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TOPIC 1

UNCONSTITUTIONAL OPERATION OF THE CONSTITUTIONAL COURT

On December 17, the National Assembly of Montenegro confirmed the termination of the office of Constitutional Court judge Dragana Djuranović, provoking significant protests from the opposition. These demonstrations disrupted all sessions of the Montenegrin Assembly until the end of December, with opposition members calling for the annulment of the decision on grounds of unconstitutionality.

The controversy arose following a request made by the president of the Parliamentary Constitutional Committee to the president of the Constitutional Court, Snežana Armenko, on December 11, to present information about the birth dates and years of service of all six judges on the court to the parliamentary committee. Upon reviewing this information, the Constitutional Committee concluded that Judge Djuranović met the retirement criteria established by the Law on Pension and Disability Insurance. Consequently, the Assembly decided to terminate her office, as the Constitution specifies that a judge's tenure concludes "once s/he meets the requirements for age-based retirement".

However, the Constitution also mandates that the Constitutional Court must ascertain the reasons for a judge's termination of office during its sessions and relay that information to the Assembly. During a session in June, the court addressed the matter of Judge Djuranović's retirement, yet did not reach a conclusive vote. In that instance, two judges supported her retirement, while four opposed it. The dissenting votes included those from two judges who had already fulfilled their retirement criteria according to the pension law, as well as Judge Djuranović herself.

It is worth noting that three of the six judges serving on the Constitutional Court until December 17 were, according to regulations, due for retirement, having already met the necessary conditions. However, they believe they can remain in office for an additional year until the mandatory termination of their employment dictated by the Labour Law. In contrast, the tenures of all other judges across the state cease upon fulfilling the retirement requirements set forth by the Law on Pension and Disability Insurance.



On December 17, the Parliament of Montenegro voted to terminate the office of Constitutional Court judge Dragana Djuranović, prompting opposition protests over alleged violations of constitutional procedure. Human Rights Action (HRA) raised concerns that judges of the Constitutional Court had been allowed to decide on their own terminations, a power they tend to misuse.

According to the non-governmental organization Human Rights Action (HRA), the Assembly's decision to dismiss Judge Djuranović was not made in accordance with the procedures established by the Constitution and the Law on the Constitutional Court. The majority of judges did not believe the Assembly should have been informed regarding the judge's fulfillment of the termination requirements.

HRA representatives highlighted that the Constitutional Court's decision constituted a significant violation of the Constitution of Montenegro, pointing out that it was irregularly adopted due to the participation of the judge whose dismissal was under consideration. They stated, **"She had to be excused"**, emphasizing the fundamental legal principle of *Nemo iudex in causa sua* (no one can adjudicate in his/her own case), which, they assert, applies equally to the Constitutional Court of Montenegro.

"The judges of the Constitutional Court are being allowed to decide on their own rights, ultimately obstructing the appointment of new judges. If this legal scandal persists, all judges of the Constitutional Court could be perceived as being tied to their positions for life, which would undermine the integrity of the Court", HRA concluded.

Representatives of the HRA have urged the Constitutional Court to refrain from allowing judges to adjudicate their own cases when decisions regarding their termination of office are at stake. They stated, **"If there is no majority to make a decision, then it is up to the National Assembly, that is, the President of Montenegro, to decide whether to initiate the procedure for electing new judges"**.

On December 23, the Constitutional Committee responded by announcing a competition for the appointment of two judges to the Constitutional Court. This action comes in the wake of the vacancy left by Milorad Gogić, whose office was terminated prior to Judge Djuranović.

However, concerns persist about the statuses of two other judges, Budimir Šćepanović and Desanka Lopičić, both of whom also met the requirements for retirement and termination of judicial office in May and June, respectively.

During a session in December, the Constitutional Court resolved to inform the competent authority, the President of Montenegro, that the conditions for announcing a public call for the election of a judge to replace Judge Šćepanović had been met. Two judges contended that Šćepanović had fulfilled the retirement requirement as of May 31, 2024, under the Law on Pension and Disability Insurance. In contrast, three judges, including Šćepanović himself, argued that he would fulfill the condition for termination of office on May 31, 2025, according to the Labour Law. No such notification regarding Judge Lopičić has been issued as of yet. Subsequently, the President of Montenegro announced plans to call for the election of one judge.

