

JUDICIAL MONITOR

MONITORING AND REPORTING ON JUDICIAL REFORMS

10
JULY

SADRŽAJ

TOPIC 1

UN SPECIAL RAPPORTEUR ON THE MONTENEGRIN JUDICIARY – PROGRESS MADE, BUT MANY GOALS STILL UNFULFILLED

TOPIC 2

SLOBODAN PEKOVIĆ (ĆURČIĆ) CONVICTED OF WAR CRIME AGAINST CIVILIAN POPULATION

TOPIC 3

TRIAL FOR THE MURDER OF SLAVOLJUB ŠČEKIĆ CONCLUDED, VERDICT IN SEPTEMBER

TOPIC 4

ACQUITTAL FOR JUDGE MRDAK AND CLERK MARKOVIĆ

TOPIC 5

THE NATIONAL SECURITY COUNCIL DEMANDS URGENT IMPLEMENTATION OF VETTING

TOPIC 6

VESNA MEDENICA

The Appellate Court overturned the verdict of the Higher Court against Vesna Medenica

Health Condition of the Accused Causes Postponement of Hearing in Another Case Against Vesna Medenica

TOPIC 7

SUPREME COURT – HIGHEST EFFICIENCY RATE IN THE LAST FIVE YEARS, TWICE AS MANY CASES RESOLVED THAN BEFORE

TOPIC 8

OVERVIEW OF THE JUDICIARY – 54 JUDGES AND 27 STATE PROSECUTORS MISSING

TOPIC 9

HOW AND WHEN JUDGES' TERMS ENDED DUE TO MEETING THE PENSION REQUIREMENTS?

BRIEF NEWS



TOPIC 1

UN SPECIAL RAPPORTEUR ON THE MONTENEGRIN JUDICIARY – PROGRESS MADE, BUT MANY GOALS STILL UNFULFILLED

After the 2024 publication of the report by UN Special Rapporteur on the Independence of Judges and Lawyers, Margaret Satterthwaite, regarding the state of the Montenegrin judiciary, she visited Montenegro again in early July to assess what had been achieved since the release of her report.

She welcomed the establishment of the final benchmarks for Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom, and Security) within the framework of EU accession negotiations, and acknowledged that “some progress has been made in reforming the judicial system” following the adoption of the report. However, she also noted that Montenegro still faces serious obstacles.



Photo: HRA

“It could be said that the entire reform process, which began several decades ago, has been prolonged and ineffective. Many goals—such as independence, efficiency and accountability—still have not been fully achieved. Judicial accountability remains one of the key objectives even three decades later”, stated Satterthwaite at the conference “Towards Judicial Independence in Montenegro – Assessment of the Implementation of the 2024 UN Special Rapporteur’s



After the 2024 publication of the report by United Nations (UN) Special Rapporteur on the Independence of Judges and Lawyers, Margaret Satterthwaite, regarding the state of the Montenegrin judiciary, she visited Montenegro again in early July to assess what had been achieved in the period following the release of her report.

Recommendations on the Independence of Judges and Lawyers in Montenegro”, organized by the NGO Human Rights Action with the support of the UN Office of the High Commissioner for Human Rights.

She also pointed to inadequate working conditions in both the judiciary and the prosecution, institutional deadlock and political interference in the functioning of the judicial system.

“Political actors also bear responsibility—they must not claim credit for the work of the judiciary and prosecution, because only in that way can independence be preserved. Politicians must stop attacking judges—this is a global issue and a very dangerous one. In a democratic society, politicians must be accountable and refrain from such behavior,” said the UN Special Rapporteur, adding that politicians hold in their hands key issues, such as amendments to the Constitution of Montenegro.

“When we look at the status of judicial independence around the world, we can see a growing autocratization—more and more autocratic governments are attempting to influence independent judiciaries by capturing courts, limiting their capacity, instrumentalizing criminal law and targeting the independence of prosecutors, judges, individuals and lawyers,” said Margaret Satterthwaite, expressing hope that Montenegro will be a counterexample in this regard.

She expects judges to protect their integrity by not engaging in political debates, and to earn public respect through the decisions they make.

“How can we elevate the judicial and prosecutorial professions if the public doesn’t perceive them that way? How can we make these roles attractive to children, so they dream of one day holding those positions and doing that work? Of course, other countries also face these issues, as judges are often subject to public criticism. Judges themselves must be as transparent as possible—they should speak through their decisions, because judges best represent themselves through the rulings they make,” Satterthwaite concluded.

She also addressed the possibility of improving the functioning of courts and prosecutor’s offices in Montenegro, proposing modernization and the implementation of contemporary technologies.

“I hope you will embrace digitalization and make use of technologies that can help you do your jobs better. For example, you can use technology for translation, interpretation and case classification. Brazil is a good example—they had a massive case backlog, but with the help of artificial intelligence, they managed to classify cases by complexity and priority. Of course, a human translator is still needed to oversee the translation, but this technology saves both time and money”, she stated.

In conclusion, Margaret Satterthwaite stated that the Montenegrin judiciary faces serious challenges, but emphasized that strong leadership is essential to bring about change.

