

Annex No 3.

UNOFFICIAL TRANSLATION

The Government of the Republic of Croatia, represented by Ivan Milas, Deputy Minister of Defence, and the armed forces of the SFR of Yugoslavia, represented by Major-General Andrija Raseta, after harmonizing their positions have reached the following

AGREEMENT

on the exchange of prisoners, that is, persons deprived of their freedom during armed hostilities in the Republic of Croatia or in connection with those hostilities, as follows:

1. The two parties jointly declare that they will exchange all prisoners, that is, persons deprived of their freedom, in accordance with the "all-for-all" principle.
2. The term prisoner comprises all persons deprived of their freedom who are currently in prison, in detention or in prison camps, regardless of whether criminal or other proceedings have been instituted against them, charges brought or an enforceable or unenforceable sentence pronounced, and regardless of the territory on which they are or of the places in which they were captured, arrested, restricted in their movements or held hostage.
3. Each side will hand over to the other a list of all prisoners, with precise indications as to the places where they are being held, and both sides will hand over copies of those lists also to the representative of the International Committee of the Red Cross (ICRC).
4. The signatories hereto agree to carry out the exchange of prisoners immediately after the International Committee of the Red Cross (ICRC) has registered and

- visited the prisoners in accordance with the ICRC's specific criteria.
5. The signatories hereto will accept as authoritative the list of prisoners registered by the ICRC.
 6. The signatories hereto agree that no prisoner may be returned against his will and that each prisoner will be allowed to state his wishes freely to the ICRC representative.
 7. The signatories to the agreement undertake not to put pressure of any kind on the prisoners as regards persuading them to reject or accept their return.
 8. The signatories to the agreement solemnly undertake not to take any reprisals against prisoners who refuse to return or against their families.
 9. The signatories also agree to carry out the exchange of prisoners in the presence of EC observers.
 10. The signatories to the agreement will start the exchange of the lists of prisoners immediately, and within two days of the signing of this agreement will appoint persons authorized to carry out the exchange.
 11. The signatories undertake to place all prisoners immediately under the protection of the International Committee of the Red Cross (ICRC) and, as regards the treatment and housing of prisoners, to defer in all respects to the requirements and standards of the International Red Cross.
 12. The authorized persons mentioned in point 10 of this agreement will clarify any questions that might arise in the implementation of the agreement.
 13. In the event of disputes concerning the interpretation and application of the present Agreement, the Interna-

tional Committee of the Red Cross (ICRC) shall be competent.

Zagreb, 6 November 1991

DEPUTY DEFENCE
MINISTER OF
THE REPUBLIC
OF CROATIA
Ivan Milas

PLENIPOTENTIARY
REPRESENTATIVE
OF THE ARMED FORCES
OF THE SFRY
Major-General
Andrija Raseta

AMBASSADOR
Dirk-Jan Van Houten