On December 26, HRA reported Judge Šćepanović to the Agency for the Prevention of Corruption due to his involvement in the deliberation concerning his own appointment's termination. This raised clear conflict-of-interest concerns, which he failed to disclose as mandated by the Law on Prevention of Corruption. As a result, the Agency initiated proceedings against him.

For several years, the HRA has emphasized that the termination of the judges' offices at the Constitutional Court should adhere to the same imperative constitutional rule applied to all judges in Montenegro. This stipulates that their offices can only be terminated once they "fulfill the requirement for age-based retirement," as defined by the Law on Pension and Disability Insurance, not by the Labour Law, which some Constitutional Court judges have misinterpreted.

The HRA has called on the National Assembly of Montenegro to urgently implement all necessary procedures for the election of the vacant judges at the Constitutional Court. They argue that timely action is critical to prevent further jeopardization of the Court's operation and to avoid hindering negotiations with the European Union.

During 2023 and 2024, a total of 40 holders of judicial positions in Montenegro resigned. There is an urgent need to fill these vacant positions promptly. Additionally, it is important to reevaluate the justification for granting so-called "official allowances," which are provided in cases of resignation and even following disciplinary proceedings that may lead to dismissal.

TOPIC 2

29 JUDGES AND 11 STATE PROSECUTORS STEP DOWN OVER TWO YEARS

In 2023 and 2024, a total of 40 individuals holding judicial positions voluntarily exited the Montenegrin judiciary, comprising 29 judges and 11 state prosecutors. This issue gained prominence following the resignations of state prosecutor Djurdjina Nina Ivanović from the Supreme State Prosecutor's Office in November and judge Vesna Vučković from the Supreme Court of Montenegro in December of this year.

Tea Gorjanc-Prelević, director of the NGO Human Rights Action, identified three primary reasons behind the mass resignation of judges and prosecutors.

"The situation in the judiciary and the state prosecutor's office is dire. A significant number of both judges and state prosecutors are currently absent, which places additional workloads on those who remain. The salaries do not adequately reflect the complexity and burden of the work, and the technical conditions are not favorable. Furthermore, resignation offers a strategic escape for some individuals who might be deemed irresponsible, as they effectively evade the workload and pressure while still receiving public official compensation for a full year—or even two, depending on their proximity

to retirement. There are also severance payments to consider. If a judge or state prosecutor is facing a disciplinary issue, resigning becomes an ideal option because it halts the disciplinary process, while allowing them to retain their compensation. Notably, this paid compensation remains in place even if the judge or prosecutor is ultimately convicted of a criminal offense, which would otherwise result in dismissal had they not chosen to resign. Lastly, a current contributing factor is the frontal assault by irresponsible politicians, who demean judges and state prosecutor's offices. The fact that politicians rarely, if ever, file criminal charges against anyone highlights the flimsy nature of their statements and their true intentions. This rhetoric poses a significant threat to the public's perception of the judiciary's integrity, causing honest professionals to question, 'Why should I endure this aggravation?'" Gorjanc-Prelević stated in an interview with daily Dan.

Attorney Veselin Radulović expressed the view that while resignations are personal decisions that do not necessitate public explanation, it would be beneficial for the community to understand the rationale behind such choices. He emphasized the critical importance of promptly filling the vacant positions within the judiciary and ensuring the completion of both the Prosecutorial and Judicial Councils.

Danilo Jegdić, a judge at the Basic Court in Podgorica, was sentenced to six months of house arrest for falsifying records after an eight-year trial, during which part of the indictment expired due to the statute of limitations. The Judicial Council has decided to terminate his position, and the Supreme Court will investigate the responsibility related to the statute of limitations.

TOPIC 3

JUDGE DANILO JEGDIĆ SENTENCED TO HOUSE ARREST; SOME CHARGES DISMISSED DUE TO STATUTE OF LIMITATIONS FROM TRIAL DELAYS

Suspended judge of the Basic Court in Podgorica, Danilo Jegdić, was sentenced to six months of house arrest after being accused of falsifying six official minutes between September 16, 2014, and April 12, 2016. This verdict, which followed an appeal, saw the High Court in Podgorica overturn the previous decision made by the Basic Court in Nikšić in May 2024, which had sentenced Jegdić to seven months in prison for the extended criminal offense of falsifying an official document.

