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## MYTHS AND STEREOTYPES

VIOLENCE AND HATE SPEECH TOWARDS LGBT PERSONS:  
POLICE AND JUDICIAL PRACTICE IN MONTENEGRO



## Steps towards the accepted, visible and protected LGBTIQ community

Recommendation (2010) 5 of the Committee of ministers to the member countries for the fight against discrimination on the grounds of sexual orientation or gender identity represents a basic frame for the planning and the implementation of the LGBT project of Council of Europe.

A long-term goal of the LGBT project of Council of Europe was to contribute to the quality of life of LGBT communities throughout Europe. A special, even historical, value of the LGBT project, is the fact that it provided a strong incentive to the development of the national policies for the fighting discrimination on the grounds of sexual orientation or gender identity.

LGBT project is being implemented under the LGBT Unit which, since October 2011, functions under the Directorate for human rights and anti-discrimination of the Council of Europe. The LGBT Unit is a key place to address the LGBT matters within the Council of Europe. Besides the implementation of the aforementioned recommendations of the Committee of Ministers, its task is to organize and support certain activities and conferences as well as to document the relevant developments.

LGBT project supported a wide spectrum of measurements and activities in line with the needs and priorities of certain member states.

In Montenegro, among other things, a program "Data collection of hate speech and discrimination" (LGBT Project Activity N° SO1 MON 037) was supported, and it was implemented by the local organization "LGBT Forum Progress".

The mission of "LGBT Forum Progress" is the creation of a safe, inclusive and stimulating environment for all LGBTIQ persons through enabling educational possibilities, community building, public advocacy, political participation and increasing of the access to different services which contribute to the more quality life and health.

An intensive and diligent work has been conducted, for over a year, on the collection of data related to hate speech, violence and discrimination towards the members of the Montenegrin LGBTIQ community. The focus was out on the relation of the police and other state institutions, especially of the judicial system, towards the reported cases.

A documentation ground was created, which offers reliable and authentic data on the span of the challenges the local LGBT community is facing. The available data provide the information on the response of the state bodies in charge and of the treatment of the reported cases within the police, State prosecutor office, the ombudsman bodies, the misdemeanor and regular courts as well as the relation of the Government itself.

This demanding and intensive effort was conducted with the support of the "Lawyers committee for human rights" through a program "LGBT Forum Progress" actively participated in, called "Networking of the civil society on the critical values of human rights in Serbia, Montenegro and Kosovo".

The created documentation fund, and the gathered data, provides a great basis for the continuation of the quality monitoring of the LGBT thematic in the context of the standards and recommendations of the Council of Europe.

We believe, that through the represented cases, the given remarks, conclusion and recommendations, the joint efforts of all of the stakeholders, on the further improvement of the human rights of LGBT persons in Montenegro and on the development of the capacities for the successful facing with all challenges of discrimination, can be continued.

Stevan Milivojevic  
Executive director, "LGBT Forum Progress"

**MYTHS AND STEREOTYPES**  
**VIOLENCE AND HATE SPEECH TOWARDS THE LGBT COMMUNITY:**  
**POLICE AND JUDICIAL PRACTICE IN MONTENEGRO**

*The study*

**Myths and stereotypes – Violence and hate speech towards the  
LGBT community: Police and judicial practice in Montenegro**

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**MYTHS AND STEREOTYPES**

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**VIOLENCE AND HATE SPEECH TOWARDS LGBT PERSONS:  
POLICE AND JUDICIAL PRACTICE IN MONTENEGRO**

Podgorica  
2014

## INTRODUCTION

The last five years in Montenegro have been recognised through several strong initiatives for the social acceptance of the LGBT community.

Undertaken efforts, especially those initiated by the organisations of the civil society, contribute to the strengthening of the overall awareness on the need for establishing equality and development of culture of human rights.

Historical contribution to this process has been provided through the adoption of the first national LGBT policy. The Strategy for improvement of quality of life of LGBT persons in Montenegro, which was adopted by the Government of Montenegro on 9<sup>th</sup> of May 2013., represents a systematic response to the need of a consistent fight against all forms of discrimination. With this in mind, the Government of Montenegro, obliged itself to work, together with the LGBT community, through the implementation of the LGBT policy, on the expanding and deepening of the social acceptance and the inclusion of LGBT persons.

The increase of security and the creation of a safe, inclusive environment is the key need of the Montenegrin LGBT community. It is a serious challenge, for all of the stakeholders of the society, because homosexuality is still dominantly seen as an immoral and unnatural phenomenon. The problem of hatred, hostility and discrimination towards the LGBT community is extremely present. This is why, along with the efforts of the educational and schooling system, the activities of the police and the judicial system are extremely important.

The book *“Myths and stereotypes – Violence and hate speech towards the LGBT persons: Police and judicial practice in Montenegro”* represents a testimony on the social exclusion of the LGBT community, that is, the social criminalisation of LGBT persons.

The problem of the precise determination of the scale of discrimination, on the ground of sexual orientation and gender identity, is present in almost all of the member states of the Council of Europe. This truly pan-European association provides essential contribution to the implementation of the standards of human rights and stopping of the discrimination on the grounds of sexual orientation and gender identity. Thus this book represents a serious contribution to the forming of a database on hate speech, violence and discrimination towards the LGBT community in Montenegro.

The cases of violence, and hate speech, which is supported by this study, are a indicator of the atmosphere and the conditions in which the LGBT community lives. It is utterly important to emphasise that the process of the creation of the national database on the violence towards the LGBT community started with the study "Representation of the cases of discrimination on the basis of sexual orientation in Montenegro : From principles to practice" by the authors Marijana Lakovic and Aleksandar Sasa Zekovic, which has been jointly published in 2013., by "LGBT Forum Progress" and "ILGA Europe".<sup>1</sup>

Expert literature of this kind, which includes case studies and statistics, can be extremely useful in the process of planning of measures and in the process of the implementation of the national LGBT policy. The publications of this kind, through factual observing of the current state, contribute to the promotion of justice, strengthening of the judicial system and the respecting of the law, but also to the professional execution of the institutions in charge, especially of the police and prosecutor organisations, but also of the Courts.

In the process of the creation of this book we have consulted a significant number of sources : over one thousand pages of filed reports and responses to the reports, including numerous verdicts as well as a significant number of internet sources and media texts. Also, we have conducted conversations with numerous victims and the police officers in charge.

This study presents an overall number of 218 reports filed to the Police directorate of the Ministry of Interior of Montenegro and the Basic state prosecutor offices in 2013., and in the first quarter of 2014. These reports include 314 persons. These reports are mostly made by the (NGO) "LGBT Forum Progress".

Based on these reports, the Police directorate and the state prosecutors, have, in 2013., and in the first quarter of 2014., filed a misdemeanour procedure against 108 persons. In the observed period ,(2013 and the first four months of 2014.) an overall number of 48 misdemeanour procedures have been finalised. This number also

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<sup>1</sup> In the period of 2010-12 the LGBT community filed more than 65 reports to the Police directorate, 22 complaints because of discrimination of the different state bodies and the non professional application of authority (mostly police officers). In the same observed period , according to the data of NGO "LGBT Forum Progress" 15 requests for the initiation of a misdemeanor procedure has been filed. In the period of 2010-2012 total 9 misdemeanor procedures has been finalized in which one person was exonerated, 4 were punished with the fees varying from 150 to 800 euros, 2 persons were sentenced to jail for 15 and 12 days, and one person was punished with a parol sentence of 10 days.

includes certain cases which have been started in 2012. An overall number of 36 person have been punished by fees in the spam of 50 to 700 euros. Twelve persons, including minors, have been punished by a measure – reprimand. Two persons have been sentenced to a parol or a punishment of prison in the amount of ten days. An overall number of 12 persons have been freed from a misdemeanour responsibility due to the lack of evidence.

In 2013, and in the first quarter of 2014., a final verdicts were brought, in the Basic Courts of Bar and Podgorica, in three criminal procedures, which were led on the ground of a criminal offence –endangerment of security of LGBT persons, which were led according to the bill of indictment of the prosecutor in charge. In these cases, one perpetrator was sentenced to a punishment by prison for 3 months, the second in the lasting of 1 month and in the third case the sentence was a parol in the lasting of 2 months.

Two criminal procedures are currently ongoing due to violent behaviour towards the LGBT persons. The investigation is ongoing, by the prosecutor in charge due to three criminal reports filed by this NGO.

Two cases of discrimination against LGBT persons were finalised before the regular courts. In both cases discrimination was determined and its repetition was forbidden.

Several complaints were filed, due to the inadequate application of the police authorities which were seen as based in facts.

In the same observed period the LGBT community has filed over twenty complaints of discrimination, against different state and local bodies, including schools and teachers, as well as the state officials and the heads of the state organs.

Around ten complaints for discrimination have been filed to the Institution of Ombudsman against several public services, organs and individuals. The lack of timely response of the Institution of Ombudsman, some of these reports have been withdrawn and the consequences of discrimination have been overcome through the direct communication and the apology of the institutions. In one, we would say, historical case, based on the report of the NGO “Queer Montenegro”, the Ethical board of Montenegro, found a violation of the Codex of state officials and employees due to the public statements and offences against LGBT persons.

We have put all of our efforts to present the essence through this book, and to point out, in a shortest possible way, all of the rel-



evant facts. The text is followed by a significant number of footnotes in order to insure the clearness and in order to provide all of the necessary information. In the end of the study, remarks, conclusions and recommendations were given to all of the stakeholders of the process of social inclusion of LGBT persons.

Podgorica, April 2014.

*Aleksandar Sasa Zekovic, M.A.*

*Dr. iur Jovan Kojicic*

*Predrag Tomovic*

## **V.R. from Podgorica sentenced to prison**

Basic Public Prosecutor's Office (BPPO) in Podgorica filed a bill of indictment against the defendant V.R. for criminal offense of endangering safety from the Article 168, paragraph 1 of the Criminal Code.

The criminal report was filed by an LGBT activist Zdravko Cimbalevic against V.R. in mid- November 2010. In the report, submitted to the BPPO for the evaluation and decision-making, Cimbalevic pointed out to the elements of possible criminal offences – abuse, under the Article 166a, and endangerment of safety under the Article 168, Paragraph 2 of the Criminal Code of Montenegro. For details of this case visit <http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>

Deciding upon the indictment, Basic Court in Podgorica found R.V. guilty of the offense he was charged with and sentenced him to a parole.<sup>2</sup>

Against the verdict, BPPO appealed to the sentencing decision, and the High Court in Podgorica accepted it and reversed the first-instance judgment in regard to the decision on the criminal sanction, and sentenced the defendant to 30 days imprisonment.

This is the first case of publicly reported homophobic violence in Montenegro.

After institutional declaration, Cimbalevic immediately and publicly declared himself a homosexual and became the first visible leader of the Montenegrin LGBT community.

Against the verdict, BPPO appealed on the decision of the sentence. High court in Podgorica upheld the sentence and reversed the first instance verdict regarding the criminal sanction, and sentenced the defendant to imprisonment for a period of 30 days.<sup>3</sup>

The verdict against V.R. became final on November 19, 2013.

## **Activation of tear gas at a music concert**

Unidentified persons activated a tear gas at the concert of Croatian band "Lollobrigida" in Podgorica on 16 May 2011 which was at-

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<sup>2</sup> Marijana Laković and Aleksandar Saša Zeković, "Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice", p. 17-20, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

<sup>3</sup> The verdict of the High Court in Podgorica Kz. No. 1593/13 from November 19, 2013. The Council was composed of Mrs M.P., the President of the Council and judges Mr R.I. and Mrs B.B; LGBT FP Documentation

tended by a significant number of LGBT people. The concert was temporarily interrupted due to the throwing of a smoke bomb.

Concert's organisers, the non-governmental organisation (NGO) "Juventas" objected to the actions of the police and filed criminal report against unidentified persons.<sup>4</sup>

The use of police authority regarding the resolving of the incident was also evaluated by the Council for Civic Control of Work of Police.<sup>5</sup>

The case is presented in detail in the book "Representing cases of discrimination based on sexual orientation and gender identity"<sup>6</sup> and in the publication "Human Rights in Montenegro 2010-11."<sup>7</sup>

Police Department of the Ministry of Interior Affairs of Montenegro informed the Council for Civic Control of Work of Police that a criminal processing was conducted, that there was a crime scene investigation and that items significant for the investigation were included as evidence, but there are no results based on which a reasonable doubt could be documented in relation to the offender and his processing by the responsible authority.<sup>8</sup>

NGO "LGBT Forum Progress", in March 2014, was informed by the Supreme Public Prosecutor of Montenegro that, after going through the official records of the Basic Public Prosecutor's Office in Podgorica, they found that no criminal report was documented regarding the throwing of smoke bombs at the concert of music band "Lollobrigida" in Podgorica on 16. May 2011.

## **Z.N. from Pljevlja fined**

In August 2011, "LGBT Forum Progress" filed a report to a police against Z.N. (1973) from Pljevlja, because he sent a threatening message to then director of this organization Zdravko Cimbaljevic, saying:

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4 Marijana Laković, "Handbook on police conduct in cases of homophobic violence", p.44-45, "Juventas", Podgorica, 2012; Available at [www.juventas.co.me](http://www.juventas.co.me)

5 Aleksandar Sasa Zekovic and Zorana Bacovic, "To Serve and Protect - civil control of the police in Montenegro", p. 75-76, Council for Civic Control of Work of Police, Podgorica, 2012; Available at [www.kontrolapolicije.me](http://www.kontrolapolicije.me)

6 Authors M.Lakovic and A.S.Zekovic, p.24-26; Available at <http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>

7 "Human rights in Montenegro 2010-11", edited by Mrs Tea Gorjanc Prelevic, Action for Human Rights, Podgorica, 2011; [http://www.hracion.org/wp-content/uploads/Human\\_Rights\\_in\\_Montenegro\\_2010-2011.pdf](http://www.hracion.org/wp-content/uploads/Human_Rights_in_Montenegro_2010-2011.pdf)

8 Documentation of the Council for Civic Control of Work of Police

“Kill yourself you gay motherfucker. You need Hitler!”<sup>9</sup> Police issued a request for the instigation of the misdemeanor procedure under the Article 9 of the Law on Public Peace and Order.

Here we only supplement the present case with the information about the decision of the Regional Authority for Misdemeanors in municipality of Pljevlja. Z.N. was fined 150 euros along with costs of the proceeding in the amount of 30 euros.<sup>10</sup>

## **B.Z. from Podgorica fined**

In November 2011, “LGBT Forum Progress” filed a report to a police against B.Z., from Podgorica, who, on the Facebook page of the non-governmental organization “Center for Civic Education”, regarding the news of the premiere of the first television video for the equality for LGBT people in society, commented: “Kill them all”.<sup>11</sup>

Police issued a request for the instigation of the misdemeanor procedure at the Regional Authority for Misdemeanors in Podgorica, for misdemeanor under the Article 9 of the Law on Public Peace and Order.

Here we only supplement the present case with the information that B.Z. was fined 250 euros along with costs of the proceeding in the amount of 25 euros.<sup>12</sup>

## **V.R. from Podgorica fined again**

Zdravko Cimbalevic, a LGBT activist, in February 2012, filed a report to a police against V.R. because he harassed and threatened him.

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<sup>9</sup> Details about the case: Marijana Lakovic and Aleksandar Sasa Zekovic, “Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice”, p. 44, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

<sup>10</sup> Information of the Misdemeanor Board of Montenegro about the final outcome of misdemeanor cases on the basis of reports by the LGBT Forum Progress from April 2014; LGBT FP Documentation

<sup>11</sup> Details about the case: Marijana Laković and Aleksandar Saša Zeković, “Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice”, p. 56, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

<sup>12</sup> Information of the Misdemeanour Board of Montenegro about the final outcome of misdemeanour cases on the basis of reports filed by the LGBT Forum Progress from April 2014; LGBT FP Documentation

While Cimbaljevic was playing with his dog in front of his building, in the presence of neighbors and friends, V.R. approached him and took photo of them without his consent. He also took photos of N.B.'s minor child. Cimbaljevic stepped between the child and the dog on one side and V.R. on the other in an attempt to stop him from taking further photos. However, according to the statements in the report, V.R. continued doing it and said: "I'll show you". Cimbaljevic told him: "I didn't know we were so popular" and V.R. responded: "Even more than that, you scumbags". Everyone who was present objected to V.R. and asked him to stop taking further photos.<sup>13</sup>

Police issued a request for the instigation of the misdemeanor procedure to the Regional Authority for Misdemeanors in Podgorica against V.R., for the misdemeanor under the Article 7, Paragraph 1 of the Law on Public Peace and Order.

The procedure ended in June 2013 and V.R. was fined 200 euros along with costs of the proceeding in the amount of 20 euros.

### **Student activists Ug. B. fined for insolent behavior**

In the beginning of June 2012, non-governmental organization (NGO) "Juventas" conducted an activity of placing posters in center of Podgorica, which was supported by activists and volunteers of the NGO "LGBT Forum Progress". The goal of the action was to promote tolerance and acceptance of LGBT people. During the action Ug.B., an activist of "Student Union", prevented the freedom of expression of members of the LGBT community which is why the NGO "LGBT Forum Progress" filed a report to the police due to his improper and insolent behavior and a criminal report was filed to the Basic Public Prosecutor's Office (BPPO) along with the related print and video material.<sup>14</sup>

Basic Public Prosecutor's Office in Podgorica issued a request for the instigation of the misdemeanor procedure at the Regional Authority for Misdemeanors in Podgorica under the Article 7, paragraph 1 of the Law on Public Peace and Order.

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<sup>13</sup> The case is presented in detail on pages 59-61 in the book of M.Laković and A.S.Zeković, "Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice", LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

<sup>14</sup> Marijana Laković and Aleksandar Saša Zeković, "Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice", p.68-70, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

Finally, on 17 May 2013. Ug.B. was fined 100 euros before this Regional Authority along with costs of the proceeding in the amount of 30 euros.

### **R.R. sentenced to three months in prison**

In mid-October 2012 an honorary member of NGO “LGBT Forum Progress” and an actor in the first Montenegrin video which promoted equality of LGBT people, was attacked in front of the building where he lives.

*“I saw all of these persons while I was still in a taxi and approaching the door. When I came out of the taxi I ran towards the door trying to avoid any kind of communication with them. First one man came after me, and then a few of them, shouting: “Come here you fagot cunt, we are going to fuck your mother now!” I managed to avoid them by entering quickly the entrance and closing the door. They remained outside of the door which was luckily reinforced by bars, so they couldn’t break through. They went on insulting and threatening, calling me to come outside if I am not a cunt - stated T.V. to researchers of “LGBT Forum Progress”.<sup>15</sup>*

Basic Public Prosecutor in Podgorica filed a bill of indictment against the defendant R.R. for the criminal offense of endangering the safety from Article 168, Paragraph 1 of the Criminal Code. Deciding upon the indictment proposal, Basic Court in Podgorica found R.R. guilty of the offense he was charged with, and sentenced to imprisonment of three months.

According to information from March 2014, available to NGO “LGBT Forum Progress” from the Supreme Public Prosecutor’s Office, Basic Public Prosecutor’s Office in Podgorica appealed to the sentencing decision, but the Superior Court in Podgorica rejected the appeal and upheld the first instance decision.

The verdict became final on December 27, 2012, and the sentence includes the time spent in custody from October 16, 2012, onwards.<sup>16</sup>

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<sup>15</sup> Marijana Laković and Aleksandar Saša Zeković, “Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice”, p. 99-100, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at <http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>

<sup>16</sup> Verdict of the Basic Court in Podgorica, judge Mrs L.M.S. K.No. 1113/12; LGBT

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## **Report for violation of the Law on Protection of persons and property**

Non-governmental organization (NGO) "LGBT Forum Progress", asked the former Minister of Interior Affairs and his deputy for security and safety operations and supervision to order the revision of application of provisions of the Law on the protection of persons and property in the case of international match between the domestic basketball team (BT) "Buducnost" and basketball team "Partizan" (Belgrade, Serbia) by the security agency "Popovic security" that was hired for the protection at this sport event.<sup>17</sup>

It was requested from the certain sector of the Ministry of Interior Affairs to check, through an authorized officer, whether the persons hired by this agency on the relevant day, possessed a license for performing security duties.

This NGO requested to be informed of the factual findings, conducted supervision and actions taken regarding violations of the Law. Also, the same NGO requested information on whether the person in charge in the Ministry of Interior Affairs, in legally defined deadline, had submitted a written report on the use of the authority on the relevant day.

Law on protection of property and persons clearly specifies obligations and responsibilities, that is, the domain of official authority of persons who, in various locations, are hired for the protection.

Based on statements of its members and other citizens, "LGBT Forum Progress" believes that it had come to the wrong application of authorities defined by the law, that is, to exceeding these authorities by the employees of the agency "Security Popovic."

LGBT Forum Progress was informed that after the incident, in the police station SC Podgorica, were filed a couple of reports by citizens against the employees of the Agency for Protection of Persons and Property "Guard Popovic Security". The report was accompanied by a video evidence. Basic Public Prosecutor in Podgorica issued a request for the instigation of the misdemeanor procedure against employees of the security B. V. and O. G.

This NGO requested revision and initiative for instigation of the proceeding of evaluating the legality of application of the authority, but

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FP Documentation.

<sup>17</sup> Complaint from 23.10.2012, filed to a former Minister Mr I.B. and his assistant Mr V.V., on behalf of the "LGBT Forum Progress" was signed by Z.C., former executive director; LGBT FP Documentation

at this request, the former Minister of Interior Affairs have never responded.

Council for Civic Control of Work of Police which evaluated the application of police authority concluded that, at the particular sporting event, on 21 October 2012, there came to a serious abuse of authority.

### **Sentenced for endangering the safety of Zdravko Cimbaljevic**

Basic Court in Bar, Judge Mrs Ljiljana Jokovic, in the criminal case according to the bill of indictment of the Basic Public Prosecutor's Office (BPPO) in Bar<sup>18</sup>, sentenced M.P. (1988), a student from Bar, guilty for endangering the safety of Zdravko Cimbaljevic on 2 October 2012 by threatening to attack his life and body addressing the following words from his computer and profile via Facebook: *"You sleazy faggot, you are a shame for Montenegro and this tormented people. I will kidnap you and cut that little dick that you have. Shame on you, you peace of shit. Ask your dad how beautiful it is to make love to a woman. Go treat yourself or shoot yourself in the head... That's it, you Satan! Stop to a parade of sinners!"* – by writing this he committed a criminal offense - jeopardizing the safety under the Article 161 Paragraph 1 of the Criminal Code.

Basic Court in Bar sentenced him to a parole according to which he was sentenced to three months of prison but at the same time it determined that the punishment won't be executed if the defendant does not commit another criminal offense within two years after the verdict.<sup>19</sup>

The defendant M.P. admitted all the allegations in the criminal report and said that he was outraged by Cimbaljevic's media statement where he said that he planned to hold the gay parade in Montene-

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18 Kt. br. 711/12 od 19.10.2012.; LGBT FP Documentation. You can find information about previous status of this case in a book of Marijana Lakovic and Aleksandar Sasa Zekovic, "Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice", p. 100-01, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at <http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>

19 The plaintiff Z. Cimbaljević, for the purpose of associated action for damages, referred to the civil proceedings, while the defendant was required to pay costs of the criminal proceedings in the amount of 70 euros; the plaintiff filed the associated action for damage, but he didn't specify, and since the data of criminal procedure did not provide a reliable basis for either full or partial adjudication, and its acquirement led to a significant delay in the proceeding, the Court instructed the plaintiff to realize associated action for damages in the civil procedure; The verdict of the Basic Court in Bar, No. 394/12 entered into force on March 6, 2013, LGBT FP Documentation



gro. Because he was very upset by this, he responded to Cimbaljevic's statement and he didn't consider this to be a threat. He regrets doing it but he was, as he already stated, infuriated by the statement of Cimbaljevic and his supporters.

Plaintiff Cimbaljevic stated that, on 02 October 2012, he logged into his profile and found a message from M.P. with already mentioned content. He felt endangered by words directed to him and insecure because it was a threat directed to his life. He took the threat very seriously considering that the message came from the person who wasn't concealing his identity and therefore immediately went to the police and reported the incident.

The Court considered the defence of the defendant to be ungrounded and calculated in order to avoid guilt, while the testimony of witnesses, plaintiff Zdravko Cimbaljevic, the Court considered to be clear, accurate and convincing.

For the criminal offence of endangering the safety to exist, it is necessary for a threat to attack life and body of the person to be serious. A threat, as an act of criminal offence of endangering the safety, must be objectively feasible to create a fear in the plaintiff. The consequence of the crime is the fear of the plaintiff, which must be of such intensity that it causes a sense of personal insecurity and vulnerability. Due to the behaviour of the defendant, the plaintiff Zdravko Cimbaljevic felt a threat to his life and body. The actions of the defendant who had sent a message with threatening content via "Facebook", which is better described in the pronouncement of the sentence, to Zdravko Cimbaljevic on his "Facebook" profile, and the fact that the plaintiff, as he stated, was convinced that the defendant would carry out his threat because he wasn't hiding his identity, in a subjective and objective sense, constitutes a serious threat, given the course of events as well as the overall behaviour of the defendant, and within all of the circumstances presented in details in the testimony of the plaintiff Zdravko Cimbaljevic. The defendant committed a criminal offense with a direct intent. Legally qualifying the established criminal state, the court found that the defendant M.P. committed the crime of endangering the safety Under the Article 168 Paragraph 1 of the Criminal Code.

Determining a criminal sanction against the defendant, the Court took into account all of the circumstances from the Article 42 of the Criminal Code. As mitigating circumstances in favour of the defendant, the Court considered the fact that the defendant was a depend-

ent person, a student, as well as the defendant's previous life as he had no prior convictions.<sup>20</sup> There weren't aggravating circumstances for the defendant. Taking into account mitigating circumstances, and in the lack of aggravating ones, the Court sentenced the defendant to a parole, because it estimated that it was not required to sentence the defendant to imprisonment and that by sentencing him to a parole, the purpose of sentencing would be fully achieved and this would influence the defendant sufficiently not to commit any more criminal offences in future.

### **Flag of the LGBT community burned down**

In Podgorica, in front of the headquarters of the Protector of Human Rights and Freedoms (Ombudsman), on the night between 17th and 18th June 2012, a rainbow flag, representing the official universal symbol of the LGBT community and all of the LGBT movements in the world, was burned.

The flag was set, on a pole in front of the building which is the headquarters of this institution, after the Protector of Human Rights and Freedoms Mr Sucko Bakovic and former Deputy Protector Ms Marijana Lakovic, received the director of a non-governmental organisation (NGO) "LGBT Forum Progress" Mr Zdravko Cimbalevic. It was when the initiative of this NGO was accepted to put the rainbow flag as a sign of support of this institution in celebrating the Pride month.

Officials of this institution immediately reported the incident to a police who conducted the investigation.

"LGBT Forum Progress" in its public statement said that burning the flag is another manifestation of hatred and intolerance towards the LGBT community. "This action worries us even further in terms of overall security, because the setting of the flag was publicly announced and done as a part of the beginning of preparations of holding the first Pride Parade" – stated on this occasion, the "LGBT Forum Progress".

Police Directorate of the Ministry of Internal Affairs was invited to identify and prosecute the persons responsible for the inappropriate incident with the assessment that these actions would confirm the professionalism and the actual capacity of the Montenegrin police.

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<sup>20</sup> From the criminal records of the Police Directorate RU Podgorica no. 29-245/12-29046/2-4425 from 06.11.2012. The defendant M.P. was determined to have no prior convictions.

In their public statement, the institution of Protectors of Human Rights and Freedoms has strongly condemned the burning of the flag of the LGBT population stating that this is an act of vandalism which confirms that in this society there is still a high level of homophobia towards this community. Ombudsmen also expressed the hope that the authorities would investigate the case and take all measures in accordance with their authorities.<sup>21</sup>

U.S. Ambassador in Montenegro, Mrs Sue K. Brown and Head of the EU Delegation in Montenegro, Mr Leopold Maurer, in their joint statement expressed their concern about the news that the rainbow flag of the LGBT community was burnt in front of offices of the Protector of Human Rights and Freedoms. *"Burning the flag represents a shameful attempt to intimidate members of the LGBT community in their efforts to achieve equal rights in society". "We are committed to working with all relevant partners in Montenegro in order to ensure that LGBT rights are protected. We salute the fact that the Government of Montenegro has condemned the incident and we will continue to carefully monitor the investigation of violent acts,"* stated in the joint statement of the ambassadors.<sup>22</sup>

Although it was announced, the flag of the LGBT community was not placed again. Owners of the office building, which is being used, among others, by the institution of the Protector of Human Rights and Freedoms, thought that placing the flag was no longer possible for security reasons. Instead of placing it in an earlier place, the flag was placed in the hall, inside the building, next to the reception. NGO "LGBT Forum Progress" estimated that, "in those occasions, it wasn't possible to achieve more."<sup>23</sup>

"LGBT Forum Progress", reminding that the Ombudsman is a constitutional institution, called on the Montenegrin government to provide a permanent space for this institution. This NGO also expressed a regret for the fact that some of the legal subjects and lawyers, who are also using the building, opposed the placing of the rainbow flag and the fact that, on this occasion, they had inappropriate communication with building owners. "We can only believe that in time they will change their attitude towards human rights of LGBT people," they concluded in this NGO.

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<sup>21</sup> Available at <http://www.vijesti.me/vijesti/podgorica-zapaljena-lgbt-zastava-ispred-zgrade-ombudsmana-clanak-78673>

<sup>22</sup> <http://www.vijesti.me/vijesti/podgorica-lgbt-zastava-ce-ponovo-biti-postavljena-clanak-78844>

<sup>23</sup> Available at <http://lgbtprogres.me/2012/06/lgbt-zastava-se-nece-vijoriti/#more-1506>

The institution of the Ombudsman is the only one which accepted to publicly display the flag of the LGBT community. Other state authorities refused to do it. Unofficially, they explained to this NGO that *“it would not be in accordance with the law.”*

According to available information from NGO “LGBT Forum Progress”, parts of the collected remains of the burned flag will become an integral part of the exhibition of Unstraight museum, a project launched in Sweden in 2007, as a form of collaboration between museum professionals and a group of leading traditional national museums (Military Museum, Nobel Museum, National Museum of Science and Technology, Historical Museum and the Police Museum).

Montenegrin Protector of Human Rights and Freedoms Mr S. Bakovic, in writing, informed the director of “LGBT Forum Progress” that the activities of this institution, on the occasion of “Pride” month and the burning of the rainbow flag, the universal symbol of the LGBT community, in the night between 17<sup>th</sup> and 18<sup>th</sup> June 2012, had been described in details in the annual report on work for the year 2012.<sup>24</sup> Annual report on work was considered and adopted by the Parliament of Montenegro in December 2013, said in his response the Ombudsman. He also informed that, according to his information from April 2014, the reported case still hadn’t been solved by the police.<sup>25</sup>

### **Cimbaljevic allegedly unworthy of state symbols**

NGO “LGBT Forum Progress” has pointed out several times publicly the expressed hate speech, usually on media portals and social networks, towards Zdravko Cimbaljevic, a long-time leader of the LGBT community and the only publicly declared member of the LGBT movement in Montenegro. Cimbaljevic clearly stood out at several public events at home and abroad with the rainbow flag and the Montenegrin state flag.<sup>26</sup>

The NGO pointed out that “LGBT people are still unwanted in Montenegro” and that they still face fascism and violence on everyday

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<sup>24</sup> Available at [http://www.ombudsman.co.me/docs/izvjestaji/Final\\_Izvjestaj\\_za\\_2013\\_310320131450.pdf](http://www.ombudsman.co.me/docs/izvjestaji/Final_Izvjestaj_za_2013_310320131450.pdf)

<sup>25</sup> Letter from the Protector of Human Rights and Freedoms to a director of NGO “LGBT Forum Progress” S.M. 10.04.2014.; LGBT FP Documentation

<sup>26</sup> Celebrating a national holiday July 13<sup>th</sup>, participation in the Pride Parade in Split, Stockholm, Warsaw, participation in various LGBT events in Belgrade, Tirana ...; LGBT FP Photo Documentation

basis, in various places and situations. Cimbaljevic has been publicly declared unworthy of holding the Montenegrin state flag only because of his different sexual orientation.

On this occasion, and because of the expressed hate speech, many complaints have been filed to a police.

### **Z.D. fined for insulting and insolent behaviour**

The police initiated a misdemeanour procedure of Z.D. because, in front of the Basic Public Prosecutor's Office in Podgorica, he insulted and belittled the director D.M. under Article 7, paragraph 1 of the Law on Public Peace and Order.

D.M. came into the official premises to clarify the attack on him and two of his friends in the centre of Podgorica by a group of sport fans from the non-governmental organization "Varvari". The motive of the attack was the directing the first Montenegrin TV video about equality and acceptance of LGBT people.

On 12 September 2012, Before the Regional Authority for Misdemeanours, the decision has been made to fine Z.D. 300 euros along with costs of the proceeding in the amount of 25 euros.

### **R.C. fined for discrimination against LGBT activists**

NGO "LGBT Forum Progress" filed a report to a police against R. C. (1977), Niksic, an employee at the "Security Guard Montenegro", because it insulted and threatened LGBT population.

In his message directed to Zdravko Cimbaljevic, a director of the NGO "LGBT Forum Progress," via Facebook, using his fake profile, R.C., among other things, wrote: "Faggot, you should be beaten like animals, no, you should be burned, tide up naked, you fucking asshole, dogs fuck your mother, you stain of the earth, I shit in your mouth."<sup>27</sup>

At the end of June 2012, Basic Public Prosecutor's Office in Podgorica issued a request for instigation of the misdemeanor procedure against R.C. for the misdemeanor under the Article 9 of the Law on Public Peace and Order.

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<sup>27</sup> Regarding this case we particularly recommend the book "Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice", p. 61-64, authors Marijana Laković and Aleksandar Saša Zeković, editors: LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

On 8 October 2012, Regional Authority for Misdemeanors in Podgorica found R.C. guilty, because on 8 April 2012, “in a public place in Podgorica, through electronic communication via network “Facebook” on the basis of his personal capacity - sexual orientation (in violation of the Article 2 and Article 7 of the Law on Prohibition of Discrimination) insulted and put in an unequal position in relation to other persons the plaintiff Zdravko Cimbalevic by sending him a message from his profile and posting it public which caused Cimbalevic to feel discomfort and offended. R.C. was fined 700 euros.<sup>28</sup>

### **Protest to an editor of the newspaper “Dan”**

The Director General of non-governmental organization (NGO), “Center for Anti-discrimination - Ekvista” Mr. Milan Saranovic sent, on behalf of this NGO and NGO “LGBT Forum Progress”, a protest letter to an editor-in-chief of the daily news “Dan” about the article “The trial used for commercials”.<sup>29</sup>

The letter expressed the mutual attitudes of the two NGOs regarding the mentioned article:

*“We consider the title, and thus the entire text to be completely inaccurate, groundless and not at all objective. We are aware of the fact that in the article itself there is a quotation of Prof. Dr. S.R., however we believe that this kind of title has no grounding, especially because it is defined in such way that it cannot be clearly distinguished whether this is the stand of Prof. Dr. S.R, of daily news “Dan” or of the editor. We remind you that “LGBT Forum Progress” and “Ekvista” are organizations whose mission is to promote and protect human rights of endangered groups and especially LGBT population. As the protection of human rights, among other ways of protecting them, also includes*

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<sup>28</sup> Deciding on the type and length of sentence, the judge assessed all the circumstances that were relevant for the decision. As mitigating circumstances in favour of defendant, he valued a full confession of the misdemeanour, his financial situation and the fact that he was never prosecuted for the misdemeanour, while as aggravating circumstances he considered the degree of seriousness of the misdemeanour, so he fined the defendant considering that with this fine he will achieve the purpose of punishment under Article 6 of the Law on Misdemeanours. He considered that this kind of punishment is necessary and enough for achieving the mentioned purpose, from a general point of view as well as from the point of view of special prevention and that it would influence the defendant not to commit misdemeanours in the future. P. 64

<sup>29</sup> Daily news “Dan”, article “The trial used for commercials”, published on October 17 2012, section “Society” page 15

*the judicial protection, the initiation of this procedure against Prof. Dr. S.R. is completely justified. Therefore, the procedure is a completely legitimate step and absolutely not an advertisement for "Progress" and "Ekvista" as you suggest in your title. We however hope that this is not the attitude of "Dan", nor the intention to discredit "LGBT Forum Progress" and "Ekvista" but a clumsy selection of title and therefore we invite you to consider, according to this letter of ours, the possibility of a certain corrective behavior. Especially as the previous collaboration with daily news "Dan" was indeed fair, we often provided you with some inside information, always were available to your journalists and on numerous occasions our reaction, requesting the responsibility of the media or journalists lacked when it was more than necessary. We didn't do it for advertisement, the same reason why now we didn't sue the university professor to whom "Dan" shouldn't have given room for disqualifying views on the LGBT community, especially without views of the other side", concludes Mr. Saranovic at the end of his letter to an editor of daily news "Dan".<sup>30</sup>*

## **Requested revision of responsibility of university professors and media**

Non-governmental organization (NGO) "LGBT Forum Progress," submitted for the evaluation and decision-making to the Basic Public Prosecutor's Office (BPPO) the article "People are not born gays" signed by the journalist M.S., published in the daily news "Dan" on 11 February 2013, to determine the existence of criminal or misdemeanor responsibility of the citizen Prof. S.R. as well as the media, and responsible persons within them, for discrimination and violation of equality.<sup>31</sup>

In the article, in which there is a conversation with the university professor S.R., there is a series of unfounded qualifications about homosexuals and which are contrary to the established constitutional framework and anti-discriminatory policy in Montenegro. Using a concrete conversation they are advocating and promoting the thesis that

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<sup>30</sup> The letter of the The Director General of the NVO "Center for Anti-discrimination - Ekvista" Mr M.Š. to an editor-in-chief of the daily news "Dan" from October 17, 2012; LGBT FP Documentation

<sup>31</sup> Daily news "Dan", section "Causes" p 12, article "People are not born gay", Monday February 11, 2013



environment influences the development of homosexuality and homosexuals are connected with pedophiles. LGBT activists are particularly concerned with the view in the article where homosexuality is related to various deviations which is dangerous and harmful to society with such high rate of homophobia. This approach contributes, very actively, to a harassment of LGBT people in Montenegro, and as an academic authority, throughout manifested manipulation, S.R. definitely narrows the room for acceptance and directly prevents equality in society.<sup>32</sup>

This article represents manipulation and populist approach through which state authorities (police, prosecution), government agencies and NGOs are identified as the ones who “dedicate more time, media space and funds to homosexuality rather than young talents, experts and students.” In the article, S.R. added “that specialist doctors, psychologist and others should provide their opinion about such phenomenon and that among these people there are often pedophiles.” *“The political situation dictates the orientation and our politicians have noticed what the West brings along. Among homosexuals there could be pedophiles so imagine the disaster if this kind of couple adopted a child – it is horrible and unacceptable. Certainly, this kind of people are present in certain places such as Government and Parliament but I cannot confirm it as a 100% true because I have no evidence”* said the professor of the University of Montenegro Dr. S.R. He went on: *“Those people don’t want to expose themselves, not because they are afraid but because they don’t want to label their families because in our country it is considered to be something shameful.”*

*“There is a transitional or latent homosexuality and the one that occurs as a permanent feature. In some people homosexuality is latent, hidden. Also there are homosexuals who are capable of being in a heterosexual relationships. Sometimes it comes as a consequence for the lack of opportunity for normal sexual intercourse. In some neurosis, emotional problems within family, during an early childhood, can lead to homosexuality. The development of homosexuality is related to the relationship between the child and parents, brothers and sisters. People are not born gay, but the influence of the environment determines such a development. Causes of some forms of homosexuality lay in improper education, prohibition of socializing with children of the opposite sex or creation of resentment”* – said S.R. on that occasion.

Further in the article, he pointed out that: *“based on years of lecturing and research of sexual education of the youth, he can con-*

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32 Interview with E.Dj., S.M. and Z.C., LGBT activists about this article.



*clude that sexuality has always been manipulated, always on behalf of morality, but it is difficult to answer the question why there is a sudden growth of interest for this topic in Montenegro “.*

*“Adults have to be aware of the fact that sexual troubles of young people are very serious and deserve a full attention. Biology is clear. Reproduction is general characteristic of survival of human beings and is the basic condition for the survival on Earth. Sexual functions are natural needs of men and women. The main task of genitals is to make an offspring, a reproduction. It is reasonable and human to acknowledge the right of some homosexuals to life as they want it, as long as they don’t endanger rights of others and they are not rapist of children or helpless ones” said Prof. Dr. S.R.*

*“Essentially, the impact of the environment determines the development of homosexuality. The proper biological development definitely leads to heterosexuality while the improper development can reasonably be considered as one of the causes for homosexuality,”* said in this interview, among other things, Prof. Dr. S.R.

Daily news “Dan” announced in this article that soon, in this media, would be published a feuilleton about homosexuality by the same author, Prof. Dr. S.R. This announcement surprised and worried organizations of the civil society, especially because of the fact that Prof. Dr. S.R. was sued by those subjects for discrimination of the LGBT community. In the proceeding before the Basic Court the university professor was found guilty in a non-final verdict and the same media is obliged to publish the sentence.

Supreme Public Prosecutor’s Office, in its information for these NGO, at the end of April 2014 informed that the BPPO in Podgorica, formed the case Crim. No. 108/13. After evaluating the report, prosecution found that there are no grounds for instigation of criminal procedure against any person for a criminal offense prosecuted ex officio.

The same NVO filed to BPPO in Podgorica a report, for similar reasons, against the sport fan M. Dj. from Niksic (municipality in Montenegro) who stated in daily news “Dan”: “For something like that you get beat up”. BPPO found no elements of responsibility of M. Dj. but it issued a request for instigation of the misdemeanor procedure to a Regional Authority for Misdemeanors in Podgorica against the defendant, legal entity, the company “Media Nea” from Podgorica and responsible persons in that legal entity B.D. and S.R.

## **Continuous assaults on actors of the first Montenegrin LGBT TV video**

A film director D.M. and students B.B. and T.V, who starred in the first Montenegrin LGBT TV video dedicated to tolerance for LGBT people, since the video was first publicly displayed, have been targets of homophobic public. Also, the victims were usually all the people who would be in their company.

In addition to presented cases, for a better understanding and further research, we recommend the book “Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice” by Marijan Lakovic and Alexander Zekovic, which is available at [www.lgbtprogres.me](http://www.lgbtprogres.me).<sup>33</sup>

A big group of young men attacked on 7 January 2013, in the center of Podgorica, in front of the restaurant “Tropicana”, D.M., a director from Podgorica, a journalists M.B. and students T.V., B.B. and M. Pr.

The motive of the attack the first Montenegrin LGBT television video.

Soon the police issued a request for instigation of the misdemeanor procedure against I.B., M.P., M.V., Mi. Po., D.V. and A.R. under Article 7, paragraph 1, and Article 8 of the Law on Public Peace and Order.<sup>34</sup>

Regional authority for Misdemeanors in Podgorica, in mid-September 2013, sentenced I.B. and D.V. to ten days of imprisonment. The same authority decided, due to the lack of evidence, to set free M.P., M.V., Mi. Po. and A.R.<sup>35</sup>

Legal program of the NGO “LGBT Forum Progress”, regarding these attacks, registered that often perpetrators are the same persons who repeatedly attack LGBT people and their public supporters or they are witnesses in different proceedings that various state bodies lead against them. In this program it is highlighted a particular concern due to relations of state prosecutors who, regarding this very serious incident, pleaded no elements of a criminal offence.

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<sup>33</sup> Pay closer attention to pages 49-50; 56-57; 81-83; 94; 95; 99-100; Marijana Lakovic and Aleksandar Sasa Zekovic, “Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice” LGBT Forum Progress and ILGA Europe, Podgorica, 2012, <http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>

<sup>34</sup> UP No. 03-25 from February 5, 2013.; LGBT FP Documentation

<sup>35</sup> The decision of the Regional Authority for misdemeanours PP No. 1255/13-26 from September 16, 2013; LGBT FP Documentation

## **Repeated attack on T.V. from Podgorica**

T.V. student from Podgorica, a honorable member of “LGBT Forum Progress”, the first Montenegrin LGBT organization and actor in first Montenegrin LGBT TV video, have often been a victim of hate speech and homophobic violence.

On 22 January 2013, in early morning hours, in a famous cafe “Berlin” in Podgorica, he was physically attacked V.M. and D. J. due to the fact that he starred in the TV video dedicated to the social acceptance of the LGBT community.

The Deputy Basic Public Prosecutor in Podgorica, Mr I.P. pleaded, regarding this incident, there is no element of the criminal offense.

The police, in this particular case, professionally and efficiently applied their authority. Already on February 5, 2013, a request for instigation of the misdemeanor procedure against V.M. and D.J, both from Podgorica, was issued to the Regional Authority of Misdemeanors.<sup>36</sup>

## **LGBT activists attacked the gathering against violence over women**

On 14 February 2013, at Republic Square in Podgorica was held, exceptionally well attended, gathering for preventing the violence over women, which is part of the global campaign “One Billion Raising.”

The event was also attended by a delegation of the LGBT community, at the time the only transparent LGBT group in Montenegro – non-governmental organization “LGBT Forum Progress”.

The delegation was present with visible symbols of the LGBT community.

Between the fountain on the square and improvised stage there was an incident which was registered by the present police officers. The young man, who was later identified by police, asked the LGBT attendees to hand him over the rainbow flag. He said: “Give me that faggot flag to burn it down.” Everyone objected and told him to leave them alone, to mind his own business and not to worry about on the flag.

The young man temporarily withdrew but he remained close to them and kept provoking and making fun of them. He was constantly

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<sup>36</sup> UP No. 03-26 from February 5, 2013; LGBT FP Documentation

interfering with their participation on the gathering. After about ten minutes, the young man suddenly attacked and pulled down one of the attending activists trying to take the LGBT flag. With the help from other delegation members, the activist managed to defend himself and went to the police officer who he informed about the rest of the incident.

