



III Trimester Report on Human Rights Situation in Montenegro in 2008 September - December

I Background Information

Monitoring of human rights by Youth Initiative for Human Rights in 2008 in Montenegro was focused on observing cases of police torture and politically motivated violence. The Initiative informs the public on its work through every trimester report as it is stipulated by the plan for 2008. This is the third and last report for 2008. The Initiative presented basic information on situation in these fields and cases in those trimester reports, while detailed information is going to be presented in the annual report, which is in preparation and is expected for mid January 2009.

All interested in any of below mentioned cases can directly contact the Initiative's office where updated, systematised and documented registry on all cases is maintained. Anyone in possession of information on cases of torture, politically motivated violence and other cases of violation of human rights is hereby kindly asked to submit their information to the office of the Initiative.

Data from our previous cases are used in annual report of Amnesty International, at UN Committee Against Torture, in recent deliberation in Montenegro as well as by many international organisations.

Monitoring of human rights in Montenegro is conducted by research team consisted of four members supported by the regional office of YIHR and Swedish Helsinki Committee.

II Police Torture

Researchers of Youth Initiative for Human Rights in period of 01 September till 09 December registered ten cases of citizens' complaints against actions of police officers and one incident in Penal Correctional Institute. Number of such cases is lower comparing to two previous monitored and analysed trimesters. In the first trimester we had 14 and in the second 13 cases. Citizens accused the actions of certain police officers in seven cases of this trimester stating they had suffered torture i.e. physical abuse and in three cases degrading treatment. Accusation for the incident in ZIKS refers to physical abuse.

Protector of Human Rights and Freedoms Mr. Šefko Crnovršanin on 8/12/2008 stated that violation of human rights was still present in individual cases and that in his office they had received 14 complaints on the work of the police.

This period was characterised by hostile and violent behaviour of citizens towards police officers. The number of police officers injured in the line of duty in this quarter according to the Initiative's records is 26.

Torture is prohibited by numerous international and local legal acts. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. According to international document "prohibition of abuse" cannot be invoked whether a state of war or a threat of war, internal political instability or any other public emergency. The state has two types of obligations regarding the torture. First are the negative ones, to withhold any type torture, and other positive ones – to impose prompt, thorough and efficient inquiry leading to prosecution and sanctions of the individuals and to be prevention at the same time. In case the State fails to conduct emergent and efficient inquiry, general prohibition of torture in practice would become pointless and inefficient. Convention Against Torture explicitly stipulates obligation of the State to conduct emergent and efficient inquiry leading to prosecution and sanctions of the individuals who committed the acts of torture.

Short description of cases for the period of September to 10th of December

03/09/2008

Mirko Žurić from Kolašin reported incident where he claimed he was beaten by the police officers Vlahović Radovan, Šćepanović Radovan and Drašković Predrag from Police Station Kolašin in order to extort confession on his addiction (narcotics) and him to admit he had sold narcotics to B.S. which later on caused his death.

Subsequently, Žurić asked for medical assistance from Health Centre in Kolašin where medical exam report on his injuries was compiled.

Internal Control of the police assessed complaints of Radmila Žurić, Mirko's mother, submitted on 3/9/2008 after the procedure, as non-based.

On 04/09/2008 Radmila Žurić lodged complaint to Basic State Prosecutor in Kolašin as well. Proceeding is ongoing.

20/09/2008

Miloš Đurić from Kolašina on 22nd of September addressed the letter to Director of Police Directorate, Ministry of Interior, Government of Montenegro, President of Montenegro and Protector of Human Rights and Freedoms where he complained against illicit and indecent behaviour of police officers form Police Station Kolašin. Namely, on 20th of September five police officers came on property of Đurić in



two vehicles, without any visible reason or court warrant and said to Đurić they had come with verbal order of regional commander of Police Station Kolašin to make available to Elektroprenos to repair power relay since Đurić was in dispute with the Elektroprenos. Then, he was asked to follow them to police premises to give statement. According to Đurić, police officers acted without the warrant and behaved improper.

