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Serbia and Montenegro

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Legal loopholes allow impunity for torturers in the Sandžak

Summary **AI Index: EUR 70/002/2003**

Amnesty International is concerned at allegations of widespread torture and ill-treatment of large numbers of Sandžak Muslims by police during the last ten years. The organization is further concerned that there has, to date, been no thorough and impartial investigation into these serious allegations, and that those police officers allegedly responsible have been, and continue to operate in a climate of impunity and are still serving in the police force in the Sandžak. Amnesty International is further concerned that the lack of a specific crime of torture in the national legislation, despite recommendations by (UN) Committee against Torture (CAT), Amnesty International and others, allows police who torture or ill-treat detainees immunity from prosecution once three years (or five years if the torture or ill-treatment was used to extract confessions) have passed since the alleged offence. Amnesty International calls for any law enforcement official found to be responsible for ill-treatment to face disciplinary action, and criminal charges where appropriate. Law enforcement officials convicted of torture or serious ill-treatment should be subjected to appropriate criminal sanctions, as well as immediate dismissal from the police force. Amnesty International further calls for all victims of police torture or ill-treatment to be adequately compensated.

Amnesty International is calling on the authorities of Serbia and Montenegro to enact legislation to make torture a specific crime with appropriate penalties so that police officers alleged to have used torture against detainees cannot hide behind the shield of the statute of limitations

This report summarizes a 12-page document (4,837 words),: *Serbia and Montenegro: Legal loopholes allow impunity for torturers in the Sandžak* (AI Index: EUR 70/002/2003) issued by Amnesty International in May 2003. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at http://www.amnesty.org and Amnesty International news releases can be received by email:

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

Serbia and Montenegro[1]:

Legal loopholes allow impunity for torturers in the Sandžak

Amnesty International has in recent years raised its concerns about numerous allegations of police torture and ill-treatment in Serbia and Montenegro, the issue of impunity for such violations, and the apparent lack of will by the authorities to adequately address this issue.[2] The organization believes that the lack of a specific crime of torture in national legislation has combined with the statute of limitations, which only allows criminal prosecution of torturers within a very limited time frame, to grant torturers impunity.

The short time period under the statute of limitations in which criminal prosecution of police officers using force can be undertaken has special relevance in the Sandžak. In this region named police officers, most of whom are still serving members of the police force in the Sandžak, are alleged to have severely tortured and ill-treated dozens of Muslims, especially in the period 1992-5, without any apparent investigation or official censure. On the contrary, the widespread torture and ill-treatment appears to have been part of an organized and officially sanctioned policy of intimidation directed against the Muslim population of the Sandžak.

1. The legal failings

1.1 Serbia and Montenegro's failure to specifically criminalize torture

The government has failed, to date, to comply with the November 1998 recommendation of the (UN) Committee against Torture (CAT), to make torture as defined in the UN Convention against Torture a specific crime in national law. Other UN bodies and mechanisms also have called for the creation of a specific crime of torture in national laws. The UN Commission on Human Rights has repeatedly stressed that "under article 4 of the Convention [against Torture], acts of torture must be made an offence under domestic criminal law".[3]

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[1] In November 2002, an agreement was reached on a new Constitutional Charter which changed the name of the country from the Federal Republic of Yugoslavia (FRY) to 'Serbia and Montenegro'. The new name came into force on 4 February 2003 after acceptance by the respective parliaments. The constituent republics became semi-independent states running their own separate economies, currencies and customs systems, while the joint entity retained control of defence, foreign policy matters and UN membership, as well as being responsible for human and minority rights and civil freedoms. The agreement allowed either of the two republics to secede after three years.

[2] For details of six specific cases see: *Federal Republic of Yugoslavia (Serbia and Montenegro): Continuing police torture and ill-treatment* (AI Index: EUR 70/001/2003).

[3] Resolution 2001/62 of 25 April 2001, para. 19. The same statement was included in previous resolutions on torture and ill-treatment.