“To turn the vicious circle into a virtuous one,” said the UN Special Rapporteur.

TOPIC 2

SLOBODAN PEKOVIĆ (ĆURČIĆ) CONVICTED OF WAR CRIME AGAINST CIVILIAN POPULATION

A special panel of the Higher Court in Podgorica, presided over by Judge Nada Rabrenović, sentenced Slobodan Peković to 20 years in prison for the criminal offense of war crimes against the civilian population. This is the only ongoing war crimes case before domestic courts.

A special panel of the Podgorica High Court, presided over by Judge Nada Rabrenović, has sentenced Slobodan Peković to 20 years in prison for the war crime against the civilian population. This is the only ongoing war crimes case before domestic courts in Montenegro.

Peković, who previously went by the surname Ćurčić, was charged with killing two individuals and raping a Bosniak woman (protected witness A1) in Foča in 1992, while serving as a soldier in the Army of the Republic of Srpska (ARS).



The court determined that Peković, together with other ARS soldiers, during the attack on the village of Hum in Foča, took Emina Šabanović out of her house, beat her on the body with a shovel and dragged her by the hair. Afterwards, he took her to Mujo Šabanović's house, where he killed both of them with shots from automatic weapons, and then set the house on fire along with their bodies.

He was also convicted of raping witness A1. Namely, after A1 was forcibly brought to Foča, to the “Partizan” sports hall, Peković took her out of there together with her minor child, witness A2, and several other women and children, and took them to an apartment opposite the police station, where A1 was raped.

As aggravating circumstances in sentencing, the court took into account Peković's previous convictions in Germany for serious thefts and illegal trade, as well as his persistence and brutality in committing the criminal acts, and his cunning and craftiness.

After the first-instance verdict was announced, he was placed in custody, to which he was taken after the trial concluded. Until then, he defended himself while free, since his previous custody was lifted on October 21, 2024, because the first-instance verdict was not rendered within three years from the indictment.

Special Prosecutor Tanja Čolan-Deretić told journalists that the prosecution is satisfied with this decision, while lawyer Dalibor Tomović, the representative of the injured party A1, said that the court established undisputed facts.

"Considering all the circumstances of this case, I believe the sentence is proportionate to the gravity of the war crime. The acts of rape, which A1 described in detail before the court, were confirmed by the testimony of another protected witness, A2, who thoroughly described how she recognized the accused", said Tomović.

The NGO Human Rights Action (HRA) announced that this is the first case in Montenegrin judiciary related to war sexual violence where the victim has the status of a protected witness.

"This verdict is a significant step forward in punishing war crimes in Montenegro and can encourage other victims to seek justice through judicial proceedings", the HRA statement reads.

This NGO expects domestic courts to demonstrate the ability to apply international standards in war crimes cases. However, they criticized the court's failure to decide on the property-related claim of the injured party, because pursuing this claim in civil proceedings would require her to reveal her identity and suffer retraumatization from the trial.

"I expect the state to ensure that property-related claims of such victims are necessarily decided within the criminal proceedings, so that victims are spared additional trauma. This verdict is important because it forces us to confront the facts about the involvement of Montenegrin citizens in mass war crimes, especially the rapes of women in Bosnia and Herzegovina. I call on anyone who knows anything about this to contact the state prosecutor's office. All such crimes have permanently and painfully marked the lives of innocent people and their families, especially children", emphasized Tea Gorjanc-Prelević, Executive Director of HRA.

The trial before the Court of Appeals of Montenegro against four defendants accused of the murder of police inspector Slavoljub Šćekić has concluded. A verdict is expected to be delivered on September 24. The criminal proceedings against the accused have been ongoing for nearly 20 years.

TOPIC 3

TRIAL FOR THE MURDER OF SLAVOLJUB ŠĆEKIĆ CONCLUDED, VERDICT IN SEPTEMBER

The trial against four defendants accused of murdering police inspector Slavoljub Šćekić has concluded before the Appellate Court of Montenegro. The verdict is expected to be delivered on September 24. The criminal proceedings against the accused have been ongoing for nearly 20 years. During the process, a total of eight verdicts have been issued: three first-instance and five second-instance decisions, along with three rulings by the Supreme Court on appeals, and one ruling by the Constitutional Court. The verdicts have been overturned six times.



Photo: Pobjeda

The European Court of Human Rights has twice found violations of the rights of the accused, Ljubo Bigović, regarding prolonged detention and conditions of detention.

The State Prosecutor's Office has requested prison sentences of 30 years each for the four defendants accused of murder — Saša Boreta, Ljubo Bigović, Ljubo Vujadinović and Milan Šćekić. The family of the murdered Slavoljub Šćekić has also joined this request.

On the other hand, the defendants claim they are not guilty, that is, they did not participate in the murder of the police inspector. Their defense attorney insists that there is no valid evidence against them, especially that one of the main pieces of evidence — the testimony of the protected witness Zoran Vlaović, known as Bohum — is not credible.

