



HUMAN RIGHTS ACTION
AKCIJA ZA LJUDSKA PRAVA

GOVERNMENT OF MONTENEGRO

Mr. Dritan Abazović, Deputy Prime Minister and Head of All Security Services

MINISTRY OF INTERIOR

Mr. Sergej Sekulović, Minister

POLICE DIRECTORATE OF MONTENEGRO

Mr. Zoran Brdjanin, Acting Director

Podgorica, 30 July 2021

Dear Gentlemen,

I am addressing you regarding the intervention of the Police Directorate officers of the Sector for the Fight against Crime in Cetinje and in relation to [video](#) published by the portal *Vijesti* about that intervention, which identifies two phenomena:

1. A police officer dressed in uniform kicking and trampling on a person lying on the floor and not providing any resistance, who is **thus committing ill-treatment**, prohibited by the Criminal Code of Montenegro as a qualified form of criminal offense of Abuse and punishable by imprisonment for a term between three months and three years (Article 166a, paragraph 2 of the Criminal Code of Montenegro);
2. Uniformed officers conducting the intervention disguised with phantom caps covering their faces, except for T-shirts with the inscription "SFAC", **do not have visible markings that could enable their identification**, contrary to the recommendations of the European Committee for the Prevention of Torture (CPT) to Montenegro from 2008, 2013 and 2017.

Of particular concern is the fact that in the last 13 years, in three reports so far (on visits in 2008, 2013 and 2017) the CPT has warned Montenegro of the lack of name tags/identification numbers on members of special police units, which would enable their identification when they

act in disguise, and in 2017, the CPT noted and praised the adoption of a bylaw on prescribing such markings, which does not seem to apply.

We remind you that the lack of visible identification features enabled the police officers who tortured Aleksandar Pejanovic in 2008 to remain unidentified, although it was also recorded on video. In 2013, the State assured the CPT that they had provided proper marking of police officers. However, the lack of markings again in October 2015 allowed the mass police torture of citizens on the streets of Podgorica to go unpunished, so **the CPT concluded in a report on its visit to Montenegro in 2017 that it was a "deliberate attempt to thwart the investigation and to guarantee the impunity of those who are willing to physically abuse citizens"**.¹ This confirmed the previous findings by NGOs and the Ombudsman that at that time the competent officials in the Ministry of the Interior and the Police Directorate were responsible for the impunity of the attacks on citizens in 2015 and that they had to bear the consequences.

It is incompatible with the obligations arising from the European standard of prohibition of abuse to thwart an investigation by allowing police officers or other officials to perform their duties in such a way that they cannot be identified (wearing masks, so-called phantoms or clothing without appropriate police insignia) and in those situations the European Court of Human Rights **concluded that the State had deliberately allowed perpetrators of abuse to remain unpunished** (Dedovskiy v. Russia, Application no. 7178/03, page 91).

In the case Baranin and Vukčević v. Montenegro (the case, so-called "Zlatarska ulica"), which found a violation of Article 3 of the European Convention on Human Rights, the European Court of Human Rights emphasized that "Montenegrin authorities have not ensured that masked police officers have a recognizable mark on their uniform, **despite the recommendations of the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment and the new rules on uniforms**".²

¹ Report to the Government of Montenegro on the visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 2017, page 18, available at: <https://rm.coe.int/1680925987>.

² Judgments are available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-208589%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-208589%22]}), and a translation of the relevant parts of the judgments at: <https://www.hraccion.org/wp-content/uploads/2021/03/Prevod-kliju%C4%8Dnih-stavova-presude-2.pdf>.

In its 2017 visit report, the CPT welcomed the adoption of the new Ordinance on the appearance, technical characteristics, type of material, manner of wearing and duration of police officers' uniforms for specific tasks, but unfortunately this regulation has clearly not been applied to date.

The Human Rights Action (HRA) strongly condemns the latest case of citizen abuse by the Police Directorate officers in Cetinje and expresses serious concern over the fact that police officers even today, in 2021, still intervene in disguise without visible markings that would enable their effective identification.

We expect from you to urgently inform the public about the results of the Internal Control operation, on the identification of the officer who abused the citizen, and also the reasons why the officers were not marked with visible identification marks on the uniform and what will you do as a matter of urgency to change this situation in practice.

Respectfully,



Tea Gorjanc Prelević

Executive director

