



**GRAĐANSKA  
ALIJANSA**

Civic Alliance - Aleanca Qytetare



***Investigative journalism***  
*through the prism of students*



# **Investigative journalism through the prism of students**

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# INTRODUCTION

Dear readers,

This publication «Investigative journalism through the prism of students», is prepared by NGO Civic Alliance as part of the project «Ethical and Professional Journalism for Students». The project is implemented with the support of the US Embassy in Montenegro, through 2019 Media Professionalization Assistance Program.

The publication contains ten investigative stories developed by 11 young Montenegrin journalists and students, after attending a carefully designed training program with prominent local journalists, who shared their experiences and knowledge, guiding them throughout the process from identifying ideas until the final text.

Investigative stories cover some of the most important reform topics Montenegrin society faces with on its road to the European Union and adoption of a complex system of standards - from human rights, war crimes, environmental protection to the rule of law, as the broadest possible framework within the public system is observed and its ability to respond to the needs of citizens.

The topics are extremely important for the entire society and our young journalists managed to simply and illustratively explain with their investigative stories how these topics, standards in these areas and current reforms affect the everyday lives of citizens. With these stories, we wanted to point out the importance of ethical and professional reporting in an environment where there the increase in false information is evident, which we have to oppose on the broadest social level, by promoting media literacy and the quality of journalism.

The mentioned stories have already been published on the website of Civic Alliance and have been promoted through our social networks, and they have also been broadcasted by numerous Montenegrin media, from the MINA news agency to the daily DAN and the portal “Vijesti”. Reactions of public and the online community were more than positive, so we will continue to cooperate with young journalists in the future period in order to actively cover the topics our organization traditionally deals with.



# DUTY OR CHOICE

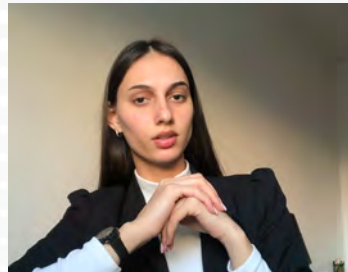
## Issue of vaccination or anti-vaccination of children

With certain parents there is a doubt related to the need of repeating vaccination doses. Pediatricians and immunologists, however, point out that measurable answer of anti-bodies is not developing with all the children after one dose, so the repeated dose or so-called buster dose will trigger such an answer with 100% children. It is the reason why vaccines are given several times, with the exception of BSG, which has a function to prevent hard forms of tuberculosis.

**Authors:**



**Anđela Stešević**



**Violeta Hajrizaj**

World Health Organization estimates that two to three million lives are saved every year by immunization. Prevention of disease by vaccination represents the most economic, available intervention in health system. Common diseases of previous generations became rarer due to vaccination, while mass immunization programs proved successful in controlling or eradicating some of the diseases.

Currently, we have vaccines for preventing more than 20 deadly diseases. Before the mass campaign of vaccination eliminated all natural causes of variola in 1980, the disease jeopardized 60% of world population and caused death to one of four patients. Owing to vaccine, humanity eradicated this disease.



After initiating Global Initiative for Eradicating Poliomyelitis in 1998, WHO reported 99% of drop in cases of this disease. It is estimated that paralysis is prevented with 10 million people. Between 2000 and 2004, number of death cases caused by morbila dropped for 79% around the world. Unfortunately, eradication of this disease depends on the informing of the people.

## **Parent's experience**

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Routine immunization of early born babies is often delayed, many pediatricians think that the fractured immune system of the babies could significantly repress reactions to antigen vaccines and decrease protective effects of vaccination. Amid corona virus pandemic, vaccination system is lacking in its frequency. The current focus of medical staff is on pandemic but other medical needs must continuously be tendered.

**Nevenka Kapičić**, mother of two, appeals on parents to regularly vaccinate their children to create them precondition for healthy and happy future.

“The world is showing us unambiguously how it looks without the vaccine. It is crazy to go back to the period of certain diseases eradicated by use of vaccine, to avoid benefits of medical advancement. It is also crazy to fall under the influence of anti-vaccine movement and not vaccinate your child—says Nevenka.

According to her, the vaccination trend is dropping at world level, the same happening in the Balkans. Frequency of vaccination still has stable continuity which must be upheld. It is important to listen to the pediatrician in the matters of vaccination”, stresses Nevenka.

“Child vaccination is not a personal matter, it is related to the whole community. If an anti-vaccine trend is rapidly growing, it will affect us all. It is not upon parent to bear such decisions on behalf of a child, who could feel on his skin hard diseases which could have been avoided by immunization protection”, she points out.

Kapičić added that the state has a key role in vaccination of children in creating mechanism to promote vaccination. “It is the state that must create a legal frame-

work for respecting vaccination system for benefit of the children and society and build an efficient system of punishment in cases of non-vaccination. Our mentality reacts to monetary punishments, not to suggestions and advices, so the system must use it for corrective behavior”, says Kapičić.

Kapičić says that there is a smaller percentage of parents in dilemma weather to vaccinate their children and that obstruction comes from certain social media groups spreading anti-vaccine propaganda. The health system must react to it by education and other measures to narrow the space for dilemmas.

Same opinion shares Enis Eminović. He appeals on parent’s consciousness to vaccinate children regularly and if they don’t do it, to sanction them.

“Parents must have a clear picture that there are no scientific proofs connecting certain serious conditions with vaccination, but there are also no proofs that vaccines are utterly safe. In any case, there is no room for fear as side effects are rarer than complications from non-vaccination”, says Enis Eminović.

## **Other side of story**

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A thirty-two old mother, who wanted anonymity, told us she regularly vaccinated her first child until the first 12 months, while it did not vaccinate the second child at all. Until March of 2012, she though vaccine was important and she did not question its efficiency, producer and containments.

“Why a healthy child would be injected with chemical substances without knowing reaction it might provoke, weather is there a gen factor triggered by vaccine causing consequences in further development. Let alone, to give something to children facing complications upon birth without knowing if it harms them or not. There are higher chances to having complications from vaccines than to having baby get TBC or hepatitis B. This is 21 century and life conditions have significantly improved “, she says.

Personal experiences of this mother who was vaccinated in the nineties are not the best one. It was war and no one dealt with vaccines. She remembers everybody had a wound after vaccine in IV or V grade which festered in months and caused temperature. In the

beginning of 2013, after a month and a half from MMR vaccine, I noticed swelling in my child's right knee, left wrist and right-hand fingers. The child was too little, almost two years old, there was no diagnosis while medical results were fine.

"We've been through agony until a doctor from the Institute for Rheumatology from Belgrade appeared, who set a diagnosis to be a child arthritis which falls under autoimmune diseases. Medicine has no cure for it, it can only create state of remission. It has a rheumatic character and the diseased with this diagnosis often become invalids more or less in a period of ten days", says this mother.

She adds that her pregnancy was fine as well as birth. She gave birth near her 30th birthday. Her husband is of same age, both healthy with no serious diseases. Gen factor was ruled out, none of them suffered from rheum or arthritis in the family in the recent past.

As a parent, she started investigating about vaccine and it was the reason why she did not vaccinate her second child. If she becomes pregnant again, she will not vaccinate her third child.

"Upon diagnosis set, I went searching as a parent how a child of almost two years old may get incurable disease? I was not aware it existed until we entered that vicious circle of hospitals, horror stories, diagnosis, children so ill not able to ever function in a normal way. It is strange that problems arose soon after vaccination", she adds.

Doctors and pediatricians gave diplomatic answers that MMR may have been a trigger for her child's illness till the rest of life.

"It means that if I shoot you, you may or may not survive. Strange explanations but it was all they provided as professionals", says a disappointed mother. At that time, there was a silent, shy talk about damages of vaccines and its connections to autism. It made her read and learn more about containments of vaccines and side effects to make an informed decision in relation to her second child. People should read, inform themselves, observe their child before reaching a decision.

"I did not do it with my first child but did as others told me. Presently, official medicine and the state are ignoring us, my nine year old kid is left with us to face his illness", says angrily our commentator.

Our second anonymous collocutor opted for non-vaccination at one moment, although she did not have negative experience with the vaccines.

“We stopped with vaccinations learning that children in near surrounding faced consequences that can almost certainly be subscribed to vaccines – juvenile arthritis after MMR, temporary (two months) paralysis after OPV vaccine and diabetes after Hib vaccine. We ran into doctors and medical workers who tried to make us vaccinate our children and our friends who tried to impose their opinion about vaccination onto us. We remained firm in our decision”, said this mother.

### **Professional’s opinion**

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“Today we find vaccination to be not only one of the greatest medical achievements, but one of the most important findings of our civilization. The main aim of vaccine is direct protection from certain microorganisms, namely diseases they cause, scope of vaccination expanded by discovery that vaccines can also protect non-vaccinated people by creating collective immunity, also known as protective herd effect or that certain vaccines can protect from other diseases but those they are primarily designed with so-called heterologous effects”, said D.S., pediatrician and specialist in immunology. He points out that one of the continuously most efficient vaccines the one against madness, if a patient is not properly protected, death is certain.

Experts say that the newborn immune systems are unable to independently fight with infection, vaccination is key. Early vaccination is even more put forward as a global health priority. With newborn, BCG vaccines is routinely used and a vaccine against hepatitis B. Medical workers say BCG is one of the most used vaccines in the world, with over 3 billion of vaccinated people and proven high efficiency. Exception is with newborn babies, a consensus exists with the immunologist community that undeveloped immune system of these children would suppress antigen vaccines and reduce its protective effect.

Our collocutor says children receive too many vaccines at once. Moreover, before birth, children are in a sterile environment while the act of birth exposes them to microbes which usually reside in human organism. Nevertheless, a contact with certain pathogenic microbes before becoming one year old leads to hard consequences and high rate of

mortality, characteristic for historical period before vaccine discovery. Calendar for vaccination is made of for immune constitution characteristic for a certain age, or based on level of risk from infectious danger.

With certain parents there is a doubt related to the need of repeating vaccination doses. Pediatricians and immunologists, however, point out that measurable answer of anti-bodies is not developing with all the children after one dose, so the repeated dose or so-called buster dose will trigger such an answer with 100% children. It is the reason why vaccines are given several times, with the exception of BSG, which has a function to prevent hard forms of tuberculosis.

It is important to stress out that level of anti-bodies in organism drops in time, therefore it is necessary to re-take certain vaccines. Anti-tetanus protection at the age of 18, protects in the following ten years from this serious illness.

Pro-vaccination camp members say in half-joke that all opponents of mass vaccination are vaccinated themselves. The vaccines advanced in time. For example, in the past the vaccine against big cough caused high temperature often and other unwanted effects, while today it contains a weakened toxin of bacteria which causes this disease, without any unwanted effects.

Medical scientists say that in decades there are no diseases like rubella, diphtheria, morbilli or big cough, to the extent that medical workers in the developing and developed countries never faced patients with these diseases, meaning the pathogen causer is not present in the environment or population. It is the immunity brought by vaccination which eliminates the causers before causing illness. Also, one can never rule out possibility of "import" of an infectious disease from other countries so there is always active supervision on Poliovirus for example. It would be irresponsible to consider causer of illnesses gone if the illness is not registered anymore. On the contrary, it is present but regular vaccination keeps it in check.

## **Between personal and collective security**

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It seems there are more reasons of supporting mass vaccination practice, as the risk from uncontrolled epidemics and spread of infectious diseases, increase of mortality rate with babies to unproven effect which vaccination may have with little percentage of population where rare unwanted effects appear. Moreover, the more members of human community become immune via mass vaccination the better the whole population is protected from infections. The more a bacteria is infectious (virulent), the higher is percentage of population to be covered by programs of vaccinations and immunizations.

Undoubtedly, there are persons with whom vaccine is contraindicated, as it is a case with any medicine. Yet, it seems difficult to accept an opinion that due to certain isolated cases and in this moment still unproven cases, one should risk health and life of its child and others. Nevertheless, solidarity and empathy towards victims of contraindicated vaccine reaction, lead us not to avoid vaccines but to have society, media, WHO, exert pressure on pharmaceutical industry to question transparently such cases and do everything to make new vaccines technologically advanced and safe for all.



# THE CORONA VIRUS EPIDEMICS BROUGHT NUMEROUS HUMAN RIGHTS VIOLATIONS

## The Constitution violated during corona crisis

**Authors:**



***Danica Bogdanović***



***Svetlana Eraković***

The corona virus epidemic brought about numerous human rights violations. Since March 16, when the first case of infection was reported in Montenegro, the Police Directorate has filed 2,211 criminal charges against 3,378 people on grounds of having committed the criminal offense of failing to comply with health regulations to combat a dangerous infectious disease.

The Institution of the Protector of Human Rights and Freedoms explains that human rights have been violated on several grounds. Since the proclamation of the pandemic infectious disease of the coronavirus until December 15, this institution has received 771 complaints \*.

„I find that the pandemic period has caused a partial stagnation of human rights in the economic and social spheres and the time behind us opened up a number of dilemmas in relation to other dimensions of human rights especially when it comes to civil rights. Although we cannot talk about mass and systemic violations of human rights, there were obvious vio-



lations in the sphere of restrictions on rights and freedoms, especially if we take into account international standards and the way they are implemented in the national legislation, namely the way state bodies apply these standards for a specific case or cases“, the Ombudsman Siniša Bjeković told us.

The consequences of the pandemic already show the exposure to additional risk of several social categories (unemployed, low-income people, elderly households, people with disabilities, women and children, victims of domestic violence, LGBTIQ population).

„From our practice, it is quite certain that care must be taken not to exceed the threshold established by international standards during the restriction if it is not prescribed in a sufficiently clear and precise manner by domestic legislation. In the same vein, regardless of the fact that we have a legitimate aim as a motive for establishing a restriction, it cannot be introduced without a clear basis in the law. Otherwise, human rights will always be at risk of arbitrary interference by the state in the protected sphere of the individual, which can neither be justified as a goal, nor can the means to achieve that goal be necessary or proportionate in terms of achieving the public interest sought to protect“, states Bjeković.

Freedom of movement was restricted at first after the declaration of the state of epidemic in Montenegro. The freedom of movement is a human right from the corpus of personal rights and freedoms, guaranteed by the Constitution. This freedom may be restricted in justified cases and one of the restrictions is the need to prevent the spread of infectious diseases. Closely related to it is the right to leave the country, which can be restricted for the same reason.

## **On the pillar of shame for the sake of health**

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The human rights were unquestionably endangered with the publication of the list of persons in self-isolation on the official website of the Government of Montenegro, with the prior consent of the Agency for Personal Data Protection. The list contained the name, surname and residential address. Regarding that decision of the National Coordination Body, the Government announced that it was “made after it was determined that certain persons were violating the measures, exposing the whole of Montenegro at high risk“. Following the publication of a list that directly stigmatized a number of citizens, a numerous human rights NGOs criticized the move. On March 23, the NGO Civic Alliance submitted to the Constitutional Court an initiative to assess the constitutionality and le-

gality of the Decision of the National Coordination Body to publish the names of persons who have been issued decisions on mandatory self-isolation.

The Constitutional Court did not react in a timely manner, but a few months later overturned the decision to publish lists of persons in self-isolation. The Constitutional Court initiated the procedure for assessing the constitutionality of the National Coordination Body decision, at the initiative of the non-governmental organization Civic Alliance, at its session on May 29.

In case U-II No. 22/20, the Constitutional Court issued a Decision repealing the Decision of the National Coordination Body on publishing the names of persons in self-isolation, No. 8-501 / 20-129, dated 21 March 2020, and ceases to be valid on the day of publication of this Decision - it was published on the Court's website.

