

Human Rights in Montenegro - 2008

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Human Rights Protection Programme

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## INTRODUCTION

In Montenegro, the year 2008 has been a year of stabilizing state institutions and intensifying the process of European integrations. Montenegro has established the formal, legal and institutional bases of an independent state. In the following period, complete attention must be given to strengthening the institutions and essential implementation of the legislative frame. All international instruments to which the State Community of Serbia and Montenegro had acceded, have also been ratified. The first Presidential Elections, after the renewed statehood, were held on 6 April, and Filip Vujanovic was elected in the first round of the elections.

Montenegro has made progress also in European and Euro-Atlantic integrational processes. It is a candidate for joining the European Union, and significant progress has been made in joining NATO, IMF and other international organizations.

On the domestic and foreign politics plans, the situation is stable. Montenegro is the only state in the region which, except for minor technical issues, does not have open issues with the surrounding states. According to the estimates of the Progress Report of the European Commission and other numerous organizations, the major problems are corruption and organized crime. On the other hand, the problem of the quality of administrative capacities in the public sector, which is a guarantee for the functioning of the state and legislative systems, is still present. Monitoring by numerous organizations is likely to condition further progress in all controversial areas.

After the initial rapid growth, the economic dynamics are slowing down. The financial crisis can be felt, because the economy of Montenegro is dependant on tourism, building, and foreign investments. The first indicators are already showing that the economic crisis will have a negative effect on the sector of social rights.

In the field of human rights, there are no systematic violations in Montenegro. The level of police torture, politically motivated violence, discrimination of the Roma, not solving the status of refugees and certain issues from the minority rights corpus, are at a disturbing level. Another cause for concern is the rising trend of ethnic distancing, revealed in public opinion researches and numerous examples.

The research on the state of human rights in Montenegro, published by the Youth Initiative for Human Rights (hereinafter the Initiative) in 2008, was focused on police torture and politically motivated violence. The Swedish Helsinki Committee for Human Rights and the regional office of the Initiative have helped in various ways in the research.

During the research, various methodologies were used: field research, interviews, media monitoring, SOS telephone, and inside information. We used the mechanisms of the Law on free access to information, on the basis of which we received information from the Police Directorate, Institution for carrying out criminal sanctions (ZIKS), the Prosecution, etc.



## I Police torture

The Initiative had in 2008 recorded fifty one reported cases of police torture, and three on the premises of the Institution for carrying out criminal sanctions in Podgorica (ZIKS). According to the information the Initiative had received, twenty one criminal complaints were filed to the relevant state prosecutors, one private prosecution to the relevant court against Police officers, and the Police Directorate had in fifteen cases provided the case documents to relevant prosecutors to be further processed. Domestic and international norms oblige Montenegro and its institutions to re-investigate all these cases.

### Domestic and international standards regarding police torture

#### Mechanisms of control

Within the organization of the Ministry of Internal Affairs of Montenegro, the Police Directorate is a separate organ. The Law on police<sup>1</sup> stipulates:

Internal control – The Department for internal control and use of vested power is a special organizational unit of the Police Directorate, in charge of controlling the use of power by police officers. Any physical and legal entity can file a complaint on the work of the Police to this department.

Parliamentary control – is exerted by the Parliament of Montenegro through the appropriate operative body. The Chief of Police submits a report on the work of Police to the operative body.

Civil control – is exerted by the High Council for Civil Control of police work. Both citizens and police officers can accost this Council. The Council has five members with a mandate of five years. The members of the Council are named by the Bar Association, Medical Chamber, Lawyers Association, University of Montenegro and non-governmental organizations which deal with human rights. The Council estimates the use of police power for the protection of human rights and freedoms.

#### Legal norms

Abuse and torture is absolutely forbidden by numerous international and domestic legal documents and regulations.

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<sup>1</sup> Law on Police, published in the Official Gazette of Montenegro, number 28/2005 from 05 May 2005

The Constitution of Montenegro forbids slavery, torture, inhuman and degrading behaviour.<sup>2</sup>

The Universal Declaration of Human Rights<sup>3</sup> and the European Convention on Human Rights and Fundamental Freedoms<sup>4</sup> forbid inhuman behaviour, degradation or cruel punishment.

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, forbids persons officially on duty every form of torture and torment.<sup>5</sup> This includes deliberate infliction of physical injury, physical and psychological torture in order to extract information or a confession, exert pressure or intimidate on any basis.<sup>6</sup> Torture is not allowed under any circumstances, whether in war, threat of war or political instability of the state.<sup>7</sup>

The Criminal Law<sup>8</sup> of Montenegro forbids abuse and torture. If the criminal act is done by an officer on duty, he will be punished with three to five years of prison. Extracting statements is also forbidden, and if it is done by an officer on duty, the stipulated punishment is three months to five years imprisonment.

Based on the Law on Police of Montenegro, coercive means are used as much as it is necessary in order to remove the danger, with the least harmful consequences for the person on which the coercive means are applied.<sup>9</sup>

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

<sup>3</sup> Universal Declaration of Human Rights, adopted in the United Nations General Assembly on 10 December 1948, article 5

<sup>4</sup> European Convention on Human Rights and Fundamental Freedoms, adopted on 4 November 1950, came into effect on 3 September 1953, amended by Protocol 11, came into effect on 1 November 1998

<sup>5</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was adopted and opened for signing, ratification and joining by the UN General Assembly Resolution number 39/46 from 10 December 1984. It came into effect on 26 June 1987, in accordance with article 27, Yugoslavia has signed and ratified this convention. Published in the Official Gazette (International contracts) number 9/91

<sup>6</sup> *Ibid*, article 1

<sup>7</sup> *Ibid*, article 2

<sup>8</sup> Criminal Law of the Republic of Montenegro, article 166 and 167 (Official Gazette number 70/2003), available at the website: <http://www.upravapolicije.vlada.cg.yu/vijesti.php?akcija=vijesti&id=12583>, visited on 23 June 2008

<sup>9</sup> Law on Police, adopted on 27 April 2005, published in the Official Gazette of the Republic of Montenegro number 28/05. The article 30 of this law stipulates: Coercive means, in the sense of this law, are: physical strength, baton, means of restraining a person, devices for force-stopping a vehicle, trained dogs, chemicals for temporary incapacitation, special vehicles, special types of weapons, explosives and firearms. Coercive means can be used for: 1) preventing the escape of an imprisoned person or person caught in the act of committing a criminal act prosecuted by official duty; 2) overcoming the resistance of a person violating public peace and order, or which should be brought in or arrested in the cases specified by law; 3) defense from an attack on one's person, another person or the guarded object. The police officer will use coercive means in order to perform the official duty, in accordance with the danger to be removed and the least harmful consequences for the person on which the coercive measures are applied. The police officer has a duty to warn the person on which the coercive measures are to be applied before applying them. The police officer will not act in the way described in line 4 of this article, if that would bring into question performing of the official task.

## Case Descriptions

### I Cases reported to the Initiative

The researchers of the Initiative have in 2008, through field research and the SOS telephone line, registered twenty two cases of police torture.

#### Degrading actions in the Bar Regional Unit

Aleksandar Rakocevic (1983), from Bar, is the president of the youth of the Serbian People's Party (NSS). On 06 January 2008, around midnight, Rakocevic, with his friends Nikola Djurkovic, Milovan Mecikukic and Jovan Klisic, had been celebrating Christmas Eve in the bar "Varadero". This is when an incident occurred between the four of them on one, and a group of young men on the other side.

Rakocevic said about the incident: "I was celebrating Christmas Eve with my friends Nikola Djurkovic, Milovan Mecikukic and Jovan Klisic in the cafe bar "Varadero". Somewhere around midnight, approximately at ten past twelve, a group of young men I knew from earlier started talking to us, offending me and my friends, because we were raising three fingers while singing songs. Shortly afterwards, even though I had tried to stop it, a fight occurred. Almost all of the participants of the fight had minor physical injuries, namely bruises and hematoma."<sup>10</sup>

Rakocevic also says what happened next: "Shortly afterwards, a Police patrol arrived and apprehended all the participants of the fight, taking them to the premises of the Bar Regional Unit. No one was handcuffed during the apprehension, which means that we did not resist arrest, or obstruct the officers.

When we entered the building, only myself and Jovan Klisic were taken to a room to the left of the entrance door. I was handcuffed, but I cannot remember who had done that. I suppose this was done because I was the loudest of the people who were apprehended. When I entered the room, several policemen gathered around me, and since they would not take off the handcuffs when I asked them to, I reacted, trying to provoke them with the questions: 'Where is your boss's picture?' and 'Who dared take it down?'. The policeman whose name I did not know at the time, and who later identified himself as Amel, got into my face and said 'What do you care?', hitting me in the face with an open hand. He said some other things, cursing me and using insulting language, but I cannot recall what it was. At the time, my friend Jovan Klisic was in the room with me, and he can confirm what I said. Reacting to such actions, I started yelling and asking the present policemen: 'Did they burn the yule log outside the Castle?', and something in the sense of 'How can you hit a handcuffed man?', and such. Right after they handcuffed me, I told them that I

<sup>10</sup> Statement given by Rakocevic to the inspectors of the Department for Internal Control and use of power, delivered to the Initiative's researcher, from 09 January 2008, is in the records of the Initiative

wasn't a criminal, but a town counsellor in the Municipal Assembly, and that I represent the Serbian list.

An inspector wearing a red jacket came into the room. Later, I found out that his last name was Magdalinic, and he came to me with the following words: 'What are you, you're not a councillor, you're just a d\*\*\* on a bike!'. All this time he was in my face, he swung his arm like he was going to hit me, but he never did. I told him that he is free to hit me, just like the policeman before him did. Showing towards the policemen from the intervention unit, who were in the hallway at the time, Magdalinic then asked me: 'Who of them do you choose to take you down?', referring to the detainment premises. He asked officer Pivljanin if 'he wanted a piece of this councillor'. Then my handcuffs were removed, and I was taken to the hallway. Then I had a polite conversation with Pivljanin, who told me not to yell, and that he would take me to the hospital to get medical help, which he did.<sup>11</sup>

Rakocevic also tells what happened when he got back from the hospital: "From the emergency room I was taken back to the Police Office on duty, where I stayed for half an hour more. On this occasion however, there was no more tension, I even talked to Almel, who told me where he lived and where I could find him, meaning that if I wanted to, we could settle our dispute.

Then I was taken to the upper floor by inspector Magdalinic, to the last office to the left of the corridor, who intended to take a statement from me. When I went into Magdalinic's office, he asked me: 'Do you have a problem with the national emblem?', to which I replied that I didn't mind and that I was used to it, and then he resumed to take my statement. After he took the statement I had three times objected to its contents, refusing to sign it as such, so he threw them away and took new ones. My objections referred to the omission of the blow inflicted by officer Grbovic Amel. Only in the end did he enter this fact into the statement, and asked me: 'How are you going to prove it?' When I signed the statement, Magdalinic asked me if I knew the national anthem of Montenegro. I told him I did not, i.e. that I did know one version of it, but not his. He then told me 'Now you're going to learn it', and played it twice from his mobile phone.

After I'd listened to the anthem, I asked: 'what are we waiting for now?', and he replied that we were 'waiting for Veljovic<sup>12</sup> to wake up' and decide what to do with me.

After this he took me to the hallway outside the offices, saying that we are 'waiting for Veljovic to wake up and see what he says'. At 6:35AM a man came into the hallway and said: 'Veljo called and told us not to dirty our hands with shit, so therefore you can go.'<sup>13</sup>

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<sup>11</sup> *Ibid*

<sup>12</sup> Veselin Veljovic, Chief of Police Directorate

<sup>13</sup> Statement given by Rakocevic to the Inspectors of the Unit for Internal Control and use of power, see <sup>10</sup>



The Police Internal Control investigated the actions of the police, and established that officer Amel Grbovic had committed a severe, and Milos Magdalinic a minor disciplinary violation.<sup>14</sup> Based on the results of the Internal Control investigation, the Chief of Police Directorate ordered to have disciplinary actions started against these officers.<sup>15</sup>

The Police Directorate informed the Initiative that the "officer in charge had, on suspicion that he had committed a serious disciplinary violation from Article 56 line 3 point 4 of the Law on State Officers and Employees, filed a disciplinary procedure against Amel Grbovic, police officer from the Bar Regional Unit<sup>16</sup>.

The Disciplinary Commission had, on the basis of the act of the disciplinary prosecutor, conducted a procedure against Grbovic, and subsequently discharged him of disciplinary responsibility. Namely, the Disciplinary Commission did not find elements of disciplinary responsibility in the presented evidence."<sup>17</sup> The same document states that "due to a minor disciplinary violation from Article 80 line 1 point 2 of the Law on Police<sup>18</sup>, the superior officer was ordered to consider the responsibility of police officer Milos Magdalinic, and decide on a disciplinary measure – a monetary fine in the amount of 15% month's pay for the month in which the incident occurred.

Regardless of the estimate of the Internal Control, the superior officer has not passed a disciplinary measure on Magdalinic to this time<sup>19</sup>.

Rakocevic had on 10 January 2008 filed a criminal complaint against Police Directorate officers Amel Grbovic and Milos Magdalinic to the Main State Prosecutor in Bar, based on

<sup>14</sup> Copy of the statement of the Police Directorate from 19 January 2008 is in the records of the Initiative

<sup>15</sup> *Ibid*

<sup>16</sup> Law on State Officers and Employees (Official Gazette of the Republic of Montenegro number 27/2004 from 28 April 2004), Article 56 Types of disciplinary violations, disciplinary violations are severe and minor. Line 3 severe disciplinary violations: point 4 Abuse of official authority or power.

<sup>17</sup> The reply of the Police Directorate based on the request for free access to information, from 17 December 2008, is in the records of the Initiative

<sup>18</sup> Law on Police (Official Gazette of the Republic of Montenegro number 28/2005 od 05.05.2005), Article 80 Aside from the offences stipulated by the law, minor disciplinary actions are:

- 1) improper use of working tools;
- 2) **impolite treatment of citizens and coworkers while on duty;**
- 3) not wearing or improper wearing of official uniform, weapons and equipment;
- 4) disorderly appearance.

Disciplinary measures for minor disciplinary violations are put into effect by the immediate superior of the organizational unit.

The decision from line 2 of this article is subject to appeal with the Chief of Police, within eight days from receiving the decision.

<sup>19</sup> Reply of the Police Directorate based on the request for free access to information from 17 December, see <sup>17</sup>

the suspicion of committing the criminal act of "abuse and torture" from Article 16720 line 3 regarding point 1 of the Criminal Law of the Republic of Montenegro.<sup>21</sup>

The Main State Prosecutor in Bar had, based on the Initiative's request for free access to information, provided the information that he had, acting on the criminal complaint by Aleksandar Rakocevic from Bar, against Grbovic Amel and Magdalenic Milos, suspected of committing the criminal act of "abuse and torture", requested the information from the Bar Regional Unit of the Police Directorate on three separate occasions.<sup>22</sup> On 28 January 2008 the Main State Prosecutor in Bar had, on the basis of the Law on criminal procedures, requested the necessary information.<sup>23</sup> Since the information was not delivered upon request, the Main State Prosecutor had on two more occasions, through requests from 27 May and 10 November 2008, urged with the Police Directorate – Bar Regional Unit.<sup>24</sup> The reply states that after the requested documents are received, the decision on the criminal complaint filed by Rakocevic will be reached without delay. Up to late January, the Initiative has no information on whether the Police Directorate had delivered the requested information to the prosecutor, nor whether the prosecutor had reached a decision on this case.

### **Beatings in front of the hospital in Niksic**

Tomas Damjanovic (1980) from Niksic had reported an incident to the Initiative's researcher, which occurred in front of the hospital in Niksic. Tomas says: "During the night between 5 and 6 February 2008, around midnight, I was buying cigarettes in the kiosk outside the hospital. Officer Blagoje Strikovic came up to me, and checked my identity. After this, I started towards the "Kvart" (a part of Niksic), but the same officer stopped me and said 'you are wanted, motherfucker'. He was wobbling towards me, and I assumed that he was drunk, and he was acting in an uncontrolled manner. I stood still. He came up to me

<sup>20</sup> Criminal Law of Montenegro (Official Gazette of the Republic of Montenegro number 70/03), Article 167

(1) Anyone who abuses another or treats him in a way that insults human dignity, will be punished with a monetary fine or imprisonment of up to one year.

(2) Anyone who causes someone else great suffering with the aim of gaining information or confession from that same or another person, or in order to intimidate someone or exert pressure, or any other motive based on any form of discrimination, will be punished with up to three years in prison.

(3) If the act in lines 1 and 2 of this article is done by an officer on duty, he will be punished for the act in line 1 with a prison sentence of up to three years, and for the act from line 2 with a prison sentence of one to five years.

<sup>21</sup> Copy of the Criminal complaint Aleksandar Rakocevic filed to the Main State Prosecutor, from 10 January 2008, is in the records of the Initiative

<sup>22</sup> The reply of the Main State Prosecutor from Bar based on the request for free access to information from 19 November 2008, is in the records of the Initiative.

<sup>23</sup> *Ibid*

<sup>24</sup> *Ibid*

and put the handcuffs on one of my hands, and then violently hit me in the head with his fist. I fell down from the blow, and then he hit me with his foot in the groin. I ran into the hospital from fear that he would hit me again.”<sup>25</sup>

Tomas continues to describe: “Within the hospital circle, I met another officer who put the handcuffs on my other hand too. Then someone violently hit me in the back, and I fell down. Then several of them started hitting me. The officers who were beating me were Strikovic, Vitomir Krsmanovic, Marko Kosovic and Dragan Lalatovic. They were hitting me in the head and the body with their feet. Because of these beatings I kept losing consciousness, and one of the officers kept pulling my tongue out so that I wouldn’t suffocate. On this occasion I recieved injuries in the form of bruises all over my body, a broken tooth, pain in the chest and head, and the feeling of nausea.”<sup>26</sup>

Damjanovic was then taken by the policemen to the Niksic Regional Police Unit, where he was to be detained for 48 hours.<sup>27</sup>

It turned out that Damjanovic was arrested because of, as they told him at the police station, a bureaucratic mistake, because he was arrested on the basis of a General Court demand which had not been withdrawn on time.<sup>28</sup>

Damjanovic informed the Initiative’s researcher that the police told him they had filed a misdemeanor charge against him for suspicion of assaulting an officer.<sup>29</sup>

On 18 February 2008, Tomas Damjanovic filed a criminal complaint to the Main State Prosecutor in Niksic against officers Strikovic Blagoje, Krsmanovic Vitomir, Kosovic Marko and Lalatovic Dragan.<sup>30</sup> The officers are suspected of committing the criminal act of “abuse and torture“ from Article 167 line 3 and connected to line 2, as well as “minor physical injuries“ from Article 152 line 2 connected to line 1 of the Criminal Law of the Republic of Montenegro.<sup>31</sup>

The Initiative had on 12 January requested from the state prosecution the information on the results of the investigation and processing of the criminal complaint. We have not recieved a reply to this request up to the moment of publishing this report.

<sup>25</sup> Incident Report, from 19 February 2008, is in the records of the Initiative

<sup>26</sup> *Ibid*

<sup>27</sup> *Ibid*

<sup>28</sup> *Ibid*

<sup>29</sup> *Ibid*

<sup>30</sup> Copy of the Criminal complaint from 18 February 2008 filed by Damjanovic, is in the records of the Initiative.

<sup>31</sup> *Ibid*

## Police torture over Dusan Mugosa

Dusan Mugosa from Podgorica reported to the Initiative an incident which occurred on 8 February 2008 outside of the “Titeks” hall in Podgorica.<sup>32</sup> During this incident, Dusan received numerous bodily injuries in the form of bruises, and a fractured nose.<sup>33</sup> Dusan relates how the incident occurred: “I was at a party called “Good Things Industry” with my friend Marko Ljumovic in the “Titeks” hall in Podgorica. As we were going out, a 16 or 17 year old boy grazed me with his shoulder. A small dispute ensued. The boy told me to step outside in order to settle the matter. I told Marko to move him away from me, because I could see that he was a kid and that he had been drinking, there was no need to cause a fuss because I had just gotten out of prison. Marko stood between us, and we went outside. Three officers came up to us and asked us what was going on. I told them that the boy wanted to fight me: the policemen told me and Marko to “step aside”, which we did. The young man was standing across the road from us. I told the police to take both of us to the station to settle this, in order to avoid meeting in the future and fighting in the street. However, the young man said that he did not want to be taken in and insisted on settling the matter then and there.

After a few seconds a police inspector came up to me from behind and hit me in the back of my head with his hand. I felt a dull blow to the head. My knees got weak and I leaned on a car. The inspector then hit me in the nose with his hand. I fell down, and as I was trying to get up I heard him say: ‘give me my truncheon, give me my truncheon’. When I tried to get up, that same inspector with the truncheon hit me on the side of my head. I fell down and protected my head with my hands. Then two police officers together with the inspector started kicking me with their feet and hitting me with their truncheons. One of the policemen handcuffed my friend. After a while they stopped hitting me, and I got up and asked one of the policemen to show me where the bathroom was. I wanted to wash my face because my nose was bleeding. He replied ‘It is right there in the hall’. I started towards the bathroom, and the inspector hit my friend Marko two or three times in the head with an open hand and told him ‘Come on, raise your hands so I can mess you up’. My friend replied: ‘You will answer for this tomorrow because I am underage, and I will report you for all of this tomorrow’.<sup>34</sup>

Dusan relates what happened next: “The inspector came after me to the bathroom and made all the people who were in there leave the bathroom. I asked ‘Why did you have to beat me up like this?’ and, pointing to his badge, he told me that it was a mistake and apologized. The badge number was 6260. He kept apologizing, I was still washing my face because it was bleeding, and he passed me the paper tissues to wipe myself. Someone called for him on his radio, and I walked behind him to hear what he was going to say. He said that there were no problems. Walking towards the exit from the hall, I asked him again: ‘Why did you have to beat me up like this?’ and he replied ‘Mugosa, it’s a mistake’. I was surprised

<sup>32</sup> Incident Report, from 13 February 2008, is in the records of the Initiative

<sup>33</sup> *Ibid*

<sup>34</sup> *Ibid*

that he knew my name. I had been released from prison a week earlier, but I payed for all my misdeeds, and wondered how this came about. He told me ‘Mugosa, it’s a mistake, I know that you came out of prison a few days ago’. He also asked me if I was going to turn him in and if I would influence my friend not to turn him in. I told him neither of us would turn him in and asked him if we were free to go home. He told me to come with him and we walked about ten meters away from Marko and the other policemen. Then he asked me: ‘Will you, Mugosa, give me your brotherly hand and swear not to turn me in’. I gave him my hand because I was afraid he would arresst me, and I was in severe pain. I went home with my friend in a taxi. Half way home, I noticed that my mobile phone and my watch were missing, so we turned the taxi around and returned. I found the phone right away, but I didn’t find the watch. Then the inspector approached us and asked us what we were doing. I explained and he called the policemen from the intervention unit to help me look. They used flashlights because it was dark.

I looked with them for a while more and then I went home. I wasn’t far away when the inspector asked me again ‘Mugi, does the brotherly still stand?’, and I replied it did.

I was afraid of them, and I considered his pleads more as threats against turning him in, and therefore I hesitated going to the doctor’s. With the help and support of my family I decided to go, and to file a complaint to the prosecutor and the court against them. I also announced all of this in the newspapers.<sup>35</sup>

Dusan stated that the police had exerted pressure on the medical staff which he turned to for help.<sup>36</sup> “I went into the emergency room to get examined. One policeman was following me the whole time. I went to have my nose checked, and the doctor said that it was an old fracture. However, I had never broken my nose before. Here, you can see the swelling and the redness even now. When I went out of the doctor’s office, the policeman that was following me went into the office. When he came out, he phoned someone and said ‘Sukovic, it’s over, there are no problems with Mugosa’.”<sup>37</sup>

Dusan also recieved threatening phonecalls: “Last night someone called me around 8:30PM from a 083 number, and when I answered he asked ‘Is this Dusan Mugosa?’. I said that it was, and then he asked me ‘Are you the one who is pressing charges against the police and the inspector?’. When I replied that I was, he continued ‘Listen to me and listen well, I am a guy you shouldn’t recognize, and don’t even think about recognizing me tomorrow if you see me at the police station, or anywhere else, and you know very well why I beat you up’. I hung up the phone. He then called me again and I said ‘Listen pal, I don’t know where you got the nerve to call me after all you have done to me’. He replied ‘I will screw you over big time if you recognize me’. I told him we would settle all of this in the courtroom and hung up.”<sup>38</sup> While Dusan was on the premises of the Initiative, someone

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<sup>35</sup> *Ibid*

<sup>36</sup> *Ibid*

<sup>37</sup> *Ibid*

<sup>38</sup> *Ibid*

called him from an undisclosed number. Dusan answered the phone, and the person who called him said nothing and hung up shortly afterwards.<sup>39</sup>

The Police Directorate informed the Initiative that the Police Internal Control Unit “could not without a doubt establish the facts based on which the determination of disciplinary responsibility of police officers could ensue, due to the fact that the statements of those officers and the employees of the private ‘G-security’ team are completely opposite to the statements given by Dusan Mugosa and one more person who was with him at the time.”<sup>40</sup> The papers on the case formed by the Police Internal Control Unit were forwarded to the Main State Prosecutor for further estimate and decision.<sup>41</sup> As for the threatening phone calls Mugosa received, the Police Directorate informed us that they have taken measures in order to identify the person who called Dusan. “It was determined that the phone call came from a phonebooth at the Post Office in Niksic, and therefore it was not possible to determine the identity of this person.”<sup>42</sup>

The Main State Prosecutor in Podgorica informed the Initiative that this prosecutors office proposed to the investigative judge to start investigative actions against six officers, members of the Police Directorate, for the criminal act of “abuse and torture“ from Article 167 line 3 in connection with line 2 of the Criminal Law of the Republic of Montenegro, over Dusan Mugosa.<sup>43</sup> The process is in progress.

### **Illegal arrest of Zeljko Golubovic**

On 17 March 2008 the Police Directorate announced that there is reason to suspect that four officers of the Berane Regional Unit had on 21 February 2008 illegally arrested Zeljko Golubovic from Berane.<sup>44</sup>

Zeljko Golubovic is the member of the Main Board of the People’s Party. Golubovic stated the following about the incident: “On Thursday, 21 February 2008, I was sitting in my office with Strasa Asovic, Vitko Bulatovic and secretary Ivan Pantovic. Around 1PM we heard music, we opened the window and saw some youngsters expressing dissatisfaction about the unilateral declaration of Kosovo independence. They greeted us from below with raised three fingers, and sang songs about Kosovo. Two minutes later the police

<sup>39</sup> *Ibid*

<sup>40</sup> Reply of the Police Directorate based on the request for free access to information, from 20 February 2008, is in the records of the Initiative.

