

# JUDICIAL MONITOR

MONITORING AND REPORTING ON JUDICIAL REFORMS

12  
SEPTEMBER

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## BRIEF NEWS



## TOPIC 1

### **CONSTITUTIONAL COURT AT RISK OF BLOCKADE, AUTHORITIES DID NOT ALLOW THE ELECTION OF MIRJANA VUČINIĆ AS CONSTITUTIONAL COURT JUDGE**

Members of the parliamentary majority in the Montenegrin Parliament refused to even consider the appointment of attorney Mirjana Vučinić as a judge of the Constitutional Court. Although the President of Montenegro, Jakov Milatović, as the authorized nominator, submitted her candidacy and requested a special parliamentary session for voting on this proposal, the ruling MPs did not adopt the agenda. By doing so, they blocked the filling of a vacant judicial position on the Court.



Photo: Luka Zeković

Currently, the Court operates with four out of the prescribed seven judges, and rulings can only be adopted if there is unanimous consent. Once Judge Desanka Lopčić leaves office in late December due to the expiration of her twelve-year mandate, the Constitutional Court will remain with only three judges, thus losing quorum for decision-making.

The Europe Now Movement, the largest parliamentary party, explained their rejection of the agenda by arguing that it was necessary to wait for the implementation of the Venice Commission's opinion regarding the case of former Constitutional Court judge Dragana Đuranović. However, that



**The parliamentary majority has postponed the election of Mirjana Vučinić as a judge of the Constitutional Court. If new judges are not elected, the Constitutional Court faces a potential blockade by the end of December.**

opinion had been received three months earlier. They further claimed that the President's proposal would be considered during the regular session in mid-October. On September 22, the first meeting of the working group for implementing Venice Commission recommendations through amendments to the Law on the Constitutional Court was held. The Ministry of Justice, headed by Bojan Božović, stated that the group had not been formed earlier because the opposition failed to appoint its representative. Alongside government and ministry members, the group also includes Tea Gorjanc Prelević, Executive Director of the NGO Human Rights Action (HRA).

President Milatović criticized the ruling majority's move, stressing that it undermines the credibility of the Parliament and shows that the government opposes the functional operation of the Constitutional Court:

"They have chosen to deepen the constitutional crisis. It is clear they are not against the candidate herself but against the functioning of the Court. Today we are witnessing a lack of state responsibility and political cowardice. This is not a matter of political tactics but of constitutional order and Montenegro's European future," Milatović said at a press conference.

Human Rights Action also condemned the majority's decision, calling it irresponsible toward the Court.

"I don't see why the appointment to replace Budimir Šćepanović, whose departure was not contested unlike Đuranović's, should depend on Venice Commission recommendations. I believe this is only an excuse," said Tea Gorjanc Prelević.

She added that the stance also shows disrespect toward the President and toward citizens "who have been waiting for their cases to be resolved before the Court."

The opposition argued that the government's actions aim to slow down EU integration and paralyze the Court's work.

"I believe the goal is to reduce the Court to three judges, and then the ruling majority would jointly appoint four new judges, making compromise easier through political bargaining," said Milena Vuković, Vice-President of the civic movement URA.

Some ruling parties had previously criticized attorney Vučinić for allegedly representing the construction company Bemax, associated with the long-standing rule of the Democratic Party of Socialists and certain criminal activities, stating that this was why they would not support her candidacy. However, TV Vijesti journalist Tatjana Ašanin, in the program "Nedjelja u retrovizoru", presented documents showing that Vučinić had represented clients against Bemax in legal proceedings.

Gorjanc Prelević emphasized that Parliament should have at least debated Milatović's proposal:

"The only so-called 'fault' of attorney Vučinić seems to be that she once represented Bemax. If so, then we should confront the arguments on whether European values such as the right to legal defense, the fundamental principle that every person deserves representation, and the UN Special Rapporteur's recommendation that lawyers must not be identified with their clients, can be abandoned."

Besides the President's proposal regarding Vučinić, the appointments to replace former judges Milorad Gogić and Dragana Đuranović remain pending. Although the Parliamentary Committee on Constitutional Affairs announced the vacancies in December last year and interviewed candidates in March, it has yet to finalize the list. Meanwhile, President Milatović has announced a new call for one additional judge to replace Desanka Lopčić, whose mandate expires at year's end.

## TOPIC 2

### MINISTER OF JUSTICE ANNOUNCES CONSIDERATION OF UN RAPPOREUR'S RECOMMENDATIONS IN UPCOMING LEGAL REFORMS

The Minister of Justice announced that the recommendations of UN Special Rapporteur Margaret Satterthwaite, regarding the procedure and criteria for the appointment of the Supreme State Prosecutor, will be taken into account in the upcoming amendments to the Law on the State Prosecutor's Office. According to the Ministry, this should ensure proper assessment of candidates' integrity, independence, and professional qualifications, as well as reduce the risk of political influence.

