

II Periodic Report on Human Rights in Montenegro

Youth Initiative for Human Rights (YIHR MN) has been conducting the monitoring of respect of human rights in Montenegro for the last four years, and as the result of continued monitoring, it publishes annual and periodic reports.

Through its research work, YIHR MN separates, as especially problematic areas, politically motivated violence, police torture, status of displaced persons, refugees, and Roma, and social rights problems.

YIHR MN team, consisting of five members, leads the whole process with multiple support of the Swedish Helsinki Committee and the YIHR regional office. The second periodic report in 2009 refers to period from May 1, to August 21, 2009. In our work, we used the research techniques on the terrain, the monitoring of daily press, interviews and SOS phones.

In the previous period, YIHR MN opened the SOS phone for the victims of torture and discrimination (020 655 175) as well as the possibility of providing free of charge legal advices for victims, while specific number of subjects was chosen for free of charge representation at court. We invite all people who consider themselves as victims of discrimination, torture or some other type of violence to call the YIHR members, in order to try to help them to exercise their rights.

Politically motivated violence

In this period, YIHR MN noted growing number of cases of politically motivated violence which are usually directed towards journalists, whether by threats and physical attacks or on the basis of high compensations for mental condition and suffering that should be paid to public persons whom they were writing about. High judgments for defamations are not in accordance with the practice of the European Court for Human Rights.

Description of registered cases:

Stoning of buses from Kosovo - During summer tourism season, on the major road between villages Bijelo Polje and Bistrice in Zeta, and between Golubovci and Zeta, Kosovo registry buses were stoned several times. During summer tourism season Bosnian and Macedonian registry buses were stoned, also. None of the drivers, conductors or travelers was injured but the buses were damaged.

Police Administration organized the escort for Kosovo's tourism buses from the border to Ulcinj or to some other destination in order to prevent such or similar events, in the frame of measures and activities for the safe tourism season. Police Administration also announced that the perpetrators of the incident were identified in villages in Zeta. M.D. (18 years) from Podgorica, juvenile M.D. (16 years) from village Bistrice in Zeta, and M.C. (19 years) from Golubovci were arrested, and misdemeanour charges were brought against them while criminal charges will be brought against them, as well as.

Even after two years from its establishment, TV Vijesti has not received frequencies despite numerous requests to relevant state institutions. TV Vijesti submitted request for frequencies on December 15, and has not received them because the Broadcasting Agency declared itself as incompetent, after the Government suggestion. The reason for that are amendments of law regulations which are not completed and which, on the basis of current resolution, do not specify competencies. USA and Germany Embassies, and more international organizations expressed worries and they consider this act as violence over freedom of media.

During Prime Minister Hour, Milo Djukanovic, being revolted by the attitude and words of the leader of Movement for changes Nebojsa Medojevic, emphasized that Medojevic creates the ambient similar to the one which existed before liquidation of the Serbian Prime Minister, Zoran Djindjic. Movement for changes considers those accusations as replacement of thesis and the attempt of political disqualification of all

authority nonsympathizers. Medojevic sought for the session of the Parliamentary Committee for security and defense, where the possibility of endangered safety of the Prime Minister of Montenegro would be considered.

Mayor of Podgorica, Miomir Mugosa and his son Miljan, who was the official of Ministry of Foreign Affairs of Montenegro, physically attacked press photographer and the editor of TV Vijesti, Boris Pejovic and Mihailo Jovovic, on August 5, 2009, while they were on duty. The attack was executed because the photographer Pejovic had been taking photo of Mugosa's car which was not regularly parked. According to Jovovic, who got serious body injures, Miljan reloaded the gun during the attack and leaned it to his chest but, on his father's request, he put it away. According to media's statements, investigation procedure was marked by various failures of the police and Prosecution Office. On journalists' insisting, the police did not search the car on the site, in order to check whether there was the gun in it. Miljan Mugosa who was the third Secretary in the Embassy of Montenegro in Washington was suspended by the Ministry of Foreign Affairs. Media Community unanimously condemned this attack. Investigation procedure is still in course.

Judgment to the daily press "Dan" - The Judge Committee of Basic court in Podgorica Vera Slijivancanin brought judgment by which daily press Dan is obliged to pay 10,000 EUR to Veselin – Vesko Barovic, Branko Vujosevic, and Danilo Mitrovic because of mental sufferings inflicted after the text "Millions of the tobacco mafia into the Basketball team Buducnost". Related text was taken over from Croatian weekly "National" in 2001, and it was published. The text "Opponent of Cibona in Adriatic league" prosecutors stated as debatable text.

The judgment stated that the accused was obliged to pay mentioned amount because of inflicted grave sufferings, violation of dignity, honor and reputation. Explanation of judgment has stated that prosecutors especially indicated on their published photos as members of Montenegrin tobacco mafia. The judge, Vera Slijivancanin claims that, according to the statement of Veselin Barovic, it may be defined that on the day when "Dan" announced mentioned titles, he faced with unpleasantness privately and in business.

