



JUDICIAL MONITOR

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TOPIC 1

AFTER FOUR YEARS, THE SUPREME COURT OF MONTENEGRO FINALLY HAS A PRESIDENT: VALENTINA PAVLIČIĆ

After nearly four years and eight unsuccessful attempts, on November 29, 2024, the Supreme Court of Montenegro appointed Valentina Pavličić as its new president.

Pavličić, a former representative of Montenegro at the European Court of Human Rights in Strasbourg, has also served as a judge in both the Basic Court and the Special Department of the High Court in Podgorica.

Her candidacy achieved unanimous support from all seven members of the Judicial Council present at the session.

Notably, the Acting President of the Supreme Court, Vesna Vučković—who was also a candidate—did not attend, while the Minister of Justice, Bojan Božović, exited prior to the vote, adhering to GRECO's recommendations regarding ministerial non-interference with the judiciary. Subsequently, Judge Vučković resigned from her judicial position.

It is essential to note that the election of the Supreme Court President was a condition for Montenegro to secure nearly EUR 30 million in funding from the EU Growth Plan for the Western Balkans.

Since Vesna Medenica's departure from the presidency in December 2020, the Court has functioned without a permanent leader. A total of eight competitions for the role have been held since January 2021, with no successful outcomes.

Prior to Pavličić's election, two candidates, Miraš Radović—a former judge of both the Supreme and Constitutional Courts and Minister of Justice under the governments of Željko Šturanović and Milo Djukanović—and Vesna Vučković, had been presented to the Judicial Council but failed to achieve the necessary two-thirds majority.

Following a nearly five-month interval since the ninth competition was announced, the new president of the Supreme Court was finally elected.



The Supreme Court of Montenegro has finally gotten a president, Valentina Pavličić, after nearly four years and nine attempts at election.

In her address to the Judicial Council, Pavličić acknowledged the judiciary's current challenges, citing data that reflects a significant backlog of cases.

“The time has come to demonstrate to our partners in Brussels that our institutions are robust. The Supreme Court will serve as the bedrock of our judicial system. There are numerous priorities and tasks ahead for my colleagues and me. We aim to effectively resolve the backlog of cases while managing the influx of new ones. Our objective is to contribute to the successful closure of Chapters 23 and 24 by 2026, and we will achieve this by ensuring timely adjudication”, stated President Pavličić.

She further emphasized that those who unjustly criticize judges and courts must recognize their actions as undermining the state.

“Political interference has been too pervasive, silencing the judiciary. I did not take this position to merely enjoy coffee at the office”, she asserted.

When questioned by a member of the Judicial Council regarding the implementation of vetting, President Pavličić stated that it serves as a necessary measure for societies seeking to dissociate from previous regimes. She emphasized that vetting ultimately hinges on a political decision.

“Commissions cannot implement vetting without foreign support; it is imperative that we engage our European partners, who have clear perspectives on this matter”, she asserted.

Pavličić's election as President of the Supreme Court followed a successful vote at the General Session, where she secured ten votes. Her opponent, Miodrag Pešić, the President of the Administrative Court, received seven votes, while fellow Supreme Court judges Ana Vuković and Vesna Vučković garnered six votes each.

This pivotal election was facilitated by amendments to the Law on the Judicial Council and Judges. The revised legislation permits judges to vote for up to three candidates rather than just one. Additionally, recent amendments to the Rules of Procedure of the Supreme Court's General Session effective October 18 stipulate that judges from the Supreme Court shall abstain from voting if candidates are presented from other courts.

Out of a possible 45 votes, given that there are 15 judges, the registered candidates collectively received 29 votes, accounting for 64% of total votes cast. Pavličić, the elected candidate, obtained 10 votes, or 22%. The number of judges who chose not to vote for any candidates during this election has not been disclosed.

The hearing for the indictment review in the case of digging a tunnel to the Higher Court depot in Podgorica has been postponed again due to the escape of one of the defendants. This is the third postponement in this case, which involves the theft of weapons, phones, and drugs from the court depot.

TOPIC 2

INDICTMENT CONTROL PHASE FOR TUNNEL DUG BENEATH HIGH COURT

The hearing scheduled for November 11 in the Basic Court of Podgorica has been postponed due to issues regarding the control of the indictment against individuals suspected of excavating a tunnel leading to the High Court's depot. This postponement occurs because one of the defendants, Veljko Marković, has not been served with a summons as he is currently evading authorities.