- *u predmetu U-II broj 22/20, donio Odluku o ukidanju Odluke Nacionalnog koordinacionog tijela za zarazne bolesti o objavljivanju imena lica u samoizolaciji, broj 8-501/20-129., od 21. marta 2020. godine i prestaje da važi danom objavljivanja ove Odluke.*

Serious human rights violations occurred when the list of infected with the corona virus “leaked” to the public, because publishing information about the health status of patients is a heavy violation of the right to privacy. Following this event, the Government of Montenegro issued an official statement, calling on the competent state institutions to urgently investigate the source of this list and identify those who distribute the information. The suspect was then arrested.

One of persons whose human rights were violated during the epidemic is Ž.M, whose identity is known to the students who worked on this text. Namely, due to health problems, she stayed in Belgrade, from where she returned at the moment when the epidemic was declared in Montenegro.

„In mid-March, my name appeared in the infamous list, published on the Government's website, in which I was labeled as a person who potentially has the virus and could pass it on to others. Thus, I was directly exposed to stigmatization, to condemning looks of my neighbors when I went out on the balcony of the apartment where I live, which is why I later decided to sue the state“, says Ž.M.

This situation, she says, is not the only one in which her basic human rights were denied.

„I was sentenced to 14 days of isolation, and after that time I was informed that my isolation was being extended for another 14 days, even though I had no symptoms and I informed the Institute of Public Health about it every day.

Due to my health problem with my leg, the isolation fell even harder for me, because in a small apartment it was difficult for me to move. Also, considering that I am not from Podgorica, and that I have no relatives here, having not been able to go out for almost a month, I had to ask other people for providing me services in order to feed myself“, says Ž.M.

She’s not the only one. Residents of Niksic V.C. and A.E. they believe that they did not enjoy all human rights during the corona virus epidemic.

„I was punished at the end of April or the beginning of May, because I sat on a bench in the park with a friend. We were fined 400 euros for staying long in a public place and for violating a prescribed social distance. I think they acted unfairly, because the park was full, and only the two of us were arrested and punished“, said V.C.

„I think it was the beginning of May when I was punished for not respecting curfew. They found me after 7 pm and sentenced me to two years of probation, which I think is too much“, says A.E.

On the other hand, experts have been assuring us that human rights were violated on several grounds during the corona period.

Freedom of movement, the right to profess one’s religion, the right to a trial within a reasonable time. Rights that are also restricted or endangered: the right to freedom, the right to respect for private and family life, freedom of religion, freedom of assembly and association, the right to unhindered enjoyment of property, the right to education (these rights and freedoms are from the European Convention and its protocols). From the Constitution of Montenegro: the right to a fair and public trial, the right to freedom of movement, the right to privacy, the protection of personal data, the right to freedom of religion, freedom of assembly.

## **“Prison” in prison**

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The enjoyment of certain human rights has also been denied to persons deprived of their liberty, who are in certain departments of the Directorate for the Execution of Criminal Sanctions. Namely, they were absolutely forbidden to have visits during the epidemics. Also, the overcrowding in police detention was registered, in the situation of the epidemics.



*Photo: Private archive, Danica Bogdanović*

## **Forbidden or not?**

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The freedom to assemble in public places belongs to the group of human rights denied by the measures of the National Coordinating Body.

Measures banning public assembly prevented religious ceremonies from being held in the presence of believers.

According to the NGO Civic Alliance's publication "Testing society on Covid 19", there was selective approach in the implementation of preventive measures. Therefore, for violating measures of movement between the cities, the priest of the Metropolitan of Montenegro and the Littoral was fined 4,500 euros, while for the same acts of violations public persons were fined 500 euros or less.

There were daily violations of the public assemblies which were banned according to the preventive epidemiological measures of the National Coordination Body.

Liturgies, namely prayer walkings, characterized as a protest against the Law on Freedom of Religion, which was adopted at the end of 2019, organized by the Metropolitanate of Montenegro and the Littoral, were not organized during the epidemics.

However, on May 12, in Nikšić, there was a mass assembly on the day of the Saint Vasilije Ostroški. The gathered people went for a walk, which is why the Bishop Joanikije of Budva and Nikšić was arrested, together with eight other Serbian Orthodox Church priests. After the liturgy, the bishop and priests were detained in the building of the Nikšić Security Center for 72 hours.

## **Measures were taken, measures were violated**

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After this, the pre-election campaign for the parliamentary elections began, which was a suitable ground for violating the measures. However, a more serious violation of epidemiological measures occurred only after the election.

Namely, on election night, a celebration of the election results was organized throughout Montenegro. The “masks” and “social distance” were, one might say, forgotten. Non-compliance with the measures could also be seen by those who won on the election night. Besides the election night, a celebration was organized in several cities on August 30 and a day after.



*Photo: Private archive, Danica Bogdanović*

Only a few days later, so-called “patriotic rallies” were organized. First in Cetinje, and then in Podgorica, where several cases of violations of epidemiological measures by those who, in a certain way, passed them, were registered.



*Photo: Private archive, Danica Bogdanović*

Thus, a member of the then National Coordination Body and the mayor of Podgorica, Ivan Vukovic, was filmed at the rally in Cetinje. He did not wear a mask, did not keep social distance, but violated the measures by his presence at the rally, given that the public assemblies were banned at that time. The Prosecutor's Office, however, found that there was no criminal offense in this case.



*Photo: Private archive, Danica Bogdanović*

A large number of public assemblies took place without an adequate reaction from the competent institutions. The funeral of the Metropolitan of Montenegro and the Littoral, Amfilohije, was also a sign of violation of measures. In addition to the large number of citizens who attended the funeral, a significant number of officials were in the church of the Christ's Resurrection that day. The Prime Minister Zdravko Krivokapic, the then prime minister-designate, who did not wear a mask, was the most condemned. While the measures have become meaningless to those who should set an example on how the decisions of the competent authorities are to be respected, the number of people infected with the corona virus have been growing day by day.



*Photo: Private archive, Danica Bogdanović*

The new elections brought a new violation of epidemiological measures. Following the March 14 local elections, a large number of gatherings were recorded in Niksic, despite calls from political parties to respect the restrictions.

Whether it is the irresponsibility of the individuals, the institutions or society as a whole, it seems no longer matters. The Corona virus crisis, unfortunately, infamously confirmed the old people's saying - the rules are there to be broken!

**\* Complaints on all grounds are included in these statistics.**

# MONTENEGRIN GOVERNMENT ANNOUNCED IT WOULD DEAL WITH RESOLVING PROPERTY - LEGAL ASPECTS OF THE BANKRUPTCY OF THE COMPANY “BAJO SEKULIĆ”

## It is not possible to start production this year in the Ulcinj Salina

*The annual average import of salt since 2013 is worth over one million euros. Record imports were made in 2019, when 1,3112 euros worth of salt was imported*

**Authors:**



**Ivana Terzić**



**Lidija Roganović**

The “Bajo Sekulić” salina in Ulcinj will not produce salt this year either, which means the Montenegrin market will import more than one million euros of salt, which was the case each of the previous five years. Starting production would have multiple benefits. It would preserve the ecosystem that is collapsing along with the collapse of the factory and its infrastructure, particularly disrupting the previously rich diversity of birds that visit the site. The local government would also benefit from the re-production of the salt: it would create new jobs and reduce the



import of salt. In addition to the production capacities of Salina, the most ambitious long-term scenario would include exports in the form of new products such as “flower of salt”.



*Photo: Peđa Perović*

According to Monstat data, Montenegro imported salt worth an average of 1,084,011 euros annually in 2013 (the last salt harvest) until 2019. This is significantly less than the average recorded from 2005 to 2013, when it was 640,000 euros.

Representatives of the new Montenegrin government visited the area of Salina in the first month of their mandate, showcasing how important the area is for the executive branch.

However, there is not enough time to start with salt production during this summer. This assessment is confirmed by local experts who say that in order to start production, it is necessary to prepare the terrain, which would take more than nine months.

Studies to date have shown that the Salina’s annual economic value is over five million euros.

Salina “Bajo Sekulić” Ulcinj is one of the oldest companies in Montenegro, which covers an area of 14.5 square kilometers. In terms of its area, it is among the ten largest in the Mediterranean. The oldest salt pans were built from 1926 to 1934 while the Salina was designed to produce 30,000 tons of salt. About 250 species of birds were recorded in Ulcinj salina, which is about half of the regularly occurring birds in the EU. Among them are 60 numerous and/

or frequent species and 69 species that are rare and/or infrequent but still important for the area. The Greater flamingo is a typical flagship species, which should receive the greatest conservation attention. Regular and numerous breeders are Black-winged stilt, Stone curlew, Collared pratincole, Kentish plover, Little tern and Common tern.



*Photo: Peđa Perović*

Studies show that due to inadequate water regime management, biodiversity has deteriorated. According to a study conducted by Center for Protection and Research of Birds, out of previously 55 nesting species present, 52 were registered during 2017. It is evident that there is a decline of specific species using this area for food and rest during spring, autumn, winter and migration.

The same study, “Analysis of Legal and Institutional Challenges in the EU Integration Process and the Closure of Chapter 27” highlighted the reduced attendance of flamingos in recent years.

According to a case study conducted by NGO MANS, the closure of the factory and the failure to maintain the deteriorating infrastructure led to the impossibility of adequate water management, which has a negative impact on the ecosystem, resulting in a lack of food for birds.

The Ministry of Ecology of the Montenegrin Government believes that the resumption of Salina's work and its sustainable valorization would bring benefits to Montenegro, especially to the municipality of Ulcinj and its citizens.

However, the local Ulcinj Government, according to the Ministry of Ecology, has already missed the deadlines to establish a company for management of the Salina, which was a result of the decision to declare the Salina a protected natural area.

The Salina was declared a protected area at the national level on June 2019, while the municipality of Ulcinj was supposed to establish a company for its management by July 1, 2020, which did not happen, according to the Ministry of Ecology.

The start of salt production is currently mostly hampered by unresolved property and legal issues in the area of Salina, and it is necessary to resolve this problem as soon as possible.

“Unfortunately, it is impossible to prepare all the necessary activities and complete the process by the beginning of the summer season,” reads the statement from the Montenegrin Government, which promises to deal with property relations in Salina.

The “Bajo Sekulić” Salina was privatized in 2003, in 2005 the company went bankrupt, and salt production stopped in 2013.

The plan of the new owners to build a tourist complex in the area of the salina was halted by NGO activists supported by the then ambassador of the Republic of Germany Gudrun Steinacker, who managed to put the issue of the salina among the priority issues in Montenegro's EU accession talks.

Having been declared a protected area, the Salina was included in the Ramsar list the same year.

## **THREE MODELS FOR SALINA DEVELOPMENT**

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This research shows it is necessary to take more steps to restore production in the Salina.

In anticipation of the proclamation of the Ulcinj Salina as a protected natural area, a comprehensive “Study of the Protection of the Ulcinj Salina” was conducted by European experts, in which all issues of importance for this site were addressed.

The Study prepared an initial analysis of the required investments and running costs of maintaining the area for two options, one of which has three scenarios that include that the Solana is also maintained as a protected area.

### **Option 1: Re-revitalization of salt production with 3 sub-scenarios developed:**

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**Scenario 1.1:** The basic product is salt for roads in the volume of production as before 2013 (17,000 tons). The estimated initial investment is seven million euros, with annual management costs of 1.15 million euros. The required number of employees for salt production is 46, the number of employees for the management of the protected area is nine, while it is envisaged that it is necessary to hire 168 seasonal workers. This makes a total of 223 people to be hired in case of choosing this option.

*The study estimated that this option is not profitable, as the prices of the salt of this type are extremely low on the market, demand for this salt is fluctuating (milder winters due to climate change) and high quantities of salt needed to be produced and sold. The costs of initial investments are also very high.*

**Scenario 1.2:** Upgrading of the production process with refinery for production of edible salt, for an annual production of 25,000 tons of edible salt. This quantity goes beyond the capacity of the salina in the last 10 years of operation. The estimated initial investment is 10.5 million euros, with annual management costs of 1.35 million euros. The required number of employees for salt production is 61, the number of employees for the management of the protected area is nine, while it is envisaged that it is necessary to hire 168 seasonal workers. This makes a total of 238 people to be hired in case of choosing this option.

*The study estimated a profit of up to 150,000 euros, and that in the foreseeable future the projected profit from the visit could reach 175,000 to 350,000 euros a year. With this option, the issue of the possibility of selling a large amount of edible salt on a saturated market is particularly emphasized.*

**Scenario 1.3:** Production of smaller amounts of salt in a limited area, with a focus on a new salt product, the so-called “salt flower” (although the remaining part of the area will have to be restored in order to meet the requirements of biodiversity conservation through the regulation of the water regime). The estimated initial investment is four million euros, with an annual management cost of 500,000 euros. The number of required employees is 21, while the number of employees for the management of the protected area is nine, and it is planned that 30 seasonal workers should be hired. This makes a total of 60 people to be hired in case of choosing this option.

*The study estimated a profit of up to 70,000 euros, and that in the foreseeable future the projected profit from the visit could reach 175,000 to 350,000 euros a year. The visitor system could include special souvenirs and salt factory products, with a special “salt flower” offering that could be sold on the European market, while the number of visitors to the area would gradually increase.*

**Option 2: The area will be managed as a protected area where salt will be produced in a strictly limited area for promotional and educational purposes only.**

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The estimated initial investment is three million euros, with an annual management cost of 600,000 euros. The number of employees for salt production is 16, the number of employees for the management of the protected area is 11, while it is envisaged that it is necessary to hire 20 seasonal workers. This makes a total of 47 people to be hired in case of choosing this option.

*The study estimated a profit of up to 70,000 euros, and that in the foreseeable future, the projected profit from the visit could reach 175,000 to 350,000 euros a year.*

## **Import**

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According to Monstat data, from 2005 to 2019, the imported salt had a value of 12.707,106 euros. This would mean that the annual average of salt import is 847,140 euros. The data show that salt imports are increasing from year to year. The smallest was in 2005 - worth 364,436 euros, and the largest in 2019 – 1.311,581 euros.

From the last salt harvest in 2013 until 2019, salt was imported in the amount of 7.588,082 euros, or an average of 1,084,011 euros per year.

From 2015 to 2019, the value of annual salt imports exceeds one million euros.

## **From worker's perspective**

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According to former head of the general, financial and commercial sector in Ulcinj's Salina "Bajo Sekulic", Sasa Mitrovic, it would take more than 1.5 million euros, in the first year, to return the Solana's land to the condition before 2013 and enable production.



*Photo: Peđa Perović*

Initial costs, according to Mitrović, include the purchase of a pair of machines (excavators) that are necessary for field work and for later costs to cover labor and material (boards).

A study conducted by former Salina employees three years ago projected initial costs at 1.3 million euros and a time period of six to nine months. Mitrović estimates that today, at least 30 percent more money and additional months would be necessary because the fields are even more devastated.

Mitrović claims that the main activity for the 1-2 years would be the reparation of the terrain, because, as he explains, out of several lakes in which sea water travelled, one lake was reluctantly made, etc. Mitrović says over the next 6-9 months it would be necessary to hire 8 pumps and a permanent staff of 5 watermen and 3-4 managers, as well as ~30 seasonal workers under the constant presence of one or more of our experienced technologists and a couple of managers.

With such a staff, he believes that work could be organized in two shifts when weather conditions allow.

Speaking about the importance of Solana for Ulcinj, he points out that in the past it was the pride not only of that city but of the whole of Montenegro.

“Solana was the brand of this city, at the entrance to the city of Ulcinj there was a board with the text WELCOME TO THE CITY OF SALT. Generations of our fellow citizens were educated with the help of Salina”. -Sasa Mitrović, former head of the general, financial and commercial sector in Ulcinj’s Salina Bajo Sekulic

According to him, in the early 90’s, 450 people were employed, which means that Salina fed the same number of families. He also emphasized the importance of Salina as a large habitat for birds and that this type of tourism in the world is in full swing. Additionally, he highlighted that the medicinal mud from Salina can be used for medical and wellness purposes.

