

**MONTENEGRO**  
**SHADOW REPORT TO**  
**THE UN HUMAN RIGHTS COMMITTEE**

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## Introduction

1. The report has been prepared by Human Rights Action (HRA), human rights organisation from Podgorica, Montenegro. HRA presented the alternative report to the CCPR already in 2014 prior to its review of the Montenegro's initial report. We have also presented alternative reports to CAT, CESCR and CRPD.

2. In reference to para. 22 and 24 of the 2014 Concluding Observations on the initial report of Montenegro (Dissemination of information and consultations with civil society), please note that HRA has not been consulted during the preparation of the second periodic report by the Government. Furthermore, there is no publicly available information suggesting that a public call for consultation with NGOs was ever issued by the Government. According to our information, other NGOs had not been consulted either. After all, the NGOs have not been mentioned in para. 4 of the State report, despite the Committee's explicit recommendations to the contrary. Also, please note that the 2014 Concluding observations have not been widely disseminated. The document remains unavailable on the official websites of the Government or relevant state institutions in English, Montenegrin or Albanian language.

### Montenegro should:

- *include NGOs in the preparation of the State report in due time in order to use the opportunity to review the human rights situation and act responsibly to improve it;*
- *translate Concluding observations and widely disseminate them by posting them on the website of the Government (Library), at least.*

### I. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

3. In reference to para. 5 of the State report, Montenegro should be advised to regularly critically review effectiveness of implementation of its numerous strategic plans and action documents. If it were only to strategic documentation, the situation of human rights in the state would be flourishing, but it is unfortunately not the case. Historically observing, one strategy has been replaced by another, with serious problems remaining unsolved. Such problems are, for example, independence and accountability of the judiciary or deinstitutionalisation of patients from the Special Psychiatric Clinic in Dobrota, or overcrowding in the prison on remand or ineffective prosecution of war crimes. Such problems have been pending since the beginning of this millenium inspite of strategic proclamations.

4. Although it is true that there have been special human rights training programs of employees in government bodies, as also noted by the State in para. 5, the members of Government or members of Parliament are often persons lacking understanding of the very basic human rights concepts. [For example, the president of the Parliamentary Human Rights Committee considers public gatherings of LGBT persons \(Pride parade\) as shameful and imoral events and he also denies genocide in Srebrenica.](#) Recently, he responded to the Government inspector's proposal for dismissal of his wife from the post of the director of Podgorica Gymnasium by violent threats, publicly stating that [he therefore considered „his family to be under attack“, justifying uncompromising defense „in accordance to the value presented by family“.](#) The dismissal of his wife was reasoned by violation of procedure in a sexual abuse case involving a professor and a student.

5. As to the final statement by the Government in the para. 5 of the State report that special attention is paid to human rights education in the mainstream education system, please note that HRA disagrees. In 2019 the compulsory subject in elementary and middle schools called

Civic education had been downgraded to an optional one. NGOs and other civil society representatives have been advocating for years for the subject to be reinstated back to its previous status, emphasizing that Montenegro, being a multiethnic and multi religious state should promote and strengthen its civic character embedded in appreciation of diverse identities. This is a burning need noting that politicians from top level positions promote dividing nationalistic policies for political or private gain, as showcased above in para. 4.

6. As to the Ombudsperson's B status according to the GANHRI, the forthcoming amendmends to the Constitution should include the Ombudsperson's appointment by a 2/3 majority in order to strengthen his/her independence from the ruling parties who control the Parliament.

7. The Ombudsperson in Montenegro regularly issues recommendations to state bodies and also private individuals, observes the level of their implementation in its yearly report<sup>1</sup>, but does not call for their implementation in public, i.e. does not call out on particular state bodies who fail to do so<sup>2</sup>, nor does he use the competence to initiate misdemeanour proceedings against the responsible persons in state bodies who fail to comply with Ombudsperson's requests<sup>3</sup>.

### **Montenegro should:**

- *regularly and critically review implementation of strategic documents and action plans together with all stakeholders including the representatives of civil society;*
- *take all measures needed to advise members of Government and Parliament on human rights and their responsibilities involved in promoting those rights in particular in a multicultural and otherwise diverse society like Montenegro;*
- *upgrade Civic education to a compulsory subject in both elementary and middle schools and make sure the quality of program and the teachers reflect its importance in a diverse society such as Montenegro;*
- *provide for the appointment of the Ombudsperson by 2/3 Parliamentary majority in order to promote its independence from the Government and secure A level status;*
- *encourage the Ombudsperson to more actively monitor implementation of his recommendations and fully utilize available legal instruments to ensure cooperation and compliance of state bodies.*

### **Anti-corruption measures (arts. 2 and 25)**

#### ***Judiciary and high – level corruption***

8. As noted in the State report, several proceedings are underway before the High Court in Podgorica against members of the judiciary and prosecution, primarily for abuse of office and involvement in criminal organizations. A total of 10 judges and prosecutors have been implicated or convicted in corruption-related cases. The former omnipotent President of the Supreme Court, Vesna Medenica, is facing three cases, [with a first-instance guilty verdict already delivered in one](#). The [former president of the Commercial Court](#), is being tried for the criminal offenses of creating a criminal organization and multiple counts of abuse of office. Cases are also pending against the [Commercial Court Judge](#) and [High Court Judge in Bijelo](#)

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<sup>1</sup> The 2023 report states that out of 301 recommendations that were issued and should have been implemented by the end of 2023, 107 had not been implemented (35,54%). Report of the Protector of Human Rights and Freedoms of Montenegro, Report for 2023, Podgorica, March 2024, page 54:

[https://www.ombudsman.co.me/docs/1715154847\\_finalizvjestaj\\_29042024%20\\_zastitnik.pdf](https://www.ombudsman.co.me/docs/1715154847_finalizvjestaj_29042024%20_zastitnik.pdf)

<sup>2</sup> Law on Protector of Human Rights and Freedoms of Montenegro (Official Gazette of MNE, No. 42/2011, 32/2014), Article 42, para. 2.

<sup>3</sup> *Ibidem*, Art. 54.

[Polje](#), both for abuse of office. The suspended [judge of the Basic Court in Podgorica](#), was convicted at the end of 2024 for the prolonged criminal offense of forging an official document. Similar cases are being pursued against [former Special Prosecutor](#) and [Chief Special Prosecutor](#). Two [state prosecutors](#), were convicted in May and December 2024. The case against [former prosecutor](#), accused of usury, concluded in 2022. The public perception is that this is only a tip of an iceberg of abuse of office within the judicial system of Montenegro.

9. [HRA's research on the Perception of Corruption Among Actors in the Judiciary found that 33.7% of judges and 31.7% of prosecutors believe corruption exists in Montenegro's judiciary—an issue perceived more strongly by lawyers \(79.9%\) and court experts \(63.1%\)](#). Another study HRA conducted revealed that 30% of active judges were appointed during Ms. Medenica's tenure as the head of the Judicial Council's selection commission, while 32.34% were appointed by the Parliament, under the old system, before the Judicial Council was awarded competence to select judges.