In May 2001 the CAT found the Federal Republic of Yugoslavia (FRY) in violation of its obligations under the Convention against Torture in the case of Milan Ristić who was alleged to have been killed by police on 13 February 1995. The CAT ordered the FRY authorities to ensure the right of Milan Ristić's parents to legal remedy, conduct a full impartial investigation, and report back to the Committee on the steps taken within 90 days. However, no such action was taken by the FRY authorities. In November 2001, the Belgrade-based Humanitarian Law Centre (HLC) submitted a report to the CAT detailing continuing allegations of ill-treatment, and identifying the FRY's failure to reform the police forces or make the changes in personnel required to "to make a clear break with the practices of the former regime". Subsequent reform of the police and judiciary, despite a wide-reaching program led by the Organization for Security and Cooperation in Europe (OSCE), has been disappointingly slow, and in many parts of the country the police force reportedly continues to use ill-treatment as a routine part of police work.

1.2. Nominal sentences for convicted police officers

Amnesty International notes that in the very few reported cases in 2002 in which police officials were convicted for ill-treatment or for acts which amount to torture, the sentences imposed were usually below six months -- sentences of six months or above would necessitate dismissal from the police force -- or suspended. The exception is the apparently unique case when the Serbian Supreme Court on 25 January raised to 18 months a policeman's previous sentence of 10 months' imprisonment for torturing Radivoje Janković on 7 April 1997. On 13 June 2002 two officers were sentenced to two months' imprisonment suspended for one year after torturing Georg Tani on 23 November 2000, while on 8 July 2002 two other officers received three-month sentences after torturing a Rom in May 1998. On 9 October 2002 two police officers were sentenced to eight months' imprisonment suspended for one year for beating Dragan Šijački so badly that his jaw was broken.

In other cases, even where courts have substantiated claims of torture and ill-treatment, there have been no disciplinary or criminal proceedings taken against the perpetrators. In November 2002 the Novi Sad Municipal Court, in the context of a civil proceeding, awarded damages of 240,000 dinars from the Serbian authorities to Stevan Dimić, a Rom, for his unlawful arrest and torture by police. On 23 July 1998 police officers had arrested Stevan Dimić on suspicion of raping a 15-year-old girl, and tortured him to force a confession. He had been, so the court established, made to lie on the floor while a police officer sat on a chair placed on his back and beat him with a truncheon and metal bar while another officer kept him pinned to the floor by placing his boot over Stevan Dimić's head. He was then kicked in the genitals and racially abused and told that he would be unable to have children after the police were through with him. During his 12-day detention he was, so the court established, further subjected to degrading treatment and racial abuse by police officers. He was subsequently acquitted of the charge of rape on 8 April 2000 by the Novi Sad Municipal Court and this decision was upheld by the District Court in December 2000. Amnesty International is informed that no disciplinary actions have been taken against the officers allegedly involved.

Amnesty International believes that such lack of disciplinary proceedings, combined with the nominal sentences imposed in rare instances on police officers found guilty of severely ill-treating detainees, help perpetuate a climate of impunity for torture and ill-treatment.

1.3 Statutes of limitation

As noted above, there is no specific crime of torture in domestic legislation. Under current legislation the maximum sentences for police officers torturing or ill-treating detainees is three years' imprisonment under Article 191 of the federal code dealing with ill-treatment by an official in the course of duty, or five years' under Article 190 if the force was used to try and extract a confession (the analogous articles in the republican criminal codes are Articles 66 and 65 respectively for Serbia, and Articles 47 and 48 for Montenegro). Amnesty International notes that under Article 95 of the federal code, which deals with statutes of limitation, a criminal prosecution can thus only be undertaken within a three-year period from the date of the offence for use of torture or ill-treatment or within a five-year period if the torture or ill-treatment was used to try and extract a confession. Amnesty International further notes that the penalties for grievous bodily harm (Articles 53 and 36 respectively of the Serbian and Montenegrin criminal codes) carry heavier sentences than those for police officers torturing detainees: both codes carry sentences of between six months' and five years' imprisonment for such offences or between one and 10 years' imprisonment if the victim suffers permanent injury.

