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Subject:	Non-paper on the state of play regarding Chapters 23 and 24 for Montenegro

Non-paper on the state of play regarding chapters 23 and 24 for Montenegro

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1. Introduction and summary

According to negotiating framework for EU-accession negotiations with Montenegro the “*Commission will keep the Council duly informed and report to the Council twice yearly on the state of advancement of negotiations under the chapters "Judiciary and fundamental rights" and "Justice, freedom and security."* The purpose of this non-paper is to provide an overview of Montenegro’s progress in implementation of its action plans under chapters 23 and 24 mainly in the first half of 2019. It is based on Montenegro's reports on the implementation of the Action Plans for the first semester of 2019, complemented by the information provided at the sub-committee meeting on Justice, Freedom, and Security, held in October 2019. In addition, a range of other sources were used including peer review missions, EU-funded expert reports and monitoring reports from international organisations and civil society.

During the reporting period Montenegro continued to implement the action plans for chapters 23 and 24 and other strategic documents in the area of rule of law, and adopted new ones. It worked towards addressing the outstanding challenges highlighted in the European Commission’s 2019 Montenegro Report and the 18 June 2019 Council conclusions, in particular in the critical areas of media freedom, fight against corruption and trafficking in human beings. Work on legislative alignment with EU *acquis*, institution-building and track-records continued across the board, with certain remaining challenges.

On Chapter 23, Montenegro is working on a new legal framework on media, including a new law on the public broadcaster RTCG. New criminal investigations were opened and assets were temporarily seized in corruption cases. Montenegro is making efforts to develop and promote the system of alternative dispute settlement resolution and on the IT system for the judiciary, which would contribute to improving the efficiency of the judiciary and reducing the case backlog. It is important that Montenegro does not reverse earlier achievements on judicial reform, and that it continues further building track records, in particular on fight against corruption, while ensuring genuine independence of all the respective institutions, including the Anti-Corruption Agency. A credible, independent and effective institutional response to the recent allegations of corruption and illegal political party financing is needed.

On Chapter 24, an initial track record on the fight against trafficking in human beings is being developed. Montenegro’s increased participation in international police cooperation resulted in successful operations against Montenegrin crime groups, in the country and abroad: large amounts of drugs were seized and prominent crime groups members were arrested. The criminal justice system on the whole, however, remains hampered by systemic deficiencies, resulting in lenient court sentences and insufficient asset recovery. An important reorganisation of the police is on-going, but delays in establishing an interoperable system of databases hinders the efficiency of criminal and financial investigations. In the area of migration and asylum, Montenegro continued to show its resilience and commitment against the background of increased migration flows across the country. The border management system was further developed in line with the EU *acquis* and Schengen standards.

2. Detailed overview

2.1 Chapter 23 – Judiciary and Fundamental Rights

Judiciary

In September 2019 the Government adopted the 2019-2022 Judicial Reform Strategy and the accompanying 2019-2020 Action Plan. In the first half of 2019, the Government prepared amendments to the Law on courts and the Law on State Prosecutor's Office in order to harmonise both laws with the 2018 Law on judicial cooperation in criminal matters.

The Parliament has yet to appoint four non-judicial members of the Judicial Council - for which qualified majority is required - after the mandate of the previous Council expired in July 2018. To ensure the continuous functioning of the Council, the anti-deadlock mechanism introduced by the 2018 amendments to the Law on the Judicial Council continues to apply, allowing for prolongation of the mandate of the non-judicial members from the previous composition until new ones are elected.

There are still vacancies to be filled in the secretariats of both the Judicial and the Prosecutorial Council (the Judicial Council employs 42 out of 54 planned staff members, and Prosecutorial Council 20 out of 28), but their operational capacities continue to improve. Further strengthening of the secretariats of both Councils and improvement of professional capacities of the Councils' members is still needed. Concerns remain with regard to the time and commitment devoted by members of both Councils - and in particular members of the Judicial Council - to their functions. The two Councils have yet to fully perform their functions of budgetary and financial management, at both central and courts levels. Technical preparations are ongoing to gradually transfer budget implementation to courts and prosecution offices in the course of 2020, while the Ministry of Finance has yet to recognise the courts and prosecution offices as budgetary units.

Independence and impartiality

Montenegro is organising single nationwide competitions for judges and prosecutors. Reports about the content and quality of interviews with candidates for judges of the 2019 competition, and allegations of conflict of interest of some members of the Judicial Council with regard to certain candidates, point to remaining challenges with regard to transparent and merit-based recruitment of judges. Senior appointments in the judiciary in the course of 2019, such as the re-appointment of the President of the Supreme Court for a third mandate despite the Constitutional limitation of two terms; and re-appointments of court presidents that have already served the maximum two terms laid down in the 2015 Law on Judicial Council, raise concerns with regard to Judicial Council's interpretation of the Constitution and the applicable legislation. The mandate of the Supreme State Prosecutor expired in October 2019. After the first call for candidates failed due to absence of any applications, the Prosecutorial Council appointed the outgoing Supreme State Prosecutor as acting until the election of a new one is ensured. A second call was published in mid-October. Both Councils now conduct regular assessments of judges and prosecutors. So far in 2019, 19 judges and 21 prosecutors have been evaluated under the regular assessment procedure, plus a further 14 judges in the context of the procedure for promotion. The fact that a number of members of the judiciary and prosecution - including senior members - had been granted State-sponsored apartments or loans under favourable conditions, has raised questions.

Accountability

The track records on disciplinary and ethical standards for judges and prosecutors remain limited. Within the first six months of 2019, one disciplinary proceedings was initiated and completed against a judge resulting in violation and a sanction of 20% salary reduction over a period of three months. There were no new disciplinary proceedings against prosecutors. During the same period, there were eight reports concerning alleged violation of the code of ethics for judges of which seven were completed and in two cases violations were established. Of the seven cases of violation of the code of ethics for prosecutors, two were completed and a violation was established in one case. Case-law, both on disciplinary accountability and violating the code of ethics, remains to be developed and legal remedy against the decisions of the code of ethics commissions provided by the law.

During the same period, disciplinary proceedings were initiated against three public bailiffs that are still ongoing. In one of the cases, a public bailiff was temporarily suspended awaiting the outcome of criminal proceedings against him. In early 2019, amendments to the Law on public bailiffs were adopted introducing an obligation for bailiffs to submitting their assets declarations to the Anti-Corruption Agency.

