

The Report is part of the  
"Improved Transparency and  
Accountability of  
Governance"

Project implemented by



**mans**



Sigurna ženska kuća

**STEČAJCI  
U CRNOJ GORI**



**Udruga  
mladih CG**

Support



The Network For Affirmation of the NGO  
Sector- MANS

## JUDICIAL TRANSPARENCY

- Report on access to information on court  
proceedings involving corruption and  
organized crime cases -

December 2013

This Report is developed through the "Improved Transparency and Accountability of Governance" project, supported by the European Union and implemented by MANS with five project partners. NGO MANS bears sole responsibility for its contents and views and opinions presented do not reflect views of the European Union.

## TABLE OF CONTENTS

INTRODUCTION.....	3
1. ACCESS TO FINAL JUDGMENTS FOR CORRUPTION CASES.....	4
1.1. Problem of anonymising judgments.....	8
2. ACCESS TO CASE FILES IN ORGANISED CRIME CASES.....	9
2.1. Court of Appeals.....	9
2.2. High Court Bijelo Polje .....	11
2.3. High Court Podgorica.....	11
3. ACCESS TO NON-ENFORCEABLE JUDGMENTS FOR CORRUPTION CASES.....	12
4. ACCESS TO DATA ON COURT PROCEEDINGS OF ORGANISED CRIME CASES INVOLVING SPECIAL INVESTIGATIVE MEASURES .....	13
5. THE ISSUE OF „PARTIES TO THE PROCEEDINGS“ .....	14
6. CONCLUSIONS AND RECOMMENDATIONS.....	15
ANNEX: An overview of all the requests filed and the responses received .....	16

## INTRODUCTION

The publishing and availability of final court judgments is extremely important in any society that aspires to be democratic. Apart from the fact that each judgment is pronounced publicly on behalf of the people, the transparent case law secures the rule of law and harmonised jurisprudence. Analysing court judgments, it is established whether courts observe the universal principles of equal actions in equal situations, the principle of legal certainty, and the principle of proportionality in the exercise of rights.

In addition, by analysing court judgments and case files for corruption and organised crime offences the profile of prosecuted and convicted persons may be established, and the level of corruption assessed. Namely, it is a frequent occurrence to classify non-corruption offences as the ones belonging to the group of corruption and organised crime offences, thus creating false statistics. This is particularly important given that fight against corruption and organised crime is Montenegro's key priority on its EU path, and the voices asking for concrete results in fight against these phenomena are growing ever louder, particularly for high-level cases. The transparency of court rulings enables public scrutiny to what extent the European Convention of Human Rights and Fundamental Freedoms is observed, in the manner transpiring from the European Court for Human Rights' case law.

Finally, the public nature of the work of courts would be rendered absurd should judgments not be fully public and accessible by all interested parties and would come down to parties to the proceedings only, which are the procedural prerequisites for the trial to happen in the first place.

The report on transparency of the judiciary in corruption and organised crime cases is produced within the project implemented by six nongovernmental organisations: MANS, Safe Home for Women, Mogul, Stečajci u Crnoj Gori (Workers from Bankrupt Companies in Montenegro), Breznica and Youth Association of Montenegro.

Within the framework of this project, invoking the Free Access to Information Law (FAI Law), MANS analysed the accessibility of information on actions taken by courts in cases referring to corruption and organised crime.

The first part of the report deals with the analysis of statistics regarding the availability of final judgments, the second part contains an overview of the availability of full case files with an overview of the rulings of individual courts, while the third part deals with access to non-final judgments in corruption cases. The fourth and the fifth section of the report deal with specific problems in accessing the data held by courts including: the information on court proceedings in organised crime cases where special investigative measures were used, and the issue of the abuse of the status of the "parties to the proceedings".

The final section presents the conclusions and recommendations in order to improve the transparency of courts regarding access to judgments and rulings by the general public.