The final verdict concluded an eight-year-long trial, resulting in a lesser sentence for the suspended judge than he might have faced, which ranged from three months to five years in prison. Notably, one of the alleged actions he committed—falsification of minutes—qualified for the absolute statute of limitations due to the prolonged legal proceedings in the Basic Court in Nikšić, as ten years had elapsed since the offense occurred.

Valentina Pavličić, President of the Supreme Court of

Montenegro, stated that a commission will be established to investigate who is responsible for the statute of limitations affecting part of the indictment against Jegdić.

“I will request a thorough review of every procedural action taken in this case. Subsequently, we will examine, as a commission, whether there is individual responsibility for the statute of limitations and identify who may be accountable. If responsibility is determined, you can be assured that the necessary proceedings will be initiated against that individual”, Pavličić declared during a press conference on December 17.

The Nikšić Court has previously denied responsibility for the delays in the proceedings, asserting that their judges acted promptly. They attributed the majority of nearly 60 hearing delays to external factors, notably the COVID-19 pandemic and an attorneys’ strike, claiming that the defendant Jegdić himself was primarily responsible for these interruptions.

The trial against Jegdić originally commenced in Nikšić under judge Igor Djuričković, lasting four and a half years. However, following Djuričković’s promotion to the Special Department of the High Court in Podgorica, the case was reassigned to judge Sava Mušikić. After two years of trial proceedings, Judge Mušikić found Jegdić guilty in May 2024.

On December 27, following the guilty verdict, the Judicial Council made the decision to terminate Danilo Jegdić’s judicial office. He had been suspended from his position since 2017 while the criminal proceedings against him were ongoing.

The trial of Vesna Medenica and her son Miloš has restarted under new trial panel president Vesna Kovačević. The case has been ongoing for nearly two years, experiencing over 20 delays with no significant progress. If a verdict is not reached by October 2025, Miloš will be released from custody.

TOPIC 4

MEDENICAS’ TRIAL TO RESTART 22 MONTHS AFTER INDICTMENT

The trial of Vesna Medenica, the former President of the Supreme Court, her son Miloš, and other alleged members of the criminal organization is set to commence once again. The case has been reassigned to Judge Vesna Kovačević due to the long-term illness of the previous judicial panel president, Nada Rabrenović. The original proceedings lasted a year and ten months, during which hearings were postponed over 20 times.

Unfortunately, there has been little significant progress in the case, as no additional hearings occurred after Vesna Medenica and her son presented their defense on September 7, 2023. The reasons for these postponements were analyzed in [Bulletin No. 1](#).

In selecting a new judge, the President of the High Court in Podgorica, Zoran Radović, invoked Article 174, paragraph 2

of the Criminal Procedure Code, which allows reassigning a case from a judge unable to conduct proceedings within the legal timeframe. This decision was made to uphold the right to a fair trial within a reasonable period.

If a verdict is not reached by October 2025, Miloš Medenica, who remains in custody, will be released. According to the Criminal Procedure Code, the court must render a verdict within three years of the indictment, and if it fails to do so, or if the outcome is acquittal, it cannot extend the detention of the defendants any further.

The indictment alleges that the criminal organization led by Miloš Medenica is involved in smuggling cigarettes and marijuana, as well as unlawfully influencing judicial outcomes. The accused include police officers, customs officials, a former professional football player, and various other public figures. The case garnered significant international attention, particularly after transcripts from the “Sky” application revealed a network of illicit activities.

The Judicial Council has decided to double the number of judges in the Special Department of the Higher Court in Podgorica. However, concerns remain about whether this increase will enhance efficiency, as nearly all current judges have applied for promotions to leave the court.

TOPIC 5

SPECIAL DEPARTMENT OF THE HIGH COURT IN PODGORICA TO GAIN NEW STAFF AMID ONGOING DEPARTURES

During the session held on December 13, the Judicial Council unanimously voted to increase the number of judges in the Special Department of the High Court in Podgorica. The decision will add six additional judges to the department, and it was also determined that the number of advisers should be increased so that each judge can be assigned one.

Currently, the Special Department consists of six judges and two investigative judges who handle the most serious criminal cases related to organized crime. As of October 2024, these judges are managing a significant backlog, with 162 unresolved cases among them.

