



member of Civic Alliance



I QUARTERLY REPORT ON THE STATE OF HUMAN RIGHTS - 2012

*Opinions presented in the report do not necessarily represent
opinions and standpoints of BT|D*

Podgorica, 30.03.2012.

I Previous informationa

The first quarterly report of Civic Alliance (CA) for 2012 includes information collected during the period from 1 January until 30 March 2012. In our work we used the techniques of researching on the terrain, press clipping, analyses, interviews, and insider information and SOS line. CA monitors human rights in Montenegro for the seventh year in a row, through the work of its members Youth Initiative for Human Rights (YIHR) and 35 mm, and until nowadays, we have published six annual and more quarterly reports that are available at web sites www.yihr.me and www.gamn.org. The report covers areas we have recognized in our work as the most concerning and the accent is on the state of human rights, while more detailed legal analysis of standards of human rights is being prepared for the annual report. The report prepares six members team of CA with the support of Balkan Trust for Democracy (BTD). Cooperation with offices of UNHCR, Center for the rights of children of Montenegro, numerous public organizations, and individuals has been achieved during preparation of the report.

Court of Human Rights in Strasbourg rendered the ninth verdict against Montenegro. Large number of citizens addressed CA office stating they were not enough informed about application procedures. Representative of Montenegro before the court does not have its web site as representatives of the region countries have, which significantly makes informing of citizens on the work of the court difficult. Large number of applications was rejected because they were baseless. According to statements CA received, for large number of cases legal representatives gave hope to citizens on successfulness of cases although failure of cases might be presumed according to the practice of the court. The ninth verdict was Buocke against Montenegro due to violation of Article 6 of the Convention.

In this quarter, Montenegro continued its road towards the European Union. Work groups for Chapters 23 and 24 were established, and in the work of groups were included representatives of nongovernmental organizations. Montenegro continued successful access to Atlantic integrations. Positive reports from the NATO officials have arrived and the fifth detachment of the army was sent in ISAF mission in Afghanistan in February. More reports related to human rights in Montenegro were published in this quarter.

European Commission for fight against racism and intolerance (ECRI) published the Report on Montenegro on 21 February 2012 (<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Montenegro/MNE-CbC-IV-2012-005-MNE-pdf>). The report stated progress but also concerning situation related to the poverty and difficult life Roma, Ashkelia and Egyptians face with. Position of "displaced and internally displaced persons" is also concerning because some of them might lose citizenship due to complicated procedures. There was no adequate representation of national minorities in the Parliament and public services. The additional statement with the Report said that the Camp in Konik represented de facto segregation, that conditions in Camp were inhuman and dangerous, and that Montenegro adopted international legal instruments in this area.

South East Europe Media Organization (SEEMO) published on 28.02.the Report on freedom of media in Montenegro [www.seemo.org/files/Media%20Scene%20in%20Montenegro%202011%20\(1\).pdf](http://www.seemo.org/files/Media%20Scene%20in%20Montenegro%202011%20(1).pdf).

Conclusions of the Report stated that the arrival of the new Prime Minister Igor Lukšić changed the relationship with media in comparison with former Prime Minister Milo Đukanović. It also emphasized that the legal framework in accordance with international standards was adopted and that the Government helped media to survive. However, as stated, better implementation of law in practice was needed and access to information should be better because it was usually slow. Journalists who had the opportunity to talk to representatives of SEEMA said that the threat to freedom of media was reflected through politic and business pressure. The Report invited the Government to resolve all assaults on journalists in order to demonstrate it fights for the respect of freedom of media.

Friedrich Ebert Foundation published on 28 February 2012 the analysis on Montenegro. The analysis showed that Montenegro was still far from the European standards, that it did not face with change of power since the fall of the communism and as such was semi-consolidate democracy with marginalized opposition, civil society in chains and powerful state apparatus.

Freedom House published Annual Report on freedom in the world for 2011 (http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet--Final.pdf). According to the Report, Montenegro kept the status of free country. At the scale from 1 to 7, Montenegro was evaluated with the mark 3 for political rights, for civil freedoms it received mark 2, and with the average mark 2.5 was evaluated as free country, the same as in 2010.

At the index of media freedom, published by **Reporters without borders** in January, Montenegro fell for three places and was on 107th position at the list (http://en.rsf.org/spip.php?page=?classement&id_rubrique=1043). Director of this international journalist organization Olivie Basil told for Dnevne novine that Montenegro fell after the vehicle of daily newspaper Vijesti burnt, and due to organized crime and rising gray economy.

Committee of Ministers of Council of Europe made a set of recommendations for Montenegro on 16 March 2012 ([https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec\(2012\)1137/2.1bis&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2012)1137/2.1bis&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)).

Recommendations stated, among other matters, that Montenegro should provide independency of judiciary through amendments of the Constitution in accordance with recommendation of the Venice Commission, strengthen the institution of Ombudsman with the aim to become efficient mechanism for implementation of Law against discrimination, improve legislation framework related to the fight against corruption and organized crime and strengthen independency of media and process all cases of violence against journalists.

II Institutional framework in human rights area

Constitutional court - Constitutional Court of Montenegro received in the first quarter of 2012 more than 150 constitutional appeals. During this period, Constitutional Court held seven meetings where 133 constitutional appeals were discussed, out of which four were adopted. One of the adopted appeals abolished the verdict of Supreme Court and returns the procedure to a new trial. Therefore, the Supreme

Court of Montenegro sent on 27 February 2012 to the Government of Montenegro and the Ministry of Justice the initiative to amend the Law on the Constitutional Court of Montenegro and its Article 56, which empowers the Constitutional Court, by adopting constitutional appeal, that may cancel even the Supreme Court decision as a whole or partly and return the case for retrial. Article 56 of the Law on Constitutional Court states: "If the Constitutional Court finds that the disputed individual act violated human rights or freedoms guaranteed by the Constitution, it shall adopt constitutional appeal and revoke the act as a whole or partly and return the case for retrial to the body that issued the repealed act." Supreme Court considers that this Article should be amended in a manner which will add "except courts". Supreme Court considered that this amendment is necessary because the Article 56 of Law on Constitutional Court is in conflict with the Constitution of Montenegro and its Article 124, because Supreme Court is the highest court in Montenegro, and the judges of the Supreme Court considered that the Constitutional Court may not have the authority of the higher instance court in comparison to the Supreme Court. However, Milan Marković, President of the Constitutional Court of Montenegro announced on 2 March 2012, that abolishing decisions of the Constitutional Court did not derogate the constitutional category that the Supreme Court is the highest court, nor does it interfere in independence of the judiciary power, it provides to Constitutional Court jurisdiction to make decision only when the constitutional right is violated. Citizens who addressed CA stated that the Constitutional Court was slow and inefficient because they wait too long for its response. In this quarter, the Ministry was opened for cooperation with NGO sector and the media. The budget of the Constitutional Court in 2012 is 692,353.74 EUR.

Ministry of Human and Minority Rights - The Government made decision on joining the part of the Ministry for Human Rights to Ministry of Justice. Duško Marković, Deputy Prime Minister and Minister of Justice was appointed for Minister for Human Rights. Sabahudin Delic, Deputy Minister for Human and Minority Rights told CA researcher on GA 26 March 2012 that the name of the Ministry would be changed by modifying the Ordinance on the Government. According to systematization of job positions in the Ministry was presumed the position for the Deputy Minister for Department for relations with religious communities. According to information from the website, Ministry for Human and Minority Rights implemented activities in the field of women's rights, gender equality and LGBT rights in the first three months. During 2012, the Ministry will conduct public debate on the Proposal of Law on amendments of Law on Minority Rights and Freedoms and the Proposal of Law on Legal Status of Religious Communities in Montenegro. The budget of the Ministry for 2012 is 1,307.602.36 EUR.

Protector of Human Rights and Freedoms (Ombudsman) - Under the new legal powers Ombudsman is the National mechanism for the prevention of torture. Ombudsman Šučko Baković told CA researcher that in the preparation was subordinate legislation after which would be formed the team would carry out visits to institutions where detainees were located. In this quarter, the Ombudsman in cooperation with ZIKS and OSCE implemented the project "Boxes for complaints". Ombudsman submitted the initiative to the Parliament for adoption of Law on the union of the same sex partners. Office of Ombudsman continued in this quarter good cooperation with NGOs. The budget of the Ombudsman in 2012 is 544,210.44 EUR.

Parliament of Montenegro - Parliamentary Board for human rights and freedoms - Parliamentary Board for human rights and freedoms held eight sessions in the first quarter, held eight meetings. The Board held consultative meeting at which were invited representatives of state institutions, international and NGO organizations regarding the preparation of the plan of activities of the Board for 2012. At other sessions, among other matters, were discussed the following topics: the Proposal of Law on incomes of civil servants and employees, information on the situation at the Institute for Enforcement of Penal Sanctions related to the actual strike of prisoners, the report of the European Commission for the fight against racism and intolerance of the Council Europe of Montenegro and the decision on the control the hearing of the Minister of Labor and Social Welfare about the situation at the Institution "Komanski most", was made. The Board showed willingness to establish the control role of the Parliament in the field of human rights and continued good cooperation with international organizations and NGOs.

Council for the Civil Control of the Police Work - Council for the Civil Control of the Police Work made the decision on rotating in the chairmanship of that body. Each of five council members will preside over one year. Currently, the Council is chaired by Jovan Poleksić, who was elected before the Bar Association of Montenegro. In the first quarter, the Council received four applications from citizens, and also in three cases, the control process of police officers acting was self-initiated. In this quarter, the Council held three sessions and two meetings with representatives of the Police Directorate and the Centre for Democratic Control of Armed Forces from Geneva. Citizens have not been sufficiently informed about the work of the Council and have not been familiar with the capabilities they have and the manner they can address the Council. The Council has not yet launched the website, although it was stated from the Council last year that the contract on establishing the web presentations, was signed with "Čikom". The Council does not have a person responsible for PR, and the performances of a member of the Council have been considered as the standpoints of the Council. Budget of the Council for 2012 is 35.001.00 EUR.

Fund for minorities – The Statute defines that the Fund supports the activities important for preservation and development of national or ethnic features of minorities and other minority ethnic groups and their members in areas of national, ethnic, cultural, linguistic and religious identity. The previous work of the Fund marked numerous irregularities identified by the State Audit Institution. Currently, work group has been formed, at the initiative of Board for human rights and freedoms, which will create a proposal for the reform of the Fund and the proposal to amend the Law on minority rights and freedoms. Due to the entry into force of provisions of Law on conflict of interests, changes in the current Managing Board occurred, since MPs can no longer be members of Managing boards. The decision on the appointment of proposed candidates for the new Managing board is currently before the Administrative board of the Parliament of Montenegro. Budget of the Fund for 2012 is 910,000.00 EUR.

Agency for the Protection of personal data - In the first quarter of 2012, Agency for the Protection of personal data executed 48 surveillances, out of which five were upon the request for protection of rights. During this period, the Agency adopted nine opinions, one recommendation and a decision. In the first three months, the Agency has not imposed any sanction for determining the cases of violations of regulations from the area for the protection of personal data because, as stated by the Agency, irregularities were eliminated. Šefko Crnovršanin, President of the Agency, said for media on 5 February

2012, that due to the lack of money in the budget, the Agency would not be able to implement the new Law on free access to information. Crnovršanin announced on 15 February 2012 that the EU Delegation approved the continuation of the project related to implementation of the Strategy for the Protection of personal data. At the end of November 2011, the Delegation suspended the project for failing to meet the preconditions. The most important preconditions were, as Crnovršanin said, development of rulebook on internal organization and systematization of job positions and employment of priority staff. Council of the Agency for the protection of personal data, at the meeting held on 18 January 2012, decided that Bojan Obrenović, Director of the institution should not be dismissed. The Council considered the request for dismissal of Obrenović, which was submitted by the Council member Aleksa Ivanović, due to employments that were not in accordance with the rules on job classification. Budget of the Agency for 2012 was 432,950.25 EUR.

III Facing past

Passive attitude of the state towards the war past at the beginning of '90s has been continued in the first quarter of 2012. The relevant state institutions, particularly the Prosecution Office, still have not been looking for political, ordering or command responsibility for war crimes committed at the territory of Montenegro. For the second time, the monuments to victims of civil wars from 1991 - 2001 were desecrated in the park at Pobrežje in Podgorica that were set by the Government in the mid of 2011. Police did not identify the perpetrator or perpetrators who desecrated the monument made of glass. Media again published that former Mayor of Pljevlja, Filip Vuković participated in the incidents in Pljevlja at the beginning of '90s, which had the goal of persecution of Muslim-Bosniak people. Vuković has denied these allegations. CA has no information whether the competent Prosecution Office opened an investigation in the actual case.

Štrpci - On 27 February 2012 was the 19th anniversary of the crime that happened in Štrpci. The same day on 1993 in Štrpci, members of the Army of the Republika Srpska, under the command of Milan Lukic, kidnapped 19 passengers of whom 18 were Bosniaks and one Croat, from the train, "671", which was operating on the route Belgrade - Bar, who were afterwards killed. So far, only remains of the three kidnapped persons were found in Lake Perućac near Bajina Bašta. For this crime, only Nebojša Ranisavljević was sentenced, who served fifteen year sentence at the end of 2011. According to unofficial information, 20 members of this unit participated in this action. Masterminds and instigators of these crimes and other perpetrators of the crime still have not been discovered or prosecuted. Liberal Party of Montenegro announced on 16 February 2012, that the state of Montenegro has to punish the responsible ones for this crime. Rifat Vesković from Democratic Union of Muslims-Bosniaks of Montenegro, said on 16 February 2012 the following: "Playing with the souls of the victims and the pain and suffering of their loved ones continues. There is no end to silence about the crime in Štrpci. Those who prepared the crime, committed it and those who know the perpetrator/s and the masterminds are still silent." Aleksandar Žurić Mayor of Bijelo Polje met on 27 February 2012 representatives of families of the kidnapped passengers. Family members asked setting of memorials, social protection of families and prosecution of responsible persons.

Deportations - Appellate Court of Montenegro canceled the first instance verdict of the Higher Court in Podgorica by which nine members of the Ministry of Internal Affairs were acquitted of indictments for deportation of refugees from Bosnia and Herzegovina. The case was remitted to the Higher Court for retrial. Higher Court in Podgorica acquitted the accused ones for lack of evidence in late March last year. For deportation of refugees, who were delivered to the authorities of Republika Srpska and who were later killed were accused Branko Bujčić, Sreten Glendža, Božidar Stojović, Milorad Šljivančanin, Boško Bojović, Milisav Marković, Radoje Radulović, Duško Bakrač and Milorad Ivanović.

Case Morinj - Specialized Chamber of the Higher Court in Podgorica, chaired by Judge Milenka Žižić convicted on 25 January 2012, four former members of the Yugoslav People's Army (JNA) to 12 years imprisonment the criminal offense war crime against war prisoners in the Morinj Camp on 1991 and 1992. Ivo Gojnić was sentenced to two years, Špiro Lučić and Boro Gligić to three years, while Ivo Menzalin, whom detention was extended, was sentenced to four years imprisonment. The court acquitted Mladen Govedarica and Zlatko Tarle of charges of war crimes against prisoners of war. Lawyer of Menzalin, Vladimir Vuleković, said he was not satisfied with the verdict and announced the appeal. Appellate Court of Montenegro dismissed as unfounded the appeal of Menzalin's lawyer on a decision on extending the custody. The legal representative of victims in Morinj Camp, lawyer Tamara Durutović said that upon the indictment, command responsibility of Govedarica and Tarle was not required, and added they responded in the form of an investigator. She also said she had assumed that the victims were not satisfied with the decision of the court by which the two defendants were free while punishments of others were reduced for six months in comparison to the previous verdict. President of the Croatian Association of camp prisoners, Zdenko Bulić said that after the verdict camp prisoners were dissatisfied and that justice was not satisfied in any segment.

Case Kaluđerski laz - Goran Rodić, Predrag Strugar's lawyer, said on 1 February 2012 for daily newspaper 'Pobjeda' that the Higher Court in Belgrade made a new decision on approving the extradition of Strugar to Montenegro. Rodić said that decision was not final. Predrag Strugar was indicted for war crimes in Kaluđerski laz. War crime in Kaluđerski laz happened in 1999, in Rožaje. In April 1999, 23 Albanian civilians, among whom were children, women and elderly were killed in Kaluđerski laz. The trial was held in this quarter by hearing of witnesses, and besides Strugar, in absence following persons have been tried: Momčilo Barjaktarović, Peter Labudović, Aco Knežević, Branislav Radnić, Miro Bojović, Radomir Đurašković, and Boro Novaković. On 28 March 2012 ended the evidence procedure for war crimes in Kaluđerski laz committed at spring 1999.