**The Ministry of Justice will consider the recommendations of the UN Special Rapporteur regarding the election of the Supreme State Prosecutor, the possibility for NGOs to act as providers of free legal aid, and the composition of the Judicial Council.**



Photo: Government of Montenegro

The NGO Human Rights Action (HRA) published a report entitled “Towards an Independent Judiciary – Assessment of the Implementation of the UN Special Rapporteur’s Recommendations on the Independence of Judges and Lawyers”, which included the Ministry’s official position on her recommendations.

The Ministry also announced that it would examine the recommendations concerning the possibility for non-governmental organizations to become authorized providers of free legal aid, which is expected to be addressed in future amendments to the Law on Free Legal Aid.

In its response to HRA, the Ministry further stated that the inclusion of civil society representatives in the Judicial Council is a matter worth considering, particularly given the positive experiences and significant contributions of NGO representatives in the Prosecutorial Council.

It also emphasized that the Constitution and relevant judicial legislation — especially those regulating the composition and election of members of the Judicial and Prosecutorial Councils — must be harmonized with international standards and the recommendations of the Council of Europe, the United Nations, and the European Commission.

To recall, in her report, the Special Rapporteur recommended, among other things, establishing effective mechanisms to overcome political deadlocks, so that the Judicial Council, the Prosecutorial Council, and the Constitutional Court could continue functioning even when the election of new members is stalled. She stressed the need to prevent the ruling majority from dominating these processes. Additionally, she recommended revising the procedure for electing distinguished legal professionals to the Prosecutorial Council, either by entrusting appointments to a non-political body or by requiring a two-thirds majority in Parliament.

**A member of the Parliament from Democratic Montenegro made unfounded comments on the decisions of Constitutional Court judges concerning the detention of Miloš Medenica, as well as other defendants in high-profile cases.**

### TOPIC 3

#### **NEW POLITICAL ATTACKS ON CONSTITUTIONAL COURT DECISIONS WITHOUT LEGAL GROUNDS**

Politicians have continued the old practice of criticizing court decisions on remand in a non-argumentative manner. This time, the criticism came from Nikola Rovčanin, a member of the Democratic Montenegro party, who, as a guest on the TV Vijesti show “Nedjelja u retrovizoru”, commented on the decisions of Constitutional Court judges regarding the remand of Miloš Medenica and other defendants in high-profile cases.



“We have a Constitutional Court decision from April 23, 2024, in which the constitutional complaint in the case of Miloš Medenica was upheld, and his remand was revoked. The U.S. State Department imposes sanctions against Medenica, and the Constitutional Court releases from remand... The Special Prosecutor’s Office files indictments, and the Constitutional Court releases from remand. The same situation applies to Lazović. The same situation would have applied to Milivoje Katnić if Judge Đuranović had not been dismissed,” Rovčanin said.



In the case of Miloš Medenica, the Constitutional Court found on two occasions that the regular courts had failed to provide sufficiently clear and individualized reasons for extending remand, which was required under the Constitution, the law, and international human rights conventions.

According to the decisions, instead of assessing the specific circumstances, the regular courts relied on previous rulings, the potential sentence, frequent travel, and the defendant’s prior unavailability. The Constitutional Court found that the courts had ignored Medenica’s family and business ties in Montenegro, his voluntary cooperation with the authorities, and medical records regarding his treatment. The courts did not consider the possibility of applying less severe measures, nor did they assess that the risk of flight decreases over time, which is a standard in the case law of the European Court of Human Rights. On this basis, the Constitutional Court concluded that the right to liberty under Article 30, paragraph 4 of the Constitution and Article 5, paragraph 3 of the European Convention had been violated.

Similar deficiencies were found in the case of National Security Agency official Petar Lazović, with the Court ruling

that the Higher and Appellate Courts had arbitrarily extended his remand without providing sufficiently clear and relevant reasons for the risk of flight. The Court emphasized that the potential sentence, the fact that other individuals are in hiding, or that a relative lives abroad are not, by themselves, sufficient reasons to extend remand, and that the risk of flight diminishes over time. It was noted that Lazović had not left Montenegro for years, responded to all prosecutor requests, and, although aware that he would be arrested, did not flee.

Despite these Constitutional Court rulings, both Medenica and Lazović remain on remand, which further indicates that politicians, even without necessity, often criticize court decisions lightly and without expertise.