<sup>41</sup> *Ibid*

<sup>42</sup> *Ibid*

<sup>43</sup> Reply of the Main State Prosecutor based on the request for free access to information, from 29 May 2008, is in the records of the Initiative

<sup>44</sup> Police Directorate Announcement from 17 March 2008 was reported by the MINA agency, the Dan daily newspaper, ‘Policemen overstep their authorities’, from 18 March 2008 and Vijesti, Golubovic arrested without a reason, from 18 March 2008

started arresting them. We did not know what was happening, they were twisting their arms and putting them into police cars. At that moment I yelled from the window ‘Stop beating those children’. One of the policemen (Vlajko Babovic) turned in our direction and said: ‘Don’t interfere, it is none of your business’. At that I replied ‘But it is my business’. Then the policeman, in a threatening tone, said ‘Don’t make me come up there and see if it is your business’. I said ‘Come up, I am not afraid of the police.’<sup>45</sup>

Golubovic continues: “In a couple of minutes inspector Marko Lalic and three police officers in uniform came up to the office. Marko Lalic addressed me: ‘Zeljko, we have to take you to the police station’. I asked why, and he told me ‘Because I was ordered to do it, please come with us’. I replied that I could not go with them because I had done nothing and I was at my workplace. Then the officer in the uniform interfered and said: ‘If you will not go willingly, you will go by force’. I asked him why he was interfering while I was talking to his superior. Then he yelled that if I didn’t go with them, they would carry me out. Marko asked me one more time to come with them, and then I asked him if I could come to the police station myself, without being taken in. They denied me this too. I went with them.”<sup>46</sup>

Golubovic relates what happened at the Police station: “When I arrived to the station, I asked to talk to the superior officer, and got the reply that he was in Podgorica. I asked to talk to his deputy, and I was taken to him after an hour and a half of waiting, actually I was sent to Vlajko Babovic, who had me arrested. There was no talking to him, he started yelling, and I warned him not to because he could not intimidate me. Then he ordered two inspectors to take me to the misdemeanor judge. They took my statement and left me in the hallway for an hour more, then put me in a police van and took me to the courtroom.”<sup>47</sup>

The regional misdemeanor organ in Berane, in the misdemeanor case against Zeljko Golubovic, based on the misdemeanor from article 10 line 1 of the Law on public peace and order, had on 29 February 2008 reached a decision of discontinuance of the proceedings against Golubovic.<sup>48</sup> After establishing the facts, this organ decided that “there were no conclusive evidence to support the misdemeanor charges from article 10 line 1 of the Law on public peace and order, that Zeljko Golubovic did not disturb or insult the police officers in performing their duties, and therefore the judge decided that the misdemeanor proceedings should be discontinued based on article 135 line 1 point 3 of the Law on Police of the Republic of Montenegro, because the actions with which he was charged do not represent a misdemeanor.”<sup>49</sup>

<sup>45</sup> Statement by Zeljko Golubovic, sent to the Initiative by the People’s Party, is in the records of the Initiative.

<sup>46</sup> *Ibid*

<sup>47</sup> *Ibid*

<sup>48</sup> Copy of the decision by the Berane Regional misdemeanor organ, from 29 February 2008, is in the records of the Initiative

<sup>49</sup> *Ibid*

Based on the investigation by the Internal Control on the suspicion that police officers Marko Lalic, Srdjan Scekcic, Miljan Djerkovic and Radoman Tijanac had committed severe disciplinary violations from article 56 line 3 point 1 of the Law on state officials and employees (abuse of official position or abuse of power) and misdemeanor acts from the same Law and article, line 3 point 13 (actions on duty or related to duty with elements of criminal activity prosecuted by official duty), the head of the Berane Regional Unit was advised to start disciplinary actions to determine the disciplinary responsibility of the named officers.<sup>50</sup> During the investigation it was also determined that there is reason to believe that the police officer Vljako Babovic from the Berane Regional Unit, had committed severe disciplinary violations through issuing orders to the said officers from article 56 line 3 point 4 of the Law on state officials and employees (abuse of official position or abuse of power) and article 81 line 1 point 19 of the Law on Police (issuing orders the execution of which represents a criminal act).<sup>51</sup>

The Police Directorate informed the Initiative in their reply that “after conducting a disciplinary procedure, the named officers were discharged of disciplinary responsibility”.<sup>52</sup>

Golubovic did not press criminal charges against the officers because, as he told the researcher of the Initiative, he did not trust the work of the institutions.

### **Improper behaviour on the premises of the Podgorica Police station**

Milutin Soc and Veselin Savovic, both from Podgorica, reported to the Initiative that the policemen from the Podgorica Regional Unit treated them improperly while investigating the attack of several unknown persons on Milutin Soc.

Soc said about the incident: “On 18 February around 6PM, while I was at work as a guard at the Public Utility Company in markets, three unknown men beat me up. The police called me to come to the station on 25 February to identify the attackers. I told them that the person they brought in was not the person who had attacked me. They let me see him from a distance, and I couldn’t see well. They told me ‘go a little closer, can you see him now?’ They said that in a degrading and ironic tone. They told me to admit that was the person who beat me up. However, that was not the person who attacked me. One of the three inspectors present at the time told me ‘Come on, admit it or we’ll take you down-stairs’, meaning arrest me. I was not feeling well because of the injuries, injuries which have not healed properly to this day, let alone at the time, and I couldn’t take it anymore. They kept me there for five hours: from 5PM to 10PM.

<sup>50</sup> Reply of the Police Directorate based on the request for free access to information, from 21 January 2009, is in the records of the Initiative

<sup>51</sup> *Ibid*

<sup>52</sup> *Ibid*



One of the officers told me ‘Did you do this to yourself? Come on, admit it, we won’t hurt you’. None of them gave me their names. The first night, when I was giving my statement, I didn’t know where I was because of all that had happened, I failed to mention or to even notice that my chain and my wallet were missing, because I wasn’t thinking about it and because I was all beaten up. They told me they would make me take a lie detector test because of this. That chain was given to me by my friend Veselin Savovic. They asked me ‘Did Savovic steal your chain?’ Then they started to interrogate me ‘where did you get the chain you’re wearing now?’. At the time I was wearing a chain bought to me by my father. They said ‘Stop acting in that way and imitating Vladimir Soc, those stories of yours don’t hold water’. Vladimir is my father.

In the end they laughed at me and told me ‘Soc, you got away easy’. I was confused, I didn’t know what was going on, and I expected them to beat me up.<sup>53</sup>

Veselin Savovic drove Soc to the police station. Savovic stated about his experience at the police station: “I found Milutin unconscious at his workplace. He was covered in blood. I took him to the hospital. The day he was supposed to go to the police station to give a statement, he told me he couldn’t drive because he didn’t see well as a consequence of his injuries. Therefore, I drove him. When we arrived he went into an office, and I waited for him outside. I could hear shouting and loud noises coming from the office while he was inside.

A tall policeman of approximately fifty years of age came out and walked toward me. He asked me if I had found him unconscious, meaning Milutin. I told him I had. He said ‘that’s a lie’. I told him that it wasn’t a lie. Then he hit me to the head with an open hand. He hit me so hard that I still cannot hear well on that side. Then he turned to his colleagues and told them ‘beat him up wherever you see him’. He said this to seven policemen who were in the hallway at the time.

Then another officer took me into an office. I was holding my hand on the part of the head where I was hit, because it hurt. One officer told me ‘Put that hand down, you’re getting on my nerves’. I put it down, even though it hurt really bad. They asked me about the chain, if I had bought him the chain. When I said that I did, they said ‘Stop lying, who buys other people chains’.<sup>54</sup>

The Police Directorate had, after an investigation of the allegations made by Soc and Savovic conducted by the Department for internal control and use of power, informed the Initiative that the police officers of the Podgorica Regional Unit were acting in accordance with the law and powers given by the law.<sup>55</sup>

<sup>53</sup> Incident report, from 04 March 2008 is in the records of the Initiative

<sup>54</sup> *Ibid*

<sup>55</sup> Reply of the Police Directorate based on the request for free access to information, from 21 March 2008 is in the records of the Initiative

The Initiative does not know if Soc and Savovic filed criminal charges to the appropriate State Prosecutor against the Police.

### **Treatment of Valentina Kaludjerovic by the Traffic Police**

Valentina Kaludjerovic from Podgorica told a researcher of the Initiative that on 20 March 2008, on the main road from Podgorica to Petrovac, the traffic police had abused her physically and mentally.

Valentina stated about the incident: “The incident occurred on the main road nearby the Aluminium factory around 12 o’clock. The traffic policemen stopped me and claimed that I had been overtaking on a part of the road where it was not allowed. My sister was with me in the car. I told them that I wasn’t overtaking on the full line. The officer who stopped me told me to get out of my car and bring my documents to his colleague who was sitting in the police car. There were four policemen, three outside, and one inside the car. Walking towards the car, I said hello to one of the officers because I knew him and told him that I wasn’t overtaking on the full line, and he replied that he didn’t see if I did or not. Later, however, he claimed that he did see, i.e. all three of them had the exact same story, because they had agreed on it on the way to the police station.

The officer inside the car told me that I had violated the traffic rules, and I told him that I didn’t, just as I told the other policeman. We started arguing – I kept saying that I didn’t, and he kept saying that I did. At one moment I turned towards the three policemen outside of the car and told them that I was sure that I didn’t violate any traffic rules. Then I started to walk towards my own car. However, the policeman that was in the car came out and said: ‘Where do you think you’re going, you goat, get back here, or I’ll beat you up and take you in’. Then he grabbed me by the hand and pulled me towards him so close, that he was in my face. Just like that, out of the blue. I tried to push him off with my hands, for which he later claimed that I was hitting him in the chest with my hands, and because of this I was charged with assaulting an officer. I also told him not to yell. He kept yelling and pulling me. He said ‘What kind of behaviour is that?’, he grabbed my hair and started pulling me by it. He told me ‘Come here’, opened the door of the police car and told me to sit in there. This officer’s name was Tomislav Orlovic and he was about thirty years old. The front seat was moved all the way to the back, so I couldn’t fit my legs into the car. I told him to adjust the seat so that I could sit comfortably. He lost his patience, slammed the door and hit me in the legs with it.”<sup>56</sup>

The Council for civil control of police work, at the meeting held on 20 November 2008 concluded that: “Police powers must be executed with the maximum respect for human rights and the dignity of the citizens. While making a record of a complaint or issuing an order to pay a fine, it is not in accordance with the principle of respecting the dignity of a person to make them leave their own vehicle, or to approach or enter the official vehicle,

<sup>56</sup> Incident report from 26 March 2008 is in the records of the Initiative.

unless the request for leaving the vehicle lies on a different basis (suspicion of criminal actions, concealing evidence, etc.)<sup>57</sup>

After this, the police detained Valentina in the Podgorica Regional Unit, on the suspicion of committing a criminal act of “preventing an officer in performing his official duty”.<sup>58</sup> The police also temporarily seized Kaludjerovic’s vehicle for verification purposes.<sup>59</sup> Valentina was detained by the police for approximately four hours.<sup>60</sup>

The Police Directorate had, after the investigation lead by the Unit for internal control and use of power, concluded that the facts which would collaborate the allegations made by Valentina were not determined, and therefore the complaint was estimated to be unfounded.<sup>61</sup>

Valentina told the researcher of the Initiative that she had filed a criminal complaint to the Main State Prosecutor in Podgorica, but the prosecutor had dismissed it.

### **Riots at the Berane – Buducnost football game**

In Berane, during the first semi-finals match of the Montenegro Cup, between FC Berane (Berane) and FC Buducnost (Podgorica), on 2 April 2008, an incident occurred between the supporters of FK Buducnost and the police. The exact number of injured supporters has not been determined, and the Police Directorate stated that five of their officers received injuries during the incident.

Supporter L.V. explains how the incident occurred: “We entered the stadium in Berane ten minutes before the game started. We were cheering as we usually do. During the fourth minute the ball fell on to our stand, and we didn’t return it right away. The first half ended. Then one of the substitute players of Berane came to ask us to return the ball. He literally sent the police to take the ball away from us. According to the law, this is a job of the security team, and not the police. This is when it all began. First there was a verbal conflict – curse words and requests to return the ball. We returned it.

There was some pushing and shoving, and one of the policemen even took his gun out, but he did return it right away. In three or four minutes everything was calm again, and we continued with our cheering. I knew what was coming and, after three or four minutes more, around 30 policemen came. Then they squeezed us into the corner of the stands,

<sup>57</sup> Copy of the conclusion made at the meeting of the Council for civil control of police work, from 20 November 2008 is in the records of the Initiative

<sup>58</sup> Incident report, see <sup>56</sup>

<sup>59</sup> *Ibid*

<sup>60</sup> *Ibid*

<sup>61</sup> Reply of the Police Directorate based on the request for free access to information, from 25 November 2008 is in the records of the Initiative.

there was a lot of pressure, and some of the supporters fell helplessly from the stands. They pushed 60 of us into a corner where normally 15 to 20 people could fit. It is visible in the video recording of the game before the incident, where 60 of us were cheering and the space we were taking, and afterwards we were all cornered, we were literally on top of each other. Then the brutal beatings began. They hit us with their truncheons in our backs<sup>62</sup>.

### **The supporters relate what else happened at the stadium.**

S.R: “I didn’t receive many injuries. I was beaten with a truncheon to my back. This happened when they cornered us<sup>63</sup>.”

M.V: “I received injuries while I was at the stadium. I received injuries to my hands, head, back and knee. The bone in one of my fingers was fractured. They were hitting me with their truncheons and their feet, they were stepping on me. You can see on the video how the policemen were beating me. One of the players carried me across the field because I couldn’t move my leg<sup>64</sup>.”

S.M: “I received an injury to my arm, the elbow to be precise. If I saw him, maybe I could identify the officer who hit me. He hit me with his truncheon<sup>65</sup>.”

N.B: “I received two blows with a truncheon to my back at the stadium. We were retreating when the officers started towards us and cornered us. That is when they started hitting us on our backs. Some of the supporters even fell from the stands from the pressure<sup>66</sup>.”

D.J: “I was arrested because of my phone, because I was filming at the stadium how the officer in civilian clothing Vljako Babovic was beating a supporter with his gun. They beat me at the stands when they saw me filming. Five or six of them started hitting me when I told them that I have a bad back and that they shouldn’t hit me. That is when they stopped hitting me. They beat us with their truncheons, feet and hands. Five or six of them hit me at least seven or eight times. They had taken my picture at the prison in Bijelo Polje, you can see in those photos what my back looked like from the truncheon<sup>67</sup>.”

R.R: “The second half had just started. As I was standing on the upper part of the stands, I saw one policeman grab a supporter around his waist. This is when the commotion started. We didn’t know what was going on and way they were taking this supporter away. A policeman said that he was throwing stones at them. There was a commotion. Those of us who were standing in the first few rows immediately started receiving blows with truncheons. Then they pushed us all into the corner of the stands. There was a lot of pressure. More policemen came. I tripped and fell two or three steps down.

Below, the players had already come to calm everyone down. I jumped over the fence of the stands and went onto the field. My head was hurt. While I was in the stands they had

<sup>62</sup> Incident report from 08 April 2008 is in the records of the Initiative

<sup>63</sup> *Ibid*

<sup>64</sup> *Ibid*

<sup>65</sup> *Ibid*

<sup>66</sup> *Ibid*

<sup>67</sup> *Ibid*

been hitting me in the head and other parts of my body with a truncheon. I covered my head with my hands to protect myself, and so I didn't see who hit me or how many times. I came down to ask for help. I saw the policemen beating some of my friends down on the field, and I approached to tell them not to beat them and to calm the situation down. Suddenly, a man in a civilian suit came violently towards me. Then he took out his gun and cocked it. I held the hand in which the gun was in order to stop him from using it. He kept hitting me with the back end of his gun on the head. He hit me several times and I fell. A wall was behind me, so I had nowhere to go. One of the players of the Buducnost team defended me from him.

When I managed to get up I approached him and asked why he did that to me, showing the injuries on my head. He just said 'Beat it, get away from me'. Later I found out that his name was Vljako Babovic.

I was taken to the doctor of the Buducnost team who put a gauze on my wounds, and then they took me and two other supporters to the hospital in the hospital vehicle. They sutured my head wounds, I had five sutures on one, and two on the other wound. Afterwards, they took us back to the stadium in the hospital car, where the police put us in the police van and took us to the police station<sup>68</sup>.

Supporter L.V. relates what followed in Berane: "I saw Raco (the young man who received injuries from the gun that officer Babovic was hitting him with) being taken away by the players of the Buducnost team in order to get help. After that the passions died down and the police told us to leave the stadium. We, ofcourse, did as they told us. There was some commotion outside of the stadium. Some citizens were standing around the stadium, cursing us and throwing stones at us.

We entered a bus, and the 15 or so supporters who came in a van got back into it right away and left, and the rest of us were kept there for nearly an hour more.

In the meantime, officer Babovic had disappeared for a while. Then he came back in a uniform and a cap with the tricolor flag on it. Up to that time, he was wearing civilian clothes. He probably did this in order for us not to recognize him, because he didn't know that a video existed in which you could see everything.

We copied the video that we had made on several phones. Then we went to the bus station. Then the police van came, which had been about ten meters away from the bus. The policemen stood outside of the bus and ordered us to get off one by one. Even though ten people can fit into the police van, they crammed 30 of us in there. While we were going from the bus into the police van they were hitting us from all sides, it was a disaster. They took us to the police station and lined us all up in a long hallway. There they beat us again, it was classic abuse. They just kept walking past us and hitting us. Allegedly, they were identifying the persons who had hurt the police officers. A.M. was standing across the hall from

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<sup>68</sup> *Ibid*

me, they grabbed his head and slammed it against the wall over and over again. A.M. was all covered in blood. Three or four policemen, as many as could reach him, were hitting him.

There were many policemen there, twice more than us. One of the superiors, or whatever he was, kept saying ‘stop beating them’ as he was walking by, but as soon as he would turn his back, the other policemen went on with the beatings. I believe that this order of his was formal, i.e. in order for us to state that he ordered them not to beat us<sup>69</sup>.

Supporter A.M. relates what he went through in the Berane police station: “They did not beat me at the stadium. They beat me at the police station. They were cursing us. At the station, five or six of them hit me with their truncheons and their hands. We were all lined up in a hallway, and if someone raised their head or moved, they would beat us. They were holding my head and slamming it against the wall, and then they would grab me by the head and hit me in it with their knees. My nose was bleeding. They told me to go and wash myself. When I returned I saw them wishing most of the people good night, and a few of us were detained.

Afterwards, they brought us down by the concrete cell and then the injured officers came. They beat us too. This is where officer Scekic hit me in the head with a brick until it fell apart.

An officer named Bruno Zecevic tied a belt around one young man’s neck. There was a small dark-haired policeman too, he was worse than Vljako. He kept offending us and hitting us. There were seven or eight of them who were the leaders and they were taking it out on us<sup>70</sup>.

Supporter I.R. was also hurt at the police station. He said: “At the entrance to the Berane police station they were beating us. They broke two of my teeth. Officer Scekic hit me with his fists. Afterwards, when they lined us up in the hallway, they continued hitting us with their knees and hands. Five policemen on one supporter. My nose was bleeding so they sent me to the restroom to wash my face. Five or six policemen waited for me there. They beat me there too. All this because they said that I had allegedly hit a policeman outside of the bus. They hit me with their truncheons and fists, and I recieved the most blows from Bruno Zecevic.

When they were letting us go, they kept saying ‘We should have shot you, and we give you our word that next time we will shoot. First we will shoot you in the legs, and then move upwards’. Even though my teeth were broken, they wouldn’t let me go see a doctor<sup>71</sup>.

Supporter D.J. who was filming with his mobile phone how officer Vljako Babovic was beating a supporter with his gun, stated: “I was set aside right away at the police station be

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<sup>69</sup> *Ibid*

<sup>70</sup> *Ibid*

<sup>71</sup> *Ibid*

cause of my phone. They asked for my memory card. I had hidden it in my sock. Then they ordered me to take my clothes off. This happened on the staircase right next to the concrete cell, between it and the hallway. They took all my clothes off, I was left only with my underwear and socks on. Seven or eight of them came and threatened to kill me, strangle me if I didn't tell them where the card was and what I was filming. I gave them the card. Then they started taking us one by one down to the concrete cell. They put four of us into one of the cells. Then they started hitting us with their hands and feet. One officer brought some kind of a brick as evidence against us, and broke the same brick on one young man's head.

One of the most prominent officers was Dejo Scekcic, who had a wound on his forehead. He was the one who came in with the brick, but he abused us in other ways too. He kept running at us from the staircase and hit us with his feet to our chests and other body parts. This is the officer who was hitting a young man with his truncheon because he was spraying water from the bus, you can see that on the video. He caused a lot more injuries than he had received. That night, they tortured us for at least three or four hours. We stayed at the staircase from 5PM until 4AM, and only then did they take us to the concrete cell. They brought some papers for us to sign. They took us to a misdemeanor judge, and then to some offices to identify some people. We signed a million papers without knowing what was in them, or why we were signing them.

Vlajko showed up at the station in his uniform, with a cap on his head and with his collar up, probably in order for us not to recognize him. He set me aside first, because they told him I had filmed him. Then he started insulting me. At one moment he said 'You have filmed too much, more than you should have'. He was cursing me, insulted me on racial, national and numerous other bases. He did not hit me<sup>72</sup>.

N.B. describes his experience at the police station: "They were hitting us both when we were entering the station, and when we were inside. They set me aside in the hallway and several of them beat me with their hands. Officer Bruno Zecevic was the leader, because he claimed that I had injured him.

I was feeling pain in my kidneys and had blood in my urine. My nose was hurt and it was bleeding. I asked to see a doctor, but they wouldn't let me. When I was in investigative detention in Bijelo Polje the doctor told me that he was only interested in visible injuries, external ones, while he was not interested in the pain I had to endure.

The officers in Berane were only interested in finding out who had injured the officers, and nothing else<sup>73</sup>.

S.M. says: "Five or six policemen beat me at the station. With their hands. I didn't know where all the blows were coming from. This happened in the hallway, the other supporters saw the policemen hitting me.

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<sup>72</sup> *Ibid*

<sup>73</sup> *Ibid*

My nose was bleeding. While they were beating me, one officer said ‘Not on the head, don’t leave any marks’. After this they interrogated me and took me to be identified. They offered no help, nor did they take me to the doctor’s, all they said was ‘Go and wash yourself’.<sup>74</sup>

The Police Directorate stated that nine supporters of the Buducnost team were detained, while the others were escorted by the police to the bus heading for Podgorica.<sup>75</sup> The Police Directorate had filed charges against nine supporters to the Regional Misdemeanor Organ in Berane, for the misdemeanor in Article 4 line 1 point 7 and 8 of the Law on preventing violence and improper behaviour at sports matches.<sup>76</sup> The Berane Regional Misdemeanor Organ reached a decision of discontinuing the process because “the applicants of the misdemeanor charges offered no other evidence which would confirm the allegations made in the demand, and the evidence did not provide a basis for offering other evidence in the same direction”.<sup>77</sup> The Police directorate also stated that the Berane Regional Unit had filed criminal complaints to the Main State Prosecutor in Berane against these nine persons, for the suspicion that they had committed the act of “assaulting an officer while performing official duties, in connection with the criminal act of causing severe physical injuries”.<sup>78</sup>

The Police Directorate had, in their reply to the Initiative, stated that after conducting an investigation the allegations made in newspaper texts were determined to be based on the truth, and a recommendation was made to start a disciplinary procedure against officer Vljako Babovic for, as the reply stated, “a severe disciplinary violation”.<sup>79</sup> The same memorandum states that the records on the case will be delivered to the Main State Prosecutor in Berane to determine if the actions of this officer contain elements of criminal responsibility.<sup>80</sup>

After conducting a disciplinary procedure, “Vljako Babovic was sentenced to a monetary fine in the amount of 30% income for the month in which the incident occurred”, the reply of the Police Directorate states.<sup>81</sup>

The non-governmental organization Legal Aid Center, authorized by the supporters of Buducnost, had filed a criminal complaint on 13 June 2008 to the Main State Prosecutor in Berane against police officers Vljako Babovic, Bruno Zecevic and several unknown police

<sup>74</sup> *Ibid*

<sup>75</sup> DAN, *Criminal charges against nine persons*, 04 April 2008

<sup>76</sup> Copy of the decision made by the Berane Regional Misdemeanor Organ, from 02 April 2008, is in the records of the Initiative.

<sup>77</sup> *Ibid*

<sup>78</sup> DAN, *Criminal charges against nine persons*, see <sup>75</sup>

<sup>79</sup> Reply of the Police Directorate based on the request for free access to information, from 25 November 2008 is in the records of the Initiative.

<sup>80</sup> *Ibid*

<sup>81</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>79</sup>



officers for the criminal act of “abuse and torture“ from Article 167 of the Criminal law and criminal act of “causing minor physical injuries“ from Article 152 of the same law.<sup>82</sup> Daliborka Knezevic, the lawyer of the Legal Aid Center, informed the researcher of the Initiative that they were expecting the beginning of the investigative procedure, and that it already should have started.

On 12 January 2009 the Initiative had requested from the State Prosecution the information on the results of the investigation and conclusions on the case, however the Prosecution had not delivered the information up to the moment of publishing this report.<sup>83</sup>

### **Torture over Nenad Ivezic**

Nenad Ivezic from Podgorica told the researcher of the Initiative that on 12 April 2008 he was beaten by the members of the Podgorica police. He had been in a cafe called “Who knows“ in Podgorica with his girlfriend and some friends.

