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TOPIC 1

VESNA MEDENICA FREE TO TRAVEL THROUGHOUT MONTENEGRO; EIGHT JUDGES TESTIFY IN HER FAVOR

After nearly two and a half years, the High Court in Podgorica has lifted the travel ban that restricted former Supreme Court President Vesna Medenica to the Kolašin area. The court ruled that there is no objective risk of flight, allowing her to move freely across Montenegro. The Constitutional Court had previously upheld her appeal in February of last year, identifying a violation of her right to freedom of movement.



Medenica, who is accused of being part of a criminal organization allegedly led by her son, Miloš, continues to stand trial before the High Court in Podgorica alongside other defendants.

During a hearing on April 14, former Supreme Court Judge Vesna Vučković testified that although Medenica showed interest in three court cases—Cijevna Komerc, Carine, and Port of Adria—she did not attempt to influence the outcomes. However, the presiding judge of the special panel, Vesna Kovačević, pointed out inconsistencies with Vučković's earlier testimony from December, in which she indicated to prosecutors that Medenica appeared to advocate for a decision favoring Cijevna Komerc. Vučković later clarified that her initial statement may have been a matter of poor phrasing.

The trial of Vesna Medenica continues, with both current and former judges denying any allegations that the former President of the Supreme Court influenced their decisions.

On April 15, Supreme and High Court judges Nataša Božović and Sonja Drašković also testified that Medenica did not exert pressure on them or interfere with their judicial decisions. Božović noted that Medenica never inquired about any case for personal reasons and did not influence the work of her colleagues. Drašković stated she had no personal contact with Medenica beyond official court interactions.

The hearing was postponed on April 16 due to Medenica's illness but resumed on April 28. Judges Vesna Jočić, Mirjana Popović (President of the Appellate Court), and retired judge Dušanka Radović provided testimonies, stating they had never experienced any pressure from Medenica. The following day, former Supreme Court judges Branimir Femić and Ranka Vuković affirmed similar sentiments.

All judges questioned in April had at some point handled cases mentioned in the indictment against Medenica, which alleges that she abused her position and influence to sway decisions in the Cijevna Komerc, Carine, and Port of Adria cases.

Her son, Miloš Medenica, is accused of forming a criminal group in 2019 that included his mother and other individuals. This group allegedly engaged in cigarette smuggling and exerted unlawful influence over the judiciary to gain illicit profit and power. The Special State Prosecutor's Office has filed charges against 14 individuals and one company—Kopad Company—for crimes including formation of a criminal organization, smuggling, bribery, abuse of office, illegal influence, drug trafficking, unlawful possession of weapons, serious bodily harm, and obstruction of justice.

TOPIC 2

ACCOUNTABILITY OF JUDGES AND PROSECUTORS IN MONTENEGRO – A RARE OCCURRENCE

Do Montenegrin judges and prosecutors face consequences for irresponsible actions? It is necessary to raise this question, given that data indicates very few have been held accountable for errors in their work.

Last year alone, the Supreme Court found that the law was violated in 12 final criminal court rulings, with another four violations noted in 2025. Over the past 16 months, a total of 16 requests for the protection of legality submitted by state prosecutors were approved, demonstrating that courts issued decisions not grounded in the law.

The problem is that even when a judge acts unlawfully, it does not impact their performance evaluation. However, the Judicial Council informed the Center for Investigative

Montenegrin judges and prosecutors are seldom held accountable for professional misconduct. They face no consequences for violating the law in their rulings, failing to declare assets, or in relation to complaints regarding their work.



Journalism of Montenegro (CIN-CG) that changes to the rulebook on evaluating judges are forthcoming, indicating that such violations should indeed influence the evaluation process.

In 2024, formal disciplinary responsibility for judges was confirmed in just one case. Nonetheless, the Supreme Court later overturned that decision and remitted the case for a new procedure. The last instance of a judge being definitively found disciplinarily responsible dates back to 2021.

