

The Government of the Republic of Croatia, represented by Ivan Milas, Deputy Minister of Defence, and the Armed Forces of the Socialist Federative Republic of Yugoslavia (SFRY), represented by Andrija Rašeta, Lieutenant General, having expressed their positions, have concluded the following

AGREEMENT

On the exchange of prisoners, or persons deprived of their liberty, in armed conflicts in the Republic of Croatia or in connection with these clashes, in accordance with the following:

1. Both sides concur that they will exchange all prisoners or persons deprived of their liberty on the principles of all for all;
2. The term “prisoner” shall be held to include all persons deprived of their liberty who are in prisoner, detention facilities or prison camps, regardless of whether criminal or any other proceedings have been initiated against them, indictments issued or a final judgement or first-instance delivered, regardless of the territory in which they are located or the place they were taken prisoner, deprived of freedom, suffered restrictions on movement, or were held hostage;
3. Each side will hand over to the other a list of all prisoners, with details of the place where the prisoners are detained, and both sides will provide a representative of the International Committee of the Red Cross (ICRC) with copies of these lists;
4. The signatories of this agreement agree that the exchange of prisoners will take place immediately after the International Committee of the Red Cross (ICRC) has registered and visited the prisoners in accordance with the special criteria of the ICRC;
5. The signatories of the agreement shall accept the list of prisoners registered by the ICRC as authoritative;
6. The signatories of the agreement agree that no prisoner will be returned against his or her will, and that every prisoner will be given the opportunity to declare his or her will to a representative of the ICRC;
7. The signatories of the agreement undertake not to exercise any kind of pressure on prisoners with regard to persuading them to reject or accept their return;
8. The signatories of the agreement formally undertake not to exercise any kind of repression against prisoners who refuse to return, or against their families;
9. The signatories of the agreement agree that the exchange of prisoners will also be conducted in the presence of European Community observers;
10. The signatories of the agreement agree that they will commence the exchange of prisoner lists immediately, and will appoint persons authorised to conduct the exchange, within a period of two days from the signing of the agreement;
11. The signatories undertake to place all prisoners under the protection of the International Committee of the Red Cross (ICRC) immediately, and to abide by the requirements and standards of the International Red Cross in all respects regarding the treatment and accommodation of prisoners;
12. The persons authorised under item 10 of this agreement will provide a detailed description of any unclear issues that may present themselves during the implementation of the agreement.

13. In the event of a dispute regarding the interpretation and application of this agreement the decision of the International Committee of the Red Cross (ICRC) shall be final.

At Zagreb

6 November 1991

Deputy Minister of Defence of the RH (Republic of Croatia): Ivan Milas

Plenipotentiary of the OS (Armed Forces) of the SFRY: Lieutenant General Andrija Raseta

Ambassador Dirk-Jan Van Houten