## **Janjušević: We pay costly Himalayan salt while our Salina is falling apart**

The executive director of the Center for the Study of Birds, Jovana Janjušević, points out that the return of salt production would not only help birds, but also disenfranchised workers, the local economy, and national pride.

*“The irony is that today we pay costly for Himalayan salt or any other salt on the market while our saltworks is practically falling apart, and soon it is being torn to the last screw, stripped and exposed like a battlefield!, she emphasized.*



*Photo: Peđa Perović*

She claims a model of a similar habitat type as the Ulcinj salina should be an example to move forward. According to her, this is an example of the Nin salina in Croatia, and especially the Skocijanski zatok in Slovenia, which has no production, but, as she claims, is sustainable with the help of EU projects and a quality team of people.

Regardless of the current situation, which does not inspire much optimism, she hopes that the professional staff for managing Salina will be provided. Janjušević explains, “We



expect the future manager to be hired soon by the German Embassy, which offered help in finding quality staff for this position because Salina is currently in such a state that we must not play with political staff who might have the will but not the necessary knowledge. and experience pointed out.”

## **Land ownership rights**

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According to the study “Salina Ulcinj - Analysis of legal and institutional challenges in the process of EU integration and closing of Chapter 27”, the answer to the question of land-ownership rights of any real estate was obtained by a simple insight into the real estate cadastre.

The study states: “Thus we come to the data that the real estate that enters the boundaries of the Natural Park “Salina Ulcinj”, namely the cadastral parcel (KP) 30/3 registered in the list of real estate (LN) number 3 cadastral municipality (KO) Ulcinjsko Polje is located in owned by Montenegro, and that the right to dispose has the Municipality of Ulcinj, KP 364, 376, 377, and 404/2 of the same KO, registered in LN 271, are owned by Montenegro, and that KP 364 and 404/2 has the right to use the company Morsko Dobro, and for KP376 and 377 there is a record of CEDIS easement rights.”

On the other hand for KP 30/2, 358, 359, 360, 362, 363/1, 363/2, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404/1, 405, 406 , 407 and 410 registered in LN no.182 KO Ulcinjsko Polje, and KP 1242/2 and 1270 registered in LN 98 KO Zoganje, there is no data on the owner, and as a user in the volume of 1/1 is registered RO Solana “Bajo Sekulić”, and a recorded record of the bankruptcy proceedings.

## **Salt factory and bankruptcy**

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The value of the Ulcinj Salina in 2000 was estimated at 110.3 million German marks at the time, which corresponds to about 55 million euros, according to a case study conducted by NGO MANS.

For 2000 and 2001, a plan for the privatization of Salina was envisaged, through two methods: mass voucher privatization and sale of shares on the market, the so-called “Batch sale”.

A total of 59.28% of the capital was allocated for mass voucher privatization, 10.43% of shares belonged to workers, and 35.83% of capital was planned for sale through the “batch sale” method.

By 2003, 59.37% of the capital of Ulcinj’s Salina had been sold.

In 2003 and 2004, it was planned to privatize the remaining 40.63% of the Salina’s capital by looking for a strategic partner.

That year, there was interest from a foreign partner in the privatization of Salina, but the management bodies did not recapitalize, because the privatization investment funds were against this type.

Solana “Bajo Sekulić” AD was introduced into bankruptcy in 2005, when the Privatization Fund “Eurofond” owned 33.87% of the total capital in Salina, and the Privatization Fund “Moneta” 34.67% of the capital.

That year, the company’s capital was reduced by 22.6 million due to the adjustment of the accounting book and actual value of capital, so it was set at about 31.2 million euros.

The company’s financial condition has deteriorated sharply since 2005. The company, which operated almost without losses until the time of its bankruptcy, was brought to an uncovered loss of 7.9 million euros at the end of 2013, concludes a case study done by NGO MANS.



*Photo: Peđa Perović*

## **Annual edible salt consumption**

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According to a study conducted by Miloš Vuković for the needs of the Center for Protection and Research of Birds this year, it is stated that the consumption of Montenegrins is negligible compared to the production capacity of Ulcinj Salina, which is estimated at 25,000 tons, and that the greatest consumption potential comes from tourists.

For the analysis, MONSTAT data on the number of inhabitants in Montenegro for the period in 2019 were calculated, estimates for consumption were made on the basis of WHO recommendations from 2013, which confirm the upper limit of daily salt intake in adult food of 5g / day, and for children under 2g / day, and the price of a kilogram of salt in retail.

The population of Montenegro annually consumes 1,013 tons of salt, which is worth 405,245 euros.

The states that additional salt consumption refers to road salt, which could not be quantified.

For the purpose of estimating the annual salt needs for the nutrition of tourists who spend the night in Montenegro, MONSTAT data on tourist overnight stays were used, the assumption that everyone consumes 5 grams of salt per day, and the price of a kilogram of salt in retail.

According to the analysis of these data, the result shows that 23,598 tons of salt worth 9,439,144 euros were used for the needs of tourists.

Za potrebe procjene godišnjih potreba soli za ishranu turista koji noće u Crnoj Gori korišćeni su podaci MONSTATA o noćenju turista, pretpostavka da svi unose po 5 grama soli na dan, te cijena kilograma soli u maloprodaji.

Prema analizi tih podataka, rezultat pokazuje da je za potrebe turista utrošeno 23,598 tona soli u vrijednosti od 9,439,144 eura.

## **Silent conflict between bankruptcy administration and the workers**

Saša Mitrović, the former manager of the Salina, claims that the biggest obstacle to starting production in that company is the bankruptcy administration, accusing it of protecting the interests of the majority owner - Eurofund.

“In the last couple of years, the majority owner, in coordination with the bankruptcy administration, introduced himself as the owner of the land and a battle is currently being fought before the Privatization Council with the question of whether the majority owner (ZIF Eurofond) paid fair compensation for Salina land. That is the reason why the bankruptcy administration stopped selling Salina, which according to the law had to be implemented and settle creditors (workers, suppliers and the state),” says Mitrović, reminding that the plan of the majority owner is to build a tourist complex with an anchorage with 54 connection to the place where the Salina gravitates towards Porto Milena and in the hinterland of the same to make several condo hotels.

On the other hand, the bankruptcy trustee of the “Bajo Sekulić” Salina, Žarko Ostojić, claims that there is no interest in continuing the production of salt. He reminds that

15 public calls for the sale of Salina's property have been conducted in the bankruptcy proceedings so far, which were concluded unsuccessfully, except for some equipment, recyclable raw materials and rolling stock.

"The very fact that there is no demand for the purchase of Salina's property also imposes the conclusion that there is no interest in salt production, as a product whose placement would enable profitable business of the company," states Ostojić.

According to him, during the bankruptcy procedure, with the cooperation of the Bankruptcy Administration, the National Parks of Montenegro and the Government, it was possible to preserve biodiversity in the area of Salina and significantly reduce the costs of the procedure.

"National parks bear the costs of providing electricity and maintenance of pumping plants which enable the inflow of sea water to the area of Salina," states Ostojić.

*Sources:*

- 1. MANS – Case study: The collapse of the "Bajo Sekulić" Salina due to the interest of domestic tycoons*
- 2. CZIP – Study "With a taste of sea, a taste of salti", 2020*
- 3. Study: Salina Ulcinj - Analysis of legal and institutional challenges in the process of EU integration and closing of chapter 27*
- 4. Protection study for the area of Salina Ulcinj, 2017*

# METHODOLOGY OF MEDICAL WASTE DISPOSAL IN MONTENEGERO

## Private clinics send their reports to state official authorities via correspondents

The question is to what extent do private clinics follow required recommendations and rules, if we take into consideration the fact that the official and authorized Environmental Inspector had from 2016 till present, submitted and filed seven charges, initiating and demanding misdemeanor procedures directed against health institutions for mixing medical and municipal solid waste.

**Author:**



***Ivana Terzić***

Have you ever found yourself in a situation where you had no idea what to do with medicaments that had expired or have you had experience with having an infected and serious patient in your house so you had to remove bottles, needles, cannula? Have you considered binning all of this into rubbish bins, toilet or garbage depot?

The question of where shall medical waste be disposed during the period of Corona virus pandemics is emerging, due to the fact that producing of infectious medical waste has recently increased. Medical waste may cause yet another epidemic, if not managed and disposed properly and according to required recommendations.

Proper treatment of medical waste is extremely important issue in order to provide safe preserving of general population health conditions. Consequently, the Institute of Public Health of Montenegro has, on its official web site, posted clear and precise recommendations, regarding how medical waste shall be properly managed and exposed. Recommendations also concern public institutions and domestic households, where there have been either unconfirmed or confirmed cases of Corona virus infected persons.



*Photo: mzdravlja.gov.me*

Recommendations clearly define that any personal waste, including general waste used by any infected person (personal protection gear, used cloths, items used for cleaning as well as personal waste of infected person) shall be disposed into plastic garbage bags with strip attached to it. This bag shall then have to be placed into another garbage bag, which again has to be tied with attached strip. Wastage bag is then to be placed into a waste bin, but only after it had been stored for at least 72 hours.

## **Strict control**

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A person collecting waste must wear disposable gloves, bearing in mind that she/he must not touch her/his face with hands because they may be contaminated during the waste handling. Outer gloves area is indeed considered contaminated. Thorough hands washing are recommended immediately after removing gloves from hands.

As far as patronage service is concerned, medical staff must, during the field visits of infected persons, take medical waste from previous visits and take it to a local Medical Center where infected persons normally go for medical examinations. This claim comes from the Ministry of Health official authorities.

However, according to general public experience, the reality proves rather different practice. Almost every single person we contacted had placed used bottles and needles into garbage bins before patronage service even appeared.

The same applied for medicaments that had expired; they either ended up in garbage bins of infected persons or they were flushed away in toilets.

Ministry of Health officials claim that disposing of medicaments that had expired should be done in special and designated recycling areas with bins that are specially designed for this kind of medical waste. However, the officials have not provided information about the exact locations of these areas and bins, including their numbers either.

According to information and data provided by the Ministry of Health officials, 146.044, 00 kilograms of medical waste has been produced in health institutions during the period of first five months in 2020. The officials have outlined that production of medical waste had not increased due to disposing of surgical or other associated interventions during the Corona virus epidemics.

A consortium of two companies, “Ekomedika” from Podgorica and “OMPeco” from Italy, is in charge with taking, collecting and processing medical waste in Montenegro. Consortium began to operate in 2013, based on permits issued by the Environmental Protection Agency of Montenegro (EPA Montenegro).

Two medical waste centers have been established in charge with medical waste processing at the state level. One of them is in Berane (local hospital premises) and the other one is nearby Clinical Center of Montenegro.



## Quantities

During the period of last 12 months, 32 public health institutions produced 396.748, 00 kilograms of medical waste and its processing costs were estimated to EUR 888.120, 00.

In 2018, 373.391 kilograms of medical waste were produced and its processing costs were estimated to EUR 835.836,00, while in 2017, 397.732, 00 kilograms of medical waste were produced costing the state of Montenegro some EUR 875.607, 00 for its processing.

On the other hand, the production of medical waste in 2016 was bigger than any of the above listed years; namely EUR 925.955 were spent for processing of nearly 1.4420.601 kilograms of medical waste.

NAZIV ZDRAVSTVENE USTANOVE	2016		2017		2018		2019	
	Količina (kg)	Iznos (€)	Količina (kg)	Iznos (€)	Količina (kg)	Iznos (€)	Količina (kg)	Iznos (€)
Dom zdravlja Andrijevica	539,30	1.187,27	476,20	1.048,34	441,50	988,31	445,30	996,80
Dom zdravlja Bar	4.606,50	10.141,22	4.467,80	9.835,87	3.102,50	6.944,94	3.039,00	6.802,81
Dom zdravlja Berane	1.528,40	3.364,77	1.478,40	3.254,70	1.548,80	3.467,00	1.524,80	3.413,26
Dom zdravlja Bijelo Polje	2.560,70	5.637,38	3.067,40	6.752,88	1.962,30	4.392,60	1.692,70	3.789,10
Dom zdravlja Budva	5.792,65	12.752,53	5.999,99	13.209,01	7.115,80	15.928,71	7.178,20	16.068,40
Dom zdravlja Cetinje	1.593,10	3.507,21	1.382,70	3.044,01	2.690,50	6.022,67	3.781,30	8.464,44
Dom zdravlja Danilovgrad	1.653,60	3.640,41	1.305,40	2.873,83	1.489,30	3.333,79	1.534,30	3.434,53
Dom zdravlja Herceg Novi	4.254,80	9.366,96	5.562,30	12.245,38	5.773,10	12.923,10	5.024,50	11.247,34
Dom zdravlja Kolašin	773,50	1.702,86	691,90	1.523,20	693,00	1.551,29	793,10	1.775,33
Dom zdravlja Kotor	2.587,33	5.696,01	3.074,38	6.768,25	2.326,70	5.208,31	2.451,30	5.487,24

Dom zdravlja Mojkovac	1.622,90	3.572,83	926,80	2.040,35	838,20	1.876,41	1.024,60	2.293,56
Dom zdravlja Nikšić	3.562,96	7.843,85	3.606,90	7.940,57	3.625,95	8.116,69	3.512,40	7.862,51
Dom zdravlja Plav	1.631,00	3.590,65	1.662,00	3.658,90	1.286,50	2.879,83	1.119,60	2.506,24
Dom zdravlja Pljevlja	1.829,30	4.027,18	1.668,70	3.673,64	1.351,40	3.025,10	1.452,50	3.251,42
Dom zdravlja Podgorica	29.098,15	64.059,58	22.738,91	50.059,71	15.559,46	34.829,82	16.147,00	36.145,06
Dom zdravlja Rožaje	2.965,40	6.528,34	2.346,10	5.164,96	2.034,50	4.554,24	2.210,20	4.947,53
Dom zdravlja Tivat	1.527,64	3.363,09	1.530,10	3.368,51	1.761,60	3.943,35	1.934,70	4.330,83
Dom zdravlja Ulcinj	1.721,60	3.790,10	1.897,10	4.176,48	2.264,80	5.069,76	2.178,90	4.877,48
Zavod za HMP	5.412,61	11.915,86	4.988,50	10.982,18	4.541,22	10.165,51	4.498,00	10.068,77
Zavod za transfuziju krvi	3.975,70	8.752,50	4.249,20	9.354,61	4.568,50	10.226,59	4.804,70	10.755,33
Opšta bolnica Bar	11.770,90	25.913,62	10.630,85	23.403,82	12.321,50	27.581,67	12.330,10	27.600,94
Opšta bolnica Berane	33.833,00	74.483,36	36.389,70	80.111,93	38.554,80	86.304,92	40.610,60	90.906,83
Opšta bolnica Bijelo Polje	9.096,90	20.026,82	8.386,30	18.462,44	10.444,10	23.379,13	10.604,60	23.738,40
Opšta bolnica Cetinje	4.573,00	10.067,46	5.001,40	11.010,56	5.710,70	12.783,39	5.256,10	11.765,80
Opšta bolnica Kotor	9.134,85	20.110,38	8.621,80	18.980,91	8.746,70	19.579,48	9.563,40	21.407,66
Opšta bolnica Nikšić	9.864,03	21.715,67	8.316,63	18.309,06	7.240,98	16.208,95	7.898,20	17.680,13
Opšta bolnica Pljevlja	12.271,00	27.014,59	11.442,60	25.190,89	9.351,40	20.933,11	9.748,00	21.820,90
Spec. Bolnica Brezovik	4.060,76	8.939,76	3.105,60	6.836,98	3.425,10	7.667,08	3.275,30	7.331,76
Spec. Bolnica Dobrota	467,00	1.028,10	336,40	740,59	114,40	256,08	109,10	244,22
Spec. Bolnica Risan	4.272,33	9.405,53	4.648,10	10.232,80	4.192,30	9.384,47	4.440,20	9.939,40
Klinički centar Crne Gore	232.777,80	512.460,31	217.383,80	478.570,44	196.482,40	439.825,87	214.040,40	479.129,43
Institut za javno zdravlje	9.243,23	20.348,97	10.348,45	22.782,11	11.831,07	26.483,86	12.524,92	28.037,03
<b>UKUPNO</b>	<b>420.601,94</b>	<b>925.955,17</b>	<b>397.732,41</b>	<b>875.607,91</b>	<b>373.391,08</b>	<b>835.836,03</b>	<b>396.748,02</b>	<b>888.120,48</b>

Photo: mzdavlja.gov.me

Biggest producer of medical waste is Clinical center producing annually around 200.000,00 to 230.000.00 kilograms of medical waste.