This marks the third adjournment of the hearing concerning the indictment control in a case that has attracted significant public and international attention. The initial attempt on September 24 failed due to improper service of summons to three defendants, followed by a similar outcome on October 11.

On September 9, 2024, a year after the tunnel's discovery on September 12, 2023, the Basic State Prosecutor's Office in Podgorica filed an indictment against six individuals charged with criminal association in conjunction with aggravated theft and document falsification. Currently, all suspects remain at large, including Katarina Baćović, the daughter of the manager of the High Court's registry office at the time of the offense.

The suspects are alleged to have excavated a tunnel in September 2023 that provided access to the court's evidence depot. While the motive and the orchestrators of the break-in are yet to be determined, investigations have confirmed that items such as weapons, mobile phones, and a limited quantity of illicit drugs were stolen from the depot.

According to previous announcements from the Court, "Eleven mobile phones and 19 firearms were unlawfully appropriated following the breach of the High Court's depot. Of the firearms, eleven were linked to concluded legal cases, while the remaining eight pertained to ongoing cases before the High Court in Podgorica.

Additionally, small amounts of drugs, including marijuana, heroin, and cocaine, were taken from three concluded cases and two pending cases before the High Court."

Given the significance of this case to the Montenegrin public and the judicial system as a whole, it is imperative to ensure the procedural efficiency and to keep the public informed about ongoing developments.

The judges have requested a salary increase and a special law on wages, and it has been agreed to form a working group that will begin drafting the bill by the end of the year.

TOPIC 3

JUDGES' STRIKE POSTPONED AS NEGOTIATIONS WITH AUTHORITIES PROGRESS

Despite the Association of Judges of Montenegro initially announcing a temporary work stoppage for November due to the government's perceived negative stance towards the judiciary and inadequate judges' salaries, this initiative was ultimately suspended in light of progress achieved during negotiations with the executive branch.

The judges' primary request centered on securing a salary increase and completing the draft Law on Salaries for Judicial Office Holders by March 31, 2025. Initial discussions revealed some discord, particularly with Prime Minister Milojko Spajić, who expressed surprise regarding the judges' salary demands. However, negotiations held in early November ultimately resulted in a constructive agreement.

According to a press release from the Association of Judges, "Negotiations between the Association of Judges and both the Ministry of Justice and the Ministry of Finance culminated in a commitment to establish a working group by year-end. This group will initiate the drafting of a law to regulate judges' employment rights."

The association anticipates that this new legislation will enhance the protection of citizens' rights within the court system while simultaneously improving judicial efficiency, leading them to forgo the previously considered work stoppage.

Representatives of the Association expressed their optimism that the forthcoming law will yield regulations that bolster court independence, enhance access to justice, and promote stability within the legal framework.

Support for the judges' efforts to improve their financial standing has also been voiced by the Trade Union of the State Prosecutor's Offices of Montenegro, which has sought enhancements for prosecutors' positions. Should these enhancements fail to materialize, they have indicated potential radical actions to uphold the integrity and dignity of those within the prosecutor's offices.

In a related development, on November 20, the Ministry of Justice issued a call for public input, inviting proposals and comments over the following 20 days to facilitate the drafting of the Law on Salaries and Rights of Holders of Judicial and Constitutional Court Offices.

A study by the NGO Action for Human Rights has shown that one-third of judges and nearly the same proportion of prosecutors believe that corruption exists in the Montenegrin judiciary, while among lawyers and experts, this percentage is significantly higher.

TOPIC 4

HRA SURVEY: ONE-THIRD OF JUDGES AND PROSECUTORS PERCEIVE CORRUPTION IN THE JUDICIARY

According to a survey conducted by the NGO Human Rights Action in collaboration with DeFacto Consultancy, titled “Judicial Actors’ Perception of Corruption” approximately one-third of judges (33.7%) and nearly a third of state prosecutors (31.7%) believe that corruption exists within the Montenegrin judiciary. In contrast, the perception of corruption is significantly higher among legal practitioners, with 79.9% of attorneys and 63.1% of court experts indicating belief in the prevalence of corrupt practices in the courts and prosecutor’s offices.

