



Montenegro
The Ministry of Interior Affairs and Public Administration

**Further information on meeting the requirements from
the Report on the readiness of Montenegro for
liberalization of the visa regime**

Podgorica , January 2009.

I BLOCK 1: DOCUMENTS SECURITY

1.1 Report on administrative procedures for personalization and distribution of passports, in particular on procedures for taking fingerprints

The personalization and distribution procedures are regulated by the Instructions for working processes for the document personalization. These Instructions have been enacted on the basis of the Law on Travel Documents (Official Gazette of Montenegro no. 21/08 and 25/08)

The process of personalization is conducted in the following manner:

- The Supervisor of personalization initiates the production i.e. prepares data for personalization of one or more products. While preparing data, two lists are generalized for each production: the Takeover List and the Production List;
- On the basis of prepared data, the Supervisor of personalization takes necessary quantity of blank documents from the storage of blank documents;
- The Supervisor then enters the information on taken blank documents in the application for storage checking;
- The Supervisor hands the blank documents over to the Officer in charge of personalization.
- The Officer for personalization prints the documents on the machine for personalization;
- The Officer for personalization then hands the personalized documents, documents damaged in the process of personalization, so as potentially non-personalized documents over to the Supervisor;
- The Supervisor then gives efficiently personalized documents to the Officer in charge of document quality verification;
- Upon the executed process of verification, the Officer for document quality verification hands well personalized and poorly personalized documents over to the Supervisor;
- The Supervisor gives efficiently personalized documents to the Officer in charge of packing, while he returns those unsuccessfully personalized in the program for the management of blank document storage;
- The Officer in charge of packing collates the personalized documents with the accompanying lists, signs the accompanying lists and puts the documents in the transport box;
- The Officer in charge of verifying the collation of the Production List, brings poorly personalized documents back to the storage of

blank documents: potentially non-personalized documents are also brought back to the blank documents storage.

Following successful verification of quality, the personalized documents are then packed and sent to the Regional Units and Divisions. The Officer in charge of packing obtains from the Supervisor of personalization the documents for packing along with accompanying list (two copies) containing document type name, Regional unit, Division i.e. Diplomatic Consular Representative to which the documents are to be delivered, so as the list of persons to whom the documents are referred. The procedure of packing is the following:

- The Officer in charge of packing compares the list with the documents;
- After collation of documents and list, the Officer signs the list (both copies);
- He puts the documents and list into the box for Regional Unit to which the documents are to be sent, and then locks the box;
- He puts the box keys into the safe;
- He hands the locked box to the Officer in charge of transport: the Officer for transport then signs that he obtained the box for particular Regional Unit.

The Officer in charge of transport hands the box with documents over to the Head of the Regional Unit or Division. The Procedure of receiving the documents by the Regional Unit or Division is the following:

- The Head of the Regional Unit or Division opens the box with documents;
- The Head of the Unit starts up the program and enters the barcode from the accompanying list. After this action, the program restores the list of persons whose documents should be in the box. Such list corresponds to the list in the accompanying list;
- The Head of the Regional Unit checks submitted documents, accompanying list and information which he acquired from database and acknowledges the admission of documents;
- The Process of acknowledging the admission of documents is performed in such way that the Head of Regional Unit or Division enters the acknowledgement on admission into the program and signs the accompanying lists;
- The Head of Regional Unit or Division puts one copy of accompanying list into the box, locks it and gives it to the Officer in charge of transport;
- The Officer in charge of transport returns the box to the competent department;
- Signed list of admission is stored in the competent department:

The fingerprinting procedure is stipulated by the Regulation on the procedures and methods of taking the photographs, fingerprints and handwritten signatures in the process of issuance of travel document (Official Gazette of Montenegro no. 41/08).

The taking of fingerprints is performed using optical scan and taking of fingerprints of left and right forefingers. In case the person lacks the forefinger, then the fingers that follow are taken for fingerprinting, in the following order: middle finger, ring finger and thumb.

Along with the Request for the travel document issuance, the Officer enters data on which fingers were used for fingerprinting.

1.2 Report on procedures and instruments related to registry certificates, their storage, safety standards and issuing procedures, in particular on current methods of verifying the authenticity of all personal data entered into related databases

The Law on Registries prescribes that the registry books are public documents on the personal state of citizens (birth, marriage and death registers).

Articles 127 and 165 of the Law on general administrative procedure prescribe that the official records in accordance to this law shall be deemed to mean records established by the law or other enactments, used for an organized registration or recording of data or facts intended for specific purposes i.e. needs of specific users, that competent authorities shall issue certificates on the facts for which they maintain their official records and that certificates and other documents must be issued in conformity with the data from official records. Such certificates or other documents shall have validity of an official document.

The Law on Registries prescribes that the registry books shall be kept for all inhabited places by register areas determined by the competent authority.

The Law on Registries also prescribes that registry books shall be kept by the authorized officer – Registrar. The Law prescribes that the one who reports facts for the purpose of entry into registry books shall be obliged to specify accurate data.

The Registrar enters into registry books only those data which are reported i.e. included within the Act of competent authority. In case the Registrar suspects that the data that are to be entered into the registry book are not accurate, he is obliged to verify their accuracy before their registration. The registration into the registry books is signed by the person who reported the facts, Registrar and testifiers.

Registry certificate contains solely last data which were entered into the registry books before the time of certificate issuance, so the

registry certificate is fully authentic and in compliance with data which are entered in the registry book.

The Instructions on keeping the registry books and the Instructions on issuing the registry certificates on the basis of registry books, prescribe the method of keeping registry books, form and method of issuing registry certificates.

The registry certificate form contains the following data: country name (Montenegro), municipality and registry area name, reference number and year in which the registration in the registry book is performed, first name, last name, day, month, year and time of birth, place of birth, unique master citizen number, citizenship, data on parents (name, last name – maiden name, citizenship, place and address of residence), additional entry and notes.

The Law on Registries envisages the procedure of registration into the registry books and issuance of certificates, responsibilities of authority which performs official registrations.

Pursuant to the Decree on the State Administration's Organization and Manner of Work as well as the Law on General Administrative Procedure, the Ministry of Internal Affairs and Public Administration shall supervise the work of local administration authorities in relation to assigned and entrusted operations related to registry books and issuance of certificates on the basis of data from registry books.

The Rule on application for entry into the registry of citizens of the Socialist Republic of Montenegro and citizens of other Republics born on the territory of SR Montenegro, on keeping such records and on issuance of certificates on citizenship and form of such certificates (Official Gazette of Montenegro no. 26/78), prescribes that the citizens of Montenegro should be registered in the form of book, individually for each register area for which the registry books are kept in accordance to the Law on Registries and that the local administration authorities dealing with keeping such records should issue certificates on facts entered into the Registry of citizens. (Articles 2 and 11).

The Act on Montenegrin Citizenship (Official Gazette of Montenegro no. 13/08) envisages keeping the register of Montenegrin citizens – Montenegrin Citizens Registry. According to this Act, the Registry shall be kept, ex officio, by competent authority – the Ministry of Internal Affairs and Public Administration (Article 33), the Registry shall be established within two years from the day of coming into force of this Act, and until the establishment of this Registry, the registration shall be kept in the manner prescribed by the competent authority (Article 42).

The Rule on Registry on persons who acquire or cease Montenegrin citizenship and certificate on Montenegrin citizenship (Official gazette of Montenegro no. 44/08) prescribes that the registration of persons who acquire Montenegrin citizenship until the establishment of the Registry on Montenegrin Citizens shall be kept in the form of book or it can be kept in electronic form (Article 2), and that the Registry of citizens shall

be kept individually for each register area for which the registry books are kept (Article 4).

Provisions of Article 127 and 165 of the Law on general Administrative Procedure prescribe that the official records in accordance to this Law shall be deemed to mean records established by the law or other enactments, used for an organized registration or recording of data or facts intended for specific purposes i.e. needs of specific users, that competent authorities shall issue certificates on the facts for which they maintain their official records and that certificates and other documents must be issued in conformity with the data from official records. Such certificates or other documents shall have validity of an official document.

Also, both old and new abovementioned Rules prescribe that the Registries of citizens shall be kept by local authorities, and that certificates on citizenship shall be issued on the appropriate forms, on the basis of facts and data entered in the Registry of citizens.

The abovementioned definitions implies that on the basis of certificates issued on the basis of data from the registries of citizens it can be ratified and proved whether a person is a Montenegrin citizen.

Authorities which are keeping the registries and issue certificates on facts from official registries, are responsible for the accuracy and authenticity of data and issued certificates.

Article 10 of the 2008 Rule on registration of persons who acquire or cease Montenegrin citizenship, prescribes that **personal data and unique master citizen number which are entered into the registry of citizens must be equivalent to data from the registry of births**, while Article 8 prescribes that data entered in the registry of citizens must be clear and readable and shall not be deleted, and therefore it also prescribes the method of correcting errors.

Concerning the reasons of registration in the registries of citizens, both old and new Rules for all methods of acquiring the citizenship (by origin, birth, naturalization, determination) clearly prescribe procedure of registration, what evidences are necessary for registration and what is to be entered in the column "reason of registration".

According to the above noted, **local authorities – registrars**, who are keeping registries of citizens and issue certificates on citizenship, **are responsible for accuracy and authenticity of data, reasons of registration in the registries of citizens as well as accuracy and authenticity of certificates on citizenship which they issue.**

As far as the citizenship is concerned, it is responsibility of the Ministry of Internal Affairs and Public Administration, while the process of keeping the registries of citizens is responsibility of local administration authorities (assigned and entrusted tasks).

Pursuant to the Decree on the State Administration's Organization and Manner of Work as well as the Law on General Administrative Procedure, the Ministry of Internal Affairs and Public Administration supervises the

work of local administration authorities in relation to assigned and entrusted operations related to citizenship – keeping the registries of citizens.

Pursuant to the Act on the internal organization and systematization of the Ministry, the supervision over the operation of Registrars is the responsibility of regional units and divisions for administrative internal affairs.

In the process of issuance of identification documents (identity card, passport, driving license), the Ministry of Internal Affairs and Public Administration as the authority responsible for admission of applications, personalization of documents and handover of documents, scans the supporting documents (certificate from the registry of births, certificate on citizenship etc.) so that such documents become the integral part of electronic central registry of the Ministry of Internal Affairs and Public Administration as soon as they are scanned.

1.3 Report on the establishment of central electronic registry of Montenegrin citizens, with special emphasis on financial and human resources of competent units and their readiness to provide effective system operation

The Ministry of Internal Affairs and Public Administration is keeping in electronic form the Central registry of residence of citizens of Montenegro, which also includes data on citizenship. In addition, this Ministry also transferred in electronic form the registration of issued identity cards in accordance with former regulations. This registration also includes registration of cartons of identity cards and photographs of identity card holders. For the purpose of identification of persons in the process of delivering new documents (identity cards, passports, driving licenses), this Ministry uses data from the registry of residence and registry of identity cards. The purpose of these registries is to help identification of persons and to check if the applicant holds Montenegrin citizenship.

Realization of the Central registry of citizens (CRC) is in progress and this registry contains the registry of ID numbers, registry of permanent and temporary residence, registry of citizens, registries of births, deaths and marriages, registry of foreigners and registry of asylum seekers. Realization of registry is divided into four phases. Completion of the first phase is foreseen for July 2009, while completion of the whole project is foreseen for November 2009.

Organization of CRC Project is managed by the Project Council. Implementation of project, on the basis of mandate of the Project Council, is managed by the Project Manager or Project Team. For the purpose of project implementation, the Hermes Softlab company is engaged. The Agreement on CRC Project implementation envisages one-

year maintenance so as the training of the Ministry expert staff for maintenance and administration of project.

1.4 Report on contents and trainings of servants in compliance with the Code of Ethics, profile of persons who are carrying out the training and number of servants who are participating (at the central and regional level)

Code of Ethics of civil servants and state employees (“Official Gazette of the Republic of Montenegro”, no. 81/05) is a set of standards and rules of conduct, which should be observed by civil servants and state employees in executing affairs.

Civil servants and state employees of the Ministry of Internal Affairs and Public Administration are informed about this Code with the aim of adequate conduct and behavior when performing duties as one of the significant elements of modern work and administration.

1.5 Report on conducted trainings of servants on preparing them for issuing biometric passports and identity cards, and aiming at providing necessary expertise of servants

The Ministry of Internal Affairs and Public Administration organized training for servants and employees who are working in the system of personalization of identification documents. Training was conducted from March to May 2008, and it included the following:

- Training of parties for work in center for personalization;
- Training of parties for organization of personalization center;
- Training of experts for maintenance of equipment;
- Training of experts for system administration.

The Ministry of Internal Affairs and Public Administration organized training of employees in the Department of Administrative Internal Affairs for data acquisition and delivery of identification documents. Training was conducted from March to May 2008. There were 172 servants and employees who participated in the training.

The training included the following:

- Basic informatics training;
- Training of servants for receiving application;
- Training of servants for acquiring biometric data;
- Training of servants for execution i.e. deciding on application;
- Training of servants for delivery of identification documents.

1.6 Report on statistical data on number of newly issued biometric passports

The Ministry of Internal Affairs and Public Administration commenced to issue biometric passports on 05.05.2008.

Total of 74.316 biometric passports have been issued in the period from 05.05.2008. to 29.12.2008.

Total of 237 diplomatic passports have been issued.

Total of 36 official passports have been issued.

II BLOCK 2: ILLEGAL MIGRATIONS, INCLUDING READMISSION

2.1 BORDER MANEGEMENT

2.1.1 Report on enacting the Law on the State Border Control

The State Border Control Law (Official Gazette of the Republic of Montenegro no. 72/05) is the first Law in this field in Montenegro, which regulates control over state border, method of performing control of crossing the State border of Montenegro, control of inland, international cross-border police cooperation so as cooperation between services at the state border. The Working Plan of competent authorities envisages enacting of a new Law on State Border Control in the forth quarter of 2009.

2.1.2 Report on the work of the Border Police Division, in particular on its human resources and training programs, plans for covering potentially open job positions, development and implementation of standard operative procedures, risk analysis, information exchange and anti - corruption measures

The Border Police Division is responsible for implementation of the Law on State Border Control. The following four departments have been established within the Border Police Division: the State Border Control Department, the Department for Control of Border Crossings, the Operational Department and the Department for Foreigners and Illegal Migrations, as well as seven border police branches: Berane, Pljevlja, Bijelo Polje, Podgorica, Nikšić, Bar and Herceg Novi, responsible to perform surveillance and control of the state border on the mainland, and a branch of Marine Border Police, responsible to perform control of the state border on the water.

The Border Police protects the state border of Montenegro in the length of 840,4 km, out of which 571,6 km cover the land and 268,8 km cover the waters (137 km sea, 50,4 km lakes and 84, km rivers). In addition, the activities of State Border Police include control of crossing the state

border at 28 border crossing points (out of which 19 are road border crossings, 5 are port border crossings, 2 are airport border crossings and 2 are railway border crossings).

By systematization, there are total of 1470 employees within the State Border Division, out of which 147 are senior officers, 1312 are police officers and 11 are administrative workers – operators. The current stuffing occupancy is around 91% of the planned.

Part of the State Border staff underwent through basic police training which is conducted in the premises of the Police Academy in Danilovgrad, so as through various professional trainings which were organized in cooperation with international organizations (OEBS, DCAF, IOM, MARRI, UNHCR, UNDOC, UNPD etc.) so as diplomatic and consular representatives of certain countries.

These trainings elaborated the following subjects: protection of state border, cross-border affairs and foreigners, implementation of regulations, learning of foreign languages, utilization of IT equipment, detecting cross border smuggling, training on visas, detecting fake travel and other documents, smuggling and trafficking in human beings, terrorism, organized crime and measures against terrorism etc.

Total of 254 of police officers did not finish the basic police training within the Border Police Division, due to limited capacity of the Police Academy in Danilovgrad.

In cooperation with the Police Academy, the training of Border Police staff is planned to take place in 2009, in the field of the Code of Police Ethics and anti-corruption measures. The training will be realized with 38 border police senior officers, who will upon the completion conduct the training in the mentioned fields with all the employees in organizational units.

The Rulebook on the manner of conducting border control is planned to be elaborated and enacted in 2009. This Rulebook will partly be in compliance with the following EU regulations: Regulation (EC) No. 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) – CELEX 32006R0562; Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders – CELEX 42000A0922(01); Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders – CELEX 42000A0922(02); Common Manual – CELEX 32002X1216(03).

The following normative acts are planned to be elaborated and enacted in 2009: the Border Control Law, the Rulebook on identification and settlement of cross border incidents and other abuses of state border, the

Rulebook on standards and conditions which border crossings must meet so as on categorization of border crossings, the Rulebook on border crossing marking and appliance of the coat of arms and flag at the border crossings, the Rulebook on the contents and consumers of Information system for the management of border crossings, the Decree on defining the border crossing area. The abovementioned Acts will be harmonized with related EU regulations in the process of their elaboration.

The employees of the Border Police Division have drafted the Instructions for the risk analysis in the border police. This Instruction defines types of risk analysis, data sources, so as the method of creating the risk analysis.

2.1.3 Report on implementation and plans for the revision of the Strategy for Integrated Border Management, including priorities, planned activities, competent authorities and deadlines

The Agreement on mutual cooperation in the integrated border management has been prepared. The Strategy for integrated border management and Action Plan for its implementation foresee the signing of Agreement on cooperation and mutual assistance of all bodies involved in integral border management, which envisages provision of effective cooperation between the Ministry of Internal Affairs and Public Administration, Police Directorate, Customs Administration, Veterinary Directorate and Phyto-Sanitary Administration, vertical and horizontal cooperation, allocation of duties and responsibilities, harmonization of procedures, mutual risk analysis, exchange of information and activities in emergency situations.

2.1.4 Report on plans related to defining and coordination of activities of regional teams for border control and centers for integrated border management

The process of elaboration and enactment of the Guideline on border control procedures harmonized with EU standards is in progress, as well as the Guideline on house rules at border crossings.

Decision on education of professional coordination teams has been drafted, while the process of harmonization of the Decision content with the competent authorities is ongoing.

2.1.5 Report on plans related to integration of all national border crossings into the data exchange network and central database of the Police Directorate

All the following border crossing points have been integrated into unique data network: Božaj, Podgorica Airport, Tivat Airport, Port of Bar, Debeli brijeg, Dobrakovo, Kula and Dračenovac, while activities planned for 2009. include integration into unique database of the Police Directorate of the following border crossing points: Šćepan Polje, Ilino brdo and joint crossing Sukobin – Murićani. Interpol system has been established, I-24/07 at the border crossings Podgorica Airport, Tivat Airport and the Port of Bar, while future activities include connection of border crossings Debeli Brijeg, Dobrakovo, Dračenovac and Kula.

2.2 ASYLUM

2.2.1 Report on legislative and administrative measures related to implementation of the Asylum Law

In 2007. the Ministry of Internal Affairs and Public Administration has prepared and enacted the following rulebooks:

1. The Rulebook on asylum application forms and records on verbally presented asylum application (Official Gazette of Montenegro 04/07)
2. The Rulebook on the procedure and method of taking photographs, fingerprints, signatures and other data from asylum seekers (Official Gazette of Montenegro 04/07)
 - The first Rulebook was enacted to allow asylum seekers to file asylum application as soon as possible; such application should contain appropriate data on the asylum seeker, origin, reasons for seeking asylum and other data of importance for initiating and processing the procedure; It also contains application forms for acquiring asylum so as the records on verbally presented asylum application.
 - The second one was enacted due to existing responsibility of the State to verify the identity of asylum seeker if possible, to check whether the person has already applied for asylum in Montenegro or some other country, and to compare the data against the data held by the Police and other State Authorities.

In the same year, the Ministry of Internal Affairs and Public Administration has drafted, whilst the Government of Montenegro enacted the following:

3. The Decree on the content and keeping records related to asylum (Official Gazette of Montenegro 09/08)
 - In line with the Asylum Law, the Asylum Office as a decision-making authority that administers the procedure, is obliged to keep, update and use records on persons: those who seek asylum,

who are recognized as refugees and who are under approved subsidiary or temporary protection, on the rights they practice, on their documents which are issued or temporarily withheld.

In July 2008, the Ministry of Health, Labor and Social Welfare has drafted, whilst the Government of Montenegro enacted the following:

4. The Decree on financial aid for the asylum seeker, who is recognized as a refugee and who are granted subsidiary protection
 - This Decree regulates the right on social welfare for the abovementioned category of persons, as well as amounts of compensation they are granted.
 - The Law on Health Care (Official Gazette of the Republic of Montenegro no. 39/04) prescribes that the State, inter alia, shall provide funds for the health care of foreigners with recognized status of refugees and displaced persons, in line with current regulations and international agreements; In line with this and the Asylum Law, the health care on the territory of Montenegro is granted to all persons who regulated their status at the Bureau for the Care of Refugees.

2.2.2 Report on the work of the Asylum Office and existence of independent judicial body responsible for appeals, in particular on whether the Administrative Court has the status of judicial body, as well as on the existence of legal remedy against decisions of the State Asylum Appeals Committee

Article 19 of the Asylum Law (Official Gazette of the Republic of Montenegro no. 45/06) envisages that the Ministry of Internal Affairs and Public Administration shall conduct the procedure in the first instance, receive applications and decide on applications, administer the procedure and decide on the cessation and suspension of asylum and perform other tasks in accordance with this Law.

These tasks are performed by separate organizational unit of the Ministry – the Asylum Office.