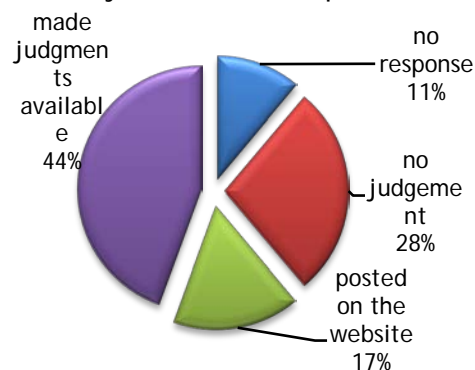
## 1. ACCESS TO FINAL JUDGMENTS FOR CORRUPTION CASES

MANS analysed the **accessibility of all judgments in corruption cases**<sup>1</sup> passed by the 15 Basic Courts, two High Courts and the Court of Appeals. Invoking the FAI Law we filed requests to access judgments in corruption cases passed between 31 July 2012 and 01 September 2013<sup>2</sup>.

In the first instance procedure, 16 courts decided as per the requests, **while five courts passed no final judgments** in the requested period.

Only **three courts** responded that they published the judgments **proactively** on their web pages.

**Eight courts** provided to us anonymised final judgments, without full personal data for the persons criminally prosecuted and convicted or acquitted.



Graph 1: Responses of courts to requests for information

The Basic Courts in Ulcinj and Podgorica violated the FAI Law provision obligating them to respond to requests within 15 working days, which prompted us to lodge appeals with the Agency for Personal Data Protection and Free Access to Information.

The Ulcinj-based court decided only as per the repeated appeal and provided copies of final judgments.

**In an appellate procedure, the Podgorica-based court allowed inspection of judgments, although we requested copies.**

Perpetuating the already well-established practice, the Basic Court Podgorica enabled access to their final judgments solely by inspection of the criminal court register given that, according to their claims, the judicial information system does not support search by the type of crime.

For that reason, the Court believes that provision of copies of final judgments, as requested, is not technically feasible, and the requestor is to inspect the court register, select the judgements of its interest, following which these are to be provided, which makes the procedure under the FAI Law enormously difficult and access to judgments made by this court disproportionately more difficult compared to other courts.

**At an earlier stage the Supreme Court took the stand that allowing inspection of documents only, instead of providing copies, constitutes a violation of the FAI Law, since this limits the dissemination and analysis of information.**

The dubitable nature of the Podgorica Basic Court's decisions, and the way in which they selectively apply the information system in which substantial amounts of money were invested,

<sup>1</sup> The following are regarded as corruption crimes: violation of equality in business activity (Art. 269 of the Criminal Code (CC)); abuse of monopoly position (CC Art. 270); causing bankruptcy (CC Art. 273); causing false bankruptcy (CC Art. 274); misuse of position in business activity (CC Art. 276); false balance sheet (CC Art. 278); abuse of evaluation (CC Art. 279); revealing a business secret (CC Art. 280); revealing and using stock exchange secret (CC Art. 281); misuse of office (CC Art. 416); malpractice in office (CC Art. 417); trading in influences (CC Art. 422); passive bribery (CC Art. 423); active bribery (CC Art. 424); revealing business secret (CC Art. 425 KZ).

<sup>2</sup> The judgments referring to the previous period were requested in the framework of previous projects and based on which MANS delivered I and II Analysis of judgments in corruption cases.

might best be seen in the decision of this Court per the request by which we asked for the information on the names of judges to whom certain cases are allocated.

Namely, the Court granted access to such data stating that *"within the Basic Court Podgorica before 11 February 2013 the random allocation of cases was carried out according to the alphabetic order of the names of judges and defendants, and as of 11 February 2013 by electronic random allocation of cases in such a manner that when receiving a case, parties are given the case number, and after the working hours the Judicial IT System (PRIS) allocates cases to judges, with an option available in the system to ensure equal caseload."*

Hence, by one decision the Court denies access to information under the pretext of technical deficiencies of the IT system, only to confirm in the other decision that the system is fully functional.

