

I PERIODIC REPORT
January 1, 2009 – April 30, 2009

On the basis of the monitoring on human rights state in Montenegro, which has been conducting by the Youth Initiative for Human Rights (YIHR), for the last three years, police torture and politically motivated violence were identified as particularly problematic areas.

The research and monitoring have been conducted by the YIHR team consisting of four researchers with multiple assistances of the Swedish Helsinki Committee and regional YUHR office. The first periodic report refers to the period starting from January 1, to April 30, 2009. In operations, we used the methods of research on the terrain, SOS phone, press clipping and interviews.

I POLICE TORTURE

Within the first four months of 2009, the Initiative registered four cases of citizens' complaints regarding behavior of some police officers. The citizens' charges may be put under definition of "torture", prescribed by the Convention against torture and other harmful, inhuman and discrediting punishments or acts. This implies intentional infliction of heavy body injures physical and mental torture in order to extract an information or confession, to pressure or intimidate somebody on any basis. Torture is not allowed under any conditions, neither in the state of war nor during war threats and political instability threats to the state.

The Initiative researchers also conducted research on human rights perception and torture among citizens of Roma nationality in Podgorica and Niksic, while preparing this report. The interview has been conducted among 40 Roma. Results of the research say that 36 of them think that the police have the right to use physical force, as the punishment or preventive measure, if any person committed criminal act. Remaining three responses said that the police do not have that right and one person did not know whether the police have the right to use force in such cases. Out of 40 interviewed people, 31 of them would not report such police actions, explaining that the police consider such acts are justified; 34 interviewed persons told YIHR researchers that they knew or heard that the police had beaten up other members of Roma community, mostly in order to extort their confession because of committed thefts.

Description of registered cases:

March 16 – Nebojsa Redzic from Podgorica, who is "Voice of America" journalist, reported to Initiative the incident that happened in the Presidential residence villa "Gorica" at the meeting of Prime Ministers of Montenegro and Italy. Redzic told the Initiative researcher that the police officer, for whom he later found out his name, was Mirko Banovic, pushed him out from the room where Prime Ministers met and where other journalists were, in a very rude manner. Redzic also emphasized that the police officer insulted him by using abusive words so Redzic, provoked in that manner, returned by using abusive words referred to the police officer. After that, Redzic was told to leave the premises of the *villa*. Afterwards, a protocol officer came and said he was sorry for what had happened and that the event could continue.

Redzic said that he would not submit criminal charges against the above mentioned police officer, because he did not believe in institutions. YIHR does not have the information whether the Department for internal control and application of authorizations had conducted the research in this case and it does not have the information on results of that research as well. Daily news "Vijesti" announced the information that the Director of the Police Directorate Veselin Veljovic said that he had been introduced with the incident and that he would investigate the case.

In its monitoring, YIHR already has registered complaints to the police officer Mirko Banovic.

March 28 – Rijad Nuhodzic from Bijelo Polje said that police officers from Mojkovac beaten him with intention to extort confession. Nuhodzic's claims were announced in daily news "Dan" and "Vijesti" in March 30. Nuhodzic emphasized that the Police from Bijelo Polje transferred him to the Police in Mojkovac, which sought him because they suspected he had committed criminal act of theft. He said that police officers severely injured him on their way to the Police in Mojkovac, and they even beaten him up in the Police premises. Several times Nuhodzic lost conscious. At the end, followed by his father, he went to the hospital in Bijelo Polje, where he received medical aid.

The Initiative does not know whether Nuhodzic submitted to competent state prosecutor criminal charge against police officers. The above mentioned daily news informed that the Internal control will conduct investigations in the concrete case.

April 2 – Gordana Jeknic from Niksic, was beaten up by the member of the Police Intervention Task Force and caused her serious injuries of head, abdomen and neck. Jeknic is the owner of the cafe "Kontesa" where the incident had happened. Police officers had intervened after the report that loud music had been coming out from the café "Kontesa". After that, the incident between police member and Jeknic happened. Jeknic said that two police officers beaten her over head and abdomen and kicked her. Two other officers stopped them beating and kicking her. Jeknic announced that she would submit criminal charges against those police officers. Police Directorate dismissed of duty one police officer because he broke the Police Code and the Law on civil servants and employees. Those information were published by daily news "Dan" and "Vijesti" in April 5.

