

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Amnesty International reiterates concern that impunity for war crimes persists

Human Rights Council adopts Universal Periodic Review outcome on Montenegro

Amnesty International welcomes Montenegro's acceptance of recommendations to strengthen measures to bring perpetrators of war crimes to justice, including providing the State Prosecutor's Office and Special Department for war crimes with additional resources and training and deepening investigative and sectioning measures for perpetrators of war crimes.¹

Despite these commitments, Amnesty International is concerned that impunity for those responsible for war crimes persists. The domestic prosecution has been extremely slow, with no cases involving command responsibility brought so far. No prosecutions have been brought against Montenegrin police suspected of widespread and systemic torture, ill-treatment and persecution from 1992 to 1995 of the Bosniak population in the Sandzak region.

Moreover, the few judicial decisions reached so far demonstrated inconsistencies and erroneous application of international humanitarian law and jurisprudence, which further contributed to the atmosphere of impunity. Seven defendants in the Bukovica case were finally acquitted in 2012 on the grounds of what Amnesty International considered an incorrect interpretation and misapplication of international law.² Similarly, in June 2013, in the so-called "deportation case", nine police officers were acquitted of responsibility for the enforced disappearance of 60 Bosnian refugees. The court agreed that the defendants have unlawfully arrested to Bosniak civilians, but acquitted them of war crimes on the grounds that they were not participants in the war in Bosnia and Herzegovina – despite the fact that police officers were agents of the Republic of Montenegro, which at the time was a part of the Socialist Federal Republic of Yugoslavia, which was a party to the conflict in Bosnia and Herzegovina.

Since Montenegro's last UPR, some 20-25 cases of attacks against journalists and media outlets have been documented annually, including assaults, intimidation, threats and damage to property. Journalists who are critical of government, as well as human rights defenders and NGOs, continue to be subjected to smear campaigns by media supportive of government, including *TV Pink* and the tabloid *Informer*. Investigative journalists are at particular risk.

Amnesty International therefore welcomes Montenegro's acceptance of recommendations to take effective action to safeguard freedom of expression and step up efforts to investigate, promptly and thoroughly, all reported threats and attacks against journalists and media workers, as well as NGOs and human rights defenders to avoid future impunity.³

¹ A/HRC/38/13, recommendations 105.32-105.33 (Republic of Korea, Argentina).

² *Nullum crimen sine lege* ("no crime without law") is the moral principle in criminal law and international criminal law that a person cannot or should not face criminal punishment except for an act that was criminalized by law before he/she performed the act.

³ A/HRC/38/13, recommendations 105.46-105.61 (Namibia, Slovakia, Sweden, Switzerland, USA, Estonia, Netherlands, Austria, Greece, Belarus, Czechia, Peru, Brazil, France, Germany, Australia), 105.63 (Austria),

Torture and ill-treatment of detainees in police stations and prisons continue and the authorities rarely conduct investigations to bring those responsible to justice. The reports of police brutality continued into 2018, yet there is little evidence that the cases of alleged violence of law-enforcement officers are promptly and impartially investigated and prosecuted.⁴

Amnesty International welcomes Montenegro's acceptance of recommendations to take measures to investigate allegations of torture, ill-treatment or excessive use of force, to bring perpetrators to justice and to dedicate resources to human rights training for law-enforcement agencies.⁵

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Montenegro on 29 June 2018 during its 38th session. Prior to the adoption of the report of the review Amnesty International delivered this oral statement.

Amnesty International also contributed to the information basis of the review through its submission on country: <https://www.amnesty.org/en/documents/eur66/6956/2017/en/>

Public Document

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⁴ European Commission, Montenegro Country Report, 2018

⁵ A/HRC/38/13, recommendations 104.1 (Ghana), 105.21-105.24 (Belarus, Russian Federation, Chile, Indonesia).