Case Bukovica – Session of the chamber of the Appellate court, took place on 22 March 2012, on the occasion of appeals of the Supreme Public Prosecutor and families of damaged in case of war crime of Bukovica, published daily 'Vijesti'. Radmilo Đuković, Radiša Đuković, Slobodan Cvetković, Đorđe Gogić, Milorad Brković, Slaviša Cvrkota, and Radoman Šubarić were acquitted of charges that they committed war crime against humanity by the first instance decision. The decision stated that it was not proved that accused were self-initiatively went to Bukovica to intimidate, torture and treat in inhuman manner citizens of Muslim and Bosniak nationality, but they acted in the frame of legal competencies as members of the Army and the Police for the purpose of providing security, order and peace. 'Vijesti' wrote that judge Svetlana

Vujanovic, stated numerous deficiencies in the first instance decision and added that it had been expected that the acquittal verdict would be abolished. One of the deficiencies was addressing of evidences that were not mentioned at the hearing and were not part of case files.

After the meeting of Mayor of Pljevlja, Miloje Pupović, the Ministry of Culture and the Directorate of Public Works on 9 March 2012, it was announced that about half a million EUR would be invest in the construction and reconstruction of traffic and power infrastructure in Bukovica in 2012. The project on the return of people from Bukovica started on 2008. Until nowadays, 2.5 million out of planned 4.5 million EUR were invested in the road and electrical infrastructure, and construction of houses for returnees in Bukovica. Some people who were expelled, publicly expressed dissatisfaction with the implementation of the project of return of refugees and information were published that the houses, which cost 15.000 EUR at the market, cost twice more. The state has not published information how much each house would cost and CA did not come to that information via Law on free access to information.

IV Torture, inhuman and degrading treatment

The Constitution prohibits torture, inhuman and degrading treatment while the Criminal Code prescribes punishment of up to five years imprisonment sentence for persons acting in official capacity. Convention against torture and other cruel, inhuman and degrading punishments and proceedings prohibits persons acting in official capacity any form of torture and violation.¹ This implies purposeful infliction of bodily injuries, physical and mental torture in order to extort confession or information, pressure or intimidation on any grounds.² Torture is not allowed under any conditions.³ The country should research each statement on violation. UN Committee Against Torture believes that it was not necessary to file lawsuit formally but was enough if the victim provides the statement so that the country has the obligation to research the statement impartially and without a delay. The Committee thinks that each delay of investigation more than 15 days is unreasonable and opposite to the Convention against torture.

CA also monitors acting of police and prison officers and the conditions at detention premises and prisons in Montenegro. CA registered reported cases of violation and torture in prisons committed by police officers.

Police torture

In this quarter, CA registered increased number of reported cases of violation and inhuman treatment of police officers. New Director of Police Directorate, Božidar Vuksanović made a decision on returning former police officers who publicly spoke about smuggling at the border and Goran Stanković who testified that Aleksandar Pejanović had been beaten up. Police Directorate did not announce what had

¹ Convention against torture and other cruel, inhuman and degrading punishments or proceedings was adopted and opened for signing and ratification and accession by the Resolution of the UN General Assembly no. 39/46 from 10 December 1984. It came into force on 26 June 1987 in accordance with Article 27. Yugoslavia signed and ratified the Convention. It was published in Official Gazette (International Treaties) no.9/91

² Ibid, Article 1

³ Ibid, Article 2

been done with the statements on smuggling at the border. Decision on return of the police officers has not been selective because it did not include Suad Muratbašić, Enver Dacić, and Amil Grbović, police officers who were dismissed after the statements for media because they spoke on irregularities in the work of the Police Directorate and in the case Grbovic for being a member of NGO MANS at the web page Facebook.

CA registered nine cases on citizens' statements related to some form of violation or inhuman treatment. Statements on six cases were related to physical violation and statements on three cases were about degrading treatment. According to CA findings, four criminal charges were filed against police officers.

Indictment for the murder attempt – Higher Public Prosecution Office in Bijelo Polje presented indictment on 20 January 2012 against police officers from Berane, Svetislav Barjaktarović, Grigorije Ščekić, Milan Boričić, Željko Došljak, Vlajko Babović, Miroslav Rakočević, and Danko Jelić, for the suspects they had committed criminal offence murder attempt. Mentioned officers from the Regional unit of the police in Berane, as stated in the indictment, tried to deprive of life citizens Zoran Vasović, Zlatibor Vrhovac, and Nedeljko Peković, on 5 November 2007 at 23:00 pm. The indictment alleged that, at the intersection of 13th July Street and St. Sava Street in Berane, the accused persons fired several gunshots in the direction of vehicle 'Grand Cherokee' driven by Zlatibor Vrhovac with whom were Zoran Vasović and Nedeljko Peković who tried to escape in fear with the vehicle towards the police building and roundabout near the bus station. On that occasion, accused persons Došljak, Raković, Jelić and Babović fired several gunshots on the vehicle and Barjaktarović, Ščekić and Boričić continued to fire also, stated the indictment. After that, the vehicle stopped near the EKO petrol station, and out of all fired gunshots, Vasović was shot three times and received serious bodily injuries. Accused Vlajko Babović hit with the gun more times damaged Nedeljko Peković and inflicted him serious bodily injuries over his head. Police officers were not suspended and damaged citizens claimed that police officers made pressures on them intending to intimidate and provoke them. Zoran Vasović reported the incident which happened on 10 March 2012, to CA, the Police and media. Vasović said that the Police stopped him that day at 23:00 in the center of Berane while he was driving his vehicle. He said, that the accused policeman Milan Boričić, was searching and provoking him touching his testicle, took the money from his pocket and put it into his pocket. After this, Vasović addressed Higher court in Bijelo Polje where the trial takes place, to Higher Public Prosecution Office in Bijelo Polje, Ministry of Interior Affairs, Director of Police Directorate, the Police in Berane, with the request to inform him whether the law procedure against accused police officers was respected or whether they were suspended and whether they were denied access to firearms. Policeman Boričić denied he had exceeded competencies but did not deny he searched Vasović and on that occasion he said that Vasović was under police surveillance. The trial started on 21 March 2012, but was immediately delayed because accused police officer Svetislav Barjaktarović did not come at the trial. Before the trial begun, the incident had happened. Vasović and Peković told CA researcher that accused police officer Vlajko Babović tried to come into courtroom with a gun. CA representative monitored the trial and confirmed that the incident happened and also confirmed that none of the defendants and victims when entering the court passed through a metal detector, because apparently detector was damaged that day and was removed.

Case Šoškić – On 2 February 2012, CA sent a letter to the Supreme State Prosecutor Ranka Čarapić and the Higher Public Prosecution Office in Bijelo Polje related to still unresolved causes of death of Miroslav Šoškić. CA requested from the Supreme Public Prosecutor Ranka Čarapić to accelerate the investigation in the actual case. Higher Public Prosecution Office informed CA on 3 February 2012, that, on 26 January 2012, after the expertise of Forensic Medicine Board of the Medical Faculty, in the case of Šoškić, it submitted to the judge for investigation of the Higher Court in Bijelo Polje a request for ordering the exhumation of the corpse of Miroslav Šoškić. Exhumation shall take place on 12 April 2012. Miroslav Šoškić died on 17 December 2008 while trying to escape from the Police. Father Vladimir Šoškić claimed that the police was responsible for the death of his son Miroslav. Medical Board of the Medical Faculty in Podgorica stated that according to the autopsy record of pathological and histological analysis, the study of subsequently submitted photo-documentation, was not possible to provide precise statement on the caused head injuries (fall, crash), especially the appearance and localization of fractures of the skull, which clearly requires exhumation and autopsy again, because the same action would exactly localize central fracture and break lines and thus greatly enable the elimination of existing concerns.

Case Aleksandar Pejanović - Basic Public Prosecution Office filed an indictment against the police officers at the Police station in Podgorica, Ratko Rondović and Dušan Raičević for the criminal offence unconscientious work in service on the occasion of a beating, today deceased Aleksandar Pejanović, in 2008. Criminal charges against Rondović and Raičević filed Pejanović in May 2011, claiming they knew about his beating in detention. They were charged for criminal offenses of causing serious bodily injuries by assisting; torture and violation by assisting; unconscious work in the service; assisting the offender after the offense; falsification of official documents through the support and the failure to render aid and failure to report preparation of criminal offense. In this quarter were scheduled but were not held trials that should be continued in April. Lawyer of Pejanović, Dalibor Kavarić told CA researcher: "In actual procedure are noticeable various obstructions, including that the prosecutor did not mention the family of damaged Pejanović in the indictment as subjects in the process, though it was damaged Pejanović who filed the charge, thus, the family will not participate in the proceedings, will not be able to ask questions, examine witnesses, suggests the evidence...Trials are delayed under various, for example, there is no attorney or judge, or lawyer of the accused persons or the accused themselves, and similar. So, the trial has not practically started yet. Defendants Raičević and Rondović have not been suspended and the accused Ratko Rondović even progressed in the service although criminal charges have been filed against him. The importance of this proceeding lies in the fact that police officers who were identified by the witness Stanković as carriers of an order for beating Aleksandra Pejanović, so the same ones should say who gave them orders, if the procedure would be serious and effective. However, due to the mentioned obstructions and the sabotage of the proceeding, relativization or barring of the actual proceeding shall appear."

Case Vuković - Vladimir Vuković (25) from Danilovgrad told daily newspaper DAN that the police tortured him on 14 January 2012. According to Vuković, police arrested him innocent near the building of "Lovćen osiguranje" and detained him with handcuffs in the premises of MUP. As Vuković said he was ordered to shut down the phone for two hours. After two hours, two persons entered into the premises who

said he did not match correctly to the required face and the robber was taller than him. After that, they still kept Vuković because it was determined that arrest warrant was issued last year for him. They released him at 23:30 when they received information that the warrant was out of force because Vuković previously served a 26 days imprisonment sentence for the beating because he did not had to pay 600 EUR fine. Then, according to Vuković statement, inspectors tore the report they had previously written and released him. Vuković asked them for help, to take him home because it was too late and he did not have a transport, and the inspectors told him to find his way.

Case Milović – Fan of the basketball club ‘Sutjeska’ from Nikšić Marko Milović reported on 9 March 2012 he was brutally beaten during a basketball game between Sutjeska and Teod in Tivat at the end of February. Media reported that Milović claimed that he had been attacked by a group of police officers against whom he announced complaint. According to Milović’s statements group of policemen had beaten him brutally, although he did not do anything except that he found himself behind the bench of his team. After the judge asked him to remove himself from the terrain, a policeman took him out from the sports hall and three others policemen beaten him up outside. After that, he went to the hospital where it was stated he had a broken neck in two places, broken arm and then he was immediately transported to Podgorica. According to Milović’s statement, the police officers left him in the bushes which could lead to his death. The Police in Tivat denied allegations that the officers beaten fans. The Police stated that only four police officers guarded the match and that, after the fans started breaking the inventory in the sports hall, they were told that they had to leave the room and were sent on the bus. According to one of the officers who guarded the match, one fan was missing who was found next to the stairs towards the exit. Also, a policeman said that the mentioned fan was visibly in alcohol condition before the match and that this was a possible cause of the crash, and that injuries were not as they were presented as he was walking to the bus with the help of his friends.

Case Dabanović - Siniša Dabanović reported to CA the incident which occurred on 29 February 2012. According to Dabanović’s statement, he and his uncle Ivan Nišavić were beaten by police officers from the Regional unit in Podgorica, Mihailo Kuč in Dalmatinska Street, after a short discussion with a citizen. As he told to CA researcher, vehicle where Dabanović was located with his uncle Ivan Nišavić and a friend who was driving them, a police vehicle blocked their way. When Siniša and Ivan got out from the vehicle, they were beaten up. According to Dabanović, police officer from the Police Directorate beaten up Dabanović with the official gun over his head and thus caused him minor injuries. According to medical analysis, his uncle Ivan received serious injuries during the incident. Due to the information CA received saying that some police officers were trying to reduce the responsibility of their colleague Kuč by testifying, our organization addressed on 1 February 2012 the Police Directorate with the request to send the information on processing of the police officer Kuč, and other responsible police officers, and Internal Control of the Police Department to investigate the case. The Police immediately published the information on its web site saying that it filed criminal charge against the police officer Kuč on suspicion he abused and inflicted minor injuries to Siniša Dabanović. As media reported on 6 February 2012, Basic Public Prosecution Office opened investigation. On 29 February 2012, Internal Control of the Police Department informed CA they had conducted the control of the legality of the police officer acting in this case. The

Department also said they had taken all legal measures to determine the responsibility of police officers Mihailo Kuč due to his acting in this incident. Therefore, the control established that police officers filed a criminal charge against Kuč to the competent public prosecutor due to suspicion he had tortured Dabanović and inflicted him bodily injuries. The request for misdemeanor proceedings and a proposal for disciplinary action were filed against Kuč.

Case Kekić - Đoko Kekić from Nikšić reported the incident on 15 February 2012. Kekić claimed he had experienced torture in police premises. He said he was taken into detention along with a minor nephew, cousin and friend due to investigation of the criminal offense at the damage of Ukrainian O.V. They were detained for five hours in police premises. Kekić said that the police searched his apartment, took fingerprints and DNA. Harassment by the police stopped after committers were identified. Kekić was employed at the construction site "Astra Montenegro" on Zavala, where the company owned by husband of O.V. executed works.

Case Tomić – On 21 February 2012, Dragan Tomić reported CA incident that took place on 16 December 2011 in Budva. Tomić accused police officers Dragan Drjević and Eldin Sadiković who exceeded legal competencies by inflicting him bodily injuries, unlawfully deprived him of liberty, damaged personal things and illegally confiscated things. The incident took place in Jaz, near Budva, when mentioned officers stopped Tomić for a traffic misdemeanor. According to Tomić's statement, the police beaten him up at the police station. Followed by the police, Tomić received medical care at the Health center in Budva where injuries were noted. Tomić told to CA researcher he had believed that the police acted in this manner towards him because he was a Serb, therefore, they damaged Serbian flag from his car deliberately. Tomić reported the incident to the Basic State Prosecutor in Kotor, Internal Control and the European Commission Delegation in Podgorica. CA will continue to monitor the processing of this case by the state institutions.

Case Davidović - Darko Davidović from Podgorica reported an incident which happened on 10 February 2012 to the daily DAN. Davidović said he was dismissed from the premises of the Regional unit for administrative affairs while he was informing about the process of receiving Montenegrin citizenship. Davidović said that the officer in MUP told police officer to escort him to the door but the police officer took him severely by the hand outside the premises. Davidović claimed he did not resist the officer and that he told him he would leave the premises on his own. As Davidović said, officers acted this way when he said he would say all to daily newspaper DAN about the long procedure for citizenship his wife was passing through, when MUP officer ordered police officer to evict him.

Case Đurašević – Zagor Đurašević reported the incident that occurred at night between 26 and 27 February 2012. Đurašević said that night several police officers beaten him up while he was listening to music with friends at home of Braco Drešaj, in settlement Konik in Podgorica. Đurašević said that the police came because of loud music. As Đurašević claimed, when they saw him, police officers were insulting him and then beaten him up. He said they beaten him over his head and body. Đurašević filed criminal charges against several unidentified police officers.