Even individuals without legal education should understand that remand is not a punishment, but an extreme measure to ensure presence in criminal proceedings, and it must not be equated with a sentence, in accordance with the Constitution, laws, and international standards. In these cases, the Constitutional Court found a violation of the right to liberty, noting that the decisions to extend remand were not sufficiently clear or reasoned—a long-standing deficiency in judicial practice. Ignoring these findings undermines both the rule of law and public trust in the courts.

Rovčanin also made a dangerous claim that the outcome in the Milivoje Katnić case would have been the same if Judge Đuranović had not been dismissed. By doing so, he not only exerted unacceptable pressure on the court but also cast doubt on the ruling majority's motivation for dismissing Judge Đuranović.

#### TOPIC 4

#### **VESNA MEDENICA PROHIBITED FROM LEAVING HOME DUE TO COURT ABSENCES, U.S. PLACES HER ON BLACKLIST**

Once again, there was a delay in the proceedings in the case before the High Court in Podgorica against former Supreme Court President Vesna Medenica and other defendants, in which her son Miloš has been identified as the organizer of a criminal group.

On September 1, Medenica did not appear in court as she was hospitalized in Risan.

**The proceedings against Vesna Medenica were again marked by postponed hearings in September. She has been prohibited from leaving her apartment, while the United States has placed her on the blacklist.**



Photo: Gradski portal

Judge Vesna Kovačević rescheduled the hearing for the following day, but Medenica again failed to appear. At that time, medical expert Miodrag Šoć informed the court panel that she was legitimately receiving hospital treatment in Risan for spinal problems. Despite this, Special State Prosecutor Vukas Radonjić requested the court to place the former head of Montenegro's judiciary on remand.

On September 3, the Special Panel of the High Court ordered Vesna Medenica to be placed under house arrest. She was prohibited from leaving her apartment in Podgorica without permission, and any violation would result in remand.

According to media reports, Judge Kovačević stated that Medenica's absence from hearings obstructed the continuation of the trial, "with the aim of helping her son Miloš, whose remand expires on October 17," as this marks three years since the indictment was filed without a first-instance decision.

"She was aware that hearings were scheduled for early September. Although her physiotherapy in Risan Hospital was originally scheduled for August 13, she chose to attend on August 31, which shows obstruction of the judicial process. She is delaying the trial to assist her son Miloš, the accused," Judge Kovačević said.

Vesna Medenica's lawyer, Zdravko Begović, rejected the judge's allegations, stating to journalists after the hearing that his client's health condition is very poor.

"Considering the progression of her condition and the potential need for surgical intervention, it is possible that Medenica may be confined to bed and hospital treatment in the near future. This would require postponement of scheduled main hearings, as her presence is mandatory," Begović emphasized.

Although Judge Kovačević scheduled a new hearing for September 17, it did not take place. This time, her son Miloš joined a prisoner strike at the Detention Center and revoked his power of attorney for lawyer Stefan Jovanović.

The trial resumed on September 30, with testimony from two police officers, Draško Kalinić and Ivan Damjanović. Kalinić, who participated in Vesna Medenica's arrest, stated that no one from the police had deleted communication applications (Signal and Telegram) from her phone, contrary to earlier claims by prosecutor Jovan Vukotić. Medenica denied touching the phone after being detained, explaining that it had remained in a bag in the room with the officers.

The witnesses also confirmed that the search of Medenica's home was conducted lawfully, which her defense again denied.

Miloš Medenica is accused of creating a criminal organization in 2019, which included his mother and other defendants, for the purpose of cigarette smuggling and illegal influence over the judiciary, aiming to gain unlawful profit and power. The Special State Prosecutor's Office filed charges against him, his mother, Darko Lalović, Vasilije Petrović, Bojan and Marko Popović, Marko Vučinić, Milorad Medenica, Luka Bakoč, Petar Milutinović, Ivana Kovačević, Radomir Raičević, Marjan Bevenja, Stevo Karanikić, Goran Jovanović, and the company Kopad Company for crimes including criminal organization, smuggling, giving and receiving bribes, unlawful influence, abuse of office, drug trafficking, illegal possession of weapons, causing serious bodily harm, and obstruction of evidence.

Due to Vesna Medenica's health condition, the trial in a case concerning abuse of office against her and suspended Commercial Court Judge Milica Vlahović-Milosavljević was postponed on September 15. Medenica is accused of encouraging Vlahović-Milosavljević to make a decision in favor of her godfather Rado Arsić. This trial restarted in July.

At the September 26 hearing, medical experts Željko Golubović, Aleksandar Jušković, and Boris Đurović agreed that Vesna Medenica could follow the court proceedings after shoulder surgery. Following the expert reports, witness Željko Aprcović was heard. Their findings were read in the Higher Court in Podgorica during the continuation of the trial against Medenica and Milica Vlahović-Milosavljević before the Commercial Court judge of Montenegro.