Internal Control Department after completed inquiry and based on available documentation concluded that in actions of authorised police officers from Police Station Kolašin were no elements necessary for disciplinary or other accountability measures.

21/09/2008

Inhabitants of village Dragovoljića (Nikšić) on 21st of September blocked local road not allowing clergy and followers of Montenegrin Orthodox Church (CPC) to pass to estate of Bojan Bojović and by that preventing laying down corner stone of future cathedral of CPC in Risji do.

Police intervened in that occasion in order to prevent form illicit road blockage and apprehended 65 inhabitants of the village. Detained local population stressed the police officers had used excessive force and announced possible criminal charges against them at competent bodies.

Board on Security and Defence agreed that the police had acted in accordance with the law applying force at the venue as reported by "Vijesti" from 17/10/2008. The member of the board Dobrilo Dedeić expressed his stand saying that the police had exceeded its authorisation and applied excessive force on members of Serbian Orthodox Church.

Improper behaviour of the police officers in this incident was reported by the journalists present at the scene. The journalists emphasised misconduct of one police officer especially, but also complained on destruction of recorded material and confiscation of equipment.

The Initiative is not informed if the journalist pressed the charges against responsible police officers.

Internal Control Department established existence of reasonable suspicion that one police officer had committed severe disciplinary violation when acting in official capacity against the journalists and his immediate manager was instructed to launch disciplinary proceeding.

Otherwise, Internal Control Department's opinion is that other police officers were acting within the legal limits. They have applied physical force on 22 individuals in compliance with the law, as stated in announcement of Police Directorate.

10/10/2008

Miljan Šćepanović, Miljan Nedović, Svetolik Todosijević and Stojan Rubežić claims that police in Kotor has beaten them up after the physical altercation that happened in cafe "San Giovanni", according to daily newspaper "Dan" in text *Group of young men from Grbalj claims police beaten tem up without any reason*, from 12/10/2008.

Internal Control Department after conducting inquiry concluded there were grounds for suspicion that one police officer from Police Station Kotor in his actions against Šćepanović Miljan, Nedović Miljan and Rubežić Stojan, after their detention exceeded his legal authorisation by torturing them, hitting them in head with fists and inflicting injuries. His immediate manager was instructed to launch disciplinary proceeding and records from it to be submitted to Basic State Prosecutor's Office for deliberation if case had grounds for criminal charges against involved police officers, as stated in letter of Police Directorate to the Initiative.

13/10/2008

Nikola Stajović from Podgorica reported an incident that had happened in front of Montenegrin Parliament after demonstrations of opposition against governmental policy to recognise independence of Kosovo. Stajović said to Initiative's researcher that ten or so police officers had beaten him up in front of the



Parliament. As his stated, they had kicked and hit him with fists and batons all over his body. Stajević recently had surgery, a procedure on his testicles and was injured at the same area, so he had to be submitted for the same operation second time.

This case was not reported to Internal Control Department of the police.

Stajović lodged criminal charges against several unknown police officers for inflicting bodily injuries.

16/10/2008

Family Dobrašinović from Berane (Gornje Zaostro) reported an incident happened on 16th of October in front of their family house in Gornje Zaostro. Namely, on that day four officers of regional police unit from Berane acting on a warrant from Basic Court in Berane had to apprehend Vujadin Dobrašinovića for illegal wood cutting.

The Dobrašinovići accused the police officers for not acting in accordance with the law. They stressed that mentioned members of the police did not act in accordance with police ethics and they had threaten their underage children and used fire arms.

Internal Control Department after conducting inquiry on complaint submitted by Dragana Dobrašinović, the wife of Vujadin, concluded there were no grounds for suspicion and that police officers had acted in accordance with the law. The fire arms were used, as responded to the Initiative, after several warnings made by the police officers to Vujadin to stop running away and in that occasion they fired one warring shot in the air.

