



# Criminology and Crime in Montenegro

## **Focus on Corruption**

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**MAPPING THE CRIMINOLOGICAL LANDSCAPE OF THE BALKANS**  
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# Criminological Education

- History and development of criminology as a science in Montenegro stem back from the era of socialist Yugoslavia and establishment of the Faculty of Law at the University V. Vlahovic in the former Titograd in 1972
- Nowadays, several private universities and faculties recently founded in their programmes offer subject courses in the field of criminal law, including criminology.
- As for the criminology master courses or doctoral research schools, Montenegro is lacking in this department.
- Specialisation and development of knowledge and skills in the public sector is organised in: the Human Resources Management Administration, Judicial Training Centre and Police Academy.



# Criminological Research

- No independent or faculty-established or state institutes or centres for criminological research, thus we cannot discuss a dominant approach to empirical criminological research.
- However, for years now, representatives of academia are involved in preparing laws, in any field, including criminal law.
- Preparation of regulations on procedures, methods and deadlines for collection of statistical data, in accordance with the CEPEJ guidelines, is underway in the MoJ and the Judicial Council.



# Criminological Research

- Opinion polls and surveys on the perception of corruption are fairly frequent in Montenegro, as the fight against corruption has been a top priority for all three branches of government, particularly since 2007.
- These surveys are organised by state authorities, NGOs and regional and international organizations.



# Criminological Research

- The most prominent regional corruption surveys include:
- regional study “Integrity and resistance to corruption of the criminal judicial system in SEE” by TI Romania
- UNODC’s “Business, corruption and crime: The impact of bribery and other crimes on private enterprise”, and annual TI’s CPI, etc.



# Crime Trends and Problems (I)

- Numerous sources of data on crime in MNE published by competent state authorities:
- annual activity reports of courts,
- public prosecutor's office,
- police,
- Institute of Statistics,
- Tripartite Commission of the NC for the implementation of the Strategy and AP for the Fight against Corruption and Organized Crime,



## Crime Trends and Problems (2)

- Judgment summaries and similar information, such as decisions and legal views, are published online and present another valuable sources of crime trends and issues.
- The most efficient in publishing their decisions are the Supreme and Administrative Court, which have published all decisions since the establishment of their respective websites, as well as a large number of decisions taken before that moment.





## Crime Trends and Problems (3)

- Modern, efficient and transparent judiciary is the key feature of modern European democracy
- MoJ implemented the Strategy to reform the judiciary 2011-2014.
- In June 2014, the Government of Montenegro adopted the Strategy for the next four-year period, and following AP.
- Such an approach has shown good results; e.g., in 2012, the number of resolved cases from the 2012 and earlier years, **increased by 68.89 %**.





# Crime Trends and Problems (4)

- In 2012, one of the major priorities of the judiciary was to 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. Thus, in 2012, about 5.5 % less perpetrators than in previous year; in 2011 decreased by 6.86 % compared to 2010, and in 2010 decreased by 2.21% compared to 2009.
- In 2012, of the total number of perpetrators in this category, only 3.16 % of them committed serious and most serious crimes, for which the CC stipulates severe prison sentences of more than 10 years, which is 4.26 % less than in the previous year.



# Crime Trends and Problems (5)

- In 2012, the statistics of the **Department for combating organised crime, corruption, terrorism and war crimes** has shown that the number of registered perpetrators of criminal offences of organised crime and corruption remained **at the level of the previous year**.
- In the reporting year, the courts brought 87 judgments against the perpetrators of these criminal offences. A total of 82.75 % of indictments resulted in conviction, 12.64 % were releasing judgments and 4.59 % were abandonment judgments.
- In **organised crime cases** the percentage of convictions was 92 %, while one releasing judgment and one abandonment judgment were brought in relation to two persons.
- In the area of **corruption** that percentage is less favourable – 79.05 % are convicting judgments, 16.12 % releasing and 4.83 % abandonment judgments, which is explained by the fact that, according to the Law on Courts, the Department received under the actual jurisdiction corruption cases that had been investigated and prosecuted for several years under the jurisdiction of basic courts and basic state prosecutor's office, and that had been those cases which were terminated in the appeal proceedings and returned for retrial.