Police Directorate later, in writing, informed the “LGBT Forum Progress”, regarding the described incident that Deputy Basic Public Prosecutor in Podgorica, Mr. I.P., pleaded no evidence of criminal offences which is prosecuted ex officio in this action, as well as no marks of misdemeanor in the area of the Law on Protection against Discrimination.<sup>37</sup>

Police Directorate informed that the attacker was identified as R.F., a student from Kragujevac (Serbia), Serbian citizen, residing in Bar, against whom was issued a request for instigation of the misdemeanor procedure due to a reasonable doubt that he committed a misdemeanor under the Article 19 of the Law on Public Order and Peace - insulting on the basis of personal characteristics.<sup>38</sup>

In mid-April 2014, “LGBT Forum Progress” was informed by the Police Directorate that according to decision by the Regional Authority for Misdemeanors in Podgorica, PD No. 2958/13-5 from May 23, 2013, R.F. was fined 250 euros along with costs of the proceeding in the amount of 25 euros. The decision became final on September 18, 2013.<sup>39</sup>

## **The police acted unlawfully in the case of clarifying attack**

Council for Civil Control of Work of Police considered the complaint of NGO “Centre for Civic Education” (CCE) in Podgorica, which requested a verification of legality of official measures and actions applied.

Before this collective ombudsman body in charge for the evaluation of police powers, the CCE claimed that a measure of recognition in

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<sup>37</sup> Letter from the Regional Unit Podgorica of the Police Directorate No. 03-224/13-4731/1, from March 12, 2013, signed by the Head of Branch Offices for public peace and order, Mr R.R.; LGBT FP Documentation

<sup>38</sup> Request for instigation of the misdemeanor procedure PD No. 03-58; LGBT FP Documentation

<sup>39</sup> Information of the Misdemeanor Board of Montenegro about a final outcome of the misdemeanor cases based on reports from LGBT Forum Progress from April, 2014; LGBT FP Documentation

the case of clarifying the beating of the movie director D.M., the journalist M.B. and student T.V., an incident that occurred on September 10, 2012, was not legally conducted. This NGO stated that the plaintiffs, by being brought in a direct contact with the potential perpetrators, had been exposed to an unpleasant situation that had upset them even further.

The Council was informed by the Chief of the Public Order and Peace of the Regional Police Unit in Podgorica about the actions that were taken on this occasion. In this information was emphasised that all investigations related to the recognition were conducted in accordance with the law and that they were handled by the Deputies Basic Public Prosecutor in Podgorica. In the report, the police stated that there came, due to the lack of technical capacity of police (having two offices that are being used for interrogation by the line of work of all the incidents) to a direct contact between the plaintiff M.B. and the citizen A.P. who was brought, according to police information, on basis of another incident. Police stated that M.B. was informed that this person was not a subject of recognition.

The CCE was informed about the response from the police who then, subsequently, turned to the Council for Civil Control of Work of Police pointing out at the disputed elements from the police report. This NGO estimated the actions of recognition lawfully conducted only after they informed the Council for Civil Control of Work of Police about them on September 11, 2012, but that all of the actions before that were conducted unprofessionally.

The Council contacted the citizen M.B., through a member who worked on a case, and he confirmed the statement of the police but he added that that official information does not include a description of all of the actions and measures taken regarding the clarification of this attack. He confirmed to a Council that, in the official premises, he had a direct contact with several persons who were subjects of recognition. Among other things, in a direct contact, face to face, he was asked to declare whether one of the attackers was also F.R., who later appeared as a witness for the defendants in a criminal proceeding.

The Council for Civil Control of Work of Police concluded that some of the measures of recognition, taken by police officers in charge of the case, were not conducted in accordance with the law because the person who is the subject of recognition cannot see the witness nor have a direct contact with him.<sup>40</sup>

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<sup>40</sup> From the book "Civil control of the police in practice," by the authors Aleksandar Sasa Zekovic and Zoran Bacovic, Council for Civic Control of Work of Police, Podgorica, 2014; Available at [http://kontrolapolicije.me/index.php?option=com\\_content&view=article&id=5&Itemid=107](http://kontrolapolicije.me/index.php?option=com_content&view=article&id=5&Itemid=107)

## Threats to a transgender person from Bar

A transgender person from Bar A.A.S. turned to the Internet team of the NGO “LGBT Forum Progress”, who works on monitoring and documenting hate speech and announcements of violence, and reported a transphobic violence and threats he faced on a social network “Facebook”.

In early March 2013, this transgender person, who also stayed for some period of time in the LGBT shelter in Podgorica due to a lack of family support, posted a picture on his “Facebook” profile showing himself in his preferred, female gender. After posting the picture, many persons commented it in a very inappropriate way, including serious threats.

Citizens A.M., S.K. and underage V.D. (who was successfully identified by the police) from Budva, were leading in negative and threatening comments. The Internet team of this NGO archived all the comments and submitted them, along with a report, to a police.

In the beginning of April 2013, the representative of the “LGBT Forum Progress” was called in a police station for public peace and order and provided a police officer Z.R. with additional necessary information, and a copy of the record was issued on information gathered from the citizen.

The police informed about this event the Deputy Basic Public Prosecutor in Podgorica Mr. I.P. who pleaded no elements of a crime.

Reports were submitted for further processing to a Security Centre (SC) Budva.

In the NGO “LGBT Forum Progress” they were surprised by the answer from SC Budva in which was stated that the requirements for issuing a request for the instigation of the misdemeanor procedure against these three individuals by the Regional Authority for Misdemeanors in Budva was rejected as they “didn’t issue it within the statutory period of 60 days.” This NVO states that the Police Directorate of Montenegro (MUP) is solely responsible for this negligence and untimeliness and that they don’t contribute to the preservation of the confidence that has been built.

“LGBT Forum Progress” filed a complaint to the Police Directorate of Montenegro against the police officers who worked on this case.

On 30 April 2014, regarding the complaint that was filed, the Police Directorate informed that “it was determined that the responsible

officer of SC Budva, who was in charge of the complaint, due to his untimely and careless conduct of official duties, failed to perform an act, within the statutory period (60 days from learning about the misdemeanor) which was necessary for issuing a request for the instigation of the misdemeanor procedure against these individuals to a Regional Authority for Misdemeanors in Budva.” “LGBT Forum Progress” was informed that, in this regard, the direct superior of responsible officer initiated the disciplinary proceeding against him. “The responsible officer was, in accordance with Article 106, paragraph 1 t. 11 of the Law on Internal Affairs, after the disciplinary proceeding which was conducted by the Disciplinary Committee, sanctioned for committing serious violation of duty. The identity of the police officers as well as undertaken sanctions were not communicated.

### **Gay man from Podgorica was reported to police for violent behavior**

M. C. (1986), a student from Podgorica, filed a report against an unknown young man with whom he had an intimate relationship, and entered into contact via one of the social chats.

On 12 March 2013, this young man visited him in his apartment. Since they had an intimate relationship, he asked him if he wanted to have an intercourse again. M.C. told him that he wasn't in the mood for it, which upset the perpetrator. He yelled at him. He asked him for money and threatened to take everything from his apartment. At first, M.C. thought that he was joking and told him that he didn't have anything in his apartment. Since that behavior continued, he stated in his report to a police that it was only then when he took the situation seriously.

*“I asked him to go outside which is why he yelled at me and told me “How can you oppose me.” Suddenly he started slapping me. He knocked me on the floor. I managed to get up and headed towards the door in order to escape. Then he violently lifted me and tossed me on the bed. I was very scared and worried for my life. He started choking me with his hands around my neck. He was lying on me with his full weight and since he was physically stronger than me, I could not resist. I managed to grab the lamp that was on the floor beside the bed. In self-defense I hit him with it while he was choking me. The hit was enough to manage to get out of his grasp, grab the phone and try to*



*get out through the door which, at that moment, was locked. While I was unlocking the door he kept hitting me and pulling me back into the room. I managed to unlock the door, take my jeans and the phone. I hid in the bathroom. He told me “Now you will pay for everything. You have no idea what will happen to you because of this”. Through the bathroom I went outside. I called my friend. In that moment I realized I was barefoot. A friend DJ. K. met me in my backyard. She wanted to help me but we realized that he would overpower us. We decided to wait for him to go outside. After about ten minutes he went outside and showed us, in the direction of the car we were sitting in, my ID and my laptop that he was holding under his arm. Later I realized that he stole 30 euros from my wallet” – stated C.M. in his report.*

After the incident, M. C. turned to the LGBT shelter where he was offered necessary help and support. A contact was made with a police to whom was given a detailed description of this young man as well as information about his work and the place he stayed.

“LGBT Forum Progress” was able to identify the attacker and expressed their confidence to a police that the case wouldn’t be covered up, regardless of the knowledge that this person is closely related to a high official of the Ministry of Interior Affairs of Montenegro.

In April of 2014, M.C. told the team that worked on this book that “no action were taken”, that “somebody is protecting the attacker” and that “he doesn’t want to remember that horrible event anymore.”<sup>41</sup>

## **Harassment of young gay men in Podgorica**

Young gay man from Podgorica (1992) filed a report to a police against several young men from Podgorica who, on several occasions, harassed, insulted and threw various objects at him because of his sexual orientation, in Drvarska Street in Podgorica.

The last reported incident occurred in early May 2013.

R.B. recognized one man from the group. He informed the police that it was A.B., also from Podgorica. Thanks to “Facebook” network, he identified some individuals from this group and submitted their photos to a police.<sup>42</sup>

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<sup>41</sup> Notes from the conversation between A.S. Zekovic with M.C. published on April 14, 2014; LGBT FP Documentation

<sup>42</sup> Report of R.B. to Police Directorate Security Centre in Podgorica from May 5, 2013; LGBT FP Documentation



## Transgender man harassed on basis of his gender identity

Transgender man (1993) from Podgorica filed a report to a police against his longtime acquaintance, O.O., who insulted him, via network "Facebook", because of his transgender identity.<sup>43</sup>

O.O. knew that his acquaintance was biologically born as a woman but that, for years, he has been living in his preferred male gender. Given the fact that in that period this transgender man had officially changed his name and got his new identity documents, O.O., as a sign of his disapproval of that act and revolt, published on his profile his old photo, while he was still a woman, and wrote the following: *"Whoever is friend with her should know that she is a woman and that she is lying to girls that she's actually a man, and her name is..."*

He also sent to this transgender man the following private message: *"I fuck your mother, I will make your life a living hell and you write to your mommy, who beats you and locks you up in a closet, to drink bear... you succeeded ... you seduce little girls of 13, 14 years and they think you have a dick... you are poor and pathetic, you should be ashamed for being what you are, and when I see you here I will fuck everything of yours ... you turn people against their loved ones... I don't understand how come you are not ashamed of being alive, you stupid bitch...!!! You are a female, a lesbian, you have tits that you hide with corset... I can't believe it... fuck it, it is not like with us, men."*

## Hate speech and threats on the occasion of celebrating the IDAHO Day

Non-governmental organization "LGBT Forum Progress", regarding the celebration of May 17, the International Day against Homophobia and Transphobia (IDAHO) organized a street performance dedicated to the acceptance of LGBT people.<sup>44</sup>

Pedestrian bridge in the center of Podgorica, which connects the coasts of Morača, was decorated with balloons and ribbons in rainbow colors with messages which the members of this organization used to address the public of Podgorica and Montenegro. On the bridge there

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<sup>43</sup> Report No. 4687/2013 filed to Branch Offices PU Podgorica Police Directorate on May 6, 2013. The report was received by the authorized officer BR; LGBT FP Documentation

<sup>44</sup> For more information visit <http://lgbtprogres.me/2013/05/postovanje-razlika-i-tolerancije-su-u-krizi/#>

were also flags of the LGBT community. “LGBT Forum Progress” believes that public activities of the LGBT community are important for its “visibility, coming out of the isolation and encouraging social acceptance.”

The decoration of the bridge was done in the presence of police.

After only a few hours, all of decorations and symbols of the LGBT community were destroyed.

Mrs. Ulrike Lunacek, the European Parliament member, congratulated the IDAHO day to Montenegrin LGBT community.<sup>45</sup> On the occasion of May 17, the work and the public activity of the new Montenegrin LGBT organization – “Montenegrin LGBTIQ Association Queer Montenegro” was officially promoted.<sup>46</sup> Also, on the occasion of IDAHO Day, the first LGBT postcard of Podgorica was sent to the President of the Assembly of Montenegro.<sup>47</sup>

This activity caused numerous negative comments on media portals and social networks.

U.N. aka “Uki”, from Podgorica, on his profile, among other things, wrote: “Fagots, lesbians and other sickos, don’t spread your disease in our Podgorica. I wish you all the worst, a slow and painful death!!!” L.M. wrote on photos, regarding the taken action: “There is a cure for that. Bats, hoes, bricks and so on.”

To the police was also reported N.S. from Podgorica because of his comment: “Kill, kill, kill the fagot!”

Regarding these reports, the Police Directorate of Montenegro notified the NGO “LGBT Forum Progress”, in April 2014, that the Juvenile Crimes Unit wasn’t able to identify these persons.

This NGO’s team for monitoring hate speech on Internet notified that statements from the police should be taken with reservation because “Facebook” profiles of these people are still active and full of elements for a successful identification.

## **State prosecutors did not take part in the program for strengthening the capacity**

Supreme Public Prosecution’s Office of Montenegro (SPPM) didn’t take part in the program which was focused in improving rela-

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<sup>45</sup> Her message is available at <https://www.youtube.com/watch?v=Ktflxgw1R90&feature=youtu.be>

<sup>46</sup> For more information visit [www.queermontenegro.org](http://www.queermontenegro.org)

<sup>47</sup> For more information visit <http://lgbtprogres.me/2013/05/promovisana-prva-lgbt-razglednica-podgorice/#>

tions between the LGBT community and police and prosecutorial organizations.

Despite urging them in many occasions, SSPM didn't respond to an invitation for prosecutors to take part in police training, organized from May 31 to June 6, 2013 as well as an invitation for a Supreme Public Prosecutor to be the lecturer in training called "Place and the role of state prosecutors in protecting LGBT people against violence, hate speech and other violations of rights."

They also never responded to an invitation for her or somebody else from the prosecutorial organization, to prepare and contribute with his/her professional contribution to the book / manual "Police, Tolerance and Acceptance of identity."<sup>48</sup>

Since December 2013, there was a significant improvement of communication between this NVO and prosecutorial organization.

### **Young gay man robbed in Bar**

A thirty-year-old gay man was robbed in Bar, on June 9, 2013 while he was in the cruising area. An unidentified man, with whom shortly before he had a brief conversation, asked him for money in order to allow him to go home. Young gay man was forced to hand him over his cellphone. After ten months, the police managed to find and return the stolen phone. In late December 2013, a report was filed against R.DJ. (1968), from Sutomore, for criminal offence of theft.<sup>49</sup>

### **Report against a religious leader**

Zdravko Cimbaljevic, the former executive director of the NGO "LGBT Forum Progress," filed in late June 2013 to the Basic Public Prosecutor's Office (BPPO) in Podgorica a criminal report against A.R. (civil R.R.), Metropolitan of Montenegro and the Littoral, for spreading hatred against LGBT people on June 28, 2013, in TV show "Plain Truth" (Ziva istina) on TV Atlas, by insulting them and equalizing them to certain social anomalies (pedophilia). What is worrying is that his statement was transmitted through almost every media, local and re-

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<sup>48</sup> Available at [http://media.lgbtprogres.me/2011/03/prirucnik\\_web.pdf](http://media.lgbtprogres.me/2011/03/prirucnik_web.pdf)

<sup>49</sup> Information of the Chief SC Bar submitted to the NGO "LGBT Forum Progress".

gional, and his action makes more difficult the acceptance and life of every LGBT person both in society and in their families – was stated, among other things, in his report.

Along with his report, Cimbalevic submitted copies of the statement, an online link as well as the video footage, on the disc, of the complete TV show<sup>50</sup>, ad called upon BPPO to assess whether the subject statements have elements of criminal or misdemeanor offenses.

Police Directorate of Montenegro informed in April, 2014 that the Deputy BPPO, Mrs. A.R., “asked for the case to be submitted to her for further proceeding, which was done.”

Basic Public Prosecutor’s Office in Podgorica (BPPO), after the NGO “LGBT Forum Progress” showed interest on the topic, on April 14, 2014, notified them that the Deputy BPPO, Mrs. A.K., dismissed the criminal report filed against A.R., Metropolitan of Montenegro and the Littoral, civic R.R., for the criminal offence of racial and other discrimination of the Article 443, Paragraphs 1 and 3 of the Criminal Code and the criminal offence of violation of equity of the Article 150, Paragraph 1 of the Criminal Code, because in his actions there are no elements of reported nor any other criminal offence that are prosecuted ex officio.<sup>51</sup>

In the explanation for the dismissal of the report it was stated that, from the attachment submitted along with the report, it was determined that A.R. stated, in mention TV show, that pedophiles and homosexuals are the part of the same story, that among them there is no difference, stating that “personally and as a Metropolitan he has the same attitude when it comes to K. and other twisted actions within the church, as he does when it comes to gay parades.” *He also stated that now in America there is a movement that legalized homosexuality and therefore he wondered why they don’t legalize pedophilia as well.* When journalists reacted that it is not the same thing, he remained at his position, explaining: *“I am sorry, but sin is a sin. You can call it whatever you want. Basically, it is the same story. According to Bible, Gospel and Christianity, it is completely the same story.”*

Commenting on the fact that the Bishop K. just retired, but was not fired, he said: *“The sign was given that the church does not tolerate a sin, and especially not a twisted one”*, while comparing his public comments regarding the parade in Belgrade and the K. case, he said: *“There is no difference between my personal attitude and my attitude*

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<sup>50</sup> TV show available at <https://www.youtube.com/watch?v=cyLQqZdWzMM>

<sup>51</sup> Solution of the Deputy Basic Public Prosecutor in Podgorica about the dismissal of the criminal report No. 413/14 from April 14, 2014, LGBT FP Documentation

as a Metropolitan toward this case and other cases within the church and these parades” stating at the end that the church does not condemn a man, but a sin.

“Taking this factual state into consideration, I find that in actions of A.R. there are no elements of reported nor any other criminal offence that are prosecuted *ex officio*” states in her explanation the Deputy BPPO, Mrs. A.K.

“From the context of the entire speech and in particular the statement of the speaker where he presents his stand from the point of view of “Bible, Gospel and Christianity”, there is no conclusion that the speech violated, denied or limited basic human rights and freedoms of members of the LGBT community under the Article 159 of the Criminal Code and Article 443, Paragraph 1 of the Criminal Code. On the contrary, the spoken words represent the judgment of the speaker which is presented within the framework of freedom of speech guaranteed by the Constitution and international documents, and which are used by the speaker, as the Metropolitan of Montenegro and the Littoral, to express his belief about the specific social phenomenon. It is worth mentioning that the criminal “offence racial and other discrimination”, Under the Article 443, Paragraph 3 of the Criminal Code, which was in force at the time the disputed statement was given, implied only racial propaganda - spreading ideas about the superiority of one race over another, propagating racial hatred and encouraging racial discrimination, while propaganda in relation to discrimination based on gender identity and sexual orientation was not incriminating, so in this particular case, reported actions under Article 2 and Article 5 of the same Criminal Code don’t fall within the zone protected by the criminal law. Therefore, according to this state of things, I find that in this case the spoken words don’t have such character and intensity nor the consequence to be considered as propaganda of hatred and intolerance, much less as a violation of human rights and freedoms of others, on the basis of which there could be established criminal liability.

## **State Railways accused of discrimination**

Non-governmental organization “LGBT Forum Progress” addressed, at the end of June, 2013, the Railway Transport of Montenegro (RTM) asking the Board of Directors and the executive director of

this company, that is state-owned, to consider the possibility of granting travel privileges for activists who work on health program and the distribution of condoms, lubricants and information materials about sexual health.<sup>52</sup>

RTM answered, briefly and fairly, by referring “LGBT Forum Progress” to company’s website where ways of obtaining the benefits and privileges are explained.<sup>53</sup>

There would be no problem if the Executive Director Mr. M.Z. didn’t send to the NGO “LGBT Forum Progress” by a mistake, instead of his colleague, T.K. who composed and sent the above mentioned answer, an email where was written “a diplomatic answer made with quality”.<sup>54</sup>

For this reason, this NGO contacted the director of RTM again: “With all due respect for your obligations and work, we consider that our request for your, very minimal, help of medical activities in one of the vulnerable minority groups, was very clear, concise and understandable. We expected a professional and sensible answer. There was no need to think of the justification, as you did, to reject our request, and to make it seem, as you said it yourself, “a good and diplomatic answer”. “RTM is not a diplomatic - consular office where you should use, in your professional conversation, a diplomatic language” – is stated in the letter, among other things.<sup>55</sup>

NGO noted that the management of RTM had a different attitude toward this request compared to other, earlier requests. “LGBT Forum Progress” reminded that the Railway Transport of Montenegro had provided completely free transfers, even on international routes, for sport fan groups.<sup>56</sup>

*“You are familiar, not only through media but through your professional work, and official business documentation, of the way that sport fans treated your service which you freely provided them with. They demolished the train. Did you also treat them “with quality and in diplomatic way” or do you maybe think that their behavior towards you*

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<sup>52</sup> Reduced ticket prices were requested for ten activists who worked on improvement of health of the LGBT persons; Letter of the Deputy Director of NGO “LGBT Forum Progress” to an Executive Director of RTM, Mr M.Z., from June 25, 2013; LGBT FP Documentation

<sup>53</sup> <http://www.zpcg.me> Answer from June 26, 2013, T.K. from corporate communications of RTM; LGBT FP Documentation

<sup>54</sup> Email from the Executive Director of RTM, Mr M.Z. from January 7, 2013, mistakenly sent to the NVO “LGBT Forum Progress”; LGBT FP Documentation

<sup>55</sup> Letter of the Deputy Director of NVO “LGBT Forum Progress” to a Director of RTM Mr M.Z. from July 4, 2013; LGBT FP Documentation

<sup>56</sup> [www.portalanalitika.me/sport/rukomet/83836-pcg-organizovao-besplatan-prevoz-za-zavrniciu-ep-u-beogradu](http://www.portalanalitika.me/sport/rukomet/83836-pcg-organizovao-besplatan-prevoz-za-zavrniciu-ep-u-beogradu)



*was fair and diplomatic*” – was stated, among other things, in the re-addressing the management of RTM. For details about the mentioned incident, visit <http://www.pobjeda.me/2012/12/18/navijaci-demolirali-voz-na-povratku-iz-beograda>

Executive Director of RTM, Mr. M.Z. sent a lengthy and detailed response.<sup>57</sup>

Although in his letter there are many elements of malice and cynicism, it seems, however, that his action is benevolent and that it shows his respect for the respondent. It was confirmed that there were no cost of sponsorship, except for the sport fan group, according to the adopted Plan for measures, savings and rationalization of costs of the RTM. However, the allegation of discrimination were strongly rejected and it was pointed out that RTM provided a very quality training for its staff in order to prevent discrimination of any kind against passengers or employees.<sup>58</sup>

The Director of RTM protested why the “LGBT Forum Progress” mentioned *“the unfortunate cases of abuse of our good will to help”* (the case of granting free tickets and demolition of the train) when in its public statements regarding this case, RTM never hid its *“resentment for actions of some (not all) sport fans from the group for whom, on several occasions, was organized free transport to important sporting events.”*

The Director explained the use of the word in the mention e-mail (which was mistakenly sent to this organization): *“We are a company that provides services in the public interest, hence our sensibility to the various activities in which we recognize the public interest, but already mentioned limitations prevent us from supporting them entirely. Our frustration in these situations requires the quality in the commitment to work in public relations, in such limited conditions, as well as a diplomatic delicacy of the responses that often cannot contain anything other than the frustrating refusal of financial assistance for activities that we truly support “.*

The then director of the “LGBT Forum Progress”, after being introduced to the entire case, ordered the suspension of further corre-

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57 The answer of the Executive Director of the Railway Transport of Montenegro Mr M.Z. to a Deputy Director of NVO “LGBT Forum Progress” S.M.; LGBT FP Documentation

58 To the participants of our training is repeatedly emphasized throughout the course of communicating with the parties that they can think whatever they want about passengers (this is, after all, their undisputed right), but that they cannot express their judgement on the basis of skin colour, nationality, religious beliefs, sexual orientation, artistic, aesthetic or fashion preferences, or any prejudice and bias, “explained Executive Director of RTM, Mr MZ in a letter to the NGO “LGBT FP”.

spondence with the management of the RTM as well as the desist from every request toward this company: *"We are facing everyday problems. At this point the primary thing is out safety, therefore, our further professional and personal attention shouldn't be focused on bureaucratic approaches and demagoguery that conceals the obvious different treatment of the two social groups - the sport fans and the LGBT community"* said mr. Zdravko Cimbaljevic, in addressing the staff of the organization.<sup>59</sup>

### **"A guard from Podgorica" unavailable to the police**

An unknown person, which still hides behind an active profile "Podgorički čuvar" (a guard from Podgorica), threatened, Zdravko Cimbaljevic, the then Director of the NGO "LGBT Forum Progress", on several occasions.

This person, in early July 2013, wrote following threatening messages from the profile known as N.K.: *"You filth, a good beating is waiting for you. Just so you know, we are following you from today"* and *"The only reason I hate you is because you can't have offspring and you want to adopt children!! Because there is going to be a gay parade and you are publicly presenting yourself as a faggot and now the whole city knows you. Watch out, the dark might eat you these days."*

The same person also threatened Cimbaljevic after the first Montenegrin Pride Parade was held: *"You filth, you reported me, I don't have money to feed out of other people's pockets like you and you can't wait for someone to attack you to report him. Just so you know, for what you did you are going to end badly, many guys will follow you through the town from tonight and they will attack you some place where there are no cameras, where you won't be able to do anything."*

The same person is threatened, through private messages, Cimbaljevic during his official visit to Canada when he led the Pride Parade in Vancouver.<sup>60</sup> This person wrote him the following message: *"I think you are aware of the risk of coming back here and walking the streets of Podgorica."*

All of these threats are regularly reported to the police, who, in April 2014, informed "that it is impossible to identify the person –

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<sup>59</sup> The addressing of the then Director of NVO "LGBT Forum Progress" Z.C. to a program director and the assistants of the director of this organization from July 25, 2013; LGBT FP Documentation

<sup>60</sup> For more information visit <http://lgbtprogres.me/2013/08/cimbaljevic-na-jednoj-od-najvecih-svjetskih-povorki/>



profile deactivated.” “LGBT Forum Progress” Team for monitoring hate speech on Internet informed that the profile is still active.”

### **Young man threatened participants of Budva Pride**

Days before the Budva Pride, the young man I.B. threatened the organizers and participants of Budva Pride, announcing riots and “slaughter”, which is why he was reported to a police. He also insulted Zdravko Cimbaljevic, the President of the Organizing Committee of the Pride, calling him “a dog” and threatened him with death. Profile is no longer active.

### **For L.P. the only good gays are the dead ones**

A student L.P. from Cetinje, resident of Podgorica, on the photo of Pride Parade from Facebook group “Podgoricke legende”, left the following comment: “Only dead fag is a good fag” for which he was, on 16 July 2013, reported to the police by the NGO’s “LGBT Forum Progress” team for monitor hate speech on the Internet.

In April of 2014, police informed regarding this report that it is not possible to determine the identity of a person because of the alleged deactivation of the profile.

The team checked these claims and found that the profile is still active and contains a wealth of information for a quality and successful identification.

### **Famous sports journalist insulted LGBT community**

Member of the LGBT community Zdravko Cimbaljevic addressed the “LGBT Forum Progress” team for monitoring hate speech informing them that a certain N.S. from Podgorica was insulting, undermining and presenting a serious threat to him and the entire LGBT community.

In his notification, Cimbaljevic said that he was not sure if it is a reputable sports journalist N.S. but he suggested that a proper report should be filed to the police in order to establish the identity of this person.

NGO “LGBT Forum Progress” filed a report to the Police Directorate of Montenegro against N.S. from Podgorica, because on several occasions, in July 2013, he sent a series of abusive and threatening messages to a member of the LGBT community that were related to LGBT people as a whole.

N.S. sent the following message:

*“You faggot, I will fuck your mother, you are a mockery, we will tear you apart. You will be removed from the face of the earth by my friends, I fuck everything of yours. This is just a threat, you are about to see what is waiting for you and what we are ready to do, me and my friends from Block 5. We are the children of Podgorica we all love cunt.”*

*“I am a public person and I am the first in Montenegro to raise a voice against you because for me, and for 99% of citizens of our motherland Montenegro, what you are doing is at least scandalous. Honestly, I don’t care what you are doing in your private life, but why are you walking with pride. What pride you fagot?”*

*“You dirty sicko, I will slaughter everything of yours because I don’t want to fuck it ‘cause maybe those who made you are sick too... we are waiting for you!!!*

Police Directorate of Montenegro notified, regarding the report, that a request for the instigation of the misdemeanor procedure was issued, No. 03-421 under the Article 7 Paragraph 1 and Article 8 of the Law on Public Peace and Order.<sup>61</sup>

In this case of the verbal attack of N.S. against LGBT community didn’t react any of the professional journalist associations nor any of the non-governmental organizations for the protection of human rights.

On the other hand, Cibajevic, who received these messages, as well as the LGBT community, through two of its associations, always manifested a strong solidarity with all endangered journalists and media workers in Montenegro.

In this particular case, Deputy BPPO in Podgorica, Mr. I.P. and Mrs. A.R., after being introduced to this case, pleaded no elements of a criminal offence.

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<sup>61</sup> No. 03-421 from November 14, 2013; Article 7. Paragraph 1 has already been quoted. Article 8 of the Law on POP states: “Article 8, The one who publicly causes the sense of endangerment of another person by threatening to attack the life and body of that person or a person close to him, will be punished for misdemeanour by a fine of 250 euros to 1,500 euros or imprisonment for up to 60 days; LGBT FP Documentation

## The day before the Pride Parade in Budva appeared Cimbaljevic's obituary

"LGBT Forum Progress" reported to the police the distribution of Zdravko Cimbaljevic's obituary in Budva, the then leader of the NGO and the organizer of Budva Pride.

On 23 July 2013, Cimbaljevic was notified that in Budva, in the space provided for it, was placed his obituary, that is, a poster that informs the interested public about his death.<sup>62</sup>

The poster with the information about Cibaljevic's death, by form and content, did not differ from the standard obituaries. It contained his personal information and photograph. Obituary was later distributed via Internet and its distribution was directly related to the organization of the Pride Parade in Budva.

In the report filed to the police, Cimbaljevic clearly stated that he felt threatened, otherwise he wouldn't be filing a report, and that he considered this to be "a direct threat to his life and the announcement of violence on the Pride Parade."

Regarding this report, the Security Center Budva informed, in April 2014, that the responsible police officer of the Crime Police Station, Mr. A.T., interviewed the deputy Basic Public Prosecutor of Kotor, Mr. Z.P., *"who stated that in this action there are elements of the criminal offense of endangering the safety, under the Article 168 of the Criminal Code, but there is no subjective element of the criminal offence because Cimbaljevic, through the media, declared that placing this obituary did not scare him, therefore there are no elements for further proceeding of this case."*<sup>63</sup>

Regarding this statement from BPPO from Kotor, "LGBT Forum Progress" asked Cimbaljevic for his opinion

Cimbaljevic, in his written statement, said that he completely rejected the the allegations of the prosecution. "I definitely don't feel comfortable seeing my obituary but I said that this won't scare us nor stop us in organizing the Pride Parade. How could I, just because of my personal fear, stop everything and say that there won't be a Parade. I had an obligation, moral and as an activist, not to show publicly any kind of fear, although, for over three years, I was afraid for my life on

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<sup>62</sup> <http://www.cdm.me/drustvo/crna-gora/budva-citulje-za-zdravka-cimbaljevica>

<sup>63</sup> <http://www.antenam.net/web/index.php/drustvo/992-numanovic-ostro-osudio-stampanje-citulja-sa-likom-cimbaljevica> ; <http://www.vijesti.me/kolumne/ponos-citulja-budvu-kolumna-140746>

everyday basis. This kind of work, or better, the lack of the work of the prosecution, influenced me to leave my country”.<sup>64</sup>

“LGBT Forum Progress” stated that with this example, Public Prosecution Office showed a complete lack of interest in protecting the LGBT community. Cimbaljevic gave lots of statements regarding this incident, but none of them was interpreted, by him nor anybody from the LGBT community, the way that it was done by the Deputy BPPO in Kotor. “It would have been professional if he had directly contacted Cimbaljevic or our organization”, stated in this NGO.

In April 2014, Cimbaljevic filed a complaint to a Supreme Public Prosecutor of Montenegro on work of the Deputy Basic Public Prosecutor in Kotor, Mr. Z.P. requesting from him to issue an initiative for his dismissal due to his negligent performance of its functions, disgracing the reputation of prosecutorial functions and organization, and especially due to his unprofessionalism and his negligent work.”<sup>65</sup>

## **Reports due to announcement of destroying the Pride Parade in Budva**

“LGBT Forum Progress” was contacted by several people who are (in) directly associated with a specific sport fan groups from Podgorica, from locations “Stara Varoš”, “Pejton” i “Baston”. They informed this NGO that an attack was being planned in Budva with a lot of tear gas. A certain S.B. and B.M. were allegedly linked with this activity. The police was informed about the findings.

The same organization asked from the Police Directorate to take into account statements from public notification of the non-governmental organization “Association of friends and fans JSD Partizan” from Budva and to, on this occasion, consult the prosecution regarding the existence of elements of the misdemeanor and criminal offence.

In the announcement of this sports-fan-NGO, among other things, was stated: “We strongly oppose and condemn this deviant and twisted gathering. With regret we consider that, this way a stain

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<sup>64</sup> Zdravko Cimbaljevic's statement, Montenegrin and international LGBT activist, from April 19, 2014, LGBT FP Documentation

<sup>65</sup> Zdravko Cimbaljevic 's complaint filed to a Supreme Public Prosecutor of Montenegro on April 21, 2014; LGBT FP Documentation; Cimbaljevic's personal statement available at <http://www.vijesti.me/vijesti/cimbaljevic-vuckovic-da-razrijesi-zamjenika-drzavnog-tuzioca-kotoru-clanak-197670>

is being casted on our society and all the family values and traditions that we have been nurturing for centuries. Budva, as a metropolis of tourism does not deserve, at the height of tourist season, to be a host and co-organizer of this grotesque event. The goal of our society is to promote a healthy, normal life of sport and chevalier spirit, and to guide children towards traditional family values, therefore the twisted intentions of homo marriages as well as adopting children, in our deep conviction, represent sick ideas of perverse creatures.”<sup>66</sup>

### **Pride Parade in Budva had shown great hatred and intolerance towards LGBT community**

On July 24, 2013, in Budva was held the first Pride Parade in Montenegro “SeaSide Pride”.

The first public walk of the LGBT community happened under the walls of the Old Town with the intention to make the adopted LGBT policy functional, through an evident and visible contribution of, first of all, state institutions.<sup>67</sup>

Previously scheduled parade, on May 2011, was postponed due to a lack of security guarantees and political support. In the meantime, Montenegro made an evident and exemplary step towards the development of proper policies. A strong political support was expressed on a highest level, not only for holding pride parades, but for the overall development of human rights of LGBT persons. The fact that on May 9, 2013, the Strategy for improving the quality of life for LGBT people in Montenegro was adopted by the Government of Montenegro, represents the key confirmation of this. It is an important historical docu-

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<sup>66</sup> <http://spisak.me/news/49649/> and <http://www.stormfront.org/forum/t298411-93/>

<sup>67</sup> On the announced press conference spoke the representatives of the Organizing Committee of the first Pride in the presence of the Minister for Human and Minority Rights and senior police officers. At the Pride in Budva, the participants were addressed by: Stevan Milivojevic, the then program director of the “LGBT Forum Progress”, the Professor Bozena Jelusic, Biljana Alkovic, the first woman of the Montenegrin Roma and Egyptian population who graduated from the State University, Tea Gorjanc Prelevic, the Director of the “Action for Human Rights”, Sabina Talovic, woman and peace activist, Ljiljana Raicevic, the Director of the Women’s Safe House, the then Assistant Minister for Human and Minority Rights Sabahudin Delic, Dr. Jovan Kojicic, the secretary of the Council for Protection from Discrimination of Government of Montenegro, Ambassador of the Kingdom of the Netherlands Laurent Stokvis, Aleksandar Saša Zeković, a member of the Council for Civil Control of Work of Police and the then chairmen of Management Board of the “LGBT Forum Progress”, Zdravko Cimbaljevic, the executive director of the “LGBT Forum Progress” and Daniel Kalezić, the chairman of the Management Board of the Montenegrin LGBTIQ Association “Queer Montenegro”.

ment that focuses on the true equity and equality of LGBT people and the long-term improvement of the social acceptance of LGBT people.<sup>68</sup>

The intention of this book is to objectively present the cases of violence and discrimination against the LGBT community as well as the attitude of judiciary system, police and other state institution towards it. This is why, in the following chapters of this book, we will solely focus on facts and present information on taken measures and actions of Police Directorate regarding the first public gathering of the LGBT community on July 24, 2013, in Budva.

Zdravko Cimbalevic, the then director of the “LGBT Forum Progress,” and the president of the Organizing Committee of the Pride, submitted the application to the Police Directorate of the Ministry of Interior Affairs of Montenegro on a public gathering of the LGBT community on July, 24 2013 in Budva, in front of the Old Town, with an alternative option within the Old Town, one of the squares.

On this occasion, the Police Directorate formed Operational Headquarters which had as a task to prepare and implement a safe public gathering. According to the estimation of Operational Headquarters, this public gathering is estimated to be a gathering with the highest rate of security risk.

There were in total 446 officers in uniforms and operating officers of the Police Directorate as well as 5 members of the Operational Headquarters, who were working on the safety of the Pride Parade.

During the Pride Parade, with a constant intervention and use of force, police officers were protecting the participants of this manifestation by suppressing aggressive faces and preventing attempts of attack.

An organized, members of the LGBT community began their walk at 12.15, on already established route – from the Old Town Budva to the restaurant „Dona kod Nikole”, on the pedestrian path along the sea. The walk continued on a pedestrian path from the Old Bus Station, through the Slovenska obala Street, by the restaurants „Sole mio”, „Palma”, „Hemingvey”, „Dimigana” to the hotel „Mogren” or plateau in front of the Old Town, where the stage was set for addressing the public and the point for sharing informative, educational and promotional materials.

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<sup>68</sup> Organizer of the first Montenegrin Pride, NGO “LGBT Forum Progress” publicly stated that the Pride especially promotes and puts to a test the following areas of national LGBT policy: “Implementation of Law”, “Cultural changes, safety and social acceptance of LGBT people”, “International LGBT policy” and “Economic Development and LGBT tourism”; National LGBT Policy available at [http://media.lgbtprogres.me/2013/11/strategija\\_cg-7.pdf](http://media.lgbtprogres.me/2013/11/strategija_cg-7.pdf)

On the above mentioned place which presented the route of their movement, there were around 2000 citizens of whom around 500 were behaving in actively aggressive way. They repeatedly tried to stop the movement of participants and generally the course of the Pride Parade, especially in front of the restaurants "Hemingway", "Dimigana" and "Mogren", by rude shouts, throwing different objects (bottles, chairs, stones, smoke bombs, etc.) and constantly trying to make a physical contacts with participants of the Parade. The aggressive activity of these citizens was present during the entire walk and police officers were required to use coercive means with many persons, in many groups.<sup>69</sup>

Program of organizers of the public gathering was safely ended around 13.45.

Two LGBT persons, members of the "LGBT Forum Progress" during the public gathering, suffered minor injuries from objects thrown at them from the crowd. They were provided with medical assistance in the emergency medical services in Budva.

After the event was over, police officials provided the participants with a safe way of leaving the venue by organizing and providing their transport by boat to the dock on the Miločer Beach, and afterwards to the hotel "Splendid", for further program activities - formal reception.

Police officers of the Security Center (CB) Budva, by taking intensive measures and actions in joint activities with other security centers, identified 32 people who were suspected of having committed offenses during the Pride Parade. There are reasonable grounds to believe that these people, including six minors, during the Pride Parade, disturbed public peace and order to a large extent, with their rude behavior, rough insults, shouting and chanting.

Officials of the SC Budva issued, to the Regional Authority for Misdemeanors, a request for the instigation of the misdemeanor procedure against 32 persons, due to a reasonable doubt that they committed a misdemeanor under the Article 5 of the Code on Public Peace and Order (rude or reckless behavior). A request for the instigation of the misdemeanor procedure was issued to the Regional Authority for Misdemeanors against three persons due to a reasonable doubt that they committed a misdemeanor under the Article 5 and Article 7, Paragraph 2 of the aforementioned Code (rude or reckless behavior and roughly insulting or particularly brazen, obscene or offensive behavior)

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<sup>69</sup> <http://www.rferl.org/media/video/25056453.html>



and against one person due to the doubt that he committed a misdemeanor under the Article 11 of the Code (disturbing or undermining of the officials in performing an official action).

On August 9, 2013, requests for the instigation of the misdemeanor procedure were issued against R.G. (1989) from Plav, M.K. (1991) and Š.Š. (1996, both from Budva, for the misdemeanor under of the Article 5 and the Article 7, Paragraph 2 of the Law on Public Peace and Order.

On August 13, 2013, SC Budva issued a request for the instigation of the misdemeanor procedure against N.A. (1994) and M.K. (1997), both from Cetinje, under the Article 5 and the Article 7 of the Law on Public Peace and Order, against S.C. (1994) from Niksic, for violating the Article 5 of the Law on Public Peace and Order and against N.P. (1990), from Podgorica, for violating the Article 11 of the Law on Public Peace and Order.

The police notified organizers of Pride in Budva that on August 14, 2013, SC Budva issued a total of 13 requests for the instigation of the misdemeanor procedure against the following persons: D.C. (1987), R.L. (1997), A.H. (1995) and A.H. (1991), all from Berane, R.S. (1984) from Rozaje, G.M. (1991) from Niksic, N.B. (1983) from Podgorica, D.I. (1996) and M.C. (1997), both from Cetinje, and D.O. (1986), N.K. (1993), V.Š. (1997) I.J. (1992), all from Budva, for the misdemeanor under of the Article 5 of the Law on Public Peace and Order.

By April 7, 2014, 23 persons were found guilty, of which 19 persons were fined, three juveniles were sentenced to corrective measures (two of them “reprimand” and one “increased supervision by the parents for a period of one year”), while 4 persons were found not guilty due to the lack of evidence, one of which was a minor. Against the other six people, the misdemeanor proceedings are ongoing.

Due to the indecent behavior, shouting and chanting and showing middle finger at LGBT persons, citizens R.L. (1997), M.K. (1991), G.M. (1991), S.K. (1964), and B.M. (1985) were fined 50 euros each, along with costs of the proceedings in the amount of 30 euros.

On December 23, 2013, A.L. (1975), from Budva, due to indecent behavior, shouting and chanting and gesticulating towards LGBT persons by touching his genitals, was fined 70 euros along with costs of the proceeding in the amount of 30 euros. Because of the same misdemeanor, Z.C. (1971) was fined 50 euros along with costs of the proceeding in the amount of 30 euros.

On December 9, 2013, due to the indecent behavior, shouting and chanting at LGBT persons, N.K. (1993), was fined 50 euros along with costs of the proceeding in the amount of 30 euros.

On October 30, 2013, A.H. from Berane was fined 50 euros along with costs of the proceeding in the amount of 30 euros. On the same day, with the same amount of money were fined M. T. (1953), D. B. (1988) and V.V. (1978), all from Budva.

On December 5, 2013, R.S. (1984), from Rozaje, S.C. (1994) from Niksic and S.B. (1967), from Budva were fined 50 euros along with costs of the proceedings in the amount of 30 euros, and S.C. was fined 100 euros along with costs of the proceeding in the amount of 30 euros. In his case as well, as a description of the misdemeanor that he committed, stated that he behaved indecently, that he was shouting and chanting and showing his middle finger at LGBT persons.

On October 25, 2013, I.J. (1992), from Budva, N.A. (1994), from Cetinje, and S.T. (1965), from Podgorica, were fined 50 euros along with costs of the proceedings in the amount of 30 euros. On the same day, R.V. was fined 70 euros along with costs of the proceeding in the amount of 30 euros. In the Information of the Misdemeanor Board, regarding the case D.L. (1979) from Budva, the decision of the sentence was not specified. It is only stated that the misdemeanor procedure was ended on October 25, 2013.

Before the Regional Authority for Misdemeanors, following persons were found not guilty: D.O. (1986) from Budva, R.G. (1989) from Plav, N.B. (1983) from Podgorica and D.I. (1997) from Cetinje.

To the corrective measure "reprimand" were sentenced the following underage persons: DJ.DJ. (1996) and V.S. (1997) from Budva and M.K. (1997) from Niksic.<sup>70</sup>

According to the police information from April, 2014, Before the Regional Authority for Misdemeanors, the proceedings are still ongoing against the following persons: N.P. (1990) from Podgorica, D.C. (1987) from Berane, A.H. (1991) from Berane, M.T. (1953) from Budva and M.M. (1954) from Bar, while the case against an underage M.C. (1997) from Cetinje was handed over to the Regional Authority for Misdemeanors in Herceg Novi. By April 2014, no information was provided regarding the outcome of the procedure of M.C.

Finally, it should be noted that Pride Parade in Budva, from the point of view of safety and organization, was a very challenging event.

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<sup>70</sup> Parents of the underage DJ.DJ. are required to pay costs of the proceeding in the amount of 30 euros; Information of the Misdemeanour Board, April 2014; LGBT FP Documentation

Given the aim of the event, the size of the city and the fact that the summer season had started, the organizer, “LGBT Forum Progress” specifically requested that, traffic and restaurants shouldn’t be closed and the freedom of movement of any citizen of Budva, a tourist or a visitor shouldn’t be limited.<sup>71</sup>

### **A.T. threatened Cimbaljevic**

A certain A. T. threatened with death, on July 24, 2013, Zdravko Cimbaljevic, the director of the NGO “LGBT Forum Progress,” which this NGO reported to the police.

It was November 7, 2013 when the representative of the “LGBT Forum Progress,” after more than three months, was called to the Public Peace and Order Department to provide additional information about this report.<sup>72</sup>

On April 2014, the Police Directorate notified this NVO that they interviewed A.T. (1995) and made a record on the information gathered from the citizen. In this information it is further stated that police officials of SC Niksic handed the complete record of the case over to the Depute Basic Public Prosecutor in Niksic, Mr. Z.P., who ordered the police to contact Zdravko Cimbaljevic. BPP ordered Cimbaljevic, after his return to Montenegro, to come to the official premises where he would be interviewed about circumstances of the report and where the record would be made in which he would have to state whether he felt that his safety was endangered by these messages.<sup>73</sup>

The then director of the non-governmental organization (NGO) “LGBT Forum Progress” Zdravko Cimbaljevic received, after the Pride Parade in Budva was held, a disturbing and threatening message from an unknown person who was later identified by the police.