The survey further revealed that nearly a third of judges (29.5%) and a quarter of state prosecutors (25.8%) have observed corruption within the judiciary over the past three years. This perception is even more pronounced among attorneys and court experts, with 69.7% of legal representatives and 35.8% of court experts acknowledging corruption incidents. Conversely, 46.3% of judges and 49.8% of prosecutors reported not witnessing any corruption within their ranks during the same period.

Conducted during the summer of 2024, the survey included 41 prosecutors (40.1%), 92 experts (43.8%), 95 judges (34.7%), and 109 lawyers (6.8%). Findings indicated that nearly half of the judges (48.5%) and a slightly lower percentage of prosecutors (43.9%) perceive a risk of corrupt practices within the career advancement system for judicial and prosecutorial professions.

At the presentation of the survey results, Tea Gorjanc Prelević, Director of the NGO Human Rights Action, underscored the validity of concerns regarding corruption and crime infiltrating the Montenegrin judiciary, noting that ten criminal proceedings have been initiated in recent years against former holders of high judicial and prosecutorial positions.

“The fact that a third of judges and almost a third of prosecutors acknowledge the existence of corruption is critical information that demands special attention and measures”, emphasized Gorjanc Prelević.

Judge Rade Ćetković, a member of the Judicial Council, stated that the data presented should serve as an alert for the judiciary.

“The Judicial Council must establish mechanisms to identify these issues and take decisive action to eliminate them. These cases must also be resolved in court”, Ćetković asserted, acknowledging that such significant changes cannot be accomplished swiftly.

The survey also indicated that only 22.1% of judges feel they are adequately compensated for their roles. In contrast, a significantly higher percentage of prosecutors (56.1%) express satisfaction with their salaries, while only a third of court experts share this sentiment.

Member of the Judicial Council, Miodrag Iličković, contends that a higher salary should not be the primary focus in efforts to enhance judges’ status.

“If the emphasis remains solely on salaries—an issue politicians often oversimplify, particularly the Prime Minister—the judges risk falling into a pit of their own making”, he remarked.

Zoran Radović, President of the High Court in Podgorica, echoed Iličković’s sentiment, asserting that the challenges within the judiciary cannot be resolved merely through salary increases.

“We must significantly improve working conditions, yet there’s uncertainty about when this will occur. Discussions surrounding the Special Court and the Palace of Justice are ongoing, but it may take years before tangible progress is realized”, Radović stated.

A component of the HRA survey addressed inappropriate pressures aimed at influencing judicial actions over the past three years. The findings indicated that 2.4% of state prosecutors and 5.3% of judges reported experiencing such pressure. Among attorneys and court experts, 11.9% and 8.7%, respectively, acknowledged similar pressures.

Furthermore, 61.5% of attorneys believe that certain judges accept bribes to influence their decisions. In contrast, only 17.4% of court experts, 9.5% of judges, and 7.3% of prosecutors shared this view. Nearly half (47.7%) of the surveyed attorneys, along with 14.1% of court experts and 7.4% of judges, suspect that specific state prosecutors accept bribes; however, no state prosecutors concurred with this assessment.

The survey also revealed that a majority of attorneys (61.4%), alongside 14.8% of judges and 14.6% of state prosecutors, believe that court experts engage in bribery. Among court experts, 16.3% agreed with this assertion. Additionally, over

a third (36.7%) of surveyed members of the Bar Association of Montenegro believe that attorneys bribe certain judges and prosecutors.

While discussions regarding the introduction of vetting within Montenegro's judicial system are underway, less than half of the surveyed judges (42.1%) and nearly a quarter of prosecutors (24.4%) support implementing phased vetting of judicial employees' integrity. Conversely, a substantial majority of attorneys (72.5%) and court experts (66.3%) are in favor of this approach.

Notably, the HRA survey indicates that a significant number of judicial office holders are willing to assist in efforts to mitigate corruption and perceptions of corruption within the judiciary. Should vetting be implemented, 78% of prosecutors and 71.6% of judges expressed their readiness to undergo scrutiny.

Mladen Grdinić, President of the Commercial Court of Montenegro, stated his willingness to be among the first to undergo vetting. However, he cautioned against a phased implementation, emphasizing concerns regarding potential shortages of qualified personnel.