Sonja Dobrašinović lodged criminal charges against the officers for criminal offence of abuse of official capacity to competent state prosecutor who had asked police to provide additional information.

The police lodged charges against Sonja for doubt of committing criminal offence of obstructing officer of law in official action. The case against Dobrašinović is in process of court's inquiry at Basic Court Berane, as Police Directorate stated.

Actions of Basic State Prosecutor in Berane in charges of the Dobrašinovići against the police are in process.

26/10/2008

In the statement submitted to Initiative's researcher Andrija Lalević from Bijelo Polje reported an incident accusing officer O.B. for beating him in premises of Police Station Podgorica. Namely, Lalević was taken into custody on 26th of October in Police Station on misdemeanour charges of operating motor vehicle under influence of alcohol. Lalević said one officer beat and held him in a room with no windows or furniture for six hours without anyone giving him any kind of assistance.

Internal Control Department established existence of reasonable suspicion for complaints against that police officer his immediate manager was instructed to launch disciplinary proceeding. Also, case dockets will be submitted to Basic State Prosecutor in Podgorica for deliberation if decided that the case had grounds for criminal charges against involved police officer.

28/10/2008

Saša Ristić, from Podgorica, reported an incident stating he was beaten in police premises in Podgorica. Ristić participated in demonstrations against decision of the Government to recognise independence of Kosovo. The police wanted him under suspicion of committing criminal offence "violent behaviour ". On 28th of October Ristić turned himself in voluntarily to police in Podgorica. As he claims on 29th of October around 11:30h a police officer took him out from cell No 2 to a room without any windows or furniture or lavatory, otherwise known as "betonjerka"(room of concrete). After a little bit of time three police officers entered the room wearing phantom caps and, according to Ristić, kicking and hitting him with fists and batons inflicting injuries.

Solicitor of Saša Ristića lodged criminal charges on torture against three unknown police officers to Basic State Prosecutor in Podgorica. Also, he submitted the copy to Police Directorate. As we were told,

Internal Control Department informed him that they were unable to determine if the allegations were founded so they would submit their documents to competent prosecutor for further processing.

28/10/2008

Marija Vujačić from Podgorica submitted to daily newspaper "Dan" a written statement describing how police officers from Police Station Podgorica harassed her in police premises. After arrested in the street, she had been held for over five hours. Motive for her arrest was her friendship with Aleksandar Pejanović, who was investigated as well as Saša Ristić under suspicion of committing "violent behaviour" at the demonstrations. Vujačić emphasised how police officers were harassing her, how one of them pushed her off the chair she was sitting on, how she fell and how police inspectors forced her to sign two documents denying her presence of a lawyer.

Police Directorate released a statement denying the allegations of Vujačić stating the police officers were treating her in compliance with the law.

The Initiative is informed if Vujačić lodged criminal charges against those police officers to competent prosecutor.

31/10/2008

Aleksandar Pejanović from Podgorica turned himself in on 31/10/2008 and police wanted him under suspicion of committing criminal offence of "violent behaviour" and "attacking officer of the law" at demonstrations against decision of the Government to recognise independence of Kosovo. During two days of his detention members of Police Station Podgorica brutally beaten him up in the room called "betonjerka" according to Pejanović. Pejanović received injury at the demonstrations and such was registered by the Dr Aleksandar Filipović at Poliklinika Filipović on 13/10/2008 when he was giving medical assistance to Pejanović. In doctor's report is mentioned only one injury, one on the left arcade, 2 cm in length. After detention, Pejanović went to Clinic Centre of Montenegro, where following injuries were examined: haematoma size of 8x9 cm on his head, skin laceration in the region of nape of the neck size of 5x1 cm, haematoma under left eye size of 3x3 cm, haematoma in groins' region left size of 8x7 cm, three haematomas on his back size of 1x2 cm, haematoma in spinal area size of 10x5 cm, right glutei region haematoma size of 12x12 cm connected to haematoma on his interior right loin size of 8x4 cm, exterior right loin haematoma size of 10x13 cm, interior left loin size of haematoma size of 6x7 cm, injuries of both knees, interior left lower leg haematoma size of 8x8 cm several bruised areas on his arms. Exams of medical specialists from Clinical Centre state Pejanović was brought by the police and he told them in the last 48 hours persons had been beating him so that he was nauseous during the exams. Pejanović made a video recording of his statement explaining what had happened to him during the detention due to, as he had said, incomplete or untruthful coverage of his case by the media. The video recording can be found at www.istinaosasi.blip.tv.