Meanwhile, the U.S. State Department designated former Supreme Court President Vesna Medenica and former Budva Mayor Mila Božović as ineligible to enter the United



States, citing “their involvement in significant corruption that enabled drug trafficking.”

“Medenica abused her public office by supporting a criminal smuggling organization—disclosing court information, influencing judicial decisions, and accepting bribes in cash and property to affect court rulings,” the State Department statement said.

Vesna Medenica served as President of the Supreme Court from 2007 until the end of 2020.

## TOPIC 5

### **DRAGAN KOVAČEVIĆ ACQUITTED BY HIGH COURT – JUDGE’S FORMULATION RAISES CONCERNS**

Former Director of the Real Estate Administration, Dragan Kovačević, was acquitted by the High Court in Podgorica of charges of creating a criminal organization aimed at the unlawful appropriation of land in the maritime zone.



In addition to Kovačević, the charges were dismissed for his son Danko, former head of the Tivat Cadastre Ana Lakićević-Grdinić, surveyor Veselin Tomašević, notary Dalibor Knežević, as well as Sanja Popović, Aleksandar Boljević, and the Podgorica-based company Geo-&Arh.

The Special State Prosecutor’s Office had accused them of a range of criminal offenses, including criminal organization, abuse of office, tax evasion, extortion, and forgery of documents.

During the verdict reading, Judge Zoran Radović reportedly stated, according to Pobjeda, that the decision was made under Article 373, paragraph 2 of the Criminal Procedure Code, and added: “when it is not proven that the defendants

**Former Director of the Real Estate Administration, Dragan Kovačević, was acquitted of charges of forming a criminal organization. Judge Zoran Radović stated that “it has not been proven that the defendants committed the criminal offense they are charged with, rather than that they did not commit it,” a formulation that contradicts the provisions of the European Convention on Human Rights.**

committed the criminal offense they are charged with, not that they did not commit the offense.” He also explained that this clarification was important to ensure the media informs the public accurately.

This formulation is problematic because it contradicts the principle of presumption of innocence (Article 3 of the Criminal Procedure Code and Article 6 of the European Convention on Human Rights). When a court delivers an acquittal, the defendants are legally considered innocent and not criminally responsible; leaving room for speculation that they might be guilty undermines this principle.

It is true that the law recognizes different grounds for acquittal—either that the act the defendant is charged with does not constitute a criminal offense or that there is insufficient evidence that the defendant committed it. However, in all cases, the outcome is the same: the defendant must be regarded as innocent. For this reason, a judge should not relativize an acquittal, as it diminishes its authority and harms those who have been cleared of guilt. This is a first-instance verdict, subject to review in the appeals process.

## TOPIC 6

### ACCOUNTABILITY OF SAŠA ČAĐENović UNDER REVIEW OVER STATUTE OF LIMITATIONS IN ‘TELEKOM’ CASE, OTHER PROSECUTORS OVERLOOKED

Suspended Special Prosecutor Saša Čađenović, who is currently in remand, will face potential disciplinary accountability for failing to act within legal deadlines in the “Telekom” case. The case involved charges of bribery and aiding and abetting bribery, which Čađenović had been handling since March 1, 2019 by mid-May 2021, the statute of limitations had expired. Consequently, Chief Special Prosecutor Vladimir Novović submitted a proposal to the Prosecutorial Council to establish Čađenović’s accountability.

**The Prosecutorial Council will decide on the disciplinary responsibility of suspended Special Prosecutor Saša Čađenović for his (in) action in the “Telekom” case. Other prosecutors who worked on the case, which has since become time-barred, have been overlooked.**



Photo: Borba.me

“Because he did not act within the legally prescribed deadlines without justification, the statute of limitations for criminal prosecution in the case in question, as well as in another case, came into effect,” stated the Prosecutorial Council in response to Vijesti.

On the other hand, the Supreme State Prosecutor’s Office attributes responsibility for the expiration of the statute of limitations in this criminal case to the actions—or inaction—of former Chief Special Prosecutor Milivoje Katnić, who is currently in remand on charges of creating a criminal organization and abuse of office.

For the criminal offenses of bribery and aiding and abetting bribery, which are also the subject of the criminal complaint, the statute of limitations expired on May 15, 2021, but the responsibility lies with the earlier case handler and the previous head of the Special State Prosecutor’s Office, not the official who later made the decision,” the Supreme State Prosecutor’s Office stated.

The Supreme State Prosecutor’s Office also clarified when the statute of limitations expired in the “Telekom” case, based on the criminal complaint filed in 2019 by the NGO Mreža za afirmaciju nevladinog sektora.