April 8 – T. Dj. who had been arrested because she possessed heroin, reported that police officer M.V. acted and treated her in an insolent behavior while she was imprisoned, touching her intimate parts of body. The Police in Podgorica conducted interview of the suspected police officer and brought him decision on detention. Police submitted criminal charge against mentioned police officer. The following day, investigation judge of Basic court in Podgorica, revoked detention to the police officer M.V. after hearing, and in the following procedure he will defend himself while at liberty. The information on this incident were published by daily news "Dan" and "Vijesti" in April 11 and 12.

It is still unclear, how the new-installed equipment for video surveillance in detention premises did not recorded the dispute event, in order to define the arguments in this case undoubtedly.

II POLITICALLY MOTIVATED VIOLENCE

The Initiative registered five cases of political violence, during first four months. As election campaign was conducted during previous period, it has been concluded that the number of politically motivated assaults and threats in Montenegro is smaller. However, every reported case has to be investigated and properly sanctioned while taking into account that we face with the key steps towards European and Euro-Atlantic integrations and that our institutions are obliged to devote themselves on settling both cases in 2009, and cases from previous years, to a maximum degree. YIHR calls all active participants to control themselves while giving statements that can deepen or incite politically motivated violence.

Description of registered cases:

March 18 – Daily news “Vijesti” published the statement of the Police Directorate Director, Veselin Veljovic given at the press conference, which took place in March 17. At the conference, Veljovic announced results of the Police Directorate in fight against organized crime and corruption. In that occasion Veljovic said that there were NGOs and political parties which presented unreal image of that area. “It is about alleged “professional” comments stated under instructions, with the aim to do harm to the state and its citizens, which gives the corruptive behavior unreal dimensions. That is the attempt of personal affirmation and providing financial and donation means in relatively easy manner and without concrete results”, published “Vijesti” in March 18. Veljovic did not state arguments and concretized his claims.

Executive Director of MANS, Vanja Calovic announced that she experienced Veljovic’s statements as pressing and intimidating the part of society intending to refer to corruption and organized crime, with the assessment that it is easier for the police to deal with MANS rather than with criminals. She also assessed that the NGO sector has been accused on this basis for spying.

March 26 – Professor at the University for Politic Science, Milan Popovic reported to the Initiative that he got the letter with offensive and threatening content as the response to his text which was published in daily news “Vijesti” in March 23, 2009. To an Initiative researcher, Popovic said that he got the letter three days after newspapers published the text and three days before elections also, which he considered as very interesting and intrigued. Popovic thinks that receiving call from the prosecutor related to the text, also represents the pressure to him. In February 25, 2009, at about 15:30 his lecture had been interrupted by DHL postman in order to deliver him subpoena in order to explain clues on organized crime, which he stated in the text. The interruption of his lecture and impatience of postman to wait the pause between lectures, which followed 15 minutes after he interrupted the professor to deliver him the subpoena, Popovic considers as disrespect of his identity, and he also considers that it is less probable that was a mistake in the occasion of the act. On journalist question whether he will sue Popovic because of stated clues, Prime Minister Djukanovic said that “the professor has his own troubles”, which Popovic considers as the kind of threat and the incitement to threatening letter. Popovic also thinks that this was probably the act of some follower and not the order from the top. If the Prime Minister’s apologize, he thinks that Prime Minister will show that he is not related to that letter. Professor Popovic did not inform public bodies in the occasion of

threatening letter he had received, because he concluded it was purposeless and that it did not play any role. He made the conclusion on the basis of previous cases which had been related to him and some other persons. That was the second threatening letter Milan Popovic received, and YIHR informed about it as well.

April 2 – Even in 2009, pressures on Slobodan Pejovic have been continued. He testified on deportation of Muslims in 1992. Unknown committers in Bijelo Polje colored his car white. Pejovic’s car was damaged several times earlier. The Initiative described those cases in its reports.

Pejovic said that the last attack at his car had been motivated by his statement at special state prosecutor on crimes in the mountain Orjen near Herceg Novi. “This is just the warning for something that will be more dangerous that could ever happen to me”, said Pejovic, for daily news “Vijesti” in April 3. The Police in Herceg Novi performed the insight into this case and the investigation is in course.