The lack of a lustration process in Montenegro after the end of communist rule, combined with the findings above, highlights the urgent need for a comprehensive vetting process in the judiciary.<sup>4</sup> Additionally, the Supreme Court's frequent rulings that laws were violated in favor of the accused may signal corruption, as discussed in paragraph 60.

### ***Judicial System Inefficiency***

10. These challenges are compounded by systemic inefficiency within Montenegrin judiciary. Throughout much of 2024, the [Specialised Department of the High Court in Podgorica](#) operated with only six judges and two investigative judges, struggling to manage over 160 unresolved cases and a steady influx of corruption-related cases from the Special State Prosecutor's Office. To address this, the Judicial Council approved measures in [December 2024](#) to double the number of judges and advisors in the department. While this is progress, concerns persist about whether these increases will sufficiently alleviate backlogs or ensure manageable workloads for judges. Meanwhile, the executive branch has yet to take steps to provide the necessary technical and spatial resources for the department's operations.

11. Additionally, the outdated Criminal Procedure Code remains a significant obstacle in combating corruption and organized crime. Its provisions regulating [main hearings](#), are inadequate for addressing modern challenges. Comprehensive reforms to the Code are urgently needed to strengthen the judiciary's ability to prosecute corruption effectively.

### ***Challenges in Implementing Anti-Corruption Efforts within the Judiciary***

12. While amendments to the Law on the Prevention of Corruption have improved the Anti-Corruption Agency's<sup>5</sup> independence and efficiency, further reforms are needed, especially regarding asset reporting by judges and prosecutors under the Law on the Judicial Council and the Law on the State Prosecutor's Office. The Anti-Corruption Agency can flag asset declaration irregularities but lacks enforcement power. Disciplinary proceedings for judges or prosecutors fall to the Judicial or Prosecutorial Council, which typically reject jurisdiction. In

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Several high-ranking police officials have been implicated in corruption and criminal activity. Duško Koprivica was arrested in 2024 for laundering over one million euros since 2019. Veselin Veljović faces charges for abuse of office and forming a criminal organization, while Zoran Lazović was arrested for similar offenses. Slavko Stojanović pleaded guilty to abuse of office in a cigarette smuggling case. Other officials, including Ljubo Milović, Petar Lazović, and Mileta Ojdanić, are also involved in similar cases. These incidents highlight the urgent need for thorough vetting of both the judiciary and executive branches.

<sup>5</sup> The key reforms focus on broadening the Agency's authority to access data on the accounts of public officials and their household members for verifying the information in income and asset reports. They also introduce the obligation for public officials to report any right to value exceeding a specified threshold. Additionally, the reforms grant the Agency the power to decide on the disqualification of its director and impose stricter eligibility criteria for leadership roles. Individuals convicted of corruption-related offenses or those failing integrity checks are now prohibited from serving as Council members or directors. Recruitment procedures are now based on merit, including mandatory integrity testing for new hires. Law on the Prevention of Corruption (*Official Gazette of Montenegro*, No. 054/24 of June 11, 2024), Articles: 25, 26, 87, 88, 89, 90 and 93

only one case, the Prosecutorial Council imposed one mild monetary fine. Dismissal is only possible for repeated serious violations<sup>6</sup>, and the Judicial Council's restrictive interpretation of what qualifies as a "serious disciplinary offense"<sup>7</sup> allows officials to avoid significant consequences for a single instance of inaccurate asset reporting. This lack of accountability allows judges and prosecutors - who should lead anti-corruption efforts - to go unpunished for similar misconduct. To tackle this problem, greater transparency must be introduced by permitting access to the financial accounts of judicial officeholders.

Furthermore, the judges and state prosecutors are not obliged by law to allow the Anti-Corruption agency to inspect their banking accounts and check whether they have reported the correct amounts.

### **Montenegro should:**

- *conduct appropriate phased vetting process in the judiciary in line with international standards of due process and the best international practices in order to regain trust in the judiciary;*
- *provide appropriate legal conditions in terms of legal reform, as well as adequate space, material conditions and support staff including experts for the judges and state prosecutors dealing with corruption cases.*

### **Accountability for past human rights violations and the right to an effective remedy (arts. 2, 6, 7, 14–16 and 26)**

13. Since the 1990s, Montenegro conducted a total of eight war crimes trials related to the wars of the 1990s, indicting 38 individuals in total. In four cases 11 persons were convicted (5 in Klapuh case; 1 in Štrpci; 4 in Morinj prison camp and 1 Vlado Zmajevic) whereas 24 persons were acquitted of all charges in three remarkable cases – Deportation of Bosnian refugees; Bukovica and Kaludjerski laz. All three cases involved numerous victims. One trial of Slobodan Pekovic concerning the alleged murder of two individuals and the rape of a Bosniak woman in Foča in 1992, [has been ongoing](#) since 2022 without first instance verdict.

14. Impunity still prevails for the obvious war crimes in Bukovica, Deportation of refugees, and Kaludjerski Laz (so-called "old cases"), for which no individual has ever been held accountable. This is one of the reasons why the European Commission, since 2013 criticized the state's approach to war crimes prosecutions, highlighting issues such as impunity, lack of proactivity, and the misapplication of international law. Although in 2024 the Supreme State Prosecutor's Office adopted a new Strategy for the Investigation of War Crimes 2024-2027, a key challenge remains the re-examination of old cases handled in violation of international law as this has been a longstanding obligation of the State since 2015, under the old Strategy, but no substantial efforts have been made to address it.

15. The Bukovica case Montenegro did not re-examine to date. The impunity arose partly from the Court of Appeals' arbitrary stance, which argued that 1990s crimes couldn't be prosecuted as crimes against humanity due to the lack of an international act ratified by FR Yugoslavia at the time. HRA emphasizes that Montenegrin courts never considered whether the actions in the Bukovica case could also be classified as war crimes against civilians.

16. The Special State Prosecutor's Office (Special SPO) has not pursued charges related to command responsibility, complicity, or aiding and abetting war crimes, nor has it responded

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<sup>6</sup> Law on the Judicial Council and Judges (*Official Gazette of Montenegro*, 011/15, 028/15, 042/18, 060/24), Article 109

<sup>7</sup> "Judicial Reform for the Rule of Law – What Can Be Done in Montenegro Within the Framework of Existing Constitutional Norms?", HRA, October 2024, p. 11.

to recommendations of an international expert Maurizio Salustro who proposed a proactive investigative approach focusing on key issues such as Dubrovnik war field, “weekend warriors” in eastern Bosnia, etc. While regional cooperation exists, it remains superficial, confined to responding to mutual legal assistance requests, without an obvious joint focused approach on particular investigations (for example, rape camps in eastern Bosnia, Dubrovnik war field in Croatia, etc.). In significant cases such as [Klapuh, Dubrovnik, Lora 3, and the case of Ranko Radulović, the results of collaboration are still lacking.](#)

17. In relation to clarifying the fate and whereabouts of the persons who went missing during the wars, out of 61 persons Montenegro put on the agenda of its Missing Persons Commission in 2014, after 11 years, only the remains of 11 persons have been found. At this rate, where on average only one person is found per year, the issue of missing persons in Montenegro would be resolved only in 50 years. HRA believes that Montenegro must intensify its efforts to ensure that relatives of disappeared persons have access to information about the fate of the victims.