“We inform the public that the statute of limitations for abuse of office and aiding and abetting abuse of office expired on March 31, 2015, for bribery on May 15, 2011, and for money laundering on May 15, 2016—well before the criminal complaint was filed by the NGO on March 1, 2019,” the Supreme State Prosecutor’s Office said.

However, questions remain as to why the Special State Prosecutor’s Office is now pursuing accountability only for Čađenović and not for other prosecutors who were responsible for investigating other criminal offenses in the “Telekom” case.

It should be recalled that MANS submitted a criminal complaint to the Special State Prosecutor’s Office against former President of Montenegro and DPS leader Milo Đukanović, his sister and lawyer Ana Kolarević, former Telekom representative Oleg Obradović, Eurofond official Veselin Barović, the companies Monte Adria (Damjan Hoste) and Magyar Telekom (Tomaš Morvai).

Montenegrin Telekom was sold to Magyar Telekom in 2005, and the foreign company had to pay a \$95 million fine in 2011 to settle with the U.S. Securities and Exchange Commission (SEC) for allegedly bribing officials in North Macedonia and Montenegro to secure contracts and exclude competitors in the telecommunications sector. The SEC complaints stated that Deutsche Telekom, through its subsidiary Magyar

Telekom, paid multi-million-dollar bribes to Montenegrin officials.

Suspended Special Prosecutor Čađenović is also accused of failing to act promptly in another case, for which he is in remand, by avoiding initiating criminal proceedings against members of the criminal organization led by accused Radoje Zvicer. This, among other things, forms the basis for establishing Čađenović's criminal responsibility.

It should be recalled that he is charged with creating a criminal organization because, during the second half of 2020, he became a member of the organization led by accused Zvicer. Čađenović allegedly agreed to follow the orders and instructions of the criminal organization's leader to conceal the perpetrators of the most serious criminal offenses.

## TOPIC 7

### RESIDENTS OF BIJELO POLJE PROTEST OVER DELAYS AT ADMINISTRATIVE COURT

**Residents of Bijelo Polje protested in front of the Administrative Court over the court's failure to decide on an appeal they submitted a year ago regarding the construction of a quarry.**

A year has passed since residents of the Bijelo Polje villages of Poda, Lozne, and Srđevac filed a lawsuit with the Administrative Court of Montenegro regarding the decision of the Secretariat for Rural and Sustainable Development of Bijelo Polje to allow the company Imperijal to build a quarry in their area. No decision has yet been issued, so on September 10, the residents protested in front of the court offices in Podgorica and warned that they would escalate their actions if a decision was not reached soon.

During the protest, residents stated that the local secretariat was not competent to grant Imperijal, owned by the brother of the Mayor of Bijelo Polje, Petar Smolović, permission to build the quarry.



Photo: Verige.net



A few days after the gathering, they requested that Prime Minister Milojko Spajić form an independent commission to examine “how a concession was granted without government approval and without the necessary legal obligations, participation, or consent of the Ministry of Agriculture, Forestry, and Water Management.” They also expect the Special State Prosecutor’s Office to investigate “whether abuses and criminal offenses of bribery or receiving and giving bribes to the detriment of citizens and their communities were committed,” according to a statement provided to the media.

The residents announced that they will return on October 7 to the Administrative Court for the first hearing in the case filed under their lawsuit.

Meanwhile, the Government of Montenegro recommended that the Administrative Court take all necessary measures to reduce the excessive duration of administrative proceedings, especially those repeatedly before the court. They emphasized that particular attention should be given to cases concerning restitution of property rights, compensation, and expropriation, ensuring they are resolved within a reasonable timeframe.

It should be recalled that in June, the Administrative Court reported that fourteen judges are handling over 30,000 cases, with each judge managing an average of 2,500 cases at a time.

The alarming situation at the Administrative Court of Montenegro was further highlighted in the 2022 report by the Council of Europe’s specialized body—the European Commission for the Efficiency of Justice (CEPEJ). The report pointed out a concerning state at the court, which recorded the largest decline in efficiency in Europe at 89%. Proceedings before the Administrative Court lasted on average 739 days, a situation comparable only to Serbia.

**Detainees in the Detention Center in Podgorica are on strike. They are demanding the right to defense and a fair trial. The President of the Supreme Court has called for amendments to the Criminal Procedure Code.**

## TOPIC 8

### **PRE-TRIAL DETAINEES ON STRIKE; SUPREME COURT PRESIDENT CALLS FOR AMENDMENTS TO THE CRIMINAL PROCEDURE CODE**

In the Podgorica Detention Center, 129 pre-trial detainees are on strike, with 107 refusing food, the Administration for the Execution of Criminal Sanctions (UIKS) reported on September 26. They emphasized that all pre-trial detainees are in stable health and under constant supervision.



