

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

The Government of Montenegro has requested the publication of this response. The CPT's report on the 2022 ad hoc visit to Montenegro is set out in document CPT/Inf (2023) 10.

Strasbourg, 22 June 2023

Response to the recommendations in the Report of the European Committee for the Prevention of Torture and Other Inhuman and Degrading Treatment and Punishment (CPT) after visit to Montenegro

Montenegro would like to thank the European Committee for the Prevention of Torture and Other Inhuman and Degrading Treatment and Punishment (CPT) for its continuous engagement for the benefit of European citizens in all 46 countries of the Council of Europe.

Montenegro would like to reiterate, once again, its firm commitment to the implementation of all CPTs recommendations and opinions, and would like to underline its particular gratitude for the detailed report made in respect of the work of Montenegrin line institutions.

Montenegro is reaffirming its continuous dedication to the cooperation with the CPT and has the honor to forward the opinion of several line ministries and institution.

Torture and other forms of ill-treatment

Paragraphs 15,16,17 and 18: 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.

Paragraph 20: As for the cases cited as illustration in the aforementioned report item, we point out that in relation to the allegations of abuse in OB Mojkovac on January 14, 2022, the competent state prosecutor did not initiate proceedings against the acting police officer, on the grounds that there were no elements to initiate the same. Also, 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.

Paragraph 21: 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.

Paragraph 22: 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.

Paragraphs 24 and 25: 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 respect for human rights and freedom of persons deprived of liberty will be strictly sanctioned and that police solidarity in such situations is unacceptable.

Paragraph 26: 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.

Accountability: investigations, oversight and sanctions

Paragraph 28: In accordance with the Law on Internal Affairs, control and supervision of the work of the Police is provided by parliamentary, civil and internal control, as well as by the Ombudsman of Montenegro when performing the functions of the national preventive mechanism for the protection of persons deprived of their liberty from torture and other forms of cruel, inhuman or degrading treatment or punishment and the handling of complaints about the work of police officers.

Paragraph 30: Regarding the internal control mechanism, we agree with the report's finding that the Department of Internal Control should have easier access to medical records, i.e. forensic medical expertise.

Paragraph 31: 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.

Paragraph 32: As for the up-to-date investigation procedures in this area, this issue is primarily the responsibility of the prosecutor's office which manages both the preliminary inquiry and the investigations in these cases, but it is certainly necessary to ensure that police officers at all levels are also up-to-date and fully comply with the requests of the competent prosecutors. We also believe that clear and written orders, instructions, and commands to all managers of the organizational units of the Police Directorate with monitoring of implementation and clear accountability procedures in cases of non-compliance or incomplete and untimely action are important in this matter.

Paragraphs 33,34 and 35: 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.

Safeguards against ill-treatment of persons deprived of their liberty

Paragraphs 40,41,42,43 and 44: Part of the recommendations relating to the status of detainees and their procedural rights (right to information of loved ones, right to information of rights, contact with family, right to a lawyer, right to access to a doctor) concern respect for fundamental human rights and must be respected equally by all police officers in their daily work. In this area, some progress has been made in following up on the previous recommendations of the Ombudsman regarding the establishment of a register of persons who have been brought to the security centres/local stations for the purpose of conducting an information interview, as well as the completion of the part of the third-party reporting form intended for the name and surname of the police officer who carried out the reporting. It is therefore still necessary to address the identified shortcomings, such as the omission of the signature of the person deprived of liberty, which confirms that the person who has been brought to the office and is the subject of the police proceedings has been informed that he has the right to notify a third party of his whereabouts, the right to a medical examination and the right to a lawyer. Therefore, the violation of these procedural rights is unacceptable and we agree with the Committee's recommendations that they must be eradicated. In the coming period, the above stated will be highlighted as an obligation to be observed by the heads of the territorial competent security centers, in their daily work and when holding working meetings with police officers. Also, in addition to the training conducted after the entry into force of the Instruction on the treatment of persons deprived of their liberty and detained persons in the coming period we will initiate additional training for police officers dealing with persons deprived of their liberty and detained persons, we will strengthen the control oversight of the security department and any shortcomings will be adequately sanctioned.

Paragraph 45: Police officers shall inform detainees or persons deprived of their liberty of all the foregoing rights, as a rule, in an understandable and clear manner. Also, these persons are given a fact sheet, in a language they understand, and the same is recorded in existing records.