## Reparations

18. Regarding the State’s statement in its report (paragraph 52), which asserts that all victims of war crimes or their families in Montenegro are guaranteed access to justice, compensation, and reparation, HRA would like to emphasize that Montenegro has still not ensured the right to free legal aid for the families of missing persons, despite HRA’s request during the amendments to the Law on Free Legal Aid, referencing the recommendations of the Working Group and the UN Committee on Enforced Disappearances.<sup>8</sup>

19. Additionally, HRA would like to draw attention to the fact that, although Montenegro states that in the Štrpci case, the claim was upheld with final force and effect in three cases, and in the Deportation case, 42 cases were settled (paragraph 53), it omits the fact that none of the three cases in the Štrpci case were paid out from the Montenegrin budget, but rather from Serbia's budget due to the fact that Serbia was the defendant in these cases.<sup>9</sup> Furthermore, after the settlement reached in the Deportation case, and after the final verdict in the criminal case (where it was determined that the arrest and extradition of civilians as hostages to Bosnian Serbs by the police officers of Montenegro was not a war crime, as the Montenegrin officers allegedly did not possess the necessary status of combatants in the conflict in Bosnia and Herzegovina to be held accountable for the crime)<sup>10</sup>, all claims in this case were rejected due to the statute of limitations.

20. Moreover, only in the Morinj case, where the commission of a war crime was confirmed by a final judgment, the statute of limitations for the victims' claims was not contested. [In other cases, claims made by victims after the expiration of the general statute of limitations of five years from the occurrence of the damage were systematically dismissed or interrupted.](#) The reason for this is the stance of the Supreme Court that the privileged statute of limitations, which applies in cases where the damage is caused by a criminal act, is not applicable in cases where the court in a criminal procedure has not established the existence of a criminal offense. Criminal proceedings for the Deportation of refugees, Bukovica, and Kaluđerski Laz

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<sup>8</sup> Report of the Working Group on Enforced or Involuntary Disappearances, UN General Assembly, 10. 9. 2018, para. 31: “The WGEID recommends that a category of relative of missing person is included in Article 12 of the Law on Free Legal Aid”.

<sup>9</sup> Victims of war crimes receive compensation, while the masterminds of these crimes remain free, Al Jazeera, 2017: <https://balkans.aljazeera.net/teme/2017/9/2/zrtvama-ratnih-zlocina-odsteta-nalogodavcima-zlocina-sloboda>

<sup>10</sup> Expert of the European Commission, Maurizio Salustro, has described this court's stance as “clearly wrong” and “unprecedented,” stating that it does not arise from the text of the provision on the criminal offense of war crimes against civilians, nor from international court practices, as it is well-known that for a war crime to exist, it is sufficient for a prohibited act to be committed against a protected person during a time of war and in close connection with the armed conflict – the nexus. Peer-based Assessment Mission to Montenegro, on the Domestic handling of war crimes (by Maurizio Salustro), 2014, p. 14 and p. 16.

ended in acquittals, with no war crimes established, closing the door to compensation for those who missed the filing deadline. The same fate befell victims of the NATO intervention in Murino, as no criminal proceedings were initiated.

21. The status of civilian war victims has still not been secured, thirty years after the wars on the territory of Yugoslavia. The new Draft Law on Amendments to the Law on Veterans and Disability Protection, adopted in December 2024, excludes victims whose family members did not have Montenegrin citizenship at the time of death, which is a setback. Additionally, the absence of one-time compensation in the proposal ignores the ongoing struggles of these families. Many children of victims have grown up without the support they deserve, and the law fails to address their needs. These families, deserve compensation as a moral obligation for the state's failure to provide them support in times of distress.

22. When it comes to civilian war invalids, HRA has advocated for the adoption of a minimum disability threshold of 20 per cent to equalize the conditions for recognizing the status of civilian and military war invalids. Currently, an unjustified distinction (discrimination) exists between these two categories, as civilians are required to prove 50 per cent bodily damage due to injuries sustained (as noted by the Committee in 2014, para. 6), while veterans only need 20 per cent. This proposal is still under consideration by the competent ministry, although it is crucial to eliminate discriminatory practices and ensure that all victims are treated equally and justly.

23. Montenegro still lacks official days of remembrance for war crime victims, with commemorations mainly organized by NGOs.

24. While Montenegro claims to support witnesses and victims of war crimes through a service operating in the High Courts of Podgorica and Bijelo Polje since 2009, there are discrepancies about the service's operations. Despite the claims of support, in response to a request for more details, the High Court in Podgorica stated on January 28, 2025, that no dedicated service exists, and there are no available reports or brochures. This raises concerns about the actual support available to victims and witnesses, highlighting a lack of transparency and effective service.

25. Montenegro's Law on Compensation for Victims of Crime has been delayed until EU accession, which is uncertain. Claims must be submitted within six months of the crime (Article 25), and further delays risk depriving victims of compensation, especially those whose cases predate the law's enforcement. Additionally, many perpetrators are insolvent, preventing victims from receiving compensation. This undermines the law's purpose and signals a lack of political will to protect victims' rights and meet EU standards.

### ***Enforced disappearance***

26. Enforced disappearance has not been criminalized as a distinct offense in the Criminal Code (CC). The State has argued that this crime is covered under other offenses, such as unlawful deprivation of liberty, abduction, coercion, war crimes against civilians, and crimes against humanity. However, these provisions provide inadequate protection, particularly because they do not recognize enforced disappearances outside the broader context of a systematic attack against civilians, as defined under crimes against humanity. Montenegro still lacks a Law on Missing Persons.

**The Committee should advise Montenegro to:**

- *Urgently address the issue of possible re-examination of old cases that were mishandled and/or handled in violation of international law (Bukovica, Deportation of Bosnian refugees);*
- *Prioritize the prosecution of war crimes involving command responsibility, complicity, aiding, and abetting;*
- *Create a comprehensive law on missing persons, addressing the needs of families affected by forced disappearances;*
- *Take urgent action to provide reparations to war crime victims, especially those excluded due to nationality or legal conditions, ensuring proper recognition and compensation for civilian victims of the 1990s wars. Reduce the disability threshold for civilian war invalids to 20%, thereby equalizing the conditions for recognizing the status of civilian and military war invalids;*
- *Establish official remembrance days for war crimes victims to promote healing and reconciliation, including memorials, commemorative events, and education on the 1990s wars to honor the truth. Allow for immediate implementation of the Law on Compensation for Victims of Crime and abolish the condition that it will apply only following Montenegro becoming a member of the European Union;*
- *Prioritize criminalization of enforced disappearance as a distinct offense in the Criminal Code of Montenegro.*
- *Take immediate and effective measures to ensure that the search for the missing is prioritized and expedited.*

### **Non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27)**

27. Although LGBTIQ people remain frequent victims of hate speech on social networks, hate speech based on religion and ethnicity is increasingly prevalent all over public discourse, and often fuelled by government officials themselves. Mayors Marko Kovačević (Nikšić) and Dario Vraneš (Pljevlja) have openly engaged in war propaganda by threatening political opponents and denying historical atrocities such as the Srebrenica genocide—offensive actions that serve to exacerbate nationalistic divisions.