Nakon ocjene navoda zahtjeva, sud je našao da zahtjev za pristup informaciji treba odobriti u odnosu na krivična djela označena u st.1 izreke ovog rješenja, na način što će ovlašćeni predstavnik te organizacije uz nadzor ovlašćenog namještenika suda ostvariti neposredni uvid u upisnik krivičnih predmeta Osnovnog suda u Podgorici, shodno čl.21 st.2 u vezi st.1 tač.1 Zakona o slobodnom pristupu informacijama, a ovo pri činjenici da pravosudni informacijski sistem u glavnom meniju ne dozvoljava pretragu po kvalifikaciji krivičnog djela, sa kojeg razloga zahtijevani način pristupa traženim informacijama tehnički nije moguć.Nakon toga podnosilac zahtjeva može izvršiti prepisivanje i fotokopiranje pravosnažnih anonimiziranih presuda koje su javno objavljene na internet stranici ovog suda.

Nadalje, kako je shodno čl. 18 Zakona o sudovima predviđeno da Viši sud sudi u krivičnom postupku o krivičnim djelima organizovanog kriminala, bez obzira na visinu propisane kazne te u krivičnom postupku za krivična djela sa elementima korupcije i to:

- povreda ravnopravnosti u vršenju privredne djelatnosti,
- zloupotreba monopolističkog položaja,
- prouzrokovanje stečaja,
- prouzrokovanje lažnog stečaja,
- protivzakoniti uticaj,
- lažni bilans,
- zloupotreba procjene,
- odavanje poslovne tajne,
- odavanje i korišćenje berzanske tajne,
- primanje mita,

2

*An excerpt from the Basic Court Podgorica ruling Su.V.br 163/13 of 25 Septembers 2013*

CRNA GORA  
OSNOVNI SUD U PODGORICI  
Su V br. 132/2013  
Podgorica, 16.07.2013. god.

MANS-  
13 | 53298-53299  
BROJ  
PODGORICA, 17. 07. 2013

*Predsjednik Osnovnog suda u Podgorici , na osnovu člana 25 a u vezi čl. 30 Zakona o slobodnom pristupu informacijama (Službeni list CG, broj 44/2012), postupajući po zahtjevu NVO MANS-a, od 04.06.2013.godine , dana 16.07.2013.godine, donosi*

#### RJEŠENJE

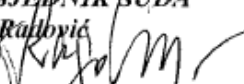
*Dozvoljava se pristup informacijama na način što se podnosilac zahtjeva, obavještava da su pred Osnovnim sudom u Podgorici do 11.02.2013.g.slučajna dodjela predmeta vršila po azbučnom redu i to početnih slova sudija i tuženih , a od 11.02.2013.g.elektronskom slučajnom dodjelom predmeta , na način što se prilikom prijema, strankama daje broj predmeta , a nakon radnog vremena kroz program PRIS-a predmeti se dodjeljuju sudijama, s tim što u programu postoji opcija ujednačenog broja predmeta .  
Dodjela predmeta koje ste tražili je bila po azbučnom redu na način kako je navedeno u pisanom aktu koji Vam u prilogu dostavljamo .*

#### Obrazloženje

*Imenovana je ovom organu podnijela zahtjev za pristup informacijama koji se odnosi na način i metod dodjele parničnih predmeta po brojevima od 2420/12 do 2430/12 , od 2560/12 do 2570/12 ; od 150/13 do 160/13 i od 210/13 do 220/13 .*

*Provjerom kroz upisnike i program sa kojim raspolaže ovaj sud došli smo do podatka koji Vam u prilogu u pisanoj formi na A4 formatu dostavljamo uz konstataciju šefa odsjeka građanske pisarnice i potpis sekretara suda .*

*Imajući u vidu navedeno, to se podnosilac zahtjeva obavještava o istom.*

PREDSJEDNIK SUDA  
Zoran Radović  


An excerpt from the Basic Court Podgorica ruling Su. V. br 132/13 of 16 July 2013

The Table 1 below gives an overview of the responses for each of the courts separately to requests for information asking for the final judgments in corruption cases passed from the beginning of 2006 to 1 September 2013. It also shows the **changed response of the courts regarding the publication of judgments over the last three years**, since the first set of requests was filed in July 2011, the second in March 2013, and the final in September 2013.

