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EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)

SUBMISSION TO THE CPT REGARDING

The Response of the Government of Montenegro to the Report to the Government of Montenegro on the ad hoc visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2023, CPT/Inf (2023) 10, Strasbourg, 22 June 2023

Podgorica, 26 June 2023

Dear members of the Committee,

Human Rights Action (HRA) wishes to compliment the ad-hoc visit to Montenegro in 2022, as well as on the resulting report which is thorough, well informed and to the point. Our organisation has been consulted by the Committee's delegations for many years and we remain sincerely grateful for the opportunity.

Considering the Committee's report as well as the Response to it by the Government of Montenegro, HRA holds that after nearly 20 years of receiving fundamentally same observations and recommendations from the Committee, Montenegro should be ultimately encouraged to conduct serious reform to eradicate ill-treatment as a method of police work.

Montenegro is currently facing a historic opportunity to undertake such a decisive reform. Following the recent presidential and parliamentary elections, the state has a new president, will have a new composition of Parliament by the end of July and a new government hopefully by the end of August. One of the first tasks of the new Parliament will be to appoint a new Supreme State Prosecutor, in full capacity, after almost four years of mandate of four acting Supreme State Prosecutors. This all presents the window of opportunity for all devoted to combating torture and other ill-treatment to react in order to facilitate the highly necessary reform.

To this end, on the International Day in Support of Victims of Torture, HRA kindly asks the CPT to engage in further communication with the Montenegrin authorities regarding the Response of

the Government of Montenegro to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Montenegro from 7 to 13 June 2022.

As will be presented below in more detail, the Response of the Government omits important data, and hence does not present an objective overview of the position of the Government or other authorities on combating torture. We believe that after almost 20 years of not responding to essential criticism issued by the Committee on the prevailing culture of ill-treatment in the Montenegrin police as well as the below minimal standard conditions in Podgorica remand prison, the Government should be required to disclose much more information and conceive of much more convincing and effective reform plans.

HRA remains grateful for the Committee's attention to our observations.

Enclosed is a detailed commentary of the Government's Response.

Sincerely Yours,



Tea Gorjanc Prelević,
Executive director of NGO Human Rights Action

HRA Comments to the Government of Montenegro's Response to the CPTs Report

Paragraph 15-18 of the Report¹:

Concerning the information provided by the Government: "that in relation to specific cases (where the pattern of ill-treatment allegations is noted), investigative procedures have been initiated in relation to all reported cases, part of the case is at the stage of the prosecutorial investigation, and part of the case has also been lawfully concluded and the police officers have been lawfully convicted", HRA is stressing out the fact that news portal Libertas Press on 23 March 2023 [published photos](#) and SKY application transcripts of police special unit officers and members of the notorious Kavac drug gangs. that were available to the Special State Prosecutor's Office ever since July 2021. In the published photos, special unit police officers are seen beating prisoners, putting guns in their mouths, suffocating them, and torturing them with electricity. Moreover, the police officers communicated the photos to their counterparts belonging to an organized crime gang. Among those photos, 5 out of 6 cases of torture were documented by HRA. In April 2022, HRA informed the Committee for the Prevention of Torture, CAT, the Supreme State Prosecutor's Office, and the Government about 15 well-founded reports of extortion of testimony including those. Meanwhile, we learned about 7 additional reports of acts of police torture acts. Only in 2 cases, the indictment was raised to date. All other cases are still in the pre-investigation phase (for more than 3 years) indicating that there is no willingness or capacity of state prosecutors to conduct effective investigations in these cases.

Paragraph 20²:

As the Government stated that „in relation to the event on 26/27 May 2020 at CB Podgorica, competent state prosecutor **has initiated criminal proceedings against police officers under allegations of abuse**” in the context of the investigation of torture during the “bombing attacks” HRA would like to provide the Committee with complete information.

