



Youth Initiative for Human Rights  
Inicijativa mladih za ljudska prava  
Nisma e të rinjve për të drejtat e njeriut

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# II quarterly report regarding state of human rights in Montenegro

May – September 2008

## I Previous information

In its monitoring of the state of human rights, Youth Initiative for Human Rights (YIHR) decided to pay special attention in 2008 to police torture and politically motivated violence. The public is informed on these fields through quarterly reports. The first report was published in June. Our reports contain only basic information about cases, because many of them are in the phase of investigation and evaluation by state institutions. At the end of the year, cases from previous reports will be described in detail within the annual report.

All interested in particular cases can address YIHR's office, where precise, systemized, and documented records of cases are being kept.

The Swedish Helsinki Committee and regional YIHR's offices support our monitoring.

## II Police torture

From May to September 2008, Youth Initiative for Human Rights' researchers registered 13 cases in which citizens brought forward data about the conduct of police officers, through media, or to YIHR's researchers directly. Such frequency is at an existing level, which is quite alarming.

We demanded data on the number of reported cases from the Police Directorate, and on the number and type of sanctions against police officers in cases where excesses of authority were determined, but up until publication of the report, we did not get any reply.

It is common knowledge that torture is forbidden by numerous international and domestic regulations and treaties. According to the Convention against torture and other ruthless, inhuman, or humiliating punishment and actions, torture is defined as any mean of infliction of pain or grave bodily or mental suffering, in order to get information from a person or a third party or to punish someone for one's deeds, or the deeds that one is



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accused of, in order to intimidate or put pressure on someone or for any other reason, founded on any kind of discrimination, if the pain or suffering is inflicted by an official or any other persons that acts as an official, or instigated by them or with their explicit or silent approval.

Citizens that complained about the conduct of the Police Directorate officials stated that police officers tried to get a confession from them, in order to punish them for accusations against them, or to put them under pressure. After citizens suffered torture, infringement procedures were often started against them, for obstruction of official duties of a police officer.

A very important aspect of overcoming police torture would be sanctioning of police officers that do not react and are not trying to stop their colleagues to apply force against citizens. Police officers are officials that must protect citizens in any circumstance, even from their colleagues, and the Police Directorate should provide benefits and other forms of appreciation for police officers that are performing their duties conscientiously and according to law, and to announce such actions through media. This and similar forms of struggle against torture, set in motion by the Police Directorate itself, would result in greater trust from citizens.

YIHR's office possesses information that arouses suspicion that the number of citizens that suffered torture is much larger, but they are not ready to speak about them, for numerous reasons.

### **Brief description of cases from May to September 2008:**

#### **June 10 2008**

Hisen Skenderaj, a fisherman, citizen of the Republic of Albania, accused members of Montenegrin police that they wounded him while he was fishing on the Bojana River. Montenegrin police denied the fisherman's accusations, and said that Hisen Skenderaj was fishing by using dynamite, and that he did not stop doing it after official of border police warned him to stop that activity and to return to the Albanian part of the river. The According to the Police Directorate statement, the Montenegrin police officers fired warning shots in the air, and not at the fisherman. So it remains unclear what the circumstances were under which the fisherman had been wounded. Albanian authorities condemned this incident, and demanded an explanation from Montenegrin authorities. Minister for Internal Affairs Jusuf Kalamperovic denied in "Vijesti" daily newspaper that the fisherman was wounded by our police, referring to information that he got from the police. Until now, YIHR did not get information on results of investigation that would put some light on this incident.

#### **June 12 2008**

During the strike of workers of "Ritam-trejd", police officers that intervened because workers broke the ban of strike arrested the photograph of daily newspaper "Republika" Boris Pejovic, under the accusation that he obstructed the arrest of workers. The police also disturbed cameraman of NTV Montena Vesko Perovic, and forbade him further recording of the event.

Pejovic told YIHR's researcher that he did not obstruct the arrest of the workers in any way, and that his only guilt and the reason for his arrest was the fact that he was taking pictures. He thinks that police did not want him to make public the events of that day, and that was why he was unlawfully arrested. Other journalists and photographs, and workers of "Ritam-trejd" that were present that day confirmed to YIHR's researcher that Pejovic did not obstruct workers' arrest, and said that Pejovic verbally protested when a policeman sent him off for the second time, when he was already on a sufficient distance, and that that may be the reason for his arrest.



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The police started the infringement procedure against Pejovic, for obstructing its officials in performing of their official duties, and the process is currently in progress.

Journalist self-regulating body condemned this police action.