Nenad explained how the incident occurred: “Around 2AM, the police intervention unit came into the cafe. First they spoke to my girlfriend Ina Martinovic and said ‘You girl, keep quiet’. One of the police officers told me to step outside, which I did. He hit me twice in the head with an open hand. I asked for his badge number, and that is when he started hitting me with both his hands and legs. Everyone ran outside to see what was happening. They put me in the car and started abusing Ina. I said ‘Don’t hurt her, she’s a woman’. They threw me out of the car and onto the ground. Then they beat me. Two or three of them were beating me, and two officers were holding Ina and telling her ‘Don’t worry, he won’t be hurt’. While I was on the ground I said ‘What did I do to you, why are you doing this to me?’. They replied ‘Now we’re going to show you what you did to us’. The police arrested both me and Ina. I was handcuffed“.<sup>84</sup>

“When we arrived at the station a policeman said ‘Take off his handcuffs’. I replied that there was no need, that I could walk in with my hands cuffed. Two of them started hitting me again. I didn’t raise my arms or try anything, I just wanted to see how long they were going to keep it up. They were cursing me as they were hitting me. They were hitting me with their hands and legs on my head and body. They locked me up and I was in detainment until 9AM. Then, around noon, they took me to the misdemeanor judge. Afterwards I went to the emergency room of the hospital, from where they sent me to the Montenegro Clinical Center where I stayed from 12 to 15 April 2008“.<sup>85</sup>

<sup>82</sup> Copy of the criminal complaint filed by the supporters of Buducnost to the Main State Prosecutor on 13 June 2008 is in the records of the Initiative

<sup>83</sup> Request for free access to information to the Supreme State Prosecution, 12 January 2009, is in the records of the Initiative

<sup>84</sup> Incident Report, from 16 April 2008, is in the records of the Initiative

<sup>85</sup> *Ibid*

Ina Martinovic, Nenad's girlfriend, was hit by a policeman at the station. Ina told the researcher: "While we were waiting to be interrogated, one of the officers who arrested us came in and told me 'What are you looking at?' and then me in the head with an open hand. He was bald-headed and muscular".<sup>86</sup>

The Police Directorate stated to the Initiative: "Based on the complaint by Nenad Ivezic and the statements of witnesses, as well as the presented medical documentation, there is reasonable doubt that two officers of the Intervention Unit of the Podgorica Police, in the case of Nenad Ivezic, had illegally used physical force in hitting him with their fists and feet on his head and body while performing official duty, thus causing him physical injuries listed in the presented medical report.

However, during the investigation it was impossible to determine without a doubt which of the five policemen in the intervention unit hit and abused the injured Nenad Ivezic, considering the fact that in their statements they all deny using means of coercion on Nenad".<sup>87</sup> It was recommended that the documents on the case be delivered to the Main State Prosecutor in Podgorica for evaluation and decision on the existence of elements of criminal responsibility of the officers.<sup>88</sup>

The Council for civil control of policework, at the meeting held on 20 November 2008, reached the conclusion that in this particular case, there was overstepping of authorities by the officers at the expense of Nenad Ivezic.<sup>89</sup> The Council also concluded that in this case the responsibility of officers was not determined, and concluded that there is objective responsibility of the immediate superior.<sup>90</sup>

Nenad Ivezic had, on 12 May 2008, filed a criminal complaint to the Main State Prosecutor against Lazovic Rajko, Martic Slavko, Taic Zoran, Suskavcevic Nenad and Fustic Aleksandar, members of the police intervention unit of the Podgorica Regional Unit.<sup>91</sup> With this criminal complaint, these officers are suspected of committing the criminal act of "abuse and torture" described in Article 167 and the criminal act of "causing minor physical injuries" from Article 152 of the Criminal Law of the Republic of Montenegro.<sup>92</sup>

Nenad authorized the Legal Aid Center from Podgorica to represent him in front of the judicial organs. Lawyer Daliborka Knezevic informed the researcher of the Initiative

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<sup>86</sup> *Ibid*

<sup>87</sup> Reply of the Police Directorate based on the request for free access to information, from 06 June 2008 is in the records of the Initiative

<sup>88</sup> *Ibid*

<sup>89</sup> Copy of the Decision of the Council for civil control of police work, from 20 November 2008, is in the records of the Initiative.

<sup>90</sup> *Ibid*

<sup>91</sup> Copy of the criminal complaint filed by Nenad Ivezic, from 12 May 2008, is in the records of the Initiative.

<sup>92</sup> *Ibid*

that the investigative procedure is in progress, and that criminal charges are expected to be brought against the officers in the Main Court in Podgorica.

### **Illegal arrest of photo-journalist Boris Pejovic**

The workers of the “Ritam Trade“ company were organizing a strike on 12 June 2008 in order to fight for their rights. Boris Pejovic, the photo-journalist of the “Republika“ daily newspaper from Podgorica, had the assignment to inform the public through photographs about what was happening in the Serdara Jola Piletica street in Podgorica, where the workers of “Ritam Trade“ were striking.

Boris Pejovic said: “The workers of “Ritam Trade“ were not allowed to protest in the Serdara Jola Piletica street. The Ministry of internal affairs and public administration did not approve the scheduled blockade of traffic. My assignment was to take photographs of what was happening there. Beside me, there was also my colleague – the photo-journalist of “Vijesti“ and the cameraman from NTV Montena. We were all standing in approximately the same line. One officer warned us a couple of times that we were interfering with arrest and to move further away. We moved without a comment, even though there was no reason to because we were standing behind the police and the workers, which can be seen in the photos we made.

I could not have been interfering with arrest or anything else, I have witnesses for that, and I wasn’t even thinking about taking anyone’s side, that isn’t my job. The officer warned us and moved us. I continued to take photos from the spot he moved us to because I had a good shot. I took it calmly, just like my other colleagues. Obviously this officer estimated that we hadn’t moved enough, or he didn’t like us filming people being taken into the police van, so he came to move us again. I told him that there was no need to, that I would move again, but that I didn’t see a problem except for him trying to stop me from working. I moved again. He obviously didn’t like the fact that I had an objection. Maybe he took it personally. I hadn’t raised my voice, nor did I think about raising my voice at the police. I retreated with the rest of my colleagues and continued taking photos.

What may be important is that the same policeman reacted and talked to the cameraman of NTV Montena, and after this the cameraman stopped filming and he wasn’t arrested, while I, who was taking photos up till the end, was arrested. Therefore, they obviously didn’t want the citizens to be informed about arresting the workers. That may be why he didn’t want us filming there. During the whole time I was with my colleagues, and I do not understand how I could have interfered with police work, or where all those accusations came from. Anyone can confirm that I wasn’t preventing the policemen in arresting the workers. If I had, my colleagues would have considered it to be breaking news. A photo-journalist defending the workers. That would be sensational news“.<sup>93</sup>

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<sup>93</sup> Incident Report, from 16 June 2008, is in the records of the Initiative

Luka Zekovic, the photo-journalist of the independent daily “Vijesti”, told the researcher of the Initiative: “The police warned us to move further back, which we did. We had put some distance between us. Then, one policeman came again to move us even further. Pejovic just made a comment, quite politely, that they had no right to stop us from working. That was all and we moved again. I wasn’t there at the end, when Pejovic got arrested. None of us were interfering with police work, and we were relatively far away from the police van where the policemen were arresting the workers”.<sup>94</sup>

What happened next is described by Pejovic: “While all this was happening, the policeman did not talk to me anymore. He waited for the other journalists to disperse a little, and for the situation to be calm again. When he approached me at the end, there were journalists and workers who saw all that was happening.

I stayed to take photos of them moving away and everything that journalists normally do. When I had finished I started to call my driver, and at the moment when I was on the phone the officer came up to me and told me in a slightly raised tone of voice to show him my identification papers. I asked him politely if I could finish the phone call I had started. Then he said ‘You are currently talking to an officer performing official duty, and you are obliged to end the phone conversation’. I hung up in the middle of the conversation and put the phone into my bag. I said ‘How can I help you?’ He asked for my official identification. I showed it to him. When he looked at it he replied ‘I didn’t ask for your business card, but official identification’. I said ‘Excuse me, but I don’t know what you are saying. This is the only official journalist identification, and no other journalist or photographer possesses a different one’. He once more insisted that it was a business card and that I needed a journalist accreditation to be present at this event. I told him that I need an accreditation for the Government and the Parliament, but that I don’t need it for the street. He said ‘You need to be accredited for this event’. I told him that he obviously didn’t know what he was talking about, and that ‘it would have been better if you had informed yourself with your superior, because what you are asking for is not possible and no one had ever asked for it, and if it was possible, I would have had it along with all my other colleagues’. He replied ‘I don’t have to be informed about anything, you do not have accreditation, please escort me to the car’.

When we came to the car in which his colleagues were, one of them asked him ‘Who is he?’. The policeman replied ‘a photo-journalist’. Then his colleague said something in the sense ‘Come on, stop joking, what did he do to you, why do you need this?’ The officer who was arresting me said ‘He was disturbing me while I was performing official duty’. Then I said ‘I wasn’t disturbing you, you were disturbing me in my work’. He added ‘You are very cheeky, you cannot speak until I allow you to’. I replied that it was natural for me to react if I am accused of something. And if I am under arrest, tell me so. I have a right to respond and to defend my rights, and if I don’t, I’ll keep quiet. He just said ‘You can’t talk until I allow you to’. This is when his colleague also said ‘You can’t talk’.

During the whole time I had asked him several times to identify himself, but he didn't do it and just said 'It will all become clear later'.<sup>95</sup>

The officers arrested Pejovic. He explains: "Then they took me to the Security Center. They took me out of the car, or better to say carried me out like a criminal. There was really no need for this because I wasn't resisting arrest. They didn't handcuff me, but they twisted my arms, roughly grabbed me with their hands and literally carried me. They were obviously trying to scare me, because it looked spectacular, like arresting someone charged in the High Court, I had the opportunity of seeing this before because of the nature of my job.

I don't know if I was arrested or merely detained. This was because the officer said on some occasions that I was arrested, and on some that I was detained for an informative interview. The only thing I could find out was that I was being charged with disturbing an officer in performing official duty. It later turned out to be Article 10<sup>96</sup> of the Law on public peace and order".<sup>97</sup>

Pejovic told the researcher of the Initiative that they didn't treat him properly at the police station. Pejovic described it in the following way: "They took me to the police station and into the same room where the workers were interviewed. We were all in the same room. However the workers had one set of rights, and I had a different one. I asked for my rights, because they kept saying that I was arrested, I asked for a lawyer and to call my newspaper headquarters. They said that they had the right to detain me like this for four hours, and that then I'll be interrogated by an inspector. When the inspector interrogates me, only then will they decide when to call my lawyer and when I will be given all other rights. Now, as an arrested person, I had no rights. I objected to this, because of everyone present, I was the only one without any rights. All the workers who were with me in the same room had all their rights, they had a phone call, they could light a cigarette, talk, move normally. I didn't see a difference between me and them, why they could have their rights and I couldn't. And there was a difference. I had done nothing wrong, and they had broken the already known prohibition of the blockage of the street. All my rights were denied. I protested about this, but was silenced by the same officer who had arrested me. Later on his colleagues started backing him up and telling me that I wasn't allowed to talk.

Mentally, I have never felt worse than at that time. I couldn't believe what was happening to me. I have papers from the Emergency room and the Emergency block. I felt really bad and so I went for a check-up".<sup>98</sup>

<sup>95</sup> *Ibid*

<sup>96</sup> Article 10 of the Law on public peace and order

Those who disturb or degrade an officer of a state organization or organ, institution, company, or other legal entity who is performing their duties based on and in accordance with the law and powers given, will be punished with a sentence of up to 60 days in prison. Persons who commit the misdemeanor from line 1 of this Article as a member of a group, will be punished with a sentence of 30 to 60 days in prison

<sup>97</sup> Incident Report, see <sup>93</sup>

<sup>98</sup> *Ibid*

The Union President of the “Ritam Trade“ company Prelevic Cedo told the researcher of the Initiative: “I didn’t see Boris Pejovic disturbing the police in any way. The only disturbance was that he was taking photos. They had a problem with the public seeing what they were doing to us. I know that if it wasn’t for the journalists, we would have been far worse off.

They gave us all our rights, to make a phone call, to light a cigarette, while he couldn’t do anything. First the workers were interviewed, and he was left for last. He was standing all the time, and only in the end did they let him sit down and light a cigarette“.<sup>99</sup>

The police let Pejovic go after taking his statement. The Police Directorate had filed a misdemeanor complaint against Pejovic to the Regional organ in Podgorica on the suspicion of committing the misdemeanor from Article 10 of the Law on public peace and order.<sup>100</sup> The process is in progress.

The Council for civil control of policework, at the meeting held on 20 November 2008, reached the conclusion that the police power of limiting the freedom of movement was applied on Boris Pejovic without a proper basis.<sup>101</sup> The Council further concludes: “Police officer Zoran Tajic had overstepped official powers by bringing the photo-journalist of the daily newspaper “Republika“ Boris Pejovic into the official premises of the Podgorica Regional Unit, who had presented the officer with official identification, and from the given evidence it can be concluded that through his actions he was not preventing the members of the intervention unit in performing their duties.“<sup>102</sup> The Council concluded that the Police Directorate had not taken measures to sanction such illegal actions.<sup>103</sup>

The Police Directorate stated that the Department for internal control and use of power did not process this case because it was never reported to the Department.<sup>104</sup>

Pejovic has filed a lawsuit in the Main Court in Podgorica against police officer Zoran Tajic and the Police Directorate.<sup>105</sup>

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<sup>99</sup> *Ibid*

<sup>100</sup> Copy of the statement given by the Police Directorate to the Initiative, from 24 September 2008 is in the records of the Initiative

<sup>101</sup> Copy of the Decision of the Council for civil control of police work, from 20 November 2008 is in the records of the Initiative

<sup>102</sup> *Ibid*

<sup>103</sup> *Ibid*

<sup>104</sup> Reply of the Police Directorate based on the request for free access to information, from 24 September 2008 is in the records of the Initiative.

<sup>105</sup> Copies of lawsuits filed by Pejovic to the Main Court in Podgorica on 11 September 2008 is in the records of the Initiative

## Degrading of Besnik and Gjoka Gjonaj

Besnik i Gjoka Gjonaj from Tuzi (Podgorica) told the researcher of the Initiative that the officers of Border police on Skadar Lake treated them in a degrading way.

Gjoka said: “It was Thursday, 10 July 2008. Besnik had been working all day. When he came home, I called him to go swimming on the lake. He agreed. When we got to the spot where the springs are, we saw that the water level had dropped and that the water was too cold at that spot, so we decided that I should go home, get the engine for the boat and then we could sail out to the lake where the water was warmer.

We did this, and when we sailed out I saw a police patrol boat signaling us with their hands to approach. We approached and they asked for our identification papers. There were two officers. However, we had not brought our papers because we wanted to go swimming, and we lived jus 300 meters from the lake, so we thought we didn’t need them.

One of the policemen said: ‘If you don’t have your papers, you can’t swim’ and told us to go home. I reacted and said that they allowed it to some people before even though they didn’t have papers either. I added that they let some people fish, but we only wanted to go swimming.

The officer then told us that we could have a swim, we could jump in three times in five minutes, and then to go home. I told him that we weren’t kids and that he couldn’t order us how long we could swim, and if we couldn’t swim as much as we wanted to, we would go home right away.

To this, the policeman replied: ‘Are you being cocky with me? Do you know that I could take away everything you have?’ I told him that it wouldn’t be the first time.

Then he called the patrol unit. Three officers came to arrest us. One of the three started cursing us. He was short and dark-haired. He said: ‘Where are you, you pussies, I’ll show you’. We hadn’t even stepped on the shore and he was already cursing us like that and threatening us. He told me: ‘You are not Gjoka (equivalent of Dick) you pussy, I’ll beat you up when you get here’. We stepped from the boat onto the shore. They grabbed us by the hands, told us to stand against the wall and stated searching us. The same policeman said: ‘Why are you complaining you pussy? I’ll trample you, you piece of shit. You’re a nobody. Why are you complaining?’ Then I explained to him that we had come there to swim. To this he replied: ‘I’ll show you when we get there’. I said alright<sup>106</sup>.

The same policeman also insulted Besnik Gjonaj. Besnik says: “Then he turned towards me and said ‘Who do you think you’re being cocky to, I’ll break you too right here’. I said no my brother, I hadn’t said anything to anyone<sup>107</sup>.”

<sup>106</sup> Incident Report, from 17 July 2008 is in the records of the Initiative

<sup>107</sup> *Ibid*

The police then took Gjoka and Besnik to the Bozaj Floating Unit station. Gjoka describes how the officers treated him and Besnik: “While we were on the way to the station, a friend called me on my mobile phone, and the policeman who was the worst of all started cursing again and said ‘Turn that phone off you pussy, turn it off’. I turned it off.

When we got there Besnik was left outside, and I was taken into a cabin. As soon as I entered the short dark-haired policeman told me ‘You are the biggest pussy and you should be beaten up. You should be trampled on, you are nothing and a nobody. I’ll teach you a lesson’. I told him that I hadn’t done anything. I have both identification papers and papers for the boat, but I had left them at home. I have all the papers. He then said ‘You can have whichever papers you want, when you are on my shift, you are not allowed to enter the lake’. I overheard that the police officer who was cursing us, the short dark-haired one with no teeth, was named Darko Sandic.

One of the officers present asked me ‘Have you ever been beaten by the police?’ I said that I hadn’t. He replied ‘This is a good opportunity to try it ‘<sup>108</sup>

Then the police released Gjoka and Besnik. Besnik described it in the following way: “Then the short one, the dark-haired one who had been insulting us the most came to me and said ‘Can you see that this fool doesn’t understand anything? You are easy to talk to because you understand, and if it hadn’t been for your polite and human behaviour, you would have slept in the Security Center tonight. But because of you, I will take you to your boat and let you go home’. Then he told me what his name was, but I forgot. I was so confused that I forgot his name. Then he told me: ‘If you ever need me remember this face, come to me and I will take care of anything for you’. That is what he said to me in the end. They put us into a terrain vehicle and brought us back to the spring where our boat was‘<sup>109</sup>.

The Police Directorate, in its reply to the Initiative, had stated that after an investigation lead by the Unit for internal control and use of power, the allegations made by Besnik and Gjoka Gjonaj were estimated to be unfounded, and that there are no elements of disciplinary or other type of responsibility in the actions of the police officers.<sup>110</sup>

On 17 September 2008 Gjoka Gjonaj reported to the Initiative an incident which happened outside of the “Bonita Trade“ supermarket near Tuzi. Gjoka stated: “On 16 September, outside of the “Bonita Trade“ supermarket near Tuzi, I encountered one of the officers who were present on 10 July when Besnik and I wanted to swim in the lake. He said to me ‘Where have you been Gjoka? How did all that stuff you wrote about in newspapers end? What happened?’. I replied that the police would handle that.

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<sup>108</sup> *Ibid*

<sup>109</sup> *Ibid*

<sup>110</sup> Reply of the Police Directorate based on the request for free access to information, from 24 September 2008 is in the records of the Initiative



The officer, looking at me cynically, added: “Oh Gjoka, that is nothing compared to what they will do to you in the future, it will only get worse’.

I was surprised that the man had coldbloodedly threatened me and was at a loss for words, so I just managed to utter ‘Well, let’s wait and see’, after which I went about my business. The officers continued repeating ‘We’ll see each other ‘.<sup>111</sup>

After the investigation by the Internal Control, the Police Directorate replied to the Initiative that considering this incident, the allegations made by Gjoka Gjonaj were found to be untrue, and that his worry and fear for his own security are unfounded<sup>112</sup>.

According to the knowledge of the Initiative, Gjoka and Besnik did not file criminal complaints against the police officers.

### **Torturing of Semsj Zorjani**

Semsj Zojani (1978) lives in Refugee camp No. 1 at Konik. He had reported to the Initiative an incident which happened on 25 July 2008 on the premises of the Podgorica Regional Unit. Semsj relates how the incident occurred: “It was Friday, 25 July when this happened. But let me say what happened first. Two weeks earlier I went to the store to buy food for my kids. I have a motorcycle which I drove there. The store is called “Branka“, it is at Konik, Ribnicka vrela.

A Roma young man named Elvis was also there. He asked me for a lap on my motorcycle. I told him no. Elvis told me that he would steal my motorcycle. I told him that he could do it, but that he will have to deal with me then. Then I complained to the owner of the store Mrs. Branka, and told her that she was a witness to him threatening to steal my motorcycle. Two weeks later, my motorcycle was stolen. I went to Elvis’s to ask for my motorcycle. He lives in a house nearby the camp where I live. I went to his house at 7AM. He said that he didn’t steal my motorcycle.

I told him that I was going to report it to the police. On my way to the station, I saw a policeman named Zile driving by. I told him what had happened. He told me to go to the police station across the river Moraca to report the robbery.

When we parted, an elderly Roma man named Ramo was walking in my direction. He asked me where I was going that early in the morning. I told him that my motorcycle had been stolen and that I was going across the Moraca to the police station to report it. He asked me what color the motorcycle was. I told him it was yellow. Ramo said ‘Don’t go to report them, because your motorcycle is over there, at the end of the road’. When I got

<sup>111</sup> Statements of Gjoka and Besnik, from 17 September 2007 are in the records of the Initiative.

<sup>112</sup> Reply of the Police Directorate based on the request for free access to information, from 17 October 2008 is in the records of the Initiative

there I found my motorcycle. Next to the motorcycle I found a pack of cigarettes and I put it in my pocket. At about ten meters distance is a house inhabited by Serbs. An old woman was in front of the house. I asked her if the motorcycle had been there for a long time. She told me that it was half an hour since she got up, and it was already there, but she didn't see who had brought it there.

Some kids of seven or eight years of age approached me and told me that they had seen who had taken the motorcycle. They showed me this Roma man about 27 years old. I asked if the cigarettes were his. He replied that they were. I asked him where he had lost them, and he said 'On the road'. I asked him 'Why did you steal my motorcycle?' He denied it. I hit him twice in the head with an open hand and let him go.

Later on I went to the store again to buy food. A sister of a Roma man who had been beaten up and who is in the hospital at the moment because of his injuries came there. We stopped speaking to those Roma people because we got in a fight with them seven years earlier. That girl asked me if I beat up her brother. I told her that didn't and that I didn't know what she was talking about. I told her that I had hit the man who had stolen my motorcycle, but not her brother.

She went home and said that I had beaten up her brother. Her family went to the police and reported that I had beaten up their son. When I got home around 3PM I took a bath and went to my cousin's. I stayed there for about half an hour. When I came home my wife told me that the police came looking for me, and that I should call them<sup>113</sup>.

Semsi then went to the police station at Konik. The policemen there asked him whether he had beaten someone up, and after a short interview took him to the premises of the Podgorica Regional Unit. Semsi explains how they treated him in the Podgorica Regional Unit: "When I arrived there they told me 'Better confess, or you will be beaten'. I replied 'Sir, I don't know what all this is about, how can I confess?'"

An officer in civilian clothes started beating me and kept telling me to confess if I wanted him to stop. Inspector Dakic knows who beat me. He was present and watched him beating me and he never reacted.

The officer who was beating me told me to put my hands forward and when I did he hit me with a wire and with his truncheon. He kept yelling at me to confess. Only that one policeman in civilian clothes beat me. After I told him that I had nothing to confess, he continued beating me.

Then he continued to hit me on the back and shoulders with his truncheon. He kept hitting me with the truncheon 15 or 20 times in a row in the same spot. It hurt a lot.

Then he started hitting me with the truncheon in the legs. I fell to the floor. He started hitting me again on my back while I was on the floor. Then he let me rest for five minutes. Then he started again: ‘Confess everything, confess, confess’. I told him I couldn’t confess because I didn’t know what it was all about. I didn’t know what to confess. He beat me two hours non-stop, without a break. Then he let me rest for half an hour, and then he continued. I lost consciousness three times while he was beating me. I couldn’t take the beatings anymore. I told him that I will confess to beating that guy with an axe. He told me not to lie, to tell the truth, and cursed my gypsy mother. I told him that the truth was I didn’t do it, but since they were asking me to confess, let it be that I hit him with an axe. He said ‘Stop lying, it was you’ and told me to put my hands out once more and he hit me with the truncheon. Then he started hitting me on the face with his hands. My nose started bleeding. They told me to wash myself. The older inspector Dakic told me that I was stubborn and that I better confess. The same policeman as earlier continued to beat me. After the third time that I had lost consciousness, inspector Dakic realized that I hadn’t done it. Dakic told me to come into another room with him to make a statement. They took me to a man in civilian clothes to take my statement. When they took me in, I showed my back to the man. He asked ‘Who beat you up like that?’ I said that it were those people in the other room. That policeman went out and yelled at the officer who had been beating me. When he returned, I told him everything that had happened. Then they let me go<sup>114</sup>.

Semsi went to the Montenegro Clinical Center to be examined and get help from the doctors, because he was in a lot of pain. Semsi relates what happened at the Clinical Center: “When I showed them my back, the doctor wrote something down. One of the doctors must have called inspector Dakic, because he came to the hospital in 15 minutes. He told me not to tell the doctors that the police had beaten me, but to say that it was another Gypsy. I told him that I had already told the doctors that the police had beaten me. He kept persuading me to say it was a Gypsy. I told him that I wasn’t there to sue the police, but to be examined because my back really hurt. He repeated that I should say that a Gypsy had beaten me. Then he left<sup>115</sup>.”

The Police Directorate, in their reply to the Initiative, had stated that after the investigation led by the Unit for internal control and use of power, the complaint made by Semsi Zorjani was found to be based on the truth.<sup>116</sup> The reply states that the head of the Podgorica Regional Unit had delivered the disciplinary prosecutor of the Police Directorate an initiative for starting disciplinary actions against police officer Dalibor Lalevic, and the records on the case were also delivered to the Main State Prosecutor in Podgorica for establishing the existence of criminal responsibility.<sup>117</sup>

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<sup>114</sup> *Ibid*

<sup>115</sup> *Ibid*

<sup>116</sup> Reply of the Police Directorate based on the request for free access to information, from 24 September 2008 is in the records of the Initiative

<sup>117</sup> *Ibid*

After the procedure was conducted, “Lalovic Dalibor was sentenced to the final disciplinary measure in the form of a monetary fine in the amount of 30% salary for the month in which the incident occurred“, the reply of the Police Directorate states.<sup>118</sup>

The Initiative requested the State Prosecution for information on the results of the investigation and the estimate of the specific case on 12 January 2009, however we have not received the reply up to the moment of publishing this report.<sup>119</sup>

### **Torture in Rozaje**

Denis Kosuta (1988) and Anel Dzudzevic (1990) told the researcher of the Initiative that they were beaten by policemen in Rozaje on 30 July 2008. Denis relates how the incident occurred: “Anel and I were walking in the square in the evening. With us, i.e. in our vicinity, was one more friend named Jasmin Dautovic. We wanted to get rid of him because he was drunk. Therefore, at one moment, Anel and I were left alone. After that, something happened in the square. We saw Dautovic and one other young man fighting, I passed by them, I didn’t even come close to them. Later on, a policeman named Kemal took those two young men who were fighting to the police station. I continued with my walk. Anel went to meet a friend on the Internet.

While I was walking, I encountered a policeman named Miko Skrija who told me ‘Kosuta, come over here’. I approached him and he told me to go to the police because they were looking for me. Then officer Miko asked me ‘Did you do something with your car, were you speeding?’ I told him that I had done nothing and that I didn’t know why they were looking for me.