The Asylum Office was established in 2007. under the Ministry of Interior Affairs and Public Administration, more precisely under the Sector of Administrative Internal Affairs. It receives asylum applications, administers the procedure and makes decisions on asylum applications, makes decisions on the cease and suspension of asylum, administers the procedure and decides on the status of persons who are already recognized as refugees or displaced persons, keeps records regulated by laws, monitors the situation in the country of origin, administer the procedure on approval i.e. suspension of subsidiary protection, so as other asylum-related affairs. Out of total of six envisaged job positions, only four are currently occupied. Positions of one Procedure Manager and

the Officer in charge of collecting information on the countries of origin are vacant.

The State Asylum Appeals Commission shall adjudicate appeals lodged against decisions of the first-instance body. This is a non-judicial authority, however its establishment shall ensure that it will be independent from the authority which decided in the procedure in the first instance, so as from authority responsible for violations and criminal acts, and therefore it has the capacity to issue obligatory decision.

The State Committee is established pursuant to the Decision of the Government of Montenegro, and is composed of the Chairman, Deputy Chairman and three members. The Chairman and the Deputy Chairman are the judges of the Administrative Court, while the members of the Committee are expert associates in the same Court. Administrative procedure cannot be initiated against the decision of the second-instance authority whatsoever.

2.2.3 Report on the Bureau for the Care of Refugees, in particular on the funds designated for the provision of appropriate operation of full capacity of the Bureau, so as on the work of the Sanctuary for asylum seekers

The Bureau for the Care of Refugees is established pursuant to the Decree on amendments to the Decree on the State Administration's Organization and Manner of Work (Official Gazette of the Republic of Montenegro no. 72/06), and it is a legal successor of the Montenegrin Commissariat for Displaced Persons.

Organizational units within the Bureau for the Care of Refugees are the following:

- A) Division for providing legal and other assistance, so as accommodation for the asylum seekers
- B) Department for provision of legal and other assistance
- C) Department – Center for accommodation for asylum seekers
- D) Office for general affairs and finances

The Bureau for the Care of Refugees performs administrative tasks related to: accommodation in the centre for the accommodation of asylum seekers or another facility for accommodation, of persons who seek asylum, who have been granted refugee status, or who have been granted subsidiary or temporary protection; the accommodation and care of persons with special needs who seek asylum and to whom asylum is granted; the provision of assistance in realization of rights to social welfare, health care, education, humanitarian aid, legal aid, employment and other rights

- prescribed by the law, to persons who seek asylum and to whom asylum is granted; cooperation with the United Nations High Commissariat for Refugees and other international organizations and institutions, with the Montenegrin Red Cross and other organizations and institutions dealing with the care of refugees; assistance in reunification of the members of refugee families; organization of educational, pedagogical and other programs; inclusion in social, economic and cultural life; the realization of national, regional and international instruments for resolving the issues of refugees and persons who have the recognized status of displaced persons in the Republic; assistance in the exercise of rights of Montenegrin citizens returning to the Republic in compliance with the responsibilities defined in readmission agreements, as well as other affairs within its competence."
- Funds designated for operation of the Bureau and work of Sanctuary for asylum seekers:
 - a) Funds from the budget – total designated budgetary funds in 2006, 2007 and 2008 amount to 909.735,00€ from regular budgetary funds and 980.371,27€ off-balance.
 - b) Funds from donations – since the costs of the care of displaced persons are covered only partly by the budget, the Commissariat i.e. the Bureau for the Care of Refugees addressed to the international organizations for support, in particular to the UNCHR. From the donations awarded in 2006, 2007 and 2008, total amount of 410.412,72€ was provided. Donation funds were solely used for the purposes of covering costs of accommodation of displaced persons in collective accommodations and specialized facilities, so as for maintenance of collective centers and implementation of self-help programs.

2.2.4 Report on types of decisions upon asylum applications, duration of procedure, and actual realization of rights for asylum seekers and refugees

In 2007., three asylum applications were submitted to the Office. One person received the status of a refugee, while two application were denied for not having grounds. Two persons filed an appeal to the second-instance authority – the National Asylum Appeal Committee, but were denied.

Seven persons filed asylum applications in 2008. Four applications were denied, two procedures were decided to be cancelled, while one person was granted subsidiary protection. Four persons failed an appeal to the second-instance authority, out of which three were denied, while one was approved but the person meanwhile left the country, so it was decided on the cancellation of process.

The Asylum Law prescribes that the first-instance procedure shall be completed three months from the day of submitting the application, the appeal shall be filed 15 days from the day of submitting the first-instance decision, and decision on an appeal must be issued within 30 days from the day of submitting an appeal. However, on the occasion of obviously ungrounded asylum applications, deadlines are shorter. The procedure is the same, the only difference is that the authority is obliged to accelerate the procedure in such manner that the deadline for issuing the first-instance decision is 15 days, deadline for filing an appeal is 8 days, while deadline for issuing decision on an appeal is 15 days. In practice, all deadline requirements are being met and they are always taken into account during the procedure.

The Asylum Office, in practice, allows the **Asylum seekers** to apply for asylum, to give statements on facts and circumstances which are significant for decision-making; they are also provided with information on criteria and procedure for granting the asylum, on rights and responsibilities and also establishing communication with UNHCR, in a language they understand. In addition, they receive all written requests in the same language: request for submission of application for granting an asylum (in case persons did not address the Office directly), invitation for an interview, information on free of charge legal assistance, first-instance decision, second-instance decision etc. The Asylum Office provides an interpreter, unless the asylum seeker wants to hire another interpreter.

A special attention is paid to the right to use free of charge legal assistance in such manner that the asylum seeker, when applying for asylum, receive from the Asylum Office the written information on the manner of exercising these rights and on organizations which are offering such assistance. In fact, the asylum seekers may exercise their rights to free legal assistance through the assistance they are offered in submitting the asylum applications, during interviews, by exercising rights stipulated by the Asylum Law, and by preparing written submissions, including appeals.

There is only one non-governmental organization in Montenegro which is offering free legal assistance to these people, and the Asylum Office cooperates with this organization from the moment when it is informed that the person wants to apply for asylum in Montenegro.

Apart from the legal assistance and access to non-governmental organizations and the UNHCR office, these persons also exercised the following rights: right to residence and freedom of movement, accommodation, health care and freedom of religion. They did not exercised the right to documents, but they posses certificate that they applied for asylum; the right to work, since according to the Law, they have the right to work within the Center, but such facility is not constructed yet. The right to social welfare (Decree on financial support

to asylum seekers, who received the status of refugee and who are granted subsidiary protection, was adopted in July 2008) and the right to free elementary and high education for those who did not asked for it.

Person who is recognized as a refugee (there is one person with such status) exercised the right to: residence, freedom of movement and selection of the place of residence, free access to legal assistance, social care, provision of accommodation, health care and freedom of religion. He did not asked or used the right to education since he already used one in the country of origin. He also did not exercised the right to: documents, only decision on recognizing the status of refugee; reunification with family members, which he did not asked for; acquisition of movable and immovable property and assistance in inclusion in society.

In the end of 2008, the Ministry of Internal Affairs and Public Administration drafted, whilst the Government of Montenegro enacted the Decision on the features/look, content and manner of issuing the documents for the asylum seeker, person who is recognized as a refugee and person who is granted subsidiary protection and person who is granted temporary protection. Implementation of this decision will allow all the abovementioned categories to exercise a part of rights which they are entitled to by the Law, but also the fulfillment of obligations arising from it. Apart from the identification documents i.e. identity card, this decision defines the features/look and manner of issuing the travel document for the refugees.

2.2.5 Report on financial support and basic social and economic privileges the asylum seekers are entitled to

The Government of Montenegro enacted the Decree on financial support to asylum seeker, who is recognized as a refugee and who is granted subsidiary protection (Official Gazette of Montenegro no. 56/08). This decree envisages that the person who applies for asylum, person who is recognized as a refugee and person who is granted subsidiary protection, in line with the Asylum Law, is exercising the right to financial support as a mode of social care.

Financial support is realized as financial aid on monthly basis and as a one-time basis financial aid. Monthly financial aid is granted to person who is recognized as a refugee and person who is granted subsidiary protection, whose right to accommodation ceased, in accordance with the Asylum Law, providing that he has no other financial means nor property.

Amounts of financial aid on monthly basis are as follows: 55€ for an individual; 66 € for a two member family; 79,20 € for a three member family; 93,50 € for a four member family; and 104,50 € for five and more family members.

One-time financial aid is granted to a person who applies for asylum, person who is recognized as a refugee and person who is granted subsidiary protection.

A person is granted one-time financial aid:

- in case of special circumstances which effect his financial and health situation;
- for covering funeral expenses.

Amount of one-time financial aid is determined depending on emerged situation and in line with financial capabilities of the State.

According to the Asylum Law, a person applying for asylum has the right to: residence and freedom of movement; identification certificate which proves his identity, legal status, right to residence and other rights stipulated by the law; a foreigner's travel document for traveling abroad pursuant to the regulations on the residence of foreigners; free elementary and secondary education in public schools; provision of accommodation to the extent necessary and appropriate living standards; healthcare in accordance with separate regulations; family unity; legal assistance; work within the Asylum Seeker Centre or other facility for collective accommodation; social welfare; freedom of religion; access to the High Commissariat for Refugees and international organizations for the purpose of legal assistance in the process of granting the asylum; humanitarian aid.

2.3 MIGRATION MANAGEMENT

2.3.1 Report on the Law on Foreigners, its adoption so as administrative and legislative measures aimed at implementing this Law

The Law on Foreigners was adopted at the session of the Montenegrin Parliament held on December 15th 2008. This Law regulates requirements for entry, movements and residence of foreigners on the territory of Montenegro. The Law is divided into 14 chapters: general provisions, entry of foreigners and leaving the country, visas, residence/sojourn of foreigners, unlawful residence, forcible deportation, travel documents for foreigners, documents proving identity, movement of foreigners in uniforms, collection of personal data on foreigner, records, supervision, penalty provisions and transitional and final provisions.

- Competencies of the Ministry of Internal Affairs and Public Administration -

It approves temporary residence following the approval of the police (Article 37 paragraph 1), approves permanent residence (article 57

- paragraph 1), suspends permanent residence (article 58 paragraph 3), issues decision on suspension of permanent residence (article 59 paragraph 2), issues travel documents for foreigners – travel document for person without citizenship and foreigner’s travel document (articles 80 and 82), issues identity card for foreigners (article 87 paragraph 1), keeps records within the scope of its competence (article 97 paragraph 1), supervises implementation of the Law and regulations enacted pursuant to the Law, except in the part related to issuance of visas, approval of the first time temporary residence in other country, which performs the Ministry of foreign affairs (article 97) and settles in second instance, on the appeals submitted against the decisions of the first-instance authority (regional unit i.e. police).
- Competences of the Ministry of Foreign Affairs -
It recommends visa regime (article 14 paragraph 2), issues visas (article 22 paragraph 2), issues special identity card for foreigner (article 87 paragraph 2), keeps records within its competences (article 97 paragraph 2)
 - Competences of the Police Directorate -
It gives approval for issuance of visas on the request of diplomatic-consular representatives (DCR) of Montenegro (article 22 paragraph 4), exceptionally issue visas at border crossings (article 32 paragraph 5), suspends residence to 90 days and temporary residence (article 32 paragraph 2 and article 52 paragraph 3), determines deadline within which a foreigner, who resides in the country unlawfully, will leave Montenegro (article 62 paragraph 1), performs measures of forcible deportation of a foreigner (article 64), decides on foreigner’s accommodation in the Sanctuary (article 68 paragraph 1), decides on obligatory staying of a foreigner in case he might not be forcible deported at once, decides on cancellation of obligatory staying (article 75), issues decision on the amount of costs of staying in the Sanctuary (article 78 paragraph 3), provisionally seizes documents that are proving the identity (article 93), keeps records within the scope of its competence (article 97 paragraph 3).

2.3.2 Report on progress achieved in enacting relevant legislation on competences of carriers

The Article 29 of the Law on Foreigners stipulates the rights and obligations of a carrier that may bring a foreigner to the border crossing or on the territory of Montenegro. A foreigner is obliged to hold valid travel document, and also visa in case he needs one, or approval on residence. On the occasion that the carrier brings a foreigner who does not possess travel document and visa if he needs

one, a carrier is bound to drive him with no delay away from the border crossing at its own costs.

Penalty provisions of the Law on Foreigners envisage imposing a misdemeanor penalty i.e. fine on the carrier who acts in contravention of obligations specified by this Law. A misdemeanor penalty i.e. fine may also be imposed on a responsible legal entity.

A protective measure of a ban on the performance of the activity in a duration of one year may be imposed for such misdemeanor.

In addition, a Criminal Code (Official Gazette of the Republic of Montenegro no. 70/03, 47/06, i 40/08), Article 405 paragraph 2, envisages criminal act “Anyone who deals with illegal transfer of other persons across the state border or who enables another for gain to illegally cross the border or illegal stay or transit, shall be liable to imprisonment for a term of three months to five years”.

Also, paragraph 3 of the same Article, specifies that “If the offence referred to in Paragraph 2 was committed by more persons in an organized manner, by abuse of official position or in the manner endangering the lives or health of people whose illegal crossing of the border, stay or transit was enabled or if a large number of people were smuggled, the perpetrator shall be liable to imprisonment for a term of one year to ten years”.

2.3.3 Report on administrative capacities in the area of migration, in particular on human resources of the Council for implementation of the Strategy for integral migration management and activities which they are entrusted

The Office for migrations, visas and readmission – the Office for migrations, visas and readmission is established within the Ministry of Internal Affairs and Public Administration. Its responsibilities are the following: implementation of determined policy, laws and other regulations and international documents in the area of immigrations, migrations, foreigners, asylum, visas, readmission; to prepare drafts and draft acts and other regulations in these fields; to practice procedures on applications for permanent residence of foreigners; to practice procedures on appeals on the first-instance decisions of regional units and divisions; to perform administrative supervision in the area of migrations, visas and readmission; to direct and harmonize work of regional units and divisions; to keep records; also to perform other jobs in the field of migration, visas and readmission; By systematization, the Office includes the following job positions:

- Director;

- Independent adviser for readmission, repatriation and deportation – three positions;
- Independent adviser for foreigners – two positions;
- Independent adviser for migrations – two positions;
- Independent adviser for visa system – one position;
- Administrator-operator – one position.

Seven of these positions are covered presently.

The Council for implementation of the Strategy for Integral Migration Management in Montenegro for the period 2008 – 2013: With the aim of monitoring the achieved results and assessing the effective activities implementation, the Government will establish a special authority – the Council for implementation of the Strategy for Integral Migration Management in Montenegro, with the purpose of preparing cumulative reports of relevant ministries, relevant institutions and other relevant partners on the activities and achieved results in the field of implementation of the Strategy and improving the situation in the field of migrations in Montenegro. The Council will be composed of representatives of the following ministries and authorities: the Ministry of Foreign Affairs, the Ministry of Internal Affairs and Public Administration, the Ministry of Finances, the Ministry of Justice, the Ministry of Tourism and Environmental Protection, the Ministry for Economic Development, the Ministry of Health, The Ministry of Labour and Social Welfare, the Ministry of Education and Science, the Ministry of Transport, Maritime Affairs and Telecommunication, the Police Directorate, the Secretariat for European Integrations, the Office for Refugees and the Employment Bureau.

The Department for Foreigners and Fighting Illegal Migrations has been established within the Border Sector of the Police Directorate, with the aim of collecting and analyzing data on illegal migrations.

2.3.4 Report on methods used by competent authorities in the process of collecting and reporting on statistical data on the courses in the field of migrations

The Law on Foreigners which was adopted at the session of the Parliament of Montenegro held on December 15th 2008, regulates requirements for entering, movements and residence/sojourn of foreigners on the territory of Montenegro.

This Law specifies the following competences of the state authorities:

The Ministry of Internal Affairs and Public Administration - approves temporary residence following the approval of the police, approves permanent residence, suspends permanent residence, issues decision on suspension of permanent residence, issues travel documents for foreigners – travel document for person without citizenship and

foreigner's travel document, issues identity card for foreigners, keeps records within the scope of its competence, supervises implementation of the Law and regulations enacted pursuant to the Law, except in the part related to issuance of visas, approval of the first time temporary residence in other country, which performs the Ministry of Foreign Affairs (article 97) and settles in second instance, on the appeals submitted against the decisions of the first-instance authority (regional unit i.e. police).

Records on temporary residence and permanent residence of foreigners are kept by the Ministry of Internal Affairs and Public Administration.

The Police Directorate - gives approval for issuance of visas on the request of DCR of Montenegro, exceptionally issue visas at border crossings, suspends residence to 90 days and temporary residence, determines deadline within which a foreigner, who resides in the country unlawfully, will leave Montenegro, performs measures of forcible deportation of a foreigner, decides on foreigner's accommodation in the Sanctuary, decides on obligatory staying of a foreigner in case he might not be forcible deported at once, decides on cancellation of obligatory staying, issues decision on the amount of costs of staying in the Sanctuary, provisionally seizes documents that are proving the identity. The Police Department also keeps records on sojourn of foreigners up to 90 days, so as the other records within the scope of its competence.

The Ministry of Foreign Affairs - recommends visa regime, issues visas, issues special identity card for foreigner, keeps records within its competences.

The Ministry of Foreign Affairs also keeps records on submitted applications so as on issued visas.

The Law on Central registry (Official Gazette of the Republic of Montenegro no. 49/07) stipulates the capacity of central registry of population in Montenegro, exchange, management, maintenance, storage and utilization of data, determination and utilization of personal identification code, so as other issues of importance for central registry of population.

The Central registry of population is a computer managed database, inter alias including foreigners who are approved permanent or temporary residence in Montenegro, foreigners with the sojourn of up to 90 days in Montenegro etc.

Concerning foreigners, the Central registry includes data:

- on foreigners with permanent or temporary residence in Montenegro: identification number, last and first name, maiden name, father's name, mother's name, place of residence, address, citizenship, occupation, level and type of education, marital status, father's identification number, mother's identification number, i.e. custodian's identification number, last name and first name of the household carrier and relation to him/her; family members and data on date and place of death so as data

on the date since the foreigner resides in the country and approved period of time for his residence/sojourn.

- on foreigners with the sojourn of up to 90 days: first and last name, maiden name, place of birth, citizenship, place of residence, address; date of registration and period of residence, date of checking-out;
- The Central registry is managed by the administration authority in charge of affairs.

The Central registry is managed with the electronic support and electronic data exchange.

The transaction of data from database to the Central registry and from the Central registry towards clients, is cryptographically protected.

Data from the Central registry have been kept on permanent basis.

Pursuant to present regulations, since the Police Directorate administered operations in relation to the temporary and permanent residence approval, the same Directorate accordingly kept the records in this field as well.

Following the mutual agreement between competent authorities - the representatives of the Ministry of Internal Affairs and Public Administration, the Police Directorate and Statistical Bureau - the cooperation between all mentioned institutions is agreed, so as initiation of the process of international migrations investigation.

On this occasion it is also agreed that the filled forms for both international migrations and internal migrations should be submitted to the Statistical Bureau on a monthly basis.

According to achieved consent, the Border Police Division delivers filled forms MM-1 and MM-2 to the Statistical Bureau by the 10th in the month at the latest, for the previous month.

The Department for Foreigners and Fighting Illegal Migrations, in addition to monthly reports is also processing statistical data on migration trends within its competence.

Statistical data are collected and processed using the following methodology:

- **Registrations of foreign citizens**

- No. of checked residence registrations through the registry
and records

- **No. of approved temporary residences of foreigners**

- **No. of extended temporary residences of foreigners**

- **No. of requests for permanent residence**

- **No. of approved permanent residences of foreigners**

- **No. of issued Identity Cards for foreigners**
- **No. of traveled documents for foreigners**
- **No. of given approvals for visas at border crossings**
- **No. of issued visas in BPO and RUO¹**
- **No. of detected persons by operative records**
- **No. of realized Republic actions**
- **No. of realized local actions**
- **Cooperation with inspection services**
- **No. of vehicle accidents with foreigners involved**
- **Transit permit – consent**
- **Actions taken against foreigners**
 - **criminal charge.....**
 - (by citizenship, by type of criminal act)**
 - **violation charge.....**
 - (by citizenship and by type of violation)**
 - **cancellation of residence.....**
 - (by citizenship)**
 - **No. of foreigners conveyed to the border crossing**
 - **No. of foreigners conveyed to the Sanctuary for foreigners**
 - **Conveyed to DCR**
 - **Conveyed – voluntary return IOM²**
 - **No. of foreigners housed in ZIKS**
 - **No. of foreigners housed in RU³ or RUO**
 - **Housed in Center for juveniles**

¹ BPO and RUO = Border Police Outpost and Regional Unit Outpost

² IOM = International Organization for Migrations

³ RU = Regional Unit

- **Housed in NGO shelters**
- **Measures imposed against juveniles**
 - **Warning**
 - **Admonition**
- **Consent for the reception of foreigners-transit**
- **Consent for reception of foreigners from other countries**

Foreigners unveiled without travel documents

2.3.5 Report on the activities undertaken with the aim of reintegration of repatriates, so as on assistance provided to them (including persons re-embraced pursuant to the Agreement on readmission between European Union and Montenegro), including their legal grounds, duration of the assistance provided, as well as on statistical data on clients

By returning to Montenegro in line with the Agreement on readmission, the Montenegrin citizens exercise all rights and obligations like all other Montenegrin citizens with the residence in Montenegro.

Montenegrin citizens with poor financial status have the right to social welfare which is, under the administrative procedure, achieved with the Ministry of Health, Labor and Social Welfare, i.e. Centers for social welfare located in Montenegrin municipalities which are the part of this Ministry.