April 6 – During pre-election campaign, the teacher in Elementary school “Dragisa Ivanovic” Aila Soskic accused the Director of the school Niko Raicevic for the pressure on employees in order to vote for Democratic Socialist Party /Demokratska Partija Socijalista (DPS)/. Soskic brought two charges against Raicevic, one for the offence and defamation and the second for the compensation of immaterial damage. Basic court in Podgorica processed the Soskic’s charge against Raicevic.

April 7 – Former news-photographer of newspaper “Republika”, Boris Pejovic was fined by 500 EUR, because he hampered operations of police officers who intervened during the strike of employees in company “Ritam trejd” /Rhythm trade/. The decision of the court stated that Pejovic might replace the fine by imprisonment sentence not longer than 19 days. Pejovic told the Initiative researcher that he would rather be imprisoned than pay the fine. Pejovic emphasized that the court had not approved that the Council for the civil control of police affairs determined that police officers exceeded official authorizations in the actual case. The court also did not approve other evidence Pejovic submitted, such as video which presents that day event. Pejovic announced the appeal against the decision of the court. The report of the Initiative from 2008 described the incident between the news-reporter Pejovic and the police.

III CONCLUSIONS AND RECOMMENDATIONS

- YIHR expresses pleasure for significant decrease of number of cases related to police torture and politically motivated violence in Montenegro. After 2008, when the number of torture cases exceeded 100% in comparison with 2007, or 54 cases precisely; from the beginning of 2009, significantly smaller number of police torture cases has been registered. Reasons for this should be sought at the session of the UN Committee for the prevention of torture devoted to the state in Montenegro, where Montenegrin delegation was seriously criticized. After that, the Government of Montenegro adopted set of measures related to torture prevention. YIHR then organized the whole campaign which included numerous organizations in a view of decreasing the number of police torture cases.

- Campaign for previous Parliamentary elections passed in quite peaceful atmosphere with significantly less politically motivated incidents in comparison with earlier campaigns.

- YIHR Research in Roma community showed high and disturbing degree of unfamiliarity with basic human rights and freedoms. There is a huge need for conduction of activities on education of Roma people and their rights in relation with police officers, as well as the need for additional focusing on researches of police tortures over Roma people. Police Directorate and other competent public institutions are obliged to bring the level of awareness of Roma people on their rights and freedoms to a higher level through education and the level of awareness of their protection as well.

- It is important that each reported case should be investigated by competent institutions and in accordance with the committed exceeding should be sanctioned by court. Unfortunate, in most reported cases until nowadays, that have not happened. Court sanctions of cases in which the torture has been committed, and politically motivated assaults and pressures are major guarantee that these cases shall not happen in future or that they shall be brought to the lowest possible measure.

- Victims and all individuals who have objections on police members' actions or actions of their political opponents' must inform competent institutions on these events. Rejecting to submit appeals and bring charges, because of lack of confidence in the system institutions, prevents the possibility of improving their work which is based on complaints and concrete examples, and brings the absence of punishment as the result.

- YIHR expresses concern in the occasion of cases of announcing names of suspected persons that had committed specific criminal acts such as the case related to the incident that had happened in the police detention between police officer and female-detainee, which violates the presumption of innocence in the most arrogant manner. YIHR calls all media to respect this institute, and the Police Directorate to protect information on future activities.

- Unacceptable behavior of particular officers towards journalists has been continued. Such behavior of officers has to be sanctioned and prevented by the Police Directorate and additional efforts on creation of professional relationship with media have to be undertaken.

- YIHR supports the decision of the Police Directorate to dismiss of duty the police officer because he used force over Gordana Jeknic, and also calls for the same decisions to be made on similar cases.

- YIHR calls the Director of the Police Directorate and all other institutions and individuals who work in these institutions to accept the work of NGOs on the basis of cooperation and mutual confidence in

fulfilling common goal of democratization of Montenegro and to control themselves from creating assessments which may deepen the gap and incite lack of understanding in further public presentations.

- There is a great need for urgent measures for the protection of witnesses in processes that are conducted in national courts for war crimes. We call competent bodies to find persons who damaged the property of Slobodan Pejovic and to prescribe criminal sanctions against them

- The incident in pre-election campaign related to political pressure by the Elementary school Director "Dragisa Ivanovic" on employees, competent bodies have to research and if charges prove to be truthful, court has to prescribe sanctions against it.