28. Equally concerning is the glaring weakness of institutional accountability. Political parties almost never condemn hate speech from their members and Parliament are complicit in protecting hate speech. The Chair of the Administrative Committee, Jelena Nedović, has for months blocked efforts to lift MP Kovačević's immunity despite a prosecutor's request insisting on trying him for hate speech provided outside of Parliament. Kovačević also violates anti-corruption laws by simultaneously holding positions of both mayor of Nikšić and member of Parliament.

29. Hate speech incidents, such as the burning of a doll of writer Andrej Nikolaidis at the Mimosa Festival in Herceg-Novi, have been condemned by the Ombudsman as hate speech, yet state officials failed to take meaningful action. The state is also negligent in addressing unregistered portals spreading hate speech like the Borba portal's article on the "Islamization of Podgorica," which promote harmful content that undermines Montenegro's multi-confessionalism, cultural diversity and social harmony.

30. The laws do not provide sufficient guidance as to whether certain speech should be considered a criminal offence or a misdemeanour. In practice, majority of cases are being directed into misdemeanour (small offenses) proceedings, triggering lesser penalties. Additional problem is posed by the fact that the state prosecutors are not prosecuting the cases before the misdemeanour courts but police officers who lack skills and training.



31. [The Supreme State Prosecutor recently announced working on guidelines for prosecution of hate speech](#). However, the training on how to recognise and prosecute hate speech remains inconsistent for the state prosecutors and non-existent for the police officers prosecuting such cases before misdemeanour courts throughout Montenegro.

***The following data has been collected in cooperation with the NGO Roma Youth Organization „Walk With us - Phiren Amenca”:***

The planned legalization of informal housing for 18 families has not yet started. The selection process has not been carried out, and mapping results have not been made public. The commission mentioned in the previous report has never met, and its members remain unknown. The Ministry of Human and Minority Rights was tasked with monitoring, while the NGO Young Roma from Herceg Novi was to implement the process with financial support from the Regional Cooperation Council. Following a fire in a Roma settlement in Bar on 15 February 2024 that killed four people, including three minors, the government promised to address the housing issues of four families. However, a year later, no progress has been made for these or other Roma families in Montenegro. Despite a Memorandum of Cooperation between the Ministry of Human and Minority Rights, Ministry of Labor and Social Welfare, and Ministry of Health, the position of Social Inclusion Associate for Roma and Egyptians in employment, social protection, and healthcare has not been formalized. Additionally, three health mediators for Roma and Egyptians remain informally employed, with unclear status. RTCG has yet to announce a public competition for the employment of a Roma individual with a university degree, even though this position has remained vacant for years. Over the past three years, several Roma individuals have expressed interest in this vacant editor position at the public service broadcaster. Nevertheless, RTCG has not published a job announcement for the editor position in the Romani language.

A Roma individual previously employed as the Head of the Office for Child and Social Protection no longer holds this position due to leaving Montenegro.

The Law on the Election of Councilors and Members of Parliament still fails to ensure equal political representation for Roma, as required by Montenegro's Constitution (Art. 73) and the UN Declaration on Minority Rights. Although a Roma political party was formed in 2021, discriminatory electoral laws prevent it from participating in political life. Statelessness in Montenegro mostly affects Roma and Egyptian communities and deep rooted antigypsyism continues to be one of the main hurdles to reducing statelessness among these communities. Montenegro must implement recommendations it received to ensure that Roma and Egyptian communities do not face a risk of statelessness. In particular, it should establish a simplified and accessible procedure for birth registration and continue its efforts to tackle discrimination and antigypsyism.

### **Montenegro should:**

- Implement stricter laws against hate speech, distinguishing between misdemeanors and criminal offenses. Legal reforms should also remove political immunities for MPs, holding them accountable for conflicts of interest or hate speech.
- Implement urgent, comprehensive training for state prosecutors and police officers to effectively identify and prosecute hate speech, safeguarding human rights and promoting Montenegro's cultural diversity and social harmony.

***- Abolish or reduce compensation for communal equipment of construction land for owners of basic housing facilities during legalization, and transfer state-owned land at a symbolic price***

*to owners of illegal housing from the Roma community and other vulnerable groups. The law should set limits on the land amount and acquisition conditions.*

*- Systematization and employment of 21 Associates in the social inclusion of Roma and Egyptians in the fields of social protection, employment and healthcare.*

*- RTCG should, as soon as possible, enable the employment of Roma editors in the public service from the ranks of the Roma community.*

*- Amend Article 94, paragraph 1, point 2 of the Law on the Election of Councilors and Members of Parliament to extend the right to one parliamentary mandate, currently limited to the Croatian nation, to include the Roma community, ensuring non-discriminatory political participation;*

*- Amend the Law on Foreigners to automatically grant residence permits and rights under the 1954 Convention to stateless persons. Ensure birth registration policies follow UNHCR guidance, removing barriers, especially for Roma, to ensure all children are registered, regardless of their parents' documentation or status.*

## **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 7 and 10)**

### **Prevention**

32. Montenegro has not yet implemented effective measures to prevent torture. The Ministry of Justice rejected HRA's proposal to mandate audio-video recording of interviews with citizens, suspects, and witnesses in police and prosecutor's offices. Although the Criminal Procedure Code allows recording (Article 257), it has never been used.

33. Regarding the installation of new cameras and the coverage of "dead corners" in the Podgorica Security Centre (SC), we highlight the alarming fact that the Ministry of the Interior does not possess technical documentation for the existing video system. This raises concerns about potential interventions and alterations to the video system without any technical record,<sup>11</sup> undermining the integrity of evidence. Furthermore, court technology expert B.S. testified in a case involving B.B. that cameras in the SC were non-functional both in 2015, when the defendant allegedly attacked three police officers, and in 2020. We note that [cameras were also out of service in 2022](#), which is being used to conceal [potential criminal acts](#).

34. Montenegro still lacks adequate safeguards against ill-treatment of individuals in police detention. All instances of ill-treatment occur within 24 hours of arrest, during which time police have the authority to hold the suspect before presenting them to the state prosecutor. This period is excessively long, especially when misdemeanor suspects must be brought to court within 12 hours.

35. Article 156 of the CPC restricts the use of photographs or audio-visual recordings as evidence in criminal trials, requiring consent from the recorded suspect. This prevents the use of recordings from public places, media, or other witnesses, creating a paradox where crimes visible to the public cannot be used in court.

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<sup>11</sup> Conclusion of the Council for Citizen Control of Police Work No. 85/13-19, 5 February 2020.