The Bureau for the Care of Refugees is in charge of providing financial support on the one-time basis. There were no requests for one-time financial support submitted to this Bureau so far on the grounds of readmission.

2.3.6 Report on the assessment of the Action Plan on fighting human trafficking and on the content of the innovated plan which is to be adopted by the end of 2008

According to the signed convention and related protocols, the Government of Montenegro enacted the Strategy for fighting human trafficking on November 13th 2003. This Strategy is divided into three parts: prevention, criminal prosecution and protection of victims. The Strategy is fully consistent with the UN Convention and protocol on human trafficking.

The Office of National Coordinator for Fighting Trafficking in Human Beings was established in 2005., with the aim of implementing the national strategy and coordinating the work of the governmental agencies, international organizations and NGO sector through two working bodies: Working Group and Project Board consisting of representatives of these authorities and organizations.

On October 10th 2007., the new Agreement on mutual cooperation between governmental and NGO sectors was signed, in collaboration with the OSCE.

The aim of signing this Agreement is to strengthen the cooperation in combating against trafficking in human beings in practice through prevention, education, criminal prosecution of violators and protection of potential victims of trafficking in human beings, especially women and children.

The Action Plan for implementation of the National Strategy for Fighting Human Trafficking for 2009. includes continuity measures for governmental authorities and NVO sector, in line with the Agreement on mutual cooperation through prevention and education, criminal prosecution and protection of victims of human trafficking. The Action Plan is harmonized with the recommendations of the UN Convention on transnational organized crime, the Protocol on human trafficking, so as with the European convention on human trafficking which Montenegro signed and ratified.

In 2008, two criminal charges for human trafficking have been filed to the competent prosecutor's office, one to the Special prosecutor for combat against organized crime, corruption, war crimes and terrorism, and other one to the Senior state prosecutor.

2.3.7 Report on human resources dealing with fight against illegal migrations and organized smuggling of humans, allocation of responsibilities between authorities in charge of implementing laws responsible for internal detection, as well as on administrative methodology used in internal detection and investigation in cases of illegal migrations

The Police Directorate's Rule Book on internal organization and systematization in the Department for foreigners and suppression of illegal migrations and the Division of border police, defines the following job positions as per systematization:

- Head of Department – Chief Police Commissioner – 1 position;
- High Police Commissioner of the 1st class for Foreigners – 2 positions;
- High Police Commissioner of the 1st class for suppression of illegal migrations – 2 positions, and

- Senior Police Officer of the 1st class – 1 position.

In addition, job positions of senior police commissioners for foreigners dealing with the control of movement and residence of foreigners in the territory of Montenegro have been organized in the Border Police outposts as follows:

- Border Police Outpost Berane – 3 positions (for the area of Berane, Plav and Rožaje);
- Border Police Outpost Pljevlja – 2 positions (for the area of Pljevlja and Žabljak)
- Border Police Outpost Bijelo Polje – 1 position (for the area of Bijelo Polje and Mojkovac);
- Border Police Outpost Podgorica – 5 positions (for the area of Podgorica, Cetinje, Danilovgrad and Kolašin);
- Border Police Outpost Nikšić – 2 positions (for the area of Nikšić);
- Border Police Outpost Bar – 5 positions (for the area of Bar, Ulcinj and Budva), and
- Border Police Outpost Herceg Novi – 4 positions (for the area of Herceg Novi, Tivat and Kotor).

In realization of mentioned activities, the Border Police Division achieves necessary cooperation with competent state authorities.

Department for foreigners and suppression of illegal migrations coordinates and performs the following activities:

Control of movement and residence of all categories of foreigners; control of practicing certain activities of foreigners; control of foreigners with special status; control of permanent category of foreigners; to monitor and analyze issues of movement and residence of foreigners and to suggest appropriate measures; to participate in planning and performing operational and tactical activities and measures against safety-interested category of foreigners; to cooperate with inspectors dealing with cross-border issues, border police, inspectors of criminal police and police in all aspects in which foreigners are involved during the period of their stay in our country; to participate and plan execution of actions of reinforced control of foreigners with the aim of detecting illegal activities of foreigners and their illegal residence; to suggest actions of protecting interests of foreigners during their stay in our country; to undertake actions against foreigners who are acting in contravention to regulations; to keep records on foreign citizens; to cooperate with national and other authorities and organizations; to convoy and deport foreigners to the Sanctuary for foreigners or to the border crossings; to undertake actions of implementation of the agreement on readmission; to register permanent and temporary residents of foreigners so as to check them out; to issue documents on registration of permanent and temporary residences of foreigners; to approve i.e. extend temporary sojourn of foreigners; to keep records on approved temporary residences; to issue

visas to foreigners and keep records; to give consent to DCRs with regards to issuance of visas and to keep records on this; to process requests for permanent residence of foreigners, on which it also keeps records; to process requests for refugee status approvals and to keep records on them; to issue identity cards for foreigners and keep records on issued identity cards; to decide on appeals on decisions of first-instance authorities; to keep files for permanent categories of foreigners; and other affairs and tasks from the scope of work of the organizational unit.

High Police Commissioner for Foreigners

Performs the most complex tasks which require special professionalism and independence in work; performs operational, instructional, inspection and other tasks in relation to movements and residence of foreigners; prepares reports, information and other materials in this field; controls movements and residence of all categories of foreigners; controls practicing of certain activities of foreigners; monitors and analyzes issues of movement and residence of foreigners and suggests undertaking of appropriate measures; participates in planning and performing operational and tactical activities and measures against safety-interested category of foreigners; cooperates with state and other authorities and organizations in performing activities; participates and plans execution of actions of reinforced control of foreigners with the aim of detecting illegal activities of foreigners and their illegal residence; undertakes actions of protecting interests of foreigners during their stay in our country; undertakes actions against foreigners who are acting in contravention to regulations; convoys foreigners to the border crossings and international diplomatic consular offices; registers permanent and temporary residents of foreigners and checks them out; performs other tasks that are entrusted to him.

With the adoption of the Law on Foreigners, a part of competences will be transferred from the Border Police Division to the Ministry of Internal Affairs and Public Administration. This is primarily related to the responsibility of admission and making decision on requests for temporary residence approval for foreigners. Within these procedures the Police will perform appropriate actions and give consents for approvals.

2.3.8 Report on the policy of returns of the third country nationals with illegal residence in Montenegro to the country of origin or transit, as well as on administrative authorities involved in the procedure of returning, their resources and capacities, conditions in prisons, maximum term of custody as a part of procedure of returning and prohibition of entry

Pursuant to the Law on movement and residence of foreigners which will be invalid after the new Law on Foreigners is enacted, a foreigner to whom the measure of safety deportation out of the country is imposed, or protective measure of deportation from the territory, or to whom the residence is cancelled, or who resides in the country without permit of competent authority, is obliged to leave the territory of Montenegro within the term designated to him by the competent authority.

In case a foreigner does not leave the territory of Montenegro, but holds valid travel document, he will be conveyed to the state border or forcedly deported from Montenegro.

A foreigner who left the territory of Montenegro in determined term, but does not hold a travel document, will be directed i.e. conveyed to the diplomatic or consular representation of a state which citizenship he holds, for the purpose of obtaining travel document. If such representative refuse to issue such travel document to the foreigner, a foreigner will be directed i.e. conveyed to the state border and handed to the competent authority of the neighboring country in case he is the citizen of that country, or to the competent authority of other country which agrees to admit him.

Pursuant to the Law on movements and residents of foreigners, when requirements specified by the law are met, regional units in charge for violations or competent police officials may cancel the residence to a foreigner.

In 2007, the residence was cancelled to 466 foreign citizens (Albania 214, Macedonia 189, B&H 26, Turkey 11, Ukraine 5, Russia 5, Georgia 5, Serbia-Kosovo 3, Romania 3, Bulgaria 2, Tunisia 2 and Latvia 1)

In the six month period in 2008., the residence was cancelled to 134 foreign citizens (Macedonia 61, Albania 48, B&H 9, Ukraine 2, Turkey 3, Tunisia 2, Croatia 2, Romania 3, Bulgaria 1, Ukraine 2, France 1).

2.3.9 Report on cooperation in the area of readmission with countries of source and transit of illegal immigrants

Agreement between the Republic of Montenegro and European Community on the readmission (refusal and admission) of persons residing without authorization - was signed in Brussels, on September 18, 2008. This Agreement was ratified with the introduction of the Law on ratification of the Agreement between the Republic of Montenegro and European Community on the readmission (refusal and admission) of persons residing without authorization ("Official Gazette of Montenegro" No. 7/2007) that came into force on November 28, 2007.

The option of signing of implementation protocols, for the direct implementation of the Agreement that that will regulate issues related to authorized bodies, border crossing points, exchange of contacts, conditions for return with the escort, etc., is provided in Article 19, paragraph 1 of the Agreement.

Previously, Implementation Protocols have been signed with the Republic of Slovenia.

On August 12, 2008, Montenegro has submitted the draft Implementation Protocol, as an invitation for initiation of negotiation for signing of implementation protocols, to the embassies of the following countries: Republic of Austria, Republic of Bulgaria, Republic of France, SR of Germany, Republic of Greece, Republic of Hungary, Republic of Italy, Republic of Rumania, Republic of Poland, and on August 13, 2008 to the Embassy of the Czech Republic. These embassies have their seats in Montenegro. Additionally, on August 22, 2008, draft Implementation Protocol has been submitted to the embassies of the following European countries: Republic of Cyprus, Kingdom of Denmark, Republic of Estonia, Finland, Republic of Latvia, Republic of Lithuania, Malta, Kingdom of Holland, Portugal, Republic of Slovakia, Republic of Spain, Kingdom of Sweden, Grand Duchy of Luxemburg and Kingdom of Belgium. These embassies have their seats outside Montenegro. Previously, replies have been received from SR Germany and Republic of Estonia, which include specific modifications of the proposed draft Implementation Protocol.

Montenegro has received invitation for initiation of negotiations for signing of implementation protocol from republic of Estonia and Kingdom of Sweden. Negotiations for signing of these implementation protocols will start as soon as possible.

Bilateral agreements on readmission - Government of Montenegro, on its session held on April 3, 2008, has adopted the Information on the need for the signing of bilateral agreements on readmission (refusal and admission) of persons residing without authorization between Montenegro and Republic of Croatia, Republic of Albania, Bosnia and Herzegovina, Republic of Macedonia and Republic of Serbia, which was prepared by the Ministry of Interior Affair and Public Administration.

On its session held November 13, 2008, Government of Montenegro has accepted the Proposal for initiation of the procedure for negotiations and signing of bilateral agreements on readmission (refusal and admission) of persons residing without authorization, between Montenegro and Russian Federation and Montenegro and Turkey.

In this regard, the Government has assigned the delegation that will conduct negotiation for signing of bilateral agreement on readmission (refusal and admission) of persons residing without authorization.

Previously, Agreement has been signed between the Government of Montenegro and Government of the Republic of Croatia on return and admission of persons whose entrance or stay is illegal, as well as the Protocol between the Ministry of Internal Affairs and Public Administration of Montenegro and Ministry of Internal Affairs of the Republic of Croatia, on the implementation of the Agreement between the Government of Montenegro and the Government of the Republic of Croatia refusal and admission of persons whose entrance or stay is

illegal and the Agreement between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina on return and admission of persons whose entrance or stay is illegal, and the Protocol on Implementation.

We have received the initiative for initiation of negotiations for the harmonization and signing of the agreement on readmission of persons from Island and Republic of Moldavia. The negotiations will begin very soon.

Montenegro is also applying agreements on readmission of persons that were signed by the Federal Republic of Yugoslavia or the State Union of Serbia and Montenegro, with SR of Germany, Swiss Confederation, Kingdom of Belgium, Grand Duchy of Luxemburg, Kingdom of Holland, Republic of Italy, Kingdom of Denmark, Republic of Hungary, Republic of Austria and Kingdom of Sweden.

2.3.10 Report on statistical data on the relation between enacted decisions on return and relocations

Overview of actions based on the Agreement on Readmission (return and admission) of persons residing without authorization between the Republic of Montenegro and the European Union, for the period from 01.01.2008 – 30.11.2008.

Member State	Received applications		Resolved applications				Pending proc. of applications	
			Approval granted		Approval not granted			
	No. of applicats	No. of persons	No. of appl.	No of pers.	No. of appl.	No. of pers.	No. of applic.	No. of pers.
FR of Germany	28	47	13	17	9	10	6	20
Kingdom of Holland	4	7	4	7	-	-	-	-
Republic of Slovenia	3	7	-	-	-	-	3	7
TOTAL	35	61	17	24	9	10	9	27

Overview of actions based on international agreements signed by the State Union of Serbia and Montenegro in the period from 01.01.2008 -30.11.2008.

Member State	Received applications		Resolved applications				Pending proc. of appl.	
			Approval granted		Approval not granted			
	No. of appli c.	No. of pers.	No. of appl.	No of pers.	No. of appl.	No. of per.	No. of appl.	No. per s
Republic of Austria	2	2	2	2	-	-	-	-
Kingdom of Belgium	9	12	4	4	5	8	-	-
Kingdom of Denmark	1	1	1	1	-	-	-	-
Kingdom of Holland	8	13	7	12	-	-	1	1
Republic of Croatia	6	11	3	5	2	2	1	4
Grand Duchy of Luxemburg	19	28	14	19	5	9	-	-
Republic of Hungary	4	4	3	3	1	1	-	-
SR Germany	92	156	38	48	46	84	8	24
Republic of Slovenia	1	1	-	-	1	1	-	-
Swiss Confederation	14	17	7	10	6	15	-	-
Kingdom of Sweden	20	29	17	24	2	4	1	1
TOTAL	176	284	96	128	68	124	11	30

III CHAPTER 3: PUBLIC ORDER AND SAFETY

3.1 GENRAL/OVERALL POLICY FOR PREVENTION AND FIGHT AGAINST ORGANIZED CRIME AND TERRORISM

3.1.1 Report on the analysis of key results accomplished within the Updated Action Plan for the fight against the organized crime, including data on trends, classified by the type of

crime, including the number of sentences (for the period 2006-2008)

Relevant and precise additional information related to the request to prepare the analysis of key results accomplished within the Updated Action Plan for the fight against the organized crime will be submitted immediately after the adoption of the 4th Report on the Realization of Measures by the National Commission, which is continuously monitoring implementation and realization of objectives and measures established by this Plan. Namely, National Commission will hold the 7th meeting that has been planned for January 2009. Report will be prepared based on proposals submitted by all obliged reporting parties (until January 10, 2009 for the previous quarterly reporting period).

The Fourth Report of the National Commission with recommendations will be submitted to the Government of Montenegro and the State Prosecutor Office, courts and the Parliament of Montenegro. Following the translation to English language, the Report will also be submitted to the representatives of international community, primarily and as a priority, to the European Commission.

Until the preparation of the Fourth Report of the National Commission, we are submitting the attachment, a table with summary data for the criminal offences with elements of corruption, for the period from 01.01.2006 to 30.06.2008 (updated overview for the third quarter of 2008) with the number of solved cases as of September 22, 2008, prepared by the tripartite commission made of bearers of judiciary and prosecutors functions and representatives of Police Directorate.

**TABLE WITH SUMMARY DATA ON CRIMINAL OFFENCES
THAT INCLUDE ELEMENTS OF CORUPTION**

In cases based on criminal referrals received in the period from 01.01.2006 to 30.06.2008, with the number of resolved cases as of September 22, 2008

Police Directorate and other submitters of criminal		Number of referrals	Number of persons
		663	1067

referrals					
		Number of referrals		Number of persons	
STATE PROSECUTORS	Prosecutors decisions on referrals	1.1.06. to 30.6.08	30.6.08. up to 22.09.08	1.1.06. to 30.6.08	30.6.08. up to 22.09.08.
	Referral rejection	286	286	469	469
	Bill of indictment	13	13	18	18
	Indictment without performing the investigation – direct indictment	14	18 (+4)	17	24 (+7)
	Request for performing the investigation	236	236	376	376
	Proposal for undertaking the investigatory actions	9	9	19	19
	Referrals that remained at the end of the reporting period in pre-criminal proceedings with other bodies upon the request of the prosecutor for gathering required information	105	105	168	168
		Number of cases		Number of persons	
COURTS	Previous proceedings – investigation	1.1.06. to 30.6.08	30.6.08. up to 22.09.08	1.1.06. to 30.6.08	30.6.08. up to 22.09.08.
	Requests received for the performance of investigation	236	236	376	376
	Decision adopted on the performance of the investigation	176	212 (+36)	264	321 (+57)
	Decision not adopted on the performance of the investigation	60	24 (-36)	112	55 (-57)
	Completed investigation and documents returned to the prosecutor	114	118 (+4)	148	152 (+4)
	Pending investigation	62	94 (+32)	116	169 (+53)
		Number of cases		Number of persons	
STATE PROSECUTORS	Decisions of the prosecutors on cases based on completed investigations	1.1.06. to 30.6.08	30.6.08. up to 22.09.08	1.1.06. to 30.6.08	30.6.08. up to 22.09.08.

	Abandonment of prosecution	15	15	18	18
	Indictment after the investigation performed	99	99	130	130
	TOTAL:	114	114	148	148
		Number of cases		Number of persons	
COURTS	Indictments at court	1.1.06. to 30.6.08	30.6.08. up to 22.09.08.	1.1.06. to 30.6.08	30.6.08. up to 22.09.08.
	Indictment received (bill of indictment, direct indictment and indictment after the investigation performed)	126	130 (+4)	165	172 (+7)
	Full hearing and judgment				
	Criminal proceedings completed by sentence	70	82 (+12)	81	100 (+19)
	Pending criminal proceedings	56	48 (-8)	84	72 (-12)
	Conviction	35	38 (+3)	41	49 (+8)
	Non suit	4	6 (+2)	5	7 (+2)
	Acquittal	31	38 (+7)	35	44 (+9)
	Appeal hearing				
	Appeal of plaintiff	45	45	51	51
	Appeal is finalized	21	21	21	21
	Appeal is not finalized	24	24	30	30
	Appeal accepted	10	10	10	10
	Appeal rejected	11	11	11	11
	Appeal of the accused	2	2	2	2
	Final judgments	37	37	39	39
		No. of cases		No. of persons	
Criminal offences – organized crime		1.1.06. to 30.6.08	30.6.08. up to 22.09.08.	1.1.06. to 30.6.08	30.6.08. up to 22.09.08.
	TOTAL:	36 referrals	36 referrals	196 persons	196 persons
	Rejection of the criminal charges	1	1	1	1
	Criminal referrals passed on	2	2	11	11
	Requests submitted for the performance of the investigation	33	33	183	183

	Indictments brought after the investigation performed	24	24	137	137
	Pending investigatory proceedings	8	8	40	40
	Cases with resolved charges	1	1	5	5
	Cases with non resolved charges	--	--	1*	1*
	Suspension of the investigation	13	14 (+1)	68	86 (+18)
	Direct indictment	11	10 (-1)	69	51 (-18)
	Appeal hearing	1	1	1	1
	Appeal of plaintiff	5	5	26	26
	Appeal is finalized	2	2	10	10
	Appeal is not finalized	3	3	16	16
	Appeal accepted	2	2	10	10
	Appeal rejected	---	---	---	---

* The table does not mention the data in the column “number of referrals – cases”, to avoid duplicity, since one person after the completed investigation against 9 persons has been prosecuted with them (the charges have been brought against that person without performing the investigation – direct indictment).

CRIMINAL OFFENCES WITH THE ELEMENTS OF CORRUPTION					
Based on criminal referrals received for processing in period from 1 January 2006 to 31 December 2006					
Police Director ate and other submitters of the criminal referrals			Number of referrals		Number of persons
			271		449
			Number of cases		Number of persons
STATE PROSECUTORS		Decisions of the prosecutors based on referrals	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08 06/30/08 up to 09/22/08

	Referral rejection	143	143	250	250
	Bill of indictment	7	7	9	9
	Indictment without performing the investigation – direct indictment	5	5	6	6
	Request for performing the investigation	108	108	166	166
	Proposal for undertaking the investigatory actions	8	8	18	18
	Referrals that remained at the end of the reporting period in pre-criminal proceedings with other bodies upon the request of the prosecutor for gathering required information	-	-	-	-
		Number of cases		Number of persons	
COURTS	<i>Previous proceedings – investigation</i>	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Requests received for the performance of investigation	108	108	166	166
	Decision adopted on the performance of the investigation	94	108 (+14)	137	166 (+29)
	Decision not adopted on the performance of the investigation	14	- (+14)	29	- (+29)
	Completed investigation and documents returned to the prosecutor	70	74 (+4)	81	85 (+4)
	Pending investigation	24	34 (+10)	56	81 (+25)
		Number of cases		Number of persons	
STATE PROSECUTORS	Decisions of the prosecutors on cases based on completed investigations	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Abandonment of prosecution	9	13 (+4)	9	13 (+4)
	Indictment after the investigation performed	61	61	72	72
	TOTAL:	70	74 (+4)	81	85 (+4)
		Number of cases		Number of persons	

COURTS	Indictments at court	01/01/06	06/30/08	01/01/06	06/30/08
		to 06/30/08	up to 09/22/08	to 06/30/08	up to 09/22/08
	Indictment received (bill of indictment, direct indictment and indictment after the investigation performed)	73	73	87	87
	Full hearing and judgment				
	Criminal proceedings completed by sentence	42	49 (+7)	52	66 (+14)
	Pending criminal proceedings	31	24 (-7)	35	21 (-14)
	Conviction	23	25 (+2)	28	35 (+7)
	Non suit	2	4 (+2)	3	5 (+2)
	Acquittal	17	20 (+3)	21	26 (+5)
	Appeal hearing	Number of cases		Number of persons	
	Appeal of plaintiff	27	27	32	32
	Appeal is finalized	15	15	15	15
	Appeal is not finalized	12	12	17	17
	Appeal accepted	9	9	9	9
	Appeal rejected	6	6	6	6
	Appeal of the accused	2	2	2	2
	Final judgments	26	26	28	28
		Number of cases		Number of persons	
Criminal offences of the organized crime (01/01/06 - 12/31/06)	TOTAL:	20-Referrals	20-referrals	120-persons	120-persons
	Rejection of the criminal charges	1	1	1	1
	Criminal referrals passed on	2	2	11	11
	Requests submitted for the performance of the investigation	17	17	107	107
	Indictments brought after the investigation performed	13	13	84	84
	Pending investigatory proceedings	4	4	18	18
	Cases with resolved charges	7	8 (+1)	43	61

						(+18)
	Cases with non resolved charges	6	5 (-1)	41	23 (-18)	
	Suspension of the investigation	1	1	5	5	
	Direct indictment	--	--	1*	1*	
	Appeal hearing					
	Appeal of plaintiff	1	1	5	5	
	Appeal is finalized	1	1	5	5	
	Appeal is not finalized					
	Appeal accepted	1	1	5	5	
	Appeal rejected					

* The table does not mention the data in the column “number of referrals – cases”, to avoid duplicity, since one person after the completed investigation against 9 persons has been prosecuted with them (the charges have been brought against that person without performing the investigation – direct indictment).