Mr. C, Mr. D and Mr. E³ were tortured in May 2020 in police premises, during the investigation of the planting of explosives on properties owned by a police officer. **Five police officers were indicted for torture against Mr. D** in March 2022 and (only) **one for torture against Mr. C** in June 2022. Crime inspector D.Lj. was accused of torturing both of them and was subsequently arrested on suspicion of drug trafficking. However, despite the pattern of ill-treatment allegations in these cases none of their superiors, senior officers who led the police action against all three injured parties, were held accountable for their line-management responsibilities.

¹ “On the observations from the report given in the above points, which relate to the work of the members of the criminal police and cases of abuse in their conduct, and the measures taken, we note that in relation to specific cases, investigative procedures have been initiated in relation to all reported cases, part of the case is at the stage of prosecutorial investigation, and part of the case has also been lawfully concluded and the police officers have been lawfully convicted. As noted in the Committee's report, a significant number of police officers have received training in the field of human rights, respecting positive national and international laws in this area. However, we are aware of the fact that isolated accident cases still occur and that by continuing education and raising police culture, we will prevent possible torture/abuse by police officers and improve the situation in this area.”

² ...”in relation to the event on 26/27 May 2020 at CB Podgorica, competent state prosecutor has initiated criminal proceedings against police officers under allegations of abuse and they are removed from their jobs.”

³ Pseudonyms used in the Committees Report.

On the other side, there has been **no progress in the case of Mr. E for more than three years**, although evidence of torture acts have been documented by both national and foreign experts and have attracted the attention of international organisations and foreign embassies, which have in the meantime called for an urgent, independent, and thorough investigation.

In the case of Mr. E, investigative activities have been carried out by three prosecutors in a row from the Basic State Prosecutor's Office. The last one, prosecutor M. K. has dismissed the criminal charges against all reported police officers **for three times to date** following a superficial investigation. Acting upon the complaints of the injured party's attorney, a prosecutor from the High State Prosecutor's Office in Podgorica found on three occasions to date that prosecutor M. K. dismissed criminal charges without grounds. Nevertheless, **the same prosecutor remained to act in the same case** for the fourth time in spite of complaints communicated to the acting Supreme State Prosecutor by the victim and his attorney and HRA.

The main problem was that these three cases have been investigated formalistically, in a limited way, as individual and separate cases, ignoring the larger picture, **ignoring the pattern of application of same torture methods in the same Police building in Podgorica and by members of the same police unit, who had the same subordinated officers** whose personal interventions in the investigation were recorded by official documents. The criminal charges filed by Mr. E's father against all officers recorded in official papers as having interrogated Mr. E and overseeing his deprivation of liberty had been dismissed on three occasions by state prosecutor M.K, although there is a reasonable assumption that the same police officers who were reported for ill-treating Mr. E had been the same ones involved in extorting testimony from Mr. D and Mr. C.

The same police officer who was accused of abusing both Mr. D and Mr. C, D. LJ, is included in the criminal charges report suggesting he ill-treated Mr. E. In addition to D. LJ, prosecutor R.V. accused four crime inspectors – B.V, N.V, I.P, and D.G. – of extorting testimony from Mr. D. The first three officers accused of the ill-treatment of Mr. D were also reported for torturing Mr. E. They confirmed that they had interrogated him, but prosecutor M. K. nevertheless dismissed the charges that were filed against them on three occasions.

Concerning the suspension of accused crime inspectors (information explicitly requested by CPT in paragraph 33 and not fully provided by the Government), HRA would like to highlight that Minister of the Interior **Filip Adžić fulfilled his legal duty to suspend them on 5 April 2023 only after nine months of refusing to do so**. Regretfully, this suspension would have never occurred had it not been for the efforts of the HRA to persevere in public warnings to Minister Adžić that he is obliged to apply the law instead of openly doubting the correctness of both domestic law as well as the international standard for the prohibition of torture containing the same rule. The Minister in turn called our warnings a “pressure”, “a manhunt”, “an attempt to destroy state institutions in order to obtain grants”, “influence aimed at stopping the fight against organised crime”, etc., thus placing us in the same group as the criminals.⁴

The background of this suspension is provided in the section on paragraphs 24 and 25.