“If vetting leads to a significant departure of judges from the profession, we must reconsider that approach unless we are adequately prepared”, he warned.

The survey showed that only 7.3% of prosecutors and 3.2% of judges would resign in case of vetting.

Complete results of the survey are available at this [link](#).

Following the criticism from the Prime Minister and the Minister of Internal Affairs regarding the work of judges, the Judicial Council emphasized that they are open to objective criticism, but that inappropriate statements harm public trust in the judiciary.

TOPIC 5

JUDICIAL COUNCIL CONFRONTS POLITICIANS, OPENS SESSIONS TO THE PUBLIC

Following harsh criticism of judicial decisions coming from high-ranking state officials, including Prime Minister Miloško Spajić and Minister of Internal Affairs Danilo Saranović, as well as representatives of the Democratic Montenegro party, the Judicial Council issued a response on November 8. The NGO Human Rights Action (HRA) had previously urged the Council to act to safeguard the integrity of the judiciary.

In its statement, the Judicial Council affirmed its openness to constructive criticism, emphasizing that such critiques should be well-founded, objective, and substantiated.

“Inappropriate remarks by the Prime Minister, claiming shame over certain court decisions, and the Minister of Internal Affairs, suggesting that courts routinely release criminals from custody, only serve to erode public confidence in the judiciary and undermine its dignity”, the statement noted.

Judiciary members acknowledged the current challenges faced by the Montenegrin judicial system, highlighting that meaningful reforms necessitate the hiring of new judges, filling existing vacancies, and improving working conditions.

“Both the executive and legislative branches must act promptly to enhance spatial, material, normative, and technical conditions to facilitate the efficient operation of the special department”, stated the Judicial Council, which called for **a cessation of rhetoric that fosters a negative perception of one of the three equal branches of government.**

Nevertheless, this call appears to have been disregarded, as on November 23, Boris Bogdanović, head of the Democratic Montenegro parliamentary club, accused “certain judges” of colluding with criminal organizations, without specifying names or filing formal charges.

“Rather than serving as the pillars of the legal system, certain judges are aligning themselves with criminals. Their decisions prioritize destructive interests over the rule of law”, asserted Bogdanović.

In response, the Association of Judges of Montenegro condemned these accusations, arguing that Democratic Montenegro employs inflammatory language to tarnish judges as members of criminal enterprises.

“We urge Mr. Boris Bogdanović to immediately disclose the names of judges he claims to be complicit in criminal activities, thereby assisting both the Association of Judges and law enforcement in combatting crime”, the Association stated.

The judges also appealed to the Special State Prosecutor’s Office to initiate an investigation based on Bogdanović’s allegations and to question the Democratic Montenegro official in order to present evidence regarding judges purportedly conducting themselves unlawfully.

In response to ongoing concerns, the Judicial Council issued another statement, emphasizing that “politicians fail to recognize the judiciary as an independent branch of power, nor their obligation to refrain from remarks that undermine the independent and impartial functioning of the courts”.

In November 2024, the Democrats accused judges of having ties to organized crime, while the General Director of RTCG accused state prosecutors of the same. The Judicial Council and the Basic State Prosecutor's Office in Podgorica responded by urging them to file concrete complaints.

The Council urged political actors to “take concrete steps to identify individuals they hold accountable” while refraining from actions that compromise the integrity of all judges. They underscored that judges cannot operate effectively “in an environment where public trust in their work is systematically eroded”.

However, the arbitrary attacks on the Montenegrin judiciary did not end there. In a statement commenting on the prosecution’s decision to indict the president and members of the RTV Montenegro Council due to his election as the Public Service head, Boris Raonić, Director General of Radio and Television of Montenegro, labeled the indictment as absurd. He further alluded to alleged connections between the prosecutors involved in the case and organized crime.

“The prosecutors handling this matter have maintained close ties with organized criminal groups, in a country poised to become an EU member”, Raonić asserted, without specifying any particular state prosecutors.

The Basic State Prosecutor’s Office in Podgorica responded by categorically denying Raonić’s claims. **“These unsubstantiated and false assertions suggest that the decision to file an indictment was made under external influence”**, stated representatives of the Basic State Prosecutor’s Office. They encouraged Raonić to file a criminal complaint with the Special State Prosecutor’s Office if he believes any prosecutor acted improperly.