Two additional judicial inspectors for judiciary were recruited within the Ministry of Justice, while the procedure to recruit two additional judicial inspectors for the supervision of notaries and public bailiffs is ongoing. In line with recommendations from a peer review mission, the Ministry of Justice and the Public Bailiffs' Chamber are now conducting joint inspections of bailiffs' offices with good results.

Efficiency and professionalism

The Government adopted in September 2019 an updated 2016-2020 action plan for implementation of the Information and communications technology (ICT) strategy for the judiciary (with some adjustments of the target dates due to certain delays in implementation) and a detailed budget breakdown. The new ICT sub-system for courts was procured in June 2019. Issues remain with regard to reliability and availability of statistical data for the judiciary and the guidelines of the European Commission for the Efficiency of Justice (CEPEJ) will not be fully implemented until the new ICT system is operational.

The 2016-2019 mid-term strategy for the rationalisation of the courts network delayed any concrete measures in this respect. With the 2019-2020 action plan of the Judicial Reform Strategy, the Government committed itself to prepare, by the end of 2020, an underlying analysis for rationalisation of the judicial network.

Montenegro is taking concrete measures to reduce the backlog of old cases which are given priority status. The number of cases older than three years has so far increased in the course of 2019 from slightly over 3,000 to some 4,000 cases. However, Montenegro expects that by end of 2019 the numbers will decrease. An analysis is under preparation to understand the reasons for court delays and to define measures to address these.

Montenegro continues with a number of measures to strengthen and promote the use of alternative dispute resolution (ADR). A new Law on alternative dispute resolution was prepared in 2019, which *inter alia* foresees compulsory recourse to ADR for certain types of disputes. Its adoption is expected by end of 2019. Between 1 January and 30 June 2019, 389 cases were referred to the Centre for Mediation (over 500 during the same period last year)

and 802 to the Agency for Peaceful Settlement of Labour Disputes (2960 during the same period last year).

As regards enforcement, the clearance and recovery rates are increasing, and the backlog of enforcement cases before the courts has been reduced from 150.000 in 2016 to just around 5500 at the beginning of 2019. In early 2019, amendments to the Law on enforcement and securing of claims were adopted, aiming to align with EU *acquis* and to address some challenges in the practice of enforcement proceedings.

The Judicial Training Centre secretariat staffing level remains at 14 out of the 19 foreseen posts filled, while the number of its implemented activities continues to increase. The centre is not yet entirely autonomous and self-sustainable in terms of funding. However, its State budget funding is sufficient for now, since a large part of its activities is supported by EU and other international donors. The Centre's expert, managerial, strategic planning and administrative capacities need to further improve, as well as cooperation with the Judicial and Prosecutorial Councils. Montenegro participates in the activities offered by the European Judicial Training Network (EJTN) and under the Justice Programme calls for proposals, including training on rule of law.

Domestic handling of war crimes

In June 2019, a first-instance court found a defendant guilty of crimes against the civilian population in Kosovo* and sentenced him to 14 years of imprisonment. Appeal proceedings are currently ongoing. Four cases remain in the preliminary phase of investigation by the Special Prosecutor's Office for the fight against corruption, organised crime, war crimes, terrorism and money laundering (SPO) concerning war crimes committed on the territories of Bosnia and Herzegovina and Croatia. Following the signature of a memorandum of understanding with the International Residual Mechanism for Criminal Tribunals (IRMCT) in February 2019, guidelines for cooperation have been prepared on the exchange of information and evidence with IRMCT. The SPO is in regular contact with prosecution offices in the region and also exchanges information outside the formal international judicial cooperation instruments. In the first half of 2019, Montenegro has acted upon five letters rogatory from Bosnia and Hercegovina and two letters rogatory from Croatia. Activities are also ongoing on re-examination of old cases, with a view to securing revision of the old final judgements. In total, 41 claims for compensation for non-pecuniary damage by victims of war crimes have been lodged between 2017 and 2019 under a different legal basis than those from the earlier period. They all concern the "Morinj" case. By June 2019, four claims were withdrawn: in three cases the partial award of compensation became final, in another three appeal proceedings were ongoing, while the remaining cases were still pending before the first instance court. All these claims are treated as priority by the courts.

Anti-corruption

Prevention of corruption

Strengthening the capacity of the **Anti-Corruption Agency** (ACA) continued through additional recruitments - bringing the staffing level to 56 out of the 60 foreseen posts -, as well as through capacity-building activities and technical assistance. Further improvements were made on the IT system, including a new module for the control of political parties and monitoring of electoral campaign introduced in January 2019, development of electoral forms

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

for submission of reports of political entities during the election campaign and implementation of special searches on the website of the Agency. The ACA has access to the relevant databases in real time. However, challenges and criticism remain related to the Agency's independence, priority-setting, selective approach, controversial interpretation and application of legislation, and quality of decisions. Several ACA's decisions in politically sensitive cases that led to dismissals of, for instance, a member of the ACA Council and members of the Council of the public broadcaster RTCG, were annulled by the Administrative Court.

In July 2019, Parliament appointed the new Council of the Anti-Corruption Agency, consisting of five members, two of which are from civil society. The eligibility criteria for Council members were interpreted by Parliament in a manner to include an obligation of passing the exam for working in public institutions, which led to excluding some competent Civil Society Organisations' (CSO) candidates from the selection procedure for the new ACA Council.

In the first half of 2019, the ACA issued 70 opinions upon request by public officials and bodies and 37 decisions on **incompatibility of functions and conflict of interest** (2018:185 opinions and 71 decisions). Based on the Agency's opinions and decisions, 30 public officials resigned from their office (2018: 77) and two were dismissed (2018: five).

In the first half of 2019, 7,086 **income and asset declarations** were submitted to ACA (6,560 during the same period last year). By the end of June, the ACA had started checks of 179 such declarations for completeness and accuracy (113% increase compared with the same period last year) in accordance with a revised audit plan based on a priority and random samples order. In-depth control is planned with regard to 20 civil servants (incl. ministers, mayors, directors of state-owned companies, etc.) selected on the basis of risk assessment. 65% of public officials and 57% of functionaries gave consent for direct access to their bank accounts. Among those are 12 (60%) members of the government. Results on in-depth checks on random samples of officials - including searching for illicit enrichments, changes and movements of assets, and identifying origins of assets - remain scarce.

