

29th Session of the Committee on Enforced Disappearance

Statement by H.E. Mr. Damir Gutić, Minister of Social Welfare, Family Care and Demography

Geneva, 22 September 2025

Honourable Chair, distinguished members of the Committee, ladies and gentlemen,

On behalf of the Government of Montenegro, I would like to express our appreciation for the opportunity to present today updated information and experiences regarding the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance, covering the period from our previous report in 2021 to the present.

At the very outset, I wish to underline that Montenegro remains resolutely committed to the obligations arising from the Convention, as well as to the universal principles of human rights, the rule of law, and justice for victims. Enforced disappearances constitute one of the most serious violations of human rights, affecting not only the victims themselves, but also their families, communities, and society as a whole. For our country, this matter represents not only an international obligation but also a moral duty towards the victims and their families. Confronting these painful experiences is an act of responsibility towards future generations, ensuring that such crimes never happen again.

Over the past four years, measurable progress has been achieved, but at the same time we are equally aware that numerous challenges still lie ahead on the path to fully meeting our international obligations.

In 2021, one report of a war crime was registered, one indictment was filed, and ten cases were initiated on the basis of international legal assistance. In 2022, proceedings continued in one case before the High Court, while two new cases were initiated based on media allegations, and a further three were opened following requests for mutual legal assistance from the Prosecutor's Office of Bosnia and Herzegovina. In 2023, one new report was received, and the Special State Prosecutor's Office initiated twelve cases, one of which was concluded with an official note. Eleven international requests for mutual legal assistance were recorded, and four were sent. During 2024, there was a notable increase in activity — twenty-one new cases were initiated, two indictments were filed, and a total of thirty cases were under consideration. Also in 2024, the Special State Prosecutor's Office sent ten requests for international legal assistance in criminal matters. In the same period, it received seven such requests. In the first half of 2025, eighteen new cases were initiated, six of which were concluded, while thirteen preliminary investigations and one investigation case remained ongoing. Indictments were filed in two of these cases. The Special State Prosecutor's Office sent one request for international legal assistance in criminal matters, to which a response was received. During the same

period, nine requests were received, six of which have been responded to, while three remain pending review.

Particularly significant was the verdict of the High Court in Podgorica from July 2025, which imposed a sentence of twenty years' imprisonment for a war crime against the civilian population. This decision clearly sends the message that such crimes do not become subject to limitation and that justice is attainable.

With regard to cases concerning missing persons, the Special State Prosecutor's Office is currently conducting seven proceedings – six in the preliminary investigation phase and one in the stage of indictment review. Unfortunately, due to the complexity of the circumstances and the lack of precise documentation, it is still not possible to determine the exact number of victims of enforced disappearance. Nevertheless, investigations are progressing with the support of international partners.

Furthermore, in order to ensure a continuous, proactive, and systematic approach to the prosecution of war crimes, the Supreme State Prosecutor's Office has adopted a Strategy for the Investigation of War Crimes for the period 2024–2027, with an initial action plan for 2024–2025. Special investigative teams have been established to re-examine complex and previously concluded proceedings, including the cases of Morinj, Bukovica, Kaluđerski Laz, and the Deportation case. Amendments to the Criminal Procedure Code have made it possible to use evidence presented before international courts, which significantly contributes to the more efficient prosecution of perpetrators.

Our country is actively strengthening regional and international cooperation. Agreements have been signed with the Prosecutor's Offices of Bosnia and Herzegovina and the Republic of Serbia, concerning support for witnesses and victims, and cooperation has also been initiated with the Republic of Croatia. The exchange of evidence and experiences with the International Residual Mechanism for Criminal Tribunals in The Hague is ongoing and has been assessed as highly effective. The European Union Delegation and the Chief Prosecutor of the international mechanism have been regularly informed of all activities and have assessed the work of the Montenegrin prosecution service as exceptionally efficient.

In cooperation with the international mechanism, during 2024 and 2025, evidence was exchanged, joint training programmes were held, and prosecution working groups participated in training sessions on searching electronic databases, identifying and collecting testimonies and relevant evidence, with ongoing support from international experts.

In 2024, institutions took part in numerous public events – including panels, commemorations, conferences, and workshops – involving representatives of the media, academia, and non-governmental organisations. This kind of approach enables timely exchange of information, transparency in proceedings, and strengthens trust among victims and their families in public institutions.

In June 2025, amendments to the Criminal Code were proposed introducing the criminal offence of “enforced disappearance” as an autonomous offence, in accordance with the Convention. A prison sentence of no less than five years is prescribed for any public official who detains, abducts, or otherwise deprives a person of liberty and conceals their disappearance. Harsher penalties (a minimum of eight years’ imprisonment or long-term imprisonment) are prescribed for aggravated cases, such as the disappearance of a child, a pregnant woman, or in cases involving death or the actions of an organised group.