As far as private clinics are concerned, disposal of medical waste, according to claims by the Ministry of Health officials, has been conducted in identical ways as those applied by the state health institutions.

“Evidence of the processed medical waste quantity in private health institutions is recorded and analyzed by the Ministry of Health officials based on the information provided by the concessionary party. This quantity, regarding 2019, was 20.707 kilograms, which was approximately 1, 70 tons on monthly basis”, emphasized the officials at the Ministry of Health.

Ministry of Health has therefore, precise evidence regarding quantities of medical waste produced in public and state health and medical institutions. However, information from private clinics is provided indirectly from the concessionary party, namely “Ekomedika”.

The question is to what extent do private clinics follow required recommendations and rules, if we take into consideration the fact that the official and authorized Environmental Inspector had from 2016 till present, submitted and filed seven charges, initiating and demanding misdemeanor procedures directed against health institutions for mixing medical and municipal solid waste.

Six out of seven of these charges were related to private health institutions.

## **Inspection**

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According to claims provided by the Administration for Inspection Affairs, the initiation of misdemeanor proceedings had taken place due to failure of conducting the orders provided by the Administration which again were relating directly to a contract signing with “Ekomedika”.

Additional controls only confirmed that the above mentioned subjects, after the submission of misdemeanor procedures directed against them, managed to remove discrepancies. Field analysis proved an improvement in both, public and state institutions, as well as in private

medical institutions, in terms of conducting regular selection of wastage, including the appropriate packing of contents.

Also, an increased quantities handed over to “Ekomedika”, an authorized legal entity, were noted, stated the officials with the Administration for Inspection Affairs.

Administration for Inspection Affairs officials reminded that local court judges have been those that make final decision, regarding the types and level of sanctions imposed, as well as on penalties and sentencing verdicts.

“Law on Waste Management defines that processing, that is, removing medical and veterinary waste can be implemented by either legal entity (company) or a contractor having appropriate equipment, including facility required for medical and veterinary waste processing, as well as required number of employees, based on permits regarding to processing or disposal of wastage. Book of regulations, conditions, methods and procedures of medical waste management, clearly define conditions, methods and procedures of medical waste management”, emphasized the Administration for Inspection Affairs officials.

Two conclusions may thus emerge according to the above mentioned issues; public and state medical and health institutions in most cases either apply legal and required procedures, or, inspection authorities fail to monitor and supervise the whole process in order to detect and register all discrepancies.

## **Types**

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The following sharp items (being subject to processing in waste centers) include needles, cannula, lancets, razors, syringes, medical saws, needle connectors, insulin pens, insulin syringes and needles, chemo - dialysis needles, used and damaged ampoules and broken flacons). This kind of waste is designated with 18 01 01 Code.

Collecting and disposing infectious waste, designated with 18 01 03 Code, has been subordinated to special requests due to infection prevention. These special requests do not relate to potentially infectious waste designated with 18 01 04 Code, which is also processed in waste centers. Potentially infectious wastes include clothes, cast/gypsum bandages, bed sheets, disposable clothes, medical calico and napkins/diapers, etc.

## **Storage and personel/staff**

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Ministry of Health explained that dangerous (hazardous) waste must be transported to temporary warehouse area.

“Plastic bags with collected infectious waste, properly tied, sealed and marked, placed into plastic bins, shall be transported to temporary warehouse area, at least once a day and if possible, once during every shift”, Ministry of Health officials outlined.

Ministry of Health officials also outlined that temporary warehouse area is a place where medical waste is kept until it is handed over to a company authorized to accept and take away medical waste and consequently process it, pursuant to legal provisions.

“Temporary warehouse area should have adequate size in relation with medical waste quantity produced in such medical institution and in accordance with its frequent collection and transport. Space shall be easily accessed to all authorized staff in charge with waste management, having clear signs attached to space purpose, well illuminated with natural and artificial ventilation provided and finally, space has to be locked so no unauthorized persons can have access to this particular area”, Ministry of Health officials stated.

They add that “insignificant” number of incidents occurred with certain number of employees (staff) were injured whilst handling the waste.

The officials with the Ministry of Health explained that around 360 employees (staff) in health institutions went through the program of handling and managing medical waste which had been organized by the Ministry of Health and Institute of Public Health.

“According to the Law on Health and Safety Protection, the employees have been trained for safe work at their work places. They were provided with material and equipment required for personal and health and safety protection which allowed them to conduct regular special medical examinations. Number of incidents has been insignificant and there have been no records on infections caused by needle pricks, because all required epidemic recommendations and procedures, as far as the issues regarding all employees (staff) with health institutions have not been unknown”, claimed the officials with the Ministry of Health.

## **Emergencies**

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Ministry of Health officials claim that, for the time being, there is no need for opening of new centers for waste management.

Projection of required Centers for waste management has been based on estimated quantities of hazardous medical waste, based again on the information and data provided by the public health institutions and accepted evaluation methods in 2011.

Ministry officials have, during the quantity estimate, taken into consideration, the expected tendency of growth of waste production derived as a result of economic growth and standard increase accordingly.

The selection of most appropriate technology, required for waste processing at local or state level has depended on types and waste quantity, including the distance between health institutions, transport possibilities, available space, legal regulations and management costs.

Ministry officials outlined that during the selection of required technology, they tended to prevent negative impact on public health and environment. They have particularly taken serious consideration, as far as surface – based and underground waters are concerned, including soil and air, trying thus to reduce the quantity of hazardous waste and accordingly provide safe waste handling inside and outside health institutions.

## **Drop in centers**

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There are three Drop – In centers in Podgorica and their purpose is to provide safe work with intravenous drugs users, producing infectious medical waste because they allow the exchange of sterile equipment required for injecting.

Ministry of Health officials pointed out that there is a potential danger from direct contact with infectious waste including HIV infection, B and C hepatitis, and gastroenterological, respiratory and skin infections as well.

Drop – In centers have been recognized as holders of medical waste and should, pursuant to the Law on Waste Management, keep records and evidence on quantities and waste types. In Montenegro there are three such centers for intravenous drugs users where the exchange of needles and syringes is feasible. Entire contaminated equipment for injecting collected in these centers (from the field and in centers too) is managed by Podgorica Center for waste managing, claim the Ministry of Health officials.

Officials of the Ministry of Health conclude that Drop – In centers, organize field work aimed to develop contacts with addicts that based on self – initiative do not make any contacts with any health or social institution in Montenegro.

## Bukovica – crime without justice

After 16 years of this crime, it appeared justice had finally knocked on the door. The senior state prosecutor in Bijelo Polje had filed a request for an investigation against seven people in the Bukovica case, on suspicion of having committed the criminal act “crime against humanity”. The investigative actions began and ended with the examination of four witnesses. All seven war crimes indictees in Bukovica were acquitted for lack of evidence on December 31, 2010.

***Autors:***



***Jelena Vukašinić***



***Vuk Vujisić***

Not so long, 28 years ago, ethnic cleansing took place on the territory of Montenegro. A group of members of the Republika Srpska Army kidnapped several Bosniaks from Bukovica and took them to the Čajniče prison to exchange them for captured Serb soldiers in Gorazde. At that time, eight people were killed in Pljevlja’s Bukovica, a dozen were sent to concentration camps, and about a hundred were expelled. Today, less than 200 people live in this place.

Brutal violence took place there and force was used to destroy people, their houses and livestock, property, everything they had. After the torture, the Bosniak population began to move out of Bukovica, after which their houses were looted and demolished.

Apart from paramilitary formations, the then police of Montenegro, jointly with the regular army, did not remain “indebted” to the former inhabitants of Bukovica. Witnesses believe that they succeeded in their daily mission to “cleanse” the region through daily raids and harassment.



Only the memories of people who saw the harassment of their family, relatives and neighbors with their own eyes remain as testament of time, one of them being Ferid Osmanagić, then nine years old, who still remembers with sadness the harassment of his late father, but also moving to Pljevlja and leaving his native home.

“I don’t know if they were police officers, I don’t remember, but they started physically attacking my father. Fortunately, a man appeared, the then director of the elementary school “Bratstvo i jedinstvo” Kovacevic, who knew my father and he saved him from being beaten. I also remember some unpleasant scenes, shootings around my village where we lived, in the middle of the day. I also remember the paramilitary formations that passed there the day after the murder of the father and son, Hajro and Ejub Muslić. Looking at what was happening to the others, I was scared. I was afraid for my father, because some people who were more mature at the time were mostly beaten up. We were not able to find the name of the perpetrators, who attacked my family in those days, but they were probably from Montenegro, because most of the army and police were from Montenegro at that time (Pjevlja, Niksic). We came to Pljevlja in December of 1992, to my father’s brother, where we spent the next 6 months. After that, we started a new life, “ says Ferid.

### **“In that Bukovica, there will never be happiness”**

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When asked if his late father ever returned to Bukovica, Ferid said that he did not want and remembers the words of his late father, when he said: **“In that Bukovica, there will never be happiness.”** This was his second time, unfortunately, he had to leave Bukovica. He left for the first time during the Second World War.

After all, situation in Pljevlja, Ferid says, was not much better either to feel safe.

“During the night, 5, 6 private shops were burned, mostly of Muslim owners, arrests of members of the then SDA party, beatings. Life at that time was not perfect there either. For what reason did we choose Pljevlja: firstly because we knew we had safe accommodation, the second reason was that at that time there were a large number of Muslims in Pljevlja, 7,000-8,000, and if something happened, we knew that at least it would be heard out because it is the city center, while in Bukovica the situation was different “, explains Ferid.

## **Searching for weapons as a pretext for raids and harrasment**

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Ferid adds that all the raids were under the pretext of searching for weapons, although that was not the task of the then army and police, but to secure the border. He believes, like some other former residents of Bukovica, their real task was to clean up the area through which it would be convenient to smuggle weapons and supplies for the needs of the Republika Srpska army.

At one of the party conventions in 1997, the current president of Montenegro, Milo Đukanovic, then the Prime Minister, admitted that he helped the Republika Srpska during the war and stated the following:

“Let Momir Bulatović not protect the Serbs from me, because the Government I lead had to secretly help the Serbian people in Herzegovina and Republika Srpska from Slobodan Milošević and Momir Bulatović for years, when they decisively and heartlessly lowered the border ramp,” Đukanović said in front of thousands of his supporters. (<https://www.facebook.com/LiberalniSavezCG/posts/2582194028745255>)

It is interesting that there were testimonies that have not been proven that the former director of the Police Administration of Montenegro, Veselin Veljović, participated in raids and harassment of citizens, then the commander of the Pljevlja police, which secured Bukovica. Today, Veljović performs the function of advisor for defense and security of the President of Montenegro, Milo Đukanović.

In 2019, Veljovic told CIN (Center for Investigative Reporting) that he did not rule out the possibility of individual abuse of office by a police officer, but claimed that the police were “a factor of stability, peace and order and intervened in all cases where houses were raided for illegal possession of weapons or in connection with other reported committed criminal offenses.

“None of the police officers who took part in those raids beat, abused and mistreated the people whose houses and facilities were raided, none of the residents of Bukovica complained to me about the work and behavior of the accused police officers ... It is clear to the police that S.H. hung himself, not out of fear or because he was beaten by the army and the police, but for reasons known only to him, “ Veljovic said at the time.

We asked Hazbija Kalac, president of the Justice and Reconciliation Party, how he commented on the non-prosecution of those responsible for the crime, but also the role and

responsibility of former police director Veselin Veljovic in the persecution of Bosniaks from Bukovica, but also later in prosecuting those responsible.

“Have you ever heard of an example of a person responsible for a crime prosecuting himself?” It was illusory and naive to expect the perpetrators of that ethnic cleansing to prosecute themselves. This is not only the case with Bukovica, but also with the terrorist attacks and occupation of Pljevlja, the deportation of refugees from Bosna and Hercegovina, the arrest and torture of Bosniak political representatives in Montenegro and many other crimes from that time” answers Kalac adding that Veljovic is only one in the chain of command responsibility.

He is just one in a chain of command. Filip Vujanović was the Minister of Justice at that time, Milo Đukanović was superior to both Veljović and Vujanović. Veselin Veljović was the commander of the special police that was engaged in Bukovica at that time. There are numerous testimonies about the torture of the Montenegrin police against the residents of Bukovica, and among others, Veljović is directly accused of torture. The more correct question is how his former position contributed to the relativization and covering up of crimes, “ says Hazbija Kalac

## **Return without justice is impossible**

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In the period from 2007 until today, the Government of Montenegro has built 108 prefabricated residential buildings and about seventy auxiliary buildings as part of the Bukovica reconstruction project. The total value of the project was about four and a half million euros.

„The houses were built and that’s fine. However, in my opinion, project was done wrong. The government estimated that the construction of these houses would solve everything. However, when you look at the road infrastructure of Bukovica, it is a despair. When you look at the electricity supply, the first snow or a stronger wind, the whole of Bukovica is without electricity. You look at the mobile network, it is very difficult to get a signal there. This should have been done first and gathered all the people who are in the mood to return there“, explains Ferid Osmanagić.

Ferid emphasized that, after so many years, people cannot be expected to return just like that.

„After 1992, everyone ran away and everyone started new lives. Some new generations have arrived. They could not expect people to return to them just because of their houses“, he said.

After 16 years of this crime, it seemed that justice had finally knocked on the door. The senior state prosecutor in Bijelo Polje had filed a request for an investigation against seven people in the Bukovica case, on suspicion of having committed the “crime against humanity”. The investigative actions began and ended with the examination of four witnesses. All seven war crimes indictees in Bukovica were acquitted for lack of evidence on December 31, 2010

Hazbija Kalac believes that the former government did not sincerely implement the program for the return of the inhabitants of Bukovica because those responsible were not punished, and the inhabitants were not provided with basic living conditions.

“The orderers and perpetrators of the crimes were not punished, they were not even named, so the preconditions for the return of the expelled never took place.” It was all done again with a plan. The victims have been manipulated all these years, additional pressure put on them in order to be satisfied with the houses that the state built for them. The construction of houses without additional infrastructure and additional support, payment of certain monetary reparations to the injured is a direct confirmation of the state’s responsibility for crimes and along with undisguised protection of criminals represents a school example for legalizing crimes of ethnic cleansing”, claims Kalac.

What is the path to the revival of Bukovica and the return of its population?

Hazbija Kalac believes that it is possible, with political will, for the exiled families to return, those responsible to be punished, and the villages to be revived in the following way:

“To bring the orderers and perpetrators to justice and to punish them adequately. To treat Bukovica as an area of special interest to the state by building infrastructure, to provide state support to residents who wish to return for farming, small businesses, tax exemptions... There are many modalities to encourage a return to this extremely resource-rich area. But above all, those responsible for the crimes must be punished. That is a precondition for everything” claims Hazbija Kalac.

However, Ferid Osmanagić is not an optimist, he does not believe that the state will do anything to change things because there is a lack of political will. “Victims and families have lost faith in the state and its justice because it is difficult now, after so many years, to prosecute those responsible, many victims, witnesses and perpetrators are no longer in this world, so as time goes on it is harder to expect justice to reach those responsible”, in Ferid’s opinion.