This judgment is one of the numerous which were brought against "Dan" with enormous amounts. There are numerous charges and judgments against other media, especially against "Monitor" and "Vijesti".

Conflict between members of two Orthodox churches – The incident between members of two Orthodox churches in Montenegro, Metropolitanate of Montenegro and the Littoral (SPC) and Montenegrin Orthodox Church (CPC) happened during liturgy in the Temple of Preobrazenje, on Ivanova korita, near Cetinje, on August 19, 2009. Members of the Police Administration were on the site where three policemen were injured severely. Police Administration announced that their officers did not use coercive measures but they pushed back both groups of believers in order to prevent harm consequences of the event.

Terms for holding prayers in organization of two churches were mentioned as reasons which caused the incident. SPC announced that the liturgy should take place at eight o'clock and CPC at ten o'clock. The liturgy was prolonged, causing CPC believers to lose patience trying to enter the church using force. During the conflict, Head of the Police in Cetinje and the member of the SPC were hit by stone. When the SPC clergy left the church the conflict again occurred in the nearby meadow.

Police Administration announced that Basic Public Prosecutor in Cetinje will be informed about the incident, while the police works on identification of persons who inflicted injures to police officers.

Police torture

In 2009, YIHR MN registered smaller number of reports of the police torture than in the same period in 2008. In first four months of 2009, four cases of police torture were registered while seven cases were registered during the period from May to September, when citizens complained on police torture. In this

period, more cases of violation during sport events were registered and failures of police officers in their attempts to prevent them.

Description of registered cases:

May 11 – Police Administration announced that the police officer K.O. wounded a leg of the patient B. K. from Pljevlja. Police officer K.O. was in the escort to medical vehicle which was driving the patient B. K. to the Psychiatry Hospital in Kotor. The incident happened on the road Podgorica-Cetinje, when the patient B.K. attacked a driver and a police officer K.O., who used a gun, in order to stop B.K. in his intention to escape. In that occasion, patient B.K. was wounded in left leg.

Police Administration announced submitting of criminal charges against police officer K.O. because of suspicious that he had inflicted light physical injures while the Internal control will conduct investigation in order to define whether there were overstepping of authority in the concrete case.

May 29 – Emir Rizvanovic from Priboj said to YIHR MN that he was beaten in Berane. He accused M.S., with whom he had intimate relation, for setting him up “beating”. While Rizvanovic was with her in his car at the airport runway in Berane, unknown man hit him with the baseball bat in shoulder and then put the wire or rope round his neck. As Rizvanovic said, he succeeded to escape and come to Berane Police. He emphasized that one of the officers had threaten him in the Police of Berane premises while M.S. was released immediately. The same officer gave the alibi to the person whom Rizvanovic had recognized as the attacker.

YIHR MN does not have the information whether the Division for the Internal control conducted investigation of Rizvanovic’s statements.

June 10 – The incident in which Danijel Dedic got heavy body injures which caused his death happened in Gornja Polja, in Mojkovac. Police Administration submitted misdemeanor and criminal charge later, against police officer R.P. while the judge of the High court in Bijelo Polje, Vidomir Boskovic, adopted the resolution on initiating investigation and ordered one-month detention to the mentioned police officer because of suspicious that he had committed criminal act of inflicting serious body injures which resulted in death. Police officer R.P. was not on duty at the time when the incident happened.

R.P. negated that he had committed that act and emphasized that another person offended Dedeic. Police Administration announced that it undertakes measures and activities in order to identify other persons who were involved in conflict.

June 18 – Mladen Stevic from Bar got serious body injures when he jumped tied from the second floor during hearing in the Police in Bar. His father said that he saw and heard policemen, who were beating his son who jumped over window in order to avoid further torture.

Police Administration stated that Stevic was with his ex-officio attorney-at-law Radovan Bozovic in the Police of Bar premises, when he tried to escape over window. In that occasion, Stevic caught the branch of the nearby tree which got broken. Police Administration statement said that Stevic’s hands were tied.

The Initiative does not have information whether the Internal control researched mentioned statements of Stevic.

Cases of police violation during sport events

YIHR registered three incidents on the sport terrains, where police did not act in professional manner.

May 10 – The incident in which the executive of the Emergency unit Darko Knezevic, policeman Radisav Darmanovic, supporter of the Football club Zabjelo Marko Buric, and two supporters of the Football club Celik were injured, happened at the football game between Football club Zabjelo (Podgorica) and Football club Celik (Niksic). Because of suspicion that they caused riots and in that occasion wounded police officers and the supporter of Celik, the police arrested Radoman Petrusic, Bozidar Perisic, Bosko Mirjadic and Boris Mucalica from Niksic. Investigating judge of the Basic court in Podgorica Branka Zekovic ordered detention for three supporters Perisic, Mirjadic, and Mucalica, suspected as actors of the fight during the football game.

