



## **It is almost three decades since the war crime "Klapuh" near Mratinja in Plužine**

### **JUSTICE ON STAND-BY**

#### **Five people were collectively sentenced to more than 80 years in prison and 25 years later no one even reached prison**

Justice is slow, and for the Klapuh family from Foča, who were brutally killed almost three decades ago, it seems unattainable. In July this year, it will be 29 years since four members of the Army of the Republika Srpska, the "Dragan Nikolić" detachment, Janko Janjić, Radomir Kovač, Zoran Simović and Zoran Vuković brutally killed the Klapuh family. None of them, however, was held accountable for this crime despite being sentenced to 20 years in prison, 25 years ago. Only Vidoje Golubić, an aide from Montenegro, served a sentence of eight months in prison for failing to report the crime.

Hasan Klapuh, an economist by profession, once the vice president of the Municipality of Foča, his wife Ferida and daughter Sena, a newly graduated civil engineer, intended to escape the war whirlwind of Bosnia and Herzegovina in 1992. They asked for help from their longtime neighbor Janko Janjić, who promised to transfer them to safety in Montenegro, for a certain amount of money, at that time the only territory not covered by war.

The conducted investigation showed that members of the detachment transported the family through the customs on July 6, 1992, and according to the investigation, took Hasan, Ferida and Sena out of the vehicle near the Mratinja dam and stopped at the "Obrada Cicmila" bridge. They first shot Hasan in the back of the head, then shot Ferida and Sena and pushed them down the cliff. An autopsy showed that Ferida and Sena died a few hours after they were shot.

The Montenegrin police, in cooperation with the customs officers, learned the names of the killers who crossed the border together with the Klapuh family. A month later, Vidoje Golubić was arrested when he came to Plužine to visit his wife and child. His arrest and testimony were followed by a trial. The Criminal Chamber of the High Court in Podgorica, presided over by Judge Milić Medjedović, sentenced Zoran Vuković, Janko Janjić, Radomir Kovač and Zoran

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Simović to 20 years in prison in the absence. Vidoje Golubić was sentenced to eight months in prison "for failing to report a crime".

Although the indictment charged all five with committing the criminal act of war crimes against civilians, the court convicted them of the crime of murder motivated by gain.

Three years later, following an appeal by the Prosecution, the Criminal Chamber, presided over by Stevan Damjanovic, reversed the first-instance verdict in 1996, arguing that "for defining a war crime, it is not important whether it took place in a war-torn territory but it had to do with war".

Montenegro thus received the first court verdict for war crimes. At the same time, it was the first verdict of its kind in the former SFRY.

This fact was very important for Montenegro, according to the executive director of the NGO "Action for Human Rights" (HRA), Tea Gorjanc Prelevic, who has been advocating for shedding the light on war crimes for years.

"Yes, indeed, this is the first verdict and a good verdict, in terms of the application of the law in accordance with international humanitarian law, in which the Supreme Court confirmed that it was a war crime because of its connection to the armed conflict in Bosnia and Herzegovina. It is certainly unacceptable that the verdict was executed only in relation to one helper in the murder of the Klapuh family and none of the other perpetrators", says Gorjanc Prelević.

Due to the committed crime, Vidoje Golubović was the only one present at the trial, the others were tried in absentia because they were on the run. One of the perpetrators of the heinous crime, Zoran Vukovic, was arrested in January 2016 in Serbia. However, his extradition to Montenegro has not yet taken place, despite a request from the Montenegrin authorities. The extradition procedure has been going on for four years and has not been completed yet, although, as Gorjanc Prelević herself explains, such procedures are completed relatively quickly.

We did not receive answers to these questions from the Ministry of Justice of Montenegro and neighboring Serbia. We received feedback only from the Police Directorate, when asked if an Interpol warrant has been issued for these persons and what their current status is.

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Thus, the Police Administration confirmed the information that five years ago, the Serbian police arrested Zoran Vukovic and that the judge of the Special Court in Belgrade ordered his extradition detention.

