

**AMNESTY
INTERNATIONAL**



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**UN Human Rights Council
Twenty-third session, 27 May – 14 June 2013**

**Item 6:
Consideration of UPR reports**

MONTENEGRO

Mr. President,

Amnesty International welcomes Montenegro's support of recommendations to guarantee victims of crimes under international law access to justice, redress and reparations.¹ We note that Montenegro maintains that some of these recommendations have already been implemented.

Since 2008, Montenegro has opened four prosecutions in cases of crimes under international law. We regret, however, that final decisions issued by the courts have undermined the victims' rights to justice and reparations, as guaranteed under international law. In several cases, the judiciary has failed to respect or reflect international humanitarian law, the jurisprudence of the ICTY and the Montenegrin Criminal Code. Moreover, some sentences have failed to meet the statutory minimum.

We are also concerned about the length of the proceedings, which has resulted in prolonged detention of some defendants, and that other defendants have been convicted in absentia.

We call on Montenegro to ensure that proceedings in these cases are conducted in accordance with international standards for fair trials and that judicial decisions are consistent with international humanitarian law. The victims should be guaranteed access to reparation, including compensation, in accordance with international standards.

¹ A/HRC/23/12, recommendations 117.62 (France) and 118.11 (Spain)

Mr. President,

More than 4,000 people are currently at risk of statelessness in Montenegro, including some 1,600 Roma and Ashkali displaced from Kosovo. A 2009 amendment to the Law on Foreigners effectively prevents them from acquiring refugee status, as set out in the 1951 Refugee Convention.

A number of states called for durable solutions to resolve the situation of displaced persons from Kosovo, including to regulate their legal status and to assist them in obtaining the necessary documentation to achieve permanent resident status.² We welcome Montenegro's support of these recommendations and urge their prompt and full implementation. We also urge Montenegro to guarantee them the right to adequate housing without further delay.

Thank you, Mr. President.

² A/HRC/23/12, recommendations 117.89-117.95 (USA, France, Slovakia, Sri Lanka, Czech Republic, Australia).