Furthermore, the rights of victims have been expanded through these amendments to the Criminal Code. In addition to fundamental rights, victims of war crimes and disappearances are now recognised as having the right to access support services, psychological and professional assistance, protection from intimidation and retaliation, information on the progress of proceedings, as well as the right to be accompanied by a trusted person. The families of victims are included in the criminal proceedings, with the possibility to submit a civil claim for compensation.

In the field of reparations, Montenegro has taken an important step forward with the adoption of the Law on Amendments to the Law on Veterans’ and Disability Protection, which for the first time defines the status of a civilian victim of war in Montenegro. The law provides for monthly allowances for family members of civilian victims of war, representing a significant contribution to strengthening the protection and support of victims’ families.

Additionally, in 2025, the Government of Montenegro adopted Conclusions recognising the need for one-off financial assistance in the amount of €100,000 for each of the families of those who lost their lives in the cases of Murino, Tuzi, Štrpci, and the deportation of refugees. A total of 16 identified families were included in this measure. This decision was taken as an extraordinary form of support, adopted within the framework of specific initiatives and previously established cases.

The Supreme Court has commenced the development of Guidelines on Compensation for Victims, with the intention of adopting them by the end of 2025, alongside a reform of victim support services, which will enhance practices in criminal proceedings.

The Law on the Execution of Criminal Sanctions, associated by-laws, and central registries guarantee that no person may be deprived of liberty without this being properly documented and transparently recorded. This eliminates the possibility of secret detention or enforced disappearance in violation of the law.

The police apply the recommendations of the European Committee for the Prevention of Torture (CPT), including the obligation that every person deprived of liberty must immediately have the right to notify a person of their choice, to request a lawyer and a doctor, and to be informed of the reasons for their deprivation of liberty.

The Government of Montenegro’s Commission on Missing Persons is currently engaged in tracing a total of 50 individuals who went missing during the armed conflicts in the

territory of the former Yugoslavia – 38 in Kosovo, nine in Bosnia and Herzegovina, and three in Croatia.

Since 2021, the mortal remains of four individuals have been recovered. In three cases from 2025, DNA identification is still ongoing, while in one case in 2024, the identity was confirmed and the remains were returned to the family.

Montenegro actively participates in regional mechanisms, particularly in the work of the Group on Missing Persons, which brings together all relevant institutions from the region. Two operational groups function within its framework: the Operational Group for the Resolution of Unidentified Cases, which focuses on the issue of unidentified remains held in mortuaries across the region, and the Operational Group for the Regional Database of Missing Persons, which is responsible for managing and updating the joint register of active cases.

The Regional Database of Active Cases of Missing Persons is a unique platform established in 2018 and has been publicly accessible since 2022.

This database stands as a model of successful regional cooperation, a non-politicised approach, and transparent data management concerning missing persons.

Since the launch of the database in November 2022, a total of 56,130 citizens have accessed it, confirming that the issue of missing persons remains a matter of significant public concern.

The Commission maintains regular communication with the families of the missing at all stages of the process – from exhumation and identification to return and burial. Material, administrative, logistical, and psychological support is provided; the collection of DNA samples is promoted; direct communication is facilitated; and joint commemorations are organised. In this way, trust in institutions is strengthened, and the dignity of victims is preserved.

Additionally, with the support of the United Nations Development Programme in Montenegro, the Commission undertook and carried out the drafting of Guidelines for the Search for Missing Persons. This document is based on the guiding principles of the Committee on Enforced Disappearances and international standards. The Guidelines provide clear principles and procedures, ensuring that the search for each missing person is conducted in a coordinated, professional manner, with full respect for the rights of families. They represent an instrument to reinforce institutional support, but also a sign that the search for the missing remains our lasting priority.

All of these measures represent progress in harmonising national legislation with international standards, in protecting victims and their families, and in ensuring the transparency and accountability of institutions in the fight against enforced disappearances and war crimes.

I wish to emphasise that enforced disappearances are not only a legal issue, but above all a human and social one. The families of the missing live in prolonged uncertainty and pain, and it is our duty to provide them with support – through psychological and social assistance, access to information, and, crucially, through the assurance that institutions stand beside them and act in their best interests.

However, I would like to underscore that certain challenges persist in the implementation of the Convention. The lack of complete documentation, the passage of time, and the limited capacities of institutions often impede the progress of investigations. While regional cooperation is at a satisfactory level, it requires further strengthening and procedural acceleration. At the same time, we must continue to build families' trust in institutions through transparency and consistency. For these reasons, our priority remains the continuous enhancement of institutional capacities, the legislative framework, and regional cooperation mechanisms, to ensure that the implementation of the Convention is as thorough and effective as possible.

We are aware that the path towards full implementation of all provisions of the Convention is challenging and long-term. However, we remain firmly committed to continuing the consistent application of its principles, in partnership with civil society, international organisations, and the families of the missing.

Thank you for your attention, and I look forward to the constructive dialogue ahead.