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Montenegro Chronicle 3 – Petty thefts and security

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In Montenegro, as a tourist destination, summer season always brings the actualization of the issues of property protection. How to protect yourself, your house as well, from pickpockets and burglar who get “foreign” support during the holiday? Precaution is increased among the citizens among security services as well; they can not stand up to this seasonal trend very often. But somehow we “get used” to the frequent theft of the season, as citizens are more concerned of the “epidemic” frequency of offenders and petty theft that threatens the safety. Usually targeted are senior citizens with poor health and mobility. Break-ins at homes go on constantly.

Mother of fellow citizen Krdžić who lives in the part of Podgorica called Stari Aerodrom, in a building with high quality video surveillance, was robbed in broad daylight. One afternoon plain robber – stalker entered into the entrance of the building following this lady, approached her from behind and quietly took her wallet out of shopping bags she was carrying. She did not notice anything until the moment when she came home. Pensioner for which is not negligible part of pension (which are increasingly taking on the category of social benefits in Montenegro) and her family, they were more upset with the imminent danger to which it was exposed. Reviewing the video material on the certain part of the recording you can clearly see the unpleasant scenes. A thief turned to the camera several times, without knowing it, which facilitates its identification. Our fellow citizens went to the police with the evidence, expecting that this evidence will be more than enough to offender take responsibility for his crime. As instructed by the duty, he was only able to submit a criminal complaint against unknown person and to leave the evidence. Since then nothing has happened even though this happened three months ago. This is not an isolated case, because in the last few months similar situation has happened to different tenants of this, just to recall “secured” entrance of the building, where they lost some of their goods.

The example of openly steal is a construction site on the other side of town, where guard stones at fine offenders for stealing of raw materials, literally. An officer in the neighborhood came for a couple of times and he admits that because of the amount of damage, age of offenders (juveniles) “little can be done.” This opinion is shared by a shop manager in downtown. I’ve witnessed small prey which, several young lads (who are in the edge of adulthood as I can say by their look), shared in the front of the shop. There were chocolates, cigarettes ... The next day I asked the manager if they have security in the shop – Yes, but only in the morning- she said. “I know the guys. I reported them to the police officer in the neighborhood, but there is nothing they can do. I made an agreement with them not to steal. When I am here, and when I find something that they stole, they would return it, but when I’m gone...”

But, in the absence of the expected response from the service, all the offenders do not have the same penalty. It reveals the title of the daily press “A thief stole gum and got beat.” Unskilled thief stolen pack of chewing gum and tried to escape. Two market workers ran to catch him. According to the same information, they chased him to a nearby kindergarten, where they caught him when he fell, trying to jump a fence. Two young men were employed in “Laković market”, they punched and kicked him, according to eye-witnesses of the event. At one point, security guard from the market came, too. According to witnesses, he was educated by beating “... Dude, you have to be physically fit if you want to steal!”



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Other examples of newspaper articles show that concerned citizens are beginning to organize themselves in the absence of money and the way to protect themselves and their property.

In part of Podgorica- named Konik where most vulnerable social groups live, the incidence of burglary and theft has reached its peak earlier this year. It is part of the city where there are no accurate records of the residents; there is no official statistics on how many people live in illegally built structures, and not so rare appearance of foreign nationals who are not known to be in Montenegro. This formula itself is a sociological problem, and any threat factor becomes potentially dangerous result. The inhabitants have noticed that things are increasingly disappearing from their homes, they are finding their garage and pantries open and in addition to the act of theft, burglars have repeatedly made damage in broken objects.

Organizing informal patrol – a group of security, in order to protect their rights they are patrolling the streets and they are legitimizing passers entering in the charge of the security services. Not to mention that it is a violation of the rights of individuals to move freely, and in conflict with legislation which guarantee the confidentiality of information to citizens. “We are patrolling, but there is no thieves on the streets. Also, none of people from police contacted us and informed us if they caught someone” said in an interview one person from Triglav and Igman Street. We’re patrolling, as, he said, the police are not trying to arrest the brazen thieves, who steal all you can carry.

UČESTALE KRAĐE

Mještani Farmaka noćima stražare: Lopove čekaju i sa kosijerom u ruci

Tvrde da lopovi nose sve - od motornih šega, kosilica i plinskih boca, do pršuta, rakije i zimnice



Situation is similar in neighborhoods and villages near Podgorica. Locals in Farmak are guarding in front of their house this spring several weeks in order to prevent thieves who ravaged the countryside. They claim that the

thieves carry it all – from chainsaws, lawn mowers and gas tanks, to ham, brandy and winter store. Željko Novaković, said for the daily newspaper “Vijesti” that the night before the arrival of reporters he spent on the terrace to prevent thieves, who, he claims, stole two chainsaws and gas tank. Now he is looking for them. “In the moonless night it is difficult to see the face of the thief, and I do not know what could come upon. That’s why I carry sickle when I go to visit my property, “and the other residents are guarding as well, they exchanged phone numbers, how they would come to each other for help, if necessary. Considering that these stories are coming from capital or its parts, barely a few kilometers away from the city administration, somehow natural is to ask how many similar cases are unregistered and unsolved in other cities, especially in rural areas. Every storm that occurred in the territory of Montenegro, bring to light the damage incurred during the period before that. Thieves remove and take all they can- holders of antenna and transformer poles, carved stone that marks the edge of the road that were built in the time of the Austro-Hungarian monarchy.

Many additional questions are asked at the same time. To what extents are people willing to go to protect their property in their self-organization? What happens when ordinary citizen exceed his authority? Does the state waiting to happen something, that someone gets hurt and then actualize the question of the safety of all parties?