Additionally, [the Union of State Prosecutors condemned](#) Raonić’s unfounded assessments, asserting that they are aimed at damaging the reputation and integrity of prosecutors.

In the meantime, in the interest of enhancing transparency, the Judicial Council has made the decision to implement more open practices. During the session held on November 8, they reviewed a request from the HRA to audio-visually record and broadcast their sessions and to publish information regarding scheduled meetings and proposed agendas several days in advance.

As a result, the public is now permitted to attend Judicial Council sessions, with the agenda set to be made available two to three days prior to each meeting. However, Council members noted that technical capabilities for recording and broadcasting sessions are not yet in place.

The Judicial Council has been lacking one member for four months, and the Prosecutorial Council two. Although the Human Rights Action (HRA) appealed to the Parliament to expedite the election process, there has been no progress by December.

TOPIC 6

JUDICIAL AND PROSECUTORIAL COUNCILS INCOMPLETE; NO RESPONSE FROM POLITICAL SYSTEM COMMITTEE

The Judicial Council has been operating without one member for four months, while the Prosecutorial Council has been missing two members since the resignations of attorneys Siniša Gazivoda and Miloš Vuksanović in August and September 2024, respectively.

On November 11, the Human Rights Action (HRA) formally requested that Vladislav Bojović, the president of the parliamentary Committee for Political System, Judiciary and Administration, include the continuation of the election process for Judicial Council members and the announcement of a competition to fill vacancies on the Prosecutorial Council in the agenda for that body's session. As of December, however, no action has been taken.

The Assembly had announced a public competition on July 31, 2024, for the election of one distinguished attorney to fill the vacant position in the Judicial Council left by the late attorney Fikret Kurgaš. Despite plans to determine the candidate list during a session on September 5, this has yet to occur. Additionally, the Assembly received notification one week after the deadline that the Prosecutorial Council was also short two members.

“Recognizing the crucial need to fill these positions for the effective functioning of the judiciary, the HRA urged the National Assembly of Montenegro to demonstrate its capability to ensure judiciary operations, as previous inaction had led to stagnation in Montenegro's negotiations with the European Union. “We appeal to you to expedite these procedures”, stated the HRA in its letter.

A few days after the HRA's correspondence, Bojović commented to Radio Montenegro that “additional procedural consultations are necessary regarding the Committee's competencies. However, a procedure will be initiated in this regard in the near future”.

The HRA further emphasized that “the Assembly must demonstrate democratic maturity by responsibly filling vacant positions in state bodies”, noting that previous delays in judicial elections had directly contributed to stagnation in EU negotiations. “Members of the ruling majority have a particular responsibility to showcase the government's respect for the separation of powers and ensure the seamless operation of the judiciary. They are expected to reform longstanding practices of political influence trading within committees tasked with protecting judicial independence and the autonomy of the state prosecutor's office”, the HRA declared.

In the Special Department of the Higher Court in Podgorica, out of six judges, two are on sick leave, and four have applied for promotion to the Appellate Court. The question arises as to who will adjudicate complex cases of organized crime, corruption, and war crimes.

TOPIC 7

WHO WILL REMAIN TO ADJUDICATE IN THE SPECIAL DEPARTMENT OF THE HIGH COURT IN PODGORICA?

The challenges facing the Special Department of the High Court in Podgorica became evident in October when the court revealed that only six judges are currently handling its most complex criminal cases, with an alarming backlog of no fewer than 160 cases. The situation is further complicated by the fact that four of these judges—**Vesna Kovačević, Sonja Keković, Nenad Vujanović, and Igor Djuričković**—have applied for advancement and intend to transition to roles as Appellate Court judges, potentially reducing the workforce in this crucial department even further.

The departure of these judges could have significant ramifications for ongoing trials, necessitating a restart of proceedings from the beginning.

In her recent interview with the Judicial Council regarding the operations of the Special Department, Valentina Pavličić, the newly appointed President of the Supreme Court, emphasized that cases involving corruption and organized crime cannot be processed in the same manner as before. She noted that each specialized judge should have a personal work program outlining how they will manage their cases. Pavličić acknowledged that while the judges have the right to pursue advancement, it would be “honorable” for them to conclude the cases they are currently overseeing before transitioning to new roles.

