

Committee Against Torture

15 April 2024

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the third periodic report of Montenegro, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 73rd session, held from 19 April to 13 May 2022, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/MNE/CO/3, para. 34) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 15, 19, and 23 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 12 May 2023 providing your Government's response to the above-mentioned paragraphs (CAT/C/MNE/FCO/3) and to make the following comments:

Conditions of detention (para. 15 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party with regard to measures taken to improve the material conditions of detainees, including through the drafting of the "Rulebook on the appearance of detention facilities in accordance with national and international standards" and the ongoing construction of several new prison facilities. However, it regrets that no data or other information was provided by the State party regarding the reduction of overcrowding through the application of non-custodial measures, recalling that the construction of new prison facilities is only one of many means by which to reduce overcrowding. The Committee similarly regrets that no information was received regarding steps taken to discontinue the practice of placing juveniles receiving correctional measures in prison facilities. The Committee commends efforts made by the State party to recruit and train sufficient numbers of prison personnel to ensure the adequate treatment of detainees and strengthen the prevention, monitoring and management of inter-prisoner violence, with specific reference to the increased hiring of healthcare professionals. It encourages the State party to continue its recruitment efforts to ensure that all forecasted posts are filled, and to keep the Committee abreast of any developments in this regard. (2/B1).

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H.E. Ms. Slavica Milačić
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Investigations of cases of torture and ill-treatment (para. 19 of the Committee's concluding observations)

The Committee takes note of information provided by the State party regarding criminal cases opened against police officers for crimes committed to the detriment of injured persons, including criminal cases under articles 166 and 166a of the Criminal Code. While noting that the State party has provided statistics regarding the dismissal of police officers, the Committee regrets that the State party did not provide sufficient information regarding the number of convictions or types of sentences handed down in cases where police officers have been found guilty of the aforementioned offences. It also regrets that no information was provided with regard to the suspension of suspected perpetrators from official duties, and is concerned by the apparent lack of investigations into and prosecutions of the crime of torture under article 167 of the Criminal Code.

In a similar vein, the Committee regrets that the State party provided no information with regard to concerns raised by the Committee relating to the independence and impartiality of investigations into alleged acts of torture and ill-treatment and the implementation of their associated recommendations, nor did it provide information regarding the implementation of systematic video recording of interrogations of suspects in custody. Nevertheless, the Committee welcomes information provided by the State party regarding markings worn by police officers, including in "high risk" public gatherings, allowing their identification. It also notes the good practice of including representatives of internal control and the Ombudsman when the policing of such gatherings takes place (1/B2).

Impunity for war crimes and remedy for victims (para. 23 of the Committee's concluding observations)

The Committee takes note of the extensive information provided by the State party regarding the indictments for and initiation of investigations into war crimes by the Special Public Prosecutor's Office, including information regarding cooperation between the Special Public Prosecutor's Office and the Public Prosecutors of Bosnia and Herzegovina and Croatia. The Committee also welcomes details of cooperation between the Public Prosecutor's Office of Montenegro and the International Residual Mechanism for Criminal Tribunals.

The Committee is encouraged by the provision of compensation to victims of war crimes, amounting to 170,909.34 euros, but is concerned by the barriers to receiving compensation, including financial barriers, that may be faced by victims who are required to lodge civil claims before the courts in order to obtain redress (3/B1).

Implementation plan

The Committee appreciates the detailed information submitted by the State party addressing the remainder of its recommendations included in the concluding observations and looks forward to continuing to monitor and review their further implementation (A).

The Government of Montenegro is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the third periodic report of Montenegro or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Montenegro on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Bakhtiyar Tuzmukhamedov
Rapporteur for follow-up to concluding observations
Committee against Torture