unfounded, were also a subject of criticism of the EU Member States", we indicate the fact that existing agreements on extradition enable the requested State not to extradite the person for whom the evidence has not been delivered regarding the existence of a reasonable doubt that he/she has committed a criminal offense which he/she is charged with. Thereby the treaties on extradition of accused for war crimes would, in fact, make it possible to examine the indictment, terminate the uncertainty and enable Montenegro to look for evidence which actually exist for them. We draw attention to the late but significant opportunity for renewal of proceedings which were made final decisions in the absence, also in the case when the convicted is not available to the Croatian judiciary. Since 1<sup>st</sup> January 2010 even in those cases, retrials can be initiated by the State Prosecution of Republic of Croatia, or by convicted in absentia themselves. It is also important that with the effect from 15<sup>th</sup> July 2010, an insight into the lists of persons convicted in Croatia and Serbia, as well as indicted or under investigation for war crimes, is provided. The lists are available in the Ministry of Justice of the Republic of Croatia and in the Ministry of Justice of the Republic of Srpska.
4. Finally, we consider it an alarming fact, which was indicated to by the Minister Radović, that neither Montenegro nor Croatia or Serbia have not even negotiated about the possibility that in addition to the organized crime and corruption, also war crimes, as the most severe types of offenses are included in the agreements on extradition of nationals, as it already indicates to existence of a problem which is unethically being ignored.

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