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Amnesty International's Concerns in Montenegro: January-June 2009

General and political developments

Elections due to take place at the end of 2009 were brought forward to 29 March by the Prime Minister Milo Djukanović reportedly in order to introduce legislation required as part of a Stabilization and Association Agreement signed with the European Union (EU) in 2007. The Prime Minister's ruling "For a European Montenegro" coalition won 48 out of 81 parliamentary seats.

Montenegro had formally applied to join the EU on 15 December 2008. Although several member states within the European Council working group on enlargement in February stressed that Montenegro had still some work to do before it could seriously be considered as a candidate for membership, on 23 April, the European Council invited the European Commission to prepare an Opinion on the application, which will be submitted during 2010.

The economic situation deteriorated: in May Montenegro's central bank reported that foreign investment in the property market, amounting to 11.4 million euro, had dropped 59.2 per cent in comparison to the previous year. In April 450 workers at the Kombinat Aluminijuma Podgorica aluminium smelter were sent on mandatory leave and 1,500 workers laid off at the Željezara steel factory in Nikšić. The International Monetary Fund (IMF) forecast that the Montenegrin economy would go into recession within two years; Igor Luksić, Minister of Finance and deputy prime minister, reportedly stated that Montenegro did not require the IMF's assistance.

In May the government confirmed that it had issued a Montenegrin passport to former Thai Prime Minister Thaksin Shinawatra, who had reportedly bid 21 million Euro to buy the island of Sveti Nikola for development as a tourist destination. Sentenced in absentia for corruption, the former prime minister's period in office was characterized by extrajudicial executions, enforced disappearances, arbitrary detentions, torture and other ill-treatment of persons in detention, and attacks on freedom of the media.

War Crimes

In June a bill on cooperation with the International Criminal Court (ICC) was presented to the parliamentary Foreign Affairs Committee. Montenegro had signed a bilateral agreement with the US in August 2007 which would have provided US citizens with immunity from prosecution at the ICC. Justice Minister Miras Radović stated that there would still be consultation with the US authorities, but this would not prevent the extradition of their citizens to the ICC.

Progress was made in addressing long-standing impunity for war crimes. On 19 January six former police officers were indicted in connection with the enforced disappearance of at least 83 Bosniaks who had sought refuge in Montenegro and were "deported" in 1992 by the authorities into the hands of the then

Bosnian Serb Army. The accused include Boško Bojović, former National Security Chief; Duško Bakrač, a Social Democratic Party of Montenegro, official in Herceg Novi; Milislav Marković, former Deputy Minister for Internal Affairs; Milorad Ivanović, Herceg Novi Security Centre Chief; police commander Milorad Šljivančanin, and Branko Bujić, Security Centre Chief. At the initial hearing the accused denied the charges that they had arrested 79 persons in Podgorica, Herceg Novi, Bar and Ulcinj and handed them over to Bosnian Serb-controlled police forces in Sokolac, Srebrenica and Foča in the then Republic of Bosnia-Herzegovina. The Montenegrin government had in December 2008 recognized its responsibility for the enforced disappearances of at least 93 of the Bosniak refugees, and announced that it would provide reparations for all 193 victims, including the survivors victims and the families of the other victims of the enforced disappearances.

The investigation in this case had opened in October 2005, and was concluded in the last week of December 2008. More than 60 witnesses were heard by the investigative judge, including in Belgrade, Sarajevo and Podgorica. They included Prime Minister Milo Đukanović, (also Prime Minister in 1992), and Svetozar Marović, the Vice-President of the Democratic Party of Socialists of Montenegro (DPS CG); both testified that they had been unaware of the “deportations” at that time.

The non-governmental organization (NGO) the Youth Initiative for Human Rights (YIHR) reported that one of the witnesses, Slobodan Pejović, continued to be subject to intimidation, including damage to his car, painted white in April by unknown persons; his car had previously been damaged in 2008 following his testimony. An investigation was opened into these allegations.

Proceedings opened at the newly opened Special Court for War Crimes and Organized Crime in Bijelo Polje on 19 March in the “Kaludžerski Laz” case in which seven former Yugoslav People’s Army (JNA) soldiers, members of the Podgorica Corps, were accused of the murder near Rožaje in April 1999 of 23 Kosovo Albanian civilians, who had fled the armed conflict in Kosovo. The seven had been arrested in August 2008; an eighth, Predrag Strugar, being tried in absentia, remains at large in Belgrade. In December 2008, the seven had initiated a hunger strike in protest at delays in commencing the trial. Proceedings continued at the end of June.

On 29 May, the first four witnesses in the “Morinj” case appeared before the Special Court for War Crimes and Organized Crime in Podgorica. Five former JNA Montenegrin reservists had been indicted in August 2008 for war crimes against the civilian population and against prisoners of war; a sixth suspect remains at large. The accused are charged with torture, inhumane treatment and violation of the physical integrity of 169 Croatian civilians and prisoners of war, who had been captured near Dubrovnik, at Morinj camp, between October 1991 and August 1992. Eight of those detained later died, allegedly from their injuries. Following the refusal of witnesses to appear before the Bijelo Polje Court on 20 March 2009, alleging that they had received verbal threats, proceedings had been transferred from Bijelo Polje on security grounds, and measures for the protection of witnesses agreed.