“The man who has been convicted 14 times with final judgments, three times for rape, four times for fraud... A man who in numerous cases in Montenegro offered to be a protected witness and solve everything for us here, for which, of course, he received benefits from this state”, pointed out defense lawyer Dragoljub Đukanović after the trial.

To recall, Slavoljub Šćekić was killed in front of his family home in the Tološi neighborhood of Podgorica on August 30, 2005, when the killer shot him with an automatic weapon.

The indictment against the accused Boreta, Bigović, Vujadinović and Šćekić was filed one year after the crime, and the first verdict was issued in 2009. The guilty verdict was delivered by a panel of judges chaired by the judge of the Higher Court in Podgorica, Lazar Aković.

A year later, the Appellate Court panel, led by judge Milivoje Katnić, overturned that verdict, stating that the evidence from the first-instance verdict was insufficient to conclude that Šćekić was killed by a criminal organization in an organized manner, and they particularly questioned the validity of the testimony of witness Žarko Radulović.

In the retrial, judge Slavka Vukčević of the Higher Court issued a guilty verdict in 2011, sentencing all defendants to 30 years in prison.

However, in 2012, the Appellate Court panel, again headed by Katnić, overturned that Higher Court verdict concerning the prison sentences imposed.

The third judge of the Higher Court in Podgorica to preside over the trial panel in this case, Biljana Uskoković, issued a third guilty verdict the same year. It was established that Boreta and Bigović instigated Šćekić and Vujadinović to kill the police inspector out of greed. They did so because inspector Šćekić was on their trail while investigating an attempted extortion and a series of bomb attacks at the construction site of the Splendid Hotel. According to the indictment, the direct perpetrator of the murder was Milan Šćekić.

However, it turned out that the proceedings were far from over. In 2013, the Appellate Court upheld the verdict of the Higher Court. However, upon appeal, the Supreme Court in 2014 annulled the Appellate Court's guilty verdict and returned the case for retrial and reconsideration. In 2015, the Appellate Court confirmed the 30-year prison sentences for the four defendants. At the end of October 2015, the Supreme Court of Montenegro upheld that verdict.

However, in 2019, the Constitutional Court of Montenegro accepted the defense's appeal. It found that the accused's right to a fair trial had been violated regarding the acquisition and quality of the protected witness's evidence and the right to defense. Additionally, the court pointed out the possibility of an excessive charge against the accused Ljubo Bigović, because the first-instance court, contrary to the factual description in the indictment, omitted allegations of committing the criminal act of incitement to murder during temporary release from custody and instead determined

that the act was committed earlier, before the deprivation of liberty.

Such a change was not included in the indictment, so the court was deciding on facts that were not the subject of the indictment, and the defense of the accused did not have the opportunity to prepare for them, thereby violating the right to defense.

Therefore, in December 2019, the Supreme Court annulled the Appellate Court verdict from February 20, 2015, and returned the case for reconsideration. After two years, on September 5, 2022, that court annulled the verdict of the Higher Court in Podgorica from October 19, 2012, and again sent the case back for a new trial.

“In the opinion of the panel of this court, these are significant violations that cannot be remedied in proceedings before the second-instance court, which is why the first-instance verdict was annulled and the case was returned to the same court for retrial,” the Appellate Court announced at the time.

However, despite the opinion of the colleagues from the second-instance court, the Higher Court in Podgorica stated that it was not competent to continue the proceedings, so the trial nonetheless resumed before the Appellate Court.

This case has been accompanied by numerous controversies — from verdicts that contained technical and substantive errors, to the fact that the Strasbourg court confirmed unlawful conduct towards one of the accused.

For example, as early as April 24, 2012, the Higher Court made an official note stating that the case file was missing a compact disc containing the testimony of the protected witness. Three years later (in 2015), the Supreme Court confirmed to *Vijesti* that they had the disc with the witness's testimony but did not confirm whether it was the original.

The rights of the accused, Ljubo Bigović, were decided twice by the European Court of Human Rights, which ruled against Montenegro in 2019 on his application. In the first application, the European Court in 2019 found a violation of the prohibition of torture (Article 3) due to the conditions he endured in detention, and a violation of the right to liberty and security (Article 5) due to insufficient justification for the length of his detention, which lasted 5 years and 5 months. He was awarded €7,500 in non-material damages at that time. In the second application, Bigović in 2020 submitted complaints concerning Articles 3 (prohibition of torture), 5 (right to liberty and security), 6 (right to a fair trial), 8 (right to respect for private and family life), and 13 (right to an effective remedy) of the Convention. The case was marked as urgent and resolved through a friendly settlement. Bigović then waived any further complaints against

Montenegro regarding the appeals, on the condition that the **Government of Montenegro pays him €1,800 for non-material damages and €500 for legal costs.** Additionally, there was an **obligation for the urgent transfer of Bigović from the cell he was occupying at the time to a cell with conditions corresponding to those after August 2009.**

Bigović and the other accused in this case are still in custody.

Judge Dragan Mrdak of the High Court in Bijelo Polje and the court clerk Sonja Marković were acquitted of charges of abuse of official position and falsification of a verdict in proceedings conducted before the High Court in Podgorica.