CRIMINAL OFFENCES WITH THE ELEMENTS OF CORRUPTION						
Based on criminal referrals received for processing in period from 1 January 2007 to 31 December 2007						
Police Administration and other submitters of the criminal referrals			No. referrals		Number of persons	
			274		435	
			Number of cases		Number of persons	
STATE PROSECUTORS	Decisions of the prosecutors based on referrals		01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Referral rejection		105	105	171	171
	Bill of indictment		5	5	8	8
	Indictment without performing the investigation – direct indictment		4	4	4	4

	Request for performing the investigation	101	101	158	158
	Proposal for undertaking the investigatory actions	1	1	1	1
	Referrals that remained at the end of the reporting period in pre-criminal proceedings with other bodies upon the request of the prosecutor for gathering required information	58	58	93	93
		Number of cases		Number of persons	
COURTS	<i>Previous proceedings - investigation</i>	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Requests received for the performance of investigation	101	101	158	158
	Decision adopted on the performance of the investigation	80	95 (+15)	125	145 (+20)
	Not adopted decision on the performance of investigation	21	6 (-15)	33	13 (-20)
	Completed investigation and documents returned to the prosecutor	42	42	65	65
	Pending investigation	38	53(+15)	60	80 (+20)
		Number of cases		Number of persons	
STATE PROSECUTORS	Decisions of the prosecutors based on completed investigations	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Abandonment of prosecution	6	6	9	9
	Indictment after the investigation performed	36	36	56	56
	TOTAL:	42	42	65	65
		Number of cases		Number of persons	
COURTS	Indictments at court	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08

	Indictment received (bill of indictment, direct indictment and indictment after the investigation performed)	45	45	68	68
	Full hearing and judgment				
	Criminal proceedings completed by sentence	25	30 (+5)	26	31 (+5)
	Pending criminal proceedings	20	15 (-5)	42	37 (-5)
	Conviction	9	10 (+1)	10	11 (+1)
	Non suit	2	2	2	2
	Acquittal	14	18 (+4)	14	18 (+4)
	Appeal hearing	Number of cases		Number of persons	
	Appeal of plaintiff	18	18	19	19
	Appeal is finalized	6	6	6	6
	Appeal is not finalized	12	12	13	13
	Appeal accepted	1	1	1	1
	Appeal rejected	5	5	5	5
	Final judgments	11	11	11	11
		Number of cases		Number of persons	
Criminal offences of the organized crime (01/01 – 11/30/07)		01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	TOTAL:	12 referrals	12 referrals	61 person	61 person
	Requests submitted for the performance of the investigation	12	12	61	61
	Indictments brought after the investigation performed	10	10	50	50
	Pending investigatory proceedings	1	1	10	10
	Cases with resolved charges	6	6	25	25
	Cases with non resolved charges	4	4	25	25
	Case resolved otherwise – witness associate	1	1	1	1
	Appeal hearing				
	Appeal of plaintiff	4	4	21	21
Appeal is finalized	1	1	5	5	
Appeal is not finalized	3	3	16	16	

	Appeal accepted	1	1	5	5
	Appeal rejected	--	--	---	---

CRIMINAL OFFENCES WITH THE ELEMENTS OF CORRUPTION					
Based on criminal referrals received for processing in period from 1 January 2008 to 30 June 2008					
Police Administration and other submitters of the criminal referrals		No. referrals		Number of persons	
		118		183	
		Number of cases		Number of persons	
STATE PROSECUTORS	Decisions of the prosecutors based on referrals	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Referral rejection	38	38	48	48
	Bill of indictment	1	1	1	1
	Indictment without performing the investigation – direct indictment	5	9 (+4)	7	14 (+7)
	Request for performing the investigation	27	27	52	52
	Proposal for undertaking the investigatory actions				
	Referrals that remained at the end of the reporting period in pre-criminal proceedings with other bodies upon the request of the prosecutor for gathering required information	47	47	75	75
		Number of cases		Number of persons	
COURTS	<i>Previous proceedings - investigation</i>	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08

		08	08	/08	/08
	Requests received for the performance of investigation	27	27	52	52
	Decision adopted on the performance of the investigation	2	9 (+7)	2	10 (+8)
	Not adopted decision on the performance of investigation	25	18 (-7)	50	42 (-8)
	Completed investigation and documents returned to the prosecutor	2	2	2	2
	Pending investigation	0	7 (+7)	0	8 (+8)
		Number of cases		Number of persons	
STATE PROSECUTORS	Decisions of the prosecutors based on completed investigations	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Abandonment of prosecution				
	Indictment after the investigation performed	2	2	2	2
	TOTAL:	2	2	2	2
		Number of cases		Number of persons	
COURTS	Indictments at court	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08
	Indictment received (bill of indictment, direct indictment and indictment after the investigation performed)	8	12 (+4)	10	17 (+7)
	Full hearing and judgment	Number of cases		Number of persons	
	Criminal proceedings completed by sentence	3	3	3	3
	Pending criminal proceedings	5	9 (+4)	7	14 (+7)
	Conviction	3	3	3	3
	Non suit				
	Acquittal				
	Appeal hearing	Number of cases		Number of persons	
	Appeal of plaintiff				
	Appeal is finalized				
	Appeal is not finalized				

	Appeal accepted					
	Appeal rejected					
		Number of cases		Number of persons		
Criminal offences of the organized crime (01/01-06/30/08)		01/01/06 to 06/30/08	06/30/08 up to 09/22/08	01/01/06 to 06/30/08	06/30/08 up to 09/22/08	
		TOTAL:		4 - Referrals	4 - Referrals	15 - persons
		Requests submitted for the performance of the investigation	4	4	15	15
		Indictments brought after the investigation performed	1	1	3	3
		Pending investigatory proceedings	3	3	12	12
		Cases with resolved charges				
		Cases with non resolved charges	1	1	3	3
		Suspension of the investigation				
		Direct indictment				
		Rejection of the criminal referrals				
	Criminal referrals passed on					

Tax Administration has the competencies in preventing money laundering, and therefore most of the employees working in this Administration were involved in various types of training on preventing money laundering, organized within this administrative body, as well as in trainings organized for other state bodies.

3.1.2 Report on national measures for implementation of the UN Convention against transnational organized crime and its Protocol against illegal production and trade of firearms

UN Convention against transnational organized crime and its Protocol against illegal production and trade of firearms is implemented in the Montenegrin criminal legislation, i.e. through the Criminal Code of Montenegro and the Code of Criminal Procedure of Montenegro and provisions of the Law on International Legal Aid in the Criminal Matters ("Official Gazette of RoM" No. 4/08), Law on Witness Protection ("Official Gazette of RoM" No. 65/04).

-Law on Changes and Amendments of the Law on Courts ("Official Gazette of RoM" No. 22/08) envisages the establishment of the Department for proceedings cases related to organized crime, corruption,

terrorism and war crimes in High Courts in Podgorica and Bijelo Polje. These departments have commenced their work in September 2008 and 9 judges have been appointed. At the Special Prosecutor Office for the fight against organized crime, corruption, terrorism and war crimes, five new deputies have been appointed as of September 15, 2008 that will act upon these cases besides the Special Prosecutor, which has significantly strengthened the capacity of the Special Prosecutor's Office.

- Law on Witness Protection ("Official Gazette of RoM" No. 65/04) is also a very important instrument for the implementation of the UN Convention against transnational organized crime, i.e. its Article 24, which relates to the witness protection. This Law regulates a very important area for the fight against serious forms of crime. Code of Criminal Procedure, in the Article 108, paragraph 3 stipulates that the witness protection can be ensured out of the criminal procedure, which is regulated by the special law. It is the Law on Witness Protection that provides protection of witnesses outside the criminal procedure.

Protection program (Article 5) is applied only if the criminal offence cannot be proved without the statement of the witness or if the proof will be made difficult otherwise, when the following criminal offences are being proved:

- 1) act against constitutional organization and security of the Republic of Montenegro;
- 2) acts against humanity and other goods protected by the international law;
- 3) acts performed in an organized manner;
- 4) act for which the jail sentence of 10 years or more can be pronounced pursuant to the law.

Witness protection outside court is provided through the implementation of the following protective measures:

- physical protection of persons and property
- relocation
- concealed identity
- change of identity

Witnesses represent a necessary source of information for the criminal procedure, and sometimes the only ground for the prosecution. Measures for their protection from the operational aspect are implemented by the special organizational unit within the Ministry of Internal Affairs, in the manner prescribed by the law.

-Law on International Legal Assistance in Criminal Matters ("Official gazette of Montenegro" No.4/08) regulates conditions and process of providing international legal assistance in criminal matters in cases when there is no international agreement or specific issues have not been regulated by the international agreement. This law regulates provision of

international legal assistance in criminal matters, which includes: extradition of convicted and sentenced persons, cession and take over of criminal prosecution, transfer of sentenced persons, execution of foreign criminal verdicts, submitting documents, written material and other matters related to the criminal procedure to the requesting state, as well as the execution of specific process actions, such as: hearing of the defendant, witnesses and court experts, inspection, search of premises and persons and temporary confiscation of objects.

Montenegro is the signatory of significant bilateral and multilateral conventions in the area of international legal aid, which gives positive legal framework for the strengthening of judiciary cooperation in the region and Council of Europe member states. The most significant agreements in the area of international legal aid in criminal matters are the following: European Convention on Mutual Legal Assistance in Criminal Matters, with two additional Protocols, European Convention on Extradition, with two additional Protocols, European Convention on the Transfer of Sentenced Persons, with the additional protocol, European Convention on the Transfer of Proceedings. Additionally, there is a number of bilateral agreements which regulate in details the procedure of provision of international legal assistance, particularly with countries in the region, with which there is a very diverse and complex legal traffic (Bosnia and Herzegovina, Croatia, Macedonia, and negotiations are underway for signing of the agreements with the Republic of Serbia).

3.1.3 Report on bodies that are responsible for the fight against organized crime, including bodies for each specific area (illegal trade, economic crime, drugs, anticorruption, etc.), with the details on the number of systematized and filled positions

- Capacities of institutions for investigations in organized crime cases

1. Department for the fight against organized crime and corruption is organized as three groups, according to the Rulebook on the Systematization of Jobs of the Police Directorate. Level of required personnel occupancy is 80%.

The following job positions have been systematized in the Department:

- Manager of the Department
- Operator,
- Analyst
- Group for prevention of general organized crime, with four work lines:
 - Serious crime against body and life, kidnapping, blackmailing and robbery,
 - Smuggling of motor vehicles, weapons, dangerous substances and works of art,
 - illegal migrations, organized smuggling and human trafficking and

- terrorism and international terrorism.

Current level of personnel occupancy:

The following lines are filled in:

- Group for prevention of general organized crime,
- Illegal migrations and organized smuggling and human trafficking,
- Smuggling of motor vehicles, weapons, dangerous substances and works of art.

- Group for prevention of organized economic crime, with four lines of work:

- Money-laundering and conducting of financial investigations
- Misuse of official position, tax evasion, smuggling of excise and other goods,
- Forging of money and other means of payment, forging of documents, and
- Computer crime and misuse of copyrights.

Current level of personnel occupancy:

The following lines of work are filled in:

- Group for prevention of organized economic crime,
- Money-laundering and conducting of financial investigations,
- Forging of money and other means of payment, forging of documents and
- Computer crime and misuse of copyrights.

- Group for prevention of corruption, with two lines of work:

- Corruption in the public and private sector

Total occupancy - 80%.

2. Department for Special Investigations performs crime and intelligence-related activities and realization of the part of secret surveillance measures (technical surveillance). Department has three groups:

- Group for monitoring and exploitation,
- Group for crime and intelligence analysis,
- Group for observation and documentation and
- Group for operational technique.

Group for monitoring and exploitation performs the realization of MTN, surveillance of telecommunications. There is a modern system for the surveillance for telecommunications, which is constantly being upgraded and expanded. Work is performed in a closed and secure environment with electronic control of the access. Compared to the systematization, personnel occupancy is at the high level, however, in the next period, the increase of the number of employees is planned, in order to meet the requirement for the application of this MTN, expanding of system capacities and introduction of the surveillance for new services.

Group for crime and intelligence analysis performs collection, processing and analysis of data for the intelligence needs, and as a

support to criminal investigations in the whole area of Montenegro. This group collects and analyses all data related to telecommunications that are received from the operator of mobile and fixed telephones and internet, which are further distributed to the users, according to their requests.

All administrative databases of the police, operative databases and open sources are available.

Current technical equipment is at the high level, while the personnel occupancy and qualifications are satisfactory. Work on a large number of cases represents a problem, which prevents simultaneous, long-term and quality work on a greater number of analyses of complicated cases.

In the next period, the plan is to increase the number of employees due to establishing of DESK function within the development of the “Police Lead with the Intelligence-led Police Operations” model and due to the need for a larger number of analysts required to work on long-term and complicated cases of international investigations, drugs, organized crime and corruption. During the next year, work on other cases that are not within jurisdiction of the central level, will be gradually overtaken by the intelligence units on the regional level..

Group for observation and documenting performs secret surveillance, and application of MTN, secret photographing and visual recording in public places and open spaces.

Personnel occupancy is partial and personnel are well trained, while technical equipment includes photo and video equipment.

Group for operational technology does not have personnel or technical capacities for the realization of MTN within its competencies:

- Secret photographing and visual recording in private premises,
- audio surveillance of private conversations performed in private or public premises or open spaces and
- use of electronic devices for detecting locations and positions of person and objects.

Among other activities, Directorate for Prevention of Money laundering and Terrorism Financing is performing supervision of real estate transactions, motor vehicle transactions, and organization of travel, intermediation or representation in the area of life insurance. During 2008, control of 59 entities that are dealing with real estate sale, construction, car sale, etc., has been performed.

On June 30, 2004, Department for Prevention of Organized Crime has been established within the Supreme State Prosecutor’s Office, with a Special Prosecutor and one deputy.

In accordance with the Law on Changes and Amendments of the Law on the State Prosecutor, adopted by the Parliament on June 27, 2007, the Supreme State Prosecutor’s Office of Montenegro – Department for Prevention of Organized Crime, has expanded its jurisdiction to criminal offences related to terrorism and war

crimes. In accordance with expanded jurisdiction, the number of bearers of prosecutor's function in this Department has been increased on September 15, 2008; therefore, in addition to the special prosecutor, five more deputies are performing the state prosecutor's function.

Law on Changes and Amendments of the Law on Courts, which came into force on April 9, 2008, stipulates criminal offences with the elements of corruption, namely: money laundering, violation of equality in performing economic activities, causing bankruptcy, misuse of monopolistic position, causing false bankruptcy, misuse of authorization in the economy, false balance sheet, misuse of evaluation, disclosing of business secret, disclosing the use of stock exchange secret, misuse of official position, malpractice, illegal possession, receiving bribe, giving bribe, disclosing official secret.

This law stipulates that the High Court shall arbitrate in corruption cases, i.e. newly established departments within high courts for lawsuits for criminal offences related to organized crime, corruption, terrorism and war crimes.

Supreme State Prosecutor's Office of Montenegro – Department for prevention of organized crime, corruption, terrorism and war crimes has established inter-sectoral cooperation with all authorized public bodies in Montenegro in the area of detection, prevention and criminal prosecution of the offenders that have committed a criminal offence related to money laundering and in relation to this, confiscation of illegally acquired assets. We are particularly emphasizing cooperation with the Police Directorate, Directorate for Prevention of Money Laundering and Terrorism Financing, Tax Administration, Real Estate Directorate and Customs Administration. It is also planned to sign the agreement – memorandum on inter-sectoral coordination and cooperation between mentioned bodies in order to increase efficiency of prevention of these occurrences.

3.2 POLICY OF PREVENTION AND FIGHT AGAINST HUMAN TRAFFICKING

3.2.1 Report on the analysis of key results within the existing Strategy and Action Plan for the fight against human trafficking – provide final report on implementation

Montenegro is one of the first countries in the region that has signed the UN Palermo Convention against Transnational Organized Crime, with its additional Protocol for prevention, suppression and punishment of human trafficking ("Official gazette of SRYU" No. 6 as of 27.6.2001) and has introduced in its legal system stand-alone criminal act of human

trafficking in July 2002, which was verified by the new Criminal Code in April 2004.

On November 13, 2003, the Government of Montenegro, in compliance with the signed convention and its additional protocols, has enacted the Strategy for the Fight against Human Trafficking. Strategy has been enacted in cooperation with the American Consulate, OEBS, IOM and sectoral ministries. Strategy has been completely harmonized with the UN Convention and Protocol on Human Trafficking through the following parts: prevention, criminal prosecution and protection of victims of human trafficking. It includes an all encompassing approach to the human trafficking issue.

Ending in 2004, reform of the criminal legislation has been implemented with the adoption of the following:

- **CODE OF CRIMINAL PROCEDURE** which for the first time enables witness protection in the court

- **CRIMINAL CODE** which has codified criminal legislation and defines the criminal act of human trafficking whose definition has been harmonized with the Protocol from Palermo.

- **LAW ON STATE PROSECUTOR** enables prosecution of offenders with elements of organized crime and establishment of the department for prevention of organized crime headed by the special prosecutor

- **LAW ON WITNESS PROTECTION** came into force in April 2005, enabling better treatment of witness and victims, which prevent avoiding of testimony due to the endangering of life, health, freedom and property and enables protection of witness and persons close to him, methods of covering of identity, change of identity, relocation, physical protection.

- LAW ON POLICE**

- **LAW ON THE AGENCY FOR NATIONAL SECURITY**

Institutions: Ministry of Internal Affairs and Public Institutions, Police, Prosecutors Office, Court, Ministry of Health, Labor and Social Care, Ministry of Education. In 2002, Shelter for the victims of human trafficking was established by the NGOs.

3.2.2 Report on national measures for implementation of the Council of Europe Convention for the Fight against Human Trafficking

-Criminal Code of Montenegro, in the chapter 35, which includes criminal offences against humanity and other goods protected by the international law, prescribes three criminal offences that are required for a successful processing of human trafficking and child trafficking cases: Article 444 incriminates human trafficking, Article 445 trafficking of children for adoption purposes, Article 446 establishing of a servile

status and transportation of persons in the servile status. Criminal Code envisages a wide range of criminal offences that the indemnified party can refer to if the offender has performed several criminal offences with one or more actions (acquisition of criminal offences) e.g. human trafficking and illegal border crossing. Additionally, if it is impossible to prove the required elements of the criminal offence of human trafficking, the offender can be prosecuted for one or more relevant criminal offences (for example: forging of official documents and bribery).

- Code of Criminal Procedure envisages a significant number of provisions related to the informing of the indemnified party, i.e. victim, which is very important. For example, the judge will inform the indemnified party on his right to a proprietary right request (Article 102, 109 and 325), right to be exempt of the obligation to testify (Article 97) or the right to read the records (Article 183), it also prescribes that the court is obliged to inform the indemnified party of any relevant rights related to his participation in the criminal procedure (right to an attorney (Article 64), right to not answer specific questions when it is likely that himself or persons close to him will be exposed to a great humiliation or criminal prosecution (Article 99). Additionally, the Code envisages exclusion of general public for the entire main hearing or one of its parts, if this is required in order to keep the secret, privacy and protection of the interest of minors or protection of personal and family life of the indemnified party (Article 300) and numerous other provisions related to the efficient procedure in case of the criminal offence of human trafficking.

Important for this area are also the Law on International Legal Assistance in Criminal Matters and the Law on Witness Protection.

3.2.3 Report on competencies of state bodies

- In compliance with the Agreement on Mutual Cooperation, competencies and obligations of state bodies and NGOs have been defined in the process of prevention, criminal prosecution and protection of victims of human trafficking.

POLICE ANNEX WITHIN THE AGREEMENT ON MUTUAL COOPERATION IN THE AREA OF PREVENTION, CRIMINAL PROSECUTION AND PROTECTION

Police Directorate will give its full contribution in the implementation of the Agreement on Mutual Cooperation on prevention, identification and protection of potential victims of human trafficking, as well as in the criminal prosecution of offenders of criminal offences in this area.