Judges and prosecutors also evade accountability when they fail to report their assets to the Agency for the Prevention of Corruption. Over the past two years, no judge or prosecutor has faced disciplinary action for this lack of reporting

“The Judicial Council’s interpretation—that failing to report assets once does not count as a disciplinary offense, and that intent to hide must be proven—essentially makes accountability impossible and creates opportunities for abuse,” stated Amra Bajrović, a legal advisor at the NGO Human Rights Action, in her comments to CIN-CG.

It is common for judges to avoid disciplinary proceedings by resigning—a practice acknowledged by the Ministry of Justice.

“There should be mechanisms to prevent this while respecting the Constitution and the law. Additionally, if there is suspicion that a judge or prosecutor has acted unlawfully, there are alternative procedures beyond disciplinary action,” the Ministry of Justice told CIN-CG, likely referencing potential criminal liability for abuse of office.

The situation is analogous in the prosecution service. Not one of the 17 justified complaints against prosecutors in the past two years resulted in accountability, according to the Human Rights Action report titled [“Analysis of the Selection, Promotion, and Accountability of State Prosecutors in 2023 and 2024.”](#)

Since the beginning of 2023, the Prosecutorial Council has rejected 20 proposals aimed at establishing accountability for prosecutors, and in one case concluded that no disciplinary offense had occurred. The last time a prosecutor was held disciplinarily accountable was in 2022, for a failure in executing their duties.

Bajrović further highlighted to CIN-CG that no clear distinction currently exists between disciplinary offenses and violations of the Code of Ethics.

“Disciplinary offenses are not clearly defined, allowing even serious legal violations to remain unpunished. It is essential to continue advancing amendments to the Law on the Judicial Council and Judges, as well as the Law on the State Prosecution,” she stated.

She emphasized that introducing a vetting process, combined with reinforcing disciplinary and ethical standards, could be a crucial step in rebuilding trust and strengthening the judicial system.

Moreover, several former judicial officials are currently under indictment for abuse of office, highlighting significant systemic issues and a lack of effective mechanisms for prevention and accountability within the judiciary. Bajrović stressed the necessity of implementing effective measures to eradicate corruption within the courts and prosecution offices.

These issues not only undermine public trust in the judiciary but also jeopardize Montenegro’s path toward European integration.

TOPIC 3

VETTING IN MOLDOVA – THREE CANDIDATES REJECTED IN MARCH

The vetting process—an initiative for assessing the financial, ethical, and professional integrity of judges and prosecutors, long discussed in Montenegro—is already being fully implemented in the Republic of Moldova.

In March of this year, Moldova’s Judicial Evaluation Commission concluded that two female judges and one judicial inspector, who was a candidate for the Supreme Court of Justice (SCJ), failed the vetting process. Conversely, six judges successfully passed the vetting, and one judge, who had previously failed the pre-vetting process twice, received a positive opinion from the vetting commission this time.

In Moldova, the vetting process for judges and prosecutors is ongoing. In March, three candidates did not pass the integrity checks.

To recap, Moldova initiated its vetting process in April 2022, beginning with integrity assessments of candidates for top positions in the Superior Judicial Council, the Superior Council of Prosecutors, and their respective committees. This initial phase was managed by the Pre-Vetting Commission.

Simultaneously, a separate process commenced for vetting judges and candidates for the Supreme Court, along with judges and prosecutors in key positions. This specific phase started in July 2023, while checks for those already in key positions began in May and June 2024.



The decisions made by the Pre-Vetting Commission do not directly impact a candidate's current position; however, they do preclude individuals from becoming members of either of the two judicial councils mentioned above.

In contrast, failing the main vetting process carries significant consequences. A judge or prosecutor who fails is dismissed from their position. Furthermore:

- They cannot hold the position of judge or prosecutor for a duration of 5 to 7 years after the vetting decision becomes final;
- They forfeit the right to special severance pay granted to judges and prosecutors;
- They lose access to a special pension or severance package reserved for judges and prosecutors;
- However, they retain the right to a general pension or severance based on regular conditions and years of service.