⁴ Response of HRA Executive Director to Minister of Interior's Public Accusations, HRA, 14 April 2023, available at: <https://www.hracion.org/2023/04/14/response-of-the-executive-director-of-hra-to-minister-adzics-statements-made-in-the-programme-nacisto/?lang=en>

Paragraph 21⁵:

In relation to allegations of the Government that “a new Regulation on closer characteristics of marks on special equipment of police officers was adopted” HRA highlights that following the adoption of the said regulation on 1 April 2022, in July 2022, [at the HRA conference](#), the new uniform markings to be worn by police officers were presented by the Police Administration.

However, the presented markings were not in accordance with the adopted Regulation, which stipulates that marks should be on the:

- front and back (occipital) part of the protective helmet;
- protective vest – on the chest on the right side and on the back part;
- right side of the shield;
- ballistic vest – on the chest on the right side and on the back part; and
- the rear (occipital) part of the ballistic helmet.

From the photos attached, it can be seen that markings are located on the vest only on the chest (not on the back) and on the helmet (only on the back, as a sticker, not in the front). Additionally, identifying features are on Velcro and can be easily removed and put back on again, whenever needed. They are small in size and not visible from a distance.

The Committee against Torture, in its Concluding Considerations in relation to Montenegro in 2022 also recommended the state to ensure effective implementation of the 2013 Regulation on Police uniforms, insignia, titles and weapons requiring all uniformed police officers (including special intervention forces) to wear nametags or identification numbers on their uniforms in the exercise of their duties.⁶

Paragraph 22⁷:

Regarding the information provided by the Government that: “Ministry of Interior has eight body cameras procured as part of a city video surveillance project, and the procedure is underway to assign officers of intervention units with cameras to use in accordance with the

⁵ In relation to the finding of a series of reports that all police officers do not have visible identification tags, we emphasize that in accordance with the new Law on Internal Affairs, a new Regulation on closer characteristics of marks on special equipment of police officers was adopted (the Regulation was published in the "Official Gazette of Montenegro", No. 34/2022 of April 1, 2022, and entered into force on April 9, 2022), which prescribes closer characteristics of markings on parts of special equipment of police officers that allow identification of police officers, when due to the use of special equipment in the performance of police duties it is not possible to present them, i.e. identify them. All members of police intervention units wear name/identification number tags on their uniforms during all interventions. Please note that during the intervention itself, contact may cause damage/de-attachment of the badge or physical separation of the badge from the uniform and these are the only situations in which an officer may be without the badge intended to identify him when intervening in the performance of police duties. We also point out that work is underway to draft a by-law that will regulate more closely among other uniforms or parts of uniforms of officers of the criminal police.

⁶ See, [Concluding observations on the third periodic report of Montenegro](#), 2022, item 19f.

⁷ With regard to the recommendation to introduce “body cameras” to be used by police officers during the arrest of suspects, their transportation in police vehicles and during the initial stages of detention, we fully agree with the above proposal to use the same, for the purpose of preventing possible abuse, as well as to protect police officers from false allegations of abuse. Currently, the Ministry of Interior has eight body cameras procured as part of a city video surveillance project, and the procedure is underway to assign officers of intervention units with cameras to use in accordance with the recommendations of the report (pilot project). Following this project, the procurement of body cameras for all police officers will be started, which will be procured according to the financial possibilities of the Ministry of Interior.

recommendations of the report”, there have been no information or sightings of use of body cameras on police officers.

Paragraphs 24 and 25⁸:

In relation to the Government’s statement that „from the top of the police hierarchy a message is *continuously* being sent that any case of disrespect for human rights and freedom of persons deprived of liberty will be strictly sanctioned and that police solidarity in such situations is unacceptable“, HRA would like to attract the attention of the Committee to the fact that Minister of the Interior Filip Adžić continuously publicly supported five police officers indicted for torture. Those actions do not sustain the aforementioned statement but demonstrate that **“the top of the police hierarchy” still tolerates torture.**