36. Furthermore, [HRA highlights that the amendments to the Law on Internal Affairs, adopted on 4 September 2024, introduce political control over recruitment and discriminatory criteria for police promotions, while reducing training requirements.](#)

37. The current Minister of the Interior Danilo Šaranović (Democratic Montenegro) has already appointed a [person who had been convicted of abuse as his head of security, and promoted him to the position of investigator of the use of coercive measures.](#) Amendments to the Law on Internal Affairs now give the Minister a free hand to employ staff. Considering the above described previous behaviour, it is not difficult to guess what things will look like now, and what their consequences for human rights and the necessary professionalisation of the police structure will be.

38. Excluding the Human Resources Administration from recruitment processes enables the Minister to form a commission and set criteria, bypassing independent oversight. The "extraordinary promotion" practice allows politically motivated advancements without public announcements or merit checks, violating GRECO's anti-corruption recommendations. The new "special recruitment procedure" will bypass public advertising and equal access provisions, further promoting discrimination. Police officers employed through regular procedures will face delays in advancement, while those hired under the "special procedure" can advance sooner.

39. In addition, police officers used to be able to advance only if they spent two years at a certain position and had undergone appropriate mandatory training. This process has now been shortened, and a person needs only one year of employment to be able to advance (Article 143). **It may sound incredible, but the Law now stipulates that training in the field of criminalist techniques, dealing with vulnerable categories of persons, actions of special units, etc. is no longer required for promotion (Article 143, paragraph 3).** This represents a serious danger for the protection of human rights in Montenegro and is in complete contravention with, e.g. the request of the UN Committee against Torture that Montenegro increase both basic and continuous mandatory training for police officers.

#### Montenegro should:

- *Amend the CPC to mandate audio-video recording of all police and SPO interviews with citizens, suspects, and witnesses, and make photographs and recordings from public places, media, and other witnesses admissible as evidence in criminal trials, regardless of the accused's consent, if credible..*
- *Ensure complete surveillance in all police facilities, eliminating "dead corners." The Ministry of the Interior must keep technical records and store footage for at least six months to preserve evidence and prevent tampering. Shorten the maximum detention period before presenting individuals to the state prosecutor, in line with international standards;*
- *Restore the role of the Human Resources Administration in the recruitment and promotion processes to ensure transparency and independence;*
- *Amend the Law on Internal Affairs to remove the discriminatory "special recruitment procedure" and ensure that all citizens have equal access to police employment and advancement opportunities;*
- *Reintroduce mandatory training for police officers in criminal techniques, human rights, and handling vulnerable individuals as a requirement for promotions, ensuring better policing and human rights protection in Montenegro. Ensure that police appointments are based on merit and free from inappropriate political influence. The process should be transparent, with independent oversight, and focus on professional qualifications and skills,*

- *Ensure individuals convicted of abuse or misconduct are barred from key security or investigative roles in the police. Background checks must be thorough and transparent to prevent promoting those with a history of wrongdoing..*

## Investigations

40. Investigations of torture and ill-treatment in Montenegro are too often not effectively conducted. In Montenegro, superior officers' responsibility for torture or ill-treatment, whether instigated or consented to by public officials, has never been established. In the cases involving 2015 October protests, when the commanding officer should have been prosecuted as a co-perpetrator, he was prosecuted and sentenced to a minimal sentence for assisting perpetrators following execution of a criminal act.

41. As of November 15, 2024, the SPO in Montenegro was investigating the responsibility of more than 114 police officers for acts of torture against 140 individuals, involving 76 cases at various stages of proceedings: preliminary investigation (49), investigation (1), indictment review and trial (19), and appeal (7). Out of the 49 cases in the preliminary investigation phase, only 13 (26.5%) were initiated in 2024, while the remaining 36 date back to previous years. This implies that the preliminary investigation in all these cases has been ongoing for at least a year, with some lasting up to nine years, thereby seriously violating the obligation of effective proceedings.<sup>12</sup> In this regard, the Constitutional Court from 2017-2024 issued eight decisions finding violation of the procedural aspect of the prohibition of torture, that is lack of effective investigation.<sup>13</sup>

42. On March 23, 2023, portal Libertas Press [published photos](#) and SKY application transcripts involving police special unit officers and members of the notorious Kavac drug gang. These materials have been available to the Special SPO since July 2021. The photos show special unit officers torturing prisoners, including beating, suffocating, and using electricity, which they shared with organized crime gang members. Of the six victims depicted in the published photos, five were identified by HRA in 2022 and reported to the Supreme SPO, along with an additional 19 cases of extortion of testimony. However, these cases have not been addressed in a timely manner by the authorities, and indictments were raised only in 5 cases. Notably, [two indictments were raised in 2022](#), and [three in 2024, after the SKY communications were published](#). Other cases still remain in the pre-investigation phase.

## **Montenegro should:**

- *Ensure that all investigations into cases of ill-treatment are conducted promptly, without undue delay, and in particular that key intangible and material evidence is urgently obtained, including statements by alleged victims, witnesses and suspects, who should not be allowed to reconcile or another way to influence investigation;*
- *Hold superior officers accountable for torture or ill-treatment by their subordinates, ensuring that those who instigate or acquiesce to such acts are prosecuted,*
- *Establish oversight mechanisms to hold prosecutors accountable for failing to investigate or dismissing valid cases without justification.*

<sup>12</sup> Decision of the CC U-III 1720/19, March 21, 2023.

<sup>13</sup> Decisions of CC U – III no. 6/16, November 29, 2017; U – III no. 354/17, July 25, 2017; U – III no. 50/17, June 21, 2017; U – III no. 49/17, June 21, 2017; U – III no. 1760/18, June 23, 2021; U – III no. 1760/18, June 23, 2021; U-III 1720/19, March 21, 2023; U-III no. 435/22, March 12, 2024.

## Sanctions

43. In the last ten years in Montenegro, in 59 criminal proceedings concluded by a final judgment, the defendants – police and prison officers - were charged with committing some of the criminal offences that can be classified as torture and other forms of ill-treatment.

44. In these proceedings, 121 officers were charged, and 82 were convicted (67.8%). Although the courts found them guilty in most cases, only 12 officers (14,6%) were sentenced to effective imprisonment.

45. The most severe sanction imposed in the past 10 years on officers for any type of ill-treatment has been one year and five months in prison for torture in conjunction with serious bodily injury for two officers in the case of beating of Milorad Martinović in 2015. He had been beaten by approximately 20 police officers of the Special Anti-Terrorist Unit, recorded by a video published on the internet, but only two were “identified” after deciding to confess.

46. A total of 66 sentenced state officials received suspended sentences, that is 80.5% of the total number of convictions.

### **Montenegro should:**

*- Introduce clear guidelines for judges to ensure consistent, appropriate sentencing in cases of torture and ill-treatment. These guidelines would ensure penalties are aligned with the seriousness of the crimes and international standards.*

## Suspension and disciplinary proceedings

47. A police officer will be temporarily removed from duty if he is remanded in custody or criminal proceedings are initiated against him for a criminal offense committed in connection with his work (Law on Internal Affairs, Article 176). This provision only applies in cases where an investigation order has been issued or there is a direct charge (without an investigation in terms of the CPC). This means there is no basis for mandatory suspension during the pre-investigation phase, which is the stage where most reported cases of even prima facie ill-treatment remain for extended periods. State prosecutors often take significant evidentiary actions in this phase, sometimes taking an unreasonably long time, without issuing an order to conduct an investigation, and then resort to direct charges. As a result, police officers suspected of torture often continue working long after the alleged incident.