The UN Human Rights Committee has stated that the obligation not to subject people to torture or ill-treatment is a *rule of customary international law* and that the prohibition of torture is a *peremptory norm*.[4] These points can be considered to be firmly established: they have never been seriously challenged, and they are supported by important judicial decisions.[5]

The International Court of Justice has identified certain international obligations as *obligations erga omnes*, that is, obligations which a state has towards the international community as a whole and in the fulfilment of which every state has a legal interest. Such obligations derive from, among other things, "the principles and rules concerning the basic rights of the human person".[6] According to the UN Special Rapporteur on torture, the right not to be subjected to torture belongs to these basic rights "beyond any doubt"; the obligation to respect this right is an obligation *erga omnes*.[7]

[4] General Comment 24 on issues relating to reservations and declarations, paras. 8, 10.
[5] The International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Delalić and others*, 16 November 1998, stating that the prohibition of torture constitutes a norm of *jus cogens* (para. 454) and that the prohibition of inhuman treatment is a norm of customary international law (para. 517); European Court of Human Rights, *Al-Adsani v. UK*, 21 November 2001, para.61, stating that "the prohibition of torture has achieved the status of a peremptory norm in international law".
[6] *Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)*, 1970, para.34.
[7] UN Doc. E/CN.4/1986/15, para.3.

The prohibition of torture and ill-treatment under customary international law, the prohibition of torture as a peremptory norm and the obligation *erga omnes* to prohibit torture have important consequences regarding the obligations of states. As stated by the International Criminal Tribunal for the former Yugoslavia, the prohibition of torture as a peremptory norm implies that any state is entitled to "investigate, prosecute and punish or extradite" an alleged torturer who is present in a territory under its jurisdiction.[8] Its prohibition as a peremptory norm also suggests that there should be no statute of limitations for the crime of torture.[9]

Amnesty International also notes that under the list of commitments to be fulfilled by Serbia and Montenegro after its accession to the Council of Europe, there is a commitment "to revise, in co-operation with Council of Europe experts, the legislation and regulations concerning the prison system and concerning war crimes and torture, so as to ensure prosecution before the courts of crimes which are not prosecuted by the ICTY [the International Criminal Tribunal for former Yugoslavia], and also to prevent ill-treatment of citizens by the police".[10]

2. Alleged torture and ill-treatment in the Sandžak

2.1 Background

The Sandžak is the region of the country which straddles the border between Serbia and Montenegro. Until the break-up of the Ottoman Empire in the First World War the region was nominally controlled by the Ottomans. However, similarly to the situation in neighbouring Bosnia-Herzegovina, in reality the region was administered by Austria-Hungary who had been instrumental in keeping the area under Ottoman sovereignty to prevent the fledgling Serbian and Montenegrin modern states from uniting. A result of this was, again similarly to Bosnia-Herzegovina, that a significant part of the population was Serbo-Croat speaking Muslims who by the late 1960s and 1970s were classified as belonging to the 'Muslim' nation of the Socialist Federal Republic of Yugoslavia. This Muslim population, due to shared religion and culture, looked towards and identified with the Bosnian Muslims, and similarly to the case in Bosnia, began to view themselves as 'Bosniaks' rather than 'Muslims'. According to the census of April 1991 – the last official census - Muslims made up 52 per cent of the population of the Sandžak.[11] In the six Serbian municipalities of the Sandžak

[8] *Prosecutor v. Furundžija*, 10 December 1998, para.156.

[9] "...it would seem that other consequences [of the *jus cogens* character of the prohibition of torture] include the fact that torture may not be covered by a statute of limitations, and must not be excluded from extradition under any political offence exemption" (*ibid*, para. 157).

[10] Parliamentary Assembly of the Council of Europe, Opinion No. 239 (2002), The Federal Republic of Yugoslavia's application for membership of the Council of Europe, para. 12 iii, (f), adopted 24 September 2002.

[11] Definitions of the Sandžak vary. In the census of 1991 the population of the Sandžak (which was not seen to include Ivangrad, Plav or Rožaje although at different times these areas have been or have claimed to have been historically part of the area) was 52.7 per cent Muslim.

Muslims made up 60.5 per cent of the population (94.6 per cent in Tutin, 76.3 per cent in Sjenica, 75.9 per cent in Novi Pazar, 42.9 per cent in Prijepolje, 30.2 per cent in Priboj, and 8.5 per cent in Nova Varoš), while in the Montenegrin provinces they made up 40 per cent (41.7 per cent in Bijelo Polje, 25.8 per cent in Ivangrad, 58.3 per cent in Plav, 17.7 per cent in Pljevlja, and 87.6 per cent in Rožaje). However, since the 1991 census there have been major population movements and thousands of Muslims have left the area due to a variety of factors including the wars in former Yugoslavia and the associated systematic ill-treatment of the Sandžak Muslim population by the authorities detailed below, and two high-profile abductions and murders of Sandžak Muslims by Serb paramilitaries.