Although the Basic Court in Podgorica confirmed the indictment against five inspectors of the Security Center in Podgorica for the criminal offence of extorting testimony from Mr. D on 6 May 2022, Minister Adžić refused to suspend the police inspectors accused of this crime ever since July 2022 till 5 April 2023, when he was officially informed about the ongoing criminal proceeding because it would “jeopardize the work process”.⁹ Among other things, this led to one of them appearing in the media as a spokesperson for the Police Administration on no less than two occasions.¹⁰ HRA and Ombudsman warned the minister of his duty to implement the statutory obligation and suspend the police inspectors accused of extorting a statement from Mr D from duty. In turn, Mr. Adžić has **constantly defended those police officers stating that he "sincerely believes in their innocence", as well as that „the proceedings against them will soon conclude - it is only a matter of days for that to happen", and that in "a year, two or three", one will see that he had been right to believe in their innocence.**¹¹

Please note that in relation to that, the International Rehabilitation Council for Torture Victims (IRCT) concluded that „Minister’s statements violate the global consensus that torture is absolutely prohibited, as well as Montenegro’s own State obligations to fulfill both domestic law and the many international treaties it has ratified, including the UN Convention against Torture.”¹²

Furtermore, in April 2023, Minister Adžić, dismissed a dozen police chiefs and the head of the South Regional Center during personnel changes in the Police Administration. After that acting police director, Nikola Terzić, appointed M.V. as the new head of the SOUTH regional center. M.V. was controversially acquitted of any kind of responsibility for the case of abuse of Mr. M.I.

⁸ „In response to the repeated recommendation that the Minister of the Interior, the Director of the Police, as well as the heads of the regional security centers, send a strong message regarding the inadmissibility of cruel and inhuman treatment by police officers and the promotion of police culture in the Police Department, continuous activities are being undertaken to raise awareness and the level of police culture, as well as to educate police officers on respect for the human rights of persons deprived of liberty, **and from the top of the police hierarchy a message is continuously being sent that any case of disrespect for human rights and freedom of persons deprived of liberty will be strictly sanctioned and that police solidarity in such situations is unacceptable.**“

⁹ Link to the full video of TV show „Reflektor“ is available at: [https://www.hraction.org/2023/03/07/tv-appearances-instead-of-suspension-due-to-torture/?lang=en](https://www.hrraction.org/2023/03/07/tv-appearances-instead-of-suspension-due-to-torture/?lang=en)
<https://www.youtube.com/watch?v=kz0G5Egag-g>, 47:37

¹⁰ TV appearances instead of suspension due to torture, HRA, 7 March 2023, available at:

¹¹ Link to the full video of TV show „Press Plus“ is available at:
https://www.youtube.com/watch?v=XxdM5CTDp60&ab_channel=ADRIATVMontenegro (time frame: 49:39 -1:01:48).

¹² Montenegro: IRCT Welcomes Long Delayed Torture Trial, Urges End to Impunity, Press release of the International Rehabilitation Council for Torture Victims, 3 May 2023, available at:
<https://www.linkedin.com/feed/update/urn:li:activity:7059509869795491840>

in 2018 in Cetinje, about which there is both photo and video documentation, a decision the Council for Citizen Control of Police Work strongly opposed at the time.¹³

M.V. was also the head of the criminal police at the Podgorica Security Center in May 2020, when a series of extortion of statements was reported during investigations into 4 cases of planting of explosives including Mr. C, Mr. D and Mr. E as victims.

HRA notes that many prior ministers of interior affairs as well as police directors were also theoretically against torture, but failed in all practical examples. Thus, due to police solidarity, many cases still remain unsolved including those dating from the October protests in 2015.

