



HUMAN RIGHTS ACTION | AKCIJA ZA LJUDSKA PRAVA

Ministry of Interior,
Mr. Ivan Brajović, Minister

Podgorica, 30 October 2012

Subject: Conduct of Police Directorate members on the occasion of the basketball match between BC Budućnost – BC Partizan, 22 October 2012

Dear Mr Brajović,

I am writing to you regarding the conduct of Police Directorate (PD) members, right before the basketball match between BC Budućnost – BC Partizan on 22 October 2012, and later, after it. To date we have not noticed any reaction of the Ministry of Internal Affairs or the Police Directorate regarding the conduct of certain PD members nor has the public been informed that MI Internal Control will deal with incidents in question.

I would like to draw your attention to a few examples that, in our opinion, raise reasonable doubts on unlawful conduct of PD members.

The portal Vijesti released a video (available at: <http://www.vijesti.me/vijesti/varvari-nasrnuli-fotoreportere-vijesti-dnevni-novina-clanak-97946>), which depicts events in the sports hall on 22 October 2012 i.e. conduct of PD members while repressing fans from the stands towards the exit.

The video, among other things, shows:

1. members of PD hitting a person, surrounded on all sides, and who is obviously not in a position to resist and hence, does not represent a threat that would require impediment actions. In the presence of several PD members, a member of the private security firm “Popović” hits the same person as well, while he is moving away (video time: 8.45);

2. a PD member who strikes surrounded fan lying on the ground, which also does not seem to offer any resistance, two times with his truncheon (video time: 9.20);

3. more members of PD who are surrounding a person and hitting him (video time: 11.42);

4. a member of DP hitting a woman (video time: 12.05 - 12.08).

The above-mentioned video footages require investigation of MI Internal Control, having in mind that they indicate unlawful, excessive use of force for corporal punishment, which is, as a form of abuse, absolutely prohibited according to domestic and international law.

In addition, HRA was addressed by Mr. Davor Dragojević on 25 October 2012. He filed a criminal complaint against unknown PD members for beating up his minor son in the street, outside the building of SC "Morača", after the match, as alleged in the complaint. The medical report on sustained injuries was made and submitted with the complaint. Mr. Dragojević's son claims that he did not provide any resistance to the police at the time of beating, before or after it. Although we have been informed that Mr. Dragojević's complaint was kindly received and that it has been currently processed we emphasise the necessity of a thorough and immediate prosecution of this and other similar cases which indicate serious doubts about the bestiality of some police officers, who should be immediately removed from further involvement in maintaining public order and protecting rights of citizens.

Finally, article published on Vijesti portal on 27 October 2012 (<http://www.vijesti.me/vijesti/varvari-nasrnulifotoreportere-vijesti-dnevnih-novina-clanak-97946>) describes incident in which persons, entering the court as defendants, prevented Daily Vijesti and Daily Dan reporters to photograph them by pounding their cameras. At the same time, a member of PD who was observing the scene commented, "when we are beaten you don't report it, so let them beat you now..." We believe that this case, if it happened as described, indicates biased and unprofessional conduct of PD members, which can only further discourage citizens' trust in the government body responsible for maintaining public order and protecting citizens' rights.

Bearing in mind that the Police Act explicitly prohibits the described conduct¹, and that the professional responsibility of all PD members is to protect the security of citizens and their human rights, and not, as might be concluded from the above examples, arbitrary punishment and retaliation, we appeal to you to take actions within your professional competence to:

1) establish the liability of DP members regarding the incidents in question or similar;

¹ The Police Act (" Off. Gazette of Montenegro", No. 28/2005 and "Off. Gazette of Montenegro", No. 88/2009): "Police affairs, under this law are: 1) protection of citizens security and constitutionally established rights and freedoms (Art. 2, para 1.1)... The exercise of police powers must be proportionate to the need, which caused those powers to be undertaken. Among a number of police powers, the exercised one shall be the power which shall lead to achievement of the goal with the least harmful consequences (Art. 15, para 1 and 2)... Use of truncheon shall be allowed if the use of physical force has not been successful or does not guarantee success, and it shall continue only while resistance is offered (Art. 32, para 2)."

2) inform the public about the undertaken steps regarding determination of liability, which would contribute to improvement of public confidence in PD work and encourage them to report unlawful conduct in the future.

We believe that the Ministry of Interior i.e. Police Directorate will gain citizens trust with timely actions against police officers who act unlawfully and who are capable of harassing citizens and even children.

With respect,

Tea Gorjanc Prelević,
HRA executive director