Court / period	1 Jan 2006-30 Sep 2009	1 Oct 200.-30 Sep 2010	1 Oct 2010-31 Dec 2010	1 Jan 2011-30 Jul 2012	31 Jul 2012-1 Sep 2013
Basic Court Rožaje	Granted	Granted	Granted	Granted	Granted
Basic Court Žabljak	Granted	Granted	No judgment	Granted	Granted
Basic Court Plav	Granted	Granted	No judgment	Granted	No judgment
Basic Court Pljevlja	Granted	No judgment	No judgment	<i>Posted on the web pages</i>	Granted
Basic Court Danilovgrad	Granted	No judgment	No judgment	Granted	No judgment
Basic Court Kolašin	Granted	Granted	No judgment	No judgment	No judgment
Basic Court Cetinje	Granted	Granted	Granted	Granted	<i>Posted on the web pages</i>
Basic Court Herceg Novi	Granted	Granted	Restricted, then no judgment	No judgment	Granted
Basic Court Berane	Granted	Granted (inspection)	No judgment	Granted	Granted
Basic Court Bijelo Polje	Granted	Restricted, then granted	Restricted, then granted	No judgment	Granted
Basic Court Ulcinj	Restricted, then granted	Restricted, then granted	Granted	Granted	Granted
Basic Court Bar	Restricted, then granted	Restricted, then granted	Restricted, then granted	Granted	<i>Posted on the web pages</i>
Basic Court Kotor	Restricted, then granted	Restricted, then granted	Restricted, then no judgments	<i>Posted on the web pages</i>	Granted
Basic Court Nikšić	Granted (inspection), then restricted	Restricted	Granted (inspection), then restricted	<i>Posted on the web pages</i>	No judgment
Basic Court Podgorica	Restricted	Restricted	Restricted, then granted (inspection)	Granted (inspection)	Granted (inspection)

Table 1. Responses of courts to requests for providing copies of final judgments in corruption cases e

In all the cases where courts denied or otherwise restricted access to information, MANS instigated court proceedings with the Administrative Court and the Supreme Court. The data show that **with time the courts have improved access to their respective judgments, with the exception of the largest and best equipped court, the Basic Court Podgorica, handling the largest caseload.**

## 1.1. Problem of anonymised judgments

Final judgments posted on web pages of courts or made available per requests for information are anonymised as regards personal and other data of the parties to the proceedings, their legal representatives of attorneys. In almost all publicly available judgments the information by which these persons might be identified are concealed<sup>3</sup>, and most courts took it one step further and adopted rulebooks on how to anonymise the data in court judgments. These rulebooks govern the method of anonymising data, i.e. the replacement and omission of some parts of court judgments published online within the programme "Case Law".

The practise of anonymising judgments, including the names of convicted persons is not justified, since the public has the right to know who the persons convicted by un-appealable judgments are, particularly in corruption and organised crime cases. In addition, these involve cases where trial procedures were public, and the pronouncement of verdict and judgment was also public. Also, the reasons for such a judgment were publicly proclaimed after the verdict. Any adult could have attended the proceedings and pronouncement of verdicts and judgments, making the reasons for denying the information that was at one point public even less understandable.