Case Jokačić - Savo Jokačić, manager of the club 'Mint' in Podgorica, reported the incident on 5 March 2012, claiming that the police acted illegally during a raid at the club. Jokačić said that policemen came at his club 'Mint' at night between 3 and 4 March 2012, to carry out a raid and on that occasion a police officer slapped him several times. Then, he said, police officers deprived him of liberty for a period exceeding two hours. Jokačić said that none of the police officers introduced him with the reason for depriving him of liberty and that the police did not provide any document on his apprehension nor they acquainted him with his rights. Jokačić reported the case to the Department for Internal Control of Police. NGO Network for Affirmation of NGO Sector (MANS) reported on 5 March 2012, the report to Ivan Brajović, Minister for Internal Affairs, from whom they required an immediate investigation. Representatives of MANS doubted that the raid in the club 'Mint' was only revenge and attempt to intimidate individuals who supported the organization of civil protest. Namely, on 2 March 2012, student party was held with the aim of raising funds to provide transportation of citizens to protest, and on 4 March 2012 was announced auction of paintings of Montenegrin artists, also with the aim to raise funds for the transport of citizens to protest. On 5 March 2012, the Police Directorate stated that at 4 March, during the period from 01:00 to 02:00 after midnight, police officers from the Regional unit of the police in Podgorica conducted operational - tactical action 'raid' in eight restaurants, including the club 'Mint'. The statement said that on that occasion, police officers found two guns - one at the club 'Mint', at citizen of T.Dj. The statement also said that during the raid eight persons were taken into custody due to disruption of work and failure to respect orders at the premises of Regional unit of the Police in Podgorica. After informative conversation, misdemeanor charges were filed against these persons. Jokačić said he did not disturb the work of police officers in any manner. He also said that police officers required from him to leave the club but that he was trying to explain them he could not leave the cash register and that he had to be there. As the police officers insisted he had to go, he tried to call his father on the mobile phone but police officers then pulled him to the side and started to slap him, said Jokačić. Internal Control of the Police Work informed CA they had proposed that police officers who conducted the raid action to be warned, because Jokačić gave up of requiring responsibility of the police officers.

Situation at the Institution for enforcement of penal sanctions (ZIKS)

Ministry of justice under whose competency is ZIKS, enhanced capacities in this quarter in the sector for enforcement of criminal sanctions, Slavica Rabrenović, Deputy of Minister of justice, who had been appointed for this function at the end of 2011, told CA researcher. Although the position of deputy minister was presumed upon systematization, it was vacant for a long time. Today, this sector has three departments: Department for supervision of enforcement of sanctions and exercising rights of deprived persons, Department for punishing and misdemeanor record and Department for parole. Until nowadays, the overall sector covered only one civil servant but today, besides the Deputy of Minister has been engaged ten more civil servants. According to the plan, part of work of this sector is amending of Law on enforcement of penal sanctions. These amendments provide two new laws, Law on enforcement of penal sanctions and Law on alternative sanctions that would replace the current Law. This year, the sector will initiate the projects of construction of prison for long sentences, Remand prison in Bijelo Polje and construction of the special hospital out of the complex of ZIKS. Duško Marković, Minister of Justice and

Human Rights, said for media that ZIKS would have less independency in the following period. Commission for parole shall act this year according to amendments of Law on enforcement of penal sanctions. Since the beginning of 2012 until 19 February 2012, 150 convicted persons sent appeals for parole to the Commission. After 110 appeals that were considered, Commission approved parole to 38 convicted persons. For remaining 40 appeals, opinion of the management of ZIKS on their behavior is being waiting, and afterwards, the Commission shall make decision for these persons. Slavica Rabrenović told CA researcher that the reason for the low level of released convicted persons to parole was the negative opinion of Management of ZIKS on behavior which was the most important condition for receiving parole. According to the decision of Director of ZIKS, and in accordance with Article 67 of Law on enforcement of penal sanctions, for the period from January to March 2012, 56 persons were on parole before the expiration of sentence.

Management of ZIKS continued good cooperation with CA and other organizations in this quarter. According to the Memorandum on Cooperation with ZIKS, CA researchers controlled larger number of statements on violation of rights of convicted and detained persons, in cooperation with Management of ZIKS, and enable contacts and visits of members of families with their relatives who serve sentence. Between 1.400 and 1.600 persons deprived of liberty were placed in ZIKS in continuity, or approximately 40% persons more than accommodation capacities. Almost 504 officers are employed or civil servants. Out of that number, 393 are employed at the Security Sector. According to data sent by the Management of ZIKS to CA, in the first three months of 2012, convicted persons committed 73 disciplinary offenses. Most frequent offenses were disturbing peace and order, fight between convicted persons, possessing any prohibited things, rejecting orders, and destroying material property. As the punishment for committed disciplinary offense in this period, most often was pronounced disciplinary measure of sending into isolation for up to 30 days and reprimand. Representatives of ZIKS said that during this period, officers of ZIKS used means of extortion ten times, while three assaults on officers of ZIKS happened. Number of convicted persons who are engaged to work is 302, which is 50% in comparison to the overall convicted population. There are six medical wings that are distributed by organizational units. At the level of ZIKS, 20 medical workers are employed, out of which three are doctors of special internal medicine. Representatives of ZIKS also said that five more doctors in medical wings of ZIKS provide consultation services: internist, psychiatrist, radiologist, physical therapist and gynecologist.

Boxes for complaints – Boxes for complaints of convicted persons to Ombudsman were set on 24 February 2012 in ZIKS, with the support of OSCE. From now on, keys of boxes shall only have Ombudsman. Nine boxes were placed in ZIKS and two more boxes shall be placed in prison in Bijelo Polje. Boxes will be unloaded each fifteen days. While setting the boxes, Ombudsman said that the system of complaining via letters functioned earlier. However, Ombudsman did not have key boxes until then, but ZIKS officials had the keys. During 2011, this office received 46 complaints out of which 26 were related to ZIKS. One convicted person said on 5 March 2012 to CA researcher that envelopes and empty papers were not distributed to convicted persons but only several brochures were put near boxes; that brochures contained the material for informing about the procedure of submitting complaint to Ombudsman and the paper where complaint should be written. This person said there were no envelope where the complaint

would be put which made the procedure harder because convicted persons were afraid that ZIKS officials might read compliant before it finds in the box or through the opening part of the box. CA researcher introduced these statements to OSCE and Ombudsman. On 5 March 2012 media published information that convicted persons said that places with boxes were inappropriate because they were under surveillance of officers of ZIKS therefore it was not possible to submit complaint without knowing who submit it. They added they doubted that only Ombudsman had keys. On 15 March 2012, Ombudsman unlocked boxes for the first time. As stated from the office of Ombudsman, seven convicted persons submitted complaints out of which two were relate to the work of Ministry of justice, four on work of ZIKS and one complaint was related to the work of court.

Case Petrović - One person who wanted to be anonymous and who said he was convicted person, reported by telephone the incident which happened in prison in Spuž on 24 January 2012. This person reported that the convicted person Jagoš Petrović was moved in so called isolation. On the occasion of this report, CA researcher contacted Zoran Magdelinić, Deputy Director of ZIKS, according to the Memorandum of Understanding with the ZIKS, and requested information related to the incident. Magdelinić informed CA that Jagoš Petrović was sentenced to isolation for 18 days for possessing mobile phone. Also, the statement of Petrović, who admitted that the phone in the room was in his possession, was taken into consideration. Magdelinić said there was no use of force towards Petrović. Management of ZIKS approved representative of CA to visit Jagoš Petrović. On 24 February 2012, Petrović said that the current situation was good and that no one touched him, but he was afraid for his safety because he filed lawsuit against ZIKS due to serious bodily injuries. He pointed out he was most afraid of revenge of officer Veljo Perović for whom Petrović claimed he inflicted him injuries.

Strike due to parole - Convicted persons who are serving prison sentences began on 6 February 2012 the hunger strike demanding from Ministry of Justice to start applying the new provisions of Law on enforcement of penal sanctions that are related parole. Namely, Law on enforcement of penal sanctions prescribes that the Minister of Justice shall establish commission for parole. According to the Law, Commission consists of representatives of the Supreme Court, State Prosecutor, Ministry of Internal Affairs, Ministry of Health, Minister of Justice and head of the organization. The procedure of parole is initiated upon the proposal of the organization, the application of sentenced person or members of his close family. The Law also defines that when deciding on parole, the Commission shall obtain the report of the organization on work and behavior of the convicted person for the time served in prison. The Criminal Code, Article 37 states that " A convicted person who has served half of the prison sentence or of the thirty-year imprisonment sentence can be released on parole if in the course of serving the prison sentence thereof s/he has improved so that it is reasonable to expect that s/he will behave well while at liberty and, particularly that s/he will refrain from committing criminal offences until the end of time the prison sentence had been imposed." Convicted persons requested the parole to become effective regardless of the punishment and the criminal offense; they also requested the convicted persons who fulfill the condition to be released immediately; for the persons who were given amnesty in the past, the parole to be count in the remaining part of the sentence, rather than the original one; that persons serving sentence and have another process in course, receive parole on the punishment they serve and for other offense they would

defend from freedom and that only behavior of the prisoner should be set as a condition while the opinion of the police would be excluded. On 7 February 2012, media published information that convicted persons on strike were locked in rooms to be unable to communicate with each other. The strike ended on 13 February 2012. The Ministry of Justice announced they adopted demands of the convicted persons. The Ministry has promised to convicted persons that the institute of parole would function in accordance with the law and their requirements.

Video recordings - During the strike due to the parole, six prisoners were moved to prison in Bijelo Polje. Two prisoners stated they were violated on that occasion. Office of Ombudsman required on 13 February 2012 from the Management of ZIKS videos that would verify statements of two convicted persons they were violated. The same letter required from the Management explanation of these statements, copies of decisions for persons who were on parole for a period from coming into force of Law on Amendments to the Law on enforcement of penal sanctions. Milan Radović, Director ZIKS, after the session of Board for Human Rights and Freedoms, which took place 2 March 2012, stated he informed the Ombudsman that the recordings were not available due to technical problems. On 6 March 2012, Ombudsman said that until this date, Management of ZIKS did not respond to this letter and that they did not receive anything regarding the application from 13 February. After this problem was published in media, CA addressed the family members of persons who claimed they were maltreated by officers of ZIKS and added there was electricity all the time but the Management of ZIKS did not want to give the video because everything would be known. Members of three families, whose relatives were moved in Bijelo Polje during the strike, addressed GA with allegations that their relatives were beaten. According to the Memorandum, CA researcher contacted Deputy Director, Zoran Magdelinić, and requested from the Management of ZIKS to allow family members to visit their relatives the same day. Management of ZIKS organized transport to family members to Bijelo Polje who visited their relatives. After that, family members said that statements on abuse were not accurate.

Case Milović - Nina Milović, wife of Milivoje Milović, told CA researcher that her husband had been beaten and was replaced in isolation. Nina Milović accused the head of Security Service, Veljo Perović that he beaten up her husband. Veljo Perović denied these allegations on 15 February 2012 and said that Nina Milović had visited her husband. Perović said that Milivoje Milović was not in isolation but was only removed in another ward (F) because he made problems to inmates who did not want to strike

Case Aleksić – Darko Aleksić from Nikšić started hunger strike on 23 February 2012, because of what he considered was an unlawful decision on custody. On 22 February 2012, the day before he was detained, Aleksić informed by phone CA researchers he would start hunger strike on the same day when he returned to custody. Namely, Aleksić said he spent more than four years in custody and that he did not have fair trial. Aleksić was released on 14 February 2012, until final judgment but was quickly returned to custody at the request of the prosecution. Aleksić was sentenced to five years and ten months imprisonment sentence for attempted of murder, but the judgment was not final. The Management of ZIKS told CA researcher they had informed the competent court that Aleksić was on hunger strike. Aleksić ended strike on 28 February 2012, after a meeting with Mušika Dujović, President of the Higher Court in Podgorica.

Case Kurtagić – On 16 March 2012, daily newspapers DAN published information from the trial to Adnan Kurtagić, saying that Kurtagić stated he was beaten in remand prison in Spuž. According to writings of DAN, Kurtagić required to be transferred in Bijelo Polje.

Assaults on officers of ZIKS – Two assaults on officers of ZIKS happened during March. In the first assault, group of six convicted persons attacked and disarmed one officer of ZIKS, so they could beat up one convicted person who was in isolation. The occasion was earlier conflict between convicted persons. Convicted person who was beaten up received more bodily injuries. In the second assault, convicted person attacked three officers and inflicted them bodily injuries. Afterwards, more convicted persons informed media that officers of ZIKS beaten up the person who attacked them.

V Politically motivated violence

CA registered in this quarter reported attacks, threats, and lower levels of communication in the media. Former police officers, who left the country amid allegations that the state did not provide them safety due to the testifying on smuggling at the border, will be re-engaged in the Police Directorate.

Case Bojović – Vera Bojović, director of the Health care Center in Pljevlja published statement for media on 13 March 2012, that her son was attacked on 7 March 2012, by an unknown person who was armed. Unknown person hit her son over the head and he received injuries. He received help at the Clinical Center of Montenegro, said the statement. In her statement, Vera Bojović said:

"Since I was exposed to unprecedented violence, legal, party, psychological, moral and now physical on a member of my family, I am forced to inform the public about this, although I did not want to." Daily newspaper 'Vijesti', a few days before the statement of Vera Bojović, wrote that the government dismissed a member of the Management Board of the Healthcare Center in Pljevlja, Radivoje Ječmenica, in order to elect her counter candidate Ilhan Tursumovic, favorite of the municipal board of DPS in the retrial. The government dismissed Ječmenica after the Managing Board elected Vera Bojović for the Director of that institution for the third time. 'Vijesti' stated that DPA Municipal Board was against this decision.

Case Nikolaidis - Nikolaidis case - Portal Analitika published on 13. January 2012 the column "Make up of political monster" authored by Montenegrin writer Andre Nikolaidis. Column provoked numerous reactions. Nikolaidis is also an advisor to the Speaker of Parliament of Montenegro. Nikolaidis wrote column on the occasion of 20 anniversary of foundation of Republika Srpska. In one paragraph, he wrote: Civilizing step forward would be that Bole used dynamite and guns, which he hid in the hall where the chiefs, priests and artists celebrated the twentieth anniversary of existence of the RS. That Bole was, let's say, unhappy worker, who realized that national and religious antagonisms only a mask under which hides the underlying antagonism elite of any society, one class. That Bole, for example, said: I am a Serb, but I am a worker, so I put up in the air those who robbed me - would not that be a civilized step forward? It would be still, and poetic justice. But it is, alas, the difference between fiction and reality: fiction, fact, unlike reality, makes sense. Thus, Bole will judge the poetic justice in an attempt".⁴ Bole, in Nikolaidis column, is Bogdan Stanišljević, citizen of Republika Srpska. According to media reports, he was arrested for placing the bigger amount of weapons in "Borik" sport hall, prior to the official ceremony of commemorating the 20th

⁴ You may view the whole text at the web page <http://www.portalanalitika.me/politika/komentari/47926-minkanje-monstruma.html>

anniversary of Republika Srpska, that was scheduled to take place in it. The Serbian government on 17th January 2012 sent a protest note to the Ministry of Foreign Affairs regarding the copyright text Andrej Nikolaidis. Ministry of Foreign Affairs announced on 18 January, that Nikolaidis' attitudes do not reflect the views of Montenegro. Members of the Belgrade Forum of Writers called on 17 January 2012. year, to immediately stop "the fatwa and calling for a lynching," which was started by some Belgrade media against Nikolaidis. NGO Action for Human Rights stated on 18th January that: "Although one sentence in the article "Make up of political monster", taken out of context, might seem as the hate speech and advocating violence, the text must be viewed in whole, in order to verify its essence, which is not to forget the genocide in Srebrenica and not to forget the responsibility of Republika Srpska and Serbia and that article is actually a cry out against recurrence of such horrible crimes, which, unfortunately, abounds in human history." Nikolaidis himself stated to Daily Vijesti, on 19th January 2012, that controversial paragraph in the article was "crystal clear social metaphor. The imaginary worker Bole, of whom I speak, what would happen if there were, at one point said he was fed up of national division, he was fed up of ethnic divisions, he finally understood that all these divisions mask the elementary division - the one between rich and poor" Society of Independent Writers of Montenegrin PEN centre, on 19th January 2012, condemned "media campaign against Nikolaidis." Collegium of Speaker of the Parliament of Montenegro, on 24th January 2012, refused to condemn Nikolaidis' article on the grounds of hate speech. Collegium discussed the request of Aleksandar Damjanović, Chief of MP's club of SNP, to mark the controversial article as the example of hate speech. Association of journalists of Republic of Srpska, according to media reports on 19th January 2012, filed a criminal complaint against Andrej Nikolaidis, on the grounds of the incitement of terrorism in concrete article.