### **June 21 2008**

Milinko Pejanovic from Savnik, said for daily newspaper “Vijesti” that he was beaten by Dragan Lazarevic, police officer from Savnik, on the night between June 21 and 22. Pejanovic said that this happened after a fight, when his friend was attacked. After police arrived, according to Pejanovic, police officer Lazarevic was hitting him, dragged him by the neck, strangled him, pulling him by the ears, and was hitting him in the head with his fist. Another police officer that was present was trying to stop his colleague several times, telling him: “Dragan, you are insane”.

Police Directorate denied Pejanovic’s statement. Directorate spokesperson Tamara Popovic said that Pejanovic did not report this case to the department in Savnik, that he got his injuries in the fight, before police officers arrived, and that he was visibly drunk.

Pejanovic said to “Vijesti” that he wanted to file a complaint against Lazarevic, but that police in Savnik and Niksic did not accept it. He also announced that he will sue Lazarevic.

### **July 3 2008**

Liberal Party parliament member Andrija Popovic said at the press conference that he was stopped near Cetinje by a traffic police officer, who held him around half an hour because of speeding, and that he insulted his human and deputy dignity by his ruggedly behavior. He pointed out that after he introduced himself and asked him to speed up the procedure, the police officer started to behave ruggedly, and kept him for half an hour. Popovic said that he did not yet decide whether he will demand legal satisfaction for, as he put it, disputable behavior of the police officer.

Police Directorate spokespersons Tamara Popovic called upon Liberal member of the Parliament to report unruly behavior of the traffic police officer, and that the Directorate will investigate this police officer’s behavior.

### **July 10 2008**

Besnik and Djoka Djonaj reported to YIHR’s researcher indecorous behavior of a border police officer. Namely, two of them live in the village of Pothum, near Skadar Lake. On July 10 in the afternoon, two of them took Djoka’s boat and sailed out to the lake for a swim. At that moment, the border patrol approached them and asked for their ID’s. Since they went for a swim, and because they live nearby, they thought it was unnecessary for them to carry their documents with them. Then police officers told them that they cannot swim because they do not have ID’s. Djoka reacted and told them that they let some other people who also did not have any documents do it, and that they are fishing on the lake, even, while all that they wanted was to have a swim. Moreover, he added that they are letting people do it by their whim.

Then a police officer told them that he could confiscate their boat, since they did not have any documents, and then he allowed them to swim, but only if they jumped in a couple of times, and went back straight away. Djoka replied that they did not want to swim like that, and that it is not up to them to tell them how much they could swim.

That was when the police apprehended them and took them to the border police station in Bozaj. During the apprehension, one of police officers cursed and threatened them, saying to Djoka that he will not be able to cruise the lake during his shift, even if he had all of the documents.



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After a while, they released them.

The Police Directorate stated that police officers acted according to law in this case, and that they did not overstepp their authority.

### **July 16 2008**

In his open letter to Prime Minister Milo Djukanovic, Serbian People's Party leader Andrija Mandic accused Montenegrin police for the violation of rights of members of Serbian nationality. Two actual cases were described in the letter. The first case took place on July 5 in Niksic, on a football match between Grblja and Turkish Sivaspör, when police officers confiscated tricolor flags from supporters, and were beating youngsters that carried the flags. The other case happened on Zabljak, when two detectives stopped citizen Dragan Djokovic and confiscated his miniature Serbian tricolor flag which was placed within the car, with the explanation that that was the flag of a foreign state, and it cannot be displayed in Montenegro. Mandic pointed out that that was the flag of the Serbian Orthodox Church, but that it was also the Serbian flag, and that there was no reason for the police to intervene in such a manner. He also added that such practice is not implemented towards other nationalities in Montenegro.

Police Directorate issued a statement regarding Serbian People's Party leader's open letter to Milo Djukanovic, and denied its statements. As it is said in the police statement, the flag on the match was confiscated because it was hanging from a wooden pole, which is an object that could jeopardize athletes' safety, while citizen Dragan Djokovic's little flag was confiscated because it may be a violation of clause 19 of the Law on public order and peace, according to misdemeanor judge.

### **July 20 2008**

Nedeljko Bozovic, from Cetinje, Zagore village, according to daily newspaper "Dan" from 20/07/2008, accused five police officers that they brutally beat him in Dodosi, during "River Games". He told "Dan" that he was taking part in the games with his team and that after the game he went towards his car to get money to buy food. At that moment, he heard gunshots and cried. He said that he panicked, and started to run. Police officers soon overtook him and started to beat him with batons, arms and legs, all over his body. A medical specialist determined head and limb injuries.

In its former statement, the Police Directorate stated that during the arrest of a person who was already wanted by the police, certain number of persons disputed this person's arrest. Among these persons was Nedeljko Bozovic, who fell and injured himself, while police officers were trying to make the arrest. Police announced that it will sue Bozovic for violation of clause 11 of the Law on public order and peace.