Hence, the denial of such information by invoking privacy rights, and in contravention to the right of the public to know, is unlawful. **The information which was already made public and was available to the public during the trial and pronouncing verdicts, but also through media reports from monitoring the court case, could not subsequently be denied and pronounced confidential.**

As regards the access to court documents, it is noteworthy that the **European Court of Human Rights believes that the denial of access to information is a form of indirect censorship** and that it constitutes a violation of Article 10 of the Convention on Human Rights and Fundamental Freedoms.<sup>4</sup>

In Montenegrin case law, the anonymisation of court rulings results in concealing the data which are unconceivable in the European practice. Thus, the Montenegrin public is denied the information on the companies and persons trafficking in drugs and engaging in money laundering, the vessels used for drug trafficking and their routes, persons accused of trafficking in human beings and other information that the general public has an indubitable right to know. Hence, for instance, under the pretext of protecting privacy, it is impossible to have the information on persons convicted by final judgments for international cocaine trafficking.<sup>5</sup>

---

<sup>3</sup> The following information is concealed: name and surname of a natural person; name and seat of a legal person, an institution, association, union and the like; address (temporary or permanent residence, company seat); date and place of birth; personal civil registry number (JMBG); tax identification number; numbers of ID cards, passports, driving licences and other personal documents, and vehicle registration numbers; e-mail addresses and web pages.

<sup>4</sup> Case *Társaság a Szabadságjogokért vs. Hungary*, application no. 37374/05, judgment made on 14 April 2009: This involved access to court files, lodged by a Hungarian NGO, Civil Liberties Union, which was rejected by the domestic courts. The European Court of Human Rights established that Article 10 of the Convention protects the right to information, stating that denying such access is a form of indirect censorship. The Court reasoned that gathering information is a part of journalist activity and that limitations in that regard interfere with the exercise of the freedom of expression stating that: "... the law cannot allow arbitrary restrictions which may become a form of indirect censorship should the authorities create obstacles to the gathering of information. *The latter activity is an essential preparatory step in journalism and is an inherent, protected part of press freedom.*" *The Court stressed that the applicant requested information with a specific goal of reporting: "given that the applicant's intention was to impart to the public the information gathered from the constitutional complaint in question, and thereby to contribute to the public debate concerning legislation on drug-related offences, its right to impart information was clearly impaired."*

<sup>5</sup> Supreme Court judgment Ks. 30/2011, published in the anonymised form ([http://sudovi.me/odluka\\_prikaz.php?id=6791](http://sudovi.me/odluka_prikaz.php?id=6791))



## 2. ACCESS TO CASE FILES IN ORGANISED CRIME CASES

The public nature of a criminal procedure is seen in the right of any citizen, not only parties to the proceedings, but also other persons not directly and vitally interested in the outcome of the proceedings, to attend trials, and be informed of the proceedings through public media.

In addition, the principle of publicity holds true primarily for the main hearing, and it is common knowledge that the subject of the criminal case is then discussed thoroughly, evidence is established etc.

As already noted, courts pronounce judgments and sanctions on behalf of the people, with a view of protecting the public interest or fundamental social values, which has an indubitable significance for the society.

Given the above, MANS tested the willingness of the High Courts Bijelo Polje and Podgorica, and the Court of Appeals, to make available **full case files in organised crime cases**.

The case files requested referred to already published final judgments, whose enforceability has been indubitably confirmed, both by the inspection of judgments and numerous instances of media reports. The case files in such completed cases were requested in order to avoid the possibility of the courts restricting access citing that their publication might affect further prosecution.

Initially, we filed 11 requests for information asking for case files in cases that ended in final court judgments as follows: three requests for the Court of Appeals, two requests for the High Court Bijelo Polje and six for the High Court Podgorica.

None of the above courts made available any of the requested case files, and their responses were different: one court restricts access to an adjudicated case not to jeopardise investigation which has long since been completed, the second court grants partly access to data by inspection only, and the third provides the information which was not requested at all.

### 2.1. The Court of Appeals

Deciding per the requests, the Court of Appeals restricted access to all case files, stating that this was in the interest of "**prevention of criminal investigation and prosecution**, with a view of protecting against the disclosure of information referring to the contents of actions taken in pre-trial and criminal procedure".