This person wrote him a message: “Are you crazy, why are you doing this??? Are you aware of the consequences? Remember this well... You won’t be able to step your foot in the center of Podgorica... I hear that you have a good collaboration with the Police Directorate,

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<sup>71</sup> For detailed information about Pride in Budva, read this article <http://www.vijesti.me/vijesti/oko-500-ljudi-napadalo-povorku-20-ak-povrijedenih-clanak-140562>

<sup>72</sup> Record on the information gathered from the citizen, from November 7, 2013, signed by the authorised police officer M.P.; LGBT FP Documentation

<sup>73</sup> According to S.M., the Director of the NGO “LGBT Forum Progress”, the report was filed on August 12, 2013 and first actions taken by the BPP took place on December 13, 2013; LGBT FP Documentation

hahah... They don't have enough handcuffs for us as much as Molotov cocktails we have for you... See you in October!!!”

The report was filed to the police. The police notified that they identified V.M. from Podgorica, against whom was issued a request for the instigation of the misdemeanor procedure under the Article 8 of the Law on Public Peace and Order.<sup>74</sup>

Regarding this report, BPPO in Podgorica, Deputies BPP Mr. I. P. and Mrs. A.R., pleaded no elements of a criminal offence.

The same person is also known to the public for some other incident situations about which was written in the press.<sup>75</sup>

### **Threatened to attack and kidnap a LGBT activist**

NGO “LGBT Forum Progress” filed the report to a police against N.M. (1989) from Cetinje, because he threatened the then director of this NGO via their Facebook profile. He wrote: “We are waiting for you, degenerate! Cimbaljevic, you will be attacked and maybe even kidnaped. Keep your head on your shoulders while you are still on time!”

In his written statement he confessed to sending offensive and written statements. On the basis of the order from the Basic Court from Cetinje, the police searched his apartment and found the phone device from which the messages were sent.

As BPPO in Cetinje ordered, a telegram was sent to the Security Center Podgorica regarding the taking of the supplemental statement from the plaintiff Zdravko Cimbaljevic, in order to conduct the qualification of the misdemeanor.

According to the announcement of the Misdemeanor Board of Montenegro from April 2014, a misdemeanor procedure was instigated against N.M. PP 1427/13-1 on October 31, 2013. it states: “According to the statement of the judge Mrs. N.P., a requested decision was still not made because records had been sent to the forensic expert Mr. P.B.” was stated in the Information of the Council for Misdemeanors submitted to the NGO “LGBT Forum Progress”.

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<sup>74</sup> PD No. 03-405 from November 12, 2013: LGBT FP Documentation

<sup>75</sup> <http://www.vijesti.me/vijesti/bomba-soliteru-uzbunila-stanare-clanak-187071> and <http://www.vijesti.me/vijesti/milickovic-osumnjicen-da-je-postavio-bombu-ispred-svog-stana-clanak-187255>

## **N. L. threatened Cimbalevic**

On July 26, 2013, a certain N.L. threatened Zdravko Cimbalevic. In messages that he sent, N.L. states that “all gays should be killed” and that he will “crush open his skull”, which is why Cimbalevic reported him to a police.

## **S.Mi. reported because of insulting**

Certain S.Mi. wrote to Zdravko Cimbalevic, after the First Montenegrin Pride Parade in July 2013, offensive and disturbing messages: “The dog fucks your mother because of what happened today, you are a fagot, what you bring out at the streets of our beautiful Montenegro, you stupid jerk. It would be better that the stone that had hit you in the stomach had hit you at the head, to wise you up. Why are you showing your love at the streets? Do that at your homes. Where our children walk you are walking gays and lesbians. All your family gave up from you, you poor, and let me tell you that you are a son of a bitch, stupid bald head.” Above is reported to the police.

## **Complaints against several citizens of Cetinje because of treats to the LGBT community**

NGO “LGBT Forum Progress” filed several reports against D.L. (1987) from Cetinje, because of threats and hate speech against LGBT persons on the network “Facebook”.

Among other things, he left the message: “We are waiting for you” with video content which talks about violence against LGBT people, and he named LGBT persons “sick” and “abnormal people” who should be used for “cocktail party”. (Molotov cocktail)

Police from Cetinje submitted a request for criminal proceedings against D.L., under Article 7, paragraph 1 of the Law on Public Peace and Order. According to the judge S.J. process is ongoing.<sup>76</sup>

A.R. from Cetinje (1994) sent offensive messages to the then director of “LGBT Forum Progress” because of what this NGO had re-

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<sup>76</sup> Information from the Misdemeanor Board of Montenegro, April 2014; LGBT FP documentation

ported him to the police. Among other things, in the private message to Zdravko Cimbalevic he wrote "I give you a dick to play a little bit". Police said A.R. admitted sending offensive messages and announced that a request for legal proceedings is going to be submitted against him.

Also, application was filed against V.V. (1992) who threatened to the then director of "LGBT Forum Progress". Police said that they determined the authenticity of his profile, but that he did not admit committing the offence.

Because of treats and insults M.M. was reported to the Police and Police from Cetinje said that they could not confirm his identity. The Team for Monitoring Hate Speech denied that statement, saying that M.M.'s profile is still active and contains a number of elements for successful identification and prosecution.

L.M. from Cetinje was reported to the Police because of insults, but the Police said that they failed to establish his identity. From the Team for Monitoring Hate Speech they stand opposite and they claim that the L.M. profile on the social network "FB" contains enough personal data for identification.

I.G. from Cetinje, who several times threatened with death to the longtime leader of LGBT community, Zdravko Cimbalevic, also was reported to the police. Police from Cetinje said that they could not identify this person and therefore they contacted the NCB Interpol Podgorica which is requested to determine the IP address number. The I.G. profile is still daily active, claims people from the Progress.

V.B., who sent disturbing private messages to Cimbalevic, was also reported to the police.

### **A.Dj. and Al.Dj. are reported because of hate speech**

Non-governmental organization (NGO) "LGBT Forum Progress" filed a report against Al.Dj. from Podgorica and A.Dj. from Berane, because of hate speech against LGBT community.

A.Dj. (1972) from Berane, commenting on a photo of a journalist D.K. from Podgorica from the recently organized First Montenegrin Pride Parade in Budva, among other things wrote, referring to the Al.Dj.: *"Hahaha, my good brother, let us propose that the next year with them walk pedophiles, necrophiliacs, those who love sex with animals*



*est., so that they could have their rights for sexual orientation. Sick and dirty. Shoot at to me all the protectors of human rights but in order to protect children's future I would kill this entire people without a twinge of conscience. They are bigger pests for mankind than mosquitoes, pine marten and various types of pests that man mercilessly destroys."*

A. Dj. also wrote, referring to the one of the speakers on Budva's Pride Parade, who was on the published photo: *"Listen to me, Zekovic. You are free to sue me and if you want to call me at the debate it is not a problem, but I am ashamed that you are named Aleksandar. Second, you have become so rude that it is no longer bearable. No one ever, anywhere had threatened you, you were not abused, you could normally find a job; go to the school, everything what others can do. And then you started with some Pride Parades. Explain to me, what kind of pride is there? Fuck you as much as you want until your ass blossoms, I do not mind but do not spoil our children and announce everywhere that it is right and normal. Why you give right to yourself to speak that it is right and deny our right to have opposite opinion although majority is on the our side?"*

A.Dj., again referring to Zekovic, wrote: *"Alexander the Macedonian, Achilles and all the others who you are trying to present as gays, were great warriors and that cannot be men with excess of female hormones. Second, gays are homosexual men who have yachts, villas, share bank accounts... The rest of you are just simple fagots. Here, sue me for this offence".*

A.Dj. also wrote: *"As for homophobia, well, it is normal that I will become more homophobic by your growing exposing because I feel threatened. Homophobia was almost non-existent until you started to ask for your supposedly violated rights. Do you understand that you are encouraging homophobia and heating up the hate? And, Mr. Zekovic, as you are a member of the LGBT population, is transsexualism normal for you? That someone who is born as man changes sex through surgery and unnaturally??? Is that normal!!!!???? Sorry for violating rights of those persons, but it is sick for me".*

A.Dj. directly and personally addressed to mr. Zekovic with the following message: *"Although I do not agree with what you are doing because I find that it is unnecessary exposure and attract attention and with that hate, I have to give you an apology because one person, I will not say her name because it is not matter, who is very dear to me and who I respect, explained to me that you are good person. Regards, and*



*sorry again for the inconvenience that my comments have caused and, as I am concerned, you will not experience similar things. Greeting*".<sup>77</sup>

Another person reported Al.Dj. wrote: *"We are living in the Police state in which the scum at the government and gays are in deep symbiosis, meaning that they are ready to run all over us in order to achieve their goal. The scum is protected by the cops; gays are protected by the cops...So I have the question for the Protector of human rights. Who protects regular and normal people from two mentioned groups which are under the protection of the police?"* Al.Dj. added: *"When I better think about it, then I conclude that majority share my opinion that natural is only what is natural and everything else is unnatural. And LGBT certainly is not something that is natural"*.

Security Center Berane filed misdemeanor charge against A.Dj., under the Article 7, paragraph 1 in conjunction with the Article 4, paragraph 2 of the Law of the Public Order and Peace. On the 19<sup>th</sup> February 2014, A.Dj. was issued a warning along with paying the costs of the procedure in the amount of 10 Euros before the Regional Authority for violations Berane.

Al.Dj. at the next weeks, despite frequent warnings, continued intensively with homophobic statements.

On "Facebook" official profile of the NGO "LGBT Forum Progress" he wrote: "Of course it would be good to clone Hitler just because of these grotesque patients and those who support them. B.... (stating the name of the famous Montenegrin writer), you say to someone that he does not deserve to have children while you support those who, from the known reason, cannot have children but they what to adopt someone else's and learn them twisted values. I wish I were Hitler just for ten minutes". Because of this, he was additionally reported to the police.

On the April 2014, police informed NGO "LGBT Forum Progress" that against A. Dj., against who this NGO filed two complaints, requests for instigation of the misdemeanor procedure were issued.

Request for prosecution against Al. Dj., because of the application from the 24<sup>th</sup> July 2013, was submitted on 14<sup>th</sup> November 2013.<sup>78</sup> Proceeding before the Regional Authority for violations, according to the information of the Misdemeanor Board, April 2013, is still ongoing.

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<sup>77</sup> A private message sent from A.Dj. from April 25<sup>th</sup>, 2013, which A.S.Z. delivered to the "LGBT Forum Progress" because of possible submission of the report against this person; LGBT Forum Progress documentation

<sup>78</sup> Up n. 03-420 from 14<sup>th</sup> April, 2013; LGBT FP Documentation

Also, the Police informed that regarding the other two charges against Al.Dj. from Podgorica, from September 2013, request for criminal proceedings was submitted under the Article 7 paragraph 1 of the Law on Public Peace and Order.<sup>79</sup>

Deputies of the Basic Public Prosecutor, Mr. I.P. and Mrs. A. R. met with the subject and said that there are no elements of the criminal act.

### **T.S. considers that Hitler should be cloned due to persecution of the LGBT persons**

Mrs. T.S. was also reported to the Police Directorate of Montenegro because of her active support to the hate speech against LGBT persons. She supported individuals who were later prosecuted because of offensive comments and she reaffirmed the views they represented.

She wrote several comments, which we all quote here:

*"Hitler should be cloned... B.... - you see, God wanted me to have children and he gave them to me, because, as traditional Montenegrin, I respect the values of the family institution, not sick and genetic mutants. As regards to "educate" my children on time, I would sincerely recommend that to you. I honestly wish you that your son (if you have one) brings a son in law to you and daughter (if any) to brings a daughter in law to you. And to you I wish to enjoy with your grandchildren which will not be born from that kind of marriage" (1).*

*"Al.Dj. is my brother Liberal and while there were us who were normal, no one from your population was marginalized and everyone who was against you was my enemy too... As for your choice, if I had to choose, I would have chosen Hitler before these patients. Bye E..." (2)*

*"And E... please, do not compare honor Islamic nation with whom we share our house, with this sick degenerates!!!" (3).*

### **A.B. also summoned Hitler**

Certain A.B., who proudly pointed out that he is the member of the minority, on the occasion of the Pride Parade which took place in Budva,

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<sup>79</sup> Up n. 03-409 from 12<sup>th</sup> April, 2013; LGBT FP Documentation

at the official page of the NGO “LGBT Forum Progress” wrote: *“Congratulations to Hitler, he should kill you all, even your parents cannot look at you”*. The comment was documented and reported to the Police.

### **Charge against Z.R. from Budva because of promotion of Hitler**

“LGBT Forum Progress” reported to the Police certain Z.R. from Budva who, according to the allegations, celebrated and promoted Hitler at the profile of this organization.

The Police took a statement from Z.R. and submitted a subject to the State Prosecutor for evaluation and determination.

Certain Z.R., among other things, in his statement made it clear that he did not promote Hitler in the sense of “Nazi-persecutions” but “because he had sent such people (LGBT) on forced work in order to re-educate”. He said that *“he had learned at the school that homosexuality is a kind of disease”, that “he personally has nothing against LGBT persons”* but that he was *“raised in patriarchal family and he is also raising his children in that manner”* so he *“does not want anyone to impose their opinion to him”*.

BPP in Kotor found that the message has offensive content but does not have elements of a criminal offence which can be prosecuted ex officio.<sup>80</sup>

According to the information from the Chief State Prosecutor, end of April 2014, they gave explanation that BPP in Kotor found that “weather the messages have offensive content, Facebook page is not regulated as public place within the meaning of the Act on Public Order and Peace”.<sup>81</sup>

### **Charge against N.J. from Podgorica because of promotion of Hitler**

“LGBT Forum Progress” reported to the Police N.J. who, to the then director of this organization Zdravko Cimbaljevic, sent the following message: *“Hitler was a blessing, you motherfucking faggot”*.

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<sup>80</sup> Announcement Ktr. number 250/13 Deputy BPP from Mrs. T.C.D. from 28<sup>th</sup> October, 2013; LGBT FP Documentation

<sup>81</sup> Announcement v.d. SSP Mr. V.V. NGO “LGBT Forum Progress” TU. n. 251/14 from 25<sup>th</sup> April, 2014; LGBT FP documentation

Police informed that the request for initiating criminal proceedings against N.J. was submitted, under Article 7, paragraph 1 of the Law on Public Order and Peace.<sup>82</sup> On the 11<sup>th</sup> February 2014, the decision for monetary fine against N.J. was brought, in the amount of 100 Euros and costs of the proceeding in amount of 25 Euros.<sup>83</sup>

In this case, deputies of the BPP in Podgorica, Mr. I.P. and Mrs. A.R. met with the subject and said that there are no elements of the criminal act.

### **Sports fans threatened LGBT organizations**

From the profile “Paranormalan PFK” several LGBT groups and LGBT persons received a number of threatening and disturbing messages in the middle of August 2013, what they reported to the Police.

In the April 2014, Police announced that they could not identify who stands behind this profile and that the mentioned is deactivated.

### **If he could, R. Dj. would gladly revive Hitler**

R. Dj. was also reported to the Police because he addressed to the NGO “LGBT Forum Progress”. He wrote: “I wish I could revive Hitler because of you, Gypsies and Jews. God, please, send one more Hitler to deprive the planet of disease, gayness and lesbianism!”.

### **Ug.T. from Plav harassed and insulted Cimbaljevic**

Certain Ug.T. from Plav harassed and insulted, via private messages, Zdravko Cimbaljevic, then director of the non-governmental organization “LGBT Forum Progress” because of what he reported him to the Police.

Among other things, Ug.T. wrote: “You fagot, I fuck you everything, you are sick man, go treat yourself, if we must we will found some kind of charity fund for treating fagots like you. What you see in a man, you fagot, go treat yourself and I will pray to the Lord. Go gather

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<sup>82</sup> UP n. 03-409 from 12<sup>th</sup> November, 2013; LGBT FP Documentation

<sup>83</sup> Information from the Misdemeanor Panel of Montenegro from April, 2014; LGBT FP Documentation

your fellow gays and take them to the Ostrog for treatment, only God can help you and forgive you!!!”

Police from Plav informed former director of “LGBT Forum Progress” that after receiving his application they took appropriate action and after confession of reported Ug.T. (1988) against him was submitted misdemeanor charge, on 7<sup>th</sup> November 2013, at the Regional office for offences, under the Article 7, paragraph 1 of the Law on Public Peace and Order.<sup>84</sup>

In the proceedings by the Local Authorities for Violations Berane, he was sentenced to corrective measure increased supervision by his parents. The decision became valid on 26<sup>th</sup> January 2014.<sup>85</sup>

### **Ug.T. from Plava also threatened Cimbaljevic from a fake profile**

On the 17<sup>th</sup> August, 2013, Cimbaljevic reported to the Police certain M.F. who was harassing him with private messages.

Among other things, this person wrote:” You fool gay. You are sick and your friend too, but you do not know that but do not worry. If we must we will make a fund for the treatment of homosexuality and firstly we are taking you at Ostrog to “purify”, you Satan. Sorry, I forgot to mention you and your friends Satanists, atheists and all other sick people. Did you hear me?!”

In April 2014, Police announced that they failed to identify this person.

The Team to monitor hate speech on the Internet NGO “LGBT Forum Progress” found that it was Ug.T. from Plav, who was already prosecuted because of other threats to Cimbaljevic from his authentic profile. Police was informed about that findings and provided evidences.

### **Service owner suggests “removing” of LGBT persons**

“LGBT Forum Progress” filed a complaint to the Montenegrin Police against the Service for washing the carpets and floors “Green

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<sup>84</sup> Announcement of the manager JB Plav, Mr. Dz.S. number 05-850/13-2150 from 7<sup>th</sup> November, 2013; LGBT FP documentation

<sup>85</sup> Information from the Misdemeanor Council of Montenegro about final result of the misdemeanor cases on the occasion of the reports by the LGBT Forum Progress from April, 2014; LGBT FP Documentation

Clean”, based in Tivat, whose employee/owner published following comment on the network “Facebook” about homosexuality in the ongoing debate about recently held Pride Parade: “Animals also can have that error (he refers to the homosexuality) and cattleman remove that kind of animal... maybe that is the solution?”

Owner of this company V.S. was invited to the police station and declared that “he has profile on “Facebook” but only as the advertisement for his company”.

The Team for monitoring hate speech of this NGO said that they doubt in the professionalism of the Police in this case.

Deputy of the BPP in Kotor said that there are no elements for criminal act in his actions.

### **An.P. from Budva wants death for LGBT persons**

A charge against An.P. was submitted to the Police Directorate of Montenegro because he sent a disturbing message to the LGBT community. In his message sent to the one of LGBT activists, he wrote: “From my heart and all other organs, I wish death to you. To you and all other people like you all over the Montenegro and all over the world. I wish that some kind of tsunami hits your shame parade and that all of you drown. If that does not happen, I wish all the worst to you and to the rest of your fags. Firstly because you are pussies and sick, with your gay attitudes and changed genders. I do not understand how can you live with the dick in your ass and your own family does not love you. I shit on your fight for your gay rights. No one prohibits you to fuck in the asses at your homes, but there is no need to do that at the streets. Greetings from Budva, the city which always was and will be the personification of the family tradition. Fuck off.”

### **Activities of some sports fans from Bar**

In the area of Bar, “LGBT Forum Progress” registered the acting of one sports fans group whose members stated that LGBT persons are planning their beating. These activities of some sports fans were registered after the First Pride Parade in Budva. An entrepreneur from Podgorica, Z.S. reported to this NGO that he came into contact with

one young man through the Internet. After short messaging, they arranged to meet in Bar. With the young man there was the entire group of sports fans and he was saved because he owned a gun. Police was informed about this case and certain D.S. from Sutomore was reported, but the Police failed to identify him. His profile is still active at the network "Facebook" but with very little information available.

### **A.M. from Rozaje threatened to slaughter a gay person**

NGO "LGBT Forum Progress" reported to the Police A.M. from Rozaje because he has, via social network "Facebook", in July 2013, threatened to N.B. who is a member of "LGBT Forum Progress" and promised that he is going to "cut his neck" and "slaughter him".

The representative of LGBT Forum Progress was invited into the Crime Police Station in the beginning of November. He gave requested additional information to the authorized police officer Dj. P. He specified that it was about an underexposed member of the community who is in fear to testify because he personally knows the person who is reported. He gave up of the application because of the lack of confidence that he will actually be protected.<sup>86</sup>

The Supreme State Prosecution, in the end of April 2014, was informed that Basic State Prosecution (BPP) in Rozaje had the case Ktr. N. 1015/13. against A.M., on the ground of suspicion that he committed criminal act- endangering the safety from the Article 168 of the Criminal Code. Through Facebook, he threatened to certain Nikola, a member of the LGBT community by saying: "Nikola prepare yourself for a little bit of neck cutting, we slaughter for this word, motherfucking gay."

Acting on the request of the prosecution, police gathered announcements from a person employed in the "LGBT Forum Progress", who said that N.B. does not want to file a complaint against the concerned person, not giving information about the identity of the victim whose hearing as a witness-victim is necessary for establishing elements of criminal act reported. Preliminary investigation of the BPP about this case is ongoing.<sup>87</sup>

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<sup>86</sup> The Record of notification collected from the citizen from 4<sup>th</sup> November, 2013; Police Directorate of Montenegro (MUP), CB Podgorica, Department of the Criminal Police; LGBT Forum Progress Documentation

<sup>87</sup> Information SSP TU. number 251/13 from 25<sup>th</sup> April, 2014; LGBT FP Documentation



To the member of this NGO, N.B., threatened certain “Miske Bog Otac”, a heavy metal person from Podgorica, but the Police could not identify him beside the fact that his profile contains a lot of his photos and information.

### **B.M. from Bar calls LGBT person degenerates who cause more damage than the past bombing**

NGO “LGBT Forum Progress” reported to the Police a citizen B.M. from Bar who via “Facebook” offended LGBT persons in the end of July, 2013.

On the page against Pride Parade, she wrote a comment: “It is obvious that there is more and more sick and degenerated persons... but, me as a parent, cannot turn my head away from that kind of people. They need help... And as long as I see those people as seriously sick persons, I can accept their behavior... A long time ago we rushed to open our door to the West, to all the abominations which they imposed as civilized improvement... We realized too late that those bombs, (NATO intervention in the former Yugoslavia- remark of the editor), caused less damage than this evil that walks around... Unfortunately! ”

Security Center Bar announced that they could not identify this citizen. Progress’s Team for Monitoring Hate Speech on the Internet denied this statement by saying that the profile of Mrs. B.M. from Bar is active and contains a lot of elements for successful identification and prosecution.

### **Complaint against Dj. M. from Herceg Novi**

NGO “LGBT Forum Progress” filed a complaint to the Montenegrin Police against Dj.M. from Herceg Novi, alleged biochemist and healer, who, on the official page of this organization on social network “Facebook”, named homosexuals sick persons and advocated “isolation” of LGBT persons “in every possible way” in order to “stop spreading of the infection”. Among the other things, he wrote: “You who “understand” and love this patients, do not convince us to love them or reproach because we hate them. We do not either hate them or love

them; we regret them because of their illness. Everyone who is sick is regrettable. Unfortunately, there is no cure for these persons, but in order to stop spreading of the infection; they should be isolated in every possible way.”

According to the information from the Police, April 2014, by the operational checks in the field and on the network “Facebook”, authorized police officer from the Security Center Herceg Novi talked with this person, took his statement and sent complete documentation of the case to the Deputy of Basic Public Prosecutor (BPP) in Herceg novi, Mrs. N.P., for evaluation and decision.

BPP stated that these concrete actions of the mentioned person have no elements of the offence.

In the information from the Supreme State Prosecution, end of April, 2014, they state that the BPP in Herceg Novi gathered explanations from Dj.M. Because of the objective picture of the overall practice of the competent authorities, the following quote is interesting: “By the evaluation of the application and information gathered, it was determined that there are no elements of the offence which can be prosecuted ex officio in the acts of the persons mentioned. Also, it was determined that there is no element for violation of the Law on Public Peace and Order because the official Facebook page is not regulated as the public place in which it is possible to make some kind of the violation of public peace and order”.<sup>88</sup>

## **Complaints against several persons because of the hate speech**

The NGO “LGBT Forum Progress” filed several individual complaints to the Police Directorate of the Ministry of the Interior Affairs of Montenegro because of hate speeches and announcements of violence against LGBT community.

Complaints were filed against B.V. from Berane, D.L. from Tivat, D.A. from Podgorica, B.B. from Niksic, B.V. from Podgorica and E.P. from Rozaje. Complaints were also filed against Dj.P. and E.H. whose profiles on the social network Facebook are not active anymore. In the case against E.H. the Public Prosecution Office from Pljevlja, through the Police Directorate CB Pljevlja, gathered necessary information. By

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<sup>88</sup> Information from SSP which signed v.d. SSP Mr. V.V., number 251/14 for the Deputy of the Director of “LGBT FP” Mr. D.A. from 25<sup>th</sup> April, 2014; page 1; LGBT FP Documentation

the evaluation of the data and announcements from E.H. gathered, this BPP established that there is no reasonable doubt that there was a criminal act which can be prosecuted *ex officio*.

The complaints were also filed against B.Ba. from Podgorica and Al.R who called on violence and killing “faggots”.

The complaint was filed against I.R. from Podgorica because he insulted and threatened to the LGBT persons regarding to the announced Pride Parade in Podgorica. On the occasion of this application, the Police informed this organization that the request for initiating criminal proceedings against I.R. is filed under the Article 7, paragraph 1 of the Law on Public Peace and Order.<sup>89</sup> According to the information from the Council on violations Montenegro, April 2014, the case against I.R. is ongoing.

On 7<sup>th</sup> July, 2013, A.L. was reported to the Police because she posted a comment in the group “Podgoricke legende” on “Facebook”, at the post against the maintenance of the Pride Parade in Budva: “The message of the North is “Let the babies be born”, we do not want Montenegro to be a country of fags. The fight against gays is the duty of the South too; we do not want white plague to rule in Montenegro. Blood will spill in Podgorica, but there will not be Pride Parade!!! If you like gays so much, go and support them and you both are going to be beaten.”

Certain I.B., a worker from Podgorica, was reported to the Police because he publicly claimed that LGBT persons are “stinky” and “sick” and that they need professional medical help. He also claimed that LGBT persons should “leave normal people to live their normal lives”. Police had informed that the request for initialization of the criminal proceeding against I.B. is filed, under the Article 7, paragraph 1 of the Law on Public Peace and Order.<sup>90</sup> In this concrete case, deputies of the BPP in Podgorica, Mr. I.P. and Mrs. A.R., meet with the subject and evaluated that there is no elements of the criminal act.

The complaints because of the hate speech via “Facebook” network were also filed against certain L.Dj. from Niksic and against a seaman M.Pe. from Herceg Novi.

In the case of M.Pe., the Police informed that he is on a sailing and that he is not available for the time of next six month.

The deputy of the BPP, Mrs. N.P., said that there are no elements of the criminal act in the concrete actions of M.Pe. In the infor-

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<sup>89</sup> Up. n. 03-423 from 14<sup>th</sup> November, 2013; LGBT FP Documentation

<sup>90</sup> Up.n. 03-405 from 12<sup>th</sup> November, 2013; LGBT FP Documentation

mation from the Supreme State Prosecution, end of April 2014, also was stated that “there are no elements of violation of the Law on Public Peace and Order because the official Facebook page is not regulated as the public place at which violation of the public peace and order can be done.”<sup>91</sup>

The application against the minor N.B. from Budva, a high school student there, was also reported. The minor N.B. in his statement to the prosecutor said that on 31<sup>st</sup> August, 2013, at about 14 o'clock, he went to the social network “Facebook” and there was an icon of NGO “LGBT Forum Progress” with the photos of the Police from the Pride Parade in Budva, on the first page of his profile. He saw that many users had given their comments so he decided to “make a little joke” with his comment and added that he “does not support what gentlemen from LGBT are doing” especially that “they put their advertisement on the social network which is also available for persons who are younger than him”. The Competent Prosecution, which is interesting, after this statements, specified “At the critical time N.B. was 15 years old”. The Competent Prosecutor decided that this complaint, or this formed case, should be archived.<sup>92</sup> In addition, the Supreme State Prosecution, at the end of April, 2014, informed the NGO “LGBT Forum Progress” that, on the occasion of this subject, BPP in Kotor “established that messages have offensive content but Facebook page is not regulated as the public place in the terms of the Law on public peace and order.”<sup>93</sup>

The complaints were also filed against O.P. from Niksic, who is living in Podgorica, because of insulting and discrediting LGBT persons and against O.S., a minor from Berane, who insulted the then director of the “LGBT Forum Progress” Zdravko Cimbalevic, by private messages. The Police issued a request for the initiation of the misdemeanor procedure under the Article 7, paragraph 1 of the Law on Public Peace and Order against O.P. while the deputies of the BPP in Podgorica, Mr. I.P and Mrs. A.R., stated that there are no elements of the criminal act.<sup>94</sup> According to the announcement of the Misdemeanor Board of the Montenegro, April 2014, the procedure against O.P. is still ongoing.

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91 Information from SSP which signed by the Supreme State Prosecutor, Mr. V.V., n. 251/14 for the Deputy of the Director of “LGBT FP”, Mr. D.A. from 25<sup>th</sup> April, 2014; page 1; LGBT FP Documentation

92 Announcement from the Deputy of BPP in Kotor, Mrs. T.C.D. Ktr. n. 250/13 from 28<sup>th</sup> October, 2013; LGBT FP Documentation

93 Announcement from the v.d. SSP, Mr. V.V. to the Deputy of the Director of the NGO “LGBT Forum Progress”, Mr. D.A. from 25<sup>th</sup> April, 2014; LGBT FP Documentation

94 UP n. 03-407 from 12<sup>th</sup> November, 2013; LGBT FP Documentation

The complaint was also filed against S.B. who threatened to the LGBT persons by quoting religious books.

An.R. from Podgorica was reported because he called for the violence against LGBT persons. The Police said that they failed to establish his identity. The Progress's Team for Monitoring the Hate Speech on the Internet strongly denied this statement of the Police. According to the Police, the request for determination of the IP address for this case was submitted to the national Bureau of Interpol Podgorica.

B.D. was also reported to the Police because he disturbed and insulted Cimbaljevic by private messages. B.A., called "Baka", from Niksic, a fan of "Celik" and Bo.A. who insulted and cursed Cimbaljevic, were also reported to the Police.

I.M. from Cetinje said to Cimbaljevic that "Belgrade is going to be ridiculous if you try to come in Cetinje, fags". On October 10<sup>th</sup>, 2013, the report was submitted against Z.M. (1992) from Niksic, a student at the Faculty of Natural sciences and Mathematics in Podgorica, who announced beating of the participants of the Pride Parade in Podgorica.

L.B. from Podgorica, who posted a comment on the NGO "LGBT Forum Progress" page on Facebook that homosexuals should be "slaughtered and murdered" and Ma.K and M.D. who insulted LGBT persons, were also reported to the Police.

B.B. was reported to the Police because posting offensive comments on the Facebook page of a member of the LGBT community.

## **Minors forefront in the hate speech**

NGO "LGBT Forum Progress" filed a report against D.M. from Podgorica. He sent the following message to the then director of this NGO, Zdravko Cimbaljevic: "I shit in your mouth, you gay pussy. There will never be a Pride Parade. I do not know how you can fuck with a man beside so many girls. My child should see that and do that, no way. Death to gays. The hell is waiting for you!" This person was identified but the Police did not process this report. A Police Administration of Montenegro said that this minor was processed due to the misdemeanor offense because of unannounced protest walk against LGBT persons.

The minor M.R. threatened to the LGBT persons and announced violence against them. Because of his allegations he was reported to

the Police twice. The Police Administration of Montenegro, April 2014, said that it is impossible to identify this person. The NGO LGBT Forum Progress's Team for Monitoring hate speech denied this statement of the Police.

The Police failed to identify a minor Z.K. from Podgorica who was reported because of the hate speech and violence against LGBT persons.

A student of the Secondary Electrical Engineering School, M.K., on the occasion of the Pride Parade held in Budva, wrote to Zdravko Cimbalevic: "You see, I have nothing against this subject, I am young, but you asked for this what happened today. Be sure that I will try to stop this so-called Parade because I do not want that in the 10 or 20 years I have to think if my girlfriend is a lesbian or not. That is it from me and I am waiting for you to stop expansion of this virus!!!" The Police could not identify although his profile is active on the network Facebook.

A student of a school "Stampar Makarije", A.M., on the occasion of the Pride Parade held in Budva, wrote to the LGBT activist: "Fagots in Podgorica, if you try anything we will fuck your mother. You are miserable and death for your own mother. I am sorry what kind of creature she gave birth to, but you know that. You'll get beaten up! Go to the Europe! Get lost, and these are not only my words but from the whole normal Montenegrins but you are going to see action, no words". The Police informed that they could not identify this person what does not match with the facts from the Team for Monitoring of the hate speech.

NGO LGBT Forum Progress's Team for Monitoring hate speech on the Internet and on the media portals sent a series of the initiatives and proposals to the Ministry of Education in order to improve attention to the existence of all kinds of violence in schools and in order to pursue significant concern to the minors who are choosing hate speech and violence. Those initiatives the Ministry of Education did not accept although they did not require any costs, say from this NGO.

LGBT community, repeatedly, publicly expressed a concern because of the ignoring of the serious homophobia among the student population and because, according to the allegations, the work with the minors who promote, encourage and participate in the violence against LGBT persons is completely neglected.

## Report against V.D. from Berane

NGO "Forum Progress" filed a report to the Police against V.D. from Berane because he insulted and threatened to the LGBT community.

On the profile of this organization on the Facebook network, among other things, he wrote: "God created Adam and Eve, not Adam and Steve!!! I fuck your mother! We will be waiting for you!" Beside this, this person posted two more messages: "We just want to beat you up!!! We are waiting for you in all cities of Montenegro, because that fag said that you are going to walk through all the cities of Montenegro!" as well as a post, written with big letters: "Death to gays".

On the occasion of the case report, after almost four months, the Basic State Prosecution in charge from Berane informed this organization that "in accordance with the provisions of the Article 65, paragraph 1 of the Law on the treatment of juveniles in criminal proceedings" this criminal report was rejected because of endangering the safety from the article 168, paragraph 1 of the Criminal Code of Montenegro.<sup>95</sup>

The Police Directorate of Montenegro- Security Center Berane informed "LGBT Forum Progress" that the report against V.D. (1999), a student of the final grade of the Primary school "Vuk Karadzic" from Berane, was submitted for the violation of the Article 7, paragraph 1 in conjunction with the Article 4, paragraph 2 of the Law on the Public Peace and Order.<sup>96</sup> In the proceedings by the local authorities for Violations Berane, on the 19<sup>th</sup> February, 2014, he was sentenced to a corrective measure reprimand.

## Report because of mocking of the LGBT community

"LGBT Forum Progress" filed a report to the Police against L.J. and D.R. from Podgorica who sent the same threatening private mes-

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<sup>95</sup> Information from the BPP Berane KTM n. 19/2013 from 15<sup>th</sup> November, 2013, signed by the Deputy of the Prosecutor, Mrs. J.M.; LGBT FP Documentation

<sup>96</sup> Article 4 of the Law on Public Peace and Order: "The Article 4: Misdemeanors which violate public peace and order are actions which illegally disturb peace, order and normal life of the citizens, create anxiety, moodiness and disturb citizens at the streets and other public places or disturb existence of their rights and obligations, offend moral, disturb the work of state bodies and officials in the exercise of their powers, endanger the general safety of people and objects, as well as other actions regulated by this Law. Misdemeanors which violate public peace and order, under the paragraph 1 of this Article, are the actions done via electronic communication networks."



sages with the content which mocks LGBT community to publicly recognized persons from the LGBT community.

In addition, D.R., beside the participation in organized bullying and harassment of LGBT persons, publicly praised Nazism and promoted anti-Semitism through his comments.

The Police Directorate of Montenegro, in the April, 2014, said that reports are forwarded for future proceedings to the Station of Criminal Police- the Unit of Criminal Police for combating juvenile delinquency SC Podgorica.

Further, this NGO was informed that it was determined that L.J. was not identified while for D.R., according to the Police's allegations, "the legal deadline for submission of the report had expired".<sup>97</sup>

"LGBT Forum Progress" said that the expiry of the deadline was caused purely due to lack of timely reactions by the Police authorities.

### **A minor threatened to the LGBT persons**

The report was submitted to the Police against a minor M.L., a Secondary school of economics student, because of threats to the LGBT community due to scheduled Pride Parade in Podgorica.

In the April, 2014, the Police Directorate informed that the Unit for Combating Juvenile Delinquency could not identify this person. On the other hand, the Internet Team of "LGBT Forum Progress" claims that the profile of this person is still active and it contains enough possibilities for successful identification.

### **A minor threatened with a bomb**

A minor L.M., from Podgorica, sent a series of threats and insults to the LGBT community through the official group of the LGBT Forum Progress, on the social network Facebook, because of what this organization reported him to the Police.

Two reports were submitted against him.

Shortly before the Pride Parade in Podgorica, he insulted and undermined LGBT community by claiming that there is a bomb placed in the park where the gathering of the participants of the Parade was pointed.

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<sup>97</sup> Information from the Police Directorate of the sector for general competence, Sector for Public Peace and Order, number 46/1 from the 15<sup>th</sup> April, 2014, LGBT FP Documentary

## **Reports against L.K. from Niksic**

Certain L.K. from Niksic frequently threatened to Zdravko Cimbalevic, the then director of the “LGBT Forum Progress”, because of what this organization filed three reports against this person in only few weeks.<sup>98</sup> Except that he often insulted his family and friends, he provoked him for his disabled coming to Niksic and threatened him with death.

In the April, 2014, the Police informed that it was impossible to identify this person.

The Team of the NGO “LGBT Forum Progress” which monitors the hate speech on the Internet claims that it is an authentic profile and that it is possible to prosecute this person.

The Supreme State Prosecution, at the end of April, 2014, informed this NGO that the investigation about this case is ongoing.

## **The report against a sports fan I.M. from Niksic**

After the Pride Parade in Budva, a sports fan I.M. from Niksic was reported to the Police. He harassed Zdravko Cimbalevic, the former leader of the NGO “LGBT Forum Progress”.

One of the messages sent to Zdravko goes as follows: “Once upon a time there was a gay Zdravko. He was born that way. He was sick and everyone turned their backs on him. His father chased him out from his house. He asked for help in Belgrade, like a majority of gays... And he started to publicly confess that he considers that being gay is very brave. Then he started to emphasize that the gays freely walk through the town and publicly display their orientation. He done that because European bastards support him and after a number of Parades he came in Montenegro and organized a mini Parade in Budva. After that he bravely walked through the capital town with three thousand police officers. And Zdravko happily fulfilled his dream, packed his things and went with his friends in Belgrade. At the way to the airport, the car suddenly burned, the brakes had failed, Zdravko’s friend simply lost the control over the vehicle. They crash at the concrete pillar by the road. Sad news in daily papers with the title “Organizers of the Pride Parade tragically passed away”. Sad story. Gives me the creeps...”

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<sup>98</sup> Reports against L.K. from Niksic are filed on 12<sup>th</sup> August, 2013 and on 1<sup>st</sup> September, 2013; LGBT FP Documentation

## **M.La. and Sl.Su. from Kotor threatened to Cimbaljevic and to the LGBT persons**

Citizens M.La. and Sl.Su., both from Kotor, insulted and threatened to Zdravko Cimbaljevic, the then director of the NGO “LGBT Forum Progress” (“You stinky cunt, a fag will not walk through the town” and “You fagot, you will not be alive tomorrow”) because of what they were reported to the Police on 17<sup>th</sup> August, 2013.

The complete files about the case against these persons were delivered to the Deputy of the Basic Public Prosecutor in Kotor by the Police Directorate in order to take further actions.

## **A report against Z.I from Berane**

“LGBT Forum Progress” filed a report to the Police against Z.I. from Berane who, from his second, fake profile and name (Ljanmi Rey) also threatened to rape Zdravko Cimbaljevic, the former director of this organization.

## **Cimbaljevic was promised a Knife of Pride**

L.J. from Podgorica threatened to Zdravko Cimbaljevic via private messages because of what “LGBT Forum Progress” reported him to the Police. He wrote “You misery, if I see you again, not a rock of Pride, but a knife of Pride is going to hit you, do you understand that, you sick. Who gave you birth, a father or a mother?”

Soon after that Cimbaljevic informed him that he had reported him to the Police. This person turned off his profile, what the Police established.

## **A student threatened to the LGBT activist**

A student of final grade of the Elementary school “Bajo Jojic” in Andrijevisa, A.M. (2000), at the July 2013, sent offensive and threatening messages to Zdravko Cimbaljevic, the then director of “LGBT Forum Progress” because of what he was reported to the Police.

Security Center Berane filed misdemeanor report against this student, under the Article 7, paragraph 1 of the Law on Public Peace and Order.

In the proceedings of the Regional authority of misdemeanor Berane, on the 19<sup>th</sup> February, 2014, he was sentenced corrective measure reprimand.

### **The report against M.M. from Andrijevisa**

M.M. from Andrijevisa insulted and threatened to the members of LGBT community via the page of NGO "LGBT Forum Progress" on the "Facebook" network because of what this organization reported him to the Police.

He named LGBT persons "sick shit", "sick persons", "smelly louses" and wrote that he will "shit" on all of them.

### **Cimbaljevic was threatened with beating**

A person who has the profile on the social network "Facebook" with a name M.C., on the 24<sup>th</sup> August, 2013, sent private messages to the then director of the NGO "LGBT Forum Progress", because of what this organization reported him to the Police.

In private messages referred to Cimbaljevic, he threatened to beat him, named him a "stinky decayed" and claimed that "all gays should be burned".

On the 7<sup>th</sup> November, 2013, (almost two months after Cimbaljevic left the country), the Police asked for additional explanations. The new director of "LGBT Forum Progress" gave the requested explanations in the Station of the Police for public peace and order SC Podgorica.<sup>99</sup>

In the April, 2014, the Police Directorate informed this NGO that the identity of the person behind this profile was established and that it is R.R. (1991) and that he was interviewed, about what there is a record on the information gathered from the citizen. Further, there was said in the information that the police officers of the SC Niksic gave

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<sup>99</sup> The record on the information gathered from the citizen S.M. signed by official police officer in charge, M.P. from the 7<sup>th</sup> November, 2013; LGBT FP Documentation

complete records about the case to the Deputy of the BPP in Niksic, Mr. Z.P. who ordered to the Police to get in touch with Zdravko Cimbaljevic.

The BPP ordered that, after Cimbaljevic returns in Montenegro, he must come into the police station where he should give an interview about the circumstances of the named report and make a record where the named person should state if he was feeling threatened for his safety because of the messages.<sup>100</sup>

The Police officers of the SC Niksic informed officers of the SC Podgorica about their actions with a record from the 17<sup>th</sup> December, 2013, and with a record of the Deputy of the BPP about the official actions towards Cimbaljevic who is not at the territory of Montenegro.

## **Reports against several foreign citizens**

Few dozen of citizens, mostly from Serbia, were reported to the Police because they via the network "Facebook" directly threatened to the members of different LGBT organizations by sending them messages.

Certain D.B. threatened, at the end of July, 2013, that he will slaughter Zdravko Cimbaljevic, the then director of the NGO "LGBT Forum Progress". He sent him a private message with the following content: "You fag, we will eventually slaughter you". At the April, 2014, the Police said that it was "impossible to identify- person from Serbia".

Also, B.M., known for his Chetnik actions on the "Facebook" network, was reported because of insulting Cimbaljevic and his family. The Police said that it was impossible to identify this person and that it is a person from Kosovska Mitrovica, Kosovo.

Certain B.S. frequently posted offensive contents on the profile of the NGO "LGBT Forum Progress" and to the then director of this organization he sent offensive messages. Among others: "It is not a homophobia but a homoteror of a homosexual minority against heterosexual majority. Zdravko, as I can see, you are the leading fagot of Montenegro. Was it hard for you to get that title? Did you receive a lot of dicks or gave a lot of dick?" The Police determined that it was a person from Serbia, from Cacak, and that further processing is not possible.

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<sup>100</sup> According to the words of the director of the NGO "LGBT Forum Progress" the report against S.M. was submitted on the 28<sup>th</sup> August, 2013 and the actions described in the case were demanded by the BPP on the 13<sup>th</sup> December, 2013; LGBT FP Documentation

V.D. and S.J. insulted LGBT persons because of what they were, individually, reported to the Police. It was determined that it was not possible to identify these persons and that they are from Belgrade, precisely Pozarevac, Serbia. The similar case is with reported V.M.

M.A., D.M. and G.M. were, individually, reported to the Police because they insulted the LGBT community and advocated the need of hospitalization and treatment of all LGBT persons. At the April, 2014, the Police said that they could not identify these persons because they are from Serbia.

D.Z., a supporter of the movement “Obraz”, sent several death threatening messages to Zdravko Cimbaljevic, the then leader of “LGBT Forum Progress”. Police said that they do not have this person in their records of citizens of Montenegro.

The Police failed to identify M.M. who was reported because insulting and announcing the violence against LGBT community. M.M., from Serbia, was spreading homophobic music contents via the profile of this organization.

The report was filed against B.P. who advocated killing of LGBT persons. Police said that B.P. is from Sarajevo, Bosnia and Herzegovina.

Because of harassment V.E., also from Serbia, was reported to the Police.

### **Cimbaljevic was threatened with the stoning to death**

Certain M.K. from Niksic threatened to Zdravko Cimbaljevic, the then director of the NGO “LGBT Forum Progress”, because of what this organization reported him to the Police. Several times he referred messages with the threatening and offensive content to Cimbaljevic. Beside that he cursed his “fagot mother”, he named him “dirty fagot” and wrote “We are going to stone you to the death when you come to Niksic”.

### **Report against Mi.P. from Tivat**

Certain Mi.P. posted the following comment on the page of the non-governmental (NGO) “LGBT Forum Progress”: “I understand ev-

everything at this world: the thieves, drug dealers, perverts, murderers, drug addicts, est. but I cannot understand gays. Beside so many beautiful women they fuck each other in the asses like animals. And they are pride because of it... Cimbaljevic, I fuck the mother to you and to your campaign, we cannot live our lives without you even at the FB..."

This NGO's Internet Team for monitoring the hate speech filed a report against this person.

By the operational assessment in the field and on the network "Facebook" authorized police officers of the Security Center Tivat established that the person Mi.P. is allegedly working on the ship.

### **Report because of cursing LGBT persons**

Certain M.J. from Berane was reported to the Police because he via social network "Facebook" cursed LGBT persons.

At the profile of the non-governmental organization "LGBT Forum Progress" he wrote "The dog fuck your mother".

The report because of the hate speech was also submitted against B.V. from Berane.