An investigation remains pending at the Bijelo Polje Court into allegations against seven former military and police personnel suspected of war crimes. The charges relate to the ill-treatment, arbitrary arrest and abduction by units of the JNA and Bosnian Serb Army respectively in 1992 and 1993 of Bosniaks living in the Bukovica region of the Sandžak, which resulted in the Bosniak population being forced from their homes. According to a local NGO, which campaigns for the investigation of war crimes in the region, six people were killed, 74 were tortured and the Bosniak population of 24 out of the 39 villages in the Bukovica region were forced to leave their homes.

In May 2009 the prosecutor’s office announced it would not investigate allegations against three Montenegrin pilots suspected of conducting air raids in the area of Dubrovnik during the war in Croatia in 1992, apparently due to a lack of evidence.

Torture and ill-treatment

In January the Committee against Torture (CAT) reported on their consideration of Montenegro's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The CAT expressed concerns about the routine denial of detention rights and required Montenegro to report within a year on several specific recommendations, including to ensure "that all detainees are afforded, in practice, fundamental legal safeguards during their detention. These include, in particular, the right to access a lawyer, an independent doctor, if possible of their own choice, and to contact a relative as from the outset of deprivation of liberty". The CAT also called on the authorities to "ensure the right of detainees to have confidential communication with their legal counsels in all circumstances", and to ensure the prompt investigations of all allegations of ill-treatment.

Amnesty International notes that by the end of June several of the CAT's recommendations had been implemented, including in relation to the ICC (above) and impunity for war crimes (above). Montenegro had also by March ratified the Optional Protocol to the Convention against Torture (OPCAT), although it has yet to take any measures towards establishing a National Prevention Mechanism as required under Article 17 of the OPCAT.

The Committee on the Elimination of Racial Discrimination (CERD) in their consideration in March 2009 of Montenegro's implementation of the International Convention on the Elimination of Racial Discrimination (Convention against Discrimination) noted "continued allegations of police brutality and ill-treatment and lack of prompt and impartial investigations of cases with respect to disadvantaged ethnic groups, particularly Roma." In a survey conducted by the YIHR in 2009, 31 out of 40 Romani respondents stated that they would not make a complaint against the police, as they believed the police considered such treatment to be justified.

The YIHR reported a significant decrease in reported allegations of torture and other ill-treatment in the first four months of 2009, in comparison to the same period in 2008. According to media reports, on 2 April Gordana Jeknić from Nikšić was beaten and kicked by two members of the Police Intervention Task Force causing serious injuries to her head, abdomen and neck. The assault occurred after police had responded to a complaint about loud music coming from her café; two other officers intervened to stop the ill-treatment. One of the police officers was subsequently dismissed for breaking the Police Code and the Law on Civil Servants and Employees. Also in April, T. Dj. arrested for the possession of heroin, brought a complaint against a police officer who she alleged had touched intimate parts of her body while she was in detention. The officer concerned was detained and criminal charges brought against him; he was later released. YIHR has raised concerns about why newly-installed closed circuit television (CCTV) equipment did not record the incident.

Denial of the right to freedom of expression

In May both independent journalists and human rights NGOs expressed concern about a statement by Prime Minister Milo Đukanović in which he criticized them as "clandestine and open opponents, grumblers and insecure people."

On 26 January an article by University of Montenegro professor Dr Milan Popović was published in an academic journal. The article criticized Milo Đukanović and examined the alleged connections between the prime minister and organized criminal activity, his role in the 1992 refugee "deportations", and his role in the killings of police inspector Slavoljub Ščekić, Srdjan Vojičić, and Ivo Pukanić, the owner of the Croatian publication, *Nacional*. On 10 March 2009, Milan Popović was summoned for questioning by the Chief State Prosecutor Ranka Čarapić.

In January, the trial of Damir Mandić reopened. The sole suspect in the murder in May 2004 of Duško Jovanović, former editor in chief and director of the daily newspaper *Dan*, Damir Mandić had previously been acquitted of complicity in the murder, but following an appeal by the prosecution, the Supreme Court had ordered a retrial. On 27 April 2009, Damir Mandić was convicted as an accomplice in the

murder of Duško Jovanović and sentenced to 30 years' imprisonment. No other suspects have been identified.

In May a *Dan* journalist informed Amnesty International that since Damir Mandić's conviction, "We have received numerous attacks, from disturbing phone calls to, just recently, a bomb scare [5 May], when staff had to evacuate the offices, because of our critical reporting on Montenegro's reality". A suspect was arrested in May for smashing the windows of the *Dan* office in Bijelo Polje.