Paragraphs 46 and 47: In the coming period, measures and activities will be taken to monitor the entry/exit of all citizens from the premises of the security centers.

Paragraph 48: Adopting a special methodology for conducting interviews and collecting information from citizens (former information collection interview) will be the subject of a project which implementation is expected in the next phase of the Council of Europe's Horizontal Program. With the experts who will be engaged by the CoE Office in Podgorica and the criminal police officers who will be engaged in the work on that project, we will define adequate ways, that is, create procedures for carrying out interviews and collecting information from citizens.

Paragraph 49: Please note that the police have no power to determine the detention of persons, it is the exclusive responsibility of the prosecutor's office, and that the police only grant their detention facilities on the basis of an agreement with the prosecutor's office and take care of the detainees. No detainee in this sense may or shall be removed from these premises without a warrant from the Prosecutor except in justified cases (medical emergency, fire, accidents of other kinds in the cells - but with simultaneous notification to the Prosecutor).

Paragraph 50: In the coming period, an initiative will be taken to change inadequate spatial capacity i.e. interview offices in police stations will be adequately equipped for these purposes, and this will be implemented depending on the finance i.e. budget of the Ministry of Interior.

Conditions of detention

Paragraph 51: With regard to the material and technical conditions in the detention facilities that remained largely the same as those observed in 2017, we point out that despite numerous requests for adaptation, upgrading the construction of these purpose-built detention facilities in accordance with international standards, due to lack of budgetary funds, the situation has not improved to a sufficient level.

Paragraph 52: As noted in the report, most of the existing detention facilities have a sufficient number of beds with mattresses and blankets, a ventilation system and an intercom. In Podgorica Security Center, which is also the largest security center in the country, which has the largest number of detention rooms, and thus receives the largest number of detainees or persons deprived of their liberty, hygienic conditions (clean toilets and blankets, proper washrooms, clean toilets,...) are adequate.

Paragraphs 53 and 54: Delivery of food and basic hygiene products to detainees or persons deprived of their liberty is carried out in a continuous manner, and for those security units in which these deficiencies are identified, they will be eliminated in the coming period.

Paragraph 55: For the transport of persons deprived of their liberty and detained persons, standardized special motor vehicles called "marice" are used, three of which are in charge of the Podgorica Security Center. Although their condition is not up to the standards of the Committee, police officers are taking all necessary measures to ensure that the transportation of persons deprived of their liberty and detained persons is carried out in the safest and most secure manner possible.

Paragraph 57: In the attachment of this letter, we submit the Proposal for the Strategy for the Execution of Criminal Sanctions 2023-2026 and the Action Plan for the Implementation of the Strategy for the Execution of Criminal Sanctions 2023-2024 in English. According to the Medium-term Working Program of the Government of Montenegro is planned that these documents will be considered in the first quarter of 2023.

Paragraphs 58/86, pages 22 and 29: Technical documentation was prepared within the **Project "Mojkovac Prison construction project for the northern region of Montenegro"**, which was funded by a grant from the Western Balkans Investment Framework (WBIF) in the amount of EUR 1,200,000.00. This technical assistance was implemented by the consortium WBIF Infrastructure Project Facility 7 (IPF7), and the implementation period is November 2019 - November 2021. The construction of the Prison facility for the northern region of Montenegro in the Municipality of Mojkovac will be financed by a loan granted from The Council of Europe Development Bank (CEB) in the amount of EUR 15,000,000.00 and a WBIF grant in the amount of EUR 1,200,000.00 .000.00, (EUR 16,200,000.00 in total). Namely, according to the Decision on Borrowing passed by the State of Montenegro for the year 2021, it was provided that the State of Montenegro would borrow up to EUR 15,000,000.00 from the Council of Europe Development Bank (CEB), for the needs of the Ministry of Justice, Human and Minority Rights, intended for the construction of a capital investment project - Mojkovac Prison. In the reporting period, the Ministry of Justice was given consent to the conceptual design by the Decision No. 01-288 / 8 dated 1 X 2021. The presentation of the Main Project was held on 11 X 2021. The Public Procurement Contract was signed between the Administration for Capital Projects and "ING INVEST" DOO Danilovgrad for the audit of the main project of the construction of a Prison for the northern region of Montenegro in the municipality of Mojkovac, on 17. X 2022. In the new prison, cells are planned for the stay of the female population who have been detained. Women who will be sentenced to imprisonment will serve the sentence in the Department for Women in the Administration for the Execution of Criminal Sanctions in Podgorica, given the small number of women who are serving this criminal sanction.