The Deputy of the Basic Public Prosecutor in Berane, Mr. V.Dj. filed a misdemeanor report against B.V. and M.J. from Berane, under the Article 7, paragraph 2 of the Law on Public Peace and Order.

The Executive Director of the LGBT Forum Progress, who was invited to testify in the misdemeanor procedure against this citizen, requested the delay because of the business trip outside the country.<sup>101</sup>

After examining the request, the Regional authority for misdemeanor, on the 6<sup>th</sup> February, 2014, brought a decision, PP. n. 1224/2013, by which the defendants B.V and M.J. are warned for the alleged violation and they have to pay 30 euros each for the costs of the procedure.

On the 14<sup>th</sup> January, 2014, the BPP Berane filed a complaint to the Misdemeanor Board of Montenegro in Podgoric, because of the above solution due to substantial violations of the misdemeanor procedure under the Article 204, paragraph 1, point 10 and violation of substantive law- Article 205, paragraph 1, point 1 of the Law on misdemeanors. The Misdemeanor Board of Montenegro by deciding about a complaint of the Prosecution abolished the decision and remitted

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<sup>101</sup> Application from S.M. to the Judge of the Regional Authority for Misdemeanor Berane, Mrs. B.P. in the case number 1224/2013; LGBT FP Documentation



the case for reconsideration. The Regional Authority for Misdemeanor in Berane brought a decision, PP. n. 1124/2013 from the 6<sup>th</sup> February, 2014, by which the defendants B.V. and M.J. found guilty and they were sentenced for a measure of warning.

### **Report against M.L. from Bar**

The NGO LGBT Forum Progress's Internet Team for monitoring hate speech filed a report, on the 1<sup>st</sup> September, 2013, to the Police against M.L. because of the comment on the Facebook profile of this organization.

He wrote: *"I fuck your sick mother, I hope that you will get cancer and fall apart because, damn homos and fucking lesbians"*.

The Police Directorate of Montenegro, at the April, 2014, informed that police officers took a statement from the named person about circumstances from the report and that he said that his comments "do not refer to any kind of threats but that they are some kind of joke".

It important to point out that the report in the SC Bar was received on 17<sup>th</sup> September, 2013, and that the opinion of the BPP in Bar was asked after seven months, precisely on 9<sup>th</sup> April, 2014. The NGO "LGBT Forum Progress" point out that this opinion was requested after the pressure from this NGO because of unprofessional behavior. The Prosecutor said that there is an offence and that the case has no elements of the criminal act of endangering the safety.<sup>102</sup>

### **Report against J.J. from Mojkovac**

Certain J.J., from Mojkovac, insulted and humiliated LGBT persons and in an inappropriate way talked on the network "Facebook" about their identity. Because of the comments from the beginning of the September, 2013, he was reported to the Police.

Among other things, J.J. wrote: "Let them take their manhood in public and blow to one another, we would appreciate that and then we would know that they have dicks. Like this they are just miserable FAGOTS" and he discussed with the members of the LGBT community in a very primitive way.

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<sup>102</sup> Letter from BPP Bar, Mr. M.M. to the SPP TU n. 89/14 from 26<sup>th</sup> April, 2014; LGBT FP, Documentation

## **Lu.P. insulted and threatened to Cimbaljevic**

Certain Lu.P., who was identified by the members of the LGBT community, was reported to the Police because he sent threatening messages from the fake profile on the network "Facebook".

On the 5<sup>th</sup> September, 2013, he sent offensive messages to the than director of the NGO "LGBT Forum Progress", Zdravko Cimbaljevic.

We quote he message integrally, as it was delivered in the report to the Police: "Hi, my friend Zdravko, I am a gay too and I am very difficult in this environment full of people with low self-esteem. Since I was a child I noticed that I was different, I was not interested in girls and I was always interested in men like you! You are very brave, consistent and full of self-esteem. Can you help me to get out from the closet? My name is M.D., I am 21, I live in Podgorica and I like beautiful men like you".

After that, Lu.P. asked Cimbaljevic: "Is this a way how gays flirt, I fuck you all! I fuck your death mother. I wish that your dick runs dry, I fuck your sister (if you have one), you have AIDS and cancer in your asshole... I put you on my dick, you shit!!! You fuck where you should not, who let you do that, I will cut your dick!!! I fuck your mother, I fuck everything that you have, dead and alive."

Finally, he sent him one more message with this content: "I fuck everything that you have, dead and alive, may your dick fall of because of the cancer, I will kill you, do you understand that, kid?"

## **Report against Jo.Jo. from Budva**

Jo.Jo. from Budva, whose profile is still active and has enough information for successful identification, was reported to the Police Directorate.

Jo.Jo. wrote on the page dedicated to ridiculing of LGBT tourist on the occasion of the organized arrival in the port Kotor: "It is sad what proud Montenegro has become. It became black and it cannot become blacker when those with naked asses call themselves pride. They should look up to animals because they know laws of nature better than them. Let the God send one tsunami so that they may rest in peace. Amen."

## **Report against N.P. from Canj**

Certain N.P. from Canj, municipality Bar, was reported to the Police because he wrote on the profile of the non-governmental organization “LGBT Forum Progress” on the “Facebook” network, the following message: “I fuck your mother in the pussy, I fuck your sisters, you shits, I fuck your sick mother. Fuck off from the Montenegro, I fuck every female in your family, you sick patients!!!”

The Police Directorate Montenegro, in the April, 2014, informed the complainant that the statement about the circumstances of the report was taken from the named person and that he said that his comments “are not any kind of threat but that the comments are some kind of the joke.”

The information from the BPP in Bar which was delivered via the Supreme Public Prosecutor to the NGO “LGBT Forum Progress”, pointed out new details of unprofessional performance of the Police. Security Center Bar did not ask for the opinion about this report from the Deputy of the BPP in Bar, Mrs. S.S., until 9<sup>th</sup> April, 2014. The Prosecutor found that acts of this person have no elements of the criminal act which can be prosecuted ex officio.<sup>103</sup>

## **M.K. asked for Cimbaljevic’s remorse**

The citizen M.K. disturbed Zdravko Cimbaljevic, the then director of the NGO “LGBT Forum Progress”, via private messages because of what she was reported to the Police on the 17<sup>th</sup> August, 2014.

Among other things she wrote: “All people are born the same and everyone choses his way. That you are different is not the true, you just want to make a mockery of this country. Tell me, if everyone would be gays, how long would this planet exist? It would be the end for us. Go to the church and remorse. The God is big and he forgives everything with the remorse. Sodom and Gomorrah were destroyed because there was a situation like it is today. I am asking you to think about it and if you decide to remorse, you can ask for help.”

Despite numerous photos and personal data on the “Facebook” network, at the April, 2014, the Police informed “LGBT Forum Progress” that they could not identify this citizen.

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<sup>103</sup> Letter from BPP Bar, Mr. M.M., to the Supreme Public Prosecution TU number 89/14 from 26<sup>th</sup> April, 2014; LGBT FP Documentation

## Report against an anti LGBT group and its members

“LGBT Forum Progress” reported to the Police the existence and activities of a group on the “Facebook” network named “Anti LGBT Crna Gora” (Anti LGBT Montenegro).<sup>104</sup>

Via this group there were a number of homophobic contents published as well as an obituary of Zdravko Cimbalevic. At the moment of the report, this group had about 70 members and at the April, 2014, when the official police information about actions taken about this report, the group had about 200 members.

The Police Directorate, at the April, 2014, informed that they could not identify the administrator of this group.

“LGBT Forum Progress” reported Mrs. I.S.J. who, at the beginning of July, 2013, in this group whose member she was, wrote that she was “against Pride Parade” and that “we have hoes, rocks and flares to fight against Pride parade.” According to this report, at the middle of April, 2014, the Basic Public Prosecution in charge said that there are no elements of a criminal or misdemeanor act.

M.P. from Bar was reported to the Police because he posted a comment on the Facebook’s group “Anti LGBT Crna Gora”, on the 4<sup>th</sup> July, 2013: “All fags should be killed and banish all the similar ones to the EU... from where they came”. Security Center Bar, at the April, 2013, informed “LGBT Forum Progress” that allegedly this person could not be identified. The Team for the Monitoring of the Hate Speech on the Internet, on the occasion of these allegations, explained that the profile M.P. is still active and that it has numerous possibilities for successful identification.

G.K., from Bar, with the residence in Belgrade, Serbia, was reported to the Police because he published a comment on this page: “Hit that gay shit. Do not let them dishonor us... It is a shame what the Government is doing to us; let the fags fuck them in their mouths and asses.” Security Center Bar said that they could not identify this person beside the fact that, according to the allegation of this NGO, his profile has enough possibilities for that.

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<sup>104</sup> <http://antilgbtcnagoraa.blogspot.com> ; “This blog/site is nonprofit organization which advocates for preservation and cultivation of the traditional values of life and moral, preservation of the religion and existence and for securing of the healthy future for our children. The fight for our Montenegro will not stop!”;

### **M.J. from Podgorica threatened that he is going to kill LGBT persons**

The LGBT Forum Progress's Team for Monitoring the Hate Speech on the Internet reported M.J. to the Police because he threatened that he is going to "kill" and "slaughter" homosexuals and because he claimed that "they are sick persons who do not deserve to live". By those words he invoked serious feelings of endangerment among the LGBT persons.

On the "Facebook", at a post intended to the mockery and obstruction of the organization of the Pride Parade, a peaceful gathering of LGBT persons in Montenegro at the middle of September, 2013, he posted the following comment: "We are going to kill fags; we will slaughter those patients who are not supposed to live."

At the middle of April, 2014, the Police informed this organization that a request for the initiation of the misdemeanor procedure against this person was submitted, under the Article 8 of the Law on Public Peace and Order.<sup>105</sup> According to the announcement from the Misdemeanor Board of Montenegro, April, 2014, the procedure against M.J. is ongoing.

In this concrete case, the Deputies of the BPP in Podgorica, Mr. I.P. and Mrs. A.R., have met with the case and evaluated that there are no elements of the criminal act.

### **Report against M.S. from Budva**

"LGBT Forum Progress" filed a report against M.S. from Budva because he posted several offensive comments on the profile of this organization.

According to the statements from the report which we had access, he stated that no one laid a hand on hundreds of homosexuals in Kotor. He advised that do not organize "a Parade of shame and sickness" and accused LGBT that "they take the money for gayness".

This is one of the few reports on which the Basis Public Prosecution (BPP) timely declared.

In his statement in the case files which the Police Directorate formed according to the statements of the "LGBT Forum Progress",

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<sup>105</sup> Up. n. 03-424 from the 14<sup>th</sup> November, 2013; LGBT FP Documentation

M.S. said: "On the wall of my profile on the social network "Facebook" there was the announcement from the NGO "LGBT Forum Progress" which contained a video from the Pride Parade that was held in Budva. I did not participate in the Parade, and I do not support the violence, but I was irritated by the announcement which I saw on my wall. I wanted to give my opinion that I do not support the violence, but I also do not support the Parade. I pointed out that tourists in Kotor, who identify themselves as homosexuals, were not hurt by anyone. I think that the Parade is imposing of something that is not in our tradition, so I wrote that this is a Parade of shame and sickness. I would also consider eventual Parades organized by the heterosexuals sick. I personally think that LGBT take nice money for the propagation of their sexual orientation. I think that homosexuality is the sickness and I have the right to have my opinion. I did not want to offend, jeopardize or to threat to anyone, I only presented my views and opinion, and I am sorry if I offended someone by doing that."<sup>106</sup>

During the procedure, the BPP in Kotor established that these are messages with the offensive content but that they do not have elements of the criminal act of endangering the safety of the criminal act that can be prosecuted ex officio. In the statement from the Deputy of the Basic Public Prosecutor, Mrs. T.C.D., it was said: "These messages do not have direct threats against any member of the NGO or of the LGBT community, so the actions done by the persons who posted these messages do not have all important elements of any criminal act that can be prosecuted ex officio. The case is going to be archived."<sup>107</sup>

Additionally, according to the information from the Supreme Public Prosecution, end of April, 2014, there was the information provided from the BPP in Kotor that they "established that the messages have offensive content but the Facebook page is not regulated as the public place in terms of the Law on Public Peace and Order."<sup>108</sup>

## **The sport fun D.J. threatened to Cimbaljevic**

Citizen D.J. from Podgorica, insulted and threatened to Zdravko Cimbaljevic by announcing the violence on the Pride Parade in Podgorica.

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<sup>106</sup> The announcement from the BPP in Kotor, Ktr. Number 250/13 from the 28<sup>th</sup> October, 2013; LGBT FP Documentation

<sup>107</sup> *ibid*

<sup>108</sup> The announcement from the SPP, Mr. V.V. to the NGO "LGBT Forum Progress " TU. n. 251/14 from the 25<sup>th</sup> April, 2014; LGBT FP Documentation

At the April, 2014, the Police informed that this person could not be identified. The submitter of the report, NGO “LGBT Forum Progress”, does not share that opinion and claims that the report and the profile of this person have enough information for the successful identification.

### **The Pride Parade in Kotor was canceled**

Zdravko Cimbalevic, the Executive Director of the non-governmental organization “LGBT Forum Progress”, on the panel dedicated to the safety of the LGBT community, said that that NGO has to give up from the event “Boka Bay Pride”, planned for 26<sup>th</sup> August, 2013, in Kotor. The Pride Parade was planned to match with the arrival of the cruise ship with gay tourists the same day in the port Kotor.<sup>109</sup>

He said that not one of the authorities entitled with their initiative and official duty, did not react because of violence, hate, discrimination and violation of equality in Budva. There also were not, he said, complaints about discrimination and degrading treatment, especially against the owners of certain hospitality facilities and religious officials. He said that by their actions, the citizens were humiliated and treated without human respect. “Actually, by their actions, the participants of the Parade were treated like insects, pests and demons. No one reacted because of that.” He added that the attitude of the Public Prosecution towards the First Pride Parade and toward the events after it can endanger the organization of all public events in the future. “For all this reasons, the management of the Progress has given up from its intention to organize Pride Parade in Kotor- Boka Bay Pride.<sup>110</sup> Because there were no sanctions against perpetrators at the Parade and after it, we could not take the risk of the serious threat of the safety of the participants of the Parade and of the foreign tourists. The sanctions for the violations of human rights and laws of this country have the aim to stop those actions and to preventively act against all people who think about the violence. That message was missing.” He added that long-term hate and violence against LGBT persons is not possible to prevent by leading misdemeanor procedures and that the current prac-

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<sup>109</sup> The round table about the Implementation of the national LGBT policy organized in the Human Resources Management of Montenegro on the 26<sup>th</sup> August, 2013.

<sup>110</sup> <http://www.pobjeda.me/2013/08/27/predstavljena-strategija-za-unapredenje-kvaliteta-zivota-lgbt-osoba-jednak-tretman-i-bezbjednost-za-sve>



tice shows that the violence from the same individuals against LGBT person is repeating and that the Misdemeanor Board reduces fines from the original solutions. "It's a bad message", he concluded.

On the occasion of the arrival of the cruise ship, the representatives of the company, the Cabinet of the Prime Minister of Montenegro and NGO "LGBT Forum Progress" were received by the Deputy Major of Kotor. Representatives of the Montenegrin Police, the Adviser to the Prime Minister of Montenegro and Cimbaljevic also visited the ship.

### **Beaten after house visit**

Member of the LGBT community R.B. from Podgorica reported to the Police and to the NGO "LGBT Forum Progress" the incident which happened on the 30<sup>th</sup> August, 2013.

On that day, according to the statements from the report, he visited his friend. During their conversation her husband I.S. suddenly shoved up at the room and attacked him. While he was beating him he was calling him "fag". R.B. says that his friend tried to protect him by placing between them. "After overpowering her he came to me and hit me with fist and then he grabbed me by the neck and started to strangle me. With one hand he was holding my neck and he was beating me at the head with the other one. During the time he was beating me, he was saying "you fag" and threatening to me." R.B. said that I.S. earlier had threatened that he is going to beat him because of his "sexual orientation".

### **Pa.S. from Niksic threatened that he is going to slaughter Cimbaljevic**

NGO "LGBT Forum Progress" reported Pa.S. from Niksic because he harassed than director of this NGO, Zdravko Cimbaljevic, via private messages.

Pa.S. sent this message: "Come to the Niksic to slaughter you, disgusting fagot...The death is waiting for you and you have nowhere to hide."

His profile is still active and contains the elements for the successful identification.

## **Reports against several persons because of the announcement of the violence against gay tourists**

On the 26<sup>th</sup> August, 2013, the Team for Monitoring the Hate Speech on the Internet reported certain M.O. from Niksic who was mocking on his profile the arrival of the cruise ship with gay visitors in Kotor. He wrote that “Montenegro became fucked state because of the gays” and that he personally would like to “burn down” all the gay people.

On the occasion of this application, the representative of the “LGBT Forum Progress” was invited into the Police Station for Public Peace and Order, at the beginning of the November, to give additional necessary information.<sup>111</sup> On the same occasion the representative of the “LGBT Forum Progress” had made a mistake by saying that this messages referred only to Zdravko Cimbalevic, not to the whole LGBT community.

In April, 2014, the Police Directorate informed this NGO that the interview with the citizen M.O. (1979) from Niksic, was done and that the record on the information gathered from the citizen was made. The Police officers of the SC Niksic delivered complete papers about the case to the Deputy of the BPP in Niksic, Mr. Z.P., who ordered to the Police to get in touch with Zdravko Cimbalevic, although he has no connection with the case.

Certain P.S. from Bar, also reported to the Police, was working out a plan of sinking the boat of LGBT persons in order to “stop the spreading of the pests”. While acting by the instructions from the telegram, the officials of the SC Bar could not identify this person.

R.A. from Podgorica was also reported because he inappropriately commented and threatened to the LGBT community. For this citizen, who was reported on the 28<sup>th</sup> August, 2013, the Police Directorate informed, at the April, 2014, that this person is not in the register of the citizens and that it is not possible to identify him. The “LGBT Forum Progress” Team said that the profile is still active and followed by over 2.500 people and that it contains elements enough for identification.

R.M., who trough Facebook advocated bomb-attack on LGBT persons and gay visitors of Kotor, was also reported to the Police. On the occasion of this report, the Basic Public Prosecution in duty said that it has no elements of a criminal act.

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<sup>111</sup> The record on the information gathered from the citizen from 7<sup>th</sup> November, 2013, signed by the authorized police officer M.P.; LGBT FP Documentation

R.S. from Podgorica was also reported because he wrote that LGBT tourists are “sickos who pollute waters and the territory of Montenegro” and said to them “to go to treat themselves”. The Police Directorate informed the applicant, NGO “LGBT Forum Progress” that the request for the initiation of the misdemeanor procedure against R.S. was initiated, under the article 7, paragraph 1 of the Law on Public Peace and Order. According to the information from the Misdemeanor Board, April, 2014, the procedure against R.S. is ongoing.

Certain R.K., aka Raja, proposed to “kill the shit”. Regarding the case of R.K., at the April, 2014, the Police informed “LGBT Forum Progress” that it is a person who lives in the United States of America.

Se.M. from Bar was also reported to the police because he threatened with bombing. The Police Directorate of Montenegro, at the April, 2014, informed that they took a statement from this person and that he stated that his comments “were not a threat but that it was some kind of joke”.

Certain T.P. was also against the arrival of the gay cruise ship in the port Kotor. For him that represented a shame for the city and he called the citizens to stand up and do not allow the gay tourists to come out and “to spread filth” across the city. He was reported to the Police but the Police Directorate of Montenegro, at the April, 2014, informed the NGO “LGBT Forum Progress” that it was not possible to identify this person.

The Police informed that it was not possible to identify reported Dj.V., from Podgorica. The Team for Monitoring the Hate Speech on the Internet claims the contrary in this specific case. In one of the comments from Dj.V. he wrote: “You will never be free and you will not walk through our city, you sick pervert fags.”

Citizen B.R., aka “Boca”, reported to the Police on the 28<sup>th</sup> August, 2013, because of the hate speech and the announcement of the violence against LGBT persons who arrived in Kotor. At the April, 2014, the Police informed the NGO “LGBT Forum Progress” that it was impossible to identify this person. The LGBT Forum Progress’s Team for Monitoring the Hate Speech on the Internet held that the Police have all necessary elements for the successful identification and eventual prosecution of this person.

The Police filed to identify K.C. who insulted LGBT persons and their existence in Montenegro. The Team for Monitoring the Hate Speech had no objections on the actions of the Police in this case.

Certain S.Dj. inappropriately talked about LGBT persons and their life in Montenegro because of what he was reported to the Police at the end of August, 2014. At the April, 2014, the Police Directorate informed that it was not possible to identify this person and that he/she does not exist in the register of the citizens. From the LGBT Forum Progress's Internet Team for Monitoring the Hate Speech they claim that it is possible to determine the identity of this person.

The report was also filed against certain L.S. from Berane, who also published inappropriate and offensive comments for the LGBT community. It was unpleasant surprise for the Team for Monitoring the Hate Speech on the Internet when the Police established that it was a student of the second grade of the elementary school "Vladislav Korac", born in 2006. The Security Center Berane informed that the misdemeanor procedure was initiated against this minor, under the Article 7, paragraph 1 in conjunction with the Article 4 of the Law on Public Peace and Order. The procedure was suspended because it was a person under 14 years old.

Mrs. Lj.G. from Budva was reported to the police because she, when the information about the arrival of the cruise ship was published of "Facebook", said that Montenegrins prepare welcome in Budva" and that she was not sure that the ship will sail in. The Security Center Budva informed that the documentation of the subject, number PU 02-6/13-748, was sent for evaluation and decision process to the BPP in Kotor on the 18<sup>th</sup> October, 2013, almost two months after the filing of the report.

B.M., B.Dj. and D.P. were reported to the Police because of insulting LGBT persons and the report was also filed against certain D.M. who claimed that LGBT persons should not be allowed to gout from their houses.

Certain M.T. was reported to the Police because on the occasion of the visit of LGBT tourists wrote: "Currently, Kotor is the biggest nest of disease. When the shits go, you should bring as much priests as you can to consecrate the whole city!" The Basic Public Prosecution Pljevlja, via the Police Directorate Pljevlja, gathered all necessary information. By the evaluation of the all gathered data and information from M.T. this BPP established that there is no reasonable doubt that it was a criminal act which is prosecuted ex officio.

I.L. from Podgorica and Z.R. from Bijelo Polje were also reported to the Police because they advocated the drowning of LGBT tourists and

attacks at them. The last one, an older gentleman, wrote: "They should be fucked so that they do not exist anymore, the shits should be killed."

### **D.K. from Bijelo Polje insulted LGBT persons**

D.K., aka "Koro", from Bijelo Polje, was reported to the Police because he insulted LGBT persons. On the social network "Facebook" he published this comment: "When I was watching this fags in the year 2000 from one beautiful cruise ship on the Carnival Ecstasy in Miami, according to the information there was 1.800 of them who rent a ship for a month. I wondered if the Captain of the Carnival Ecstasy was endangered. Can fags rape him? I wondered how the crew of the Carnival Ecstasy can look at what fags are doing and, irony, the ship was for non-smokers. With the big sign and the words "No smoking ship". And now we have fags on cruise ships in Kotor... That global project of infertility and was between men and women takes terrible dimensions."

There was one more report against D.K. because he, at the text about the arrival of the cruise ship with the LGBT tourists in the port in Kotor, wrote that "all the shits should be killed".

### **Report against N.B. from Budva**

"LGBT Forum Progress" reported N.B. from Niksic, who lives in Budva, because he was threatening to the LGBT persons. The yang man, according to the allegations from the report, threatened that he will beat LGBT persons with the bat.

### **Reports because insulting Cimbaljevic**

"LGBT Forum Progress" reported a citizen N.B., called Dzeko, from Bar, who threatened with private messages to Zdravko Cimbaljevic, the then leader of this non-governmental organization.

N.B. wrote to Cimbaljevic that "all fags should be impaled on a non lubricated stake, when they like to have things in their asses."

He explained to the Police that his comments are some kind of joke and that this yang man, unlike many others who have resorted to

hate speech, apologized in the written form to the management of the NGO "LGBT Forum Progress". "First of all, I want to apologize for my offensive comment. Second, you must realize that things it will always be this way. Personally, I have nothing against the members of the LGBT population but my opinion is that Parade is bringing more evil and hate to you. Once again I apologize for my comment, and I send my sincere apology to all your members from Bar. This way, I promise to you that you have my word that my apology is sincere and that all offensive and mocking comments will be removed from my profile. I refer to you because I want to correct my mistakes and, if possible, to let you know that my actions were not fair, since I consider myself a person who supports differences in this world. By those offensive comments I denied everything I think I am. I know that after what I said you can hardly change your opinion about me, but I will definitely change my behavior. Anyway, I know a few persons who are members of LGBT population and they never did nothing wrong to me or they are going to do something wrong to me so I was not fair to them and to others. Once again, I send you apologize and I want all the best to you in achieving your goals."<sup>112</sup>

According to this report, received at the middle of September, 2013, the Police, precisely- SC Bar consulted the competent Prosecutor and asked for his opinion on the 9<sup>th</sup> April, 2014.

Sr.M. and Ma.S., from Tivat, were also reported because they insulted Cimbaljevic. They said to the officers of the Security Department Tivat that they do not have profiles on the "Facebook" network. The NGO LGBT Forum Progress's Team for Monitoring the Hate Speech on the Internet indisputably established that the person reported under the identity Sr.M. still has the same, active profile.

## **Report against M.A. from Podgorica**

Citizen M.A., from Podgorica, was reported to the Police because she sent disturbing and threatening messages to Cimbaljevic, who, at that time, was exposed because of the organization of the First Montenegrin Pride Parade. Among other things, this girl in the private messages wrote to him: "I hope your grave fall apart, you dead

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<sup>112</sup> The written apology from the citizen N.B. from the 2<sup>nd</sup> September, 2013; LGBT FP Documentation

ass-fucker and I hope your mother will use a hook to fetch your death body through the river Moraca. I hope that everyone at your house cry but the priest, I fuck your gay mother. I shit in your mouth. It would make me happy if you all be choked by the dick.”

### **Security Center Bar failed in prosecuting misdemeanor violence**

D.S. from Bar, was reported to the Police because he called LGBT persons “sectarians and atheists” whose announced walk in Podgorica he will stop “by all means”. The Police said that they could not identify this person while from the Team for Monitoring Hate Speech said that the profile is deactivated.

M.S. was reported to the Police because he insulted LGBT persons. He denied the connection with the profile from which the messages were sent, and the profile was deactivated soon after.

Citizen D.K. from Bar, advocated that LGBT persons do not be allowed “to have any rights” and said that he do not want that his children grow watching “fags who walk and hold their hands or sit on the bench”. After he was invited by the Police to give the statement about the circumstances of the report, he said that “it was a joke” and he did not denied that he stands behind those comments.

The Police accepted the joke as the explanation for the threat from the young man A.E from Bar, posted on the “Facebook” page of the non-governmental organization “Varvari”. On the 2<sup>nd</sup> July, 2013, he wrote: “Put the fags on the stake and burn them down.” He also admitted authenticity of his posts.

V.V. from Bar also threatened to Cimbaljevic holding him responsible for the arrival of the cruise ship with gay tourists in the port Kotor. The Police in Bar accepted the explanation from V.V. that it was a joke. He confessed that he was the author of those comments.

M.R., a salesman from Kotor, directly addressed to Cimbaljevic, on the occasion of the arrival of the cruise ship with LGBT tourists in the port Kotor, at the August 2013. On this occasion, he sent him the message: “You miserable man, I can see that the group sex is been planned for you. You will get what you asked for. We throw rocks at those like you because we did not want to dirt our hands. Montenegrin Cimbaljevic, a gay, I know some from the Cimbaljevic family and they are not gays. What is wrong with you, man? No one hates you, you are



sick. It is not nice to chew cocks and to let them to put it in your ass. You are a man, why are you gay? - IT IS NOT NICE.” While he was giving his statement at the Police Station, M.R.said that “it all was a joke”.

At the LGBT Forum Progress’s Facebook page, V.N. argued why homosexuals should not be considered as “normal persons”. In his statement, on the occasion of the filed report, he confessed to the Police that he was the author of the comments but he said that it was a “joke”.

LGBT Forum Progress’s Teams for Monitoring the Hate Speech and threats against LGBT persons registered a comment from M.A., from Bar, from the local Authority for protection and rescue, at the page dedicated to the mocking and disturbing peaceful gatherings of LGBT persons in Montenegro. He said: “Promptly, click! A bullet at the head and they can eat grass.” He confessed to the Police that he did that but it was a “joke” for him. Officers from the Security Center Bar accepted this explanation.

D.P. from Bar insulted LGBT community on the page “Stop the Pride Parade in Budva” (“Stop gej paradi u Budvi”). He confessed to the Police that he was the author of the comments but that it did not represent anything serious. Officials from the SC Bar and local BPP accepted these explanations.

A.T., a driver from Bar, was also for the impalement of LGBT persons and he named them “scum” and “trash”. He confessed to the Police that he published the comment on the page which published the obituary for Zdravko Cimbalevic and stated that it was a joke. The Police accepted that.

For the Police from Bar and for the Prosecutor in charge, M.B. was also joking. He, on the occasion of the arrival of the cruise ship with LGBT tourists in the port Kotor, had “worked out” plan: “Two mortars of 120mm, 20 grenades and slowly sinking, killing and strangling gays, trans and worldwide whores. God, please, drown the vermin.” For the Police officials of the SC Bar it was also a joke when D.L. mockingly mourned Zdravko Cimbalevic whose obituary was published on the eve of the Pride Parade in Budva.

At the middle of April, 2014, the Executive Director of the “LGBT Forum Progress” addressed to the Director of the Police Directorate of Montenegro and said to him that the strong confidence built between LGBT community and the management of the Police Directorate was not transmitted to all local organizational units. This organization pointed out the Security Center Bar as the extremely negative example. The

report was filed because of that and it was requested that the Director of the Police make comprehensive review of the implementation of Police authorities because of the suspicion that in the case of reports against the citizens of Bar there has been serious obstructions and inadequate police authorities.

This NGO noted that only in the SC Bar not one of the reports submitted by this NGO was further prosecuted by filing a request for the initiation of the misdemeanor procedure. That was not the case in other SC.

Also, according to the opinion of this organization it was indicative that all the citizens who were in the Police station to give the statement about the circumstances of the report, admitted that they were the authors of offensive and threatening messages but they said it was a joke. From this NGO they claim that was not the case in other SC.

For a significant number of profiles, which were attached to the report, including photos, the Police officials in the SC Bar said that that could not identify persons although the Teams of this organization claim that the majority of those profiles have active profile and that they contain enough elements for the identification.

“LGBT Forum Progress” expressed an open doubt that in this concrete case Police officials did not adequately and with enough professional attention accessed the reports. They also did not apply properly the Law on Public Peace and Order, especially Articles 7, 8 and 10 in conjunction with the Article 4.

The Police Director was invited to pay the attention on the practice of other centers and security departments with the emphasis to the doubt of this NGO that the acting officials gave specific instructions to the persons they invited to the Police Station on the occasion of the hate speech.

To test the adequacy of her allegations, this NGO has called upon the police director to urge his associates and the Department for internal control of the police to “knowingly, but also carefully consult the document of The Police Directorate of Montenegro (MUP) Police Department of Public Jurisdiction, Section for Peace and Order No. 46/1, from 15.04.2014 year, and in that context to compare the treatment of police officers Security Center Podgorica, Security Center Berane with Security Center Bar”.

Regarding the registered omissions, the Executive Director of “LGBT Forum Progress” Stevan Milivojevic with her associates, visit-

ed the SC Bar on the last day of April in 2014. On this occasion, the topical meeting was organized as a part of the agreed communication after the cancellation of the performance “Hate speech is not a joke”<sup>113</sup>. There was a discussion about the perceived omissions in treatment of police officers in the present cases of threats and hate speech directed to the LGBT community in 2013. The access to the documentation which follows up the disputed cases was provided to the delegation of “LGBT Forum Progress”. The meeting was focused on the constructively overcoming of these problems, the establishment of mechanisms which will be used to prevent the further repetition of the omissions as well as the strengthening of mutual communications in order to provide better processing of hate speech and disturbing the public peace and order at the expense of members of the LGBT community and the ways of reporting on them.

Regarding the registered omissions, the LGBT performance, which will be presented later, was scheduled in Bar.

**M.J. from Bar announced that he will crush the heads of LGBT persons, and he promised Cimbaljevic that he will deal with him personally.**

The unknown person was reported to the police, and the profile of that person contained lots of elements for identification, but we will not mention the name here. This person addressed specific threats and insult to Zdravko Cimbaljevic, the organizer of Budva Pride. One of the messages reads: “Cimbaljevic, no one is defending you to staple your ass as long as you want, but that is not enough for you, and you want to educate the children to be sick as you are. So, on that event we will crush the heads of LGBT persons, and I will personally deal with yours, trust me!!!”

The police succeeded in indentifying this person. It is about M.J. from Bar, a member of the National Movement “Dinara Drina Dunav”. In a statement he told the police that the threats were not “serious”, but they are “the product of a joke”.

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<sup>113</sup> The meeting was attended by the Head of the Public Peace and Order of Police of Montenegro (MUP) Dusko Koprivica, the inspector of higher class in the Department of Public Order and Peace Ljiljana Gogic, the head of SC Bar Milos Radulovic, and dr Jovan Kojicic, the advisor of the President of the Government of Montenegro for human rights and protection from discrimination and coordinator of the National Team for monitoring the implementation of the government’s LGBT Strategy.

The Deputy Public Prosecutor in Bar, Mrs. S.S. informed the police that it is necessary to interrogate Cimbaljevic “in order to fully respond to the possible existence of a criminal offence”, despite the fact that it was known that Cimbaljevic was not in the country.

The NGO “LGBT Forum Progress” expressed the fully disappointment and dissatisfaction with such a procedure of ODT in Bar in this and all other cases reported on this occasion, the announcement of violence and hate speech from June 2013, till April 2014.

In terms of all filed complaints, ODT said that there was no criminal offence prosecuted ex officio. Also, the Security Center Bar, in contrast to other organizational units of the Directorate of Policy of Montenegro (MUP), did not access the misdemeanor prosecution of any reported person.

### **I.C. from Niksic believed that LGBT persons should be impaled**

I.C. from Niksic was reported to the police, because he threatened, harassed, and provoked fear among LGBT persons through the network “Facebook”. Among other things, I.C. wrote that the homosexuals “should only be well fucked by chainsaw at full throttle”. When the Team for Monitoring of the Hate Speech on the Internet warned him for his expressions, I.C. further wrote: “Well, I did not write this to make you, insane, feel comfortable to read. All of you should be impaled.”

### **Large group of young men chanted “Death to gays” and “kill, kill, the gays”**

The organizers of the Gay Pride Parade in Budva have temporarily left the country at the suggestion of the police. However, one part of the staff stayed in Podgorica because of the regular functioning of the organization and “LGBT Shelter” where some of the protégés were placed.

For safety reasons, the offices were closed, and the staff and protégés from the Shelter were placed in the house of mr. Aleksandar Sasa Zekovic, a member of the Council for Civilian Oversight of Police, and former President of the NGO “LGBT Forum Progress”, considering that they were safe there.

The LGBT activist waited a member of “LGBT Forum Progress” near the building on 3<sup>rd</sup> August 2013. “When I arrived, a group of young men was behind us calling out different derogatory comments. Usually they called my colleague a gay”, said the LGBT activist S.V.

The same night, after two hours, around 23:30, the same group of young men, about fifteen of them, aged 18 to 25, gathered on the parking lot in front of the building and in unison chanted “Zekovic, you gay”, “Death to gays”, “Kill, kill, kill the gays”.

The gathering and behavior of this group is reported to the police.

### **The assessment of safety risks**

During the Pride Parade, but also after it, especially events in the city’s port, during the evacuation, and in front of the hotel “Splendid” after the evacuation, the plenty of violence was manifested, and very serious threats were addressed in terms of further security of leading figures from the Pride organization.

Immediately after the Pride Parade in Montenegro was held, the organizer of the Pride, “LGBT Forum Progress”, requested an assessment of safety risks for members of its management and certain speakers from Budva Pride, among others<sup>114</sup>.

The Police Directorate sent by mail the notification of assessment of personally safety, in early August 2013<sup>115</sup>.

The information, among other things, reads: “In this moment the competitive authorities do not have data which would indicate the existence of potential threats for the security of members of the LGBT Forum Progress”.

It was explained that the competent security services have taken concrete actions to collect data which could be relevant for the assessment of personal vulnerability for all demanded persons.

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<sup>114</sup> The assessment of the security risk is required for the former management of the LGBT Forum Progress – for Zekovic, the former Chairman of the Steering Committee, for Cimbaljevic, the former Executive Director, and for Milivojevic, then Program Director and now the Executive Director of LGBT Forum Progress, as well as for Bozana Jelusic, the single citizen of Budva who publicly supported and spoke at Budva’s Pride; Communication with the Policy Ministry of Ministry of Interior of Montenegro from 23-25.07.2013; LGBT FP Documentation.

<sup>115</sup> The notification of the Police Directorate MUP of Montenegro Slavko Stojanovic to then Executive Director of NGO “LGBT Forum Progress” Zdravko Cimbaljevic, 01/03 No: 007/13-42887 of 01.08.2013; LGBT FP Documentation

“LGBT Forum Progress” immediately after the receipt of the notification, brought into question the validity of the actions taken, and on that occasion protested with the Director of Police Directorate in written form. He was asked to order the verification of this assessment and the actions taken in a particular case, and to explain the meaning of the specific assessment in details.<sup>116</sup>

The Police Director was informed that, among other things, the then Chairman of the Steering Committee of “LGBT Forum Progress”, a member of the Council for Civic Control of Work of Police, Mr. Aleksandar Sasa Zekovic, on the occasion of making the subject assessment, had no contacts with the competent security services, but based on the police recommendations to the entire organization, on 29<sup>th</sup> of July 2013 in the afternoon left the country to which he returned on the 11<sup>th</sup> of August 2013. The response, which also includes Zekovic, came before his return, which means that the actions allegedly undertaken because of him are completely without basis.

Immediately after the Pride Parade, the “LGBT Forum Progress” closed its official premises and the work of LGBT Shelter. The three of the victims from it, and the then Program Director S.M. were placed in an apartment where Zekovic lived. The organization has estimated that all of them were isolated and safe there. However, a large group of young man, about 15 of them, gathered twice in the front of the Zekovics’ apartment and chanted very inappropriate and threatening words.

Also, during the evacuation of the participants of the Pride a large group of people seriously threatened Zekovic in the presence of police in Budvas’ marine. Among them the leader was B.R. who promised that he would take Zekovic’s life so he would never be able to come to Budva. A certain M.M. from the local boxing club repeated similar when Zekovic was getting out from the bus in front of the hotel “Splendid” after the evacuation. The police directed Zekovic to file a private report against M.M., which he refused to do.

In a speech to Police Officials, the “LGBT Forum Progress” asked for the clarification on which exact locations were the management members really sure. “Is it just in their homes, which was not the case for Zekovic, and in the office? Are Zekovic, Cimbaljevic, and Milivojevic safe if they, for different reasons, choose to go and walk through the center of Niksic, Cetinje, Bar, or Budva?”

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<sup>116</sup> Addressing of the then Director of LGBT FP, Z. Cimbaljevic to Director of Police Directorate MUP S.Stojanovic, from 19.08.2013; LGBT FP Documentation

The Director of Police Directorate has never provided the required statement.

For these reasons, the request for approval for procurement of firearms was sent.

### **The management of “LGBT Forum Progress” requested approval for procurement of weapons**

In behalf of some members of the management of the organization the then Director of “LGBT Forum Progress” submitted the request for approval for procurement of firearms to the competent Ministry of Interior Affairs of Montenegro.<sup>117</sup>

Among other things the request, signed by Cimbaljevic, reads:

“We assume that the membership in a hunting or shooting organization as well as in military service is not a requirement for obtaining the required approval, because it is about persons who then initiated and led the campaign to abolish the military duty and to promote the ideas and concept of conscientious objection in Montenegro. We have to mention that it is about adults, who has full legal and medical capacity and who are familiar with the regulations governing this matter. We have not been convicted of criminal offenses with elements of violence, and the criminal proceedings ex officio are not conducted against us. We have not been convicted for offenses and no misdemeanor procedure was conducted against us. Also we have to mention that we have never been convicted and no proceeding is conducted against us for criminal acts against the constitutional order and security of Montenegro, against humanity and other values protected by international law, against life and body, property, as well as other crimes involving violence, greed, or basic instincts. Before the submission of this request for approval for procurement of weapons we have never been punished, and no proceeding for offenses against public order and peace on any basis is conducted against one of us” – reads the submitted request.

“We will not misuse the weapons in any way, and there are no circumstances which would reasonably indicate that. We believe that,

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<sup>117</sup> This request was sent and signed in behalf of “LGBT Forum Progress” by Zdravko Cimbaljevic to the Minister of Interior Affairs of Montenegro Mr. R.K; The request was related to Mr. A.S.Z., a member of the Council of Civic Control of Work of Police and former President of Steering Committee of LGBT Forum Progress, to Z.C., former Executive Director, and to S.M., former Program Director of the organization; LGBT FP Documentation.



under the law, in our case there is a legitimate reason for the procurement of weapons, because our personal safety is endangered on daily basis. It is often so endangered that we need weapons for our safety, and we have the need for the procurement of weapons because of the nature of work and the circumstances in which our overall engagement is carried out, especially because the actions and measures of the security agencies could not provide the necessary protection, nor it is usually provided. Every day we are exposed to brutality, threats, humiliation, and loss of elementary dignity. Our freedom of movement is extremely limited and we are not in the position to go anywhere outside Podgorica, or our living space and offices where we work” reads at the end of the request.

The Ministry of Interior Affairs of Montenegro has never provided the feedback on this request.

### **Young men shouting “Kill, kill, kill the gays”**

On 12<sup>th</sup> August 2013, three members of the “LGBT Forum Progress” with the guest from abroad went out for a drink. After staying at a café “Berlin” they decided to go to another part of a city. They went through the pedestrian “Moscow bridge”.

Around 22:30, at the beginning of the bridge, they met a group of young men, mostly 20-year-olds, one of whom said: “I swear, it is Cimbaljevic the gay here”. After that they loudly chanted “Kill, kill, kill the gaaaaay”.

“We decided not to react in order not to worsen the situation”, one of the present LGBT activists said in a report to the police.

“After the Pride Parade in Budva such incidents, threats, and insults have drastically increased. We care for our safety, and we hope that you will act urgently in this and other reported cases, and that you will inform us about the actions undertaken”, reads the report of the NGO “LGBT Forum progress.

### **The report against locksmith Z.S. from Herceg Novi**

The non-governmental organization (NGO) “LGBT Forum Progress” filed a report to police against a locksmith Z.S. from Herceg Novi

because through “Facebook” page of this NGO he insulted LGBT community, and by religious approach advocated the death and disappearance of LGBT persons.

According to police data from the April 2014, the authorized police officer of the Security Center Herceg Novi interrogated this person by operational assessments in the field and network “Facebook”, took a statement and submitted the complete case files for assessment and decision-making to Deputy Public Prosecutor in Herceg Novi, Mrs. N.P.

The Basic Public Prosecutor’s Office stated that in the concrete actions of the named person there were no elements of the offense.

This statement from the Information of the Supreme Public Prosecutor’s Office from the end of April 2014 is interesting for a total consideration of overall practice of competent authorities: *„By the assessment of report and collected information it is determined that in the actions of persons indicated there are no elements of the crime that is prosecuted ex officio. Also it was found that there are no elements of violation of the Law on public peace and order, because the official Facebook page is not regulated as a public place where it is possible to perform some of the violations of peace and order“*<sup>118</sup>.

## **Attacked for silk scarf around the neck**

After Budva Pride Parade the activist group LGBT have registered the increased violence against members of the LGBT community.

The citizen Z.J. was attacked in Niksic on 6th August 2013, in the cafe „Jazz“. Some of the guests did not like the way he dressed, and the silk „multicolored“ scarf which he wore around his neck. They called him „fagot“ and attacked him.

Z.J. received the medical care at the Medical Center in Niksic, where it is stated that he sustained minor injuries.

„LGBT Forum Progress“ reported the incident to the police.

This citizen felt a heightened fear for movement and life in the city, due to the incident, and especially after finding out that some of the attackers were additionally enquiring for him.

On 17 September 2013, after the consultations with the Deputy Public Prosecutor in Niksic, the officials of the Ministry of Interior

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<sup>118</sup> Information of Supreme Public Prosecutor’s Office, signed by the Acting Chief of State Prosecutor, Mr. V.V., No. 251/14 to the Deputy Director of “LGBT FP”, Mr. D.A. from 25.04.2014., Page 1; LGBT FP Documentation.

Affairs – Police Directorate, Security Center Niksic have submitted to the Regional Authority for Offenses the request for criminal proceeding against Z.D. (32) from Niksic, on suspicion that, at the expense of Z.J. from Niksic, he committed an offense under Article 10, paragraph 2 of the Law on Public Peace and Order – physical attack.

After the conducted misdemeanor proceeding in the Regional Authority for Offenses in Niksic, Z.D. has been fined in the amount of 350 euros.<sup>119</sup>

### **The report againts M.S. from Podgorica**

Zdravko Cimbaljevic, the then Director of the NGO „LGBT Forum Progress“ filed a report to the police against the citizen M.S. from Podgorica for insulting and vilification.

M.S. privately wrote Cimbaljevic and on that occasion he cursed him, called him „sick man“, „cattle“ and „fagot monkey“. He asked Cimbaljevic to stop with public work and action so his children would no longer see Cimbaljevic on Facebook and in the media. He said that he would report Cimbaljevic for endangering rights by his existence and activity.

### **Lj.S. from Spuz thinks that Cimbaljevic should be beaten up**

Lj.S. from Spuz has been reported to the Police Directorate because at the beginning of July 2013 through the network „Facebook“ from his profile threatened Zdravko Cimbaljevic, the Director of NGO „LGBT Forum Progress“ and others from this organization.

He wrote: *„This Cimbaljevic and others around him should be beaten up so he would never again think about struting when he goes to Vasojevici. Also we should enter his apartment and hit him and others like him with baseball bats before and after the meeting, all the same, and all of those who appear there, burn their cars, destroy their property and all so on.“*

He also called all fan groups from the country to unite against NGO „LGBT Forum Progress“.