Paragraph 26¹⁴:

In relation to the information provided by the Government that: „...the Police Directorate, with the support of the Council of Europe, and in cooperation with the Ombudsman's Institution, etc., is continuously carrying out mentally-tactical training, with a particular focus on the prevention of abuse for members of the Special Purpose Police Sector and members of the intervention units in security centers“, according to the Annual Report of the Ombudsman for 2022, they cooperated with the Police Directorate and presented the Ombudsman's opinions on six workshops attended by 90 police officers, which were **not mentally-tactical trainings, with a particular focus on the prevention of abuse for members of the Special Purpose Police Sector and members of the intervention units in security centers**, but trainings on the legal standard of absolute prohibition of torture, inhuman or degrading treatment, or punishment to prevent future violations of this right, focusing on the analysis of the opinions issued by the Ombudsman, i.e. through concrete examples from practice in which the violation of the said right was established.¹⁵

Ombudsman also highlighted his assessment that younger police officers often adopt the pattern of police work that is regularly performed, which is particularly problematic because there is still a culture of abuse in the Montenegrin police¹⁶. The Ombudsman also noticed that the management staff rarely attends those trainings, which was explained by the previously assumed obligations, as well as that they had enough knowledge about this topic.¹⁷

¹³ Police chiefs are protected, only a few officers are punished, Portal Vijesti, 3 November 2018: <https://www.vijesti.me/vijesti/1482/policijski-sefovi-zasticeni-kazne-tek-ponekog-sluzbenika>; They excused the police chief for beating and remaining silent, portal Vijesti, 1 November 2018:

<https://www.vijesti.me/vijesti/442/policijskom-sefu-oprostili-sto-je-tukao-i-sto-je-cutao>; Cameras caught the chief of police beating a man from Cetinje: He threatened him with a gun and said he was spying for criminals, portal Kurir, 24 February 2018: <https://www.kurir.rs/amp/3001549/kamere-uhvatile-nacelnika-policije-kako-bije-cetinjanina-pretio-mu-pistoljem-i-govorio-da-je-spjun-kriminalaca>.

¹⁴ The Committee rightly concluded that a change in the behavior, mentality, and culture of police officers requires increased training in the area of human rights. In this context, the Police Directorate, with the support of the Council of Europe, and in cooperation with the Ombudsman's Institution, etc., is continuously carrying out mentally-tactical training, with a particular focus on the prevention of abuse for members of the Special Purpose Police Sector and members of the intervention units in security centers. The Police Directorate has sent a request to the competent Training Directorate of the Ministry of Interior to conduct training on non-violent interrogation techniques for officers of the criminal police, i.e. operatives and criminal inspectors on the front line of working with citizens. In addition, in order to improve the quality and number of trained officers, the police department has established a special organizational unit by the new Act on internal organization and systematization, which will be responsible, inter alia, for the implementation of training.

¹⁵ Annual Report of the Ombudsman for 2022, page 157, available at: https://www.ombudsman.co.me/docs/1681285008_finalizvjestaj_12042023.pdf

¹⁶ *Ibid.*

¹⁷ *Ibid.*

In relation to the information that “The Police Directorate has sent a request to the competent Training Directorate of the Ministry of Interior to conduct training on non-violent interrogation techniques for officers of the criminal police, i.e. operatives and criminal inspectors on the front line of working with citizens”, please note that in December 2021, HRA provided for an initial introduction of the “investigative interviewing” technique to 70 representatives of the Police Directorate (PD) and Police Academy (PA) as opposed to investigation based on psychological or physical abuse. **We have learned about the technique from the 2018 General Report of the CPT.** For the first time, representatives of mentioned institutions had the opportunity to discuss this topic with Dr Andy Griffiths (UK), recognised as international subject matter expert on investigative interviewing through unique combination of extensive career as an operational investigator, academic qualifications and international experience. For the purposes of the training for PA, Dr Griffiths has assessed the existing training curriculum of the PA and data on the continuing education of the acting criminal inspectors in Montenegro, prepared the opinion entitled [“Review of interview training in the Montenegrin Police”](#) and provided recommendations for appropriate training courses for students of the PA and the acting police inspectors. The opinion also contains recommendations for the introduction of the training to all police inspectors, as **only 7.5% of them attended some kind of tactical communication training organized at the PA in Danilovgrad.**

HRA has no knowledge of PD and PA pursuing this kind of training to date, and we were not yet able to secure sufficient funding for organization of such training.