Some detainees began the strike on September 15, and their number has been growing daily.

“Due to violations of the Law and Constitution of Montenegro, and of the right to defense and a fair trial guaranteed by law, the length of pre-trial detention, and the conditions in which we are held, we are forced to refuse any legal assistance and to abstain from attending scheduled court hearings,” the pre-trial detainees stated in a declaration issued in August.

The President of the Supreme Court of Montenegro, Valentina Pavličić, responded to their decision. She emphasized that a strike is not a solution and stressed that pre-trial detention must not be used as a substitute for a prison sentence.

“Pre-trial detainees must understand that actions such as strikes or withdrawing power of attorney from their lawyers do not solve the problems they highlight; instead, they deepen them and further delay final court decisions. No obstruction, strike, or pressure can change the existing situation, replace legally prescribed procedures, or influence a judge’s decision... As President of the Supreme Court, I am aware that pre-trial detention cannot be indefinite nor can it substitute for a sentence. However, the solution does not lie in strikes, blockades, or withdrawing legal representation, but in institutional reforms and the responsible approach of all participants in the proceedings,” Pavličić said.

It should be recalled that under the Criminal Procedure Code, pre-trial detention may last a maximum of three years. In practice, however, detainees often remain in the detention center even after a first-instance verdict, until the judgment becomes final. For this reason, the head of Montenegro’s judiciary called for “urgent amendments to procedural provisions and the adoption of a new Criminal Procedure Code.”

“Only new, modern, and clear procedural guarantees in criminal proceedings can ensure a true reform of the criminal justice system, in which justice is delivered quickly and

**Before the European Court of Human Rights in Strasbourg, 30 cases were filed against Montenegro in the first half of the year. The government is calling for preventive measures and the elimination of deficiencies in the legal system.**

efficiently, and trials are conducted with full respect for human rights and fundamental freedoms of each pre-trial detainee. This is how we will strengthen the rule of law in Montenegro and restore public trust in the judiciary,” she added, noting that justice excessively delayed becomes justice denied.

## TOPIC 9

### **MONTENEGRO LOSES CASES AT THE EUROPEAN COURT OF HUMAN RIGHTS; GOVERNMENT ISSUES RECOMMENDATIONS TO PREVENT NEW APPLICATIONS**

From the beginning of the year until the end of June, the European Court of Human Rights (ECtHR) in Strasbourg received applications that led to the opening of 30 cases against Montenegro. Under the Court’s judgments and decisions, the state paid €43,679.41 in damages and legal costs. This is reported in the Report on the Work of the Office of the Representative of Montenegro before the Court in Strasbourg for the first six months of 2025, recently adopted by the Government.

Photo: Blic.rs



During this period, one judgment was delivered establishing excessive length of proceedings before the Constitutional Court, along with 11 decisions against Montenegro. By June 30, the Representative’s Office had 48 cases in progress, 63% of which concerned violations of the right to a fair trial due to prolonged proceedings before the Constitutional Court of Montenegro (19 cases).

The report, prepared by the office led by Katarina Peković, notes that in 2024 the state paid €6,400,264 under ECtHR judgments and decisions against Montenegro, in 2023 – €18,688, in 2022 – €445,198, and in 2021 – €17,980.

In response, Peković recommended that competent state authorities take preventive measures and address deficiencies in the legal system that could lead to new applications against Montenegro at the ECtHR. The Government accepted this recommendation and issued instructions to relevant ministries.

The Ministry of Justice was instructed to analyze whether amendments to the Law on the Protection of the Right to a Trial Within a Reasonable Time or other regulations are necessary to ensure efficient resolution of bankruptcy proceedings, or whether other measures should be taken. The Ministry was also tasked with examining whether amendments to the Civil Procedure Code are required to ensure effective and full protection of the right to a fair trial, specifically regarding conditions for filing a request for leave to appeal based on the *ratione valoris* criterion (case value).

The Ministry led by Bojan Božović is also required to prepare a register of unexecuted final court decisions against companies that were formerly socially or state-owned, and are now majority- or minority-state-owned, that were reported in bankruptcy proceedings and recognized in the list of acknowledged and disputed claims, and to determine the total amount of unpaid claims.

The Commercial Court was recommended to take all necessary measures regarding the duration of bankruptcy proceedings.

“Respecting principles and standards for the length of proceedings, in line with the practice of the European Court of Human Rights, so that the relevant cases are concluded within a ‘reasonable time’ and to ensure compliance with the principles of legal certainty and the rule of law, thereby preventing potential future financial obligations of Montenegro arising from excessive duration of these proceedings,” the Government stated.