The daily 'Pobjeda', which is financed from the budget, published a serial of articles where lower level of communication with offensive context was registered. From this serial we provide the following examples:

Case Pavićević – The daily 'Pobjeda' on 30. January 2012. , published the article "Letter from Sarajevo-Milosevic⁵ commissar in skirt",⁶ by the writer Marko Vešović. The text deals with the criticism of daily Vijesti, and in particular with interview with Čedomir Jovanović, president of Serbian Liberal Democratic Party (LDP). Vešović article also criticized the work of Tanja Pavićević, the journalist who made the interview. Referring to the Pavićević, Marko Vešović wrote "in his feuilleton, Kusovac⁷ provided original interview with Jovanović interview, from which Tanja Pavićević, Milosevic commissar in skirt, using a special strategy of 7th battalion⁸ against Đukanović and confident that Jovanović and LDP are servicing Vijesti interests, forged a falsification, that screams of unprofessionalism and abuse of media power, in order to make the interviewee prove her thesis, hence she deserved to be treated in our article. Immortalized as the flies in amber, she would supplement our rich collection of *neso*⁹, as I do not believe that there is a book in Independent¹⁰ with more scum. The biggest among them, *Kesedžija* and

⁵ Slobodan Milosevic

⁶ You may view the whole text at the web page of daily 'Pobjeda' <http://www.pobjeda.me/2012/01/30/marko-Vešović-milosevicevski-komesar-u-rasi/>, visited on 1 February 2012

⁷ Srđan Kusovac, editor in chief of daily Pobjeda

⁸ 7th battalion – was military police unit, active in the late 1990's in Montenegro and it is referred as the special form of pressure on Đukanović government and their efforts to break away from Milosevic

⁹ Colloquial term, used to describe the person of extremely low ethical standards

¹⁰ Referring to Montenegro

Goveče¹¹ with christening certificate, when they became Milo's servants in Vijesti and nicked millions, they stood by Dostoyevsky: "The wealth gains only one who dares to stoop and to take it". "What Pavićević did with Jovanović's interview reminded me to talk with a friend: Montenegrin women are much better than the Montenegrins. And in general, women are better than men, and he replied: Of course they're better. They have no one to spoil them. Because women do not have women. Pavićević proved that his sarcasm was grounded, as she obediently jumped around two mobsters, that carry their immorality as the betrothed ring"; ... "It is possible that this goose¹² just signed the interview, which is authored by the Goveče with christening certificate, the most gifted counterfeiter in the Independent, lagging behind *Jeksi* and *Amfi*¹³ and, of course, and no wonder that first became his home writer, and the latter baptized him by the hand of his chief of cabinet." Journalist Pavićević said to CA researcher that it will not file any law suit against Pobjeda and author of the article. She said to CA researcher the following: "So, I will not file law suit against anyone, because that article only made me regretful. My home upbringing taught me to hold on to the cliff when noticing that someone is falling and regardless of his cries- either help or stand aside, and not to push him into the abyss. Therefore, I will not file a law suit against Pobjeda. I want remember it as a media that once had a reputation. I will also not file a law suit against Srđan Kusovac, editor in chief, as he did to himself, by selfishly forgetting the human and professional standards. And I will especially not sue uncle Marko Vešović, once a fighter for human rights and brilliant literary critic, who used the Pobjeda feuilleton to conflict with people several decades younger than him, which he had never met and of whom he heard stories, from God knows from which sources, that they criticize actual political regime and Milo Đukanović".

Case MANS - Daily Pobjeda, on 31. January 2012 published the article of "Manipulating agency of national erosion",¹⁴ signed by Janko Vujović. The writer referred to criticize the work of the NGO Network for affirmation of NGO Sector (MANS). Thus, on MANS Vujović Janko writes: "MANS. I don't know what it should mean. Probably Manipulating Agency of national erosion (of Montenegro). I wonder for the hundredth time whether the state of Montenegro exists at all. If it exists, or is deaf or blind or something worst - does not care. How else to explain that one infant leads an open war against the state of Montenegro and all things that could provide benefits in any way to the state of Montenegro and all of its citizens and disregarding of their attitudes. These adversarial agents so far have banished all foreign investors in Montenegro and created an atmosphere of persecution, persecution, threats, hostility, hatred of anyone who has any money invested in the Montenegro. Unlawful activities of these criminal foreign agents go so far as to regard the very state of Montenegro as the criminal organization. These days we could see the creatures that cry out on illegal formation of energy prices in Montenegro. VAT or simply said current taxes, which date back to the origins of the state and thus provide basis for the functioning of every country in the world state, these enemies of Montenegro are interpreting as "illegal cutting deals by the state." The state is therefore a criminal organization that racketeers its citizens. What should follow these conclusions; surely armed rebellion against the "criminal association called the State of Montenegro". For these reasons I have used some phrases that could not be considered insulting or even "hate speech", as it is the case of

¹¹ *Kesadžija* is colloquial negative reference to the person primarily interested in financial gains *Goveč* (litt: ox) is a colloquial offensive term;

¹² Referring to Tanja Pavićević

¹³ References to the writer Jevrem Brković and Amfilohije, Metropolitan of Serbian Orthodox Church

¹⁴ You may view the text at the web page of daily 'Pobjeda', <http://www.pobjeda.me/2012/01/31/janko-vujovic-manipulatorska-agencija-nacionalnog-strozavanja/>, visited on 2 February 2012

darkest form of war against very existence of state of Montenegro." Vuk Maraš from MANS told CA researcher on 1February 2012, that Pobjeda, instead of pursuing journalism, fights private battles in behalf of politicians from ruling coalition and on the expense of tax payers, which is scandalous. He also said that the way they deal with those who dare to think differently – is free of basic ethical norms. Maras also said they would process this case before the competent institutions.

Case Perović-Korać - Daily Pobjeda published on 27thFebruary and 24thMarch 2012, reaction of writer Marko Vešović and journalist Šeki Radončić to the articles of Milena Perović Korać, journalist of weekly Monitor, in which she referred to their attempts to take of responsibility of Milo Đukanović for the war crime of deportation. Their reaction contained following statements: "...only a goose can say that heavily compromised cop is dangerous for anyone. But it is not excluded something else: we have sworn ourselves to teach *Mitingaš*¹⁵ turkey not to lie or we would die trying. Of course, this journalistic garbage is impossible to be taught not to lie, because if she did not lie, she would not be able to think, and with lying as she was tasked to, rather, she spreads lies, instructed with the ear whispers of *Mitingaš*, whom we have already silenced with facts, but let Milena get into her head: she would be leg-kicked in area below her back every time she speak a lie about us, small or big time, never mind... But *Mitings*' dog with skirt lies that we are bombarding them false facts, as none of them, not even Kerović¹⁶, was never even in their feet, let alone in mind, the intent to deny any of 260 pages, that we previously published in Pobjeda. However, that *tuka*¹⁷says that we are bombarding them with untrue facts, since she thinks, like 7 months ago, when *Kesedzija* was the most important public figure, that readers are obliged to accept her lies as the Supreme Court's verdict, which is not to be commented. We will teach Kerovic off that habit also: she would be served over her esteemed ass every time she refers to us as liars, without any evidence or at list analysis of our writings in Pobjeda"... "For Milena Kerović, Kočan¹⁸ is, evident even with blind folds, gentleman that never did hold in his hand anything heavier than a *kita*¹⁹, as I have translated this Russian aphorism, but her correspondence indicates that *Mitingas*' dog earns a wage by barking on the moon"... "That bully proclaims the standpoint of "media circles" as the court and he even demands the explanations for the rationale for an interview with a person, relevant for any journalist on this planet, but only not for Kerović pissing Kerović from pissing Monitor"... "Kerović educationally neglected, and such frogs we like to dissect".

Case Mugoša – Radulović – Miomir Mugoša, Mayor of Podgorica publicly stated on March he had received threats from few representatives of judiciary and that among them were Presidents of courts and added that he had written proves for all that. After that, Mugoša said he had received threats from Branislav Radulović, President of Constitutional court of Montenegro. On 19 March 2012, Radulović rejected accusations of Mugoša saying he sent Mugoša threatening messages. Radulović also said that he sent Mugoša telegram which did not contain threats but only a warning that the Mayor may not assess the work of the President of the Constitutional court. Radulović invited Mugoša to publish the telegram for the public.

Case Mandić – Andrija Mandić, President of New Serbian Democracy on 22 March 2012 publicly accused part of the Agency for National Security (ANB) related to organized crime that they tried to kill his

¹⁵Reference to unspecified mentor of journalist Milena Perović Korać. It translates as "one who organizes (political) rallies".

¹⁶Game of words, through which journalists' surname was turned from Perović to Kerović, which has insulting connotations, as "Ker" is a colloquial term for dog.

¹⁷Insulting colloquial term implying the lack of common sense and/or low intellectual capabilities

¹⁸Editor in chief of weekly Monitor

¹⁹Colloquial phrase for penis

close relative Danilo Mandić. Mandić said that M.V. and D.V. from Zagorič (settlement in Podgorica), intercepted his close relative Danilo Mandić and inflicted him serious bodily injuries. Mandić said that the main reason for the assault was his political activity related to opening of Parliamentary investigation and defining concrete facts on corruption on the occasion of the trade of Telekom of Montenegro.

VI Right to fair trial

Although Montenegro has ratified the European Convention for Human Rights and Fundamental Freedoms, which guarantees the right to a fair trial, the public has a large number of complaints to disrespect of the rights to a fair trial. The Convention guarantees to each person, during decision making on their civil rights and obligations or on any criminal charge against him, that he has the right to a fair and public hearing in reasonable time before an independent and impartial court, established by law. Thus, according to the Convention everyone charged for a criminal offense shall be presumed innocent until proven guilty according to law. The Constitution of Montenegro stipulates that everyone has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Free legal aid – Since the beginning of 2012 has started the implementation of Law on Free Legal Aid. The law defines the free legal aid implies fully or partially cover of costs of legal advice, drafting of documents, representation in proceedings before the court, Public Prosecution Office and the Constitutional Court of Montenegro and the procedure for dispute settlement. The law provides that right to free legal aid shall have individuals who, according to their financial situation, are unable to exercise their right to judicial protection without damaging necessary supporting of themselves and their families. Offices for free legal aid are opened in some Basic courts in Montenegro. Based on information from the websites of the courts, offices for a free legal aid are opened at the Basic court in Rožaje, the Basic Court of Bijelo Polje, the Basic Court in Berane, Basic Court in Pljevlja and the Basic Court in Podgorica. Based to the information CA has it is not yet known how much will the implementation of the free legal aid project cost and still funds for the functioning of free legal aid have not been allocated yet, but the funds are provided from the budget of the courts. The functioning of this institute for the first three months showed certain deficiencies, which can best be seen in case of Turković.

Srdan Turković, from Mojkovac addressed CA on 2 February 2012, requesting advice on how could he exercise right to free legal aid in Basic Court in Podgorica. Turković said that no one in Basic court in Bijelo Polje, before which the proceeding was taking place, told him he had right to free legal aid. Srdan Turković claimed he was the victim of police torture which happened in the middle of 2011. Turković is member of the family that receives financial family subsidy and a person with a speech impediment. Turković heard from the media on free legal aid. Police officers accused Turković that he had obstructed an official in performing his official duties. Due to the process, Turković needed free legal aid for writing an appeal regarding the decision on investigation against him. The deadline for appeal had been three days and only one day stayed. Jointly with Turković, CA researcher went into the building of the Basic Court in Podgorica where we found out that the working time of the office was from Monday to Thursday, until 13:00. Representatives of the office they were not competent to provide free legal aid except for the citizens of Podgorica. Although the deadline was short and although we had to act quickly, they told us that this the deadline was too short that anything could be done. According to their statement, when necessary documents are submitted for obtaining free legal aid, deadline for approving of free legal aid may last from three to 15 days. CA provided free legal aid to Turković in order not to miss the deadline. Turković filed

request for free legal aid at the office in Basic court in Bijelo Polje however, week was not enough for providing him free legal aid and he appeared at the trial without a lawyer.

Case Šćekić - On 24 January 2012, Appellate court officially submitted to the Higher Court in Podgorica decision on abolishing of acquittal to convicted persons for murder of police functionary Slavoljub Šćekić. In that manner, chamber of Appellate Court returned the case for retrial, and the trial for murder of Šćekić will be repeated for the third time in the Higher Court in Podgorica. President of the Supreme Court, Vesna Medenica said on 30 January 2012, that the court proceeding in case of murder of police officer Slavoljub Šćekić was too long, which did not suit anyone.

Case Knežević - Rajko Knežević from Budva addressed CA stating that his right to a fair trial before Higher court in Podgorica was violated. In his application to CA, Knežević said: "I have been intentionally deprived right to trial in accordance with the European Convention on Human Rights, in accordance with the Law and within reasonable time, therefore, for almost 4 years and 6 months I have been in custody without the possibility of fair trial. In the last 12 months, only one hearing was scheduled for me." Knežević accused Musila Dujovic, President of Higher Court for violating his right to fair trial in a manner by taking his case from another judge unlawfully. Knežević said that this was confirmed by Appellate court which filed criminal charge against Dujovic for abuse of official authority. Because of the long time he spent in custody, Knežević said he was often ill.

Case Zavala - Lawyer Borivoje Borovic sent a letter to CA on 15 March 2012 in which he claimed that his right to fair trial before Higher court in Podgorica against defendants Rajko Kuljača and others in the case 'Zavala' was violated. Borović also said that the judge, during the entire previous proceeding commented each question of attorney and defendants before the witness answered, then he addressed attorneys harshly and speaking loudly threatening them, and that was impossible any contact and communication between the defendant and attorney during the trial. Borović claimed that in this process occurred violation of right to a fair trial and he invited a lot of organizations to monitor this process in the continuation of the trial.

Lawyers' tariffs – Lawyers' tariffs are high and do not correspond to social and economic standard of living of citizens and as such, they represent a significant barrier to exercising right to a fair trial. In previous reports, CA gave recommendations to Ministry of Justice to initiate activities on adjusting tariffs to social and economic situation in the country. CA invited several times the Bar Association of Montenegro to reduce tariffs and adjust them to social situation. Duško Marković, Minister of Justice and Human Rights announced at the end of 2011 that the Ministry would intervene on reducing tariffs. However, activities in that direction were not initiated in this quarter from the Ministry of Justice or by the Bar Association. According to lawyers' tariffs, preparation of criminal charges costs up to 200 EUR, while the preparation of legal remedies and responses to the same are up to 500 EUR. According to this information, citizens need to invest up to half or more than one average monthly salary for the payment of certain legal services, which limits the right to access to justice and judgment.

VII Freedom of Expression, Peaceful Assembly and Association

a. Freedom of Expression

Article 47 of the Constitution of Montenegro says that everyone shall have the right to freedom of expression by speech, writing, picture or in some other manner. According to the Constitution the right to

freedom of expression may be limited only by the right of others to dignity, reputation and honor and if it threatens public morality or the security of Montenegro.

Article 10 of the European Convention for the protection of human rights and freedoms defines the freedom of expression as follows: "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

The Police Directorate announced establishing of the team that would deal with researching of previous assaults on journalists. Until nowadays, murder of Duško Jovanović, editor in chief of daily DAN, beating of journalist Tufik Softić, Mladen Stojović, Miško Đukić, Željko Ivanović, writer Jevrem Brković, and other public figures.

A new journalistic self-regulatory body Media Council for the self-regulatory (MSS) was formed in Montenegro on 7 March 2012. The previous self-regulatory body was frozen. MSS has formed a 19 print, broadcast and internet media. However, not all relevant media are in MSS, therefore, weekly Monitor, a daily newspaper Dan and Vijesti, and Television Vijesti shall not be in MSS. Dan, Vijesti and Monitor established in late March the Press Council, as a self-regulatory body of the print media. CA delivered the initiative to MSS to assess whether daily 'Pobjeda', which was financed from the budget, acted in accordance with ethical and professional standards, when it published information on its web site on withdrawal of Olivera Lakić, journalist of 'Vijesti', due to the attack on her. On its web site, 'Pobjeda' published "Olivera left, she did not say goodbye ..." "We are waiting for the state to bring Olivera back". Conclusions, 'comments' 'coments' of 'editors' about journalist who wrote 15 articles for three years. Tabloid 'Vijesti', 14 March 2012. (<http://www.pobjeda.me/2012/03/15/otisla-je-olivera-nije-rekla-zbogom/>)

Earlier cases

Attack on property Vijesti – Daily 'Dnevne novine' published the information on 2 March 2012 that the police had identified five suspects for the attacks on property of daily 'Vijesti' in July and August 2011. On that occasion, in three separate incidents, four vehicles of daily 'Vijesti' burnt. Daily 'Dnevne novine' reported that the suspects were members of the so-called. "group from Zagorič", as the perpetrators of these attacks were B.P. and N.M., and that the logistics were M.T., M.A. and M.B. The prosecutor ordered the suspects should be released due to insufficient evidence that police collected. The article stated that the police would continue investigating.