He said ‘Lets go there, I was ordered to bring you in’. I told him I would go, but that I knew that I had done nothing, and there was no reason to be looking for me. He said ‘Lets check that’ and contacted the police over his radio. He asked ‘Is Denis Kosuta the one I should bring in?’ They replied that I was the one he should bring in.

As soon as I entered one of the rooms in the police station, police officer Kemo Salic hit me twice in the head with an open hand. I tried to get up. He hit me once more with a metal knuckle in the forehead and I fell again. I fell over a table on some kind of a bed, and was afraid to get up again. I know that there was some kind of a fishbowl on the table, and when I fell over it the water from the fishbowl spilled on the table. I asked why he was hitting me. He told me that I had persuaded someone to run away. I asked who that person was. He didn’t reply. I knew those young men who were fighting only superficially. He accused me that I had talked one of them into running away in order not to get caught by

<sup>118</sup> Reply of the Police Directorate based on the request for free access to information, from 20 January 2009 is in the records of the Initiative

<sup>119</sup> Request for free access to information from the Main State Prosecution, 12 January 2009, is in the records of the Initiative

the police. This was not true by any means. But he didn't know what to say since I hadn't done that. He cursed me and said 'You talked him into running away'. Then they brought Anel in<sup>120</sup>.

Anel describes his experience on the premises of the Rozaje police: "When I came to the station, Denis was already there. He was all red and was sitting on a bed. I wanted to sit next to Denis on the bed. Officer Kemal Saljic told me to go back, and so I did. Then he started hitting me without an explanation. After his blows, I could feel that something was wrong with my jaw. He hit me with his fist, and my jaw jumped out of its socket. Other policemen later tried to fix my jaw. Several of them beat me. I know that Rajko Djurovic hit me too. I didn't even see some of them. I lost consciousness after Rajko hit me in the head. I fell on the bed next to Denis. Denis told me later that they hit me several times more after I had lost consciousness.

When I came to and got up from the bed I saw Rajko and Kemo in front of me. Kemo was hitting me with his hands. I also received blows to my back, I think it was with a truncheon, I can't remember. None of the officers present tried to protect me. Rajko kept saying 'You motherfucker' and 'I'll make your life miserable'. Not even ten seconds had passed from when I entered the station, and they started beating me. They didn't tell me why I was brought in, nor was I asked to give a statement. When I wanted to sit down, they would start hitting me. I never said a word. Then Miko Skrija entered the room, he was the policeman who protected me. He was the only one who helped me. I was feeling very bad and could hardly see. I sat on the bed and I felt weak. Miko sat next to me. Then I went to the restroom to wash my face, and there I got sick again. Miko came up to me and sprayed me with water. Then he took me to the cafe across the road for a soda and to calm down a bit. After this we returned to the station where I was interviewed, but they didn't touch or harass me again. I remember Kemo Saljic saying 'Here, hit me back, I know that I made a mistake'. He said this in front of officer Miko.

After that I gave a statement, but I wasn't given a copy. Kujevic and I were detained. We stayed there until 11AM. They brought nothing for us to eat or drink during the whole time. They didn't even inform my family where I was. At 11AM I was taken to a misdemeanor judge. There they took our statements and let us go<sup>121</sup>.

The next day Denis and Anel, accompanied by their parents, reported the incident to the Rozaje police.<sup>122</sup> They told the researcher of the Initiative that no one from the police had contacted them about this case.

The Police Directorate replied to the Initiative that, after an investigation conducted by the Department for internal control and use of power, of newspaper articles and the petition by the researcher of violations of human rights Aleksandar Sasa Zekovic, concluded

<sup>120</sup> Incident Report, from 30 September 2008, is in the records of the Initiative.

<sup>121</sup> *Ibid*

<sup>122</sup> *Ibid*

that the officers of the Rozaje outpost Kemal Saljic and Rajko Djurovic were acting in accordance with the law and there were no elements in their actions which would point to disciplinary or other type of responsibility.<sup>123</sup>

### **Degrading the Banda family in Ulcinj**

The Banda family from Macedonia reported to the non-governmental organization Legal Aid Center from Podgorica an incident which occurred while they were on vacation in Ulcinj. The statement given to the Center states: "On 23 August 2008 at quarter to 1AM we were heading back from the town with three children, in a car driven by Banda Adnan. The car was Volkswagen "Passat", licence plate number PG 139615. We were stopped by the traffic control, and without even saying hello, they asked for our papers and said that we had made a bus of the car. In the car were the children Haris (4), Samra (9), Mirza (11) and three adults – the driver's mother Bajra, uncle Alija and aunt Mirsada. Adnan presented his papers and the policeman told him 'Get out of the car and go to my colleague', paying no attention to the fact that the children had woken up and started crying. About ten minutes passed and nothing was happening, the policeman wasn't writing a record, and Adnan was just standing between the four of them. Bajra came out to see what the problem was and said 'Adnan, what are they doing?', and he replied that they were writing a report. Bajra said that it was their job and to let them write, to which Adnan replied let them write, I will tear it anyway.

When he said that, the officer said 'Tie him up' and they put his hands on the car pushing him, and after that they handcuffed him, lay him down on the ground and kicked him with their knees on his back saying 'You motherfucker'. The children were screaming, they ran around the people who had gathered at the spot and crying begged them to let him go, not to take him away. One of them offered to drive us to our lodgings to get some sleep, and that he will be taken to the station. We didn't agree to go home so we went to the station. The behaviour of the officers in front of the small children was catastrophic, degrading, unprofessional and inhuman. They paid no attention to the crying children. We were denied access to the station, we couldn't even get any information about him, they only said that the trial will take place the next day and that we'll know everything then. His mother asked a police officer if she could see him. At the same time she asked the officer if he had a mother, and he replied 'Yes I do, and she would be ashamed if she had a son like that'. Around 3AM they took him to court for a hearing, where a record was made onesidedly. No one wanted to listen to us, we went into the court and the policeman chased us away again. We were horrified when we read the record they had made without the presence of a lawyer, and at the same time they added as evidence the record they had made (official record) which neither us or Adnan received.

We were surprised by the actions of the police. Their behaviour was inhuman, unprofessional, our children were traumatized and frightened. We have to point out that not a

single word of the report is true, and we cannot understand how the judge who had interviewed him did not find it appropriate to call us as witnesses, or to consider the children. The officers to whose behaviour we have objections were Elezovic Elvir, Djuric Miloje, Pavicevic Milan and Bulatovic Dragan. We learned their names from the record, because they wouldn't tell us their names. The complaint is filed by Bajra Banda, Djurdjevic Alija and Djurdjevic Mirsada".<sup>124</sup>

The Legal Aid Center, authorized by the Banda family, had on 16 September 2008 filed a criminal complaint to the Main State Prosecutor in Ulcinj against four officers of the Ulcinj Department, for the criminal act of "abuse and torture" from Article 167 of the Criminal Law of the Republic of Montenegro and criminal act of "minor physical injuries" from Article 152 of the Criminal Law of the Republic of Montenegro.<sup>125</sup> The Center is expecting the start of the investigative procedure based on the filed criminal complaint.

### **Torture over Prela Gjokiq from Podgorica**

Prela Gjokiq (1989) from Podgorica, the student of the Fine Arts Academy, reported to the Initiative an incident which occurred on 31 August 2008 around 9PM, at the police department at Konik. Prela had injuries on his head and body in the form of hematoma, and his eardrum was burst.

Prela told the researcher of the Initiative: "Around 8PM my cousin invited me to go out for dinner since he was supposed to go to the USA the next morning, and wanted to say goodbye.

Across the road from the "Crna Gora" hotel is a park, and a guy I know asked us to borrow him our mobile phone to make a phonecall.

My cousin took out his phone first, but I said 'Here, take mine'. The guy took the phone and stepped two or three meters away from us. After approximately one minute of conversation, he returned the phone. He thanked us and we went each in our own direction. I looked at the phone and saw that the phonecall lasted for 29 seconds.

After three or four minutes I received a phonecall from some unknown men who started threatening me. They said 'We'll kill you, slaughter you, where are you?' First they asked me if my name was Pedja. I said that it wasn't, and gave them my name and surname. They kept saying 'Don't lie, you are Pedja'. I said 'People, I am not Pedja, and I don't know what you are talking about'. They said 'We'll kill you, we'll slaughter you and bury you, we'll find you'. I repeated "There is no need to find me, I am there and there I can come wherever you want

<sup>124</sup> Copy of the record delivered to the Legal Aid Center by the Banda family, from 23 August 2008 is in the records of the Initiative.

<sup>125</sup> Copy of the criminal complaint filed by the Center to the Main State Prosecutor in Ulcinj, 16 September 2008, is in the records of the Initiative

me to'. They called me another twenty or so times. I tried to explain, but they persisted in threatening me. Three or four times a policeman who introduced himself as the father of the girl Pedja had allegedly been harassing called me. He told me that he would find me the next day. I told him that there was no need, that we could meet tonight if he wanted to. He didn't tell me his name, but he said he was the father of the girl who was harassed. I gave him my name, surname, and the address where I live. However, he continued cursing me, threatening to kill and slaughter me, and to tell the truth I got bored with listening to all of that so I hung up the phone. I didn't answer it for some ten minutes. They kept calling me. After fifteen minutes or so, I received a phonecall from a landline. Police officers from the department in Konik were calling me. The person said 'Good evening, are you Prela Gjokiq and could you come to the station in Konik this evening'. I replied affirmatively, and pointed out that I didn't know what all this was about, but that I would come there immediately. The officer told me that I didn't have to hurry<sup>126</sup>.

Prela arrived to the station at Konik quickly. The attending officer told him to sit down and wait. After a few minutes an officer in civilian clothing came, and Prela later found out that his name was Dragan Djukic. Djukic was accompanied by a young man and a young woman.

Prela said: "When the gentleman walked in, I said 'Good evening'. The attending officer said 'This is the guy', showing towards me. The man in the civilian clothes said nothing and started hitting me right away. He was in civilian clothing, he wasn't on duty, he was tall and muscular, his name is Dragan Djukic and he is about 47 years old. The attending officer said: 'Don't beat that child, he didn't do it for sure'.

Djukic turned to the attending officer, yelled at him and continued beating me. He hit me many times. I know that I received the first blow to the stomach and that I lost my breath. Then he grabbed me by the hand, told me to get up and say where I got the phone number of the girl who was harassed. He was hitting me all the time with a wooden bat and wouldn't let me speak. He pulled my hand really hard as he was yelling and hit me once in the head with the bat, really hard. After five seconds he hit me again with the same wooden bat, only this time on the other side. I started shaking from that blow. I started to put my hand on my head because it hurt really bad. He said 'Put your hands down' and started saying things about my mother. He said 'You motherfucker you will fall down, I can see that you're strong, but you will fall'. He kept saying that over and over. He cursed my mother. At one moment I said 'Stop cursing my mother'. He told me to shut up because he didn't want to hear my voice and cursed her again. I said 'Don't curse my mother anymore, If you want to do it we can go outside. And then you can curse my mother outside'. Then he hit me with his hand in the stomach and I lost my breath. He wanted to throw me down and kick me. I sat on a chair. Then he came and put his leg on my chest, pressing me, and he grabbed me by the neck with one hand. Then he choked me and hit me on the head with his other hand or the bat, I can't remember.



Six or seven policemen were present when he was beating me. They didn't hit me, but they didn't react either. None of them said a word to protect me.

I asked to be confronted with the girl, because he claimed that it was his daughter. Every time I asked to see her, he would hit me. Every time I tried to get up he would hit me and ask me where I was going.

My mother came. I remember that, her voice most of all. He hit me in front of my mother with the hand in which he was holding a steel rod in the head and ear. From this blow I fell down, hit the table and fell on the floor. Then I lost consciousness. When I regained consciousness I could feel he was hitting me in the legs. An officer who is our neighbour helped me up and took me to the restroom to wash my face. When I returned, I heard my mother saying: 'I will sue my son for the words I heard he directed at you, but I will also sue you for what I saw'. He started towards my mother and cynically asked her what she had seen. He just ran towards her. However, after repeating that several times, he backed away.

He wouldn't let me call anyone. I kept repeating that I wanted to call Toma Ujkic because he was a relative and he was a member of the police. He took my phone and asked 'You want to call someone?' and jammed the phone in my mouth saying that I will have to chew it down and swallow it. My mother asked to call Agron Paljusevic, an uncle. He let my mother call him. Then my relatives came. Then he went out into the hallway and told Paljusevic, thinking that he was an officer, that he didn't beat me, just grabbed my neck to scare me into confessing. My relative said 'If you didn't beat him, there is no problem, we will handle everything'.<sup>127</sup>

Prela's mother saw the police officer beating him: "When I came in front of the station I saw, because the window was open, an officer holding my son by the neck and his leg was on my son's chest. My son was sitting in a chair. The policeman had a bat in the other hand and kept telling my son to tell him who gave him the number. My son kept saying 'Go ahead and kill me, I will not say I did something I did not do. I don't know how I did it and now after you have beaten me like this I wouldn't tell you if I knew, you're not going to beat someone else up like this'. The moment I came in someone said 'There's his mother'. The officer who was beating my son turned around, looked at me and then hit him on the ear with his hand. My son fell on the table and lost consciousness. At the moment I was thinking that if I started to defend my son or curse the officer now, he would mutilate my child. He was poking him with his leg and told him to stop pretending and get up. Then officer Zivkovic, our neighbour, came to him and said 'Get up slowly, Prela' and told his colleague to stop beating him".<sup>128</sup>

Prela was in severe pain. Because of this, he went to the Emergency Center. He stayed in the hospital until 5AM. He received infusion and had his head scanned. Medical

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<sup>127</sup> *Ibid*

<sup>128</sup> *Ibid*

documentation confirms injuries in the form of hematoma, swelling, headache, and a burst eardrum, which Prela received that evening.<sup>129</sup>

The next day he gave a statement to the police about what happened in the police outpost at Konik.

In their reply to the Initiative, the Police Directorate states that after an investigation, the complaint made by Prela Gjokiq was found to be based on the truth.<sup>130</sup> The authorized officers of the Podgorica Regional Unit had filed a criminal complaint to the Main State Prosecutor in Podgorica against officer Dragan Djukic based on the suspicion that he had committed the criminal act of “abuse and torture“ from Article 167 of the Montenegro Criminal Law.<sup>131</sup>

The Police Directorate started a disciplinary procedure against Djukic to establish his disciplinary responsibility.<sup>132</sup>

Following the procedure, “Djukic Dragan was sentenced to a final disciplinary measure – a monetary fine in the amount of 30% salary for the month in which the incident occurred“, the reply of the Police Directorate states.<sup>133</sup>

Prela Gjokiq has authorized the Legal Aid Center from Podgorica to represent him in front of the judicial organs. The Center filed a criminal complaint on 3 October 2008 to the Main State Prosecutor in Podgorica against police officer Dragan Djukic, for the criminal act of “abuse and torture“ from Article 167 of the Montenegro Criminal Law, and criminal act of “causing severe physical injury“ from Article 151 of the Montenegro Criminal Law.<sup>134</sup> The investigative procedure is in progress.

### **Torture in Kolasin**

Radmila Zuric from Kolasin reported to the Initiative an incident in which her son Mirko received several injuries. The incident happened on 3 September 2008 in the police outpost in Kolasin. Radmila Zuric delivered to the Initiative the statement given by her son Mirko to the Main State Prosecutor in Kolasin. We transfer a part of the statement: “On entering the premises of the Kolasin outpost, Radovan Vlahovic was the only person

<sup>129</sup> Copy of the medical documentation which confirms the injuries of Prela Gjokiq from 31 August 2008, is in the records of the Initiative.

<sup>130</sup> Reply of the Police Directorate based on the request for free access to information, from 25 November 2008, is in the records of the Initiative.

<sup>131</sup> *Ibid*

<sup>132</sup> *Ibid*

<sup>133</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>118</sup>

<sup>134</sup> Copy of the criminal complaint filed by the Legal Aid Center, from 03 October 2008, is in the records of the Initiative

present there, and he informed me about the reason I was brought for the informative interview, in connection with the death of B.S. After some time Radovan Scepanovic and Predrag Draskovic came in also, who were the officers of the Kolasin outpost. All three of them asked me to confess that I abused drugs, and to tell them who had sold heroin to B.S., which I didn't know, and I wasn't an addict either. At the station, Radovan Vlahovic, Radovan Scepanovic and Predrag Draskovic hit me with their hands and fists in the head, and at one moment one of them kicked me with his knee in the stomach. I cannot say how many times they hit me nor which of them hit me in which part of the body, but I recieved at least 15 blows. I can't say which of the officers hit me in the stomach with his knee.

Right after I left the police station I went to the Health Center in Kolasin where the attending doctor recorded my injuries, and to whom I told that I had recieved several blows at the police station in Kolasin. When I was on my way out of the station, Draskovic Predrag told me in front of my mother that in the future I would have to cooperate with him<sup>135</sup>.

The Initiative requested the State Prosecution for the information on the results of the investigation and estimates of this specific case, on 12 January 2009. Up to the moment of publishing this report, the prosecution has not delivered us the information.<sup>136</sup>

On 4 September 2008 Radmila had filed a complaint against inspector Predrag Draskovic, Radovan Vlahovic and Radovan Scepanovic to the head of the Kolasin outpost, Milorad Sukovic.<sup>137</sup>

In his reply to the complaint, from 24 September 2008, after investigating the allegations made in Radmila's complaint, Sukovic informed Radmila Zuric that the police officers had used official measures on her son Mirko in accordance with the law and legal powers.<sup>138</sup>

### **Incident in Dragovoljici near Niksic**

On the day of setting the foundation stones for the Montenegro Orthodox Church (CPC), on 21 September 2008 in Dragovoljici (Niksic), an incident occurred between the inhabitants who were protesting and the police. The police detained 65 inhabitants, 22 of which were arrested by using physical force, and 43 did not have any form of coercive

<sup>135</sup> Copy of the statement given by Mirko Zuric to the Main State Prosecution in Kolasin, from 29 September 2008, is in the records of the Initiative.

<sup>136</sup> Request for free access to information from the Main State Prosecution, 12 January 2009, is in the records of the Initiative

<sup>137</sup> Copy of the complaint filed by Radmila Zuric to the head of the Kolasin outpost, from 04 September 2008, is in the records of the Initiative.

<sup>138</sup> Copy of the reply of the head of the Kolasin outpost on the complaint by Radmila Zuric, from 24 September 2008, is in the records of the Initiative.

means used on them.<sup>139</sup> The Police Directorate stated that the police officers, by using physical strength while arresting 22 persons, were acting in accordance with the law.<sup>140</sup> The Police directorate had filed misdemeanor complaints against 24 people on the suspicion of disturbing public peace and order, or committing a misdemeanor from the Law on traffic safety.<sup>141</sup>

The citizens accused some of the police officers of treating them illegally and announced they would file criminal complaints against those officers.

The journalists also complained about the behaviour of one of the officers. Sladjan Blagojevic, the journalist of the “Vijesti” daily newspaper, told the researcher of the Initiative in a telephone call that one of the officers used his power in a way which was unlawful. Blagojevic said that this officer treated the journalists violently, they were in a car visibly marked by the “press” sign and he took away their equipment and raised his voice at them. Biljana Brasnjo, journalist of the daily newspaper “Dan” told the researcher of the Initiative: “What happened in the village Dragovoljici on 26 September this year should have, but had not concerned all the institutions in the state. Activities such as those of the police must be reduced to that which is “prescribed by the law” and if something happened which should not have happened, which was the case in Dragovoljici, it should be corrected and not allowed to happen again. On the day in question the police forces were not only very “rigorous” to a part of the inhabitants of the village, but also did not allow the representatives of the media to do their job properly. I am one of four journalist who had been put in an awkward situation by the police.

At the moment in question, when the row of vehicles of the representatives of CPC started on the country road, I was in one of the cars with the colleagues from “Vijesti”, “Republika”, and “Vecernje novosti”. On the windshield of the vehicle was a clearly visible mark “Press”. At one point several inhabitants of the village, mostly elder women, tried to stop the vehicles from going through the village, to which the police, in my opinion, reacted cruelly. Some officers, for whom I later found out belonged to the Niksic Security Center, removed the inhabitants from the road in a very rough and improper way. At one moment, we saw on our right side two officers throwing one of the women onto the ground, and they kept her in place by pressing her to the ground with their hands and feet. I was no more than two meters away at the moment and I photographed the scene twice, but when one of the officers yelled at me to stop photographing I went back into the car, as did my colleague Zeljko Sapuric, the photo-journalist of “Republika”. We weren’t interfering with their work, and we wanted to do our job.

After a few seconds, a member of the special forces came yelling and screaming, opened the door of the car we were in and literally snatched from our hands the cameras and tape

<sup>139</sup> Reply of the Police Directorate based on the request for free access to information, from 03 December 2008, is in the records of the Initiative

<sup>140</sup> *Ibid*

<sup>141</sup> *Ibid*

recorders. He put our equipment into the police “defender“. I was stressed, not from fear, but from the thought that those people were supposed to be protecting us. Our equipment was returned several hours later, but the key photographs were deleted from my camera – the old lady on the ground and two special forces officers above her, photographs which would have, if they had been published, set the public on fire. The colleagues told me that the photos were deleted from their cameras also. After that, my colleagues and I were determined to file charges against the Police Directorate for destroying the footage and interfering with our work. However, we agreed several days later not to, because the only thing we would accomplish would be for the officer who took our equipment to lose his job, which was not our goal.”<sup>142</sup>

The reply of the Police Directorate to the Initiative states the police officer had taken the cameras and the tape recorder from the journalists, even though he had no legal basis for that.<sup>143</sup> Because of the suspicion that this officer had committed a severe disciplinary violation (Article 56 line 3 point 4 of the Law on state officers and employees), the head of the Niksic Regional Unit was suggested to file a disciplinary process against the officer.<sup>144</sup> The disciplinary process is in progress<sup>145</sup>

### **Torture over Nikola Stajovic**

Around 9PM on 13 October 2008, there was a protest of the opposition political parties about the decision of the Government to recognize the independence of Kosovo. Nikola Stajovic from Podgorica, who was at the meeting, relates what happened that evening: “I went with my friends from Zabjela to the meeting. We stopped by the People’s Party offices and picked up flags. We arrived there around half past 7PM. After the speech made by archbishop Amfilohije, the riots started. As I had been drinking, my uncle who was also at the meeting took me by the belt and pulled me to go home. We went in his car and when we arrived to the “Crooked bridge“ I stepped out of the car because I was supposed to meet my girlfriend at the “Vectra“ building. I wasn’t at the meeting at all when the riots were in progress. Therefore the police have no evidence against me, and they accused me of throwing a torch at a police officer.

I was supposed to meet my girlfriend at 8PM. When she arrived, we went for a walk towards the Parliament, we passed all the police cordons. They were all watching us, but noone said anything, or did anything. I had a Serbian flag around my neck and one on my back.

When we got to the Parliament, I just heard ‘Young man, young man, stop’. Three officers came and put my hands behind my back. Ten to fifteen officers came and started

<sup>142</sup> Statement of Biljana Brasnjo, journalist of the DAN daily newspaper, from 11 October 2008, is in the records of the Initiative

<sup>143</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>139</sup>

<sup>144</sup> *Ibid*

<sup>145</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>118</sup>

beating the life out of me. All this was happening in front of the Parliament, on the main road. They had been beating me for ten minutes and then suddenly I heard ‘Quit it already’. As he said ‘That’s enough’, a new group of policemen started beating me. They were cursing my mother and saying ‘Where have you been, we have been looking for you’. First they hit me in the testicles, and I had been through surgery and wasn’t supposed to get hit there, or to be closed in a damp place. Then they hit me on the head. They cut my lips open. I asked them to take me to the Emergency, but they didn’t do it until the next day. They didn’t give me the X-ray I had taken in investigative detainment, and in it a rib contusion was visible. Also, one of my shoulders was swollen, I believe there wasn’t a part of my body which wasn’t hurt. Only, they detained me for so long that it all receded and the others couldn’t see it.

My girlfriend, whom I had met in front of the “Vectra“ building, saw all this. They put her in the “defender“ along with me. They didn’t beat her. I was beaten by three or four officers in the “defender“. My girlfriend was in the other part of the vehicle, the back, and she started crying and screaming. They threw her out of the “defender“, and put me in a police van. They beat me again in the police van, this time I heard it was the members of National Security. I lost consciousness on the way to the station. When they drove me there, everyone could see that I was in a catastrophic state. My two friends from Zabjela who work as policemen saw it too, and they couldn’t believe what I looked like<sup>146</sup>.

Nikola was detained in the station for two days, after which he was sentenced to 30 days detainment in the investigative prison in Spuz. Nikola relates what the conditions were like at the police station: “They kept me in solitary containment for more than two days. They had no right to keep me there that long. They didn’t beat me at the station.

I was arrested around 8PM, and they said it was at 3AM. I kept losing consciousness while I was in detainment. They took me to the emergency twice.

I was one of the last people to be taken to the misdemeanor judge, precisely because of my injuries. I was sentenced to 30 days detainment. They examined me in the investigative prison, they gave me some injections two times a day, and my legs literally went numb from those injections. At first, I couldn’t put any weight on my left leg.

After some 18 days they cancelled my detainment. I kept complaining to them every day that I couldn’t breathe. I took an X-ray of the rib cage, and some scars are visible in it. After several days, the doctor performed surgery on me again<sup>147</sup>.

The Police Directorate told the Initiative that Nikola Stajovic did not report the case to the Internal Control Unit.<sup>148</sup>

<sup>146</sup> Incident Report, from 17 October 2008, nalazi se u dokumentaciji Inicijative

<sup>147</sup> *Ibid*

<sup>148</sup> Reply of the Police Directorate based on the request for free access to information, from 10 November 2008, is in the records of the Initiative

On 17 November 2008 Nikola Stajovic filed a criminal complaint to the Main State Prosecutor in Podgorica against four officers of the Police, who are accused of the criminal act of “causing severe physical injury”.<sup>149</sup>

The Initiative requested the State Prosecution for the information on the results of the investigation and estimates of the case on 12 January 2009, however, we have not received the reply up to the moment of publishing this report.<sup>150</sup>

### **Torture over Andrija Lalevic**

Andrija Lalevic reported to the Initiative an incident which occurred on 26 October 2008 on the premises of the Podgorica Regional Unit. Lalevic was travelling from Niksic to Bijelo Polje, where he lives. Lalevic said about how the incident occurred: “On 26 October 2008 I was taken to the Podgorica police station (the building behind the Faculty of Economy) around 6PM, on the charge that I was driving under the influence of alcohol. They let me know that I had made a traffic violation and that I would be detained in the station for six hours, and then be released. The traffic police took me down to the basement of the building, into the room on the right, where a policeman was sitting at an office desk. There I was told that I would be detained until 1AM. I had two mobile phones on me, one of them rang, my girlfriend was calling me, and I told her that I couldn’t talk, that I had been arrested, and that I would talk to her later. The policeman told me to turn my phone off, which I did. At that moment my other phone rang, it was my father, and I said I had to take the call, to which the officer replied ‘Turn that phone off or I’ll turn it off for you’. I answered and told my father that I was detained in the police station, that he shouldn’t worry, and the officer then said in a raised voice ‘Now I’m going to turn those phones off for you’. I didn’t let him turn it off and then he took me under my arm and into the room across the hallway. The room was empty, there was only a blanket there. He locked me in there.