Police Directorate and signatory parties will participate in the training with the objective of preventing human trafficking and detecting offenders of human trafficking.

Within its jurisdiction, Police Directorate will provide support to potential victims in the process of integration, reintegration and investigation toward countries of origin, transit and final destination.

Police Directorate will establish mechanisms through which the police officers will be available 24 hours in order to provide support to other signatories of the Agreement.

If the Police has been informed on the presence of potential victim of human trafficking, or identifies such victim, it will provide realization of the following measures and actions, in accordance with the law and this agreement:

1. Potential victim will be offered the option of staying in the shelter for victims of human trafficking “Crnogorski ženski lobi”(Montenegrin Female Lobby), “Sigurna ženska kuća”(Safe Women’s House) and “Centar plus“.
2. If the victim decides to stay in the shelter, police will immediately inform the personnel of the shelter and escort the victim to the shelter.
3. In case where the victim is a minor, authorized center for social work will be informed.
4. Police will provide complete information on victim support services to persons which are presumed to be victims of human trafficking, in the language of the potential victim, in order to enable them to make a decision which is in their interest, regardless of their readiness to testify.
5. It will respect the privacy and identity of victims of human trafficking.
6. It will provide adequate security measures to potential victims of human trafficking and persons close to them, as well as to the personnel of the shelter, prior to, during, and after the activities undertaken within criminal processing of the site, during collection of information from citizens, hearings in the presence of witnesses, until the victim returns to the shelter.

Police Directorate shall inform the authorized state prosecutor on any undertaken measures and activities from Article 5.

Preventive measures shall be undertaken in accordance with the Strategy of the Government of Montenegro for the fight against the human trafficking.

Police Directorate will have a mutual cooperation with other state bodies in the area of immigration, by exchange of information, in order to provide legal residence to the victims of trafficking in accordance with the Instruction on condition and manner of regulating the residence of foreign citizens-victims of human trafficking, from December 07, 2005, enacted by the Ministry of Interior Affairs.

Upon the request of signatories, Police Directorate shall initiate the procedure for solving the resident status or personal documents in compliance with the Instruction from paragraph 1 of this Article.

General objectives of police activities are:

1. Professional treatment based on the human rights of victims;
2. Police inspectors shall respect the right to privacy of the potential victim during the informative talks;
3. Ensuring creation of optimal conditions for the victims to give their statement with maximum lessening of the trauma.

Police Directorate shall assign a contact person that will monitor the implementation of the Agreement on behalf of the Police of the Republic of Montenegro.

ANNEX TO THE AGREEMENT ON MUTUAL COOPERATION IN THE AREA OF HEALTH CARE, SOCIAL CARE AND CHILD PROTECTION

a) Health care

In relation to the provision of health care to potential victims of trafficking, Ministry of Health, Labor and Social Care shall provide the adequate health care through public health institutions, where they will have the priority compared to other cases.

Health care for the persons from Article 1 includes urgent medical help, prevention and treatment of infectious diseases, case of delivery and maternity.

Emergency medical service in all public health institutions will provide prompt and efficient medical help in the primary health care facilities and on site, during 24 hours at the territory of the Republic.

Mechanisms of support and help that are provided in the emergency services include:

- a) Assessment of the physical and psychological condition of the potential victim of trafficking, adequate diagnostic tests and therapeutic services, as well as recommendations for further treatment with detailed medical records with all results.
- b) Recognition of potential victims and informing adequate services in the system of victim's protection, established by the Agreement.

In all cases of suspicion that a person is a victim of trafficking, health services will apply only the necessary standards of identification, in order to observe:

- a) The right to privacy of potential victim, particularly in respect of personal questions and traumatic questions that are not necessary for provision of health care.
- b) The right of potential victim to all information concerning health condition, degree of health endangerment, treatment manner and medical interventions.

Conditioning of provision of health services with the lack of identification data

In all cases where the life of person is not endangered, health care of potential victims of trafficking is realized according to the procedure established by the law, in primary health care centers through individual doctors: pediatricians, doctors for adults and gynecologists, and on the secondary and tertiary level based on the doctor's order from the primary health care or emergency medical services.

Costs of health care from Article 2 for potential victims of trafficking, without any kind of insurance, are covered by the relevant ministry, and in other cases – Office for the fight against human trafficking.

Health care ensured with this annex is provided to potential victims during their stay on the territory of the Republic, regardless where they reside.

- c) Social care and child care

ANNEX TO THE PROSECUTOR'S OFFICE WITHIN THE AGREEMENT IN THE AREA OF CRIMINAL PROSECUTION

This Annex of the Agreement regulates mutual cooperation with the objective of fight against trafficking through efficient criminal prosecution of the offenders of criminal offences:

- Human trafficking from Article 444 of the Criminal Code
- Child trafficking with the purpose of adoption from Article 445 of the Criminal Code
- Establishing of servile relations and transportation of persons in the servile relation from Article 446 of the Criminal Code and
- Mediation of prostitution from Article 210 of the Criminal Code.

The objective of the Agreement is a mutual cooperation of the signatories of agreement with the objective of efficient detection and prosecution of offenders of criminal offence from Article 1 of this Annex.

Mutual cooperation includes general prevention of criminal prosecution in order to prevent human trafficking.

State prosecutors shall realize general prevention by filing a complaint, thus affecting the penalty policy of courts.

Authorizations, rights and obligations of the state prosecutor have been prescribed by the Code of Criminal Procedure (Official Gazette of RoM, No. 71/03 and No.47/06), Law on the State Prosecutor (Official Gazette of RoM, No.69/03) and Law on Witness Protection (Official Gazette of RoM, No.65/04).

If the signatories of the Agreement determine that there is a suspicion that the criminal act from Article 1 of this Annex has been perpetrated,

they are obliged to report such act pursuant to the provision of Article 227 of the Code of Criminal Procedure.

Signatories of the Agreement, i.e. authorized persons, shall report any annotation of activities with the elements of trafficking to the police, i.e. authorized state prosecutor.

State prosecutors, together with the signatories of the Agreement shall attend joint meetings, seminars and training in order to accomplish a more efficient prevention of criminal offences mentioned in Article 1 of this Annex, as well as protection of victims of trafficking.

State prosecutors will collaborate with the signatories of the Agreement, within legal mandate, with the objective of protecting potential victims, by providing specific instructions, obtaining medical and other documentation, accommodation and other actions in order to secure potential victims as a witness in a potential criminal procedure.

Supreme State Prosecutor shall inform the signatories of the Agreement and general public on the decisions of competent state prosecutors on submitted criminal referral for trafficking, in the annual report.

Supreme State Prosecutor shall establish a contact person, with a special act, that will monitor the implementation of the Agreement on behalf of the Supreme State Prosecutor of the Republic of Montenegro, senior state prosecutors and basic state prosecutors.

For other relations and communication that are not determined by this Agreement, general provisions of the Code of Criminal Procedure, Law on the State Prosecutor and Law on Witness Protection shall apply.

ANNEX TO THE AGREEMENT ON MUTUAL COOPERATION IN THE AREA OF EDUCATION

Ministry of Education and Science (hereinafter: Ministry) shall give its full contribution to the implementation of this Agreement in cooperation with signatories of this Agreement.

Ministry shall provide adequate accommodation, i.e. continuation of education in public educational institutions to children potential victims of trafficking that legally reside in the Republic and they will have priority compared to other cases. This will be performed in compliance with regulations for the relevant area of education, observing the right to privacy, particularly regarding personal questions and traumatic question that are not necessary for inclusion in the education system.

Relevant services of the Ministry and psychological and pedagogical services in public educational institutions shall provide fast and efficient inclusion of children in the educational system in the Republic.

Mechanism of support and aid that will be provided to children that are potential victims of trafficking shall be based on the following:

- special pedagogical and psychological procedures in the services of educational institution and their assessment of physical and psychological condition of children, referring them to special professional

treatments, as well as proposals for determining special programs, in accordance with regulations for specific area of education;

- monitoring children's' behavior and learning and informing relevant services in the child protection system that are determined by the Agreement.

Required costs related to accommodation in educational institution (student homes) and approach to education, particularly vocational education and training that leads to the first vocation of the child, will be provided by the Ministry during their stay in the Republic.

Through regular and special programs within the Action Plan, in public educational institution, Ministry shall continuously monitor work related to education and raising of awareness about human rights among children and students on human rights, protection of dignity and integrity of personality, with guaranteed gender equality, principle based on children's rights, in order to prevent them from becoming victims of trafficking.

Ministry of Education and Science shall, under the prescribed conditions, collaborate and enable the NGOs and other organizations and expert, access to educational institutions in regard of activities intended for presentation of programs suitable for their age and objectives from paragraph 1 of this Article.

Ministry shall continuously work on development of educational policy and measures for protection and welfare of children, particularly adolescents and collaborate with other authorities and organizations on prevention of trafficking or protection of human rights, particularly rights of children, taking care of their best interest.

Ministry will make maximum efforts to realize objectives from paragraph 1 of this Article and include children from particularly vulnerable groups, especially Roma population, in the educational system in the largest possible number and encourage their integration in the society and better social status.

Ministry shall collaborate with NGOs and other competent institution in establishing strategic partnership for researching the best practice, methods and strategies for realization of Strategy's objectives.

Ministry shall appoint a contact person that will monitor the implementation of activities and measures from the Agreement.

ANNEX TO THE AGREEMENT ON COOPERATION in the area of NGO activities on prevention and protection of potential victims

This Annex regulates mutual cooperation and defines the role of NGOs in prevention, education and providing of support to potential victims of trafficking and their protection in the shelters.

Arrival at the shelter is a voluntary act and it will not be conditioned with potential investigations and legal procedures and trials.

Potential victims shall not be obliged to have a contact with the police if they do not wish to do so.

NGOs shall provide psychological and material support to the potential victim during her stay in the shelter: adequate accommodation, housing, food, clothes, shoes and help in finding work.

NGOs shall inform the Police Directorate, i.e. authorized state prosecutor, as well as the National Coordinator on all information regarding new potential victims and needs for their physical protection and protection of personnel of the shelter.

NGOs shall provide support in realization of health care institutions and other types of care during the recovery of potential victim.

NGOs shall collaborate with centers for social work on the realization of rights of potential victims in the area of social care, child protection and family and legal protection.

NGOs shall provide advice and information on potential victims, particularly in regard of realization of their human rights, in the language of their understanding.

NGOs shall provide support to potential victims during the entire criminal procedure.

NGOs shall protect the information related to the identity of potential victims.

NGOs shall provide support for integration and reintegration of potential victims even in case of voluntary return to the country of origin.

Provide support in connecting potential victims with their families and maintenance of contact during the stay in the shelter and after leaving the shelter.

NGOs shall implement programs for informing potential victims on causes, manners and consequences of human trafficking.

NGOs shall perform education and training on cooperation with signatories of the Agreement related to the role of NGOs during the victim's stay in the shelter.

NGOs shall realize local, regional and international cooperation with similar organizations.

NGOs shall be a partner to the competent authorities and institutions in the area of prevention of trafficking.

NGOs shall be involved in research, information and conducting of campaigns and other activities through the means of public information, social and economic initiatives for prevention of human trafficking.

NGOs shall work on raising the awareness of the importance of fight against human trafficking and the role of NGOs in identifying this phenomenon and finding the main cause of trafficking, identification of victims with the assessment of risk for safety and risk of intimidation and retaliation.

NGOs shall prepare reports, maintain statistics, databases and submit all of this to the signatories of the Agreement.

NGOs that are signatories of the Agreement shall appoint one member each that will be in charge of contacting other signatories of the Agreement.

3.2.4 Report on training of personnel in the public bodies for the fight against trafficking

During 2008, 11 trainings for the fight against trafficking have been organized for the employees of the Criminal Police Sector.

Police Directorate in cooperation with the Police Academy is conducting education and training of police personnel. The issue of human trafficking is included in the regular curriculum of the academy for all police personnel through a specific number of teaching units. In cooperation with OEBS , ICITAPOM, IOM and UNDP specialist seminars are organized for the employees of criminal and border police and other government employees that are included in the AP measures through prevention and protection of victims of trafficking.

Seminars and courses with the subject of human trafficking held in the High School of Interior Affairs/Police Academy in Danilovgrad in the period from 2003 to 2008

Seminar with the topic “Raising the awareness of the issue of human trafficking among high school children” was held for professors and students of the High School of Interior Affairs in Danilovgrad, as well as for their parents. Seminar was organized in cooperation with the International Organization for Migrations (IOM) – office in Podgorica in 2003.

During 2004, several seminars and courses on trafficking were held in the High School of Interior Affairs, mainly for the members of the border police. Mentioned seminars and courses have been organized in cooperation with IOM office in Podgorica, European Agency for Reconstruction and local NGOs and Police Directorate experts in this area. Topics and issues discussed in these trainings were, among others, phenomenon and definition of trafficking in Serbia and Montenegro. Education was successfully completed by 300 members of border police. After completed training, participants have received brochures made for the members of border police, which describes some of the basic steps in dealing with the problem of trafficking.

During this period, German company “Pro Management BmbH” has organized several courses on human trafficking, and this training was successfully completed by 79 members of the border police.

In cooperation with the UNCHR office in Podgorica, High School of Interior Affairs has organized a course on “International Protection of Refugees, Illegal Migrants and Victims of Human Trafficking” attended by 22 members of the border police.

During 2005, OEBS training center in Danilovgrad has organized a number of seminars titled "Development of Border Police". Part of the training was devoted to the issue of the fight against human trafficking. Lecturers on these seminars were OEBS experts and lecturers from the High School of Interior Affairs. In 2005, this type of training was completed by 219 members of the border police.

Besides the abovementioned training, High School of Interior Affairs, with the support of the OEBS office in Podgorica, has organized a seminar on the fight against human trafficking. This seminar was organized for the members of the Special Team of the Ministry of Interior Affairs for the fight against human trafficking. Lecturers were expert in this area from Hungary, Czech Republic and Serbia. Some of the topics discussed in this seminar were: causes of the trafficking problem, human losses and strategic risks, recruiting of victims, etc.

The Special Team of the Ministry of Interior Affairs for the fight against human trafficking and the High School of Interior Affairs have organized a seminar titled: "Human Trafficking and Migrations" for the members of criminal police. Lecturers at this seminar were experts from the Police Directorate, High School of Interior Affairs and State Prosecutor's Office. Center for International Support from Belgrade, OEBS office in Montenegro and High School of Interior Affairs have organized a public debate on the following topic: "Victims of human trafficking, support, current status, capacities and further perspectives" for students of the High School of Interior Affairs and students of the High School "Petar I Petrović Njegoš". Participants of the debate were representatives of the NGOs, Special Anti-trafficking Team of the Ministry of Internal Affairs of the Republic of Montenegro, Operational Team of Serbia, OEBS and IOEM.

In 2006, OEBS has continued the training program entitled "Development of the Border Police" on the topic of human trafficking, which was completed by additional 178 members of the border police.

With the support of the Austrian Agency for International Cooperation, Police Academy has organized a 3-day seminar on police cooperation in preventing trafficking and illegal migrations for the members of the border police and criminal police sectors. During 3-day training, the following issues were discussed: human trafficking, trafficking of children, and police cooperation on preventing human trafficking (national, bilateral and international).

Experts of the Police Directorate of Montenegro (Border Police and Criminal Police Sector) have organized four courses on illegal migrations and human for 85 members of the Police Directorate.

Note:

Phenomenon of human trafficking is also studied and analyzed through courses of additional police training. During the reporting period, in the

High School of Interior Affairs/Police Academy, a total of 26 courses for additional training were organized (during 4 months) for the members of Montenegrin police, which were successfully completed by over 300 employees of the Border Police Sector and Criminal Police Sector. Additionally, the issue of trafficking is treated within the subject of criminalistics, in the basic police education program, lasting 18 months.

Further plans:

Aware of the significance of this phenomenon, Police Academy and Police Directorate have planned additional education in this field in the annual Training Program (April 2008 – April 2009).

Several educational programs will be realized by the Police Academy and Police Directorate, while some courses will be realized in cooperation with international organizations IOM (illegal migrations), US Ministry of Defense (illegal migrations – organized human trafficking) and ICITAP (human trafficking – children) for school police officers.

3.3 POLICY OF PREVENTION AND FIGHT AGAINST FINANCIAL CRIME (MONEY-LAUNDERING, TERRORISM FINANCING, CONFISCATION OF PROPERTY)

3.3.1 Report on planned legislation in the area of prevention of money-laundering (legal provisions, timeframe of preparation and adoption)

The Law on Prevention of Money-laundering and Terrorism Financing ("Official Gazette of Montenegro" number 14/07) prescribes enactment of the Rulebook on the manner of submitting data on cash transactions of 15000€ and above and suspicious transactions to the Directorate for Prevention of Money-laundering and Terrorism Financing and the Rulebook on the manner of work of the authorized person, manner of performing internal control, data storing and protection, manner of record keeping and training of employees.

3.3.2 Progress Report on the issue of adoption of the new Law on Criminal Procedure and other regulations relevant for the confiscation of assets acquired in an illegal manner (timeframe of adoption/implementation)

Ministry of Justice has established a draft Code of Criminal Procedure, which envisages a completely new investigation concept, i.e. its relocation from the court to the prosecutor, which is already the case in many European countries. New Code of Criminal Procedure has the

objective to make a criminal procedure, which can sometimes last for too long, more efficient. The concept of prosecutor's investigation, under which the state prosecutor, as a state body, governs the police work during inspection, enacts the order for conducting of investigation and conducts the investigation. Investigating judge can perform specific evidence procedures only according to the proposal of the state prosecutor. Inspection and investigation are functionally related and together they represent an investigation stage of the procedure, which precedes bringing of charges. However, investigation is no longer a compulsory stage of the criminal procedure and is conducted only if it is deemed necessary by the state prosecutor. Merging of inquest and investigation in one investigation stage, managed, i.e. conducted by the state prosecutor creates conditions for significant acceleration of the criminal procedure. In future, **secret surveillance measures**, as specific evidence procedures can be applied not only during inquest, but also during the investigation. Significant change compared to the solutions from the existing Code of Criminal Procedure is the provision which includes the "catalogue" of criminal offences for which the secret surveillance measures can be ordered. It is important that the "catalogue" includes all criminal offenses with the elements of corruption, which are difficult to prove without these measures. The Code envisages wide use of audio and audio-visual recording of evidence procedures, i.e. verification of evidence in order to increase their credibility. Therefore, testimony of the defendant is taped, as well as the procedure of identification of persons and objects, facing a defendant with other persons. It is also important to emphasize that the High Court in Podgorica has complete technical equipment for the hearing of witnesses via video conference, which has already been successfully used in the US. This equipment is mobile and can be used on the entire territory of Montenegro. Draft Code of Criminal Procedure is submitted to the expertise to the European Commission, after which its adoption is planned for the first quarter of 2009. This Code shall have a postponed application, in order to ensure its efficient implementation.

-Ministry of Justice has formed a Working Group that will work on the changes and amendments of the Criminal Code of Montenegro. Prior to this, a detailed analysis of compliance of the Criminal Code with international standards shall be conducted by the expert of the Council of Europe and OSCE, as well as the analysis of compliance with the UN Convention against Transnational Organized crime, in order to achieve full compliance with the new criminal procedure concept and all international instruments.

3.3.3 Report on the application of standards of the Financial Measures Task Force (FATF)

The Law on Preventing Money-laundering and terrorism financing ("Official Gazette of Montenegro" number 14/07) has been harmonized with the Directive 2005/60/EC of the European Parliament and Council of Europe as of October 26, 2005 on prevention of use of financial system with the purpose of money-laundering and terrorism financing, as well as the standards of the Financial Measures Task Force FATF (40+8+1) and the UN Convention against Corruption.

3.3.4 Report on special plans for the implementation of new legislation on confiscation of the illegally acquired assets (including management structures, available and planned human resources, established and planned inter-sector cooperation)

Criminal Code incriminates as special criminal offences – criminal offence related to international terrorism, criminal offence related to terrorism financing (Article 447 and 449) and criminal offence related to money laundering (Article 268).

Criminal Code, in the chapter 7, Article 112, prescribes that no one can keep benefits acquired through a criminal offence and that such benefit shall be confiscated under the legally prescribed conditions and in compliance with the court's decision. Criminal Code prescribes the obligation to confiscate objects that were used or were intended for the execution of the criminal offence (Article 75 of the Criminal Code).

-Code of Criminal Procedure in the Chapter 30 prescribes the procedure for confiscation of benefits – Temporary confiscation of objects and benefits (Article 523) and temporary security measures (Article 541).

Confiscation shall be done by the decision that established the execution of criminal offence, while the benefit obtained from the execution of criminal offence shall be determined in the criminal procedure under the official duty - (Article 538 of the Code of Criminal Procedure).

Under the existing criminal legislation, it is possible to confiscate not only assets, objects or benefits originating from the criminal offence, which is the subject of the court procedure, to individual offender or criminal organization.

Current criminal legislation doesn't recognize the institute of extended confiscation of assets, objects and benefits - prosecutor is obliged to prove that assets, objects and benefits originate from the specific criminal offence. The enactment of the new Code of Criminal Procedure is underway (draft stage), which prescribes rules of the procedure for

extended confiscation of assets, objects and benefits, which don't originate from a specific criminal offence, but from a prior criminal activity. Pursuant to this decision, burden of proving legal acquisition of assets, objects and benefits is on the defendant (reverse burden of proof). Additionally, changes and amendments of the Criminal Code are planned, which will prescribe the institute of expanded confiscation of assets, objects and benefits.