Case Đukić – Miško Đukić, editor of Radio Free Montenegro, which was shut down on 20 June 2008, due to many pressures and attacks on journalists of the radio, indicated publicly on the web site www.javniservis.me, on 16 March 2012, on unresolved attacks and threats he had experienced as a journalist. Đukić said that the police did not identify and prosecute the perpetrators of numerous attacks on him. Cables of this radio at the transmitter were often destroyed in order to prevent their work and the

police never found the perpetrators. Before the Radio Free Montenegro was closed, on 3 February 2008, unidentified man called Đukić on the house phone in the early morning and threatened him. Then, Đukić told to CA researcher: "This is the first time that someone so calm and serene was, and that scares me for the first time. All threats have so far been accompanied by curses and noise, and that did not scare me. But this has scared me." The same evening, an unknown person threatened that Free Montenegro, whose director Đukić was, would stop working. Six days after that phone conversation, on 9 February, during a broadcast, Radio Free Montenegro was left without a signal. After reviewing it was found out that the cables were cut off by unknown persons or more of them. Until nowadays, investigations and the results of the attacks and threats against journalists Free Montenegro failed.

Case of threats to journalists of 'Vijesti' – Even in this quarter, the proceedings against Milan Grgurović from Danilovgrad, accused for falsely reporting that he threatened the journalist of 'Vijesti' Olivera Lakić and her daughter, continued. On 14 February 2012, 'Vijesti' published that the judge Zeljka Jovanović from the Basic Court in Podgorica sentenced Milan Grgurović from Danilovgrad to maximum prison sentence of one year, for the criminal offense of false reporting. Explaining the verdict, the judge stated that it was the fact that the safety of the journalist and her daughter were threatened, which the court defined from the reports, but that the threat was not made by Grgurović. In explanation of the verdict, judge Jovovic said she was guided by the fact that threats were directed towards journalist as well as for the general prevention.

Abolished judgment against Nikolaidis - On 19 January 2012, the Constitutional court of Montenegro abolished the judgment of the Supreme Court for the article "Torturer's Apprentice" from 2004, by which Andrej Nikolaidis and weekly Monitor had to pay 12.000 EUR to the director Emir Kusturica. The Constitutional Court ordered that the case should be remanded for retrial because the Supreme Court violated the right to an impartial and fair trial. Miodrag Iličković, the judge of the Constitutional Court, said that Kusturica was a public figure and that he had to endure a greater degree of criticism.

Incidents in this quarter

Sports editor of the daily DAN, Veselin Drljević and journalist Radovan Papić, were beaten up on 11 February 2012 in the settlement Pobrežje, in Podgorica. Few persons beaten up two journalists. As reported, Drljević suffered more serious injuries. The attack was condemned by many opposition politicians and NGO representatives. For daily DAN, Drljević said: "We were intercepted and blocked on both sides, and then we were showered by snowballs. At one point, they hit Papića in the head. I went out and photographed the attackers, and then they jumped on me and beat me. While I was lying in the snow I heard a woman crying: 'They killed a man!'. Then, young men who attacked me escaped. One of them from the group even came to the Health care Center and said he regretted for what they had done to me." Registered injuries on Drljević were: more cuts on the head, swelling of the face and cheek injury. Criminal charge against Luka Dragovića, Marko Rašović and juvenile M.Š. from Podgorica was filed for an attack on Drljević and Papić. As media published on 15 February 2012, they said hit cars and people with snowballs and they physically attacked two journalists, only after they were firstly attacked by Drljević. After Dragović, Rašović and M.Š. were questioned, they were released to defend themselves from freedom. In the statement to DAN on 15 February 2012, Drljević said: "Express beating and then release of thugs cause suspicion that in this case is not only about hitting with snowballs as the attackers claimed." Koca

Pavlović, PZP MP, criticized the prosecution's decision on releasing the suspects for assault on journalists to defend themselves.

The attack on Oliver Lakić - Journalist of the daily newspaper 'Vijesti', Olivera Lakić was assaulted by an unidentified man on 7 March 2012, who hit her with several blows with the fist over her head. The attack happened at 21:30 in front of her apartment. Last year Olivera Lakić wrote a series of articles on the operations of the tobacco factory 'Tara' in Mojkovac, and operations of the company "Montenegro Tobacco Company" for which she received threats. Lakić was on the set at the Clinical Center of Montenegro for many hours, where was registered that she had injuries in the form of swelling over the left eye and forehead. A number of public figures, journalists and citizens started protests on 8 March 2012 in front of the Ministry of Interior Affairs and Police Directorate, requiring quick investigation. Journalists, NGO activists, and citizens started on 10 March 2012 signing of the petition which they forwarded to the EU Delegation. Numerous organizations and individuals condemned the assault on the journalist Olivera Lakić. The attack was condemned by the U.S. Embassy, Embassy of Germany, OSCE, Civil Rights Defenders, the European Commission Delegation in Podgorica, South-East Europe Media Organization - SEEMO, Reporters Without Borders, political parties, Prime Minister Igor Lukšić, President of the Supreme Court of Montenegro. On 13 March 2012, Olivera Lakić stated she was retiring from journalism and that temporarily she would not be a journalist until the state 'give her back the freedom'. Police Directorate stated on 12 March 2012, they had arrested Ivan Bušković on suspicion he had attacked Olivera Lakić. The statement said that Olivera Lakić recognized Bušković with certainty as the attacker. Brother and friends of Ivan Bušković stepped up in media claiming that Ivan was with them in that period, playing football.

Duško Knežević, owner of the Atlas Group, has filed another lawsuit against the weekly 'Monitor' for compensation of non-pecuniary damage in the amount of 10.000 EUR. Knežević sued Monitor for mental suffering due to the text "Feast of Duško of Mauritius," which was published on 21 January 2012. This article was dealing on business of Knežević and correlated him with the affair 'Telekom', RTCG, the Montenegrin Government. Veselin Radulović, a lawyer representing Monitor in this case, argues that the Monitor had complied with the standards and ethics and was dealing with the public interest.

Tanja Mandić, editor in Television Budva, at the end of March 2012 filed criminal charge against Mihailo Đurović, the Secretary of the Secretariat for the Economy and Finance in the municipality Budva. Mandić accused Đurović for threatening her and editorial for broadcasting the video in the TV program 'Polis'. The Association of Journalists of Montenegro condemned the threats against journalists of TV Budva.

b. Freedom of Peaceful Assembly and Association

The Constitution of Montenegro guarantees the freedom of political, trade union and other forms of association and action, as well as the freedom of peaceful assembly. However, the freedom of peaceful assembly and association is not at the satisfying level in practice.

The Constitutional Court still has not given consideration to the initiative for legality review of the Law on Public Assemblies which was filed by CA on 11 April 2011. The Constitution foresees that peaceful assemblies may only be restricted, but not prohibited as it is laid down in the Law on Public Assemblies which is why it happens in practice that the Police Directorate prohibits peaceful assemblies of workers or citizens who protest against the power. In the past two years, the Police Directorate has prohibited more than two hundred announced peaceful assemblies, while in cases in which citizens still decided to organise peaceful assembly the misdemeanour charges were brought against organisers. The Police Directorate stated most often that the reason for prohibiting peaceful assembly was disturbance of traffic in places where assemblies were announced.

On 29 March 2012 the Government of Montenegro adopted the Proposal of the Law on Amendments to the Law on Minority Rights and Freedoms which lays down that “legal persons, except non-governmental organisations“ are eligible to apply for funding from the Fund for Minorities. The Government stated that Proposal of the Law was harmonised with the new Law on Non-Governmental Organisations in terms of provisions on funding of non-governmental organisations. The Law on Non-Governmental Organisations does not contain any article or provision which would indicate that the Government is to harmonise any law with this Law or provisions on NGO funding. If this Law is adopted the Government will significantly restrict the work of non-governmental organisations dealing with minority rights. So far the NGOs dealing with minority rights have not received any funding for intercultural projects from the Fund for Minorities which was also stated in conclusions of numerous domestic and international organisations.

On 31 January 2012 the meeting was held between the Government and Confederation of Free Trade Unions of Montenegro (CFTUM), NGO MANS and Students` Union of Montenegro to discuss unfavourable socio-economic situation in the country and increased costs of living. The meeting did not result in agreement between the two sides. Representatives of CFTUM, MANS and Students` Union announced new protest with the aim of exerting influence on the Government to reduce basic costs of living. After the meeting the Prime Minister Igor Lukšić held a press conference in which he said that endeavours of protest organisers went beyond social context and invited them to join politics and promote profile of the new platform in political terms, as well as to present it to the citizens in competitive manner and take responsibility for decisions they make. After the second protest a similar statement was given by former Prime Minister and President of the Democratic Party of Socialists Milo Đukanović. Mr. Đukanović called protest organisers manipulators and also stated that they acted as political and parapolitical organisations. Numerous organisations and individuals condemned these statements. International organisation CEE Bankwatch Network wrote an open letter to the Prime Minister of Montenegro Igor Lukšić concerning his statements on the role of civil sector and proposal for protest organisers to join politics. It was stated in the letter that civil society organisations play the role in controlling the power and they do not wish to win elections, while the Government was invited not to undermine or discredit the role of civil society in fulfilling their function which exists in any healthy democratic society.

An incident occurred at the session of the local parliament of Budva on 26 March 2012. Ines Mrdović from MANS participated at the session and expressed criticism towards operations of competent persons in Budva municipality. Speaker of the local parliament of Budva Krsto Ljubanović responded to the criticism of MANS saying that the non-governmental organisation MANS should have letter “e“ in its name so that it could be called an “espionage network“. On 29 March 2012, Ines Mrdović said to the CA researcher that “These accusations of the work of civil sector were quite unacceptable. As such, they represent a form of pressure and convey clear message that there is no desire to accept civil sector in Montenegro as an important correction factor in elimination of various anomalies in society, particularly in the fight against corruption and organised crime. “

VIII Freedom of movement

The Constitution of Montenegro guarantees right to freedom of movement while it may be limited in cases if it is important for conduction of criminal procedure, prevention of spreading diseases or for the reason of security of Montenegro. According to the Constitution of Montenegro exercising of some rights

and freedoms of citizens may be limited at the time of proclaimed state of war or state of emergency up to the necessary extent. Freedom of movement is guaranteed by numerous international treaties. International pact on civil and political rights guarantees to all persons who are legally at the territory of some country rights to move freely. The pact presumes that the right may be limited only if these limitations are prescribed by law, if they are important for the protection of national security, public order, public health or moral, or right and freedom of other persons, and if they are in accordance with other rights recognized by this pact. Article 166 of Law on road traffic safety prescribes limitations of traffic in the following manner: "Competent body may prohibit or limit the traffic of all or specific car categories at public road or part of the public road on specific day or at certain time distance, when it is necessary for preventing or removing danger for participants in traffic or when the reasons for maintaining public order and peace demand it, or for uninterrupted traffic, or if it is expected that the traffic would be difficult. Limitations or prohibitions from Paragraph 1 of the Article may be marked by appropriate traffic signs at the road and the public has to be informed on this timely. Conditions for safely traffic on roads during winter, type or category of vehicle that are prohibited or limited for the traffic, and the manner of use of winter equipment for vehicles in winter conditions shall be prescribed by the Ministry."

Council for defense and security proclaimed state of emergency on 11 February 2012, due to natural disasters. State of emergency lasted until 27 February 2012. Prime Minister Igor Lukšić issued order on mandatory labor. According to decisions of the Government and local authorities at the Capital city Podgorica, the same day at 19:00 pm, the traffic for private vehicles was prohibited at the center of the town, except in the health related cases. Such a decision lasted until 20 February 2012. The traffic was only allowed to emergency services, police, army, diplomacy and official vehicles and taxi services. Signs informing on prohibition of traffic were not placed in any street. Also, authorities did not announce names of streets where traffic was prohibited for private vehicles nor they informed about the reasons for which prohibitions were imposed. Police officers stood at the crossroads and selectively allowed certain vehicle categories to pass. CA researchers did not find decision of the Capital city on prohibition of traffic in the town at the web site of the Capital city and information on such a decision published only media. Contact phone numbers that were published at the web site were incorrect.

Numerous citizens addressed CA saying that the prohibition of traffic caused them a lot of damage, therefore, they could not come at work and were forced to pay taxi services which were more expensive, but they were obliged to go to work because mandatory labor was proclaimed. Miomir Mugoša, Mayor of Podgorica stated on 14 February 2012, that the decision on prohibition of traffic was still at force due to easier cleaning of streets. From 13 to 16 February 2012, CA researchers visited a number of streets where police officers conducted measures of limiting traffic for private motor vehicles. During the visit, large number of streets was cleaned from the snow on the part intended for motor vehicles while sidewalks were still covered with snow. In most cases, work on cleaning and removing snow from streets where the traffic was banned for private motor vehicles was not perform. The traffic was undisturbed in these streets for vehicles that police officers allowed to transport. Police officials did not sanction drivers of private cars who drove despite prohibition.

NGO Action for Human Rights (HRA) from Podgorica reacted on 13 February 2012, and also warned the authority that human rights may be limited only to the necessary extent. Representatives of HRA said: "Since the state of emergency, orders of the Government, or the Mayor of Podgorica, were not followed by mentioning the specific purpose for which each measure was introduced, and without this it is not possible to assess whether it was really necessary. Also, all commands were not integrally published, so, citizens are informed by media comments and informal sources." HRA also cited two examples of restrictions of rights for which the explanation and purpose of their introduction were not mentioned. These are the absolute prohibition of traffic and the announcement of taking over, in case of use of private motor vehicles in Podgorica, and prohibition of visits to all hospitals.

IX Religious freedom

Article 7 of the Constitution of Montenegro prohibits causing and inciting of hatred or intolerance on any grounds. European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees to each person right to freedom of thought, conscious and religion. The organizational scheme of Ministry for human and minority rights presumes the Department for relations with religious communities and the systematization of job positions presumes the position for the Deputy Minister. However, the selection has not been done yet. Relations of the state and religious communities have been defined by the Law on position of religious communities from 1977. Ministry for human and minority rights announced that in the third quarter 2012, public debate on new Law on legal status of religious communities would take place. Religious communities registered in Montenegro are as follows: Church of the Christ Gospel, Christian religious community Jehovah's Witnesses, Catholic mission 'Tuzi', Christian Adventist Church, Evangelical Church 'the Word of God', The Military and Hospitaller Order of St. Lazarus of Jerusalem for Montenegro, Catholic religious community – Franciscan Mission Tuzi, the Mešihat of Islamic community in Montenegro, Jehovah's Witnesses, Biblical Christian Community, and Montenegrin Orthodox Church. According to data of MONSTAT, more than 74% of citizens in Montenegro are Orthodox, 18% Muslims, 3,5% Catholics, registered smaller religious communities have less than thousand believers. Until nowadays, the country has not supported smaller religious communities. For 2012, 200.000 EUR have been assumed by the budget for religious communities through the budget of Ministry for human and minority rights.

Metropolitanate of Montenegro and Littoral filed lawsuit before the Court in Strasbourg requiring from the state of Montenegro to decide on the right to restitution of property in accordance with provisions of Law on fair restitution.

Vladimir Čizanski from the Church of Christ's Brothers told CA researcher on 27 March 2012, there were no assaults on members of their community or similar unpleasant situations in the first quarter of 2012. Čizanski said that members of their religious community feel full religious freedom and added that the situation significantly improved in comparison to previous years, considering the awareness and tolerance of citizens even in comparison to smaller religious communities. As he told CA researcher, their community still has not been introduced with the funds Government allocates for smaller religious communities, or manners for receiving these funds.