With regard to **control and oversight related to financing of political parties and electoral campaigns** in May 2019, the ACA published its report on the March 2019 local elections in the Tuzi municipality. While it initiated misdemeanour proceedings against one political entity for overspending, it found no major irregularities and no abuse of public resources for electoral campaign purposes. In the first half of 2019, fines in the amount of EUR 7,530 were imposed in misdemeanour proceedings initiated by the ACA. In February 2019, the ACA established that the ruling party violated the law during 2016 parliamentary election campaign by receiving a donation in the amount of EUR 47,500 that was not paid via the party's campaign's bank account. It ordered this amount to be paid to the State budget, imposing on the party a fine in the amount of EUR 20,000 and forwarded the case to the prosecution. The respective decision has not yet been published. The existing legal framework in this area is currently under discussion within the temporary parliamentary committee on comprehensive reform of electoral and other legislation.

As regards **whistle-blowers**, by end of June 2019 the ACA had received 57 whistle-blower complaints on threats to public interest (2018: 110) and one request for whistle-blower protection. During the same period, the ACA forwarded four cases to the prosecution (10 in the course of 2018). Of the cases forwarded during the previous period, the prosecution is still

working on six cases, while in three cases the criminal complaint was dismissed. The ACA further initiated three ex officio proceedings for determining the existence of a threat to public interest which are still ongoing. In February 2018, the ACA published its analysis of ex officio proceedings initiated in 2018 with regard to employment procedures in public institutions and state-owned companies. It found irregularities with 17 such entities that published 68 vacancies in total which were open for application for one day only and issued recommendations to these entities for improving transparency and eliminating corruption risks.

As regards the implementation of the Law on **lobbying**, there were no new lobbying certificates issued during the reporting period (since 2014: 14) and six lobbyists and one legal entity remain registered with the Agency. By end of June 2019, two official notifications of lobbying contact were submitted to the ACA by the lobbied individuals. The low numbers still suggest that lobbying activities are being carried out, outside the legal framework. An analysis of the existing legal framework is currently ongoing to identify the challenges in its implementation. Detecting, following-up and sanctioning breaches of the law remain a challenge.

The ACA continues to monitor implementation of the law on prevention of corruption concerning **integrity plans** and provides support to public bodies in this respect. In early 2019, the ACA prepared, for the first time, an analysis of efficiency and effectiveness of these integrity plans, based on public body replies to the Agency's questionnaire and provided recommendations for their improvement. However, it did not assess the concrete impact of these plans for the prevention of corruption. The majority of public bodies that have adopted their integrity plans in 2016 have either updated the existing ones or adopted new ones by mid-2019. As of 2018, integrity plans and reports on their implementation are submitted to the ACA electronically.

There are still only a few cases of detected violations of the **codes of ethics** for members of the legislative and executive authorities. In order to address one of the outstanding recommendations in the 2018 Group of States against Corruption (GRECO) compliance report on the ethics and integrity of members of Parliament, prosecutors and judges, Parliament adopted in July 2019 a revised code of ethics for its members. The revised code introduces a requirement of ad-hoc disclosure of interest when a conflict emerges between the private interest of an MP and a matter under consideration in the parliamentary procedure.

The overall impact of anti-corruption measures in **particularly vulnerable areas** (local self-government, spatial planning, public procurement, privatisation, healthcare and education) still remains to be demonstrated by tangible results on the prevention and repression side, and by a decrease in the perceived levels of corruption. With regard to public procurement, the Government adopted in October 2019 its proposal for a new Law on Public Procurement, aimed to align with EU *acquis*. The law provides for a legal basis for full implementation of an electronic public procurement system that should improve the transparency of public procurement procedures and contribute to reducing corruption risks.

The implementation of the current Law on free **access to information** has not contributed to ensuring more transparency and accountability of the public service, as the authorities continue declaring requested information as classified, including on subject matters sensitive to corruption, thus excluding it from the scope of application of this Law. Public information is often not published proactively in a meaningful and accessible manner. This leads to even

higher numbers of requests for access to information and huge backlogs at all levels. The law is currently under revision.

Repression of corruption

An initial track record of investigations, prosecutions and final convictions in cases of high-level corruption has been established, but now needs to be further consolidated. By end June 2019, new criminal investigations were launched into four cases of high-level corruption against eight individuals and one legal entity, and in the same period 20 individuals and one legal entity were indicted for high-level corruption and abuse of office related offences and two individuals were convicted for high-level corruption related offences. Plea bargain agreements were signed with seven individuals in a case of tax evasion with involvement of tax inspectors imposing suspended prison sentences, the return of illegal proceeds in the amount of EUR 347,000 to the State budget and payment of fines in the amount of EUR 150,000. A criminal investigation into alleged attempts to bribe the prosecution in one high-profile case is ongoing. In April 2019, Montenegro sent an official request for extradition of the former President of the State Union of Serbia and Montenegro - convicted for high-level corruption in 2016 - to Serbia where he is currently staying. So far, it has received no reply.

During first half of 2019, assets with a corresponding value of approximately EUR 3 million were temporarily seized in one case. No assets were permanently confiscated during the same period. New financial investigations were launched in eight high-level corruption cases. While financial investigations are now being launched in the earlier stages of criminal investigations than before, they are still not launched systematically in all corruption cases.

Fundamental rights

Cooperation with the European Court of Human Rights (ECtHR) remains good, and the overall awareness of institutions and judiciary of the rights protected by the ECHR continues to improve. By mid-2019, the ECtHR found violations of the European Convention on Human Rights in two cases with respect to Article 3 (inhuman treatment in the context of conditions of detention), Article 5 (1) (lawfulness of detention) and Article 5 (3) (unjustified duration of detention).

Concerning the **promotion and enforcement of human rights**, the Ministry of Human Rights and Minorities (MHRM) and the Ombudsman's Office both continued to receive EU and international assistance to reinforce their capacities. Capacity of the MHRM in particular remains limited, with 32 out of 46 planned staff positions filled. It continues to address these shortcomings through staff training, but a training needs assessment and strategic planning for capacity development are still missing.

The Ombudsman Office's capacity to handle complaints, the quality of decisions, and the visibility of its work has improved. The institution currently employs 30 out of 36 planned staff, which is a slight decrease from last year. The selection procedure for a new Ombudsman is currently ongoing. The number of cases submitted to the Ombudsman during the first half of 2019 decreased somewhat compared with last year.