48. Currently, of the 30 police officers facing criminal proceedings in Montenegro, at least five have not been suspended, despite some proceedings having started in 2021. The Police Directorate has not provided information on the status of 11 others, leaving their status unclear. Therefore, the rule in the Law on Internal Affairs, which mandates suspension when criminal proceedings are initiated for offenses related to the officer's work, is not consistently applied. Furthermore, no disciplinary proceedings have been initiated for 18 of these 30 officers regarding serious violations of their duties.

### **Montenegro should:**

- *Amend its legal framework to require the suspension of police officers suspected of torture or ill-treatment during the pre-investigation phase as well. Until then, Montenegro should ensure consistent application of the Law on Internal Affairs, mandating suspension when criminal proceedings are initiated,*

- *Take prompt action to initiate disciplinary proceedings for officers facing criminal charges, particularly for serious violations of duty.*

### **Medical screening**

49. Documenting injuries and other traces of torture and ill-treatment by medical professionals still represents a challenge. The problem implies that doctors providing medical assistance in detention on remand (as well in civil institutions) still fail to properly document traces of ill-treatment in a manner envisaged in the Istanbul Protocol and standards of the CPT – the victim's statement, detailed description of injuries, and final assessment on the correlation between the first two. There are four layers of this problem:

- incomplete or inaccurate medical documentation on examinations of victims after incidents, contrary to the Istanbul Protocol;
- delayed and inadequate medical expertise, which does not involve direct examination and documentation of possible injuries, but is reduced to compiling reports and giving opinions solely on the basis of existing, often poor medical documentation, mostly in prison, emergency services, or doctors general practice, without the participation of a forensic specialist;
- the absence of psychological and psychiatric expertise as additional evidence of abuse,
- doctors in prisons fall under the jurisdiction of the Ministry of Justice rather than the Ministry of Health, which affects their impartiality.

Also, inmates requiring enhanced medical care face severe challenges. Despite plans for a new prison hospital by 2025, conditions remain poor, and there is a shortage of medical staff.

### **Montenegro should:**

- *Ensure that medical professionals fully adhere to the Istanbul Protocol by properly documenting injuries and other traces of torture and ill-treatment;*
- *Incorporate psychological and psychiatric assessments in cases of torture and ill-treatment;*
- *Transfer the oversight of prison doctors from the Ministry of Justice to the Ministry of Health;*
- *Prioritize the construction and modernization of prison healthcare facilities, ensuring that the new prison hospital and detention units are completed in 2025,*
- *Immediately address the shortage of medical personnel in prisons.*

### **Conditions of detention**

50. [Material conditions in Montenegrin prisons remain uneven across different facilities, pavilions, and even individual rooms.](#) Overcrowding continues to be a critical issue, with some rooms lacking adequate furniture, while others meet acceptable standards. The prison system also faces significant challenges, including deteriorating infrastructure, outdated furniture, poor sanitation, and understaffing, with nearly a third of positions vacant. The ECtHR in three decisions found a violation of Article 3 of the Convention, [in the 2019](#) and [2021 case](#) of Bigović v. Montenegro and the 2014 case of [Bulatović v. Montenegro](#), due to overcrowding and lack of hygienic conditions, concluded that the conditions in the detention facilities amounted to inhuman or degrading treatment.

Also, Podgorica Remand Prison fails to meet minimum standards, particularly regarding detainees' right to two hours outdoors and access to other out-of-cell activities.

### Montenegro should:

- *Urgently tackle overcrowding in prisons by reducing the number of detainees per room and ensuring that all rooms are equipped with adequate furniture and meet basic hygiene standards;*
- *Invest in modernizing prison infrastructure, improving sanitation, and providing sufficient staff to handle the demands of the prison system;*
- *Prioritize the construction of new remand prison facilities, to meet minimum standards for detainees' rights to outdoor time and other out-of-cell activities.*

### **Psychiatric Facilities**

51. Conditions in institutions for persons with psychosocial and intellectual disabilities remain unchanged, with overcrowding still unaddressed. [A new Psychiatric Clinic opened in Podgorica](#) in September 2024, and the [2025–2028 Deinstitutionalization Strategy, along with a 2025 action plan](#), were adopted in December 2024, but no significant progress has been made. The special hospital within the Criminal Sanctions Enforcement Directorate is still under construction as of March 2023, with no confirmed opening date.

52. No new community services have been introduced to address hospital overcrowding, reflecting the authorities' delayed response to previous recommendations. The hospital has 241 beds, with 90 (almost 40%) occupied by so-called social patients who no longer need treatment but remain there due to the lack of community services or alternative housing. The [Final Report on the 2021-2023 Mental Health Strategy Action Plan](#) shows that of 19 planned activities, only 5 were completed, 3 partially completed, and 11 not implemented. A key failure was the lack of community-based treatment options, hindering the deinstitutionalization of patients no longer in need of hospital care.

### Montenegro should:

- *Immediately implement and expand community-based mental health services to address hospital overcrowding. Priority should be given to developing alternative housing solutions for individuals who no longer need institutional care, particularly through supported housing, group homes, and independent living arrangements;*
- *Ensure the 2025–2028 Deinstitutionalization Strategy is fully operational during 2025, with well-defined, measurable targets for the development of community services,*
- *Allocate specific resources to guarantee adequate funding for community services and the transition of individuals currently residing in psychiatric institutions.*

### **Independence of the judiciary, administration of justice and fair trial (art. 14)**

53. The efficiency of the Montenegrin judiciary has significantly worsened, as shown by the latest CEPEJ report<sup>14</sup>. The duration of criminal proceedings has increased to 313 days. Resolving cases in the Administrative Court takes 1180 days, while proceedings in civil and commercial disputes last over 300 days.

54. According to the data from the Annual Report on the Work of the Judicial Council and Courts for 2023, and given that no substantial improvements have been made, it is evident that the negative trend has continued. This suggests that the next report on the judiciary will

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<sup>14</sup> European Judicial Systems: CEPEJ Evaluation Report 2024; Evaluation cycle (2022 data); <https://rm.coe.int/fiche-pays-partie-2-en/1680b21e99>

place Montenegro in the category of countries with alarmingly inefficient judicial systems. This underscores the urgency for reforms to address the deepening issues within the system.

55. According to the CEPEJ<sup>15</sup> report, the backlog of cases in civil and commercial disputes at the Supreme Court of Montenegro is the highest in Europe, standing at 93%.

