



Podgorica, 18.09. 2011.

SELECTIVE APPROACH TO JUSTICE IS NOT THE WAY TO EU

Centre for Civic Education (CCE) believes the rule of law and effective judicial system to be the necessary conditions for Montenegro's membership in the EU. The fulfilment of these conditions depends entirely on the political will to ensure independence and effectiveness of the judiciary. The new Law on Criminal Procedure brings us closer to international best practices and standards, which was the main goal of the past reform, but in practice the system remains problematic.

CCE is committed to consistent observance of human rights and thus does not only follow the work of the prosecutors through high-brow media cases. In expectation of the date for negotiations, the Supreme State Prosecutor **Ranka Čarapić** has an excellent opportunity to inform the public of her future, or current, measures against those members of the prosecution who failed to demonstrate professionalism, responsibility, and most importantly timeliness in their work. Here we mean especially the case of Mr Aleksandar Saša Zeković, researcher into violations of human rights, who was informed in February this year that his case has expired. This should by no means prevent the Supreme State Prosecutor from taking immediate action to investigate responsibility of those prosecutors who, while in charge of the case, have failed to undertake a series of investigative measures. In the four years since the case was initiated, Zeković was only once contacted by the prosecution, to be told that his case will not be dealt with any further.

It is especially worrying that Čarapić had not order an investigation against the police officers who obstructed the case and made sure that its file remained empty. This took place in spite of public announcements by all relevant authorities and the Police Directorate that they are taking every measure and action possible, and that the case will be solved. In fact, the file does not contain the recordings of the calls in which Zeković received threats, including death threats, and there was no attempt to identify the voice behind these threats.

CCE firmly believes that the state prosecutors and the police ran into powerful political interests which ensured that this case was never resolved. This epilogue is a consequence of Zeković's successful activities related to the confrontation with the past, which must have upset some of the political elite. The most prominent of these was a successful campaign, initiated and coordinated by Zeković, to rally civic protest against the activities of the "International League of Humanists" in Montenegro in the first half of 2007. The activities undertaken at the time by a group of independent intellectuals, dubbed "shameful" by the political elite, found full support in the diplomatic and international public circles, and Zeković paid the highest price of the ire of those who wished to don the peacemakers' laurels.

Perhaps it is delusional to expect Čarapić to do act professionally in this case. However, we would not like to miss the opportunity, in the context of the current integration moment, to



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urge her to at least consider the problems of ineffectiveness and negligence in her agency, especially in the police.

Enclosed, as a reminder, is Zeković's statement at the State Prosecutor's Office in Podgorica, in February 2011, after being told to forget about his case.

Daliborka Uljarević,
Executive Director

Enclosure

Podgorica, 16.02.2011.

Today, upon an invitation from Office of the Primary State Prosecutor (PSP), I met the acting PSP in Podgorica Ms. Ljiljana Klikovac.

The reason behind the invitation and the meeting was to inform me of the activities undertaken by the Prosecution to identify the person who threatened me with death in 2007, to the point that for a period of time I required police protection.

In almost since I submitted the complaint to the Police and the Prosecution regarding this matter, this was the first time I had been contacted by the Prosecution. Until now, PSP in Podgorica showed no interest in my case.

I had the opportunity to evaluate the documents accompanying my case, and I can state with full responsibility that it is a perfect testimony of ineffective investigation and negligence in the prosecution.

It is a particular insult to my personal dignity and integrity that the file is even missing the recordings of the calls which are the primary evidence of the crime.

PSP clearly informed me that in these four years the prosecution did not listen to the recorded materials, that they are not part of the file, and that the prosecution is not in the possession of these recordings. I reminded PSP that the recordings have been broadcasted on several electronic media, leading to public identification of the person behind the threats. This indicates that the prosecution could have easily obtained these recordings if they had any interest, from me or from the media, if indeed the police failed to deliver them to the prosecution.

PSP told me that they were informed by the Police Directorate in late August 2009 that Montenegro has no technical capacity to identify the voice. I had asked them to do so already



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in May 2007, suggesting that they could send the material to the laboratories of the Ministry of Interior of the Republic of Serbia, which does have the necessary equipment.

I still believe that this was the key measure in the process, which must have been undertaken to initiate the investigation, and which could definitely confirm or reject the suspicions about the identity of one of the perpetrators.

At the time of the meeting, my case had already expired by about a year, of which I was fully aware. I therefore asked about the purpose of today's meeting with the PSP and was told that there was the need to inform me about the case, but also that the PSP did it out of solidarity and humane attitude towards me, as she very well knows, because of her work, what I had been through.

I firmly believe that in all these years I have demonstrated that my public engagement and professional communication with the Prosecution and the Police were entirely free of any subjectivity and accompanied by my full respect for these institutions.

Aleksandar Saša Zeković

Researcher of human rights violations