

Human Rights in Montenegro - 2007

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Human Rights Protection Programme

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Introductory Note

On 21st of May 2006 Montenegro became independent, for the first time since 1918 when she joined then newly made Kingdom of Serbs, Croats and Slovenians. After World War II Montenegro became federal unit in new socialistic Yugoslavia. Unlike other republics that opted for independence in their referendums beginning 90s, Montenegro decided to stay in union with Serbia, firstly in the Federal Republic of Yugoslavia and later on in the State Union of Serbia and Montenegro.

Montenegro has been ruled by Democratic Party of Socialists, a party derived from former League of Communists, ever since the first parliamentary elections in 1990. Leader of DPS and the most influential political figure in the Republic is Milo Đukanović, former and present Prime Minister and president of the Republic. Đukanović was supporting war politics of Slobodan Milošević from 90s but 1997 he changed the course and became one of the strongest adversaries of Milošević's regime. From that year on joint state institutions of Serbia and Montenegro did not function in reality. Đukanović has accepted a part of responsibility of Milošević's politics on behalf of Montenegro and expressed regret for crimes committed over citizens of Croatia, particularly area of Dubrovnik where military units from Montenegro had been deployed.

Initial Assembly of Montenegro adopted Constitution of Montenegro on 19th of October 2007, which was put into effect on 22nd of October. The Constitution was adopted subsequent to strong party struggle over necessary two thirds of Parliament members. This Constitution replaced its predecessor from 1992 and was consisted of 121 articles.

Article 1 of the constitution of Montenegro says: Montenegro is Montenegro is a civil, democratic, ecological and the state of social justice, based on the rule of law. In the preamble of the constitution are listed nations and national minorities in Montenegro. Those are: Montenegrins, Serbs, Bosnians, Albanians, Muslims, Croats and other citizens who are free, equal and loyal to civic and democratic Montenegro.

The new constitution introduces Montenegrin for a new official language instead of Serbian, but it also recognises Serbian, Bosnian, Albanian and Croatian. Cyrillic and Latin alphabet are treated equally. According to the new Constitution, Montenegrin citizen cannot be extradited to any other country if Montenegro did not sign agreement on extradition with that country. The new Constitution guarantees separation of religion from the state. President of Montenegro is elected to the period of five years and can be elected only twice for the position. The condition for putting up the candidacy is Montenegrin citizenship not less than ten years for possible candidates.

Out of 76 present 55 members of the Parliament voted for the Constitution. The necessary majority for ratification of the Constitution in the Initial Assembly was achieved. Ruling coalition consisted of DPS, Croatian Civic Initiative (HGI) and Social Democratic Party (SDP), along with opposition Movement for Changes, Bosnian Party and Liberal Party voted the Constitution. Opposed to the constitutional document were unionist Social People's Party (SNP), People's Party (NS), Democratic Serb Party (DSS) i Serbian List. Parties of ethnic Albanians (Democratic League of Montenegro and Albanian Alternative) were abstinent and representative of Democratic Union of Albanians was not present during the voting.

Montenegro soon after declaring independence became members of United Nations, Council of Europe, Organisation for Security and Cooperation of Europe OSCE and international financial institutions. The place of former State Union of Serbia and Montenegro in these institutions was succeeded by Serbia in accordance with Belgrade Agreement.

October 2005 Montenegro launched negotiation with European Union on Stabilisation and Accession Agreement (SSP), initialled two years later.

Research on situation of human rights conducted by Youth Initiative for Human Rights in 2007 covered monitoring politically motivated violence, police torture, practice of minority rights in fields of official use of language, presence of minorities in governmental institutions, right to be informed and right on education in native language, with emphasis on rights of Roma population. The Initiative researched degree of respect of right on religious belief and cases of hatred speech.

Various methods were used in researches conducted in the fields above due to their particularities: field research, interviews and monitoring media reporting. The Initiative used mechanisms provided by the Law on Free Access on Information. Requests for information were addressed to the Government, Police Directorate, public services, local self-governments and other State institutions.

I Political violence in Montenegro

1.1. Case Brković

Jevrem Brković, writer and president of Doclean Academy of Science and Arts (DANU), was attacked on 24th of October 2006 at approximately 21:50 h in front of his apartment in Podgorica.¹ As he was approaching the apartment, one of three masked attackers swung with metal bar at Brković.² Brković was thrown to ground and hit him with the bars.³ One of the attackers then murdered Brković's company Srđan Vojičić. Several hits were fired at Vojičić when he tried to help Brković.⁴ Brković suffered several bruises and swellings on hands and legs.⁵

Reactions of State Agencies

President of the Republic of Montenegro Filip Vujanović visited Brković at hospital and stated that he had contacted Director of Police Directorate Veselin Veljović immediately after the shooting, who assured him that necessary steps would be taken in casting the light on identity of the attackers.⁶ The attack on Brković was strongly condemned by prime minister at the time Milo Đukanović.

»I am convinced that bitterness and grief caused by this horrible crime are shared among all citizens of Montenegro. We equally share the expectations that relevant agencies will get to the bottom of this crime at the shortest time«⁷, said Đukanović. The attack on Brković was condemned by all parliamentary parties⁸, Ministry of Culture and Media which compared this to attack on freedom of speech and artistic expression.⁹ The attack was con

¹ Report on the incident from 2nd of November 2007, which can be found in documentation of the Initiative

² *Ibid*

³ *Ibid*

⁴ *Ibid*

⁵ *Ibid*

⁶ *Brković: Mafia shot-callers from the book*, Dan, 26th of October 2006

⁷ *Ibid*

⁸ *Ibid*

⁹ *Ibid*

demned by writers and other public figures in Montenegro and the region¹⁰ and appealed to Police Directorate and Agency of National Security to recover the attackers and people who had ordered the attack.¹¹

Director of Police Directorate Veselin Veljović without stating any details, said that police was working on the case.¹²

Due to this case, Security and Defence Board scheduled control hearing for Director of Police Directorate Veselin Veljović in order to familiarise Board members with results of the investigation.¹³ Prior to Director of Police Directorate Jevrem Brković and Puniša Vojčić, deceased Vojčić's uncle, gave their depositions. At the hearing of Brković and Vojčić only the Board members from opposition parties and Social-democratic (SDP) party were present, where representatives of Democratic Party of Socialists (DPS) did not turn out, justifying it on the fact the presence was not obligatory. Puniša Vojčić stated that names of people behind the crime and killers were known to the police and high State officials and invited Brković to tell everything he knew and what he had told to police in regard to killer's identity.¹⁴ On the other hand, Brković said attack on him was a work of those who had recognised themselves in his novel and that Puniša Vojčić was emotional person and his claims that he knew the identity of the killer was his personal conviction.¹⁵

Veselin Veljović was questioned behind the closed door. The Board members from the opposition estimated Veljović failed to bring to light any new data, where Chairman of the Board Dragan Kujović (DPS) said to the press that Veljović had removed certain doubts regarding the case.¹⁶ Brković openly expressed his doubt that perpetrators recognised

¹⁰ *Attack on Brković, a message to all who write*, PCNEN, available at: http://pcnen.com/detail.php?module=15&news_id=62, visited on 23rd of December 2007. PCNEN is nongovernmental organisation for development of electronic media and cultivating of communicational culture. PCNEN (Prve crnogorske nezavisne elektronske novine/First Montenegrin Independent E-newspapers) is project of this organisation

¹¹ *Strong Public Reaction Regarding Attempted Assassination on Jeremy Brkovića Continues*, Vijesti, 28th of October 2007

¹² *Veljović: We work on the case*, PCNEN, 30th of October 2006, available at: http://pcnen.com/detail.php?module=2&news_id=19874, visited on 23rd of December 2007

¹³ *Board decides to question Veljović*, PCNEN, 25th of September 2007, available at: http://www.pcnen.com/detail.php?module=2&news_id=25590, visited on 23rd of December

¹⁴ Audio recording, deposition of Vojčić at http://pcnen.com/detail.php?module=15&news_id=277, visited on 23rd of December

¹⁵ Audio recording, deposition of Brkovića at http://pcnen.com/detail.php?module=15&news_id=277, visited on 23rd of December

¹⁶ *Control hearing of Director of PD interrupted*, PCNEN, 1st of November 2007, available at: http://pcnen.com/detail.php?module=15&news_id=277, visited on 23rd of December

themselves in the novel “*Lover of Doclea*”¹⁷, published at that time.¹⁸ “The only fact here present is that people who committed this crime recognised themselves in my novel, all the rest is a lie”¹⁹, said Brković to Initiative’s investigator.

Police investigation took over a year.²⁰ “I believe that police will not solve this case. It has been a year since the attack”²¹, said Brković to Initiative’s investigator.

“Failing to solve this case helps developing crime culture in Montenegro. I think Europe must put pressure on the state and that state will have to give up on taking favours of criminals and tycoons, and to start revealing them, particularly those who ordered and constructed these crimes. I personally believe there is political connotation behind this murder. A writer to be attacked because of his novel is rarity. This novel is covered in blood; a young life has been lost. People who recognised themselves in the novel had done that”²², said Brković.

Puniša Vojičić²³ at press conference on 5th of December 2007 public ally called for Director of Police Directorate to resign, as well as Head of Security Centre Podgorica Predrag Ašanin and Head of Crime Intelligence Department Tihomir Gačević.²⁴ According to him he had lead parallel investigation and he was in possession of some evidence that could indicate possible murderers of his nephew.²⁵ He emphasised that he received a document from investigative judge Mušik Dujović where is said “25th of October, day after the murder at 19:15, a sample number 2006452-9-1 was taken and matched to referent DNA profile of Branislav Ivanović”.²⁶ From Jevrem Brković he received information that Rade Živković killed his nephew. Puniša Vojičić stressed that both these names were mentioned as names of bodyguards of businessman Veselin Barović.²⁷ He demanded answers form state prosecutor.²⁸

¹⁷ Jevrem Brković, “*Ljubavnik Duklje/Lover of Doclea*”, II edition, publisher »DANU«, Podgorica, 2006. *Ljubavnik Duklje/Lover of Duclea*/is a book where among other a wedding ceremony in Milan is depicted, possibly where certain persons in Montenegro recognised themselves and a reason why the victim feels he was attacked.

¹⁸ See above 1

¹⁹ *Ibid*

²⁰ *Ibid*

²¹ *Ibid*

²² *Ibid*

²³ Puniša Vojičić is uncle of murdered Srđan Vojičić. He was intensively following the case. He was present at hearing of Security and Defence Board.

²⁴ *Writing on Barović Pulled the Trigger*, Dan, 5th of December 2007

²⁵ *Vojičić: I have New Evidences*, Vijesti, 5th of December 2007

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ *Ibid*

1.2. Case Muratbašić

Suad Muratbašić is police officer from Bijelo Polje, formally employed at border police in Bijelo Polje. Indigent by the fact that after receiving promises of permanent employment contract he was found to be redundant in his station in Bijelo Polje and as such transferred, he decided to speak publicly to Radio Free Europe about things he had had to do in police.²⁹ He publicly confessed he had had to persuade citizens to vote DPS. “I was deployed personally by *Mevludin Hodžić to work over 34 co-citizens to vote DPS at the last parliamentary election* “, said for Radio Free Europe.³⁰

“After appearing on Radio Free Europe, I was treated like public enemy by my colleagues and commanders. Soon after came interrogation at the station. The main question – why I did it? I spoke with Commander of Border Police Bijelo Polje Darko Marković and Head of Regional Unit Bijelo Polje Nikola Medenica. Later on came inspector of Internal Control Dragan Mazić from Podgorica, so I spoke with him too³¹, said Muratbašić to Initiative’s researcher.

After the public appearance Muratbašić was suspended. Reason for suspension was his interview to Radio Free Europe and breach of police code of conduct.³²

Nikola Martinović, a member of Council for the Civic Control of the Police stated that suspending Muratbašić after giving an interview to Radio Free Europe is clear violation of human rights:

“In decision given to Suad Muratbašić one can see that he is temporarily suspended from duty due to giving an interview to Radio Free Europe. It is stated in the decision that there is an order of Director of Police Directorate forbidding giving statements to media without his prior authorisation. It is possible the director gave such order but only if those statements would refer to official duties of the officers or police. However, a ban to express one’s free opinion on certain occurrences or events cannot be applied to an individual who has freedom of speech outside his/her working hours, since such freedom is guaranteed by all affirmative regulations. Mister Muratbašić has a right as a person privately to express his dissatisfaction with attitude of his superior towards him or generally to give political comment on certain events in Montenegro.”³³

A member of Council for the Civic Control of the Police Aleksandar Saša Zeković stressed the most important was that Muratbašić could not be fired due to his statements, but that reactions of Police Directorate and Ministry of Interior point at that direction.

²⁹ Report on the incident from 2nd of November 2007 can be found in records of Initiative

³⁰ Radio Free Europe: *Case Muratbašić – Is Police Politicised?*, 22nd of February 2007, available at: <http://www.slobodnaevropa.org/content/News/696670.html>, visited on 23rd of December 2007

³¹ See above 29

³² *Ibid*

³³ Radio Free Europe: *Police officer suspended for giving statement to RFE*, 7th of April 2007 available at: <http://www.slobodnaevropa.org/content/News/700666.html>, visited on 23rd of December 2007

Against Muratbašić was taken disciplinary proceeding.³⁴ 12th of April 2007 he was sanctioned by taking 30% of February salary and he was suspended until 30th of April 2007.³⁵ On 7th of May Muratbašić's contract expired after nine years in service. It has not been renewed yet.³⁶

“Police Directorate has never contacted me again. The commander says the directorate does not want to engage me anymore and that is the sole reason why they have fired me. Out of us 18 police officers I am the only one fired and only with me they do not want to work. I overheard some of my friends have been instructed not to talk to me since I am a public enemy³⁷, said Muratbašić to Initiative's researcher.

Muratbašić has never received response on his complaints from ombudsman.³⁸ His case inspired many nongovernmental organisations, opposition parties and press to condemn action of the police and abuse of police employees in applying pressure on citizens and collecting votes for political parties.³⁹

According to statement of Muratbašić's lawyer Labud Šljukić, the intent was to warn other police officers not to follow the example of Muratbašić.

“I think the real truth is that and it cannot be masked by any statement made, and cannot be suppressed even in the proceeding. That is, the police was applying a type of political pressure on citizens during election years in Montenegro. That is what is tried to be suppressed here. I said the damage is more devastating because he is accused of damaging the reputation of the service. I told commission this fabricated proceeding was going to hurt Montenegro and Montenegrin police much more than what, Lord, one police officer had said in his personal confession that he had personally pressured certain people to vote DPS. Well, that his statement can be used against him, and if such statements should be interpreted in that way, the whole police force could be arrested in one single day“, said Šljukić.⁴⁰

Muratbašić has sued for compensation of damage due to postponed payment of salaries and illegal confiscation of fire arm. The journalist of Radio Free Europe media outlet that covered the case Muratbašić interviewed Muratbašić on 10th of December, on International Day of Human Rights: “I am sorry for persuading my neighbours to vote DPS. I could have told the same story to media even four, five, seven and eight years ago. That's the way of this regime. In this country one can get hurt only for telling the truth⁴¹, said Muratbašić.

³⁴ Copy of decision of Disciplinary Commission from 27th of April 2007, which can be found in Initiative records

³⁵ See above 29

³⁶ *Ibid*

³⁷ *Ibid*

³⁸ *Ibid*

³⁹ Among the others: Radio Free Europe, CGO, Aleksandar Saša Zeković, CRNVO, Monitor and others

⁴⁰ Radio Free Europe: *How to protect the Insider*, 14th of April 2007

⁴¹ Radio Free Europe: *Do You Remember Suad Muratbašić?*, 10th of December 2007 available at: <http://www.slobodnaevropa.org/content/Article/782672.html>, visited on 23rd December 2007

Upon the request Action for Human Rights had addressed to Supreme State Prosecutor's Office on if the judicial investigation, Request for investigation or any other activity was launched regarding statement of Muratbašić that his superiors had forced him to influence citizens' voting⁴² the answer of prosecutor's office was that Muratbašić in statement given to Department of Internal Control and Control of Official Capacity Practice: "he was misunderstood and misinterpreted by the journalists" based on that statement denying earlier said to Radio free Europe, prosecutor had estimated that "there were no evidence for reasonable doubt that certain person committed offence prosecuted by official duty."⁴³

Muratbašić said to Initiative's researcher and media, that everything he had said and Radio Free Europe reported was true and that he was behind every word said there.⁴⁴

1.3. Case MANS

Network for Affirmation of the Non-governmental Sector (MANS) is one of the leading nongovernmental organisations that has set for its goal development of Montenegro and poverty reduction through efforts on increasing civil participation in decision-making and establishment of good governance.⁴⁵

MANS has been publicly criticising all corrupted groups in Montenegro in recent years and as a consequence it has been exposed to various types of pressure and violence such as physical assaults on their activists, attempts to ban their performances and actions, lodging complaints and suing employees of MANS, etc.

During their actions, the activists of MANS were victims of various obstructions. Director of National Security Agency on 18th of October 2006 sent a letter to Executive Director of MANS Ms. Vanja Čalović to her home address, where he informed her that ANB "had been consistently applying legal norms and means" therefore public addressing of Vanja Čalović did not have any grounds.⁴⁶

Immediately after receiving the letter, Vanja Čalović sent another letter to President of Montenegro, Speaker of the Parliament of Montenegro and Prime Minister of Montenegro notifying them about the received letter and demanding from them to stop intruding the privacy and pressure on citizens of Montenegro done by ANB.⁴⁷ Vanja Čalović stresses that all public appearances which referred to ANB represented standpoints of MANS and not her personal opinions. "I am convinced that the letter from Director of ANB adre-

⁴² Request can be found in Initiative's records, sent on 20th of November 2007

⁴³ Response of prosecutor's office can be found in Initiative's records

⁴⁴ See above 29

⁴⁵ Network for Affirmation of Nongovernmental Sector, <http://mans.cg.yu/2006/misija.htm> , visited on 12th of December 2007

⁴⁶ Letter of Director of ANB No. 250-02-6372-1/06 can be found in Initiative's documentation

⁴⁷ Open letter of Vanja Čalović, No. 1229/10 can be found in Initiative's documentation

ssed to my private home address represents a truly unprofessional act....therefore I perceive his letter as solely an attempt to pressure my family and me. “ - said Vanja Čalović⁴⁸

On 4th of March 2007 MANS organised performance in inner city of Podgorica where passers by could sign a petition for reduction of the electricity bill.⁴⁹ That afternoon communal inspection demanded tables to be removed and the activists immediately did that. They moved them to pavement, which was under the competence of Secretariat for Traffic.⁵⁰ At that time a man in civilian close approached and started to drag the table. MANS’s activist Veselin Bajčeta tried to stop the unknown individual to take the table with raised signatures of the citizens.⁵¹ As that happened, three men surrounded him and began to pull him trying to provoke a reaction. Police came up at that moment to arrest Bajčeta but Vanja Čalović stood in front of them demanding of them to arrest her if they were arresting anyone since she was the organiser of the event. While she tried to get through Bajčeta someone pulled her for the sleeve and she responded with the insults. After that she was taken in as well. Proceeding against Vanja Čalović was abandoned due to stated: “in the actions of the accused to obstruct and degrade the work of police officer any intent could not be found”.⁵²

During the action of raising the signatures in order to put before the Parliament of Montenegro a bill on protection of households in the sector of electric supply and use, MANS was organising daily petitions in several Montenegrin cities. The action encountered huge public response. MANS collected with the citizen’s support over 6000 signatures and put the bill in the agenda.⁵³

However, during the collection on 12th of March 2007 several unknown attackers physically assaulted two activists of MANS.⁵⁴ Communal police several times banned collecting the signatures using “verbal justification” saying they had occupied public space.⁵⁵ Executive Director of MANS Ms Vanja Čalović emphasised that permits from competent bodies were not obtained because “the Constitution of Montenegro international convention on human rights guaranty the right on petition, freedom of speech and opinion without any censorship of anyone.”⁵⁶

⁴⁸ *Ibid*

⁴⁹ Decision of Regional Court for Misdemeanours in Podgorica, PP.BR.209/07-23

⁵⁰ *Ibid*

⁵¹ *Ibid*

⁵² *Ibid*

⁵³ Announcement of MANS can be found in Initiative’s documentation

⁵⁴ *Ibid*

⁵⁵ *Ibid*

⁵⁶ *Ibid*

1.4. Case Zeković

Human rights activist Aleksandar Saša Zeković (hereinafter Saša Zeković) is Executive Director of Roma Scholarship Foundation. He is one of the most prominent human rights researchers and a member of Council for Civic Control of the Police.

Saša Zeković on 21st of April 2007 became aware someone was following him⁵⁷. Zeković said for daily newspaper *Vijesti* that neighbours had warned him that he was followed by several people in a car. He said at the parking a “Yugo” overtook him followed by “Opel Cadet”, which had been parked for several days in front of Zeković’s apartment⁵⁸.

In the letter addressed to Director of Police Directorate he demanded “information if any operative activity was taken against him.”⁵⁹ Zeković emphasised if police was not involved in monitoring him, then it should protect him.⁶⁰ After publicly announcing his suspicion, series of threats came. Namely, on 21st of April, immediately after the press conference⁶¹ he received phone threats.⁶²

New threats found Zeković on 22nd of April 2007 while he was taking to Head of Regional Police Unit Podgorica Predrag Ašanin.⁶³ “We have shoes of Ivan Stambolić prepared for you and soon you will be under the ground”⁶⁴, was the message. (Ivan Stambolić was high Serbian politician killed 2000 by Milošević’s regime).

Zeković received threats on 4th of May 2007 as well. That day he received four phone calls.⁶⁵ Unidentified male voice told him Duško Jovanović sent his greetings⁶⁶ alluding on assassinated editor of newspaper *Dan*.

The unknown accused Zeković of protecting Albanians, who were “not humans”, that now he was famous, but his fame was going to be bigger when they have killed him.⁶⁷ Fourth threat came when Zeković was at Head of Regional Police Unit Podgorica office, what according to Zeković, persons who threaten him know his movement.⁶⁸

⁵⁷ *Zeković: My life is threatened*, *Vijesti*, 21st of April 2007

⁵⁸ *Ibid*

⁵⁹ *Ibid*

⁶⁰ *Ibid*

⁶¹ unidentified persons threaten Zekoviću to publish compromising picture from his personal life

⁶² Threats published in *Vijesti*, 22nd of April 2007. A part of published by *Vijesti*: “How are you Mr. Zeković? To tell you, you shouldn’t have to publish that article. If we frame you to be f... That’s why you have to pay attention on what you write and do. You have to adjust yourself to State interests, is that clear? So, you endanger national security. That is very dangerous! And you are going too deep in some things you shouldn’t do! You have to work in the interest of the State, do you get it? I am the one who keeps it safe. Cut down the writing and cut with it or it will f... you and we will record it...!”

⁶³ *Zeković getting Stambolić’s fate*, *Dan*, 23/04/2007

⁶⁴ *Ibid*

⁶⁵ *Threaten while meeting chief of the police*, *Vijesti*, 05/05/2007

⁶⁶ *Threaten while meeting chief of the police*, *Vijesti*, 05/05/2007

⁶⁷ *Ibid*

⁶⁸ *Ibid*

At approximately 20:00 hours on 5th of May 2007 Zeković received phone calls again⁶⁹. “Listen you little punk, you are done, my people are on their way and... Meaning, we got nothing to talk about, we won’t bother you nor call anymore, but we are on our way... up. Death! You will take a bullet! Prepare yourself, prepare a wooden suite!... I had you on my mark, but I didn’t want others to get hurt”⁷⁰, was said to Zeković.