TOPIC 4

ACQUITTAL FOR JUDGE MRDAK AND CLERK MARKOVIĆ

Dragan Mrdak, a judge at the High Court in Bijelo Polje, and Sonja Marković, a court clerk at the same court, were acquitted of charges of abuse of official position and falsification of a verdict in proceedings conducted before the High Court in Podgorica.



Photo: Milovan Novović

The Special State Prosecutor's Office alleged in the indictment that a three-member panel of the High Court in Bijelo Polje last year sentenced two defendants for abuse of position in economic operations to nine months in prison each, but that Mrdak falsified the decision and issued a new verdict dismissing the charges due to statute of limitations. He allegedly instigated Marković to enter this information into the official record book, even though she knew it was untrue.

After the verdict was announced, Stefan Jovanović, the defense attorney for Judge Mrdak, briefly explained the court's decision.

"The court found that the actions of Judge Mrdak did not constitute elements of the criminal offenses he was charged with, but rather amounted to an error that could possibly be subject to another type of proceeding."

The Special State Prosecutor's Office expressed dissatisfaction with the verdict.

"We cannot accept that something can be justified as a judicial error. It is undisputed that a judge, like every holder of a judicial function in Montenegro, can make a mistake, but this is far from a mistake. This is a criminal offense for which, according to the Criminal Code, the statute of limitations for prosecution cannot occur. This should have been known to every judge of the High Court, in Bijelo Polje or Podgorica, and even if it wasn't known, on the day of the council session, March 8 last year, the statute of limitations had not begun under the general provisions," said Radonjić.

At the trial, Mrdak defended himself by claiming ignorance regarding the alleged verdict that triggered the statute of limitations, stating that his colleagues from the panel – judges Ivan Adamović and Dragan Dašić – were also involved. The two judges denied these claims.

Prosecutor Radonjić insists that the testimonies of the two judges from the panel align with the evidence, unlike Mrdak's defense.

"Why the first-instance court does not accept their testimonies is unclear to me. It seems that the High Court in Podgorica, which made the decision, does not accept the statements of its fellow judges from Bijelo Polje, meaning it seems they are not telling the truth," said Radonjić.

Dragan Mrdak was temporarily suspended from his position as judge until the criminal proceedings conclude, a decision made by the Judicial Council last year.

TOPIC 5

THE NATIONAL SECURITY COUNCIL DEMANDS URGENT IMPLEMENTATION OF VETTING

The Ministry of Justice, in cooperation with the European Commission, should urgently prepare a model for the introduction of vetting, recommended the State National Security Council. Special attention should be given to verifying the integrity, professionalism, and lifestyle of holders of judicial positions, it was announced after the ninth session of the Council chaired by Prime Minister Milojko Spajić.

In addition to the Prime Minister, Council members include the Ministers of Internal Affairs Danilo Šaranović, Defense Dragan Krapović, Justice Bojan Božović, Foreign Affairs Ervin Ibrahimović, and Finance Novica Vuković; Deputy

The Ministry of Justice, in cooperation with the European Commission, must urgently prepare a model for the introduction of vetting, recommended the State Council for National Security.

Prime Ministers Aleksa Bečić and Momo Koprivica; as well as the Director of the National Security Agency Ivica Janović.



Photo: Freepik

Also present at the latest session were the Supreme State Prosecutor Milorad Marković, Chief Special Prosecutor Vladimir Novović, and the Acting Police Director Lazar Šćepanović, Chief of the Special Prosecutor's Office Predrag Šuković, and Chairman of the Parliamentary Committee on Security and Defense Miodrag Laković. A serious problem was noted regarding the efficiency of the judiciary system, especially in the segment of timely issuance of verdicts.

"In order to assess the efficiency of the judiciary system in handling cases involving serious criminal offenses, the Council will request from the Judicial Council comprehensive data on the total number of court decisions that were not drafted within the legally prescribed deadlines, as well as data on the number of revoked detentions that resulted from failure to issue court verdicts within three years from the date of indictment," the statement said after the session.

Therefore, the National Security Council proposed to the Ministry of Justice to initiate amendments and additions to the Criminal Procedure Code (CPC) and to forward them to the European Commission, with a special emphasis on extending the maximum duration of detention and increasing the current limit of three years for the most serious criminal offenses.

Recall that the draft law on amendments and additions to the CPC, which among other things, envisaged extending detention from three to five years if a first-instance verdict was not reached, was withdrawn from the parliamentary procedure earlier this year.

The Human Rights Action, among others, contested the proposal put forward by the deputies of the Europe Now Movement (the party of Prime Minister Milojko Spajić), emphasizing that extending detention in cases where a first-instance verdict is not rendered is not the solution.

“That indicates the state’s inability to organize its judiciary in a way that protects human rights, even though that is its fundamental duty,” said HRA director Tea Gorjanc-Prelević.

At the session of the National Security Council, the ministry led by Bojan Božović was also asked to intensify activities by October on adopting the Law on the Confiscation of Property Gains Acquired by Criminal Activity and other laws crucial for the fight against organized crime and corruption.