The Ministry of Spatial Planning, Urbanism, and State Property was also instructed, to prevent future violations of the right to a fair trial due to prolonged proceedings before the Regional Commissions for Restitution and Compensation in Podgorica, Bar, and Bijelo Polje, to require those commissions to conduct a comprehensive review of all ongoing cases and prepare plans for their efficient completion.



**Those accused of murdering police inspector Slavoljub Šćekić have been sentenced again to 30 years in prison each.**

## TOPIC 10

### **FOUR CONVICTED TO 30 YEARS IN PRISON FOR THE MURDER OF INSPECTOR SLAVOLJUB ŠĆEKIĆ**

Four defendants – Saša Boreta, Ljubo Bigović, Ljubo Vujadinović, and Milan Šćekić – accused of murdering police inspector Slavoljub Šćekić in August 2005, were sentenced to 30 years in prison each in a retrial. The judgment was delivered by a panel of the Appellate Court.



The criminal proceedings against the defendants lasted nearly 20 years, during which nine judgments were issued: three at first instance and six at appeal. Three decisions of the Supreme Court were made on appeals, as well as one decision of the Constitutional Court. In this marathon case, [judgments were overturned six times](#).

The case was also accompanied by additional controversies. These ranged from judgments containing technical and substantive errors to the European Court of Human Rights in Strasbourg confirming unlawful treatment of defendant Ljubo Bigović. His rights were reviewed twice, and in 2019 the Court ruled against Montenegro on his application.

Following the Appellate Court judgment, Slavica Šćekić, the sister of the slain inspector, stated that “justice has finally been achieved”

On the other hand, the defense, which retains the right to appeal to the Supreme Court of Montenegro, expressed disappointment with the ruling.

“There is not a single piece of evidence against these defendants in this case. That is beyond any doubt. To issue a judgment confirming the first-instance ruling of the High

Court in Podgorica and uphold it, when roughly three years ago the same panel of this Appellate Court overturned that conviction... And today they decided to issue the judgment as if their previous decision does not exist. I do not know on what basis or under which law, but we are waiting for the reasoning. After 35 years as a lawyer, I will probably learn something,” said attorney Dragoljub Đukanović, once again pointing out the controversial credibility of the protected witness Zoran Vlaović, on whose testimony the judgment is based.

Slavoljub Šćekić was shot and killed in front of his family home in the Tološi neighborhood of Podgorica on August 30, 2005, when the perpetrator fired at him with an automatic weapon.

## TOPIC 11

**The Prosecutorial Council has requested that the Parliament elect new members of the body. Four new prosecutors are planned for the Special State Prosecutor's Office.**

### **PROSECUTORIAL COUNCIL APPEALS TO PARLIAMENT TO ELECT NEW MEMBERS; SPECIAL PROSECUTOR'S OFFICE STRENGTHENED**

The Prosecutorial Council of Montenegro, currently lacking four members, at its first session of the new term held on September 5, appealed to the Parliament of Montenegro to “elect the missing members of the Prosecutorial Council from among distinguished lawyers as soon as possible.”



Photo: pogled.me

“This is necessary for the Prosecutorial Council to function smoothly, particularly in the areas of evaluating and determining the disciplinary accountability of state prosecutors and heads of state prosecutor's offices, as well as assessing violations of the Ethical Code for State Prosecutors,” the Council stated.

It should be noted that the Prosecutorial Council recently received five new members from the ranks of state prosecutors. At the Conference of State Prosecutors held on June 20, the following were elected as members: Jelena Đaletić, Ana Marinović, Zoran Vučinić, Marko Bojović, and Ivan Gačević. The Minister of Justice appointed Stevan Brajušković as a member. Earlier, in May, the Parliamentary Committee on Political System, Judiciary, and Administration issued a public call for the election of one member from among distinguished lawyers representing NGOs, and two members from among distinguished lawyers who are not practicing attorneys. The Bar Association in the meantime proposed attorney Sanja Radulović as a member of the Prosecutorial Council.

At the same session, Jelena Đaletić was elected as Vice President of the Council, and the resignation of the head of the Ulcinj Prosecutor's Office was formally acknowledged.

"The resignation of Denis Zvrko from the position of Head of the Basic State Prosecutor's Office in Ulcinj and as state prosecutor in that office was acknowledged, and a decision was made to publish a public announcement for the election of a new head of the Basic State Prosecutor's Office in Ulcinj, in accordance with the adopted amendment to the Plan of Vacant Prosecutor Positions," the Council stated.