# Crime Trends and Problems (6)

- This year's results show a much better flow of criminal proceedings in the field of organised crime and corruption. Overall, the number of convicting judgments increased by 11.33 %, with the percentage of convicting judgments in the field of organised crime increasing by 12.59 %, and in the field of corruption crimes by 0.48 %.
- The latest Serious and Organized Crime Threat Assessment (SOCTA) in MNE was carried out by the Police Directorate, with a view to factors that could significantly improve the situation in MNE.
- Reports and analysis of regional and international police organisations and other law enforcement authorities in the countries of the region, as well as the practice of the police, indicate that organised and serious crime is difficult to detect. It is increasingly multinational, heterogeneous and very flexible.
- Organized and serious crime in the region and in MNE includes a large number of various criminal activities such as drug trafficking and illegal migration, smuggling and trafficking in persons, economic criminal activity – smuggling of cigarettes/excise, forgery and money payment cards, murder, robbery and vehicle theft, corruption, et cetera.



# Criminal Justice System

- Judicial power is executed by the **courts**, which are autonomous and independent. Their establishment, jurisdiction, organization, operation and proceedings in the courts are regulated by law. The Supreme Court is the highest court, which provides for the uniform application of the law by: 15 basic courts, two high courts, one Commercial Court, Appellate Court and Administrative Court.
- Court hearings are public, judgments are pronounced publicly and the decisions are made in the panel, unless the law provides that the single to decide. The office of a judge is permanent and judges enjoy functional immunity. Judicial function in MNE is executed by 257 judges (56.3 % are women).
- The **State Prosecutor** is a state authority and a party in criminal proceedings. Powers, responsibilities and organization of the SP are regulated by constitutional and legal provisions. The SSPs Office is composed of two departments: for combating organised crime, corruption, terrorism and war crimes, and for international cooperation, civil and administrative matters. The organization has 248 employees, of which 43.55 % are prosecutors (59.26 % female), SSP supervises the operation of high and basic State Prosecutor's Offices, as well as the work of the Special Prosecutor.



# Criminal Justice System

- In order to strengthen the rule of law, ensure depoliticized and criteria-based selection of members of the Judicial and Prosecutorial Council and state prosecutors, and strengthen independence, autonomy, efficiency and accountability of judges and prosecutors, the Analysis of needs to amend the Constitution in this area was carried out, and resulted in **amendments to the Constitution in 2013**.
- According to the constitutional changes, amendments were made to the: Law on Courts, Law on Judicial Council, Law on Constitutional Court, and Law on State Prosecutor's Office. Pursuant these laws, the new composition of the Constitutional Court of MNE (December 2013), Judicial and Prosecutorial Councils (June 2014) have been elected.
- The procedure for election of the Supreme State Prosecutor is in the procedure in the Parliament of MNE, for the second time, where certain weaknesses of the new constitutional solution came into light, in terms of strong influence of political parties in the election of this important state function.





# Criminal Justice System

- The main problems that still decrease the efficiency of the judiciary are backlog cases, long court procedures and inadequate judicial network.
- To this end, the court network is being rationalized based on the CEPEJ indicators on the number of judges, prosecutors and other court employees in courts and prosecutor's offices, as well as on geographical distribution of the courts.
- Centralization of jurisdiction is expected to increase efficiency. The current misdemeanour authorities should become a part of the judicial system, and reorganization of their structure is underway.



# 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 organised crime and corruption.
- 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.
- Montenegro is continuously working on this concept, however, it still lacks in the scientific aspect of the study of crime.





**Q&A**

**Thank YOU!**

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**Montenegro**

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