Contracts with religious communities – CA requested from the Government on 2 February 2012 to adopt the new Law that will define the position of religious communities and to cancel the contracts that have been signed with religious communities. The contracts were signed with the Catholic, Islamic and Jewish religious community. Signed contracts come into and impact on regulations in areas such as

criminal proceeding, obligatory relations, education area, execution of sanctions, real law, media, associating, social protection and other areas, while some areas are define in such a manner that causes doubt on limiting human rights and freedoms. A lot of individuals from various associations also reacted and requested adoption of new law in this area.

Regulating temporary residence for the priests of SPC – Police Directorate, Border Police Sector of the Pljevlja made a decision on 10 February 2012, on seven priests of SPC in Pljevlja who should leave the territory of Montenegro until Wednesday, 15 February 201. The appeal on such decision does not postpone the execution of such solution. MUP rejected the application of the priests for temporary residence. Therefore, the solution to leave Montenegro was delivered to priests Ognjen Perković, Nikola Olić, Milan Stojiljković, Saša Janjić, Darko Jović, Borivoje Pantić and Archimandrite Leonid, the Head of Holy Trinity Monastery. Media published that the process for obtaining temporary residence was initiated at the Ministry of Interior Affairs of Montenegro (MUP). The Ministry rejected claims and appeals procedures are in progress, while the left deadline is 30 days. Police Directorate, however, made the decision, ex officio, on implementing the above mentioned resolutions of MUP prior to their final conclusion and before finalization of proceedings before the Administrative court and ordered that within three days the priests should leave Montenegro. Media published that the decision on priests who should leave Montenegro was postponed for a month, due to bad weather.

Later was announced that the execution of the decision on leaving Montenegro was postponed until the finalization of the dispute before the Administrative Court, which was confirmed by the Metropolitan. The Church Board from Pljevlja reacted on 12 February 2012, and requested from the authority to explain why priests were expelled and protection of their rights. On 14 February 2012, during the visit of Prime Minister Igor Lukšić in Pljevlja, more than a hundred of people protested, stating that priests should not be persecuted. Prime Minister Lukšić pointed out that the state did not persecute the church and clergy and added that registration was not a problem, but that particular church units have to be registered and that laws have to be respected. Citizens of Pljevlja protested on 15 February 2012 and requested that six priests and their families should not be persecuted and that these priests should receive Montenegrin citizenship. Citizens have announced more radical protests if their demands would not be met. On 22 February 2012, priests announced they had initiated proceedings before the Administrative court against the decision of the Ministry on not approving the temporary residence.

Case of interrupting the gathering of Jehovah witnesses – Religious community Jehovah witnesses filed criminal charge against Slobodan Zeković, SPC priest, due to suspicious he had interrupted their gathering jointly with 20 citizens in Danilovgrad on 17 April 2011. Criminal charge said that reported persons committed criminal offense of equality, violation of freedom of confession, and performing of religious rituals, violation of freedom of speech, and public addressing, prevention of public gathering, causing national, racial, and religious hatred and violent behavior. On 25 July 2011, Prosecution Office announced that it initiated proceeding against Slobodan Zeković before Basic court in Danilovgrad for the criminal offense preventing public gathering. Jehovah witnesses expressed dissatisfaction with the manner of acting of Prosecution Office. On 30 January 2012, main hearing at Basic court in Danilovgrad ended and resulted in acquittal of accused Zeković, because he did not interrupt the public gathering but religious gathering. "Considering that the Prosecutor presented indictment only for the criminal act interruption of

public gathering, it fell”, told Damir Porobić, from the Legal section of Jehovah witnesses to CA researcher. Porobić said that that the proceeding against other persons has been initiated and for other criminal acts before Basic court in Podgorica. Porobić said: “It is simply unreasonable what is happening in this country that is strongly fighting to become a part of democratic and legally established Europe. On this situation we informed Delegation of the EU in Podgorica and the OSCE office. Jointly with our lawyers, we are strongly trying to encourage Prosecution Office to widen the indictment. Otherwise, everything will be fully senseless and degraded.”

X Protection of personal data

Protection of personal data still is not at satisfying level. On the one hand, citizens still have not been introduced with their rights, while on the other hand employers in institutions collecting personal data still do not apply all measures for protection of personal data, prescribed by law.

Case of recording at amphitheater – In the halls for lectures at the Faculty of the Natural Sciences and Mathematics in Podgorica were set video surveillance. Two university professors N.A. and J.M. addressed the Agency for protection of personal data, and indicated that their right to privacy was violated in that manner. Namely, professors indicated that their privacy was violated by processing of personal data via video surveillance in the amphitheatres where they hold lectures every day. The Agency made a record on 21 March 2011, and it was stated that video surveillance was not in conflict with the Law on Protection of Personal Data. Professors lodged a complaint on the record. After considering the objections, the Council of the Agency found that the complaint was justified and ordered the removal of video surveillance from the lecture halls. After subsequent referral of the solution, on 24 January 2012, by the Agency to the Dean of the Faculty, video surveillance was removed. Professors have initiated the procedure for compensation of damage at the Basic Court in Podgorica, told the Agency for Protection of Personal Data to the researcher of CA.

Lists of employees - Branka Bošnjak, councilor at the Parliament of the Capital city Podgorica, addressed on 28 December 2011, the Agency for the Protection of Personal Data requesting the opinion whether the submission of data on persons with the surname Mugoša, who were employed on permanent or fixed term contract and who were engaged or had been engaged in 2011, in bodies of administration of the Capital city, and the institutions which were established by the Capital city, in the form of list with the following information (name, qualifications, positions they cover a) contrary to the Law on Protection of Personal Data. On 13 January 2012, the Agency adopted the opinion that the submission of personal data in the specified scope, in the form of lists of employees, was not inconsistent with the provisions of the Law on Protection of Personal Data. In the opinion, the Agency pointed out that by submitting the required data in the form of lists of employees and persons engaged in the organs and institutions of the Capital; bearing in mind that this is a statutory public authority of councilors and the public interest of control of the use of budget resources, would fully comply with Article 10 of Law that defines that the data processing shall be done without consent, if it is necessary to perform the tasks of public interest or in the exercise of public powers that are within the scope of work or competencies of operator of collection of personal data or user of personal data. These data, according to the opinion of the Agency may be used only for the time required to achieve the purpose of use and intention for which they were given, or legal basis.

The list of persons who received the apartment from the Capital - Branka Bošnjak, councilor at the Parliament of the Capital, once again addressed Agency for the Protection of Personal Data, on 28 December 2011, requiring the opinion on whether the submission of copies adopted by the Commission for resolving housing needs of the Capital, in order to address the housing needs of persons elected or appointed by the Parliament of the Capital, Mayor and other individuals whose work is of particular interest for the Capital, for the period 2006-2010, and copies of all decisions related to resolving of housing needs of servants of bodies of administration of the Capital, employees in public institutions, founded by the Capital and persons in the state of social need for the period 2006-2010. On 13 January 2012, the Agency adopted the opinion stating that the submission of data about users of budgetary funds, the amount and purpose thereof, the limited extent necessary, was not contrary to the Law on Protection of Personal Data. The Agency stated that in this case should take into account the scope of data, sent on this occasion. By submitting of any personal information, save in the name, last name, position, height and the purpose of allocated funds, would be contrary to the Law on Protection of Personal Data.

Treatment of the reception services at The Queen of Montenegro Hotel and Ski Center Vučje, near Nikšić – On 12 September 2011, CA required from the Agency for the Protection of Personal Data to verify the actions of the reception services while identifying persons entering and leaving the business and office space, and to meet with legal competencies the ones who do not comply with the Law. During the overall year, CA has received reports of that at some hotels and institutions, employees working at the reception of these institutions seek and retain personal identification documents throughout their entire stay at that hotel, or institution. Article 33 of Law on Protection of Personal Data defines that for the purpose of protecting personal and property security of the business or office space, public sector, company, other legal entities and entrepreneurs, may require from the person entering into a business or official space to present the identification document, if necessary. The law also specifies that the document may be required for inspection but that does not mean that the personal document may be retained until the person's staying in a hotel or institution. This interpretation was confirmed by the Agency in a letter sent to CA on 15 September 2011. After new reports that have confirmed that this practice continued in Kolašin, Ulcinj and Budva, the Agency adopted the recommendation for legal entities and entrepreneurs, providers of accommodation after performing the inspections that established practice of retaining and copying of identification documents should stop. However, this practice is continued. CA researcher, during his staying at the beginning of March at the Hotel 'The Queen of Montenegro' in Becici, was convinced that the reception service of this hotel did not respect the recommendation of the Agency or the Law on Protection of Personal Data and that they kept personal documents during his overall stay at the hotel. In the same manner acted the reception service of the Ski Center Vučje, near Nikšić, and when renting ski equipment employees require keeping identity documents for the whole time of using the equipment. It should be noted that the employees at the reception services, at the insisting of CA researchers that such action were not in accordance with the Law, still refused to change their practice explaining that unless we give them documents we could not be guests or we could not rent ski equipment.

XI Discrimination

The Government of Montenegro has appointed members of the Anti-discrimination Council on 2nd February 2012. The president of the Council is Igor Lukšić, while its members are as follows: Deputy Prime minister of the Government and Minister of Justice Duško Marković, Minister of Work and Social Welfare Suad Numanović, Minister of Health Miodrag Radunović, Minister of Education and Sports Slavoljub

Stijepović, Advisor for human rights and anti-discrimination of the Prime minister Jovan Kojičić, as well as representatives of the NGO sector: Milan Šaranović, Daliborka Uljarević, Zdravko Cimbaljević, Biljana Alković, and representative of The Trade Union Slavica Jauković. Deputy Minister for Human and Minority Rights Sabahudin Delić was appointed Secretary of the Council. The Council was established on the session chaired by Prime Minister Igor Lukšić, held on 12th March 2012. The Council does not foresee a membership of representatives of the minorities, nor has the Government consulted councils of the minorities, although representatives of the minorities are one of the most discriminated according to the complaints received by the Protector of Human and Minority Rights (Ombudsman). During the selection of one part of NGOs and representative of Trade Union, the Government has not been transparent and the procedures were contrary to the rules from the Open Call. Namely, in the text of the open call for the election of three NGO representatives dealing with protection and promotion of human rights, and protection and promotion of women human rights, only one election criteria was listed: "Only candidates with the most recommendations from NGOs from a certain area of work will be in nomination for members of the Council."²⁰ However, the Government has not nominated Milisav Korać, NGO member who had the most recommendations from the NGOs dealing with anti-discrimination in the area of upbringing, education and training, and who was suggested on behalf of organizations dealing with rights of children with special needs in the process of inclusive education. Daliborka Uljarević was nominated instead of him, although she had significantly less recommendations from NGOs. The Government has, also without any clear and transparent rules and procedures, chosen an NGO representative for the area of protection from discrimination, according to gender identity and sexual orientation. The representative of Trade Union was also chosen as a member of this Council in a non-transparent way and without any rules. The Union of Free Trade Unions has received an invitation to suggest a candidate, but the Government has not informed it about the results of this nomination. The researcher of CA was told that members of this Union have been informed about the decision not to nominate their candidate from media.

On 20th February 2012, NGO Center for Civic Education (CGO) and NGO LGBT Forum Progress have presented results of a survey according to which the most discriminated are persons with disabilities, representatives of sexual minorities, Roma and members of national minorities. According to this survey, the biggest social distance is made towards HIV positive persons, sexual minorities and Roma.

a. Discrimination towards persons with disabilities

The Government of Montenegro has formed again a Council for Care for Persons with Disabilities on 1st March 2012, after the decision made in July 2011, to merge this Council with Anti-discrimination Council. Some of the persons with disabilities have contacted GA during 2011, saying that the work of so far existing Council was not transparent. According to the above mentioned Decision, the President of the Council is Minister of Work and Social Welfare, and the Council is constituted of the following members: Minister of Finance, Minister of Health, Minister of Education and Sports, Minister of Sustainable Development and Tourism, representative of the Secretariat for Legislation, Director of the National Employment Agency of Montenegro, and five representatives of NGOs dealing with protection of persons with disabilities. Main task of the Council is to protect and promote rights of persons with disabilities in the area of social and health care, upbringing and education, vocational training and employment, to initiate adoption of rules for development and promotion of persons with disabilities, to suggest measures for improving the quality of life for these persons, inform public about the rights, possibilities and needs of

²⁰ Public call to nongovernmental organizations for the proposal of three candidates for members of Council for the protection against discrimination, from 26 December 2012

persons with disabilities, with the aim to remove barriers towards these persons and exercise other rights important for status of persons with disabilities.

Case Samardžić – The trial for discrimination towards Andrija Samardžić has been held in the first quarter of the year. Samardžić has given his testimony on the court's session held on 18 January 2012. He said that he felt unpleasant and humiliated when he was told that his guide dog could not stay in the restaurant. Samardžić is represented by the NGO "Ekvista". Samardžić has requested an amount of 7,000 Euros as a compensation of intangible costs. The incident in question occurred in November 2010. The trial has ended on 16th February 2012, and the Basic Court from Podgorica has obliged the respondent Radoš Pavićević to pay 700 Euros to Andrija Samardžić, as a compensation for intangible damage. As "Ekvista" reported, the case was solved with a settlement and apology from Radoš Pavićević.

The Marijana Mugoša Case – The visually impaired officer of the Municipality Podgorica, Marijana Mugoša, has returned to her work place in Njegoševa Street in Podgorica, after maternity leave on 20th February 2012 and after a period in which she was not been allowed to enter the building because she is using a guide dog.

Bijelo Polje Case – Coordinator of the Union of Children and Youth with Disabilities from Bijelo Polje, Milica Trifunović, said on 15th March 2012 that ten children with disabilities are following lectures in an inadequate classroom in Primary School „Dušan Korać“ in Bijelo Polje. Trifunović said to TV Montena that the children were neglected, that they are staying in a confined space, they don't have the possibility to leave this classroom during their stay in school, and are not able to use the school gym and other school premises. Trifunović has asked ministers of education and social welfare to initiate actions to improve conditions for children with disabilities in this school. The Director of the School, Rifat Kajabegović, has denied these allegations, saying that the 11 children have been treated in the best possible way, according to the spatial and other capacities.

b. Discrimination of Roma, Egyptians and Askalia – Ministry of Justice said that it has employed Teuta Nuraj, an Egyptian, by the beginning of March 2012. Nuraj is a student of Faculty of Political Science in Podgorica, and she will be working in the archive department within the Ministry. The representation of Roma in national and local institutions is intolerably low – and this was one of the problems emphasized by the Roma Council to the researcher of GA. Muhamed Uković says: „For now, there are only three of them working in the government bodies. In the municipal bodies, there are still no representatives of Roma and Egyptian communities, which is caused by lack of political will of local authorities, and not to mention public institutions.“ Uković continues: “The situation of Roma and Egyptians in Montenegro is still very difficult, there are certain positive moves, but they are like a drop of water in the ocean. Most Roma are unemployed, and their unemployment rate is a couple of times higher than the Montenegrin, and the number of those with permanent employment is not significant. We are not represented in the institutions of the system, and as a consequence we have a situation where Roma cannot effectively influence any processes where crucial decisions are made. Many Roma are living below the poverty threshold.”

Vaselj Beganaj, Roma activist, said to daily newspaper Vijesti on 27th March 2012 that the number of RAE persons enrolled in school is satisfactory. This school year 1.582 students of Roma nationality have been enrolled in the primary school, 1,000 more than ten years ago, a time when the process of inclusive education has been started.” Deputy Minister for Human and Minority Rights, Sabahudin Delić, said that the

Roma students are getting books and teaching aids for free; they also receive scholarships through Roma Scholarship Foundation in the monthly amount of 70 Euros for students of primary, and 150 Euros for students of secondary schools.

The „Miss Pat“ Case – On the occasion of 11 years long court trial about the sinking of ship “Miss Pat” in 1999, during which the judiciary has not reached any kind of verdict, MP of Movement for Change of Montenegro, Koča Pavlović has filed an initiative for a control hearing. His initiative has been rejected by the Committee for Political System on 19th January 2012. The witness Isen Gaši, president of the Roma Union and member of the Municipal Committee of DPS Podgorica has used his legal right and did not give a testimony in the continuation of the trial held on 30th January 2012, against the accused for sinking the ship “Miss Pat”, when 35 Roma were killed. Gaši has said, in front of Criminal Council of the High Court in Podgorica, chaired by judge Predrag Tabaš, that he won't testify since one of the accused is his own brother Agim Gaši. Also, Tahir A. Gaši refused to testify in this case, since Agim Gaši is his father, and according to the law he is not obliged to testify.

c. Discrimination on national and religious grounds, discrimination based on language

Discrimination on national grounds – Discrimination on the bases of nationality is happening very often, and is mostly visible through representation in the state administration.

