

GOVERNMENT OF MONTENEGRO

Mr. Igor Lukšić, Prime Minister

Mr. Ivan Brajović, Minister of the Interior Affairs

Mr. Professor, Branislav Mićunović, Minister of Culture

MUNICIPAL ASSEMBLY OF HERCEG NOVI

Mr. Dejan Mandić, President of the Municipality

Podgorica, 26.05.2011.

Subject: Initiative to build a memorial to the victims of the deportation of refugees in 1992 in Herceg Novi

Dear Sirs,

In May and June 1992, at least 66 refugees of Bosniak nationality from Bosnia and Herzegovina were illegally arrested at the territory of Montenegro, and later on delivered to them hostile army of the Bosnian Serbs in Bosnia and Herzegovina. Only 12 persons deported from Montenegro managed to survive torture in concentration camps.

Refugees deprived of their liberty, by rule, were brought into the security centre of Herceg Novi, which served as a collection centre, from where they were transported on 25 May by buses to the concentration camp in Foča¹ or on 27 May at an undetermined location in eastern Bosnia, where all were killed. Remains of all victims have not been found yet.

Last year, on 27 May, non-governmental organisations have marked the eighteenth anniversary of this war crime by memorial rally held in front of the Security Centre of Herceg-Novi. Organizers of the event, together with representatives of associations of families of deportation victims, repeated initiative to declare in Montenegro Day of Remembrance for the Victims of deportation and to build a memorial to the victims of the deportation in the courtyard of the building of the Police Regional Unit of Herceg-Novi.

This year, we remind you also in written form on the nineteenth anniversary of the innocent victims and appeal on you to seriously consider the initiative to build a memorial, which would contribute that victims are not forgotten as well as serve as a warning to future generations.

This initiative is based on the facts as follows:

¹ This fact, in addition to the Basic Court in Podgorica, was legally established by the Hague Tribunal in its judgment in case no. IT-97-25-T, Prosecutor v. Krnojelac

By the Resolution of the General Assembly of United Nations 60/147, entitled as "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law", Chapter IX, point 22, provides that reparations for victims include measures of satisfaction, including the "commemoration and tributes to the victims. "

The Government of Montenegro adopted on 25 December 2008 decision on court settlement with victims' families and survivors of the deportations in 1992. In this way, Montenegro accepted the fact that the crime occurred and that the victims were real. The fact that judiciary has still to establish individual criminal responsibility for the crime does not impact the commemoration for the victims which are indisputable. Families of the victims have highlighted the importance which this monument would have for them, given the fact that most of the bodies, especially people deported and killed on 27 May 1992 on the territory of the Republic of Srpska in B&H, have not been found and buried yet.

Law on Memorials (*Official Gazette of Montenegro 40/2008*), Article 1 prescribes that memorials permanently mark significant events, cherish human ideals and give homage to the freedom fighters, civilian victims of war and massive human sufferings. It is an undeniable fact that all the victims deported in 1992 were civilians, with which agrees even the Government of Montenegro. The said law in Article 14, paragraph 1, stipulates that memorial construction or placement of a memorial can be done by Montenegro, municipality, local community, religious community and other legal entity. Competence of the municipal assembly to decide on building the monument is specified by Article 14 of the Law, by which the memorial can not be build without a decision of municipal assembly adopted in line with the programme of building memorials based on prior approval of the Ministry of Culture, Youth and Sports.

Resolution of the UN General Assembly 60/147 as a security measure against repeated violations of international humanitarian law and human rights, stipulates "continuous education on human rights and international humanitarian law for all sectors of society, training of the officials in the judiciary, as well as within military and police forces. "

Monument for victims of action that was conducted mostly in May 1992 by the Ministry of Interior Affairs of the Republic of Montenegro, in front of the security centre of Herceg Novi, would serve also as a permanent warning for new generations of law enforcement officers that are obliged to refuse to execute the orders which as a consequence has war crime or other violation of human rights. By building of this memorial the state of Montenegro would, in accordance with Resolution of the United Nations, provide a continuous and effective education of the police forces thus becoming role model for countries in the region.

Respectfully Yours,

Tea Gorjanc Prelević, executive director of Human Rights Action

Daliborka Uljarević, executive director of the Centre for Civic Education

Aleksandar Saša Zeković, researcher of human rights violations