In October 1992 and February 1993, during the early years of the war in Bosnia-Herzegovina, two kidnappings took place. In both cases, people were abducted from public transport – a bus and a train; in both cases, the abducted passengers were mostly Muslims from the Sandžak. Both of these incidents occurred in Bosnia-Herzegovina, as the train or bus travelled though Bosnian Government territory close to the border with the Sandžak. None of the passengers abducted from the bus in Mioče (near Sjeverin) or from the train in Štrpci have been seen since. Amnesty International believes that there is substantial evidence to suggest that the "disappearance" of the 20 passengers at Štrpci, and that of another 16 Bosniak passengers taken from a bus at Mioče in the previous October, were conducted by a Bosnian Serb paramilitary group - the Avengers - with the knowledge and possible complicity of the authorities in Serbia and the FRY.

2.2 Mass beatings and widespread intimidation

In this period, due to the war in neighbouring Bosnia-Herzegovina, the Muslim population was apparently viewed by the FRY authorities as being pro-Bosnian and potentially disloyal to Belgrade due to religious affiliation. In the course of 1992-5, the Muslim population of the Sandžak was reportedly subjected to an official policy of extreme harassment. Large numbers of Muslims - local human rights groups estimate the number to be in the thousands - were called in by the police for 'informative' talks, and allegedly routinely severely beaten with truncheons, punched and kicked, typically by two police officers at a time, often after being tied to a radiator. Amnesty International is informed that many of these 'interrogations' were part of widespread operations ostensibly looking for unauthorized firearms but whose real aim appears to have been the widespread intimidation of the local Muslim population. Some of those called in were in possession of weapons from the state 'Zastava' weapons factory. These few were charged with illegal possession of firearms, and so Amnesty International is informed, were not subjected to severe ill-treatment. However, it appears that most of those detained were not in possession of weapons, but were subjected to torture or ill-treatment and compelled to produce weapons anyway, with the police even informing them where they could purchase such weapons which then had to be handed over to the police. The Sandžak Committee for the Defence of Human Rights and Freedoms has collected testimonies from Muslims in Sjenica district alone detailing some 30 cases where Muslims were severely beaten in connection with the authorities ostensibly looking for unauthorized firearms.

Dozens of similar cases were reported in Tutin and Novi Pazar as well as in other districts in the Sandžak.

The beatings were allegedly so severe that two men reportedly committed suicide after being re-called in for 'interrogation' rather than face being beaten again. These were Fadil Osmanović, aged 40, from the village of Kalica, Berane, who committed suicide on 17 May 1994, and Murat Bašović, born 1934, from the village of Šare, Sjenica, who hanged himself in the yard of his house on 21 May 1994.

Furthermore, in some cases the alleged beatings were so severe that they reportedly led to the deaths of the victims. Alija Baždarević, born 1930, and his 66-year-old brother, Elmaz, both from Raždaginja, were called into the police station in Sjenica on 11 March 1994. In a statement to the Sandžak Committee for the Defence of Human Rights and Freedoms, Alija Baždarević alleged that Elmaz Baždarević was beaten severely by four police officers who on three occasions that day kicked him repeatedly in the head. Alija Baždarević alleged that the worst culprit was M. K. encouraged by chief inspector M.N. (both named senior police officers are alleged to have been responsible for numerous cases of ill-treatment and torture in the region from 1992 onwards). Alija Baždarević stated that his brother subsequently died shortly afterwards due to the beating. Alija Baždarević reported that because he was under medication, having been previously in a coma in Belgrade hospital, that M. K. ordered that he not be beaten. Another case of alleged death due to ill-treatment was that of Nusret Turković who, so his father Tahir Turković reported to the Sandžak Committee for the Defence of Human Rights and Freedoms, died in 1994 allegedly due to injuries sustained from a similar beating. Tahir Turković reported that his son's body was bloated with swellings from the beatings and he died shortly afterwards. Tahir Turković testified that he himself was so savagely beaten by the same inspector M. N. that he was in coma for 24 hours and was hospitalized in Užice for 20 days.[12]

The following are examples taken from dozens of similar reported cases of alleged ill-treatment by Sandžak police in this period.