### **July 25 2008**

Semsi Zorjani, Roma, a refugee from Kosovo, resident of Camp Num. 1 Konik in Podgorica, told YIHR's researcher that on July 25, around 20 hours, in offices of Security Center in Podgorica, a police officer dressed as a civilian beat him in order to get him to confess that he took part in a fight, and that he inflicted grave bodily injuries to a certain person. When the police determined that he was not the person they were looking for, they released him. Since he was feeling pain, Semsi went to the Clinical Center of Montenegro, but still could not sleep that night, because of the pain.

While he was at the hospital, a detective came and said that he should say that some other Roma beat him, and that he should not say that the police did it.

YIHR is following this case, and a complete description will be presented in YIHR's annual report.



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### July 29 2008

According to information reported by daily newspaper “Dan”, Anel Dzudzevic and Denis Kosuta from Rozaje accused police officers K.S. and R.DJ. that they had beaten them in Rozaje police station. Dzudzevic said that he came there by police’s request, and that when he arrived at the station, he was hit without any explanation. He was hit, cursed and threatened by aforementioned police officers. He was held at the police station for the whole night, without water or food, according to “Dan”. It was explained to him that he was beaten because he tried to conciliate two young men that were fighting downtown.

In addition, Denis Kosuta, who was in town with Dzudzevic that night, was apprehended. He complained that police officers were hitting him in the head with their fists. When they were releasing him, police officers told him that he was beaten by mistake, and they told him to return to the police station for questioning.

The Police department in Rozaje denied that force had been used, and they were not familiar with the reasons why these young men made such statements to media. They pointed out that everything had been done professionally.

### August 3 2008

Investigative judge of the Higher Court in Bijelo Polje Arif Spahic issued a decree on conducting an investigation and ordained a thirty-day arrest of Sokol H. Prelic, because of suspicion that he had committed a crime of unauthorized production, concealment, and trafficking of illegal drugs. Accused Prelic’s attorney Munever Kuc told “Vijesti” that Prelic defended himself with silence because he was beaten by the police during his arrest and that his health did not allow him to state his defense. In addition, according to “Vijesti”, Prelic spent two days in the police station without food. YIHR does not have the information if the Police Directorate checked Prelic’s attorney’s allegations.

### August 20 2008

Veselin Drobnjak from Pljevlje accused police officer V.D. from the same town that he harassed him physically, reported daily newspaper “Dan” on 22/08/2008.

Drobnjak told “Dan” that V.D., dressed in civilian clothes, asked him several times if the car parked in front of the store where he was shopping was his. Drobnjak repeatedly answered that it wasn’t. After several negative answers, the person in civilian clothes, which turned out to be police officer V.D., bundled him in the car. Drobnjak pointed out that he experienced threats and harassment in the car. After a while, the police officer got Drobnjak back to the place where he picked him up.

After this, Drobnjak went to the police and reported the case, and then he went to the doctors, because he did not feel well.

The police gave the files to State Attorney who pointed out that there was no violation of authority committed, and Drobnjak was informed about this.

### August 23 2008

Banda family from Podgorica reported an incident they experienced in Ulcinj, while on holiday, to non-governmental organization Center for Legal Aid from Podgorica. The police, who were rude, stopped them in a one-way street. They asked for their documents, and told them that they turned their car into a bus. There were three children and three adults in the car.



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Adnan, who was driving, was told by a police officer to get out of the car and to go to his colleague. After he did not go back after about ten minutes, Adnan's mother Bajra got out of the car to see what was happening. She asked Adnan what were they doing, and he told her that they were writing a notification. Bajra said that they were doing their job, and that he should let them write it. "Let them write it, I will tear it apart", Adnan said. When he said that, police officers handcuffed him and laid him on the ground. Then they started to kick him and curse him. The children got out of the car and started to cry. They begged people who gathered and watched to help them. Adnan was arrested and kept in the police station until three, when he was taken to court.

Members of family were not allowed to see Adnan while he was in prison, and he was not allowed to call his lawyer. The family also complained about unprofessional and inhuman behavior of police officers while they were waiting in front of the police station and begged them to see Adnan.

Centers for Legal Aid will continue to monitor this case and will eventually process it according to decision on advocacy.

### **August 31 2008**

Prelja Djokic from Podgorica told YIHR's researcher that he was beaten by a police officer on August 31. Namely, while he was downtown with his brother, an unknown young man asked him if he could make a phone call from his mobile phone. After this, Prelja started to receive threat calls from unknown persons. At the beginning, he was confused; he did not know what was happening. He soon remembered that it was a mix-up, and he tried to explain that he had borrowed his phone to a person he knew nothing about. However, those persons continued to threaten and insult him, never bothering to listen to him and understand that he was not the person they were looking for.