Numerous international and national actors have condemned torture of Aleksandar Pejanović. Beside national opposition parties this physical torture was condemned by several non-governmental organisations. The Initiative also condemned beating up of Pejanović and invited competent agencies to conduct swift and efficient investigation. Amnesty International, Freedom house and OSCE MIssion to Montenegro express their disapproval of incident.

Internal Control Department announced that members of the police force acted within legal frame in the case of Pejanović.

Basic State Prosecutor in Podgorica Đurđina Ivanović opened an inquiry on this case. According to our knowledge Basic State Prosecutor has submitted official findings to the competent court proposing launch of investigatory actions. The process is ongoing.

Incident in Correctional Penal Institute in Spuz (ZIKS)

13th September 2008

On 17th Spetembre 2008 two Non Governmental Organizations, Women Safe House and Human Rights Action from Podgorica, through a press release stated that Ms. Vladana Kljajic's human rights were violated while she was in Investigative Prison in Spuz. Namely, Milena Kljajic, Vladana's mother, submitted criminal charges against Officers from ZIKS for inflicting serious injuries on her daughter. The Director of Women's Safe House Ljiljana Raičević reported that she was personally assured that the Vladan Kljajic was covered with bruises, has difficulties to speak, feels pain in kidneys and is urinating blood.

Furthermore, the statement said, that Raičević sent a letter to the president of the Higher Court, Ivica Stankovic, requiring an urgent and independent medical assessment of Vladana Kljajic's condition, together with an appropriate treatment.

The Investigating Judge in Podgorica, Radomir Ivanovic, interviewed Vladana and commanded for her to receive a special medical review to be made by Dr. Dragan Cukic, the expert.

This incident was reported, as well, to the office of the Protector of Human Rights, whom Deputy, Marijana Lakovic on that occasion visited ZIKS interviewed Vladana, director of ZIKS, and also one of the Officers who participated in the incident. Protector's office will monitor the proceedings in the competent state authorities.

ZIKS Department stated that Kljajić during the report for disciplinary offences, in the office of the Chief of Podgorica Prison physically attacked the security officer leaving the ZIKS official with serious head (face) injuries.

In order to prevent her from further injuring ZIKS officers used physical force in accordance with the law. Further, it is stated that ZIKS on 8th September filed criminal charges to the Chief State Prosecutor against Kljajić for the attack on the officer and infliction of serious flesh wounds.

The Main State Prosecutor in Podgorica provided Initiative with the information that on 29th September 2008, acting upon criminal charges of the Police Directorate, Danilovgrad branch, suggested to the Investigating Judge of the Basic Court in Danilovgrad to take action and investigate two ZIKS officers for the light wound criminal offence committed against detainee Kljajevic.

Proceedings before the Basic Court in Danilovgrad are in progress.

Conclusions and recommendations

- In Montenegro during this quarter a fewer number of cases of torture occurred than in previous monitored periods, but the number is still on the concerning level.
- Investigations for all cases in which citizens complain about the behavior of police officers are not delivered immediately, thorough and effective by the competent institutions. Investigations must be public in all its phases; the competent institution must inform the public about the investigation flow. Investigation must be effective and lead to the judicial prosecution and sentencing of perpetrators.
- There are cases in which citizens did not get the right to legal representatives and review of doctors by their own choice. States must work on the minimum standards for the prevention of torture. All

parties summoned for an information interview or brought to the suspicion that they committed crimes legal representative should be ensured from the first moment, the possibility of making a phone call and the choice of doctors and a check up without the presence of police officers in the line environment.