Following the public debate and repeated harmonization and review by the Working Group, new Code of Criminal Procedure has been resubmitted for expertise to the European Commission, after which its adoption is expected, in the first quarter of 2009. This Code shall have a postponed application in order to provide its efficient implementation.

-Working Group has been established that will work on changes and amendments of the Criminal Code of Montenegro, which will be harmonized with international standards in this area. Additionally, OSCE and Council of Europe experts have submitted the analysis and recommendations of the comparison of the Criminal Code with international instrument in relation to the fight against terrorism.

- In June of this year, Montenegro has ratified a Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Terrorism Financing, adopted in Warsaw on May 16, 2005 ("Official Gazette of RoM" No.5/08).

3.3.5 Report on mechanisms for monitoring of financial transactions

Mechanisms have been established through the Directorate for Money-laundering and terrorism financing. This Directorate was established by the Decree of the Government of the Republic of Montenegro as of December 15, 2003 ("Official Gazette of RoM" No. 67/03), as the public administration body responsible for prevention of money-laundering. Directorate is organized as an administrative financial intelligence service. Decree on changes and amendments of the Decree on organization and manner of work of public administration ("Official Gazette of Montenegro", No. 26/08 from April 18, 2008), in compliance with competencies, changed the title of the authority to: Directorate for Prevention of Money-laundering and Terrorism Financing.

New "**Law on Prevention of Money-laundering and Terrorism Financing** ", was published in the Official Gazette of Montenegro, No. 14/07, from December 12, 2007 and came into force on December 29, 2007.

New Law on Prevention of Money-laundering and Terrorism Financing stipulates that the obliged person shall prepare a risk analysis of the client, business relation or transaction in relation to possible misuse for the purpose of money-laundering and financing of terrorism. The Law has expanded the list of obliged persons. It also stipulates that the

administrative authority competent for prevention of money laundering and financing of terrorism shall supervise the implementation of this law, in compliance with the law that regulates inspection control, on behalf of the obliged parties that do not have an inspection body, while the first-instance criminal procedures, within the jurisdiction of the competent administrative body, shall be conducted by the person in charge of conducting the criminal procedure.

In compliance with new obligations from the Law, the Directorate has adjusted its internal organization and systematization. The Government of Montenegro, on its session held on February 7, 2008, has established a new **“Rulebook on internal organization and systematization of the Directorate for Prevention of Money-laundering”**, which envisages 34 persons as civil servants and executives. The Rulebook has established organizational units that perform activities within the Directorate’s competencies:

- Department for analytics,
- Department for suspicious transactions,
- Department for international and internal cooperation,
- Department for control of obliged parties,
- Department for IT and receiving of data,
- Sector for the first-instance criminal procedure and
- Department for general matters, finances and public relations

Law on Prevention of Money-laundering and Terrorism Financing stipulates the obligation of legal obliged parties to submit to the Directorate for Prevention of Money-laundering and Terrorism Financing, data on each cash transaction that exceeds 15.000 € which the obliged parties have recognized as suspicious based on the indicators. Obligated parties shall also submit supplementary data upon request of the Directorate. The Directorate performs the analysis primary processing of collected data, and if it evaluates that in relation to the transaction or person there are grounds for suspicion that it is the case of money-laundering or terrorism financing, it informs competent authorities, in particular, police and prosecutor’s office.

Directorate for Prevention of Money-laundering and Terrorism Financing, in cooperation with other competent authorities, has prepared an expert evaluation for updating of the List of Indicators for identification of suspicious transactions and clients.

Based on the signed Agreement on Mutual Cooperation, Customs Administration and Police Directorate have performed direct linking of their IT systems.

Customs Administration is directly linked to the Central Bank of Montenegro, therefore all transactions from the Central Bank to the Customs Administration are directly visible thorough the customs IT system. This ensures efficient control of collection of customs duties.

Customs Administration is directly linked to the Ministry of Finance – State Treasury, through which the revenues of Customs Administration

are directed, through revenue statements, to the Budget of Montenegro. Together with the revenue statement, order for the transfer of funds to the State Treasury of Montenegro is submitted to the Central Bank. Pursuant to Article 5 of the Law on Customs ("Official Gazette of Montenegro" No.), one of the main tasks of the customs service is control of bringing in and out the means of payment. The Decision on the amount of cash that can be brought in and out of Montenegro without declaration ("Official Gazette of the Republic Of Montenegro" No. 58/05), prescribes the amount of cash that needs to be declared at the customs. Customs Administration submits to the Directorate for Money-laundering and Terrorism Financing data on any taking out of the state border of: cash, cheques, securities, precious metals and precious stones, whose value exceeds 10.000€, no longer than three days from the day of transfer, in accordance with Article 66 of the Law on prevention of Money-laundering and Terrorism Financing ("Official Gazette of Montenegro" Number 14/07).

3.3.6 Report on existing/planned mechanisms of intersectoral coordination and cooperation, in the area of prevention of money-laundering and confiscation of illegally acquired assets (exchange of information, joint activities)

Police Directorate pays special attention to the strengthening of intersectoral cooperation with the Directorate for Prevention of Money-laundering and Terrorism Financing, in accordance with the signed Agreement on Cooperation and Exchange of Intelligence Information on Suspicious Transactions, and cooperation on financial investigations with the objective of confiscation of assets acquired through criminal offence. This cooperation implies the exchange of information on suspicious transactions with other countries.

Since the Directorate for Prevention of Money-laundering and Terrorism Financing of Montenegro is a member of Egmont group (International organization of financial intelligence services) i MONEYVAL (Council of Europe Committee for evaluation of measures for prevention of money-laundering), representatives of the Directorate for Money-laundering and Terrorism Financing regularly participate in the work of the Egmont Group working groups (October 2007 - Kiev, Ukraine and March - Santiago, Chile) and are regularly attending MONEYVAL sessions (Strasbourg, December 2007 and March 2008). Directorate has its representatives in all Egmont working groups (Operative work groups, groups for the reception of new members, IT groups and legislation groups).

During 2008, 3 financial investigations were conducted in cooperation with the Special Prosecutor for fight against organized crime.

- Two criminal referrals were submitted for money laundering, against seven persons for 7 criminal offences.

Directorate for Prevention of Money-laundering and Terrorism Financing is realizing inter-institutional cooperation with authorities involved in the system for prevention of money-laundering and terrorism financing. The Agreement on Cooperation has been signed with the Ministry of Interior Affairs – Police Directorate, Central Bank, Tax Administration, Customs Administration, Securities Commission and other competent authorities. It is planned to sign the Agreement on Cooperation with the State Audit Institution and the Fund for Deposit Protection.

For other information please refer to item 3.1.3..

3.3.7 Report on training activities in related to prevention of money-laundering and confiscation of illegally acquired assets

During 2008. Police Directorate, in cooperation with the Directorate for Prevention of Money-laundering and Terrorism has organized 8 seminars and workshops in cooperation with OEBS, UNDP and ICITAP for the authorized police personnel, personnel of the Directorate for Prevention of Money-laundering and Terrorism Financing and obliged persons. Besides the authorized obliged persons (banks, brokers, insurance companies), seminars were attended by the representatives of competent and inspection bodies, which are included in the system for the fight against money-laundering and terrorism financing.

Additionally, representatives of the Police Directorate are attending seminars in this area, organized by international institutions, as well as seminars and training organized by the Human Resources Directorate, according to the curriculum of vocational training of public employees and civil servants.

Representatives of the Directorate for Prevention of Money-laundering and Terrorism Financing have attended the following events: seminar on the types of money-laundering and terrorism financing (Siracuse June 16-20, 2008); International Conference on harmonization of the fight against fraud and corruption in Europe, organized by OLAF (European Commission – Office for the Fight against Fraud) and DBB Academy from Germany (Cologne, February 25-26, 2008); 57th Plenary Session of the Council of Europe Committee on the issue of criminality (Strasbourg June 01-07, 2008); OEBS Conference on public-private partnership in the fight against terrorism (Vienna, September 14, 2008); Regional meeting on the fight against human trafficking and money-laundering (Larnaca, September 18-19, 2008); Seminar on money-laundering organized by OSCE (Bečići, October 13-14, 2008); Workshop on the prevention of money-laundering and terrorism financing (Kolašin, 25-26, 2008); Seminar for the training of prosecutors, accountants and auditors on reporting of criminal offences with elements of corruption (Podgorica,

November 24-25, 2008); Workshop on "Prevention of money-laundering and terrorism financing" – (Kolašin, December 17-19, 2008), as well as seminars and workshops organized by Human Resources Directorate, according to the vocational education program for government employees and civil servants.

3.4 POLICY ON THE FIGHT AGAINST DRUGS

3.4.1 Report on operational capacities (human resources, budget, training, time needed for National office for narcotics to become operational)

Nine specialised units for the fight against drugs are established within Police Directorate: Office for the fight against drugs and smuggling within Criminal Police Department and eight offices within Regional Police Units. The total number of employees dealing with these issues at the moment is 57, with different levels of skills, with the highest number of those having intermediate level of knowledge and working experience (4 to 5 yrs). These units are financed from the Police Directorate's joint budget, and the trainings are organised on two levels :

- basic – for all Police Directorate employees (General police, Border police, etc.) in cooperation with the Police Academy – Danilovgrad;
- specialized – for the employees dealing with this kind of issues, mostly in cooperation with the OSCE, UNDOC and Police Services from other, mainly EU countries.

Ministry of Health and Institute for Public Health in Montenegro are responsible for the time when the National drug office will start working. They have been given the responsibility by Montenegro Government on the occasions of adopting the National strategic response, to establish and make operational the National Drug Office

3.4.2 Report on joint activities within cross-ministerial cooperation in implementing Laws (data bases, information exchange methods, number of joint operations/ cases, etc)

International cooperation with Interpol is carried out through the international exchange of intelligence data and joint investigations.

High quality regional cooperation is established through bilateral cooperation agreements, international police organisations and liaison officers.

- Intelligence data exchanged via Interpol and liaison officers from other countries..... 237,
- Participation in international police operations with other countries which resulted in filing the charges in another country.....3

- Joint criminal operations conducted, which resulted in filing the criminal charges in Montenegro.....
3,

Cooperation results:

Several police operations were conducted in cooperation with other countries:

In cooperation with the Police Services of Croatia, Bosnia and Herzegovina and Macedonia – Sector for the fight against organized crime and corruption, during the course of 2008 conducted **two international police operations** in cooperation with the Special Prosecutor for the fight against organized crime. Both cases resulted in filing the criminal charges against several persons from the above stated countries, for several criminal offences:

In the first case:

- **Balkan route** – in connection with trafficking in human beings for sexual exploitation, in cooperation with police services of the Republic of Serbia and Kosovo; It is under the jurisdiction of the Special Prosecutor.

On 25.06.2008.in cooperation with the Regional Police Unit Bar, criminal charges, under the jurisdiction of the Special Prosecutor for the fight against Organized Crime, were filed against four persons -citizens of the Republic of Serbia, who, by being members of the criminal association –international criminal group, were committing and preparing to commit activities of trafficking in human beings for a longer period of time –girls from Ukraine, by misusing difficult living conditions in their respective country of origin to recruit them and bring them and keep in delusion in order to transfer them over the territory of the Republic of Serbia and Montenegro to the territory of UNMIK Kosovo, as the final destination for exploitation. The above mentioned persons are with criminal charges brought before the competent Investigative Judge of the High Court in Podgorica for further procedure, who again, upon the request of the Prosecutor passed a written order and requested the investigation. Two potential victims of trafficking in human beings were identified and after having the information collected, they were sent to and taken care of in the Shelter for victims of the NGO "Montenegrin Women's lobby". In accordance with the Agreement on cooperation between State Institutions and NGO Sector in the fight against trafficking in human beings, all the relevant institutions were informed about the case.

In the second case:

-**Transit**, in connection with organized smuggling of Albanian citizens over Montenegro, Bosnia and Herzegovina and Croatia.

On 12.09.2008. in cooperation with the Regional Police Unit Niksic, criminal charges, under the jurisdiction of the Special Prosecutor for the fight against Organized Crime, were filed against Boris Vračar, Gezim Pllumbaja, Slavo Bulajać, Boris Vračar, Radivoje Mrkajić, Nikola Nikpreljević and Saša Mijatović, on the grounds of the reasonable doubt that they, by being members of the criminal association, in the period from 06.03.2008. until 13.04.2008. smuggled 24 persons, citizens of the Republic of Albania and Albanian nationals from the territory of UNMIK Kosovo, over the territory of Montenegro, as the transit country, and over the state border, to Bosnia and Herzegovina in order to smuggle them further to EU countries.

In cooperation with the Police Services of France, Belgium, Japan, Great Britain, Austria, Croatia, Bosnia and Herzegovina, Serbia, Macedonia – Criminal Police Department – Unit for the fight against organized crime and corruption, during the course of 2008 organized **six international police operations** in cooperation with the High and Basic State Prosecutors:

Three interstate investigations resulted in filing criminal charges in Montenegro:

- **Joker** - forgery and use of fake credit cards in Montenegro by 22 Rumanian and 1 Ukranian citizen, when 1.100 forged credit cards were seized along with 7000 € found with the perpetrators, out of 1000.000 € of the total damage inflicted to the British citizens, in all cases;
- **Meta** – in connection with the weapons smuggling from Bosnia and Herzegovina to Montenegro by three citizens of Bosnia and Herzegovina who smuggled to Montenegro 40 self-loading rifles, 3 snipers M-76, 1 automatic weapon M-70, three telescopic sights, five cartridge -clips for automatic weapon and 90 bullets- 7,62 mm.
- **A4** – in connection with passenger vehicles theft in Montenegro - Ulcinj and international smuggling of vehicles to Serbia. The operation was organized in cooperation with SBPOK (Department for the fight against organized crime and corruption) MoI of the Republic of Serbia and it resulted in filing the criminal charges against two citizens of the Republic of Serbia for the criminal offences under the jurisdiction of the Basic State Prosecutor in Ulcinj.

Three international investigations resulted in filing criminal charges in other countries, through police operations to which Montenegrin Police Directorate gave its full contribution in investigation :

- **Pink Panther** – police operation which involved several European countries, EU countries (France, Belgium, Italy etc.) Switzerland and Japan in connection with jewelry shops robberies committed by international organized criminal groups, whose members were from Montenegro- Police Directorate gave its full contribution in investigation upon the request of the mentioned countries;
- **Alctros** – in cooperation with the Austrian police, in connection with international frauds and thefts of cargo vehicles, several persons were

reported in Austria and one person in Montenegro, three cargo vehicles were returned back to the owners in Austria through the international cooperation.

- **Ransom** – passenger vehicles stolen and extortion demanded for repurchasing it in Bosnia and Herzegovina – Republic of Srpska, from Montenegrin citizens temporarily resided in Bosnia and Herzegovina. This joint operation to which Montenegrin Police Directorate gave its full contribution, resulted in filing the criminal charges against several citizens of Bosnia and Herzegovina – Republic Srpska.

3.4.3 Report on inter-ministerial cooperation on reducing demands for drugs (training, seminars, workshops, exchange of knowledge and experiences)

Within inter-ministerial cooperation on reducing demands for drugs, numerous joint trainings were organized, with the participants from several governmental bodies. These trainings were related not only to drugs but also to some other issues, such as: prevention of smuggling of weapons for mass destruction, money laundering and suppression of organized crime and terrorism, etc. In 2008 the employees were involved in the following trainings: specialised training in the area of control of drugs precursors, organised by OSCE Mission to Montenegro, held in Becici, in the period from 26.03-28.03. 2008; Seminar on the topic "International investigations of the weapons for mass destruction – dual use goods, through EXBS, USA Embassy - Office in Belgrade, held in the period 05.-09.05.2008. at the Police Academy in Danilovgrad; Specialised training on donated equipment-devices, organized by EXBS, on behalf of the USA Government – USA Homeland Security and Customs, held in the period 26.-30.05.2008. at the Police Academy in Danilovgrad, etc.

3.4.4 Statistic report on number of investigations, criminal charges and verdicts for trafficking in drugs cases

In the period 2006-2008, 36 investigations related to the criminal offence of illicit production and trafficking of drugs under the Article 300 of the Criminal Code, were not completed, out of which one investigation is from 2006, three investigations from 2007 and thirty-two investigations from 2008. In the period 2006-2008, 767 charges were preferred for the criminal offences of illicit production, possession and trafficking of drugs, under the Article 300 of the Criminal Code, out of which 414 are finished and 353 are not finished yet.

Nine cases of illicit trafficking of drugs against 33 persons are in process with the Office for the prevention of organized crime,

corruption, terrorism and war crimes- Supreme State Prosecutor. All cases are prosecuted and they all belong to organized crime cases.

Namely, in one case, indictment was preferred against four persons for international trafficking of 200kg of cocaine, on the ground of which the Court issued verdicts against two persons but only for the quantity of 200gr of cocaine, while the other two persons were acquitted. The prosecutor filed the appeal against the decision, but the second instance Court hasn't decided on it yet.

In another case against two persons, for illicit trafficking of 3,5kg of cocaine, after the investigation and indictment, the Court issued verdict against one person, while for another person the procedure was separated due to the fact the person escaped. That person was arrested in the meantime by the international wanted circular and the extradition process is ongoing. In the next case for the international illicit trafficking of 15kg of heroin, following the investigation and indictment, the court acquitted two persons. The prosecutor's appeal against the decision was accepted. The new trial is ongoing and final judgement is scheduled for 26.12.2008.

In the next case, for illicit trafficking of 1.5kg of heroin and 1.5 g marijuana, after the investigation and indictment the court issued verdicts against five persons, which is still not legally binding, since the appeal time hasn't expired yet.

In the next case, the indictment was preferred against two persons for illicit trafficking of 250 kg marijuana, seized abroad, but the trial date hasn't been set down yet.

In the next case for international illicit trafficking of 33 kg of marijuana after the investigation, indictment was preferred against two persons and the trial is ongoing. The drug was seized abroad.

In the next case the indictment was preferred against one person for illicit possession of 2.5kg of marijuana (as part of the proceeding against three more persons prosecuted for other criminal offences). The trial on the grounds of the indictment is finished and the announcement of final judgement is scheduled for 26.12.2008.

In the next case, for the international trafficking of 15kg of cocaine the indictment was preferred against two persons and the trial is in its final phase. It is important to emphasize that 14kg of cocaine in this case was seized abroad while 1 kg. of controlled delivery was seized in Montenegro where the accused persons were found .

And finally, the trial is ongoing in the case against 14 persons for illicit trafficking of at least 2 kg of heroin and marijuana.

3.5 POLICY ON SUPPRESSION AND FIGHT AGAINST CORRUPTION

3.5.1 Report on national implementation measures of UN Convention and the Council of Europe Convention

Criminal Code (CC) of Montenegro comprises a set of criminal offences with corruption elements, such as:

Violation of equality in the conduct of business activities (Article 269 CC),

Abuse of monopolistic position, (article 270 CC)

Causing bankruptcy procedure (article 273 CC)

Causing false bankruptcy (article 274 CC)

Abuse of authority in economy (article 276 CC)

False balance (article 278 CC)

Abuse of assesment (article 279 CC)

Revealing a business secret (article 280 CC)

Revealing and using stock-exchange secret (article 281 CC)

Disclosure and unlowful possesion of an official secret (article 425 CC)

Misuse of official position (article 416 CC)

Passive bribery (article **423 CC**)

Active bribery (article 424 CC)

Illegal mediation (article 422 CC)

Disclosure of an official secret (article 425 CC)

Given the fact that it is typical for these criminal offences that the perpetrator is an official person, with the exception of active bribery, Criminal Code therefore defines who is to be coonsdedered as a person in an official capacity. Person in an official capacity shall be deemed to mean a person who performs official duties with state authorities, elected, appointed or designated person in a state authority, a local self-government body or a person who performs on a permanent or temporary basis official duties or official functions in these bodies, a person in an istitution, enterprise-company or other organisation assigned to whom is performance of public powers, who decides on rights, obligations or interests of natural and legal persons or public interests, a person who is factually supplied with a certain official duties or other tasks. It is also defined that a responsible person represents the owner of an enterprise /company or other organisation, or a person with an enterprise, institution or other organisation assigned to whom is, by virtue of his function, funds invested or his powers a specific scope of duties in the managemenet. In criminal offences related to corrupition the activities and the consequences of the criminal offence are not always obvious but on contrary, perpetrators in these criminal offences are doing their bests to hide them or to present them in a way that leaves no space for criminal offenecs- related suspition. Therefore they try to present them as regular and lawfull duties, regular bussiness activities, etc.

The current Criminal Code passed by the Parliament by the end of 2003. and which was subject to changes and amendments in 2006. contains a set of institutes such as: witness protection in the court or the institute of witness colaborator envisaged secret surveliance measures as special investigative techniques, etc. However, special investigative means (or

according to the Montenegrin Criminal Procedure Code: Secret Surveillance measures) could be applied only in two cases: for the criminal offences with elements of organized crime or for the criminal offences for which a prison sentence of ten years or more may be imposed-indicating that these measures cannot be applied to the afore mentioned criminal offences with the elements of corruption.

However, following the trend in development of the Criminal Procedure Law in the Region and in Europe it is obvious that the current Criminal Procedure Code does not provide all the necessary instruments for the efficient fight against corruption. Ministry of Justice has started drafting the new Criminal Procedure Code according to which the investigation will be transferred to the Prosecutor and the Police, while the Court will keep few competencies related to investigation, such as: decision on detention, secret surveillance measures, etc. New Criminal Procedure Code, in regard to the use of secret surveillance measures foresees the possibility of using these measures in the criminal offences of active and passive bribery, misuse of an official position, illegal mediation. More precisely, the Draft stipulates the whole catalogue of criminal offences for which secret surveillance measures may be ordered. In this way necessary conditions are created for the efficient fight against corruption in Montenegro.