Montenegro has continued to work towards fully implementing all the recommendations of the European Committee for the **Prevention of Torture and Inhuman or Degrading Treatment (CPT)**; its fourth periodic report (based on its autumn 2017 visit) was published in

February 2019. The report highlights unaddressed long-standing issues, in particular a lack of practical implementation of fundamental legal safeguards against ill-treatment for persons deprived of their liberty by the police; inappropriate and prolonged resort to mechanical restraint using metal hand- and ankle-cuffs to fixate inmates to beds in prison establishments; and continued overcrowding and poor conditions at Dobrota Special Psychiatric Hospital. The capacities of the National Preventive Mechanism have been strengthened, and 19 unannounced visits to detention facilities were carried out by end June 2019. In a first instance judgement, ten officers of the Institute for Enforcement of Criminal Sanctions were found guilty of ill-treatment of inmates and sentenced to prison sentences of 3 to 13 months. New investigations were opened into cases of excessive use of force by police officers and there are further similar cases pending before the courts. However, challenges persist with investigating and prosecuting cases of alleged violence by law-enforcement officers and in prisons, and establishing a record of deterrent sanctions.

Material conditions within the **prison system** continue to improve through small refurbishments of facilities, but they remain poor overall. The same applies for medical support and for staff working conditions. Challenges also remain in the area of rehabilitation and resocialisation, although activities are underway to address this.

On **protection of personal data**, the level of capacity and awareness of their rights and obligations is generally low among state bodies, citizens and the private sector. Challenges remain with addressing issues related to processes, legislation, internal control mechanisms and awareness raising. Activities to reinforce the capacities of the Agency for Personal Data Protection and Free Access to Information have continued, but its capacities remain overall limited. In the first half of 2019, the Agency carried out 4 regular and 52 irregular inspections. A new Law on protection of personal data is in preparation to align with EU the *acquis* in this area, but the draft is at an early stage.

On **freedom of thought, conscience and religion**, a new law on freedom of religious belief establishing the relationship between religious communities and the State is under preparation. According to the Venice Commission's June 2019 opinion, further changes to the draft are required to align with European and international standards, and be prepared in genuine consultation with concerned stakeholders.

In the field of **freedom of expression**, concerns remain regarding the overall situation of media freedom. Notable efforts have been invested by the authorities on the new legal framework for media. Draft laws on media, on the public broadcaster (RTCG) and on audiovisual media services are in preparation, with the first two being at an advanced stage. In the first half of 2019, two cases of alleged attacks against journalists and media property were reported; one criminal complaint was dismissed while investigation is ongoing in one case. Additional cases of online intimidation of journalists and regular cyber attacks against one news portal were also registered. The ad hoc Commission for monitoring cases of violence against media has access to documents with names not being blacked out, but its difficulties to obtain timely and complete information from relevant authorities persist. There remains a lack of progress in addressing both recent and old cases of serious attacks against journalists with regard to identifying material perpetrators and those behind the attacks, but also the shortcomings and delays which hampered investigations. In spring 2019, the Constitutional Court decided that the blocking of freeware and cross-platform instant messaging services on October 2016 Election Day was unconstitutional and annulled the respective provision of the Law on electronic communication on which the measure was based.

Professional and ethical standards for media, as well as effective self-regulation mechanisms, are still lacking. During the first half of 2019, several dismissals from the RTCG Council and RTCG management (that took place in the course of 2018) were annulled by domestic courts. In early summer 2019, Parliament appointed a new RTCG Council. Undue political interference and pressure remains an issue of concern.

On **non-discrimination**, work has been ongoing through the draft labour law to address some outstanding issues concerning the alignment with the EU *acquis*. Aimed at alignment with EU Directives under chapter 19 (social policy and employment), this draft labour law has important links to the Law on anti-discrimination. Court cases remain rare and no cases were opened in the first half of 2019. As for the Ombudsman, the number of complaints related to protection of discrimination decreased slightly compared to last year. The work of the Ombudsman office in this area has improved, but capacities need further strengthening. A rulebook on contents and manner of keeping special record in cases of reported discrimination is currently being developed as a basis to allow harmonised data collection and to allow the Ombudsman access to connected record for courts, prosecutors, police and inspection authorities.

On **equality between women and men**, in March 2019 the government adopted the 2019–2020 action plan for implementation of the 2017 – 2021 strategy on achieving gender equality. Also in March, it submitted its report on the implementation of urgent recommendations by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW). The impact of undertaken measures remains to be seen.

On **domestic and gender-based violence**, authorities filed 125 criminal indictments related to domestic violence during the first half of 2019, compared to 218 during the same period last year. In the same period, 700 misdemeanour charges were filed for domestic violence which could have contributed to the lower number of criminal indictments. An electronic database on domestic violence became operational in May 2019. It enables automatic data exchange between the Ministry of Interior and social work centres which can contribute to a more timely response by authorities and provide for better statistics. Still, the capacities of existing institutions in this area, including the judiciary and police, remain limited overall as does the impact of undertaken measures.

Regarding **rights of the child**, the Ombudsman office continued with its awareness-raising activities, including a pilot project aimed at preventing institutionalisation of children. However, the overall institutional response remains reactive and challenges remain in coordinating child policies. Tangible results of these changes remain to be registered. Child-begging as well as forced marriages continue to be reported by CSOs. Violence against children also remains a concern, as well as high societal tolerance to the physical punishment of children and treatment of juveniles in prisons.

The alignment of national legislation implementing the rights of **persons with disabilities** with international standards is still progressing slowly. An action plan to address the recommendations of the UN Committee on Rights of Persons with Disabilities is under preparation, but there is no budget clearly allocated for implementing the strategic and legal framework. Amendments to the Law on professional rehabilitation were prepared in 2018 but are yet to be adopted. The issue of deprivation of legal capacity is not yet adequately regulated. Issues related to the fund for professional rehabilitation and adequate spending are

still to be addressed. CSOs state that existing consultation mechanisms on the rights of persons with disabilities do not operate efficiently. Comprehensive strategies on de-institutionalisation and accessibility are still not available. The adaptation of public buildings, including polling stations, has progressed but remains at an early stage.