## **There is little talk and knowledge about Bukovica**

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We often hear stories in public about crimes that took place outside Montenegro, while many have not heard of Bukovica. Our interlocutors find causes in covering up the crimes, thus are rarely mentioned.

Ferid says that 98% of young people from Pljevlja do not know anything about Bukovica, while the situation with older people is somewhat better, but again most do not know the details of the crime.

When asked if he thinks that there is a lot more talk about other crimes outside Montenegro, while there is no talk about Bukovica, Kalač said that it is true.

„Srebrenica, the biggest Bosniak wound, our denominator for the genocides that have happened to us in the past 150 years, is a symbol of our suffering, but unfortunately that wound began to be abused for daily political purposes on one hand and diverting the public's focus from crimes in Montenegro. It is not normal or moral to be silent about the crimes whose victims are your fellow citizens, neighbors, compatriots and to deal with Srebrenica every two or three days. Bukovica is also our Srebrenica. In 1943, Chetnik hordes led by Pavle Đurišić killed about 8,000 elderly civilians, women and children in a month, among other things in this area, of which 26% of the victims were children under 4 years of age. And that is our Srebrenica, which happened in the 1942 and 1943 of the last century and which largely went unpunished. That is why Bukovica of 1992 and 1993 happened to us. That is why we have an obligation as people and society to first of all clean the garbage from our yard», concludes Kalač.

On the other side, Ferid considers that Bukovica and other crimes must become part of school curriculum in order not to be forgotten and repeated.

Apart from our interlocutors, we contacted the Bosniak Party with the same questions sent to the Party of Justice and Reconciliation. After many promises and reminders, we have not received any answers for 20 days. We also wrote to Veljović, who referred us to the documented statements he has already given regarding the Bukovica case.

# EXTINCTION OF WILD SPECIES IN MONTENEGRO

## Balkan lynx: A cat whose path we crossed

*Nature is more than a good example that everything is connected to each other. The better quality of human life is largely “provided” by nature and the quality of nature is best described by the flora and fauna in it. Diversity ensures the stability of ecosystems, and thus our survival. Today we have a case when the wildlife is in a very bad condition due to habitat loss, poaching and hunting. According to the World Wide Fund for Nature (WWF), the “Report on Life on the Planet” for 2020 shows that during the 46 years (1970-2016) there was a staggering decline in the animal population by 68 percent.*

**Author:**



***Jelena Vukašinić***

Do you know the story about Schrödinger’s cat? It is a thought experiment performed by famous German physicist Erwin Schrödinger that illustrates an apparent paradox of quantum superposition. In the thought experiment, a hypothetical cat may be considered simultaneously both alive and dead as a result of being linked to a random subatomic event that may or may not occur.

This most known paradox could be easily dubbed Schrödinger’s Balkan lynx. Especially, in Montenegro. The Directorate for Forestry and Hunting at the Ministry of Agriculture and Association of Hunter’s claim there is a lynx in the territory of Montenegro. Never-

theless, Center for Bird Protection and Research and NGO Wild Life Montenegro give the opposite side of the story.

### **Rare animal even in the past...**

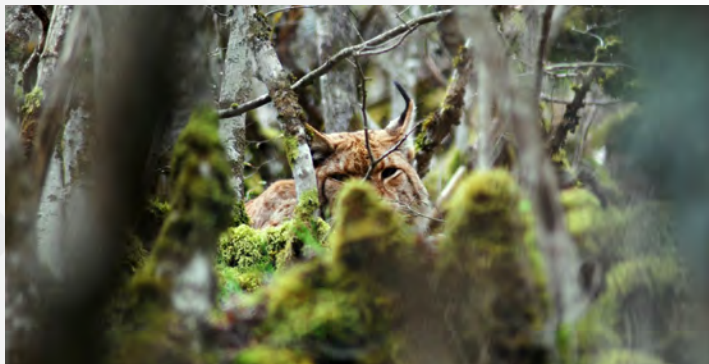
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The Balkan lynx existed in Montenegro in the past. Pavle Rovinski, Russian historian, who spent a considerable part of his life in Montenegro (19th century) mentioned that during hunting “sometimes a lynx is found”, meaning it is rarity to encounter the lynx. Firer, the first ornithologist, researcher from Austria mentions that the heir to the throne Danilo, who replaced the King Nikola after his death, showed him the fur from a lynx in the Cetinje Palace, caught in the Sutorman area in 1890. Also, in one of the hunting campaigns for the members of the royalty, including Danilo, in November of 1894, in the mountain of Bjelasica, a strong example of the lynx was killed. Jovan Erdeljanović, Serbian ethnologist mentions that the lynx existed in the area of Bratonožić.

### **Cruel reality of the Balkan lynx**

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The least numerous subspecies of the Eurasian lynx is the Balkan lynx. Due to the small number and high risk of extinction, this species is on the IUCN Red List (global list with data on the conservation status of the endangered species).



*Photo 1. Balkan lynx, photo by Dime Melovski (MES - Macedonian Ecological Society)*

Today, the presence of the Balkan lynx in our country is recorded only in border areas in rare occasions. That is not commendable according to the non-governmental organization Wildlife Montenegro.

“As an animal that needs a large area, we can never look at it from a national point of view as a small country because we are only a small part of the total population that has already been calculated to be small. The Balkan lynx is defined as a critically endangered species. This means that it is a species whose population has been reduced to only about 50 adults. When it comes to endangerment factors, they are clearly defined for the Balkan lynx: naturally small population size, limited availability of prey, habitat degradation and poaching”, claim representatives from this NGO.

In the period from November 2014 to June 2018, the Center for the Bird Protection and Research conducted four independent seasons of Balkan lynx monitoring in the areas of the Prokletije National Park as well as in the border areas between Montenegro and Kosovo, and Montenegro and Albania using photo traps. During each season, the position of the photo traps was changed in coordination with colleagues from Kosovo and Albania. Unfortunately, during the entire monitoring period, the presence of the Balkan lynx was not confirmed in Montenegro.



*Photo 2. Biologist Aleksandar Perović from Centre for Bird Protection putting cameras to record presence of the Balkan lynx*





*Photo 3. Camera trap positioned to record the Balkan lynx*

The Directorate for Forestry and Hunting denies that the Balkan lynx was exterminated in our country and says that their habitats are in the mountain areas of Prokletije and Hajla.

“Recent research with international partners (EuroNatur, the Norwegian Institute for Nature Research, the International Union for Conservation of Nature (IUCN), the Commission for the Conservation of Species of Large Carnivores) speaks of findings of this species in Prokletije and Hajla, which supports the fact that we have systemically, and above all by passing the Law on Weapons, largely suppressed all destructive activities against wildlife”, said the Directorate.

However, Aleksandar Perović, a graduate biologist - mammologist from CZIP, who led this research in Montenegro, said that there was no statement that the presence of lynx was proven in the territory of Hajla, weather in the Montenegrin or Kosovo side.

“This news was sensationally published in the media and was never substantiated. For the sake of truth, in the territory of Kosovo, through the presence of photo traps, the presence of an individual of the Balkan lynx was proven in the Sharr Mountain, a mother with youngsters near Decani and an individual in the area of Boge that gravitates to-

wards Montenegro. There is a possibility that a smaller part of the territory held by this lynx is in Montenegro, but that has not been officially confirmed”, said Perović.



*Photo 4. Centre for Bird Protection team talks to local people*

The Hunting Association of Montenegro, based on available data, records the presence of lynx.

„There are areas of his constant presence and areas where he resides occasionally. We cannot speak for sure about its numerous situation in Montenegro, we can determine that these are rare specimens and that their number is very small“, said the Hunting Association.

On the occasion of this statement, the NGO WildLife asked why the institutions are not doing anything to increase their number.

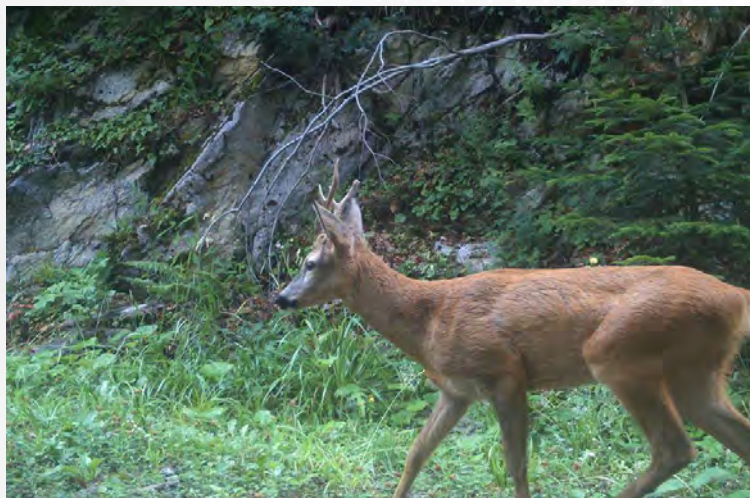
„If the conclusion is that the number is small, why the institutions do nothing to build conditions for the increase in the number of this species, ie. to provide basic ecological conditions in which these animals would reproduce (peace, habitat and sufficient food). We suggest starting with the legal legislation, because how much we care about the future of this species is shown by the fact that it is not recognized by the Law on Hunting, nor is it on the List of legally protected animal species“, said Wildlife Montenegro.

## Poaching until the disappearance of game

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As poaching is an endangerment factor for the lynx, so is it for all other game.

While the Directorate says that poaching is sporadically present in Montenegrin hunting grounds and is not represented to the extent that would endanger any species of wildlife in the wild, the NGO Wildlife says that hunting pressure leads to local extinction or very low appearance of roe deer and chamois in certain areas where one would expect them in greater numbers.



*Photo 5. Result of camera traps. Source: Centre for protection and research of birds*

„These species are the basis for feeding large carnivores (which is, for example, the basis for the survival of lynx). Montenegro does not have a red book of fauna and we are still guided by international legislation and expert opinions. By researching the historical distribution of certain hunting species, it is very easy to come to the conclusion that lawlessness from the past (until the middle of the 20th century) led to their endangerment, not only in Montenegro, but also in the Balkans. There are, for example, data on the presence of lynx 300 years ago in Lovćen or Bratonožići. Now these are very changed habitats and are not suitable for this species“, said from Wildlife Montenegro.

The Hunting Association said that, as in any other activity, there are violators and poaching is present, but not to the extent to endanger any game species in Montenegro.

## **The number of noble game is questionable?**

When it comes to the increase of noble game in the territory of Montenegro, the NGO Wildlife said that no one in Montenegro has the correct answer to that question.

„In the history of Montenegro, monitoring of any type of mammal has never been carried out at the national level. Only when the counting is carried out according to the established methods in a period of three to five years, only then could this question be clearly answered“, they said.



*Photo 6. Results of camera traps. Source: Center for Bird Protection and Research*

On the other hand, the Ministry of Agriculture and the Hunting Association of Montenegro claim that the number of noble game is increasing, although they have not stated how they determined that.

„In the past period, through the media, the general public had the opportunity to be informed that the number of game (especially noble) is increasing throughout the territory of Montenegro. We emphasize that this Ministry, when giving consent to the Annual hunting plans implemented by the users of hunting grounds, allocates minimum quotas for the shooting of certain species, most often pests“, they state.

The Hunting Association says that as a result of many years of hard work in hunting, there is an evident increase in the number of all game species in Montenegrin hunting grounds: roe deer, chamois, bears, wild boars, rabbits and partridges.

„And all other species, which were confirmed by European experts in the field of hunting, biology and veterinary at the meetings held during their stays in Montenegro“, they said.

Again, we do not have specific names and people who conducted these researches. The Hunting Association of Montenegro has no problem with referring to European experts who allegedly confirmed these views, but it has to say who these people are by name and surname. They did not answer that question.

## **Criminal charges against poaching**

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Based on the information available to the Ministry of Agriculture and Rural Development, in the past five years, 60 criminal charges were filed, 56 misdemeanor charges and 69 disciplinary proceedings were initiated against members of hunting associations.

„We did not receive information from the courts and hunting ground users about their outcome“, said from the Ministry.

*In the past three hunting years, 55 criminal charges, 41 misdemeanor and 43 disciplinary penalties have been filed by the Hunting Association of Montenegro, and the outcome of these charges is known to the competent courts and hunting ground users.*

*In the last five years, police officers have filed 52 criminal charges under Articles 325 and 326 of the Criminal Code of Montenegro.*

<b>POLICE UNITS</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>UKUPNO</b>
Podgorica	8	12	9	5	6	40
Nikšić	0	1	0	0	2	3
Bijelo Polje	0	0	3	0	1	4
Bar	0	0	0	0	0	0
Berane	0	0	0	0	0	0
Budva	0	0	0	0	0	0
Pljevlja	0	0	0	0	0	0
Herceg Novi	0	0	0	0	1	1

*The Inspectorate for Forestry, Hunting and Plant Protection for the period 2017, 2018, 2019 and for the six months of 2020 performed a total of 898 inspections, namely inspections in the field of hunting, then imposed a measure to eliminate irregularities in 59 cases and issued 15 solutions.*

*For non-compliance with the Law on Game and Hunting, it issued 24 misdemeanor warrants in the amount of EUR 4,600.00 for the reporting period, submitted 22 requests for initiating misdemeanor proceedings to the competent courts and filed six criminal charges for illegal hunting, as well as confiscated 50 quails.*

*In addition to regular activities, this inspection performed supervision on initiatives, and most of it, in the past period, was from NGOs and the Ministry of Agriculture and Rural Development, then from individuals and the least from the Hunting Association of Montenegro.*

*Following the path of criminal charges, the last stop and perhaps the most important were the Prosecutor's Office and the Courts, which referred me to their non-working sites because of COVID-19.*

## **Moratorium on hunting is the best solution**

Nature is more than a good example that everything is connected to each other. The better quality of human life is largely "provided" by nature, and the quality of nature is best described by the flora and fauna in it. Diversity ensures the stability of ecosystems,

and thus our survival. Today we have a case when the wildlife is in a very bad condition due to habitat loss, poaching and hunting. According to the World Wide Fund for Nature (WWF), the “Report on Life on the Planet” for 2020 shows that during the 46 years (1970-2016) there was a staggering decline in the animal population by 68 percent.

Aleksandar Perović from Centre for Bird Research and Study warns that poaching is more and more present in everyday life and these illegal actions are one of the main reasons for such a decline in the number of game populations.

„Unfortunately, both the protected and unprotected game is now under pressure from poaching. It all started with the Balkan lynx and now bears along many other animals protected by law are targeted by poachers. We have a case of poaching almost every day and that must be stopped“, Perović explained.

Perovic said that the situation of the killed bear in Berane was the last straw and that urgent changes within the system itself should be demanded.

„In order for all the game not to end up extinct like the Balkan lynx, it is necessary to introduce a moratorium on hunting for a period of at least five years. Center for Bird Protection has been advocating this idea with other 80 NGOs and will not give up on it“, said Perović

He adds that the moratorium is necessary at this moment, but also due to the fact that the Institutions deny the presence of poaching, namely, reduce it to a minimum.

„First of all, it is necessary to create a zero state of the number of hunting species in hunting grounds by professional and credible institutions in order to obtain reliable data, which has never been done in our country so far. That is why it is absurd to state an increase in the number of game when we do not even know how much we had“, he said.

He adds that it is necessary to strengthen the capacities of the hunting inspection, rangers from hunting organizations and national parks, police, customs, prosecutor’s office and judiciary. According to him, the criteria for taking hunting exams should be tightened and the existing permits should be renewed, in order to draw the attention of hunters to the articles of the law, while at the same time to educate the local population living in the hunting grounds.