Harassment of Zeković coincidentally happens after his appearance at RTV Montenegro where he talked about deportation of refugees from Montenegro. Zeković at that time investigates police operation “Eagle Flight”.⁷¹

The Zeković case was in the eye of public for over a month. Media were reporting regularly on his case and on reactions of public figures.⁷²

Zeković made available all threat calls.⁷³ Some media outlets were given audio recording with those threats.⁷⁴

Nongovernmental organisation condemned threats to Zeković, stressing that it implied on lack of democratic capacities and attempt to suppress freedom of speech.⁷⁵ Hundreds of nongovernmental organisations jointly appealed Police Directorate and prosecutor’s office to “finally investigate this case and inform the public on findings, having in mind the existence of audio recording of the threats”.⁷⁶

Zeković met with leadership of Montenegro⁷⁷. He addressed Police Directorate reminding them of audio recording and how useful it might be in finding the person(s) behind it.⁷⁸

Some media reported the voice saying the threats was the voice of Mirko Banović, chief of security of Director of Police Directorate.⁷⁹ Police Directorate however, rejected such allegations.⁸⁰

⁶⁹ *Prepare wooden suit*, Vijesti, 6/05/2007

⁷⁰ *Ibid*

⁷¹ *Zeković thinks to be followed*, Dan, 21/04/2007

⁷² All articles can be found in Initiative’s archive

⁷³ Transcripts, threats published in printed and electronic media

⁷⁴ Audio recording from PCNEN, Antena M, Radio Free Europe, etc.

⁷⁵ Published reaction of CEMI, CHK, CGO, CRNVO

⁷⁶ Announcement 99 NVO can be found in Initiative’s records

⁷⁷ Zeković met among the others president of Montenegro Filip Vujanović, Prime minister Željko Šturanović, and wrote to Tate Prosecutor Vesna Medenica and Director of Police Directorate Veselin Veljović

⁷⁸ Letter addressed to Police Directorate with filled application 01’051-07’9398-1, can be found in Initiative’s records

⁷⁹ *Zeković unsatisfied with protection and investigating*, Vijesti, 28th April 2007

⁸⁰ Announcement of Police Directorate: <http://www.upravapolicije.vlada.cg.yu/index.php?akcija=vijesti&id=21800>, visited on 23rd of December 2007

“Several persons, amongst which linguistic experts and individuals who had that man as an official security escort, identified the voice and connected it to the person already mentioned in media, all of which Police Directorate denied.⁸¹ I am using this opportunity to invite you, if you already haven’t done it, to check these claims, inform yourselves, and to witness for yourselves analysis of the voices, examination of the phone-call threats transcripts and organised confrontation”,⁸² writes Zeković to Director of Police Directorate Veselin Veljović.

Zeković asked prosecutor’s office to inform him on the findings, to launch necessary actions such as voice analysis and polygraph examination.⁸³ He informed State Prosecutor that Police Directorate had not taken audio records of phone-call threats.⁸⁴

“In any case, I feel it is not professional or legal to expect from me to believe to nothing more than just a word of Director of Police Directorate. It has been days since I requested to see documentation which could confirm that he truly and in accordance with the law had initiated investigation of the claims indicated to him by public and me⁸⁵, said Zeković to State Prosecutor.

Council for the Civic Control of the Police and Saša Zeković lodged a request on the grounds of the Law on Free Access to Information. The response was 14 days late. Despite the claims of Police Directorate that they had sent the response on time and that it was postal service to blame, it turned out that Police Directorate did not honoured the prescribed deadline.⁸⁶

“Displayed attitude of Police Directorate contributes the opinion that leadership of Police Directorate is not ready to appear in public with statements that are true. They even do not want to give an impression of readiness to pursue this case. Today’s reception of the letter completely disappoints me and deepens the doubts in Police Directorate’s preparedness to dedicate time and resources to my case professionally, responsibly and in elementally correct manner”, said Zeković.

Two months later, Zeković sent a letter to State Prosecutor in which he demanded initiated following actions:

To acquire records of all phone-call threats (total of seven) from period of 20th of April – 5th of May this year and organise professional and expert analysis and voice matching. Until the present day, the police failed to show interest in complete recorded material or to launch this key official investigation;

⁸¹ Letter addressed to Police Directorate with filled application 01’051-07’9398-1, can be found in Initiative’s records

⁸² *Ibid*

⁸³ Letter Zeković addressed to State Prosecutor 1, can be found in Initiative’s records

⁸⁴ *Ibid*

⁸⁵ *Ibid*

⁸⁶ Evidence for delay was receipt from the Postal Service of Montenegro

To start organising confrontation of those people that were speculated to be involved in these offences;

To identify or order identification of mobile telephone users of SIM prepaid card number 067 433 628. Namely, on 16th of May 2007 Director of Police Directorate informed me that SIM card used for threat calls in period from October 2006 till May 2007 was used by then in over 60 phones. I have been also told that fact could not be relevant, i.e. fact that it had been used in 60 phones should not be of any use. After consulting some police experts and court experts I find that claim false;

To identify or order identification of vehicles used in my surveillance and their owners. You can inform yourself in detail on the matter from my complaints. I repeat that from 19th to 20th of April 2007 inspector in charge in regional police station confirmed that described vehicles were being used by police in Podgorica for operative purposes;

To begin with or order collection of information from citizens, especially my neighbours who poses some knowledge of this case. As we speak, police has not done it;

To acquire video surveillance footage from gas station “Rokšped” at Stari aerodrom, Podgorica, from the night between 19th and 20th of April 2007. That footage could be used to identify one individual who followed me and took some pictures. Police has not showed any interest in this yet.”⁸⁷

Until the present day, case Zeković remains unsolved; investigation has not been launched, despite the promise from President of the Republic Filip Vujanović as a “State priority”⁸⁸.

1.5. Case Ivanović

Željko Ivanović, Director of daily newspaper Vijesti, was attacked on 1st of September 2007 around 3:50 h, at the intersection of Obala Ribnice and Omladinskih brigada in Podgorica. Ivanović was attacked leaving restaurant Ribnica where he was celebrating ten years jubilee of his newspaper. Three attackers intercepted him. Two of them inflicted him several blows on body and head with metal and wooden clubs. Third one was observing it. Ivanović suffered fracture of skull, number of swellings on his arms and legs.⁸⁹

At the same time, journalists and employees of Vijesti received series of threatening notes.⁹⁰

Editor of Culture Section in Vijesti Balša Brković received a phone call from unidentified phone number just several hours before the attack. “My phone rang, so I went out

⁸⁷ See above 83

⁸⁸ Case Zeković State priority, Vijesti, 9th of May 2007

⁸⁹ Report on the incident from 2nd of November 2007 can be found in Initiative’s archive

⁹⁰ *Ibid*

to answer it. At the other end was polite male voice – the man introduced himself as Milo Đukanović. He tried to sound mysterious and he wanted to speak to me. I realised immediately he was falsely presenting himself and I insisted on his real name. Since he declined it, convincing me he truly was Milo Đukanović, I hung up”, said Brković⁹¹.

Aida Skorupan, correspondent of *Vijesti* from Rožaje received two phone threats same night.⁹² Day after the attack on Ivanović, 2nd of September 2007 Luka Đukić, receptionist of *Vijesti* received a threat. Unknown person from unidentified number called few times Đukić on his mobile phone at 2 am in intervals of few minutes and threatened.⁹³

Police in Nikšić arrested R. P. from Nikšić and M. B. from Foča on 15th of September 2007 on charges of the assault on Ivanović. According to the police, the assault was motivated by reporting of *Vijesti* on criminal past of suspect R.P. who held Ivanović responsible for publishing those articles. During the interrogation R.P. and M.B. confessed.⁹⁴ They were transferred to Primary Court in Podgorica, under the charges of committing criminal offence of violent behaviour against Ivanović. Judge of Primary Court Miladin Pejović remanded them in custody for duration of one month.

Second control hearing of Director of Police Directorate Veselin Veljović on the case investigation was scheduled for 1st of November 2007. All members of the Board called for the hearing. At the hearing Veljović said the case was solved from the view of police and the suspects were going to be delivered to the prosecutor’s office for further action.⁹⁵

According to statement Ivanović gave to Initiative’s researcher, finding someone to take the guilt was only a way for the police to clear itself from any responsibility.⁹⁶ “I was very actively involved in their so-called investigation, to deny them possibility to claim later on that due to my lack of cooperation, they were not able to find the attackers. I was going four, five times to pick possible suspects from the line-up and gave detail description of the attackers. Other eye witnesses describe them completely the same, so it collaborated with the other statements. For ten days the police was claiming it was typical ambush, professionally done and no evidences had been found so finding the perpetrators would be hard. However, after Đukanović filed a charge against me and after I commented it saying it had damaged the investigation, Veljović was forced to either forget about the case or to create some kind of charade and find some juveniles from Nikšić. The later he did. Couple of days after our receptionist received threats, he supposedly found two guys, who did not fit the description, absolutely without any scruples and one big farce of the police and authorities. They had photo robot sketch, they had everything and they had my statements. It was completely clear those two young men had nothing to do with the assault on me.

⁹¹ *Hallo, Milo Đukanović speaking*, *Vijesti*, 2nd of September 2007

⁹² *Threat to correspondent of Vijesti*, *Vijesti*, 2nd September 2007

⁹³ *We beat him well, and now we will kill your family*, *Vijesti*, 3rd of September 2007

⁹⁴ Police Directorate press release, available at: <http://www.gom.cg.yu/police/index.php?akcija=vijesti&id=43479>, visited on 23rd of December 2007

⁹⁵ Radio Free Europe, *The first hearing in the history of parliament practice*, 2nd of November 2007

⁹⁶ Report on the incident from 2nd of November 2007 can be found in Initiative’s archive

What I find especially ridiculous and revealing is the explanation they gave immediately after the attack, as they were attacking me because of some article published in Vijesti, while the story was published both in Dan and Pobjeda. Mostly that story (article) was on this Petrušić attacking some old lady and snatching her purse, as a petty offender. I said in my statement an attack such as this one could not be organised by some petty thief, burglar or whomever. This, so professionally (and seen so many times) could be organised only by someone under the wing of the State. That is someone who feels protected and powerful and posses the knowledge how to pull this off, because he knows he will get uncaught. I am aware while these authorities exist and these people stay on power, like in Serbia, my case will remain unsolved. Only when power in Serbia was changed, all the monstrosities done there began revealing itself.

It is more than obvious this has been a scandal, starting from the investigation. I know why I was called for those line-ups. I was not called to identify the attackers, but them to determine how well I remembered the event and what was manoeuvring space for them to plant someone. Since I had good security advisers, in the course of investigations I did not disclose everything I knew, so I gave them wrong impression they could plant someone and they did but“, said Ivanovic to Initiative’s researcher.

On 3rd September 2007 police identified and detained juveniles N.Đ. and J.K. from Nikšić for threatening and offending worker of Vijesti Luka Đukić over the phone. The suspects were taken to Regional Police Unit in Nikšić where was filed a complaint against them for endangering safety of another⁹⁷ a violation of the Law on Public Conduct.⁹⁸

Police Directorate on 4th of November 2007 announced they had identified and arrested Đ.G. and juvenile J.M. from Podgorica under suspicion that on 1st of September same year they called Balša Brković employed at daily newspaper Vijesti.

Đ.G. and J.M. stated to police officers they only wanted to play practical joke on Brković. After they read about attack on Ivanović, they decided to throw away the SIM card. The phone they used was recovered. According to press release of the Police Directorate, they were released due to no criminal actions committed or other offence persecuted by official duty.⁹⁹

Police in Rožaje on 4th of September 2007 following up on complaint of correspondent of Vijesti Aida O. Skorupan from Rožaje identified and arrested E.K. from Rožaje. “The

⁹⁷ Police Directorate press release, available at: <http://www.gom.cg.yu/police/index.php?akcija=vijesti&id=25854>, visited on 24th of December 2007

⁹⁸ Law on Public Conduct, “Službeni list RCG”, No. 41/94 from 22/12/1994 Article 9: If someone endangers safety or provokes a sentiment of endangerment of other individual by threat of assault on their body or life or someone close to them he or she shall be fined with amount of not less than six and not more than twenty guaranteed minimal salaries in the Republic or imprisoned for not longer than 60 days.

⁹⁹ Police Directorate press release from 4th of September 2007 available at: <http://www.gom.cg.yu/police/index.php?akcija=vijesti&id=43283>, visited on 24th of December 2007

suspect admitted calling Skorupan and in that occasion among the rest stated he had had no intention of attacking her, but that he allegedly liked her and wanted to make a contact”- taken from Police Directorate press release¹⁰⁰. The police lodged a complaint against E.K. to Basic State Prosecutor in Rožaje on suspicion of “endangerment of security”.

Reactions

Immediately after the incident Željko Ivanović said that behind this attack stood “family of Milo Đukanović, natural or crime one”.¹⁰¹ Ivanović in the interview to Initiative’s researcher said that the attack could be organised only under the protection of the authorities. “It is someone who feels protected and powerful and posses the knowledge how to pull this off, because he knows he will get uncaught “. ¹⁰² His feeling was this was a political message when a victim was someone who represented media outlet on ten years jubilee of that outlet.

Milo Đukanović, Chairman of DPS rejected the accusations sang it was not the first time people without enough self-esteem and integrity compensated their ambitions presenting Đukanović as their adversary. “Ivanović wants me for his adversary, believing he will get bigger influence on public that he lacks and which is in serious mismatch with his picture of himself” said Đukanović.¹⁰³ Đukanović sued Director of Vijesti Željko Ivanović, editor in charge Ljubiša Mitrović and enterprise Daily Press, publisher of the newspaper. Due to suffered emotional pain and slandering his honour and reputation he is asking on million dollars.

Many public figures opposed this legal action taken by Chairman of DPS seeing it as an obstruction tool against this investigation and its outcome.¹⁰⁴ Željko Ivanović said o Radio Free Europe that clearly emotional distress was not the issue but the figure of one million dollars which represent the way to create financial problems to the newspaper and to silence it.¹⁰⁵

At the hearing on 26th November 2007 defence attorneys, due to denied possibility of hearing testimonies of witnesses proposed by the defence,¹⁰⁶ asked for replacement of judge Nenad Otašević qualifying him as biased.¹⁰⁷

¹⁰⁰ Police Directorate press release from 15th of September 2007, available at: <http://www.gom.cg.yu/police/index.php?akcija=vijesti&id=43284>, visited on 24th of December 2007

¹⁰¹ *Baton from Đukanović and family*, Vijesti, 2nd of September 2007

¹⁰² Report on the incident from 2nd of November 2007

¹⁰³ *Đukanović Suing Ivanović*, B92, 3rd of September 2007 available at: http://www.b92.net/info/komentari.php?nav_id=261837, visited on 24/12/2007

¹⁰⁴ Among the others, negatively reacted....

¹⁰⁵ Radio Free Europe: *Đukanović sued battered director of Vijesti*

¹⁰⁶ Ivanović suggested witnesses who spoke about creation of environment where journalists could be freely attacked. Some of the witnesses were Dr. Miodrag Perović, Dr. Milan Popović, Milka Tadić-Mijović, Daliborka Uljarević, Vanja Čalović, Šeki Radončić, Balša Brković, etc.

¹⁰⁷ Radio Free Europe: *Beating to Ivanović, emotional pain to Đukanović*, available at: <http://www.slobodnaevropa.org/content/ivanovic/752306.html>, visited on 24/12/2007

“This is the first time for me to appear before the court and I am unpleasantly surprised with the fact that the court that should be independent, treating all parties equally, denies the possibility for me or for my colleague Mitrović to make statements explaining what we meant by what we had said and provide context of it at the end despite all given evidences and testimonies. I am really sorry for all this because we trusted it was possible to have one professional proceeding and professional trial regardless of all indications, but now the very beginning deepens our doubts in fair trials in Montenegro in XXI century”¹⁰⁸, said Željko Ivanović. According to the attorneys, evidences were valid and it should have been presented.¹⁰⁹

“Judge Otašević processed this case in less than a month, and we all know these cases take even a year here. The same judge presided over the trial on war crime – deportation of Bosniaks from Montenegro. It took him 11 months to schedule an initial hearing. So, for the war crime, for a murder, it took him a year, and for emotional suffering of Mr. Đukanović a month was enough“, said Ivanović to Initiative’s researcher.¹¹⁰

Editing Board of *Vijesti* issued announcement on 2nd of September saying that the attack on Ivanović was politically motivated and it was an attack on every free – thinking individual in Montenegro.¹¹¹

Police Directorate immediately after the incident reacted with a press release¹¹² where stated “all available operative resources were deployed in identifying and finding the offenders.”¹¹³

The attack on Ivanović was condemned by many public figures, nongovernmental organisations, associations of journalists, religious communities, ombudsman and numerous international institutions.¹¹⁴ Some of the public figures and nongovernmental organisations tied this incident with some power centres in Montenegro. On the other hand, representatives of Montenegrin authorities invited public to restrain itself from giving unsupported statements on involvement of president of DPS in the attack on Ivanović.¹¹⁵

Group of intellectuals sent an open letter to all citizens of Montenegro: “in our opinion a state where leading critics of the authorities are being murdered, beaten and intimidated is at least undemocratic and ruling structure is – a rule of terror. Culture of fear and silence is spreading across Montenegro in blasting speed. We must fight it by spreading the culture

¹⁰⁸ See above 89

¹⁰⁹ *Kolarević: it is a pleasant thing to receive 1.000.000*, *Vijesti*, 27/11/2007

¹¹⁰ Report on the incident, see above

¹¹¹ They do not frighten us, *Vijesti*, 2/09/2007

¹¹² Press release published in *Vijesti: Cowardly on Free People*, 2/09/2007

¹¹³ Police Directorate press release, available at: <http://www.gom.cg.yu/police/index.php?akcija=vijesti&id=25789>,

¹¹⁴ Sources: *Vijesti*, Dan, Radio Free Europe, Antena M, 2 – 7/09/2007, press clipping can be found in Initiative’s archive

¹¹⁵ *Ibid*

of resistance, free speech and criticism. We should raise our voice, protest and condemn the violence of mafia protected by the authorities! Shall we still live in society ruled by an invisible hand holding “the baton of Montenegro” over our heads? If we were not loud enough, when they come for our neighbour, brother, friend, colleague, there would not be anyone to stand in their way”¹¹⁶. The letter was signed by Baša Brković, Dr. Svetozar Jovičević, Ljupka Kovačević, Esad Kočan, Milka Tadić-Mijović, Andrej Nikolaidis, Snežana Nikčević, Miodrag Perović, Milan Popović...¹¹⁷

Dr Judy Bar, expert of Institute for Security Studies of EU condemned the attack and emphasised who this act reminded her of organised crime. She said it demonstrated problems and negative elements in Montenegro where the business was done in the same way “through criminal network and unrestrained private interests”.¹¹⁸

President Filip Vujanović and Prime Minister Željko Šturanović condemned the attack on the director of Vijesti saying “one should restrain himself from emotional and rash statements”¹¹⁹ from both sides.

Trial on Radomir Petrušić and Mitar Blagojević accused for attack on Director of daily Vijesti Željko Ivanović started on 10th of December 2007. During the depositions one could hear series of contradictory claims.¹²⁰ Željko Ivanović repeated it was “innocent persons who made some deal in order to take the guilt while true attackers and ones who ordered it are still free”.¹²¹ European Parliament invited Montenegrin authorities to investigate case of Željko Ivanović and guarantee freedom of press.¹²²

After one month, 15th of January 2008 Radoman Petrušić and Mitar Blagojević were sentenced to four years in imprisonment.¹²³ Judge of the Primary Court declined proposal of Ivanović to free them and accepted the prosecutor’s one to find them guilty.¹²⁴

“There cannot be a fair and correct court trial under this pressure on the Court. Montenegrin public saw that these individuals were innocent of the crime, judge and judicial council did not have that strength and credibility – professional and ethical – to withhold

¹¹⁶ PCNEN, available at: http://www.pcnen.com/detail.php?module=2&news_id=25222, visited on 24/12/2007

¹¹⁷ *Ibid*

¹¹⁸ *Smell Like Organised Crime*, Vijesti, 5/12/2007

¹¹⁹ Radio Free Europe, available at: <http://www.slobodnaevropa.org/content/News/713882.html>, visited on 24/12/2007

¹²⁰ Radoman Petrušić and Mitar Blagojević could not remember the place, how they agreed to vindicate, how they recognised Ivanović, where they were while waiting for him, etc.

¹²¹ Radio Free Europe: *Accused are not the real attackers on Ivanović*, 10/12/2007 available at: <http://www.slobodnaevropa.org/content/Article/782663.html>, visited on 24/12/2007

¹²² *European Parliament demanded investigation on the attack on Ivanović*, Vijesti, 14/12/2007

¹²³ *Caffemontenegro: 8 years to the attackers, Ivanović claimed they were innocent*, available at: <http://www.cafemontenegro.cg.yu/index.php?group=22&news=18338> visited on 17/01/2008

¹²⁴ *8 Years Without Evidence*, Vijesti, 16/01/2008 available at: http://www.vijesti.cg.yu/vijesti_old/arhiva.php?akcija=vijest&id=258737, visited on 17/01/2008

the pressure of invisible centres of power. They ruled as it suited the people who had ordered the crime and those who control whole Montenegrin society. On the other hand, a severe sentence was passed on these two unfortunate young men. Human freedom is sacrificed for few thousands of Euros. I repeat what I claimed before: one day when finally better times arrive in Montenegro these same young men will tell if they were truly guilty and who hired them to confess something not done by them. Patience and it will all come to light”¹²⁵ – said Ivanović.

1.6. Case Komnenić

Former Minister of Interior of the Republic of Srpska Mr. Tomislav Kovač insulted journalist of Free Europe Mr. Petar Komnenić because he was not pleased with one article of Komnenić published in weekly magazine “Monitor”.¹²⁶ Kovač was one of the closest associates of Den Haag’s accused Radovan Karadžić. Komnenić in his article mentions selective practice of Council of Europe’s recommendation to ban entry to all individuals suspected of harbouring or aiding fugitives accused of war crimes. Using that decision of CoE Montenegrin authorities banned from entering Montenegro pontiff of Serbian Orthodox Church (SPC) Filaret.¹²⁷ In that context Kovač is mentioned, as someone on the list of suspects of helping fugitives from International Criminal Tribunal in Den Haag that “was not refused State’s hospitality”.¹²⁸ Also, further in the text is Kovač’s biography describing war years when he was Minister of Interior of RS, his ties with Montenegrin authorities and SPC.¹²⁹ Kovač owns company Aleksandrija from Herceg Novi.

Kovač publicly called Komnenić a “fascist” and an “idiot”. The insults were broadcasted by Radio Free Europe.¹³⁰

“Reasons behind this arrogant behaviour of Tomislav Kovač are understandable because his ties to Montenegrin authorities are well spoken about. Now is easier to guess why Montenegrin police has not treated Tomislav Kovač as pontiff Filaret“, said Komnenić for Vijesti.¹³¹

Komnenić announced a private sue for slander and damage of the reputation.¹³²

¹²⁵ *Ibid*

¹²⁶ *Selective justice of Montenegrin authorities*, Monitor, No. 882, available at: http://www.monitor.cg.yu/ARHIVA/a_882_01.html, visited on 24/12/2007

¹²⁷ *Ibid*

¹²⁸ *Ibid*

¹²⁹ *Ibid*

¹³⁰ Radio Free Europe: *Insults to Journalists of RSE*, visit <http://www.slobodnaevropa.org/content/News/715466.html>,

¹³¹ *Cynicism is when Karadžić’s Minister calls someone a fascist*, Vijesti, 20/09/2007 available at: <http://www.vijesti.cg.yu/arhiva.php?akcija=vijest&id=247924>, visited on 24/12/2007

¹³² See above 130

1.7. Case Softić

Journalist Tufik Softić was battered on 1st of November 2007 in Berane. Softić is correspondent from Berane for Montenegrin daily newspaper Republika, Balkan Investigatory Reporting Network (BIRN) and until recent Director of Radio Berane. He was assaulted in front of his house in Miljana Vukova Street around 20:20h. Two attackers were beating Softić with metal bars. His right arm was broken when he tried to block the blows with it. Both attackers wore hoods.¹³³

Softić was held in hospital for injuries he suffered: concussion, right hand fracture, ear damage, swelling on head and arms.¹³⁴

Softić considers the assault as attempted murder because he was beaten on the head solely. “Neither investigative judge nor prosecutor showed at the crime scene, nor they contacted me. An investigative judge was at least to appear there and initiate something against unknown attackers. As things are, it will stay on police investigation to define it as they see it fit”¹³⁵ said Softić.