Sabit Bibić, born 1936, from the village of Ugao, alleged that he was tortured by police in Karajukića Bunari. According to his testimony to the Sandžak Committee for the Defence of Human Rights and Freedom, on 8 December 1993 at about 3.15pm a police car from the Serbian Ministry of Internal Affairs in Sjenica arrived at his house. The police were looking for his son Reufa who was not at home at the time. The police then demanded that he find and give them either a rifle or a pistol, but he replied that he had none. He was then taken to the police station in the nearby village of Karajukića Bunari. At the station he was placed in a room together with his cousin Šefko Bibić and another man, Elamaz Hukić, both of whom had been brought in by the police that same day. After a short while, two police officers

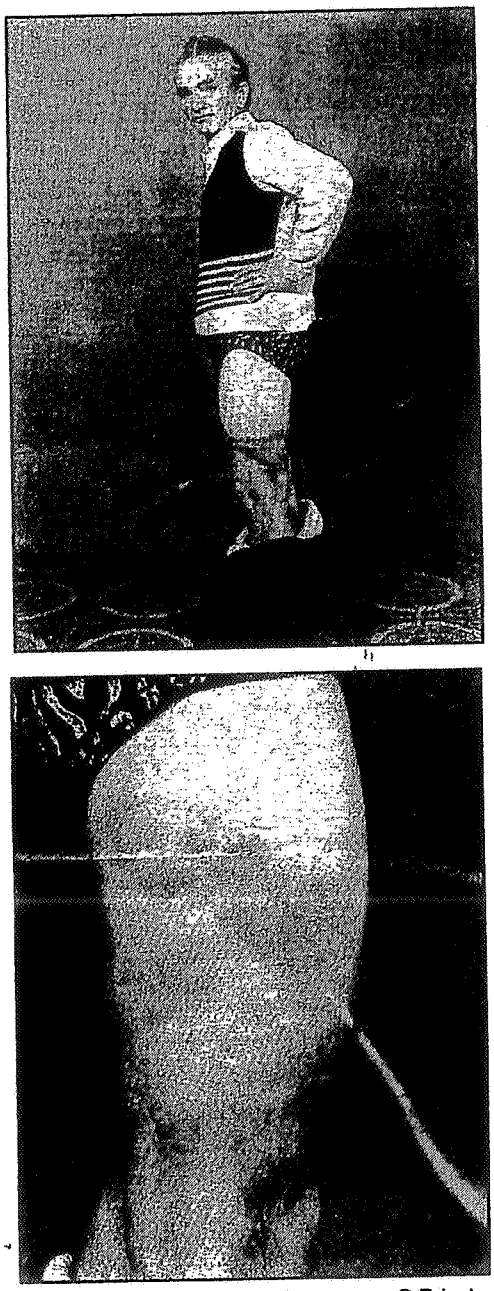
[12] Tahir Turković believed that these incidents took place at the beginning of January 1994 but as he stated: "I am illiterate and cannot remember the date."

entered and asked him if he was a member of the Party of Democratic Action (SDA)[13] and if he had attended SDA meetings. He relied that he had attended such meetings but that this was not forbidden. After this reply the policemen withdrew for some five minutes and then returned. According to Sabit Bibić's testimony:

> "One of them grabbed my shoulder and hit me powerfully on my head. 'What do you mean you don't have! [a pistol]' he said and swore at my Muslim mother. After the blows I partially lost consciousness and my head was spinning. However, these two [officers] were not satisfied and proceeded to hit me repeatedly with truncheons on my legs, after which I fell over. When I fell on the floor, they lifted me up and ordered me to stretch out my hands with the palms upwards. They hit me with truncheons on my hands I don't know how many times or for how long. The pain from that beating that day was the most excruciating. From that day to now all the joints in my hands still hurt. All the while they were beating me, I pleaded with them to stop the blows because truly I did not have the pistol they were seeking. One of the officers swore at my Muslim mother and told me to buy a pistol and then give it to him."