„It is a pity that poaching is such a big issue for Montenegro, that the animal, like the Balkan lynx, has been exterminated due to unscrupulous individuals. We can only conclude that we are sorry we crossed this cat’s path“, Perović concluded.

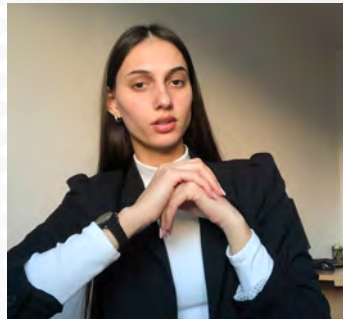
# REPRESENTATIVES OF THE EU DELEGATION, GOVERNMENT, OPPOSITION AND NGO SECTOR ON MEETING THE CRITERIA FOR CHAPTERS 23 AND 24

## Progress in the rule of law is vital

### **Authors:**



***Milica Lipovac***



***Violeta Hajrizaj***

Montenegro is the most advanced country in the process of joining the European Union (EU), but at the same time it must meet the temporary criteria set out in Chapters 23 and 24 on the rule of law, said the EU Delegation to Montenegro.

At the same time as the government estimates that political will is key in meeting the criteria from Chapters 23 and 24 and that there will be no progress without it, the opposition says that the situation in the judiciary affects the fulfillment of obligations under these two chapters, NGO sector claims Montenegro is nowhere near to closing the Chapters 23 and 24.

“Progress in the rule of law is vital, as it supports all other efforts to improve the lives of citizens and stimulate economic growth,” the EU Delegation said.



As they said, progress in these areas is essential for further progress in the negotiations, which is recognized by the new enlargement methodology that Montenegro adopted last year.

“More results are needed in key remaining critical areas, such as media freedom, the fight against corruption and organized crime, as well as a renewed commitment to judicial reform. The state should focus on the “basics” of the enlargement process: the functioning of democratic institutions, public administration reform and economic governance. The rule of law remains the main priority on Montenegro’s path to the European Union, where the next milestone is the fulfillment of the provisional benchmarks placed under the rule of law in Chapters 23 and 24,” said the EU Delegation.

They stated that no other negotiating chapter can be closed before this is achieved.

As they said, in parallel, efforts should be made to develop a functioning market economy and improve the competitiveness and long-term growth of the Montenegrin economy by supporting key structural reforms.

“An efficient judicial system is of the utmost importance for the functioning of the rule of law and the protection of fundamental freedoms. Although Montenegro is moderately prepared in this area, certain challenges remain, especially in terms of the professionalism, efficiency and accountability of the judiciary. The state has yet to comply with the recommendation of the Group of States against Corruption (GRECO) on the independence of the judiciary. It is necessary that Montenegro does not annul the previous achievements in the reform of the judiciary and continues to build on the progress achieved in recent years,” said the EU Delegation.

They added that the European Commission’s annual report, published in October last year, offered detailed guidelines on how to achieve that.

“All pro-European political forces now have the opportunity to prove their true commitment to Montenegro’s European future,” the EU Delegation said.

According to them, the best way to do that is to work together on issues of national interest, such as the economic recovery from COVID-19, comprehensive electoral reform and unresolved appointments to key judicial and prosecutorial positions.

The Delegation said that Montenegrin citizens already feel very strongly that their country belongs to the EU - according to the latest public opinion poll, conducted by the DeFacto agency, 74.8 percent of respondents support their country's EU membership.

"It is clear that now is the time for all stakeholders to work together to bridge their differences and accelerate the political and economic reforms needed to bring Montenegro closer to the European Union," the EU Delegation concluded.

Simonida Kordić, a member of the Parliamentary Committee for European Integration from the Democratic Front, assessed that political will is key in meeting the criteria from Chapters 23 and 24, without it there will be no progress and added that the situation in the judiciary is one of the key objections in achieving given standards from these two key chapters.



***Simonida Kordić***

Kordić said that the positive legislation prescribes the procedure for the election of members of judicial bodies, which requires a qualified parliamentary majority, which in the current situation in the parliament should consist of both government representatives and representatives of the opposition.

„This is perhaps the best example of the necessity of having the political will to resolve problematic issues, such as the lawful functioning of the judiciary. If that will exists, this problem can be eliminated. If that is not the case, it will be quite clear who is truly in favor of the progress of our society in joining the EU, and for whom it is just a marketing screen behind which other interests and intentions are rolling“, Kordić believes.

She added that despite the infamous experience in terms of inter-party political cooperation, she still expects that there will be enough responsible elected representatives of the people who will recognize the universal interest of all citizens to live in a stable, orderly state in which institutions function and which is a part of the European political and to some extent perhaps more importantly, economic space.

“Every decisive step of the Government aimed at establishing the rule of law, a fairer and freer society, a society in which journalists are not arrested but criminals, in which vulnerable social groups are provided aid from the state budget, not party officials, the services work for the security of the state, not the ruling party, will be recognized and welcomed by the EU and will be crucial for speeding up the negotiation process and Montenegro’s final entry into the EU. Meeting the benchmarks and criteria in Chapters 23 and 24 are key to joining the EU. For now, that lock, as far as Montenegro is concerned, is still firmly closed“, said Kordić.

She said that these are systemic issues that affect all aspects of state organization, guaranteeing democratic processes and respect for human and civil rights, the lack of adequate progress in meeting the criteria set out in Chapters 23 and 24, blocks progress in all other chapters, and neither of them can be practically closed until these two key chapters are concluded.

“Many issues, especially those related to the rule of law, should enable an equal value system, a harmonized legal system with European standards, as well as equal access to the rights and protection of the rights of all EU citizens“, Kordić said.

According to her, from the point of view of the Union, the entry of a member state whose standards in the field of rule of law are below the prescribed level can introduce systemic disturbances in the functioning of the entire Union and lead to a de facto lack of legal equality of all citizens in the EU, of fundamental democratic principles.

“Key issues related to the suppression of endemic corruption, freedom of the media, political control of the judiciary and the like remain open. In essence, the greatest progress has been made in mastering European rhetoric, but in achieving the set standards, at best, it has stagnated”, said Kordić.

Kordić said that clear messages were coming from EU officials, warning of cases of granting favorable housing loans to officials, at the expense of budget funds, which directly calls into question the principle of the rule of law, then the arrest of journalists In4s, FOS, Borba and many others. Other issues that clearly indicate that in the field of protection of fundamental rights and freedoms, as well as the rule of law, things went backwards instead of forward.

“Dealing with the problem of organized crime and corruption is probably the biggest challenge that the new government will face,” Kordic said.

She said that the combination of authorities, parts of the government with problematic, illegal processes that accompanied the Montenegrin transition in parallel, turned the issue of corruption and organized crime into an endemic problem.

“It should be noted that, according to numerous domestic and foreign sources, organized criminal groups in Montenegro are organizations that have significant connections in the world of crime outside Montenegro, which means that solving this problem in our country is important for the internal stability of others. We have to recognize that when we enter the EU, we become part of the same - the European sea, which means that the waves in our bay hit the shores of other countries,” said Kordic.

She assessed that the stalemate in the accession process is partly the result of EU policy, where there is no unanimity for enlargement, on the contrary, there are significant parties, led by the largest countries of the Union, clearly expressing the view that acceleration of the accession process for the countries of the Western Balkans is not the priority of EU now.

“Nevertheless, meeting the standards from Chapters 23 and 24 is a necessity that will certainly be on the agenda”, Kordić said.

She said that the new government has the opportunity to show determination and political will to tackle the biggest problems already known to everyone.

“If it wants to make progress in meeting the criteria from Chapters 23 and 24, it must start unpacking major scandals that are the most visible peaks of endemic corruption, such as the Klap, Vardar, Mozura, Koverta affairs and the like. It is necessary to consistently apply legal regulations and carry out all activities within the legal framework, but it is equally necessary to show determination and an equal approach to prosecuting major affairs and not to use bureaucratic obstacles as an excuse for inaction. We should not have any dilemma, the European Union is obviously ready to give political support to the new majority, but it certainly does not plan to look through its fingers at anyone to its detriment,” Kordic concluded.

A member of the Committee for European Integration from the Democratic Party of Socialists, Predrag Sekulić, believes that a lot has already been done in fulfilling the obligations from Chapters 23 and 24.

Member of the Committee for European Integration from the Democratic Party of Socialists Predrag Sekulic, considers that the fact that the Venice Commission did not give a positive opinion on the proposal of the law on the prosecution, which was submitted to the parliamentary procedure by the parliamentary majority, shows that the representatives of the Council of Europe but also the EU officials recognized the intention of this law to collapse the institution of the prosecution. Sekulić warned that part of the parliamentary majority was announcing that, regardless of the position of Europe, it will insist on the adoption of such a law. Sekulic stated that it only shows the anti-European character of this government and this parliamentary majority.

He said that, the Parliament of Montenegro adopted amendments (I - XVI) to the Constitution concerning the election of judges and prosecutors including the election of judges and prosecutors and including the election of judges of the Constitutional Court, due to fulfillment of obligations from those two chapters.

„We then warned (DPS) that these amendments raise the prosecution as a separate branch of government, sui generis, and that the way the Supreme State Prosecutor is elected is not good. “Unfortunately, despite the warning that a system that does not

exist anywhere in European countries is being created we received a recommendation from the Venice Commission for the adoption of amendments,” Sekulic said.



*Predrag Sekulić*

Asked what will be the most demanding obligations Montenegro will have to fulfill in the coming period, Sekulović answered that everyone has precisely determined obligations to fulfill.

“The government does not have too many competencies regarding cooperation between the Police Administration and the Prosecutor’s office, the Parliament has competencies only in the part related to electing judges of the Constitutional Court and representatives for the Judicial and Prosecutorial Council, everything else is up to the prosecutor’s organization and courts,” Sekulic said.

Asked how the situation in the judiciary will affect the fulfillment of obligations from the Chapters 23 and 24, but also in general the fight against corruption and organized crime, Sekulic said that unfortunately because in the previous period some opposition parties boycotted the work of parliament and others did not want to discuss these issues, we find ourselves in this situation.

“All of this, of course, affects the fulfillment of the obligations from the Chapters 23 and 24, but, I repeat once again - the political addresses that bear the greatest responsibility for such a situation are well-known,” said Sekulic.

According to him, and according to the Constitution (the amendments adopted seven years ago), talks and an agreement between the government and the opposition are the only way to overcome the current situation in the prosecution and judiciary, given that most election decisions require 2/3 and 3/5 majority vote.

„We should bear in mind that this is only a part of solution. It seems that much harder and more demanding is building citizen’s confidence in these institutions“, concluded Sekulić.

**Zoran Vujicic, Cooridnator of Human Rights and Justice Program in Civic Alliance**, says that Montenegro has been in the negotiation phase for a full eight years and that although it has opened all the chapters, it is not even close to closing Chapters 23 and 24.



*Zoran Vujčić*

“If we take into account that Croatia has completed its negotiations in six years, this is considered a failure. Although not formally, Montenegro is essentially blocked during the accession negotiations. Also, by adopting the new methodology as a way of joining the EU, Montenegro is unprepared to enter this phase, which implies access to EU funds in accordance with the concrete results that are being made, “ Vujicic believes.

When asked which parts are the most demanding for fulfilling the criteria, Vujicic points out that Montenegro has completed the legislation and essential is the functioning rule of law, which means that no one is above the law and that everyone acts in accordance with the law.

“Unfortunately, Montenegro does not have concrete results in these areas, which is crucial in this phase of negotiations. Key functions of the judicial system are filled on an acting basis. Such are members of the Judicial Council selected from the part of eminent lawyers, the Supreme State Prosecutor and 11 state prosecutor’s offices. Also, the Judicial Council has made decisions that violate the Constitution and the law by electing presidents of courts for the third term, which directly undermines the rule of law. If we add to this that the Constitutional Court has not elected a president for a year now, it overturned its own decision to establish a function of the chairman as unconstitutional, we understand that we are still far from a stable rule of law state”, Vujicic said.

Asked what the next steps are in those chapters, Vujicic answered it is urgent to move from the appointments on acting basis, and in order to do that, it is necessary to start a political dialogue because a two-thirds and three-fifths majority is necessary for the judicial appointments.

“Only then can we start with serious reforms that include results in numerous areas, such as corruption, organized crime, money laundering and many others in areas from Chapters 23 and 24,” Vujicic said.

According to him, concrete results are needed in many fields. “Investigation of cases of high corruption, strengthening of independence and responsibility in the judiciary, more verdicts in the field of money laundering. It is necessary for the rule of law to function,” said Vujicic.

Asked whether he believes in the possibility of reaching a political agreement between the government and the opposition, given that the situation regarding appointments on acting basis has been highlighted as one of the main problems in the judiciary, Vujicic said that it is necessary to find a solution.

“This is no longer a matter of politics but of all citizens of Montenegro. Therefore, the representatives of political parties are obliged to sit down and reach an acceptable solution through dialogue, which will unblock the elections in the judiciary. It is necessary to encourage professionals, people from the profession and professional organizations to apply for position openings that were strongly politically colored in the previous period and people were discouraged from responding to open calls, “Vujicic said.



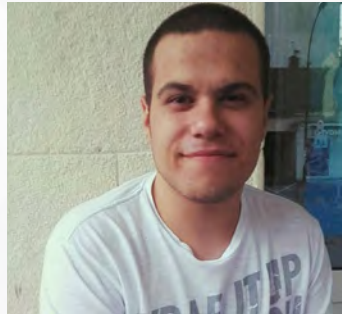


# IT IS ALMOST THREE DECADES SINCE THE WAR CRIME “KLAPUH” NEAR MRATINJA IN PLUŽINE

## Justice on stand-by

*Five people were collectively sentenced to more than 80 years in prison and 25 years later no one even reached prison*

**Author:**



***Nikola Saveljić***

Justice is slow, and for the Klapuh family from Foča, who were brutally killed almost three decades ago, it seems unattainable. In July this year, it will be 29 years since four members of the Army of the Republika Srpska, the “Dragan Nikolić” detachment, Janko Janjić, Radomir Kovač, Zoran Simović and Zoran Vuković brutally killed the Klapuh family. None of them, however, was held accountable for this crime despite being sentenced to 20 years in prison, 25 years ago. Only Vidoje Golubić, an aide from Montenegro, served a sentence of eight months in prison for failing to report the crime.

Hasan Klapuh, an economist by profession, once the vice president of the Municipality of Foča, his wife Ferida and daughter Sena, a newly graduated civil engineer, intended to escape the war

whirlwind of Bosnia and Herzegovina in 1992. They asked for help from their longtime neighbor Janko Janjic, who promised to transfer them to safety in Montenegro, for a certain amount of money, at that time the only territory not covered by war.

The conducted investigation showed that members of the detachment transported the family through the customs on July 6, 1992, and according to the investigation, took Hasan, Ferida and Sena out of the vehicle near the Mratinja dam and stopped at the “Obrada Cicmila” bridge. They first shot Hasan in the back of the head, then shot Ferida and Sena and pushed them down the cliff. An autopsy showed that Ferida and Sena died a few hours after they were shot.

The Montenegrin police, in cooperation with the customs officers, learned the names of the killers who crossed the border together with the Klapuh family. A month later, Vidoje Golubić was arrested when he came to Plužine to visit his wife and child. His arrest and testimony were followed by a trial. The Criminal Chamber of the High Court in Podgorica, presided over by Judge Milić Medjedović, sentenced Zoran Vuković, Janko Janjić, Radomir Kovač and Zoran Simović to 20 years in prison in the absence. Vidoje Golubić was sentenced to eight months in prison “for failing to report a crime”.

Although the indictment charged all five with committing the criminal act of war crimes against civilians, the court convicted them of the crime of murder motivated by gain.

Three years later, following an appeal by the Prosecution, the Criminal Chamber, presided over by Stevan Damjanovic, reversed the first-instance verdict in 1996, arguing that “for defining a war crime, it is not important whether it took place in a war-torn territory but it had to do with war”.

