



Violence in the Balkans

Violent Crime in Montenegro

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Justice system- Courts

- Judicial power in Montenegro is executed by the autonomous and independent courts.
- Establishment, jurisdiction, organization, operation and proceedings in the courts- **Law on Courts**
- Rights and duties of judges, JC- autonomous and independent body, responsible to appoint and dismiss judges, ensures the independence and autonomy of courts and judges- **Law on CJ and Judges**
- **The Supreme Court-** highest court provides for the uniform application of the law by:
 - 15 basic courts,
 - two high courts,
 - Commercial Court,
 - Appellate Court,
 - Administrative Court,
 - High misdemeanor, 3 basic misdemeanors courts.

Justice system- Courts (2)

- Court hearings are public, judgments are pronounced publicly.
- The office of a judge is permanent and judges enjoy functional immunity.
- Judicial function is executed by 264 judges, 57.58% women (2015)
- The Court decides on the basis of the Constitution, law and confirmed and published international treaties. Establishment of court-martials and extraordinary courts is prohibited.

State Prosecutors Office

- State authority and a party in criminal proceedings.
- Unique and independent authority that performs the function of prosecuting natural and legal entities for criminal offences prosecuted ex officio, and misdemeanor, as well as other duties prescribed by law.
- Duties of the SPO should not be performed under anybody's influence. Nobody shall influence the SP in the exercise of its functions.
- SPO is executed by 106 prosecutors, 60.5% women (2015)

State Prosecutors Office (2)

- The function is executed by: **Supreme State Prosecutor's Office**, with Special State Prosecutor's Office (SSPO),
- Two high and 13 basic state prosecutor's offices.
- SSPO operates in accordance with a special law governing the conditions for selection of managers and SPs, the jurisdiction, organization
- Responsibilities of the **Prosecutors Council**: number of SPs; proposal for dismissal of Chief State Prosecutor; disciplinary responsibility of SPs; training of SPs; etc.

Police

- Police duties in connection with offenses in the competences of SSPO, carry out police officers who work in a separate OU of the administrative bodies in charge of the Police to work with the SSPO.
- Head of the Police Division Manager sets the administrative body responsible for police affairs, with the consent of the Chief of SSPO.
- Police organization and duties were established by Law on Internal Affairs.

Relevant legislation

- Criminal Code
- Criminal Procedure Code
- Law on criminal liability of legal persons
- Law on prevention of money laundering and financing of terrorism
- Law on confiscation of property gained through criminal activity
- Law on witness protection
- Law on juvenile procedure ...

Violence in Montenegro (I)

- Sources of data on crime in MNE published by competent state authorities:
- Annual reports of Supreme Court and Council of Courts,
- Annual report of State Prosecutor's Office,
- Police, SOCTA4 analysis
- Institute of Statistics, MONSTAT.
- No independent/faculty/state institutes established for criminological research, no dominant approach to empirical research

Violence in Montenegro (2)

- In 2015, major priorities of the judiciary was to work on cases: corruption, organised crime, money laundering, abuse of narcotics, thereby reducing the backlog.
- General information on crime trends- adult perpetrators, (basic/higher SPO), show constant decreasing trend:
- In 2015, 9.52% less perpetrators than in 2014, (3.95%)
- In 2014, 8.45% less perpetrators than in 2013, (7.10%)
- In 2013, 0.56% less perpetrators than in 2012, (5.93%)
- In 2012, 5.5 % less perpetrators than in 2011, (3.16%)
- In 2011 decreased by 6.86 % compared to 2010, (7,42%)
- In 2010 decreased by 2.21% compared to 2009, (8,16%)
- In 2009 decreased by 1,51% compared to 2008 (8,43%)

Art 143, CC Murder

• Art 143, Murder:	2011	2012	2013	2014	2015
• Crim. Charges	10	12	6	9	8
• Accused	8	12	6	5	8
• Accus. on going	21	25	30	22	15
• Solved	8	1	13	13	4
• Pend. Accusat.	13	24	17	9	11

Violence in Montenegro (3)

- Reduced the number of reported persons for criminal offenses against life and limb to 6.69% (2015 against 571 persons, in 2014 against 612 persons).
- By individual offenses and reported persons for the murder was reported 8 persons (9 persons in 2014),
- crime of attempted murder were reported 33 persons (47 persons in 2014),
- crime of aggravated murder reported 10 persons (8 persons in 2014),
- crime of attempted aggravated murder were reported 23 persons (19 persons in 2014).