The door unlocked and two men walked in, one in a uniform, and the other in a black t-shirt. The man in the black t-shirt said ‘Now you will see who you’re screwing with’, they took me by the arms and back to the room where I was before, where the man in the black t-shirt told me to take off my bag, watch, neckchain and belt. While I was removing my bag, the man in the black t-shirt hit me. I turned towards him and said ‘Why are you hitting me?’ He said ‘Shut up’ and hit me on the other side of the face as I was removing my watch. When I removed the chain, they grabbed me by the hands, and the man in the black t-shirt hit me several times on the back of my head. They took me to the other room again, and the officer in the black t-shirt started beating me there. He was hitting me with his fists on the head and the upper part of my body. He was dragging me across the room and

<sup>149</sup> Copy of the criminal complaint filed by Nikola Stajovic to the Main State Prosecutor from 17 November 2008, is in the records of the Initiative.

<sup>150</sup> Request for free access to information from the Main State Prosecution, 12 January 2009, is in the records of the Initiative

throwing me from one side to the other. I didn't fall, so he hit me three or four times on the legs until I fell, and then proceeded to kick me. All of this lasted for five to ten minutes. Two persons in uniform were standing in the doorway and watching all of this. When he had finished kicking me, one of the two officers took him by the hand, pulled him and said 'That's enough'. I got up and asked him: 'What is your name?' because he didn't have any markings on him. He said 'What do you need my name for?' I said I needed it in order to take certain steps, because I had never been beaten like that in my life, at which he replied that his name was Oliver Boskovic, and that he was from Spuz. Then they locked me up, and left me alone in that room. I was spitting blood, and could feel that I was injured.

The room was three meters wide and three meters long, made of concrete on all sides, the door was blue and made of metal, with a closed small window also made of metal, without any openings except for the wire net and the yellow diimed light coming from the four meters tall ceiling. There was nothing on the floor. In this room, compared to which an ordinary prison cell is a luxury, I spent five hours, beaten up, and none of the officers present tried to offer me medical or any other type of help, including water, because I was horribly thirsty during those five hours spent in the cell, and I desperately needed medical help.

After an hour Oliver Boskovic came back in and told me that he would take my blanket too, that I was small and couldn't do anything to him, that he would beat me up again. I told him that I would be there until 1AM and then I would go home, to which he replied that he will beat me up again when I leave the station, cursed my mother, said that that I was a nobody, that I would sign everything they give me, that they will blacken my reputation with the judge, that I couldn't do anything to them, that they would make me do whatever they want, and the like. I didn't say anything, and he went out. After an hour more Oliver Boskovic came in again and said that I was screwed, that he would mutilate me, that I will die by his hand, that I can't do anything to him, that for me he was the Law and a God. I didn't reply anything to that either<sup>151</sup>.

After that, the police took Lalovic to the misdemeanor judge. Lalevic said: "I was taken to the misdemeanor judge at a quarter past 1AM in a semi-conscious state, considering the fact that I had been kept from 8PM in a cell in which hardened criminals are put, and that I was bleeding all the time between 8PM and 1AM, lost consciousness several times, and at one moment I didn't even know where I was. In order to avoid being tortured further, I accepted everything the police and the judge asked of me, just in order to get to the Emergency Center as soon as possible to get medical help, which I was in desperate need of, after the beatings I had received from the above mentioned officer. The judge read me some kind of a complaint which I couldn't understand at the time, I didn't sign anything, nor was I conscious of what was going on, because at that moment I was blacking out from the blows to the head inflicted on me by the police.

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<sup>151</sup> Statement given by Andrija Lalovic to the Initiative, from 13 November 2008, is in the records of the Initiative.



The judge shouldn't have interviewed me, because it was obvious in what state I was. Also, I wasn't given or even offered a lawyer at half past 1AM, so in this way the judicial code was broken, and a great injustice inflicted on me".<sup>152</sup>

The Internal Control Unit, after investigating the complaint made by Andrija Lalevic, concluded it was based on the truth and suggested starting a disciplinary procedure against officer Oliver Boskovic from the Podgorica Regional Unit.<sup>153</sup> The records of the case were also delivered by the Police Directorate to the Main State Prosecutor in Podgorica for evaluation and establishing the existence of elements of criminal responsibility.<sup>154</sup> The disciplinary procedure for determining the disciplinary responsibility of police officer Oliver Boskovic is in progress.<sup>155</sup>

The Initiative requested the State Prosecution for the information on the results of the investigation and estimates of the case on 12 January 2009, however, we have not received the reply up to the moment of publishing this report.<sup>156</sup>

### **Torture over Sasa Ristic**

Sasa Ristic from Podgorica reported to the Initiative an incident which occurred on 28 October 2008 on the premises of the Podgorica Regional Unit. Sasa participated in the protest meeting about the decision of the Governemnt to recognize the independance of Kosovo. After the protest, the police searched for Ristic on the suspicion that he was "acting violently". Sasa turned himself in on 28 October.

In his statement to the researcher of the Initiative, Sasa describes the events on that day: "The police came to my door to look for me. There were 10 to 15 armed policemen. They were in camouflage uniforms and had masks over their faces. They created chaos there, traumatized my neighbours, they even pushed one of them in order to pass by and get to the fifth floor where I live as soon as possible. I was told that they even broke into my flat, that's how hard they were banging on the door. I wasn't in the apartment at that time, a friend told me this. This happened on the day after the protest, 14 October, between 1 and 2 o'clock. They burst in everyone's apartments in that way, Aleksandar Pejovic's too. They came in three "Land Rovers". I was a bit scared and decided to lay low for a while and not turn myself in until the passions died down. I wanted to hire a lawyer and go there with him. I did this after ten days or so. I hired Lazar Sevaljevic and explained the situation to him. We agreed that I should turn myself in, and that we would go to the police together. When I came to his office, the lawyer called inspector Dentic and told him that I was in his

<sup>152</sup> *Ibid*

<sup>153</sup> Reply of the Police Directorate based on the request for free access to information, from 25 November 2008, is in the records of the Initiative.

<sup>154</sup> *Ibid*

<sup>155</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>118</sup>

<sup>156</sup> Request for free access to information from the Main State Prosecution, 12 January 2009, is in the records of the Initiative

office and that I would come to turn myself in. He wanted to send a patrol car for me. The lawyer then said that there was no need for that, because he would accompany me. I was at the police station in 15 minutes. Inspector Pekovic approached me. I gave my statement to the inspector in the presence of my lawyer. I signed the statement and he said that he had to type a decision of detainment for no longer than 48 hours. Then my lawyer asked him why they wanted to detain me when I had already given them my statement and there was no need for it. However, I was taken downstairs to detention around 11AM. I spent 24 hours in room number two. In those 24 hours no one touched me, up to approximately 11 or 12AM the next day. Approximately 24 hours passed and no one had touched me.

Around noon the next day Dejan Damjanovic came to me, the officer who works in the cell block, and told me that he will move me from room number two to the concrete cell. He locked me in the concrete cell. For three or four minutes I circled around the concrete cell, which was five by five meters. There was nothing in the cell. There was a dimmed yellow light there, but you could see the whole room perfectly. In the corners of the room were urin and feces, it was disgusting and it smelled awfully. There are no windows, it is all made of concrete from floor to ceiling, that is why it's called the concrete cell. While I was walking in a circle, the light was turned off. I was left in complete darkness, I couldn't see anything. At that moment I walked to the small window on the door, because there was a small hole there through which I could see light in the hallway, so I approached to try and see something. Then people wearing masks over their faces appeared. I didn't see the uniforms they were wearing, but they were all wearing masks. I am not sure if there were three or four of them. The moment I saw them, I moved back toward the center of the concrete cell. They opened the door slightly and ordered me to stand against the wall and raise my hands. As I was doing this, I heard the door open abruptly and heard them coming in. They started hitting me. I fell down quickly and covered myself with my hands, trying to protect myself. However, they kept picking me up in order to be able to beat me more easily. Mostly they hit me on the thighs and ribs with their feet, hands and truncheons. When I fell for the third time they kicked me several times more and left me lying there. The light in the room was still off. I laid there for five or ten minutes, I couldn't get up. I tried to get up on my knees, and after ten minutes the concrete cell door opened again. A different officer opened it, not Damjanovic. He returned me to the cell. No one beat me after that. I couldn't fall asleep from the beatings the whole night. My ninth rib was fractured, and I was all bruised. They held me there 24 hours more. After that I was taken to the investigative judge. They didn't hit me on the head, but from my shoulders to my legs.

When my lawyer came, he requested that I be examined by a doctor immediately, before the hearing, which investigative judge Golubovic accepted. The police came with a police van and took me to the Emergency room, where they wrote down their findings about my injuries, and I received papers which I gave to my lawyer and the investigative judge.

After that I was in therapy and could hardly find a position in which to lie down, because my rib was fractured. The lawyer filed criminal complaints to the State Prosecutor<sup>157</sup>

Sasa's legal representative, Lazar Sevaljevic, told the researcher of the Initiative that the Internal Control had investigated the case and replied that in the procedure, no evidence could be found that the policemen overstepped their authorities in their actions toward Sasa.<sup>158</sup> The Police Directorate also informed lawyer Sevaljevic that the records on the case will be delivered to the Main State Prosecutor in Podgorica for further processing.<sup>159</sup>

On 5 November Sasa filed a criminal complaint against the police to the Main State Prosecutor in Podgorica.<sup>160</sup>

The Initiative requested the State Prosecution for the information on the results of the investigation and estimates of the case on 12 January 2009, however, we have not received the reply up to the moment of publishing this report.<sup>161</sup>

### The Pejanovic case

Aleksandar Pejanovic from Podgorica was wanted by the police after the protest meeting about the decision of the Government to recognize the independence of Kosovo, on the suspicion that he was involved in the incidents and committed the criminal act of "violent behaviour" and "assaulting an officer". Pejanovic turned himself in in the presence of lawyers Zoran Piperovic and Dalibor Kavacic, on 31 October 2008. While he was detained, Aleksandar stated, the members of the police had on several occasions severely beaten him on the premises of the Podgorica Regional Unit. Many domestic and international subjects condemned the beating of Aleksandar Pejanovic. Aside from domestic oppositional political parties, the beating was condemned also by several non-governmental organizations. The Initiative on this occasion condemned the beating of Aleksandar Pejanovic, and called those in charge to conduct a fast, efficient and productive investigation. This incident was condemned by "Amnesty International", "Freedom House" and the OEBS Mission in Montenegro.<sup>162</sup>

Aleksandar had made a video recording in order to inform the public about what happened to him while he was detained at the police, because, as he says, the media didn't cover the whole truth in their reports. Aleksandar says: "Seven days ago I was released from detainment in the police station after 48 hours of torture which resembled that of the Spanish Inquisition. Police officers or para-police formations locked me in the concrete cell and turned off the light, and came in turns to brutally torture me and try to ruin my life. They hit me in all my vital organs for a long period of time. They tried to make

<sup>158</sup> *Ibid*

<sup>159</sup> *Ibid*

<sup>160</sup> *Ibid*

<sup>161</sup> Request for free access to information from the Main State Prosecution, 12 January 2009, is in the records of the Initiative

<sup>162</sup> DAN, *Examine the circumstances, Establish the responsibility of the Police, Outlaw phantom masks*, 04 November 2008

my kidneys fail, they hit me with baseball bats, truncheons, hands, boots, and left me lying for 26 hours in the concrete cell which was all covered in urin and moisture. Somehow I gathered the strength not to lie there all the time, because I knew I wouldn't survive that. I walked around beaten as I was, chose the driest spots to lie down, and then was afraid to fall asleep because I knew that would be the end of me. Somehow I managed to last those 26 hours after the terrible beatings I recieved. I have been a boxer for 15 years, and I repeat that during my whole career as a boxer I haven't recieved 10% of the beatings I recieved in the concrete cell. After those 26 hours, they took me to an ordinary cell to rest. The cell had one small wooden bed, while the concrete cell had nothing to lie down on except the floor which was all wet and, as if prepared for me, all covered with urin and feces.

Just when I startrd to fall asleep they woke me up and took me to the concrete cell again and turned off the light. Slowly, after an hour or so - they didn't come right away to beat me again, but made me listen to them for an hour rattling with the metal rods they would use on me. And the whole preparation process, and putting the masks on. Each of them held a strong source of light, a flashlight or something, in one hand, and a baseball bat or a truncheon in the other hand. After that, I knew what was coming. They came in again. I din't defend myself. I stood firmly, which I had learned during my boxing career, and took the beatings in that way, until I lost consciousness again. They hit me 50, 100, I don't know how many times, with bats and truncheons on the head and kidneys. They wanted to annihilate me. I am suing them for attempted brutal murder. I am suing Milo Djukanovic, Ranko Krivokapic, Veljovic.<sup>163</sup> No one wanted nor was anyone allowed to talk to me. When they had beaten me for the second time, when I couldn't even move my finger and was lying motionless in the concrete cell, then they came and took me back to the ordinary cell, probably afraid that I was going to die. Then one of the policemen, a good man, asked me 'Sasa my brother, can you move, are you allright?'. He told me 'Please don't tell anyone I talked to you'.<sup>164</sup>

After the detainment in the police station ended, the police took Aleksandar to the Main Court in Podgorica, where a hearing was supposed to take place in front of investigative judge Nebojsa Golubovic. Before taking his statement, Golubovic sent him to be urgently examined in the Montenegro Clinical Center, because of the state he was in.<sup>165</sup>

The Police Directorate stated after an investigation by the Internal Control, that official actions toward Aleksandar were performed in accordance with the law and legal powers.<sup>166</sup> As for the injuries Aleksandar recieved, the Police Directorate stated that: "Upon his arrival to the station, in the record on the detained person, head injuries were listed...

<sup>163</sup> See <sup>12</sup>

<sup>164</sup> Video recording of Aleksandar Pejanovic's statement, available at the website [www.istinaosasi.blip.tv](http://www.istinaosasi.blip.tv), visited on 14 November 2008

<sup>165</sup> DAN, *Abuse in the concrete cell*, 03 November 2008

<sup>166</sup> Announcement of the Police Directorate from 5 November, available at the website [http://www.upravapolicije.com/uprava\\_policije\\_unutrasnja-kontrola-izvrsila-provjere-navoda-pejanovica\\_2145.html](http://www.upravapolicije.com/uprava_policije_unutrasnja-kontrola-izvrsila-provjere-navoda-pejanovica_2145.html), visited on 10 November 2008

Concerning the injuries of the legs which are visible and have been published in the daily newspapers, the Internal Control concluded that police officers do not have the obligation to examine the person arrested, except for listing the visible injuries. In that sense, the possibility remains that Pejanovic received those injuries while acting destructively outside of the Montenegro Parliament, or in the interval of time which passed until he turned himself in to the officers of the Podgorica Regional Unit<sup>167</sup>.

Aleksandar Pejanovic's lawyer, Zoran Piperovic, reacted to the announcement of the Police Directorate and stated that Aleksandar did not want to turn himself in because he was afraid someone at the Police Directorate would hit him on the wound on his head. He added that Aleksandar had only one injury on his head, a laceration he got from a stone thrown at the protest, which he showed to the inspectors in his lawyer's presence. He added: "Nothing more. He had no other injuries and that is the truth"<sup>168</sup>.

At the opposition protest, Aleksandar received an injury which was registered by dr Aleksandar Filipovic from the Filipovic Policlinic on 13 October 2008, when he took care of Pejanovic.<sup>169</sup> The doctor's report only lists one injury, a wound on the supraorbital arch, 2 centimeters long.<sup>170</sup> After leaving police detention on 2 November, Aleksandar was taken to the Montenegro Clinical Center, where the following injuries were recorded: hematoma on the head 8 by 9 centimeters in size, laceration of the skin on the back of the head 5 by 1 centimeters, hematoma under the left eye 3 by 3 centimeters, hematoma on the right thigh 8 by 7 centimeters, three hematomas on the back 1 by 2 centimeters, hematoma on the iliac part of the spine 10 by 5 centimeters, right gluteal region hematoma 12 by 12 centimeters, which continues into the hematoma on the back side of the right thigh of the size 8 by 4 centimeters, hematoma on the outer side of the right thigh 10 by 3 centimeters, hematoma on the distal inner side of the left thigh 6 by 7 centimeters, several lacerations on both knees, hematoma on the inner side of the left shin 8 by 8 centimeters, and several fields of redness on both arms.<sup>171</sup> The specialist's report also states that Aleksandar was brought to the Clinical Center by the police, and that he stated he had been beaten in the previous 48 hours by several persons, and that he was having a hard time during the examination.<sup>172</sup>

The Parliamentary Board for defence and security on 24 November requested a control hearing of the chief of the Police Directorate Veselin Veljovic, which took place on 10 December. At the control hearing, Veljovic denied that Aleksandar Pejovic was beaten on the premises of the Podgorica Regional Unit, calling on the findings of the Internal Control.<sup>173</sup>

<sup>167</sup> *Ibid*

<sup>168</sup> DAN, *Piperovic: They „took his measurements“ in the police*, 05 November 2008

<sup>169</sup> Copy of the report of the specialist surgeon dr Aleksandar Filipovic, from 13 October 2008, is in the records of the Initiative

<sup>170</sup> *Ibid*

<sup>171</sup> Copy of the report of the specialist doctor S. Femic, from 02 November 2008, is in the records of the Initiative

<sup>172</sup> *Ibid*

<sup>173</sup> DAN, *The Parliamentary Board held a hearing of the chief of police about the Aleksandar Pejanovic case*, 11 December 2008

The Main State Prosecution had opened an investigation against unknown persons for “abuse and torture“, and on 13 November the Main State Prosecutor Djurdjina Ivanovic conducted a hearing of Aleksandar, as the injured party in this case. The Initiative had requested information from the Main State Prosecution on this case, and we haven’t recieved the information up to the moment of publishing this report.

Lawyer Dalibor Kavacic had on 24 December 2008 filed a criminal complaint to the Main State Prosecutor in Cetinje against 12 police officers, for the criminal act of “illegal search“ from Article 170 of the Criminal Law of the Republic of Montenegro.<sup>174</sup> Namely, on 22 December Dalibor Kavacic, Aleksandar Pejanovic, Sreten Ostojic, Petar Ostojic, Sasa Ristic, Vladan Milic, Jovan Mitrovic and Mitar Pavicevic, all from Podgorica, were returning from the Main Court in Cetinje, when they were stopped by the police who searched the citizens and their vehicles without a search warrant.<sup>175</sup> On this occasion Kavacic showed his official papers and said that they were returning from court in Cetinje, but the unknown officer ordered them to get out of the car, they searched the case with Dalibor Kavacic’s official documents, his car and the passengers.<sup>176</sup> Lawyer Kavacic told the researcher of the Initiative that such actions of the police officers represent exerting pressure on him and Aleksandar Pejanovic. The process based on this criminal complaint at the Main State Prosecution in Cetinje is in progress.

### **The Raicevic case**

Danilo Raicevic from Niksic told the researcher of the Initiative that on 19 December, at the center of Niksic, he was beaten by a police officer: “I live in the Rubeza part of town (Niksic), which is about five kilometers from the center. On Friday 19 December I went to town to finish some business. Since I don’t own a car, my cousin Ivan Vukovic drove me. Ivan asked me to go to a store in the center with him, since he wanted to buy tennis shoes. He parked in front of the SDK bank, which is about ten meters from the store we were going to. I told him not to park there, because the parking service vehicle could come and take the car away. We went into the store, looked at tennis shoes, and walked right out. After that we said goodbye and I started to walk away, when he told me that the vehicle had come to take away his car.

I walked with him toward the police and the car. I went there with the intention of helping and seeing what could be done, if we could pay the fine on the spot, as well as not to leave him alone.

Three officers were there, two in uniforms, and one in civillian clothing, I knew the policeman in civillian clothing. His name is Milan Stanisic. I turned to him for help and said

<sup>174</sup> Copy of the criminal complaint filed by lawyer Dalibor Kavacic on 24 December 2008, is in the records of the Initiative

<sup>175</sup> *Ibid*

<sup>176</sup> *Ibid*

'Is there any chance we could end this, because the boy doesn't have money and has had a hard life'. The officer said 'I can't help you' and left the scene. He was the driver of the vehicle. He went in an unknown direction, and the tall policeman sat in his place, one of the two who were in uniform.

That officer told me that no one could help me, and that the complaint has to be written. They said 'We won't tow away your car, but we have to write the complaint. I said 'Alright'. I went to Aleksandar Radulovic, the officer who was writing the complaint. I asked him to pause for a second to talk this over and ask if we could pay on the spot. He mentioned the sum of 20 euros. I took the money out of the pocket and said 'Alright, I will pay'. He gave me a coarse look and told me that I couldn't pay because he had already started writing the complaint. The officer who was sitting at the steering wheel then said 'Put your stinking money away before I come out and beat you up'. He added 'Behave yourself'. To this I replied that I was behaving nicely and normally, and that I didn't know why he was talking to me like that. I also asked him to tell us what we could do and what our rights were. He said 'If I come out I'll explain it to you by beating you up'. I asked 'Why? Here, come and beat me up if I have deserved it'. He stepped out, walked around the tow vehicle and ran towards me. I was petrified and took a few steps back. My cousin Ivan tried to separate us. The officer tried to hit me twice with his fist. I avoided those two attempts. This officer's name is Novica Jovovic. I raised my left hand to protect myself. I was aware at all times that I shouldn't hit an officer. That is why I raised my left hand and told him 'Get away from me, what do you want?'. I don't know if I grazed him on the shoulder at that time, but I was just trying to defend myself. I think I didn't even graze him. He said that I hit him either on the ear or the shoulder, I can't remember. He asked me: 'Do you want to fight me?'. I replied 'No, I wasn't even thinking about it. Take me to the police station and there we will see what happened and solve this'. He told his colleague: 'Hold him, now he will see'.<sup>177</sup>

Danilo continues: "Several more officers came. I was standing with my hands down without any intention of defending myself, because I knew that I didn't stand a chance. I said that I didn't want to argue, or to get into conflict. Either leave me alone, or take me to the police to settle this and see who was guilty – you or me.

Officer Jovovic approached and hit me so hard with his fist on my kidneys that I went numb from the pain. His look was insane, and I was terrified. Then I said 'Please don't hit me'. My hands were down, I wasn't trying to defend myself, nor did I have courage to try it. He took advantage of this and hit me three or four times on the kidneys with his fists.

Two of his colleagues whose names I do not know grabbed me very roughly and violently by the arms, pressed me to the tow vehicle and handcuffed me. Then Jovovic continued to beat me with his truncheon as if he were possessed. I didn't feel the blows anymore because I was all numb. This happened in the middle of the street and the town center. There were many people around me and they kept saying 'No, no, what are you doing?' He wouldn't stop. The two officers were holding me all the time even though I was handcuffed.

<sup>177</sup> Incident Report, from 24 December 2008, is in the records of the Initiative

He was circling around me all crazed and cursing me. He said ‘You will see, I will open up your skull, I will break your head’. He asked one of the officers, an extremely large man, who were holding me to hit me just once more before they took me to the police station. The officer, whose name is Dusko Miskovic, replied ‘Go on, but just once, you have crossed the line’. Jovovic then hit me violently two or three times in the head with his radio.

Before that he was hitting me with the truncheon in the kidneys, the behind, shoulders and back. He hit me all over the body. In the end he hit me with the radio and that is when the physical abuse stopped. All of this lasted for about half an hour. He would beat me, then circle around me, curse me and say ‘Whine, whine, beg now since you wanted to fight’.<sup>178</sup>

After that the officers arrested Danilo. At the police he was told that a misdemeanor charge was filed against him for disturbing public peace and order. While he was in police detention, he asked to be taken to see a doctor because of his pain and high blood pressure. Danilo described the experience at the Emergency room in Niksic in the following way: “When the doctor measured my blood pressure, it was 170 over 110. I felt severe pains in the chest, my right hand and the right side of my face were going numb. My pulse rate was high.

The officers were present during my whole examination. I asked for them to be removed because I was afraid, and that is when I referred to them as “mercenaries“. However, they wouldn’t leave. They watched every move I made in case I complained about my injuries. The doctor didn’t look at my injuries, he wouldn’t do it, even though I had complained about them. The doctor told me that I should go urgently to the Internal medicine unit. When I got there my blood pressure was 150 over 90, because I was given medication. I had problems with high blood pressure before this also. The doctor who examined me at the Internal medicine unit just noted my blood pressure in the report. I complained to her and told her that I couldn’t stand on my feet and not to send me back to the police. I begged her as a human being, not as a doctor, even though she has an obligation to take care of my health, to make the officers leave. She was flirting with one of the officers during the whole time. She wouldn’t look at my injuries even though I had asked her to two or three times. She said ‘As far as I am concerned, you are free to take him back to the police station’. I kept saying ‘Such high blood pressure and so many bruises – if that isn’t sickness, I don’t know what is’. Her name is Zlata Perovic and I have filed a criminal complaint against her to the Main State Prosecutor in Niksic“.<sup>179</sup>

Raicevic told the researcher of the Initiative that he has also filed a criminal complaint against the officer who had beaten him.<sup>180</sup> The process is in progress.

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<sup>178</sup> *Ibid*

<sup>179</sup> *Ibid*

<sup>180</sup> *Ibid*



## Incident at Konik

The Selimovic brothers – Koni, Anton and Ljubisa from Berane, currently living in Podgorica (Konik) reported to the Initiative an incident which occurred in Podgorica, in the part of town named Konik. Everything started with the fight between Koni and Anton.

Koni (1991) describes the incident: “Me and my brother Anton got in a fight at Konik, where we live. The cause of the fight was his CD which I broke. Anton hit me. Two of our brothers came out of the house to separate us. Just as they started to separate us, the police arrived. The policemen started hitting us right away. We told them not to hit us, and that we are brothers. My brother told them not to hit me because I am underaged, and that he would report it. The officers hit me several times. They hit me three or four times on the head with a truncheon. Then I lost consciousness. My head was covered in blood.

