

A G R E E M E N T
BETWEEN
THE GOVERNMENT OF THE SLOVAK REPUBLIC
AND
THE GOVERNEMENT OF THE MONTENEGRO
ON PROTECTION AND MAINTENANCE OF WAR GRAVES
AND WAR MEMORIALS

The Government of the Slovak Republic

and

the Government of the Montenegro

(hereinafter referred to as "the Contracting Parties")

taking into account the existence of war graves in the territory of the Contracting Parties where the remains of Slovak and Montenegrin war victims are buried,

wishing to honour their memory and ensure a dignified final resting place for them,

being guided by the principles of humanity and the provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims and the Protocols Additional thereto of 8 June 1977, as well as other norms of international humanitarian law,

have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement, the following definitions shall apply:

- 1) “war grave” means the place where the remains of a war victim are buried, as well as a gravestone, a memorial, a symbol of reverence or a place of remembrance commemorating a war event, including individual graves and mass graves;
- 2) “Slovak war victim” means:
 - a) a member of the Armed Forces of Austria-Hungary who was a citizen of Austria-Hungary with permanent residence in the territory of the present-day Slovak Republic, and who died during World War I or as a result thereof and was buried in the territory of the present-day Montenegro,
 - b) a member of the Armed Forces of the Czechoslovak Republic who was a citizen of the Czechoslovak Republic with permanent residence in the territory of the present-day Slovak Republic, and a member of the Armed Forces of the Slovak State or the Slovak Republic who was a citizen of the Slovak State or the Slovak Republic with permanent residence in the territory of the present-day Slovak Republic, who died during World War II or as a result thereof and was buried in the territory of the present-day Montenegro,
 - c) a prisoner of war or a civilian who was a citizen of the states referred to in points (a) and (b) of this paragraph with permanent residence in the territory of the present-day Slovak Republic, who died during the First or Second World War or as a result of these events and was buried in the territory of present-day Montenegro,
- 3) “Montenegrin war victim” means
 - a) a member of the Armed Forces of the Kingdom of Montenegro, a member of the regular armed forces originating from Montenegro - recognized as such in Montenegro, all other persons who, under Montenegrin law, would have the same status as the persons who died during the war or as a result war events and were buried in the territory of the present-day Slovak Republic,
 - b) a person from Montenegro who had permanent residence in Montenegro during the war events from 1914 to 1918 and from 1941 to 1945, a member of the Armed Forces of Montenegro or a person fighting on behalf of Montenegro on the side of the Allied Powers – the victors of the First and the Second World War, i.e. members of the National Liberation Army and Partisan Units of Yugoslavia, including volunteers who died during the war or as a result of war events and were buried in the territory of the present-day Slovak Republic,
 - c) a member of the armed forces of allied nations of which the Kingdom of Montenegro was a member during World War I and/or World War II, with permanent residence in the territory of Montenegro, who died during the war or later as a result of war events and was buried in the territory of the Slovak Republic,
 - d) a citizen of a state referred to in points (a), (b) and (c) of this paragraph with permanent residence in the territory of Montenegro who was a prisoner of war or a civilian whose death was the result of their participation in the war or who died in

captivity/internment camps during World War I and/or World War II or later as a result of these events and was buried in the territory of the Slovak Republic

4) “arrangement of war graves” means the marking of the borders of a burial site and the placement of a gravestone, memorial, monument or other commemorative object, or their renovation;

5) “maintenance of war graves” means keeping war graves in a dignified and recognizable condition

Article 2

Competent authorities

1) The competent authorities responsible for the implementation of this Agreement shall be:

a) in the Slovak Republic:

– The Ministry of Interior of the Slovak Republic,

b) in the Montenegro:

– The Ministry of Defence of the Montenegro.

2) The competent authorities responsible for implementing this Agreement may conclude protocols and other documents necessary for the implementation of this Agreement.

3) The competent authorities of the Contracting Parties may entrust the implementation of specific parts of this Agreement to a third party in accordance with the provisions of this Agreement.

Article 3

Forms and scope of cooperation

1) The Contracting Parties shall carry out mutual identification and record-keeping of war graves in the territory of their States and ensure the arrangement, maintenance and respectful treatment thereof. When arranging and maintaining war graves, the Contracting Parties shall proceed in accordance with the national legislation of their respective States and shall respect the national, religious and other traditions of their States.

2) The Contracting Parties shall exchange:

a) information on the location and condition of Slovak and Montenegrin war graves and on newly discovered Slovak and Montenegrin war graves;

b) lists of Slovak and Montenegrin war victims;

c) information on serious damages to Slovak and Montenegrin war graves and on measures taken to remedy them.

3) The Contracting Parties shall, in accordance with the national legislation of their respective States, secure each other access to war graves for the purpose of their arrangement and maintenance.

4) The Contracting Parties shall, in accordance with the national legislation of their respective States, enable nationals of the other Contracting Party, members of the diplomatic corps and registered civil associations of the State to gain access to war graves for the purpose of paying their respects to the war victims buried there.