Paragraph 31¹⁸:

In relation to the Government's response that: ..."there is no legal basis in the current law for removing police officers (*from their work*) before the moment of initiation of criminal proceedings", HRA suggests that in cases where the responsibility of police officers is still being investigated, **police officers may well be assigned to jobs within the police administration that do not require any contact with citizens**, such as analytical jobs (article 166 of Law on Internal Affairs). That means that there is no need to remove them from their jobs, but only to exclude them from direct work with the public or persons apprehended by the police, as wisely suggested by CPT.

¹⁸ In accordance with the provisions of the Law on Internal Affairs, a police officer shall be temporarily suspended from work: 1) if he is caught in the performance of a serious breach of duty for which a mandatory termination of employment is prescribed, until the end of the disciplinary proceedings; 2) during the period of detention; or 3) if criminal proceedings have been initiated against him for an offence with elements of corruption referred to in Article 127 (2) of this Law or a criminal offence committed at work or in connection with work, until the end of the criminal proceedings. In accordance with the above, there is no legal basis in the current law for removing police officers before the moment of initiation of criminal proceedings. As for the individual case of the conduct of V., an officer of the Sector for Combating Crime, we point out that due to the critical event of 28.07.2021, for which the police officer V. was legally convicted, the officer was removed from work immediately after the beginning of the criminal proceedings (on 16.11.2021) i.e. starting from 1.12.2022 and was removed from work until the lawful completion of the criminal proceedings on 20.05.2022, when the conditions for his return to work were acquired. In addition, the official was declared responsible for serious breach of duty in disciplinary proceedings and was given a disciplinary sanction of a fine of 5 months at 30% of salary.

Paragraphs 33, 34 and 35¹⁹:

In relation to the Committee's recommendation that **audio-video recording of interviews must be carried out in dedicated interview rooms and that all parts of police stations should be covered by audio and/or video-surveillance**, it is important to note that the Ministry of Justice (Minister Marko Kovač) rejected HRA's proposal to have the Criminal Procedure Code (CPC) prescribe mandatory recording of conversations conducted with citizens, suspects, and witnesses in the premises of the police and the state prosecutor's offices, despite the recommendations of the Committee against Torture and the CPT. At the moment CPC prescribes only the possibility of recording, which according to our knowledge has never been used.²⁰

This left the possibility for police inspectors to submit a scandalous initiative last week for removal of video surveillance from police premises.

Also, regarding the installation of new cameras and the coverage of "dead corners" in the Podgorica Security Centre, HRA would like to emphasize out that the Ministry of Interior **does not have technical documentation on the existing video system**, which potentially indicates the possibility of various interventions and changes to the video system, without any technical record,²¹ which can lead to compromising evidence.

Regarding the lack of cooperation of the Police Authority with the competent state prosecutor in the investigation of torture acts against C, documented on the C's body by forensic report, HRA wishes to highlight that the competent state prosecutor should have:

- a) Complained to the Minister of Interior against the scandalous behavior of the Podgorica Security Centre allowing the overwriting of material from the other camera although the police is obliged to keep the material for as long as 21 day;
- b) Initiated criminal proceedings against the responsible police officers for not cooperating with the state prosecutor and allowing potential evidence to be destroyed, and allowing the cameras not to be working for several years, i.e. from 2010-2015 and than again in 2020 (!).²²

HRA appeals to the CPT **to request from the Government to provide more information on the action undertaken by the state prosecutor in response to scandalous performance by the Police Authority supporting perpetrators of torture acts**. The state prosecutor should

¹⁹"With regard to the recommendation for the introduction of audio-video recording of the examination, we fully agree with the above-mentioned proposal of the CPT delegation, and we plan to implement the same in the coming period, and according to financial i.e. budgetary possibilities. In this way, police officers will also be largely protected from groundless accusations of torture and inhuman treatment. In the previous period, progress has been made in this area, mainly with regard to the installation of new cameras and the coverage of "dead corners" in the Podgorica Security Centre, the largest security centre in Montenegro."

²⁰ Criminal Procedure Code. Article 257, paragraph 2.