After about 15 minutes, he got a call from the police. They told him that he must come to the police station in Konik for questioning. He went there straight away. When he arrived there, the orderly officer told him that he would not have asked him to come, if he had known it was him. Djokic is 19, has a reputation of a decent young man, and he is a student of the Faculty of Fine Arts in Belgrade. He told him to sit down and wait for his colleague who will talk to him.

Then a man in civilian clothes entered and started to beat Djokic straight away, without saying a word. Even after the orderly officer warned him not to beat "that child", he did not restrain himself. Djokic even lost consciousness due to beating. He has an ear injury which doctors told him requires an operation. He also has numerous injuries on his head and body that were established by doctors, and there is a clean record and photographs in this case. Djokic's mother witnessed the beating, because she came down to the station to see what was happening with her son.

After the investigation of this case, the Police Directorate issued a notification against police officer Dragan Djukic, under the suspicion that he had abused and tortured Djokic. YIHR will monitor this case right until its conclusion, and will inform the public about every detail in its annual report.



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### III Politically motivated violence

In the period from May to September 2008, Youth Initiative for Human Rights recorded a lesser number of cases of politically motivated violence than in the previous quarter.

Also recorded was a lower level of culture of communication between political opponents on the public scene.

YIHR registered threats to members of non-governmental organization Serbian National Council. During this period, and especially in August, several members of this organization were threatened by mobile phones. They were threatened personally, but their families were also threatened. Certain members that were threatened reported their cases to the police. However, up until now, police did not give them any information about the search for persons who made those threats.

Among others, Vice-president of the Executive Board of Serbian National Council, Gojko Raicevic, got threats from a hidden telephone number. Judging by the threats, he concluded that the person in question knows him well. That person recounted all the members of his family, and said that he will slaughter them all, leaving him last, so he can watch everything. Relying on his previous experiences, as he said, and his mistrust in authorized institutions, he did not report this case. Raicevic thinks that he was threatened because of his engagement in protection and promotion of rights of Serbs in Montenegro.

On 05/08/2008, Predrag Vojvodic, also a member of Executive Board of Serbian National Council, reported to the police about threats aimed at him and his family by a call from a hidden number the day before. The police did not find the anonymous person, but the detective to whom Vojvodic reported the case offered him life insurance, as Vojvodic told us.

The Football Association of Montenegro is still denying accreditations for coverage of football matches to daily newspaper "Dan". Journalists of "Dan" were not able to cover the last two matches of the national team against Bulgaria and Ireland because of that.

Because of non-announcement of the competition for free TV frequencies on Podgorica territory by Broadcasting Agency of Montenegro, only TV Vijesti is not able to get the frequency and to start broadcasting its program, although there are free frequencies, and one of them was even returned by TV Fox. The non-action of the Broadcasting Agency of Montenegro does not contribute to the democratization of society and freedom of expression, and to the forming of a generally positive image of Montenegro in this area.



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### IV Conclusions and recommendations

- The number of cases of police torture is still at an alarming level. In nine cases, citizens complained that they suffered physical harassment, while in four cases they complained about unruly behavior and humiliation. The Police Directorate must put additional effort to decrease these occurrences, and must also sanction officials that do not stop their colleagues in violations of their authority, and consider them accomplices. On the other hand, it must provide benefits and appreciation for officials who contributed to prevention of torture.

- Acceptance and non-reaction to these occurrences by police officials because of the alleged suspicious past of the victim is unacceptable and contrary to the system of human rights and police service's regulations.

- Efforts must be put towards additional education of police officers on standards regarding torture, and towards more severe punishment of those whose abuse of power has been proved.

- There is less politically motivated violence in this period than in previous periods of research, which is especially encouraging, and we call upon all participants of the political scene to continue with this trend during the pre-electoral campaign.

- YIHR calls upon institutions in charge to put maximum effort to find persons that threatened members of Serbian National Council and their families, and provide security to all of its citizens.

- Very sophisticated pressure on media conducted within law and regulations is very worrying. We call upon Football Association of Montenegro to issue accreditations to "Dan" for the first upcoming event, and make a civilizational breakthrough, with the goal of subsiding unnecessary tensions.

- Since we are entering the period when jurisdiction is moving from the Broadcasting Agency of Montenegro to the Agency for Telecommunications, the deadline for adjudging the frequency to TV Vijesti can be postponed, and we call upon the Ministry of Culture, Media and Sport to facilitate consultations that would lead to a solution. The announcement of competition for free frequencies is in the interest of citizens and the improvement of the media image of Montenegro and freedom of expression in Montenegro.

- We call upon cable operator "BBM" to include TV Vijesti in its program, because it is in the interest of subscribers, the whole public in Montenegro, and the general democratization of the society.