Then more policemen arrived. They put me in the “defender“. Then they hit me with truncheons on the head. I kept passing out. After that they took us to the police station. They didn’t beat me at the station. I spent the first night in the hospital, the second day I was detained, and they let me go on Saturday around 3PM<sup>181</sup>.

The release papers from the Montenegro Clinical Center signed by Prim. dr sci. P. Lompar and dr med B. Djurovic state that Koni was admitted to the hospital because of injuries received in a violent act, and that Koni stated that he received the injuries from an unknown person in a police uniform.<sup>182</sup> The report lists the following injuries: laceration-contusion wound to the forehead and the left side 2 centimeters long surgically processed, contusion of the top of the head size 2 by 2 centimeters with a laceration.<sup>183</sup> Swelling in the nasal region, as well as the zygomatic region, peri-orbitally to the left a hematoma, contusion and swelling of the upper lip. Several smaller hematomas on the front side of the neck as well as the chest, and the right scapular region.<sup>184</sup>

Anton describes the event in the following way: “I hit my brother Koni because he had broken my CD. When the police came, one of the policemen hit me with the truncheon on the hand and on the head. My hand was swollen. Then they hit me in the legs, the thighs. They beat me at Konik. They threw me to the ground and hit me with their feet“.<sup>185</sup>

The report of the Montenegro Clinical Center, signed by dr Bulatovic, lists Anton’s injuries: pain in both hands and a knee, hematoma on the lateral side of the right thigh, a crust on the right knee from a small superficial laceration, swelling with palpable sensitivity of

<sup>181</sup> Incident Report, from 14 January 2009, is in the records of the Initiative

<sup>182</sup> Copy of the release form from the Montenegro Clinical Center, number 25195-953, is in the records of the Initiative

<sup>183</sup> *Ibid*

<sup>184</sup> *Ibid*

<sup>185</sup> Incident Report, see <sup>181</sup>

the right hand and the top of the third finger of the left hand, with completely preserved function of the extremity.<sup>186</sup>

The third brother, Ljubisa, told the researcher of the Initiative: “The policemen didn’t beat me at Konik, but at the police station, when we were arrested. Six or seven officers hit me all over my body. They hit me with truncheons, hands and feet. They beat me for about ten minutes. I was only separating my brothers back at Konik. I didn’t do anything in order to be arrested or beaten. They arrested me on Thursday around 1AM and detained me until Saturday around 3PM “.<sup>187</sup>

The report of the specialist doctor of the Montenegro Clinical Center, signed by dr Bulatovic, lists the following injuries on Ljubisa’s body: pain in the back and upper right arm, hematoma, probably from a truncheon, interscapularly size 3 by 8 centimeters horizontally positioned, palpable pain sensitivity of the upper right arm and the gluteal region and right shin without hematoma or deformities.<sup>188</sup>

The Selimovic brothers told the researcher of the Initiative that they had filed criminal complaints to the Main State Prosecutor in Podgorica.

## II Cases based on media analysis

Through the press clipping of the media in 2008, the Initiative recorded 16 cases in which the citizens accused the police of torture.

**9 January 2008** – Dario B. Braletic from Danilovgrad filed a criminal complaint to the Main State Prosecutor in Podgorica against M.M, the inspector of the Podgorica Regional Unit, on the suspicion that he had committed the criminal act of “extracting a statement”.<sup>189</sup> Dario stated that the inspector had beaten him with a rubber truncheon on the head with the aim of extracting a confession that he had falsely reported the robbery of his locksmith workshop.<sup>190</sup> Dario pointed out that on this occasion the inspector also cursed and degraded him.<sup>191</sup>

The Police Directorate delivered to the Initiative the reply which they had sent Dario, in which it is stated that the Internal control, after conducting an investigation, could not determine that police officer M.M. has made a disciplinary violation or a criminal act.<sup>192</sup>

<sup>186</sup> Copy of the report of the specialist doctor of the Montenegro Clinical Center, number 10482 from 27 December 2008, is in the records of the Initiative

<sup>187</sup> Incident Report, see <sup>181</sup>

<sup>188</sup> Copy of the report of the specialist doctor of the Montenegro Clinical Center, number 10427 from 27 December 2008, is in the records of the Initiative

<sup>189</sup> VIJESTI, *Criminal complaint filed against a police inspector*, 18 January 2008

<sup>190</sup> *Ibid*

<sup>191</sup> *Ibid*

<sup>192</sup> Copy of the letter the Police Directorate sent to Dario Braletic on 21 January 2008, is in the records of the Initiative

It is also stated that the Police Directorate will follow the activities of the State Prosecutor to whom Dario had filed the criminal complaint, and if he raises an indictment, the immediate superior will initiate the start of a disciplinary process.

The Main State Prosecutor in Podgorica Djurdjina Ivanovic had on 7 February 2008 delivered to the investigative judge of the Main Court in Danilovgrad a proposition for taking investigative measures for the criminal act of “abuse and torture“ from Article 167 line 3 in connection with line 2 of the Criminal Law of the Republic of Montenegro.<sup>193</sup> The process is in progress.

**11 January 2008** – The inhabitant of Mojkovac Milan Filipovic stated for the “Vijesti“ daily newspaper that his brother Bozidar was tortured by the police on the entrance into Mojkovac.<sup>194</sup> Milan said that Bozidar was beaten by several policemen, and that they took him to the police station handcuffed. “Vijesti“ report that Filipovic’s lawyer Jelic Stanko stated that his client recieved an injury of the right eye, and complains about the injury of the right shoulder.<sup>195</sup>

The Police Directorate reacted to the text published in “Vijesti“ and denied the allegations of torture over Bozidar Filipovic. The reaction states that Bozidar was taken to the investigative judge of the Bijelo Polje Main Court on the suspicion that he had committed the criminal act of “assaulting an officer on duty“, and the judge detained him.<sup>196</sup>

Lawyer Jelic told the researcher of the Initiative that Bozidar did not file criminal complaints against the officers for overstepping their authority and use of force.

**19 February 2008** – The investigator of violations of human rights Aleksandar Zekovic called the chief of the Police Directorate Veselin Veljovic in order to stop the pressure on Mirsad Malezic.<sup>197</sup> Mirsad is a witness in a process concerning torture. Namely, Mirsad works as a taxi driver in Bar, and because of his testimony on the case he has been under pressure by the police. The police took two cars which he was driving as a taxi from Mirsad, one in August 2007, and the other in January 2008. When the latter car was taken away, he was informed that he should change his statement in order not to have any more problems, the reaction states.

The Police Directorate stated that the police officers did not overstep their authorities by taking the cars from Mirsad Malezic, because the cars were taken in order to be checked, in accordance with the law.

Mirsad told the researcher of the Initiative that the police returned his cars after the reaction of Aleksandar Zekovic, and that their treatment of him is back to normal.

<sup>193</sup> Reply of the Main State Prosecution in Podgorica, based on the request for free access to information, from 29 May 2008, is in the records of the Initiative

<sup>194</sup> VIJESTI, *Police beat a driver*, 12 January 2008

<sup>195</sup> *Ibid*

<sup>196</sup> Copy of the reaction of the Police Directorate to the text in “Vijesti“ from 12 January 2008, is in the records of the Initiative.

<sup>197</sup> DAN, *Protect the witnesses of police torture*, 19 February 2008

**26 April 2008** – Ilija Scekić from Podgorica published a reaction to the text in “Vijesti” from 28 April under the title “Sergeant races like a stunt-man”.<sup>198</sup> “Vijesti” stated that Ilija, who works as a sergeant, did not want to stop when the traffic police signaled him to, but ran away and on that occasion injured an officer of the Police Directorate with his car. The police caught up with him near the police station. “Vijesti” reported that a criminal complaint will be filed against Ilija for “disturbing an officer in performing official duty” and “disturbing public peace and order”.<sup>199</sup>

Ilija denied these allegations and stated that the policemen in Bijelo Polje beat him up without a reason.<sup>200</sup> Ilija said that the policemen hit him on the head, legs, and dragged him by the hair, on which occasion he received injuries.<sup>201</sup>

The Police Directorate, after an investigation by the Internal control, informed the Initiative that the complaint of Ilija Scekić is founded on the truth.<sup>202</sup> It was determined that police officers Almir Catović and Momir Sekularac overstepped their official powers.<sup>203</sup> The start of a disciplinary procedure was also ordered, and the records delivered to the Main State Prosecutor in Bijelo Polje for the evaluation of the existence of criminal responsibility.<sup>204</sup>

**21 June 2008** – Milinko Pejanović from Savnik stated for the “Vijesti” daily newspaper that in the night between 21 and 22 June he was beaten by police officer from Savnik, Dragan Lazarević.<sup>205</sup> Milinko stated that it all happened after a fight in which his friend was attacked. Milinko said that the police had come to intervene and that officer Lazarević hit him, pulled him by the neck, choked him, pulled his ears and hit him in the head with his fist. The other officer tried to stop his colleague on several occasions saying “Dragan, are you aware what you are doing?”<sup>206</sup>

Tamara Popović, the spokesperson for the Police Directorate stated that the police version of this incident is completely different, and added that Milinko did not report the incident to the Savnik department, that he received the injuries in the fight before the police came, and that he was visibly under the influence of alcohol.<sup>207</sup>

Milinko pointed out in “Vijesti” that he wanted to file a complaint against officer Lazarević, but that the police in Savnik and Nikšić would not accept the complaint.<sup>208</sup>

The Main Court in Zabljak reached a verdict in which police officer Dragan Lazarević was found guilty of the criminal act of “abuse and torture” from Article 167 of the

<sup>198</sup> VIJESTI, *Reaction of Ilija Scekić from Podgorica, Who are the witnesses*, 29 April 2008

<sup>199</sup> VIJESTI, *Sergeant races like a stunt-man*, 28 April 2008

<sup>200</sup> Reaction of Ilija Scekić, see <sup>198</sup>

<sup>201</sup> *Ibid*

<sup>202</sup> Reply of the Police Directorate based on the request for free access to information, from 25 November 2008, is in the records of the Initiative

<sup>203</sup> *Ibid*

<sup>204</sup> *Ibid*

<sup>205</sup> VIJESTI, *Polieman beat me in front of witnesses*, 23 June 2008

<sup>206</sup> *Ibid*

<sup>207</sup> *Ibid*

<sup>208</sup> *Ibid*

Montenegro Criminal Law and sentenced to 90 days in prison, suspended sentence of two years. The sentence is not legally binding.<sup>209</sup>

**3 July 2008.** – The Member of Parliament from the Liberal Party, Andrija Popovic, said at a press conference that a traffic policeman detained him for half an hour near Cetinje because he had been speeding, and insulted his human and parliamentary dignity through his arrogant behaviour.<sup>210</sup> He pointed out that after introducing himself and asking the policeman to speed up the procedure, the policeman started acting arrogantly and kept him there for half an hour. Popovic stated that at that moment he still hadn't decided if he would seek legal satisfaction for, as he said, "the improper behaviour" of the policeman.<sup>211</sup>

After an investigation, the Internal Control found the complaint to be without a basis, and concluded that there were no elements of disciplinary or other type of responsibility in the actions of police officers Igor Mrdak and Dejan Popovic.<sup>212</sup>

**16 July 2008** – The Leader of the Serbian People's Party Andrija Mandic, in an open letter to Prime Minister Milo Djukanovic, accused the Montenegro police for violating the rights of the citizens of Serbian nationality.<sup>213</sup> In his letter, he lists two specific cases. In the first, the policemen had on 5 July in Niksic, at a football match between "Grbalj" and the Turkish "Sivaspor", taken tricolor flags away from the domestic supporters, and beat young men who were carrying them. In the second case, at Zabljak, two inspectors stopped citizen Dragan Djokovic and took away his miniature Serbian tricolor flag, which was in his car, explaining that this was a flag of a foreign country and cannot be put out in Montenegro. Mandic pointed out that it was a flag of the Serbian Orthodox Church, but that there was no reason for the police to do this, even if it was the Serbian flag. He added that such practice is not exercised on the members of other nationalities in Montenegro.

The Police Directorate informed the Initiative that the flag at the football match was taken away because it was put on a wooden pole, which represents an object which could put the safety of the sportsmen in danger, while citizen Dragan Djokovic's flag, according to the findings of the misdemeanor judge, was taken away because in this specific case it could be related with the misdemeanor from article 19 of the Law on public peace and order.<sup>214</sup>

The Regional Misdemeanor Organ in Zabljak replied to the Initiative that the Police Directorate, Zabljak department, had not filed a request against Dragan Djokovic to this organ for starting a misdemeanor process for the misdemeanor in Article 19 of the Law on

<sup>209</sup> Reply of the Min Court in Zabljak based on the request for free access to information, is in the records of the Initiative

<sup>210</sup> VIJESTI, *Policeman detained an MP for half an hour*, 04 July 2008

<sup>211</sup> *Ibid*

<sup>212</sup> Reply of the Police Directorate based on the request for free access to information, from 24 September 2008, is in the records of the Initiative

<sup>213</sup> DAN, *Police beating because of the tricolor flag*, 16 July 2008

<sup>214</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>212</sup>

public peace and order on the basis of improper hoisting of a flag.<sup>215</sup> The reply states that the officers of the Zabljak department on 17 July informed the judge that Dragan's flag was taken away, not a small flag. They added: "Therefore the small flag in question was not taken away after the Police Directorate had consulted the judge of this Regional organ".<sup>216</sup>

**20 July 2008** – Nedjeljko Bozovic from the village Zagore nearby Cetinje, as stated by the "Dan" daily newspaper on 22 July 2008, accused five officers of brutally beating him in Dodosi during the "River games".<sup>217</sup> He stated for "Dan" that he was participating in a contest with his team, and after the match started towards his car to take some money to buy food. At that moment he heard shots and someone yelling to run away. He stated that he panicked, so he started running. The policemen soon caught up with him and started beating him with truncheons, hands and feet all over his body. The specialist doctor recorded injuries of the head and extremities.

The Police Directorate stated in an announcement that during the arrest of a wanted person, a certain number of people interfered with the arrest of this person.<sup>218</sup> Nedjeljko Boskovic was among those people. While the officers were trying to arrest him, he fell and hurt himself. The Police stated that they would file a misdemeanor complaint against Nedjeljko for the misdemeanor from Article 11 of the Law on public peace and order.

The Internal Control, after an investigation, concluded that the complaint filed by Nedjeljko was unfounded.<sup>219</sup>

**3 August 2008** – The Investigative judge of the Bijelo Polje High Court Arif Spahic reached a decision of starting an investigation and ordered the detainment of up to 30 days for Sokol H Prelic from Tutin, on the suspicion that he had committed the criminal act of "unauthorized production, possession, and selling of illegal drugs". Muneber Kuc, the lawyer of the accused, stated for the "Vijesti" daily that Prelic defended himself by silence because the police had beaten him up upon arrest, and his physical condition did not allow him to defend himself. As "Vijesti" report, Prelic did not get any food for two days at the police station. The Initiative has no information on whether the Police Directorate investigated the allegations of Prelic's lawyer.<sup>220</sup>

**20 August 2008** – Veselin Drobnjak from Pljevlja accused officer V.D. from the same town that he abused him physically, the daily newspaper "Dan" reported on 22 August 2008.<sup>221</sup>

Drobnjak stated for "Dan" that when he was in a store not far away from where he lived, V.D, who was wearing civilian clothing, asked him several times if the car parked

<sup>215</sup> Reply of the Regional Misdemeanor Organ in Zabljak, based on the request for free access to information, from 06 October 2008, is in the records of the Initiative

<sup>216</sup> *Ibid*

<sup>217</sup> DAN, *In a football team under a false name*, 22 July 2008

<sup>218</sup> DAN, *Arrested at a sports manifestation*, 21 July 2008

<sup>219</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>212</sup>

<sup>220</sup> VIJESTI, *Four people arrested*, 03 August 2008

<sup>221</sup> DAN, *Bruises as evidence*, 22 August 2008

in front of the store was his. Veselin kept repeating that it wasn't. After several negative answers, the person in civilian clothing, for whom Veselin later found out was officer V.D, put him in the car. Veselin points out that in the car he was threatened and abused. After some time the officer returned Veselin to the spot where he had picked him up.

After this Veselin went to the police and reported the case, and then he went to the doctor's because he wasn't feeling well.

The police delivered the records on the case to the State Prosecutor, who concluded that there was no elements of a criminal act prosecuted *ex officio*, about which Veselin Drobniak was also informed.<sup>222</sup>

**20 September 2008** – Milos Djuric from Kolasin had on 22 September written to the Police Directorate, the Ministry of Internal Affairs, the Government of the Republic of Montenegro, the President of Montenegro and the Protector of Human Rights, where he complained about improper and illegal behaviour of the police officers from the Kolasin outpost.<sup>223</sup> Namely, on 20 September, five police officers came to Djuric's property in two cars, without a reason or a court order. They told Milos Djuric that they had come on the basis of a verbal order from the chief of the Kolasin police outpost, to secure the repair of the long-distance power line by "Elektroprenos", with which Milos has an ongoing court process. Then they asked him to accompany them to the premises of the police in order to give a statement. According to Milos, the police officers did not have a court order and were behaving improperly.

The Police Internal Control Department, after an investigation and based on insight into available documentation, concluded that the actions of the authorized police officers of the Kolasin outpost did not contain elements which would point to the existence of disciplinary or other type of responsibility.<sup>224</sup>

**10 October 2008** – Miljan Scepanovic, Miljan Nedovic, Svetolik Todosijevic and Stojan Rubezic claim that they were beaten by the police in Kotor after the fight in the cafe "San Giovanni", the "Dan" daily reported.<sup>225</sup>

After an investigation, the Internal Control concluded that there is reason to suspect that the police officer from the Kotor outpost, through his actions toward Miljan Scepanovic, Miljan Nedovic and Stojan Rubezic, after taking them to the official premises of the Kotor outpost, overstepped official powers because he abused them by hitting them with his fists on their heads and inflicted physical injuries on them. The immediate superior was ordered to start a disciplinary procedure against this officer, and the records on the case will be delivered to the Main State Prosecutor in Kotor for evaluation and decision on the existence of criminal responsibility of the police officers in this specific case, the Police Directorate stated in their reply to the Initiative.<sup>226</sup>

<sup>222</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>212</sup>

<sup>223</sup> DAN, *Two patrol cars stop an old man*, 23 September 2008

<sup>224</sup> Reply of the Police Directorate based on the request for free access to information, from 10 November 2008, is in the records of the Initiative

<sup>225</sup> DAN, *A group of young men from Grbalj claims to have been beaten by the police for no reason*, 12 October 2008

<sup>226</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>224</sup>

**16 October 2008** – The Dobrasinovic family from Berane (Gornje Zaoastro) reported on 16 October an incident which occurred in front of their house in Gornje Zaoastro. On that day, four officers of the Berane Regional Unit, by order of the Main Court in Berane, had the task of apprehending Vujadin Dobrasinovic for the criminal act of “illegal forest felling”.<sup>227</sup>

The Dobrasinovic family accused the police officers of not behaving in accordance with the law. They pointed out that the police officers acted contrary to police ethics, that they threatened their underaged children and used firearms.

The Internal Control Unit, after an investigation of the complaint filed by Sonja Dobrasinovic, Vujadin’s wife, concluded that it was unfounded and that the police officers were acting in accordance with the law. The firearm was used after several warnings directed at Vujadin, who was a fugitive, to stop, and only then was one shot was fired into the air, the reply to the Initiative states.<sup>228</sup>

Sonja Dobrasinovic filed a criminal complaint against the officers for the criminal act of “abuse of official position” to the appropriate state prosecutor, who requested additional information on the case from the police.<sup>229</sup>

The police filed a criminal complaint against Sonja on the suspicion of committing the criminal act of “disturbing an officer in performing official duty”. The case against her is in its investigative phase at the Main Court in Berane, the Police Directorate stated.<sup>230</sup>

The Main State Prosecutor in Berane is investigating the accusations of Dobrasinovic against the police.

**28 October 2008** – Marija Vujacic from Podgorica delivered a written statement to the “Dan” daily newspaper, in which she described how the police officers of the Podgorica Regional unit abused her on the premises of the police. She stated that the police apprehended her in the street, and kept her for more than five hours. The motive for the arrest was that she was a friend of Aleksandar Pejvanovic who, as well as Sasa Ristic, was wanted by the police on the suspicion of “violent behaviour” at the opposition protest. Marija pointed out that the policemen harassed her, that one of them pushed the chair which she was sitting in and made her fall down, and that the inspectors forced her to sign two papers, without letting her call a lawyer.<sup>231</sup>

The Police Directorate denied the allegations made by Marija and stated that the police officers treated her in accordance with the law.<sup>232</sup>

The Initiative does not have any information on whether Marija filed criminal complaints to the appropriate prosecutor against the police officers.

<sup>227</sup> DAN, *Political torture*, 22 October 2008

<sup>228</sup> Reply of the Police Directorate based on the request for free access to information, from 21 November 2008, is in the records of the Initiative

<sup>229</sup> *Ibid*

<sup>230</sup> *Ibid*

<sup>231</sup> DAN, *Complaint of harassment*, 31 October 2008

<sup>232</sup> Copy of the statement issued by the Police Directorate about the Vujacic case is in the records of the Initiative



**16 December 2008** – H.M, a minor from Rozaje, claimed for “Vijesti“ that officer Damir Balota had beaten him up.<sup>233</sup> The police stated that officer Balota was the victim of the beatings. The incident occurred on the premises of Rozaje police. H.M stated for “Vijesti“ that officer Balota had apprehended him in a cafe and took him to the Rozaje police station, and that at the time he wasn’t wearing a uniform, nor was he on duty. The legal representative of the underage H.M. announced that he would file a criminal complaint against officer Balota.

**30 December 2008** – Zarko Boricic from Podgorica stated for the “Dan“ daily newspaper that he was beaten by several police officers.<sup>234</sup> The incident occurred on the main road from Ribarevine to Berane. Zarko was driving to Berane in a Volkswagen “Golf“, when the officer of the intervention unit Veselin Scekcic and ex-officer Goran Nisavic, who were driving a Mercedes, chased him and blocked the road in front of him. Zarko stated that then the two of them attacked him and one of them hit him with his hand on the head, and the other one broke his windshield with a metal rod. “Dan“ reports that the Bijelo Polje Regional Unit denied the allegations made by Boricic of a physical attack. The case will be processed by the prosecution.

### III Cases registered by the Police Directorate

The Police Directorate had, during the first ten months of 2008, registered 28 cases of civilians complaining about police officers overstepping their powers in the use of coercive means.<sup>235</sup> After the investigations by the Department for internal control and use of power, 14 complaints were estimated as founded. We list 13 cases we received from the Police Directorate, which the Initiative hadn’t registered in a different way.

- Docic Kata from Ulcinj filed a complaint to the chief of the Ulcinj police outpost against officers who used unnecessary coercive means on her son Victor. By investigating the allegations the complaint was found to be based on the truth, and a proposition was made to start a disciplinary procedure against police officers Karastanovic Emil and Durovic Bido, for committing severe disciplinary violations from Article 56 line 3 point 4 of the Law on state officers and employees.

- Streharski Tomislav from Niksic filed a complaint to the chief of Police Directorate on the actions of the officers from the Niksic Regional Unit during arrest, and use of force on his son Miodrag on 14 January 2008. The investigation did not establish the facts which would point to the specific disciplinary responsibility of the police officers. Therefore the complaint was estimated as unfounded, but because of the contradictory testimonies, it was suggested that the records be delivered to the Main State Prosecutor in Niksic.

<sup>233</sup> VIJESTI, *Both claim to have been beaten*, 20 December 2008

<sup>234</sup> DAN, *Officer accused of beating a civilian*, 06 January 2009

<sup>235</sup> Reply of the Police Directorate based on the request for free access to information, from 25 November 2008, is in the records of the Initiative

- Rasovic Nenad from Podgorica filed a criminal complaint to the Operative-communication center of the Police Directorate for the actions of the Floating unit on 27 February 2008, claiming that he was hit by one of the officers. After the investigation the complaint was estimated as unfounded, i.e. the facts which would point to disciplinary responsibility of the officers were not established, but it was suggested that the records on the case be delivered to the Main State Prosecutor in Podgorica, for establishing possible criminal responsibility of the officers.

- The Council for civil control of police work presented a complaint by Janko Babic, in which he claims to have been tortured by police officers of the Podgorica Regional Unit in the night between 14 and 15 January 2008.

The investigation of the allegations made in the complaint could not with certainty establish its being founded or not, so a suggestion was made that the records on the case be delivered to the Main State Prosecutor in Podgorica, and Babic himself has filed a criminal complaint against the officers.

- Bojan Konatar from Bijelo Polje delivered to the Operational-Communication Center of the Police Directorate a complaint against the Operational-Communication Center Bijelo Polje Regional Unit, in which he claims that an officer beat him while he was giving a statement about his argument with citizen Juskovic Bojan.

During the investigation no facts or evidence were found which would confirm the allegations in the complaint. The complaint was estimated as unfounded.

- Kosta Badnjar from Zabljak delivered to the Operational-Communication Center of the Police Directorate a complaint against traffic police officer of the Zabljak outpost, when a police officer allegedly physically attacked him. During the investigation no facts or evidence were found which would confirm the allegations in the complaint. The complaint was estimated as unfounded.

- The Human Rights and Freedoms researcher Aleksandar Zekovic came with the request to re-examine the behaviour of the police toward the citizen of Roma nationality at the train station in Podgorica: the alleged physical abuse of young Elvis Gasi who is a beggar and can often be seen at the train station under the influence of alcohol.

During the investigation no facts or evidence were found which would confirm the allegations in the complaint. The complaint was estimated as unfounded.

- Ljubinka Milosevic from Berane turned to the chief of Police Directorate with a complaint against the actions of police officers for traffic control and safety unit of the Berane Regional Unit. On that occasion, her son recieved physical injuries because of the use of excessive force.

By investigating the allegations, the complaint was determined to be unfounded.

- The immediate superior suggested to the disciplinary prosecutor to start a disciplinary process for severe disciplinary violations against officers Folic Vasko and Spahic Bisim. The records on the case have been delivered to the Main State Prosecutor in Berane, for evaluation on the existence of elements of criminal responsibility.

- Nikola Drakulovic from Tivat delivered to the chief of Police Directorate a complaint against the actions of police officers from the Kotor outpost (Popovic Milan, Milovic Ljubo and Mijajlovic Milan), for using unnecessary measures and actions on his cousins Drakulovic Predrag, Aleksandar and Bosko.

During the investigation no facts or evidence were found which would confirm the allegations in the complaint. The complaint was estimated as unfounded.