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<sup>119</sup> Information of Police Directorate MIA Montenegro, from 29.04.2014; LGBT FP Documentation

## The report against M.S. from Spuz

Non-governmental organization (NGO) „LGBT Forum Progress“ to the police reported M.S. from Spuz who published the following comment on the profile of this NGO: *„Tush, God forbid, far from all, God help them to get the fagot Satan out of the sinners which it attained... They need to be stripped and hit with a withe on the ass, so they would get that out from their asses, I fuck their fagot mothers. God helps their parents because their children disgraced them, their ancestors are turning in their graves because of the nausea when they see what their descendants are doing...“*

In April 2014, the police informed this NGO that the request for initiating criminal proceedings against M.S. under Article 7, paragraph 1 of the Law on Public Peace and Order.<sup>120</sup>

In this case, the Deputies of Basic Public Prosecutor's Office in Podgorica, Mr. I.P., and Mrs. A.R. got familiar with the subject and said that there are no elements of the offense.

## The case of insulting Zekovic

The NGO „LGBT Forum Progress“ filed a report against the unknown citizen who, in front of the mall „Delta City“ on 21 August 2013 in the evening, cursed, insulted, and vilified Mr. Aleksandar Sasa Zekovic, a member of the Council for Civic Control of Work of Police.

The citizen who was driving the car Golf IV, of gray metallic color, license plate PGTD3++ passed several times near Zekovic, telling him curses and calling him „fagot“.

Several times Zekovic tried to approach the car with the aim to ask him why was he cursing and insulting him, but this guy kept escaping by car, with four illuminated winkers, and kept coming back.

Zekovic was one of the speakers at Budva Pride Parade and and he was recognized in public for the protection of human rights of LGBT persons.

The „LGBT Forum Progress“ has been informed that the police were able to identify the person who that night used a vehicle described, but Zekovic, meanwhile, refused to communicate with the Public Prosecutor's Office as a sign of solidarity with the NGO „LGBT

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<sup>120</sup> Police Directorate No. 03-418 from 13.11.2013; LGBT FP Documentation

Forum Progress“ due to improper overall relation of Public Prosecutors to speech hate and violence against LGBT persons, which is why the long-time leader of LGBT Community Zdravko Cimbaljevic emigrated from the country.

According to the information from the police from April 2014, the Police Directorate submitted a request for initiating criminal proceedings against A.K. from Tuzi on 16 October, under Article 7, paragraph 1 of the Law on Public Peace and Order.<sup>121</sup>

The same police information indicated that Mrs. A.R., the Deputy Public Prosecutor in Podgorica, said that there were no elements of a crime on this occasion.

### **Cimbaljevic has been threatened and after his departure from the country**

„LGBT Forum Progress“ filed a report against several people who, in an inappropriate manner, with the announcement of the continuation of violence and hatred towards LGBT community, commented on the decision of Zdravko Cimbaljevic, longtime leader of Montenegrin LGBT community, to leave Montenegro due to lack of security and protection provided.

Among the reported persons there was also K.P. from Bar, originally from Bijelo Polje.

In April 2014 the Police Directorate MUP of Montenegro informed that it took from this person a statement on the circumstances of the report, and that the same person said that his comments “did not refer to any kind of threat, but the above comments he experienced as a type of joke”.

And regarding this report, this NGO registered untimely actions of the police. The Basic Public Prosecutor’s Office in Bar was invited on 9 April 2014 to comment on the elements of the offense. The Basic Public Prosecutor in Bar, Mr. M.M. said that the actions of the reported persons represent the offense and not a crime endangering safety.<sup>122</sup>

Because of threats of Z.C. to a member of the LGBT community, which is in exile in Canada, the „LGBT Forum Progress“ filed a report to police against N.G. from Berane.

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<sup>121</sup> Police Directorate No. 03-357 from 16.10.2013; LGBT FP Documentation

<sup>122</sup> Report of Basic Public Prosecutor’s Office Bar VDT TU No. 89/14 od 26.04.2014; LGBT FP Documentation.

Among other things, N.G. threatened to „kill“ Cimbaljevic’s family, and that he would burn down their house.

The police determined that it was about the student N.G. (1996) from the village Budimlje, against which the report for initiating criminal proceedings was submitted under Article 8 of the Law on Public Peace and Order. The corrective measure reprimand was sentenced to him by the local authorities.

### **The report against M.R. from Berane**

Internet team for monitoring hate speech NGO “LGBT Forum Progress” filed a report to the police against the citizen M.R., an unemployed citizen from Berane for his comments on the profile of this NGO on the network “Facebook”.

On the occasion of the arrival of gay cruiser in the Port of Kotor, he wrote: “Step away these things God, normal people and families disappear, and those sick ride cruisers... Very important information!”

The Deputy Public Prosecutor in Berane informed this NGO that, pursuant to Article 2, paragraph 2 of the Criminal Procedure, on 17<sup>th</sup> October 2013 this office dismissed the criminal charge against this person because in the actions of the suspected there were no elements of reported criminal offense.<sup>123</sup>

The Security Center Berane filed a misdemeanor charge against this person under Article 7 in conjunction with Article 4 of the Law on Public Order and Peace. In the procedure which the Regional authorities for violation conducted, the sanction warning to pay the costs in the amount of 10 euros was announced to him.

### **Protest gathering against LGBT community**

At the end of September 2013 in Podgorica dozens persons, mostly juveniles, organized a gathering in the center directed against the LGBT community. On that occasion series of threatening and insulting messages were directed against equality, tolerance, and respect of human rights of LGBT persons.

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<sup>123</sup> The notification of Deputy Public Prosecutor Mrs. J.M. KT No. 241/2013 and the Decision on the dismissal of criminal charge from 06.11.2013; LGBT FP Documentation

On that occasion the non-governmental organization (NGO) “LGBT Forum Progress” filed a report to Security Center Podgorica and asked for detailed information about the incident and actions undertaken.<sup>124</sup>

The Police Directorate of the Ministry of Internal Affairs (MUP) of Montenegro informed the “LGBT Forum Progress” that in the center of town in the Republic Square on 27.09.2013 around 20:00 a large number of citizens gathered carrying protest material directed against the LGBT community. A group of juveniles separated from them and from the center of the city started walking down the Sloboda Street and on this occasion expressed strong resentment against the LGBT population.<sup>125</sup>

The gathering held was not announced to the Ministry of Interior Affairs.

Being reported that there was a gathering of a large number of people in the center of the city, the officers of the Police Directorate came to the scene and protected the participants of a protest, in order to facilitate the undisturbed traffic and to avoid the disturbance of public peace and order till the end of meeting. The event was recorded and the video and photo documentation was made.

Reviewing the video and examining the photographic documentation, the officers of Police Crime Unit for combating juvenile delinquency identified nine juveniles – participants of the protest, which officials of Security Center Podgorica recorded on the basis of other events in the past.

The information was gathered from the citizens juveniles in the presence of their legal representatives in the official premises of Security Center Podgorica. The competent prosecutor for juveniles in Podgorica A.N. said that the incident does not contain the elements of any criminal offence prosecuted ex officio, and suggested the initiation of criminal proceeding.

Continuing to work on the case, the police collected additional information from representatives of the “LGBT Forum Progress” on 7<sup>th</sup> October 2013.

Finally, the Unit for Combating Juvenile Delinquency Security Center Podgorica filed a report against nine juveniles to Regional Au-

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<sup>124</sup> The report of NGO “LGBT Forum Progress” signed by the Executive Director Stevan Milivojevic, No. 01/3-08/13-62643 from 28.09.2013; LGBT FP Documentation

<sup>125</sup> The information about the actions and measures which the Police Directorate have undertaken regarding the large gathering of citizens who were carrying the protest material directed against the LGBT community 01/3 No. 08/13-62643/2 from 9.10.2013; LGBT FP Documentation



thority of Misdemeanor in Podgorica, in regular proceeding, due to the violation of Article 8 of the Law on Public Peace and Order. Misdemeanor charge was filed against nine juveniles: P.K., L.Dz., L.J., D.M., B.Z., P.S., F.M., L.D., and L.L., because they caused the feelings of vulnerability of LGBT persons and threatened to attack their lives and lives of their family members in a way that they at the same voice as a group shouted and several times repeated the threatening words.<sup>126</sup>

According to the notification of Misdemeanor Board of Montenegro from April 2014, the proceeding against these persons is in progress.

The Basic Public Prosecutor in Podgorica in this case pleaded that there were no elements of a crime.

NGO “LGBT Forum Progress” expressed complete satisfaction for overall relation and approach of Montenegrin police to protect the LGBT community. The timely undertaking of official measures is important for the prevention of possible violence at the upcoming Pride Parade in Podgorica, this NGO assessed.

In its public statement regarding the misdemeanor process of nine juveniles, the NGO reported that “the fact that the word is about juveniles shows how the non-acceptance of LGBT community is expressed and it represents a serious social problem”. The “LGBT Forum Progress” said that: “It is unacceptable that, with the exception of a few prominent NGOs, the Minister of Education, parents and teachers structures, and the Protector of Human Rights and Freedoms of Montenegro did not provide any statement”.<sup>127</sup>

### **The report against a sports fan M.F. from Podgorica**

The fan M.F. called “Miro” from Podgorica was reported to the police by the NGO “LGBT Forum Progress” due to announce of violation against the participants of the Pride Parade in Podgorica.

He made a comment on the network “Facebook” which reads: “I heard that the Pride Parade will happen in Podgorica. Lets’ gather to fuck their mothers, to beat them all, I fuck their fagot mother”.

In April 2014, the police informed that a claim is filed against M.F. for initiating criminal proceedings, for the report from September

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<sup>126</sup> Police Directorate No. 03-378 from 23.10.2013; LGBT FP Documentation

<sup>127</sup> The statement of the NGO “LGBT Forum Progress” entitled “The prevention of violence important for protection of the LGBT community” from 11.10.2013; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

of the same year, under Article 7, paragraph 1 of the Law on Public Order and Peace, while Mr. I.P and Mrs. A.R., in this case, told Deputy Public Prosecutor that there were no elements of a crime.<sup>128</sup>

### **A boy got injured testing an explosive**

The daily newspaper “Pobjeda” conveyed the information that the juvenile M.V. from Podgorica got injured testing an explosive substance which he prepared to throw on the participants of the Pride Parade in Podgorica.<sup>129</sup>

The fifteen-year-old boy was admitted to hospital with burns on his body which occurred when the substance, which he prepared with the aim to activate it on the Pride Parade in Podgorica, held on 20<sup>th</sup> October 2013, was caught by fire.

The statement was taken from M.V. in the presence of his parents. The police sent the mixture which he used to the Forensic center of Police Directorate (MUP) of Montenegro.

### **The day before the Pride Parade the LGBT activist physically attacked**

A prominent member of the LGBT community and NGO “LGBT Forum Progress” got attacked firstly verbally and then physically in front of the mall “Mall of Montenegro” in Podgorica on 19<sup>th</sup> October 2013.

“LGBT Forum Progress” announced that their member was attacked by three unidentified young men at an intersection near the shopping center while waiting to cross the street.

“Gay, are you gay?” he was addressed by three young men, to which, according to a statement of this NGO, he told them to get away and leave him alone. After he turned, he was strongly hit in the head, and the attackers ran away.

After that, the attacked person went to police to report the attack.

The Police Directorate publicly reported that its officials are trying to identify the persons who insulted and attacked a member of this NGO.

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<sup>128</sup> Police Directorate No. 03-422 from 14.11.2013; LGBT FP Dokumentacija

<sup>129</sup> <http://www.pobjeda.me/2013/10/20/djecak-pripremio-eksploziv-za-gej-paradu-pa-zavrsio-u-bolnici>

“LGBT Forum Progress” reminded the public that he calls the Minister of Education, parent and teaching structures and associations, as well as the Institution of the Ombudsman to say something about the increase of homophobic violence against LGBT community, and to engage in fight against this phenomenon. “The NGOs and the Police cannot deal alone without their support with homophobia and hate crime. Their silence has become dangerous and shameful”, the “LGBT Forum Progress” assessed and added that the today’s attack is “consequence of their disregard and lack of interest”.

In occasion of this attack “LGBT Forum Progress” appealed on parents of Montenegro to “show more parental care and attention to their children, and the solidarity to other children”. “It is particularly important to ensure that in the future their children are not among the opponents of the Pride Parade in Podgorica”.

### **After the Pride Parade in Podgorica 17 persons processed for misdemeanor offense**

The Pride Parade in Podgorica, the first one in the capital, entitled “Montenegro Pride 2013” was held on 20<sup>th</sup> October 2013.

A non-governmental organization (NGO) Montenegrin LGBTQ Association “Queer Montenegro” was the organizer of a public gathering. The slogan of the parade was “Montenegro, Proudly”, and a logo of a protest walk were mustache.<sup>130</sup>

The NGO “Queer Montenegro” has announced that the Pride Parades will be held every year in order to achieve long-term changes, removing the prejudices, and for people to realize that “the LGBT persons are not different from the way the homophobes say they are”.

For more details on preparing the Parade, see the information from the announcement of the press conference.<sup>131</sup>

On this occasion, the Police Directorate formed the Operative Headquarter, which collected, processed, and classified all the relevant information and data from the field on daily basis. Only the public

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<sup>130</sup> The chairmen of the Steering Committee of the Montenegrin LGBT association “Queer Montenegro”, Mr. Danijel Kalezić, explained the decision on the selection of features on a press conference in October 2013. “The mustaches were not selected randomly. They are historically a symbol of pride, bravery, the part of tradition and identity of Montenegro, but in this context they are a symbol which breaks prejudices of those entitled to them”.

<sup>131</sup> <http://www.vijesti.me/vijesti/ispred-vlade-paradi-ponosa-numanovic-kojicic-clanak-155528>

gathering was estimated as a gathering with the highest level of security risk.

Guided by their personal experience from the earlier Pride Parade in Budva, and by the experience of the police of other states, the Operative Headquarter defined the main preferred activities of the police structures. The operational information and data were intensively collected, and the continuous analysis of all security risks and challenges has been performed. The Operative Headquarters' plan implied specific activities from the time before, during, and after the Pride Parade, including the evacuation plan of participants.

The Operative Headquarter had a constant communication with the representatives of NGO "Queer Montenegro" in order to contribute to safe conducting of the public gathering also from that side. The Police Directorate praised the approach of this NGO whose representatives accepted all recommendations issued.

What is very commendable, the Operative Headquarter met several times with the representatives of the Regional Authority for Misdemeanor, and Basic State Prosecutor's Office, for joint actions and efficient undertaking of procedural actions. Before and after this public gathering, meetings with the ODIHR observation mission were organized through the Organization for Security and Co-operation.

Based on relevant knowledge, the Operative Headquarter expected the violent and destructive behavior of fan groups from different parts of Montenegro. Also, they had information about the establishment of communication via social networks and making calls to fans of football clubs from Serbia in order to organize and come to Podgorica on Pride Parade. In this regard, the stronger measures and activities at border crossings as well as the control and identification of those persons were ordered. The police had important information that, in addition to sport fans, the high school students organized to groups. According to information, they were particularly active in calling for resistance to Pride Parade in Montenegro. According to the information available, the Operative Headquarter made a decision to intensify activities in all centers and security departments of the Police Directorate, in order to identify the potential troublemakers. In this sense, they interviewed a significant number of people, for timely indication of the consequences of their possible violent and destructive behavior.

Two days before the Pride Parade which was timely announced few months ago, the representatives of the political entity "Srpska lista"

filed a report to Security Center Podgorica for this public gathering. The gathering of “Srpska lista” is prohibited for safety reasons, but also because of the procedural fact that the report was not filed on time.<sup>132</sup>

The information which the Operative Headquarter of the Police Directorate of Montenegro MUP had, showed that it would certainly come to disturbance of peace and order on a larger scale. It was expected that the opponents of the Pride Parade would use the physical force and bullying, which could have led to the breach of security of citizens and police officers. Also, it was expected that the riots could be expanded on the entire territory of the city, which could represent a direct threat to the safety of citizens, and on other locations in Podgorica, their property and the property of legal entities, as well as the property of the Capital City Podgorica.

The overall activities which the Operative Headquarter of Police Directorate planned and conducted, have provided that the Pride Parade which was held on 20<sup>th</sup> October 2013 pass on the safe and efficient way, with the professional conduct of police officers. At the place where the Pride Parade was held, during this event, before, and after it, there were no incidents. The organizer of Pride Parade in Podgorica, the NGO “Queer Montenegro”, as well as the organizers of Pride Parade in Budva, the NGO “LGBT Forum Progress”, praised the overall approach of the police, treatment, and the use of police powers, giving the best marks.

The officers of the Police Directorate of Montenegro MUP have timely and professionally implemented the coordinated actions, by which the public order and peace have been disturbed on a dozen of locations in Podgorica.

The Police Directorate informed that before, during, and after the Pride Parade, taking into account the above incidents, the security situation was on the satisfactory level, thanks to the timely response of the police officers.

Before the Pride Parade, the police officers undertook the preventive activities, during which from several persons at different locations in the city they took illicit substances and objects (Molotov cocktails, gasoline, metal bars, brick, smoke bombs) by which the safety not only of the participants of the Parade, but also of people in general, could be significantly compromised if they have been used.

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<sup>132</sup> Montenegrin Law on public gathering reads that the gathering has to be announced at least five days before its holding.

The police guarded the approach to Pride Parade while hooligan groups, whose members were mostly marked, by constant attacks were trying to get to the location where the public gathering of the LGBT community was held. The attempts of those groups to break through police lines at dozen of locations in the city have failed. They were also obstructed in their attempt to deal with the police officers after that. According to the legal requirements, the police officers used a coercive means – physical strength, the official baton, and chemical agents.

The participant of the Pride Parade, entitled “Montenegro Pride 2013” with the slogan “Montenegro, Proudly”, organized by the NGO “Queer Montenegro”, gathered around 10 am near hotel “Crna Gora – Hillton”. The walk started at 11 with the established route – across the bridge of “Blazo Jovanovic” to the former government building and back. The public gathering was finished around 12:30 pm, after the speeches near the monument to King Nikola. After that, the participant of the Parade and the news teams were evacuated on a safe manner, and transported to predetermined safe locations.

On the day of the Pride Parade, about 2,000 police officers were hired for the positions in order to secure this event. It is estimated that there were about 1,500 opponents of the Parade, who provoked incidents or tried and wanted to disturb the public peace and order to a large extent.

On that occasion, the 21 police officers got injured, one of whom sustained serious injuries because of the effects of Molotov cocktails and throwing stones.

On that day, one injured person, which was suspected to belong to one of the groups who attacked the police officers, came to a public health institution “Clinical center of Montenegro”.

On the day of the Pride Parade, the police officers arrested 60 people (39 adults and 21 juveniles) in the premises of Security Center Podgorica. The next days they arrested ten persons more.

The Basic Public Prosecutor, who pleaded that in the actions of detained persons there were no elements of criminal offense which was prosecuted ex officio, was informed about measures and actions undertaken.

The competent prosecutor pleaded that in the actions of 17 detained persons, including three juveniles, acquire the elements of the offense, so the request for investigation of the misdemeanor procedure

against these persons was issued to Regional Authority of Misdemeanor in Podgorica on 20<sup>th</sup> and 21<sup>st</sup> October 2013, for suspicion of having committed an offense under the Law on Public Peace and Order – insulting or disrespectful behavior in public places (Article 7) and disturbance or undermining the official in the performance of official act (Article 11).

The request for investigation of the misdemeanor procedure under Article 7, paragraph 1 of the Law on Public Peace and Order was issued against V.L. due to insolent behavior towards the participant of the Pride Parade.<sup>133</sup> Due to violations of Article 7, paragraph 2 from the same Law, the requests for investigation of the misdemeanor procedure were issued against N.V. and D.K. because they were throwing stones at the official vehicle of Police Directorate.<sup>134</sup> According to the information of Misdemeanor Boards of Montenegro from April 2014, these actions are in progress.

The request to Regional Authority of Misdemeanor was issued against Mi.M. due to violation of Article 11, paragraph 1 of the Law on Public Peace and Order, because he refused to follow the orders of an authorized police officers of Special Police Unit Podgorica to remove from a specific area, but also because of the undermining.<sup>135</sup> The Regional Authority of Misdemeanor Podgorica made a decision, PP No. 12615/13-12 on 27<sup>th</sup> January 2014 by which Mi.M. was fined with 300 euros and costs of procedure in the amount of 25 euros.

The request for investigation of the misdemeanor, for stoning vehicles, under Article 11, paragraph 2 of the Law on Public Peace and Order, was issued against: L.D., D.D., D.J., Z.M., I.K., S.V. i D.R.<sup>136</sup> The Regional Authority of Misdemeanor Podgorica made the acquittal for L.D., D.J., D.D., Z.M. i I.K. on 27<sup>th</sup> January 2014.<sup>137</sup>

On the same basis, for the same reason, the request for investigation of the misdemeanor was issued against N.P. and Z.S. (Police Directorate 03-374 from 20<sup>th</sup> October 2013). By the decision of the Regional Authority of Misdemeanor Podgorica, PP No. 12617/13-17 from 27<sup>th</sup> January 2014, the same persons were exempted from liability due to lack of evidence.

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<sup>133</sup> The request of Police Directorate No. 03-370 from 20.10.2013.

<sup>134</sup> The request of Police Directorate No. 03-371 from 20.10.2013.

<sup>135</sup> The request of Police Directorate No. 03-372 from 20.10.2013.

<sup>136</sup> The request of Police Directorate No. 03-373 from 20.10.2013.

<sup>137</sup> The information from April 2014 of Misdemeanor Board of Montenegro; LGBT FP Documentation



Because of throwing stones on official police vehicle, J.V., Lj.J. i N.G., all from Podgorica, were processed for misdemeanor offense under Article 11, paragraph 1 of the Law on Public Peace and Order.<sup>138</sup> According to the information of the Misdemeanor Board, the proceedings against these persons are still in progress.

N.A. was processed for misdemeanor offense and due to activities on Pride Parade in Podgorica. Under Article 11, paragraph 2 of the Law on Public Peace and Order is in process. Earlier he was punished because of riots on Budva Pride.

The police said that immediately after Pride Parade in Podgorica, for further processing, it accessed to identify other persons who caused the incidents, wounded the police officers, or caused material damage to buildings and furniture.<sup>139</sup>

### **The report for threatening the journalist “Vijesti”**

The citizen S.S. who threatened D.K., the journalist of the independent daily “Vijesti” who monitored and supported Pride Parade in Podgorica on 20<sup>th</sup> October 2013, was reported to the police.

In private message to this journalist he wrote *“Proud Montenegro, congratulations, I fuck your mother, you will not walk through the town, we will throw you in Moraca, you lesbian shitty one!!! Nobody wants to f... you. Of course they won’t. Look at yourself, you are falling apart”*.

### **Blackmailing LGBT persons**

The NGO “LGBT Forum Progress” registered a few examples of blackmailing older LGBT persons. In addition to the case from December 2012, when the thirty-year-old I.D. from Niksic extorted money from an elder respectable member of the LGBT community in October 2013, another case is registered.<sup>140</sup>

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<sup>138</sup> The request of Police Directorate No. 03-375 from 20.10.2013.

<sup>139</sup> For detailed information about the Pride Parade in Podgorica, see this text: <http://www.vijesti.me/vijesti/poslije-parade-privedeno-60-huligana-ulicama-mirno-clanak-155901>

<sup>140</sup> Marijana Lakovic i Aleksandar Sasa Zekovic, “Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice”, pg.102, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)

The younger member from the LGBT community blackmailed an elderly person from the Montenegrin coast that if the elderly does not give him the money, he will inform his family about his real sexual orientation through the video which he made. As the threats continued, and after giving the money, the victim sought help this NGO and member of the Department for internal control of the police, Aleksandar Sasa Zekovic.

Immediately they contacted a young man who resorted to these actions, and he was warned of criminal responsibility and commitment to victim to report the case to police and prosecution if these actions continue. He was also informed that such approaches damage the building of trust and solidarity within the LGBT community.

The young man expressed his regret for such communication and approach, and stopped with earlier actions.

### **LGBT activists attacked in Kolasin**

After completion of the regional consultation of members of the LGBT community from the north part of the country, four members of the “LGBT Forum Progress” were attacked in the garden of café “Langolo” in the town center, in mid October 2013.

The unknown citizen, young drunk man, has repeatedly passed the table, where the members of the LGBT Forum Progress were sitting, and harassed them. He was shouting “fagots” and loudly talked to passers-by along the promenade. He was pointing his finger towards their table, saying “Fagots came to our town”.

One of the present members of the “LGBT Forum Progress”, Mr. Aleksandar Sasa Zekovic, the then Chairman of the Steering Committee, contacted the police headquarters and also after the Police Station in Kolasin. He informed them about the situation and asked them to send a patrol to act preventively because everything indicated that the incident would happen.

The drunk young man continued shouting after the arrival of the patrol which was placed on the promenade. The police warned the young man about his behavior.

When the activists decided to stand up, the young man continued shouting. Then Zekovic approached him and asked *“Excuse me, why do you mind if we sit here, what’s the problem?”*

The young man tried to physically attack Zekovic, telling him *“What do you want, I fuck your mother, go, walk out of here”*. The physical assault was prevented by the present police.

After the incident, members of the LGBT Forum Progress filed a report against the young man who was formerly employed as a police officer. Later, Zekovic refused to communicate with the competent prosecutor because of the overall poor relation of the prosecutorial organization towards violence against the LGBT community while other people were not contacted on this occasion, as he explained.

The Police Directorate of Montenegro MUP informed this NGO that the Security Department Kolasin filed a misdemeanor report against M.L. (1989) under Article 7, paragraph 1 of the Law on Public Peace and Order. According to the notification of the Misdemeanor Board of Montenegro from April 2014, the proceeding against M.L. is in progress.

### **An appeal to parents to be with their LGBT children**

The regional consultation meeting of the management of the “LGBT Forum Progress” and members of the LGBT community from the north part of the country committed to the further development of the LGBT community was held in Kolasin, on 12<sup>th</sup> and 13<sup>th</sup> October 2013.

Particularly it was evaluated that if the Pride Parade is held again in the future, it would make the LGBT community exposed to pressure and violence in all places.

That happens on the streets but also in the families which was particularly discussed in the focus groups during the meeting. During the workshops the public invitation to parents of LGBT persons to strongly and with full parental responsibility stand for their children, was made. The appeal was sent to parents through the media and sent to hundreds of addresses including the Ministry of Education, the leading national educational institutions, the institution of Ombudsman of Montenegro and non-governmental organizations working with parents, children, students, or generally supporting the promotion of human rights and freedoms.

Here we integrally relay public call to Parents of LGBT children and youth in particular for cases which have already been or will be presented:

*“The LGBT Persons in Montenegro live in constant fear that they will be left by their families and after that faced with security and existential problems and risks because of their sexual orientation.*

*It is crucial that the LGBT persons have the support, understanding, and protection from their parents. The civil society, police, and judiciary have a significant role in promoting tolerance, prevention, and sanctioning violence against LGBT persons. Still, the parent’s support and protection for every LGBT person, especially for children and youth, is primary.*

*The attraction to the same sex among young LGBT persons is not a matter of their personal choice or lifestyle, but a sense that it represents a natural condition and integral part of the personality. That cannot be changed. Also it is not good that someone forces them on a change of that kind. Everything they want is that the environment especially the family, respect their feelings and accept them as a whole personality.*

*So, parents of LGBT persons in Montenegro, take a full parental responsibility. Stop, before everything, the suffering of your children who have a different identity from what you want. Due to the fact that they are LGBT persons, your children live in terrible fear and they are faced with violence, labeling, condemnation, humiliation and ridiculing from the environment. Your children are afraid of losing your love, support, and protection. Your children are forced to make you happy and fulfilled, neglecting themselves. They do everything what they can not to disgrace parents and family reputation by the truth about themselves. They feel ashamed and they do not want to inflict the pain and embarrassment to anyone, especially not to you. They are trying to fit into the imposed behavior patterns. It is time for you to stop that. We invite you that the future and happiness of your children become important for you, but not to hold the attitudes and convictions of environment. The sacrificing the relationship with your children is nothing worth. The homophobic society which you care about will not compensate that loss. The fact that your child is an LGBT person does not diminish any quality and beauty of the human being who exactly you gave to this world. These are your children, and you should be proud of them!*

*So, stand decisively in protection of your children. Give them support and protection in family. That is the most important. Protect them from the aggressive environment, as in other occasions. Support*

*the better life of your child. You will have a full support and assistance of all state institutions and non-governmental organizations.*

*We call upon parents of LGBT persons to establish contact and cooperation with the NGO "LGBT Forum Progress". We call upon parents to visit our psychological workshops and counseling which functions as a part of the LGBT shelter.*

*"LGBT Forum Progress" can help overcoming and understanding of the challenges and difficulties which are related to the acceptance of full identity of their children. The essence is that every parent accepts their child with its sexuality, and to view them, accept and support them in as a part of their personality. In the majority of our families there is no even the minimal understanding towards the LGBT persons. That is why a joint work, in order to overcome all difficulties, obstructions, dramatic situations, is important, and in order to finally provide full support, protection to the children and to save every family. The parents of LGBT persons are not lonely Through the program of "LGBT Forum Progress" they can connect to all of the other parents and learn from their experience.*

### **Increased hate speech through the street graffiti**

Since the establishment of the first LGBT organization and the public outing of LGBT persons, a number of graffiti has increased, in all of the municipalities of Montenegro, directed against the LGBT community, their equity, safety, but also their social acceptance.

In the previous years, the graffiti which dominated were the ones with the expressed hate towards the ethnic and religious minorities, especially the Croats, Albanians, Roma people and the citizens with Islamic religious affiliation.

The authors of this book, do support the forms of street art, but the existence of socially unaware graffiti, especially those which contain the hate speech towards anyone is not acceptable.

LGBT organizations have numerously called upon the local administration to undertake needed actions and remove all of the improper graffiti. Besides this "LGBT Forum Progress" suggested to the state authorities of Podgorica, to adopt a special local decision of using the so called anti-graffiti colors and means in order to ease the future cleaning of the walls and to make it less funds-consuming. The public

authorities have never reacted on this occasion, but they did, which should be emphasized as good practice, remove the chauvinistic and fascistic graffiti after the pressure from the diplomatic circles.

The activists of the NGOs “LGBT Forum Progress” and of the “Montenegrin alternative culture have as a part of the joint program “We see difference” removed the graffiti in Podgorica which were calling upon lynch and violence of the LGBT community.<sup>141</sup>

Hate speech towards the LGBT community, through the wall graffiti has intensified vastly after the holding of the first Montenegrin Pride Parade in Budva (July 2013) and before the Pride Parade in Podgorica (October 2013).

The member of the LGBT community I.R. from Podgorica suggested that the Ministry for human and minority rights should send an initiative to the Protector of human rights and freedoms of Montenegro to issue a recommendation to all of the local and state institution, on the bringing of the decision on the obligatory use of the so called anti-graffiti colors ad means in order to ease the future cleaning of the walls and to make it less funds-consuming.<sup>142</sup>

“LGBT Forum Progress” has been informed, in the end of December 2012, that the Basic State Prosecutor in Podgorica, in relation to the criminal report made by the NGO “Juventas” against unknown perpetrators/authors of the graffiti, formed a case in this Prosecutors office, Crim. Number 1128/12, and it is currently in the phase of gathering of the necessary data.<sup>143</sup>

In March 2014, the same NGO has been informed, from the Montenegrin Supreme State Prosecutor office, regarding the criminal report of the NGO “Juventas”, against unknown perpetrators/authors of the graffiti, due to the criminal offence racial and other discrimination, from the Article 443, of the Penal code, that the case has been formed

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<sup>141</sup> Among other activities, according to one of the participants of the action, S.S. graffiti like “Kill the faggot” were corrected by adding a letter so the graffiti stated “Kiss the faggot”

<sup>142</sup> The proposition, was addressed by I.R. on the basis of public call to the interested public of this state body and the National Team for the coordination of the monitoring of the implementation of LGBT Strategy to propose the activities of the named strategy, in 2014. The public call was published on 05.03.2014. and it is available on the following link: <http://www.mmp.gov.me/vijesti/136158/Poziv-Ministarstva-za-ljudska-i-manjinska-prava-zainteresovanoj-javnoti.html>

<sup>143</sup> Marijana Lakovic i Aleksandar Sasa Zekovic, “Representation of the cases of discrimination on the grounds of sexual orientation in Montenegro : From principles to practice” page. 96-7, LGBT Forum Progress and ILGA Europe, Podgorica, 2012; Available on [www.lgbtprogres.me](http://www.lgbtprogres.me)

Crim. number 305/11-2, and a it has been requested from the police, as the institution in charge of identification of the perpetrators of criminal offences, to find the identity of the perpetrators of this particular criminal offence.

NGO "LGBT Forum Progress" has on the 18<sup>th</sup> of April 2014 filed a report to the police against unknown perpetrators, which have made a graffiti in the street of Jovan Tomasevic, which states : "Muslims look like gays". In the end of April, the NGO "Human rights action" filed an additional report to the Police directorate of the Ministry of interior affairs, on the same case.

"LGBT Forum Progress" also informed the police about the graffiti which were used to spread hatred towards the Orthodox Church and its clergy.

### **A high school student, the participant of the Pride parade, beaten**

A.D. the member of the delegation of "LGBT Forum Progress" on the second Montenegrin Pride Parade, held in Podgorica on the 20<sup>th</sup> of October 2013, has been beaten by around 20 persons in the vicinity of the building where he resides.

A.D. is a 18 year old young man, not a member of the LGBT community, and the only high school student which publicly supported and attended the Pride.

He was appointed from the emergency service to the Clinical center where he was diagnosed with minor body injuries. During the medical examination, and later in the police while reporting the case, A.D. was in the company of the representative of "LGBT Forum Progress".

Immediately after the reported attack, dr Jovan Kojicic, the Adviser of the President of the Government of Montenegro and the Secretary of the Council for the protection against discrimination, spoke with A.D. and the representatives of the police.

The police has shown full professionalism and effectiveness in this particular case. Besides the consultations with the Basic State Prosecutor, the inspectors for the minor delinquency were immediately involved in the case, and they initiated the process of the identification of the perpetrators..<sup>144</sup>

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<sup>144</sup> <http://www.vijesti.me/vijesti/uhapseno-petoro-mladica-koji-su-tukli-srednjoskolca->



The Police directorate notified this NGO, that the deputy BSP in Podgorica Mrs. A.N., was informed about the attack on A.D. and she qualified the criminal offence, violent behavior, Article 399. of the Penal code, and the criminal report was filed against B.V. and S.V. , both minors, from Podgorica.<sup>145</sup>

NGO “LGBT Forum Progress” initiated the reception of the student A.D. at the office of the Minister of Education, of the Government of Montenegro, or a visit by the minister to the A.D. and his family during the recovery process. The initiative was not realized by the Minister.

### **Youth LGBT activist attacked in the center of Podgorica**

On the 22<sup>nd</sup> of October 2013, near “Sahat kula”, in the center of Podgorica, a group of young men offended the youth LGBT activist. When he was walking in their vicinity they addressed him several times with the words :” You faggot, we fuck your mother, death to all faggots, we will kill you!”

With the intention not to cause any conflict the young man kept on walking.

As the perpetrators continued to yell and offend him, the young man decided to seek shelter in the nearby coffee shop, which is near the restaurant “Pod Volat” in the street of Petra Prlje.

As he was approaching to the courtyard of the coffee shop, two persons, on a motorbike, rode next to him, out of which one spat on the activist and yelled “Faggot”.

The rest of the perpetrators, standing by the restaurant “Pod Volat” continued shouting .

The young activist called the police and he decided to wait there for their arrival.

*“I was felt extremely embarrassed and unpleasant. I felt humiliated in relation to all of the other citizens which were present in the street or at the terrace if the restaurants. It is devastating, the fact that no one said anything to stop this behavior, but it is clear that the perpetrators had no courage to attack me while I was sheltered by the coffee shop. At the programs of self-help we teach and provide practical*

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[koji-je-podrzao-paradu-clanak-156147](#)

<sup>145</sup> Criminal report KU number 842/13 filed 22.10.2013.; LGBT FP Documentation

*advice on how to avoid conflict and severe consequences.” states the young activist during the writing of this book.*

The police arrived after 10 minutes. They have legitimized the young man who called them for help. While speaking with the police, a group of different young men gathered and started yelling “You faggot”.

The police drove the young activist from that location to his home.

“LGBT Forum Progress” found out from the members of other LGBT organizations, from Stara Varos, that the activist was attacked and offended by Dj.V., S.B., B.M. and G.T. all of them being from Stara Varos, and the police has been notified about this information in written.

The youth LGBT activist has been questioned as witness on the 10<sup>th</sup> of December 2013, by the deputy Basic State Prosecutor in Podgorica, in a case formed due to the reasonable doubt that a criminal offence, which is prosecuted by the official duty, has been committed..<sup>146</sup> According to the information acquired from the acting Supreme State Prosecutor Mr. V.V. from the end of April 2014, the case is still being investigated.

### **Tolerance of LGBT Persons represens the promotion of a grave disease for E.C.**

NGO “LGBT Forum Progress” filed a report against the citizen E.C. from Pljevlja, because he has, via “Facebook” network, on the profile of the organization, published a content with the elements of hate speech, but also prejudice regarding the same sex love. He strongly advocated against tolerance towards gay persons describing it as a promotion of a grave disease. The love of two men, according to this person, can only produce a disease (AIDS), AND according to him, the same sex love has nothing to do with peace, love and tolerance.

### **Report against V.Co. from Pljevlja**

A report has been filed to the police against V.Co. from Pljevlja because this person threatened the LGBT community via the so-

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<sup>146</sup> Record on the hearing of witness signed by the deputy BSP Podgorica, Mr. Z.V. number Ktr.number 1304/13 from 10.12.2013.; LGBT FP Documentation

cial network “Facebook”. Among other things, he wrote that all of the members of the LGBT community should be “burnt at a stake” and he addressed several offences and qualifications towards the LGBT community in general.

### **Report against V.Ca. from Budva**

V.Ca. from Budva, has published several times, on the “Facebook” profile page of LGBT Forum Progress” the comment “*Kill, slaughter, so the faggots do not exist anymore!*” because of which he was reported to the police.

The content of the case (number PU 02-6/13-851), according to the information from the CS Budva, have been forwarded to the BSP Kotor for the opinion and qualification, on the 9<sup>th</sup> of December.

The Supreme State Prosecutor office, informed the “LGBT Forum Progress” in the end of April 2014, that a case following the report against V.Ca. from Budva, is ongoing in the BSP Niksic, due to the criminal offence – endangerment of security from the Article 168. Line 1. of the Penal code.

The prosecutor informed the plaintiff has been delivered the invitation for the hearing in the role of the witness – plaintiff, twice, but they were not responded. The case is still ongoing.

### **Report against F.S. due to the offending an LGBT activist**

NGO “LGBT Forum Progress” filed a report against the citizen F.S. from Podgorica due to offending and disrespectful behavior toward Zdravko Cimbalevic, the former executive director of this NGO.

The police informed, in April 2014, that a misdemeanor procedure of the basis of Article 7 line 1 of the Law on public order and peace has been initiated against F.S.<sup>147</sup>

He was sentenced, by the Regional authority for misdemeanors in Podgorica, with the verdict PP number 14019/13-20 from the 28<sup>th</sup> of January, to a fee in the amount of 150 Euros and the costs of the procedure in the amount of 25 Euros.

In this particular case, the deputy BSP in Podgorica Mr. I.P. and

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<sup>147</sup> UP number. 03-411 od 12.11.2013.; LGBT FP Documentation

Mrs. A.R. were informed about the case and decided there are no elements of criminal offence.

### **Health official spread homophobia**

“LGBT Forum Progress” has filed a complaint to the Montenegrin minister of health against M.M.M. and B.S., employees in the Public health institution “Clinical center of Montenegro” for spreading hate speech on the official “Facebook” profile of this non-governmental organization (NGO).

The internet team of “LGBT Forum Progress”, which monitors hate speech on different networks and portals, for years, communicated with these citizens, while trying to contribute to their behavior. As their behavior failed to change, this NGO, filed complaints to the Ministry of Health, Clinical Center of Montenegro (CCM) as well as the Protector of the rights of the patients of this health institutions, against the aforementioned citizens.<sup>148</sup>

This NGO expressed their expectations “that in the public health system, responsible and professional persons work, which are devoted to the medical ethics, rules of conduct of the health institutions and the laws on Health.”

Mrs. M.M.M. among other things, under full identity, on the official page of “LGBT Forum Progress” published the following : “ *You can do whatever you want between your four walls...but I will not allow my children to look at all your shit in the streets!!! Pride is the FAMILY (father, mother and children) and I have no idea where did you get the idea of calling your parade a parade of pride. It is a sin, a disease... and the disease belongs to everyone so I recommend you to find good doctors to treat you!*”

The person in charge of Monitoring, J.K., from the “LGBT Forum Progress” team for monitoring of the hate speech on the internet, pointed out that the whole Team tried to lead a decent conversation with Mrs. M.M.M. “*There was the intention to avoid the prosecution, to help better understanding of human rights of LGBT persons and to assist the correction of behavior*” – she stated.

However, this health worker continued with the publishing of indecent comments. After a certain M.M. wrote “*Serbia is not a country of faggots*”, Mrs. M.M.M. added “*Neither is Montenegro*”. In her further

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<sup>148</sup> Complaints dating from 08.09.2013.; LGBT FP Documentation

comments she expressed her “sympathy” for the LGBT persons by saying :”It is sad, where did we allow ourselves to get to... if I was in charge, their place would be in the hospital, although I believe they wouldn’t be welcome even there :) ”

The member of the Team, J.K. who was monitoring the comments, wrote to Mrs. M.M.M. and expressed hope in the name of “LGBT Forum Progress” that this health worker does not represent this opinion in the system of public health, pointing out that this situation would be worrying. M.M.M. responded to this in the following manner : *“Yes, I would be worried if I was on your place too :-):-):-) hahahaha-hahah... I don’t have time to deal with this rubbish anymore, you made me laugh. ALL THE BEST ”* She was once again warned that it will be monitored, will her threats be realized. Her response was :”*Heheheheheheheheheheheheh, just continue with your parades. I will SUPPORT you...”*.

The communication was further continued, from the side of MRS. M.M.M. in an indecent manner. The persons in charge of monitoring hate speech, the member of the Progress team, once again, told Mrs. M.M.M. that she might regret because of all of this. Mrs. M.M.M. laughed at all of this and published :” *Oh MONTENEGRO, where did you go, it is better you do not exist*”. The team that worked on the case, surprised by sudden change of the approach, asked Mrs. M.M.M. if she was really a health worker, employed in CCM, to what she answered:”- No. I work in this line of work purely as an AMATEUR :) :) :)”.

Soon, a certain Mr. B.S. joined the conversation and confirmed that Mrs. M.M.M. is his coworker, and that he too, “by coincidence”, works in the same health institution. He wrote that “*homosexuality is disease*” which is confirmed by the “*codebooks which are used in the Clinical Center*”.<sup>149</sup>

NGO “LGBT Forum Progress” asked of the Minister of Health and the management of CCM, to start the appropriate procedures against these persons for causing serious damage to the credibility of the leading national health institution.

“LGBT Forum Progress”, notified the public on the submitted reports, which is available on the website: [www.lgbtprogres.me](http://www.lgbtprogres.me) and it remarked that:”public statements of these persons severely damage the concept of health care and it devalues the health care of all of the

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<sup>149</sup> Against B.S. a report has been filed also to the Police directorate of the Ministry of Interior of Montenegro.

beneficiaries of the health services". Their work must be lead exclusively by scientific, expert and ethical principles and public statements of this kind, are contrary to the current laws, ethical codices and strategic development documents" –it is concluded in the public statement of LGBT Forum Progress.

After the notification of the public and the state institutions about this incident, through the official address of "LGBT Forum Progress", the health worker B.S. addressed the members of "LGBT Forum Progress". In his addressing he states: "Regarding your complaint and report for hate speech, I would like to express my regrets to all of those which have felt offended. My intention wasn't to offend anyone. Once again, I am sorry! B.S".<sup>150</sup>

The Minister of health has forwarded the complaint of this NGO to the director of CCM and he requested of him, to in the shortest possible notice, deliver his opinion regarding the complaint and to inform him about the undertaken actions.<sup>151</sup> The Minister of health has been informed about the case only after seven months.

The director of CCM, informed "LGBT Forum Progress" that through the insight and verification in the human resources database of the Service for Human resources and legal matters, he acquired the information that the aforementioned persons M.M.M. and B.S. are employees in that health institution.<sup>152</sup>

It has been officially confirmed, that currently a process of gathering statements from the named persons is ongoing, and that the submitter of the report will be notified about it in the further process.

The Protector of the rights of patients of CCM notified LGBT Forum Progress that "through the analysis of the complaint he concluded, the problem lies in the communication on the social networks, of persons who state that they are the employees of CCM, in which there are elements of discrimination of the members of the LGBT population". As there was no complaint on the relation towards any specific patient, the Protector of the rights of patients of CCM, did not see the ground for his own personal engagement in this particular case. "I have, however, he stated in the response to the complaint, reacted by sending a letter to the management of CCM, and I received the information that you have

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<sup>150</sup> Addressing of the health worker B.S. from 09.09.2013.; LGBT FP Documentation

<sup>151</sup> A letter of the Minister of Health prof.dr M.R. number 08-280/2013 from 09.09.2013. to the director of CCM dr Milan Mijovic; LGBT FP Documentation

<sup>152</sup> A letter of the director of CCM dr M.M., number 03/01-13650 od 12.09.2013., to the executive director of LGBT Forum Progress; LGBT FP Documentation

already addressed an email of similar content to the same address, and It has been concluded through the insight into the human resources records that the named persons are employees of CCM, and that certain legal actions have already been undertaken, of which you have already been notified”.<sup>153</sup>

Journalist of the daily newspaper “Dan” expressed her interest with the management of CCM for the working status of the reported employees and also for the status of the report which was submitted by this NGO. The management of CCM, provided an untrue information that “LGBT Forum Progress” did not file any report.

