

GOVERNMENT OF MONTENEGRO

MINISTRY OF JUSTICE

Mr. Miras Radovic, Minister

Podgorica, 31st August 2010

Subject: new extradition treaty between Montenegro and Serbia

Dear Mr. Radovic,

Non-governmental organizations ANIMA, Human Rights Action, Center for Civic Education and Montenegrin Committee of Lawyers for Human Rights expect that the new extradition treaty between Montenegro and Serbia allow extradition of citizens of States Parties accused of war crimes, and appeal to the Montenegrin Government to unconditionally accept the proposal of the Government of the Republic of Serbia, which was published in this regard, bearing in mind the principles of rule of law and respect for human rights stated in the constitutions of Serbia and Montenegro, as well as the commitment of regional cooperation in the Agreement on Stabilization and Association that Serbia and Montenegro concluded with EU Member States.

Aware that seven people accused of war crimes in Montenegro found refuge from criminal prosecution in Serbia, while the trials for the crimes they were convicted of ended in the first instance (crime in the Morinj camp) or are well in progress (crime of deportation of Muslim refugees and crime in Kaludjerski laz), we believe that it is high time to ensure that all defendants be tried in a state that filed charges first and began the trial. We also remind that those responsible for crimes in Strpci in 1993, probably located in Serbia, are yet to be prosecuted, possibly in Montenegro, given that the local jurisdiction for prosecution of the only defendant in this case has previously been established by the Higher Court in Bijelo Polje.

Montenegro and Serbia are well behind with the prosecution of war crimes committed in the nineties of the last century, while the victims and our societies have the right to experience the epilogue of criminal justice for these most serious crimes. Any delay in the trial represents the avoidance of accountability, mocking the victims and unequal treatment of defendants, some of which are in long-term detention. Countries that respect the rule of law and are on their way to the EU should not support such state.

We also noticed that the Serbian government proposed that the new treaty allow extradition of defendants for crimes punishable by a sentence of over three years in prison, unlike the existing extradition treaty, which included the defendants for the crimes punishable by a sentence of more than one year in prison, as stated in the 1957 European Convention on Extradition of the Council of Europe, ratified by both Montenegro and Serbia, as well as in the European arrest warrant, in force in the EU since 2002. We expect the Montenegrin government to propose that a limit of one year in prison remain in force in the new treaty, in order to timely comply with the EU standards.

Ljupka Kovačević, Coordinator of the Center for Women and Peace Education

Anima

Tea Gorjanc Prelević, Executive Director of Human Rights Action

Daliborka Uljarević, Executive Director of the Center for Civic Education

Velija Murić, President of the Montenegrin Committee for Human Rights