The authorities continued to show overall openness towards promoting the **rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons**. A draft Law on civil partnership is pending adoption by Parliament. Montenegro adopted the 2019-2023 Strategy for improving the quality of life of LGBTI persons in Montenegro and the accompanying 2019 action plan. Its implementation will require adequate budgetary allocations, ownership and genuine and constructive consultations with CSOs. The 2019 national pride parade was held on 21 September in Podgorica without incidents. The number of reported cases of hate speech towards LGBTI persons is increasing, and prosecution of hate speech remains rare.

In the field of **procedural rights**, efforts are still required to ensure full alignment with the EU *acquis* and European standards. Dissemination of information on free legal aid is ongoing, but challenges in terms of awareness and accessibility remain.

On **rights of persons belonging to minorities**, the Government adopted the Minority Policy Strategy 2019-2023 and its action plan for 2019-2020. The 2018 amendments to the decision on the Establishment of the Fund for the Protection and Realisation of Minority Rights, which provide for safeguards to eliminate the risk of a conflict of interest in the attribution of funds in line with Venice Commission recommendations are still not being implemented.

Roma and Egyptians remain the most vulnerable and discriminated community in various areas of life. Activities are ongoing to implement the June 2018 Roma Seminar conclusions and address needs within the five priority areas of education, employment, housing, health and documentation. Examples include the engagement of education and health mediators, positive measures to increase Roma enrolment and completion at various levels of education, and provision of housing through the Regional Housing Programme. However, further efforts are needed at central and local levels to reduce the important gap between Roma and non-Roma living in the vicinity. In July 2019, Montenegro signed the declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process (Poznan declaration). It includes quantifiable targets to be achieved and will need to be incorporated into the existing and future strategic framework. Implementation will require a dynamic response from the authorities as well as an appropriate budget allocation.

As regards **internally displaced persons**, 204 applications for obtaining the status of a “foreigner with a permanent status” were pending on 1 July 2019, down from 396 a year earlier. The lack of identification documents, especially for children, remains a matter of concern.

In the field of **citizenship rights**, Montenegro launched its investors' citizenship scheme and started receiving applications as of 3 October 2019. One application is currently being reviewed. This scheme needs to be closely monitored as it poses migratory and security risks.

2.2 Chapter 24 – Justice, Freedom and Security

Migration

The Law on foreigners was amended in December 2018, and three by-laws were adopted in Spring 2019, with the goal to simplify the issuance of temporary residence permits for work and seasonal employment. The temporary residence permit and the work permit are now merged into a single document.

The upward trend in the number of incoming irregular migrants and people expressing their intention to file an asylum request, already significant in 2017-2018, has been confirmed so far in 2019. In the first nine months of 2019, the Montenegrin authorities apprehended 5,887 migrants, compared with 4,113 in the same period last year (a 43% increase). 5,497 of the apprehended migrants expressed their intention to file an asylum request. 1,758 illegal border crossings were prevented on exit and 7,747 on entry in January-September 2019.

Secondary movements continued to add to migratory flow. Montenegro readmitted 1066 migrants from neighbouring countries in the framework of bilateral readmission agreements, including 1021 from Bosnia and Herzegovina. Despite the fact that irregular migrants enter Montenegro mainly from Albania, Montenegro could only readmit 98 migrants to Albania. 107 readmission requests submitted to Albania were refused.

13 migrants benefitted from assisted voluntary returns to their country of origin between January and June 2019, compared with 12 in the same period of last year. The returns are processed by the International Organization for Migration (IOM) and financed by external partners, including the EU. Montenegro has an action plan providing for reintegration measures for returned people. Although Montenegro does not have readmission agreements with countries of origin (a requirement to process forced returns), the government has taken the first diplomatic steps to initiate readmission negotiations with the main countries of origin (Pakistan, Iraq, Iran, Morocco and Algeria).

The readmission agreement with the EU and its implementing protocols with EU Member States continued to be implemented smoothly, with a high return rate for Montenegrin nationals and relatively low absolute numbers. Montenegro signed an implementing protocol on readmission with Greece in March 2019, bringing to 15 the number of implementing protocols with EU Member States.

Asylum

The recently adopted Law on asylum was amended in January 2019, to improve measures on integration of people under international protection. A by-law regarding the reception centre for asylum seekers was also adopted. A draft list of “safe countries of origin”, aimed at accelerating the process of applications, is under validation by the Ministry of Foreign Affairs. If adopted in its current form, the list would include the Western Balkans region and Turkey. While a ‘safe countries of origin list’ could serve as an efficient tool for acceleration, its application should be in line with EU law, and individual assessment of all asylum applications must be ensured to respect the principle of non-refoulement.

The number of people who expressed their intention to file an asylum request reached 3,192 over the period from January to June 2019, a surge of 51%, compared with the same period

last year. However, only 31% of them actually lodged an asylum request, compared with 89% last year, reflecting an increased mobility and tendency to leave the country even before lodging the asylum request. 80% of the requests were lodged by Iraqi, Syrian, Moroccan, Algerian and Pakistani nationals. One request concerned an unaccompanied minor; 148 requests concerned accompanied minor, showing a continuous – though limited - presence of families amongst the applicants, as 90% of them were men. Amongst the applicants, at least 88% left the country before the end of the procedure. A subsidiary protection status was granted in four cases in the first six months of 2019, out of the seven cases processed until the end of the procedure, bringing the ratio of positive decisions to 57 %. This brings to 77 the total number of people granted international protection status in Montenegro, of which 46 are still in the country. As of October 2019, there were 42 people in the asylum procedure, with a few awaiting a decision for more than 6 months.

As the intention to file an asylum request opens the right to be accommodated, the pressure on Montenegro's accommodation facilities increased considerably. In January-June 2019, 3194 third country nationals were accommodated, a 57 % increase compared with the same period of 2018, mainly for short stays. 63% of the people were accommodated in the alternative reception centre in Konik, a rented private facility used in complement to the asylum centre in Spuz, which is very costly. The overall budget of the asylum system rose to almost one million euros for six months (a ten-fold increase compared with 2017), 60 % of which was spent on the alternative reception centre. Montenegro does not receive external financial support for the running costs of its reception centres.