In the statement, issued in this occasion by the supporters of Celik from Niksic, they negated that their members initiated fight and emphasized that they were brutally beaten by the police members. Supporters of Celik said that policemen were beating them from all sides and that they wounded eight of their members, while two of them were seriously injured. YIHR does not have information whether the Division for Internal control conducted investigation related to statements of supporters of Celik from Niksic.

May 17 - During the handball game between Buducnost and Lovcen, which took place in the Sport Center Moraca, the incident had happened when one supporter of Buducnost hit the handball player from the handball team of Lovcen, Zeljko Stojanovic. Supporters of Buducnost rushed on the terrain and the chaos followed. Police members pushed the supporters of Lovcen towards exit while they were throwing chairs on the terrain. In that occasion, substitute of Lovcen were not spared and the part of public who watched the game as well, even if among them were older people and children who protested against police behavior.

May 30 – Before football game between Football club Jezera and Football club Buducnost, in Plav, the incident between police and supporters of Buducnost had happened. Supporters of that team had press conference on that occasion in order to introduce the media and public with events before the beginning of the game. Supporters announced that police officers Marjan Racic and Vlajko Babovic (who already had very rough incident with this group of fans, when he hit one of the supporters with the reloaded gun over his head) had told them that they must stop and take of their jackets with caps, that they must give him their mobile phones, and belts so that they can enter the stadium. After that, verbal threats were directed towards them saying that unless they stop to record, they would break the camera over their heads. Supporters said that police officers did not have identification tags. Whereas the supporters refused to be searched by the police, they decided to return to Podgorica and not to attend the game.

Police Administration announced that the Internal control conducted some tests and it noticed some failures, authority abuses, and overstepping of authority of two executives of the Police outpost in Berane, Marijan Rajcic and Vlajko Babovic. Regional unit Berane was ordered to initiate disciplinary procedure against police officers. Also, it was ordered to submit the files of the case to the Police Administration Ethic Board for the purpose of assessing the ethic of behavior of the executive of the Police outpost of Berane Regional unit, Vlajko Babovic. Files of the case were given to competent public prosecutor in Plav for the assessment and decision making on the existence of elements of criminal responsibility of Babovic or other police officers who were engaged in this case.

Conclusions and recommendations

- Politically motivated violence in the monitored period is increasing, while number of reported cases of police torture is smaller in comparison with the same period last year.
- Montenegro has to resolve the status of displaced persons and refugees urgently, and to enable those people to receive personal documents. All institutions of the society have to make effort with the aim to improve the status of Roma.
- Pressure on journalists and media is still on very high level, which causes concerns. YIHR appeals on state bodies to react regularly and to punish adequately actors of all attacks on journalists. Practice of enormous punishments in the name of mental suffering for defamation is continuing, endangering economic survival of media. Additional effort on education of judges should be made, in a view of introducing with the practice of the European Court for Human Rights in that area. Beside numerous reactions of national and foreign public, TV Vijesti has not received national frequencies, yet, which does not contribute to democratization of the society and to freedom of expression. Government should find the solution for the situation, in a short term, when the legal gap, with the aim to look after freedom of media and economic survival of this media.
- Police practice related to submitting charges for the attack on officials against citizens who report the torture is unacceptable. That is the manner of protecting violent persons in Police Administration while, on the other hand there are no contributions to respecting and exercising human rights, which create bad professional climate within the police. Prosecution Office does not treat in the same manner criminal charges submitted by citizens and police officers. The Initiative calls for the competent public prosecutor in Niksic to process criminal charge submitted by Danilo Raicevic from Niksic urgently.
- Stoning of buses arriving from neighborhood countries, which lasts several years, requires the adoption of the plan of action in order to avoid spreading of hatred directed toward tourists who arrive from other countries, especially from Kosovo.
- During the period from May to September 2009, the Initiative registered seven reported cases of police torture, whose number was smaller than in the same period last year. However, this year one case tragically ended when a man died in the incident with the police member. YIHR MN requires from competent bodies to investigate this and all other reported cases and to process them urgently, and to impose sanctions against offenders. Judicial processing of cases and sanctions against them are necessary in order to fully respect the rule of law system.
- Increasing violence during sport events has been registered during this period, while reactions of police officers have not contributed reduction of this type of violence. In the case of incident which took place in Plav, some members of the police initiated and deepened the conflict with the supporters of Buducnost, using some specific methods. We invite Police Administration to undertake all necessary measures in further activities in order to avoid conflicts with the supporters and to impose sanctions against police officers, responsible for incidents. Conduction of additional educational programmes by Police Administration for its officials in this area is also very important, and on the other hand we invite on a detailed implementation of Law against violence on the sport terrain.