The requests referred to files of the cases where appeals were rejected of persons convicted for creation of a criminal organisation, unauthorised production, possession and trafficking in drugs, unlawful possession of weapons and explosives and other criminal offences containing elements of organised crime.

MANS appealed against the decisions of the Court of Appeals stating that such claims of the Court were unfounded given that the **investigation in the given criminal case was already closed**. In addition, such a decision is in direct contravention to the principle of public trials which attains its full legal meaning in the main hearing. The principle of public trial or main hearing in the criminal procedure is, moreover, enshrined in the Constitution.

Given that investigation is not characterised by the principle of publicity, as is the case with the main hearing, it would be justified to deny investigation-related information or documents

while it is still ongoing. In that case, the explanation that denial of information is “in the interest of investigation” would be justified; however, once the investigation has been completed, such a justification is manifestly unfounded.

Moreover, the Court claims that the access to the case files is restricted with a view of “preventing investigation” is meaningless from the point of view of legal terminology. Namely, in its original meaning the word ‘prevention’ means to stop or avoid, hence it may be concluded that the denial of such information is in the interest of preventing and avoiding investigation, i.e. that court hide such information in order to prevent the very investigation.

APELACIONI SUD  
V- SU br. 51/2013  
Podgorica, 07.11.2013.god.

Apelacioni sud Crne Gore u postupku po zahtjevu Mreže za afirmaciju nevladinog sektora – MANS iz Podgorice, od 25.10.2013.godine, radi pristupa informacijama, na osnovu člana 30 stav 1 i 3 Zakona o slobodnom pristupu informacijama (Sl.list CG br. 44/12), donosi

RJEŠENJE

Odbija se zahtjev Mreže za afirmaciju nevladinog sektora – MANS iz Podgorice, od 25.10.2013.godine, kojim je tražena dostava kopije kompletnih spisa predmeta poslovne oznake Kž-S/I br. 12/2013.

Obrazloženje

Dana 25.10.2013.godine Mreža za afirmaciju nevladinog sektora – MANS iz Podgorice, obratila se ovom sudu zahtjevom da joj se shodno Zakonu o slobodnom pristupu informacijama dostavi kopija kompletnih spisa predmeta poslovne oznake Kž-S/I br. 12/2013.

Članom 14 stav 1 tačka 3 alineja 3 Zakona o slobodnom pristupu informacijama (Sl.list CG br. 44/12) propisano je da organ vlasti može ograničiti pristup informaciji ili dijelu informacije, ako je to u interesu prevencije istrage i gonjenja izvršilaca krivičnih djela, radi zaštite od objelodanjivanja podataka koji se odnose na sadržinu preduzetih radnji u prekrivičnom i krivičnom postupku.

Imajući u vidu da podnosilac zahteva traži kopiju kompletnih spisa krivičnog predmeta Kž-S/I br. 12/2013, proizilazi da bi udovoljavanje ovakvom zahtjevu značilo objelodanjivanje podataka koji se odnose na sadržinu preduzetih radnji u krivičnom postupku, pa je u konkretnom slučaju valjalo ograničiti pristup traženoj informaciji, shodno citiranoj zakonskoj odredbi.

U prilog ovakve odluke govori i Pravni stav Vrhovnog suda Crne Gore Su VI br. 60/11 od 06.07.2011.godine, donešen u cilju ujednačavanja prakse sudova prilikom odlučivanja po zahtjevima za pristup informacijama, a polazeći od poštovanja ustavnih odredbi iz čl. 43 i člana 51 stav 2. Naime, stav je Vrhovnog suda Crne Gore da se uvid u sudske spise ne može vršiti na osnovu Zakona o slobodnom pristupu informacijama već isključivo na osnovu procesnih zakona. Ovo se analogno može primjeniti i na zahtjev za kopiranje kompletnih sudskih spisa.