They then allegedly continued to beat him and he collapsed again to the floor.

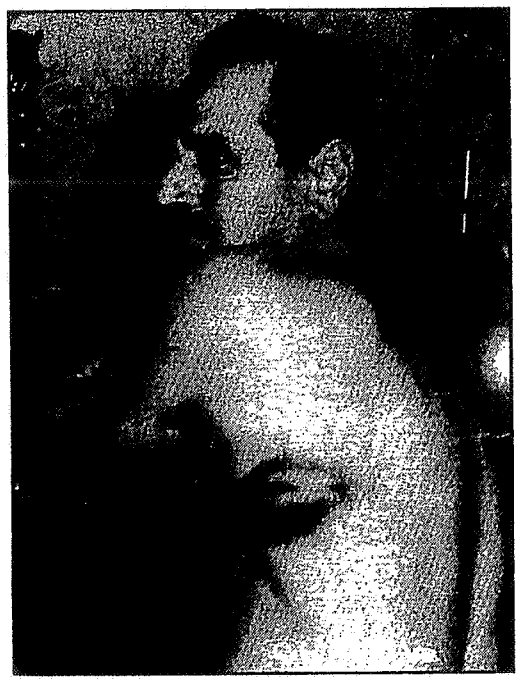
> "Again they picked me up and sat me on a chair and asked if I wanted some water. I said that I did not want any, I was hurting so much that I would choke as I could hardly breathe let alone drink water. One of the officers again insulted my mother



Sabit Bibić showing his injuries © Private

[13]The SDA was a predominantly Muslim party in the Sandžak associated with the then ruling Muslim party in Bosnia-Herzegovina led by President Alija Izetbegović.

and hit me with his truncheon on my ribs. Then they left the room. All the time while I was being beaten my cousin Šefko Babić was present. When I came to I heard in the corridor the voice of my wife who had come on crutches to find out why I had been taken in. One of the officers verbally abused her calling her a filthy Muslim mother and he went into the corridor. She said they should not carry on questioning me and asked why they were torturing and beating poor people. After being again sworn at she came to the window of the room where I was being detained. The two officers returned and again began to beat me on my hands. My wife began to cry and call out for help. When she started screaming, they took me to the office of the station commander. Again they asked about a pistol. Because I was wailing from the pain in my fingers the commander asked why I was crying. I told him that they had beaten me and I was in great pain. The commander told me to put out my hands so that he could see. That I did. After I had stretched out my hand one of the officers again strongly hit me on the palm with a truncheon after which everything went black in front of my eyes. Again the commander asked about a pistol, grabbing me by the hair on the back of my neck. 'Now you know how I am,' he said to me. 'Go home and come tomorrow morning at nine-o-clock with your son and when we thrash him you will bring out a pistol. '"



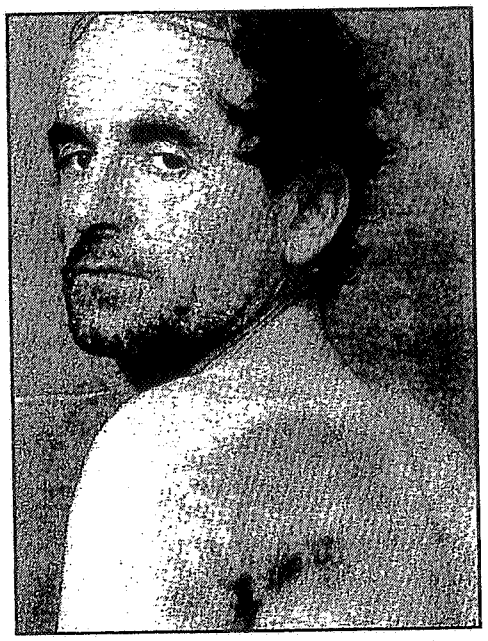
Hafiz Burović © Private

On Monday 27 December 1993 three police officers two of whom -- M. N. allegedly involved in the above-detailed beatings of Alija Baždarević and Tahir Turković, and D. P., commander of a local police station in Buđevp [14] -- were notorious for alleged ill-treatment in this period, came to the village of Čitulka seeking weapons from residents Hafiz Burović, born 1958, and his brother Alija, born 1954. Both denied that they had any weapons and were given a written demand by D. P. to come the next day to the Sjenica police station at 7am and 8am respectively. The brothers arrived together at 7am and were again asked to produce weapons. When they said that they had none, they were allegedly beaten by M. N. with a truncheon about the shoulders, arms and body. Both men told the Sandžak Committee for the Defence of Human Rights and Freedom that they were held in separate rooms where they could hear the beatings of