While security and living standards have substantially improved in the alternative centre, it is still not at the required level. Social, medical workers and legal counsellors, supported by non-governmental organisations and the office of the United Nations High Commissioner for Refugees (UNHCR), take shifts for a few hours per day. The rest of the time, up to 200 migrants are accommodated there without any representative from the Asylum Directorate present on the spot, but with the permanent presence of one police officer and two private security officers. Insufficient healthcare is an issue at both centres. Four different projects to increase the country's accommodation capacity, which currently amounts to 328 beds, are being carried out in parallel, including the establishment of a centre with a 120-bed capacity close to the Albanian border.

The Ministry of Interior now has an Integration and Readmission Directorate, in charge of coordinating social services provided by different administrations to asylum seekers and refugees. Integration measures are being developed, such as financial assistance, language courses, school enrolment for children and job placement, but so far the number of people concerned is limited.

Visa policy

Montenegro's visa regime has been progressively aligned with that of the EU, when it comes to the cancellation of visa requirements for citizens of certain countries where a visa for the EU is not required. However, Montenegro continues to grant exemptions from short-term visa requirements to ten countries (Russia, Armenia, Kazakhstan, Azerbaijan, Belarus, Cuba, Ecuador, Kuwait, Turkey, Peru), either on a seasonal or permanent basis. Seasonal visa exemption measures are not in line with the EU acquis, and these countries are on the EU list of countries whose citizens require a visa for entering the EU. Yet these measures can be

suspended by decree at any time before accession and until now they have had no impact on the irregular migratory flows in the country.

There are now 26 Montenegrin consular missions connected to the national visa information system. In the framework of the post-visa-liberalisation process, Montenegro continued to implement relevant measures to prevent abuse of the visa-free regime with the EU and provides monthly reporting.

External Borders and Schengen

In October 2019 Montenegro signed a Status Agreement with the EU, which, once it enters into force, will allow for the deployment of European Border and Coast Guard teams with executive powers along its border with the EU. The agreement paves the way for closer cooperation between Montenegro and the European Border and Coast Guard Agency (EBCGA) including more opportunities for the transfer of good EU practices.

Further acquis alignment was achieved through the adoption of amendments to the Law on border control in March 2019. The process of drafting a new Strategy on Integrated Border Management (IBM) for 2019-2023 was temporarily suspended, in order to wait for the adoption of the new EBCG Regulation and the EU Technical and Operational IBM Strategy by the Management Board of the EBCGA/Frontex, introducing the new European IBM concept. Montenegro therefore extended its current Strategy to the end of 2019. Work on the new IBM Strategy (2020-2024) resumed in March 2019, in close association with EBCGA/Frontex experts.

In April 2019, a National Coordination Centre (NCC) was established within the Border Police, a key body to improve country-wide situational awareness, risk assessment capacity and the ability to respond to crises. A Director was appointed, some equipment was delivered, and most of its planned 23 staff members are recruited. While Montenegro has established an Advanced Passenger Information System (API), it has not set up a Passenger Name Record System (PNR). The Special Prosecutor's Office (SPO) launched three investigations into migrant smuggling in January-June 2019, involving more than 40 people, and three indictments were confirmed by the courts. 72 counterfeit documents were detected at the border.

Montenegro continued to strengthen its border management capacity through numerous training activities, TAIEX support, and the purchase of equipment. Nevertheless, material and human resources remain insufficient to cope with the challenges of land and sea border surveillance.

The cooperation with the neighbouring countries Montenegro continued to progress smoothly, in particular on joint local border traffic. Joint patrols with all neighbouring countries were conducted. A demolition plan for the 29 cross-border alternative roads with Serbia was agreed in March 2019. In May and June 2019, Montenegro participated in two large-scale joint cross border police operations, Tuzi II and Sukobin I, at the Montenegrin-Albanian border, involving nine countries from the region and from the EU. Further efforts to enhance surveillance of the green and blue borders in line with EU and Schengen standards remain necessary.

Judicial cooperation in civil, commercial and criminal matters

Amendments to the Law on mutual legal assistance in criminal matters were adopted by the government in August 2019, aimed in particular at determining the body which has the power to endorse the creation of Joint Investigation Teams (JITs) with EU Member States. Other pieces of legislation were amended and further aligned with the EU *acquis*, such as the Law on enforcement and security of claims (in April) and the Law on civil procedure (in June).

The number of judicial requests handled by Montenegro, both on civil and criminal matters, continues to increase steadily, with a higher number of requests from Western Balkans on criminal matters and a higher number from EU Member States on civil matters. In general, requests are handled within legal timeframes, but could be processed faster if direct court-to-court cooperation was used more often.

Montenegro continued to cooperate actively with Eurojust. The number of open cases involving Montenegro rose to 11 in the first six months of 2019. This number does not include any case registered by the Liaison Prosecutor for Montenegro.

Further training and capacity building for Montenegrin judges and prosecutors were conducted with EU support. Montenegro continued to play a positive role at regional level by organising several regional judicial cooperation workshops, aimed at enhancing legal mutual assistance within the Western Balkans.

Police cooperation and the fight against organised crime

The Police Directorate, which is now a separate entity from the Ministry of Interior, underwent an important reorganisation. A by-law adopted in April 2019 established a new organigram of the police, which reduced the number of units, moved or merged some units and increased the number of operational posts with the objective to establish clearer lines of responsibility and to increase efficiency. There is now an entire department devoted to the fight against organised crime, encompassing five units and approximately 80 officers in total, including the Special Police Unit (SPU). While the Chief Special Prosecutor for the fight against organised crime keeps the right to appoint the Head of the SPU (as per the law on the Special Prosecutor's Office), he does not appoint his superior, i.e. the Head of the newly created department. This new hierarchical layer between the SPO and SPU introduces a risk of *de facto* a stronger control of the executive power on investigations into organised crime cases.

Further to the reorganisation and rationalisation of human resources within the police, the number of police officers (including border police) was reduced to 4,439, compared to 5,400 in 2018. The police's organigram provides for a total of 4,820 posts.

The draft Law on internal affairs, which has been under preparation for three years, remains to be adopted. However, the draft has substantially evolved, addressing a number of recommendations received from EU experts and civil society organisations during the public consultation process e.g. recruitment and promotion are made more transparent and consistent, disciplinary liability and police ethics are strengthened, and room for discretionary decision-making in promotions is reduced. The Police Academy, currently under the Ministry of Education, should become a Police Training Centre under the Ministry of Interior – a long-standing EU recommendation.