Representatives of Democratic union of Muslims and Bosniaks (DZMB) said on 27 February 2012 that among 27 advisors of the state's President, Prime minister and President of the Parliament there are no representatives of minorities. President of DZMB Rifat Vesković said that this situation is disturbing and upsetting for representatives of minorities. Vesković thinks that the advisors have been elected without criteria and vacancy announcements, only according to the personal decisions of the very presidents.

Vice president of the Bosniak Party, Kemal Purišić has commented the implementation of Government's Strategy on Minority Policy on 24th January 2012, and on this occasion he said that there is improvement in achieving goals of the Strategy, but he also warned that this is very slow and insufficient for any further estimation. Avdul Kurpejović, president of Matica muslimanska of Montenegro, said that many obligations foreseen by this Strategy have not been fulfilled, as well as that in Montenegro lack of coordination between constitutional and legal rights, their implementation and protection is common practice.

Certain representatives of the minority councils have said that the relevant state institutions are not contacting or consulting them regarding the minority rights issues in a sufficient way. Muhamed Uković from the Roma Council said to the researcher of GA: “When it comes to National Council of Roma and Egyptians some improvements have been made, especially consideration of minority rights by the Ministry for Human and Minority Rights. We have been mostly consulted, and we are in a position to point out some suggestions and comments, which was the case when changes and amendments have been made to the Law on Human and Minority Rights.” On the other hand, Avdul Kurpejović, president of Matica muslimanska of Montenegro and member of the Muslim Council, said to researcher of the GA: “Councils should not have waited for the state bodies and institutions to invite them to cooperate – the Councils should have initiated and taken participation when it comes to national policy and decisions of the Government or the Parliament. An inspection should be made in order to establish which of the minority councils and according to which authority have filed claims, submitted initiatives, shared opinions,

suggested enrollment of students, given initiatives for changes of regulations or have shown interest in issues of students from minorities. Probably there are none of these cases, or they were random and rare – like the reaction to enrollment of students in the School for Interior Affairs, and the national representation. “ Muhamed Uković says that during 2010 the Office of the Council was almost closed, because of financial problems – instead of 5000 Euros, monthly payments of 1,100 Euros were made to this body.

Nikola Camaj from Democratic Union of Albanians said on 28th February 2012 that the Albanians will initiate proceedings to protect the gained rights on the Constitutional Court. He said that this process will include issues like: authentic representation in the Parliament and other public services, bodies and institutions, issues such as duration of media program on the public service (RTCVG), because the time for these programs was significantly shortened, as well as issues of territorial organization i.e. lack of possibility for Tuzi to become a municipality. MP Mehmet Bardhi has announced that he will make a request to enable representatives of Albanians to speak their own language in the Parliament.

Discrimination based on language – Politic party FORCA sent on 14 March 2012 the protest to the Television of Montenegro (TVCG) ‘marginalization’ of informing on Albanian language. The statement said that the newspaper Koha javore should not be published jointly with daily ‘Pobjeda’ but should stay under the competencies of the Parliament which established it as well. The statement also said that TVCG reduced the time of broadcasting programs on Albanian language and that the time of broadcasting changed which is not adequate meaning that the time determined has the least viewer rating. It was also stated that the change of staff were at the damage of Albanians because the number of employed persons at the section on Albanian language was reduced.

NGO Stop Discrimination announced on 22 March 2012, that the agreement of the Government and the opposition on language at schools, which provided that the language at schools is Montenegrin-Serbian, Bosnian, Croatian language and literature, has not been respected. Darko Rašović, Director of that NGO said that discrimination of Serbian language has been continued in the manner by which Commission for development of program for Montenegrin-Serbian, Bosnian, Croatian language and literature did not take place, although that should be done until the end of 2011.

New Serbian Democracy (NOVA) announced on 15 March 2011 that the Police in Ulcinj prevented issuing of personal documents on Serbian language in Cyrillic alphabet. Representatives of NOVA said that citizens addressed them complaining that the competent bodies in Ulcinj were not issuing documents in Serbian language and Cyrilic alphabet. Mirko Đukić, M.A. in the history of literature publicly stated on 6 March 2012 that the Ministry of education and sport discriminated him and violated his rights. Namely, Đukić asked them to issue the decision on validation of his diploma on Serbian language and Cyrilic alphabet, which was his native language. The Ministry rejected his request.

d. Discrimination of women

Women in Montenegro still face with discrimination on different grounds. Women are insufficiently represented at the Parliament and in the Government, but also in the institutions at leading positions and decision making positions. On the occasion of 8 March, International Women’s Day, Women’s Parliament was organized at the Parliament of Montenegro. Female representatives of public institutions, NGO sector and business asked questions to the competent ones and expressed dissatisfaction by the position of women in Montenegrin society. Out of 81 MPs at the Parliament, 11 are women.

Balkan research network organized in Podgorica on 24 February 2012 a debate on Punishing policy for sexual violence in Montenegro, in the region. Participants in the debate said that punishments for sexual harassment were very small. Average punishment at Higher courts in Podgorica and Bijelo Polje for sexual abuse is two years, the largest was 11 years, and the least was six months. Participants also stated that the special problem was sexual abuse in marriage as the criminal offense which is in Montenegro defined through the Law on violence in family, and is often masked under this name. The fact that sexual abuse in marriage is been prosecuted under private lawsuit, which additionally makes the position of damaged party difficult. At the debate was emphasized that Montenegro did not have center for the protection of victims from sexual harassment and that the aid may be received only from NGO sector.

At the IV Conference organized by Anima – Center for women and peaceful education in Kotor, on the occasion of 8 March, under the name knowledge, action, non-violence, responsibility, compassion, freedom, that gathered women from marginalized groups, proclamation was written and conclusions on future actions were made. In proclamation, women were invited to take responsibilities, to be independent, and solidary, to join protests, to fight for social justice, for repealing inequality, to fight for facing past and transitional justice.

e. Discrimination of LGBT members

Conference on rights of sexual minorities “Together against discrimination” took place on 19 March 2012, in Budva, in organization of the Government of Montenegro and under the auspices of Igor Lukšić, Prime Minister of Montenegro, with the support of International academy conference „Justice on the Balkan: Equality for sexual minorities“, of the Department for sociology of the Swedish University Lund, Institute Williams, Faculty of Law of the University in California, Los Angeles (UCLA), USA, and European Commission for the rights of sexual orientation (ECSOL). The Conference gathered international experts and supporters of human rights from the whole Europe, Government officials, representatives of European Commission, and Council of Europe, diplomacy core, and local NGO activists. The goal of the conference, according to Prime Minister Lukšić was promotion of recommendations of the Committee of Ministers of Council of Europe on measures for fight against discrimination on the basis of sexual orientation or gender equality. Lukšić said that Montenegro was ready to contribute to improvement of human rights and freedoms in all segments.

At the session, which took place on 19 January 2012, Constitutional court rejected the initiative of the Prime Minister’s councilor Jovan Kojičić to provide the same sex-couples to enjoy rights arising from the marriage and extramarital union. As stated at the session of the Constitutional court, extramarital and marital union of the same-sex partners have not been recognized by the Constitution, law. Representatives of LGBT Forum Progress stated that such determination of the Constitutional court was only a hint that in the following period, LGBT rights would dominate in specific legislative and political initiatives. At the end of March, Office of Ombudsman submitted the initiative for adoption of Law on the same-sex union, stated NGO LGBT Forum Progress, which proposed initiative. Representatives of this NGO said that it was delivered detailed explanation of the need and basis for adoption of proposed regulation and that it was indicated on national normative framework and relevant international mechanisms which promote prohibition of discrimination on any grounds. Zdravko Cimbaljević, Executive Director of LGBT Forum Progress stated that recognition of right on the same-sex union was transitional solution until exercising right to marriage to all citizens of Montenegro and on this occasion would be initiated the campaign for appropriate constitutional changes. The Constitution guarantees right to marriage but the marriage may

only be entered with the free consent of man and woman. The Constitution does not guarantee right to marriage to the same-sex partners. The initiative, submitted by Marijana Laković, Deputy Ombudsman, stated that the same-sex couples in Montenegro were not allowed to enjoy any right arising from the extramarital union, which is in a view of right to mutual support and other property and legal relations, equaled to the marriage. Until nowadays, rights from the extramarital union belonged only to heterosexual persons.

Law on health insurance which came into force on 15 March 2012, prescribes that the state shall finance 80% of costs for the change of sex to transgender persons. Representatives of NGO LGBT Forum Progres stated they were satisfied with this legal solution. Work group established on 25 October 2011, according to writings of daily DAN on 8 March 2012, proposed the Government to adopt the Law by which homosexual persons, who live with partner, would have the same rights as heterosexual couples who live in extramarital union. DAN wrote that amendments of Law on birth registers, central registry of population, the Criminal Code, Law on prevention of discrimination, and adoption of subordinate legislation, were proposed.

Trial to Vukosav Raonić after Zdravko Cimbaljević, Director of NGO LGBT Forum Progress filed lawsuit due to the assault and discrimination based on sexual orientation, finished on 23 February 2012. Cimbaljević filed lawsuit against Raonić for compensation of non pecuniary damage of 10.000 EUR, for the attack in November 2010. The trial ended by the apology of Raonić to Cimbaljević, saying he did not intend to discriminate his sexual orientation. Raonić explained he was revolted because of a dog Cimbaljević walked around, and that he told him offensive words more as a habit and in jargon, not intending to insult his sexual orientation. Cimbaljević accepted the apology and added he would not accept apologies in future but would wait for the final decision of the court.

g. Discrimination of workers

Case of mobbing of Marija Kamčeva – On 1 February 2012, Marija Kamčeva reported to CA researcher she had been facing mobbing at work. According to her statement, at the Football Club 'Budućnost', where she worked as the secretary of the club, she had been under pressure for a long time. As she told to CA researcher, basic conditions for work were denied to her. Kamčeva said she felt unwanted at work, especially after the attempt of conduction of systematization, by which her job position was revoked, and which still did not pass. After conversation with the Director, Budimir Miranović, when she tried to receive explanation why her office was locked, Director did not speak to her, said Kamčeva to CA.

Inspectors of the Public Utility Police from Podgorica started on 5 March 2012, protest requiring return of all officers of the public utility police, dismissed by the Head, Radislav Vojvodić. The protest was motivated, as they said, by illegal dismissing of Željko Popović, from whom Vojvodić required to testify falsely before disciplinary commission. Officers of the police filed criminal charge against Vojvodić for 'illegal recording'.

Trial to Čobeljić – Trial to Nenad Čobeljić, President of the Trade union organization of the Army of Montenegro, continued in this quarter. Željko Ralević, Deputy of Disciplinary Prosecutor, gave up of leading disciplinary action against Čobeljić, due to statements in media on barring procedure. Procedures against Čobeljić have been continued due to failures in service. Čobeljić was removed from the service at the end of 2011, until the finalization of disciplinary actions. Čobeljić said that disciplinary actions against him were initiated due to his trade union activities, with the aim to intimidate and make pressure on other

members of the trade union. In the previous period, CA invited competent bodies few times to protect the management and membership of this trade union from discrimination and pressures, but the competent bodies did not react.

XII Children's rights

During February 2012, public debate on the Draft Law on Social and Child Protection took place. In the frame of public debate, three round tables took place in Podgorica, Budva, and Bijelo Polje. Nikola Bertolini, Head of Sector for the implementation of projects in the EU delegation in Podgorica, said that not all the recommendations of experts were respected and that the Draft did not facilitate the development of foster care, that there was no provision for the reform of social welfare centers and establishing of institutes for social protection, that all children, regardless of citizenship would not have access to benefits, and that there was no mechanisms that would encourage decentralization of social services, from the central to local levels.

Parallel to development of the Law started development of the draft of National Strategy of development of foster-care in Montenegro that implies reform of the system of protection of children without parental care through foster-care, as less restrictive form of protection and development of system of quality of protection of children without parental care and precise mechanisms of establishing more efficient system of financing foster-care. There is also approaching the development of Minimal standards for foster-care as the form of protection of children without parental care.

The Parliament of Montenegro adopted the Law on Juvenile Justice and therefore was respected the recommendation of the Committee for the Rights of the Child.

Government of Montenegro in February supported the international campaign "One out of five" launched by the Parliamentary Assembly of the Council of Europe. The goal of the campaign is to reduce and stop sexual violence against children. On this occasion, Prime Minister Igor Lukšić held on 10 February 2012, the working meeting with members of the Government, Parliament, Ombudsman and representatives of civil society.

Secretariat for General Administration and Social Affairs from Bar, published on 2 March 2012, research results on the presence of drugs among students in the municipality. In the survey participated 929 pupils from the eighth and ninth grade from ten primary schools, and 1709 students from three secondary schools. According to data, 17.84% of questioned students came into contact with drugs, they tried it or used it.

Case in Kolašin– Citizen D.K. stated via media on 18 January 2012 that his eleven year old son was beaten by Duško Šćepanović, the Head of the Social Care Center in Kolašin. D.K. said that the boy was examined in emergency medical service in Kolašin. The statement said that the boy registered injuries in the form of redness of the cheeks, hematoma under his eyes, scratches and traces of bleeding from the nose. Šćepanović denied these allegations. The case was reported to the Police in Kolašin, which reported the incident to the Prosecution Office. In this case, media published information, including photos of

parents, on whose basis was possible to determine the identity of the child and information about social and other background of the child. On 7 March 2012, Director of the Center Duško Šćepanović was publicly reported for the second time. Namely, V.R. who was guardian of a minor boy, said he had a conversation with Šćepanovića, and then he went to the car. V.R. claimed that, when he returned, the boy was not at the Centre and the Center told him he went to the police to complain on Šćepanović. Police confirmed to the media that the boy complained that they forwarded the report to the Prosecution Office. Šćepanović denied he had beaten the boy, and as the media reported, his planned press conference was prohibited by Ministry of Labor and Social Welfare. Ministry of Labor and Social Welfare announced to the media that it had formed a commission that would investigate serious accusations against the Head of the Center in Kolašin, Duško Šćepanović. That department announced that the Commission would develop a report, and if necessary, it would initiate proceedings in accordance with the regulations.

Fight between minors - On 24 January 2012, the media published information about the fight between minors that took place in Podgorica settlement Zabjelo. The media published precise initials of the minors, the participants in the incident, as well as grade and school they attended. According to media reports, the attackers were juvenile students from the ninth grade of elementary school "Vuk Karadžić", while the victim was the student of elementary school "Oktoih". At its website, Police Directorate published the day before it was reported that the suspects who committed a crime were located in the Center for Children and Youth "Ljubović". Also, the Report of the Police Directorate stated that the victim of the incident was transferred to the Clinical Center of Montenegro, and afterwards was transferred to the eye clinic in Belgrade, where he had surgery.

The case of extramarital union - On 12 January 2012, the police detained the groom B.O. (19) due to the suspects he committed a crime extramarital union with a minor. After an order of the Prosecutor, a charge has been filed against him, but not against his father, who the police in Rožaje said, bought a girl last year, in October, from H.G. from Đakovica. Also, according to the media statements, the investigation showed that that the juvenile was most likely kidnapped because it was determined that her guardians in Đakovica reported her disappearance. CA has no information whether the Prosecution Office would an investigation in this case for trafficking in persons. For now, only B.O. has been processed for extramarital union with a minor child. A fourteen years old girl from Kosovo who has been suspected to be a victim of trafficking is now in the protection program. Form October, the girl lived with nineteen boy B.O. from Podgorica. It is suspected that the girl was sold for 900 EUR. Regarding this case, Sabahudin Delić, Deputy Minister for Minority Rights said that not any custom was above the law, either in this or in any other case, the custom may not be justified by the custom.

Case of violation over three girls – According to the findings of the team of experts from Belgrade which followed after investigation of three juvenile sisters, Prosecution office concluded that girls were not abused in the Institution in Bijela. Higher State Prosecutor said that it was defined there were no grounds for initiating criminal proceedings against any person for any offense which is prosecuted ex officio. According to her statement, that conclusion was based on universal assessment of all evidence and information obtained by the Prosecution Office in pretrial proceedings. The prosecutor also said that she

would not initiate proceedings against three sisters for a false report, since they were children and because the facts they were not criminally responsible, nor criminal sanctions may be imposed against them.