Regarding the **Project "Construction of Special Health Institution, New Reception, Open-type Prison and Multifunctional Facility"**, in the reporting period the Main project for the four facilities (Special Health Institution, New Reception, Open-type Prison and Multifunctional Facility) was developed and revised. On December 2, 2019, the IPA 2018 Financial Agreement between the European Commission and Montenegro entered into force, which provided for an allocation of € 13,516,733 for the EU Project for Improving Access to Justice and Fundamental Rights, including the amount of € 4,378,311.00 allocated for financing the construction of four facilities (Special Health Institution, Reception, Multifunctional Facility and Open-type Prison) within the Directorate for Execution of Criminal Sanctions. The construction of the Special Health Institution is recognized as a priority infrastructure project in the sector of social and community-related activities and, as such, it is part of the Project "Construction of the Special Health Institution, Reception, Multifunctional Facility and Open-type Prison within the UIKS complex in Spuž", which is listed in the 2019 Unified List of Priority Infrastructure Projects. The Evaluation Commission completed the evaluation of the bids submitted by the bidders within the framework of the public procurement procedure for the Project "EU for improving access to justice and fundamental rights", within the framework of which one of the LoTs is the construction of four facilities in the Administration for the Execution of Criminal Sanctions (Special Health Institution, Application Form, Multifunctional Facility and Open Prison). The Public Procurement Contract was signed between the Administration for Capital Projects and IGP "Fidija" DOO Podgorica for the construction of these four facilities on 1 XII 2022. On 14 X 2022, the Ministry of Ecology, Spatial Planning and Urbanism gave consent for the construction of these four buildings in the complex of the Administration for the Execution of Criminal Sanctions.

At the session which is held on 16 XII 2021, the Government of Montenegro adopted the Information on capital infrastructure projects in the sector of justice implemented with the instrument of pre-accession support, so that the missing funds in the amount of € 8,621,689.00 will be estimated during the preparation of the 2022, 2023 and 2024 Montenegro Draft Budget Law, according to the project implementation dynamics. At the session which is held on 20 X 2022, the Government of Montenegro adopted the Information on the need to provide additional financial resources for the implementation of the IPA 2018 program for the area of "Rule of Law and Fundamental Rights", on this way the financial construction for the implementation of the IPA 2018 program for this area has been completed.

Paragraph 63, page 23: 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.

Paragraph 65: During 2022, the detained person A.K. did not act according to the orders of the security officers, but insulted them and sent them various threats and belittled them, after which in accordance with Article 159 of the Law on Execution of Prison Sentences, Fines and Security Measures ("Official Gazette of Montenegro", No. 36/2015, 18/2019, 145/2021 and 3/2023) the means of coercion were applied to the same person who offered active resistance, without exceeding the limit, and after that, a disciplinary procedure was initiated against the same detainee, but it was not carried out, because the detainee was transferred to the Prison Bijelo Polje at the request of the judge for investigation.

Paragraph 68: 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.

Paragraph 69: Bars in the woman part of the Remand Prison, as well as in other parts, are located behind the windows for security reasons.

The obstacles with opening the windows have been remedied, and they are fully functional.

Paragraphs 71, 72, 73 and 74: In accordance to the Article 28 of the Rulebook on the Closer Method of Execution of Detention ("Official Gazette of Montenegro", No. 42/12) is proscribed the obligation of detained persons to maintain daily personal hygiene and the hygiene of dormitories, corridors and sanitary rooms and to clean the premises according to a special schedule, while Article 30 of Rulebook on the Closer Method of Execution of Detention proscribes the obligation of the prison doctor to control and supervise the maintenance of personal hygiene and hygiene of the premises, as well as to propose appropriate measures to eliminate the identified deficiencies. Namely, as a result of the increase in the number of detained persons, the Investigation Prison Podgorica is facing hygienic and technical challenges, so in order to raise the level of hygiene, it hired a larger number of detained persons as orderly.

