



AGAINST IMPUNITY FOR POLICE TORTURE AND OTHER HUMAN RIGHTS VIOLATIONS

On the occasion of the International Human Rights Day, NGOs Human Rights Action (HRA), Network for Affirmation of NGO Sector (MANS), Civic Alliance, Women's Rights Center, LGBT Forum Progres and Aleksandar Saša Zeković, Council for Civil Control of the Police President warn of the chronic lack of accountability of state officers in Montenegro for proved cases of torture and other human rights violations, which supports impunity and denies the rule of law. Delay in the investigation of torture and ill treatment of Milorad Martinović and other citizens in the streets of Podgorica after the protest on 24 October 2015 warns that the perpetrators of these recent cases of police torture in Montenegro will not be brought to justice. We request the Supreme State Prosecutor to ensure the rule of law by prosecuting the responsible ones, starting from the top of the police. The Minister of the Interior should inform the public of the actions taken against the commander of the Special Anti-Terrorist Unit and the Police Director, or resign if he fails to do so. We call on the international organizations to prevent that the pledge of Montenegrin officials to human rights and the rule of law remains just a dead letter.

Not a single person has ever been found responsible for scandalous beating of thirty remand prisoners at the Institute for Execution of Criminal Sanctions (IECS) by a special police unit on 1 September 2005, although this was required even by the European Commission. In the case of torture of late Aleksandar Pejanović in the Police Directorate building in Podgorica in October 2008 not a single perpetrator or the person who ordered it has been punished to date. Inacceptable are the other cases of impunity or suspended sentences of police officers in cases of proven abuse. We remind of the drastic case of death threats against human rights researcher Aleksandar Saša Zeković uttered by police officer who was never investigated and punished.

The report of the European Committee for the Prevention of Torture (CPT) marked again in 2013 police stations in Montenegro as “black spots” of torture and ill-treatment of persons deprived of their liberty. Proven torture and ill-treatment of prisoners in Podgorica in January 2015 has not been prosecuted to date.

Bearing all this in mind, the fact that the investigation of torture of Milorad Martinović and other ill-treatment of citizens in the streets of Podgorica after dispersing the protest on 24 October 2015 is being delayed in a superficial manner, warns that the perpetrators of these latest obvious examples of police torture in Montenegro will not be brought to justice.

The prohibition of torture and ill-treatment by state officials is an absolutely protected human right from which there is no exception. This human right includes the duty of the state to establish the responsibility of the perpetrators of torture and their accomplices. When this does not happen, as is the case in Montenegro, the state becomes responsible for impunity and lack of rule of law.

Worrying is the phenomenon that the Montenegrin police officers, headed by the commander of the Special Anti-Terrorist Unit Radosav Lješковиć, took over the manners of criminals using masks for avoiding accountability for criminal acts. We remind that the commander Lješковиć told the state prosecutor, *inter alia*, that he did not know who were the police officers accompanying him in the police vehicle, “because they were all wearing masks”.

Absolutely unacceptable is the justification of Lješковиć, obviously supported by the responsible Police Director Slavko Stojanović and Minister of Interior Raško Konjević, that even a month and a half later, no one knows or could possibly know which police officers were involved in torture

of Martinović and other citizens after the protest on 24 October 2015. Anyone who has worked in the police could testify that the police actions such as the one carried out during the protest from 24 October 2015 always have a plan and persons responsible for commanding and implementing of such plan, and that these persons know or need to know whom they command.

Unacceptable is also the inert position of the Head of Department for Internal Control of Police regarding the incidents during the protests, as well as to the decisions and conclusions of the Council for Civil Control of Police.

It is unacceptable that the Basic State Prosecutor in Podgorica was forced to analyse DNA samples in order to reveal the perpetrators, while the commander keeps pretending not to know their identity, and that the Police Director and the Minister of Interior support such position.

We request the Supreme State Prosecutor to urgently ensure the rule of law by charging the commander of the Special Anti-Terrorist Unit and the Police Director for criminal acts carried out by their omission to perform their official duties – by their refusal to provide the state prosecution with the names of all police officers who have tortured Milorad Martinović and assaulted other citizens in Podgorica on 24 October 2015. These criminal offences are prescribed by the Criminal Code of Montenegro: Omission to Report Criminal Offences and Perpetrators (Article 386), Assistance to Perpetrator after Commission of Criminal Offence (Article 387), Misuse of Office (Article 416) and Malpractice in Office (Article 417). We regret the fact that the competent state prosecutors do not recognize the need to prosecute those responsible civil servants, and that criminal charges of NGOs are necessary in order for them to start doing their job, such as the charges of MANS against Lješković which also includes such unpleasant actions *ex officio*.

We request the Minister of Interior, Raško Konjević, to urgently inform the public about the actions he undertook as the Minister responsible for the police in order to punish the illegal actions of the Police Director and the commander of the Special Anti-Terrorist Unit, or to resign if he failed to do so.

We remind that the human rights violations and abuse of power by police has been earlier confirmed by final judgments in the proceedings initiated by MANS, which concern multiannual illegal surveillance of internet communication of this NGO, unlawful arrest and violation of a set of human rights of six activists of MANS and signing of the null and void agreement between the Police and M-tel on the basis of which many personal data have been collected for years. These cases highlight the chronic lack of responsibility of the executive staff of the police even when the unlawful conduct and violation of human rights was confirmed by final court judgment.

Combating the policy of impunity for human rights violations is essential for the establishment of the rule of law in Montenegro.

We call on all international organizations interested in Montenegro to support our efforts to prevent that the pledge of Montenegrin officials to human rights and the rule of law remains just a dead letter, and to inform the Montenegrin officials that they are expected to provide for those values in practice.

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