- Rooms for the retention of persons are not in accordance with international standards. The Initiative supports the decision of the Police Directorate to adapt these premises and put video surveillance. We believe that although this is an important step it is not enough to prevent torture. Therefore, we believe that the Police Directorate has an obligation to ban abuse including additional trainings of its employees who have contact with persons deprived of their liberty.
- According to police, penalties before the disciplinary authorities, who are found to have exceeded their legal authority and police ethics are mild and often disproportional with those pronounced court. Penalties must be relatively committed to exceeding achieved and preventive purpose. Punishment must include police officers who do not prevent or do not report colleagues in carrying out illegal activities.
- Attacks on officials must be sanctioned in accordance with the law and regulations ensuring the way to protect officials in performing their duties. The intensification of penalties for assault on the officer to be considered.
- Continuance of unacceptable behavior of police officers to journalists is a concern. State must protect and ensure smooth performance of duties for journalists in crisis situations. In these situations they are not to be considered as inconvenient, and, as well, to punish the responsible police officers.
- In the incident that occurred in ZIKS, in qualification of the criminal offense should have been stated "abuse and torture", more accurately "illegal punishment" and not "inflicting light body injuries" for allegations that Kljajić unfolded refer to the first case.

III Politically motivated violence

During this period, Youth Initiative for Human Rights recorded six cases of politically motivated violence. In this quartile we recorded the growth of politically motivated violence. Incidents were identified as religious intolerance, attacks on the offices of political parties and continued pressure on witnesses' deportation of Bosnian refugees, Slobodan Pejovic, through the destruction of his property.

Brief description:

04.10.2008.

Car owned by Miodrag Baletic was inflamed on 04th October, about four in the morning. Baletić is the Board President of the Montenegrin Orthodox Church (CPC) in Nikšić. Outright investigation was performed by Nikšić police. It is stated that the car burned in a way that the gas was spilled over first right wheel of the car and then inflamed. In a statement for "Vijesti" Baletić is accused those considered to be bothered by CPC. Initiative until now has no knowledge of whether the Police Directorate identified the perpetrators of the act.



07.10.2008.

At the session of the Parliament of Montenegro as the debate on the Report on the state Insurance Market continued an incident occurred between members of Democratic Party of Socialists Obrada Misa Stanisic and the Socialist People's Party Velizar Kaluđerović. As media reported, after a short verbal squabble mentioned members headed off to one another while their colleagues prevented it to rise in a physical conflict. Members exchanged threatening words.

No competent parliamentary bodies mentioned this incident.

13.10.2008.

Upon the Montenegrin Government's decision to recognize Kosovo's independence opposition political parties organized a riot of the citizens of Montenegro in front of the Parliament building on 13th October. During the protest there was a conflict between riot makers and police. A number of riot makers attacked police officers throwing on them stones, bottles, and pyrotechnic devices.

During the riot 26 police officers and 11 citizens were injured. On the night of October 13/14 police carried out about 20 accident outright reports, establishing that the premises of Montenegrin Parliament, President, Mail, the Central Bank as well a number of private facilities, police and private motor vehicles suffered significant material damage. Determining the amount of material damage is in the municipal jurisdiction of the Capital City. The Initiative directed a request for free access to information to the main administrator of the Capital City, but so far we have not received any information about the amount of material damage committed.

In the letter of the Police Directorate to the Initiative it is stated that, Police Directorate submitted criminal charges against 17 persons to the Chief State Prosecutor, while The Regional Authorities were submitted a request for offenses against 26 persons. Against the organizers of the riot complain is not processed.

18.11.2008.

The premises of the Socialist People's Party (SNP), located in Block V, in the night between 17th on 18th November 2008 were stoned. On that occasion front windows of the office were broken. President of Municipal Committee of the SNP, Velizar Kaluđerović to the Initiative researcher said that SNP is situated on that place almost a decade and that something similar has never happened.