When it comes to hygiene packages, in accordance to the Article 27 of the Rulebook on the Closer Method of Execution of Detention prescribes that a detained person who does not have financial resources and does not have accessories for maintaining personal hygiene will be provided with: soap, toothbrush and toothpaste, plastic cup, shampoo for hair, comb, nail clippers, and for female detainees, hygiene products and preparations for maintaining female hygiene. Bearing in mind the current number of detainees and that the Investigation Prison in Podgorica is overcrowded, the Administration for the Execution of Criminal Sanctions provides hygiene packages to all detainees, regardless of their financial situation, upon admission to the Investigation Prison Podgorica. In addition to the hygiene package, all detainees are given plastic cutlery (plate, fork, spoon, knife) upon admission to the Investigation Prison Podgorica.

New mattresses and pillows were provided in Podgorica Remand Prison and Bijelo Polje Prison, and in this way, those that were in bad condition were replaced.

Bearing in mind the construction characteristics of the facility of the Investigation Prison Podgorica, it is not possible to expand it and increase the capacity in this facility in order to comply with the minimum national and international standards of space required for one detained person and thereby reduce the number of persons staying in the same room, but The Ministry of Justice and the Administration for the Execution of Criminal Sanctions give efforts to overcome this problem.

Paragraphs 76 and 79: The work engagement of detained persons in the Podgorica Remand Prison and Bijelo Polje Prison is limited and will be allowed within the prison in accordance with their mental and physical characteristics, provided that this does not harm the conduct of criminal proceedings and if approved by the investigating judge or the president of the council. From time to time, in accordance with the mental and physical characteristics of detained persons, detained persons are hired to perform construction works, namely those persons who the competent prison service, from the aspect of security, assesses as capable of being employed. Detained persons are most often engaged in hygiene maintenance and food distribution jobs.

In 2022, at the request of the detained person, in accordance with his mental and physical characteristics, 17 detained persons in the Podgorica Remand Prison, i.e. 15 detained persons in the Bijelo Polje Prison, will be able to work on average on a monthly basis.

Paragraph 77: Disciplinary cell number 2 will be renovated in order to comply with the minimum standard of at least 2 meters between cell walls, and to provide sufficient privacy for the toilet needs of the people staying in it, until the construction of the new prison facility in Mojkovac.

Paragraph 78: Detainees are regularly supplied with cleaning products for the maintenance of the premises, namely: dishwashing liquid, garbage bags, sponges, rags, mops, brooms, in order to keep the premises in order.

Paragraphs 83 and 84: The Rulebook on the closer method of carrying out detention stipulates that with the approval of the investigating judge, and if necessary under his supervision or the supervision of a person designated by him, the detained person may be visited by his spouse or the person with whom he lives in a permanent extramarital union and his close relatives, and at his request, a medical doctor and other persons.

The person in charge of the prison, with the consent of the investigating judge, determines at least one day a week and the time on that day when visits to detained persons will be made.

Visits are carried out in a special room designated for that purpose, under the supervision of a security officer designated by the person in charge of the prison.

The visit lasts thirty minutes, and the investigating judge or a person designated by him can determine a longer visit.

Exceptionally, the president of the court, who is authorized to supervise detained persons, may allow an extraordinary visit, as well as a visit to detained persons under special conditions, and a visit of a child up to 14 years of age with the opinion of the body responsible for social work, at most once a month.

Paragraph 85: As part of the hygiene package, the Administration of the Remand Prison regularly provides female detainees with hygienic means for maintaining female hygiene.

Paragraph 87, page 30: During 2022, 1 prison general practitioner was terminated at his personal request. In the second half of the same year, the bailiff-prison chief for health care was hired for an indefinite period of time. Through the legal procedure for filling vacant positions, UIKS will try to hire a general practitioner as a permanent employee in 2023 as part of personnel planning.

Paragraphs 88, 89 and 90: The construction of the prison for the northern region of Montenegro in the Municipality of Mojkovac, as well as the relocation of the Ambulances from the 2nd and 3rd floors of the Investigation Prison in Podgorica to the ground floor next to the facility of the Investigation Prison Podgorica, will overcome the recognized deficiency.