Softić said to Initiative’s researcher that he had been receiving threats for ten months from crime circles. However, he could not relate those threats with the assault.

Police was not able to identify the perpetrators. Softić doubts they will be ever found due to both lack of evidence and the fact police was not able to resolve similar cases in the past.

“If these things remain unsolved it will mean the State does not have capacity to protect carriers of the free speech. Today a journalist, tomorrow a judge, inspector or police officer or someone else will be attacked if these things stay unsolved as they are. The beaters will become more aggressive”¹³⁶, Softić said to Initiative’s researcher.

The attack on Softić was condemned by press associations, nongovernmental organisations, governmental institutions and political parties demanding from the authorities to find and punish the responsible ones.¹³⁷

It has been a month since the attack and still there are not any new details on investigation, no one is contacting him and he expresses doubt and pessimism in resolving the matter. “I perceive my case as a warning to journalists in Montenegro, particularly here in Berane to watch what they are doing”¹³⁸, said Softić.

¹³³ Report on the incident from 7/11/2007 can be found in Initiative’s archive

¹³⁴ *Police arrests, Softić recovers*, Vijesti, 3/11/2007 available at: <http://www.vijesti.cg.yu/arhiva.php?akcija=vijest&id=252117>, visited on 24/12/2007

¹³⁵ See above 133

¹³⁶ *Ibid*

¹³⁷ *Suspected one half of the town*, Dan, 3/11/2007 available at: <http://dan.cg.yu/?nivo=3&rubrika=Vijest%20dana&datum=2007-11-03&clanak=123340>, visited on 25/12/2007

¹³⁸ *My case is dangerous message to everyone*, Vijesti, 5/12/2007

1.8. Case ILH

International League of Humanists for Peace (ILH) is an independent association of humanists from all continents. Members of ILH are scientist, public activists, leaders of religious communities and others who build peace, trust and democracy. ILH was founded 1974 in Dubrovnik (Croatia) by six peacemakers¹³⁹. The occasion was “in the honour of 200 jubilee of the Declaration of Independence in Philadelphia, invitation of the State of Pennsylvania to renew and modernise that historical document that laid the foundations of democracy in the USA on the principles of liberty and equality”.¹⁴⁰ After numerous discussions a document was made later called “Dubrovnik – Philadelphia Statement”. ILH’s goal is a success of peace development plans around the world. Each year ILH give awards for contribution to peace and tolerance amongst people and nations.

Mid December 2006 Sarajevo branch of ILH decided to nominate Svetozar Marović, former President of Federal Republic of Yugoslavia from Montenegro for “the first honorary ambassador of peace to the countries of South East Europe” and Milo Đukanović for “Golden Charter of Peace with Plaquettes and Gold Medal“. Revolted with that decision, professor of University of Montenegro, Milan Popović left ILH.¹⁴¹

Bakira Hasečić, recipient of award for 2006 had a similar reaction saying she would return the award if Marović and Đukanović receive it.¹⁴²

When announced that the ceremony will take place in Budva, organised by ILH with support of President of Montenegro, group of public figures among which some activists from civil sector, professors and journalists¹⁴³ publicly protested the awards. The group asked from Vaclav Havel¹⁴⁴ to distance himself from it and reminded that awarding people who in period from 1990 to 1997 supported Slobodan Milošević who was responsible for hundreds of thousands of deaths and refugees from ex Yugoslavia, was an insult to all

¹³⁹ Philip Noel-Baker, first chairman of UN Committee of disarming, Nobel prize winner for peace, Ava and Linus Pauling, Nobel prize winner for peace and chemistry, Aurelio Peccei, president of Roman club, Sophia Wadia, Indian writer and Ivan Supek, Dean of University of Zagreb

¹⁴⁰ International league of humanists, available at http://www.intlh.com/index_bih.html

¹⁴¹ *Popović leaving league of humanists*, Vijesti, 19/01/2007

¹⁴² *League awarding Milo and planting Filip*, Dan, 19/01/2007

¹⁴³ Protest letter signed by professor at Faculty of Law Dr Vjera Begović-Radović, Director of Vijesti Željko Ivanović, professor Svetozar Jovičević, editor in charge of Monitor Esad Kočan, journalist Veseljko Koprivica, peace activist Ljubomirka Kovačević, Director of CRNVO Stevo Muk, president of Montenegrin Committee of Human Right Advocates Velija Murić, journalist Snežana Nikčević, writer Andrej Nikolaidis, writer and president of the movement “Public against Fascism” from 1993 till 1998 Milika Pavlović, founder and director of Monitor Dr Miodrag Perović, professor Dr. Milan Popović, director of Montenegrin Women Lobby Aida Petrović, journalist Milka Tadić-Mijović, Director of Centre for Civic Education Daliborka Uljarević, Prof. Dr Nebojša Vučinić, Prof. Dr Ilija Vujošević, journalist Dragoljub-Duško Vuković and human rights researcher Aleksandar Zeković

¹⁴⁴ Vaclav Havel, former Czech president

victims of war.¹⁴⁵ Letter was addressed to Milan Kučan and Kiro Gligorov, former presidents of Slovenia and Macedonia.¹⁴⁶

Members of NGO Anima demanded from ILH to renounce the awards because it would make the idea of humanism senseless.¹⁴⁷

Sonja Schtigelbauer, president of ILH, after the strong reactions from part of Montenegrin public, “threatened” to resign if Milo Đukanović and Svetozar Marović receive the awards for peace.¹⁴⁸ “Gentlemen Đukanović and Marović manage to avoid war in Montenegro and laid down the path towards European institutions. It is very positive for citizens of Montenegro but these two men were responsible for the war period from 1992 to 1995 during the war in Bosnia. I want these questions to be answered truthfully (if they were responsible for it): What happened in Bukovica? Where are the refugees from Bosnia, sent to Karadžić’s army? What happened in Dubrovnik?... only when and if International Criminal Tribunal in Den Haag informs me their responsibility has been inspected and they behaved as true humanists their names can be put on the award list of ILH. We have to deal with past very responsibly in order to have a future¹⁴⁹” said Sonja Schtigelbauer.

Minister of Justice in his reaction noted Montenegro did not have deciding power on the war mid 90s, that executive power 1992 deported Bosniacs/Muslims in accordance with federal laws at the time and that population of Bukovica was banished by the extremists from the Republic Srpska.¹⁵⁰

Democratic Party of Socialists (DPS) in their releases strongly criticised those who were opposing the awarding of Đukanović and Marović. DPS called that people “characters from the petition“, “embarrassing people“, “a little group of intellectuals“, “frustrated individuals“, and stated that was a group of individuals overwhelmed with their personal frustrations who wanted to be achieved in this manner.¹⁵¹

Following the series of contradictory statements of the top of ILH, at the end on 28th of May 2007, ILH gave the awards. However, the originally awards were replaced so Milo Đukanović instead of Golden Charter “Linus Pauling” for life achievement and efforts in humanism received “Peace Charter for Peaceful Resolution of Statehood“, and Svetozar Marović received the title of honorary ambassador of peace at ILH.¹⁵²

¹⁴⁵ *Not like Đukanović and Marović*, Vijesti, 20/05/2007

¹⁴⁶ *Đukanović and Marović not worthy of awards*, Dan, 20/05/2007

¹⁴⁷ *Do not award war ideology*, Dan, 22/05/2007

¹⁴⁸ *Schtigelbauer: I or them*, Vijesti, 24/05/2007

¹⁴⁹ *Ibid*

¹⁵⁰ Announcement of Ministry of justice from 24/05/2007 available at: <http://www.pravda.vlada.cg.yu/index.php?akcija=vijesti&id=22649>, visited on 25/12/2007

¹⁵¹ Announcement of DPS available at: http://www.dpscg.org/index.php?option=com_content&task=view&id=250&Itemid=2, visited on 25/12/2007

¹⁵² *I am not ashamed of anything, the time is to be blamed*, Vijesti, 29th of May 2007

At the ceremony day NGO activists left the awards of Bakira Hasečić, Chairwomen of Women the Victims of the War of B&H and Zdravko Greb well known professor from Sarajevo, in front of the cabinet of President Filip Vujanović. Liberal Party organised protest walk in Old Town of Budva.

Vaclav Havel, Milan Kučan, Kiro Gligorov and Stipe Mesić, after receiving the letter from the group of intellectuals did not appear at the award ceremony even though they were on the lists of the awardees.¹⁵³ Chairperson of IHL Sonja Schtiglbauer cancelled her participation in Budva declaring she had not given her approval on awarding Đukanović and Marović.¹⁵⁴

Lack of presence of these people was perceived as distancing from the awards by the group of independent intellectuals. Daliborka Uiljarević, one of the signers of the letter stated the awards given to Đukanović and Marović were not genuine and those are not in the catalogue of awards of ILH, and that the biggest value of this action is an indicator that in Montenegro there was still some civic courage left.¹⁵⁵

1.9. Case Mitrović

Milorad Mitrović lives in Pljevlja. When the Government of Montenegro 2004 proposed building a dam and hydro-electric plant on river, he became chairman of crisis group for saving Tara.

Subsequent to that Mitrović received several death threats.¹⁵⁶ In the interview with Initiative's researchers Mitrović said in the last year beside the consistent pressure he had suffered physical assaults.¹⁵⁷ Neither Police Station in Pljevlja nor State Prosecutor have processed these cases.¹⁵⁸

During 2006 and 2007 Mitrović was a target of threats and pressure. On 8th of February 2006 Mitrović filed a criminal complaint against Selmanović Neseff who had assaulted him in cafe-bar Ipon.¹⁵⁹ According to Mitrović, the assault was provoked by his public appearance regarding poaching on river Čehotina and Lake Otilovići.¹⁶⁰

¹⁵³ *Ibid*

¹⁵⁴ *Ibid*

¹⁵⁵ "Embarrassing" defeated "almighty", Vijesti, 1st June 2007

¹⁵⁶ Written statement of Mitrović, can be found in Initiative's archive

¹⁵⁷ Written statement of Mitrović, can be found in Initiative's archive

¹⁵⁸ *Ibid*

¹⁵⁹ *Ibid*

¹⁶⁰ *Ibid*

September 2006 Mitrović stated for printed media¹⁶¹ that Radoje Rondović in meetings of DPS called the members and supporters to “deal”¹⁶² with the ecologists and Mitrović.¹⁶³ NGO “Green youth” reacted with press release and distributed to media photos of poachers from villages Prečani and Đurđevića Tara.¹⁶⁴ A trial on slander before the Primary Court in Podgorica is still in process, motioned by game-keeper of National Park “Durmitor” Branislav Rondović.¹⁶⁵ “Stalling of this trial is just an attempt to put me through unnecessary costs and keep me under pressure”¹⁶⁶, said Mitrović to Initiative’s researcher.

Mitrović told Initiative’s researchers that on 9th of March 2007 at approximately 11:30 hours he received a phone call from someone that had identified himself as Stanišić Goran from Mojkovac and launched numerous insults and threats.¹⁶⁷ The incident was reported to the police in Pljevlja the same. “As we speak, I have not received any feedback on actions taken against mentioned person”¹⁶⁸ said Mitrović.

On 25th of May 2007 Mitrović was followed by unknown persons in white automobile “Golf 2”. One person was on foot informing the others on his movement.¹⁶⁹ Mitrović was attacked in Boračka Street but he recognised the attacker. Mitrović reported the incident to police station in Pljevlja and the attacker was apprehended but the case was never processed.

On 18th of August 2007 at 12:09 Mitrović received an e-mail¹⁷⁰ containing death threat from unknown sender.

Mitrović was hit in the head by someone at the street in November. However, as he said to Initiative’s researcher, he could not talk any more about it. “I am desperate. I am running out of energy and I am about to burst” Mitrović said to Initiative’s researcher. Police and prosecutor’s office have not solved even one case of phone threats despite the fact that in certain cases facts such as phone numbers or names of the callers were available.

¹⁶¹ *Mitrović: DPS activists threaten my life*, Dan, 1st of September 2007

¹⁶² *Ibid*

¹⁶³ *Ibid*

¹⁶⁴ *Threats of Officer of Customs*, Večernje novosti, 7th of September 2007

¹⁶⁵ *Ibid*

¹⁶⁶ *Ibid*

¹⁶⁷ Copy of the statement given to police station in Pljevlja, can be found in Initiative’s archive

¹⁶⁸ *Ibid*

¹⁶⁹ *Ibid*

¹⁷⁰ E – Mail: *Mitrović, Mitrović, come to your senses, stop with those foolish things that cannot bring you any good. We know where you were on Wednesday and with whom. We know you work system, we know what you are planning. We know everything and we warn you to stop with the stupidities. You think you are influential and you can fight the machinery? If you think you can go against us you are wrong, because we are very strong, more than you can imagine. You are an easy mark for us. We know your moves and we will kill sooner or later, very easy, silently and swiftly. This is your last warning, we are not going to waste any more time on you, so wise up!!*

1.10. Case Pejović

Slobodan Pejović is former police inspector from Herceg Novi who participated in action of Montenegrin police in early 90s when, at the request of Radovan Karadžić, citizens of BH displaced in Montenegro were brought in. Pejović refused to do that and freed two detained Bosniaks.

Pejović publicly testified several times on deportation of refugees from Bosnia beginning 1992.

After the testimonies of Pejović was pressured. “After my interviews, first two or three months panic came out among people who had recognised me, followed by the silence. When they realised nothing was going to happen to them, using mutual acquaintances at first, started with threats”, said Pejović for *Vijesti*, adding that after each statement or interview reaction was stronger. He is one of the witnesses in the proceeding lodged by the family of deported Azem Pljevljak.¹⁷¹

Pejović was attacked on 9th of December 2007 at 18:00h while he was walking his dog¹⁷². A big man came out of dark blue car with registration plates from Bijelo Polje, asked him where he was going and then attacked him with a metal bar.¹⁷³

Police arrested Vuk Selić for the assault on Pejović.¹⁷⁴ Pejović said for Radio Free Europe he had received information from the police off the record that the attacker was “police guy”¹⁷⁵, it was an “ambush” and he had expected something of the kind.¹⁷⁶

“It is so pitiful that attacks on Slobodan Pejović are repeating, on him who is not only a witness to crimes of Montenegrin Government in ’92 but also to the fact that in Montenegro has existed a different moral code deported by the first grenades fired at Konavle and first refugees sent to war camps. Unfortunately, it seems to be obvious this is an organised attitude of the State towards this crime”¹⁷⁷, said Dragan Prelević, attorney of law from Podgorica.

“This, third ambush where victims were those who publicly called for facing the truth tells us much about Montenegro at this moment, and today’s holiday obliges us to be aware of this worrying truth. Montenegro is a country where war crimes were committed and only country whose judiciary failed to pass a single sentence for those crimes”¹⁷⁸, said Koča Pavlović, MP of Movement for Changes at the Parliament of Montenegro.

¹⁷¹ PCNEN: *Pejović: Police Destroyed Documentation*, 24th of June 2007

¹⁷² In *Herceg Novi Attacked former Police Official Slobodan Pejović*, *Vijesti*, 10th of December 2007

¹⁷³ *Ibid*

¹⁷⁴ *Ibid*

¹⁷⁵ Radio Free Europe, *Witness of a Crime Attacked Again*, 10th of December 2007, available at: <http://www.slobodnaevropa.org/content/Article/782674.html>, 10th of December 2007 visited on 25th of December 2007

¹⁷⁶ *Ibid*

¹⁷⁷ *Ibid*

¹⁷⁸ *Ibid*

Conclusions

Political violence in Montenegro is manifested through attacks on journalists, writers and activists of those organisations that fight for human rights or against corruption. Along with direct physical assaults the victims often are faced with verbal threats.

Reactions of State bodies on cases of politically motivated attacks and researched by the Initiative were not adequate. That applies mostly to investigations, but also to legal actions. Dissatisfaction of the victims with the work of prosecutor's office and often the police was expressed. Process of revealing the perpetrators sometimes takes more than a year and in some cases the police do not have any information even after that period. During 2007 there was not a single case examined by the Initiative that was solved and victims satisfied with the process and result.

All cases described by the Initiative had media coverage. Common characteristic for the all cases was strong public denouncement of the incidents. Representatives of competent bodies often publicly condemn the incident but there their involvement stops.

Results of the research show enormous disbelief of citizens and victims in police, prosecutor's office and judiciary in general. That is mostly contributed by unwillingness of State prosecutors to initiate legal actions and their lack of professionalism. The large number of unsolved cases encourages attackers to continue with their actions.

The victims demand for finding persons behind the attacks, who derive from various centres of power and not just the attackers. Despite the fact that victims in some cases are providing relevant information, sometimes even the names of possible perpetrators or people behind them, efficient reaction of the police or prosecutor's office remains missing.

Recommendations

Competent bodies besides public condemning the incidents must undertake necessary actions in order to identify, prosecute and punish committers of politically motivated attacks. Only efficient actions of the police, prosecutor's office and judiciary can stop increasing trend of political violence. Those institutions must strongly react and punish perpetrators and ordering parties, so it would deny any possibility for repeating those attacks.

Particular attention must be given to attacks on those citizens who dared to publicly express their opinion on social processes in Montenegro, especially on dealing with the past. As seen, some of the attacks occurred immediately after their public appearances where they discussed on this topic.

The victims and witnesses of the violence have to receive full protection against persecution and threats. This is particularly relevant to cases where representatives of authorities or major capital were suspected for the assaults. Fear of these people and their power contributes to further isolation of Montenegrin society and development of atmosphere of anxiety.

II Police torture

On October the 15th 2007, Montenegro has signed the Stabilisation and Association Agreement (SAA) with the European Union (EU), but in some particular fields of human rights protection, the authorities, especially the police, have not succeeded in implementing international standards into their work. Since September 2006 till October 2007, Initiative researchers have noted down 28 cases of police torture to which the citizens of Montenegro were subjected. In these cases, the state authorities did not react adequately and legally, which gives rise to supporting the impunity for human rights violation. If it wants to continue with its process towards European integrations, the Montenegrin government is obliged to convict the responsible ones loudly and clearly, conveying in that sense a message, to both domestic and international public, that its concern for respect of human rights is not only declarative in nature.

The police torture is forbidden by a number of international and domestic legal records. Convention against Torture and Other Cruel, Inhumane or Degrading Punishments or Treatments prohibits any form of torture and torment by persons in official capacity.¹⁷⁹ It includes physical injuries intentionally inflicted on a person, physical psychological torture for the purpose of extorting statements from a person, exerting pressure, obtaining information or intimidating him/her on any grounds.¹⁸⁰ No exceptional circumstances whatsoever, whether a state of war or a threat of war, political instability may be invoked as a justification of torture.¹⁸¹

Universal Declaration of Human Rights¹⁸² and European Convention for Protection of Human Rights and Fundamental Freedoms¹⁸³ prohibit inhumane or degrading treatment, and cruel punishment.

¹⁷⁹ Convention against Torture and Other Cruel, Inhumane or Degrading Punishments or Treatments is adopted and open to signature, ratification and accession by the Resolution of the UN General Parliament number 39/46 on December 10th 1984. It entered into force on June 26th 1987, in accordance with Article 27. Yugoslavia signed and ratified this Convention. It was published in Official Gazette (International agreements), number 9/91.

¹⁸⁰ *Ibid*, Article 1

¹⁸¹ *Ibid*, Article 2

¹⁸² Universal Declaration of Human Rights is adopted by the UN General Parliament on December 10th 1948, Article 5

¹⁸³ European Convention for Protection of Human Rights and Fundamental Freedoms is adopted on November 4th 1950. It entered into force on September 3rd 1953, with the Protocol 11, which has entered into force on November 1st 1998.

Constitution of Montenegro, 1992, provides punishment for any form of violence against a person deprived of liberty as well as for any form of extortion.¹⁸⁴ Torture is also prohibited by the Charter on Human and Minority Rights.¹⁸⁵

Montenegro adopted a new Constitution on October 19th 2007, which prohibits captivity, torture, inhumane and degrading treatment.¹⁸⁶

On the basis of Law on Police, coercive means are used in order to remove danger from at least harmful consequences for a person on who the coercive means is applied.¹⁸⁷

Criminal Code of Montenegro¹⁸⁸ prohibits abuse and torture. In the case of criminal act committed by persons in official capacity, he/she would receive three to five years imprisonment sentence. It also prohibits extortion of information, and if the act is committed by the person in official capacity, the sentence is three months to five years imprisonment.

Since September 2006 till December 2007, Initiative researchers have tested the ground, and have registered six cases of police torture in Montenegro. Besides that research, they analyzed the printed media, and registered twenty-two cases of citizens' complaints about police torture in Montenegro.

¹⁸⁴ Constitution of Montenegro, Official Gazette of the Republic of Montenegro number 48/92, adopted on October 12th 1992

¹⁸⁵ Charter on Human and Minority Rights and Civil Liberties (Official Gazettes of the Republic of Montenegro number 6/2003) adopted on February 28th 2003, Article 3

¹⁸⁶ Constitution of Montenegro, adopted on October 19th 2007, see <http://www.skupstina.cg.yu/index1.php?module=3&sub=2>, visited on November 25th 2007

¹⁸⁷ Law on Police adopted on April 27th 2005, published in Official Gazette of the Republic of Montenegro No 28/05. The Article 30 of this Law set forth that: coercive means shall include physical force, baton, means for tying face, devices for compulsory stopping of vehicles, trained dogs, chemical substances for temporary disablement, special vehicles, special types of weapon, explosive devices and firearms.

Coercive means shall be used in the following cases:

1. preventing a person deprived of liberty or caught red-handed from escaping, prosecuted in the line of duty
2. suppressing the opposition of the person disturbing public law and order, or the person that shall be deprived of liberty in the cases regulated by the law
3. warding off the assault, defending other person or the secured object

Police officer shall use a coercive means in such a way that his/her official duty is proportional to the danger that has to be removed, and with least harmful consequences for a person on whom the coercive means is applied.

Police officer shall not act as it is specified by the paragraph 4 of this article, if it brings into question the performing of the legal duty.