5) The Contracting Parties may, with the written consent of the other Contracting Party, temporarily bring into the territory of the other Contracting Party means of transport, equipment and supplies for the purpose of carrying out work related to the arrangement and maintenance of war graves in accordance with this Agreement and their national legislation.

Article 4

Use of land

1) The Contracting Parties shall, on the basis of the principle of reciprocity, ensure the free-of-charge use of land on which war graves are located. This right shall cease if the land is no longer used for the specified purpose.

2) If, on the grounds of public interest, a Contracting Party needs to use the plot of land referred to in paragraph 1 for a different purpose, as a result of which the war grave would have to be modified or relocated, it shall provide the other Contracting Party with another suitable plot of land and shall bear all the costs associated therewith. The location of the new land shall be determined only with the consent of the other Contracting Party. The ownership rights to the land referred to in paragraph 1 shall not be affected by this Agreement.

3) The Contracting Parties have agreed that no structures or installations which are incompatible with the dignified character of war graves shall be erected in their immediate vicinity.

Article 5

Exhumation, transport and reinterment

1) The exhumation of the remains of war victims and their transfer to the State of the other Contracting Party for the purpose of reinterment shall be carried out solely at the request of the Contracting Party concerned and with the consent of the Contracting Party in whose territory the remains of the war victim are located. The request and the corresponding reply shall be sent through diplomatic channels.

2) If the request under paragraph 1 is granted, the authorities responsible for implementing this Agreement shall settle on the course of action with regard to the exhumation, transfer and reinterment or return of the remains.

3) Exhumation, transfer and reinterment referred to in paragraph 1 shall be carried out by the competent authorities of the Contracting Parties. Representatives of the other Contracting Party may be present at the exhumation and reinterment.

4) A written record shall be made of each reinterment, containing information on the previous and new location of the war grave and the personal data of the war victims buried in these war graves.

Article 6

Special circumstances

1) If, during the building of infrastructure, urban planning, or any other work, one of the Contracting Parties discovers the remains of war victims of the other Contracting Party, it shall immediately inform the other Contracting Party and allow for the exhumation and transfer of the remains in accordance with the provisions of this Agreement.

2) If the exhumation of the remains of war victims cannot be carried out due to the existing infrastructure, the Contracting Party on whose territory the war grave is located may, at the request of the other Contracting Party, approve the placement of a dignified memorial adapted to the environment in which it shall be located in accordance with the provisions of this Agreement.

Article 7

Costs

1) Each Contracting Party shall bear the costs of the arrangement and maintenance of war graves located in the territory of its State.

2) Each Contracting Party may, at its own expense, carry out the arrangement and maintenance of its war graves located in the territory of the State of the other Contracting Party.

3) The costs incurred for carrying out the works referred to in this Agreement shall be borne by the requesting Contracting Party.

4) The competent authorities of the Contracting Parties may, on a case-by-case basis, arrange in writing for a different cost settlement method.

Article 8

Customs matters

1) Goods of any kind imported for the purpose of carrying out works under this Agreement in the territory of the State of the other Contracting Party shall be released by the customs authorities under the temporary admission procedure, provided that they are re-exported after the completion of the works.

2) No customs duties or taxes shall be levied on imported goods intended for the creation, maintenance, and arrangement of war graves, provided that a proper customs declaration containing an accurate list of the goods imported is submitted to the customs authorities. The customs declaration must be accompanied by a binding statement issued by the representatives of the competent authorities responsible for the implementation of this Agreement, stating that the goods shall be used solely for the purposes specified in this Agreement.

Article 9

Commission

With a view to resolving issues requiring joint action, the Contracting Parties may establish a joint intergovernmental war graves commission, with the list of its members to be mutually communicated through diplomatic channels.

Article 10

Settlement of disputes

Any disputes arising from the implementation of this Agreement shall be settled by mutual negotiation or through diplomatic channels.

Article 11

Final provisions

- 1) This agreement is concluded for an indefinite period.
- 2) This Agreement shall enter into force on the ninetieth (90th) day after the date of delivery of the later notification by which the Contracting Parties inform each other that their respective internal procedures necessary for the entry into force of this Agreement have been fulfilled.
- 3) Either Contracting Party may amend or supplement the Agreement. Such amendments shall be made in writing in the form of additions, which shall enter into force under the conditions set out in paragraph 2 of this Article.
- 4) Either Contracting Party may temporarily suspend, in whole or in part, the implementation of this Agreement if its sovereignty, security, or public order is violated or threatened. The Contracting Parties shall immediately notify each other through diplomatic channels of the adoption or revocation of such a measure. The suspension of the implementation of this Agreement shall take effect on the date specified in the notification, but no earlier than on the date of receipt of that notification.

5) Either Contracting Party may terminate this Agreement in writing through diplomatic channels. The Agreement shall cease to be in force ninety (90) days after the date of receipt of the notification of termination by the other Contracting Party.

Done in on, in two originals, each in the Slovak language, the Montenegrin language and the English language, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF
THE SLOVAK REPUBLIC**

**FOR THE GOVERNMENT OF
MONTENEGRO**