“The Council proposes that the Ministry of Finance, in cooperation with the European Commission, initiate preparatory activities for the formation of a special Financial Agency, which would have the task of conducting substantive and independent control of financial statements and reports. The National Security Council fully supports the acting director of the Police Directorate (Lazar Šćepanović) and the management in implementing activities aimed at combating organized crime and corruption,” reads the statement from the National Security Council.

TOPIC 6

| VESNA MEDENICA

The Court of Appeal of Montenegro annulled the first-instance verdict, by which the Podgorica Higher Court sentenced the former President of the Supreme Court of Montenegro, Vesna Medenica, to six months in prison for abuse of official position in the case of former judge of the Basic Court in Rožaje, Milosav Zekić.

The Appellate Court overturned the verdict of the Higher Court against Vesna Medenica

The Appellate Court of Montenegro overturned the first-instance verdict by the Podgorica Higher Court, which had sentenced the former head of the Supreme Court of Montenegro, Vesna Medenica, to six months in prison for abuse of official position in the case involving former Basic Court judge Milosav Zekić from Rožaje.



Photo: Luka Zeković

As a reminder, the first-instance guilty verdict was pronounced in November 2024 by Judge Sonja Keković. According to the Special State Prosecutor's indictment, Medenica is charged with abuse of official position in mid-February 2019, when, as President of the Supreme Court, she enabled Basic Court judge Milosav Zekić from Rožaje not to be temporarily suspended from work, despite a criminal procedure against him being conducted before the Kotor court. By doing so, she unlawfully allowed him to gain benefits.

The Appellate Court found, among other things, that the verdict of the Higher Court was unclear and contradictory.

The Appellate Court determined that the first-instance court committed significant violations of criminal procedure provisions, noting that the verdict was unclear, internally contradictory, and inconsistent regarding the timing of the criminal act, the status of the official involved, and the specific actions constituting the alleged crime. Furthermore, according to the Appellate Court's assessment, the first-instance verdict lacks reasoning on key facts, while the provided explanations are completely unclear and largely contradict the facts established by the evidence presented during the proceedings, the court's statement reads.

The trial against the former head of the Montenegrin judiciary, Vesna Medenica, and other defendants accused of being part of a criminal group organized by her son Miloš, continued in the Higher Court in Podgorica.

Health Condition of the Accused Causes Postponement of Hearing in Another Case Against Vesna Medenica

The trial against the former head of the Montenegrin judiciary, Vesna Medenica, and other accused individuals, who are alleged to be part of a criminal group organized by her son Miloš, continued in the Higher Court in Podgorica.

On July 7th, Medenica's daughter, Marija Medenica-Dulović, testified. She spoke before the judicial panel about the police search conducted at their family home two days after her mother's arrest. However, the testimony was not completed because the hearing was interrupted due to the poor health of the accused Radomir Raičević, who was sent to the Emergency Center of the Clinical Center of Montenegro due to chest pains. The following day, July 8th, health problems of the accused—Vesna Medenica, Vojin Perunović and Radomir Raičević—again prevented the continuation of the trial.

According to Medenica's defense attorney Zdravko Begović, she was taken to the Ambulance the previous night due to pain and continued treatment at the "Vaso Čuković" Special Hospital in Risan. This, he explained, was the reason she did not appear at the hearing.

On the other hand, medical expert Nemanja Radojević, based on documentation, assessed that Medenica was capable of attending the main hearing. Therefore, special prosecutor Vukas Radonjić emphasized that her failure to appear was unjustified.

“Her forced summons is necessary, and her behavior today, as well as similar conduct in the future during the main hearing, will be grounds for us to propose the harshest procedural measure — detention,” assessed Radonjić.

Medenica’s defense attorney responded that there is no need for this and claimed that the prosecutor is trying by all means to create an environment in which Vesna Medenica simulates illness and obstructs the proceedings.

Prosecutor Radonjić also requested that detention be ordered for the accused Perunović due to obstruction of the proceedings, as he was admitted to the hospital in Nikšić for surgery even though the health issue was not urgent. The court will decide on this request after consulting Perunović’s doctor.

The next day, July 9, Vesna Medenica appeared in court and stated that she never requested the postponement of the hearing. She said that due to worsening health, she had to undergo urgent medical examinations but told doctors she could not undergo surgery because the recovery would take months.

The trial then continued with testimonies from Marija Medenica-Dulović and lawyer Marija Šofranac, who stated that the search of the former President of the Supreme Court’s house was conducted even at times when no witnesses were present, which is illegal.

Let us recall that Miloš Medenica, Vesna Medenica’s son, is accused of having formed a criminal organization in 2019, whose members included his mother and other defendants, with the aim of cigarette smuggling and unlawful influence over the judiciary, in order to gain illegal profit and power (for more details, see [Bulletin no.1](#)).

TOPIC 7

SUPREME COURT – HIGHEST EFFICIENCY RATE IN THE LAST FIVE YEARS, TWICE AS MANY CASES RESOLVED THAN BEFORE

In the first half of 2025, the Supreme Court of Montenegro resolved more cases than were received during the first six months, achieving twice as good a result compared to previous years.