However, it remains uncertain whether the Judicial Council’s decision will effectively enhance the promptness of the Special Department’s proceedings. Notably, after judges Vesna Kovačević, Sonja Keković, Nenad Vujanović, and Igor Djuričković indicated their desire for advancement and expressed intentions to transition to the Appellate Court of Montenegro, there is concern about potential disruptions within the department. Currently, Judge Nada Rabrenović, who is on extended sick leave, is the only judge who has not expressed a desire to leave the Special Department.

This situation highlights the ongoing challenges faced by the Special Department of the High Court in Podgorica in addressing a significant caseload amidst staffing changes,

raising questions about the effectiveness and stability of the judicial response to organized crime cases in Montenegro. The efforts to bolster staffing must be matched by measures to retain existing personnel to ensure the judicial system can operate effectively.

HRA's analysis reveals a troubling situation in the Montenegrin judiciary, notably due to a shortage of judges, despite some progress in the Judicial Council's operations.

TOPIC 6

ANALYSIS OF THE WORK OF THE JUDICIAL COUNCIL IN 2023 AND 2024

The Human Rights Action's report titled "Analysis of the Procedures for the Election, Advancement, and Determination of Responsibility of Judges in Montenegro in 2023 and 2024" highlights a troubling situation within the Montenegrin judiciary, primarily stemming from an insufficient number of judges. Nonetheless, the report also acknowledges some positive developments within the Judicial Council.

"We finally have a modern Judicial Council with an updated website, which conducts interviews and elects judges without scandals", stated HRA director Tea Gorjanc-Prelević. However, she emphasized the need for the Judicial Council to meet the European Commission's expectations quickly, particularly in light of Montenegro's aspirations for European Union membership. "It is essential to establish a transparent, efficient, independent, and responsible judiciary that is resistant to political and other inappropriate influences."

The HRA analysis indicates that from the beginning of 2023 until November 2024, the offices of 51 judges were terminated. In that same timeframe, 50 candidates for judges were selected and sent for training. Upon completion of their training, 46 candidates were elected as judges, 16 judges were promoted to higher courts, and 12 individuals were appointed as court presidents.

However, the analysis also noted shortcomings in the Judicial Council's timeliness in implementing procedures for selecting judge candidates, taking an average of six months to send candidates for training after announcing a competition. Moreover, it reportedly took an additional four months for candidates to be elected as judges once they finished training. **"Given the chronic shortage of judges in the Montenegrin judiciary, this lack of timeliness has significant consequences"**, the HRA document stated. To address this issue, it recommended more frequent temporary assignments of judges to courts burdened by a backlog, accompanied by new incentive measures to motivate judges.

The report emphasizes challenges in enforcing disciplinary and ethical accountability among judges, as only one case of disciplinary responsibility has been established in the past two years, and it remains unresolved.

During the presentation of the analysis results, President of the Judicial Council Radoje Korać emphasized the challenges associated with filling judicial positions, noting a decline in interest compared to previous years.

“We do not have a base from which we can simply elect judges... We often find ourselves in a situation where we can only elect those who applied and met the minimum qualifications. Sometimes, we even have fewer candidates than the number of advertised positions”, Korać explained. To prevent a paralysis of the courts, he proposed the introduction of substitute judges.

“These judges would be similar to others, except their obligation would be to be assigned by the decision of the Judicial Council to courts where judges have been absent for a certain period”, explained Korać. He added that if such a judge rotates between courts over 15 or 20 years, they would eventually have the right to choose to remain as a permanent judge in a specific court.

Valentina Pavličić, the newly elected President of the Supreme Court, acknowledged that the Montenegrin judicial system tends to fall behind in handling cases, emphasizing, **“We will address backlogs proactively; we will not let them accumulate or defer them for later. In this regard, I expect logistical support from the other two branches of power. I anticipate that each will provide whatever is necessary within their scope of competencies to ensure the Montenegrin judiciary can adjudicate in a timely manner”.** She also underscored the importance of resisting any form of pressure.

The HRA analysis highlighted numerous examples of pressures faced by judges, many of which were politically motivated. Furthermore, there have been reports of verbal attacks and threats against judges, which jeopardize the integrity and independence of the judiciary. “Arbitrary political attacks by high-level state officials on the judicial branch are particularly concerning. The Judicial Council has reacted several times in such situations, although some failures to respond or delayed responses have also been noted”, the analysis stated.

Additionally, the report assessed that not all decisions made by the Judicial Council regarding judges’ promotions were adequately explained, and a similar lack of transparency was noted during the election of court presidents.