XIII Status of displaced and internally displaced persons

At the session that took place on 22 February 2012, Coordination Board unanimously adopted the Report on the implementation of measures from the integrated Action Plan for implementation of the strategy for permanent solutions of issues related to displaced and internally displaced persons in Montenegro, with special reference to the area of Konik. Duško Marković, Minister of Justice and Human Rights and the President of Board said that the session was the precondition for the beginning of solution of this important issue. At the session was also agreed that expert working group should be formed as soon as possible which would prepare the report with possible solutions, the position returned in Montenegro, which will Coordinating Board take a position in which direction to go on.

The number of displaced persons from Bosnia and Herzegovina and Croatia is 3.412, and 9.367 from Kosovo. Status of Roma, Ashkelia and Egyptians who live in the Camp I and II in Konik is especially difficult. Displaced and internally displaced persons expressed little interest in the voluntary return, while conditions for this option are unfavorable. Countries these people moved out because of the state of war show no more interest to provide quality conditions for the return of these citizens. On the other hand, displaced persons and internally displaced persons show the greatest interest to local integration, however, unresolved legal status and poor material and other conditions represent a significant obstacle.

The process of regulating the status still has remained slow. The deadline for applications is the end of 2012. The largest problems these people face with in the process of regulating the status are as follows: expensive process of collecting documents, traveling to their native countries is impossible if they only have IDP cards, a significant number of displaced is not entered into the register of births and the procedure of registration or issuing of documents is slow. The problem is that the procedure still has not been offered for internally displaced persons, 90 persons, to become foreigners with permanent residence. Based on the data, until the end of February, displaced from Bosnia and Herzegovina and Croatia - the status of a foreigner with permanent residence received 2.013 of them, while the status of foreigners with temporary residence received 62 persons. Still, the status of displaced persons has 3.412 persons. Status of foreigner with permanent residence received 2.208 persons, and the status of foreigner with temporary residence received 28 internally displaced persons from Kosovo. Status of internally displaced persons have 8.779 persons. Since 2005, until nowadays, 1.071 displaced and internally displaced persons returned to the countries of their origins. Based on data from Monstat, 4.312 persons do not have citizenship. These citizens are at risk of statelessness. For now, the number of refugees who do not have citizenship is unknown. UNHCR informed CA that the information will be known in mid of 2012.

These persons have restricted rights because they do not have Montenegrin citizenship. Internally displaced persons cannot use the public kitchen and cannot be employed in public administration. Children of Roma, Ashkelia and Egyptians are not qualitatively included in educational system. Children are educated at the school that is designed only for them and which is stationed in the Konik camp. The European Commission against Racism and Intolerance in the report for Montenegro, which was published on 21 February 2012, has noted the following: "The procedure that was established for resolving this issue (that these persons apply for the status of a foreigner with permanent residence) is complex and many people will not be able to meet the conditions. Some of them are at risk of become statelessness de facto. Persons who are not citizens of Montenegro, including the "displaced" and "internally displaced" persons

cannot vote and cannot candidate at local elections, and there are limitations to those applying for citizenship of Montenegro ". For the Konik camp, ECRI noted that it was the issue of segregation, while conditions in the camp were dangerous and inhuman.

Milenko Jovanović, President of the Association of displaced persons, expressed publicly his attitudes that the displaced persons would file a lawsuit at the European Court of Human Rights because the state of Montenegro did not give them citizenship although some have been longer than ten years in Montenegro as well as their children who were born in Montenegro.

Ibrahim Bajri announced via media on 29 January 2012 that Ministry of interior affairs had not responded to a request for citizenship for two years. Bajri said that he was born in Montenegro, where he had been living for 26 years.

XIV Economic and social rights

Economic and social rights in Montenegro are endangered. The Constitution of Montenegro guarantees economic and social rights and freedoms. Thus, the Constitution guarantees the right to property, freedom of entrepreneurship, inheritance rights, the right to work, fair and humane conditions of work, right to strike, the obligation of state to provide financial security to a person who is unable to work and has no means for life and other rights. The Labor Law defines that employees shall have right to income that has to be paid at least once a month.

Based on monthly data of Monstat, average salary in February in Montenegro was 495 EUR, while the minimal consumer basket for the same month was 786.3 EUR. Employment Agency of Montenegro said there were 31.506 unemployed persons on 19 March 2012. The amount of financial subsidies for family of five or more members is almost 115 EUR.

Ministry of Foreign Affairs and European Integration issued on 7 March 2012 a public call for the election of two members of the NGO in Joint Consultative Board between Montenegro and European Economic and Social Committee.

In this quarter, the Union of Free Trade Unions, Student Union and NGO MANS organized two civil protests against the severe social and economic situation. They have submitted to the Government requests to reduce the prices of electricity, fuel and other products.

Housing - Milorad Jovanović, President of the Commission for the allocation of apartments to people in social needs of the municipality Nikšić, said on 9 March 2012 that apartments intended for these purposes and owned by the municipality, were used inappropriately. Jovanović said that there were thirty such apartments but persons who reside them were not in the state of social need.

Case Janjušević – Four-member family Janjušević, with two young children, who lived 40 years in the official home of the railway station Ostrog, were removed on 27 February 2012, after a court decision. From Montenegro Railways announced that due to the reconstruction and adaptation of the railway stations in Nikšić and Ostrog, all families who lived in the building of railway station were moved. As the families did not voluntarily leave apartments, railway infrastructure, which was the successor of the apartments, has filed 12 lawsuits. Family Janjušević announced that although they had worked 60 years in the Railways, their housing problem had not been resolved yet. Before the family was removed, their housing problem was not solved and their belongings were set out from the apartment near the building where they lived.

Case Grba - Five-member family of Milenko Grba from Podgorica announced via media on 28 February 2012, they were not able to pay housing and other obligations, and that they were in danger of being thrown out at street. Milenko was sick of the spine and he did not have a job, while his wife received 120 EUR social aid. They have three young children. Family Grba invited Prime Minister Igor Lukšić, Suad

Numanović, Minister of Labor and Social Welfare, and Mimir Mugoša, the Mayor of Podgorica to help them overcome the current situation.

In this quarter, CA registered large number of labor strikes by which workers demanded payment of unpaid fees, severance pay and starting production.

Workers of the Processing of Aluminium Plant were on hunger strike on 17 January 2012 due to unpaid salaries. They ended the strike after being visited by members of the Parliamentary Board for monitoring and control of the privatization process in Montenegro, who promised they would represent workers in negotiations with the employer.

Miodrag Radunović, Minister of Health and representatives of health trade unions signed on 10 February 2012 collective agreement, which was the last condition for official termination of the strike which started on 31 October 2011. The agreement on implementation of programs for resolving housing problems of employees was also signed.

Trade union organization Šišković Visso Spuž made decision on strike on 20 February 2012. The decision on strike was made because wages were not paid to employees from May 2011.

Former employees of "Radoje Dakić" from Podgorica protested on 28 February 2012. Workers required MPs to be involved in resolving their problems related to the end of social programs. They also required from the Police no longer to impose the prohibition of peaceful gatherings.

Case of former employees of KAP – On 31 January 2012, the former workers of KAP who were retired, protested and blocked the gate of Aluminium plant (KAP), requiring payment of labor service for six years and the money from the housing fund. As Veselin Vukadinović, representative of the former employees, KAP did not pay benefits to them since 2006, and that the debt for 115 workers who went into retirement was almost one million EUR. In addition, more than a half of these 115 employees have a condition for disbursement of money from the housing fund.

Case of former employees of Bauxite Plant - At the press conference, which took place on 31 January 2012, workers at the pit exploitation of the Bauxite Plant who left the company during 2010 through the social program, have not exercise right to pension. In the mid of 2010, half of the workers should retire, which they did not achieve because CEAK did not pay benefits for the years of service.

Case of former employees of "Autoprevozno" in Nikšić – Almost 70 former employees of the former company "Autoprevozno" protested on 31 January 2012, because, as they said, their request for additional severance payment was not met. They announced a day and night protesting in front of the building of Nikšić municipality, while the other half of workers would protest at the premises of ion of trade unions of Montenegro.

Case of former employees of GRO "Radnik" - On 5 January 2012, during the ceremony of the Day of the Municipality, 50 former workers of GRO "Radnik" in Bijelo Polje, held a protest at the central street (Ulica Slobode) demanding the payment of debts. Svetozar Čabarkapa, the representative of former constructors, President of the strike board, on this occasion and once again stated requirements, which include severance payments of 500 EUR per year of service, the company's shares and connection of labor years of service.

Case of workers of KAP – Even workers of KAP were on strike in this quarter. They blocked the export of aluminium from the factory after the decision of management saying they would not pay wages on 15 February 2012, and decision on forced leave of the part of administration.

Case of former employees of "Prva petoljetka" ("The first five years") - Former workers of "Prva petoljetka" protested in front of the municipal building requiring payment of 406.000 EUR of debt from employment. According to the statement of the member of strike board, Kata Knežević, workers would send a joint letter to the Government or the Prime Minister Igor Lukšić, in order to solve the problem together.

“Guard Popović” - Six workers of the security company "Guard Popović" from Podgorica said for media on 2 March 2012 that employers dismissed them because they wrote the request for payment of two unpaid wages. Radovan Kujačić, Duško Marković, Zivko Adzic, Ratko Draganić, Petar Marković, and Zoran Nikčević were dismissed because they wrote the letter for the management requiring payment of wages for November and December last year. Workers have announced the filing of lawsuits against the company.

"Bjelasica Rada" – Almost fifty employees at the mineral water factory "Bjelasica Rada" from Bijelo Polje, protested on 6 March 2012, demanding payment of salaries and starting of production.

XV Conclusions and Recommendations

- The progress achieved in the respect for and protection of human rights in Montenegro in the first quarter of 2012 is insufficient. Selective approach and insufficient efforts of authorities at all levels in the respect for and protection of human rights are still reasons for concern. Areas in which the respect for and protection of human rights are still at worrying levels are: inadequate process of facing with the past, torture, right to a fair trial, freedom of expression, assembly and association, discrimination of minorities, child rights, status of displaced and internally displaced persons – social rights and freedoms. In this quarter, institutions failed to build their capacity even though in some institutions the level of filled positions is below 50%. Competent institutions conducted more investigations compared to the earlier period, but it is necessary to conduct investigations into all the cases of reported allegations of human rights violations. Prosecution office is still not sufficiently active in human rights protection.
- Passive attitude of competent state institutions in facing with the past still continues. Even after two decades there are no final and enforceable judgments in war crime cases as a result of delayed and inefficient investigations and inadequately prepared indictments. The process of returning of deported Muslims from Bukovica is not transparent, nor is it conducted on the basis of principles which would ensure reconciliation in Bukovica. The process needs to be transparent and in the interest of the deported. Frequent demolitions of monuments raised for civilian victims are result of inadequate position of the state towards war crimes that occurred at the beginning of the nineties. Competent authorities should make maximum efforts and identify perpetrators of these wrongdoings.
- In the first quarter of 2012, CA registered nine cases of citizens' allegations related to some form of abuse or inhumane treatment. In six cases allegations refer to physical abuse, while three cases are related to allegations of degrading treatment. According to our findings, four criminal charges were filed against police officers. CA did not register any judgments passed against police officers for abuse. Overcrowdedness of the prison which is above 40% still represents critical problem in the Institute for the Enforcement of Criminal Sanctions (IECS) which is why the Ministry of Justice should accelerate adoption of regulations on alternative sanctions. There are still cases in which competent state institutions, primarily prosecution office, fail to conduct investigations into allegations of torture. Prosecution office should conduct fast, efficient and effective investigations into all reported cases of torture. The Police Directorate and IECS should suspend all employees against whom criminal proceedings have been initiated on grounds of human rights violation until the proceedings are finalised.

- Politically motivated violence was quite present in the first quarter of 2012. Registered cases of politically motivated violence are reflected in hate speech and incidents. Competent state institutions must identify all perpetrators and those who ordered these wrongdoings. It is necessary to adopt the new Law on Religious Communities and include all the stakeholders in that process. The Government should examine contracts it signed with religious communities, particularly those parts that might lead to serious restrictions in the respect for human rights.

- Right to a fair trial was not exercised at the satisfactory level in this period as well. Even though the free legal aid was introduced at the beginning of the year, a significant number of citizens still does not have an adequate access to courts. Citizens are not sufficiently informed about existence of free legal aid and procedures are slow, which in practice it leads to citizens appearing in the court without the lawyer even though they had applied for legal aid on time.

- Freedom of expression, as well as the right to peaceful assembly and association, are still at worrying levels. In this period again there has been no progress in investigations into the murder of the journalist Duško Jovanović and earlier attacks on journalists. CA welcomes efforts of the Police Directorate in investigation into the attack on journalist Olivera Lakić, but investigation must lead to the one who ordered the attack. The right to peaceful assembly is not exercised at the satisfying level. The Constitutional Court still has not given consideration to the initiative for legality review of the Law on Public Assemblies which is not compliant with the Constitution and international standards and which lays down that peaceful assemblies may be prohibited. Statements given by the Prime Minister Igor Lukšić and other high level officials concerning organisation of protests resulting from socio-economic situation and demands of organisers do not contribute to the respect for the right to peaceful assemblies. CA strongly condemns actions of officials from Budva municipality who publicly called NGO MANS an espionage organisation.

- Cases of violation of the right to personal data protection were registered in this quarter as well. Hotel reception services continue to violate the right to personal data protection even though the Agency for Personal Data Protection issued recommendation according to which reception services were to stop the practice of keeping identity documents. CA calls on all hotels to implement the recommendation in practice without any delay and the Agency to start applying sanctions if the recommendation is not applied. In this period the laws which are not compliant with the standards on personal data protection were not amended. Citizens still do not know their rights in this area which is why the Agency should launch activities on citizens` awareness raising.

- Minorities, persons with disabilities, LGBT population and women are still the most discriminated ones in the society. The Government failed to conduct transparent procedures and it appointed members of the Council for the Protection against Discrimination by breaching the defined rules of advertisement. It is worrying that the Government did not envisage seat for the representative of minorities in the Council and that it did not consult with minority councils before making decision to set up the Council. It is worrying that competent institutions did not launch activities and measures aimed towards eliminating disproportionate representation of ethnic groups in state administration, which is still unacceptably low when it comes to Roma and as well the other ethnic communities. Given that the Fund for Minorities rarely financed

intercultural projects in the past period, the plan for this year should envisage funding of such projects. The use of minority languages is not at the satisfying level, while Roma are particularly vulnerable since the current use of Roma language is unacceptably low. The process of adjusting access of persons with disabilities to public institutions is too slow and it may be concluded that nothing has been done in that regard. For that reason, persons with disabilities (PD) still cannot access all public areas and institutions with existential significance. Court sanctions for discrimination of PD are too mild and they will not result in elimination of this phenomenon. Certain progress has been achieved in the area of LGBT rights, however that progress is not sufficient since LGBT persons still face discrimination and fear of public disclosure of their identity. Competent institutions have the obligation to promote and protect rights of all minorities more efficiently. Women are still discriminated and mechanisms for political representation of women have not been put in place as well. Competent state institutions must develop mechanisms which will ensure equality of women in all areas.

- Economic and social rights are at worrying levels in the first quarter of 2012 as well. Considerable number of citizens is not able to pay for the costs of living, primarily electricity bills which is why the Electric Power Company pressed charges against significant number of citizens and disconnected them from the power grid. On the other hand, the state pays for electricity subsidies for Aluminum Plant (KAP) and repays millions in loans. CA registered greater number of strikes in this period as well as a result of unpaid salaries, severance packages, non-linking of the years of service and failure to comply with collective agreements. CA calls on all the employers to respect labour rights and competent state inspections to sanction every form of discrimination and violation of labour rights. The housing for the socially disadvantaged has become a matter of concern in this quarter. CA calls on local governments to examine decisions made on awarding social housing apartments so far and to develop other mechanisms which will provide apartments for socially disadvantaged persons. Child rights are not at the satisfying level in this quarter as well. Right to privacy and protection of personal data of children is still violated in media. CA also registered reported incidents with allegations of physical abuse of children. Competent state institutions should conduct urgent and efficient investigations into specific cases. CA welcomes activities launched to develop the foster care system.