Both the pre-vetting and vetting procedures in Moldova are structured as one-time, extraordinary processes and are not conducted on a regular basis.

We investigated the remaining obligations Montenegro must fulfill before officially closing Chapter 23 on judiciary - in the EU accession process.

TOPIC 4

CLOSING CHAPTER 23: WHAT ELSE DOES MONTENEGRO NEED TO DO IN THE AREA OF JUDICIARY?

Montenegro faces a significant challenge in closing Chapter 23, which concerns the judiciary and fundamental rights. Although the European Commission has acknowledged some progress in judicial reforms, far more work is required to meet the necessary standards and regain public trust.



According to the European Commission's report and final benchmarks, Montenegro must focus on several key tasks. One crucial task is amending the Constitution to ensure that the Minister of Justice is no longer a member of the Judicial Council. Additionally, the majority of members of the Judicial Council should be judges elected by their peers. The Government of Montenegro proposed these constitutional changes on April 17 (see: Brief News).

The European Union emphasizes that the independence, impartiality, integrity, and efficiency of the judiciary are vital for upholding the rule of law. Judges and prosecutors must operate free from political or external influence; however, it remains common to see politicians commenting on their work, which compromises judicial integrity. Adequate attention must also be given to ensuring proper funding, sufficient staffing, and good working conditions. There remains a significant shortage of judges and prosecutors that must be addressed urgently. Proposed legal changes would increase their salaries by 30% (see Topic 5).

Ensuring that the selection, evaluation, and promotion of judges and prosecutors is transparent and based on merit is also essential. The assignment of court cases should be completely random. While some explanations of decisions

have improved, they still need to explicitly state all criteria and sub-criteria. Further enhancements are required to improve PRIS, the system for randomly assigning cases, to enhance efficiency and reduce the potential for manipulation.

The EU mandates consistent application of disciplinary measures when judges and prosecutors violate professional standards (see Topic 2). Additionally, it is imperative to enforce asset declaration rules more effectively and raise public awareness of available complaint mechanisms. However, over the past two years, no judge or prosecutor has faced disciplinary action for failing to declare assets, with such actions remaining rare. In 2024, disciplinary responsibility was formally established in only one case, but the Supreme Court overturned that decision and returned the case for retrial, which is still ongoing.

A strong emphasis is also placed on expediting court procedures, reducing case backlogs, and modernizing IT systems. The judicial practice database must be improved, court decisions made more accessible, and further investment is needed in the training of judicial staff. Nonetheless, the latest CEPEJ report indicates a significant decline in efficiency—performance in the Administrative Court dropped by 89%, and the average case takes 739 days to resolve. Civil and commercial cases have an average duration of over 300 days, while the backlog in the Supreme Court stands at 93%, the highest in Europe.

Montenegro is one of the few countries where the number of cases is increasing while efficiency is declining, necessitating urgent action. To successfully close Chapter 23, Montenegro must demonstrate full commitment to the rule of law through genuine, sustainable, and transparent reforms. In addition to tasks such as constitutional changes, improved staffing, and digitalization of the judiciary, it is vital to foster a robust culture of independence, accountability, and efficiency within the judicial system. Achieving these objectives is crucial not only for EU integration but also for restoring public confidence.

The Government of Montenegro has proposed amendments to the law that would enable a 30% salary increase for judges and prosecutors.

TOPIC 5

SALARY INCREASE FOR JUDGES AND STATE PROSECUTORS

Judges and state prosecutors in Montenegro may soon see an increase in their salaries. The Government of Montenegro has proposed amendments to the Law on the Judicial Council and Judges and the Law on the State Prosecution, aiming to raise their salaries by 30%.



The proposed changes include a 30% function-based bonus for heads of prosecution offices, prosecutors, judges, and court presidents, in addition to their basic salaries. This bonus does not preclude the right to other salary-based benefits as stipulated by law.