Another issue raised in the HRA analysis pertains to the functioning of the Commission for the Code of Ethics of Judges. The commission’s work was stalled for 20 months due to a lack of quorum, and it only began addressing cases

from 2022 and 2023 at the end of March 2024. Since its reactivation, 21 cases have been concluded, with opinions regarding violations of the Code of Ethics provided in only two. The HRA argues that the Commission should strive to determine the factual situation more objectively, rather than relying solely on complaints and the statements made by the judges facing those complaints.

The analysis revealed that from the beginning of 2023 until November 1, 2024, only ten disciplinary procedures were initiated against judges, with responsibility being established in just one case (which remained non-final as of December 2024). Three disciplinary proceedings, initiated in 2020 and 2021, were suspended due to the judges' resignations. Of the five procedures launched for the same disciplinary offense—failure to provide data on assets and income—none established responsibility for the judges, despite the Agency for the Prevention of Corruption having previously determined that all involved had violated the Law on Prevention of Corruption by not submitting accurate and complete information regarding their own assets and those of their spouses. Furthermore, the disciplinary prosecutor and the Disciplinary Panel of the Judicial Council maintain the position that a single failure to provide asset and income data does not qualify as a disciplinary offense, arguing that it only constitutes a violation if it is a continuous failure. The HRA analysis criticized this interpretation, stating that it undermines the principle of accountability regarding asset and income reporting, effectively allowing for impunity in serious violations, as long as the omission occurs only once.

It was also highlighted that complaints are not proving to be an effective mechanism for determining judges' accountability for unlawful conduct. In two cases where complaints were deemed well-founded, they did not lead to any established responsibility because the judge resigned, resulting in the suspension of the proceedings.

The report pointed out the ambiguity surrounding which body—the Complaints Commission or the Judicial Council—should make decisions on complaints, suggesting that the distribution of competencies needs clarification.

Additionally, the HRA called for expedited processing of complaints submitted by citizens to the Judicial Council, noting that the current timeline averages four to six months. They recommended that disciplinary procedures be completed within a maximum of one year, rather than the current duration of two to three years, which could lead to cases falling under the statute of limitations or judges meeting the requirements for retirement before action is taken.

The HRA report on the Prosecutorial Council indicates notable progress in decision-making transparency and an increase in the number of state prosecutors. However, it also underscores the necessity for further amendments to the Law on the State Prosecutor's Office, specifically in terms of evaluation and accountability.

TOPIC 7

ANALYSIS OF THE WORK OF THE PROSECUTORIAL COUNCIL IN 2023 AND 2024

The fourth report from Human Rights Action (HRA) analyzing the work of the Prosecutorial Council for the years 2023 and 2024 has highlighted significant advancements in the functioning of this body, particularly when compared to the previous report from 2022. Notably, improvements have been made in the reasoning that accompanies the Council's decisions, marking a positive shift in its operations.

Over the course of 2023 and 2024, the Prosecutorial Council addressed 42 promotions and elections of prosecutors, providing more well-reasoned decisions. The number of active prosecutors increased from 85 to 114, with four additional candidates expected to complete their training and begin work at the start of 2025.

“By the end of next year, we may reach a number of prosecutors that is closer to what is necessary for the proper operation of prosecutor's offices”, remarked Supreme State Prosecutor Milorad Marković, noting that the target number is 141.

However, it is concerning that a quarter of the prosecutors have resigned over the past three years. HRA Executive Director Tea Gorjanc-Prelević pointed out that the existing public officials' compensation scheme, similar to that of judges, allows individuals to receive a full salary for up to two years after resigning, which she described as an **“excessive and incorrect motivation for leaving the highly responsible job of a prosecutor”**.

On a more positive note, there appears to be a renewed interest among young lawyers in pursuing careers within the State Prosecutor's Office, as evidenced by 24 candidates applying for 11 positions in the most recent competition.

The report also noted a positive change in the evaluation of state prosecutors' performance, moving away from exclusively excellent ratings. Nonetheless, the HRA recommends further amendments to the Law on the State Prosecutor's Office to clearly define the criteria for evaluations.

According to attorney Veselin Radulović, **“The Law stipulates that the quality of state prosecutors' work is evaluated based on the number of accepted or rejected proposals for custody determinations and extensions, accepted appeals concerning the rejection of criminal**

charges, final judgments by regular courts, as well as the number of convictions and approved appeals”.