The director of CCM, asked a written statement of the named health workers.<sup>154</sup>

In his statement, the employee B.S. wrote that he published a comment “as a citizen of Montenegro” and “not during working hours”, “not expressing the opinions of the CCM where he is employed”. B.S. added that he has used a right to free speech, which is guaranteed by the Constitution, and that his published comment represents a “personal opinion formed on the basis of life and scientific experience related to the phenomenon of homosexuality”. In his statement to the director of CCM, S.B. wrote “realizing my mistake, and bearing in mind the judgment of public towards the members of the LGBT community and LGBT Forum Progress, I use this opportunity to express my deepest regrets for the published comment, which I have already deleted from my Facebook account with the goal of making my mistake right”.<sup>155</sup>

The second reported employee in the official record, Mrs.M.M.M. which has been made in the premises of CCM, on the 28<sup>th</sup> of March 2014, in the presence of the deputy

Director for legal affairs and human resources Mrs. G.F. , she stated it is a “personal opinion which has nothing to do with the profession I do or the institution that I work for”. She added that a litigation process with the LGBT Forum Progress is in the process.<sup>156</sup>

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153 A letter of dr A.B., the Protector of the rights of the patients of CCM to the executive director of LGBT Forum Progres Zdravko Cimbalevic from 13.09.2013.; LGBT FP Documentation

154 A letter of the director of CCM dr M.M. number 03/01-13497 and the number 03/01-13497/1 from 10.09.2013. addressed to B.S. the employee of the Clinic for oncology and radiotherapy upućen radioterapiju and M.M.M, the employee of the Unit for the newborns of the Clinic for gynecology; LGBT FP Documentation

155 Statement of S.B. addressed to the director of CCM dr M.M. number 03/01-13497/2 od 11.09.2013.; LGBT FP Documentation

156 Official record from 28.03.2014. signed by M.M.M. and the deputy director of CCM for legal affairs and human resources ; LGBT FP Documentation



The Police Directorate of the Ministry of Interior affairs has informed "LGBT Forum Progress" that on the basis of this report made by this NGO, a request for the starting of a misdemeanor procedure on the basis of the Article 7 line 1 of the Law on public order and peace has started. The deputies BSP in Podgorica Mr. I.P. and Mrs. A.R. have declared that there are no elements of criminal offence in this particular case.<sup>157</sup>

According to the information of the Misdemeanor authority of Montenegro, from April 2014, the procedure against Mrs. M.M.M. is still ongoing.

"LGBT Forum Progress" addressed the minister of health and presenting him with the practice regarding the violations of the Ethical codex of the civil servants. On the same occasion LGBT Forum Progress requested the information on the final outcome of the filed complaints and explanation on why there was a complete lack of answer for seven months.<sup>158</sup>

Additionally, "LGBT Forum Progress" asked of the Minister to investigate the proceedings of the Management of CCM. The minister has been called upon "the urgency in his actions, because out of his reaction depends every other participation of this organization in the implementation of the government's LGBT policy".<sup>159</sup>

In the beginning of April 2014, this NGO addressed the Minister of health once again. It has been pointed out, that is "indisputable fact that he is a person in charge of the state body under which lies the decision making in the system of health" and "in relation to that he has the right and he duty to ask to be provided with an insight in the reports of all of the health institutions, including the report on the actions which have been undertaken related to the complaints". "As this report has never been fully made, and you have only been informed about the initial steps, which have been only partially undertaken (and only to the health worker B.S.) as stated further in the addressing of this NGO, we ask of you to order an investigation on why there were certain ob-

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<sup>157</sup> UP number. 03-410 form 12.11.2013.; Article 7 line.1. of the Law on public order and peace : "A person which on a public place offends another person or acts indecently, will be punished for this misdemeanor with a fee in the amount of 100 euros up to 400 Euros or the imprisonment of up to 30 days."

<sup>158</sup> Addressing of the executive director of LGBT Forum Progesd S.M. to the minister of health from 28.03.2014. ; LGBT FP Documentation

<sup>159</sup> The letter of a leaving President of the Steering Committee of LGBT Forum Progress Mr A.S.Z. to the minister of health prof. dr M.R. from 28.03.2014.; LGBT FP Documentation.

structions and irregularities in the activities undertaken according to our complaint from the 08./09.09.2013. by the management of the PHI “Clinical Center of Montenegro”.<sup>160</sup>

This NGO called upon the minister of health to use his authority and warn the management of CCM because of the presented irregularities, and to consider the option of filing a criminal report on the basis of negligent performance of duty and informing ,about everything, against the relevant inspection departments.

“LGBT Forum Progress” claims that there was no showing of interest to remove the presented omissions, so this NGO, on the suggestion of the executive director, and through the decision of the Steering Committee, canceled the earlier signed (2013) Memorandum on cooperation and understanding with the Ministry of Health of Montenegro in April 2014.

The cabinet of the Ministry of health stated that they are surprised with the decision on a one sided cancelation of the Memorandum on cooperation “but in any case, respect the given notification. *“We regret the decision but we are sure that our mutual future cooperation will continue”* as stated in the answer of the Cabinet of the Minister of health regarding the given notification of this NGO on the cancelation of the signed Memorandum on cooperation.”<sup>161</sup>

### **Minors posted the poster**

#### **“WE HAVE BEEN WAITING FOR YOU FOR A LONG TIME”**

Mid September 2013, unknown perpetrators have put posters with a threatening content to the entrance of the building, where the executive director of “LGBT Forum Progress” resides. On the posters, there was a photo of a rainbow flag, with a photo of a masked person holding a message *“We have been waiting for you for a long time!”*.

The case was reported to the police and a public statement was released on this occasion.<sup>162</sup>

The police directorate has managed to identify the perpetrators. The perpetrators are minors F.B., P.S. and .T.P. from Podgorica, and a misdemeanor procedure against them was started.<sup>163</sup>

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<sup>160</sup> The letter of the President of the Steering Committee of LGBT Forum Progress T.B. to the minister of health prof. dr M.R. from 04.04.2014.; LGBT FP Documentation.

<sup>161</sup> Letter from the Cabinet of the Minister of health, from 22.04.2013., signed by Mrs. S.K.; LGBT FP Documentation

<sup>162</sup> <http://lgbtprogres.me/2013/09/nasilje-ka-lgbt-zah>

<sup>163</sup> UP. number 03-393 from 06.11.2013.; LGBT FP Documentation

According to the information provided by the Misdemeanor authority of Montenegro, in April 2014, the procedure against these three minors is still ongoing.

Basic State Prosecutor in Podgorica declared that there are no elements of criminal offence in the particular case.

### **Wet rope for the participants of the Pride Parade**

Su.L. from Podgorica, was reported to the police because she has advocated on the “Facebook” page of a sport fans organization “Vavari” that LGBT persons, the participants of the Pride parade should be beaten with a “*wet rope*”.

### **Reported because of threats and offences**

D.J. was reported to the Police directorate of the Ministry of internal affairs of Montenegro because she has, through the official page of the NGO “LGBT Forum Progress” offended and disparaged the LGBT persons. She continued with her comments, after the warning she shouldn’t post them, and it resulted with her being reported to the police.

The report has been filed against the member of “Ultrasi” F.R. from Podgorica who offended LGBT persons.

F.B. from Niksic was reported to the police due to spreading hateful content via network “Facebook” through which he called upon and incited violence towards the LGBT persons (*“Kill, kill, kill the faggot!”*).

K.C. from Tivat, was reported to the police because he offended LGBT persons as well as M.M. from Cetinje who, among other things called the LGBT persons “*degenerates*” and he declared he was “*waiting for them to come to Cetinje*”.

Certain Ni.K. from Belgrade, living in Budva, was also reported, due to her offences towards the LGBT persons and she had sent a message to Zdravko Cimbalevic, through which she asked him : “*are you ashamed*” because he is “*a repulsive, sick faggot!*”.

P.M. from Sutomore, was reported to the police, because he offended LGBT persons and claimed that “their breath smells of shit and feces and intestinal parasites for 24 hours”.

S.N. and VI.R. were also reported to the police due to offences and threats as well as a minor V.V. from Golubovci.

### **Report against A.F. from Herceg Novi**

Citizen A.F. from Herceg Novi, resident of Podgorica, has threatened the LGBT community, via social network "Facebook" on the official page of NGO "LGBT Forum Progress" on the 22<sup>nd</sup> of October 2013, because a successful Pride Parade took place in Podgorica. This NGO documented the threats of this person and filed a report to the police.

### **Homophobic statements of a guard in a bank**

In the beginning of September 2013, non-governmental organization "LGBT Forum Progress" has filed a report to the executive director of the Montenegrin Commercial Bank (MCB/CKB) as well as the member of the Board of directors of the OTP Bank, against a certain M.L. which was hired as a security guard in the branch Of the MCB on Stari Aerodrom, Podgorica..<sup>164</sup>

Despite the fact this person has been warned by the Team for the monitoring of hate speech M.L, continued with his offensive comments towards the LGBT persons. His comments are presented below:

M.L.: *"Ew, you faggots, you embarrass your family, your state, but this isn't even an S of a State. If I was to say, you wouldn't be parading, fuck you, shame on you"(1).*

M.L.: *"I am the proud of my family and my country and what are you – degenerates of family and country. How aren't you ashamed ? You are poisoning the youth you stench, bastards, diseased ones" (2)*

M.L.: *"I am honest and normal, everything I say is normal. Should we, who are not faggots, organize parades? Fuck yourselves, hump on each other, I don't care, just do not poison this youth". (3)*

This NGO has expressed its hope that due to the local and international image of the OTP-(CKB)-MCB group, there will be a professional response to this incident, and that more attention will be put on the security guards of the branches of the bank, because their behav-

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<sup>164</sup> Report addressed to Mr. I.G. by the executive director NGO "LGBT FP" Z.C. from 09.09.2013.; LGBT FP Documentation

ior, regardless of the fact that they are not direct employees, can reflect to the credibility of the bank itself.

On the 10<sup>th</sup> of September 2013, MCB provided the information that M.L. is not their employee. "Employees which are authorized to represent the Bank are defined through our Statute and the law, only they are the ones who can publicly state the opinions in the name of the Bank".

On the 25<sup>th</sup> of October 2013, the NGO "LGBT Forum Progress" has once again shown interest for the result of the complaint, but also to ask, whether the Bank will consider this experience in their future business relations and cooperation with the security guard agency, due to the serious relationship with the clients, amongst which are also the LGBT persons.

On the 30<sup>th</sup> of October 2013, after additional interests, the Bank has informed this NGO that they have informed their business partners about this complaint. "Considering the fact that the person has not made any misdemeanor during his working hours in our bank, together with the fact that the complaint is related to his activities in his personal time, the possible sanctions made towards this person are entirely dependent on his direct employers. Additionally, we repeat that the Montenegrin Commercial Bank is a socially responsible institution which takes care of the protection of all persons and supports the fight against discrimination on any ground".<sup>165</sup>

After a certain period of time, the citizen Aleksandar Sasa Zekovic, filed a complaint to the management of the Montenegrin Commercial Bank, against D.P., the employee of this bank, because he has, together with his wife via their joint profile on the network "Facebook" placed information which have been available to them, on the basis of their years long cooperation with the MCB, where D.P. is also a client.

Besides publishing of the data on Aleksandar Sasa Zekovic as a client, the two spouses, through their joint profile, have been commenting his arrivals to the bank, his appearance and the style of dressing, his pet, humiliating him before several hundred members of a "Facebook" group "Podgoricke legende".

*"Publishing of these information has induced numerous negative comments and it has a quit unprofessional, populist and discrediting intention, in order to induce hatred and negative approaches" as he had stated in the report.*

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<sup>165</sup> Response of Mrs. M.V., Corporate Secretariat Director, od 30.10.2013.; LGBT FP Documentation

The cause to all of this was the organization of the Pride Parade in Podgorica. Zekovic's appearance in the media during those days was intense, in terms of the implementation of the police enforcement.

In the beginning of November 2013, the Department of the services for the beneficiaries have identified that the person from the photos, as the former employee of the Bank, but their business relations stopped on the 30<sup>th</sup> of June 2012. The bank also stated that they will investigate the allegations from the report and "consider them in the mutual interest". There were no further answer from the Bank.

### **Inducing of national and religious based hatred and intolerance**

Former beneficiary of the LGBT shelter in Podgorica reported the citizen J.A. to the Montenegrin police due to the fact he publicly offended him during his stay at the LGBT shelter.

In the report, this gay man, also the member of a minority on the grounds of his Albanian origin, stated that it is not acceptable to be publicly humiliated, through the use of indecent names, due to his ethnic belonging, nor it is acceptable to be publicly humiliated on the grounds of his sexual orientation or gender identity.

The report also states that the perpetrator, using the psychology of the mass, joins public offending and threats to the LGBT community, in an extremely way due to a possible attempt to cover his own identity and orientation before others. Additionally as stated in the report, he called upon LGBT persons due to other life facts in their lives, exposing them to the additional danger.

The report also states that this person allegedly spreads the hatred and intolerance towards other persons on the basis of their nationality and religious beliefs.

### **Masked young man threatens with violence via "Youtube"**

On the 15<sup>th</sup> of October 2013, certain M.Z. from Podgorica published a comment and a video recording on the official "Facebook" page of the Democratic party of socialists of Montenegro.

As her comment also involved a video message called "Extrem group – We don't want the Parade we will tear down the Government

20.10.2013” which contained the elements of violence and serious threats towards the LGBT community, a report has been immediately filed to the Police directorate of the Ministry of Interior Affairs, by the non-governmental organization LGBT Forum Progress.

Citizen M.Z. posted a comment and a video content, but we must emphasize that the video has been removed and therefore not available: “Here is the message for the upcoming Pride parade, I found it on youtube, so I thought I could send it to you, it will probably be of interest to you!!! [http://www.youtube.com/watch?v=h4JG\\_K5UjR0](http://www.youtube.com/watch?v=h4JG_K5UjR0)”

The video recording, from the “Youtube” link, portrays a masked person who addresses the Government of Montenegro and the Montenegrin LGBT community, explicitly threatening : *“Gay parade will not happen, if it does happen, there will be blood, there will be vandalism, there will be death. Nothing of this kind ever took place in Montenegro, and it will not happen today. Everyone knows where is the place for showing emotions, they are shown in a bed, in a room, behind closed doors. We do not care who fucks with who, and who will kiss in the public. I am sending a clear message: Gay parade will not be held in Montenegro!”*

This video was posted on “Youtube” from a profile named “Red-hellification”. The team of LGBT Forum Progress claims that the citizen H.E. the member of a sports fan group “Varvari” is the owner of the profile.

### **S.B. considers Cimbaljevic unwanted in Montenegro**

S.B., from Bijelo Polje, was reported to the police because of sending of threatening messages to the former director of “LGBT Forum Progress” Zdravko Cimbaljevic.

In his message, sent via social network “Facebook” he wrote the following : *“You sick person. I respect your brother as a colleague, and because of him I will not tell you everything I would have to say. You have nothing to look for in Montenegro you miserable person. Not you, nor the sick people like you. This is not a threat nor anything similar to it. 99 % of people in Montenegro do not want you here, you miserable person. Go somewhere where people think the same way you do and where the people support it”.*



## Unsuccessful identification of the author of threats to Cimbaljevic

Certain J.L. from Podgorica was reported to the police for hate speech, offending and degradation of Zdravko Cimbaljevic and his family, as well as for calling to violence and on the Pride parade. The police has provided the information that they were not able to identify this person despite the fact that numerous data needed for a successful and reliable identification have been delivered to the police.

The police was not able to identify a certain S.J. who personally harassed and threatened to Zdravko Cimbaljevic, the then leader of "LGBT Forum Progress". Among other things, this persons was cursing Cimbaljevic, calling his parents names, and calling him "not-normal". "You cunt, I hope everyone you have will day. I hope you will die tomorrow, die you cunt!!! I hope you will die before the morning you fucking faggot!" S.J. wrote to Cimbaljevic.

The police has failed to identify L.K. who threatened Z.Cimbaljevic middle 2013, as well as J.D. who offended him.

The police has failed to identify certain N.A. and I.J. as well as N.K. and U.P. which have offended Cimbaljevic and spoke in an indecent way of his public outing and the fact that his family renounced him. In the cases of N.K. and .U.P. the profiles on the social network "Facebook" are no longer active.

The police has failed to identify a sports fan N.I. who threatened with the endangering of security of Zdravko Cimbaljevic through the private messages. He wrote a messag : "Hello Cimba, i do not want to say hi from my real profile, because you will see mi in po Podgorica in October. I apologize we weren't able to come to Budva gay pride, but be sure we will come to Podgorica, and than we will truly fuck your mother, you stupid faggot, you mental, those will be the last steps you make you ape! Greetings, Grobari Alcz." The team for the monitoring of hate speech confirmed that this profile is deactivated.

DJ.P. offended and threatened Z.Cimbaljevic, who reported him to the police. The police has provided the information in April 2014, that the profile has been deactivated.

The team for the monitoring of hate speech of "LGBT Forum Progress" claims that the profile was active for two months after the submission of the report.

The Supreme State Prosecutors office, has informed the "LGBT Forum Progress" in the end of April 2014, that the BSP in Niksic had three reports against three unknown perpetrators.

## Inability to identify the violent perpetrators

A certain B.B. offended and elderly member of the LGBT community via social network "Facebook" by posting comments on his photos that he was gay. The police, has notified, in the end of April 2013 that it is not possible to identify this person.

Citizen D.DJ., has threatened and harassed numerous LGBT person, due to which he was reported to the police. The police, has notified, in the end of April 2013 that it is not possible to identify this person, The Team of the NGO "LGBT Forum Progress" which is in charge of monitoring hate speech on the internet claims it is an authentic profile and it is possible to further prosecute this person.

Citizen V.M. from Podgorica was also reported to the police for harassing LGBT persons and sending the indecent messages. Among other things he wrote :*"Montenegro is not a nest of faggots, but a country of heroes and their descendants. The cocks will not be held one against another, the swords will. Where are you Njegos (the former ruler of Montenegro) to see what the faggots are doing to us. They want to take our children!"* The police, has notified, in the end of April 2013 that it is not possible to identify this person, The Team of the NGO "LGBT Forum Progress" which is in charge of monitoring hate speech on the internet claims the opposite.

The Police directorate of the Ministry of Interior affairs of Montenegro, has informed the NGO "LGBT Forum Progress" in the end of April 2013, that they failed to identify the person behind the profile bearing the name "Snimanje Fotografisanje" on the social network "Facebook". The unknown person, through the named profile has offended and qualified in an indecently qualified LGBT persons. The Team of the NGO "LGBT Forum Progress" which is in charge of monitoring hate speech on the internet and the media portals, opposed these claims and has additionally delivered the telephone number of the person against which the report has been filed.

The administrator of the profile "Crnogorski oglasi" was reported to the police due to offending of the LGBT community. The police, has notified, in the end of April 2013 that it is not possible to identify this person, The Team of the NGO "LGBT Forum Progress" which is in charge of monitoring hate speech on the internet claims the opposite.

The police failed to identify the administrator of the profile "Lokal Patriota" from Niksic who had threatened the LGBT groups and persons because they organize Pride Parades.

## **Fudbal player threatened Zdravko Cimbaljevic**

Young football player from Konik, L.T.T. threatened and offended, in mid August 2013, Zdravko Cimbaljevic, the leader of the LGBT organization, after which he was reported to the police. Several reports were filed against L.T.T.

## **S.S. FROM Pluzine threatened Cimbaljevic**

Certain S.S. from Pluzine was reported to the police due to death threats he made to Zdravko Cimbaljevic, the former executive director of "LGBT Forum Progress". A criminal report has been filed in terms of the Article 168 of the Penal Code.

The Supreme State Prosecutor office, has informed this NGO in the end of April 2014 , that Cimbaljevic provided additional information and that the procedure of the prosecution of this report against S.S. is ongoing.

## **Deputy Protector of human rights and freedoms of Montenegro reported for discrimination**

The NGO "LGBT Forum Progress" has submitted a complaint to the Protector of Human rights and freedoms of Montenegro Mr. Sucko Bakovic, for the alleged discrimination of his deputy Mrs. N.S.<sup>166</sup>

The executive director of the NGO "LGBT Forum Progress" has posted a statement on the official "Facebook" group of this institution "Kids, write to the ombudsman": <https://www.facebook.com/groups/289575274455647/?fref=ts>.

This statement of the organization was published in numerous local and regional media, as well as non-governmental organizations for the protection of children and human rights.

The press release, which was placed for a short period of time on the aforementioned group, represented an invitation to the parents to be a support to their LGBT children. The invitation was created at the initiative of LGBT students and psychologists who work with LGBT youth and their parents.

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<sup>166</sup> Complaint of NGO "LGBT Forum Progress" against Mrs. N.S. deputy Protector of human rights and freedoms of Montenegro due to discrimination on the grounds of sexual orientation and gender identity from 16.10.2013.; LGBT FP Documentation

Soon after the posting, the public invitation was removed, after which this NGO demanded clarification.

It was confirmed that this “Facebook” group was officially led by the Department for the protection of rights of children of the Protector of human rights and freedoms of Montenegro. Also, they thanked “LGBT Forum Progress” on the materials this NGO regularly delivers concerning “youth delinquency, homophobia and violence towards the LGBT community and the protection of the LGBT children.

It was officially explained, that the public invitation to the parents of LGBT children caused “*certain negative comments mostly from the parents present in the group*” so due to those reasons, as explained by the Deputy Ombudsman for children’s rights “*the text was removed from the group in order not to cause negative comments and incite hate speech*”.

“*The members of our group are mostly children which attend elementary school, and we would not want to expose them with future negative comments regardless of the topic they relate to*” as N.S. stated, clarifying her deeds.

The institution of the Protector added the following :“*The topics related to violence and exclusion of LGBT population, and involving this topic in the educational system, are unfortunately still not accepted by a part of our citizens and therefore very sensitive*”.“*If we would like to work on the awareness raising of the citizens and the children we need to think of a way for the children to be presented with this knowledge in a subtle way and in a way which is appropriate for them*”., as explained by Mrs. N.S. deputy Ombudsman for the rights of children.

Before the report was submitted, an intensive correspondence was led with the deputy Ombudsman.

“LGBT Forum Progress” felt it was extremely important not to compromise a very serious project, under which this “Facebook” group was launched, and to preserve the built credibility of this Institution in the LGBT community and the public as a whole.

However, Mrs. N.S., as claimed by this NGO, refused to undertake any form of corrective behaviour. She did not express regrets for her actions. Additionally, she missed the opportunity, to explain the act of removing the LGBT content, on the very “Facebook” page she administers, to promote the significance of tolerance of the LGBT community, or to at least publish what she was trying to explain, in an immediate correspondence, to the director of “LGBT Forum Progress”.<sup>167</sup>

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<sup>167</sup> Interview with the executive director of NGO “LGBT Forum Progress” from 11.04.2014.

The members of “LGBT Forum Progress” is convinced that there was *“a bad intention present, along with the lack of knowledge in the matter, and a discriminatory act”* which is why they pointed out that the *“invitation for the parents was sent according to the international practice and solutions which are directly promoted by the approved and currently used textbook in Montenegro”*.

*“Instead of erasing the negative comments, our content was deleted. We believe it is a dangerous act, which is viewed by the LGBT community, especially the LGBT youth as discrimination”* as stated, among other things in the complaint of this NGO.

This NGO was contacted by F.K., a student of the grammar high school “Slobodan Skerovic” in Podgorica, and a member of a group “Kids, write to the ombudsman”, who recognized the act of discrimination in the act of deleting of the content. He also recognized discrimination in the given explanation, where the rights of the LGBT children, have been violated in relation to all of the other children and youth. He directly addressed the Protector of Human Rights and freedoms of Montenegro:

*“I am gay and I hope that no one of the persons who work in the office of the Protector of human rights will harm me because of it, especially in front of my family and in public. I hide my sexual orientation from my close surrounding. My mother knows. Because of respect and love I feel towards her, I attended all the possible programs of changing my orientation, for which she believe can help me. This is going on for two years, but nothing could help me. The visit to the priest, initiated by my mother didn’t help me. A follow your page on a regular basis, which is devoted to the children, where I also belong. I was monitoring it personally and through the NGO “LGBT Forum Progress” where I am a member of their youth group and a beneficiary of the Counseling. The act of removal of the invitation of Progress, towards our parents to protect us is horrible and bad. It was not a good thing to do. Especially because you were supposed to take care of all children including the children who are LGBT persons. It is not a shame that we exist, and you should not remove the material that has the potential of helping us. Instead of promoting and sharing you removed it. I even heard that you were considering to file report against Progress because they have published the material. Why? What is so bad about it? It is in our interest. I hope you will not ignore all of this and pretend nothing happened. We ask of you to have an investigation, and to sanction those*

*who are to be blamed for this. Without it, there is no trust in your institution*".<sup>168</sup>

"LGBT Forum Progress" in its complaint endures in its claims that this was the act of discrimination and that LGBT children, the youth and the LGBT persons in general are unequally treated. It is additionally confirmed, as claimed in this NGO, through the correspondence with the deputy Ombudsman, which is contained in the materials delivered with the submitted complaint.

Additionally, the Team of "LGBT Forum Progress", from the submission of the report, has monitored the posts on this "Facebook" group. The members of the Team claim that the problematic public invitation was in line with the mission of this group and equal to the content posted by other members of the group, or more frequent by the employees of this institution.

The action of the deputy ombudsman, as claimed in "LGBT Forum Progress" is additionally disqualified by the fact that for her the press release posted on the portal of the Parents association of Montenegro, as well as the fact it is content wise and methodologically the same to the content promotes textbook "Healthy Lifestyles", which is in official use in the Montenegrin primary and secondary schools.<sup>169</sup>

Since filing the complaint, this NGO has sent to the Protector of Human Rights and Freedoms institution a number of urgencies that were not answered to, and by that this complaint has gained even more in importance, and the behavior of the institution is more than concerning.

Expressed interests i.e. urgencies regarding the complaint filed on October 16<sup>th</sup>, 2013 were sent to the above institution on October 26<sup>th</sup>, 2013 and afterwards on February 5<sup>th</sup>, 2014.<sup>170</sup>

As the Protector of Human Rights and Freedoms of Montenegro in a letter dated on February 10<sup>th</sup>, 2014<sup>171</sup> has not mentioned even with one word the actions taken regarding the complaint against his deputy (talking about the status of other cases), the Executive Director of the NGO "LGBT Forum Progress" has on the same day sent addi-

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<sup>168</sup> Complaint of a student of Podgorica grammar school F.K. addressed to the Ombudsman Mr. S.B. on the 7.11.2013.; LGBT FP Documentation

<sup>169</sup> [www.kidshealth.org](http://www.kidshealth.org) - This portal is promoted in an officially approved textbook "Healthy Lifestyles," Group of authors, publisher: Institute for textbooks and teaching aids. On this portal you can find the equivalent call to parents who also sent the said NGO.

<sup>170</sup> LGBT FP Documentation

<sup>171</sup> Letter of the Protector, No. 03-79/14, dated on 10.02.2014, signed by the Deputy Protector g. PI; LGBT FP Documentation



tional protest and urgency by asking: “Did you intentionally or accidentally however, disregarded one of our earliest complaints relating to your deputy Mrs. NS? We are asking you, for the sake of responsible and fair relations and mutual respect, to without further delay instruct supplementing of information that will not be in any way selective and non-professional”.<sup>172</sup>

This NGO has, on the same occasion, once more turned to the Protector Mr. Bakovic on February 13<sup>th</sup>, 2014, asking for clarification of the situation i.e., why the access to the information on the status of the complaint against the deputy in charge of children’s rights was consistently denied, and why are other initial operations regarding all other complaints filed by this NGO also late for months?<sup>173</sup>

The Protector of Human Rights and Freedoms of Montenegro g. Bakovic has finally addressed to this NGO on February 14<sup>th</sup>, 2014. In the following text you can find his entire response:<sup>174</sup>

*“On February 5<sup>th</sup>, 2014, you have requested by an e-mail to be informed about the actions and measures taken regarding your complaint dated on October 18<sup>th</sup>, 2013, and about the subsequent reminders regarding the same complaint relating to the treatment of the organizational unit for the protection of children’s rights of the Technical Service of Human Rights and Freedoms of Montenegro and the Deputy Protector for the above areas, which you have marked as discrimination. I am familiar with the statements from the selected complaint and, in this respect, I would firstly like to emphasize that, in the previous period, the institution of the Protector within the framework of its competence and well-established cooperation with NGO “LGBT Forum Progress”, has supported all activities undertaken by that organization, the promotion and protection of the rights of LGBT population, and that*

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<sup>172</sup> Addressing of the Executive Director of the “LGBT Forum Progress” to Deputy Protector Mr. PI, from 10.02.2013; LGBT FP Documentation

<sup>173</sup> This NGO has filed a complaint about the conduct of the Tourist Organization of Niksic on 13.12.2013, and the agency provided information that on 02.07.2014, or after two months, the initial statement about the complaint was prompted. Similarly, regarding the complaint against Gymnasium Niko Rolović in Bar, which was filed on 12.19.2103, the Protector asked for the statement from this institution on 06.02.2014, with the Act No. 30/14. The complaint of this NGO about the conduct of the Port of Kotor was filed on 23.12.2013, and the initial statement from this institution was required by the Protector on 06.02.2014., with the Act No. 19/14. All statements were actually asked after the Progress’ urgency from 02.05.2014; LGBT FP Documentation

<sup>174</sup> Addressing of the Protector of the Human Rights and Freedoms of Montenegro Mr. Sucko Bakovic to the Executive Director of NGO “LGBT Forum Progress” Stevan Milivojevic, No.: 03-484/14 from 02.14.2014; LGBT FP Documentation



*all of our mutual activities have public and media coverage. I consider that our mutual goals - the full recognition of the rights of members of all vulnerable social groups, and thus the rights of LGBT people that you specially protect, should not be reduced by some of the misunderstandings that may arise in communication in the framework of our already well-established cooperation. In this regard, I find it necessary to organize a joint meeting in order to eliminate in an open conversation all individual misunderstandings that are the subject of your addressing to the Protector, and also to talk about further continuation of our well-established co-operation on the promotion and protection of rights of vulnerable groups of society, especially the rights of LGBT population. Within this framework, we would particularly discuss your views on the situation of human rights and freedoms of LGBT persons in Montenegro, your experiences and practices in the protection of rights of the population and the measures that are necessary to improve their overall position in society. The information about your activities and your contribution to improving the situation of LGBT persons in Montenegro would serve the Protector institution in preparing the annual report on the work of the Protector in 2013, which is currently being prepared by our Technical Service. I suggest a joint meeting to be held on Monday, February 17<sup>th</sup>, 2014, which will start at 11 am at the premises of our institution or at another time, which we will establish through mutual agreement by communicating directly”.*

The Executive Director of “LGBT Forum Progress,” responded to the Protector’s addressing on February 19<sup>th</sup>, 2014, and primarily expressed satisfaction that the Protector has finally confirmed that he is familiar with several months of attempts of this NGO to obtain the elementary information about the actions taken on the complaint against his deputy in charge of children’s rights. The director of NGO “LGBT Forum Progress”, noted that “by ignoring to communicate with a serious NGO, alongside the fact that according to its complaint, the initial actions have been taken with a serious delay, only after a few months, does not contribute to a good understanding and preservation of the trust that the organization generally built towards the Protector.”

The Protector, Mr. Bakovic, was asked to “finally, and without further delay, officially inform this NGO about the actions taken, and to, as was previously expected, finally order his deputy to express an appropriate regret and apology to close this very serious issue.” The “LGBT Forum Progress”, as it is stated in the response, has welcomed

and accepted the initiative of the Protector to discuss about further mutual cooperation and the situation of human rights of LGBT persons in Montenegro. Having this in mind, the reason more for strengthening mutual cooperation is that this institution is currently drafting the report for 2013. The “LGBT Forum Progress” suggested that Mr. Bakovic should, with a team of experts who deal with this issue, and with those who work on the report, visit this newly opened LGBTIQ Social Centre and exchange all relevant experiences and opinions by having a conversation with the management and staff of the Centre and LGBT Forum Progress. The Director of this NGO, at the end of his addressing, expressed his belief “that the Protector and he have an agreement that before the meeting, it is important to close the issue of discrimination by his deputy Mrs. NS”.<sup>175</sup>

The Protector of Human Rights and Freedoms did not respond to the last addressing of this organization.

The “LGBT Forum Progress” has even earlier introduced to the case a number of NGOs for protection of human rights. Some of them, as it was explained, could not take and have active part in this case due to the current program activities and joint projects with the institution.

### **Report against VK for attacking a trans activist in Podgorica**

On October 2<sup>nd</sup>, 2013, in Stara Varos, in the city’s centre, a trans activist L. R. was attacked while he was walking together with his girlfriend K.S. and their mutual friend B.B. towards the official premises of the non-governmental organization (NGO) “LGBT Forum Progress”.

Near the city’s cemetery, he said hello to his acquaintances, R. K. and E. S.

Suddenly, from the business premises of “Funeral services Lazović” V. K. came out, and started to repeatedly push the trans activist L. R., and addressed him with the words: “What are you acting, being a faggot” and “You’re being a geisha, a?”

As he walked away, V. K. continued to insult the trans activist L. R., especially with comments about his gender identity.

The trans activist L. R., who is also a member of the Steering Committee of “LGBT Forum Progress,” through this NGO has filed an appropriate report to the police.

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<sup>175</sup> The letter of the Executive Director of “LGBT Forum Progress” S.M. to Mr. g. S.B., the Protector of Human Rights and Freedoms of Montenegro, dated on 19.02.2014.; LGBT FP Documentation

## **“MediaMont Center” allowed hate speech**

Members of the LGBT community and students from the Faculty of Political Sciences (in the following text: FPN) contacted the non-governmental organization (NGO) “LGBT Forum Progress” regarding articles published on the <http://medijskapismenostcg.wordpress.com/> website, within the School of Journalism and Media Literacy, which was organized by this Faculty.

The above website initially included the FPN logo, and this high education institution has provided logistical support for the “School of Journalism and Media Literacy”.

The “LGBT Forum Progress” has filed a complaint to the FPN dean’s office, and requested an official apology from the authors of the texts, the administrator of the site and the Faculty.<sup>176</sup>

The texts presented extremely homophobic content that is related to the Pride Parade in Podgorica. After public reactions controversial articles were removed.

One of the articles in question was with this content: “Paying attention to the gay population, and excessive placement of information by the media, as well as the obvious media manipulation that most people unfortunately do not realize will in the future lead to the opinion that homosexual person is not seen as a person having a social disorder, but as something quite normal”.

The second article, entitled “The Montenegrin pride: Humanity and Heroism in Action” was with this content: “Pride parade, damaged and downgraded Montenegrin pride. Damage exceeding 21,000 euros caused by “hooligans” or I would rather say defenders of Montenegrin honor, ...”.

This NGO has stated, in a complain, that these kind of public statements are insulting and discriminating the entire LGBT community, and are justifying the violence and destruction of property in some parts of the city during the manifestation of other Gay Pride Parade in Montenegro, on 20 October 2013 in Podgorica.

The Dean of the Faculty of Political Sciences, Prof. S. T. Š., PhD, informed the NGO “LGBT Forum Progress” regarding the filed complaint that the FPN has supported, in good faith, an initiative of

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<sup>176</sup> The complaint of the NGO “LGBT Forum Progress”, dated on 7.11.2013. referred to the then FPN Dean prof. S. T. Š., PhD, to the Vice Dean for Education Ms. N. R., PhD, and to the Vice Dean for Development Mr. B. V., PhD; Ms. N. R., PhD, has been listed as one of the teachers of this School; LGBT FP Documentation

the NGO “Montemedia Center” for the realization of the project, called “The School of Journalism and Media Literacy” and that was the reason why that NGO had access to the university amphitheater.<sup>177</sup>

“The FPN has not, in any way, participated in the creation of content within the Project, or in their implementation, including defining and presenting ideas, views, or information related to the Project. Even more so, we are very surprised by the articles published on the website [medijskapismenost.wordpress.com](http://medijskapismenost.wordpress.com), whose attitudes and messages we do not share. To be more precise and clear - we consider them discriminatory, harmful and unacceptable on several grounds. We deeply regret what happened”, says, among other things, in a letter of the then FPN Dean.

“We are confident that the spirit of tolerance towards all forms of diversity, which realization and affirmation exist within the legal system, can be felt also in the premises of FPN, with teaching staff, and students who have, we are proud to point out, many times confirmed that they have complemented the education acquired in this faculty with the emancipatory potential of advanced academic community”, it was further stated in the letter.

The Dean of the Faculty of Political Science has stated that the organizers of the School of Journalism and Media Literacy were required to publicly declare this occasion, and FPN has expressed to LGBT community and the NGO “LGBT Forum Progress” sincere apologies and assurances that the Faculty wants to eliminate any suspicion of being behind these and similar ideas and attitudes.

“We will continue to support the numerous projects and their implementers, all in order to contribute to better understanding, acceptance of diversity and a greater degree of tolerance, and your NGO certainly deserves that” says at the end of apology of FPN, University of Montenegro in Podgorica.

The “LGBT Forum Progress” greeted very determined statement of FPN and its then Dean. In a public statement issued on the occasion of the International Day of Tolerance, it was found that “democratic capacity of this academic institution and its commitment to the promotion of tolerance and protection of human rights and freedoms are confirmed”.<sup>178</sup>

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<sup>177</sup> The response of the Dean’s office to the complaint, delivered on 15.11.2013; LGBT FP Documentation

<sup>178</sup> Available at <http://www.vijesti.me/vijesti/prituzba-zbog-homobofije-sajtu-medijskapismenost-clanak-160801>

Unlike the FPN, the management of the non-governmental organization that organized the School and allowed the release of such materials, of which only a part is removed, has not made any apology. In the aforementioned website of the organization, which is allegedly edited by a certain S. J., a short notice has been announced, in which it was stated that the published texts do not reflect the views of the members or any of the partners, but only those of the author. The FPN logo was removed from the portal.

### **Reports for discrimination of RTV Cetinje against LGBT community**

The “LGBT Forum Progress” filed a complaint to the Protector of Human Rights and Freedoms of Montenegro due to the discrimination against persons on the basis of their age by the local public broadcaster “Radio and Television (RTV) Cetinje”.<sup>179</sup>

The RTV Cetinje has announced the following add: *“If you are young, if you have a desire to work in the electronic media sector, sign up for an opening in TV Cetinje. Applications should be sent by email to: tvcetinje@gmail.com. Please provide in the contents of an email a short CV (name, photo, age, address, education, occupation, working experience in the media, abilities, interests, and phone contact)”*.

This add could be found in the media and on the social network “Facebook”.

The complaint stated that it was “unreasonable and unnecessary and legally unfounded to prescribe the age, and thus a serious non involvement of older citizens can occur” and “by this concrete action encouraging of discrimination based on age is present”. Montenegrin ombudsman was invited as a central national institution for the protection against discrimination to stop this practice and to contribute to the cessation of discrimination by the Royal Capital of Cetinje and public broadcaster, which is founded by the Royal Capital Cetinje. The “LGBT Forum Progress” asked from RTV Cetinje to withdraw add, to modify it and to express a public apology.<sup>180</sup>

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<sup>179</sup> Local Parliament of Royal Capital Cetinje in the session held on August 22<sup>nd</sup>, 2011 adopted a Decision on the establishment of a limited liability company Local public broadcaster “Radio and Television Cetinje.”

<sup>180</sup> The complaint of the NGO “LGBT Forum Progress”, signed by M.F.; 26.11.2013; LGBT FP Documentation.

The complaint specifies that the NGO “LGBT Forum Progress” is an organization that brings together LGBT people and fights against discrimination on all grounds.

The then Deputy Protector of Human Rights and Freedoms of Montenegro has stated shortly after the filing of the complaint that this institution has sought the declaration from RTV Cetinje on this matter, and it further requested from the Agency for electronic media to, within their competence, carry out the supervision of the work of the RTV Cetinje.<sup>181</sup>

After this for four entire months, the “LGBT Forum Progress” had, through official channels, showed intensive interest in the outcome of the initiated proceedings for discrimination, but the Protector of Human Rights and Freedoms refused to provide any information about the actions taken.<sup>182</sup>

### **Hate speech messages in LGBT Shelter**

The manager of the LGBT Shelter in Podgorica, M. F., filed a complaint to the Podgorica Security Center against unknown persons, who wrote inappropriate graffiti on the walls of the entrance of the building where this Shelter is situated.<sup>183</sup>

Near the elevator and in the very elevator two graffiti could be seen: “Cimbo, you have AIDS and you should die” and “Die faggots”.

About the existence of graffiti he informed F. K., who came that day to an appointment with the psychiatrist working within the Shelter. The manager of the Shelter contacted the LGBT liaison officer S. K., within the Montenegrin Police Directorate, and was instructed to file an official written complaint and to attach photos.

Due to the negative impact on the visitors and users of various programs, the LGBT Forum Progress has asked the janitor of the building to ensure quick removal of the graffiti, what he did shortly after.

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<sup>181</sup> Statement of the Deputy Ombudsman, Ms. Marijana Lakovic, No. 01/560-13; 05.12.2013; LGBT FP Documentation

<sup>182</sup> In the documentation of the NGO “LGBT Forum Progress,” which we had access to, some urgencies and reminders regarding this complaint against discrimination to which there was no answer could be found. It is pointed out from this NGO that due to the allegedly improper and unprofessional conduct of the Ombudsman, they were forced to withdraw a number of very serious complaints filed to this institution, in which LGBT community had fair confidence before this matter.

<sup>183</sup> The complaint, dated on 6.12.2013; LGBT FP Documentation

## Senior prison officer was spreading homophobia

Non-governmental organization (NGO) Montenegrin LGBTIQ Association “Queer Montenegro” filed a complaint against M.R., a civil servant of the Ministry of Justice - Institute for Execution of Criminal Sanctions - (ZIKS), deployed on the position of Acting Chief of the Correctional Institution, because he had, via his profile on a social network “Facebook”, supported homophobic views, spread hate speech, bigotry and encouraged discrimination of LGBT persons. The complaint had been filed, among other things, to the Protector of Human Rights and Freedoms of Montenegro, the Ministry of Justice and the Ethics Committee of the Human Resources Management Authority of Montenegro. M. R. is also a high official of the People’s Party, which is for decades present on the Montenegrin political scene.

This NGO stated that M. R. has continually published “homophobic postings on his profile on the social network “Facebook” before, during and after the Montenegro Pride, that all the media reported on the day of the Pride Parade” (in Podgorica, on October 20<sup>th</sup>, 2013).<sup>184</sup>

It was pointed out that M. R. was spreading false information about alleged payments to participants of the Pride Parade. According to the NGO, he had, among other things, called the second Montenegrin Pride Parade as the “violence against the moral and human nature,” “assault against moral preference of the majority of citizens” and “aggressive promotion of abnormal sexual orientation.”

This NGO stated, in its public statement from November 18<sup>th</sup>, 2013, that M. R. had, as a civil servant, inflicted damage to “the previous achievements and the reputation of the Government of Montenegro” in the field of promotion and protection of human rights of LGBT persons. The disciplinary and other accountability of the officer, his apology and deleting of the controversial posts was requested.

A civil servant M. R., according to this NGO, has confirmed discriminatory approach through his media reaction to the information that the complaint was filed against him. The Chairman of the Steering Committee of this NGO Daniel Kalezic expressed concern about the continuous procedure and the fact that LGBT persons are a vulnerable group whose situation may be further compromised in the prison system, because of the homophobic statements of its leading persons.<sup>185</sup>

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<sup>184</sup> Available at <http://www.queermontenegro.org/saopstenja/23-prijave-protiv-sluzbenika-ministarstva-pravde-zbog-podstrikivanja-na-diskriminaciju-i-sirenja-mrznje-i-netrpeljivosti-prema-lgbtqi-osobama>

<sup>185</sup> <http://www.queermontenegro.org/saopstenja/27-milan-radovic-potvrdio-diskriminaciju>



The Ethics Committee of Montenegro, after careful consideration of the entire case, gave the opinion that M. R. committed a violation of the Code of Ethics for civil servants and employees, Article 5, paragraph 2, *“in a way that he was publicly stating improper personal views on the LGBT community in October, 2013, on the social network “Facebook”, when he belittled and insulted the LGBT population and expressed hostility towards the same community”*.<sup>186</sup>

While commenting the said complaint, and its amendments, a civil servant M. R. stated that the same was unfounded, and that he, as a citizen, has the right to freedom of expression, and that his views on “gay parade” do not have an adverse impact on the reputation of the state authority. He added that while he was expressing his views, he was not resolving the rights and duties of citizens, nor questioning the principle of equality of citizens, and that it cannot to be construed that the views expressed on the private profile are public positions that may be linked to his public work. In his addressing, he called upon the Constitution of Montenegro and the European Convention on Human Rights and said that he is experiencing the present complaint as a *“threat to guaranteed freedom of expression”*.<sup>187</sup>

The explanation of the Ethics Committee opinion says that published personal opinions of civil servant M. R. about the LGBT population have an offensive content and have intent to belittle and that they have *“exceeded the boundaries of professional and critical thinking.”* It was also stated that the same posts in an *“indecent manner offend the LGBT population and condemn the government support in organizing the Pride.”* *“As a civil servant, M. R. undermined with these inappropriate attitudes the prestige of the state authority; because, regardless of whether the personal opinions were expressed in the capacity as an officer or citizen, at work or outside of work hours, the civil servant must ensure that they do not negatively affect the state authority - it was stated, among other things, in the Ethics Committee opinion. The Ethics Committee concluded that the Constitution of Montenegro and the European Convention on Human Rights guarantee the right to freedom of expression, but the freedom of expression is not absolute and the Committee concluded that there must be “a balance between freedom of expression and the right of other person to protect his/her reputation.”*<sup>188</sup>

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<sup>186</sup> The opinion of the Ethics Committee of Montenegro, No. 115; 02.20.2014; the opinion was unanimously adopted by the Ethics Committee on 02.14.2014; LGBT FP Documentation.

<sup>187</sup> Same

<sup>188</sup> The opinion of the Ethics Committee, signed by the President, Mrs. D.B.; LGBT FP Documentation

The president of the Ethics Committee has submitted the adopted opinion to the complainant, the NGO “Queer Montenegro”, then to the civil servant MR, to the Minister of Justice of Montenegro and to the Director of ZIKS (Institute for Execution of Criminal Sanctions).

The Minister of Justice, pursuant to 89. Law on Civil Servants and State Employees punished the said officer by a fine.

On the occasion of the first case of punishing the state employees for hate speech, this NGO has said that it is an example that shows to *“all civil servants that homophobia is unacceptable, illegal, and therefore criminal conduct.”*<sup>189</sup>

Otherwise, the Article 82 of the Law on Civil Servants and State Employees provides that the violation of the Code of Ethics has been recognized as a minor breach of official duty.

### **The report against A. H. from Rozaje**

The member of the LGBT community, M. F. reported A. H., a medical worker from Rozaje, to the Montenegrin Police, who molested, insulted and made fun of him because of his sexual orientation and visible work for the NGO “LGBT Forum Progress” through the social network “Facebook”.<sup>190</sup>

The Police Directorate of Montenegro (MUP) stated in April, 2014, without any further details, that the complaint was sent for further processing to the Department of Security in Rozaje.