In February, Valentina Pavličić, the President of the Supreme Court of Montenegro, called for an “urgent temporary solution” to enhance salaries within the judiciary. She addressed Prime Minister Milojko Spajić, Deputy Prime Minister Momo Koprivica, Minister of Justice Bojan Božović, and Minister of Finance Novica Vuković. Pavličić contended that Montenegro is obliged to enact a special law to adequately regulate judges’ salaries, similar to measures taken in Croatia, Serbia, and Bosnia and Herzegovina. As a temporary measure, she proposed adopting the Draft Law on Amendments to the Law on Salaries in the Public Sector, which would result in an approximate 30% salary increase for judges.

Last fall, the Association of Judges of Montenegro planned a warning strike in response to what they characterized as the Government’s negative attitude toward the judiciary and the unacceptably low judicial salaries. However, they abandoned the strike after negotiating with representatives from the Ministry of Justice and the Ministry of Finance.

Additionally, the Trade Union of State Prosecutors has expressed concerns regarding low wages, not only for administrative staff but also for prosecutors themselves.

“As a result, most prosecution offices in Montenegro are facing staffing shortages. This situation not only complicates daily operations but also significantly impacts the quality and efficiency of work. Current staff are overburdened due to the lack of new prosecutors, which could ultimately lead to dysfunction within the entire judicial system,” the union stated.

According to available data, salaries within Montenegro’s judiciary vary significantly. Basic salaries for lower-level judges range from €1,200 to €1,600, while Supreme Court judges earn between €2,500 and €3,000. In basic prosecution offices, the average salary is approximately €1,600, whereas higher prosecution offices average around €1,900. Special prosecutors earn about €2,500 on average, while the President of the Supreme Court and the Supreme State Prosecutor receive nearly €4,200 per month, including allowances.

TOPIC 6

THE JUDICIAL COUNCIL DID NOT ALLOW JUDGES FROM THE SPECIAL DEPARTMENT OF THE HIGH COURT IN PODGORICA TO “ESCAPE”

Judges from the Special Department of the High Court in Podgorica were denied approval by the Judicial Council to transfer to the Court of Appeals.

The Judicial Council has decided not to permit the Special Department of the High Court in Podgorica to lose judges who applied for promotion to the Court of Appeal of Montenegro. This decision ensures that the department, which is charged with handling cases involving organized crime, corruption, and war crimes, retains the necessary capacity to manage its most complex cases. As of the end of 2024, the Special Department has 168 unresolved cases.



During its April meeting, the Judicial Council opted to promote only Judge Ognjana Boljević from the Civil Department of the High Court in Podgorica to the Court of Appeal, while denying the promotion requests of her colleagues from the Special Department: Amira Đokaj, Igor Đuričković, and Vesna Kovačević. Former President of the High Court in Podgorica, Boris Savić, also applied for promotion to the Court of Appeal but did not receive approval.

“In light of the public interest, the efficiency of the Special Department’s work, and the ongoing cases before this department, the Judicial Council did not select the other judges for the Court of Appeal of Montenegro, as the candidates are directly involved in these ongoing cases,” the Judicial Council announced.

Human Rights Action (HRA) had previously emphasized the impracticality of allowing judges from the Special Department to advance, given that several serious cases are already delayed and others are extending beyond reasonable timeframes.

“If these judges were permitted to advance, we would revert to square one, facing the risk of a large number of detained defendants potentially being released. This would significantly heighten the risk of their flight. We cannot afford to restart these cases; these judges must acknowledge their responsibilities and positions,” said Bojana Malović from HRA in an interview with TV Nova.

Currently, the Special Department of the High Court in Podgorica is handling cases involving notable figures such as former President of the Supreme Court of Montenegro Vesna Medenica, former President of the Commercial Court Blaž Jovanić, former Special Prosecutor Milivoje Katnić, former Special Prosecutor Saša Čađenović, and Judge Milica Vlahović Milosavljević.

At a meeting on December 13, the Judicial Council unanimously agreed to increase the number of judges in the Special Department by six. It was also decided that the number of advisers should be raised to ensure each judge has one dedicated adviser. Since then, two additional judges have been appointed to the department, and five more judges have been selected for the High Court in Podgorica.