The number of staff within the Special Police Unit and the Special Prosecutor's Office remained stable, with respectively 32 and 34 employees, including 13 Special Prosecutors in the SPO. The low salary conditions of SPO experts supporting Prosecutors with specialised knowledge have not been addressed, making the SPO less attractive as a workplace for specialists that are highly needed - for example to support complex financial investigations. The condition of the SPO premises remains poor.

At operational level, following a 2018 Constitutional Court decision, a number of Special Investigative Measures (SIMs) no longer apply whereby the Prosecutor is deprived of crucial tools for criminal investigations, such as under-cover activities or the so-called "controlled delivery" when a consignment of drugs is detected and allowed to go forward to secure evidence against the perpetrators.

Regarding access to databases, law enforcement agencies have - since 2017 - a secure channel of communication with some key state institutions. However, this channel can be used only for low-level security messages. The Central Bank and the National Cadastre are not part of this data exchange system yet. At odds with modern police practices, Montenegro does not have an integrated system of inter-operable databases with a single search feature, something that would boost the efficiency and speed of criminal investigations. The current state of the National Cadastre, whose data are insufficient and partly out-of-date, is an obstacle to efficient financial investigations. Another issue is the ownership of police databases: following the administrative separation of the Police Directorate from the Ministry of Interior, these databases are under the legal ownership of the Ministry, although the main user is the police – a situation that could hinder the trust of international partners during international police cooperation. While additional databases will need to be set up in compliance with the EU migration *acquis*, the Ministry of Interior needs to review its strategic approach towards police and civil databases, including data protection issues, inter-operability, technical infrastructure and governance.

Montenegro's involvement in **international police cooperation** continued to intensify. 446 communications were exchanged with police services of other countries, a 22% rise compared with the same period last year. The amount of information exchanged through Europol rose by 31% and through Interpol by 38%. As the launch of Joint Investigation Teams is not yet administratively possible (pending the adoption of relevant legal acts), international police cooperation is so far limited to the preliminary investigation phase. During January-June 2019, exchanges were particularly important with the police services of Italy, France, the UK, the Netherlands, Germany, Austria, Croatia, Portugal and the United States.

This cooperation led to a number of successful operations. The leaders of the two competing crime groups from Kotor (the Kavači and the Skaljarči) were arrested at the end of 2018, both outside Montenegro. 14 other members of organised crime groups were arrested between January and July 2019, in Montenegro or abroad. However, the fierce gang war between the two clans continued, despite the arrests, and with increasing violence. Nine new murders occurred between December 2018 and June 2019, with tit-for-tat assassinations committed, including two in Austria and two in Germany.

Up to October 2019, the SPO launched 18 new investigations, most of them concerning large-scale complex organised crime, high-level corruption and money-laundering cases, involving in total 158 people and 74 legal entities. Four ongoing investigations launched last year were

extended to 50 additional suspects. 17 indictments against 112 people were raised by the SPO during the same period. At the same time, 19 final court convictions were pronounced for crimes qualifying as organised crime; 17 of which based on plea bargains. Plea bargains continue to be widely used in organised crime cases, reportedly as a way to secure available evidence of guilt and facilitate asset recovery. In practice, they are seen by the Prosecution as a way to avoid the risk of long-lasting and unpredictable court proceedings and disputed acquittals, as seen in recent years. As a result, the criminal justice system appears generally lenient, with sentences, fines and asset recoveries disproportionately low compared with the gravity of the crime. Montenegro does not have a performance-monitoring tool for the criminal justice.

The SPO launched 10 new **financial investigations** up to October 2019, but some of the 25 financial investigations launched in 2017 and 2018 are still ongoing. Most of them are large scale, complex investigations targeting dozens of people and legal entities linked with money laundering, tax evasion, corruption, and are very resource-intensive for the SPO. However, beyond the SPO, hardly any financial investigations are launched by the basic and high Prosecutors. The practice of financial investigation still diverges from EU practice and standards of the Financial Action Task Force (FATF), being used solely as a way to proceed to the so-called “extended confiscation”, and not in support of developing the criminal investigation itself. International police cooperation on financial matters - crucial in financial investigations - is underused. Montenegro has neither a centralised bank account register, nor a register of beneficial ownership, required by the fifth EU anti-money laundering Directive. In their absence, identifying the real owners of private companies and trace financial transactions remains long and challenging.

In the fight against **tobacco smuggling**, the seizures of smuggled cigarettes amounted to EUR 2,3 million in January-October 2019, thus much less than during the record year of 2018 (EUR 11,5 million). The prominent “Port of Bar” case, in which one third of the customs officials of the Bar Free Trade Zone were arrested in 2018, along with 17 other people, is now pending before the court. Two new investigations were launched into cigarette smuggling by the SPO, including one concerning a smuggling ring operating at the border with Kosovo, reported on by the media and NGO since 2013. In this case, a former police officer and whistle-blower, who posted videos of the smuggling activities on the internet in 2013, is now residing in an EU Member State under refugee status, after being abducted and beaten in Kosovo.

After a TAIEX peer review mission found that the work of the police on tobacco smuggling was not proactive enough, an inter-governmental operative group was set up to strengthen the activity of the law-enforcement bodies in this area.

On **money laundering**, the Administration for the Prevention of Money Laundering and Terrorism Financing (or FIU) - formerly an independent entity - was integrated into the Police Directorate, forming one of the eight police departments. This change of status caused the automatic exclusion of Montenegro from the Egmont Group, a platform of 164 FIUs providing a worldwide secure exchange of intelligence on money laundering. In order to reapply for Egmont membership, Montenegro must amend its Law on internal affairs and its Law on prevention of money laundering and terrorism financing, to legally establish the administrative autonomy of the FIU, despite its institutional setting within the police. During the application process - that may last up to two years - Montenegro does not have access to key international data on suspicious transactions going through its financial and non-financial

sectors. The long-term aim for Montenegro, however, is to increase the country's track record in effectively addressing money-laundering. Combining classical financial intelligence methods with criminal police tools, data and resources could pave the way for better results, on the assumption that better quality reports from the FIU will lead to more robust evidence to prove money-laundering offences during court proceedings,

Two new investigations into money-laundering were launched by the SPO since the beginning of 2019, bringing to 11 the number of investigations for this type of offence launched since 2016, targeting in total 161 people and 155 legal entities, for offences involving an estimated EUR 78 million in total. The number of final convictions, however, remains low, with only two convictions in 2019; the sentences, secured through plea bargain agreements, involve a few months in prison and a few thousand euros fine. A recent peer review mission underlined that the courts' narrow understanding of money laundering, requiring evidence of the link between the money laundered and the predicate offence - although the offence aims precisely at blurring this link - is hampering adequate processing of these cases.