At its subsequent session, the Council decided to strengthen the Special Prosecutor's Office. Instead of 16, the Office will now have 20 prosecutors.

The Human Rights Action welcomed the Prosecutorial Council's decision to reinforce the Special Prosecutor's Office. It is hoped that a larger number of special prosecutors will also allow greater focus on war crimes cases, which are currently handled by two prosecutors who also manage other types of complex cases.

## | BRIEF NEWS

### SECRETARY OF THE JUDICIAL COUNCIL ACCUSED OF ABUSE OF OFFICE

The Basic State Prosecutor's Office in Podgorica filed an indictment with the Basic Court in Podgorica against Vesna Aćimić, secretary of the Judicial Council. She is charged with abuse of office and obstruction of evidence over an extended period.

"The indictment alleges that by exceeding the limits of her official authority, the defendant, V. A., [provided a benefit to M. Z.](#), a judge of the Basic Court in Rožaje, by failing to inform the Judicial Council that a criminal proceeding was ongoing against the said judge, which was the reason for his temporary suspension from judicial duties," the Basic State Prosecutor's Office in Podgorica stated.

She is also accused of deliberately obstructing evidence in the case before the Special Prosecutor's Office against the former President of the Supreme Court, Vesna Medenica, by failing to submit the original case files requested from her. The files pertain to a notification from a group of citizens that a criminal proceeding had been initiated against Milosav Zekić, a judge of the Basic Court in Rožaje.

### BASIC COURT IN BAR DELEGATES CASES TO ULCINJ AND KOTOR COURTS

Due to a heavy workload and a shortage of judges, the Basic Court in Bar delegated 330 cases each to the courts in Ulcinj and Kotor. This was necessary because the four judges currently serving in Bar cannot manage the incoming cases and the backlog of pending cases.

According to the court's staffing plan, the Basic Court in Bar should have 11 judges—almost three times the current number—while at the beginning of September, the court had 2,806 unresolved cases.

Tamara Spasojević, head of the Basic Court in Bar, told Vijesti that this measure aims to protect the parties. She explained that in December, two court advisors will certainly be promoted to judicial positions, and although eight candidates are currently in judicial training, it is not certain whether any of them will choose to work at the court in Bar.



Previously, due to the situation at the Basic Court in Bar, local attorneys protested in March, demanding that the Judicial Council resolve the staffing crisis.

### **JUDICIAL COUNCIL PROPOSES LAW AMENDMENTS TO FACILITATE RECRUITMENT OF MISSING STAFF**

The Judicial Council will propose amendments to the Law on the Judicial Council and Judges to modify the conditions for electing judges. This will allow overcoming current legal obstacles that prevent lawyers, notaries, and law professors from accessing judicial positions. This decision was made at the Council's session held on September 9.

"It was concluded that the judiciary should be opened to a greater number of candidates, which requires changing the conditions for the selection of judges," the Council stated.

At the same session, the Council decided to publish public announcements for the promotion of one judge to the Supreme Court and one to the Appellate Court, as well as for one non-career judge of the Supreme Court of Montenegro.

As of late July, there were 281 active judges in Montenegrin courts, with 52 positions vacant—nearly 16%—including leadership positions in the Basic Courts in Cetinje and Žabljak. The northern region had the largest shortage with 17 judges, the southern region 12, and the central region 8, according to previous Judicial Council data.

At its first session in September, the Judicial Council took steps to fill vacant positions. Nine candidates who completed the training at the Judicial Training Centre were selected for Basic Court positions, with their exact assignments to be determined later. Additionally, one judge each was selected for the Commercial Court and the Administrative Court, and one for the Minor Offenses Court in Bijelo Polje.

The Council also decided to request the Ministry of Justice to continue work on a special law regulating judges' salaries, rights, and obligations, including a precise retirement age for judges.

### **ADMINISTRATIVE COURT STAFF READY TO STRIKE, DEMAND SALARY INCREASES**

Ako država u što kraćem roku ne potpiše granski kolektivni  
If the state does not sign a sectoral collective agreement and raise salaries in the judiciary promptly, court employees will suspend work from 11 a.m. to 12 p.m. on working days starting October 6, announced Acting President of the Judicial Union Dejan Đukić.

Đukić told Radio Montenegro that this measure follows months of negotiations with the Ministry of Finance, during which no agreement was reached on a 30% salary increase for administrative staff and the signing of a sectoral collective agreement for the judiciary.

If no compromise is reached after the work stoppage, further action will follow, he warned.

“If no agreement is reached in the upcoming period, a full work stoppage for the entire working day will occur,” he emphasized.

The Judicial Union stressed the difficult material situation of court employees and requested an urgent meeting with government representatives.