

CIVIC

Systemic impunity of torturers

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This difference in the treatment of Mirko Banović, a convicted bully, and Goran Stanković, the first police insider whistle-blower and a man who in a crucial moment demonstrated incredible civic courage, which any democratic police would reward, is the best measure of the effectiveness of the reforms in the police, and the willingness of law enforcement body to implement the law and the Code and their preferences when it comes to commendable traits in their employees.

In addition to laws, the Police are also bound by the Police Code of Conduct, whose goal is to ensure that its employees act in a lawful, professional, tolerant and just ways. Disregard for its provisions had already cost some their jobs, but the worrying bit is that the practice suggests that this important document is being applied selectively. It applies meticulously to the policemen who didn't pay the goldsmith in Danilovgrad the price of a wedding ring, or who failed to adjust their hat or tie when leaving the house, with their minds on the many family or survival troubles. But it does not exist for those who are prosecuted for the most despicable crimes by the state that employs them.

Police officer **Mirko Banović**, also mentioned in a *State Department* report as a suspect behind the 2007 case of threats, including death threats, to the researcher of human rights violations **Aleksandar Saša Zeković**, was never charged with violations of the Code. According to the standards of the Council of Europe "Any prohibition of torture and other forms of maltreatment loses its credibility if the officials who committed such acts aren't held responsible for their actions. If the complaints of abuse aren't dealt with swiftly and effectively, the officials prone to maltreatment of detained persons will soon start to believe – for a good reason – that they can continue without punishment. All efforts invested in the promotion of human rights will be doomed to failure". It couldn't have come as a surprise when, in June 2010, the said Mirko Banović and his colleagues **Vuksan Damjanović**, **Jugoslav Raičević** and **Nenad Krstajić** were convicted by the Basic Court in Bar for the crime of torture and maltreatment of citizen **Milika Bukilić**. In a repeated process, in May 2011, they were sentenced to 1 year in prison, or 2 years on probation. Krstajić left the police force on his own request, while the other two weren't even suspended from duty. Former solidarity with the colleagues turned into solidarity in crime.

International standards of fair police treatment exist because of the future, as a corrective measure towards the officers who mistreat the citizens. Supporting the continued impunity of the torturers, Montenegrin police is endangering all of us as citizens and undermining the foundations of a democratic society. These standards oblige the Police Directorate to develop a workplace culture where work and social relations with the colleagues guilty of torture would be considered unprofessional, and detrimental to one's career prospects, while teamwork with those who adhere to the law would be considered correct and worthy of professional rewards. These standards also advocate protection measures for those who report maltreatment, which is another aspect where the Montenegrin police failed at the very start, as evidenced by the testimony of the now former policemen **Goran Stanković**. This difference in the treatment of Mirko Banović, a convicted bully, and Goran Stanković, the first police insider whistle-blower and a man who in a crucial moment demonstrated incredible civic courage, which any democratic police would reward, is the best measure of the effectiveness of the reforms in the police, and the willingness of law enforcement body to implement the law and the Code and their preferences when it comes to commendable traits in their employees.

In February 2011, after 4 years, Zeković was informed by the prosecution that his case exceeded the statute of expiration, but also that there have been no measures to process the case and act upon the timely submitted complaints and evidence. The supreme state prosecutor **Ranka Čarapić** did not even consider the possibility of holding the prosecutor responsible for the expiration, and for failing to initiate investigation, or of ordering a process against the police officers who obstructed the investigation and ensured that the file of this case remained empty. Neither police nor the highest state authorities who in 2007 promised that the case will be promptly solved do not feel responsible. If

it weren't tragic for the victim, it would be amusing that the key evidence – recording of the threatening calls to Zeković, which yours truly delivered to the officer in charge, was missing from the file. Voice recognition, which is a routine practice even in the B-rate crime movies, was never applied, even though the victim and the civil sector insisted on it, in order to confirm the identity of officer Banović as the perpetrator. Instead, **Veselin Veljović** took his officer's word that he wasn't the one!?! Is Banović's word and that of his colleagues again stronger than a court ruling?

Police forces with developed mechanisms of democratic control make sure that the officers charged with abuse of office or felony are temporarily removed from office. If the charges are proven in court, such an officer automatically loses his job. It took the Council for the civic control of police forces more than six months to convince the leadership of the police to at least temporarily suspend officer **Ivica Paunović**. Paunović was accused by public authorities of participating in abuse and torture of late **Aleksandar Pejanović**, but also of helping drug dealers to cover up the tracks during their stay in the detention, where he was employed. Zeković came into public with accusations that the second case against Paunović was timed to coincide with the case against a group of policemen for torture of late Pejanović, although operative evidence of these activities was already available well beforehand. Being thus put under pressure to stick to the "truth" dictated from his superiors, instead of offering the facts, Paunović's bosses found that his two charges were no obstacle to let him continue in his job and make his earning.

In Montenegro, it seems the crimes are forgiven to those who are held in the favour of the powerful and who can perhaps be useful as tools again in the future. Such a benevolent view on the criminals is not accidentals, and it makes any reference to the rule of law of the representatives of these institutions hypocrisy.

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