During 2024, courts worked on over 153,000 cases, of which more than 75,000 were resolved, while 76,000 remained unresolved. Particularly concerning is the fact that, according to data from the end of December 2024, there are nearly 7,000 old cases in the Montenegrin judiciary.<sup>16</sup>

In the Special Department of the High Court in Podgorica, six judges and two investigating judges are currently working on the most severe criminal cases related to organized crime. According to information from 2024, their list includes 162 unresolved cases.<sup>17</sup>

*To resolve this urgent problem, it is essential to increase the number of judges and advisors, enhance court facilities, and modernize judicial resources. These reforms are vital to improving efficiency, reducing delays, and rebuilding public confidence in the legal system.*

56. The request for the protection of legality is an irregular legal remedy, submitted by the Supreme State Prosecutor's Office against final court decisions and the procedures that preceded them, if the law was violated in favor of the accused, in accordance with the Criminal Procedure Code [Articles 437, 438, 439]. In 2024, ten requests for the protection of legality were submitted, and the Supreme Court determined that the law was violated in favor of the accused **in all ten cases**. In 2023<sup>18</sup>, the Supreme State Prosecutor's Office submitted six requests, of which four were accepted by the Supreme Court. In 2022<sup>19</sup>, the Supreme Court did not accept any requests, while in 2021<sup>20</sup>, one request was accepted, and in 2020<sup>21</sup>, six requests were accepted. The number of accepted requests for the protection of legality, where the Supreme Court found that the law was violated in favor of the accused, indicates a serious issue. It may suggest that judges lack the necessary knowledge and experience to make lawful decisions, or that there may be illegal influence on the judicial process.

### **Membership of the Minister of Justice in the Judicial Council**

57. The Constitution has not been changed, so the Minister of Justice remains a member of the Judicial Council.<sup>22</sup> However, over the past two years, justice ministers have not participated in decisions regarding the selection of judges, in addition to decisions regarding the accountability of judges, which is certainly excluded by the current regulations.<sup>23</sup> It is

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<sup>15</sup> Ibid.

<sup>16</sup> Press conference of the President of the Supreme Court, Valentina Pavličić (December 17, 2024); [https://www.youtube.com/results?search\\_query=valentina+pavlicic+pres+konferencija](https://www.youtube.com/results?search_query=valentina+pavlicic+pres+konferencija)

<sup>17</sup> Comprehensive Statement by the Judges of the Special Department to the Judicial Council, the Supreme Court, the Ministry of Justice, the President of Montenegro, the Prime Minister of Montenegro, and the Parliament of Montenegro (all Members of Parliament); 10. October 2024; <https://sudovi.me/vspg/sadrzaj/g8d4>

<sup>18</sup> Supreme State Prosecutor's Office - Annual Report for 2023; p. 2 [https://www.tuzilastvo.me/static/vrdt/doc/lzvjestaj\\_o\\_radu\\_za\\_2023\\_godinu.pdf](https://www.tuzilastvo.me/static/vrdt/doc/lzvjestaj_o_radu_za_2023_godinu.pdf)

<sup>19</sup> Supreme State Prosecutor's Office - Annual Report for 2022; p.3 [https://www.tuzilastvo.me/static/vrdt/doc/lzvjestaj\\_o\\_radu\\_za\\_2022\\_godinu.pdf](https://www.tuzilastvo.me/static/vrdt/doc/lzvjestaj_o_radu_za_2022_godinu.pdf)

<sup>20</sup> Supreme State Prosecutor's Office - Annual Report for 2021; pp. 3 and 4 [https://www.tuzilastvo.me/static/vrdt/doc/TU\\_17-22\\_lzvjestaj\\_o\\_radu\\_VDT\\_CG\\_za\\_2021.pdf](https://www.tuzilastvo.me/static/vrdt/doc/TU_17-22_lzvjestaj_o_radu_VDT_CG_za_2021.pdf)

<sup>21</sup> Supreme State Prosecutor's Office - Annual Report for 2020; pp. 3 and 4 [https://www.tuzilastvo.me/static/vrdt/doc/TU\\_7-21\\_lzvjestaj\\_o\\_radu\\_za\\_2020.pdf](https://www.tuzilastvo.me/static/vrdt/doc/TU_7-21_lzvjestaj_o_radu_za_2020.pdf)

<sup>22</sup> The Constitution of Montenegro, Article 127

<sup>23</sup> HRA: Analysis of the Procedure for the Selection, Promotion, and Accountability of Judges in Montenegro in 2023 and 2024; p. 22: <https://www.hraction.org/wp-content/uploads/2024/12/Nacrt-izvjestaja-17-12-2024.pdf>



necessary to change the Constitution, so that the Minister of Justice is no longer a member of the Judicial Council.

### **Members of the Judicial Council from Among Distinguished Lawyers – Guarantees Against Conflicts of Interest and Political Influence**

58. Amendments to the Law on the Judicial Council and Judges<sup>24</sup> strengthen safeguards against political influence and conflicts of interest. Members of the Judicial Council from among distinguished lawyers cannot be closely related to high-ranking officials or those appointed by them. They also cannot have held a high position in a political party in the past five years, been directly elected, or served in the government. These same restrictions apply to Judicial Council members elected from among judges.

59. Additionally, the new provisions specify the qualifications for election to the Judicial Council. Members from among distinguished lawyers must have at least 15 years of professional experience and be at least 40 years old<sup>25</sup>. Regarding members from among judges, the requirement for judges of higher courts has been removed, so they no longer need at least ten years of judicial experience. Similarly, for judges from lower courts, the requirement for a minimum of five years of judicial experience has also been removed.<sup>26</sup>

60. However, the controversial provision regarding the extension of the mandate of distinguished lawyer members of the Judicial Council for two years, if members of parliament cannot agree on the selection of new members<sup>27</sup>, remains in place. This provision is unconstitutional, not applicable to members of the Prosecutorial Council, and encourages political manipulation, undermining the integrity of public positions that should be dedicated to serving the public interest.

### **Disciplinary Responsibility of Judges**

61. Between 2020 and 2024, only in three cases was judicial responsibility established, with one decision still not final. No proceedings for failing to declare assets have resulted in sanctions for judges.<sup>28</sup>

62. The June 2024 amendments to the Law on the Judicial Council and Judges partially align with Venice Commission and HRA recommendations, strengthening criteria for disciplinary violations and introducing harsher sanctions. New violations include multiple negative evaluations and harming the judiciary's reputation. However, the requirement to prove intent and awareness for failing to declare assets makes disciplinary responsibility harder to establish.

63. The procedure for disciplinary proceedings has been clarified to avoid conflicts of interest, and judges are now prohibited from participating in proceedings where they have filed proposals or against which proceedings have been initiated. However, it is essential for disciplinary proceedings to be more effective, as the low number of responsibility findings indicates. It is necessary to clearly distinguish disciplinary responsibility from violations of the Ethical Code in the law, as, according to HRA's analysis of the Judicial Council's work, the descriptions of cases often overlap.