¹⁸⁸ Criminal Code of Montenegro, Articles 166 and 167 (Official Gazette of the Republic of Montenegro, available on the website: <http://www.upravapolicije.vlada.cg.yu/vijesti.php?akcija=vijesti&id=12583>, visited on December 9th 2007

2.1. Degrading Treatment in Police Station in Pljevlja

Radosav Rondović, born in 1972, is a citizen of Pljevlja. On May 24th, 2007, around half past noon, he was sitting with his friend Blagoje Vuković, in a café ‘Ređina’, when a police officer, Veselin Planić, gave him a sign with his hand to walk up to him. When Vuković approached him, Planić, accompanied with another officer, told him: ‘I don’t want to approach you so that people watch that, I don’t want to arrest you, but you have to come with me because Dino Katana¹⁸⁹ has summoned you to report to the police station for an interview.’¹⁹⁰ Rondović, accompanied with his friend Vuković, went to the police station.¹⁹¹

According to the statement given to the Initiative’s researchers, Rondović describes the events of that day in the following way: ‘While we were on our way to the police station, I asked where they were taking us and what the problem was? They told me that they neither knew the reason, nor what had I done, nor why they had to arrest me. I didn’t receive any summon.’¹⁹² And concerning the events in the police station, Rondović says: ‘When we arrived at the police station, they separated us. I spent fifteen minutes in one office, being looked after by a police officer Tošić, and another one accompanying him. There appeared a short, dark inspector, I don’t know his name, and told me to come with him.’¹⁹³ I entered an office, with five more people in it. The three of them were complete strangers for me, and the other two were Dino Katana i Slavenko Bajić.¹⁹⁴ Slavenko Bajić and Katana stood up and went away. I was left there with the three men I don’t know. And then the torture started. I cannot remember all the things they did to me. They were pinching me, touching me, pulling my ears and my nose. They humiliated me. The dark, fat one would hit my head with his fist, and then he would sit down and blow in my face. He would hit my flanks. I didn’t dare to look at them. He blew into my neck for forty minutes, I felt chilly, extremely chilly. One of the three told me *Son of a bitch* more than two hundreds times, it was really disgusting. They threatened to ‘put my nephew on a spit’, to kill my family. They threatened to come back if I told anybody about this, and that it would be much worse next time. They asked me: ‘Do you know with whom you have been messing around, buddy?’ I answered that I didn’t know what the problem was and what had I done wrong. That was the tough thing. Nobody showed their police ID cards. I asked for a lawyer, but they didn’t give a one to me. They took my cell phone to search for something, and gave it back to me at half past seven. They asked me why I deleted my messages. They let me go around 10 to 8 pm.’¹⁹⁵

On June 7th 2007, Police Department issued a statement that the Interior Control of the Police Department undertook measures to determine the relevant facts. It is stated that given that Rondović did not ask for a doctor, and did not take an official report on his injuries, it was impossible to determine whether he was physically abused and injured or not. Based on this statement, it is clear that the Interior

¹⁸⁹ A Police Department officer, District Office in Pljevlja

¹⁹⁰ See Initiative’s report on the incident, June 4th 2007, available in the Initiative’s documentation

¹⁹¹ *Ibid*

¹⁹² *Ibid*

¹⁹³ *Ibid*

¹⁹⁴ A Police Department officer, District Office in Pljevlja

¹⁹⁵ *Ibid*

Control of the Police Department conducted a partial and inefficient investigation, because it states only the actions related to determining whether there was any physical abuse or not.¹⁹⁶

The statement neither contains the names of the police officers that did an interview with Radosav Rondović, nor does it deny that they did not introduce themselves and showed their police ID cards to Rondović. According to the Law on Police of the Republic of Montenegro, police officers are bound to introduce themselves by showing their police ID card to the citizen on whom police powers are applied.¹⁹⁷

Rondović asked for a presence of a lawyer, but he was not let to have one.¹⁹⁸ Police Department said that the lawyer was not at the disposal, because Rondović and other persons apprehended that day were called for an interview just for collecting the information from citizens, and not as suspects.¹⁹⁹

The Interior Control of the Police Department stated that within a report on investigation, submitted to Rondović, there is guidance saying that one can bring a private action against police officers to the competent court, or file a criminal charge to the competent State Prosecutor.²⁰⁰

Based on the data that the Initiative has, Rondović neither brought an action to the competent court, nor did he file a criminal charge to the competent State Prosecutor against police officers. Rondović even refused legal aid of the Initiative.²⁰¹

2.2. Police Torture in Bar

Ivan Abramović (born in 1981) and Predrag Đukić (born in 1981) told the Initiative researcher that they had been tortured by the officer of the Emergency Unit of the District Office of Bar, on July 24th 2007, in the afternoon hours.²⁰²

Abramović and Đukić told that the incident took place in front of a fast-food restaurant 'Panini', in Bar, when the two of them had provoked Jagoš Pivljanin, standing in front of the fast-food. Pivljanin hit Đukić, and Đukić describes that in the following way: 'We were approaching Ivan's car that was parked in front of a fast-food. That Pivljanin gay was standing over there. I told him something just to make a joke, and not to insult him or provoke

¹⁹⁶ A statement of Police Department, June 7th 2007, available at the web site: <http://www.upravapolicije.vlada.cg.yu/index.php?akcija=vijesti&id=23218>, visited on December 16th 2007

¹⁹⁷ Law on Police, Article 14, *see above under 9*

¹⁹⁸ Report on the incident, *see above under 12*

¹⁹⁹ A statement of the Police Department, *see above under 18*

²⁰⁰ *Ibid*

²⁰¹ Report on the incident, *see above under 12*

²⁰² Initiative's report on the incident, August 1st 2007, available in the Initiative's documentation

him in any way. I just made a joke with him. Then he hit me from behind, right in my jaw. I hit the wall with my head. Then somebody helped me, because I was unconscious. They tried to pull out my tongue.²⁰³

Pivljanin is a Police Department officer, but he was a plain-clothes constable at that moment.²⁰⁴ Ivan Abramović further comments on the incident: “The policeman then attacked me physically. He neither showed his police badge, nor did he warn us that he is a policeman. The conflict started verbally, nobody attacked him physically, and there are witnesses to confirm that. After that the two of us hit each other couple of times. I shouted to some of the present people to call the police. Then somebody separated us. I went towards Predrag with somebody to give him help. He was totally unconscious.²⁰⁵

Abramović continues with his story: “All of a sudden there came the Emergency Unit. I thought it was good, I thought they would arrest us, arrest him as well, note down our statements, and give some help to Predrag. They picked us up immediately. I don’t know how they picked up Predrag, because he was still totally unconscious. They put the handcuffs on us, and we entered their vehicle. They drove us towards Ulcinj, and turned towards of Railway Station. They chucked us out of the vehicle, on the flat concrete surface behind the Railway Station. They were beating us and abusing us physically for half an hour, or more, I can’t tell the exact time. We already had severe injuries, and we got even more of them over there. Both Predrag and I got a nose fracture. There were the four of them: Jaredić Neško, Bušković Veselin, Raičević Ivica i Ramušović Rifat. They were beating us incessantly and severely. When they finally stopped, they put us into the vehicle again and took us to the Police Station in Bar.²⁰⁶

As Abramović states, police torture continued in the police station as well: “They went on with torturing us. They were beating us from the parking place to the police station, and in the very police station. They didn’t take us to the inspector for questioning. Instead they were judges, prosecutors and inspectors at the same time. They were beating us, abusing us, insulting us, and swearing at us. Both Predrag and I were collapsing, caused by severe beating. They didn’t stop, not until somebody of their superior officers told them to stop. At our insistence, they finally took us to the ER.²⁰⁷

About what happened in the ER, Abramović says: “They exerted considerable pressure on the doctors to say I didn’t have any injuries, because they wanted to bring me back to the police station. Doctors were shocked when they saw me. They gave me a letter of reference for hospital in Bar. In that hospital, policemen also exerted pressure on the doctors. They told them it was nothing wrong with us, that we had fallen somewhere. I don’t know whether those doctors had something to do with the policemen, but I saw them giving each

²⁰³ *Ibid*

²⁰⁴ *Ibid*

²⁰⁵ *Ibid*

²⁰⁶ *Ibid*

²⁰⁷ *Ibid*

other secret signs. Doctors told me they couldn't keep me in their hospital. They gave me a letter of reference for the hospital in Podgorica.²⁰⁸

Predrag Đukić was beaten once again, after he had been transported to the ER and after having received medical help.²⁰⁹ Đukić says: "They brought me to the police station once again. Then I was beaten by a tall, bald policeman, also in his uniform as the other four were. He kicked me in my legs, the bruises are still visible."²¹⁰

At a lawyer's insistence, hired by the father of Predrag Đukić, police took Predrag and Ivan to the ER, around 11 pm. They got a letter of reference for a hospital in Bar, and from that place they were transported to the Clinical Center of Montenegro, in Podgorica.²¹¹ Predrag Đukić was kept in hospital in Podgorica for seven days, and Ivan Abramović for three days.²¹² In his discharge paper number 14395/706, it is stated that Predrag Đukić was received into hospital because of the injuries inflicted upon him by other persons, and that he was brought into the hospital accompanied by the police.²¹³ Injuries of Predrag Đukić are blood suffusions around eyes, swelling on the left side of the face, nose fracture, swelling on the back, as well as blood suffusions over the arms and rectal bleeding.²¹⁴ Ivan Abramović was also inflicted following injuries: blood suffusions all over the head and the body, nose fracture as well as swellings over the head and the body.²¹⁵

On September 18th 2007, the Council for civil control of the police performance has assessed the particular case as violating human rights and freedoms by going beyond one's authorizations.²¹⁶ The Council states that the officers of the Emergency Unit of the District Office of Bar - Neško Jaredić, Veselin Bušković, Rifat Remusović i Jagoš Pivljanin – have committed serious infringement of discipline.²¹⁷ The Council advises the head of the Police Department to suspend the officers engaged in this case from work, until finishing the court procedure, and to deliver appropriate discipline measures.²¹⁸

The Interior Control of the Police Department concluded there was a grounded suspicion that officers of the Emergency Unit of the District Office in Bar Neško Jaredić, Veselin Bušković, Rifat Remusović and Jagoš Pivljanin had committed serious infringement of discipline related to abuse or exceed of authority, namely they performed activities at work or in relation to work with the elements of criminal offence prosecuted in the line of duty.²¹⁹ In the same release the Interior Control also concluded that officer of the Police

²⁰⁸ *Ibid*

²⁰⁹ *Ibid*

²¹⁰ *Ibid*

²¹¹ *Ibid*

²¹² *Ibid*

²¹³ Discharge Paper with Epicrisis number 14395/706, Clinical Center of Montenegro, Podgorica, signed by medical specialists Dr Novak Lakićević, Dr P. Lompar, Dr S. Đurašković, on July 31st 2007, available in the Initiative's documentation

²¹⁴ *Ibid*

²¹⁵ Photos with injuries inflicted upon Ivan Abramović, available in the Initiative's documentation

²¹⁶ The Council for civil control of the police performance, conclusions drawn at the meeting held on September 18th 2007

²¹⁷ *Ibid*

²¹⁸ *Ibid*

²¹⁹ The Statement of the Police Department, August 7th 2007, available at the web site: <http://www.upravapolicije.vlada.cg.yu/index.php?akcija=vijesti&id=25277>, visited on December 12th 2007

Department Jagoš Pivljanin had committed serious infringement of discipline related to behavior in service or outside it, contrary to the Rulebook on the Police ethics.²²⁰

The Interior Control of the Police Department has suggested the head of the police to initiate disciplinary proceedings against the four above-mentioned officers of the Police Department.²²¹

Official records made by the Interior Control in the control procedure was submitted to the First Instance Public Prosecution Office in Bar to be assessed and decided upon.²²² The Prosecutor from Bar told the Initiative researcher that the case has been submitted to the court, and that the evaluation and decision-making are pending.²²³ As the Prosecutor says, the Police Department has filed a criminal charge against Abramović and Đukić because of the assault on the police officer. On the other hand, Abramović and Đukić have filed a private criminal charge against an officer of the Police Department.²²⁴ Both charges will be consolidated during the evaluation and decision-making.²²⁵

2.3. Police Torture in Berane

I.V. and M.A. are the citizens of Berane. They are both members of Roma nationality. On July 10th 2007, I.V. told the Initiative researcher that the police apprehended him and his friend M.A. at the beginning of May 2007.²²⁶

About the events in the police station I.V. says: ‘Around May 3rd 2007, cops have arrested me and M.A. I spent a day and a night in the police station in Berane. They were beating me and swearing at me for two hours. They wanted me to admit what had I stolen. They didn’t give me a detention order that day, but only the day after, in Bijelo Polje. I was beaten on chest and arms with the baton. A one of them hit my back with a baseball bat. They were beating me for two hours and then again after taking a little bit of rest. My back and my belly were covered in bruises. They slapped me all the time; the four of them were beating me. They were beating my hands and arms with the baton, and I had my vein injured.’²²⁷

I.V. was kept in detention in Bijelo Polje for a month and a half.²²⁸ In the Detention, he received a medical help, and he said that the doctor was shocked when he saw his injuries. ‘A doctor wrote me something, but they didn’t give me that paper. A police officer took it.’²²⁹ I.V. was offered legal aid and defense by the Initiative. However, I.V. expressed fear of

²²⁰ *Ibid*

²²¹ *Ibid*

²²² The Statement of the Police Department, August 7th 2007, *see above under 41*

²²³ *Ibid*

²²⁴ *Ibid*

²²⁵ *Ibid*

²²⁶ Initiative’s report on the incident, July 10th 2007, available in the Initiative’s documentation

²²⁷ *Ibid*

²²⁸ *Ibid*

²²⁹ *Ibid*

the consequences if the case reached the court, so he refused the legal aid Initiative offered to him.²³⁰

2.4. Police Torture of Aleksandar Bokan

According to the statement he gave to the Initiative researchers, Aleksandar Bokan, a citizen of Podgorica, was tortured by the police officers on October 16th 2007, in front of a café ‘Tantra’ in Podgorica.²³¹ Coming back home with his friends, around 4 am, police officers approached them at the exit of the café, asking for their identity cards.²³² Bokan did not have his ID with him, and he commented on the reaction of the police: ‘Police officers approached us asking for IDs. I didn’t have one. Then there was stirring *What have you done?* and similar questions. I answered *Nothing*. At that moment the beating begins. There were five or six of them. Those were the officers of the Emergency Unit. I was beaten up with no reason. I lost consciousness.’²³³

According to what Bokan told the Initiative researcher, he recovered his consciousness at the police station, where the officers continued beating him.²³⁴ He said: ‘They beat me with their hands, fists and legs. They didn’t use batons or similar things. My hands were tied in front of the café, but I didn’t have handcuffs in the police station.’²³⁵

Sunday afternoon, Bokan was transported to the Clinical Center of Montenegro by the police.²³⁶ Bokan told the Initiative researcher that the doctors in the Clinical Center of Montenegro have found he had a concussion, his whole body was injured, and he had a broken tooth, bruises and blood suffusions on his shoulder and on his right arm, as well as on the head.²³⁷

A member of the Security and Defense Committee, Dobrilo Dedeić, has paid a visit to Aleksandar Bokan, and contacted the head of the Police Department, Veselin Veljović, to punish the officers that had beaten Bokan.²³⁸ The Interior Control of the Police Department has made a statement that the officers of the Emergency Unit negated the illegal use of force, and that the physical strength and means for tying were used in a way allowed by law and ‘in order to suppress Bokan’s opposition’ – it is cited in the statement of the Police Department.²³⁹

²³⁰ *Ibid*

²³¹ Initiative’s report on the incident, on October 17th 2007, available in the Initiative’s documentation

²³² *Ibid*

²³³ *Ibid*

²³⁴ *Ibid*

²³⁵ *Ibid*

²³⁶ *Ibid*

²³⁷ *Ibid*

²³⁸ Statement of the Police Department on October 17th 2007, available at the web site: <http://www.upravapolicije.vlada.cg.yu/index.php?akcija=vijesti&id=151345>, visited on December 13th 2007

²³⁹ *Ibid*

The Police Department claims that Bokan's injuries were probably caused by the fight Bokan had previously, because of what the police actually intervened.²⁴⁰

It is cited in the statement that the The Interior Control of the Police Department stated that confirming proofs that the officers went beyond their powers in the particular case could not be obtained, because Bokan did not want to make a statement, or to submit a medical record on injuries inflicted upon him. People who were on the spot did not want to make statements either.²⁴¹ However, the Police Department announced that official records would be submitted to First Instance Public Prosecutor to be assessed and decided upon the presence of elements of criminal responsibility of the officers of the Emergency Unit.²⁴²

Bokan told the Initiative researcher that he was informed that he was pressed charges because of the assault on a police officer.²⁴³ Bokan emphasized that he did not want the case to reach the court, but only to make the public aware of what had happened to him, by appearing in the media.²⁴⁴

The employees in the First Instance Public Prosecutor's office in Podgorica confirmed to the Initiative researcher that criminal charges had been brought against Bokan for the assault on the officials while performing their official duties as per Article 376 of the Criminal Code of Montenegro. First Instance Public Prosecutor in Podgorica submitted the request to the First Instance Court to initiate investigation to the concrete case.²⁴⁵

2.5. Police Torture of workers from Kosovo

Muriqi Ismet, Lajqi Sali, Nikqi Ram, Nikqi Arbnor and Nikqi Azem are citizens of Kosovo. On 6th July 2007, at Vaganićka kosa, the municipality of Plav, police officers of the Police Department arrested them on suspicion of committing a forest theft.²⁴⁶ Agim Ibraj, Hadži Nikqi, Arsim Nikqi and Šaban Ibraj accompanied the above-mentioned people.²⁴⁷ The latter four were not arrested because Muriqi Ismet pleaded the police to leave them taking care of the machines used for collecting wood sortiments.²⁴⁸ According to what Muriqi Ismet said, they had a contract to do the collecting and cleaning of wood sortiments of the previously, illegally cut down forest. As to that, they did not commit the offences they are charged with.²⁴⁹

²⁴⁰ *Ibid*

²⁴¹ *Ibid*

²⁴² *Ibid*

²⁴³ A report on the incident, *see above under 53*

²⁴⁴ *Ibid*

²⁴⁵ *Ibid*

²⁴⁶ The statement of the Police Department, July 7th, 2007, available at the web site: <http://www.upravapolicije.vlada.cg.yu/index.php?akcija=vijesti&id=24353>, visited on December 15th, 2007

²⁴⁷ Initiative's report on the incident, July 16th 2007, available in the Initiative's documentation

²⁴⁸ *Ibid*

²⁴⁹ *Ibid*

Muriqi Ismet and Lajqi Sali told the Initiative researcher that the inspector of the District Office of Bar interrogated and physically maltreated them on July 7th and 8th 2007.²⁵⁰ Concerning conditions in the detention, Muriqi Ismet: ‘On our arrival at the police station in Berane, they gave us something to eat because we were hungry. When we finished our meal, they ordered us to empty our pockets, to undo our belts, and to take off our shoes, and to go downstairs. It was filthy dirty over there, and we vomited up. We’ve been there from Friday 8 am till Sunday 2 pm.’²⁵¹

The police started interrogating them on Saturday around 8 pm.²⁵² Concerning the questioning, Muriqi says: ‘They questioned us individually. As we took turns, they would tell us that the previous one admitted everything, so that it would be good that everybody admits. I was the first one to be questioned. At the beginning there was only one inspector, his name is Nebojša, I don’t know his surname, and then there came Željko Dević and a Bojović guy. They questioned us how we do the job, why did we come from other state to work here, how did we get a charter. We told we had papers and that we work thank to those papers. They asked us how much we bribed the director, how much we gave to Adem and Gani that work in the Forest’s Administration, how much we gave to the forester for handling the woods. The truth is that we didn’t load a single log until that day. Then they started maltreating us. Sawman Nikqi Azem was the first one to be beaten, and they beat his legs. I didn’t have an idea about the time, but I suppose it could have lasted for an hour. By the way, I must say that only the inspectors were those that behaved badly. They beat us one by one, returning us to the cell, bringing us back to the office. We took our turns couple of times.’²⁵³

The above-mentioned citizens of Kosovo were taken to the court hearing by the police to Plav, on Sunday July 8th 2007, around 2 pm.²⁵⁴ They were held in detention in Plav for eight days, until investigation is conducted. The police transported them from Plav to the remand prison in Bijelo Polje, around 10 pm.²⁵⁵

Due to the intense pain he felt, Muriqi Ismet asked for the doctor, but they told him that the doctor would not come until tomorrow.²⁵⁶

On Monday July 9th, around 2 pm, workers from Kosovo were released; they had to pay a caution of ten thousand euros, or two thousand euros each.²⁵⁷

Council for civil control of the police performance sent an official letter to the head of the Police Department, asking the police to conduct an investigation on the case, about the

²⁵⁰ *Ibid*

²⁵¹ *Ibid*

²⁵² *Ibid*

²⁵³ *Ibid*

²⁵⁴ *Ibid*

²⁵⁵ *Ibid*

²⁵⁶ *Ibid*

²⁵⁷ *Ibid*

statements on inhumane and degrading behaviour of the three police officers from the District Unit of Berane.²⁵⁸ Council also asked the Police Department to provide them with the information on the conditions of the detention center of the District Unit in Berane.²⁵⁹

The Police Department issued a statement on July 7th 2007, emphasizing that the criminal charges will be pressed against these persons under suspicion of committing a criminal act of forest theft.²⁶⁰ It is not written in the statement that the Interior control of the police performance has questioned the overstepping of the officers' authority.²⁶¹

Up to this moment, the Initiative is not provided with the information whether the Interior control has undertaken the necessary measures to determine if there was any exceeding of the authority by the three officers of the District Unit in Berane.

2.6. Police Torture of D.K. from Sombor

On July 20th 2007, citizens Radojka Pešić and Goran Kecman pressed charges to the First Instance Prosecutor in Herceg Novi against Kovačević Andrija and Stanišić Slobodan, and several John Does, because of a reasonable suspicion of committing a criminal act of abduction according to the article 217, and a criminal act of violent behaviour according to the article 399 of the Criminal Code of Montenegro.²⁶²

On June 27th 2007, a minor D.K., Goran Kecman's son, was walking with his girlfriend A.S. on the promenade beside the beach in Meljine, Herceg Novi.²⁶³ As D.K. says, a 'fiat bravo' car appeared. Mirjana Kovačević was driving it, and hit D.K. in his leg.²⁶⁴ As he says further on: 'She told me -Get away you, jerk! You think you are a dude wearing a t-shirt saying *Serbia all around Montenegro!* - I swore at her. She did the same thing, and gave me a slap. I gave her a slap back.²⁶⁵ After that, D.K. returned to his house to give his father a help with carpentry.²⁶⁶

About the further events, D.K. says: 'Some Mr. came to our place. He asked me if I knew whom did I swore at. I answered *To some Mrs. at the promenade.* He just told me that was his sister, and that the police was about to come. I told I was there and that I wouldn't

²⁵⁸ A copy of the release that the Council for civil control of the police performance sent to the head of the Police Department is available in the Initiative's documentation

²⁵⁹ *Ibid*

²⁶⁰ The statement of the Police Department, *see above under 68*

²⁶¹ *Ibid*

²⁶² A copy of the criminal charge that Radojka Pešić and Goran Kecman pressed against above-mentioned persons is available in the Initiative's documentation

²⁶³ A copy of the statement D.K. gave to the Council for civil control of the police performance is available in the Initiative's documentation

²⁶⁴ *Ibid*

²⁶⁵ *Ibid*

²⁶⁶ *Ibid*

be going anywhere. Ten minutes after, there came a group of people, driving three cars. There were six or seven persons. They caught me and slapped me couple of times. I fell down. They kicked me. Three of them took me and put me into the ‘Audi’ car. They took me to the fruit and vegetables warehouse, being a part of the shop called ‘Jovana and Ana’, owned by Mrs. Marijana and her husband Andrija. They put me inside the warehouse. They threatened to kill my family. They started beating me again, but Marijana’s brother told them not to do that any more, and that we should wait for the police to come. The police arrived. I told nothing. I was afraid to tell the police that I was maltreated. The police didn’t even ask me how I got there. I had to apologize to Mrs. Marijana in front of the police. The police asked Mrs. Marijana if she wanted to press charges against me. She said she didn’t want. After that they told me I was free to go. Marijana’s brother, Mićo Nogulović, gave me a ride to my home.²⁶⁷

Radojka Pešić and Goran Kecman called the police immediately, and reported that their son was taken by some people against his own will. They also reported to the police that those people were beating him, as well as that D.K. is a minor boy.²⁶⁸ About the very arrival of those people to their house, Pešić says: ‘On his arrival, Andrija Kovačević told me to take the boy out. He threatened to drop the bomb on our house. I knew Andrija Kovačević. Later on I found out that he was accompanied by Stanišić Slobodan, Milan Brenjo i Mićo Nogulović. The latter three I didn’t know, but I am sure that at least two of them are police officers. One of the three (a young boy, around 18 years old) didn’t interfere; he just watched what was going on. When I shouted – *Leave him alone, I will call the police!* - The young one told me – *This is police!* - While they were carrying him I shouted – *Be careful what you’re doing it’s a child!* - Andrija wanted to put him into the trunk, but somebody didn’t let that happen. They put him into the car and drove off. I called the police immediately and reported the abduction. He was back in an hour. Mićo Nogulović brought him back in a dark ‘Audi’ car.²⁶⁹

D.K. was taken to the doctor by his parents. The doctor established that D.K. had slight bodily injuries, namely a swelling on his face, peeled skin around knee area, and peeled skin on his back area.²⁷⁰ After that, Radojka Pešić went to the police station to find out why it wasn’t the police to bring minor D.K. back home, and why didn’t the police come to their place on her call to make a record.²⁷¹ Pešić thinks the case was covered up in the police. As she maintains, she was told in the police station that infringement charge would be pressed against D.K. and Andrija Kovačević, and that there are no elements for submitting the case to the competent Prosecutor.²⁷² Pešić emphasizes that the police did not react in a legal manner and brought back D.K. after they reported the abduction; furthermore, the police did not establish the circumstances under which D.K. was found in a warehouse with six people in it; finally, the police did not come to their house to make a record about what had

