

CPT Report for 2026

Supreme State Prosecutor's Office

Pursuant to the powers prescribed by the Law on the State Prosecutor's Office, the Supreme State Prosecutor issued Instruction No. 254/24 on 23 May 2024 regarding the conduct of state prosecutor offices in cases where there is reasonable suspicion that a violation of Article 3 of the European Convention on Human Rights and Fundamental Freedoms has occurred. A coordinator was appointed to monitor the implementation of the Instruction, prepare reports, and ensure cooperation with the Ombudsman, NGOs, international organizations, and petitions, with regular reporting to the Supreme State Prosecutor.

The purpose of this Instruction is to ensure the rights guaranteed by the Constitution and the European Convention on Human Rights regarding the dignity and security of the individual, respect for human personality and dignity in criminal or other proceedings, in cases of deprivation or restriction of liberty, and during the execution of sentences, as well as the prohibition of torture or inhuman or degrading treatment, and the punishability of all violence. It also aims to achieve legality, effectiveness, and uniformity in the work of the state prosecutor offices, particularly considering the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), including Ombudsman recommendations concerning concerns over the higher number of ineffective investigations into torture, where inquiries (investigations) last inappropriately long. The Instruction is available on the website of the Supreme State Prosecutor's Office of Montenegro (<https://sudovi.me/vrdt/sadrzaj/VEpx>).

From 1 January to 31 December 2025, the Supreme State Prosecutor's Office opened a total of 168 cases, mainly concerning the criminal offenses of abuse under Article 166a paragraph 2 in relation to paragraph 1 KZCG, torture under Article 167a KZCG, and coercion of testimony under Article 167 KZCG. Decisions were rendered in 71.4% of these cases.

Of these, 52 cases were filed against 106 police officers and 13 UIKS officials. Decisions were made in 40 of these cases (76.9%): in 27 cases the criminal complaint was dismissed, in 5 cases indictments were filed with the competent courts (note: in one case at the Basic State Prosecutor's Office in Podgorica, two prosecutorial decisions were issued: one indictment and one dismissal), in 9 cases the matters were referred to other competent prosecutor's offices, and 12 cases remained unresolved at the end of the reporting year and were still in the investigation phase.

During 2025, 109 KTR-labeled (miscellaneous) cases were opened based on knowledge obtained by the prosecutor's office regarding potential violations of Article 3 of the European Convention on Human Rights. To establish whether there was reasonable suspicion that a criminal offense prosecutable ex officio had been committed by police officers or UIKS officials, cases were either initiated or archived after assessment of all evidence and data. Of these 109 cases, 53 were archived after investigation determined that torture had not been committed; in 12 cases investigation confirmed reasonable suspicion, and these were transferred to the Kt register against identified individuals; 12 cases were referred to other prosecutor's offices; 1 case was merged with another KTR

case; and 31 cases remained in the investigation phase. Overall, decisions were rendered in 71.56% of KTR cases.

Seven cases were filed against unknown perpetrators; in two of these the criminal complaint was dismissed, and five remained under investigation, so decisions were rendered in 28.6% of cases involving unidentified perpetrators.

In 2025, a total of 44 decisions were made in cases opened in previous years. These included 9 dismissals of criminal complaints, 2 indictments filed with competent courts, 1 indictment submitted to the Higher Court, 14 cases archived after investigation concluded no torture occurred, 16 cases transferred to the Kt register due to reasonable suspicion against identified individuals, 1 case referred to the competent office, and 1 case entered into the Kt register against an unknown perpetrator. Thirty-two cases from previous years remained under investigation. Decisions were rendered in 57.9% of cases opened before 2025.

During 2025, the prosecution maintained records according to the recommendations of the Instruction concerning procedural actions and conduct by prosecutors and superiors. Written binding instructions were issued by superiors in 9 cases when prosecutors failed to act within legally prescribed deadlines. In 55 cases, cooperation with the Department for Internal Control of Police Work was established to collect evidence and information needed for decisions. Six cases had no action by year-end.

The majority of complaints filed in 2025 were by victims themselves (68 cases). Fifty cases were opened ex officio, 35 by UIKS reports, 7 by police reports, 4 by representatives, 4 anonymously, and none by the Department for Internal Control of Police Work or NGOs. Interviews were conducted in 27 cases with suspects and 30 with victims. Twelve cases were delegated to other prosecutor offices to ensure impartiality. No audiovisual recordings of suspect or victim interviews were conducted due to technical limitations, as most prosecutor offices lacked recording equipment, and urgency of proceedings often led prosecutors to forego recording.

Injury records show that in 23 cases, victims underwent physical examination by a forensic medical expert, in 62 cases by attending physicians, in 55 cases injuries were medically assessed, and in 42 cases injuries were photographed. No cases involved police refusal to identify. No cases of torture motivated by hate occurred (Article 42a KZ).