Montenegro thus received the first court verdict for war crimes. At the same time, it was the first verdict of its kind in the former SFRY.

This fact was very important for Montenegro, according to the executive director of the NGO “Action for Human Rights” (HRA), Tea Gorjanc Prelevic, who has been advocating for shedding the light on war crimes for years.

“Yes, indeed, this is the first verdict and a good verdict, in terms of the application of the law in accordance with international humanitarian law, in which the Supreme Court confirmed that it was a war crime because of its connection to the armed conflict in Bosnia and Herzegovina. It is certainly unacceptable that the verdict was executed only in relation to one helper in the murder of the Klapuh family and none of the other perpetrators “, says Gorjanc Prelević.

Due to the committed crime, Vidoje Golubović was the only one present at the trial, the others were tried in absentia because they were on the run. One of the perpetrators of the heinous crime, Zoran Vukovic, was arrested in January 2016 in Serbia. However, his extradition to Montenegro has not yet taken place, despite a request from the Montenegrin authorities. The extradition procedure has been going on for four years and has not been completed yet, although, as Gorjanc Prelević herself explains, such procedures are completed relatively quickly.

We did not receive answers to these questions from the Ministry of Justice of Montenegro and neighboring Serbia. We received feedback only from the Police Directorate, when asked if an Interpol warrant has been issued for these persons and what their current status is.

Thus, the Police Administration confirmed the information that five years ago, the Serbian police arrested Zoran Vukovic and that the judge of the Special Court in Belgrade ordered his extradition detention.

We have been informed by the Ministry of Justice of Montenegro that they have sent a request for the extradition of the person in question, but they do not have any feedback from the Republic of Serbia. The Department for International Operational Police Cooperation INTERPOL-EUROPOL-SIRENE, failed to receive any feedback from the competent authorities of the Republic of Serbia and the NCB Interpol Belgrade, regarding the status of this person and despite several urgencies, up to date the person has not been extradited to Montenegro.”, states the Police Administration.

Back in January 2017, the HRA sent a letter to the then Minister of Justice and Deputy Prime Minister Zoran Pažin, informing him that one of the convicted perpetrators, Radomir Kovač, was at large in Bosnia and Herzegovina.

The HRA says that they do not even know if anything had been done to find Zoran Simović and to implement the verdict in relation to him.

“All in all, it seems that the state authorities of Montenegro do not take seriously the need to execute a court verdict for such a serious crime, which is very worrying and reflects the unfavourable attitude towards the requirements of transitional justice, which is one of the priority conditions for the European Commission in the process of joining “, states the HRA.

Based on the Interepol warrant, the Montenegrin police only have information that Zoran Simović and Radomir Kovač, who are citizens of Bosnia and Herzegovina, have registered residence on the territory of that country.

Given that the Extradition Treaty between Montenegro and Bosnia and Herzegovina stipulates that the extradition of own nationals for criminal offenses is allowed only for criminal offenses committed after the signing of this treaty, these persons could not be deprived of their liberty in Bosnia and Herzegovina and extradited to Montenegro. based on the provisions of this Agreement - the Police Directorate states.

“I expected Minister Pazin to submit the case with evidence and a final verdict to the authorities of Bosnia and Herzegovina so that Kovac could be tried there again, because the extradition agreement between Montenegro and BiH, which was subsequently concluded, does not allow Montenegro to request his extradition. I never received an answer to that letter and I don't know what the minister did on that occasion, that is, if he did anything. We will now address a letter to the new Minister Vladimir Leposavic and we will try to find out”, says Gorjanc Prelevic.

We also sent questions to the Ministry of Justice about what the state of Montenegro has been doing to bring the perpetrators of this crime to justice, but we have not received an answer.

By the way, Radomir Kovac, Zoran Vukovic and Janko Janjic were accused by the Hague Tribunal of direct participation in the military attack on Foca and several surrounding villages, arrest and killing of Muslim civilians, torture and rape of women. In the end of 1999, members of the special forces of NATO units arrested Kovac and Vukovic. Ten months later, Janko Janjic, fleeing from the police, killed himself by activating a hand grenade. The Hague tribunal sentenced Radomir Kovac to 20 years in prison, and he is still serving his sentence in Norway. Zoran Vukovic was sentenced to 12 years. He also served his sentence in Norway and was released after serving two-thirds of his sentence. When he returned to Bosnia and Herzegovina, all trace of him was lost. Zoran Simović remained inaccessible even to the western intelligence services, and today the location of his whereabouts is unknown.

Gorjanc Prelevic has no doubt that it is necessary for every state in the post-Yugoslav area to administer criminal justice and provide reparations for the victims of all war crimes.

“These are the basic demands of transitional justice. States and their societies must confront crimes committed on their behalf and establish responsibility. It remains a difficult legacy that produces reasons for new hostilities and new victims, while on the other hand it shows that the state still does not have institutions capable of achieving justice. Montenegro does not have as many crimes to prosecute as other countries in the region, and it could have prosecuted everything in an adequate way so far, if there had been the will for that “, concludes Gorjanc Prelević.

Hasan, Ferida and Sena Klapuh were buried in a temporary cemetery near Trebjesa, near a pine forest, where those who have no one from the family are buried. They were buried by the municipality of Niksic. Hasan's son Ferid, the only surviving member of the family, who was not with his parents and sister on that fateful day, came to Montenegro on several occasions, with the intention of transferring his family's bodies to Bosnia and Herzegovina. According to available information, in 2016, Ferid managed to move the remains of his loved ones and bury them in Bosnia and Herzegovina.

However, Ferid and the Klapuh family, have been waiting for justice to arrive for almost three decades.





# NON-PAYMENT OF ALIMONY IS A PROBLEM FOR MOTHERS-SINGLE PARENTS

## Institutions refer to one another when asked to provide numbers

*Ministry of labor and social care do not have numbers about single mother parents in Montenegro. In this Ministry they don't have data about single parent mothers who receive alimony payments*

**Authors:**



***Sandra Milićević***



***Lidija Roganović***

He organized a wedding, played soccer, tennis, lived a luxury lifestyle, he did not pay alimony to me and children but I was not able to prove it as nothing was registered on his name....a single mother tells us in anonymity as she doesn't want her name in media nor she wants children to read about it.

Montenegrin Law stipulates that parents must pay alimony until the age of 18 of the child, in case that the child is adult pursuing regular education until age of 26 – in practice, it is not so.

Ministry of labor and social care do not have numbers about single mother parents in Montenegro. They responded that the Law on social and children protection doesn't recognize single parent mother term.



Nevertheless, NGO „Women’s Safe House“ lawyer Tijana Vuksanovic explains the definition of single parenthood: „ Article 19, ....of the Law on social and children protection covers both parents individually, including single parent mothers“

## **Former husbands often hide their assets**

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Single-mother appeals to Montenegrin courts and prosecutors to give priority to legal files regarding alimony payment. She explains how her former husband paid alimony allowance, in conformity with legal requirements.

„Only for few months. After that he stopped so I submitted to the court a proposal for execution“, she explains.

She further explains that the procedure foresees that the Public Executor provides the bank with data to block the bank accounts until alimony payment is completed.

„In my case , it was difficult as my former husband did not receive money through bank accounts. Another step was a proposition to use his asset for covering the alimony payment but it was not efficient. His car, home and appartments were all under his father’s name.“, she said.

The only legal mechanism left was filing a criminal charge for not providing alimony payment.

„ I filed a charge with the Basic State Prosecution and afterwards we were summoned to give a statement“, she says.

The process took long although there was understanding for her case by the Prosecutor’s Office.

After a six month deadline, he did not pay his debt nor regular alimony payments. I had to be persistent as the legal procedure was continued after four months. He tried to compensate the amount by providing receipts from snickers buying and other children’s needs, which is not allowed by law“, she said.

At the main hearing she refused to grant her former husband’s imprisonment. There was a conditional sentence issued to pay the remaining alimony allowance in the one year time or go to prison otherwise. The former husband complained on his bad material situation,while the real situation was different according to this single mother.

„He lived a luxury life but nothing was registered on his name“, she said.

By chance, his material position changed after selling family estate for millions of euros.

„The estate buyer was supposed to pay the money at my former’s husband bank account but it was blocked. To unblock it, he had to pay the remaining of alimony allowance. He paid only a part of it“, she adds.

After that, for a short period, he paid alimony allowance and stopped again.. The motion for execution was once more initiated.

The struggle of this woman has been going on for four years in the court.

## **Minimum amounts for living**

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The lowest amount is 67 euros per child, if a parent is unemployed and has no means for living.

**Dejana Ponoš**, from NGO Parent’s Association reminds us that with the end of marriage ends our marital role, but not parental.

„One of the recognized problems is low alimony allowance and non-payment of it. Mechanism for creating the alimony fund were not found, there’s no will from the relevant institutions to do anything on this front“, said Ponoš.

The Lawyer of the Centre for Women’s Rights Tijana Zivkovic says that there are parents who avoid alimony payment on purpose, but also those who cannot do it out of objective reasons. Reasons can be illness or similar. She finds a solution in creating the alimony fund and harshening punishment measures.

„Existence of the alimony fund would secure fulfillment and protection of basic children rights, while the state should foresee mechanisms for retroactive payment from alimony provider, on whose behalf came the alimony allowances paid by the fund“, explained the lawyer.

Non-payment of the alimony is one of the hard forms of violence against women and children, according to Istanbul Convention, which Montenegro ratified. The lawyer Zivkovic explains what the alimony payers use to avoid payment.

„Working on black market, registering their immovable and moveable assets on other names, opening companies on other names and similar are some of the ways based on which alimony givers try to avoid obligations of paying alimony“, says Zivkovic.

## **The right of public to know**

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Ministry of labor and social protection has no data on the number of single mothers in Montenegro. Ministry of labor and social care do not have numbers about single mother parents in Montenegro. They responded that the Law on social and children protection doesn't recognize the definition of the single-mother parent.

They also don't have numbers about single mothers receiving alimony allowance. They referred to the courts as relevant institution for this matter.

Basic Court in Podgorica has no requested data and they directed us towards the Supreme Court. From the Supreme Court they responded that they don't have the data and added:

„ We suggest you refer to another Basic Courts, which are courts of first instance, as well as the Higher Courts in Podgorica and Bijelo Polje, as the second instance courts“

After receiving the answer from the Supreme Court, the Basic Court passed on data regarding the Court Decisions on alimony allowance non-payment.

„Until mid-October of 2020 five conditional sentences were issued based on Article 221 from the Criminal Code of Montenegro on non-payment of alimony support. In 2019, there were 49 sentences, six resulting in incarceration, 35 conditional sentences and 6 sentences regarding punishment of work in public interest“, these are data we were able to receive.

## **Huge burden for women**

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Jovana Strugar, psychologist, says single mothers carry a huge burden of worry, warning that these women need additional support.

Strugar explains that single parenthood doesn't come only from broken marital relations, but also by death of one of the partners. It is important to develop strategies on the level of individual and the society.

„ A society can build strong institutional capacities for helping single parents (material assistance, kindergardens, etc.) to promote women empowerment, economic independence and create opportunities to enable women self-realization in different roles. Networks of family and friends may be of great help, offering its capacities“, said the psychologist.

Centre for Social Work in cooperation with the Employment Bureau have an action plan regarding job finding for single parents – users of material support. The Law on Social and Children Protection stipulates in Article 15: „ There is an evidence run about rights of users and support providers, in accordance with this Law“.

We contacted the Center for Social Work and learned there was no data on how many users were employed as a result of cooperation between the Centre for Social Work and the Bureau for Employment.

Monstat data from 2011, on the other hand, show that there are around 25,000 families in Montenegro with a single mother with one child. There are over 5,000 families with a single father with one child.

*In the first six months of 2020, there were 257 divorces, while 663 marriages were made. There were 841 divorces in 2019, while 849 in 2018, show Monstat data.*



# IRREGULARITIES DURING THE CONSTRUCTION OF MINI HYDRO POWER PLANTS ON CRNJA, LJUBUSTICA AND CRNI POTOK RIVERS

## Increased number of pipes, enlargement of pipes diameter and endangered species forgotten about

*According to project documents of accepted Elaborate, based upon which the construction permit had been issued on 9 December 2011 and regarding the pipeline (going from water intake to mechanical building for “Crni Potok”), a Mini Hydro Plant, had originally planned the use of pipes with 56 cm in diameter. Pipeline on the construction site itself was 81 cm in diameter and same pipes had been installed throughout the water streams. However, during the inspection supervisory control, where the local community members claimed that the official and authorized inspector had visited the water intake area only, it was concluded that 50 cm pipes were installed (used for temporary water drain from water intake), so the construction works could carry on and continue without obstructions and interrupting.*

**Author:**



**Vuk Vujisić**

For almost three months, local community members from Bara Kraljska, accompanied by environmental protection activists, have been protesting against the construction of mini hydro power plants (mHE) on Crnja, Ljubustica and Crni Potok Rivers.

The text on the official construction board, placed some three kilometers from the construction site of “Crni potok” mini hydro power plant, stated that the construction works had commenced on 16 December 2011 and that the deadline for completion of works was 30 November 2016. “Crni potok” mini hydro power plant was however not completed even four years after this particular deadline. The works re-commenced and were intensified around July 2020, but, after the complaint and protests organized by local community members, works had been terminated on July 26, only six days after they had begun and they haven’t continued ever since. There were though attempts by the construction company to carry on just before the election of the new Government but the members of the local community were firm to stop further construction works although they faced high pressure from NKT (National Coordination Body established to fight the Corona epidemics) and police.

Members of a local community every week have been outlining numerous irregularities and discrepancies regarding this particular case and they have already informed representatives of the new Government with the issues and we shall reveal and release the most crucial ones further down this article.



*Construction site, Photo source: PCNEN, author: Vuk Vujisić*

## **Čestogaz**

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“Crni potok”, water intake (hydroelectric dam) whose construction had started, according to a decade old project (again deriving from the Elaborate) based on the evaluation of the impact on the environment, should have been constructed at 1 206 meters altitude (quota) where it should have accumulated water from Crni Potok River which again, according to members of local community, flows into Cestogaz which further flows into Ljubastica (confluence of Crnja River). This basically means that commenced water intake would not gather water from Crni Potok River only (as it clearly states in the Elaborate), but also from even larger Cestogaz stream which flows into Ljubastica with Crni Potok River being its confluence. Local community members therefore reckon that Cestogaz (which is not mentioned in the project documents as Ljubastica confluence at all) is being ripped off”

- Crni potok is indeed mentioned in project documents, while Čestogaz is not mentioned anywhere. We all know that Crni Potok River flows into Čestogaz (not the other way around) and with this constellation we could conclude that the state budget is clearly being damaged and plundered. - claims Vladimir Novović, a member of a local community.

## **Pipe diameter**

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According to project documents of accepted Elaborate, based upon which the construction permit had been issued on 9 December 2011 and regarding the pipeline going from water intake to mechanical plant for “Crni Potok”, a mini hydro power plant, had originally planned pipes with 558.8mm (56 cm) in diameter. Pipeline on the construction site itself was 81 cm in diameter and same pipes had been installed throughout the water streams. However, during the inspection supervisory control, where the local population claimed that the official and authorized inspector had visited the water intake area only, it was concluded that 50 cm pipes were installed, used for temporary water drain from water intake, so the construction works could carry on and continue without obstructions and interrupting.

“Construction site was first visited by an inspector for water issues, shortly followed by construction inspection officials. They appeared without further notice and we were



already there. It was then no surprise that 50 cm pipes were registered into the Report book, bearing in mind that the inspector only visited the water intake site, claimed Novovic. He also added that the inspection have not replied, responded and sent their decisions yet.