The Administration for Execution of Criminal Sanctions (UIKS) signed a Memorandum of Cooperation with the Faculty of Medicine in Podgorica for the purpose of education and professional development of medical staff both in the theoretical and practical part of training, among others, on the topic of emergency situations.

Paragraph 91: Every year, in the organization of the NGO Juventas and the Institute for Public Health, testing of persons deprived of their liberty for infectious and sexually transmitted diseases is carried out on a voluntary basis. In 2021, 100 persons were tested, and in the previous year, 28 persons deprived of liberty were tested for infectious and sexually transmitted diseases (HIV/AIDS). The same number of persons deprived of liberty attended workshops on infectious and sexually transmitted diseases HIV/AIDS, Hepatitis, use of narcotic drugs.

The Administration for Execution of Criminal Sanctions will strive to enable and implement continuous education and training programs for officials and prisoners on the topic of infectious diseases.

Revise the 2019 Guidelines on the health care of detained and convicted persons in order to improve medical examinations and introduce systematic screening for chronic as well as infectious and sexually transmitted diseases (HIV and hepatitis).

Paragraph 93: In accordance with Article 9 of the Instructions on Health Care of Detained and Convicted Persons from the end of March 2019, which incorporates the recommendation of the CPT from 2017, the patient comes for a medical examination accompanied by a security officer. A security officer is present in the waiting room (in front of the clinic) for the duration of the examination. A security officer can attend a medical examination if the prison doctor judges that his presence is necessary. The examination of the patient is performed in the presence of a medical technician, except when the prison doctor judges otherwise.

The Administration for Execution of Criminal Sanctions will take measures to respect the confidentiality of medical consultations, unless the doctor judges that the presence of a security officer is mandatory.

Paragraph 94: The detainee in the Remand Prison has been continuously monitored by psychiatrists practicing in the Administration for the Execution of Criminal Sanctions, dr. Jelica Živković and dr. Ana Đuranović, since her admission to the Remand Prison in Podgorica, i.e., from February 7, 2018, which continued even after of her transfer to the Prison for long sentences, from June 9, 2022 (with drug therapy and substitution therapy). The prisoner was also sent for an external examination at the relevant competent health institution.

Paragraph 95: Arriving in custody, detained persons are informed about their rights, obligations and responsibilities in Montenegrin, English and Albanian languages. If one of the detained persons has not seen or was familiar with the regulations governing the closer execution of the detention measure, these are individual cases, but they can always ask for clarifications about their behaviour in detention, their rights and obligations, as well as the development of daily activities, they will be provided with a regulation on this. Several times in Podgorica and Bijelo Polje prison, a copy of the rulebook on the closer method of detention in Montenegrin, English and Albanian languages was distributed.

Paragraph 96: The Code of Criminal Procedure prescribes the provisions related to receiving visits and correspondence of a detained person in Article 183. Thus, it is prescribed that:

“Upon the approval of the investigating judge and, if necessary, under his supervision or the supervision of a person designated by him, within the limits of house rules, the detained person may be visited by his spouse or the person with whom he lives in a permanent extramarital union and his close relatives,

and according to his request - medical doctor and other persons. Individual visits may be prohibited, if this could cause damage to the conduct of the proceedings.

The diplomatic and consular representative of a foreign country has the right, if requested by the detained person and with the knowledge of the investigating judge, to visit and talk unsupervised with the detained person who is a citizen of his country. The investigating judge will inform the head of the institution where the defendant is detained about the visit of the diplomatic or consular representative.

The detained person may be visited by representatives of international committees against torture, the International Committee of the Red Cross, as well as representatives of international organizations dealing with the protection of human rights when this is provided for by a confirmed international treaty. With the approval of the president of the court, the detained person may be visited by representatives of domestic organizations dealing with the protection of human rights.

A detained person may correspond with persons outside the prison, with knowledge and under the supervision of the investigating judge. The investigating judge can prohibit the sending and receiving of letters and other shipments harmful to the conduct of the proceedings. The ban does not apply to letters that the detained person sends to, or receives from, international courts and domestic bodies of the legislative, judicial and executive authorities. Sending a request or complaint can never be prohibited.

After the indictment has been filed, until the judgment becomes final, the authority from para. 1, 2 and 4 of this article is carried out by the president of the council."

Also, the closer method of execution of detention is prescribed by the Rulebook on the closer method of execution of detention published in the "Official Gazette of Montenegro", no. 42/2012 of 31.7.2012. years.

