

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up)

MONTENEGRO

(...)

C. Principal subjects concerns and recommendations

(...)

Fundamental legal safeguards

6. The Committee is concerned that, in practice, detainees are not always afforded the right to access a lawyer, an independent doctor, if possible of their choice, and to contact a relative from the outset of deprivation of liberty. The Committee is also concerned that pre-trial detainees do not have in all circumstances the right to confidential communication with their legal counsels (art. 2).

The State party should take effective measures to ensure that all detainees are afforded, in practice, fundamental legal safeguards during their detention. These include, in particular, the right to access a lawyer, an independent doctor, if possible of their own choice, and to contact a relative as from the outset of deprivation of liberty. Furthermore, the State party should ensure the right of detainees to have confidential communication with their legal counsels in all circumstances.

(...)

Displaced persons

11. The Committee is concerned that the State party has not yet regularized the legal status of a large number of “displaced persons” from Croatia and Bosnia-Herzegovina and “internally displaced persons” from Kosovo (art. 3).

The Committee reiterates the recommendations made by the Commissioner for Human Rights of the Council of Europe, following his visit to the country from 2 to 6 June 2008 (CommDH(2008)25). In this regard, the State party should:

a) take concrete measures for the local integration of “displaced persons” from Croatia and Bosnia-Herzegovina and grant them a legal status and full protection against expulsion in violation of their legal rights,

- b) regularize the status of “internally displaced persons” from Kosovo residing in Montenegro by granting them a proper legal status to minimize the risk of statelessness, and
- c) consider ratifying the Convention on the Reduction of Statelessness adopted in 1961.

(...)

Impunity for war crimes

12. The Committee is concerned at the reported climate of impunity surrounding war crimes which remain unaddressed or in the investigation phase, with little or no result to date. The Committee takes note of the information provided by the State party on the developments with regard to the cases “Kaluderski Laz”, “Morinj”, “Deportation of Muslims” and “Bukovica” (arts. 12 and 16).

The Committee urges the State party to expedite and complete its investigation of war crimes, and ensure that all perpetrators, in particular those bearing the greatest responsibility, are brought to justice. The Committee requests the State party to provide it with information in this respect.

(...)

Prompt, thorough and impartial investigations

17. While welcoming the adoption of various measures to combat and prevent police brutality, including the adoption of the Code of Police Ethics, the Committee remains particularly concerned at the number of allegations of torture and ill-treatment by the police and the lack of prompt and impartial investigation of such cases (art. 12).

The State party should ensure that all allegations of ill-treatment and excessive use of force by the police are promptly and impartially investigated. In particular, such investigations should not be undertaken by or under the authority of the police but by an independent body. In connection with prima facie cases of torture and ill-treatment, the alleged suspect should, as a rule, be subject to suspension or reassignment during the process of investigation, especially if there is a risk that he or she might influence the investigation. The State party should prosecute the perpetrators and impose appropriate sentences on those convicted in order to eliminate impunity for law enforcement personnel who are responsible for acts prohibited by the Convention.

The Committee notes the information provided by the State party’s delegation on the specific cases put to it during the dialogue. However, the Committee wishes to reiterate the obligation of the State party to undertake an independent, thorough, and impartial investigation on all allegations of torture and ill-treatment. The Committee requests the State party to keep it informed of any developments, within the context of the ongoing dialogue, and, in particular, with regard to the report submitted by the Youth Initiative for Human Rights alleging torture by police officers.

(...)

28. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 6, 11, 12 and 17 above.
(...)