- Lawyer Sonja Mazibrada from Bar delivered a complaint against police officers of the Bar Regional Unit Corovic Emir, Medojevic Rajko, Raicevic Ivica and Dzanic Zeljko. She simultaneously filed criminal complaints against them for "abuse and torture" from Article 167 line 3 in connection with line 1 of the Montenegro Criminal Law, because they had, on 3 July 2008, in Bar outside of the Health center, used coercive means on Mazibrada Vladimir, Spahic Djordje, Spahic Gavrilo and Mazibrada Milos.

The Internal Control Unit has, upon request by the Main State Prosecutor in Bar, delivered the records on the case to this prosecution.

After the estimate of the prosecution and establishing criminal responsibility, the disciplinary responsibility of these officers will be determined.

- Lawyer Darko Hajdukovic, authorized by Ranko and Dalibor Bujsic, filed a complaint to the Police Directorate chief against unknown officers of the traffic police, who used coercive means on the Bujsic's in the night between 24 and 25 June 2008, on a section of the main road nearby Zlatica.

After an investigation, the complaint was determined to be founded. For committing severe disciplinary violations, a disciplinary procedure was started against two officers of the Police department for traffic safety (Pejovic Sasa and Cetkovic Marko).

The records on the case have been delivered to the Main State Prosecutor in Podgorica for evaluation and decision on the existence of elements of criminal responsibility.

The Council for civil control concluded at the meeting held on 20 November that the police officers had overstepped their powers and violated the rights of the Bujsic's.<sup>236</sup>

<sup>236</sup> Copy of the conclusion made at the meeting of the Council for civil control of police work, from 20 November 2008, is in the records of the Initiative

- Murat Grbovic from Bar filed a complaint against the police officers from the Criminal department of the Bar Regional Unit - Colovic, Markovic and one unknown officer, for inflicting severe physical injuries on his son Grbovic Dino between 3 and 4 November 2008 in Bar, when he was taken in for an informative interview and detained for committing the criminal act of theft.

During the investigation no facts or evidence were found which would confirm the allegations in the complaint. The complaint was estimated as unfounded.

- Medzid Omerovic from Bijelo Polje filed a complaint against officer Dragan Medenica from the Bijelo Polje Police outpost, for arresting and abusing his son Sucro on the premises of the Bijelo Polje Regional Unit

The complaint was determined to be founded, and the investigation showed that the chief of the Bijelo Polje Unit had already initiated the start of a disciplinary procedure against Medenica, while his possible criminal responsibility will be determined through the criminal complaint filed to the appropriate prosecutor by the Omerovic's.<sup>237</sup>

### Incidents in the Institution for criminal sanctions

In 2008 the researchers of the Initiative recorded three incidents in which the citizens complained about the actions of the officers from the Institution for carrying out criminal sanctions of Montenegro (ZIKS).

We list the cases chronologically:

**19 March 2008** – V.B. from Podgorica reported to the Initiative that his son who is in prison at Spuz is being tortured by other prisoners, in which the guards themselves are indirectly involved.<sup>238</sup> Namely, the guards found out that his son M.B. and some other prisoners are using marijuana.<sup>239</sup> M.B. confessed how they got it and who from.<sup>240</sup> He told his father that they had been getting marijuana through the son of one of the security offices. From that time the miseries of his son started. He was transferred to a cell where the other prisoners were beating him every day.<sup>241</sup> The spokesperson of ZIKS Marija Jovic informed the researcher of the Initiative that they intervened quickly and talked to prisoner M.B. who said that no one was beating or harassing him, but that he wanted to be alone in the cell.<sup>242</sup> Jovic also confirmed that M.B. has no visible injuries, and that they will follow

<sup>237</sup> Reply of the Police Directorate based on the request for free access to information, vidi gore pod <sup>235</sup> (*Svi slučajevi navedeni iz ovog dokumenta*)

<sup>238</sup> Incident Report, from 20 March 2008 is in the records of the Initiative

<sup>239</sup> *Ibid*

<sup>240</sup> *Ibid*

<sup>241</sup> *Ibid*

<sup>242</sup> *Ibid*

the case. In case they see any irregularities in the actions towards M.B, they will give him complete protection.<sup>243</sup>

**19 March 2008** – Milos Mugosa from Podgorica stated that the guards at the Spuz investigative prison had brutally beaten his brother Zoran.<sup>244</sup> Mugosa said that his brother and two other prisoners were beaten by the policemen allegedly because during a search of their cell mobile phones were found. Mugosa informed the Ombudsman Sefik Crnovrsanin and the Human Rights Violations researcher Aleksandar Zekovic about this incident.<sup>245</sup>

**13 September 2008** – Two non-governmental organizations, the Women’s Safe House and Human Rights Action from Podgorica, issued an announcement on 17 September 2009 which states that while she was at the investigative prison in Spuz, the human rights of Vladana Kljajic were violated.<sup>246</sup> Namely, Milena Kljajic, Vladana’s mother, filed a criminal complaint against the officers of ZIKS for inflicting severe physical injuries on Vladana.<sup>247</sup> The director of the Women’s Safe House Ljiljana Raicevic stated that she had personally seen that Vladana Kljajic is in bruises, that she has difficulty speaking, feels pain in her kidneys and has blood in her urin.<sup>248</sup> The announcement also states that Raicevic has sent a letter to the High Court president Ivica Stankovic, in which she demands urgent and independent medical evaluation of her state, as well as proper treatment.<sup>249</sup>

The investigative judge in Podgorica Radomir Ivanovic talked to Vladana and ordered a special medical examination which would be performed by expert dr Dragana Cukic.<sup>250</sup>

This incident was reported to the office of the Protector of human rights, whose deputy Mirjana Lakovic visited ZIKS, talked to Vladana, the head of ZIKS, and one of the officers who were involved in the incident. The Protector’s office will follow through on the case in the appropriate state organs.<sup>251</sup>

The management of ZIKS stated that Kljajic had, while giving a report on a disciplinary violation in the office of the head of the Podgorica prison, physically attacked an officer, and on that occasion inflicted severe injuries to the face of the officer of ZIKS.<sup>252</sup> In order to stop her from inflicting more injuries, the officers of ZIKS used physical force in accordance with the law.<sup>253</sup> It is further stated that ZIKS had on 8 September filed a criminal

<sup>243</sup> *Ibid*

<sup>244</sup> VIJESTI, *Beaten because of a mobile phone*, 20 March 2008

<sup>245</sup> VIJESTI, *Family turns to Crnovrsanin and Zekovic*, 21 March 2008

<sup>246</sup> Copy of the announcement of the Women’s Safe House and Human Rights Action, from 17 September 2008, is in the records of the Initiative

<sup>247</sup> *Ibid*

<sup>248</sup> *Ibid*

<sup>249</sup> *Ibid*

<sup>250</sup> VIJESTI, *New examination by dr Cukic*, 24 September 2008

<sup>251</sup> Reply of the Protector of Human Rights and Freedoms (Ombudsman) based on the request for free access to information, from 23 September 2008, is in the records of the Initiative

<sup>252</sup> VIJESTI, *There was no torture*, 19 September 2008

<sup>253</sup> *Ibid*

complaint against Kljajic to the Main State Prosecutor for assaulting an officer and inflicting serious physical injuries.<sup>254</sup>

The Main State Prosecutor in Podgorica informed the Initiative that on 29 September 2008, acting on the criminal complaint by the Police Directorate of the Danilovgrad outpost, he had delivered the investigative judge of the Danilovgrad Main Court a suggestion for starting investigative actions against two officers of ZIKS for the criminal act of “minor physical injury” inflicted on prisoner Kljajic.<sup>255</sup>

The process in the Main Court in Danilovgrad is in progress.<sup>256</sup>

## Conclusions

In Montenegro during 2008, 51 cases of police torture were recorded, as well as three cases at the Institution for carrying out criminal sanctions of Montenegro. Such a large number of cases is disturbing, because during 2007 the Initiative recorded 24 cases in which the citizens complained about the actions of police officers. According to the data of the Initiative, none of the cases from 2007 have had their epilogue in court. When it comes to cases from 2008, based on our data and the data of other organizations which represent the victims of torture, so far only one sentence has been passed, and it is not legally binding. The most common form of torture happens while apprehending the suspects, but there are cases where it happened on the premises of the police station.

The authorized institutions do not conduct urgent and efficient investigations which would lead to punishment in court. The sanctions delivered by the internal organs are mild and do not prevent torture. The authorized institutions do not sanction officers which do not react nor stop the torture, nor do they consider them as accomplices.

There are cases where the citizens did not exercise their right to a legal representative, telephone call or doctor's examination by their own choice and without the presence of police officers. In some cases the citizens complained about the doctors' treatment of them, and pointed out that the officers exerted pressure on the medical staff, with the aim of diminishing the scope of the injuries. One criminal complaint against a doctor was filed.

Torture is often explained through the victims of torture being accused of interfering with the work of an officer. In this way, the police are not contributing to suppressing this occurrence, but are protecting the bullies and trying to justify the use of force.

Unprofessional and unacceptable behaviour of police officers towards journalists has been recorded.

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<sup>254</sup> *Ibid*

<sup>255</sup> Reply of the Main State Prosecution in Podgorica, based on the request for free access to information, from 13 November 2008, is in the records of the Initiative

<sup>256</sup> *Ibid*

A large number of assaults of citizens on police officers has been recorded. A total of 42 officers have been injured. In some cases the officers treated the citizens they suspected to have hurt their colleagues repressively.

In the incident which occurred in ZIKS the qualification of the criminal act is not “abuse and torture“, but “inflicting minor physical injury“, which is not in accordance with the accusations made by Vladana Kljajic.

## Recommendations

The authorized organs must conduct urgent, efficient and effective investigations which would lead to court prosecution and punishing of the torturers. Every reported case must be investigated in accordance with the law. On one hand, the sanctions on police officers must be sharp and public, and on the other hand the citizens who attack officers must take responsibility in accordance with the law. This would contribute to surpressing torture. The possibility of intensifying sanctions for assault on an officer should be analysed.

The state must form minimal standards for the prevention of torture. Every apprehended person, whether for an informative interview, or on the suspicion of committing a criminal act, must from the start have the right to a legal representative, telephone call, choice of doctor and an examination without the presence of officers in the immediate surroundings.

The Government of Montenegro and the Ministry of internal affairs and public management must introduce additional programs of education for police officers on the legal prohibition of torture, with an emphasis on recognizing torture in the actions of colleagues, its prevention and processing. The Government should also invest more efforts into the education of citizens on their rights in contact with the police. The citizens must know which actions of the officers are in accordance with the law, and which are not.

Police officers do not have a legal basis to punish citizens, even in cases when the citizens are suspected of attacking police officers, because in this way the legal order of Montenegro becomes meaningless. Investigations of reported cases must also include police officers who did not react and stop their colleagues. On the other hand, those officers who do react, stop and report their colleagues for torture or other illegal actions towards citizens, must be rewarded by the Police Directorate.

The treatment of journalists by the police officers is worrying. The state must protect and secure unobstructed work of journalists in critical situations.





## II Politically motivated violence

From January to December 2008 the Youth Initiative for Human Rights has recorded several cases of politically motivated violence in Montenegro. According to the research of the Initiative, during 2008 an increasing amount of pressure was exerted on journalists and the media. The pressure on the freedom of speech showed mostly through lawsuits, verdicts, high monetary fines, physical threats and attacks. Since the beginning of the year three verdicts have been passed on journalists and the media for causing the prosecutors emotional pain, and one lawsuit has been filed. The incidents recorded by the Initiative are divided into three groups: incidents in connection with the presidential elections campaign, politically motivated incidents, and violence towards journalists in Montenegro.

### I Pre-election campaign and the elections

The presidential elections in Montenegro were held on 6 April 2008. According to the reports of the International Election Observation Mission, nearly all the segments of the election process were in accordance with the OEBS rules and the standards of the Council of Europe.

“The election campaign took place in peaceful atmosphere. The candidates lead an active campaign, focusing on fundamental political issues. The fundamental right to freedom of movement and gathering was obeyed, and all candidates could conduct their campaigns freely. The registration of four candidates offered the electoral body an authentic choice“, the report stated.<sup>257</sup>

However, before, during and after the election campaign, the analysts of the Initiative registered several smaller incidents, which did not influence the total regularity of the elections.

28 February 2008, nearby the premises of the Serbian Radical Party in Podgorica around 9PM, during the singing of the choir of the u “Branko“ culture art society, tear gas was thrown. Around forty people were on the premises, mostly children. According to the findings of the Initiative, the members of the choir were also showered by stones on

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<sup>257</sup> International Election Observation Mission, Republic of Montenegro – Presidential elections, 6 April 2008, available at the website: [www.osce.org/item/30565.html?lc=ME](http://www.osce.org/item/30565.html?lc=ME), visited on 19 January 2009

several occasions, however those cases were not reported to the police.<sup>258</sup> According to the document sent to the Initiative by the Police Directorate on 12 May 2008, an investigation was conducted, but no evidence or clues were found.<sup>259</sup> “Through the measures used so far, it has not been established that tear gas was used, or who the perpetrator might be“, the document states.<sup>260</sup>

“It is no accident that tear gas was thrown on our premises, and it is no accident that it happened while the choir was rehearsing. The choir sings Serbian songs, and someone obviously has a problem with that. Either that, or the person or persons thought that there was a session of the municipal board at the time, because twenty or so cars were parked outside. “Branko“ is a Serbian singing society which we revived last year, and they rehearse in our headquarters. I don’t believe the police will find the perpetrators of this act. I have no trust in the state institutions, especially in the police, or that they will find who did this. Not because they are incompetent, but because someone doesn’t want it to be found out. We will wait for three or four days more and if they don’t succeed we will ask the police to secure the premises when the choir is rehearsing, because we are a registered organization and have the right to ask for the protection of the state“,<sup>261</sup> Valdimir Vukovic, the president of the municipal board of the Serbian Radical Party stated.

29 February 2008 unknown persons had thrown a Molotov cocktail on the premises of the Fire department (eastern section) in Golubovci around 9PM, previously having locked the door from the outside.<sup>262</sup> At that moment several activists of the Democratic Party of Socialists were present. Two persons received burns in the fire.<sup>263</sup> According to the document sent to the Initiative by the Police Directorate on 12 May 2008, the motives of this crime is unknown.<sup>264</sup>

18-19 March 2008, during the night the Serbian tricolor flags were taken down from the office of the Serbian People’s Party in Danilovgrad.<sup>265</sup> “To us, this is a hooligan act and an attack on the Serbian people and the Serbian People’s Party in this municipality“, the president of the municipal board of the Serbian People’s Party Danilovgrad, Pero Radonjic, stated.<sup>266</sup> The Police Directorate informed the Initiative that the taking down of the flags was not reported to the Danilovgrad outpost.<sup>267</sup>

<sup>258</sup> Incident Report, from 2 March 2008, is in the records of the Initiative number 02/08

<sup>259</sup> Reply of the Police Directorate based on the request for free access to information, from 12 May 2008, is in the records of the Initiative

<sup>260</sup> *Ibid*

<sup>261</sup> Incident Report, see <sup>258</sup>

<sup>262</sup> Incident Report, from 18 April 2008, is in the records of the Initiative number 06/08

<sup>263</sup> Raicevic Dragoslav and Vucinic Ranko received injuries of the legs

<sup>264</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>259</sup>

<sup>265</sup> VIJESTI, *Radonjic: Continuation of anti-Serbian hysteria*, 21 March 2008

<sup>266</sup> *Ibid*

<sup>267</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>259</sup>

1 April 2008 during a relatively peaceful election campaign, an incident occurred in Cetinje between the manager of the hotel “Grand“ and the supporters of the Serbian List.<sup>268</sup> The incident occurred when the supporters wanted to hold a promotional meeting in the hotel hall, which was not allowed by the executive manager of the “Grand“ hotel Dragan Raznatovic, who explained that the gathering was not reported to the appropriate organs.<sup>269</sup> “As long as I am alive and the manager of this hotel you will not have a meeting here, let Mandic go to Pec to organize meetings“, Raznatovic stated.<sup>270</sup> When he did not allow the meeting to be held on the plateau outside of the hotel either, several supporters of the Serbian List attacked him.<sup>271</sup> After several smaller incidents Mandic gave up the meeting, and left Cetinje along with his supporters.<sup>272</sup> The journalist of TV Montenegro who was present at the time stated that several supporters of the Serbian List tried to stop the TV crew from filming.<sup>273</sup> This incident was described differently in different media. While some condemned the Serbian People’s Party, others criticized the management of the hotel and blamed them for the incident.

During the presidential campaign unknown perpetrators had damaged several billboards of the presidential candidates in several towns in Montenegro. The Police Directorate informed the Initiative that those incidents were not reported, and the police did not attempt to identify the persons who damaged the billboards.<sup>274</sup>

At the promotional meeting in Bijelo Polje the vice-president of the Democratic Party of Socialists Svetozar Marovic compared his political opponent Nebojsa Medojevic to “an evil woman“ who flies on a broom. Organizations which deal with the equality of women reacted stating that Marovic used “misogyny and discrimination of women as arguments in political actions.“<sup>275</sup>

On election day, 6 April, at election spot number 18 in Andrijevica, when the counting of the votes started, the car of Igor Lalic, the observer from the Democratic Party of Socialists, burned. Under the car, which was parked about ten meters from the election spot, a wooden torch was found.<sup>276</sup> The Police Directorate replied to the Initiative that they are working on finding the perpetrators.<sup>277</sup>

<sup>268</sup> DAN, *Andrija Mandic attacked*, p. 3, 02 April 2008

<sup>269</sup> *Ibid*

<sup>270</sup> VIJESTI, *Raznatovic: Let Mandic go to Pec to organize meetings*, p. 2, 2 April 2008

<sup>271</sup> *Ibid*

<sup>272</sup> *Ibid*

<sup>273</sup> Radio Free Europe: *Tempestuous finish of the election campaign*, 2 April 2008, available at the website: <http://www.slobodnaevropa.org/content/Article/1050372.html>, visited on 22 December 2008

<sup>274</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>259</sup>

<sup>275</sup> Vijesti daily newspaper, *Hate speech of a fighter for peace*, 18 March 2008

<sup>276</sup> *A car burned in Andrijevica*, DAN, 7 April 2008.

<sup>277</sup> Reply of the Police Directorate based on the request for free access to information, see <sup>259</sup>

During the night of 8 April the Albanian flag was taken down from the pole outside of the headquarters of the Democratic Union in Tuzi, and the pole it was hoisted on was broken.<sup>278</sup>

President of the Democratic Union for Malesiju Nikolla Camaj stated that the Albanian flag has been the target of the vandals in Tuzi for the third time.<sup>279</sup>

Several opposition parties accused the Democratic Party of Socialists during the election campaign of buying identification documents from citizens. The Socialist People's Party filed criminal complaints on 22 April 2008 against two presidents of election boards in Dinosa for enabling unknown persons to vote instead of the 14 persons who were not in Montenegro on that day.<sup>280</sup> The Socialist People's Party had also filed a criminal complaint against the election board president in Donje Zatrijepce on the suspicion that he had committed the criminal act of abuse of right to vote in the elections on 6 April, because he enabled an unknown person to vote instead of two other voters.<sup>281</sup>

The Movement for Changes filed criminal complaints against two activists of the Democratic Party of Socialists, with the demand to start a procedure for buying personal documents<sup>282</sup>. The Democratic Party of Socialists rejected the accusations of the Movement for Changes of the alleged buying of personal documents as unfounded.<sup>283</sup>

## II Politically motivated incidents

After the declaration of the independence of Kosovo, on 17 February 2008, pro-Serbian parties in Montenegro organized protests which lasted for days. Highschool students in several towns in Montenegro protested for several days using hate speech on the streets of Podgorica and other towns in Montenegro.<sup>284</sup>

On 6 May 2008 activist Milorad Mitrovic was beaten in Herceg Novi around 9PM because of an argument in traffic. Namely, Mitrovic's brother was driving, when a jeep with Novi Sad licence plates blocked the road, and the man from the jeep came out and started hitting him. The first blow broke his glasses, and then his supraorbital region and face were also hurt. From the blows he received Mitrovic had a concussion, injuries to the head,

<sup>278</sup> *Albanian flag stolen*, PCNEN, available at the website: [http://pcnen.com/detail.php?module=2&news\\_id=29062](http://pcnen.com/detail.php?module=2&news_id=29062), visited on 19 January 2009

<sup>279</sup> *Ibid*

<sup>280</sup> *Socialists People's Party files criminal charges for abuse of electoral right*, DAN, 23 April 2008.

<sup>281</sup> *Criminal complaint against Cacevic*, DAN, 8 May 2008.

<sup>282</sup> *Criminal complaints against the activists of the Democratic Party of Socialists*, DAN, 22 March 2008.

<sup>283</sup> *Ibid*

<sup>284</sup> Radio Free Europe, *Political manipulation of the minors*, 20 February 2008, available at the website: <http://www.slobodnaevropa.org/content/Article/1022720.html>, visited on 14 December 2008

hands and sides.<sup>285</sup> Mitrovic stated for “Vijesti” that he considers this to be a direct attack and the continuation of the torture he has been taking for years.<sup>286</sup> (2007)<sup>287</sup>

On 7 May 2008 the professor at the Montenegro University dr Milan Popovic recieved an anonymous letter in which several personal and professional insults were stated, and which states that he should be banned from working at the University.<sup>288</sup> Popovic found the letter which was typed on a typewriter on his working table in his office.<sup>289</sup> Professor Popovic did not report the case to the police because, as he said, he did not see any violent threats in the letter. The Prime Minister of Montenegro Milo Djukanovic stated that he had no comment to this.<sup>290</sup> “There isn’t a day that passes by that I don’t receive letters like that. I don’t turn to the Security council, nor do I request NATO troops to protect me from it”, Djukanovic stated.<sup>291</sup> “In the background of this letter is the protest of 19 intellectuals and public condemning of the fact that the League of Humanists gave peace prizes to Milo Djukanovic and Svetozar Marovic. We pointed out their war past and requested facing the past. More than a half of the signatories then had unpleasant experiences in the form of a metal rod, a lawsuit or something else, I personally received a threatening letter full of insults. Behind those attacks are those who do not like facing the past. Our struggle for the process of facing the past is the only motive behind all these attacks”, Popovic told the researcher of the Initiative.<sup>292</sup>

### The DAN case

For more than a year,<sup>293</sup> the journalists of the “Dan” daily newspaper have been denied access to the matches of the football team of Montenegro.<sup>294</sup> The editor of the sports section Veselin Drljevic told the researcher of the Initiative that the problems with gaining access to the matches started when Dejan Savicevic, the President of the Montenegro Football Association (FSCG) “appointed a federal referee only for political reasons”.<sup>295</sup> After this, the sports section of “Dan” often criticized the president of FSCG in the media, and Drljevic believes this to be the reason for the not allowing them to cover the matches of the national team

<sup>285</sup> Doctor’s report delivered to the researcher by Mitrovic, is in the archives of the Initiative

<sup>286</sup> *With fists on Mitrovic*, Vijesti, 7 May 2008

<sup>287</sup> The Mitrovic case is described in the Initiative’s report “*Human Rights in Montenegro 2007*”

<sup>288</sup> Copy of the letter is in the records of the Initiative, br. 09/08

<sup>289</sup> Incident Report, from 02 June 2008, is in the records of the Initiative, number 09/08

<sup>290</sup> *They write to me too, but I don’t call NATO to defend me*, Vijesti, 16 May 2008

<sup>291</sup> *Ibid*

<sup>292</sup> Incident Report, from 2 June 2008 is in the records of the Initiative, number 09/08

<sup>293</sup> FSCG does not give accreditations to journalists of Dan to cover football matches of the national team from 24 March 2007, when the teams of Montenegro and Hungary met.

<sup>294</sup> Denying the journalists of Dan the right to cover the matches of the Montenegro national team lasts from 24 March 2007

<sup>295</sup> Incident Report, from 9 May 2008 is in the records of the Initiative, number 07/08

The Initiative had on 9 May 2008, based on the law on free access to information, requested from the Montenegro Football Association the reasons why the journalists of “Dan“ are not allowed to report on the matches of the national team. On 12 May 2008, FSCG replied to the Initiative that “Dan“ did not obey the Munich Declaration of the European Community on the duties and obligations of journalists.



Fudbalski savez Crne Gore | *Football Association of Montenegro*

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 Tel: + 382 (0) 20 445 600; Tel: + 382 (0) 20 445 601 | Fax: + 382 (0) 20 445 660  
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**YIHR**  
 (Youth Initiative for  
 Human Rights)

Podgorica, 09.05.2008.

Poštovani,

Zadovoljstvo mi je da Vas u ime Fudbalskog saveza Crne Gore informišem o razlozima zbog kojih se novinari sportske redakcije Dnevne novine „Dan“ do sada nisu dobili akreditacije za praćenje fudbalskih utakmica nacionalne selekcije.

Uporište za ovu odluku nalazimo u Minhenskoj deklaraciji o dužnostima i obavezama novinara Evropske zajednice, ustanovljenoj 1931. godine koju, siguran sam, dobro poznajete. Ova deklaracija je, kao što znate, „biblija“ za sve novinare i svako odstupanje od iste ugrožava rejting novinara i dovodi u pitanje profesionalnost njegove medijske kuće.

Sportska redakcija lista „Dan“ je svojim pisanjem o aktivnostima FSCG pogazila najmanje pet od deset članova pomenute Deklaracije o dužnostima novinara, a samim tim i svete dužnosti novinarske struke, i to članove 1 (jedan), 3 (tri), 5 (pet), 6 (šest), 8 (osam). Podsjećanja radi, riječ je o sljedećim obavezama:

- 1) da poštuje **istinu**, ma kakve bile posljedice po njega/nju, zbog prava javnosti da istraži istinu;
- 3) da iznosi samo **činjenice** iz njemu/njoj znanog izvora; **da ne zataškava bitne informacije** i ne mijenja tekstove i dokumenta;
- 5) da **poštuje privatnost** drugih lica;
- 6) da **ispravi** svaku objavljenu informaciju za koju se pokaže da je **netočna**;
- 8) da **teškim povredama profesije** smatra sljedeće: plagiranje, **blaćenje**, **uvredu**, **klevetu** i **neosnovane optužbe**, primanje mita svake vrste, bilo radi objavljivanja ili zataškavanja informacije.

Uz pretpostavku da ste prethodno proučili tekstove sportske redakcije lista “Dan”, vjerovatno ste svjesni argumenata koje sam gore naveo. U slučaju da vam je pomenuta dokumentacija nedostupna (a možete je prelistati i proučiti na relevantnim mjestima), FSCG je spreman da vam pomenute tekstove pošalje na uvid ukoliko je potrebno.

