

MLR of M Boljević

17.05.2021

Drs Alempijevic, Duterte & Özkalıpçı

ISTANBUL PROTOCOL MEDICO-LEGAL REPORT

I. CASE INFORMATION

Date of exam: 18-19 December 2020

Exam requested by: International Rehabilitation Council for Torture Victims (IRCT) in response to the request of Human Rights Action (HRA)

Duration of evaluation: 5 hours

Subject's given name: **Marko**

Subject's family name: **Boljević**

Gender: Male

Subject's ID No: [REDACTED] (issued by Podgorica Police Department)

Birth date: [REDACTED]

Birth place: Podgorica, Montenegro

Reason for exam: Case filed before the Basic State Prosecutor's Office in Podgorica

Clinicians' names: Dr. Djordje Alempijevic Dr. Pierre Duterte & Dr. Önder Özkalıpçı in their capacity as members of the Independent Forensic Expert Group (IFEG)

Interpreter: Yes, Jelena Pralas

Informed consent: Yes (See Annex 1)

This is a medico-legal report of the Independent Forensic Expert Group (IFEG). The IFEG is an independent global group of preminent forensic experts specialised in the assessment of allegations of torture and ill-treatment in compliance with the standards and principles of the Istanbul Protocol.

1. **Past medical history:**

20. He has suffered from psoriasis since childhood.

2. **Past surgical history:**

21. Mr. Boljević underwent an inguinal hernia operation in 2016 and a sinus operation in 2015.

3. **Past psychiatric history:**

22. Mr. Boljević has no past psychiatric history. His only description was, "everything was ok, fine and happy".

4. **Current medication:**

23. He doesn't use any medicine, except occasionally over the counter painkillers and ointments for his psoriatic lesions.

5. **Drug history:**

24. Tobacco/Alcohol/Drugs: He smokes around 20 cigarettes per day and occasionally consumes alcohol.

25. Mr. Boljević explains that he does not consider himself a drug addict or an alcoholic, but after the incident he started to drink more than he did before.

V. ALLEGATIONS OF ILL-TREATMENT

26. On 25 May 2020, around 7 am, I arrived at my work place, caffe-pizzeria "Recoleta", at Magnolija Square in Tivat. I have been employed there as a delivery boy. Upon my arrival, I saw four men sitting in a car parked in front of the restaurant. At around 7:10 am, these four people, who said that they are police officers from Tivat Police Station, came in and informed me that as part of a routine check-up I would need to go with them, and they then took me to the police station in Tivat.

27. When we arrived inside the station, the police inspectors informed me that I would have to wait because a request from the Police Headquarters in Podgorica had come in, saying that I needed to provide some important information and that they had no further knowledge about this request. After some 15 minutes, the inspectors informed me that they had to take me to Lapčiči, a village north of Budva, where I would be picked up by the police officers of the Podgorica Police Headquarters. After that, I sat in the car of the Tivat inspectors who took me to "Ina" gasoline station near Lapčiči, where we waited for some ten minutes.