Tensions have escalated between the Constitutional Court and the Supreme Court of Montenegro, with a joint meeting being viewed as a potential solution.

TOPIC 7

TENSIONS BETWEEN THE CONSTITUTIONAL COURT AND THE SUPREME COURT: A JOINT MEETING AS A POSSIBLE SOLUTION

The Constitutional Court of Montenegro has ruled, in cases where it accepted constitutional complaints, that the Supreme Court cannot dismiss lawsuits for fair trial claims due to abuse of rights, which effectively limits the rights of the complainants. This stance has prompted a response from the Supreme Court, emphasizing that while the relationship between the two courts “can be tense, it must, at its core, be collaborative, as the rule of law in Montenegro relies on their dialogue.”



The Constitutional Court initially asserted that it provided constitutional protection for the right to a trial within a reasonable time, particularly in instances where the Supreme Court dismissed lawsuits for fair satisfaction based on abuse of rights.

“By overturning the Supreme Court’s decisions and remanding them for reconsideration, the Constitutional Court conveyed its perspective that the Supreme Court had established new rules and methodologies for adjudicating claims for fair satisfaction, which were not defined by the Law on the Protection of the Right to a Trial Within a Reasonable Time or the Civil Procedure Code.”

The Constitutional Court also urged the Supreme Court to avoid making arbitrary conclusions in specific cases.

In response to the Constitutional Court’s statement, Valentina Pavličić, the head of Montenegro’s judiciary, highlighted the importance of maintaining judicial dialogue as a key strategic obligation on the path to European Union membership.

“It is therefore surprising that the Constitutional Court adopted this approach towards the Supreme Court. The publication of expert opinions from recent practice, coupled with one-

sided statements urging the Supreme Court to ‘refrain from arbitrary conclusions in specific cases,’ deviates from the expected level of institutional restraint and legal grounding, giving the impression of sensationalism,” Pavličić stated.

The Supreme Court further emphasized that it will refrain from evaluating the Constitutional Court’s legal approach in these and other cases during Pavličić’s tenure.

Tea Gorjanc-Prelević, Executive Director of Human Rights Action, expressed her support for establishing a dialogue between the two courts in the interest of the public. “We believe it would be most effective and beneficial for the judges involved in these disputes to convene in a collegial professional meeting to address any uncertainties and prevent further unclear situations. This would ensure that the Constitutional Court does not continue to overturn the Supreme Court’s decisions, allowing the public to receive prompt justice from the Supreme Court,” Gorjanc-Prelević stated in an interview with Radio Montenegro.

TOPIC 8

HUMAN RIGHTS ACTION PARTICIPATES IN MEETING WITH VENICE COMMISSION

A delegation from the Venice Commission visited Montenegro on April 24 and 25, 2025, as part of the process to draft an opinion on the procedure for terminating the functions of judges of the Constitutional Court upon reaching retirement age. During their visit, the delegation engaged with representatives from various Montenegrin institutions, including the President of the Judicial Council, the President of the Supreme Court, the President and judges of the

Members of the Venice Commission visited Montenegro and engaged with representatives from state institutions, the judiciary, the government, the opposition, and civil society to discuss the termination of a Constitutional Court judge’s term upon reaching retirement age.



Constitutional Court, the President of Montenegro, as well as representatives from both ruling and opposition parties and civil society organizations.

Amra Bajrović, a representative of Human Rights Action (HRA), attended the meeting with the Venice Commission members and presented HRA's position that the mandate of judges of the Constitutional Court concludes according to the imperative provisions of the Constitution and the Pension and Disability Insurance Law, similar to all other judges in Montenegro. HRA cautioned that the continued judicial functions of Budimir Šćepanović and Desanka Lopičić, whose mandates have long expired, constitute a violation of the rule of law and undermine the legitimacy of the Constitutional Court.