He also pointed out "us in the SNP's would very much like to discover the perpetrators, because otherwise the suspicion remains that the possible motive for stones thrown on the SNP is an attempt of intimidation of officials and activists, with a message to SNP to 'Shut Up' as this is only a mild warning, and if you continue, there will follow a much sharper attack you".

"After what happened here the first reaction was to send a message to that entire if the attack was motivated by someone's' intention to intimidate us then it was only shot in the blank. And officials and activists who come into this premises and our political party continue to fight for fairer Montenegrin society, the fight against corruption and organized crime. "Kaluđerović said that the police was on the outright, and so far no one from the police has informed them regarding the results of the investigation.

18.11.2008.

On the 18th November 2008 the car property of Slobodan Pejovic from Herceg Novi was trashed. Pejovic is the witness of the deportation of Bosnian refugees in early 1992. Since he started to testify in this process Pejovic was endangered many times, through the destruction of his property and other kind of threats. NGO Action for Human Rights has condemned the latest attack on Pejovic, being the destruction of his property and recalled the earlier cases, frequent attacks on the security and property. I asked the relevant government bodies to protect Pejovic by finding and punishing the perpetrator and those whom gave order for last actions.

Investigator of Human Rights Abuses Aleksandar Sasa Zeković being acknowledged on car thrashing of the former employee Ministry of Internal Affairs Slobodan Pejovic's addressed to the Director of the Police asking to provide him with information about the measures and actions taken, and check the security situation for Pejovic himself.

Police Directorate submitted a reply stating that the car, which is owned by Slobodan Pejovic, had a broken glass in the front right door and that the fracture was due to shock rock, parts of which found in the vehicle. Also in response to officers it is stated that Regional Unit Herceg Novi take measures and actions to discover o the defendant and previous activities in this case does not indicate the merits of suspicion about Mr. Pejovic.

Also in response is stated that "on the basis of available information and data manager and the elders of PJ Herceg Novi believe that there are no sources of threats to Mr. Pejovic, especially not because of his testimony about the deportation in 1992.

Action for Human Rights pointed out that since May 1992. , when he refused to participate in the execution of war crimes against refugees, Slobodan Pejovic life was seriously endangered three times, twice his property was destructed and countless times he was threatened orally. In addition, not one perpetrator of these attacks and threats has been punished.

28.11.2008.

Unknown perpetrators or more of them, as carried out by daily newspaper "Dan" from 30th November 2008, were throwing rocks on premises of Democratic Serbian Party (DSS) in Niksic. There were broken the windows on DSS premises. As stated, incident occurred after the meeting of the Municipal Committee of the DSS. From the DSS was highlighted that this is not the first time that happens and add to throwing rocks on their premises is only an episode that can not and must not be allowed to repeat, and this kind of behaviour should not mark local elections in the city.

On the occasion of this event, the competent state authorities gave no information.

Conclusions and recommendations

- Religious motivated incidents between the two churches SPC - CPC are a great concern. State must invest additional effort in discovering the perpetrators and relatively to the committed criminal offense proscribe sanctions, issue and find ways to the problems of intolerance between believers of two churches to be resolved in a peaceful and dignified manner. The initiative calls upon church Dignitaries to refrain from statements that could deepen and encourage conflict, and in their statements to appeal on citizens understanding and tolerance. We invite the faithful to promote faith, and not to do violence in the name of faith.
- The competent authorities must invest additional effort in the detection of revelling persons who carried out the attack and destruction of the premises of political parties. This is especially important, because of the next year's coming elections.
- The Initiative calls upon the relevant State Bodies to take all necessary measures to ensure the safety and security of the witnesses' deportation of Muslims, Slobodan Pejovic, as well as to detect the perpetrators which attacked on him.

- The initiative calls Members of the Parliament of Montenegro to act in accordance with the parliamentary function ethics, for behavior that is contrary to multiplies into citizens' intolerance.