As stated, with the approval of the investigating judge and, if necessary, under his supervision or the supervision of a person designated by him, the detained person may be visited by his spouse or the person with whom he lives in a permanent extramarital union and his close relatives, and at his request by a medical doctor and other persons.

The person in charge of the prison, with the consent of the investigating judge, determines at least one day a week and the time on that day when visits to detained persons will be made. Visits are carried out in a special room designated for that purpose, under the supervision of a security officer designated by the person in charge of the prison. The visit lasts thirty minutes, and the investigating judge or a person designated by him can determine a longer visit.

Exceptionally, the president of the court, who is authorized to supervise detained persons, may allow an extraordinary visit, as well as a visit to detained persons under special conditions, and a visit of a child up to 14 years of age with the opinion of the authority responsible for social work, no more than once monthly.

The security officer may terminate the visit if the detained person or visitor uses the visit in a way that could be harmful to the successful conduct of the criminal proceedings, or behaves in an undisciplined and indecent manner. In this case, the security officer informs the person in charge of the prison, and the person in charge of the prison will inform the investigating judge. Furthermore, a detained person may correspond with a person outside prison, with the consent of the investigating judge, in accordance with the Code of Criminal Procedure. All written shipments sent or received by a detained person are handed over to the judge for investigation by the person in charge of the prison before being sent and handed over and further acts according to his decision. The detained person will be allowed to acquire means of correspondence at his own expense, and if he does not have the funds, the prison is obliged

to enable him to contact his family or next of kin, as well as to write submissions (requests, appeals, complaints), in order to protect his rights and legally protected interests. Sending the submission to the president of the court, who is authorized to supervise detained persons, is made on the same day, and at the latest on the next day, which is notified to a person designated by the head of the prison.

Paragraph 97: Detained persons in the Podgorica Remand Prison and the Bijelo Polje Prison are allowed contact with the outside world in accordance with the provisions of the Code of Criminal Procedure and the Rulebook on the Closer Method of Detention. As detention is a measure to ensure the presence of the accused and the smooth conduct of criminal proceedings, the execution of which is supervised by the president of the court who is authorized or a judge appointed by him, the persons against whom this measure was taken, i.e. the detained persons contact with the outside world (receiving visits, correspondence and telephoning) can only be done with the approval of the investigating judge.

Detained persons have contact with the outside world through visits by their spouses or persons with whom they live in a permanent cohabitation, their close relatives, defense attorneys, and other persons, representatives of domestic organizations dealing with the protection of human rights, representatives of international committees against torture, the International Committee of the Red Cross, as well as representatives of international organizations, which deal with the protection of human rights when this is provided for by confirmed international treaties, while detained persons who are foreign nationals can also be visited by representatives of diplomatic and consular representatives of the foreign country of which they are citizens. Detained persons also have contact with the outside world by correspondence with persons outside the prison, by telephone, and only through payphones within the prison, at a time and in a manner determined by the daily schedule.

Paragraphs 98 and 99: Detained persons in the Podgorica Remand Prison and the Bijelo Polje Prison are allowed contact with the outside world in accordance with the provisions of the Code of Criminal Procedure and the Rulebook on the Closer Method of Detention. As detention is a measure to ensure the presence of the accused and the unhindered conduct of criminal proceedings, the execution of which is supervised by the president of the court who is authorized or a judge appointed by him, the persons against whom this measure was taken, i.e. the detained persons contact with the outside world (receiving visits, correspondence and telephone calls) can only be carried out with the approval of the investigating judge.

Detained persons have contact with the outside world through visits by their spouses or persons with whom they live in a permanent cohabitation, their close relatives, defense attorneys, and other persons, representatives of domestic organizations dealing with the protection of human rights, representatives of international committees against torture, the International Committee of the Red Cross, as well as representatives of international organizations, which deal with the protection of human rights when this is provided for by confirmed international treaties, while detained persons who are foreign nationals can also be visited by representatives of diplomatic and consular representatives of the foreign country of which they are citizens. Detained persons also have contact with the outside world by correspondence with persons outside the prison, by telephone, and only through payphones within the prison, at a time and in a manner determined by the daily schedule.