Other laws that represent wider legal framework for the efficient fight against corruption should also be mentioned, such as: Law on liability of legal persons for criminal offences ("Official Gazette of Montenegro" No. 13/07) and Witness Protection Law "Official Gazette of Montenegro" No. 65/04).

3.5.2 Report on implementation of the remaining GRECO Recommendations

The Council of Europe's Group of states against corruption (GRECO) in 2006. at its 30th Plenary Meeting adopted Joint First and Second Rounds Evaluation Report on Montenegro, which represents comprehensive analysis of its legislative and institutional framework. The report contains 24 compulsory recommendations to the competent state authorities in Montenegro who are given 18 months to comply with these requirements. Upon the expiration of the given period of time, on its 40th Plenary Meeting (1 – 5 December 2008) GRECO was evaluating whether and to what extent the recommendations were taken into consideration in the process of reforms. It was stated and concluded that Montenegro has implemented 66,6% or the two third of all recommendations and that the progress has been made in almost all areas incorporated in GRECO recommendations.

Out of 24 recommendations 11 were assessed as satisfactorily

implemented, 5 recommendations were assessed as done in a satisfactory manner while 8 recommendations were assessed as partly implemented.

Recommendations referring to the legal regulations are the following:

- By the recommendation II it was requested to revise the Law on Public Procurement with a view to clarifying its provisions and ensuring a more transparent procedure. To this end, state bodies of Montenegro stated that the new Law on Public Procurement was adopted in July 2006, and that the subsidiary legislation needed for the implementation of the Law was adopted, such as: Public Procurement Manual and Handbook on protection of the bidder's rights.
(assessment: satisfactorily implemented).
- By the recommendation III objective criteria were requested concerning recruitment and promotion procedures of judges and prosecutors, independency of the prosecutors position referring to which the Law on Court Council (February 2008.) and Changes to the Law on State Prosecutor were adopted (June 2008.)
(assessment: satisfactorily implemented).
- By the recommendation IV it was requested to implement a general policy aiming at restoring the public trust in the justice system, simplifying and speeding up trials, to adopt the Code of Ethics for prosecutors and training programmes for judges and prosecutors. In order to implement this recommendation relevant state bodies of Montenegro adopted the Law on Protection of the rights to the trial in a reasonable time (November 2007.)
(assessment: satisfactorily implemented).
- By the recommendation VI it was requested to put in place a clear mechanism for cooperation between the police and the prosecution service, that would consolidate the leading role of the prosecutors in the preliminary phase of criminal investigation; to review the role of the investigative judge with a view to ensuring more rapid and effective criminal investigations; for that purpose the adoption of the New Law on Criminal Procedure is expected. (assessment: partly implemented).
- By the recommendation VIII it is requested to extend the application of the provisions on the use of secret surveillance measures (in particular Article 238 of the Criminal Procedure Code) to include all corruption cases and to ensure that the system of secret surveillance measures works efficiently in practice. In order to implement afore mentioned recommendation, by adopting the new Criminal Procedure Code it is expected to apply secret surveillance measures to a wider range of criminal offences.
(assessment: partly implemented).

- By the recommendation IX it is requested to adopt all necessary measures for the implementation of the Witness Protection Programme. For that purpose the relevant bodies of Montenegro adopted the Law on Witness Protection (entered into force on 1.April 2005.) (assesment: satisfactorily implemented).
- Recommendation XI reffers to the legal possibility to use the measure of temporary seizure of proceeds in all corruption cases at the earliest stage of the investigation, even if not committed by an organized criminal group. This recommendation is expected to be implemented by adoption of the new Criminal Procedure Code. (assesment:partly implemented)-
- By the recommendation XII it was requested to keep under continuous and careful review all reporting institutions which are obliged to report of suspicious transactions; for that purpose the Changes to the Law on Prevention of Money Laundering and Terrorism Financing were adopted. (assesment: satisfactorily implemented).
- By the recommendation XIV it was requested to adopt the Law on Free Access to Information and to provide the training for civil servants on the public's rights under the Law. With that purpose the Law on Free Access to Information was adopted (November 2005.) (assesment:satisfactorily implemented).
- By the recommendation XVI it was requested to expand the application of the Law on Conflicts of Interest to include all public officials who perform public administration functions, including public officials as reffered to in Article 2, paragraph 2, of the Law on Civil Servants; all public officials or civil servants to be prohibited from acquiring inappropriate benefits for themselves or their relatives through holding a position as member of the board in state- owned companies; to reduce potential political influence in the decissions taken by the Comission for the Determination of Conflict of Interests. It is expected that this recommendation is to be implemented by adoption of the new Law on Prevention of Conflict of Interests in performing public functions. (assesment: partly implemented).
- By the recommendation XVII clear guidelines were requested for the situations where public officials move to private sector «(pantouflage)», in order to avoid situations of conflict of interests.The mentioned recommendation is to be implemented by adoption of the new Law on preventon of Conflict of Interest in the performing public functions. (assesment: partly implemented).
- By the recommendation XIX it was requested to lower the value of any gifts that may be accepted by public officials. This recommendation is expected to be implemented by adoption of the new Law on Preventon of Conflict of Interest in performing public functions. (assesment: partly implemented).

- By the recommendation XX it was requested to ensure that civil servants who reports suspicions of corruptions in a good faith (whistleblowers») are properly protected. The afore mentioned protection is ensured by adoption of the Law on Civil Servants and State Employees (August 2008.) (assesment: done in a satisfactory manner).
- By the recommendation XXI it was requested to limit licenses and permits to those that are indispensible; to ensure a reasonable time frame for obtaining licenses and permits ; and to encourage the compilation and editing of guidelines for civil servants handling licenses and permits. For that purpose the Law on Companies was modified while the Draft Law on Issuing licenses and Permits for bussiness activities and changes to the Law on General Administrative Procedure are expected. (assesment: partly implemented).
- By the recommendation XXII it was requested to introduce liability of legal persons for corruption offences providing for sanctions. For that purpose the Law on liability of legal entities for criminal offences was adopted - December 2006. (assesment: satisfactorily implemented).
- The deadline for total acquittance related to the eight remaining recommendations, assesed as partly implemented, is 18 months, i.e. June 2010.

3.5.3 Report on the scope of work (separation of liability among the relevant bodies)

The Government has undertaken further steps in the fight against corruption. The National Commission for implementation of the Action plan for the fight against corruption and organized crime was established in February 2007. This Commission is headed by the Deputy Prime Minister for European Integration and includes government officials and one representative of the civil society. Constitutional session was held in March and the first report was adopted in July 2007.

Directorate for Anti-Corruption Initiative is the central governmental body responsible for prevention and coordination of anti-corruption activities.

Montenegro continued to participate in the Council of Europe's GRECO initiative. Montenegro deposited the accession instrument to the UN Convention against corruption in October 2006. In compliance with the GRECO recommendations and the Action Plan the Directorate started preparations for a comprehensive evaluation of corruption with the ONDOC's experts support. In 2007, Montenegro, along with other members of the Stability Pact's Anti-Corruption Initiative, signed Memorandum of Understanding in the fight against corruption within

SEE Anti-Corruption Initiative. The Law on liability of legal entities for criminal offences was adopted.

The Parliament has ratified Council of Europe Civil Law Convention and the additional Protocol.

Organizational and human resources structure of the Administration for the prevention of money laundering and terrorism financing complies with the new obligations stipulated by the new Law. In September 2008 Montenegrin Government adopted a new Act on internal organisation and systematization of the Administration for the prevention of money laundering and terrorism financing. According to the new Act 34 working positions are systemized (18 working positions were systemized by the Act which was in power during the course of 2005-2008). Currently, the Administration has 27 persons employed on permanent bases, and 3 probationers doing specialised training. Staffing of the vacancies is ongoing.

Act on internal organisation and systematization constitutes organisational units for execution of the tasks which are under the competencies of the Administration for the prevention of money laundering and terrorism financing. Those organisational units are:

1. Sector for receiving, processing and data analysis
 - Analytics Department
 - Suspicious Transactions Department
 - Information Technology and Data Receiving Department
2. Sector for Control, International and Internal Cooperation
 - Reporting Entities Control Department
 - International and Internal Cooperation Department
3. Department for conducting First Instance Misdemeanor Proceedings
4. General Affairs, Financial and Public Relations Department

3.5.4 Report on the framework inter-ministerial cooperation on implementation of the Anti -Corruption Law (database, information exchange methods, joint operations, etc)

Inter-ministerial cooperation between the relevant State bodies (Police Directorate, Agency for Anti-Corruption Initiative, Real Estate Department, Customs Administration and Tax Administration) is established so that in 2008. these bodies cooperated and communicated on various data related to 129 cases.

3.5.5 Report on Annual statistics in the course of several years (2006.-2008.), including high level corruption cases as well.

During the course of 2006 Police Directorate filed the criminal charges to the relevant State Prosecutors on the grounds of which 192 criminal offences were prosecuted, with the following structure:

-Criminal offence Misuse of an official position Article.416 Criminal Code MNE181

-Criminal offence Active Bribery Article.424 CC MNE.....6

-Criminal offence Passive Bribery Article 423 CC MNE.....5

Out of this number of reported criminal offences (total number of 192 for the period of 2006.) 39 criminal offences were reported to the Supreme State Prosecutor –Department for the fight against organized crime:

-Criminal offence Misuse of an official position Article.416 Criminal Code MNE.....35

- Criminal offence Active Bribery Article.424 CC MNE.....2

-Criminal offence Unconscientious performance of office Article 417 CC MNE.....2

During the course of 2007. (period from 01.01.2007. to 31.12.2007.) the criminal charges were filed to the relevant State Prosecutors based on which 229 criminal offences with the elements of corruption were prosecuted:

Or No	Number of Criminal offences	Criminal offences structure	Description of the Criminal offence
1.	140	<i>Art.416 CC MNE</i>	<i>Misuse of the official position</i>
2.	9	<i>Art.424 CC MNE</i>	<i>Active Bribery</i>
3.	6	<i>Art. 423 CC MNE</i>	<i>Passive Bribery</i>
4.	40	<i>Art. 417 CC MNE</i>	<i>Unconscientious performance of office</i>
5.	31	<i>Art. 276 CC MNE</i>	<i>Misuse of authority in economy</i>
6.	1	<i>Art. 273 CC MNE</i>	<i>Causing bankruptcy procedure</i>
7.	2	<i>Art.278 CC MNE</i>	<i>False balance</i>

- Out of the total number of 12 criminal charges forwarded to the Special Prosecutor for the fight against organized crime and corruption, 19 criminal offences were of the following structure:

Or No	Number of Criminal offences	Criminal offences structure	Description of the Criminal offences
1.	15	<i>Art.416 CC MNE</i>	<i>Misuse of an official position</i>
2.	2	<i>Art.424 CC MNE</i>	<i>Active Bribery</i>
3.	1	<i>Art. 423 CC MNE</i>	<i>Passive Bribery</i>
4.	1	<i>Art. 417 CC MNE</i>	<i>Unconscientious performance of office</i>

In that sense in **the first ten months of 2008**, in cooperation with Prosecutors, Police Directorate filed **68 criminal charges** to the relevant State Prosecutors against **115 persons** on the grounds of reasonable doubt that they had committed **120 criminal offences with the elements of corruption, with the following structure:**

- **Criminal offence Misuse of official position Article.416 CC MNE..... 74**
- **Criminal offence Active Bribery Article.424 CC MNE.....8**
- **Criminal offence Passive Bribery Article 423 CC MNE.....5**
- **Criminal offence D Misuse of authority in economy Article 276 CC MNE.....11**
- **Criminal offence Causing false bankruptcy Article 274 CC MNE4**
- **Criminal offence Illegal Mediation Article 422 CC MNE.....2**
- **Criminal offence Unconscientious performance of office Article 417CC MNE.....9**
- **Criminal offence Money laundering Article. 268 CC MNE.....7**

Amount of the material damages registered by these criminal acts was 12.396.604, 00 € and that damage was mainly referring to the budget of Montenegro, Business corporations where the Government is still majority owner as well as to some natural persons and civic institutions.

Illegitimacies in the area of the corruption- related criminal offences in the previous period were manifested mainly through various forms of illegitimacies in companies, that is business corporations and corporations with limited liability, regardless to the fact whether they were state- owned or owned by shareholder or natural persons and that is from the aspect of the illegitimacies in their business activities especially in the area of signing contracts, passing illegal decisions and Agreements, breaching the Law on Public Procurement, illegal payments and collections on various basis, creation of false business balances, failure to reconcile VAT duties to the budget, tax on profit of the legal persons, etc. In this regard criminal charges were filed against responsible persons from Business corporation «**Luka Bar**», **Auto -Moto Association of Montenegro, Public Health Institution -Helth Center – Ulcinj, Communal Police in Cetinje**, as well as against the responsible persons from the **Sector for planning, Municipality- Tivat**, Business corporation «**Plavsko jezero**», **Corporation with limited liability «Džemo» in Bar, etc.**

Criminal offences of passive and active bribery were prosecuted against state employees (Customs administration and Police Directorate) who, in performing official duties failed to undertake certain activities in order to gain benefits for themselves and other persons, as well as against the employees of the Secretariat for planning for illegally issued construction licenses.

Cases related to illegal causing of bankruptcy were also registered and processed against responsible persons in a legal entity. These criminal offences were committed in a way that the proposal for starting bankruptcy proceedings was initiated by the creditor in bankruptcy based on the fictitious business documents on alleged business relation with the bankrupt in the period prior to the bankruptcy proceedings and all that with the goal to enable the bankrupt avoids to pay the duties to other – factual creditors he had the business relation with, prior to the bankruptcy proceedings, and finally, by lessening the value of the company's property so that the creditors could not be paid from the bankruptcy estate. The prosecution in form of the criminal charges and special report of the case **VG Biroelektronika** from Bar is particularly emphasised, where criminal charges were filed against several directors of the legal entities from Montenegro, as well as against the judge in bankruptcy and the trustee in bankruptcy.

In that case, for the first time Police Directorate filed the criminal charges against legal entities in accordance with the Law on liability of legal entities for criminal offences .

Intensive activities were also undertaken in regard to misuses related to illegitimacies in reporting and paying tax duties to the State. In this area special attention was paid to the situations of avoiding to pay tax duties related to the construction and selling residential-business premises by legal entities but also by natural persons. The cases related to misuse

and avoiding to pay tax duties by Companies (Business corporations and corporations with limited liability) when responsible persons working in these companies hid or revealed inaccurate data referring to the business profit, were also prosecuted. In that regard criminal charges were filed against the owners and directors of the several legal entities, Company with limited liability **«Property frontiers montenegro», «ADA co» Bijelo Polje, «Donis co» Bijelo Polje, »Mobridge» and «Socks» in Budva, «Sotto La Collina»- Podgorica, «Evro Bojs komerc», «Vuković co» Bijelo Polje, «Emona» Budva, stan» Podgorica** etc.

Also, on the grounds of the **two criminal charges filed** , **seven persons** were prosecuted for **seven criminal offences of money laundering**. Cases are under the jurisdiction of the Special Prosecutor for organized crime.

In the reporting period relevant Courts in Montenegro processed total number of 595 criminal cases against 1158 persons for criminal offences with corruption elements. In 320 cases against 460 persons the final court decision was passed, out of which in 177 cases against 232 the court decisions passed are legally binding.

By the July 5, 2008 Department for prevention of organized crime, corruption, terrorism and war crimes – Supreme State Prosecutor's Office of Montenegro was dealing with suppression of money laundering offences and seizure of the property gained through the illegal activities if those were done in an organized manner, and since then it has been dealing with all types of money laundering offences, regardless to the way the offences were committed and the sentence imposed, providing that this offence falls into corruption related crimes. In line with that the following data are provided:

During the course of 2006 the Department processed 9 cases against 48 persons, for criminal offences of money laundering with the elements of organized crime. In five cases investigation was finished and indictment was preferred against 29 persons. In four cases against 19 persons investigation is ongoing. Financial investigations are conducted in all the mentioned cases. Based on the results of the financial investigations, in six cases against 31 person the Prosecutor proposed temporary measure –prohibition of alienation and encumbering of assets of the accused and prohibition on the disposal of shares in companies as well as in privatisation funds till the end of the criminal proceeding, and all this is done to provide that the measure of seizure of property gained through criminal activities is ensured. The court accepted these proposals and ordered the temporary measures, but in one case it hasn't been decided on the proposal yet. It is emphasised that huge amount of money is in question here, gained by committing criminal offences which are subject to criminal

proceedings. Therefore, for example, in one case against ten persons, by committing criminal offences a profit of 3.073.000,00€ was gained.

In 2007. the Department processed two cases against 11 persons, for criminal offences of money laundering, out of which one was with the elements of organized crime. Financial investigation revealed that a profit of 190.000,00€, was gained through criminal activities, but the temporary security measure was not requested since that measure was already imposed against the same persons

(in the case from 2006.). The case against one person was assigned to another State Prosecutor, previously assessed as not being organized crime offence. In 2008. inclusive to the 29.12.2008. the Department was processing three cases against 6 persons for criminal offences of money laundering, out of which two cases against 6 persons were with the elements of organized crime. In all three cases financial investigation was conducted and based on the investigation results in one of the cases the Prosecutor proposed temporary measure (the lowest amount of the profit gained was 70.000,00€). Acting on the proposal the Court ordered the temporary measure.

Annual statistics on cases prosecuted with the Department for prevention of organized crime, corruption and war crimes-Supreme State Prosecutor's Office of Montenegro:

2005. : 12 organized crime cases against 55 persons

2006. : 20 organized crime cases against 120 persons

2007. : 23 organized crime cases against 106 persons.

2008. , inclusive to the 24 December: 21 case of organized crime, corruption and war crime against 113 persons, : eight organized crime cases against 49 persons, nine corruption cases against 34 and four war crime cases against 30 persons.

3.6 JUDICIAL COOPERATION IN CRIMINAL MATTERS

3.6.1 Report on extradition related statistics (provide number and grounds for rejection as well as the legal basis used – bilateral conventions, as well as The Council of Europe and UN Conventions), current responsibilities and human resources of the central bodies dealing with judicial cooperation , current and planned activities aiming at improving direct international contracts with judicial officials

During the course of 2008 inclusive to the 24.12.2008. Montenegro submitted 24 extradition requests out of which, 5 requests were approved so far, while the rest of them are ongoing and one request was rejected due to the deadline missed.

In the same period 16 requests for extradition were received from foreign countries, out of which 4 requests were approved, 2 requests were rejected –one due to the fact that the person was Montenegrin citizen and another due to the fact that the additional protection was approved in accordance with Law on Asylum. The remaining requests are in process. It should be taken into consideration that extradition proceedings last from 6 to 8 months.

European Convention on extradition from 1957, with the two additional Protocols, which in relation to our country entered into force in 2002, is used mostly as legal ground for acting upon extradition requests.

Institutional framework in the area of the international judicial cooperation is introduced by the Law on Courts, Law on International Legal Aid in Criminal Matters, Law on Criminal Proceedings, Law on Civil Proceedings and the Decree on Organization and the way of work of the State Administration. The Law on Courts stipulates that High courts have the jurisdiction to act on rogatory letters in criminal matters. Ministry of Justice is the central body via which judicial bodies in the area of providing international legal aid can cooperate.

3.7 LAW ENFORCEMENT COOPERATION

3.7.1 Report on the current practice on inter-agency cooperation among relevant national law enforcement agencies (existing databases, shared information access, joint actions results, etc)

Cooperation with other governmental institutions through exchange of intelligence data in the organized crime cases and corruption in 2008.

- With Administration for the prevention of money laundering and terrorism financing70 announcements received, submitted/sent.....46.
- Agency for Anti-Corruption Initiative submitted/sent.....14
- Real Estate Directorate-6 requests received and 6 announcements submitted
- Agency for National Security.....48
- Customs Administration.....7
- Tax Administration.....8

This current cooperation is described in more details in the foregoing text of this report, and to illustrate this cooperation, we can mention that the joint action of the Police Directorate Officers – Department for the fight against economic crime and Customs Administration officers - Sector for prevention of smuggling, conducted on 03.05.2008, resulted

in seizure of a great amount of goods in the total amount of 12.428 €. Also by the joint actions of the relevant bodies undeclared money in the amount of 28.500€ and 600 pieces of hunting ammunition were detected and 8 kg of cocaine seized .

3.7.2 Report on the measures planned to enhance cooperation, including draft of the protocol/agreement on cooperation (agencies/bodies that should be covered, time frame for the draft and its adoption, coordination mechanisms, etc)

- On 21.08.2008. on the basis of the Memorandum of Understanding and Cooperation between the Ministry of Interior and Public Administration and Police Directorate, the system for using databases was installed for the needs of the Department for the fight against organized crime and corruption.
- On 28.10.2008. an Agreement was signed on cooperation between Police Directorate and Central Bank on prevention of organized crime and corruption with the special stress put on forged money.
- On 06.10.2008. An Agreement on mutual cooperation was signed between Police Directorate and Customs Administration on the fight against organized crime and corruption

3.7.3 Report on establishment and functioning of the National Coordination Office (human resources, budget, training, etc)

Administrative bodies (Police Directorate, Tax Administration, Customs Administration and Administration for the prevention of money laundering and terrorism financing) have signed mutual bilateral agreements, which create the basis for signing the multilateral agreement on exchange of information and intelligence data.