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<sup>24</sup> The Law on the Judicial Council and Judges, Article 16

<sup>25</sup> Ibid. Article 16

<sup>26</sup> Ibid Article 12

<sup>27</sup> The Law on the Judicial Council and Judges, Article 16č

<sup>28</sup> HRA: Analysis of the Procedure for the Selection, Promotion, and Accountability of Judges in Montenegro in 2023 and 2024; p. 53: <https://www.hracion.org/wp-content/uploads/2024/12/Nacrt-izvjestaja-17-12-2024.pdf>

*The State party should review the disciplinary and ethical framework for judges as well as state prosecutors to strengthen their objectivity and effectiveness.*

### **Efficiency Measures**

64. The Judicial Council has decided to double the number of judges in the Special Department of the High Court in Podgorica, where six judges and two investigative judges are currently handling complex criminal cases. Additionally, the number of advisors will be increased, with each judge now having one advisor.

65. The amendments to the Law on the Judicial Council and Judges reduce the duration of initial training for judges, from 18 to 12 months for basic court candidates, and six months for candidates for misdemeanor, Commercial, and Administrative Courts<sup>29</sup>. The training will now be conducted according to candidates' place of residence, making it more accessible.<sup>30</sup>

66. The amendments to the Law on the Judicial Council and Judges introduce new rights for judges permanently transferred to a court outside their place of residence, including compensation for transportation, official housing or rent allowances, and allowances for family visits. However, similar incentives are not provided for judges temporarily assigned to other courts, despite the need for such measures.

*In a state facing urgent issues of judicial backlog and a lack of judges, temporarily assigning judges to courts with significant delays should be used more frequently, and judges should be further incentivized for such assignments.*

67. Thanks to recent amendments to the Law on the Judicial Council and Judges, Valentina Pavličić has been elected as the President of the Supreme Court following four years in which that court was beheaded. The law now requires the President to meet general judicial qualifications, demonstrate impartiality, and have at least 15 years of experience as a judge or prosecutor, or 20 years in other legal professions.<sup>31</sup> The amendments also improve the election process, allowing judges to vote for up to three candidates, with two rounds of voting. If no candidate secures the required majority in the first round, a second round is held among those receiving at least a quarter of the votes. If no candidate gets the necessary majority, the election process is concluded.

### **Freedom of expression (art. 19)**

68. Montenegro is facing the misuse of legal procedures to exert political pressure and suppress free speech. Based on a complaint from the Mayor of Nikšić, individuals who criticized his provocative views have been summoned for questioning, threatening freedom of expression and enabling institutional abuse for political gain. This misuse of the legal system threatens the fundamental right to free expression and could lead to widespread abuse of the legal system for political gain. If this practice continues unchecked, it will result in the silencing of critical voices and a severe erosion of human rights.

69. In October 2024, the Higher Prosecution attempted to prosecute activist Boban Batrićević for a column criticizing hateful narratives spread by the Serbian Orthodox Church and its priests. In response, 22 NGOs urged the Supreme State Prosecutor to protect freedom of expression and halt the proceedings.

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<sup>29</sup> The Law on the Judicial Council and Judges, Articles 54, 59, 64

<sup>30</sup> The Law on the Judicial Council and Judges, Article 53

<sup>31</sup> Ibid, Article 33

70. Following the January 1, 2025 massacre in Cetinje that claimed 13 lives, an informal group of students "*Kamo sutra*" organized protests, demanding government accountability, police reform, stricter firearm regulations, civic education, and improved mental health care. They quickly became targets of political attacks, with pro-government media falsely linking them to criminal groups and opposition parties. These students, along with their supporters—activists, professors, and allies—were subjected to extensive online harassment, and unjustly accused of being part of a criminal network. These attacks came from the ruling parties Democrats and PES-a, an example of misuse of state power to silence dissent.

71. Meanwhile, NGOs continue to face increasing pressure and hostility from the government. The coalition "*For the Future of Montenegro*" has proposed a law targeting organizations allegedly influencing domestic and foreign policies, branding them as "foreign agents." Such laws, characteristic of authoritarian regimes, contradict Montenegro's democratic and European aspirations.

72. The former Prime Minister labeled the NGO "*Roditelji*" a political entity, while the HRA was accused of undermining institutions. Former Minister Filip Adžić dismissed their work as a "witch hunt" and an attempt to obstruct crime-fighting efforts. This hostile rhetoric has emboldened state officials to openly threaten civic activists.

73. The former Acting Commander of the Anti-Terrorist Unit, Petar Knežević, even threatened NGOs, warning activists that "there is a price" for criticizing him, and referring to "operational intelligence" in his threats—an outrageous violation of police ethics that further endangers Montenegro's civil society.

#### **Montenegro should:**

*- Ensure law enforcement adheres strictly to ethical standards and holds officers accountable for any abuse of power. Independent oversight bodies must be established to investigate complaints of misconduct, particularly when activists or citizens face politically motivated threats.*

#### **Freedom of Expression and Right to Life**

74. The Committee previously expressed concern over a lack of investigation and prosecution of many of the attacks against journalists. The particular cause of concern is the lack of progress in investigation of the 2004 case of assassination of Dusko Jovanovic, founder and editor-in chief of the opposition daily Dan. Although one perpetrator, who was present in the car from which the assassination had been executed had been prosecuted and sentenced to prison, the investigation never revealed the motive of assassination, the actual perpetrator of the murderous attack and, most importantly, the person or persons ordering the attack. As the investigation did not provide answers to many reasonable questions to date<sup>32</sup>, there is a reasonable suspicion that someone from the then Government ordered the assassination. Although already in 2018 the Commission for Monitoring Attacks on Journalists requested from the Government to provide for an impartial international expert to assist in analysing the investigation, the Government had not provided such expert to date.

*- Committee should recommend the Government to provide the international impartial expert to analyse the investigation and help its effective conclusion, as this case is key for establishing the rule of law and both the right to life and freedom of expression in Montenegro.*

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<sup>32</sup> "Unsolved Murder of Duško Jovanović, the Director and Editor-in-Chief of the Daily Dan – Questions without Answers", HRA, 2016: <http://www.hracion.org/wp-content/uploads/Report-final.pdf>

## Freedom of association and participation in public affairs (arts. 22 and 25)

75. In reference to the Government's claim in para. 174 of the State report that representatives of NGOs are members of "all working groups in the negotiation process with the EU", please note that although that information is correct, the capacity of the working groups to effectively influence texts of proposed laws remains limited due to an effective policy of avoiding public participation in law making. Namely, the Government sometimes decides either to change the text of draft laws made by the working group without public consultation or debate (the case with so-called IBAR laws relating to judiciary adopted in June 2024), or that members of Parliament, belonging to the parties forming the Government, bypass the working groups altogether by proposing amendments that are opposite to the work of the working group directly to the Parliament<sup>33</sup>.

76. In relation to the second sentence of the same paragraph, it is incorrect that sessions of the Government are broadcast live. Out of 146 sessions the Government held in 2023-2024, as many as 58% were held remotely and were not broadcast live. Furthermore, the positive practice of live broadcasting was abolished in October 2023.

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<sup>33</sup> For example, the case of the General law on Education, where the competence for appointing school directors was transferred from the School board to minister of education. MPs of one of the ruling parties (Movement Europe Now) proposed such amendment to the Parliament on the law in force although a working group had been working on the amendments of that law at the same time.