Otvorena, beskrupulozna i nadasve neosnovana serija optužbi na račun FSCG o diskriminaciji među medijima, je samo prikrivanje istine o (ne)profesionalnosti pomenute redakcije, spremne da izmišlja i falsifikuje činjenice, koje sva sportska javnost vidi jednim a oni drugim očima. Uz to, najveći dio (dez)informacija koje se tiču rada saveza, na najbrutalniji način povezuju sa zadiranjem u privatnost pojedinih ljudi iz FSCG. Treba istaći, Fudbalski savez Crne Gore je svojim radom i djelovanjem uvijek bio jedan od lidera u borbi protiv svih vrsta diskriminacije, a koliko cijenimo i branimo slobodu informisanja, komentara i kritike može vam posvjedočiti najveći broj sportskih novinara i redakcija iz Crne Gore i inostranstva.

Novinarima “Dana”, kao i svim medijima u zemlji, uvijek su bila i biće otvorena vrata za praćenje svih aktivnosti FSCG, naravno pod uslovom da poštuju prije svega pravila svoje profesije. Zbog toga se iskreno se naćamo se da će se sportska redakcija ovog lista vratiti profesionalnom i objektivnom novinarstvu, a kada se (ako se) to desi, u Fudbalskom savezu Crne Gore će imati pouzdanog sagovornika.

Srdačan pozdrav,

Podgorica, 09.05.2008. godine



Ivan Radović  
 Portpar FSCG

*Ivan Radović*

“It is unfortunate that there is almost no solidarity between journalists in Montenegro. Since I came into conflict with Dejan Savicevic, through my will and his actions, I was put into a situation where two sides of journalists were created, one which supported the legally elected president of sports journalists i.e. myself, and the other which wishes for Veselin Drljevic not to be the president of the Sports Journalists Association, i.e. those who support Dejan Savicevic. I have been the president of the Sports Journalists Association of Montenegro since 2003. In the elections held last summer I was elected once more for the period of four years, up to 2011. My reporting, i.e. critique is the reason why “Dan“ cannot get accreditations for the matches“, Drljevic told the researcher of the Initiative.

On 16 May 2008 the researcher of the Initiative spoke to the representatives of FSCG. Spokesman Ivan Radovic stated on the occasion that “Dan“ requested accreditations two days before the match between our team and Hungary, and that it was too late.<sup>296</sup>

“Dan“ kept writing false things and went into the privacy of some members of the Association, twisted the truth and never published the denial of their reports. They especially came hard on Dejan Savicevic. They stated in some texts that Dejan Savicevic didn’t have a brain. The aim and policy of our house is to protect the people working in the Association from such writings in the newspapers. And as long as “Dan“ keeps reporting in that way, FSCG will not accredit them“, Radovic stated.<sup>297</sup>

Asanovic Nebojsa, authorized by “Dan“, on 7 April filed a criminal complaint to the Main State Prosecutor against unknown persons from the Montenegro Football Association for “abuse of official position“ as a criminal act in Article 416 of the Criminal Law, in connection with Article 49 of the Criminal Law.

“Dan“ has informed UEFA, FIFA and the International Sports Journalists Association (AIPS) on the case.

### **The Milovac case**

During 2008, the trial of Dejan Milovac, deputy of the executive director of the Network for the Affirmation of NGO Sector (MANS) was continued. Namely, on 1 August 2007, MANS issued a public announcement about the selling of land on Karuc, which had the aim of protecting the citizens of Cetinje.<sup>298</sup> The Mayor of Cetinje Milovan Jankovic is called in the announcement to re-examine his decision to sell the land.<sup>299</sup> On 3 August 2007 Milovan Jankovic filed a criminal complaint against Dejan Milovac, the employee of MANS, for recompensation of damage in the amount of 40.000 Euros for severe words and insults directed at him.<sup>300</sup>

<sup>296</sup> *Ibid*

<sup>297</sup> *Ibid*

<sup>298</sup> Incident Report, from 28 January 2008 is in the records of the Initiative, number 01/08

<sup>299</sup> *Ibid*

<sup>300</sup> *Ibid*

“We haven’t insulted mister Jankovic in any way, except for pointing out the irregularities in selling the land. Whether those irregularities happened because of lack of information, neglect, or intentionally, is not our concern. The citizens of Cetinje have been aggrieved. This lawsuit is identical to the one filed by Milo Djukanovic against the editor of “Vijesti” Zeljko Ivanovic. We have prepared evidence material for each of our claims, and therefore expect the judge to reject Jankovic’s charges against me”, Milovac stated.<sup>301</sup>

At the preparation hearing and the main hearing in April, judge Rankovic accepted the evidence presented by MANS.

“Based only on the offers made, you can see that something is wrong. Namely, they are offers made by three persons which are equal even in the press???, and those offers state their intentions of building tourist capacities and ethno-villages, and according to the valid documentation of that part of the Skadar lake, which is a National park, building is not allowed. This means that he as a mayor he had to have known this, as well as that this property couldn’t be worth only three euros. Everyone knows that you can’t buy land for three euros anywhere in Montenegro, let alone in a National park. Even though he knew this, Jankovic accepted these offers and authorized people from the local self-mangement to sell 26.000 square meters of land for 80.000 euros”, Milovac told the researcher of the Initiative.

MANS has filed a criminal complaint<sup>302</sup> to the Main State Prosecutor and the Police Directorate against Milovan Jankovic, for the abuse of official position and neglecting the duty of overseeing in the function of the president of Cetinje.<sup>303</sup> According to Milovac, the prosecutor still hasn’t done anything about the case.<sup>304</sup> “Even though he was presented with a lot of material and evidence, it would be normal to expect the prosecutor to react, but three months after filing the complaint there is no reaction of the prosecution”, Milovac stated.<sup>305</sup>

“It is a little strange, when you deal with public interest, when you have no personal interest or motive, to live to see a public official who was supposed to be protecting you, regardless of whether he is guilty or not, sue you for daring to speak up. There is that kind of mental pressure, because there are very few organizations and citizens who dare criticize the authorities and the public officials, and only one verdict will be enough for everyone to stop doing this kind of work. Just by requesting a fine of 40.000 euros, it is clear that a non-governmental organization does not have the money to pay it, it is evident that pressure is being exerted, we are being silenced, and a clear message is sent to everyone who delays with corruption and the work of public institutions. They simply want to exert pressure in us, i.e. myself, through this complaint to stop doing what we do, because I was charged

<sup>301</sup> *Ibid*

<sup>302</sup> Criminal complaint filed on 21 September 2007

<sup>303</sup> Incident Report, from 28 January 2008 is in the records of the Initiative, number 01/08

<sup>304</sup> *Ibid*

<sup>305</sup> *Ibid*



personally, and not the organization I belong to and which issued the announcement“, Milovac stated.<sup>306</sup>

17 November 2008 – The premises of the Podgorica board of the Socialist People’s Party in the Nikole Kovacevica No. 4 street, were stoned in the night between 17 and 18 November 2008.<sup>307</sup> The president of the municipal board Velizar Kaludjerovic told the researcher of the Initiative that it is very important to find the perpetrators in order to find out the motives behind this act. “If the perpetrator is not found, there will remain a doubt that this was an attempt of intimidation of the officials and activists of the Socialist People’s Party, with a message which could state – Be quiet, this is your last warning! If you continue as you have done up till now, the next attack could be more severe“, Kaludjerovic stated.<sup>308</sup>

18 November 2008 the car of the former official of the Ministry of internal affairs Slobodan Pejovic, a “Ford“ with licence plate number HN AB569, was demolished in Herceg Novi by an unknown person. The police patrol determined on the spot that the front right window was broken.<sup>309</sup> The police investigated the case because Pejovic suspected this happened because of his testimony on the deportation of Bosnjak from Montenegro in 1992, but they found that there wasn’t a political background in this case. Pejovic’s car had already been damaged twice before this.<sup>310</sup>

Except for the attack on his property, Pejovic had been personally attacked a few times before. The Initiative has researched these cases in 2007.<sup>311</sup>

The Initiative registered attacks on the members of the non-governmental organization Serbian people’s council.<sup>312</sup> Several members of the organization have been threatened over their mobile phones during 2008. Their families were threatened too.<sup>313</sup> Some of them reported the threats to the police.<sup>314</sup> However, the police still haven’t provided them with information on who the persons who threatened them were.<sup>315</sup>

The member of the Serbian People’s Party Gojko Raicevic was threatened from an undisclosed phone number on 4 August 2008.<sup>316</sup> Because of the threats made, it was con-

<sup>306</sup> *Ibid*

<sup>307</sup> Incident Report, from 25 November 2008 is in the records of the Initiative, number 15/08

<sup>308</sup> *Ibid*

<sup>309</sup> Copy of the reply of the Police Directorate, from 21 November 2008, delivered to researcher Aleksandar Sasi Zekovic, number 051/08-40612/2, is in the records of the Initiative

<sup>310</sup> *Ibid*

<sup>311</sup> *Human Rights in Montenegro 2007*, annual report of the Youth Initiative for Human Rights

<sup>312</sup> Incident Report from 02 August 2008 is in the records of the Initiative, number 13/08

<sup>313</sup> *Ibid*

<sup>314</sup> Copy of the complaint by Radislav Karadzic is in the records of the Initiative

<sup>315</sup> *Ibid*

<sup>316</sup> Letter of Gojko Raicevic from 04 September 2008, directed to the researcher is in the archives of the Initiative

cludet that it was a person who knew him well.<sup>317</sup> The person listed the members of his family, said that they would slaughter them all, and him in the end in order to be able to see it all.<sup>318</sup> Because of mistrust in the work of the competent institutions, he didn't report the incident.<sup>319</sup> Raicevic points out that he feels unprotected and believes that the motives for the threats lie in his engagement on the protection and promotion of the rights of Serbs in Montenegro.<sup>320</sup>

### III Politically motivated violence over journalists

On 26 January 2008 the correspondent of "Vecernje Novosti" Miljenko Miso Jovanovic from Bar reported to the police that he was threatened over the phone by T.T.<sup>321</sup> Jovanovic was informed that, during an interview with the police officer, T.T. admitted to have threatened and cursed him.<sup>322</sup> "T.T. was warned to abstain from such means of communication". The Main State Prosecutor in Bar has been informed of this case, and the whole documentation was given to him for evaluation and decision.<sup>323</sup>

On 3 February 2008 the journalist of Radio Free Montenegro Misko Djukic, was called and threatened over the phone by an unknown man.<sup>324</sup> "This was the first time the person was calm and peaceful, and this time I was scared. All the threats so far were accompanied by yelling and cursing, and I was not intimidated by it. But this has frightened me",<sup>325</sup> Djukic told the researcher of the Initiative.

The same evening an unknown person threatened him that Free Montenegro whose editor he is, will stop working. Six days after this phone call, on 6 February, Radio Free Montenegro lost their signal. After an investigation it was determined that the cable on the antenna was cut by an unknown person or persons.<sup>326</sup>

Radio Free Montenegro has existed for ten years. Since the beginning, the radio and its employees have been threatened and attacked.<sup>327</sup> The cables on the radio's transmitter have been destroyed seven times.<sup>328</sup>

<sup>317</sup> *Ibid*

<sup>318</sup> *Ibid*

<sup>319</sup> *Ibid*

<sup>320</sup> *Ibid*

<sup>321</sup> *He admits to have threatened a journalist*, DAN, 7 April 2008

<sup>322</sup> *Ibid*

<sup>323</sup> *Ibid*

<sup>324</sup> Incident Report, from 13 March 2008, is in the records of the Initiative

<sup>325</sup> *Ibid*

<sup>326</sup> Complaint filed to the Ministry of internal affairs by Radio Free Montenegro, is in the records of the Initiative

<sup>327</sup> *Ibid*

<sup>328</sup> *Ibid*

“I don’t believe the police will be able to solve this case. When we came back to Sjenica for the second time, where our transmitter is, we found three people and a “Golf 2“ licence plates PG 50609 on the spot. Three unknown persons were on the spot where access is allowed only to public officials, the members of the Broadcast Center and the Broadcasting Agency. In a conversation with those persons, we learned that one of them is an active member of the Podgorica police unit. I am not saying tht they had done this, but what were they doing there?“, Djukic told the researcher of the Initiative. (2007)<sup>329</sup>

On 5 April 2008 the Main Court in Podgorica overturned the acquittal of the Main Court and sentenced the “Monitor“ weekly and writer Andrej Nikolaidis to pay Emir Kusturica 12.000 Euros for mental pain suffered because of the text “The Mercenary’s apprentice“ which Nikolaidis published in “Monitor“ in 2004.<sup>330</sup> Kusturica requested 100.000 euros for the suffered mental pain. Two processes were conducted on this case, a civil one and a criminal one. In the criminal one Nikolaidis was sentenced to pay 5.000 euros, and in the other one the “Monitor“ had to pay 12.000 euros. “We were tried twice for the same thing. I was sentenced twice for the same text, both criminally and civilly, which is paradoxical. The pressure was enormous. This sentence has permanently destroyed me, and if they sentence “Monitor“ in this way again, it will be shut down“, Nikolaidis estimates.<sup>331</sup>

As an act of solidarity with Nikolaidis, the journalists and artists from Bosnia and Herzegovina and the Montenegro non-governmental organizations raised money to pay the damages.<sup>332</sup>

“The verdict of the Main Court has completely ignored all European standards, and the lawyers told me the elaboration of the verdict resembles that of a traffic violation“, Nikolaidis told the researcher of the Initiative.<sup>333</sup>

“Through such cases, as well as the Djukanovic – Ivanovic case, the people are being stimulated to sue journalists, in order for them not to do anything but face the court. This litigation with Kusturica has been going on for four years now. I am sure that the Main court will either deny or sentence us.

Even thugh I am the accused in this case, the evidence were on my side in both cases. Instead of the prosecutor proving his own opinions and accusations, instead of me being innocent until proven otherwise, the prosecutor has not provided a single piece of evidence in either case that I was lying or that I caused mental suffering. It was taken for granted. I was criminally sentenced for slander, without any evidence to support it. I was found guilty in advance. It is totally absurd. The presumption of my innocence until proven otherwise was never obeyed.

<sup>329</sup> *Human Rights in Montenegro 2007*, annual report of the Youth Initiative for Human Rights

<sup>330</sup> Copy of the verdict of the Main Court is in the records of the Initiative, number 727/06

<sup>331</sup> Incident Report from 14 April 2008, is in the records of the Initiative

<sup>332</sup> Web magazin Bosnjaci net, [www.bosnjaci.net/prilog.php?pid=24759](http://www.bosnjaci.net/prilog.php?pid=24759) , visited on 09 December 2008

<sup>333</sup> Incident Report, from 14 April 2008, is in the records of the Initiative

This verdict contains a forgery. The original text states “that Milosevic’s state propaganda produced ugly, stupid and crooked people, because they were needed to support the war he was leading. One of the biggest stars of this propaganda machinery was Emir Kusturica“. Therefore, even an illiterate man realizes that I was saying that he was a part of a propaganda which produced ugly, stupid and crooked people. I was sentenced for telling him that he was ugly, stupid and crooked. The other thing is that the verdict states that I spoke with a sneer of his cultural and artistic accomplishments. The way I refer to his or anyone else’s accomplishments cannot be a court issue. No one can be tried for criticism. If I don’t like the movies, if I find them ridiculous, idiotic, I cannot be fined for that. I consider this to be a horrifying precedent. I was punished for an esthetic judgement. The facts were never brought into question, there was no question on which side he was. Those were my judgement values based on the state of the facts. I was sentenced for it.

He did deny being on that side. But how was it possible for the court to believe that when he was one of the main speakers at the rehabilitation meeting of Slobodan Milosevic, if he was in Belgrade the whole time, if he is an artist from Belgrade. But we see that he is also an artist from Montenegro, since the state defends his works. Who can therefore believe that he wasn’t on that side? As evidence, I presented photos, statements and DVD material which proves and confirms it.

We should work on building a practice which will not suffocate journalism. With such cases, it is difficult to work as a journalist<sup>334</sup>, Nikolaidis told the researcher of the Initiative.

On 13 May 2008 the Main court in Podgorica sentenced journalist Veseljko Koprivica and the Liberal Alliance of Montenegro to pay 10.000 euros of non-material damage to the former chief executive editor of Radio Television Montenegro Bozidar Celovic for mental suffering, injury of honour and reputation.<sup>335</sup> Koprivica had in 1994 as the editor of the “Liberal” newspaper, published the information that a large number of journalists from ex-Yugoslavia were on the list of the Hague Tribunal for warmongering texts, 16 of which are from Montenegro.<sup>336</sup>

The Main court in Podgorica fined Colivic with 5.00 euros, while the Higher court overturned this verdict and fined him 5000 euros more, plus 5.505 euros of court expenses.<sup>337</sup>

On the occasion of the annual celebration, TV Montenegro broadcasted the show “Witnesses to an age“ in which its former editor Colovic was presented as a warmonger.<sup>338</sup>

“Someone said that where journalist courage starts, professionalism stops. Maybe that is the case in democratic societies, but in Montenegro you have to be a brave journalist

<sup>334</sup> Incident Report, from 14 April 2008, is in the records of the Initiative

<sup>335</sup> Incident Report, from 28 May 2008, is in the records of the Initiative

<sup>336</sup> *Ibid*

<sup>337</sup> *Ibid*

<sup>338</sup> *Ibid*

and include that into the price of your profession, because with such a milieu and such surroundings you are left with nothing else – either throw away the pen and retreat, or continue to face the truth and expect a large number of uncomfortable situations“ – Koprivica stated for Free Europe.<sup>339</sup>

A large number of journalists filed charges against Koprivica at the time, without previously denying the information he had published. The High court did not accept any of the information from the complaint of the accused Veseljko Koprivica.<sup>340</sup>

On 19 May 2008 the Main Court in Podgorica, for the mental pains suffered by Milo Djukanovic, sentenced the editor of the “Vijesti” daily newspaper Zeljko Ivanovic and the publisher Daily Press to a fine of 20.000 euros for Ivanovic’s statement after he was attacked.<sup>341</sup> Ivanovic stated at the time that Djukanovic and his family, whether biological or criminal, were behind the attack – which was the cause for the lawsuit.<sup>342</sup>

“The thing that we expected happened and confirmed our suspicions which had existed from day one, and which we published openly. These suspicions are that the Main Court in Podgorica as well as all courts in Montenegro are under complete control by not the authorities, but the Prime Minister himself and his associates and friends, who are unfortunately more numerous outside of the institutions, than in them.

This and many other examples of cases in Montenegro courts, show from week to week that independent judiciary as a foundation of a legal state in Montenegro, does not exist. When the name of the judge or the judicial council which will process certain cases is published, the epilogue of those cases is already known. This represents a complete defeat of not only the judicial practice and law, but also common sense. It is shown that not only the court, but the same judge gives different verdicts in identical cases. The situation is the same when it comes to the treatment of witnesses and evidence, as well as the verdict itself.

We have published that the same judge, not court but judge, in all similar or identical cases had decided differently. All the things he denied in our process with the Prime Minister, he accepted in other processes. The expert evaluation was also a basis for other cases, which means that he accepted the expert opinion on mental pain in the case of a war criminal and witnesses, and in our case the judge did not have the intention of obeying any of it from the start.

It is also a fact that the Main Court has set a world record in the time needed to process a case and reach a verdict in the case of Djukanovic against myself and the “Daily Press“, and the case of the alleged attackers. This suggests that it was politically dictated, and that the judge was working according to political instructions. To make the scandal even

<sup>339</sup> Radio Free Europe, *Factory for the production of media darkness*, 17 May 2008

<sup>340</sup> *Ibid*

<sup>341</sup> Incident Report, from 10 June 2008, is in the records of the Initiative

<sup>342</sup> *Ibid*

greater, the judge did not hide this and he wrote it in the explanation of the verdict, which will in twenty or thirty years serve as a reminder that mister Djukanovic was a successful politician and that he successfully lead Montenegro through the transitional period. The explanation states this because he suffered emotional pain. It is completely scandalous for a person requesting one million euros for emotional pain not to be called to court, or expert opinion requested, because it is evident from the sum of money requested that the pain is enormous

On the other hand, our lawsuit's context in which we requested, and proved through presenting evidence and reading texts, was completely changed, since June we have been called the disgraceful intellectuals and were targeted, especially myself, and the judge denied this as a consequence. His lawyers kept their heads down and felt uncomfortable. He denied as unfounded the things which had already been proven. This represents violence of the court over justice, procedure, and the law, and I simply cannot imagine a state anywhere in the world which would do such a thing or demonstrate force in such a brutal way.

This is a classic case of violence towards the freedom of speech, the independent media, and racketeering of a company by the authorities themselves <sup>343</sup>, Ivanovic stated. <sup>344</sup> (2007)<sup>345</sup>

On 23 May 2008 sports journalist Mladen Stojovic was beaten up around 10PM in his apartment in Bar, as he was working.<sup>346</sup> Stojovic suspects that the unknown attacker or attackers inflicted several heavy blows on him, from which he lost consciousness. Stojovic's upper and lower jaw were fractured, cheekbone hurt, tooth broken, cheek peared, and he recieved a series of lacerations and bruises around his eyes, nose and shoulders.<sup>347</sup>

The injured Stojovic regained consciousness around 10:30PM and phoned his sister Danijela. He was transfered to the hospital where he was given medical help.<sup>348</sup>

Stojovic spoke about the football mafia on the TV B92 series "Insider", and mentioned some names from Montenegro.<sup>349</sup> Stojovic was a participant of the discussion held by the Youth Initiative for Human Rights about the freedom of speech in late May:

"I have a feeling that the police is treating me as an enemy of the state. That is the feeling I have. First the police in Bar asked my friends to come for informative interviews, which they were informed about through telephone calls. My friend Mijo Brasanac was given a summons on Thursday at 1AM to show up on Monday at 11AM. They took him out of

<sup>343</sup> *Ibid*

<sup>344</sup> The Ivanovic case was researched and published in the annual report of the Initiative for 2007

<sup>345</sup> *Human Rights in Montenegro 2007*, annual report of the Youth Initiative for Human Rights

<sup>346</sup> Incident Report, from 25 June 2008, is in the records of the Initiative

<sup>347</sup> *Ibid*

<sup>348</sup> *Ibid*

<sup>349</sup> *Stojovic beaten in his apartment*, VIJESTI, 28 May 2008

a cafe in order for him to sign the summons. The police informed Sasa Zekovic that they hand summons during working hours, and in urgent cases even after the working hours. This was neither urgent, nor was it done during working hours. This is the real reason.

I feel threatened. When things like this happen, a person cannot feel normal. This feeling isn't new, it started earlier. Every announcement contains some twisted fact, some denial, and they wish to create an image which is not in accordance with the truth. Conclusions are being drawn out of context.

I have no communication with the police now, nor do I wish to have it, because to me this is rape. I am afraid of talking to them because the more I talk the more I feel threatened, when I see the reactions of the Police Directorate. I have cooperated with the inspector in charge, but I don't think he can solve the case on his own. I feel that there is no will to solve it. Therefore I am afraid to talk, and I have no intention of talking. I am concerned for my personal safety, that something will happen again. I don't know where talking leads to. I talk about the same things for ten times in a row, and they are concerned with my ex-girlfriends, friends, etc.

After all of this, I don't expect the case to be solved. After such reactions I don't want to talk to them, nor will I. I will not cooperate with them anymore. There is no need to, I have devised a plan to defend myself in case something happens again, and me and my friends will react. I believe that the closer I am to them, the safer I am. I believe that they have excellent connections, especially in Belgrade. Some of them are not allowed to return, and I am the most afraid of precisely those people<sup>350</sup>; Stojkovic told the researcher of the Initiative.

Many non-governmental organizations reacted to these verdicts, pointing out that through them the right to freedom of speech is violated, and that the verdicts, as well as the fines are in discord with the standards of the European Convention on Human Rights. The Initiative had sent the judges who had reached these verdicts examples of the practice of the European Court for Human Rights in order for them to introduce themselves with the examples and to start obeying international law.

During 2008 TV Vijesti, the newly opened television station had problems with getting a frequency.<sup>351</sup> Through not scheduling a competition for the available TV frequencies on the territory of Podgorica by the Broadcasting Agency, only TV Vijesti were not able to gain a frequency and broadcast their program in the Podgorica region.<sup>352</sup> The lack of action by the Broadcasting Agency does not contribute to the democratization of the society and freedom of speech, nor the trend of forming a general positive image about Montenegro in this field.<sup>353</sup>

<sup>350</sup> Incident Report, from 25 June 2008, is in the records of the Initiative

<sup>351</sup> Incident Report, from 19 August 2008, is in the records of the Initiative

<sup>352</sup> *Ibid*

<sup>353</sup> *Ibid*

## Conclusions

The largest number of politically motivated incidents in Montenegro in 2008 occurred during the election campaign and the elections. During this period, the majority of attacks were on the property and premises of political parties, in which the members of certain parties held meetings. None of these cases have yet been solved.

A particular escalation of violence and politically motivated incidents occurred after the decision to recognize the independence of Kosovo.

During 2008 the pressure of threats and physical violence on activists and public figures was continued. Mistrust in the work of the police and prosecution still exists, because of their inefficient engagement on this issue.

During 2008, a rise in the pressure exerted on journalists and the media has been noted. This year, pressure was exerted through lawsuits of politicians and companies which the journalists reported about. High monetary fines characterized all the verdicts in 2008. The judges did not obey the practice of the European courts in these cases, because the monetary fines for emotional pain should be minimal.

## Recommendations

The competent organs should take all necessary steps in order to find and punish the perpetrators of politically motivated attacks. The clear intention of finding and punishing the perpetrators could be a factor in reducing the number of such cases.

Special attention should be given to court processes between journalists and politicians. It is important that the judges introduce themselves to the practice of the European Court for Human Rights in such cases.

All political subjects should work on lowering the tensions during the pre-election period, because the same problems tend to re-occur.

International observers should analyse more thoroughly and take seriously all the accusations on this occasion.



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Ombudsman, Protector of Human Rights and Freedoms: [www.ombudsman.cg.yu](http://www.ombudsman.cg.yu)  
The First Montenegrin Independent Electronic Newspaper: [www.pcnen.com](http://www.pcnen.com)  
Radio Free Europe: [www.slobodnaevropa.org](http://www.slobodnaevropa.org)  
RTV B92: [www.b92.net](http://www.b92.net)  
Montenegro Parliament: [www.skupstina.cg.yu](http://www.skupstina.cg.yu)  
Government of the Republic of Montenegro [www.vlada.cg.yu](http://www.vlada.cg.yu)  
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