Violence in Montenegro (4)

- The overall crime familiar persons, juvenile crime **5.32%** (**5.21%** in 2014).
- In 2015, criminal charges were filed against - 7,536 (8,319 in 2014) known criminal offenders, of which against known adult persons 7,135 (7,885 in 2014), a juvenile 401 (434 in 2014).
- In 2015, 2,272 were filed criminal charges against unknown perpetrators of criminal acts (in 2014 2,190 criminal charges).

Violence in Montenegro (5)

- Organized and serious crime in MNE:
- Smugglings of drugs and weapons,
- Illegal migration and trafficking in persons, Economic criminal activity - smuggling of cigarettes/excise goods, money counterfeiting and payment card, murder, robbery and theft of vehicles.
- Police adopted ILP3 management model guided by intelligence work.
- Development of the National Intelligence Model prioritization, management and allocation of tasks in the field of serious opposition and organized crime based on SOCTA4 analysis.

Crime Trends and Problems (I)

- Modern, efficient and transparent judiciary is the key feature of modern European democracy. Amendments to the Constitution in 2013, new legislation in the Judiciary, new concept started, the Chapters 23 and 24.
- MoJ implemented second generation of the Strategy to reform the judiciary 2014-2018, and following AP. Misdemeanour system is reformed
- In 2012, the number of resolved cases from the 2012 and earlier years, increased by 68.89 %.
- In 2015 the influx of cases was lower compared to 2014 for 2,23%, and number of resolved cases was also lower than in 2014 for 6,57%. The **quality** of work was at a satisfactory level- 21,83% of all decisions on appeals were revoked, 65,80% confirmed, 6,78% partially confirmed /modified/revoked.
- Decisions were made in the **legal deadline**- 0,69% of the decisions were drafted after the legal deadline expired.
- Suspended sentences by the number of convictions were high **47,96%**, **5,31%** of fines, imprisonment sentences **34,21%**, work in the public interest were imposed, **3,90%** of the total number of penalties.

Crime Trends and Problems (2)

- In 2016, one of the major priorities of the judiciary is to efficient work on cases concerning corruption, organised crime, money laundering, human trafficking, abuse of narcotics, thereby reducing the backlog.
- General information on crime trends, with reference to the cases against adult perpetrators, dealt with by basic and higher state prosecutor's offices, show that the decreasing trend from several previous years continued. However, the perception of justice and police work is still low. ..problems with implementation of plea agreements, ...
- Organized and serious crime in MNE includes a large number of various criminal activities: drug trafficking and illegal migration, smuggling and trafficking in persons, economic criminal activity – smuggling of cigarettes/money payment cards, murder, robbery and vehicle theft, corruption...

Conclusions

- In order to strengthen democracy and through the intensive process of the EU integration, MNE identified the latest trends in the fight against organised crime and has been implementing them independently or in cooperation with countries from the region.
- Continuation of consistent implementation of the activities foreseen by laws, national strategic documents and APs for EU negotiations of chapters 23 and 24 will provide for a further decrease in crime, especially organised crime.
- Good legislation and practice of judicial authorities in applying the regulations, with the critical scientific approach to the study of crime, can help provide for a significant crime reduction in a society.

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Istanbul convention

- August 2014, 24 countries ratified GREVIO- monitoring mechanism
- **Chapter V** Substantive law **Chapter VI** Investigation, prosecution, procedural law, protective measures
- Art 33 Psychological violence
- Art 34 Stalking
- Art 35 Physical violence
- Art 36 Sexual violence, rape- non consensual act
- Art 37 Forced marriage
- Art 38 Female genital mutilation
- Art 39 Forced abortion and forced sterilization
- Art 40 Sexual harassment ... Sanctions, Aggravating circ.



Q&A

Thank YOU!

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Montenegro