A situation in which there is a mismatch expectations of citizens to be protected, the lack of prosecution, weakness which ultimately results have freedom offenders, reminiscent of a bad Hollywood movie script works. To make this piece even more dramatic, in an attempt to get to the cause and answer some questions, we consulted the law and experts.

Level of crime in one country is the totality of crimes in space and time. Although there are security theoreticians working hard, offenses, criminal behavior, socio-pathological phenomenon if incriminating etc., they are not included in the calculation of the level of crime. In Montenegro, the Institute of minor social danger is deleted as a separate and built into each criminal offense for which The Criminal Code prescribes a punishment. Minor social danger determinate on the court in the proceedings, and there was a need to fulfill three conditions – that is a minor offense, the consequences are minor and there is a small degree of guilt. Deleting this institute, the Criminal Code of 2010 has been deleted article defining a minor offense. Described theft often do not exceed 150 euros, so a good part of the crimes, according to the Criminal Code of Montenegro came under acts defined in Article 246 – petty theft, evasion and deceit. The assumption of this work is that the perpetrator was an aim to obtain small pecuniary gain or causing little damage. For this offense, a fine or imprisonment penalty is up to 6 months. For this act, if it is committed at the expense of citizens’ property, **prosecute cases is undertaken to private prosecution**. How it looks in practice? If a police officer on the street caught the offender of theft if he bring him to The State Prosecutor to determine if there were other elements of violent crime (assault with a weapon, threat of force, etc.) placing the offender stating that this process can continue to private prosecution. This process, according to the Law on Criminal Procedure, may be initiated within 3 months, which means that the person who suffered damage should hire a lawyer, write a lawsuit and take action when it has to present evidence to unambiguously prove the guilt of the accused. The outcome of the judgment is mostly fine for compensation whose value is several times lower than the cost of the procedure of proof. If the process is so complicated for people with known identity, it is difficult to imagine the chances to carry out the procedure to the end of a private lawsuit against an unknown perpetrator.

In the process of the court and institute a free legal aid is available to individuals who according to his financial situation, they are unable to realize their right to judicial protection without damage to the minimum support themselves and their families. Poor financial standing person is a person who has no property, and his monthly income and total monthly income of family members



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does not exceed 30% of the average salary in Montenegro for one member and up to 15% of average earnings for each additional member. Family members are spouses or common-law spouses and their children, adopted children and other relatives who live with them in the household, which is required to support. Property is not considered:

1. Apartment where the person lives, and whose area is 25 m² for one household member and 10 m² for each additional household member, up to 70 m²;
2. Items which are exempt from execution on the regulations on enforcement of judgments in civil cases and ensuring of claim; personal passenger vehicle values of the two average salary in Montenegro, which is determined according to the assessment of the competent tax authority;
3. The property which ensure financial benefits that, based on this law, taking into account in determining the financial status of the applicant for free legal aid.
4. Free legal aid is approved by the Basic Court or the President of the Court or the judge authorized by President of the court in whose territory the claimant resides or stays.

That is the reason of the prosecution withdrawal to perpetrators by Milos Babović, Law School professors, who was attacked at his entrance by the thief. Trying to pull out his wallet from his pocket, Mr. Babović felt the striker and turned, (although many more years older than the attackers) he managed to push him away by shouting and intimidating. If this procedure does not start an expert in Law, it is reasonable that vast majority of people think and say – what will I get if I take proceedings by private prosecution? This attitude becomes obvious reason why the institute of prosecution of the perpetrator of petty theft is also the reason of insolent behaviors of the thieves. Who wants to start the process in security services for a minor offense that the criminal law is negligible, and that punishment would not be able to fulfill its purpose.

Professor explains us in conversation the purpose of punishing offender. “According to the Criminal Code of Montenegro, the purpose of punishment is to prevent the offender from committing crimes and deter them to continue to do so. The purpose of punishment is to influence others not to commit criminal acts (to be discouraged), expression social condemnation and boosting morale and influence the development of social responsibility.”

Is this treatment prevents petty theft offenders to continue to do so? Unfortunately this is not the case, even this relationship encourages them to do more, more organized and more open. Instead of reaction institutions and the judiciary should discouraged them, it encourages those who have no money, especially those who want to get to the promised better life in a quick and easy way (the life offered by politicians in their slogans a lot of years) that they try the beaten track, too. Is the reaction of the judiciary influence the strengthening of moral and social responsibility? It seems, on the contrary, there are more and more of those who express their own anger about the current economic and social situation to everything from “furniture” placed in the community. To meet the needs of defense and in response to the lack of protection by the security services, they are causing danger to self-organizing into guard. The defense is justified but what if you exceed the limits of self defense? What if in anger for ripping off the already poor property they make robbery offenses for which they will threaten large prison? Whether the state can then enter the risk to admit powerlessness and allow freer arming of citizens? Can we enter the risk and connive with the mentality of citizens who prefer to solve problems on their own way and



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take risks with citizens who suffer of systematic violence caused by the economic situation? Brought to the edge of existence, many of them will answer with violence in the attack on their poverty.

Safety of the citizens is the tendency of any healthy society. In situations where, for some reason, the security risk require rapid and effective response of the state to take the side of their citizens and ensure all conditions for normal life. Human security includes citizen's safety in the institutions and in the process of updating the defense of the citizen as a pillar of the constitutional order in each country. Lack of understanding for the needs of the common man, as well as minimization of the crimes committed, with the justification of the concentration of "big crimes", the citizen does not feel safe in their own country.

Instead of letting people go in a risk of petty theft attacks, it should promote alternative sentencing system through community service work as a response to such actions. This institute could make a significant contribution to all that which the penalties for such actions may be to prevent the recurrence of acts and an educational effect on others that do not do same thing and encourage social responsibility.



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