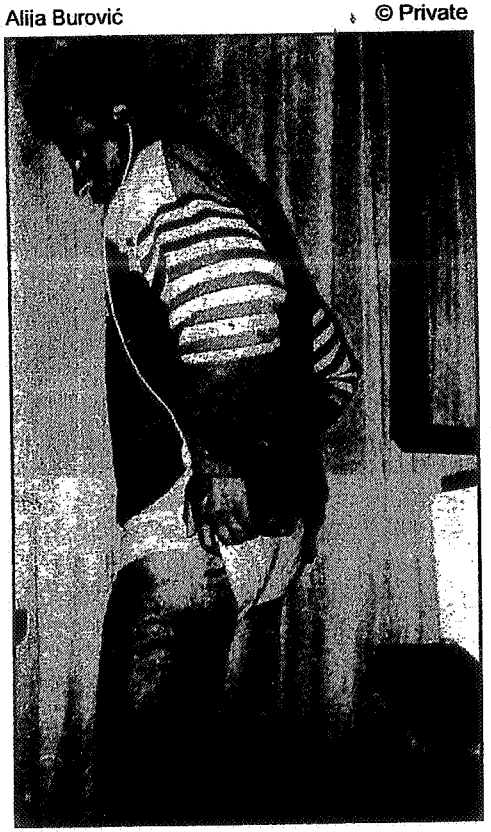
[14] Both officers' names are known to Amnesty International.

each other as M. N. went from one room to the other, allegedly beating them with his truncheon. After some 40 minutes they were allowed to leave but were told that they had until 6pm to hand over their weapons to the police station in Bučevo.

While as noted above, dozens of cases related to the ostensive search for arms among the Muslim population, there were other cases of alleged ill-treatment in the course of 'normal' police work. For example, Fadil Kahrimanović, born 1966, from Jezgroviće near Ribariće in Tutin municipality, was allegedly repeatedly beaten on the night of 10 July 1994 by police officer M. B.[15] and others. According to Fadil Kahrimanović, on that evening he left his friends with whom he had been watching a sporting match in a bar. On his way home he was picked up by M.B. in a police car and driven to the police station in Ribariće. As soon as they entered the station he was allegedly beaten by a number of officers of whom he stated that M. B. was the most brutal. The officers were trying to get him to tell where his friends had laid fishing nets [for poaching] in Lake Gazivoda. Fadil Kahrimanović said that he had no knowledge of any such nets. He alleged that M. B. slapped him around the head many times and then with his truncheon repeatedly beat him on his back and legs and buttocks, and smashed his head three times against the wall. After about three hours he was driven by M. B. and others the lakeside weekend home of a Novi Pazar journalist and told him to show them where the nets were. When they established that there were none, M.B. allegedly hit him again three times on his left leg and threatened to kill him if he did not tell them where the nets where. Finally, when the officers appeared to accept that he really did not know, they drove him home and told him not to tell anyone of the beating or next time it would be



Alija Burović © Private



Fadil Kahrimanović © Private

[15] Name known to Amnesty International.

worse. Fadil Kahrimanović promised that he would not tell anyone. However, as soon as he arrived home, his father, Mahit Kahrimanović, took one look at him and tried to get help to drive him to hospital. However, such was the climate of fear in the area, that no-one with a car was willing to help as his son was apparently the victim of police brutality. Eventually they hired a taxi to drive him to Tutin hospital where he remained three days due to his injuries. In the taxi he had to lie down on the back seat as he was unable to sit.

2.3 Recent cases of ill-treatment by police

Although the scale of repression has declined sharply since the period 1992-5,there have continued to be allegations of ill-treatment by police officers, some of whom are alleged to have tortured or ill-treated people in the early 1990s. Amnesty International is informed by the Sandžak Committee for the Defence of Human Rights and Freedom of the following cases.