We have been informed by the Ministry of Justice of Montenegro that they have sent a request for the extradition of the person in question, but they do not have any feedback from the Republic of Serbia. The Department for International Operational Police Cooperation INTERPOL-EUROPOL-SIRENE, failed to receive any feedback from the competent authorities of the Republic of Serbia and the NCB Interpol Belgrade, regarding the status of this person and despite several urgencies, up to date the person has not been extradited to Montenegro.", states the Police Administration.

Back in January 2017, the HRA sent a letter to the then Minister of Justice and Deputy Prime Minister Zoran Pažin, informing him that one of the convicted perpetrators, Radomir Kovač, was at large in Bosnia and Herzegovina.

The HRA says that they do not even know if anything had been done to find Zoran Simović and to implement the verdict in relation to him.

"All in all, it seems that the state authorities of Montenegro do not take seriously the need to execute a court verdict for such a serious crime, which is very worrying and reflects the unfavourable attitude towards the requirements of transitional justice, which is one of the priority conditions for the European Commission in the process of joining ", states the HRA.

Based on the Interepol warrant, the Montenegrin police only have information that Zoran Simović and Radomir Kovač, who are citizens of Bosnia and Herzegovina, have registered residence on the territory of that country.

Given that the Extradition Treaty between Montenegro and Bosnia and Herzegovina stipulates that the extradition of own nationals for criminal offenses is allowed only for criminal offenses committed after the signing of this treaty, these persons could not be deprived of their liberty in Bosnia and Herzegovina and extradited to Montenegro. based on the provisions of this Agreement - the Police Directorate states.

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"I expected Minister Pazin to submit the case with evidence and a final verdict to the authorities of Bosnia and Herzegovina so that Kovac could be tried there again, because the extradition agreement between Montenegro and BiH, which was subsequently concluded, does not allow Montenegro to request his extradition. I never received an answer to that letter and I don't know what the minister did on that occasion, that is, if he did anything. We will now address a letter to the new Minister Vladimir Leposavic and we will try to find out", says Gorjanc Prelevic.

We also sent questions to the Ministry of Justice about what the state of Montenegro has been doing to bring the perpetrators of this crime to justice, but we have not received an answer.

By the way, Radomir Kovac, Zoran Vukovic and Janko Janjic were accused by the Hague Tribunal of direct participation in the military attack on Foca and several surrounding villages, arrest and killing of Muslim civilians, torture and rape of women. In the end of 1999, members of the special forces of NATO units arrested Kovac and Vukovic. Ten months later, Janko Janjic, fleeing from the police, killed himself by activating a hand grenade. The Hague tribunal sentenced Radomir Kovac to 20 years in prison, and he is still serving his sentence in Norway. Zoran Vukovic was sentenced to 12 years. He also served his sentence in Norway and was released after serving two-thirds of his sentence. When he returned to Bosnia and Herzegovina, all trace of him was lost. Zoran Simović remained inaccessible even to the western intelligence services, and today the location of his whereabouts is unknown.

Gorjanc Prelevic has no doubt that it is necessary for every state in the post-Yugoslav area to administer criminal justice and provide reparations for the victims of all war crimes.

"These are the basic demands of transitional justice. States and their societies must confront crimes committed on their behalf and establish responsibility. It remains a difficult legacy that produces reasons for new hostilities and new victims, while on the other hand it shows that the state still does not have institutions capable of achieving justice. Montenegro does not have as many crimes to prosecute as other countries in the region, and it could have prosecuted everything in an adequate way so far, if there had been the will for that ", concludes Gorjanc Prelević.

Hasan, Ferida and Sena Klapuh were buried in a temporary cemetery near Trebjesa, near a pine forest, where those who have no one from the family are buried. They were buried by the

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municipality of Nikšić. Hasan's son Ferid, the only surviving member of the family, who was not with his parents and sister on that fateful day, came to Montenegro on several occasions, with the intention of transferring his family's bodies to Bosnia and Herzegovina. According to available information, in 2016, Ferid managed to move the remains of his loved ones and bury them in Bosnia and Herzegovina.

However, Ferid and the Klapuh family, have been waiting for justice to arrive for almost three decades.

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