28. After that, in a black official car “Opel Astra”, with all of its windows tainted, four police officers came from Podgorica Headquarters. They told me to enter their vehicle, they handcuffed my hands behind my back and put a black sack over my head, pushed me inside the car, cursed at me and told me not to speak. After a kilometer or two, one police officer who was sitting to my left in the back seat of the car, opened a window and fired 4-5 bullets in the direction of the hill. I would like to explain that a black sack they had put on my head was quite transparent so I could see out of it. All 4 police officers had bulletproof vests marked ‘Criminalistic Police’, short weapons, and balaclavas on their heads, so they only had eye slits.
29. During the ride, the two of them took out their guns, cocked them and pointed them at my head, saying several times “Turn off this road somewhere! Kill this cunt!” Loud music was playing in the car the whole time, so the police official in the passenger seat asked me: “Do you want us to grant you your last musical wish?”, after which he played the song “My Friend is Gone”, by the late Toma Zdravković. For the entire time, my hands were cuffed behind my back, and the shackles hurt very much. The police officers kept telling me to keep my head hung down, which I did. After this, we arrived to Podgorica after only 20 minutes, because the police officer driving the vehicle was reaching extremely great speeds, overtaking everyone on the way. In fact, we were going so fast, that I do not think that I had ever experienced such great velocity before.
30. When we arrived in Podgorica, I still had the sack over my head, and therefore cannot say though which door I was brought into the Police Headquarters. However, I think that they brought me in from the parking lot through the back door, because I could still see a lot through the sack. After this, these four police officers brought me into an office where they instructed me to sit in a chair that was facing the wall, so I did. On this occasion, those four police officers kept coming in and going out, telling me to look at the wall and wait for the commander.
31. At some point, I was left alone in the office. I used this moment to answer my father’s call with my hands tied, by moving my finger across the screen. I told my father to come to the Police Headquarters but I did not have a chance to tell him where to come exactly, because at that moment one police officer came into the office and hit me with his fist to the right side of my head and neck. I would like to explain that the police officers had those balaclavas on their heads all the time, even while they entered and exited the room.
32. Stressed and afraid of what I might have said to my father, all four officers came into the room, their heads still covered. My father then sent me a message saying “I did not hear you”. The police officers laughed at me, saying “You cunt, your father did not hear you! You are now considered a missing person.”
33. The four police officers brought a large loudspeaker to the office, on which they played music at the highest volume, so that my screams for help could not be heard. Two of them hit me in the head with black boxing gloves on their hands. They ordered me to lay on my back and straighten my legs, which I did. Another two officers approached me, one sat on my knees, applying electro-shocks all over my thighs, whilst the other one was repeatedly hitting the soles of my sneakers with a baseball bat, probably thinking that this would prevent the blows from leaving any marks. The use of baseball bats and electric shocks really hurt me.

34. The electric device was taser and approximately same size as my mobile phone which means approximately 11 by 7 cm. It had some kind of electrodes on one side; two of them. It was black in color. It produced a noise when they applied it to my body. It was very painful and caused very strong burning feeling. When they applied these electric shocks, I shouted a lot. They generated such fear in me.
35. Later, I saw that the use of electric shocks had burned the hair on my thighs. During all this time, these 4 police officers were in the office. The entire event lasted about an hour. Whilst receiving blows in the office, I shouted, I yelled for help, but no one heard me because the music was extremely loud.
36. When I first entered the office, that is, while I was originally sitting on a chair facing the wall, I asked the police officers to call me a lawyer, to which one of them replied, "Get the lawyer out of your head! You have no rights, we have all the powers, we can do what we want. We here are your lawyers: a prosecutor and a judge. There is no other lawyer here."
37. After that, the 4 officers, still wearing bulletproof vests and balaclavas, took me through the back door to a parking lot, and then we entered through another door to the other part of the building. Then, they took me into an office where there were two police inspectors, one of whom I had known before as he is my uncle's friend, while I was seeing the other one for the first time. I would like to clarify that one of the police inspectors, [REDACTED] hair.
38. I asked inspector [REDACTED] why the police officers had behaved that way, why they had been beating me and his reply was that it is was the procedure to be followed. They questioned me about the events which had taken place in 2015, while I was in Germany, and I told them that I did not know anything about them.
39. After some 15-20 minutes, the same 4 police officers, still wearing bulletproof vests and balaclavas on their heads, re-entered the office of [REDACTED] and his colleague, and took me back to the office in the other part of the building, where I had been first.
40. The police officers attacked me by hitting me on the head and body with boxing gloves, causing me to fall on my back. One of them produced an electric shock on my genitals while I was lying on the floor, wearing denim shorts. The other three officers, while I was lying on the floor on my back, alternately hit me with their fists and open palms in the face and across my legs and buttocks, while I tried to move to the side and lift myself off the floor.
41. After that, 2 more police officers came into the aforementioned office, wearing civilian clothes and balaclavas on their heads..
42. There was loud music on in the office the whole time. During the abuse, these 6 officers told me that if I did not confirm that the Mugoša and Grujičić brothers had set up an explosive device in front of the two houses in Podgorica, they would throw me into the sea between Budva and Jaz,

and drown me. They said that I was neither the first nor would I be the last one to end in such a way.