Comparing 2025 with previous years, 71.4% of cases were concluded with a decision, up from 60% in 2024 and 57.7% in 2023, reflecting progress in timely decision-making due to the Instruction, case monitoring, and encouragement of prosecutors and superiors. These figures relate to cases against identified individuals; cases solely involving suspicion of Article 3 violations (KTR) or unknown perpetrators are not included, as records were not kept prior to the Instruction.

Following the Instruction, cooperation with international organizations—the Council of Europe and the Center for Training in Judiciary and State Prosecution—was established to organize prosecutor training to enhance investigation effectiveness and lawful resolution of cases, ensuring proper punishment of offenders. Two two-day training sessions for prosecutors specializing in torture cases were held, attended by all

prosecutors and representatives of the Department for Internal Police Control and the Administration for Execution of Criminal Sanctions. In July, an additional training session was conducted for prosecutors specializing in torture cases, also with international and national experts from the region (BiH, Serbia, Croatia). HRA also organized a training attended by six prosecutors.

A training needs assessment for 2026 was conducted, proposing both basic and advanced training with specific topics for each prosecutor, including those not currently handling specific cases, to ensure specialized knowledge. Candidates for training are expected to attend to recognize elements of torture in case reports.

The prosecution also proposed training for lawyers via the Bar Association on Article 3 violations of the European Convention to ensure lawyers understand the obligations under the Instruction and the protection of victims. The Bar Association accepted this proposal; training is scheduled for 18–19 February 2026, with participation from all prosecutors specializing in torture cases and lecturers including a Vice-President and three judges of the European Court of Human Rights.

Active cooperation with the Department for Internal Police Control has resulted in 55 cases in 2025 where prosecutors requested assistance in evidence collection, with most evidence provided before year-end; six cases lacked complete information.

Cooperation with the Administration for Execution of Criminal Sanctions, with designated contact persons in all organizational units, enabled 25 cases to be opened based on reports/events submitted by the Administration. Prosecutors visited UIKS facilities in September 2025 to familiarize themselves with conditions.

Collaboration with the Ombudsman included participation in a roundtable on the Ombudsman's role in human rights protection and CPT recommendation implementation, noting progress in investigation efficiency and timeliness.

After meetings with representatives of the European Court of Human Rights regarding cases Vukčević and Baranin, and Siništaj vs. Montenegro, the prosecution submitted requested reports via Montenegro's agent at the Court.

A meeting with the Ministry of Health, emergency services, urgent care, and the Health Center of the capital, the Clinical Center, and prosecutors, alongside the Human Rights Protector, addressed obligations to identify and photograph victim injuries, following the Istanbul Protocol. Agreement was reached for medical personnel training alongside prosecutors and judges.

A meeting with the Police Director and unit chiefs presented statistics and obligations from the Instruction, emphasizing the seriousness of torture cases, and ensuring prosecutors handle identification procedures through unit chiefs. Two one-day training sessions are planned for 27–28 January 2026 with participants from prosecution, judiciary, health, and police.

The Supreme State Prosecutor's Office actively addresses torture cases. Data indicate many cases are opened ex officio to ensure all suspicions are investigated. Many cases

conclude with findings that no torture occurred or no crime was committed, suggesting some false reporting, which will be analyzed further.

CPT REPORT ON THREE SPECIFIC CASES

Kt No. 502/21 – JOVAN GRUJIČIĆ CASE

On 22 December 2025, the criminal complaint against multiple individuals (listed in the original) was dismissed for lack of reasonable suspicion. On 21 January 2026, an appeal by the victim's representative was filed and is pending before the Higher State Prosecutor's Office in Podgorica.

Kt No. 796/21 – MARKO BOLJEVIĆ CASE

On 1 March 2022, the Basic State Prosecutor's Office in Podgorica filed an indictment against several individuals for coercion of testimony (Article 166, paragraph 2 in connection with paragraph 1 and Article 23 paragraph 2 KZCG) against Marko Boljević. On 17 March 2025, a first-instance acquittal was issued (K No. 382/22). The prosecution appealed on 29 April 2025; the second-instance court has not yet decided.

Kt No. 572/22 – BENJAMIN MUGOŠA CASE

On 1 June 2022, the Basic State Prosecutor's Office in Podgorica filed an indictment against Dalibor Ljekočević for coercion of testimony (Article 166 paragraph 1 in connection with Article 23 paragraph 2 KZCG) against Benjamin Mugoša. On 17 September 2024, the Basic Court in Podgorica acquitted Ljekočević due to lack of evidence. The prosecution filed an appeal on 28 October 2024, pending decision by the second-instance court.