### **Complaint against Radio of Montenegro**

The complaint because of discrimination was filed to the Protector of Human Rights and Freedoms against the public broadcaster “Radio of Montenegro” for refusing to accept e-mails, delivered by non-governmental organization (NGO) “LGBT Forum Progress”.<sup>191</sup>

This NGO delivers all its statements, views and analysis to all the media and political parties, union trades, religious and non-govern-

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189 The public statement of the NGO; 24.02.2014, available at <http://www.queermontenegro.org/saopstenja/58-milan-radovic-kaznjen-zbog-homofobije>

190 Report, dated on 24.02.2014; LGBT FP Documentation

191 The complain of the NGO “LGBT Forum Progress” was filed on 12.12.2013., and it was documented under the number 610/13 with the Protector of Human Rights and Freedoms of Montenegro institution; LGBT FP Documentation

mental organizations, institutions and international organizations that monitor the reform process in Montenegro.

This NGO pointed out that the attitude towards their work and materials they distribute is “mostly professional, fair and responsible”.

One of the official email addresses of “Radio of Montenegro” i.e. its program “Radio 98”, that mainly has younger generation as audience, according to the statements from the NGO, refuses to accept e-mails from the official e-mail address [pr@lgbtprogres.me](mailto:pr@lgbtprogres.me) intended for media communication.

In few last months, they have noticed that their mails could not be sent, for which this NGO included in its receiving media list the e-mail address of the Director of Radio of Montenegro, who regularly receives mails, and does not refuse receiving the same as someone responsibly does in the editorial office of the “Radio 98” on the “Radio of Montenegro”, who is unknown to this organization.

The NGO “LGBT Forum Progress”, as it was stated in the complaint, has checked with others who also communicate with the media and found that its e-mails are not blocked or disabled to be received by “Radio 98” program. They pointed out that they have also many times sent messages i.e. e-mails from different e-mail addresses to the above address and that they have been duly delivered, which means that they were not rejected and not on the so-called block list”.

The Protector institution was invited to contribute the suspension of the existing practice, pursuant to its competences.

The Protector of Human Rights and Freedoms has taken this complaint into consideration. This institution stated that it have requested the above public service broadcaster to provide a written statement on this issue, by an act No. 01-601/13, dated on December 17<sup>th</sup>, 2013, and again by an act (urgency) No. 01-601/13, dated on December 31<sup>th</sup>, 2013.<sup>192</sup> The answer is not yet delivered.

By April 15<sup>th</sup>, 2014, The Protector of Human Rights and Freedoms did not provide any additional information.

## **Complaint against the Tourist Organization of Niksic**

In the second half of 2013, the NGOs “LGBT Forum Progress” and “Institute for the development of LGBT tourism” conducted a re-

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<sup>192</sup> The statement of the Protector of Human Rights and Freedoms of Montenegro, dated on 10.02.2014, signed by the Deputy, Mr. P.I.; LGBT FP Documentation

search on the possibilities of the development of LGBT tourism in Montenegro. It was part of the efforts of civil society in relation to the monitoring of the National LGBT Policy.

The Program Committee for the development of LGBT tourism was, among other things, established with the intention that the provisions of the Strategy for improving the quality of life of LGBT persons in Montenegro on tourism should be put into operation.<sup>193</sup>

The studies of these NGOs included all local and national tourism organizations, tourism professional associations and the economy generated from tourism.

The Tourist Organization (TO) Niksic has directly announced the discrimination against - LGBT community, LGBT persons and LGBT tourism offer in its public responses.

According to the Secretary of the Program Committee for the Development of LGBT tourism, Mr. D. A., responsible persons from the TO Niksic have entirely clearly pointed out that the material on the LGBT tourism supply will not be promoted in any way. The main statutory function of all tourist organizations is the promotion. On the link of this TO, the commendable attitude towards some NGOs and sports collectives was pointed out<sup>194</sup> but, when it comes to LGBT issues and groups, they were explicit that they do not want any kind of cooperation and that they do not want to promote as part of their overall promotion the content referred to the LGBT community and LGBT tourists and vacationers, regardless of whether they are domestic or foreign persons".<sup>195</sup>

For these reasons, the Secretary of the Program Committee for the LGBT tourism, Mr. D.A., submitted a complaint against discrimination to the Protector of Human Rights and Freedoms of Montenegro on December 13<sup>th</sup>, 2013.

The aim of the filing of the complaint, it was concluded at the session of the Committee, is to prevent the existing practice and to refer TO Niksic, which conducts public authority and provides public services, to the lawful and just treatment towards everyone.

After several urgencies, the Protector of Human Rights and Freedoms institution (Ombudsman) stated that, an initial letter was sent to the TO Niksic to provide a written statement on the filed complaint on February 7<sup>th</sup>, 2014.

<sup>193</sup> The strategy is available at [http://media.lgbtprogres.me/2013/11/strategija\\_cg-7.pdf](http://media.lgbtprogres.me/2013/11/strategija_cg-7.pdf)

<sup>194</sup> <http://niksic.me/lokalna-uprava/javna-preduzeca-i-ustanove/turisticka-organizacija/>

<sup>195</sup> <http://www.pobjeda.me/2013/12/18/pobjeda-objavljuje-istrazivanje-o-razvoju-lgbt-turizma-u-to-niksic-ne-zele-gej-turiste>

Later interests, in connection with the outcome of the proceedings, were also not successful. For these reasons, the NGO has, as in the other cases, was forced to seek a solution itself for the numerous cases of inappropriate relationships and discrimination against the organization and members of the LGBT community.

The NGO “LGBT Forum Progress”, within which framework the Program Committee for the development of LGBT tourism operates, concluded in a written statement to the Protector of Human Rights and Freedoms of Montenegro, Mr. Sucko Bakovic, that “the mutual communication and cooperation is totally unsatisfactory and that for the period of over the half of the year nothing was done in terms of improving our possibilities, because of what we were forced to address you in a number of cases”. “Your, or inert attitude of your staff, is simply forcing us to manage on our own, as best as we can, in order to solve the problems and overcame the challenges that we are facing”, was stated in a letter to the Protector of Human Rights and Freedoms of Montenegro. “Unfortunately, we have to say that you have not been of any help to us and that you are additionally leading us into even more aggravating circumstances due to ignoring our complaints, especially those which were filed against one of your deputies for more than one half of the year.”

This NGO notified the Protector of the Human Rights and Freedoms of Montenegro to withdraw the complaint filed against the Tourist Organization of Niksic.<sup>196</sup>

The “LGBT Forum Progress” has established with the help and support of its prominent members the direct communication with the management of TO Niksic.

It was made clear that the answers to the original questionnaire were provided by a staff member without consulting his superiors in TO Niksic. The interest to answer again all the questions was expressed. Also, it was announced that the staff member who initially responded to the questionnaire was disciplined and fined because of this omission.

Also, the Director of TO Niksic, Mrs. D. P., has sent an official apology.<sup>197</sup>

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<sup>196</sup> It was explained that the sole reason for the withdrawal of the complaint was belief “that the addressing to the Institution remains extremely inappropriate and illusory, and the fact that regarding the specific complaint the first action was taken only on 02. 07. 2014., (almost two months after filing the complaint and to this day you did not inform us about the further course of action)”; The written statement to the Protector of Human Rights and Freedoms of Montenegro on the complaint No 22-14, dated on 12. 13. 2013; LGBT FP Documentation

<sup>197</sup> The official records of the communication between the LGBT FP and TO

## **Gymnasium in Bar discriminated former student**

A dispute between S. M. from Bar, who filed a complaint because of discrimination based on sexual orientation against Public Institution (PI) Gymnasium "Niko Rolovic" from Bar and Mrs. S. V., pedagogue at the same school, was settled before the Basic Court in Bar.

At the preparatory hearing between the plaintiff and the defendant, held on March 21<sup>st</sup>, 2014, P. No. 1030/13, the court settlement was signed, which ended the litigation, and it was determined that the removal of the photos, whose author is the defendant S. M., represents a violation of the plaintiff's right by discrimination based on sexual orientation. The court settlement prohibited defendants, Gymnasium "Niko Rolovic" from Bar and Mrs. S. V., pedagogue in this institution, to repeat these discriminatory actions.<sup>198</sup>

At the preparatory hearing before the Basic Court in Bar, the plaintiff S. M. has presented a complaint and pointed out that his views are the same as ones stated in the complaint, the set indictment request, and proposal included in the complaint. He pointed out that he had not received a response to the complaint on time and asked the Court to submit the same to him. He concluded that the response to the complaint had been delivered to him shortly before the beginning of the hearing.

At the preparatory hearing, the first instance representative of the defendant, the Principal of the Gymnasium Mrs. M. Dj., presented the response to the complaint and said that the plaintiff S. M. has not accepted direct contact after the event. She said that he was a student of the school and they were sorry for everything what happened. "Our intention was not to be to discriminate SM on any grounds, and if he considers that he was discriminated in any way, we apologize because that was not our intention." The school principal, Mrs. M. Dj., pointed out that this school gathers 1500 students and that the photos which are in the school for five years, have not been a problem so far. Each inventory at school can change its location and thus the change in position of the photos has occurred. "The pedagogue changed the office at the beginning of the year. While cleaning out her office, a group of

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Niksic, including a written apology of TO Niksic, February, March and April of 2014; LGBT FP Documentation

<sup>198</sup> The court settlement was concluded without threats, coercion, legal or real delusions, and has the force of the executive verdict; The Minutes of the preparatory hearing, dated on 03. 21.2014; Judge Mr. V. S.; LGBT FP Documentation

students came and said that one of the photos was ‘not pleasant for the eye’. An interview was conducted with these students, and they were told that such views were not allowed. Our pedagogue has liked these photos and she wondered if they can be transferred to her office. Again, if this act the plaintiff had experienced as discrimination, we apologize once again because it was not our intention”, she said at the preparatory hearing.<sup>199</sup>

The second instance defendant, Mrs. S. V., the school pedagogue, presented her response to the complaint. She pointed out that her views are the same as ones stated in the complaint, adding that she admits that everything was her idea, but that “it was a coincidence that she had changed an office in the meantime, and that she has informed the Principal that it was her wish to place the photo into her office, because she simply likes it.” “I have not even once thought that this can discriminate the author of the photo, even on the contrary, I thought that the plaintiff, as a former student of our school, would find me having this photo in my office very appealing. I repeat that there was no any kind of intention to discriminate the plaintiff S. M. with this.”

After the testimonies of the plaintiff and the defendants, the defendants sent the plaintiff a sincere apology because he felt discriminated against due to the removal of the photos, and the plaintiff said that he was ready to give up from the part of the complaint relating to the compensation for breach of honor and dignity in the amount of 500 EUR, and as well as from the publishing of the court decision, and thus they stated their readiness to conclude a court settlement to this dispute.

Accordingly, the existence of discrimination based on sexual orientation was recognized, and repetitive discriminatory actions were prohibited.

#### Former student’s complaint:

S. M., from Bar, filed a complaint because of discrimination based on sexual orientation against Public Institution (PI) Gymnasium “Niko Rolovic” from Bar and Mrs. S. V., pedagogue at the same school.<sup>200</sup>

In the complaint filed to the Basic Court in Bar, he pointed to the violation of the Montenegrin Constitution and the Law on the Pro-

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<sup>199</sup> Minutes from the preparatory hearing; 21.03.2014; P. No. 1030/13

<sup>200</sup> The complaint was filed on 25. 12. 2013 to the Basic Court in Bar; LGBT FP Documentation



hibition of Discrimination, and also on the violation of the anti-discrimination provisions of educational legislation and international, ratified conventions.<sup>201</sup>

Students, current and former ones, as well as teaching staff of Gymnasium “Niko Rolovic” in Bar informed the NGO “LGBT Forum Progress” that the 4<sup>th</sup> grade students have at the end of November of 2013 filed a request to the school pedagogue Mrs. S.V., in which was asked from the school to remove the photos displayed in the hall, once made by S. M., a former student of the Gymnasium “Niko Rolovic”, who is now a publicly exposed member of the LGBT community.

The students explained their request with the fact that Stevan Milivojevic was “gay” and that it was “a disgrace to the gymnasium”. The school pedagogue, Mrs. S.V., in order to prevent the destruction of the photos, proposed to students transferring them to her office. Students accepted that solution.

The photos have been transferred, but that very act has constituted discrimination, according to the complaint. At the place of S. M. photo, another photo has been put. These photos have been displayed at the Gymnasium hall. The complaint further states that the photos have become problematic and unacceptable from the moment when the public learned of the SM sexual orientation, and when he became publicly and politically exposed as one of the leaders of the LGBT community in our country.

“This example is as a whole particularly worrisome for our organization and for the LGBT community, because if four photos of one of the best students of the school, which is publicly exposed as gay, represent a problem, then we can only assume how difficult is the position of LGBT students and others in the school”, the complaint states.

“The school authorities did not adequately respond to the first challenge of discrimination and they have actively contributed to the disadvantage of people just because of their different (gay) sexual orientation. The entire LGBT community in Montenegro, which our organization actively gathers and represents since 2010, was placed at a disadvantage compared to all the others,” the complaint, among other things, states.

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201 Having in mind that Montenegro adopted the Law on Ratification of the European Convention on Human Rights and Fundamental Freedoms, as well as the Law on Ratification of the International Covenant on Civil and Political Rights, the conduct of the defendant is not in accordance with the rules of the two documents, which are binding upon the State party. The concrete actions have seriously undermined the aims of education in Montenegro and conduct of the defendants is in contrast to the educational regulations, S. M states in the complaint.

“In addition to devaluing situation for the school network and the practice is the fact that Mrs. S. V. was the co-author of one of the books that was praised by the professional community and the LGBT community.”<sup>202</sup>

The plaintiff S. M. said that this confirms that the efforts to prohibit and protect against discrimination are of more declarative than essential nature. In addition to textbooks, it is necessary to create a positive and supportive school atmosphere and the practice, and the example and conduct of Mrs. S.V. does not contribute to it, according to the plaintiff. “The situation is opposite. It encourages the distance and discourages efforts to ensure equality and visibility. What is promoted in the approved textbooks is not applied in everyday school practice. Instead of eliminating discriminatory and aggressive student’s statements, the Pedagogue’s Office and the school administration have chosen discrimination, the complaint states.

The NGO “LGBT Forum Progress”, with the help and support of the NGO “LGBT Social Center” organized situational testing on discrimination which involved former and current gymnasium students, mostly LGBT persons.

The NGOs have, before the Court, explained that the tactics of testing constitutes an integral part of the development of anti-discriminatory practice that is fostered by anti-discrimination movements in the whole world. These LGBT groups, as the organizations for the protection of human rights, train the personnel, activists and volunteers in these activities in order to identify the indirect discrimination, and in order to facilitate the subsequent procedures. On three occasions, on different dates, in December 2013, it was found and documented that from the hall of Gymnasium “Niko Rolovic” in Bar only photos of Stevan Milivojevic were removed, and the response/assertion of the defendants - the school administration and the pedagogue Mrs. S. V. - that all the photos were removed due to the preparation for setting a new exhibition, were not founded. Those states were not true. It was just an excuse of the defendants, SM stated in his complaint.

There was no adequate and honest reaction that was expected and whose absence motivated this complaint that was not planned as it was evidenced by a letter of S. M. to Montenegrin Minister of Education.

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<sup>202</sup> Montenegrin educational policy and sexual orientation: The Representation of LGBT topics in school curricula and textbooks” by Mr. A. S. Zekovic; Available at <http://media.lgbtprogres.me/2011/03/LGBT-analyses-ENG-11.pdf>

S. M. submitted to the Court as evidence material: photos from the Gymnasium hall with situational tests conducted on different dates, reports regarding situational testing on discrimination in PI Gymnasium "Niko Rolovic" in Bar,<sup>203</sup> the official note of S. M. on the occasions of the case<sup>204</sup>, the letter to the Minister of Education, the Strategy for improving the quality of life of LGBT persons in Montenegro 2013 - 2018, and finally proposed the examination of witnesses.

### Response of the defendants:

In response to a complaint, Mrs. S. V., a pedagogue, pointed out that she rejects the indictment request, with the emphasis that this complaint has disgraced her honor and reputation.<sup>205</sup>

She explained that she had moved from the office from the ground floor to the second floor of the school, and that is when she asked the art teacher to help her "about the displaying the photos on the walls, some of which are the works of this student".

She said that the school has art section, and that the exhibition of student's works is organized for the School day. After the exhibition, the teacher displays some of works in the hall of the school, in the school staff room and various offices. She pointed out that the art

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203 The situational testing were conducted on December 3<sup>rd</sup>, 11<sup>th</sup> and 21<sup>st</sup>, 2013; I.C. duly notified the Directorate of the LGBT Forum Progress on the results of an investigation conducted by means of written and oral communication for the sake of other procedures; LGBT FP Documentation

204 The "LGBT Forum Progress" is an organization that tries patiently and carefully to promote and protect the human rights of LGBT community. Upon learning that his works were removed from the Gymnasium hall, he consulted with the Steering Committee and, thereafter, instructed the Department of organizational protection from discrimination to start working on the case. A network of volunteers, students from the Gymnasium and the Secondary school of Economics was set up; the students joined the situational testing and indisputably confirmed that only my work was removed and replaced by others. "I tried to take a peaceful and fair approach to this problem. At the session of the Montenegrin government Council for the Protection against discrimination, chaired by the Prime Minister, and I am a member of it, I handed a written notification to the Minister of Education that was benevolent and constructive. The next day I was contacted by Miss. T. M., appointed by the Minister regarding the present case, who informed me that the photo, along with all the others, has been removed due to setting new exhibition. Everyone in the school knew that that was not true and this approach had further insulted me. For these reasons, seeing that there is no good will and willingness to admit and correct a mistake and to overcome a problem, I decided to file a private complaint and let the Progress authorities decide whether they will file a collective one". S. M. addressed the official note regarding the case and communication with the Ministry of Education to the Steering Committee of the NGO on 24. 12. 2013; LGBT FP Documentation

205 The response of the pedagogue Mrs. S. V. to the complaint of the former student S. M.; dated on 10. 02. 2014, P-1030/2014; LGBT FP Documentation

teacher was working on the displaying of photos from the beginning of the school year.

*“Precisely at this time, two 4<sup>th</sup> grade students came to my office and said that one of photos is “not pleasant for the eye”. They told me that it was the work of S. M. and to my surprise why should that bother them, they asked whether I knew that he was leading the Parade”.*

She pointed out that she did not negotiate with the students nor the students were saying that the S. M. was a shame for the school: *“After 25 years of experience, I believe that I have sufficient authority and knowledge not to negotiate with the students. I said I cannot agree with their opinion, and that they have no right to decide where the photos will be displayed. I remember talking about the fact that they have no right to condemn anyone because of their differences, and also I put a few good words in defense of S. M., as a former student, as well as of his photos.”*

*“It is true, it is further stated in the response to the complaint, that I have mentioned that the art teacher is currently displaying photos and that I would really like if that photos could be in my office, and that I and art teacher would make an agreement with the Principle about the place of the photos, and that the student have no business in deciding upon that”.*

She believed that by this she had rejected the assertions of the plaintiff that she reached a compromise with the students.

*“Only after a day or two, when I reconsidered everything, I talked with the art teachers and said that I would like if that photo could hang in my office. I have not even once thought that this can discriminate anyone”, the pedagogue of the Gymnasium in Bar stated in the addressing to the Court.*

In her response, the pedagogue stated that she did not think about the fact that the works of S. M. could be destroyed by these students, but by other students, and that was the main reason why she thought that the safest thing for those photos would be if they would be in her office: *“After talking with these students, I never thought of the fact that some of them could damage the photos, because if they thought to do so, they would not come to see me. But I thought about the fact that in the morning resides more than 600 high school students in the school premises, and in the afternoon, the same number of the students of the Secondary School of Economics. As there were still a lot of comments about the Pride Parade, I thought a good idea would be to put these photos in my office.”*

Mrs. S. V., the pedagogue in Gymnasium from Bar, in her response to the complaint, stated that she was communicating with Miss T. M., the Advisor at the Ministry of Education, appointed by the competent Minister to work on the case. Mrs. S.V. stated that, although her conscience is calm, sought the advice what to do of Miss T. M., the Advisor at the Ministry of Education". She had stated in the response to the complaint on December 26<sup>th</sup>, 2013 that she received a message of Miss T. M. to return the photos back on the original position". She promptly notified the Principal about that, and after that they returned the photos back at the hall, after the holidays and cleaning of the school, on January 16<sup>th</sup>, 2014.

According to the response, the Chief Inspector for Education had visited the school on the same day, where he "found that the photo was returned".

In her response to the complaint, Mrs. S. V. stated that Miss T. M., the Advisor at the Ministry of Education, had "witnessed" that the plaintiff was in no mood for any discussion and clarification.<sup>206207</sup>

Mrs. S.V. commented the attitude of the complaint about a possible difficult position of LGBT students and other LGBT persons in the school. "I argue that the school has no right to encroach into someone's privacy, or that anyone possesses the information about LGBT persons in the school. What I am sure of is that the school fosters a spirit of respect and tolerance and we do not treat students differently on any grounds."

Mrs. S. V. stated that she was, personally and professionally, insulted by the alleged statements from the complaint. To that end, she provided a detailed list of the numerous references in her professional career.<sup>208</sup> Numerous details were provided in order for her to confirm

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206 In the response of the Gymnasium Principal, Mrs. M. Dj., to the complaint, it was stated that Mrs. T. M., the adviser at the Ministry of Education, had also informed her that the plaintiff apparently was not prepared for the talk; LGBT FP Documentation

207 S. M. and the NGO "LGBT Forum Progress" have informed on March 27<sup>th</sup>, 2014, the competent Minister of Education that the case was ended with a court settlement; "We are disappointed that your associates, who were tasked with the case, have not done a great job, and that the case had to be settled before the Court. Were you personally engaged with other jobs, or had the lack of interest in the issue of discrimination in the school network or it was the matter of insufficient commitment of your associates that were tasked with the case, is not up to me to evaluate, but I express, once again, my regret and disappointment due to everything that was accomplished on the Court that could be reached much before"; Notification of S. M. to the Minister of Education, Mr. S.S, dated on 27. 03. 2014; LGBT FP Documentation

208 Among other things, he stated that he coordinated all trainings for teaching the course "Healthy Lifestyles" and that for five years she was a technical consultant on the project of introducing the subject "Healthy Lifestyles" in the education system, which is a large part of

her commitment to the protection of fundamental human rights, the development of tolerance and protection against discrimination.<sup>209</sup>

In the response to the complaint, Mrs. S. V. has stated: *“Experts say that even those who belong to marginalized groups are not spared from prejudices, which means that a member of a minority group can also be biased against other “minority or majority groups”. I do not know whether this complaint is a result of prejudices, but what I do know is that I was unjustly accused, I was hurt and as a man and as a teacher, and my family was also hurt.”*

At the end of her response to the complaint, Mrs. S. V. stated: *“As a pedagogue with many years of experience, I assure you that my decision is educationally justified and does not constitute any form of direct or indirect discrimination.”*

In response to the complaint of the former Gymnasium student S. M., the Principal of the school expressed the consent about all the arguments put forward in the response of the defendant pedagogue and that she “deems the allegations of the plaintiff offensive”.<sup>210</sup>

With regard to the request of several students to remove the works of S. M. from the hall, the school Principal said: “If students make disciplinary violations in the school, the Ordinance to impose corrective measures for high school students is complied. In this case, it was not a disciplinary offense, but the attitude expressed. The school has not supported unacceptable attitude, and thus interviewed the students.”

She added that, as the head of the educational institution, she considers the gathered evidence that the NGOs encroached were unacceptable, as well as that the plaintiff’s allegations that he was one of the best students were not true.<sup>211</sup> She said the complaint damages the

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the activities of the Global Fund “Prevention of HIV/AIDS, tuberculosis and malaria”; From the response to the complaint of former student S. M. in a civil case before the Court in Bar; LGBT FP Documentation

209 The National Coordinator of Montenegro for Education for Democratic Citizenship and Human Rights at the Council of Europe has appointed me to run a seminar Respect for human dignity in schools and the development of a tolerant person in behalf of the Montenegrin teachers of civic education. The seminar was attended by representatives of the Council of Europe, and how the project was implemented in four countries, the short film was made about the project that will be placed on the official website of the Council of Europe” the response of Mrs. S. V. to the complaint of the former student S.M. states; LGBT FP Documentation

210 “This is because, prior to performing the functions of the principal and assistant to the principal before that, she was a professor of English, “so she had a chance to comprise the communication and relationships in the school from different angles and that the school fosters a spirit of tolerance and respect for all levels”, the response of the school Principal Mrs. M. Dj. to the complaint of the former student S.M. states; LGBT FP Documentation

211 “This assertion is easy to be refuted by inspecting the school records”, it was stated, among other things, in the response of Acting Principal of the school Mrs. M. Dj. to the complaint of former student S. M. from 10.02.2014; LGBT FP Documentation



reputation of the school and that the indictment request is in its entirety disputed and founded ungrounded.

## **A protest to the Minister of Interior**

At the December, 2013, the non-governmental organization “LGBTIQ Social Center” filed an application for registration of non-governmental organization in the Register of the Ministry of Interior of Montenegro.

Regardless of the accuracy and of the documentation, the Law requires obtaining a response within 15 days. If this does not happen, association is to be considered registered.

This NGO, with the check in the Post office in the Montenegro, established that on the same day when the mail from the Ministry of Interior was delivered for sending, it was sent to the final recipient. That means that the official act of the Ministry of Interior, the final recipient, was sent after nearly a month.

“It is not right that responsible persons in the Ministry of Interior act in this way, especially because the LGBT community has a great deal of trust in the institutions of the system and that Montenegro is to be considered a country with a maximum freedom of association.” This was said in a speech of protest of this NGO to the Minister of Interior.<sup>212</sup>

## **Z. P. threatened to kill LGBT activist**

In early January, 2014, Z. P. was threatening by a telephone to the LGBT activist F. M. from Podgorica, that he will “*kill*” him or that he “*will find people to deal with him*”. Z. P. also said to him that “*he has no idea what a dangerous man he is dealing with*” and that “*he will not have his head on his shoulder because he will slaughter him*”.

The threats were duly reported to the police. On the M. F. warning that he will report him to the Police, Z. P replied that “this time the Police will not protect him and that he will pay because he reported him once before”.

F. M. has helped the Police in locating and arresting Z. P. in Budva last summer on charges of economic crime and fraud. Z. P. made telephone threats to F. M. from the prison.

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<sup>212</sup> The protest letter to the Minister of the Interior, Mr. R.K. from the person authorized to represent; LGBTIQ Social center Documentation



## **Complaint against ten government authorities**

The Government of Montenegro has adopted on May 9<sup>th</sup>, 2013 the Strategy for improving the quality of life of LGBT persons in Montenegro for the period 2013 - 2018. The civil society and the LGBT community believe that it is essential that all stakeholders in the country need to be familiar with the contents, program objectives and measures of the Strategy. The Strategy, by the fact that it is officially adopted by the Government, has become an integral part of its policy and an integral part of the policy of individual state authorities.

Thorough analysis founded, despite the fact that a considerable content of this Strategy also applies to the areas, which with their work and mandate cover the specific public authorities, that this document could not be found on the following websites of state authorities and public institutions: The Ministry of Education, The Bureau for Education Services, The Institute for textbooks and teaching aids, The School Portal (supported by the Ministry of Education), The Directorate of Youth and Sport, Ministry of Internal Affairs of Montenegro and the Police of Montenegro, Montenegrin Ministry of Culture and the Ministry of Labor and Social Welfare. It was also found that the government's LGBT Strategy is not available on the websites of any educational or academic institution in the country.

It was founded, by a detailed review of the contents, that all other relevant legislation, regulations and strategies could be found on the internet presentations, except the national LGBT policy - The Strategy for improving the quality of life of LGBT persons in Montenegro. This fact is influencing in a great extent the quality of the implementation of this policy and meeting the objectives and results in the field of education, sports, security, culture and social acceptance, tourism and social welfare. This shows that LGBT issues and inclusion of LGBT persons is less important and is seen as something unimportant or something else.

The leader of the Team for the monitoring of implementation of LGBT policy of NGO "LGBT Forum Progress", had suggested to the Protector of Human Rights and Freedoms of Montenegro to order the services of these institutions an immediate independent verification of the allegations of the NGO and to, accordingly, issue the corresponding evaluation and recommendation to the aforementioned government authorities and public institutions in order to eliminate the existing different treatment.<sup>213</sup>

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<sup>213</sup> The complaint of E. Dj. to the Protector of Human Rights and Freedoms of Montenegro, dated on 04.01.2014; LGBT FP documentation

On February 10<sup>th</sup>, 2014, the Protector of Human Rights and Freedoms of Montenegro institution stated the procedure regarding this case is still in the process. By February 15<sup>th</sup>, 2014, any other announcement on the matter was not issued.

### **Complaint about the conduct of the senior officer of state authority**

In early December, 2013, the management of non-governmental organization “LGBT Forum Progress” addressed the Director of the Directorate of Youth and Sport of the Government of Montenegro, proposing cooperation in the area of availability of Montenegrin sport.<sup>214</sup>

The Director of the Directorate of Youth and Sport responded to the Executive Director of this organization, where he stated: “Today, on December 10<sup>th</sup>, the mandate of the Acting Director of the Directorate of Youth and Sport expires. Pursuant to the above, thanking on the so far cooperation, he asked if mails related to the program activities could be sent to another e-mail address, which he mentioned in his addressing.”<sup>215</sup>

At the beginning of 2014, the Executive Director of the NGO again addressed the director of Directorate of Youth and Sport of Montenegro. With the greeting of protocol, he reminded him in early December, 2013 that he had sent a letter regarding joint activities and cooperation that is still not answered to.

*“You have not provided any response to us regarding the present letter and we regretted the fact that the Government has again failed to act properly, that inevitably reflects badly on the continuity, quality and efficiency in the work of an important state authority. In particular, we are sorry that this happened, because you are a respected athlete, and it is of great importance to the department to be led by experts who know the subject matter and the issues of sport and youth”,* the director of “LGBT Forum Progress” said in the re-addressing.

*“However, it is further stated in the letter, by checking the web-site, due to the research of the regulations in the field of sports policy,*

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<sup>214</sup> The letter of the Chairman of the ST and the Executive Director of the NGO “LGBT Forum Progress” to the Director of the Directorate of Youth and Sport of Montenegro, Mr. I. V., dated on 09.12.2013; LGBT FP Documentation

<sup>215</sup> The e-mail of the Acting Director of the Directorate of Youth and sport, Mr. I. V. to the Executive Director of the NGO “LGBT Forum Progress”, dated on 10. 12. 2013; LGBT FP Documentation

*we have registered the following fact: On December 11<sup>th</sup>, 2013, you have signed the letter No. 01-1546 sent to national sports federations.* The letter is available also at the link: <http://www.upravazamladeisport.me/obavještenje-nacionalnim-sportskim-savezima>.

For these reasons, the Executive Director of the “LGBT Forum Progress” had requested the clarification of the previous response and the situation when this NGO was, on December 10<sup>th</sup>, 2013, informed about the expiration of the mandate and that the NGO should address to others in this state authority, and the following day, on December 11<sup>th</sup>, 2013, the Director of directorate of Youth and Sport, the same person, signs an act sent to the sports entities.

This NGO stated that the clarification of the situation is important in order to remove the current suspicion, that the matter is about a different attitude and treatment, and to confirm the possible readiness to cooperate and build the partnership in the implementation of the national sports policy.<sup>216</sup>

As there was no requested clarification, the Executive Director of the organization filed a complaint to the Protector of Human Rights and Freedoms of Montenegro.<sup>217</sup> Despite frequent urgencies, this institution has never provided a response regarding the actions taken. Due to unprofessional relation of the institution, the present complaint was withdrawn and a written protest, together with the notification about it, was sent to the Protector of Human Rights and Freedoms of Montenegro.<sup>218</sup>

The LGBT Forum Progress and the Directorate of Youth and Sport have independently and successfully overcome the disputes and misunderstandings. The Directorate of Youth and Sport of Montenegro strongly supported and participated in a program dedicated to the development of sports activities in the LGBT community. Within the framework of defined cooperation, a joint publication has been prepared and published, the first of its kind in Montenegro, committed to inclusion of LGBT people in sports. The conduct of the Directorate of

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<sup>216</sup> The request for clarification of the Director of the NGO “LGBT Forum Progress” sent to the Director of the Directorate of Youth and Sport, Mr. I. V. on 04/01/2014; LGBT FP Documentation

<sup>217</sup> The complaint to the Protector of Human Rights and Freedoms of Montenegro institution, dated on 30.01.2014; LGBT FP Documentation

<sup>218</sup> The Office of the Protector, at least in our case, continuously shows the lack of capacity or will to deal with the cases of discrimination related to the LGBT population”, says at the end of the notification of the Executive Director of the NGO “LGBT Forum Progress”, dated on 01.04.2014;

Youth and Sport was positively recognized and welcomed in the international LGBT sports movement.<sup>219</sup>

## **Exposing alleged homosexual orientation of celebrities**

In mid-January, 2014, the NGO “LGBT Forum Progress” filed a report to the Police about the existence of a group on social network “Facebook” named “Istina je druze”, by which unknown persons disseminated information about alleged personal characteristics, in particular sexual orientation and gender identity of some public figures in Montenegro.<sup>220</sup>

Through this group, and the published contents, group authors have tried to harm specific persons about whom it was written, to expose them to additional risks and to worsen the relations towards the LGBT community, and to enhance animosity towards the LGBT persons listed in the report.<sup>221</sup>

This NGO has, on two separate occasions, amended the report. The police was informed about the findings of the NGO on the potential location and address of the group administrator, by providing photographs of residential buildings from which an unknown person gained access to the network and posted and disseminated the information on alleged personal characteristics.

In the meantime, the group name was changed to “Gay Parade”.

The group was reported also to the CIRT Company, in order to take further steps for removing the group from this network, what was promptly done.

## **Complaint against Chief Education Inspector**

The non-governmental organization (NGO) “LGBT Forum Progress” filed to the Montenegrin Minister of Education a complaint against

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<sup>219</sup> The book “LGBT Inclusion in Sport” was jointly published by the Montenegrin Olympic Committee, Directorate of Youth and Sport of Montenegro, EGLSF and “LGBT Forum Progress”, with the support of the LGBT Project of the Council of Europe; The book is available at <http://www.upravazamladeisport.me/me/sports/biblioteka/lgbt-inkluzija-u-sportu> and [http://media.lgbtprogres.me/2011/03/inkluzija-u-sportu\\_finish.pdf](http://media.lgbtprogres.me/2011/03/inkluzija-u-sportu_finish.pdf)

<sup>220</sup> Among those whose alleged homosexual orientation was “exposed” were politicians, actors, athletes, journalists, singers, fashion designers and models.

<sup>221</sup> The report to the Police, on behalf of the NGO “LGBT Forum Progress”, was filed by E. Dj, on January 17<sup>th</sup>, 2014; LGBT FP Documentation

the Chief Inspector for Education, for his alleged unprofessional and negligent work and refusal to communicate with the NGO.<sup>222</sup>

After filing the complaint, this NGO has issued a public statement.<sup>223</sup>

As even after more than two months there was not an appropriate answer, this NGO has, on April 3<sup>rd</sup>, 2014, sent an urgent letter to the Minister of Education.

The Executive Director of the “LGBT Forum Progress” Stevan Milivojevic, has informed the Minister of Education, Mr. Slavoljub Stijepovic, about the case of discrimination in the Public Institution (PI) Gymnasium “Niko Rolovic” in Bar, what was the reason why the Minister have ordered the inspection.

On January 20<sup>th</sup>, 2014, the Executive Director of the “LGBT Forum Progress” was informed that the inspection will be conducted to determine the facts of the case regarding the reported discrimination based on sexual orientation in the school. It is specified that this will be unannounced inspection to the school board, in order not to jeopardize the credibility of the facts. The Chief Inspector for Education said he would submit a written report on the inspection process as soon as possible.<sup>224</sup>

Despite this, the Chief Inspector for education has not submitted a report or responded to numerous phone calls from this NGO, about which was informed The Minister of Education by a complaint. The NGO asked him “to review the work, the approach and the level of professionalism of the Chief Inspector for Education”.

At the hearing before the Basic Court in Bar, held on March 21<sup>st</sup>, 2014, in civil proceedings for discrimination, the defendants Gymnasium in Bar and the pedagogue Mrs. S. V., have, among other things, based their statements on the conducted inspection whose findings/report remained available only to one side, and not to the complainant on whose initiative the surveillance was carried out.

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222 The complaint, signed by the Executive Director S. M., was addressed to the Minister of Education Slavoljub Stijepovic on 06. 02. 2014, LGBT Forum Progress Documentation

223 Available at <http://www.vijesti.me/vijesti/forum-progres-neophodno-provjeriti-rad-glavnog-prosvjetnog-inspektora-clanak-176669>

224 The official record of the telephone conversation between: S. M. and the Chief Inspector for education Prof. M. A., PhD; dated on 16. 01. 2014; LGBT Forum Progress Documentation

## Complaint against the Director of the Tourist Organization of Zabljak

Miss J. V., a member of the Program Committee for the development of LGBT tourism, filed a complaint to the Ombudsman of Human Rights and Freedoms of Montenegro against Mr. B. N., the Director of the Tourist Organization (TO) Zabljak.

Following the implementation of the national LGBT policy in the field of tourism, NGOs “LGBT Forum Progress” and “Institute of LGBT tourism” have been working on a study of the possibilities of development of the concept of LGBT tourism in Montenegro.<sup>225</sup> The study included all national and local stakeholders of tourism policy and the economy.

TO Zabljak, which has a strategically important location in terms of Montenegrin tourism, have for months refused to participate in this program. In addition to written communication, there was also an oral and the communication over the phone.

According to this authority, the last phone call, made on January 30<sup>th</sup>, 2014, has shown that the Director of TO Zabljak had allegedly instructed his staff not respond to a questionnaire on LGBT tourism.

The transcript of the telephone conversation, which was conducted with the business secretary of the Director of TO Zabljak, is attached to a complaint to the Protectors institution:

Secretary of the TO Zabljak: *“Good day, Tourist Organization of Zabljak”.*

LGBT FP: *“Hello, I’m calling from the LGBT Forum Progress in relation to the questionnaire on the development of LGBT tourism in Montenegro that was delivered two months ago and on what we still did not get any answer.”*

Secretary of the TO Zabljak: *(speaking to someone in his office) “It’s about the mail that our boss said not to respond to”, continuing, “Yes, yes, I’m familiar with that. The director is not here and we do not have a response to your mail”.*

LGBT FP: *“If we do not get a response, we will need to emphasize in the publication that you did not want to indulge us; this project is close to the completion and we have to get the answer as soon as possible, or at least to know whether you will provide it.”*

Secretary of the TO Zabljak: *“Well then, it would be better if you*

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225 Pages 22-3, available at <http://www.mrt.gov.me/biblioteka/strategije>

*could wait for him, I do not want to get blamed for the wrong information, so you could call him tomorrow, he is there from 9 to 15h.”*

LGBT Forum Progress: *“Okay, talk to you tomorrow. Goodbye.”*

There was no possibility to get in touch with the Director of TO Zabljak. That is why, on January 31<sup>st</sup>, 2014, J. V., a member of the Program Committee for the development of LGBT tourism, filed a complaint to the Ombudsman of Montenegro.<sup>226</sup>

## **Complaint against discrimination in school**

On December 19<sup>th</sup>, 2013, the NGO “LGBT Forum Progress” filed a complaint to the Protector of Human Rights and Freedoms of Montenegro against discrimination based on sexual orientation and gender identity against Public Institution “Niko Rolovic” in Bar for the already presented case S. M.

This organization believed that, by filing a complaint, this institution can help to overcome perceived gaps more promptly and to establish a better communication.

However, despite many expressed interests and urgencies, the Protector of Human Rights and Freedoms of Montenegro showed complete indifference to help. This institution has, only after several urgencies, on February 06<sup>th</sup>, 2014, after nearly two months, requested initial statement from this educational institution.

By once again protesting and expressing interest to the institution of the Protector, it was pointed out that the thing is about the important international case, and deciding not to take timely action is a serious and irreparable omission in the work of the institution.

Lastly, the Protector of Human Rights and Freedoms of Montenegro was officially informed that “due the disappointment about the approach and attitude of the institution”, the NGO entails and gives up on the complaint against Gymnasium “Niko Rolović” in Bar.<sup>227</sup>

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<sup>226</sup> The Protector institution has asked for the amendment of the complaint regarding the conduct of TO Zabljak in a letter No. 78/14, dated on 31. 01. 2014. Asked amendment was submitted; LGBT FP Documentation

<sup>227</sup> Notification of the Executive Director of NGO “LGBT Forum Progress” to the Protector of Human Rights and Freedoms of Montenegro Mr. S. B., dated on 01. 04. 2013; LGBT FP Documentation



## **Case of alleged sexual harassment of students in school**

Senior Public Prosecutor in Podgorica has filed a criminal report against the P. P., educational worker in the Primary school “Jugoslavi-ja” in Bar, on suspicion that he allegedly sexually assaulted a thirteen-year-old student of that school.

He got 30 days of detention that was further extended, according to press reports.

The publication of this information caused numerous reactions from the public. In particular, numerous negative comments about the LGBT persons could be read on the internet portals.

The school administration has distanced itself from the case, said that P. P. is no longer a worker of the school, and appealed to the media to take into account the rights and interests of the child.

The non-governmental organization (NGO) “LGBT Forum Progress” reacted regarding the allegations about harassment of children in Primary school “Jugoslavi-ja” from Bar. This NGO has condemned the case of sexual harassment, abuse and violence of any kind against children. It had expressed hope that the state authorities will conduct a prompt and impartial investigation, and that effective implementation of the law will be ensured.

In its public statement from February 25<sup>th</sup>, 2014, the NGO has said that the educational worker, who was charged with this offense, have filed a request for retirement only after filing of the complaint. “The fact that he is not part of the school system does not justify public conduct of school authorities. School officials are expected not to run away from responsibility, but to make further efforts to make the school to become finally, in every possible sense, a safe environment for every child, the NGO says.

“We appeal further on the school authorities, the media and the public to do whatever it takes to ensure that this case would not be used negatively to encourage intolerance and hatred against the LGBT people. Child abuse has nothing to do with sexual orientation and gender identity. No one has the right to bring this awful occurrence in any connection with a legitimate and justified requirement for improving the social acceptance of LGBT community” it was stated in the appeal of NGO “LGBT Forum Progress”.

## Young man P. R. repeatedly attacked LGBT activist

The citizen P. R. several times attacked and insulted twenty-three-year old LGBT activist from Bar, who studies in Podgorica, which is why the NGO “LGBT Forum Progress” reported this to the Police.

In the night between February 22<sup>nd</sup> and 23<sup>rd</sup>, 2014, the LGBT activists was out with his friends in a nightclub named “District” located in the center of Podgorica, at the Municipal Stadium. Their table was approached by a young man who was earlier reported by him for the homophobic attack at a gas station in Zlatica, as well as on the street while he was walking.

“The young man, later identified as P. R., approached me at a very aggressive way, pushed me and yelled at me. He told me: *“So, this is where you go out, you fagot cunt”* and *“Come here with us, you fagot”*. He grabbed me by the arm, trying to attract me closer to himself and out of the premises. My friends have interfered, came between us in order to prevent further physical contact. P. R. continued to be aggressive. He continued to shout, despite the attempts by my friends to calm him down. Because of his aggressiveness and threats, I was compelled to leave the bar with my partner and a friend. I was afraid for myself and my friends and I came out of the pub and went home”.

On the occasion of the incident from February, 2014, the statements from the people who were present at the scene accompanying the LGBT activist were taken at the Public Peace and Order Department at the beginning of March.<sup>228</sup>

The witness J. P. said to the Police that, despite attempts to be fair with him and to talk to him calmly, P. R. continued with curses and threats. *“He was determined to kill our friend if we do not get him out of the bar”*, she stated in a statement given to the Police. The witness D. R. told the police that the reported young man P. R. claimed that *“No fagots will be in the same bar as we are”*. *“I managed to save my friend from the hands of this thug, and we had to leave out of the discotheque, in order not to experience further inconvenience”*, he said to the Police.

In the report filed to the Police, the emphasis was put on that this is the third time that the same persons as in this case has attacked

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<sup>228</sup> Record on the information gathered from the citizen D.R. from Podgorica, signed by authorized police officer M.J., dated on 05.03.2014; Record on the information gathered from the citizen J. P. from Podgorica, signed by authorized police officer M.J., dated on 06.03.2014; LGBT FP documentation

the LGBT activist and that the motive for that was the fact that he is an exposed member of the LGBT community. He asked the Police for information on the possibility of getting a restraining order, given to the frequent attacks that make him not to feel safe even for a moment.

On April 8<sup>th</sup>, 2014, the police informed this NGO that it has filed a request for instigation of misdemeanor procedure, pursuant to the Articles 19 and 10 of the Law on Public Peace and Order.<sup>229</sup>

The Deputy of Basic Public Prosecutor in Podgorica, Mrs. A. B., has previously declared that there are no elements of criminal offense in this case.

Earlier attack, also reported to the Police, took place on December 12<sup>th</sup>. The LGBT activist was with friends and returning from private party in a hostel "Izvor". He stopped at the gas station "Eco Petrol" to buy cigarettes. The young man who was working at the cash register greeted him in a harsh way. Rather than selling him cigarettes he requested, the young man asked him for his name. The LGBT activist answered him and asked him why he wanted to know that. The young salesman had further asked: *"Are you a fagot?"* The LGBT activist had said yes and asked why this was important. The young man at the register said: *"You're lucky I'm at work tonight". "I was silent and avoided conflict". I paid and left. When leaving the gas station, the same young man who worked at a register, had invited his colleague, who at that time was in another room, and said to him: "Come to see this fagot". I ignored him because I was afraid of how he will further act, but I left the premises and got into the car"* said the LGBT activist to the authors of this book.

## **Two members of LGBT community attacked**

In the center of Podgorica, on March 1<sup>st</sup>, 2014, two members of the LGBT community were attacked, which is why they filed a report to the Police.

The Police intervened at the maximum speed and caught the attacker at the scene. Injured members of the LGBT community, one

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229 Article 10 of the Law of PPO says: "Who publicly incites or induces another person to fight, shall be imposed a fine of 150 to 1,000 EUR or imprisonment for up to 30 days. Who in public physically attacks another or fights, shall be imposed a fine of 350 to 1,000 EUR or imprisonment not exceeding 60 days; Article 19 of the Law of the PPO: "Who in public uses speech, sign, symbol, or otherwise as means for offending another on the basis of national, racial or religious affiliation, ethnic origin, or other personal characteristics, shall be imposed a fine of 250 to 1,500 EUR or imprisonment not exceeding 60 days".

of which was bleeding profusely, took a taxi to the Emergency Center. The staff of the Emergency Center had professionally received them and took care of them. After the minor injuries in the head were diagnosed, the Police transported the attacked LGBT persons to the Security Center in Podgorica for taking the statement of the circumstances of the event. After submitting the corresponding statements, the victims had gone to their homes alone, without the expected police escort and assistance.