By early 2007 a working group was established consisting of the representatives of the above mentioned administrative bodies. A comprehensive support to the work of the working group was given by the representatives of the OSCE Mission to Montenegro, CAFAO (now TAKTA), UNODC, SNPO, ICITAP, and USA and UK Embassies.

As the result of the Working group, the Model of the joint office was agreed upon, with the working title: **"National coordination office of the state administrative authorities"** which was approved by all directors of the respective state administrative bodies and the representatives of the International organisations and Embassies.

A letter with specific proposals, signed by national and international participants was sent to Prime Minister of the Government of Montenegro and in December 2008. the answer was received from the Government of

Montenegro, to forward the proposal to the Ministry of Internal Affairs and Public Administration for further jurisdiction, bearing in mind that this Ministry, in accordance with the Decree on organisation and the way of work of state administration, is authorised proposer for passing relevant regulations in this respective area.

3.7.4 Report on the results achieved in cooperation with the third countries

Within scope of the Customs Administration cooperation with relevant Customs bodies from other countries, Montenegro Customs Administration has signed Cooperation Agreements with following countries:

1. Agreement between Montenegro Customs Administration and UNMIK Customs Service (signed on 19.11.2004.in Podgorica)
2. Agreement between Government of Montenegro and Government of the Republic of Croatia on mutual assistance in customs-related matters (signed on 09.12.2005.in Podgorica)
3. Agreement between Government of Montenegro and Government of the Republic of Albania on mutual assistance in customs-related matters (signed on 26.12.2005. in Tirana)
4. Agreement between Government of Montenegro and Government of the Republic of Slovenia on mutual assistance in customs-related matters (signed on 19.04.2007. in Podgorica)
5. Agreement between Government of Montenegro and Government of the Republic of Moldova on mutual assistance in customs-related matters(signed on 27.10.2008. in Kisinev).

For additional information refer to 3.4.2

3.7.5 Report on legal framework and current situation in connection with the use of special investigative measures (available types of techniques, legal limitations in using them, access to databases with classified data, etc)

Secret surveillance measures are imposed by Criminal Procedure Code Art.237-242a. Those are the following measures:

- secret surveillance and technical recording of telephone conversation, i.e. means for distance technical communication and private conversation held in private or public premises or at openn;
- secret photographing and video recording in private premises;
- simulated purchase of objects and persons and simulated giving and taking bribe;
- supervision over the transportation and delivery of objects of criminal act;

- recording conversations upon informing and obtaining a prior consent of one of persons involved in conversation;
- use of undercover investigator and colaborator.

Ligal limitations in implementing these measures are reffring to the duration of the measure (4+3 months), limitation in regard to the criminal offences for which these measures may be ordered (criminal offences for which a prison sentence of then years or a more severe penalty may be imposed and for the criminal offences with organized crime elements).

The Departnet for Special Checks uses the following measures:

- secret surveillance and technical recording of telephone conversation;
- supervision over the transportation and delivery of objects of criminal offences.

New Criminal Procedure Code, which is in its drafting phase, in regard to the secret surveillance measures foressees the possibility of using these measures in the criminal cases of active and passive bribery, misuse of an official position, illegal mediation. More precisely, Draft of the Law foresees the whole catalogue of the criminal offences for wich it will be possible to order secret surveillance measures. In this way the necessary conditions are created for the efficient fight against corruption in Montenegro.

3.7.6 Report on the Projects for establishing crime/intelligence units on central and local levels, planned for 2009.

Within the development programme: »Enhancing the capacities of Intelligence led policing in Montenegro«, which Montenegro Police Directorate implements in cooperation with the Swedish National Police Board (SNPB), at the beginning of 2009. within the Pilot Project in Budva, Bar and Ulcinj practical implementation of the new model of »Intelligence led policing« will be launched

The following set of activities was undertaken as the preparation for the implementaion of the Pilot Project :

At the end of April 2008. Proposal of the changes to the Police Directorate's Act on internal organisation and systematisation in the part referring to the Department for Special Checks was drafted and submitted. Recommendations were given related to the harmonisation of this Act with the Intelligence- led model of Policing, recommendations for the field (pilot regions) and with the activities planned for 2009.

By this Proposal it isplanned to establish DESK functions on central level and crime intelligence units with eight (8) officers in each of them in the Regional Police Units and four (4)officers in Police Stations.

During the course of 2008, through the various training programmes in Montenegro and Sweden, aproximately 90 officers (managers and

operational officers) from the Police Directorate were trained in collecting, assessing, processing and doing the analysis of the intelligence data, as well as in management in accordance with this model of work. Focus is given to the training of the officers on the central level (Criminal and Border Police) and those in the Regional Units and Police Stations (all lines of work) particularly those involved in Pilot Project in Budva, Bar and Ulcinj. For the implementation of some training programmes the capacities of the Police Academy were also used.

In this period in order to make sustainable progress in the area of training, through the train the trainers programmes, Police Directorate developed its own instructors for the key phases of the intelligence process:

- 4 instructors in the area of data collection;
- 4 instructors for crime intelligence issues and DESK functions;
- 2 instructors for crime intelligence analysis in accordance with ANACAPA method.

In order to standardise activities in this field, Police Directorate established a Working Group with the aim at developing a handbook "Intelligence led policing" which should be finalised soon, along with all additional templates for its implementation.

Paralelly with the Pilot Project implementation in Budva and Bar (including Ulcinj as well) where Crime Intelligence Units are to be established, numerous training programmes will be organized for the officers from other operational Sectors and Units in the Police Directorate headquarters and in other Regional Units and Police Stations, in order to prepare them properly to join the implementation of the "Intelligence led policing" model. The final goal is practical implementation of this Model on the entire territory of Montenegro by the end of 2010.

3.8 PERSONAL DATA PROTECTION

3.8.1 Report on the text of the new Law on Personal Data Protection, as well as on establishment of an independent supervising body

At the session held in mid- December 2008, Montenegro Parliament adopted the Law on Personal Data Protection. By the end of this year the Law will be published in the „Official Gazette of Montenegro“. In transitional and final provisions it is stipulated that the Law shall enter into force on the eighth day following its publication in the „Official Gazette of Montenegro“, and its enforcement starts six months after it entered into force.

The Law on personal data protection is systematised in nine parts, each with the following content:

–Chapter I – General provisions-stipulates the subject-matter of the Law, and that is the right to privacy in processing personal data, which is recognised by the European Convention on Human Rights and Fundamental Freedoms, Article 8. Chapter I also contains important principles that everyone implementing this Law should be governed with.

–Chapter II- Processing of personal data – this Chapter stipulates the conditions for personal data processing, vesting of personal data processing, providing data to users, the obligation to inform the data subject, personal data protection measures and keeping on register and records of personal data collections;

–Chapter III-Special ways of personal data processing- for the first time the Law stipulates the issue of biometric personal data, keeping on records and exit /entrance control from premises and buildings, as well as the video surveillance;

–Chapter IV-Personal data transfer from Montenegro- by this Chapter it is provided that the personal data will not be transferred from Montenegro to a country that has no appropriate personal data protection measures in line with this Law, and with the prior consent given by the supervising body and defines the cases in which there is no need for the consent from the supervising body;

–Chapter V-Person's rights to protection of personal data – it regulates the obligations of the controller of the personal data collection to submit the requested information in prescribed time upon the written request of the data subject regardless of whether the data are gathered from the data subject or in another way, as well as the limitation while the reasons for that exist;

–Chapter VI-Personal data protection Agency- establishes and appoints a supervising body, determines the tasks of that body and provides its independency, provided that the Agency is only accountable to Montenegro Parliament for its work;

–Chapter VII-Supervision- stipulates necessary instruments for appropriate supervision by the supervising body. The supervision is done via data controller, whose procedure and the way of conducting supervision, obligations and authorities are regulated by the regulations for inspection supervision;

–Chapter VIII-Penal provisions – this chapter stipulates fines breaching some of the provisions of this Law;

–Chapter IX-transitional and final provisions – determines the subject-matter of appointing Council's members and Director of the Agency, passing subsidiary legislation-bylaws.

President and members of the Council of the Agency are to be appointed six months after the Law enters into force. Director of the Agency shall be appointed six months from the day the Council of the Agency is appointed.

3.8.2 Report on the text of Strategy and Action plan for personal data protection including some deadlines

1. At the session held on 3. July 2008. Montenegro Government introduced the Strategy on personal data protection with the Action plan for its implementation.

Aiming at consistent approach to this issue, and relaying on possitive practice EU and Council of Europe's countries, Montenegro defines key goals in regard to personal data protection, defining them as general and specific goals:

1.1. GENERAL GOALS

- 1) Ensure transparency of public administration and private sector activities, provide the citizens with the access to personal data related to them (right to insight to personal data related to citizens, right to correct, errase ...);
- 2) Protect the right to privacy and other individual rights and fundamental freedoms in processing personal data;
- 3) Increase the population's trust in the public and private sector institutions that are in possession of their data;
- 4) Increase the quality level of standardization of personal data protection and harmonize regulations from other fields with this important Law, as well as to increase the updated and accuracy quality of the data itself;
- 5) Determine responsibility and the way of running certain control mechanisms in all segments of public and private sector in order to provide personal data information in a level requested by an open and democratic society;
- 6) Develop institutions responsible for providing control of the use of personal database;
- 7) Enhance and adjust Information Technology.

1.2. SPECIAL GOALS

- 1) Adopt the Law on personal data protection harmonised with EU regulations; -**Adopted**
- 2) Harmonise laws and subsidiary regulations from other fields with the Law on personal data protection;
- 3) Establish an independent institution whose activities will be directed to a proper implementation of the Law on personal data protection;
- 4) Inform public on the system of personal data protection;
- 5) Additional specialised training of those responsible for personal data protection.

3.8.3 Report on implementation of the Law on personal data protection and Police supervision

Action plan, which makes constituent part of the Strategy, contains specific activities, bearers, time frame and financial consequences of the Strategy, as follows:

Legal activities

1) Identify the Ministry relevant for performing the state administration activities related to personal data protection – **The Government passed the decision according to which these activities falls under the responsibility of the Ministry of Interior and Public Administration;**

- 1) Preparation of the subsidiary legislation which derives from the Law on personal data protection – **deadline June 2009.;**
- 2) Preparation for the review of all regulations that regulate the obligations of keeping the register on personal data and the controller of those collections – **deadline- February 2009. ;**
- 3) Identify (draw up) a list of regulations that is to be harmonised with the important laws and establish working groups responsible for changes and amendments of those regulations –**deadline- May 2009.;**
- 4) Identify a list of regulations that is to be harmonised with the Law and establish working groups responsible for changes and amendments of the identified regulations within III phase, all legal entities (private and public sector) which will identify needs for changes and amendments to the Law – **deadline- June 2010.;**
- 5) First change of the Law in order to further harmonise it with the Directive 95-46ES and 2002-58ES and the Directive Data Retention – **deadline- June 2010.;**
- 6) Prepare regulations which regulate procedures of automated connection of the data collections, etc – **deadline- December 2009.**

-Details on implementation of the Law on personal data protection and supervision over police work;

By the Article 8 of the Law on personal data protection it is stipulated that “Provisions of this Law, with the exception of the provisions related to supervision, shall not apply to personal data processing for the needs of Defence, National or Public Security and to pre-criminal and criminal proceedings, unless regulated in another way by the particular Law. That means that, supervision over the personal data processing which is done by Police Directorate –shall be done by the Agency for personal data protection once it is established. The Law on Police, article 25 (“Official Gasette of Montenegro”, No. 28/05), stipulates that personal data must not be collected in any way contradictd to the goal determined by this Law and other regulations regulating data protection.

3.8.4 Report on details and time-frames for signing the additional Protocol along with the Convention on protection of individuals with the reference to automated personal data processing, which again refers to supervising bodies and transborder data flow (CETS number 181)

Montenegrin Government passed the Decision according to which the Additional Protocol should be signed along with the Convention on protection of individuals in regard to the automated personal data processing, referring to supervising bodies and crossborder data flow, and after that, in January 2009. the Law on Ratification of the additional Protocol is to be passed.

IV BLOCK 4: FOREIGN AFFAIRS AND FUNDAMENTAL RIGHTS

4.1 FREEDOM OF MOVEMENT AND PERSONAL DOCUMENTS

4.1.1 Report on the procedure of issuing documents to displaced persons and internally displaced persons

Ministry of the Interior and Public Administration of Montenegro, Commissariat for displaced persons (now Office for Refugees care) and UNHCR, on the basis of the Memorandum of consent (which was signed on 17.05.2004.) -in June 2004. undertook a census – revision of the status of displaced persons from ex-Yugoslav Republics who are, based on the Decree on refugees care "Official Gasette of Montenegro"37/92, recognised as displaced persons in Montenegro. At the census 8.747 perons were registered (out of this number 300 persons didn't belong to a civic group i.e. they didn't have the status of a displaced person).

Documents for displaced persons were issued to the those recognised as displaced perosons.

Identification document for displaced person is statutory regulated by the Regulation on identification documents for displaced persons ("Official Gasette of Montenegro No 76/04).

Identification documents for displaced persons are issued by the Ministry of Internal Affairs and Public Administration.

To internally displaced persons (and those are persons from the teritory of Kosovo) who came to Montenegro in 1999. identification documents are issued by the Commissariat for displaced persons (now Office for Refugees Care). That group of people is recognised as internally displaced group of people due to the fact that at that time Montenegro was a member of the State Union of Federal Republic of Yugoslavia.

4.1.2 Report with statistical data on the access to the documents for displaced persons and internally displaced persons (applications and issued documents)

Ministry of the Interior and Public Administration issued identification documents to all displaced persons from former Yugoslav Republics who proved residency status at the census undertaken in 2004.godine. At that time 8.474 persons had identification documents for displaced persons. In December 2008 7.439 persons had displaced persons identification documents (948 persons out of this number are minors-underage). Number of identification documents for displaced persons is decreased in 2008, compared to 2004. due to the fact that in the meantime a certain number of displaced persons received Montenegrin citizenship.

According to the statistics of the Office for Refugees Care, approximately 16.000 persons from Kosovo have identification documents for internally displaced persons.

4.1.3 Report on adoption of the legal regulations on issuing personal documents to the asylum seekers and refugees.

By the end of 2008. Ministry of the Interior and Public Administration prepared, and Montenegro Government passed the Decision on the form and content of applications and ways of issuing documents to a person seeking asylum, to a person granted with refugees status, person given additional protection and to a person with temporary protection. Implementation of this decision will enable the afore stated group of people to exercise a part of the right which, they are entitled to under the Law on Asylum, but also to fulfill the duties deriving from it. Beside identification rights, i.e Identification Card, the Decision precisely stipulates the form and the way of issuing travel documents to a refugee.

4.2 CITIZEN'S RIGHTS INCLUDING PROTECTION OF MINORITIES

4.2.1 Report on the progress made in adopting the Law against discrimination

Working group, established by the Minister for Protection of Human and Minority Rights, finished the Draft Law on prevention of discrimination. It is expected that Montenegrin Government will adopt the Draft Law by the end of January 2009. After the adoption of the Draft Law the Government will put this text into public discussion. After public discussion, the Government will submit the Draft Law on Prevention of Discrimination (the most

probably in 1Q 2009.) to the Parliament of Montenegro for parliamentary procedure.

4.2.2 Report on investigations of ethnically motivated incidents

According to the statistics of relevant bodies responsible for maintaining public peace and order and judiciary bodies there have not been ethnically motivated incidents in Montenegro.

4.2.3 Report on activities related to other minority groups beside Roma (Ashkali and Egyptians)

Beside the fundamental rights and freedoms, aiming at protection of the overall national identity, Constitution and Montenegrin Laws offer and provide a set of additional rights to all minorities.

In the last year, basic activities were directed to strengthening current and establishing new institutions whose primary task is to improve the position of minority population and other minority national communities.

In order to implement the Law on Rights and Freedoms of Minorities, Ministry for Protection of Human and Minority Rights, introduced Rules for the first elections of the Council of Minorities and the Instruction on unique ballot papers for electing Council's members ("Official Gazette of Montenegro" No 46/07). In accordance with these standards, the electoral Assemblies for members of the following Councils have been held so far: Croatian Council (21.12.2007.), Bosniaks Council (15.03.2008.), Roma Council (22.03.2008.), Muslim Council (29.03.2008.), Albanian Council (19.04.2008.) and Serbian Council (27.09.2008.). Constitutional sessions of the Councils are held and the Councils are registered with the Ministry for protection of human and minority rights.

Upon the proposal of the Government of Montenegro, in February 2008 Montenegro Parliament, passed the decision on establishing the Minority Fund ("Official Gazette of Montenegro" No 13/08). The Minority Fund was established to provide support to the activities important for preservation and development of national i.e. ethnical specificities of minorities and other national minority communities and their members in the area of their national, ethnic, cultural, linguistic and religious identity. In July 2008. a Steering Board was elected consisted of fifteen members, the Minority Fund is registered and basic acts are passed.

Following the adoption of the changes to the Decision on establishment of the Center for protection and development of minorities' culture (12.04.2007.), a Steering Board consisting of

four persons was appointed, a proper facilities for work were provided as well as the necessary financial-technical means. The Director of this Institution was appointed, so that this institution is prepared for its tasks in 2009.

In July 2008. Montenegrin Government adopted Strategy on Minority Policies, which represents a basic document for improving and developing minority rights. Strategy represents a set of specific measures and activities in all areas important for preservation and protection of overall national identity, the dynamics of the implementation of activities was defined, as well as bearers of the activities. By the Governmental decision an inter-ministerial Commission was established to monitor implementation of the activities planned by the Strategy.

4.2.4 Report on on results achieved in the areas such as housing, health protection, employment, etc

In the period from May 2006-December 2008 the following activities were implemented with regard to the housing: 70 families moved into the new houses; 24 families moved into the already existed houses; 84 families are provided with construction material.

As with regards to the income- related help, 71 family was provided with the equipment for running the business.

Relevant bodies are trying to solve problems related to housing and basic living needs of the socially endangered categories of displaced persons and refugees, where Roma people (Roma, Ashkalia, Egyptians) make the majority .

In coordination with international humanitarian organisations various types of help are provided occasionally, starting from food, paying electricity bills in collective centers up to the support in buying school stuff, organisation of the work of public nurseries, medical and psychological-social activities.

The most numerous activities are those organized in collective centers "Konik I" and "Konik II" where, more than 1.500 displaced persons live at one place.

Newlyborn babies of RAE population, receive a nonrepetitive financial support in the amount of 100€ each. Total amount of the financial means allocated for this purpose was 15.000€.

Above stated population (Roma, Ashkalia, Egyptians) in the cumulative statistics is given under Roma population. For the Office for Refugees Care it is not of a paramount importance whether persons asking for help belong to Roma, Ashkalia or Egyptian population.

All displaced persons and internally displaced persons, and therefore Roma, Ashkalia and Egyptians as well, have the right to

health care, and they can exercise that right in public health institutions in Montenegro.

In compliance with the available financial means, The Office for Refugees Care allocates financial help to the associations of displaced and internally displaced persons of REA population, for implementation of their programme activities.

RAE population is represented with 27.1% within total number of internally displaced persons in Montenegro.

4.2.5 Report on measures for solving problems in connection with former SFRY citizenship

In order to avoid the situation where a person who has registered residence in Montenegro stays without citizenship, and this refers to citizens of the former SFRY Republics, the Law on Montenegrin Citizenship, article 41. ("Official Gasette of Montenegro" 13/08) stipulates that a person with registered residence in Montenegro prior to 3.June 2006.godine (date of passing the the decision on proclamation of Montenegro independency), may acquire Montenegrin citizenship through naturalisation, if holds no foreign citizenship or if released from citizenship of another country, and provided that he/she fulfills other conditions prescribed by the Law, i.e. has a guaranteed residence and permanent source of income in Montenegro of an ammount that enables his material and social welfare, has not been irrevocably sentenced in Montenegro or in another country to a prison term longer than one year and for a criminal offences prosecuted "ex officio", poses no threat to the security and defense of Montenegro and if he/she discharged all tax and legal obligations. Release from citizenship of another country is not a necessary precondition if an applicant for Montenegrin citizenship has been married to a Montenegrin citizen for at least three years and has lived legally and continuously in Montenegro for at least five years.

4.2.6 Report on the results achieved in providing financial means for the activities of minorities beside Roma population

Beside financial means allocated for improving position of Roma, Ashkalia and Egyptians within particular Ministries, Montenegro Government, within budget framework of the Ministry for protection of human and minority rights for 2008, allocated 400.000€ for the implementation of the Strategy for improving position of REA population in Montenegro. For this purpose financial means in the ammount of 600.000€ are planned for 2009.

Minority Fund in 2008. had on its disposal a budget of 422.150€. Financial means in the amount of 1.009.000€ are provided by the Law on Budget for 2009.

Around 20.000€ was spent for material-technical equipping and renting of the premisses for Center for preservation and development of minority culture. The amount of 330.000€ is provided for 2009.through the Ministry for protection of Human and Minority rights.

In 2008.by the Law on Changes and Ammandments to the Law on Budget of Montenegro for 2008.financial means are provided for functioning of already constituted Minority Councils in the amount of 130.000€ (Croatian Council, Roma Council, Muslim Council, Albanian Council and Bosniak Council were given 25.000€ each, and Serbian Council was given 5.000€, since it was constituted only in December). For the activities of the Minority Councils in 2009 financial means in the amount of 360.000€ are provided.