Country/entity	Croatia Yugoslavia (former)
Region	Europe and Eurasia
Agreement name	Prisoner Exchange Agreement
Date	6 Nov 1991
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Balkan Conflicts (1991 - 1995) (1998 - 2001)

Former Yugoslavia

The disintegration of former Yugoslavia post cold war saw conflicts which became mediated and produced peace agreements in Slovenia (where the brief independence conflict was mediated by the EC Troika in 1991), Croatia (between Croatian and Serb populations 1991-1995), in Bosnia (between Croatian, Serb and Bosniak populations 1992-1995), in Macedonia (where mediation played a key pre-emptive role in preventing large scale conflict in 2001), in Kosovo (between Kosovar Albanians and Serbian population and the Federal Republic of Yugoslavia (FRY), but also between FRY and NATO, 1998-1999), and a conflict in the Presevo Valley (between Albanians in South Serbia and FRY, 2000-2001). The continued fall-out of the disintegration of former Yugoslavia also saw mediated agreement and ultimate dissolution of the Union between Serbia and Montenegro.

Bosnia-Herzegovina

In 1991, after nationalist parties won the first multi-party elections in the Socialist Federal Republic of Yugoslavia, a violent process of disintegration commenced. With its mixed population, Bosnia-Herzegovina became the centre of the following civil war that began in 1992 between the newly formed army of the Republic of Bosnia and Herzegovina (mostly Muslim Bosniacs), and the parastatal forces of self-declared Bosnian Croat (Herzeg-Bosnia) and Bosnian Serb (Republika Srpska) entities within Bosnia-Herzegovina, supported by Croatia and Serbia, with various, often short-lived, coalitions. The General Framework Agreement (Dayton Peace Agreement), signed in 1995, split the country into two ethno-federal entities, the Bosniak-Croat Federation and the Republika Srpska, and included continued peacekeeping and institutional administration by international actors.

Kosovo

The conflict between Serbs and Kosovar Albanians has a long history and always involved territorial disputes as well as ethno-political, cultural and linguistic factors. The most recent phase of the conflict began in November 1997 when the Albanian Kosovo Liberation Army (KLA or UCK) began their campaign for the independence of Kosovo from the Federal Republic of Yugoslavia (FRY – then Serbia and Montenegro). The subsequent war lasted until the NATO intervention, which undertook bombing campaigns of Belgrade and other places in Serbia during spring 1999. The main agreements solving the conflict were internationally driven and, finally, a UNSC resolution imposed a post-conflict arrangement in the wake of what was essentially a NATO military victory. In February 2008, Kosovo's parliament declared independence, but independence is still internationally disputed.
Close
Balkan Conflicts (1991 - 1995) (1998 - 2001)

Stage Pre-negotiation/process

Conflict nature	Government/territory
Peace process	Croatia negotiation process
Parties	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
Third parties	Ambassador Dirk-Jan Van Houten
Description	This agreement provides for a mutual prisoner exchange, facilitated by the International Committee of the Red Cross and in the presence of European Community observers.

Agreement document	HR_911106_Prisoner Release Agreement.pdf (opens in new tab) | Download PDF

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 1, 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;

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)	No specific mention.
Elections	No specific mention.

Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	Page 1, 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; Page 1, 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; Page 1, 5. The signatories of the agreement shall accept the list of prisoners registered by the ICRC as authoritative; Page 1, 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; Page 1, 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; Page 1, 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.
Traditional/ religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.

DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.

Prisoner release

Page 1,
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...

Page 1, 1.
Both sides concur that they will exchange all prisoners or persons deprived of their liberty on the principles of all for all;

Page 1, 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;

Page 1, 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;

Page 1, 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;

Page 1, 5.
The signatories of the agreement shall accept the list of prisoners registered by the ICRC as authoritative;

Page 1, 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;

Page 1, 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;

Page 1, 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;

Page 1, 9.
The signatories of the agreement agree that the exchange of prisoners will also be conducted in the presence of European Community observers;

Page 1, 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;

Page 1, 11.
The signatories undertake to place all prisoners under the protection of the International

Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	Ambassador Dirk-Jan Van Houten
Referendum for agreement	No specific mention.
International mission/force/ similar	Page 1, 9. The signatories of the agreement agree that the exchange of prisoners will also be conducted in the presence of European Community observers;
Enforcement mechanism	No specific mention.