²⁶⁷ *Ibid*

²⁶⁸ Initiative’s report on the incident, November 7th 2007, available in the Initiative’s documentation

²⁶⁹ *Ibid*

²⁷⁰ A copy of the medical record No 2114, available in the Initiative’s documentation

²⁷¹ Initiative’s report on the incident, *see above under 90*

²⁷² *Ibid*

happened and to take statements from them and from the neighbors that were watching the people taking D.K. away.²⁷³

On June 28th 2007, the Misdemeanor Offences Authority in Herceg Novi, made the Decision that the accused Kovačević Andrija is found guilty. He is found guilty for violating public peace and order and delivering D.K. two blows with the open hand in the facial area, after their short dispute.²⁷⁴ According to this Decision, fine of 500, 00 euros shall be imposed on Andrija Kovačević.²⁷⁵ According to the same Decision, D.K. got a disciplinary measure of reprimand.²⁷⁶

Misdemeanor procedure against Stanišić Slobodan is dismissed for want of prosecution, as it is stated in the Decision.²⁷⁷

On July 30th 2007, the Council for civil control of the police performance sent an official letter number 38/3-07 to the Police Department, asking for the information on the police officers' conduct in a concrete case.²⁷⁸

On September 18th, 2007, the Police Department sent a reply No 240/07-25189/3 to the Council for civil control of the police performance. According to the release, Interior control has checked the allegations of the concrete case, and they assessed the allegation in the complaint of Radojka Pešić and Goran Kecman as being mostly grounded.²⁷⁹ It is stated that the officer of the police station of the District Unit in Herceg Novi, Dragan Radanović, missed to inform the competent Prosecutor about the concrete case, and missed to send the filed charges and official records, for assessing them. Furthermore, he did not undertake necessary measures and actions to identify all the persons involved in the incident.²⁸⁰

It is stated in the same official letter that the First Instance Prosecutor, acting in accordance with the private action of Radojka Pešić and Goran Kecman submitted on July 20th 2007, asked the police to collect all the necessary notices, because there arouse a doubt about the presence of elements abduction, prosecuted in the line of duty.²⁸¹ The request will be realized by the officers of the District Office for General Criminality Herceg Novi.²⁸²

²⁷³ *Ibid*

²⁷⁴ A copy of the Decision of the Misdemeanor Offences Authority in Herceg Novi, June 28th 2007 is available in the Initiative's documentation

²⁷⁵ *Ibid*

²⁷⁶ *Ibid*

²⁷⁷ *Ibid*

²⁷⁸ A copy of the official letter of The Council, July 30th 2007, available in the Initiative's documentation

²⁷⁹ A copy of the official letter of The Police Department No 240/07-25189/3, September 18th 2007, available in the Initiative's documentation

²⁸⁰ *Ibid*

²⁸¹ *Ibid*

²⁸² *Ibid*

Radojka Pešić told the Initiative researcher that Goran Kecman and his son D.K. gave statements in Belgrade, on request of the First Instance Prosecutor from Herceg Novi.²⁸³

As Initiative finds out, investigation is underway, and Radojka Pešić i Goran Kecman informed all the relevant institutions in Montenegro about the case.²⁸⁴

2.7. Overview of Other Cases of Torture in Montenegro from September 2006 until December 2007 through Media Analysis

9th of September 2006 – On 9th of September 2006, according to headlines from the newspapers Counterterrorist Unit of the Ministry of Interior in cooperation with National Security Agency arrested 14 persons from Tuzi and Malesija under the suspicion of participating in organisation of terrorist actions in Montenegro. Among the arrested were American citizens²⁸⁵.

Trial on the arrested in police action Eagle Flight began on 14th of May 2007 and it is ongoing.²⁸⁶ Defence attorneys were claiming police physically tortured and molested their clients in order to force confessions. On that ground they asked for exclusion of evidences but it was denied.²⁸⁷

Citizens Siništaj Anton, Siništaj Viktor, Ljekočević Nikola, Dedvuković Đon, Dedvuković Kolja, Dedvukaj Rok and Dedvukaj Pjetar on 24th of October 2006 lodged criminal charges at Primary Court in Podgorica against unknown offenders on the grounds of committed criminal offence extortion of statement from Article 166 of the Criminal Code of the Republic of Montenegro (RCG) and criminal offence torture and molestation from Article 167 of the Criminal Code of RCG.²⁸⁸ Primary State Prosecutor in Podgorica after gathering certain necessary official notes filed a motion for investigatory actions against police officers K. M., Š. N., Š. D. and M. M. for criminal offence of torture and molestation from Article 167 paragraph 3 related to paragraph 2 of Criminal Code of RCG.²⁸⁹

In the note from State Prosecutor's Office to the Initiative says the proceeding on the motion for launching investigatory actions is in the process before the Primary Court in Podgorica.²⁹⁰

²⁸³ Initiative's report on the incident, *see above under 90*

²⁸⁴ *Ibid*

²⁸⁵ S.Š, B.B: *bombs, rifles and bazookas hidden in caves*, Vijesti, 10/09/2006

²⁸⁶ *Trial on Eagle Flight Started with Hearing of Đona N. Dedvukaj*, Dan, 15/05/ 2007. godine

²⁸⁷ *Ibid*

²⁸⁸ Memo of Supreme State Prosecutor's Office to the Initiative 09/01/2008, can be found in the Initiative's archive

²⁸⁹ *Ibid*

²⁹⁰ *Ibid*

29th of September 2006 - Darko Vicković from Nikšić, filed criminal charges against three members of special unit from Police Station Nikšić, who according to daily newspaper Dan tied, beat and tortured him to settle some previous arguments. In that occasion he suffered serious ear damage, which was surgically operated afterwards in hospital Danilo Prvi in Cetinje.²⁹¹

11th of October 2006 – According to daily newspaper Vijesti Miraš Đurašević from Podgorica accused members of Montenegrin police of insulting and degradation over ninety dinars what they claimed was a part of alleged loot stolen ten years before.²⁹²

5th of November 2006. - According to daily newspaper Vijesti Dražen P. Vojvodić, employed with Elit-taxi in Podgorica, driver of “ford-mondeo”, told that after a verbal assault on of the police officers in Podgorica in Njegoševa Street he had received a slap as well.²⁹³

30th of November 2006 – Vujadin Šestović a villager from Krupice, Municipality of Pljevlja launched legal action against several police officers from Police Station Pljevlja who, as he claimed, had brutally beat him without any prior provocation. Šestović was in property dispute with his uncle. After a harmless argument and call, police came to the village and in front of his family started to beat Šestović, subsequent to his transfer to Pljevlja where he spent a night in the police station.²⁹⁴ Nongovernmental organisation Centre for Legal Aid from Podgorica represents Šestović before the Municipal Court in Pljevlja. The case is in process.

2nd of March 2007 - DAN from 2nd of March 2007 published an article where lawyer Darko Hajduković stated some members of police forces in Budva applying excessive force had taken in custody his client Radovan Labović, and afterwards beat him with clubs, fists, legs and stomped him until he had lost conscience.²⁹⁵

14th of March 2007. – As reported by DAN, attorney Borislav Vlaović stated Milan Radičković, his client suspected for criminal activities, had been beaten at police station. DAN further reported statement of the attorney saying employees of Security Centre Podgorica during the night of 10th March were beating him with fists at first, then with bets on his palms and soles in order to extort confession.²⁹⁶

25th of March 2007 - As reported by DAN Saša Šćekić from Bijelo Polje suffered a torture from the members of Intervention Unit and several commanders in police Station in Bar. He was in a café with a friend when seven, eight police officers entered and started to beat him after which they handcuffed him. They took him to car and continued with

²⁹¹ M.D: *I could not beat myself*, DAN, 29/09/2006

²⁹² Sl. Radulović: *Beating for dinars in the wallet*, Vijesti, 11/10/ 2006

²⁹³ K.R: *Police officer slapped me*, Vijesti, 5/11/2006

²⁹⁴ A.S: *Drink then Beat*, DAN, 30/11/2006; G.M: *They Beat me Severily*, Vijesti, 30/11/2006

²⁹⁵ M.D: *Hajduković: Police Officers Beat Laborović*, DAN, 02/03/ 2007

²⁹⁶ M.D: *Extorted Confession by Beating*, DAN, 14/03/2007; *Confession by Beating*, Vijesti, 14/03/2007

beating even in the police station. He was being constantly accused of assaulting the police officers. Doctors from the Clinic diagnosed several body injuries. Subsequent to that Saša Šćekić gave statement to DAN informing the public, Police Directorate and all other competent institutions in Montenegro on the torture he had suffered.²⁹⁷

5th April 2007 - As reported by Vijesti, father of one young man detained in pre-term lock-up in Spuž stated his son had called from the prison saying in ZIKS had happened “a larger incident “,he but did not any details. Mentioned citizens stated for Vijesti son had told him guards had beaten inmates in cell next to his.²⁹⁸

13th of May 2007 – According to DAN on Thursday 13/05/2007 at 1.30 hours, Miodrag Popović from Danilovgrad was beaten by officers of Police Directorate. In published statement his brother Krsto Popović said Miodrag had been brutally beaten in Danilovgrad in front of several police officers who had done nothing to prevent or stop their off duty colleagues from physically assaulting him.²⁹⁹

24th of June 2007 – An incident involving two police officers and two students from Shkoder who came to Ulcinj as tourists happened. According to their statements, students were harassed and forced to pay 250 Euros to have their passports back and leave Montenegro.³⁰⁰

13th of July 2007 – According DAN Nebojša Radović stated his brother Vladimir Radović, arrested in Nikšić for charges of possession and intention to sell narcotic drugs, during the arrest employees of Security Centre Nikšić brutally battered him.³⁰¹

26th of July 2007. – young men suspected and arrested for assault support group of “Hajduk”, 39 of them, according to DAN, claimed after detaining them police in Budva had beaten them and insulted them on ethnic basis. As reported by DAN, they had been beaten and demanded to give out names of people that had ordered them to steer the events and given them money. They were released after investigative judge of Municipal Court in Kotor interviewed police officers Ž.K, M.S. and N.J. and decide to drop further charges. Among the arrested were 11 Montenegrin citizens, while others were from Serbia.³⁰²

10th of August 2007. According to daily newspaper Dan after the fight in a discotheque in Budva, police arrested several young men from Novi Sad and inflicted injuries, after which they held them in detention until the wounds had healed. “Dan” reported writing of Ser-

²⁹⁷ M. Novović: *Concussion from the Special Unit Member*, DAN, 25/03/ 2007

²⁹⁸ K.R: *Vuksanović: No One Was Beaten*, Vijesti, 5/04/2007.\

²⁹⁹ . D.Ž: *Baton on the Head*, DAN, 13/05/2007

³⁰⁰ Report can be found in Initiative’s archives

³⁰¹ L.N: *He did not fall but he was beaten*, DAN, 13/07/2007; S.B: *They Beat Well or Kiro Drives Bed*, Vijesti, 13/07/2007

³⁰² M.V.R-D.Ž: *Tanned by Batons Not by Sun*, DAN, 26/07/2007; After diplomatic note released from Spuž, Vijesti, 26/07/2007

bian printed media where had been said the police officers had recorded on their mobile phones torturing these men.³⁰³

12th of August 2007 – on the case of applying the force by police officers of Regional Unit Budva on juvenile R.M, from Cetinje Internal Control conducted investigation. Based on the investigation Internal Control assessed police officers M.R, S.M. and Z.J. on 30th of June 2007 acting on official duty against R.M. had overstepped the authority in manner of illegally applying the force and inflicting the body injuries.³⁰⁴

28th of August 2007 – Daily newspapers Vijesti and Dan published the press release of Police Directorate stating that police officers from Herceg Novi, Saša Anđelić and Ivan Radović have been arrested under suspicion of committing criminal offences of abusing official authority in extortion, torture and molestation.³⁰⁵

14th of September 2007 - Daily newspapers Vijesti published an article where Igor Šćepanović and Luka Bešić from Podgorica filed criminal charges against Mirko Banović, employee of Police Directorate, for threatening their lives.³⁰⁶

11th of October 2007 – Atifa Redžović reported the case of torture of her son Fahrudin Redžović by Rožaje police members. According to daily newspaper Dan, the police after bringing him in beat Fahrudin to extort the confession.³⁰⁷

2nd of November 2007 – According to daily newspaper Dan attorney of law from Nikšić Mr. Ratko Roganović was brutally beaten in Municipal Court in Herceg Novi at first and latter on at police station by Boban Jauković member of Police Intervention Unit. After the verbal encounter at the office for notarisation of documents, Jauković physically assaulted Roganović and hit him in the head. The blow knocked Roganović down. Jauković continued kicking Roganović on the body. In the same article is stated Jauković had been beating Roganović in front of tens of police officers at the same police station where subsequently Roganović reported the incident.³⁰⁸ Internal Control Department concluded Jauković had made unprofessional actions and illegally applied force. Motion for disciplinary measures was lodged against Jauković.³⁰⁹

5th of November 2007. – Zoran Vasović and Zlatobor Vrhovac were wounded in exchange of fire with the police in Berane. Accompanied with Neđeljko Peković, they were in jeep Grand Cherokee and did not pull over when signalled by the police and according to Vijesti the police opened fire when they saw pistols leaned over the car window. The

³⁰³ M.V.R: *Police Stations like Guantanamo*, DAN, 10/08/2007

³⁰⁴ Response of Police Directorate to NGO MANS from 24/07/2007; M.V.R: *Procedure against three police officers*, DAN, 12/08/2007

³⁰⁵ J.M: *Racketeering florist*, Vijesti, 28/08/2007; D.Ž: *Police Tortures Florist*, DAN, 28/09/2007

³⁰⁶ K.R: *Threatening to Shoot*, Vijesti, 14/09/2007

³⁰⁷ V. R: *Confessed by Beating*, DAN, 11/10/2007

³⁰⁸ *Special Unit member beat a lawyer*, DAN, 3/11/2007; *lawyer police showdown*, Vijesti, 3/11/2007

³⁰⁹ *Jauković exaggerated*, Vijesti, 9/11/2007

fire was returned from the jeep but no one of the officers was hurt. Neđeljko Peković according to Vijesti said police had started to shoot at them without any reason and beat them wounded after that. Competent investigative judge was notified on the event, who later sentenced detention of 30 days to Peković, Vasović and Vrhovac, but requested from Arbitrary Council of High Court cancel detention for Peković and Vrhovac so they would defend from freedom. Vasović lodged criminal charge against the police officers. The case is still in process.³¹⁰

7th of November 2007. – Police in Bar brought in D.B officer of Police Directorate, Border Police Unit in Bar, for violent behaviour against A.Z. from Prijepolje. D.B. according to Vijesti on 5th of November 2007 in cafe-bar Nino physically assaulted A.Z. an employee of that bar and inflicted several blows causing light injuries. D.B. was charged and case was given to investigative judge in Bar, while the manager of Border Police Unit Bar against D.B. launched disciplinary procedure.³¹¹

25th of November 2007. – Goran Bulatović from Bijelo Polje reported police torture. After an incident Bulatović had with a group of young men in one bar in Bijelo Polje the police tortured him during the arrest but also at the police station, denying him medical care, according to Vijesti.³¹²

15th of December 2007. – Gajo Radović from Mojkovac reported police torture of his son Radojica Radović. As reported by Dan, Radojica Radović, suspected of distribution of narcotic drugs, was brutally beaten by police officer at the police station in Kolašin, saying: “I am a karate practitioner and my job is to beat and extort evidence”.³¹³

Conclusions

In aforementioned period in Montenegro 29 cases of police torture has been recorded. Based on data in possession of the Initiative and organisation that deal with protection of victims of torture, none of these cases has been brought to the end of court procedure and there are no records of any of those police officers being found guilty by the court.

Torture by police officers is the most frequent during the taking into custody of the suspect, but often it continues at the police station. Cases have been registered of police officers using illegal means to extort confession from the suspect.

The victims of the torture frequently were faced with charges of interfering with the work of the police officer. In this way police is protecting violators and tries to justify excessive use of force.

³¹⁰ *Police wounded Vasović and Vrhovac*, Vijesti, 6/11/2007; *Police officer beats while wounded cries*, Vijesti, 26/11/2007

³¹¹ *Police officer hits a woman*, Vijesti, 7/11/2007

³¹² *They beat me at the police station*, Vijesti, 1/12/2007; *Ask for doctor, receive beating*, Dan, 1/12/2007

³¹³ *Followed and beaten*, Dan, 15/12/2007

When providing the medical care for the victims of torture, it happens police officers apply pressure on medical staff to reduce injuries and findings reported that can be related to the torture or abuse or even not to give medical report to the victim.

Recommendation

Governmental agencies must conduct accordingly to the law and investigate every reported case of police torture. Severe penalties for police officers involved in torture contribute reducing the culture of being untouchable, especially developed when speaking of police conduct. Tolerating the police torture could lead to distortion of rule of law in Montenegro and complete loss of trust between the authorities and citizens.

The State is obliged to educate police members on legal prohibition of the torture as well as on legal consequences of this criminal offence. Each police officer must be fully aware of the fact that by using the violence he is committing a criminal offence liable to be punished by the imprisonment. The State must invest more efforts to educate citizens on their rights in dealing with the police. The citizens must know what police is authorised to do and what constitutes illegal conduct.

Judiciary in Montenegro, particularly competent prosecutors' offices, are obliged to act accordingly to the law and prosecute all involved in the torture. In considering individual cases the Court must consider international standards and judicial practice of international courts and committees in combating the torture.

III Position of minority peoples in Montenegro

Defining of national minorities

Considering the fact that there is no generally accepted definition of minorities in international system of minority rights protection, the defining of national and ethnic minorities is left to national legislations. Regardless of the fact that Montenegro ratified the Framework Convention for the Protection of National Minorities³¹⁴, the term “national minorities” is not mentioned in its new Constitution, while minority rights are guaranteed to “the members of minority peoples and other minority national communities”³¹⁵. The terms used in the Constitution are in opposition with the previously adopted Law on minority rights in which only the term “minority” is in use.

*“Minority, in the sense implied in this Law, represents each group of the citizens of the Republic, numerically inferior to the rest of prevalent population, which possesses common ethnic, religious or linguistic characteristics, differing from those of the rest of the population, that is historically linked to the Republic and motivated by the wish to express and preserve national, ethnic, cultural, linguistic and religious identity.”*³¹⁶

According to the last census from 2003³¹⁷, neither national community in Montenegro forms an absolute majority of the population. This fact makes the defining of national minorities even more difficult. From the total number of the population, 43,16 per cent declared themselves as Montenegrins, 31,99 as Serbs, 7,77 as Bosniaks, 5,03 as Albanians, 3,97 as Muslims and 1,1 as Croats³¹⁸. Other national communities form less than 1 per cent of the population. These results are drastically different from the results of 1991 census, when 61,86 per cent of the population declared themselves as Montenegrins, while Serbs made 9,34 per cent³¹⁹. This difference is neither the result of migrations nor larger population’s movement, but the consequence of political clashes that divided Montenegrin population

³¹⁴ Framework Convention for the Protection of National Minorities by the Council of Europe, ratified and entered into force on 1 September 2001, the Official Gazette of SRY (international agreements), No. 6/98

³¹⁵ Constitution of the Republic of Montenegro, Article 79

³¹⁶ Law on minority rights and freedoms, Article 2 (Official Gazette of the Republic of Montenegro, No. 31/06), adopted on 10 May 2006

³¹⁷ Census of population, households and apartments in the Republic of Montenegro in 2003, available on the web-site: <http://www.monstat.cg.yu/Popis.htm>, visited on 25 December 2007

³¹⁸ *Ibid*

³¹⁹ First Report of the Republic of Montenegro on appliance of Framework Convention for the Protection of National Minorities, Ministry for of human and minority rights protection, p. 7, June 2007

in supporters of and opponents to independence. Large number of supporters of the common state with Serbia declared themselves as Serbs in 2003 census. In 1991 census, Bosniaks declared themselves as Muslims. At that time, they made 14.57 per cent of the total population³²⁰. In 2003 census, the majority of them declared themselves as Bosniaks, while the minority maintained the qualifier Muslim³²¹.

All larger national minorities in Montenegro have their political parties. However, only in the case of Albanians, the majority of the population votes for those parties³²². These are the Democratic Alliance in Montenegro (DAM), Democratic Union of Albanians (DUA) and Albanian Alternative (AA). Bosniaks and Croats mainly vote for civic parties, like the Democratic Party of Socialists (DPS), Social Democratic Party (SDP) or Liberal Party³²³. Croats' national party is the Croatian Civic Initiative (CCI), and Bosniaks' one is – Bosniak Party. Serbs in Montenegro have two national parties: Democratic Serbian Party and Serbian People's Party, with a few more other parties. Large number of citizens of Serbian nationality votes for parties that do not have a qualifier "Serbian", but are recognised as unionist³²⁴. These are above all Socialistic People's Party (SNP) and People's Party (NS).

Out of national parties, on the last parliamentary elections held in 2006, only Albanian and Serbian parties managed to enter the parliament independently. The Croatian Civic Initiative did this through the coalition with the Democratic Party of Socialists (received one mandate of the overall number of 41)³²⁵, while the Bosniak Party entered the parliament in the coalition with the Liberal party of Montenegro (they have three mandates in total, two of them belonging to Bosniaks)³²⁶. All three Albanian parties won one mandate each³²⁷. Serbian People's Party led the Serbian list in the elections and they won 12 mandates, while the Democratic Serbian Party entered elections in the coalition with the Socialistic People's Party and People's Party (they won 11 mandates in total, one of which went to DSP)³²⁸.

³²⁰ *Ibid*

³²¹ Census from 2003, see above under 321

³²² All election results are available on the web-site of Centre for Monitoring- CEMI: <http://www.cemi.cg.yu/izbori/svi/>, visited on 25 December 2007

³²³ *Ibid*

³²⁴ *Ibid*

³²⁵ List of MPs by parties is available on the web-site of the Parliament of Montenegro, <http://www.skupstina.cg.yu/index1.php?module=16&sub=28>, visited on 25 December 2007.

³²⁶ *Ibid*

³²⁷ *Ibid*

³²⁸ *Ibid*

3.1. Official Use of Language and Alphabet

The Law on minority rights and freedoms guarantees to minorities the right to officially use their language and alphabet³²⁹, while similar guarantees are contained in the new Constitution of Montenegro³³⁰. Official use of language implies: “the use of language in administrative and court process and managing administrative and legal process, issuing official documents and keeping official records, on ballot paper and other electoral material and in the work of representative bodies”³³¹. Also, aside from the official language on the level of the Republic, the Law foresees the introduction of minority languages in official use in these local self-governments where minorities form the majority or significant part of the population according to the last census³³². In local self-governments where minorities form the majority or significant part of the population, the names of local self-government’s bodies, populated places, squares and streets, business and other companies and toponyms are to be written in minority language and alphabet³³³.

In Montenegrin census from 2003, 32.603 or 5.26% citizens³³⁴ said that Albanian was their native language. 15.083 or 74.33% in Ulcinj, 2.693 or 19.5% in Plav, 3.505 or 8.75% in Bar, 9.647 or 5.7% in Podgorica, 927 or 4.08% citizens in Rožaje speak Albanian as their native language³³⁵. During 2007, the Initiative carried out a research on the violation of the legal provisions pertaining to the official use of minority languages. In Tivat municipality, where 19.54% Croats live³³⁶, Croatian language is not in official use.³³⁷ This is why personal documents in Tivat municipality are not issued in Croatian language, neither this language is used during parliamentary sessions nor in local administration’s work. The names of public institutions and companies, as well as streets are written only in the official language³³⁸.