The NGO "LGBT Forum Progress" stated that one of the persons attacked was an official of the organization.<sup>230</sup>

The NGO's harsh statement called upon the Supreme Public Prosecutor's Office and the "political and democratic public were invited to make every possible constructive pressure to finally terminate their second-rate and discriminatory attitude towards the LGBT community".

"It has become obvious, this NGO stated, that as the politically powerful public pressure expands, that is how much the state prosecutors will be better in their work and will more responsibly interpret and apply the Criminal Code. "We are more than sure that an equally well and protective law is not applied to the members of the LGBT community as it is in the case of other citizens, especially those who are politically exposed. This is strongly confirmed by the attitude of the Prosecutor's Office about the incident Veselin Pejovic - Nebojsa Medojevic, when the Prosecutor ordered the detention and filing of the criminal charges for endangering public safety. On the occasion of hundreds of reports of the LGBT Forum Progress, the Public Prosecutor's Office so far has put no one into custody nor instigated criminal procedure for violation of equality and constant threats to safety."<sup>231</sup>

This NGO has announced that if the attitude of Prosecutor's Office towards the violence against LGBT people does not change, they will "suspend their public activities until a more favorable environment is not created".

After a couple of days, one of the attacked persons dropped the charges regarding the assault in Bokeška Street, in front of the pub "Ragina glava", while the activist from the "LGBT Forum Progress" continued with his report.

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<sup>230</sup> <http://lgbtprogres.me/2014/03/ispribijane-dvije-lgbt-osobe-drzavno-tuzilastvo-ponovo-potvrdilo-neravnopravnost-i-diskriminaciju-lgbt-zajednice>

<sup>231</sup> <http://www.vijesti.me/vijesti/pejovic-ostaje-pritvoru-tereti-se-ugrozavanje-sigurnosti-clanak-181581>; <http://www.cdm.me/drustvo/hronika/priveden-veselin-pejovic>

The Deputy of the Basic Public Prosecutor in Podgorica, Mr. V. R., who is familiar with the report, declared that against I. L., for the assault on S. D. and M. F., a criminal report should be filed for violent conduct.<sup>232</sup>

A number of non-governmental organizations, state authorities and individuals reacted all together regarding this incident.<sup>233</sup>

## **Report against promotion of the ban of public gatherings of LGBT community**

In the first week of March, 2014, the non-governmental organization (NGO) "LGBT Forum Progress" filed the report to the Basic Public Prosecutor in Podgorica for evaluation and decision-making for media promotion of the ban of public gatherings of LGBT persons during the local elections in Berane.

Among other things, March 6<sup>th</sup>, 2014, the Television of Montenegro's second program, within the block political marketing, on the eve of local elections in Berane, broadcasted the political advertising spot of the political entity "Srpska lista" which directly announced, among other things, future ban on political and other public gathering of the LGBT community.

Promotional material is available at: <http://www.youtube.com/watch?v=shGsFXYDCmU>

The promotional message, along with other political promotional material, was aired several terms on a daily basis (four times daily).

This promotional spot stated open opposition to the Pride Parade, which publicly advocates suspension of basic human rights - the right to freedom of assembly and association and promotes values contrary to the concept of human rights guaranteed by the Constitution of Montenegro.

The advertising political block of the "Srpska lista" states the following: "Serb, if you are against NATO, if you are against joining the EU which recognized Kosovo, if you're against a gay parade, if you're

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<sup>232</sup> KU No. 169/14, dated on 02.03.2014; LGBT FP Documentation

<sup>233</sup> [http://www.dan.co.me/?nivo=3&rubrika=Povodi&clanak=422906&datum=2014-03-02&naslov=Napadnute%20dvije%20LGBT%20osobe](http://www.dan.co.me/?nivo=3&rubrika=Povodi&clanak=422906&datum=2014-03-02&naslov=Napadnute%20dvije%20LGBT%20osobe;); <http://www.vijesti.me/vijesti/isi-hra-osudili-napad-clanove-lgbt-zajednice-clanak-183349>; <http://direct.kodex.me:8000/vijesti/drustvo/ministar-numanovic-osudio-napad-na-pripadnike-lgbt-populacije>; <http://www.pobjeda.me/2014/03/02/cimbaljevic-drzava-da-stiti-sve-gradane-podjednako>; <http://www.portalanalitika.me/drustvo/vijesti/136697-ekvista-osudila-napad-na-lgbt-osobe>; <http://cgo-cce.org/2014/03/02/ostrije-suzbijati-nasilje-nad-lgbt-zajednicom>

willing to defend Serbian church, if you're looking for political option that fights for your workplace and equality with others, then your choice in Berane is Srpska lista - Andjelko Bubanja! Circle No. 10 - Srpska lista - for all of us!"

The NGO "LGBT Forum Progress" recalled in its report on the earlier prosecutorial practice. The NGO had once filed the report against the citizen M. Dj. from Niksic, who gave a statement for the daily newspaper "Dan", titled "For something like that you should get beaten up."

The Basic Public Prosecutor's Office (ODT) has provided a notice that it did not found the elements of a criminal or misdemeanor accountability of the citizen, but it will determine the responsibility of the media for publishing particular content. At the end of 2012, the ODT in Podgorica, informed the "LGBT Forum Progress" that the request for instigating misdemeanor procedure has been filed to the Regional Authority for misdemeanors in Podgorica against the accused legal entity, the "Media Nea" firm, which is the publisher of the daily newspaper "Dan", and against the responsible persons in this legal entity, B. D. and S. R. After completion of the procedure, they were found guilty and punished in accordance with law. For more details see the publication: <http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>.

According to the NGO "LGBT Forum Progress", the fact that the Radio and Television of Montenegro accepted and allowed broadcasting of the content of the political entity "Srpska lista", encouraged the discrimination of LGBT persons, and most importantly, the program violated the principles and standards of public service. For this reason, the NGO has sent an application to the Council of RTCG and its Commission for applications and complaints of listeners and viewers.

On the same occasion, Montenegrin LGBTIQ Association "Queer Montenegro" filed a complaint to the Ombudsman on March 27<sup>th</sup>, 2014, against the "Srpska lista", inciting discrimination and hatred spread against LGBT persons.

This NGO has pointed out that "Srpska lista", via said spot, was "in direct violation of the fundamental human rights of LGBT people, and it has incited discrimination and incited hatred against LGBT people in Montenegro". In addition to Anti-discrimination Law, this NGO has pointed to a violation of Article 5 of the Law on Political Parties, which, among other things, provides that the activities of parties whose goals are directed against "the constitutionally guaranteed human rights and

freedoms, and instigation of national, racial, religious and other hatred or intolerance” are prohibited. This NGO has requested a public apology from the “Srpska lista” to all LGBT persons in Montenegro.

The announcement is available at: [www.queermontenegro.org](http://www.queermontenegro.org).

The “LGBT Forum Progress” has, in its public statement, which is available at [www.lgbtprogres.me](http://www.lgbtprogres.me), supported filing of the complaint by the NGO “Queer Montenegro”, and expressed regret “that certain political entities in Montenegro, are opting for the promotion of intolerance and advocate the denial of rights to others, thereby further aggravate the social acceptance of LGBT persons”. The “LGBT Forum Progress” further clarified that they had not decided “to file the complaint to the Protector of Human Rights and Freedoms of Montenegro because that kind of a mechanism has proved totally ineffective in practice.” “A whole range of complaints against discrimination are still waiting in the Ombudsman’s Office. Therefore, we are forced to seek, on our own or through the courts, a solution for many accumulated problems” this NGO pointed out this NGO.

## **Bullying of LGBT students**

During the academic year 2013/14, dozens of high school students visited the Psychological Counselling Centre, which operated as a part of the non-governmental organization “LGBT Forum Progress”, with the support of the LGBT Project of the Council of Europe.

A psychological support in this counselling is also used by parents of the LGBT students which confirm the trust that the engaged psychologists have within the LGBT community.<sup>234</sup>

A student of Agricultural Secondary School in Bar, directly, via e-mail, asked the Police Directorate of Montenegro for help, asking for protection and police escort on his way to school and back home, because he was bullied by other students.

The same student later took part in the programs of the NGO “LGBT Forum Progress”. The councillor, according to the statements that he shared in peer focus group, organized by the “LGBT Forum Progress”, said that Montenegro is still a primitive country and that everyone is the subject to harassment and ridicule, not just LGPT persons. He said

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<sup>234</sup> Psychological counselling in the NGO “LGBT Forum Progress”, where works the psychologist Sanja Maras. For direct communication and details regarding her professional experience go to [podrska@lgbtprogres.me](mailto:podrska@lgbtprogres.me)



that he was advised to ignore them and not to pay attention to their teasing. Since the problems continued, he turned to the director of this educational institution. The situation improved only after he threatened to expel them from the school.

Here is another statement from a student who shared his story in one of the peer workshops: *"I am a student of the Secondary Vocational School "Sergije Stanić" in Podgorica. Throughout my whole education I have been putting up with violence and harassment because of my sexual orientation. Every incident I reported to school administration and my class teacher, but that didn't help much. Until recently. On March 27, 2014 I informed my class teacher, Prof D.V., about the incident. Several students took my chair, hitting me in my face and body and telling me abusive words about my homosexual orientation. I think that what helped change this attitude was when I said that I was a member of the NGO "LGBT Forum Progress". He called the students who insulted and beat me and had a conversation with them. Of this he informed the school administration. The assistant director spoke with them. I said that I didn't want any disciplinary proceeding instigated against them in order to give them a chance to change their attitude. I said that I was doing that for the last time. I would like to commend Prof D.V. for having reacted in completely fair way towards me and what happened to me. It meant a lot me that he supported me and that I had the protection of the school administration. I also talked to the school counsellor A.L. I told her the same thing as I told the others. She told me: "Why should we make a circus out of that now. Why the "LGBT Forum Progress" has to intervene." She said that we should solve this within school because soon, I would end school, change the environment and we won't be seeing each other again. She, unlike Prof D.V., doesn't support my membership in the NGO. She asked me whether this membership "had encouraged me too much". She said that she would talk with students from the fight and tell them that the violence won't be tolerated. Perhaps the school counsellor had a good intention but she didn't act exactly as she should have. I am only sorry because, soon, I will finish school and leave behind me others who suffer the same thing as I did but maybe don't have so much courage as I do"* said this senior student.

The Strategy for improving the quality of life for LGBT people in Montenegro specifies that violence, of any kind, is not allowed nor is discrimination in schools, and that there will be an effort to strengthen

the capacity of professional services in high schools for the help and support of LGBT persons.<sup>235</sup>

### **Threatening message on the LGBT activist's front door**

On April 22<sup>nd</sup>, 2014, the parents of the LGBT activist S. K. found on the front door of their apartment, and the entrance of residence, the pasted message that said: *"S. K. you are a simple gay. We will shoot you in the head! I'll fuck you sooner or later!"*

S. K. is the first Montenegrin high school student, otherwise an adult, who declared himself publicly in school as gay.

He did not get the support of his parents to report the case to the Police. *"They believe, he said, that the Police will not care and that things will only get worse."*

S. K. is an active member of a political party in which name, because of actual election at that time, was engaged in their local community on the field tasks.

### **Violence in Montenegrin Pride Parade ended without criminal reports**

By organizing pride parades in Budva and Podgorica, non-governmental organizations "LGBT Forum Progress" and "Queer Montenegro" showed the seriousness and commitment to continue to represent the LGBT community and its social acceptance.

Activist groups and experts believe that the historical fact about the final organization of the Pride Parade in a still very traditionalist Montenegro, must accelerate the maturation of mentality and further institutional development. The homosexuality is still a disease and is morally unacceptable for most of society.

The Pride Parade has made evident the hatred and violence against the LGBT community and those who are with her in solidarity.

According to official information of the Police Directorate, the competent public prosecutors declared that in the all submitted complaints there are no elements of a criminal offense prosecuted ex officio.

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<sup>235</sup> <http://media.cgo-cce.org/2013/06/1-Strategija-unapredjenja-kvaliteta-zivota-LGBT-osoba-za-period-2013-2018-godine.pdf>

Therefore, the LGBT groups and other NGOs reacted publicly. The Prosecutor's Organization is usually in the negative focus of civil society organizations.

## **Attacks on LGBT Social Centre**

Since its opening, the "LGBT Social Center" survived numerous attacks<sup>236</sup>. The LGBT Social Centre was opened with the support of the LGBT Project of the Council of Europe, and represents the only place in Montenegro LGBT community can organize a social and entertainment events.<sup>237</sup>

The attackers were mostly minors. They have shouted offensive words to the visitors of the center, and stoned the premises with eggs or spitted on the windows. The LGBT community has, owing to their own donations, worked on the gradual improvement of security in the very facility.

As they explained to the Police, the center was not working due to Easter holidays, so it would not be interpreted wrongly from the more extreme believers. According to the responsible persons in the NGO "LGBT Social Center", the Police was timely informed in writing about the fear that something may happen during religious holidays. "We requested increased surveillance, but it was not effectively implemented. The patrol had just monitored the situation from the street, only occasionally passing, and neglected the fact that the center has two sides, one from the front and one that enters the gate passage, that needed to be occasionally visited". "The attackers were masked", said Mr. E. Dj, the president of the organization. "On the first day of Easter, they demolished the center's glass".

The efforts of groups that bring together LGBT persons, and the visitors of the "LGBTIQ Social Center", resulted in installation of video monitoring. The Police have said even earlier that it was necessary to reinforce public lighting in the area around the center. Apparently, on that occasion, they themselves wrote to the authorities in the administration of the capital city Podgorica.

The delegation of the European Union is concerned about a series of attacks on the "LGBT Social Center" in Podgorica, including

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<sup>236</sup> According to Mr. E Dj., president of the Beneficiaries Council of this NGO said that there has been 15 attacks from January to April of 2014

<sup>237</sup> [http://www.coe.int/t/dg4/lgbt/project/description\\_EN.asp](http://www.coe.int/t/dg4/lgbt/project/description_EN.asp)

an attack of masked perpetrator in the night between April 20<sup>th</sup> and 21<sup>st</sup>, 2014. The delegation of the European Union in Podgorica expressed concern and urged the authorities to take appropriate measures to prevent future attacks.

“The delegation will continue to monitor the observance of human rights, including the rights of LGBTIQ persons during the accession negotiations. Human rights are a very important part of negotiation Chapter 23, devoted to justice and fundamental rights, under which Montenegro has taken a special commitment to the action plan for that chapter”, it is stated at the end of the EU delegation’s statement, regarding the attack from April 21<sup>st</sup>, 2014.<sup>238</sup>

## **LGBT Performance in Bar canceled**

The non-governmental organization (NGO) “LGBT Forum Progress” had scheduled a performance named “Hate speech is not a joke” for April 26<sup>th</sup>, 2014, in Bar, in front of police headquarters.

The event, scheduled as the first public gathering of the LGBT community in the municipality of Bar, was presented as a protest against the non-professional application of police powers and the relation of the Bar Security Center (SC), at least according to reported cases of hate speech.

The intention of the performance was to timely warn, in the context of upcoming major public gatherings of the LGBT community, about the commitment of the police in the process of law enforcement and prevention of hate crimes.

This NGO has registered a number of omissions in the conduct of the Police, which forced filing of several complaints to the Director of the Police Directorate of the Ministry of Internal Affairs and thus a public protest performance.

The day before holding the performance, in the late afternoon, the Police released a statement in which the public was informed that on a meeting of representatives of the Police of the Ministry of Internal Affairs and the NGO a decision to cancel the LGBT performance was made.<sup>239</sup>

At the meeting, convened at the initiative of the Police, representatives of the “LGBT Forum Progress” were told that it is estimated

<sup>238</sup> Available at <http://www.delmne.ec.europa.eu/code/navigate.php?id=2668>

<sup>239</sup> <http://www.mup.gov.me/upravapolicije/vijesti/138113/Performans-otkazana-kon-sastanka-UPMUP-i-LGBT-Forum-Progres.html>

that the performance is a public gathering of extremely high risk, since it would quite certainly disturb the peace on a larger scale. The representatives of this NGO were also familiar with the indignation of citizens of Bar for disturbing their routine that was necessary to prepare an adequate provision of this event. It was also noted that for the provision of this performance, which required 650 police officers, the Police would have to pay around 30,000 EUR, which represents important financial assets that are not envisaged by the budget.

The representatives of the “LGBT Forum Progress”, according to a statement from the Police leadership, have acknowledged the presented facts, alongside with the common conclusion that the Police Directorate and this organization will work together as partners to prevent future omissions when the misdemeanor prosecution of persons who make threats to LGBT persons is in question. “This is particularly so because it was agreed that a cautionary measures, which officials of SC Bar enforced to those who have been identified as the ones who threatened the members of the LGBT community on the network “Facebook”, were not appropriate to the situation, and that they should have been prosecuted for misdemeanor offences”, said the Montenegrin Police.

“In order to strengthen the cooperation between the LGBT community and the Police, the Head of the Public Peace and Order Department of the Police Directorate, Mr. D. K., and Executive Director of the “LGBT Forum Progress” S. M., will visit the SC Bar, where they will meet with the Chief, M. R., and his associates, to talk about overcoming the aforementioned problems, in order to establish closer cooperation between the LGBT community and SC at the local level.

The NGO “LGBT Forum Progress” confirmed that they have canceled the public gathering due to serious arguments offered by the Police. “An attempt to organize a small activist event, with these protective measures, consequences and the price, tells you how much more measures have to be taken in order to improve the social acceptance of LGBT persons. The security and freedom of the LGBT community is not only the problem of the Police and cannot only depend on its approach but, without further delay, changes and programs in all areas, especially in education, must be initiated in order to begin to create a more positive climate and living conditions for LGBT persons,” said the NGO.

“We believed that we should take into account all the reasons, especially the fact that for the safe holding of an ordinary activist per-

formance in this country, it is necessary to allocate a lot of money of Montenegrin citizens and taxpayers and, of course, to take into account the citizens' dissatisfaction for limiting their freedom of movement. The attitude of "LGBT Forum Progress" was that a public gathering of the LGBT community should be held in the ordinary and normal circumstances and without causing resentment and anger of citizens and entrepreneurs due to the limitation of their rights and freedoms. Such approach was manifested in the case of the first Montenegrin Pride Parade in Budva", the NGO stated.

"I believe that this is a difficult decision, but I acted responsibly towards a given political and economic situation, and that it must inevitably strengthen efforts to retrieve the true position of the LGBT community in Montenegro", said the executive Director of the "LGBT Forum Progress" Stevan Milivojevic.

### **Educational worker against the equality of LGBT persons**

A complaint to the Montenegrin Minister of Education was filed against Ms. A. Dj., an educational worker in the Secondary School of Civil Engineering in Podgorica, because she had stated at the Biology class, on April 28<sup>th</sup>, 2014, numerous discriminatory remarks about same-sex marriage and families.

At the time of the said class, the biology professor was talking about genetically transmitted diseases and founding of a family, as well as heredity and variation of traits in humans. Then, according to many students from the grade II-3, started talking about the LGBT issues. Professor A. Dj., related to these topics of homosexuality, said: "You are aware of the story about homosexuality and about the fact that they want to be equal to the "normal people". The first reason against is that they cannot form their own family, which is the basis of the extension of the specie".

One of the students asked the professor: "What happens when a man and woman cannot naturally conceive a child? The teacher replied "that those are extreme situations, and in this case, can adopt a child". Another student expressed the opinion that "homosexuals can adopt children", to which the teacher reportedly responded saying: "Imagine how it is for a child who grows up in that environment".<sup>240</sup>

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<sup>240</sup> Information of the "LGBT Forum Progress Youth Group", 28.04.2014; LGBT FP Documentation

The Minister of Education was asked to verify the allegations, to order the educational workers to apologize for stated comments and to invite her to hold the official educational policy and scientific facts in the future, when exposed on this and related topics.<sup>241</sup>

The same teacher, while amending the complaint, was reported to the Ministry of Education for giving a lecture at the Biology class, on April 30<sup>th</sup>, 2014. While she talked about the genetic causality behavior of humans, she wrote on the blackboard several characteristics that differ from the “normal behavior”. Among them she listed “criminal tendencies”, “use of alcohol or drugs” and “homosexuality”.<sup>242</sup>

### **A University professor discriminated against LGBT persons**

After a three-year process, the Basic Court Podgorica, established a discriminatory behavior of the university professor S.R. from Podgorica.

On the complaint of non-governmental organizations “LGBT Forum Progress” and the center “EKVISTA”, the proceeding for the protection of discrimination against university PhD. S.R. was led before the Basic Court in Podgorica.

A lawsuit for discrimination of LGBT persons against the PhD. S.R., the professor of Teacher Studies at the Faculty of Philosophy of the University of Montenegro in Niksic, was filed, separately, by Zdravko Cimbaljevic, then the only publicly declared homosexual in Montenegro, and by the non-governmental organizations “LGBT Forum Progress” and the center “EKVISTA”, both with the residence in Podgorica.<sup>243</sup>

On the 9<sup>th</sup> May, 2011, PhD. S.R. sent a personal announcement to the daily newspapers “Dan” in which he, in the opinion of Cimbaljevic and these NGOs, he presented a series of qualifications and views by which he openly insulted and humiliated the citizens of Montenegro whose orientation is homosexuals. According to the complaints of

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241 The complaint of the NGO “LGBT Forum Progress” filed on 28.04.2014 to the Minister of Education; LGBT FP Documentation

242 The complaint of the NGO “LGBT Forum Progress” filed on 30.04.2014 to the Minister of Education; LGBT FP Documentation

243 Details about the case: Marijana Lakovic and Aleksandar Sasa Zekovic, Representation of cases of discrimination on sexual orientation in Montenegro: from principles to practice, (Podgorica: LGBT Forum Progress and ILGA Europe, 2012) 32-38; Available at [www.lgbtprogres.me](http://www.lgbtprogres.me)



Cimbaljevic and these NGOs, the defendant, PhD. S.R., further undermined the position and rights of LGBT persons by encouraging the already high social homophobia with endangering freedom for assembly which Cimbaljevic have specially advocated.<sup>244</sup>

At the middle of May, 2013, the judgment to Radonjic instructed not to repeat the statements and to pay the costs of the in the amount of 900 euro, while the daily-newspaper "Dan" was obligated to publish the judgment in full within the 15 days of the final.<sup>245</sup>

The defendant PhD. S.R. filed a appeal on the first instance judgment which was rejected by the Higher Court on its Council meeting from the 8<sup>th</sup> April, 2010.<sup>246</sup>

The judgment of the Basic Court in Podgorica has historical significance and it became valid on the 12<sup>th</sup> May, 2014.

In the controversial article, among other things, the defendant said that the homosexual orientation is a vice, not a equal sexual orientation, according to the science: "The causes of some forms of homosexuality is in an inappropriate upbringing (no socializing or creation of the aversion towards the opposite sex) and inferior living conditions (boarding schools, military barracks, prisons, sport clubs, ships). Why then we advertise homosexuality in front of the children? Why we do not seek the causes of the homosexuality and a convenient method of treatment? The same methods of treatment are not applicable for all kinds of homosexuals. Why do we need to advertise this vice and call it Pride Parade?"<sup>247</sup> The defendant further said: "Why homosexuals cannot ask for help in order to get rid of the rebellion, solitude and to find the possibility of natural and normal life" as well as: "Europe requires that our officials be at the Parade. So how do you do! They are our "pride" too, except of the Minister for the human rights, F.D. with us, the homosexuality is a rare illness or a vice or covered. We can read that in the West it is an epidemic, so why to hide our pride. The participants

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244 The process according to individual complaints Cimbaljević was suspended because the judge Mrs. DR assess the Cimbaljević abandoned the claim for his two-minute delay at the preliminary hearing. He claims that he was never given an opportunity to appeal the decision of the court. Please inform yourselves about this situation and allegations of the NGO "LGBT Forum Progress" via the recommended link: <http://lgbtprogress.me/2012/04/%C5%BEivot-lgbt-osoba-postaje-nepodno%C5%A1ljiiv>

245 The judgment P. number 1882/11 from the 17<sup>th</sup> May, 2013; LGBT FP Documentation

246 The notice from the President of the Higher Court in Podgorica Mr. B.S. IV-1 n. 97/14 from the 28<sup>th</sup> April, 2014 to the Executive Director of the "LGBT Forum Progress"; LGBT FP Documentation

247 Daily newspapers "Dan", the article "The Parade of mocking to the Montenegrin's pride", column "Povodi", page 11, 9<sup>th</sup> May, 2011.

of the parade do not have the address and they should be protected, because you have to protect your pride. Well, it is democratic to record all in order to know who they are, who is our “pride””, said PhD. S.R. PhD S.R. completely denied the complaint of NGO and Zdravko Cimbalevic. In his response to the complaint, the PhD S.R. said that there was the misinterpretation of his article. He also denied the procedural legitimacy of prosecutors towards him. He pointed out that he had acted in accordance with the “Resolution of the Council for Human Rights of the United Nations”. In his response to complaint, S.R. explained that his article treats the homosexuality from several traditional and scientific aspects, and that it does not offend or discriminate anybody. *“The proper interpretation of text indicate that the phenomenon has been differently interpreted through the development of the science, so from the scientific side I will cite some of the possible causes of homosexuality”*, he said. The PhD S.R. concluded: *“As a university professor, it is my duty to teach and explain the students certain phenomena in society (as well as homosexuality) and no one outside from the profession does not have the right to comment on my professionalism as professor and scientist.”*

### **The LGBT community wants the dialogue with the Church**

On the occasion of frequent announcements of representatives of the Orthodox Church when it comes to public gatherings of the LGBT community, the Executive Director of the NGO “LGBT Forum Progress”, Stevan Milivojevic, referred to Metropolitan Mr. Amfilohije with the activist letter. It stated:

*“The Christianity and the Orthodox church survive and last for thousands of years. These are values which deserve respect and responsibility. I respect the Orthodox Church. I also respect those who speak in its name. In this open letter I’m not going to say anything which you or the public could understand as insult, disrespect, or interference in the internal affairs of the Church and its centuries-old dogma. I have the attitude, but I’m not qualified to have a conversation with you on that level. I think it’s not my business, or that I have a right on that.”*

“But, Your Grace, continued Milivojevic in his activist letter, I have a right to speak about social activism. I am a human rights activist. That’s my job and earthly mission. Voluntarily, sensibly, and without

the influence of the lobby, I supported the struggle for social acceptance of LGBT people because of the need to help others and myself.”

“That process intensively lasts for several decades. The vulnerability is still present but the progress is seen every day. The vulnerability is reflected in the fact that the homosexuality, sometimes due to lack of knowledge, more intentionally, it is deliberately equated with crime. It has to stop. Also the approach which for the confirmation of religiousness implies and requires a negative attitude and rejection of social activism has to stop. Jesus Christ was a social activist himself. With the religious, military and national issues St. Peter of Cetinje dealt with social activism, typical for that time - spreading peace and love among the brothers. The St. Sava, founder of the Serbian Orthodox Church was also the social activist. They were all helping those vulnerable,” Milivojevic concluded in his address to Metropolitan of the Orthodox Church.

*“From an early age I belong, in different ways, to these vulnerable. From the day of my birth in Knin. From my fourth year when I became a refugee, until today when I am an LGBT activists. So, please, do not make it difficult, if you are not in a position to help. And I am convinced that indeed you can contribute to understanding and peace,”* said Milivojevic and continued: *“I understand the pastoral need to be careful, to worry. But I’m not sure that such aloofness and hostility of the Church to non-governmental organizations, which had and still have a decisive role in the country’s democratization and improvement of human rights, is justified and necessary. Such a hostility of the Church towards social activism and numerous social issues, among which the safety and safe lives of LGBT people are important, is not good and justified if it lasts for a long time. We need the voices of peace and non-violence from the Church. The wisdom of those who speak on behalf of the Church is very important.”*

*“The Church has played an important historical role. Its today’s social role is exceptional and it cannot be underestimated and marginalized in any way. Admit it or not, the church is a part of pluralism. Not from the modern pluralistic society should be rejected and declared non-Christian, anti-Christian, Western, pro-communist. Catholicity and the concept of a pluralistic society must not and should not be opposed. The enlightened and modern liberal-democratic state, a secular and a welfare state, should include the important role of religious pluralism in which it is not, and it should not be a heresy to be an LGBT person.”*

Milivojevic called on the Church for a dialogue and urged the Metropolitan „to call for peace and the absence of violence at the upcoming walk of those who are discriminated and at risk. The walk is organized by the organization „Queer Montenegro“.

At the end of October 2013, „LGBT Forum Progres“ made the initial contact with some priests of the Metropolitanate of Montenegro and the Littoral.

“We firmly report that we have no pretensions to interfere in any way in the internal affairs of any religious organizations. We strongly support the universality and indivisibility of all human rights, including the right to religion. Also, the right to freedom of assembly must be available to all, equally to the LGBT community and the Orthodox Church”, it was stated in a public statement of the NGO, on 25 October 2013.

“Numerous LGBT persons, including their parents and families, are Orthodox believers. The fact that LGBT people of different sexual orientations does not diminish their humanity, moral values, devotion and commitment to the faith. LGBT Forum Progres values that no man has the right to withhold the name of God, the love of God to anyone”, the NVO LGBT Forum Progres announced.

Executive Director of the LGBT Forum Progres Stevan Milivojevic expressed intention and desire to attend religious services and participate in the procession on the occasion of the holiday of St. Petka. “We have been assured that, in case of his presence, no one from the priests and Metropolitan will offend him, or treat differently from other citizens and that he will be welcome at the event”, the NGO reported. “However, it is estimated that the procession gathers around three thousand believers and that the Metropolitanate cannot guarantee or be responsible for the behavior of each participant of the procession who would see the presence of Milivojevic as a provocation”. The end of the statement read: “Milivojevic gave up on going for the sake of dialogue and peace, prevention of violence and provocation of any kind.”

In the Christmas Eve in 2014, the executive director of “LGBT Forum Progres” and the Metropolitan Mr Amfilohije exchanged Christmas greetings.

This organization regularly congratulates the most important holidays to believers and all religious leaders in Montenegro.

In April and May 2014, LGBT Forum Progres strongly condemned hate speech against the Serbian Orthodox Church in Monte-

negro and the police filed charges for the graffiti through which intolerance was expressed. The activity of the NGO sparked some negative reactions in public.<sup>248</sup>

NGO activists "LGBT Social Center" on their own initiative painted over graffiti which insulted the Orthodox Church and its clergy as well as the graffiti which insulted the Muslims of Montenegro and LGBT community.

## Hate speech on the Internet portals

About the earlier practice of Montenegrin media, especially the portal, and the attitudes of civil society you can get informed in details through the case "Commenting on the Montenegrin media portals," presented in the book "Representing cases of discrimination based on sexual orientation in Montenegro: From Principles to Practice."<sup>249</sup>

It is a general impression of civil society, experts and the media community, that the overall attitude of the editorial board and administration towards the issue of hate speech and through comments and portals has significantly improved. Inappropriate graffiti, with elements of hate speech and incitement to violence are removed more promptly than before; it is a unique evaluation of all.

In the meantime (as compared to 2012), Amendments to the Criminal Code were adopted in 2013, which were initiated by the NGO "Human Rights Action" with broad support from other NGOs and eminent experts.

In late April in 2014 in Podgorica, the NGO "Juventas" organized a very interesting debate entitled "Deleted by admin (?) - How to end the hate speech?"<sup>250</sup> Debate highlighted the issues of accountability "for user-generated content and hate speech on the internet portals."

Montenegrin LGBT community has been pointing out for years

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<sup>248</sup> <http://portalanalitika.me/drustvo/vijesti/144805-lgbt-forum-progres-osuuje-govor-mrnje-prema-spc>, <http://portalanalitika.me/drustvo/vijesti/144933-milivojevi-sa-domiem-sam-uvijek-ima-pouzdanu-i-kvalitetnu-komunikaciju>; <http://portalanalitika.me/drustvo/vijesti/145048-cimbaljevi-nadam-se-da-u-lgbt-forumu-znaju-to-rade-a-licemjerstvo-je-i-na-strani-crkve-politijara-i-drave>

<sup>249</sup> Marijana Lakovic and Aleksandar Sasa Zekovic, Representation of cases of discrimination on sexual orientation in Montenegro: from principles to practice, (Podgorica: LGBT Forum Progress and ILGA Europe, 2012) 39-40; available at <http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>

<sup>250</sup> See: [http://www.prcentar.me/index.php?option=com\\_content&view=article&id=2057:deleted-by-admin-kako-stati-na-put-govoru-mrnje&catid=60:ostalo&Itemid=545](http://www.prcentar.me/index.php?option=com_content&view=article&id=2057:deleted-by-admin-kako-stati-na-put-govoru-mrnje&catid=60:ostalo&Itemid=545)

that the comments of users represent an integral part to which they relate and it is up to the media to promote the practice on this occasion. Unlike the region (case “Gay-Straight Alliance v. Daily newspaper “Press”), there has been no judgment about discrimination by commenting on portals in Montenegro.

## Conclusions and recommendations

Base on the analysis of the cases, presented in this book in detail, the authors find it is necessary to continue the work on the collection of relevant materials and facts regarding the cases of hate speech and violence towards LGBT persons. The existence, and regular updates, of the national database of the cases of hate speech, violence and discrimination towards LGBT persons is of key importance for the process of social acceptance of the LGBT community in Montenegro. In this phase of research work, through the analysis of more than two hundred different cases, the authors conclude the following and provide the recommendations for the improvement of the current situation:

### 1.

In the previous period there has been a certain improvement within the assumptions of criminal law protection of LGBT persons. It can be specially noticed through the adopted changes and amendments of the Penal code regarding the hate speech towards LGBT persons. The amendments of the Penal code of Montenegro represent a responsible relation of the State towards the recommendations of the Council of Europe and the acquis of the European Court for Human Rights.

However, it is noticeable that in its practice, the state prosecutors insufficiently use the adopted amendments of the criminal offenses.

This is especially worrying for the non-governmental organizations.

As a product of complete dissatisfaction with the doings of the state prosecutor office, the leading LGBT activist Zdravko Cimbalevic left the country.

The potentially inefficient law enforcement regarding certain court decisions and the

doings of police and the prosecutor structures, can, in its essence, encourage the homophobic attitudes and behavior and violate the rights of persons on the basis of their sexual orientation and gender identity. This is especially significant in the part of the law enforcement in the area of criminal responsibili-



ty and the recognition of criminal offence “hate crime”, “violation of equality”, “endangerment of security” and discrimination, which, as a ground, explicitly recognize sexual orientation and gender identity.

The state prosecutors hold a significant share of responsibility to, in the next period, acquire the trust of the LGBT community through professional work, and to contribute the effectiveness of the criminal law and its preventive function.

It is extremely important to enhance the capacities of the prosecutor, police and judicial authorities in relation to their understanding and judgment related to the aforementioned criminal deeds. The case analysis points out that the current practice does not treat, that is, does not qualify as important, the fact that the motive of this criminal deeds was prejudice, that is that the deed was conducted towards the victim or a group of persons due to their real or assumed “protected characteristic” such as race, religious beliefs, national belonging, language, sexual orientation or gender identity.

The qualification of a hate crime does not require the condition that the perpetrator feels the hatred towards the victim. The condition which is relevant is that the committed deed was motivated by prejudice, while the description and the facts in the case analysis point out the existence of the elements for deeper case analysis and related to the existence of such ground. The analysis of the offensive content is of key importance, especially in the actions of the prosecutors in charge. These actions, have not happened in the majority of cases.

We believe that, through the court procedures, initiated on the ground of bill of indictment of the prosecutors in charge, will take into consideration the principles of fairness and proportionality, that is, that the court procedures will ensure the appropriate response to criminal offenses.

Our recommendation to the prosecutors in charge is to monitor the penalty policies of the courts, including misdemeanors, and to, if needed, through appeals, point out the low severity in the penalties if they are not satisfied with the verdict.

We recommend a continuous participation in the educational trainings and contents which are related to the improvement of rights of the LGBT community, as well as monitoring of the international and national expert literature on this topic.

**2.**

LGBT community and the police have been building their mutual trust for several years now. It is extremely important to continue with the building of the relationship in which the LGBT community can rely on the police, its professional and successful work, in terms of prevention, providing of the needed protection and the effective prosecution of hate crimes.

It is important to ensure a continuation of the work of the established Team of trust between the Police directorate of the Ministry of Interior of Montenegro and the LGBT Community. It is especially important to neuter a simple communication within the team, free from bureaucracy and pressures, of any kind, and to develop its practical usage and effectiveness. The work of this Team should be strengthened through the participation of the representatives of the National Team for the monitoring of the implementation of LGBT policy and the national Ombudsman bodies – the Protector of human rights and freedoms

of Montenegro and the Council for the civil control of the work of the police.

It is also necessary to work on the capacity building of the Sector for public order and peace, of the Police directorate, including all of the local police stations for public order and peace and

It is necessary to straighten the capacity of the Police's Sector on public order and peace, including all the local police stations for public peace and order. Although the efforts of the Police in terms of prosecution of hate speech and harassment of LGBT people are encouraging, certain registered omissions point out that it is necessary to, in all security centers, improve the capacity of police officers in order to have better implementation of the Law on Public Order and Peace.

In cooperation with the LGBT organizations, it is important to continue the practical training programs of the police officers and to improve the knowledge of the sensitivity of the matter and to use police powers and also extend the number of authorized officials. In particular, in order to guarantee the continuity, quality and sustainability of the improvement to the citizens and to increase the culture of the respect for human

rights, it is necessary to make such program contents available and compulsory through programs of education at the Police Academy. Understanding of the sensitivity of the matter on the status and lives of LGBT persons is essential, especially in regard to the establishment and straightening of the trust between the Police and the victim.

The existence and development of the police contact LGBT network confirms the commitment to cooperation and straightening of the trust between the police service and the LGBT community in the field, in all the country's municipalities. Police is developing this concept for years through continued collaboration with the LGBT community and following the example of the police organizations in Europe (especially in the Netherlands and the United Kingdom of Great Britain and Northern Ireland), the United States and Canada. It is important to emphasize that the whole process is strongly supported by the Prime Minister of Montenegro, which sends a clear political support and the message that the safety and respect for human rights and increase the visibility of the LGBT community are government's priorities. Therefore, the established LGBT contact network within the police organization should be accessible and promoted in the LGBT community, especially in local communities.

To improve the accuracy of the management of the Police and the local police chief in terms of monitoring the cases of the violence against LGBT people and regular reporting.

### 3.

In the recent period there has been an improvement of the cooperation between the judicial authorities and the LGBT community through the signing the memorandum of cooperation and launching joint programs.

In particular, we welcome the support of the Government of the United States of America to straighten the judicial system in Montenegro through which, for the first time, a direct communication and cooperation between the Supreme Court of Montenegro and LGBT organizations was established.

LGBT community showed a responsible attitude towards the consolidation of the rule of law and the promotion of the

independent and autonomous judiciary. Representatives of the LGBT community have consistently respected the presumption of the innocence of every individual and they did not exert pressure on the work of the court nor commented on the current court proceeding and non-final court's judgements.

The work on the improvement of the capacity of the judicially when it comes to human rights and freedoms of lesbian, gay, bisexual and transgender (LGBT) persons, should be continued. That will inevitably lead to increase in overall confidence of the public, especially of LGBT people, in the Montenegrin judicially and juridicial powers.

It is important to ensure an orderly, regular and constructive communication between the courts and the LGBT community and organizations through which LGBT people are organized, which includes legally established access to the information about court cases which involve LGBT people or are in relation with the right for sexual orientation and gender identity.

As far as possible, it is necessary to provide more abrupt court criminal and civil actions when it comes to criminal offences or the protection against discrimination based on sexual identity and to shorten the time required for making the final decisions.

International partners of Montenegro in the process of accession to the European Union and NATO, together with local civil society, have provided exceptional support to the institutional development and straightening of the rule of law. We think that it is important to continue those efforts. It is especially important to design and implement high-quality and practical training for judges and provide appropriate literature, including the creation of national contents. The support to the judges, at all levels, with strong support of their independence, should go towards: a better understanding of the challenges associated with social acceptance of LGBT persons, the identity of LGBT community, the practical experience of other jurisdictions, freedom of expressions and hate speech in context of the standards of the Council of Europe, the application of the European Convention on Human rights and the interpretation of the Court of Human rights.

**4.**

Derogations in the interpretation and application of the law should not be such that in cases where there is the same or almost identical factual situation, the decision is completely different.

This treatment produces a state of legal uncertainty and inequality and contribute to the mistrust of the LGBT community and the whole public in the national judiciary.

The cases presented in the book provide space for serious discussions about the existence of violations of constitutional principles of the equality of citizens before the law. It should be eliminated in the future.

These recommendations are equally refereed to the regional authorities for violations and relevant basic state prosecutors and courts. We are confident that an important role in equalizing the interpretation of the law and jurisprudence, should be played by the Supreme Public Prosecutor's Office, the Misdemeanor Board of Montenegro and the Montenegrin Supreme Court.

**5.**

The Police, in a significant number of cases filed misdemeanor charges, mainly referring to the Law on Public Peace and Order. It is important to point out that the Police in a number of cases in which the Prosecutor declared that there were no violations, decided to apply the request for misdemeanor procedure. On particular importance is that the Police continue to build trust with the LGBT community, at all levels, and to encourage the intention for establishing a unique form of treatment at the state level, and that where the competent prosecutor pleads no elements of the offense the police will proceed and submit misdemeanor charges in order to show sensitivity and professionalism in relation to the sensitivity of such cases but also to prevent any potential inefficiency in processing, as it is registered through the analysis of the cases in relation to the conduct of the police in Bar.

**6.**

The authors recommend an in-depth analysis of judicial reasoning (referring to the decisions of the ordinary courts and the decision of authorities for violations, which will become part of the regular system court) and the judgment, the assessment and decision-making of the authorized prosecutors in specific cases and criminal sanctions in violence against LGBT persons. That could provide the analyze about whether the specific cases denied the rights for free choice of LGBT persons.

We note that none of the cases were recognized as criminal offense for an extended period of time, although few of the same people were repeatedly prosecuted for a misdemeanor.

The dominant social perception and negative attitudes towards homosexuality are explicitly expressed in all analyzed cases of the study. The transfer of such established social norms on internal- mental level of homosexuals, contributes that the social pattern transfers (internalize) on the internal- our own experience of homosexual persons. This results in lower visibility of LGBT community and in the formation of the internal conflict regarding the negative reflection of the homosexuality in the society, on the one hand, and the development of the homosexual identity of the person on the other side.

**7.**

The authors believe that it is necessary to continue ongoing training on the application of the European Convention on Human Rights and Fundamental Freedoms, as well as learning about the attitudes and practice of the European Court on Human Rights in Strasbourg and the European Court of Justice in Luxembourg in order to enhance the capacity of prosecutors, judges, police officers. Lawyers and human rights defenders in particular issues.

Hate speech is a complex phenomenon and requires a multidisciplinary treatment, especially because of the possibility of restricting the freedom of speech and frequent manipulation of this context. Therefore, it is important to promote educational initiatives, analysis and discussions and to determine in a more quality stand about the hate speech in practice, taking into account the environment and the circumstances in which the fight

for the equality of the LGBT community is carried. In this way we can help the results of the efforts undertaken by the organization "Article 19".

8.

Serious obstacles were registered in the communication between the LGBT community, organizations representing the community, and different state institutions whose mandate implies providing services to the LGBT community and improving their social position and acceptance.

It was noticed that a certain amount of cases, unfortunately, caused a serious violation mutual, institutional, relations and communication which has been carefully, with numerous challenges, built for years. That is why, we need to continue with the education of the decision makers, state officials on all levels, in order for their capacities and the sensibility in their work with LGBT persons would be enhanced.

We need to encourage and establish, more than ever, the initiatives and approaches for the development of culture of overcoming and solving conflicts and misunderstandings. Such approach could help the lowering of number of complaints to the work of public offices and officers which implement the public authority. In this way, an alternative manner of solving the problems and misunderstandings would be affirmed. Intensive communication and better mutual understanding would also be affirmed. In the earlier practice, a special constructive role and positive contribution was made by Council for the civil control of the work of police, the institution of the Protector of human rights and freedoms of Montenegro and by the Council for the protection against discrimination of the Government of Montenegro. This role, in the future, in terms of better communication and seeking of the integrative solutions should be provided by the National team for the coordination of the monitoring of the implementation of the LGBT Strategy, as well as to provide appropriate information and reports.<sup>251</sup> This is why the continuation in the development of its capacities is needed, because in the interest of the LGBT community and groups, its practical function would be put to use.

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<sup>251</sup> [http://www.gov.me/naslovna/Savjetodavna\\_tijela/Savjet\\_za\\_zastitu\\_od\\_diskriminacije/](http://www.gov.me/naslovna/Savjetodavna_tijela/Savjet_za_zastitu_od_diskriminacije/)



Additionally, parallel with the education of the officials, at all levels, LGBT groups also require the continuation of the development of their capacities. Especially in the area of knowing how the system works, the responsibilities and decision-making, advocacy and mediation.

**9.**

In order to enhance the work on the collection and understanding of the relevant data and the facts regarding the cases of hate speech, violence and discrimination towards the LGBT persons, and with the goal of creating of the best mechanisms of protection against discrimination of LGBT persons within the plans on a national level, a greater level of cooperation is needed, as well as the continuous communication, timely exchange of the information between the authorities and the executive state bodies and institutions. Above all, the Police, the Council for the civil control of the work of police, State prosecutors, misdemeanor authority, Institution of the Protector of human rights and freedoms, court authorities and the executive authorities. This way of regular communication, including a consultative process with the LGBT community and its organizations, could be led under the work of the National team for the coordination of the monitoring of the implementation of the LGBT Strategy.

**10.**

Violence in schools, on all grounds, becomes more and more visible.

Everyday hate speech and violence, discrimination and exclusion, numerous incidents, the opposing the existence, visibility and public actions of the LGBT community express the necessity for a stronger contribution of public education.

The participation of youth, especially those from high school, in the violence towards the LGBT persons is worrying. A school culture which neglects and mocks at the problems of the LGBT community is also worrying. This is why it is necessary to establish appropriate school initiatives and programs for the pre-

vention of violence of any sorts. In the long run, the quality and sustainable approaches in the area of education, along with the amended textbooks and active promotion of the national LGBT policy, will contribute to the lowering of societal homophobia and higher level inclusion of the LGBT community.



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