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TOPIC 1

TOMKOVIĆ: PRE-TRIAL DETAINEES ANNOUNCE HUNGER STRIKE AND COURT DISRUPTION

Pre-trial detainees held at the Investigation Prison in Spuž, under the Administration for the Execution of Criminal Sanctions, announced that starting September 15 they will launch a hunger strike and disrupt court proceedings. According to a letter issued on their behalf by attorney Nikola Tomković, the protest will continue until their demands are met.

The detainees voiced dissatisfaction with conditions inside the Investigation Prison, but above all with being held in custody longer than legally required.



Photo: Boris Pejović

“Due to violations of the Constitution and the laws of Montenegro, the denial of our rights to defense and to a fair trial, the excessive length of detention, and the conditions in which we are held, we are forced to refuse all forms of legal assistance and to boycott scheduled hearings, while our families will protest outside state institutions,” the letter states.

Under the Criminal Procedure Code, detention may last a maximum of three years before a first-instance verdict is issued. In practice, however, detainees often remain in custody long after such rulings, until the judgment becomes final.



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It should be recalled that several months ago detainees also went on hunger strike, claiming that detention terms often exceed the sentences themselves and are repeatedly extended on the basis of “fabricated indictments.”

“Bail remains an empty promise, decisions of European courts are ignored, indictments are confirmed without proper review, based on false or fabricated facts... We will not allow ourselves to be scapegoats in the closing of Chapters 23 and 24. We are also parents, children, family members, and citizens of this country, and we will not allow anyone to unlawfully play with our destinies,” the detainees declared.

Attorney Zdravko Begović stressed that a fundamentally different approach to pre-trial detainees is needed, particularly given that the Investigation Prison is overcrowded and many remain in custody longer than necessary.

“So-called alternative measures—bail, house arrest, or mandatory reporting to authorities—are completely neglected, despite the Criminal Procedure Code expressly providing them as alternatives to detention,” Begović told Portal ETV.

University professor and former judge at the European Court of Human Rights, Nebojša Vučinić, told ETV that authorities are obligated to ensure detention conditions in line with standards set by the Council of Europe and the Committee Against Torture. In March, the public was informed that the Investigation Prison was holding twice as many detainees as its intended capacity.

“These standards clearly specify the required square footage per detainee, as well as conditions regarding ventilation, heating, cooling, and hot water. This is first and foremost the responsibility of the authorities,” Vučinić explained.

Finally, detainees in Spuž called on the EU Ambassador to Montenegro, Johan Satler, as well as NGOs, to verify their claims. They also invited Justice Minister Bojan Božović, High Court President Zoran Radović, and Supreme Court President Valentina Pavličić to visit them and work toward solutions consistent with the Constitution and laws of Montenegro, as well as the rulings of the European Court of Human Rights.

The authorities have not commented on the announced strike or court disruption.

The Judicial Ethics Commission has determined that High Court judge in Podgorica, Nada Rabrenović, violated the Judicial Code of Ethics by failing to allow journalists to attend the April 10 hearing on the indictment against former Anti-Corruption Agency director Jelena Perović and her former deputy, Nina Paović, both accused of abuse of office. The Judicial Council later unanimously upheld this finding.

TOPIC 2

JUDGE RABRENOVIĆ FOUND IN BREACH OF JUDICIAL CODE OF ETHICS

The Judicial Ethics Commission has determined that High Court judge in Podgorica, Nada Rabrenović, violated the Judicial Code of Ethics by failing to allow journalists to attend the April 10 hearing on the indictment against former Anti-Corruption Agency director Jelena Perović and her former deputy, Nina Paović, both accused of abuse of office. The Judicial Council later unanimously upheld this finding.



The Commission, chaired by attorney Dražen Medojević, concluded that Judge Rabrenović “undermined public confidence in the judiciary, thereby violating Article 7(1) of the Judicial Code of Ethics.” It emphasized that judicial office must be treated as an expression of public trust, requiring judges to act in ways that maintain and strengthen confidence in the system.

The decision further underscored that judges are obliged to take all necessary measures to ensure the publicity of proceedings, noting that transparency is not only a legal requirement but also an ethical duty.

Despite the importance of transparency, the ruling has not yet been published on the website of the Judicial Council of Montenegro. From the available reasoning, it remains unclear whether the hearing could have been relocated to a larger courtroom to accommodate journalists, or whether they were excluded without justification. The NGO Human Rights Action has previously urged that all Judicial Council decisions be made public to guarantee timely access to essential information.

The review of Judge Rabrenović's conduct was initiated in April by Supreme Court President Valentina Pavličić, who argued that her actions "undermined professionalism, dedication, the integrity of judicial office, and the transparency of proceedings."

In her defense before the Commission, Judge Rabrenović denied banning journalists. She stated that, due to the lack of available courtrooms, the hearing was held in her office and that security staff informed reporters there was no space for their attendance. She insisted the hearing was not formally closed to the public.

Although the Judicial Council confirmed the Commission's decision as final, Judge Rabrenović retains the right to challenge it before the Administrative Court, which can review its legality.

In the first half of 2025, the Judicial and Prosecutorial Councils issued five decisions concerning the disciplinary accountability of judges and prosecutors. Three cases were considered by the Judicial Council, while the Prosecutorial Council ruled in two cases involving the same prosecutor.

TOPIC 3

DISCIPLINARY ACCOUNTABILITY OF JUDGES AND PROSECUTORS IN 2025

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In February, the Judicial Council found High Court judge in Podgorica, Suzana Mugoša, liable for a serious disciplinary violation after she publicly stated that an Appeals Court judgment in the "Državni udar" case had been "bought." She was sanctioned with a 30% salary reduction for three months and a two-year promotion ban. The Supreme Court later rejected her appeal, making the Council's decision final.