In Rožaje, Bosnian language is not in official use, although 82.09%³³⁹ of Bosniaks³⁴⁰ live in this municipality. The President of the Bosniak Party in Rožaje, Ervin Ibrahimović made the following statement for the Initiative:

„Bosnian language is not in official use in the municipality of Rožaje. By the very fact, it is used neither in legal and administrative process nor in official documents and keeping official records, as well as in work

³²⁹ Law on minority rights and freedoms, Article 11, see above under 320

³³⁰ Constitution of the Republic of Montenegro, Article 79

³³¹ *Ibid*, Article 11 paragraph 3

³³² *Ibid*, Article 11 paragraph 2

³³³ *Ibid*, Article 11 paragraph 4

³³⁴ Census from 2003, see above under 231

³³⁵ *Ibid*

³³⁶ Census from 2003, see above under 231

³³⁷ Response of Tivat municipality number 10-372-22-10-2007 to the request for free access to information, from 22 October 2007, is placed in the documentation of the Initiative

³³⁸ *Ibid*

³³⁹ Census from 2003, see above under 231

³⁴⁰ Research report on the position of Bosniak national minority in Rožaje, from 8 August 2007, can be found in the documentation of the Initiative

of representative bodies. The bodies that perform public authorisations, the names of municipalities and places, squares and streets, institutions as well as toponyms are not written in the language of Bosniaks. Bosniaks may freely decide on personal and family names for them and their children. However, it happened from time to time that the names that are originally Arabian could not be written in register books, e.g. if it is asked that the name Abdullah is to be written with double l, then it is not possible“³⁴¹

According to the Statute of the Plav municipality, beside Montenegrin, Bosnian and Albanian languages³⁴² are in official use. According to the results of the Initiative’s research, the provisions of the Statute of the Plav municipality are not fully observed. The president of the Bosniak Party in Plav, Orhan Šarkinović told the researcher of the Initiative:

„The names of schools are written in two languages, Albanian and Montenegrin. The names of other institutions, toponym signs and the like are written only in Montenegrin language. The names of places that are originally Albanian are not written in that form on boards and signs, but are translated to the official language. E.g., Martinaj-Martinovići; Vusaj-Vusanje. Personal names in official documents are written only in Montenegrin language. In the Basic court in Podgorica court proceedings are not managed in minority languages and not one verdict has been passed in minority languages.“³⁴³

There are 22.63%³⁴⁴ Bosniaks in the municipality of Bijelo Polje, but Bosnian language is not in official use³⁴⁵. Official documents are not issued in Bosnian language. Ešef Baho-
vić from the Democratic Community of Muslims – Bosniaks gave the following statement to the Initiative’s researcher:

“There are no boards and signs in Bosnian language, and there are no signs that mark mosques. By the very fact tourists cannot be introduced to these historically, culturally and spiritually valuable objects, because they cannot reach them.“³⁴⁶

According to the Initiative’s research results, proceedings before the Higher and Basic courts in Bijelo Polje were not managed in Bosnian language. The Basic court in Bijelo Polje responded to the Initiative’s request by confirmation that „court and administrative proceedings were not managed in Bosnian language.“³⁴⁷

³⁴¹ Interview of the researcher with Ervin Ibrahimović, dated 8 August 2007, is placed in the documentation of the Initiative.

³⁴² Statute of the Plav municipality Article 7, Official Gazzete of the Republic of Montenegro, No. 17/07

³⁴³ Research report on the position of Bosniak national minority in Plav, 9 August 2007, can be found in the documentation of the Initiative.

³⁴⁴ Census from 2003, see above under 231

³⁴⁵ Research report on the position of Bosniak national minority in Bijelo Polje, 22 June 2007, can be found in the documentation of the Initiative.

³⁴⁶ *Ibid*

³⁴⁷ Response by the Basic court in Bijelo Polje, number 11-390, upon the request for free access to information dated 7 November 2007, placed in the documentation of the Initiative.

The town municipality Tuzi is part of the territory of Podgorica, the capital and the majority of population in Tuzi are Albanians³⁴⁸. Montenegrin and Albanian language³⁴⁹ are in official use in Tuzi. According to the Initiative's research in 2007, there is no possibility of writing personal names in Albanian language in official documents and papers. Nikol Camaj, the President of the town municipality Tuzi gave the following statement to the Initiative's researcher:

*“The Constitution guarantees the use of Albanian language and alphabet, but try and register your child in Podgorica with the name that contains two points above the letter in it. It often happens that for this reason they make the problem in communication and wonder why we need that for, but it is our characteristic. It is important that we want our names to be written in our language, and not only the names of people, but also of places the way we write and call them. Toponym signs, boards and signs almost do not exist in bilingual form. It often happens that we have e.g. Vuksan Lekić, but not Vuksan Lekaj, or we have Drešević, but not Drešaj and the like”.*³⁵⁰

Out of the total number of population in Ulcinj, 74.14%³⁵¹ are Albanians. Official languages in the municipality of Ulcinj are Montenegrin and Albanian³⁵². According to the research results, this decision is not fully implemented. One of the examples of non-observance of this decision is seen by the representatives of Albanian national minority in the fact that personal names are not written in official documents in Albanian language. Džemal Perović, the President of the Centre for multiethnic relations and minority rights from Ulcinj told the researcher from the Initiative the following:

“Writing personal names in registration books in Ulcinj presents the problem when it is done in Albanian language, although Albanians form the majority of the population. Registration books in this municipality are kept in the language of the majority people³⁵³ in Montenegro. Personal documents are not in Albanian language.”

Mehmet Bardhi, the President of the Democratic Alliance of Albanians in Montenegro has stated:

*„Personal and official documents, such as identity card, driving and transport licence, passport and travel documents are not made in Albanian language. All correspondence between the local and republican bodies is carried out exclusively in Montenegrin language.”*³⁵⁴

³⁴⁸ Research report on the position of Albanian national minority in Tuzi, 28 June 2007, can be found in the documentation of the Initiative.

³⁴⁹ *Ibid*

³⁵⁰ *Ibid*

³⁵¹ Census from 2003, see above under 231

³⁵² Research report on the position of Albanian national minority in Ulcinj, 12 July 2007, can be found in the documentation of the Initiative.

³⁵³ According to Census from 2003, majority people in Montenegro are Montenegrins with 43.16%, see above under 231

³⁵⁴ Research report on the position of Albanian national minority in Ulcinj, 03 August 2007, can be found in the documentation of the Initiative.

The board with the sign „Ulcinj old town“ at the entrance to Ulcinj, four kilometres from Ulcinj is written only in Montenegrin and English language, while the boards denoting bridges „Bratica II“ and „Kruče“ are written only in Montenegrin³⁵⁵. At the very town entrance, two road signs are placed - „Ulcinj“ i „Mala plaža“ that are written only in Montenegrin language³⁵⁶. On the parking lot of the Basic court in Ulcinj, traffic sign which says „stopping and parking forbidden“ is placed with additional notification „Except for vehicles of the Court“, which is written only in Montenegrin language³⁵⁷. Names and signs of banks in Ulcinj are written only in Montenegrin language, while the boards of state bodies and institutions are written in two languages, Montenegrin and Albanian³⁵⁸.

3.2. Representation of Minorities in Public Services of State Administration and Local Self-Government

The Law on minority rights and freedoms adopted on 10 May 2006³⁵⁹ foresaw positive discrimination pertaining to electoral minority rights. For instance, Article 23 of this Law stipulated that minorities which make 1% to 5% of the overall population, according to the results from the last census, be represented in the Parliament of the Republic of Montenegro with one representative mandate, through the representative chosen from minority electoral list³⁶⁰. As for the minorities that form over 5% of the overall population, according to the results from the last census, they would have three guaranteed representative mandates in the Parliament of the Republic of Montenegro, through the representatives chosen from minority electoral lists, in the course of which due consideration should be given to linguistic and ethnic particularities, as well as acquired electoral right of Albanians in the Republic.³⁶¹

Article 24 stipulated that for the parliament of local self-government one representative should be chosen from the minority that forms 1% to 5% of local self-government population, and above 5% in accordance with electoral legislation.³⁶²

At the session held on 11 July 2006, the Constitutional Court of the Republic of Montenegro took the decision by means of which it was stipulated that the provisions of the Article 23 and 24 of the Law on minority rights and freedoms adopted on 10 May 2006, were not in accordance with the Constitution of the Republic of Montenegro and would

³⁵⁵ Photographs taken by researchers from the Initiative on 30 November and 3 December 2007, can be found in the documentation of the Initiative.

³⁵⁶ *Ibid*

³⁵⁷ *Ibid*

³⁵⁸ Research report on the position of Albanian national minority in Ulcinj, 04 December 2007, can be found in the documentation of the Initiative.

³⁵⁹ Law on minority rights and freedoms, see above under 320 (Official Gazette of the Republic of Montenegro No 31/06)

³⁶⁰ *Ibid*, Article 23 paragraph 2

³⁶¹ *Ibid*, Article 23 paragraph 3

³⁶² *Ibid*, Article 24

stop being valid on the day of publishing the decision in the Official Gazette of the Republic of Montenegro.³⁶³

The Constitutional Court of the Republic of Montenegro listed the following reasons for the non-constitutionality of Article 23 and 24 of the Law on minority rights and freedoms:

- „By means of disputed provisions of Articles 23 and 24 of the Law, according to the Court’s estimation, the manner of realisation of minority rights and freedoms stipulated by the Constitution is not defined, but the right of minority members is prescribed, whose legal foundation is not contained in the Constitution of the Republic of Montenegro. This kind of prescribing essentially represents the form of the Constitution’s revision, because in the concrete case the law would be applied, not the Constitution, so in this way the Constitution’s contents are practically changed. The Constitution’s violations created in this way have special weight, because it is about the violation of citizens’ rights and freedoms – voting rights, since they are applied on the basis of the Constitution, and the law stipulates only the manner of their realisation, if this is necessary. As it is already said, citizens’ rights and freedoms are constitutional value and are realised on the basis of the Constitution itself, i.e. they are „*materiae constitutionis*“. This means that the Constitution does not allow that human rights and freedoms are established by law, which only defines forms and procedures of their realisation, which is also the case in electoral legislation.³⁶⁴

- „Stipulating the right to additional number of mandates for minority members represents constitutional issue by its nature, which is defined by establishing a special voting right for national minority members in the provision of additional number of mandates, beside general voting right“.³⁶⁵

- „Apart from the aforementioned, the term „representative“ is used in the disputed Law provisions, which is contrary to the Constitution, since the Constitution does not recognise the institute of „the representative of national and ethnic group“, but only „a member“, which clearly speaks about the fact that national and ethnic groups cannot be represented as particular entities in the bodies of the state of Montenegro, but in the present constitutional system of Montenegro the citizens’ interests are protected in an equal manner and special protection is provided to the members, not representatives of minorities, as it was stipulated in the disputed Law provisions.“³⁶⁶

- „Provision of Article 23 of the Law, in the part pertaining to taking care of linguistic and ethnic particularities, as well as acquired voting right of Albanians in the Republic, represents a violation of the constitutional principle of equality from Article 15 of the

³⁶³ Decision of the Constitutional Court of Montenegro, from 11 July 2007, can be found on the web-site: <http://dev.eurac.edu:8085/mugs2/do/blob.html?type=html&serial=1184601753228>, visited on 08 December 2007.

³⁶⁴ *Ibid*

³⁶⁵ *Ibid*

³⁶⁶ *Ibid*

Constitution of the Republic of Montenegro, due to the fact that the mentioned rights are realised only by Albanians. By excepting one national minority, as estimated by the Constitutional court, other minority and ethnic groups are brought into an unequal position, which is contrary to the constitutional principle of equality³⁶⁷.

The Law on minority rights and freedoms stipulates in Article 25 that minorities have the right to proportional representation in public services of state government and local self-government³⁶⁸. However, there are numerous representatives of the minority peoples in Montenegro who point out dissatisfaction with the minority representation in state bodies.

Thus, the President of the Croatian home 1983 from Kotor, Nikola Dončić, in the conversation with the Initiative's researcher says: „Not one Croat has been employed so far at some leading position in the Ministry for the protection of human and minority rights³⁶⁹. In the letter that the Ministry for the protection of human and minority rights submitted to the Youth Initiative for Human Rights, the national structure of the employed is given: three servants of Albanian nationality, three servants of Bosniak nationality and one servant who did not declare himself/herself as belonging to any nationality.³⁷⁰ Also, Dončić adds that „so far Croat representing some Croatian non-governmental organisation or Croatian Civic Initiative (CCI) has never been elected as Minister in some of the Ministries of the Montenegrin Government³⁷¹. The President of the Croatian association Krašići Pavle Jurlina thinks that „the per cent of Croatian minority needs to be proportionally represented in public institutions, but this number is much lower, and especially when these representatives come from the party which is precisely the representative of Croatian minority. Namely, there are Croats that are present in local and republican institutions, but they are from the ruling coalition, the Democratic Party of Socialists (DPS) and Social Democratic Party (SDP), but these parties are not the representatives of Croatian minority³⁷². The President of Croatian Civic Initiative (CCI)³⁷³ considers that „Croatian minority is not sufficiently represented given the electoral result. There is only one director in Tivat from the lines of CCI and he is a technical director of water supply company³⁷⁴. CCI has six representatives in the local parliament in Tivat and two representative mandates in Kotor. The president of the municipality of Tivat is the CCI representative.³⁷⁵

³⁶⁷ *Ibid*

³⁶⁸ Law on minority rights and freedoms, Article 25, see above under 320

³⁶⁹ Research report on the position of Croatian national minority, 05 October 2007, can be found in the documentation of the Initiative.

³⁷⁰ Response of the Ministry for the protection of human and minority rights, upon the request for free access to information dated 25 September 2007, placed in the documentation of the Initiative.

³⁷¹ Research report, see above under 373

³⁷² Research report on the position of Croatian national minority in Tivat, 26 June 2007, can be found in the documentation of the Initiative.

³⁷³ Political party from Tivat

³⁷⁴ Research report on the position of Croatian national minority in Tivat, 28 June 2007, can be found in the documentation of the Initiative.

³⁷⁵ *Ibid*

The Secretary of the Ulcinj municipality, Pranvera Smailaga, told the Initiative's researchers that: »the president of the Ulcinj municipality is of Albanian nationality, but also the director of Electric energy Distribution Company, Public Utilities Company and Health centre. The director of the police and president of the Basic court are Montenegrins³⁷⁶. The president of the Democratic Alliance, Mehmed Bardhi, in the statement given to the Initiative's researchers, said that he had pointed out to the director of the Police Directorate that in Ulcinj, where »the majority of population are Albanians, the police leadership is of non-Albanian nationality. In the Department for security, the director, commander and chief of anti-crime service are Montenegrins. The president of the court and public prosecutor are not Albanians³⁷⁷«. As for the reaction by the director of the Police Directorate Bardhi says: »when I referred this issue to Veljović, he responded that professionalism, not national structure in the police, was his priority³⁷⁸».

The study programme for educating teachers in Albanian language does not have its representative in the University Senate. The chief of the study programme for educating teachers in Albanian language, David Kaljaj points out that “this represents a great shortcoming for this study programme due to the reason that their needs and interests are not represented in the Senate. Given that this study programme represents the only university in Albanian language, it should have its representative in the University Senate³⁷⁹”.

The president of the Bosnian Party in Plav, Orhan Šarkinović pointed out to the Initiative's researchers that the structure of the employed in the state bodies is not proportional to the population structure and he says: „The provisions pertaining to the selection of director and administrators at the local level are not implemented. Out of eleven public companies whose directors are nominated by the state, seven directors are Montenegrins³⁸⁰. According to 2003 census in Plav, there are 49.32% Bosniaks and 5.54% Montenegrins³⁸¹”.

Bosniak party has two representatives in the Parliament of Montenegro out of 81³⁸², and has its representatives in the parliaments of the municipalities of Bar, Rožaje, Bijelo Polje and Plav and one representative in the parliament of the town municipality Tuzi³⁸³, and there are 48.184 or 7.77% Bosniaks³⁸⁴ in Montenegro.

³⁷⁶ *Ibid*

³⁷⁷ Research report on the position of Albanian national minority in Ulcinj, 03 August 2007, can be found in the documentation of the Initiative.

³⁷⁸ *Ibid*

³⁷⁹ Research report on the position of Albanian national minority in Ulcinj, 29 November 2007, can be found in the documentation of the Initiative.

³⁸⁰ Research report on the position of Bosniak national minority in Plav, 09 August 2007, can be found in the documentation of the Initiative.

³⁸¹ Census from 2003, see above under 231

³⁸² Result of elections for MPs in the Parliament of the Republic of Montenegro can be found on the web-site of the Parliament: <http://www.skupstina.cg.yu/index1.php?module=1&sub=11>, visited on 11 May 2007.

³⁸³ Results from research on the position of Bosniak party in Podgorica, from 26 June 2007, can be found in the documentation of the Initiative.

³⁸⁴ Population Census of Republic of Montenegro from 2003, see above under 231

3.3. Education in native language

The Constitution of Montenegro guarantees, by Article 79, paragraph 4, to minority peoples' members the right to education in their own language and alphabet in public institutions, as well as teaching programmes encompassing the history and culture of minority peoples' members³⁸⁵. The general Law on education in Article 11 foresees that tuition is performed in minority languages in these municipalities where minorities form the majority or the significant part of that municipality's population³⁸⁶.

According to the report of the Government of the Republic of Montenegro on regional and minority languages for 2007, minority languages are Albanian and Roma language.³⁸⁷ Beside the fact that out of overall population in Montenegro³⁸⁸, 34.078 people speak Bosnian and 2.791 Croatian³⁸⁹, the tuition in these languages is not performed in Montenegro. The report states that the reason for leaving Bosnian and Croatian language out is „the consequence of the lack of legally respectable requirements or activities for the introduction of these languages in official, public, educational and media use“³⁹⁰.

Members of Albanian people in Montenegro have primary and secondary education in their language. Primary education in Albanian language is carried out in Podgorica, Plav, Rožaje, Bar and Ulcinj³⁹¹. According to the Results of the Initiative's research, the tuition in Albanian language faces many problems. Due to the shortage of teaching staff actively speaking Albanian language in the primary school "Boško Strugar" in Ulcinj, the teaching is not fully performed in Albanian language³⁹². For instance, the pupils of this primary school go to the classes of musical and physical education and art, held in Montenegrin³⁹³. In the primary school „Mahmut Lekić“ in Tuzi, English language classes are held by the teacher who does not speak Albanian, which represents additional difficulty for the pupils in foreign language learning³⁹⁴.

³⁸⁵ Constitution of the Republic of Montenegro, Article 79 paragraph 4

³⁸⁶ General Law on education, Official Gazette of the Republic of Montenegro No. 64/02

³⁸⁷ The first report by the Republic of Montenegro on the implementation of the European Charter on the regional and minority languages, available on the web-site: <http://www.minmanj.vlada.cg.yu/vijesti.php?akcija=rubrika&rubrika=284>, visited on 11 October 2007

³⁸⁸ Census from 2003, see above under 231

³⁸⁹ The first report by the Republic of Montenegro on the implementation of the European Charter on the regional and minority languages, available on the web-site: <http://www.minmanj.vlada.cg.yu/vijesti.php?akcija=rubrika&rubrika=284>, visited on 11 October 2007

³⁹⁰ *Ibid*

³⁹¹ Response of the Ministry of Education and Science to the request for free access to information, from 1 November 2007

³⁹² Research report on the position of Albanian national minority in Ulcinj, from 4 December 2007, can be found in the documentation of the Initiative

³⁹³ *Ibid*

³⁹⁴ Research report on the position of Albanian national minority in Tuzi, from 28 June 2007, can be found in the documentation of the Initiative

Primary school textbooks are translated into Albanian language³⁹⁵. Teachers point out to the problems related to the use of translated books, since, in their opinion, the books are literally translated, which causes the loss of meaning of certain tasks, which sometimes confuses even them, let alone children and their parents when they are helping them to learn at home³⁹⁶. Also, in the examples listed in primary school textbooks, the names are not adapted to their national names but the Southslavic³⁹⁷ names are retained. Teachers in the primary school „Boško Strugar“ in Ulcinj that the Initiative’s research talked to, consider that the teachers themselves should participate in translation teams in order to make adequate translations, adapted to the customs, culture and tradition of the Albanian national minority³⁹⁸.

Large number of teaching devices is not translated into Albanian language. Historical and geographic maps are not translated, they are in Montenegrin language³⁹⁹, as well as workbooks and grammar books⁴⁰⁰. Teaching plans and programmes are not translated from Montenegrin language⁴⁰¹. All regulations and decisions sent by the Ministry of education and science to schools are in Montenegrin⁴⁰².

The school library of the primary school „Boško Strugar“ owns 8.589 books. Only 35% of them are in Albanian⁴⁰³, while the library of the primary school „Maršal Tito“ has about 6.000 books, and according to the statement of the school’s director given to the Initiative’s researcher „the books in Montenegrin⁴⁰⁴ are much more present.“

In high schools „Bratstvo i jedinstvo“ in Ulcinj, „Bećo Bašić“ in Plav and „25. maj“ in Tuzi, the teaching is performed in two languages, Montenegrin and Albanian⁴⁰⁵. There is a problem of the lack of textbooks in Albanian in high schools. Thus, in high school in Ulcinj, the students use only two textbooks translated into Albanian⁴⁰⁶. By means of this, the work quality of students learning in Albanian is significantly lost. Professors, with whom the Initiative’s researchers carried out conversations, pointed out that the history textbook does not mention Albanian history, culture, tradition and customs⁴⁰⁷ sufficiently.

³⁹⁵ Research report from 4 December 2007, see above under 396

³⁹⁶ *Ibid*

³⁹⁷ *Ibid*

³⁹⁸ *Ibid*

³⁹⁹ *Ibid*

⁴⁰⁰ *Ibid*

⁴⁰¹ *Ibid*

⁴⁰² *Ibid*

⁴⁰³ *Ibid*

⁴⁰⁴ *Ibid*

⁴⁰⁵ Response of the Ministry of Education and Science, see above under 395

⁴⁰⁶ Textbooks which are translated into Albanian language are history textbook and Albanian language textbook, whereas other textbooks which are used by Grammar school are in Montenegrin language, see above under 396

⁴⁰⁷ Research report, from 4 December 2007, see above under 396

Students attending the classes in Albanian have the official language as a mandatory subject⁴⁰⁸, while students attending the classes in Montenegrin are not obliged to learn Albanian⁴⁰⁹. Optional courses in Albanian are organised in all schools in Ulcinj⁴¹⁰. However, there is not a great interest in attending these courses on the side of the students whose native language is not Albanian⁴¹¹. For that reason, there are no optional courses in Albanian in the high school „Bratstvo i jedinstvo“⁴¹². The director of primary school „Maršal Tito“, Martin Zadrina, says: „it would be good if the children whose native language is not Albanian learnt Albanian. That would be useful for them in order to find job and communicate in their environment more easily“⁴¹³.

The Law on Minority Rights and Freedoms in Article 16 stipulates that the state should provide departments, faculties and institutes for the purpose of educating teachers and professors for the needs of education in minority languages⁴¹⁴.

The study programme for educating teachers in Albanian, opened in 2004/05 academic year, was placed in the building of technical faculties in Podgorica⁴¹⁵. Not one professor has got a permanent position in this study programme, while 30 professors and associates have been engaged by the contract from other faculties⁴¹⁶.

According to the Initiative's research results, there is a falling trend of enrolled students in this study programme. In the first year, the number of enrolled students was 45, in the second 30, in the third 20, while this year only 13 students enrolled the first year of the teaching study programme in Albanian language⁴¹⁷. The director of the study programme for educating teachers in Albanian language, David Kaljaj, perceives the reasons in the fact that „the need for teachers is decreasing, the labour market has a sufficient number of them, and young people choose other faculties that offer better opportunities for employment“⁴¹⁸.

The study programme for educating teachers in Albanian language does not have its representative in the University Senate, and in the words of Kaljaj this represents a great shortcoming due to the reason that their needs and interests are not represented in the

⁴⁰⁸ Official language was Serbian, until the adoption of the new Constitution of the Republic of Montenegro, and according to the new Constitution it is Montenegrin. In the classes where teaching is performed in Serbian, i.e. by the new Constitution, Montenegrin, that subject is called “native language”, where the possibility is left to parents to decide on the name of the language that their child will learn. See above under 396

⁴⁰⁹ Research report, from 4 December 2007, see above under 396

⁴¹⁰ *Ibid*

⁴¹¹ *Ibid*

⁴¹² *Ibid*

⁴¹³ *Ibid*

⁴¹⁴ Law on minority rights and freedoms, see above under 320

⁴¹⁵ Research report on the Study programme for educating teachers in Albanian dated 29 November 2007 can be found in the documentation of the Initiative.