The NGO Human Rights Action (HRA) has expressed concern regarding the potential advancement of judges from the Special Department, highlighting the urgency of ongoing trials.

HRA’s Bojana Malović stated, “We do not have the luxury for judges in the Special Department to advance, especially when serious proceedings are already facing delays. This could lead us back to square one, where a significant number of defendants currently in custody might be released, thereby increasing the risk of flight and complicating judicial processes further. It is imperative that these judges recognize the gravity of their responsibilities at this time”.

Attorney Veselin Radulović echoed these concerns, warning that the transfer of judges to the Appellate Court could result in a lack of available adjudicators in the High Court.

Among the notable cases pending in the Special Department is that of former Supreme Court President Vesna Medenica and suspended Commercial Court judge Milica Vlahović-

Milosavljević, which has faced postponements on seven occasions. The most recent delay was due to judge Nada Rabrenović's sick leave, and there is uncertainty about whether the case will be reassigned to another judge.

In a positive development, the Judicial Council announced on November 8 that it will consider, without delay, options for increasing the number of judges in the Special Department of the High Court in Podgorica.

BRIEF NEWS

VACANCIES PERSIST IN CONSTITUTIONAL COURT; CONSTITUTIONAL COMMITTEE ELECTS NEW PRESIDENT

Jelena Božović, a member of the National Assembly from the New Serbian Democracy party, has been elected as the new President of the Constitutional Committee of the National Assembly of Montenegro as of November 19. Her appointment has paved the way for announcing a competition to fill the position of the seventh judge on the Constitutional Court.

The Constitutional Committee has been unduly hesitant to proceed with the election of the seventh judge, despite the process being feasible nearly six months ago when the former President of the Constitutional Court, Milorad Gogić, reached retirement age and vacated his position. This has resulted in a significant blockade of the Constitutional Court's operations. A recent illustration of this issue is reflected in the decision regarding constitutional complaints from the Democratic Party of Socialists concerning the electoral process in the municipality of Kotor, which resulted in a tie due to a lack of majority votes.

Adding to the challenges faced by the Constitutional Court, one judge is set to retire in December, and two other judges have been acting in cases for months despite having [met the retirement criteria](#).

This situation poses a serious threat to both the functioning of the Constitutional Court and the broader realization of justice in Montenegro.

PURSUIT OF ENHANCED SALARIES FOR INTERNS IN COURTS AND PROSECUTOR'S OFFICES

Interns within the courts and state prosecutor's offices of Montenegro are seeking a meeting with the Ministry of Finance to advocate for increased salaries and adherence to the provisions of the Labour Law. They contend that they face discrimination compared to other employees holding a VII-1 degree of professional qualification. Currently, interns receive a minimum salary of approximately EUR 600; however, they assert that compensation should be raised to at least EUR 800, as stipulated by the Labour Law for employees with VI and higher degrees of professional qualification.

In its response, the Ministry of Finance clarified that, according to the General Collective Agreement, the salary for interns is determined by a job complexity coefficient that cannot fall below 70% of the remuneration for the corresponding job group. As defined in the Agreement, the coefficient for interns is set at 7.14, resulting in a salary lower than the minimum prescribed by the Labour Law for employees with VI and higher degrees of professional qualification. Interns regard the Ministry's interpretation of the statutory provisions as arbitrary and have signaled their intention to continue advocating for their rights.

COURT EXPERTS ADVOCATE FOR INSTITUTIONAL CHANGES

Court experts play a crucial role in the judicial system, and their professionalization and status enhancement have emerged as key priorities, as highlighted during the conference marking the 24th anniversary of the Association of Court Experts of Montenegro. Minister of Justice Bojan Božović announced plans to amend the Law on Court Experts by the end of 2024, emphasizing that the establishment of a Chamber of Court Experts would strengthen professional standards, clarify responsibilities, and improve working conditions.

Marko Lakić, President of the Association, underscored the significant challenges posed by the current legislation, including inadequate fee structures and a lack of oversight. He called for the institutionalization of court experts through mandatory membership in a unified organization. Conference participants stressed the need for a more precise delineation of responsibilities, enhanced oversight mechanisms, and the provision of professional support to ensure that court experts can effectively contribute to a fair and efficient judiciary.



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