In the "Atlas Bank affair" - one of the largest and most complex corruption and money laundering cases the SPO has ever had to deal with - an indictment for misuse of position and tax evasion was confirmed in May 2019 against the owner of the Atlas Bank and its former Director. Several other large-scale investigations are conducted in parallel regarding this affair.

As regards **asset recovery**, the amount of bank deposits temporarily seized by the SPO in January-October 2019 was EUR 67,9 million. The amount of final confiscations, however, remains much less. In the last four years, EUR 32,5 million was confiscated as a result of plea bargains in organised crime cases, while several confiscation orders for luxury real estate are currently pending before the courts.

An Asset Recovery Office was established in the Police Directorate, within the unit in charge of international police cooperation. It processes incoming and outgoing international requests for information on assets, while the tracing, freezing and recovery of assets remains prosecution-led. The absence of interoperable databases, the insufficiency of the land cadastre, the lack of beneficial ownership and centralised bank accounts registers are serious obstacles to an efficient and quick processing of the requests.

In the area of **fight against trafficking in human beings**, a new 2019-24 strategy was adopted in February 2019, reflecting a stronger awareness of the risk factors in the country and aimed at strengthening the efficiency of law enforcement in the detection of trafficking cases.

The number of cases investigated increased in 2018 and 2019. One case involving four victims - two being child victims - is currently pending before the court, while seven investigations and preliminary investigations are ongoing. The institutional mechanisms put in place to improve the risk assessment (e.g. the anti-trafficking inter-governmental task force and the supervision mechanism established by the Podgorica High Prosecutor's Office over cases prosecuted at lower judicial level) have started to bring results in addressing the challenges of detection and identification of trafficking cases. Standard Operative Procedures (SOPs) to identify victims of trafficking in human beings were developed. However, the number of investigations remains low. No important trafficking ring has been uncovered in

recent years. The capacity to address trafficking in human beings at local police levels, and throughout the whole chain of stakeholders, is still insufficient.

In January-June 2019, the Prosecution launched two new investigations relating to **cybercrime**, while three cases are pending before the courts. Under the new police organigram, 5 staff (up from 3) should be engaged in cybercrime, albeit only 2 posts are currently filled. Human resource capacities in this area remain below the necessary level, and are lower than the regional average.

In the area of **firearms**, 434 pieces of firearms were temporarily seized from January to June 2019. The Action Plan on illicit trafficking in firearms between the EU and the South East Europe region (2015-2019) continued to be implemented. An operational firearms focal point has yet to be established.

Co-operation in the field of drugs

There is a substantial delay in taking appropriate measures to strengthen the National Drug Observatory, in accordance with the standards of the EU and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The National Drug Observatory has not addressed its deficiencies: it remains insufficiently staffed to fulfil its tasks of data collection, analysis and reporting in an operational way. The Early Warning System is not ready to link with the EU Early Warning System because of its insufficient operational character, procedures, and the lack of involvement of law enforcement and health authorities. At a time when Montenegrin NGOs are reporting an alarming upward trend in youth drug consumption - including synthetic drugs - no official data can confirm or invalidate this information, as Montenegro has not yet drafted an annual drug report, giving an overview of the drug situation in the country.

1,6 tons of drugs were seized in the period from January to June 2019, including 1,4 tons of marijuana. Seizures of cocaine and heroin have surged compared with last year, by respectively 166% and 1300 %. Drug smuggling remains the main criminal activity in Montenegro, triggering other security challenges such as homicides, trafficking of firearms and money laundering.

In April 2019, 60 kg of cocaine worth EUR 5 million was found on the prestigious National navy vessel “Jadran” during cadete training activities. Eight judgments for drug smuggling and organised crime were issued by the High Court during the reporting period, all of them with plea bargains. The total amount of fines and penalties recovered for the eight cases accounted for EUR 178,000.

Montenegro’s active international cooperation on drug cases continued; 57 kg of cocaine were seized outside the territory of Montenegro through these joint operations. In June 2019, in one of the largest drug seizures ever, the US law enforcement agencies seized 19.7 tons of cocaine worth over EUR 1 billion on a ship in Philadelphia Port, and arrested six Montenegrin crewmembers amongst other suspects. Operational data were exchanged between US and Montenegrin police services before the arrest and direct cooperation is ongoing in this case.

The lack of adequate storage for seized drugs and precursors prior to destruction has not been addressed.

Fight against terrorism, anti-radicalisation

In the framework of the European Commission's 2018 Western Balkans Strategy, a draft Arrangement for the implementation of the Joint Action Plan on Counter-terrorism for the Western Balkans between the European Commission and the authorities of Montenegro was prepared and is expected to be signed at the Justice and Home Affairs ministerial meeting in Skopje on 18-19 November. This agreement provides for a comprehensive set of priority measures to address the threats of violent extremism and terrorism, including on money laundering and terrorism financing over the next two years.

The draft Law on critical infrastructure was adopted by the government in October 2019; the by-law listing all critical infrastructures in Montenegro still needs to be drafted. Montenegro has not addressed the European Commission's comments on some non-EU compliant articles of its Law on international restrictive measures.

The national Strategy (to 2018) for the prevention and suppression of terrorism, money laundering and terrorism financing has not yet been replaced by a new Strategy. Under the former Strategy activities on preventing and countering violent extremism were implemented, such as the creation of a national platform for the prevention of violent extremism and radicalisation, importing the EU model of Radicalisation Awareness Networks (RAN) working groups of first line practitioners. There is active cooperation on prevention with non-State actors and religious communities.

In the 2016 election-day coup attempt case, a first instance decision was pronounced by the High Court of Podgorica in May 2019, whereby 13 defendants including two Russian and eight Serbian citizens were found guilty of terrorism, creation of a criminal organisation, and other crimes against the constitutional order. Appeal proceedings are ongoing. For the first time, two preliminary investigations related to terrorism financing with links to ISIS were launched against several people. The return from Syria of two Montenegrin women and their five young children is being considered by the National Security Agency.

Montenegro continues to cooperate actively with Europol on foreign fighters.