⁴¹⁶ *Ibid*

⁴¹⁷ *Ibid*

⁴¹⁸ *Ibid*

Senate.⁴¹⁹ Kaljaj says: “Given that this study programme represents the only university in Albanian language, it should have its representative in the University Senate.”⁴²⁰

The study programme for educating teachers in Albanian language in the building of technical faculties has only one office in which the students’ service and secretary of the study programme are placed, and this office is also used by the professors⁴²¹. This office has no phone, which hinders normal communication between the students and the service⁴²².

The courses are not held in Albanian language only, due to the fact that eight professors engaged as lecturers in this study programme do not speak Albanian⁴²³. Kaljaj comments on this:

“Teaching staff is permanently lacking, because the conditions are not created for teachers to be here (...) People are not stimulated, the scholarships for master staff are not provided for people who know both languages and there are not other stimuli in the form of permanent employment and the like. The teaching staff should be created and they should be from here”⁴²⁴.

The literature used by students is also not solely in Albanian language⁴²⁵. Professors teaching courses in Montenegrin use the literature in this language.⁴²⁶ The study programme for educating teachers in Albanian language does not have the library, and in the library of technical faculty there is no literature in Albanian for the needs of this study programme’s students⁴²⁷.

With the financial help of the Croatian government, in the organisation of the non-governmental organisation Croatian Civic Society from Tivat, optional teaching in Croatian language is performed in Tivat and Kotor.⁴²⁸ Montenegrin Ministry of education and science supported this project by providing the premises, in the primary school „Drago Milović“ in Tivat and primary school „Njegoš“ in Kotor, for performing optional teaching in Croatian⁴²⁹. The secretary of the Croatian Civic Society, Tripo Šubert, gave the following statement to the Initiative’s researcher:

„Outside of state institutions of Montenegro, in the sense of financing and organisation, the optional teaching in Croatian is performed. The courses encompass history, literature, musical culture and geography

⁴¹⁹ *Ibid*

⁴²⁰ *Ibid*

⁴²¹ *Ibid*

⁴²² *Ibid*

⁴²³ *Ibid*

⁴²⁴ *Ibid*

⁴²⁵ *Ibid*

⁴²⁶ *Ibid*

⁴²⁷ *Ibid*

⁴²⁸ Researcher’s interview with Tripo Šubert dated 7 December 2007, placed in the documentation of the Initiative.

⁴²⁹ *Ibid*

of Croatia. In the realisation of this project, we did not face any problems. Textbooks are in Croatian and teaching courses are held according to the plan and programme of the Croatian Ministry of Education. Given that the new Constitution of Montenegro stipulates that the teaching can be performed in Croatian, we will put efforts in the National Council's raising the debate on this issue and asking that teaching in regular education is performed in Croatian.⁴³⁰

In Plav, 49.32%⁴³¹ of population are Bosniaks, but there are no courses in Bosnian language. The president of the Bosniak Party in Plav, Orhan Šarkinović says: „We are unsatisfied by the programme contents of the textbooks, since there is a weak representation of Bosniak literature, tradition and history in them“⁴³².

3.4. Informing in native language

The Law on minority rights and freedoms in Article 12 guarantees the freedom of expression of minorities in their language and prescribes an obligation of the media whose founder is the state to provide programme contents that relate to the life, tradition and culture of minorities.⁴³³

According to the Initiative's research results, the actual informing in native language is not provided to all minorities in Montenegro. The public service Radio-Television Montenegro (RTM) does not broadcast programmes in Croatian, Bosnian and Roma language⁴³⁴. From 1998 RTM has introduced the programme in Albanian⁴³⁵. There are informative broadcasts in Albanian language that last 15 minutes and are shown once a day, and a broadcast „Mozaiik 60“ that is shown once a week in duration of one hour, consisting of entertainment, sport, culture, ecology, agriculture⁴³⁶. However, there is a dissatisfaction among representatives of Albanian national minority. Džemal Perović, the president of the NGO Centre for multiethnic relations and minority rights told the following to the Initiative's researcher:

„On the public service there are news in Albanian at 6 PM that represent only the translation of the news and information that are daily broadcasted in the official language of the Republic of Montenegro. The broadcast “Mozaiik” in duration of 60 minutes, which is broadcasted on weekends is not a sufficient motivation to the affirmation of Albanian language, culture and tradition“⁴³⁷

⁴³⁰ *Ibid*

⁴³¹ Census from 2003, see above under 231

⁴³² Research report on the position of Bosniak national minority in Plav, from 9 August 2007, can be found in the documentation of the Initiative

⁴³³ Law on minority rights and freedoms, see above under 320

⁴³⁴ Interviews conducted by the researcher from the Initiative with representatives of non-governmental organizations, 2007, documentation of the Initiative

⁴³⁵ Research report on the position of Albanian national minority, from 2 August 2007, can be found in the documentation of the Initiative

⁴³⁶ *Ibid*

⁴³⁷ Interview of the Initiative's researcher with Džemal Perović, from 12 July 2007, can be found in the documentation of the Initiative.

Radio Kotor does not broadcast the programme in Croatian⁴³⁸, although Croats make 7.68% of the population in Kotor⁴³⁹. There is a similar situation in Bijelo Polje, where Bosniaks make 22,63 %, but Radio Bijelo Polje does not broadcast the programme in Bosnian.⁴⁴⁰

The representatives of the Roma organisations pointed out in the conversation with the Initiative's researcher that there are no printed media in the Roma language⁴⁴¹. There is a weekly newspaper „Koha Javore“ in Albanian⁴⁴². This newspaper is issued by the publishing house „Pobjeda“ which is partly financed by the Ministry of culture, sport and media of the Republic of Montenegro⁴⁴³. Ali Salaj, the editor of the newspaper „Koha Javore“ sees the privatisation of the publishing house „Pobjeda“ as the greatest problem:

„As the editor of this newspaper I had a conversation regarding the privatisation of Pobjeda and required that this privatisation did not relate to this newspaper, since the new owner would not have interest in publishing it. The privatisation is expected in September. Also, I requested from the Minister to publish the newspaper three times a week. I consider that this newspaper should not be sold, because minority newspapers are not sold anywhere in the world.“⁴⁴⁴

In Kotor, in the framework of Croatian Civic Society of Montenegro activity's, the newspaper „Hrvatski glasnik“ is published in Croatian, whose first issue came out in February 2003.⁴⁴⁵

3.5. The Roma

In the Article 7 of the Law on minority rights and freedoms, it is confirmed that the Roma are not integrated in the social and political life of the Republic and the Government is instructed to pass a strategy on the promotion of living conditions, as well as full integration of the Roma in the social and political life of the Republic⁴⁴⁶.

⁴³⁸ Interview of the Initiative's researcher with Nikola Dončić, from 5 October 2007, can be found in the documentation of the Initiative.

⁴³⁹ Census from 2003, see above under 231

⁴⁴⁰ Research report from Bijelo Polje dated 30 November 2007, can be found in the documentation of the Initiative.

⁴⁴¹ Interview of the Initiative's researcher with representatives of Roma NGOs, 2007, can be found in the documentation of the Initiative.

⁴⁴² Research report on print media in Albanian language, from 6 August 2007, can be found in the documentation of the Initiative.

⁴⁴³ *Ibid*

⁴⁴⁴ *Ibid*

⁴⁴⁵ See on the web-site of the Croatian Civic Society, <http://www.hgdcg-kotor.org/izdavacka%20djelatnost.html>, visited on 28 December 2007, the Interview of the Initiative's researcher with Marija Vučinović, the president of the Croatian Civic Initiative dated 28 June 2007, can be found in the documentation of the Initiative.

⁴⁴⁶ Law on minority rights and freedoms, Article 7, paragraph 3. See above under 320

According to the results of the Initiative's research, the Government of Montenegro does not contribute sufficiently to better position of the Roma minority, neither is their integration in Montenegrin society satisfactory. S.B. graduated from the Faculty of Philosophy in Nikšić, Department of pre-school education and enrolled specialist studies at the same department. He says that he is the only Roma representative with this faculty finished.⁴⁴⁷ S.B. told the following to the Initiative's researcher:

„I expected from the state to help me find a job. However, there is nothing in the sight for me yet. I completed Bachelor studies with GPA 9, and I am currently in the first year of the specialist studies at the Faculty of Philosophy in Nikšić. Since I have a family, I am constrained to work in the Public utilities company (city cleaning) as a non-qualified worker.“⁴⁴⁸

The results of the Initiative's research show that the Roma in Montenegro are placed in similar position as five years ago. Their basic human rights, including economic and social rights are more jeopardised and are more often violated than in the case of citizens who are not Roma. A large number of the Roma houses and sheds in settlements in Podgorica, Nikšić, Berane and Bijelo Polje, do not have basic installation connectors, such as electro-installation, water supply and sewage system.⁴⁴⁹

On 8 June 2007 in Nikšić, local authorities knocked down two sheds in Brlja settlement in which 32 citizens of the Roma nationality lived, out of which 22 children, without previously made plan and an alternative accommodation⁴⁵⁰. These citizens received seven tents from the Red Cross, that they placed in the same place where the destructed sheds had been, but they were warned twice from the communal inspection to move the tents from this place⁴⁵¹. In October 2007, municipal authorities flattened by machines the terrain for building new sheds in the settlement next to their own, but the Roma are not in financial position to build new sheds⁴⁵². Today these families live in deserted sheds, placed at the other side of the settlement in which there are no electricity, water and sewage system⁴⁵³.

Based on the research conducted by the Initiative, a very small number of the Roma is employed, and those that are have difficult and poorly paid jobs. By rule, the Roma do not have leading positions either in state bodies, public companies or private enterprises⁴⁵⁴.

⁴⁴⁷ Interview of the Initiative's researcher with S.B., from 19 October 2007, can be found in the documentation of the Initiative.

⁴⁴⁸ *Ibid*

⁴⁴⁹ Reports on position of Roma from Podgorica, Niksic, Bijelo Polje and Berane from 2007, can be found in the documentation of the Initiative.

⁴⁵⁰ Research report on position of Roma national minority in Niksic, from 31 July 2007, can be found in the documentation of the Initiative.

⁴⁵¹ *Ibid*

⁴⁵² *Ibid*

⁴⁵³ *Ibid*

⁴⁵⁴ Research report on position of Roma, see above under 453

According to the research results, from the Roma settlement Talum, the municipality of Berane, 10 citizens were employed⁴⁵⁵. All ten of them work in the Public utilities company in maintaining city hygiene⁴⁵⁶. They do not have a permanent working relation, but only work on part-time basis.⁴⁵⁷

In the settlement Konik camp II, Podgorica, the citizens of the Roma nationality who ran from Kosovo war in 1999 are placed. The representative of this settlement, Hadži Ka-baši, points out that the citizens of this settlement are in the same position as before:

„The only source of income for the majority of this settlement’s citizens is collecting secondary materials, physical work at one market, loading and unloading of goods, and when it is the season – fruit collection. There are 56 sheds in the settlement that are made of wood and they have only one room of 20 square metres. Sheds are not equipped with water supply installation, and there are only two taps for the use of the whole settlement. The electricity supply is turned off in the settlement since February this year, due to impossibility of the inhabitants to pay the bills for the consumed electricity. There are up to 14 family members in these sheds.“⁴⁵⁸

The teaching courses in elementary and high schools in Montenegro are not held in the Roma language. In the elementary school „Božidar Vuković – Podgoričanin“, there is an additional tuition for the Roma students. In the words of Zoran Kalezić, the most relevant reason for having additional teaching courses is irregular attendance by students.⁴⁵⁹

According to the Initiative’s research results in 2007, textbooks for elementary school still do not have contents on the Roma culture, history, tradition and customs.⁴⁶⁰

The elementary school „Božidar Vuković – Podgoričanin“ has the regional department in the Konik settlement, where the teaching is performed from the first to fourth grade for the students that ran left Kosovo in 1999⁴⁶¹. In this regional classroom, the teaching is carried out in eleven classrooms⁴⁶². Classes are conducted in Montenegrin language⁴⁶³.

⁴⁵⁵ Research report on position of Roma national minority in Berane, from 10 July 2007, can be found in the documentation of the Initiative.

⁴⁵⁶ *Ibid*

⁴⁵⁷ *Ibid*

⁴⁵⁸ Interview of the Initiative’s researcher with Hadži Habaši, from 19 June 2007, can be found in the documentation of the Initiative.

⁴⁵⁹ Interview of the Initiative’s researcher with Director of Primary school „Božidar Vuković – Podgoričanin“ Zoran Kalezić, conducted on 6 December 2007, can be found in the documentation of the Initiative.

⁴⁶⁰ Interview of the Initiative’s researcher with the teacher M.B., from 6 December 2007, can be found in the documentation of the Initiative.

⁴⁶¹ Research report on position of Roma national minority in Podgorica, from 6 December 2007, can be found in the documentation of the Initiative.

⁴⁶² *Ibid*

⁴⁶³ *Ibid*

In the course of the research in 2007, the Initiative documented the cases of discrimination of the Roma children in schools. The representative of the Female Roma Initiative, Fatima Naza describes the treatment of the Roma nationality students in schools in the following way:

„When the lists with the students placed in classes come out at the beginning of the year, every year the Roma are put at the end of this list. Only one Roma child was in the middle of the list this year, all other children were at the end of it. Also, when teaching courses begin, Roma children sit in the rear part of classroom, other children do not accept them and do not socialise with them. In some classrooms, there is a bench where nobody sits put there as a buffer between the Roma and other children.“⁴⁶⁴

From the Female Roma Initiative they point out that school representatives justify these lists by the fact that Roma parents enrol their children in schools later than others.⁴⁶⁵

Conclusions

The Constitution of Montenegro does not mention the term “national minorities”, but instead “minority peoples” and “minority national communities”, while earlier adopted Law on Minority Rights and Freedoms uses the term “minority”. According to the last census not one national community makes absolute majority, which makes defining national minorities even more difficult.

Right of members of minorities to officially use their native language in Montenegro is not respected in municipalities where minorities are majority or the significant part of the population. This is especially true in cases of Bosnian, Croatian and Roma national minority. Examples for this kind of municipalities are Rožaje, Plav, Bijelo Polje, Kotor, Ulcinj and city municipality Tuzi.

Law on Minority Rights and Freedoms adopted on 10 May 2006 has envisaged positive discrimination when it comes to election rights of minorities, but the Constitutional Court had abolished the articles of the Law pertaining to this on 11 July 2006. The reason for this abolition was that these articles were not in line with the Constitution of Montenegro that was on power at the time. New Constitution adopted on 19 October 2007 envisages affirmative action and authentic representation of minorities in national and local state administrative bodies. Members of all minorities are not represented in the Ministry for Protection of Human and Minority Rights.

Right of national minorities to be educated in their own language is not fully respected. This is especially the case with Bosnian, Croatian, Roma and Albanian national minority. There are no classes in Roma, Croatian and Bosnian language. There are classes in Albanian

⁴⁶⁴ Research report on position of Roma national minority in Niksic, from 19 October 2007, can be found in the documentation of the Initiative.

⁴⁶⁵ *Ibid*

on all levels of education; however, there are many examples of disrespect of this right, such as: classes are not completely held in Albanian language, not all textbooks are translated to Albanian, while translations of some subjects are not adequate.

Right to be informed in their own language is not provided for all national minorities. Public service does not broadcast programmes in Roma, Croatian and Bosnian language. There were no print media outlets in Roma language in 2007.

Roma are not integrated in Montenegrin society. Roma are in similar position as they were five years ago. Government of the Republic of Montenegro does not contribute enough to improve position of Roma minority. There are members of Roma minority with university diplomas. Government has not done anything in order for these citizens to be employed. Roma are discriminated in education system of Montenegro. Cases were noted where Roma children sit in the last benches and that they are at the bottom of the lists for enrolment for schools. Along with some positive examples, there are also examples where Roma barracks are torn down without solving their housing in advance. Torn down barracks in settlement Brlja in Nikšić are example for this.

Recommendations

Republic of Montenegro must define the term national minorities and harmonise existing laws with the Constitution, so as to avoid misunderstandings and problems in exercise of rights of national minorities which derive from international and national legal acts.

Government of Montenegro must ensure respect of rights prescribed by the Law on Minority Rights and Freedoms by sanctioning every form of violation or disrespect of this law. It must provide conditions for education in languages of national minorities, as well as full exercise of right to information in the native language.

Montenegro must harmonise the existing Law on Minority Rights and Freedoms with the Constitution in the field of affirmative action and equal representation of members of minorities in public administration bodies as soon as possible.

Government must pay special attention to problem of Roma national community and in cooperation with Roma representatives solve problems which occur in all fields of social life.

IV Religious communities in Montenegro

Introduction

The Constitution of Montenegro in Article 46 guarantees the freedom of religion⁴⁶⁶. Article 46 reads: „Everyone is guaranteed the freedom of thought, conscience and religion, as well as the right to change religion or conviction and freedom to, alone or in community with others, publicly or privately, practice religion or conviction by praying, preaching, rites or ritual“.⁴⁶⁷ In Article 14 it is pointed out that religious communities are equal and free in performing religious rituals, as well as that they are separated from state.⁴⁶⁸

Montenegro does not have law on religious freedoms⁴⁶⁹. The Law on the legal position of religious communities from 1977 that is in force, in Article 1 guarantees the freedom of practicing religion.⁴⁷⁰ This Law treats the issues of founding religious communities, rights and freedoms, as well as duties of religious communities.⁴⁷¹ In Article 3, it is said that religious communities are separated from state.⁴⁷²

European Convention for the protection of human rights and fundamental freedoms points out that everyone has the right to the freedom of religion, including the change of religion, as well as the freedom to, alone or in community with others, publicly or privately, practice religion or conviction by praying, preaching, rites or ritual.⁴⁷³

According to the last population census in Montenegro, there are 460.383 or 74,28% Orthodox believers, 110.034 or 17,74% Islamic religion members, 21.972 or 3,54% Catholics, 383 or 0,06% Protestants, 58 or 0,009% pro-oriental cults members, 12 or 0,002%

⁴⁶⁶ Constitution of the Republic of Montenegro, Article 46

⁴⁶⁷ *Ibid*

⁴⁶⁸ *Ibid*, Article 14

⁴⁶⁹ Memo sent to the Initiative by the Government of Montenegro on 30 October 2007, which can be found in the documentation of the Initiative.

⁴⁷⁰ Law on the legal position of religious communities, published in „Official Gazette of Federal Republic of Montenegro No 9/77, 26/77, 29/89, 39/89, „Official Gazette of the Republic of Montenegro“, No. 27/94 and 36/03

⁴⁷¹ *Ibid*

⁴⁷² *Ibid*, Article 3

⁴⁷³ European Convention for Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950, Article 9.

Judaist religion members. 6.003 or 0,97% Montenegrin citizens declared themselves as not belonging to any religion.⁴⁷⁴

There is not the Ministry of religion in the Government of Montenegro, and at the level of government, „the issues regarding state’s relation toward religions are within competence of the Commission for political system, internal and external politics, as the Government’s working body“.⁴⁷⁵ Religious communities are not listed in the Constitution and there is not official religion.⁴⁷⁶ Religious science does not exist in Montenegrin schools as a subject.⁴⁷⁷

The feud between the Serbian Orthodox church (SOC) and Montenegrin Orthodox church (MOC) is current issue in Montenegro. Cannons of some Orthodox churches do not recognise autonomy of the MOC. They consider it as part of the SOC. There is a similar situation with the Macedonian Orthodox church, which in 1967 without prior agreement with the SOC declared autonomy. The feud between Orthodox churches in Montenegro gained on intensity in the 90ies of the last century, when international disputes of Montenegrin citizens declaring themselves as Serbs and those declaring themselves as Montenegrin were current. The SOC is the owner of all temples and churches on the Montenegrin territory. The MOC tries to overtake them, calling upon the continuity with the church of the same name that existed until 1918. This feud is not just a church issue, it has far-reaching consequences for stability and peace in Montenegro. In 2007 the police had to react twice when the members of the two opposed churches tried to perform religious practice in the same objects.⁴⁷⁸

On 2 and 8 August 2007, Montenegrin authorities forbade the entrance to the Episcope mileševski Filaret, with the explanation that he is on the list of persons whose entrance in Montenegro is forbidden, due to the suspicion that they helped the Hague fugitives.⁴⁷⁹ On 28 August 2007, the Bishop mileševski Filaret launched hunger strike on the border between Serbia and Montenegro after several unsuccessful attempts to enter Montenegro. On 8 September 2007, the Montenegrin authorities decided that the episcope mileševski Filaret can enter Montenegro, exclusively in the aim of performing religious rituals and under the surveillance of the state bodies.⁴⁸⁰

⁴⁷⁴ Population Census from 2003, results of the census have been published on web-site: www.monstat.cg.yu, visited on 25 December 2007.

⁴⁷⁵ Response of the Government to the request for free access to information, from 30 October 2007, can be found in documentation of the Initiative.

⁴⁷⁶ Constitution of the Republic of Montenegro, Article 14

⁴⁷⁷ According to research of the position of religious communities in Montenegro from 2007, that can be found in documentation of the Initiative.

⁴⁷⁸ *Police stopped the believers of CPC*, B92, 18 April 2007 available on web-site: http://www.b92.net/info/vesti/index.php?yyyy=2007&mm=04&dd=18&nav_category=167&nav_id=242392&fs=1, visited on 25 December 2007; 49. *Police secured the river from Dedei’s supporters*, BLIC, 3 August 2007

⁴⁷⁹ *Bishop mileševski will try to enter Montenegro*, Vjesti, 14 August 2007, available on web-site: http://www.vijesti.cg.yu/vijesti_old/naslovna.php?akcija=advview&id=244577, visited on 12 September 2007.

⁴⁸⁰ *Can go over border, but under supervision*, Vijesti, 9 September 2007, available on web-site: http://www.vijesti.cg.yu/vijesti_old/naslovna.php?akcija=advview&id=246936, visited on 12 September 2007.

In 2006 and 2007, the Government financially assisted: SOC with 221.286 EUR, Catholic Church with 38.136 EUR, Islamic religious community with 119.913 EUR and Montenegrin Orthodox church with 72.000 EUR.⁴⁸¹ The Government helped religious communities based on their requests for the allocation of financial help.⁴⁸² Small religious communities did not receive financial assistance in this period from the Government.⁴⁸³ The pastor in Biblical Christian community, Staniša Šurbatović says: “State should assist smaller religious communities in Montenegro in terms of giving financial resources, introducing reliefs when it comes to communal and other licenses for object construction, helping them with construction sites as well as in the very process of the object construction.”⁴⁸⁴

Description of incidents based on religion

Throwing stones at Džematski board premises of the Islamic community Bar

In the last five years, Džematski board premises of the Islamic community in Novi Bar were attacked six times.⁴⁸⁵ Attacks were reported to the police four times. Based on the response by the police in Bar to the Initiative, the following attacks on the Džematski board premises in Novi Bar were recorded:

13 October 2001 graffiti were written on the object;

18 October 2001 the advertisement on the premises in Jovan Tomašević street number 16 was broken by stone;

20 March 2004 entrance door glass and advertisement above the premises door in Rista Lejića bb street were broken;

22 September 2007 the advertisement on the premises in Makedonska E 15 street was damaged by stone.⁴⁸⁶

The data on the incidents in October 2001 the police summarised in the case that was submitted to the basic state prosecutor in Bar dated 23 October 2001.⁴⁸⁷

In the conversation of the Initiative’s researcher with the basic prosecutor in Bar, Zoran Radović, we found out that the police submitted the case to the Basic state prosecutor’s office in Bar. In the course of investigation, the police identified three minors that are suspected of having committed the attacks.⁴⁸⁸ The state prosecutor estimated that this is

⁴⁸¹ Memo from the Government, see above under 479

⁴⁸² *Ibid*

⁴⁸³ According to research of position of religious communities, see above under 481

⁴⁸⁴ Research report on position of Biblical Christian community in Niksic, from 31 July 2007, can be found in documentation of the Initiative.

