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JOINT PRESS RELEASE OF MONTENEGRIN AND CROATIAN HUMAN RIGHTS ORGANIZATIONS: ANIMA, HUMAN RIGHTS ACTION, CENTER FOR CIVIC EDUCATION, MONTENEGRO LAWYERS COMMITTEE FOR HUMAN RIGHTS, DOCUMENTA - CENTER FOR DEALING WITH THE PAST, CIVIC COMMITTEE FOR HUMAN RIGHTS ZAGREB, CENTER FOR PEACE AND NON-VIOLENCE OSIJEK

ON THE ANNOUNCEMENT OF THE AGREEMENT BETWEEN CROATIA AND MONTENEGRO ON EXTRADITION OF OWN CITIZENS WHICH EXCLUDES WAR CRIMES

Podgorica/Zagreb, 15 September 2010

Organizations ANIMA, Human Rights Action, Center for Civic Education, Montenegro Lawyers Committee for Human Rights and *Documenta*, Civic Committee for Human Rights and Centre for Peace, Nonviolence and Human Rights Osijek express their concern about the limited nature of the Agreement on Extradition between Montenegro and Croatia, which does not allow extradition of own citizens accused for war crimes, but solely for acts of organized crime and corruption. The members of these organizations consider this a serious flaw, which could and should be corrected for the following reasons:

1. Misdeeds related to war crimes are generally considered the most serious crimes and non-prosecution of perpetrators of war crimes still burdens many families and entire societies in both countries.
2. Including the option to extradite own citizens on charges of war crimes would be in accordance with the principles of justice and rule of law; this would also be an important contribution to building mutual trust and a significant step towards clearing the events of the past that burden both countries.
3. Potential extradition of own citizens accused of war crimes to another country would be an incentive for more intensive work of domestic judiciary (for example, Montenegro has not yet processed any person for

war crimes committed in the territory of Croatia, especially in connection with the siege of Dubrovnik, nor did the competent state prosecutor's office conduct an effective investigation.)

4. Such a clause in the Agreement would be in line with EU practice. European Arrest Warrant allows the extradition of own citizens to a member state wanted for criminal acts which, according to the severity of the offense and possible sanctions, certainly include war crimes.

Proposal of the above organizations is to include the possibility of extradition of persons accused of war crimes in the Agreement on extradition of defendants between Montenegro and Croatia,

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