Photo: RTNK

Another case concerned the failure to submit asset and income declarations for 2022. On March 14, the proposal for disciplinary proceedings was dismissed, with the Council ruling that a single omission did not constitute a violation, as “failure to submit” implied continuous noncompliance. This interpretation has long hindered accountability for undeclared assets.

The third case involved an alleged unjustified absence of a Bijelo Polje Misdemeanor Court judge. The proceedings were dismissed after it was established that the judge had submitted a medical certificate covering the period and informed the court president by email.

Before the Prosecutorial Council, Special Prosecutor Lidija Mitrović was sanctioned on March 28 for failing to act within statutory deadlines, which led to the expiry of a prosecution. She received a 20% salary cut for three months. However, on May 29, the Supreme Court annulled the decision and ordered a retrial. Before the case was reconsidered, the Prosecutorial Council dismissed Mitrović on June 5, following her conviction for abuse of office and a seven-month prison sentence, which automatically terminated her mandate.

Overall, the number of disciplinary decisions remained low, with continued concerns over the interpretation that prevents sanctions for failures to declare assets. The European Commission has repeatedly highlighted the need for stronger accountability mechanisms in this area, identifying it as a key benchmark under Chapter 23 of Montenegro’s EU accession negotiations.

Montenegro’s judiciary continues to struggle with a shortage of judges, inadequate facilities, and inefficiency, while long-announced plans for a new judicial complex remain unrealized.

TOPIC 4

BASIC COURT ASSISTS HIGH COURT IN PODGORICA TO IMPROVE EFFICIENCY; JUDICIAL COMPLEX STILL PENDING

Montenegro’s judiciary continues to struggle with a shortage of judges, inadequate facilities, and inefficiency, while long-announced plans for a new judicial complex remain unrealized.

Justice Minister Bojan Božović had pledged that by mid-July the location of the future judicial complex in Podgorica would be disclosed, but no such announcement has been made. He made the commitment at a July conference organized by Human Rights Action on the implementation of the UN



Special Rapporteur's 2024 recommendations regarding judicial independence.

"I am in daily communication with the Mayor of Podgorica, and by July 15 we will provide clear information on the location of the judicial complex. I believe the Government will adopt this proposal, giving us a permanent solution, since previous ones have not been implemented," Božović said.

In the meantime, the Supreme Court has arranged for judges of the High Court's Special Department in Podgorica, which handles the most complex cases, to use the large courtroom of the Basic Court twice a week starting in September.

"This will allow more efficient trials in cases with large numbers of detainees and facilitate the scheduling of main hearings, particularly in detention-related, organized crime, and corruption cases," Supreme Court President Valentina Pavličić announced. Human Rights Action welcomed the move, having long advocated for neighboring institutions to support the High Court.

Overcrowding also remains a pressing concern at the Investigation Prison in Spuž, which in March was reported to hold twice as many detainees as its capacity allows. The Supreme Court has pledged to adopt measures to safeguard detainees' rights.

"In this regard, the President of the High Court in Podgorica has been advised in writing to ensure faster decisions in detention cases, especially those lasting for extended periods, in cooperation with the head of the Criminal Department," Pavličić said. She also welcomed steps by the prison administration to ease capacity pressures.

By the end of the year, representatives of the European Committee for the Prevention of Torture (CPT) are expected to visit Montenegro to assess the effectiveness of these measures.

The Basic Court in Nikšić has emerged as a positive example of how effective management and dedication can yield results. In the first half of 2025, the court resolved more than 99% of incoming cases.

TOPIC 5

BASIC COURT IN NIKŠIĆ RESOLVES OVER 99% OF INCOMING CASES IN 2025

The Basic Court in Nikšić has emerged as a positive example of how effective management and dedication can yield results. In the first half of 2025, the court resolved more than 99% of incoming cases.



Photo: Freepik

“This achievement was made possible by the exceptional dedication of judges and staff, continuous monitoring of case duration at judicial department meetings, and measures aimed at ensuring efficiency across all areas of work, with the goal of safeguarding the right to trial within a reasonable time,” said Court President Sanja Nikić.

Compared to the same period last year, the court improved its clearance rate by about five percent, despite operating with fewer judges than prescribed—12 instead of the 15 set out in the staffing plan.

According to Judicial Council data from July, basic courts across Montenegro face significant shortages: 17 judges in the north, 12 in the south, and 8 in the central region. A March call for applications resulted in the selection of 15 candidates, but vacancies in Nikšić are unlikely to be filled before May or June 2026.

The court also reported strong progress in reducing its overall caseload. Of 5,312 pending cases of all types, 2,690 were resolved, representing 50.72%. Appeals succeeded in only 73 cases, or 18.53% of all appealed decisions.

Efforts to address older cases also showed results. “As of June 30, 2024, there were 320 unresolved cases older than

three years, while by the same date in 2025 that number had dropped to 274—a reduction of 46 cases—demonstrating additional efforts in tackling long-standing cases,” the court reported.

The latest CEPEJ report of the Council of Europe highlighted inefficiency across Montenegro’s judiciary in 2022, with first-instance courts recording particularly long resolution times—an average of 239 days for civil and commercial disputes. Against this backdrop, the performance of the Nikšić Basic Court stands out.

TOPIC 6

NEW PRESIDENTS APPOINTED FOR MISDEMEANOR COURTS IN PODGORICA AND BIJELO POLJE

On August 27, the Judicial Council appointed new presidents for two misdemeanor courts. Branko Vujačić, a judge of the Podgorica Misdemeanor Court, was named its president, while Vukajlo Smolović was appointed president of the Bijelo Polje Misdemeanor Court.

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Photo: Arhiva Sudskog savjeta