In the first half of 2025, the Supreme Court of Montenegro resolved more cases than it received during the first six months, achieving twice as good a result compared to previous years.

“From January to June 2025, the Supreme Court received 2,108 new cases and had a total of 4,093 cases in progress, of which 2,493 were resolved, while 1,597 cases (39 percent) remained unresolved,” the Supreme Court announced.



These results indicate that for the first time in the last five years, an efficiency rate of 118.2 percent was achieved, despite three judicial positions being vacant in the court.

The Supreme Court notes that this result was achieved “despite limited and insufficient spatial capacities, as well as poor and unsatisfactory material and financial conditions for judges.”

“This performance represents an important step toward restoring citizens’ trust in the judiciary and serves as additional motivation for all judges, despite the fact that the promise of salary increases has still not been fulfilled,” said Supreme Court President Valentina Pavličić, calling on the legislative and executive branches to resolve issues important for the professional and material status of judges and court staff.

Recall that the latest report by the specialized body of the Council of Europe — the European Commission for the Efficiency of Justice (CEPEJ) — stated that during 2022, the Montenegrin judiciary was unresponsive and that the situation had significantly worsened compared to the earlier period. It was established that Montenegro was the only country among 46 analyzed states where an increased inflow of cases was accompanied by poorer court efficiency. It was noted then that the backlog of cases in civil and commercial disputes at the Supreme Court of Montenegro was the highest in Europe (93%)!

The Executive Director of the NGO Human Rights Action, Tea Gorjanc-Prelević, told Vijesti earlier that the CEPEJ report “placed the problem of the Montenegrin judiciary in a European perspective and pointed out that the situation is extremely alarming compared to other European countries.”

“This situation does not help Montenegro’s EU accession process,” Gorjanc-Prelević told Vijesti.

She warned that “the next CEPEJ report will again classify

Montenegro among countries with worryingly inefficient judiciaries,” and that such a situation does not aid Montenegro’s EU accession process. Gorjanc-Prelević emphasized the urgent need for action through the appointment of missing judges, advisors, and trainees, amendments to the law, improving working conditions, and increasing salaries.

The Council of Europe’s 2022 report also noted that, at the European level, the Administrative Court of Montenegro recorded the largest decline in efficiency, with a drop of 89%.

TOPIC 8

OVERVIEW OF THE JUDICIARY – 54 JUDGES AND 27 STATE PROSECUTORS MISSING

At the end of July, there were 281 active judges in Montenegrin courts, but as many as fifty-two judges—almost 16%—were missing, including the heads of basic courts in Cetinje and Žabljak! The greatest shortages were in the basic courts of the northern region (17 judges), the southern region (12 judges), and the central region (8 judges), according to data from the Judicial Council.

By the end of July, there were 281 active judges in Montenegrin courts, with as many as fifty-two judges—or nearly 16%—missing, including chiefs in basic courts in Cetinje and Žabljak! The greatest shortages are in the basic courts of the northern region—17 judges missing, 12 in the southern region, and eight in the central region, according to data from the Judicial Council.



In the last three years, there have been 72 terminations of judicial functions in Montenegrin courts. Thirty-five judges resigned voluntarily, thirty-four retired upon meeting the pension requirements, and three left for other reasons.

What is particularly concerning is that many judges who voluntarily resign still apply for and receive official allowances. Specifically, from 2020 until June of this year, a total of 49 judges resigned but were granted one year of “paid leave.” Due to this practice, the NGO Action for Human Rights previously proposed amendments to the Law on Public Sector Salaries and the Law on the Judicial Council and Judges to limit entitlement to compensation upon termination of employment. They also suggested preventing those who resign from receiving allowances and severance pay.

Meanwhile, while waiting for regulation of this part of the judiciary's functioning, the Judicial Council continues working on filling vacant positions. From the beginning of the year until June 27, it has appointed 29 judges, one court president, and 12 judges in promotion procedures.

At this moment, 43 candidates are undergoing training to become judges in basic courts, two candidates for judges at the Commercial Court, one for the Administrative Court, and five for misdemeanor courts.

Regarding staffing levels in the State Prosecutor's Office, currently 27 state prosecutors are missing, which is 20%. The most pronounced shortage is at the Special State Prosecutor's Office (SDT), which lacks four special prosecutors; therefore, three state prosecutors from the Basic State Prosecutor's Office in Podgorica have been assigned there. Three state prosecutors are missing at the basic state prosecutor's offices in Rožaje and Berane, as well as at the Supreme State Prosecutor's Office. Two prosecutors are missing at the Basic State Prosecutor's Offices in Pljevlja and Cetinje, and at the Higher State Prosecutor's Office in Podgorica.

The judicial function is not popular among legal professionals. For the advertisement for the selection of 15 judges in the courts of the northern region, published on May 6 of this year, only two applications were received, which prompted the Judicial Council to announce a new call on June 13, this time for 13 judges. On the other hand, for the call last June for 12 state prosecutors for basic state prosecutor's offices, 23 candidates applied, of whom nine met the requirements for an interview. These data indicate a greater interest in working in the prosecutor's office, despite the significant shortage of judges.