43. While I was lying on the floor, in this office, a police officer took out his penis and told me that he would urinate on me if I did not confirm the above-mentioned allegations. Also, while I was lying on the floor and while they were hitting me, these police officers took the partly-transparent black bag off my head and replaced it with a thick white plastic bag and started choking me with it. While that bag was on my head, they strangled and squeezed my neck, causing me to choke. The police officers would take off this white bag long enough for me to catch my breath, then put it back on and choke me again. They did this multiple times. I cannot even remember what else they did to me anymore, because it lasted for hours on end, until the evening. They continued because, despite their insisting, I repeatedly told them that I knew nothing about the bomb incident
44. Finally, the policemen turned off the music and made me read the record of my supposed "statement"—which was false, as I did not give it—several times, telling me to memorize it well, so that I would not say anything different to the prosecutor. These six police officers then forced me to sign this statement of theirs by hitting me in the face with open fists and using electric shocks on my body, so I did so.
45. Before they took me to the State Prosecutor in charge in Podgorica, these 6 police officers told me that I would have to repeat everything that I had allegedly stated to them in front of the prosecutor as well, because if I did not repeat it, and if the prosecutor rejected my statement, they would take me to Čemovsko polje, where I would be mistreated and beaten. They also said that they would bring my girlfriend to see me getting beaten up and then they would also beat and mistreat her there.
46. All of this was said by the police officers who beat me, in order to extort a statement from me on 25 May 2020, which I gave before the state prosecutor in Podgorica. So, my testimony before the state prosecutor is false, because I experienced abuse, torture and mistreatment at the hands of the 6 aforementioned police officers in Podgorica. The police officers also threatened that I should not even think about reporting them for the alleged abuse, torture and mistreatment because they next time they would come to Tivat looking for me personally and kill me.
47. I would add that one of the police officers also wrote a farewell letter on my behalf, which was intended to be sent to my family, where he quoted the verses of a song, in reference to my girlfriend. I guess that he wanted to scare me with this letter, so that I would think that they would really kill me and send the letter to my family, alleging that I had committed suicide. One of these police officers, who described himself as the chief of the group, and who the others addressed as "Main Chief", told me to confirm to the state prosecutor everything that I had stated in my alleged statement to the police, which I signed under duress, because otherwise they would take me to Čemovsko polje, where they would torture and kill me.
48. From Podgorica Police Headquarters I was taken to the Public Prosecutor's Office by a police officer who I had not been involved with before. The two of us were together in the police car,

while the four police officers who had brought me to Podgorica and subsequently mistreated me, as I explained above, were following us in their own vehicle all the way down to the Office.

49. As I exited the car to enter the Public Prosecutor's Office they threatened me, saying that they would wait in front to make sure that I would regret it if anything went wrong with the giving of my statement. After that, I gave my "statement" before the state prosecutor, which was false because I feared the police, as well as of the persons I have falsely presented as perpetrators and accomplices. However, I no longer remember what I said to the prosecutor. I had not eaten anything all that day, so I was really exhausted; further to that, I had not been given more than one glass of water throughout entire day.
50. When I finished giving the prosecutor the statement, I left the building and saw that the four officers had left in the meantime, and not waiting to threaten me as promised. The police officers had taken my phone from me. I phoned him from a nearby bar and told him that I was now at the Public Prosecutor's Office, so he came to pick me up.
51. Later, my father told me that he had waited for me the whole day in front of the Police Headquarters in Podgorica, whilst the police officers on the reception kept telling him that I was not there.
52. In spite of all the injuries which I sustained from these blows, to my body and also to my head, I decided not to go to get myself examined in any medical institution, as I thought that they would inform the police of that.