In 2023, the Prosecutorial Council reviewed 199 complaints, with a notable increase to 204 complaints in 2024.

“The volume of work indicates, much like in the Judicial Council’s case, that the professionalization of at least some members’ roles should be seriously considered”, stated Gorjanc-Prelević.

The report further emphasizes the need to amend the Law on the State Prosecutor’s Office, particularly concerning disciplinary and ethical responsibilities. The HRA calls for clearer definitions of disciplinary offenses, ensuring that descriptions of such offenses are distinct from violations of the Code of Ethics, which would facilitate the imposition of appropriate sanctions for omissions.

For additional information and a detailed presentation of the conclusions and recommendations, see the **draft HRA** report at this [link](#).

he Committee for Political System, Judiciary, and Administration has nominated a single candidate for the vacant position on the Judicial Council. On the other hand, HRA argues that the Committee is erring by insisting on the election of only one member of the Prosecutorial Council, as stipulated by the new legal provisions for the upcoming term.

TOPIC 8

DIZDAREVIĆ ONLY CANDIDATE FOR JUDICIAL COUNCIL; PROSECUTORIAL COUNCIL COMPLETION STILL PENDING

During a session on December 5, the Committee for Political System, Judiciary and Administration of the National Assembly of Montenegro approved a list of candidates to fill the vacant position on the Judicial Council, with only attorney Kasim Dizdarević, a former judge, applying for the role following the competition announced on August 1.

At the same session, the Committee decided to send a letter to the Bar Association, requesting it to issue a public call for the missing member of the Prosecutorial Council. This vacancy arose after attorneys Siniša Gazivoda and Miloš Vuksanović resigned in August and September 2024, respectively.

Committee President Vladislav Bojović explained that changes brought about by the adoption of the Law on State Prosecutor’s Office require the Committee to propose four members instead of five for the Prosecutorial Council. He specified that the Committee would issue a public call for two distinguished lawyers and one representative from the non-governmental sector, while one additional candidate would be proposed by the Bar Association. **“Since the Prosecutorial**

Council already includes two distinguished lawyers and one representative from the NGO sector, it is the Bar Association’s obligation to issue a public call to fill the missing position”, Bojović elaborated.

However, representatives from Human Rights Action (HRA) dispute Bojović’s interpretation, citing the new Law on the State Prosecutor’s Office. They assert that the Prosecutorial Council elected under the previous provisions must continue its work until the end of its four-year mandate, as stipulated in Article 184 f. Moreover, they highlight that Article 19 of the same law clearly states that a member’s term lasts until the end of the Council’s mandate, establishing what is referred to as a “bound mandate.”

“If a member is subsequently elected for a vacant position, their mandate concludes simultaneously with that of the Council. This Article also indicates that upon the end of any member’s mandate, the authority that elected them must immediately appoint a replacement. Therefore, the Committee is required to propose and the Assembly to elect the two missing members of the Prosecutorial Council,” HRA representatives stated.

This issue was also addressed during the presentation of the HRA report on the work of the Prosecutorial Council in 2023 and 2024, held on December 27. Representatives from the Council supported the position that the actions taken by the Committee were inconsistent with the transitional provisions of the Law on the State Prosecutor’s Office.

Montenegro will pay another 5,130 euros for violating the right to a fair trial within a reasonable time in three more cases before the Constitutional Court. Urgent and transparent resolution of pending cases is necessary.

TOPIC 9

WARNINGS FROM STRASBOURG CONCERNING LACK OF PROMPTNESS

The persistent lack of promptness within the Montenegrin judiciary is leading to significant repercussions. According to decisions issued by the European Court of Human Rights (ECHR) at the end of November 2024, Montenegro is required to compensate the applicants in three separate cases with an additional EUR 5,130.

The ECHR’s decision, arising from the protracted duration of proceedings before the Constitutional Court of Montenegro, pertains to the cases of *Kićović v. Montenegro* and *Vukašinović v. Montenegro*. In these instances, the proceedings before the Constitutional Court extended for four and a half years and approximately four years, respectively. In the third case, *Žunjić and others*

v. *Montenegro*, the delays were related to administrative procedures that exceeded six and a half years.