TOPIC 9

HOW AND WHEN JUDGES' TERMS ENDED DUE TO MEETING THE PENSION REQUIREMENTS?

The issue of judges' termination of function due to meeting the age requirements for retirement in Montenegro has sparked a number of legal dilemmas concerning the principles of permanence of function and the independence of the judiciary.

Until 2020, judges' terms ended at the age of 67. With amendments to the Law on Pension and Disability Insurance (LPDI) that year, the retirement age was lowered to 64 for women and 66 for men, which the Judicial Council began applying to judges as well. The Administrative Court annulled some decisions on the termination of functions for female judges, allowing them to continue their mandates until 66, but legal uncertainty remained.

The issue of judges' termination of office due to meeting the conditions for retirement age in Montenegro has raised a number of legal dilemmas concerning the principles of the permanence of office and the independence of the judiciary.



The 2020 amendments to the LPDI were the result of prolonged negotiations between the Government and the unions, which ended with an agreement.

The problem arose because neither the Government nor the legislative authorities at the time anticipated that the changes to this law would specifically affect holders of judicial functions in a particular way. By applying Article 121, paragraph 2 of the Constitution of Montenegro and Article 103 of the Law on State Prosecution in connection with Article 17 of the LPDI, judicial and prosecutorial functions terminate upon meeting the pension requirements. Therefore, although the LPDI provides all employees the possibility of early retirement, for judges and prosecutors, in accordance with the mentioned provisions, this represents a legal obligation.

In October 2023, the Constitutional Court repealed the contested provisions of the LPDI as discriminatory, and shortly thereafter, the same law prescribed a unified retirement age of 65 years. This rule now also applies to judges and state prosecutors.

On the other hand, the Labor Law prescribes termination of employment at 66, and the Law on State Officials and Employees at 67 years of age, which raises the issue of potential discrimination against holders of judicial functions compared to other employees.

The amendments to the LPDI from 2020 and 2023 also did not contain a provision excluding the application of the new retirement age to judges who were already in office at that time.

The UN Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite, warned in her 2024 report that the new legal rules must not be applied retroactively to judges already holding office, and that the status of judges must be regulated by special laws rather than through general regulations such as the LPDI.

In this context, the Venice Commission and the Special Rapporteur proposed the adoption of a special law to clearly regulate the status of judges and state prosecutors, including the conditions for termination of their functions. It is worth recalling that a working group has been formed to draft the Law on Salaries and Other Rights of Holders of Judicial and Constitutional Functions, with the draft expected in December 2025.

The issue of the retirement age for judges requires careful regulation in accordance with constitutional principles and international standards, to preserve independence and stability in the judiciary.

| BRIEF NEWS

POLICE OFFICERS TESTIFIED IN THE "TUNNEL" CASE

The trial of those accused of breaking into the Higher Court's storage in Podgorica in 2023 continued on July 17 at the Podgorica Basic Court. Police officers who were present during the crime scene investigation testified.

First to testify was Tomo Femić, who explained that he had passed through the tunnel behind the caterpillar robot and that the tunnel had not been widened. His colleague Miro Drljević also testified, as well as retired police officer Đokica Braunović, who prepared the investigation report. He also stated that the tunnel had not been widened, meaning that no one could move anything in that area while the investigation was ongoing.

Defense attorney Stefan Jovanović objected to the testimonies of Braunović and Femić, stating that their claims do not match the statements of other police officers who said the tunnel was widened to allow the robot to pass through.

To remind, in January, the Basic State Prosecutor's Office confirmed the indictment against Montenegrin citizens — Predrag Mirotić, Katarina Baćović and Nikola Milačić — as well as Serbian citizens — Veljko Marković, Milan Marković, Dejan Jovanović and Vladimir Erić. They are accused of digging a 30-meter-long tunnel in July 2023 from the basement of a residential building to the storage of the Higher Court in Podgorica, which they entered on September 8. The storage contained evidentiary material related to ongoing or concluded cases at that court. Among the accused is Marijan Vuljaj, who allegedly helped Baćović hide.

Neither the motive nor the instigators behind the court break-in are known, but the investigation determined that weapons (19 pieces), several mobile phones, and a small quantity of drugs were stolen from the storage. These are evidentiary

items from cases that were or are being handled by the Higher Court.

CONSTITUTIONAL COMMITTEE HELD NO SESSIONS IN JULY, JUDGE APPOINTMENTS STILL PENDING

In July 2025, the Constitutional Committee of the Parliament of Montenegro did not hold any sessions, although a meeting was scheduled for July 4 to determine two candidates for the appointment of judges to the Constitutional Court. The session was canceled the day before, officially due to “emerging obligations and justified reasons of some committee members who would not be able to attend.”

However, according to the newspaper Vijesti, the real reason for the postponement was political — the session was delayed while waiting for the outcome of a meeting between the parliamentary majority and the opposition with the Head of the EU Delegation, Johan Satler. This meeting was planned to discuss the implementation of the Venice Commission’s opinion regarding the termination of the mandate of Constitutional Court judge Dragana Đuranović.