A number of unlawful killings, believed to be either political killings or associated with organized crime, remain unresolved. These include the killing of Srdjan Vojičić, bodyguard to the author Jevrem Brković – who is assumed to have been the target of an attempted murder; and the killing of Ivo Pukanić, the owner of the Croatian publication, *Nacional*, which had covered allegations about links between the government and organized crime in Montenegro. No one had been brought to justice for an attack on sports journalist Mladen Stojović, who was beaten unconscious by unseen intruders in his parents' apartment in the town of Bar on May 2008; he had previously asked the police for protection. A journalist for the Serbian dailies *Danas* and *Vijesti*, Mladen Stojović had recently been interviewed on a Serbian television programme about organised crime's involvement in football.

Proceedings have continued for more than a year related to the killing of police chief Slavoljub Šćekić, believed to have been killed while investigating organized crime; a verdict was in expected in August.

Discrimination against Roma

According to representatives of the Roma community since the introduction in 2008 of a new Law on Citizenship and a Government Decree on issuance of new personal documents, the majority of Roma will be unable to afford the fee of between 600 and 1,000 Euro required to prove entitlement to Montenegrin citizenship. The United Nations Development Programme (UNDP) reported that almost 40 per cent of Roma, Ashkalia and Egyptians (RAE) currently lack birth certificates or citizenship certificates; 70 per cent of those without documents are children. The possession of identification documents is a pre-condition for access to social security, health, education and employment services, and to travel documents.

In March, in their consideration of the Montenegro's implementation of the Convention against Discrimination, the CERD concluded that "the socio-economic and living conditions of the Roma continued to be precarious and discriminatory in the spheres of education, employment, healthcare and social welfare." The CERD urged Montenegro to accelerate efforts in bringing laws, including the 2006 Law on Minority Rights and Freedoms, into accordance with the provisions of the 2007 Constitution and the European Convention on Human Rights and Fundamental Freedoms (ECHR). The CERD also recommended that Montenegro "continue to address the various factors responsible for the low level of education among the Roma, as well as efforts to facilitate the integration of minority pupils into mainstream education, including by providing language support in pre-school education."

On International Roma Day in April the Minister for the Protection of Human and Minority Rights announced that some 600,000 Euro had been allocated for the improvement of the living conditions of Roma, 80 per cent of which was to be allocated to the building of 50 prefabricated houses. In the light of existing housing conditions this appeared inadequate to the needs of the estimated RAE population of between 6,500 and 10,000.

Romani refugees from Kosovo

In January the Committee against Torture recommended Montenegro take measures to regularize the status of RAE from Kosovo, as well as that of refugees from Croatia and Bosnia and Herzegovina.

According to the UN refugee agency (UNHCR), some 4,458 RAE from Kosovo remain in Montenegro. Denied access to the rights of refugees enshrined in the 1951 Refugee Convention, they remained

defined as internally displaced persons under the 1992 Government Decree on the Care of Displaced Persons, a status which denies them access to a process to apply for international protection under the 2007 Law on Asylum. Further, many of those who arrived in Montenegro after 2003 had not been granted access to a process whereby they may even be registered as internally displaced persons. As a result, they remain in danger of statelessness.

UNHCR informed Amnesty International that the few rights enjoyed by refugees from Kosovo were further reduced on 1 January 2009 with the implementation of the 2008 Law on Work and Employment of Foreigners (Law on Alien Employment). This law established a quota on the employment of foreign workers, which UNHCR considered would further limit, if not completely deny, RAE from Kosovo their right to work. This law is in addition to an employers' tax already in force, requiring the payment of additional taxes of 2.5 euros per day for every non-national employed.

From early 2009 the Montenegrin authorities entered negotiations with the Kosovo authorities on the return to Kosovo of RAE refugees. It appears unlikely that any of these individuals will be granted access to a process to assess their continued protection needs in accordance with the provisions of the 1951 Refugee Convention.

On 21 May a fire broke out at the Konik camp, where more than 2,000 RAE from Kosovo refugees have lived since 1999. Reportedly caused by faulty wiring, the fire destroyed 18 wooden huts and left 124 people homeless. They now live in tents provided by UNHCR, or have moved in with relatives. A similar fire earlier in the year reportedly killed two small children trapped in a chicken coop where they had been sleeping.

Trafficking in Persons

In June the US State Department's annual Trafficking in Persons report placed Montenegro on the US "watch list" due to specific concerns about its role as a transit country for the trafficking of women and girls from Ukraine, Moldova, Serbia, Albania, and Kosovo to Europe for the purposes of sexual exploitation. The report found that the government had failed to show "adequate evidence of progress in punishing convicted traffickers or proactively identifying trafficking victims among vulnerable groups".

Reports and other public documents

Human Rights Council, Tenth Session, Item 6, "Consideration of UPR reports",
Oral Intervention by Amnesty International on Montenegro, 18 March 2009