²¹ Conclusion of the Council for Citizen Control of Police Work No. 85/13-19, 5 February 2020.

²² Court technology expert B.S. testified in the proceedings against B.B. that the cameras in Security Center in Podgorica were out of function in 2015 when the defendant allegedly physically attacked three police officers, but also in 2020. HRA is indicating that cameras were out of service in 2020 as well, which is being used in the concealment of criminal acts. See: Constitutional Court finds violation of the prohibition of torture due to inefficient investigation upon appeal of Braslav Borozan, HRA, 27 October 2021, available at: <https://www.hracion.org/2021/10/27/constitutional-court-finds-violation-of-the-prohibition-of-torture-due-to-inefficient-investigation-upon-appeal-of-braslav-borozan/?lang=en>. A more detailed statement and the decision of the Constitutional Court in Montenegrin are available at: <https://www.hracion.org/2021/10/27/po-zalbi-braslava-borozana-ustavni-sud-utvrdio-krsenje-zabrane-mucenja-zbog-neefikasnog-postupanja-drzavnog-tuzioca-u-podgorici/>

have prosecuted the responsible police officers for obstruction of justice,²³ i.e. aiding the perpetrators of torture acts by destruction of evidence.²⁴

Paragraphs 40-50:

Safeguards against ill-treatment of persons deprived of their liberty.

All ill-treatment in police detention occurs within the window of 24 hours the police is authorised to keep the suspect before bringing them to the competent state prosecutor. HRA considers this amount of time as overtly excessive. For example, in case of arrest for a misdemeanour (small offense) the police officers are obliged to bring the suspect to the court within 12 hours. However, the Criminal Procedure Code is currently under reform. Although the last minister of justice concluded his work on the Proposal of amendments to the Code, the new minister, who will enter the office following the recently conducted parliamentary elections, may reopen the process and add more amendments. HRA very much appreciates the recommendations provided by CPT and will advocate for the law to be changed in several aspects accordingly.

Paragraphs 63²⁵ and 68²⁶:

Appreciating even the minimal efforts of Montenegro to improve the material conditions in the Remand prison, HRA is pointing out that minimal standards - involving 2 hours outdoors as well as other out-of-cell activities may not possibly be provided in the existing building of the Podgorica Remand prison. Already in 2015, in cooperation with the NGO Juventas, HRA recommended to the Government of Montenegro the construction of a new prison building, which recommendation had not been accepted to date.

Thank you for your attention.

²³ Criminal Code of Montenegro, Article 396a.

²⁴ Ibid, Article 387.

²⁵ After the CPT's ad hoc visit to Montenegro, the Podgorica Remand Prison carried out: adaptation of 8 rooms on the ground floor for the accommodation of detained persons (plumbing, electrical installation, sanitary facilities, etc.); complete adaptation of the premises for detainees - D3 on the 1st floor and D3 on the 2nd floor (replacement of tiles, sanitation in toilets, etc.); reconstruction of the office for lawyers' visits and the addition of a children's playroom in the pre-trial prison.

By building a prison for the northern region of Montenegro in the Municipality of Mojkovac, the identified deficiency will be overcome.

²⁶ In Podgorica Remand Prison, several detained persons were employed as wardens in order to improve hygiene in the corridors and other rooms intended for the stay of detained persons. Also, all sockets were replaced, and new mattresses and pillows were provided, thus replacing those that were in bad condition. In order to improve material conditions in the Remand Prison, the following was carried out: adaptation of 8 rooms on the ground floor for the accommodation of detained persons (plumbing, electrical installation, sanitary facilities, etc.); complete adaptation of the premises for detainees - D3 on the 1st floor and D3 on the 2nd floor (replacement of tiles, sanitation in toilets, etc.); reconstruction of the office for lawyers' visits and the addition of a children's playroom in the pre-trial prison; adaptation of the vertical sewage system on 4 levels in the Remand Prison; adaptation of the hallway on the ground floor of the Remand Prison; adaptation of the infirmary in the Remand Prison.