Satler has repeatedly publicly emphasized that he expects consistent implementation of the agreement between the government and the opposition, stressing that this is crucial for Montenegro’s European path.

Currently, the Constitutional Court has four judges, which jeopardizes its efficiency. The proposal for one candidate, submitted to Parliament by President Jakov Milatović, is under procedure but has not yet been placed on the agenda. It remains unknown when the Constitutional Committee will select the two candidates necessary to complete the Constitutional Court’s composition.

KATNIĆ DENIED CHARGES, ONCE AGAIN ACCUSES PROSECUTOR ŠOŠKIĆ

Former Chief Special Prosecutor Milivoje Katnić continued his defense in the Higher Court in Podgorica in the case where he is accused of being a member of a criminal organization allegedly formed by former Deputy Director of the Police Administration Zoran Lazović.

He stated that it is untrue that he protected the fugitive police officer Ljubo Milović and his colleague Petar Lazović, who are accused of being part of the criminal group led by Radoje Zvicer. Katnić claims that a serious investigation against Milović was secretly conducted and repeated his accusations that prosecutor Miloš Šoškić falsified evidence.

“Europol submitted documentation directly to Saša Čađenović, who was the acting prosecutor in that case, because that was agreed at a meeting at Europol headquarters. All this was also presented to prosecutor Šoškić, but he misrepresented it. He falsified my statement to make it appear that the case was assigned to Čađenović in order to protect suspects involved in criminal activities,” Katnić said, as reported by the portal Libertas Press.

He further accused prosecutor Šoškić of endangering his and his family’s safety by hiding evidence.

Milivoje Katnić, Zoran Lazović, and special prosecutor Saša Čađenović are on trial for, among other things, abusing official positions by allegedly working in the interest of the criminal clan led by Radoje Zvicer.

TRIAL AGAINST VESNA MEDENICA AND MILICA VLAHOVIĆ-MILOSAVLJEVIĆ RESTARTS

The trial at the Higher Court in Podgorica has restarted in the case involving former President of the Supreme Court Vesna Medenica and suspended Commercial Court judge Milica Vlahović-Milosavljević, who are accused of abuse of office. The case was reopened because the President of the Higher Court, Zoran Radović, reassigned the case from Judge Nada Rabrenović—who had been on long-term medical leave—to Judge Vesna Kovačević.

To recall, Medenica is suspected of inciting Vlahović-Milosavljević to make a ruling in favor of her godfather, Rado Arsić. However, the former head of Montenegro’s judiciary denied acting unlawfully or pressuring the Commercial Court judge in the case involving Arsić. She claims the process is politically motivated.

“We’re not in the realm of law, but politics. I was chosen—perhaps not by chance—as the first to be discredited by the media and then criminally prosecuted. The media discreditation has been persistent and brutal. It’s still ongoing. I am not guilty. I didn’t take any action to prompt Vlahović-Milosavljević to act illegally, threaten her, or offer any gain. Let someone step forward if I ever exerted pressure. While I was heading the Supreme Court, it was a temple of knowledge and the backbone of the legal system. This is pure revenge and hatred directed at me,” Medenica said in the courtroom of the Higher Court, according to Vijesti.

Suspended judge Milica Vlahović-Milosavljević also denied that she had unlawfully issued the decision which enabled the securing of a monetary claim in favor of Rade Arsić.

She stated that the decision she made was lawful and that it was confirmed as such by the second-instance panel of the Commercial Court.

Suspended judge Milica Vlahović-Milosavljević was initially included in the indictment in which Vesna Medenica and other defendants are accused of being part of a criminal organization allegedly organized by Medenica's son, Miloš. However, in July 2023, the High Court in Podgorica approved the separation of those proceedings.

HIGHER SALARIES FOR JUDGES AND PROSECUTORS, CONSTITUTIONAL AMENDMENTS IN MONTENEGRO STILL PENDING

At the session of the Parliament of Montenegro held on July 31, amendments to the Law on the Judicial Council and Judges, the Law on the State Prosecutor's Office, and the Law on the Constitutional Court were adopted, resulting in a 30% salary increase for judges and state prosecutors. These laws had been in parliamentary procedure for more than three months (since April).

On the other hand, constitutional amendments regarding the composition of the Judicial Council are still pending. These amendments propose that a majority of Council members be judges elected by other judges, and that the Minister of Justice no longer be a member of the Council. The Government harmonized these changes in April, but they have not yet been discussed in a parliamentary plenary session. The proposal was submitted to Parliament in early June, and so far, only the Constitutional Committee has completed its part by adopting the proposal on June 9.

JUDICIAL COUNCIL WILL STILL WAIT FOR A FULL COMPOSITION

The Committee on Political System, Judiciary and Administration did not confirm a candidate for the position of distinguished lawyer in the Judicial Council at its July 9 session. The only candidate, lawyer and former judge Kasim Dizdarević, did not receive the required number of votes. As a result, the committee will be required to issue a new public call to fill the vacant position.

The seat in the Judicial Council previously held by a distinguished lawyer became vacant on July 1, following the death of Fikret Kurgaš, the then-member.