In response to the increasing concerns regarding the length of proceedings, the Government of Montenegro recently recommended that the Constitutional Court analyze cases pending for more than three years. They suggested marking these cases as priorities and establishing fixed deadlines for their resolution.

“Now that both the European Court and the Government have sounded the alarm, we expect the Constitutional Court to finally take action and announce a plan for the urgent resolution of all backlogged cases”, stated Tea Gorjanc-Prelević, director of the NGO Human Rights Action (HRA), in an interview with *Radio Free Europe*.

As of early December 2024, the HRA noted that there were 1,981 unresolved constitutional appeals, with the oldest dating back to 2018. Specifically, two appeals are from 2019, thirteen from 2020, 284 from 2021, 412 from 2022, and 547 from 2023.

The HRA also remarked that in 2024, the ECHR identified violations of the human right to a trial within a reasonable time in at least 13 cases where constitutional appeals had remained undecided for three and a half years or more. Consequently, Montenegro was mandated to provide compensation to those who submitted these appeals. This indicates that individuals who filed constitutional appeals in the first half of 2021, as well as in 2020, 2019, and 2018, have had their right to a timely trial violated if these appeals remain unresolved. This situation underscores the urgent need for reform and efficiency within the Montenegrin judiciary to avoid further violations of human rights and financial repercussions. The call for action from both the European Court and local authorities highlights the critical necessity for a thorough and expedited approach to handling ongoing judicial backlogs.

Suspended Special State Prosecutor Lidija Mitrović has received another first-instance sentence of seven months in prison for abuse of office.

TOPIC 10

SPECIAL STATE PROSECUTOR FACES SEVEN-MONTH SENTENCE FOR ABUSE OF OFFICE IN LATEST CONVICTION

In repeated proceedings before the High Court in Podgorica, suspended Special State Prosecutor Lidija Mitrović has been sentenced to seven months in prison for abuse of official position. The charges against her stemmed from her decision

to suspend criminal proceedings against four individuals suspected of tax evasion between November 2020 and December 2021. Mitrović allegedly invoked the institute of deferred prosecution despite the fact that the statutory requirements for such a decision were never satisfied.

In delivering the verdict, Judge Nenad Vujanović emphasized that Mitrović did not possess the authority to make such a decision as there were no conditions present for applying the deferred prosecution measure. Mitrović, however, denied the accusations, arguing that the individuals involved had not committed a criminal offense because they were not engaged in taxable business activities.

Following the verdict, Mitrović's defense attorney announced plans to file an appeal with the Appellate Court. Notably, the Appellate Court previously annulled the first instance verdict that had initially sentenced her to seven months in prison, citing violations of the procedure and ordering a new trial.

Last year, the Prosecutorial Council made the decision to temporarily suspend Mitrović from her role as special prosecutor due to her negligent performance of duties.

This case continues to unfold and highlights ongoing concerns regarding legal accountability and the integrity of judicial processes within the Montenegrin legal system.

In December, the Basic Court in Bar faced a backlog of 6,589 cases with only seven judges available, despite a systemization allowance for 11 judges. The court president has proposed reducing the training period for new judges to six months to address the shortage.

TOPIC 11

BASIC COURT IN BAR JUDGES BURDENED WITH AN AVERAGE OF 941 CASES

The Basic Court in Bar is facing significant challenges with only seven judges currently serving, despite a systemization plan that allows for eleven judges. Over the past year, one judge has been frequently on sick leave, which has resulted in an effective working capacity of just six judges managing the court's caseload.

These judges are handling three to four times more cases than the established norm, yet this has not negatively impacted the number of cases adjudicated. According to Tamara Spasojević, the President of the Basic Court in Bar, each judge currently has an average of 941 pending cases, while managing to resolve an average of 484 cases each.

As of December 4, the total number of cases in the Basic Court stood at 6,589, of which 3,392 cases have been completed, representing a completion rate of 51.51%.

This year alone, the court has received 4,110 new cases, successfully concluding 82% of them.

To address the ongoing issue of judicial shortages, Spasojević suggested that reducing the training duration for judge candidates from the current one year to six months would be a substantial step forward. Presently, the Basic Court in Bar has two candidates engaged in training at the court.

This situation highlights the pressing need for judicial reforms and effective measures to enhance the capacity and efficiency of the judicial system in Montenegro, ensuring that cases are handled promptly and effectively.