Novovic outlined that this issue represented yet another subtle “theft and robbery”, because water pipes with bigger diameter were to be installed which we had clearly witnessed. By visiting the site we have seen that construction works would commence with 81 cm water pipes.



*Photo: Vuk Vujisić, Water pipes on stock at Bara Kraljska construction site*

## **Permit expired**

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Decision issued on 9 December 2011 clearly stated that the investor shall terminate with construction works pursuant to previously issued permit, unless the construction works commence within the period of two years starting from the date of permit issuance – Article 97 of the Law

on Spatial Planning and Construction of Structures. Members of a local community claimed that the investor commenced with construction works in 2017 and that the permit must have been canceled accordingly.

“This permit should have been cancelled since we witnessed that the construction works did commence in 2017 only by the mechanical plant and construction plan table and that the construction works stopped afterwards. However, yet another manipulation emerged claiming that the investor had started with works in 2012 which is not true as we all knew. Furthermore, most inspection reports have been falsified and forged and someone should be held responsible for that”, emphasized **Milovan Labovic**, president of Bare Kraljske local community council.

Local community members demanded the cancelation of construction permit and ceasing of concession contracts. With the help and legal aid assistance provided by the CGO (Center for Civic Education), local community council filed in a request to Montenegro Government official authorities. However Ministry of Sustainable Development and Tourism (*hereinafter* MORT) have brought a decision claiming that local community council’s complaint had no legal foundations and that disputable permits had been legally issued and were therefore valid. After receiving this decision, the CGO had, on behalf of local community, pressed charges to Montenegro Administrative Court.

“We reckon that the issued construction permits contained various irregularities. We submitted the recommendation to Montenegro Government official authorities demanding the cancelation of issued permits. However the MORT brought a decision rejecting our proposal. MORT official refusal did not contain a single valid reason causing the rejection of our proposal, which was exactly why we decided to press charges against them with the Montenegro Administrative Court. There were countless irregularities and we therefore invited the Montenegrin Government official authorities to accept the claims of local community members and cancel the contracts”, claimed **Snežana Kaluđerović**, a senior legal expert at the CGO.

## **Construction site works did not follow elaborate instructions**

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During the visits of construction site (during the period of first few months), the water flow at the water intake was mainly going through temporary 50 cm water pipes with water falling from two meters height. Locals claimed that this water flow endangered fish passage, since

river fish were unable to move around the water undisturbed. Additionally, this type of construction works was, according to elaborate instructions, completely forbidden.

But, after severe rainfalls, the temporary channel (which re-directed water flow into the water pipes) collapsed and Cestogaz now flows over water intake without any obstructions. Couple of days ago, locals recorded a stream trout at the water intake area. Consequently, we asked **Omar Bašić**, president of Fishing Association of Montenegro how mini hydro power plants could make an impact on fish fauna.

“Total quantity of water, that is, water level in riverbeds has the biggest impact (both negative and positive), on fish fauna, lives and movement (including other water creatures). Mini hydro power plants, along with their water intakes that are built within riverbeds; re-direct large water quantity from riverbeds that further, through water pipelines, flows into mechanical plants”, Mr. Basic explained.

According to his words, during the minimum water level period, there have been a limited number of concessionary parties, that is, the entrepreneurs that obey legal regulations in regard with providing and ensuring a water level during the minimum of natural and biological water regime.

He added that mini hydro power plants entrepreneurs are mostly concerned about every single drop of water so they could produce more kW of electric power. In some rivers we could see completely dried out riverbeds and fish and other water creatures can simply not survive in these rivers.

Looking thoroughly at this particular issue, all mini hydro power plants have negative impact on fish fauna and other water creatures, particularly in parts of water intakes that have been “bypassed” by water pipelines from water intake areas to re – direction of water to riverbeds, behind mechanical plants. It is not unusual that same water flows downwards towards new intakes and water pipelines to next mechanical plants, thus endangering the entire ecosystem throughout the whole year. In these river parts, animal life is indeed endangered or has already faded away. Mr. Basic replies to the question on how fish passage can solve this problem:

“Technical solutions concerning fish passage are mostly useful, however, they would be useful only if fish passages and downstream of further river flow has had sufficient water quantity in riverbeds and in fish passages as well, so river fish could therefore move in undisturbed way

and without any obstructions. However, entrepreneurs on one hand, build fish passages only to drain away extra quantity of water during the period of vast water - level, while on the other hand, during the period of medium or minimum water – level, fish passages are not used what they are built for, because during their building, entrepreneurs cautiously paid attention to having as much water as possible directed into drain channels and water pipelines, rather than being directed into fish passages. Constructed fish passages represent merely a “smoked screen” and serve as pure formalities, in terms of meeting legal requirements, as far as mini hydro power plants procedures are concerned, because the truth does not flow and fish cannot move upwards”, claimed Basic.

He also claimed that fish passages were in most cases completely useless.

“Also, most fish passages have sloped wise elevations which makes it difficult for smaller fish species to travel and move, and it especially makes for other water creatures more difficult to move, taking into consideration that only water flows through these passages. Also, no fish passage has been built so local fish and other water creatures could actually resemble natural and genuine riverbed and surrounding that would actually make fish and similar water creatures move without fear and travel freely, Mr. Basic highlighted.



*Photo: Vuk Vujisić, Čestogaz and Ljubaštica, rivers joint*

## **Elaborate discrepancies**

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Despite the fact that the Elaborate (although it had by then been old for over a decade) had been returned for further re-corrections, expert reckoned that it contained numerous discrepancies, due to the fact that it did not go thoroughly through required details, including zero situation analysis and detailed and précised testing.

Vuk Iković, a biologist with the KOD organization stated that allowing and permitting such construction works, at the same time represented sever violation of legal regulations regarding sustainable management of natural resources and preserving of flora and fauna (animal life) both at state and international level. If the Environmental Agency had obeyed state legal regulations, no permit concerning the construction of derivation – based small hydro power plants would have ever been issued.

In any state where legal regulations are obeyed and followed, this particular elaborate would have been withdrawn and all entities involved in its creation would have legally been processed. At the end, why do citizens of Montenegro pay the taxes through which inspection and judiciary official authorities get paid, when they often fail to respond and react to such criminal deeds, Ikovic wanders and reminds that the Elaborate must contain zero situation, which was obviously omitted and that it must comprise of serious studies, rather than speculations and unprofessional presumptions.

Darko Saveljić, also a biologist shares similar opinion

“I reckon that mini hydro power plants in Bare Kraljske should not be constructed based on the existing documents, because key documents that permitted the commencement of construction works (namely the Elaborate of impact on the environment) was not created and tailored in accordance with the existing law. Furthermore, it had been returned to its original creators twice for re-corrections and re-conformation and it has still been considered as very poor quality document”, Saveljić estimated.

“Estimation assignment regarding the impact on the environment was to create a zero animal life situation, including fauna (plants), mushrooms, state and soil condition, climate, water, air, etc. It should have evaluated the impact of the investment in relation with the above listed priorities, as far as zero state is concerned. In this Elaborate, a biodiversity of planned future nature park has been analyzed on merely two pages, without

mentioning of amphibians, mammals, crawlers and birds, while flora also took one of the two pages”, Saveljic added.

## **Protected species forgotten**

“During the site visiting at the very edge of water intake we recorded s salamander on our camera (*Salamandra Salamandra*), an endangered and protected animal species. This would have not seemed as usual occurrence, but this very and rather rare animal sort was indeed mentioned in Elaborate, which additionally opened room for yet another issue concerning other protected animal species whose lives may have been subject to impact resulted and caused by the construction of mini hydro power plants. This has indeed displayed a serious oversight in document creation”, scientists claimed.



*Photo: Vuk Vujisić*

“Small hydro power plants cause the disappearance or decimation of salamanders. These projects primarily have negative impact on animal life whose life habits are bound to water life and who spend most of their lives, including their activities, in local waters.

This is exactly the case with local salamander types”, explained Iković.

According to his words throughout Montenegro and due to numerous impacts, centers for salamander egg laying have also disappeared.

“Snow is melting faster than before, falls emerge unexpectedly and are unbalanced, water entities often dry out and the occurrence of land drying has become more frequent due to urbanization processes. Consequently, the number of these particular animal species has decreased during the period of last 50 years. Small hydro power plants have made additional impact on their decline and have therefore increased their vanishing. As the opulence of a human local community directly depends on eco system and its species so the loss of fauna (animal world) would reflect on local economy as well, Iković continued.

He added that salamanders cannot survive on planned economic minimum of 10% of water flow and that Environmental Agency for Protection of Flora and Animal life should take full responsibility, as far as this sensitive issue is concerned.

“Out of 845 protected species in Montenegro, the elaborate creators outlined one animal sort only; namely leech. Zero state has not been created and clearly specified in elaborate and we shall therefore have absolutely no knowledge concerning the impact of this specific project on fauna and animal life”, Saveljic warned.

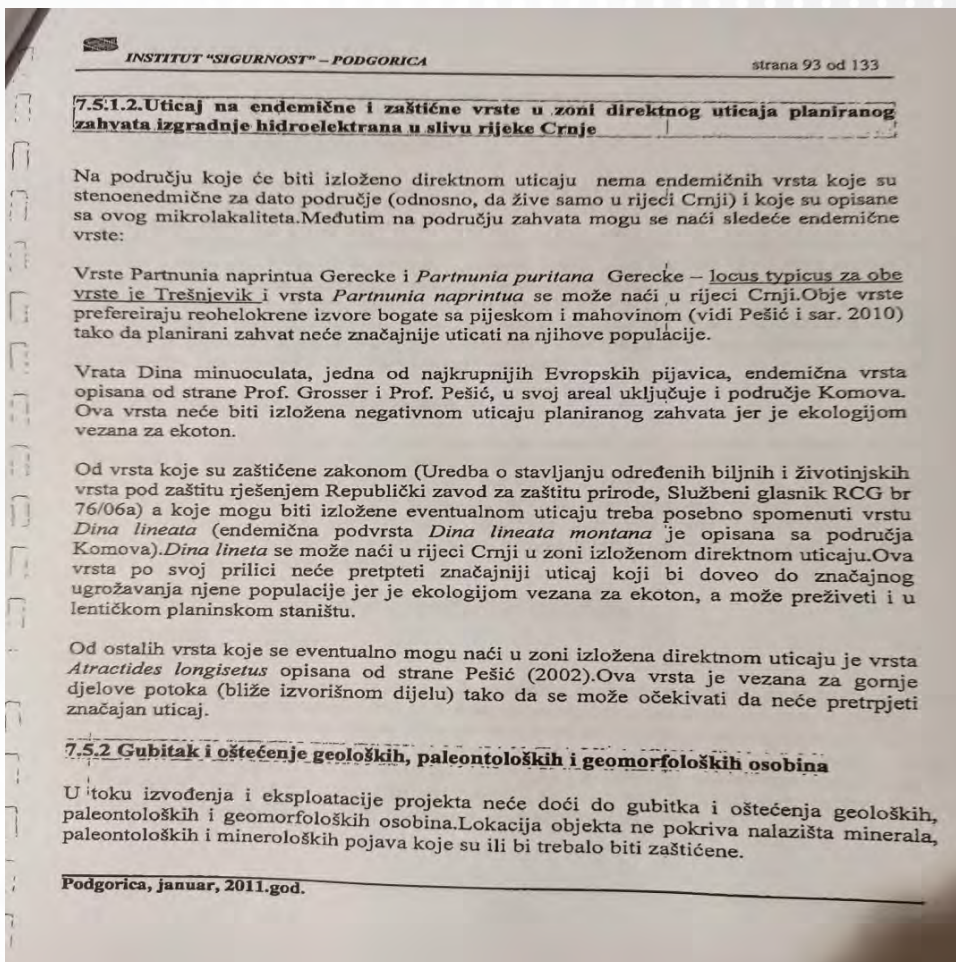


Photo: Vuk Vujisić



#### 7.5.1.2 Impact on endemic and protected species in the zone of direct impact of planned project of the construction of hydro power plants at Crnja River watershed

In areas/sites that will directly be exposed to impact, there are no endemic species that are considered as steno-endemic species for this particular area (that is, that they live in the Crnja River area only) and that have been described and outlined in this specific micro – location. However, the following endemic species can be found in this specific area:

Species such as *Partnunia naprintua* Gerecke and *Partnunia puritana* Gerecke – locus, typical for both species is Tresnjevik and *Partnunia naprintua* can be located in Crnja River area. Both species prefer reocrenous sources rich in sand and moss (Pasic and associates, 2010), so the planned operations shall not make a significant impact on their population.

*Vrata Dina mainuoculata*, one of the most popular European leech types, endemic specie described by professors Grosser and Pestic, includes the area of Komovo, as part of its habitat. This type shall not be exposed to negative impact of planed operations because it is bound to ecotone thought ecology.

From all species protected by the Law (Provision on declaring certain plants and animal species under the protection – Decision passed by the Republic of Montenegro institute for protection of environment, Official Gazette RCG No. 76/06a) which can be exposed to eventual impact must be particularly outlined, *Dina lineata* (endemic subtype *Dina lineata montana* is described as the endemic type from Komova area) must be especially highlighted. *Dina lineata* can be found around Crnja River area in the zone directly exposed to impact. This type shall most probably not experience significant impact that would additionally cause more notable endangering of its population, because it is bound to ecotone thought ecology. It can also survive in lentic – mountain habitat.

*Atractides longisetus* has also been described as the other species type that may eventually be found in the zone exposed to direct impact. It was described by Pasic (2002). This particular animal sort is bound to upper areas around the stream (closer to stream source) so it is expected that it shall not experience significant impact.

#### 7.5.2 Loss and damage of geological, paleontological and geomorphologic characteristics

During the execution and exploiting of the project there shall be no losses and damages geological, paleontological and geomorphologic characteristics. Object site (location) does not cover the sites of mining, paleontological and mineralogical emersions (instances) that are or should be subjects to protection.

Discrepancies and irregularities in Elaborate have best been displayed with two, rather relevant and expert – based addresses that decided not to express their expert opinions openly and in public, due to their relationships with elaborate creators, but also due to possible pressure they may eventually be imposed with.

## **Dr. Pešić claims that disrespect of measures from the Elaborate suggests corruption**

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One of the authors of the Elaborate on environmental impact assessment, Dr. Vladimir Pešić said for the PCNEN interview that the existing laws at the time did not require the study of a “zero state” and the Elaborate was done from the existing literature and he was compensated with few hundred euros.

The Elaborate was done in 2010. Why is it important when the study is done? Because at that time, the law did not require a study to be done beforehand, that is study of the so-called “zero state” of biodiversity. The obligation to do a zero state of biodiversity before an environmental impact assessment is done is of more recent date. At that time, I was hired by a company that was assessing the impact of the construction of small hydro-power plants on the environment to do a survey of flora and fauna for some 250 or 300 euros, based on what is known from the scientific literature with special emphasis on endemic and relict species, explained Dr. Pešić.

Pešić believes that it is necessary to prepare a new Elaborate that the competent authorities are responsible for non-compliance with the measures from this existing one, which must ensure compliance with the measures and recommendations in order to avoid environmental damage.

“I believe that there is a need to make a new Elaborate, first of all because then the Elaborate was not done, that is a “zero state” study of biodiversity. There is a great possibility that research, preceding such an intervention, would lead to data on the presence of certain protected and even endemic species, the protection of which would necessarily require proposing conservation measures for their protection, which, after all, is one of the goals of the impact assessment”, Pešić said.

The officials from the Environmental Agency, including the MORT officials, claimed that everything was done pursuant to legal procedures and possibilities provided while new Government is investigating all irregularities and documents related to mini hydro plants cases in order to reach decision to terminate the concession.

One thing is certain, local community members sent a clear message that they will not give up and they will keep their local rivers intact, regardless to everything and no matter what the governing authorities would have to say and respond.



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