VI. PHYSICAL SYMPTOMS AND DISABILITIES

a. Pre-detention history and family history

53. Mr. Boljević did not have any significant health problem before his detention. Nor does he recall any of his nuclear family members – his father, mother, and sister – having had any significant health problems.

b. Acute symptoms and disabilities

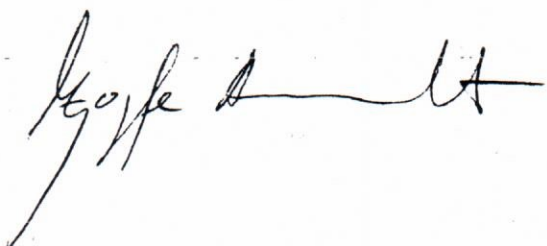
54. During the electric application, I felt too much pain – a burning sensation – and I screamed a lot. I fainted several times during it. I had a scar on the frontal area of my face because they hit my head with a pistol. They put a big white thick plastic bag on me and started choking me with it, so that while bag was on my head, they strangled and squeezed my neck, on which occasions I choked. The cops would take off this white bag so I managed to catch my breath, then they would put it back on and choke me again, which they did multiple times. I cannot even remember what else they did to me anymore, because it lasted from 8 am to 10 pm.

172. The major impacts of the torture he describes, is a major change in his daily life, he explains that he is not the same as before the alleged events.
173. The psychological symptoms I have observed during my interview with Mr. Marko Boljević are highly consistent with his allegations of torture and ill-treatment.
174. The course of recovery will need specific sessions of therapy to treat PTSD and the consequences of his traumatic experience [REDACTED]
[REDACTED]
175. [REDACTED]
[REDACTED]
[REDACTED]
176. Taking into account the diagnosis of Post-Traumatic Stress Disorder, Mr. Marko Boljević's psychological symptoms, scattered bruises and ecchymoses all over his body and the 3 pairs of piques on his right hip, we conclude that our findings are highly consistent with the acts of torture and ill treatment that Mr. Marko Boljević alleges he experienced during his arrest on 25 May 2020.

XI. CONCLUSIONS AND RECOMMENDATIONS

177. Taking into consideration all of the above recorded medical reports, photographs, and documents, together with our assessment following the testimony detailed above, and our physical and psychological evaluations conducted on 18 -19 December 2020, in brief, we conclude that:
- All above documented lesions by photographs, then the hematomas, abrasions and scratches scattered all over the body of Mr. Marko Boljević including neck, chest, arms, leg and the still ongoing pain and suffering of the person are highly consistent with his allegations of beating by kicks, fists or baseball bats during his arrest on May 25, 2020.
 - The existence of three pairs of piques documented on right side of the hip is highly consistent with the allegation of repeated use of taser device during his arrest on May 25, 2020.
 - The diagnosed Post-Traumatic Stress Disorder and the psychological symptoms are highly consistent with torture and ill treatment.
 - Mr. Marko Boljević needs psychological support to treat his Post-Traumatic Stress Disorder.
 - Taking into consideration the diagnosed Post-Traumatic Stress Disorder, the psychological symptoms and signs of physical trauma (scattered bruises and ecchymoses all over the body and three pairs of piques on right hip), we can conclude that our findings are highly consistent with alleged torture and ill treatment during his arrest on 25 May 2020.

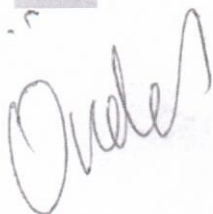
XII. CLINICIANS' SIGNATURES



Dr. Djordje Alempijevic



Dr. Pierre Duterte



Dr. Önder Özkalıpçı

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