Selim Hukić was born in 1956 and is from the village of Ugao in Sjenica district. According to his statement to the Sandžak Committee for the Defence of Human Rights and Freedoms, in June 2001 (exact date unknown to Amnesty International) the commander of the police station in Bučevo, D. P. (see above), asked him where his son was. Selim Hukić replied that he did not know. D. P. replied that he must know where his son was as he (the son) had gone to the hills and armed himself. Selim Hukić denied this saying that he was a poor man with six small children and thus could not afford to buy weapons. D. P. then ordered him to come to the police station in Bučevo for 'discussions'. Selim Hukić went the following day at about 10am. In the police station D. P. again asked him where his son was and again Selim Hukić denied knowledge of his son's whereabouts, whereupon, D. P. allegedly beat him with a long truncheon on his nose and mouth drawing blood. He was then allowed to leave the station. One of his teeth which had been reportedly loosened by the beating fell out two days later.

Fuad Mašović, born 1975, is from Sjenica. According to his testimony, on 25 January 2002 he was driving in the town with his friend Enes Mujović when they were stopped by two police officers in a patrol car, one of whom, M. T.,[16] was not on friendly terms with Fuad Mašović. M. T. asked to see Fuad Mašović's documentation and asked him if he was drunk. Fuad Mašović, who had been driving, replied that he had drunk two small beers. M. T. ordered him to get out of the car and blow into a breathalyser. Fuad Mašović refused saying that he wanted a blood test instead. The two officers then took out their truncheons and told him to come with them in their car. He expressed concern at having to leave the car on the road saying he had done nothing wrong. He alleges that the officers then immediately began to beat him on his head and thighs. He attempted to defend himself from the blows with his hands and as a result he also suffered injuries to his hands as well as his legs. The officers then, so he alleges, drew their pistols. Fuad Mašović states that he did not offer any resistance nor was he abusive. At this juncture police officer Đurić and another colleague arrived and defended him. Đurić stated that he had the right to refuse the breathalyser in favour of a blood

[16] Name known to Amnesty International

Injury to Fuad Mašović © Private

test and drove him to the hospital for medical help for his injuries. Fuad Mašović wanted a medical record confirming his injuries but he states that Doctor Stević told him to come back the next day. Officer Đurić then drove him to the Sjenica police station. As they entered the hall, another officer P.[17] allegedly kicked him and drew back his fist to punch him but was stopped by officer Đurić. The blood test proved negative. Fuad Mašović made a complaint about the alleged ill-treatment to the station commander Ifet Muhović. The following day he was taken to magistrate N. Vasojević who reportedly characterized the incident as not especially unusual for traffic police actions, and that there would probably merely be a fine for dereliction of duty.

3. Amnesty International's concern

Amnesty International is concerned at allegations of widespread torture and ill-treatment of large numbers of Sandžak Muslims by police during the last ten years. The organization is further concerned that there has, to date, been no thorough and impartial investigation into these serious allegations, and that those police officers allegedly responsible have been, and continue to operate in a climate of impunity and are still serving in the police force in the Sandžak. Amnesty International is further concerned that the lack of a specific crime of torture in the national legislation, despite recommendations by CAT, Amnesty International and others, allows police who torture or ill-treat detainees immunity from prosecution once three years (or five years if the torture or ill-treatment was used to extract confessions) have passed since the alleged offence. Amnesty International calls for any law enforcement official found to be responsible for ill-treatment to face disciplinary action, and criminal charges where appropriate. Law enforcement officials convicted of torture or serious ill-treatment should be subjected to appropriate criminal sanctions, as well as immediate dismissal from the police force. Amnesty International further calls for all victims of police torture or ill-treatment to be adequately compensated.

Amnesty International is calling on the authorities of Serbia and Montenegro to enact legislation to make torture a specific crime with appropriate penalties so that police officers

[17] Last name known to Amnesty International.

alleged to have used torture against detainees cannot hide behind the shield of the statute of limitations.

Amnesty International is further calling for prompt and thorough investigations into the allegations of ill-treatment of Selim Hukić and Fuad Mašović, and if the allegations are substantiated, the perpetrators to be brought to justice and the victims adequately compensated.