⁴⁸⁵ Press release of the Board of the Islamic community, published on 23 September 2007 in daily newspaper Vijesti with the title: *Throwing rocks on Džematski board*

⁴⁸⁶ Response of the Police Directorate upon request for free access to information, from 10 October 2007, can be found in the documentation of the Initiative

⁴⁸⁷ *Ibid*

⁴⁸⁸ Report on incident from 24 September 2007 can be found in the documentation of the Initiative

the case of damaging other's property, which violates the Article 152, paragraph 1 of the Criminal Law of the Republic of Montenegro, for which the suspect is prosecuted based on private complaint.⁴⁸⁹ The Basic state prosecutor's office in Bar informed the Islamic community in Bar by the letter number 38/2001 on the investigation and possibilities for raising private complaint.⁴⁹⁰

The last attack on Džematski board premises in Bar took place in the night between 21 and 22 September 2007.⁴⁹¹ The believers who came early in the morning on 22 September to the board, found the broken sign above the entrance door.⁴⁹² Using the piece of stone⁴⁹³, which remained in the frame of sign, and stones that imam and believers found around the door⁴⁹⁴, attackers had broken the sign above the entrance door of the board⁴⁹⁵. The case was reported to the police, but perpetrators have not been identified yet.⁴⁹⁶

The municipal board of the Bosniak party severely condemned the attack by stone on Džematski board premises in Novi Bar, and called upon the state organs to stop attacks on Džematski board premises.⁴⁹⁷

Municipal board of the Movement for Changes Bar also severely condemned vandalic stoning of Džematski board premises Novi Bar, and called upon the state organs to detect and punish perpetrators.⁴⁹⁸

The police stated that all the necessary measures were undertaken after the stoning on 22 September 2007. Inspection was conducted, expert opinion on the traces given, collection of information from citizens carried out, as well as the interview with the suspects and everything that is necessary in discovering perpetrator. However, the data and evidence were not found that would point to the possible perpetrators of these actions⁴⁹⁹. Investigative activities are still in place.⁵⁰⁰

⁴⁸⁹ Criminal Code of the Republic of Montenegro (Official Gazette of the Republic of Montenegro No 42/93, 14/94, 27/94, 30/02, 56/03)

⁴⁹⁰ Report on incident, see above under 492

⁴⁹¹ *Ibid*

⁴⁹² *Ibid*

⁴⁹³ This stone is used for pavement of parking lots, photograph of the stone can be found in the documentation of the Initiative

⁴⁹⁴ Report on incident, see above under 492

⁴⁹⁵ Photograph of broken sign, taken on 23 September 2007, can be found in the documentation of the Initiative

⁴⁹⁶ Memo from Police Directorate from 10 October 2007, see above under 490

⁴⁹⁷ Press release of Municipal board of Bosniak Party from Bar, published on 24 September 2007 in daily newspaper *Vijesti* with the title: *Assault is followed by treats*

⁴⁹⁸ *Ibid*

⁴⁹⁹ *Ibid*

⁵⁰⁰ *Ibid*

Due to stoning and other ways of desecrating Džematski board premises, the board management was constrained to change the headquarters.⁵⁰¹ Thus, Džematski board in Novi Bar changed its address three times in the course of six years.⁵⁰²

Attack on parish clerk Vladimir Krušić

On 28 May 2007, the religious servant of the SOC Vladimir Krušić from Nikšić reported to the police three men from Nikšić - B.A. (26), R.V. (26) and B.M. (26) because of verbal and physical maltreatment.⁵⁰³

On 28 May 2007 at 8.30 PM, Krušić walked with his wife, mother-in-law and son around the town. When they came to the promenade in Aleksa Baković street, Krušić's wife, son and mother-in-law entered a shop, while he was waiting for them outside.⁵⁰⁴ Then B.A. addressed him by swearing at his Serbian mother.⁵⁰⁵ Among other things, B.A. told Krušić that the Serbs would be banished from Montenegro once the Constitution was adopted.⁵⁰⁶ R.V. and B.M. joined him in swearing.⁵⁰⁷ Krušić stated that this was not the first time that these men were insulting him and that he could not take insults and abuse anymore. Krušić responded to their swearing⁵⁰⁸ after which B.A. R.V. and B.M. physically attacked him⁵⁰⁹. R.V. hit Krušić in the stomach using his leg⁵¹⁰. At that moment, Krušić's wife came out from the shop and saw R.V. hitting her husband⁵¹¹. A passer-by separated Krušić and R.V. and prevented further beating of Krušić.⁵¹²

Krušić reported the case to the police in Nikšić, that arrested B.A, R.V. and B.M.⁵¹³ That was confirmed by the chief of the Regional unit Nikšić, Zoran Ulama. Ulama pointed out that this case was referred to the prosecutor, who in Ulama's words, did not find the elements of criminal act, which resulted in misdemeanour process being launched against B.A, R.V. and B.M. at the Regional body for misdemeanours Nikšić.⁵¹⁴ The body for misdemeanours in Nikšić scheduled the trial on 18 June 2007.

⁵⁰¹ *Ibid*

⁵⁰² *Ibid*

⁵⁰³ Statement of V.K. can be found in the documentation of the Initiative

⁵⁰⁴ *Ibid*

⁵⁰⁵ *Ibid*

⁵⁰⁶ *Ibid*

⁵⁰⁷ *Ibid*

⁵⁰⁸ *Ibid*

⁵⁰⁹ *Ibid*

⁵¹⁰ *Ibid*

⁵¹¹ *Ibid*

⁵¹² *Ibid*

⁵¹³ *Ibid*

⁵¹⁴ *They swore bis Serbian mother*, DAN, 29 May 2007

On 18 June 2007, the Regional body for misdemeanours in Nikšić passed the decision according to which B.A, R.V. and B.M. were guilty because on 28 May 2007 at about 9 PM in Aleksa Backović street in Nikšić, they disturbed public peace and order by severely offending Vladimir Krušić, by saying: „Fuck your Serbian mother, we will banish you once the Constitution comes, fuck everybody related to you from Kosovo until today“, by means of which they committed an offence from Article 7, paragraph 2 of the Law on public peace and order of the Republic of Montenegro, as was stated in the decision.⁵¹⁵

By the same decision, R.V was declared guilty of hitting Vladimir Krušić in the stomach by his leg, by means of which he committed offence from Article 8, paragraph 2 of the Law on public peace and order of the Republic of Montenegro, as was stated in the decision of the Regional body for misdemeanours.⁵¹⁶

B.A. and B.M were fined with 150 EUR, while R.V. was fined with 350 EUR.⁵¹⁷ In the conversation with the Initiative’s researcher, Vladimir Krušić stated that he did not want to start private proceedings against the attackers.

Mining the church in Pardus

In the night between 9 and 10 August 2007, unknown persons set up and activated explosive device in the Church of saint new martyrs in Gornji Kokoti near Podgorica, which was in the process of construction.⁵¹⁸ The wooden construction, on which the concrete board for the dome was to be made, had been destroyed, while the walls were partly damaged.⁵¹⁹

The Police Directorate stated that the police units from Podgorica and the Centre for criminal technique established the explosive device had been set up and activated in the church in Pardus, which is owned by the Montenegrin-littoral archbishop’s residence. In the terrain search, the Police Directorate staff found plastic coil for reeling detonating fuse at distance of about 290 meters. Nearby the church they found about six meters of detonating fuse. In the church police officers found two total bullets connected by detonating fuse. Police Directorate stated that the traces found on the spot were taken in the aim of examination, giving of expert opinion and identification of perpetrators.⁵²⁰

⁵¹⁵ Copy of the decision of the Regional body for misdemeanors Nikšić PP. No. 163/07, can be found the Initiative’s documentation.

⁵¹⁶ *Ibid*

⁵¹⁷ *Ibid*

⁵¹⁸ Statement by the Montenegrin-littoral archbishop’s residence, dated 10 August 2007, available on the web-site: <http://www.mitropolija.cg.yu/svetigorapres/Saopstenja/svp0807.htm#p10>, visited on 25 September 2007

⁵¹⁹ *Dynamite thrown at the church*, VIJESTI, 11 August 2007

⁵²⁰ Statement by the Police Directorate from 10 August 2007 is available on the web-site: <http://www.gom.cg.yu/police/index.php?akcija=vijesti&id=25340>, visited on 12 November 2007.

The archbishop's office of SOC qualified the attack as an act of terrorism and called upon the authorised bodies to find and punish perpetrators according to the law.⁵²¹

The representatives of Archbishop's residence and Serbian political parties in Montenegro stated that the attack on the Church of saint new martyrs was motivated by the hostility towards the SOC spread by the Montenegrin government.⁵²²

„We have to state with the feeling of regret that for some time already the atmosphere for both unpunished attacks on Orthodox temples and monasteries as well as for attacks on church authorities and clerks has been created and ignited by certain irresponsible politicians and officials“, the Montenegrin-littoral archbishop's office stated.⁵²³

The Serbian list, Democratic Serbian Party, Socialist National Party and National Party condemned⁵²⁴ the attack on the Church of saint new martyrs and called upon the state to detect and convict the perpetrators.

The event was condemned in the daily newspaper „DAN“ by the Minister of the Internal Affairs of Montenegro, Jusuf Kalamperović, expecting detailed investigation by the Police Directorate. The Minister stated that he would talk about this with the President of the state, Filip Vujanović, president of the Government, Željko Šturanović and the director of the Police Directorate, Veselin Veljović.⁵²⁵

The lawyer Mladen Nicović, the advocate of the Montenegrin-littoral archbishop's office told the Initiative's researchers that the police did not report on the course of investigation of setting up electronic device in the Church of saint new martyrs on the hill of Pardos. In his opinion, considering the traces, police investigation could have been more efficient. He added that the police still led the investigation and did not discover perpetrators.⁵²⁶

Conclusions

Religious believers of Orthodox Church in Montenegro are divided between Serbian Orthodox and Montenegrin Orthodox church. Animosity between two churches often leads to incidents, especially during religious holidays. Representatives of both churches claim the ownership over the same property, which also leads to conflicts and disputes.

Jemat Committee of Islam community in Bar has been attacked five times in last five years. This forced them to change their premises for three times. Police failed in finding assailants.

⁵²¹ Statement by the Montenegrin-littoral archbishop's residence, see above under 522

⁵²² Report on incident, from 12 October 2007, can be found in the documentation of the Initiative

⁵²³ Statement by the Montenegrin-littoral archbishop's residence, see above under 522

⁵²⁴ *Terrorism of the worst kind*, DAN, 11 August 2007

⁵²⁵ *Ibid*

⁵²⁶ Report on incident, see above under 526

Assault against priest of Serbian Orthodox church has been sanctioned as petty crime, even though it was motivated by religious and national hatred. Sentenced fines have been 150 to 300 EUR.

Recommendations

Conflicts between two orthodox churches may seriously damage relations between different religions and nations in Montenegro. It is necessary to solve conflicts between churches peacefully and legally, without interference of the state. It is a duty of the state to prevent any violence and to protect religious rights of citizens of Montenegro.

Police must react efficiently and discover assailants responsible for attacks on religious premises. All cases of assaults against premises of Jemat Committee of Islam Community in Bar remained unsolved, which contributes to creation of atmosphere of fear and mistrust among Islamic believers.

Assaults motivated by religious or national hatred must be penalised by Criminal Law. Fines for such actions do not fulfil the purpose of punishment nor do they prevent further incidents between religions and nations.

V Hate speech

Main international standard that prohibits and sanctions “hate speech” is the Recommendation of Committee of Ministers of the Council of Europe No. R(97)20. It defines the term “hate speech” as “all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-semitism or other forms of hatred based on intolerance, therein including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.”⁵²⁷

The Constitution of the Republic of Montenegro prohibits infliction or encouragement of hatred or intolerance on any grounds.⁵²⁸

Article 23 of the Media Law prohibits publicising of information and opinions that instigate “discrimination, hatred or violence against persons or group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, gender or sexual orientation”.⁵²⁹

5.1. Hate speech in print media

Daily “Dan” has published a text on 30th of August 2007 titled “DPS supports warm brothers”⁵³⁰ wherein the opinion of spokesperson of Serbian Peoples Party Dobrilo Dedeić has been conveyed. This is the part of the text published by “Dan”:

“Spokesperson of Serbian Peoples Party Dobrilo Dedeić has emphasised that very influential factors in international community are usually behaving selectively and following the principle of double standards, taking what they like for their society and their states, and at the same time rejecting “offers” which are not in line with collective interest.

- Montenegro could also, if there was any wisdom in the ranks of representatives of current authorities, separate itself from homosexual aggression in media, which is promoting men that have stopped being men, or women that have stopped being women. A homosexual

⁵²⁷ Recommendation No. R (97) 20 of the Committee of Ministers to Member states on “Hate speech “ Adopted on 30 October 1997, can be found on the web page: [www.humanrights.coe.int/Media/documents/translations/Serbian/SERBIAN%20Rec%20No.%20R%20\(97\)%2020.doc](http://www.humanrights.coe.int/Media/documents/translations/Serbian/SERBIAN%20Rec%20No.%20R%20(97)%2020.doc)

⁵²⁸ Constitution of the Republic of Montenegro, Article 7

⁵²⁹ Media Law (Official Gazette of Montenegro No. 51/02, 23rd September 2002)

⁵³⁰ Dan ““DPS supports warm brothers” from 30th August 2006, can be found on the web page: <http://www.dan.cg.yu/?nivo=3&rubrika=Vijest%20dana&datum=2007-08-30&clanak=115725>, accessed on 23rd September 2007.

will never become a woman, even though he has stopped being a man, thus betraying both natures. According to the Holy Father of Orthodox Church Saint John Chrysostom, there is no sin equal to homosexuality.

I was recently informed in the Parliament of the private state from colleagues from DPS, and from some opposition parties, that they have accepted, in direct communication, suggestions of certain factors from abroad to solve this problem in a similar way it has been solved in Sweden. There are even some MPs who showed tolerance towards “warm brothers”, which had supported them in project of secession from Serbia, who stated that they have reliable information that the Croats will, also under international pressure, do the same. Social power and religious and ideological opposition should be strengthened in order not to let one marginal social group with extremely negative moral connotation, such as homosexuals, survive in institutional sense in Montenegro – believes Dedeić.

For now, commercialisation of homosexuality has contributed to increase its social visibility and to probably increase action. Nevertheless, I am sure that the feeling of common destiny that unites homosexuals in the private state will perish in time to come, because facing with the impossibility to create a firm organisation will lead them in inferior sexuality and homophobia. Anyway, Lord created Adam and Eve, not Adam and Steve – concluded Dedeić.⁵³¹

The fact that indicates that the editorial team of Dan is supporting the opinion of Mr Dedeić is the caricature offensive for LGBTIQ population.⁵³² We are attaching the caricature published by Dan with the article “DPS supports warm brothers”.



(text: They support sexual freedoms, but they have protected themselves...

Text on the briefcase identifies two persons with band-aids on their buttocks as representatives of authorities)

⁵³¹ *Ibid*

⁵³² *Ibid*

Youth Initiative for Human Rights has filed a law suit to Basic Court on 26 September 2007 against daily Dan, because of “hate speech and incitement of hatred”.⁵³³ The grounds for this suit are in the Media Law which has been violated by this article. Article 23 of the Media Law states: It is forbidden to publicise information and opinions that instigate discrimination, hatred or violence against persons or group of persons based on their belonging or not belonging to a certain race, religion, nation, ethnic group, sex or sexual orientation.” Initiative has requested from Basic Court to fine daily Dan to the maximum extent prescribed by the Media Law.

In the answer to the law suit that has been delivered to Initiative by the representative of daily Dan, allegations in the law suit are disputed and also grounds for the law suit in general. It states: “It is true that accused has published text titled “DPS supports warm brothers” in the daily Dan on 30 August 2007, in which there are opinions that ruling Democratic Party of Socialists approves homosexual inclinations among citizens, considering this to be freedom of sexual choice as one of fundamental human rights. At the same time, the term “warm brothers” used for homosexuals is not invented by the accused and used for the first time, but on contrary it has been widely used especially in literature and art, movies, etc. It is common knowledge that there are other terms to mark homosexual beside the term “warm brothers”. For example, our people call homosexuals fagots, etc. All those are terms that have not been forbidden and there is no known case that someone was held responsible or has been fined only because of the use or mentioning of these terms, especially if they have been used in general sense.”

The first hearing was scheduled for 3rd December 2007, where the law suit has been denied, as it should have been addressed to District petty offence authority in Podgorica, instead to Basic Court in Podgorica.

Daily Pobjeda has on 11th January 2007 published a text with the title “Let the warm brothers freeze”⁵³⁴ where the title itself indicates hatred against sexual minorities, and testifies on the position of the journalist and editor of daily Pobjeda on rights of sexual minorities. Journalists D. Ćirović and I. Koprivica convey the opinion of Doctor Borislav Mitrić: “Homosexuality being disturbance of the instinct is treated with psychotherapy, and I do not think that this is very common disease in our parts, and I would say that this topic does not deserve any further comment”.⁵³⁵ “Journalists also emphasise: Those who are knowledgeable about Montenegrin people and traditionalism are unanimous in the opinion that our society has shown great resistance when it comes to this issue”⁵³⁶ thus inciting negative attitude of Montenegrin citizens towards rights of sexual minorities.

⁵³³ Copy of the law suit filed by the Initiative against daily Dan on 26 September 2007, can be found in archive of the Initiative.

⁵³⁴ Pobjeda, Let the warm brothers freeze, 11th January 2007.

⁵³⁵ *Ibid*

⁵³⁶ *Ibid*

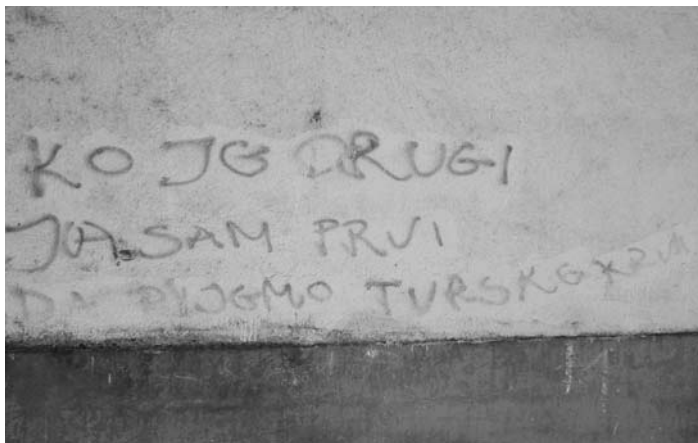
5.2. Display of hate speech through graffiti

In settlement Rolovina in Tivat graffiti appeared on the asphalt road saying: “Kill, cut throat, so there will be no Croat. 537



Graffiti in Tivat

In the vicinity of Economic Faculty in Podgorica in Jovan Tomasevic Street, researcher of Initiative has taken a photograph of the following graffiti written on the wall of a skyscraper: “Who’ll be the second, I’ll be the first, with Turkish blood to feed the thirst”.



Graffiti in Podgorica

In Podgorica, in August, there was graffiti on pedestrian bridge on Moraca “Hang Serbs on gallows made of willows. 538

According to the information received from the Youth Initiative, no authority has reacted upon these graffiti.

Display of hate speech through international incidents

Group of citizens from Berane on 3rd October 2007 in village Dapsici has intercepted a school bus travelling between Berane and Rozaje, and this led to exchange of insults and curses that had national tone⁵³⁹. Namely, students of Medical High School “Dr Branko Zogovic” and students of School Centre “Vukadin Vukadinovic” travel by this bus from Berane to Rozaje and nearby villages.⁵⁴⁰ “Students travelling by this bus are of different nationalities, Muslims, Serbs and Montenegrin. Orthodox students leave the bus by Dapsici, and students of Muslim nationality travel to Rozaje.” said Zarko Raicevic, deputy Director of Medical High School “Dr Branko Zogovic”.⁵⁴¹ On Wednesday, 3rd October around 19:30 hours, bus has stopped in settlement Dapsici 10 kilometres from Berane, in order for students from this settlement to leave the bus.⁵⁴² One of the students says the following on what happened next: When the bus stopped, students went out and soon loud voices could be heard. Some boys called upon us from Rozaje to come out and fight them. They said come out and fight, they cursed us: “Come out, damn Turks”. Then the conductor and the driver went out and talked to those boys. Those boys said that someone from the bus has sent to them a SMS to come tonight to the station Dapsici and fight if they dare. After the driver and the conductor talked to those boys they scattered and the driver and the conductor came in and we continued the trip. Those boys did not come inside of the bus. 543

The driver of the bus Safet Čolović, said to the researcher: “I have not been working on the previous night and I don’t know what had happened on the first night. But I think that was the cause. I asked the students about what happened on the previous night and some of them said that some girls from Rozaje have been teasing a girl from Dapsici. This girl from Dapsici came out of the bus crying and said to them “I will fuck your Turkish mothers“, this was said to me by girl students from Rozaje. And this girl from Dapsici told me that those girls from Rozaje started with insults first and that they cursed her “Serbian mother”⁵⁴⁴.

⁵³⁸ Researcher of Initiative has registered this graffiti.

⁵³⁹ Report on incident „Assault on school bus“, from 10 October 2007, is filed in the archive of the Initiative.

⁵⁴⁰ *Ibid*

⁵⁴¹ *Ibid*

⁵⁴² *Ibid*

⁵⁴³ *Ibid*

⁵⁴⁴ *Ibid*

There have been some speculations that the persons which have intercepted the bus were carrying arms and that they had masks on their faces. This was reported by daily “Vijesti” on 5th October 2007 in the text “Armed hooligans intercepted the bus with students from Rozaje”⁵⁴⁵. Vijesti also emphasised that someone is trying to cover up the case. Researcher of the Initiative has conducted a interview with all parties in the incident, but he did not come to information that would confirm reports of daily “Vijesti” that young man which have intercepted the bus have been carrying weapons.⁵⁴⁶ Also, police of District Unit Berane has identified assailants, and in response to⁵⁴⁷ Initiative, there were minors in question and they were not armed. These minors are also students of high schools in Berane. According to their statement the reason for the incident were insults to sister of one of them, who was leaving the bus with other students in the settlement Dapsici⁵⁴⁸

Two buses from Tourist Agency from Pristina have been stoned in Ribarevina on 13th August around 22:00 hours. Five glasses on vehicles have been broken; none of the passengers have been hurt.⁵⁴⁹ Albanian tourists from Kosovo which spend their holidays in Montenegro travel with these buses. Bus driver Ibrahim Mulaku said for daily Vijesti that there will be less and less tourists from Kosovo coming to Montenegro because of frequent stoning of buses.⁵⁵⁰ His colleague Gani Mehmeti has emphasised that their buses have also been stoned several days before this incident in Sutomore. For Radio free Europe Gani said: “It happened to me a month ago in Sutomore. They broke my glass; I was molested from 1 and a half in the afternoon to 5 o’clock in the morning, Police says we have to go on court, we went to court, I don’t know what they did, were they fined, I never received minutes from the police. Three of them have been caught. One was from Serbia, the one who organised the whole thing, and two of them from Sutomore”⁵⁵¹

⁵⁴⁵ Vijesti, “Armed hooligans intercepted the bus with students from Rozaje”, 05 October 2007.

⁵⁴⁶ See above under 12

⁵⁴⁷ Answer of the Police Directorate upon the request on free access to information from 17th December 2007, filed in the archive of the Initiative.

⁵⁴⁸ *Ibid*

⁵⁴⁹ Vijesti, Two buses from Kosovo stoned again, 15th August 2007.

⁵⁵⁰ *Ibid*

⁵⁵¹ Radio Free Europe, Stoning of Kosovo buses continues, 14th August 2007, can be found on the web site: <http://www.slobodnaevropa.org/archive/news/20070814/500/500.html?pid=712331>, accessed on 18th December 2007.

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M.V.R: *Police stations like Guantanamo*, DAN, 10 August 2007
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