

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: EUR 66/001/2013
7 June 2013

Amnesty International calls for justice and reparations for victims of crimes under international law and for legal status to be granted to internally displaced persons from Kosovo

Human Rights Council adopts Universal Periodic Review outcome on Montenegro

Amnesty International welcomes Montenegro's support of recommendations to guarantee victims of crimes under international law access to justice, redress and reparations.¹ The organization notes that Montenegro maintains that some of these recommendations have already been implemented.

Since 2008, Montenegro has opened four prosecutions in cases of crimes under international law; however, final decisions issued by the courts have undermined the victims' rights to justice and reparations, as guaranteed under international law. In several cases, the judiciary has failed to respect or reflect international humanitarian law, the jurisprudence of the ICTY and the Montenegrin Criminal Code. Moreover, some sentences have failed to meet the statutory minimum.

The organization is also concerned about the length of proceedings, which has resulted in prolonged detention of some defendants, and that other defendants have been convicted in absentia.

Amnesty International calls on Montenegro to ensure that proceedings in these cases are conducted in accordance with international standards for fair trial and that judicial decisions are consistent with international humanitarian law. The victims should be guaranteed access to reparation, including compensation, in accordance with international standards.

More than 4,000 people are currently at risk of statelessness in Montenegro, including some 1,600 Roma and Ashkali displaced from Kosovo. A 2009 amendment to the Law on Foreigners effectively prevents them from acquiring refugee status, as set out in the 1951 Refugee Convention.

A number of states called for durable solutions to resolve the situation of displaced persons from Kosovo, including to regulate their legal status and to assist them in obtaining the necessary documentation to achieve permanent resident status.² Amnesty International welcomes Montenegro's support of these recommendations and urges their prompt and full implementation. The organization also urges Montenegro to guarantee displaced Roma and Ashklali the right to adequate housing without further delay.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Montenegro on 7 June 2013 during its 23rd session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

¹ A/HRC/23/12, recommendations 117.62 (France) and 118.11 (Spain)

² A/HRC/23/12, recommendations 117.89-117.95 (USA, France, Slovakia, Sri Lanka, Czech Republic, Australia).

Amnesty International had earlier submitted information on the situation of human rights in Montenegro: <http://www.amnesty.org/en/library/asset/EUR66/004/2012/en/d1b0ba74-5404-4546-9c7f-bd3957d74552/eur660042012en.pdf>

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