Paragraphs 101, 102, 103 and 104: During 2020, between the German NGO HELP and UIKS, the Annex to the Cooperation Memorandum was signed as a continuation of the cooperation within the project "Support for socio-economic stability in the Western Balkans region 2019-2020". On this occasion, NGO HELP provided and donated to UIKS 32 technical devices (tablets) and cabins intended for communication, means and equipment for disinfection and hygiene, hygienic gloves and material for making protective masks during the covid-19 pandemic. With the implementation of the aforementioned donations, UIKS has achieved the modernization of electronic communication between persons deprived of liberty and their families via video link, which represents strong psycho-social support in

terms of maintaining and strengthening family and social ties, as an important segment of treatment, and thus more successful rehabilitation and reintegration prisoner.

Along with the increased treatment work during the covid 19 pandemic, a collection of exercises for strengthening personal strength - Psychotheque (in Montenegrin and Albanian languages) was also available to prisoners.

Daily stay in an open space for persons deprived of their liberty is organized mostly without deviations from regular circumstances, with mandatory social distancing, of which these persons are more aware, and the security officers in charge of securing these persons during their stay in the open space monitor the behaviour of the persons and their respect of social distancing measures.

Paragraph 105: In accordance with the measures of the competent ministry, in institutions of collective accommodation, among which is the Directorate for the Execution of Criminal Sanctions, all newly admitted persons were quarantined for 14 days at the beginning of the pandemic before being transferred to collective accommodation, as the pandemic weakened 10 days, then 7 days, and currently that period was reduced to 5 days. All this in order to prevent the introduction and spread of the Covid virus among the prison population. Regardless of whether the newly admitted persons had negative test results at the time of admission to the prisons, since they had previously been at liberty, there was always a possibility that symptoms would develop during the quarantine period, if they had contact with infected persons while at liberty before arriving in prison.

Paragraphs 106, 107, 108 and 109: In order to protect his rights in accordance with the provisions of the Rulebook on the closer method of execution of detention, a detained person has the right to submit an oral or written complaint to the person in charge of the prison, if he believes that his rights have been violated.

If the detained person is illiterate, the security officer is obliged to record his complaint. The complaint shall be submitted to the person in charge of the prison without delay.

In order to more fully acquaint the person in charge of the prison with the content of the complaint, the detained person may ask to be brought to the complaint report. The person in charge of the prison can determine that the security officer - the head of the shift or another official attends the appeal report. The detained person is obliged to properly prepare for the appeal report. During the report, the detained person is obliged to introduce himself by name and surname, state and explain his complaint and behave decently. The person in charge of the prison will immediately, and no later than within 48 hours from the completion of the complaint report, communicate his decision regarding the complaint to the detained person.

Paragraph 112: If it is judged that the security officer has exceeded or illegally applied the means of coercion against him, the procedure for determining disciplinary liability is initiated, and at the same time the Police Directorate and the competent state prosecutor's office are also informed, in order to take measures within their jurisdiction. What is certain is that through the internal control mechanisms available to the Administration for the Execution of Criminal Sanctions and the Ministry of Justice, in accordance with the aforementioned law, detailed steps for monitoring the use of means of coercion and sanctioning the use of coercive measures in disciplinary and possibly criminal proceedings, and that to influence the prevention of excessive use of force against persons deprived of their liberty through continuous professional development activities of employees and employment of missing personnel. It is also important to monitor the prevention and suppression of excessive use of force by officials, by the National Preventive Mechanism as a relevant institution that deals with the protection of human rights and freedoms and the prevention of torture and other cruel, inhuman or degrading punishments and procedures.

The professional training and development of employees in the Administration for the Execution of Criminal Sanctions continued, with a special emphasis on the topics: "International and domestic standards in protection against torture, abuse, inhuman and degrading treatment in relation to persons deprived of their liberty - application of the recommendations contained in the opinions of the Protector of Human Rights and freedoms of Montenegro, given in relation to the Administration for the Execution of Criminal Sanctions", as well as "Domestic and international standards in the treatment of foreign prisoners", which were implemented by representatives of the National Preventive Mechanism within the Protector of Human Rights and Freedoms. Trainings were also organized on the topics of the European Convention on Human Rights, Article 3 - case study" and "Authorizations in the performance of security duties and means of coercion, and procedures when using means of coercion, Communication, Prevention of suicide in prisoners, Prosocial modelling, officer-prisoner interaction, Violence among prisoners, Use of force, Dynamic security, as well as Radicalism among prisoners.