Bajrović also emphasized that HRA had previously sought a legal opinion from distinguished labor law professor and retired judge of the Supreme Court of Serbia, Zoran Ivošević. This opinion confirms the view that the mandate of Constitutional Court judges ends upon reaching the retirement age specified by the Pension and Disability Insurance Law, not the Labor Law, as claimed by the judges of the Constitutional Court who meet the conditions for retirement.

Regarding Judge Dragana Đuranović, HRA noted that, although the procedure outlined in the Constitution was violated—since the Constitutional Committee, rather than the Constitutional Court itself, concluded that Judge Đuranović met the conditions for termination of function—this action was more appropriate than completely ignoring Article 154 of the Constitution, which was overlooked by both the Constitutional Court and the Montenegrin Parliament. HRA believes that, given the Constitutional Court's failure to apply this provision, the "power of the Constitution" has rightfully passed to the Parliament.

HRA proposes that the Constitution clearly define the circumstances under which the mandates of Constitutional Court judges end due to retirement age, following the example of Bosnia and Herzegovina, where the Constitution stipulates that judges' mandates last until they reach 70 years of age.

Until such clarification is made, HRA believes that decisions regarding the termination of Constitutional Court judges' mandates should be declaratory and consistent with the Constitution and the Pension and Disability Insurance Law, eliminating the need for judges to express an opinion or vote on the matter. This entails that the president of the court should issue a decision recognizing that the mandates have formally ended.

The meeting with the members of the Venice Commission provided a valuable opportunity for civil society organizations to present their arguments and emphasize the importance

of interpreting the Constitution and laws in good faith. In addition to Human Rights Action (HRA), representatives from the Association of Lawyers of Montenegro, the Center for Monitoring and Research (CeMI), and the Civic Alliance were also in attendance.

| BRIEF NEWS

TRIAL OF KATNIĆ AND LAZOVIĆ WILL BE PARTIALLY COVERED BY CAMERAS

The Supreme Court of Montenegro has decided that part of the trial against former Chief Special Prosecutor Milivoje Katnić and former Assistant Director of the Police Administration Zoran Lazović will be audio-visual recorded.

As confirmed by the court to “Vijesti,” the recording will cover the commencement of the main hearing, closing statements, and the announcement of the verdict. The request for audio-visual recording was initially made by Milivoje Katnić, followed by defense attorneys representing Zoran Lazović.

In March, the Higher Court in Podgorica affirmed the indictment brought by the Special State Prosecutor’s Office against Katnić and Lazović. They face charges of forming a criminal organization, abuse of office, and illegal possession and carrying of weapons and explosives. Additionally, Lazović is accused of money laundering.

GOVERNMENT PROPOSES AMENDMENTS TO THE CONSTITUTION OF MONTENEGRO

The Government of Montenegro, during its meeting on April 17, approved a proposal for constitutional amendments aimed at restructuring the composition of the Judicial Council.

Currently, the Judicial Council is made up of the Minister of Justice, the President of the Supreme Court, four distinguished lawyers elected by Parliament, and four judges selected by the Judges’ Conference. However, the existing model does not provide for a majority of judges chosen by their peers, which is inconsistent with European standards.

Consequently, the need for revising the constitutional provisions was deemed necessary to ensure that the majority

of the Judicial Council consists of judges selected by other judges. Under the proposed changes, the Minister of Justice would no longer be a member of the Council, and non-judicial members would be appointed based on their professional qualifications and integrity, according to objective and measurable criteria. This adjustment is intended to enhance the effectiveness of the Council in fulfilling its constitutional and legal responsibilities.

Minister of Justice Bojan Božović, who has personally advocated for the removal of the Minister from the Judicial Council, stated that these constitutional amendments align with the recommendations from GRECO and the European Union, representing a significant step forward in implementing the Reform Agenda and the Growth Plan.

The removal of the Minister's membership from the Judicial Council and the enhancement of safeguards for the independence and impartiality of non-judicial Council members have been longstanding advocacy points of Human Rights Action. The organization emphasizes the importance of depoliticizing the Judicial Council and adhering to international standards.