The proposal to extend the duration of detention from three to five years has been withdrawn from parliamentary consideration. The inability to issue a first-instance verdict within three years highlights the state's failure to effectively organize the judiciary to protect human rights.

TOPIC 12

PROPOSAL TO AMEND THE CRIMINAL PROCEDURE CODE REGARDING EXTENSION OF DETENTION WITHDRAWN

The proposed amendments to the Criminal Procedure Code, which included a provision to extend the detention of suspects from three to five years in the absence of a first instance verdict, have been withdrawn from parliamentary consideration. This decision was made by the proponents of the amendment, deputies Vasilije Čarapić and Miodrag Laković from the Europe Now Movement, following opposition from representatives of ruling parties, including the New Serbian Democracy, the Democratic People's Party, the Bosniak Party, as well as the opposition Democratic Party of Socialists.

The European Movement had initially advocated for this legal change by citing the complexities involved in prosecuting serious crimes such as organized crime, terrorism, and war crimes. They argued that these cases often entail numerous perpetrators and witnesses and possess international dimensions, which can necessitate extended timeframes for legal proceedings.

However, the NGO Human Rights Action (HRA) strongly criticized the amendment proposal. HRA Director Tea Gorjanc-Prelević asserted that extending detention in cases without a first instance verdict is not a viable solution. **“It reflects the state's failure to properly organize its judiciary to safeguard human rights, which is its fundamental responsibility”**, she stated.

Gorjanc-Prelević further emphasized that it is alarming to consider abandoning one of the fundamental guarantees of human rights due to the state's inability to ensure a verdict is reached within a three-year period.

The trial of Judge Dragan Mrdak and court reporter Sonja Marković for falsifying a verdict has resumed at the High Court in Podgorica. Both deny the charges. The continuation of the trial is scheduled for February.

TOPIC 13

CONFRONTATION OF JUDGES IN HIGH COURT IN PODGORICA OVER DISPUTED VERDICT

The trial of Dragan Mrdak, a judge at the High Court in Bijelo Polje, resumed in the High Court in Podgorica. Mrdak stands accused of falsifying a convicting judgment and, without the knowledge of his two colleagues on the judicial panel, altering it in a manner that purportedly invoked the statute of limitations. This case involves two employees of a Kolašin bank who are charged with abuse of position in economic operations—a crime that, under current law, cannot be subject to the statute of limitations.

During the proceedings, Judge Ivan Adamović, a member of the panel implicated in the case, confronted Mrdak, asserting that no decision regarding the statute of limitations was ever made. Adamović stated that the defendants had received a nine-month prison sentence, emphasizing that there was no additional deliberation regarding the contested case.

In his defense, Mrdak denied changing the decision in question without the consent of his fellow panel members. He accused Adamović of failing to acknowledge that they collectively made an error, suggesting that Adamović's aspirations for the position of President of the High Court influenced his refusal to address this issue during the trial.

Additionally, Mrdak's stenographer, Sonja Marković, is also facing charges for allegedly erasing the panel's decision on Mrdak's orders and replacing it with one that invoked the statute of limitations. Both Mrdak and Marković have denied the allegations against them. The trial is set to continue in February, at which point the third member of the trial panel, Dragan Dašić, is expected to provide testimony.

| BRIEF NEWS

PRESIDENT OF THE HIGH MISDEMEANOUR COURT HAS BEEN ELECTED, NEW COMPETITIONS TO FOLLOW

At its session held on 13 December, the Judicial Council elected Larisa Begović the President of the High Misdemeanour Court of Montenegro (she was previously the Acting President and judge of that Court), while the High Court in Bijelo Polje and the Commercial Court of Montenegro got new judges, two and one respectively.

The Judicial Council made a decision to announce vacancies for judges' positions in the Supreme Court, the High Misdemeanour Court of Montenegro, as well as in various misdemeanour courts.

PROSECUTORIAL COUNCIL: INTERVIEWS COMPLETED, CANDIDATES REFERRED TO TRAINING

The Prosecutorial Council conducted interviews with candidates for the election of two state prosecutors in the Supreme State Prosecutor's Office, and the results will be announced at a later date. Nine candidates were referred to initial training in Basic State Prosecutor's offices in Podgorica, Bijelo Polje, Rožaje, Berane and Kotor. Complaints about the work of prosecutors were considered as well, of which 24 were rejected while four were accepted.



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