In addition, we would like to inform that State Prosecution is going to educate state prosecutors for work on torture cases. As it is necessary to educate a greater number of prosecutors in dealing with cases of torture, this will be initiated by the Center for Education in the Judiciary and State Prosecutor's Office to organize a larger number of trainings independently or in cooperation with international partners.

State prosecutors will, on the basis of the court decisions, file appeals in all cases when there are legal conditions for it.

Also, when there are conditions for that, the case will be assigned to the state prosecutor who did not act in the case in which the victim of torture is a suspected person.

In the coming period, the State Prosecutor's Office will initiate discussion with the competent authorities from the Police Administration regarding the possibility of overcoming the problem, respectively preventing the possibility that persons who committed torture act are not involved in the investigations formed against them.

During the investigation of criminal cases with the suspicion of torture, State Prosecutors are using the Manual of the General Conduct of the Supreme State Prosecutor - Tu. no 10/19 from 27 June 2019. To conduct urgent, independent and effective investigations, official reports are being made by the State Prosecutors of all-important facts during interrogations of persons deprived of their liberty while directing them to perform physical examinations and obtain an expert opinion of their physical injuries regardless of whether they have visible external injuries, even if there is no explicit allegation of abuse, provided that there are indications of different facts and circumstances.

Moreover, we are providing statistical data on cases formed under suspicion of committed torture by the police officers and officers of the Administration for Execution of Criminal Sanctions (UIKS) from 01 January 2022 until 01 March 2022.

From 01 January 2022 until 01 March 2023, in the State Prosecutor's Offices of Montenegro, 28 criminal cases were filed against 67 identified police officers for crimes perpetrated against several victims. There have been 20 rejection decisions made against multiple suspects. Investigation procedures are still active for 10 cases against multiple persons, and the prosecutorial investigation is being led against 8 persons. Six indictment proposals are still under consideration by competent Courts. In two of those cases, prosecutors' appeals were accepted after the acquittals and the proceedings were restarted at the competent Courts. In two of those cases, victims filed written appeals against the rejecting decisions, which were accepted, and the processes are continuing.

Processes were conducted due to criminal cases: torture from art. 167 par. 2 related to par 1. of the Criminal Law of Montenegro, abuse from art. 166 a par. 2 related to par.1 of the Criminal Law of Montenegro, compelling of statements from art. 166 par. 1 of the Criminal Law of Montenegro, slight physical injury from art.152 par.2 of the Criminal Law of Montenegro, serious physical injury from art.151. par.1 of the Criminal Law of Montenegro, abuse of office position from art.416 of the Criminal Law of Montenegro, irresponsible work on the job position from art. 417 par.1 of the Criminal Law of Montenegro, falsification of official identity card from art. 414 of the Criminal Law of Montenegro, illegal searching from art.170 of the Criminal Law of Montenegro, persecution 168a of the Criminal Law of Montenegro, threats for the security from art. 168 of the Criminal Law of Montenegro. It is also formed several **KTN** cases due to realization of these criminal actions against unidentified committers.

At the same period, several criminal cases have been formed (so called „others“) in relation to the information of the State Prosecutor that torture potentially took place, with a view of determining all circumstances linked to existence of suspicion that criminal activity has been committed that is prosecuted in accordance with official duty of the police officers and officers of Administration for enforcement of criminal sanctions. After the assessment of the collected evidence and information, in the cases the criminal process has been started before the relevant courts, some cases are in the phase of investigation, and some cases have been archived because there is no justified suspicion that somebody committed criminal activity for which prosecution is envisaged.

In relation to the specific cases of your particular interest, we note that in the process against the police officer V. (Department for fight against criminal, Section for special operational support) final court decision was made which states that the accused is sentenced to prison punishment of 4 months. The Higher Court rejected appeal of the prosecutor about the decision of punishment. The cases of g. C. and g. D. are processed by the courts and information about them can be provided by the courts. The case of g. E. could not be identified because the information contained in the request about the date of receiving the notification does not match with the evidence of the Principal Court and the Higher Court in Podgorica. In order to identify the case, more information is needed so that the exact response on the status of the case can be provided.