Dakle, pravo na kopiranje konkretnih spisa predmeta imaju samo učesnici u krivičnom postupku Kž-S/I br. 12/2013, na osnovu Zakonika o krivičnom postupku.

Na osnovu izloženog valjalo je odlučiti kao u dispozitivu rješenja – član 29 stav 1 tačka 3 u vezi člana 14 stav 1 tačka 3 alineja 3 Zakona o slobodnom pristupu informacijama (Sl.list CG br. 44/12).

Zamjenik predsjednika suda  
Radmila Mijusković, s.r.

Ruling by the Court of Appeals V-SU br. 52/2013 of 07 November 2013

At the time of this Report, the appellate proceedings were still pending.

## 2.2. High Court Bijelo Polje

High Court Bijelo Polje granted access to case files in the two requested cases of trafficking in persons, but by inspection only, without the possibility of making copies and restricting access to one part of the file involving evidence obtained through special investigative measures.

The Court claimed these involved very complex cases in which, among other things, there was some evidence obtained by using covert surveillance, and thus the access to information may be exercised by direct inspection of the case file only at the premises of the High Court Bijelo Polje.<sup>6</sup>

Such reasoning of the Court is inconclusive since all evidence, including those gathered through special investigative measures, have been established in an open court. Thus it means that the court arbitrarily declared some of the documents, or a part of the case file, already established as evidence in the public trial, "confidential material", thus additionally contributing to the lack of transparency in its work and preventing monitoring and control.

MANS lodged an appeal, and the proceeding is still pending.

The special investigative measures and the impossibility of accessing documents containing the information on such measures will be specifically dealt with in section 4 of this Report.

## 2.3. High Court Podgorica

Acting in case of all six requests for information asking for copies of full case files in cases involving international trafficking in cocaine and money laundering, the High Court responded that the judgments concerning the requested case files were already posted on the Court's web pages, and that their rationale contained all the evidence established during the trial.



*A document of the High Court Podgorica Su br. 151/13 of 04 November 2013*

MANS lodged complaints because the High Court did not enable access to the requested information given that the judgment referred to as being already published was not of interest for MANS, but the full case file.

Apart from the fact that judgments could in no way be identified with the whole case files, the requested files do not fall among the information whose access may be restricted by invoking Article 14 of the FAI Law, given that the criminal case was already closed.

<sup>6</sup> Decision of the Bijelo Polje High Court Su V br. 901/13 of 11 November 2013

In addition, according to the international documents defining access to information that Montenegro ratified, primarily the European Convention of Human Rights and Fundamental Freedoms, the right to receive information implies also the right to impart information<sup>7</sup>.

The appellate proceeding is pending.

### 3. ACCESS TO NON-FINAL JUDGMENTS IN CORRUPTION CASES

Invoking the FAI Law, we requested from the Bijelo Polje High Court copies of all first instance **non-final** judgments and indictments for organised crime cases pronounced between 2008 and the date of the request.

Acting as per the request, the High Court established that over the requested period it pronounced and wrote six judgements which have not become final yet, and which concern the organised crime cases.<sup>8</sup> The Court established that, given that the request referred to access to non-final judgments, it means that they do not have the form of an official document, and thus fall under the restrictions of the FAI Law, under Article 14(1) items 1 and 3<sup>9</sup>.

**The Court's explanation that first instance judgments do not have the form of official documents is particularly incomprehensible.** First instance judgments can certainly not be regarded as unofficial documents, and these are also publicly pronounced with the full reasoning (except in cases when the trial was held in camera and when public access is limited given some specific reasons, but never for the public pronouncement of the verdict).

Moreover, only the general public access to trials constitutes the respect for the **principle of publicity**. The reason for this is that the presence of the parties and their right of access to court files is mostly an indispensable procedural assumption for trial to take place in the first place.

That is the main point of difference between investigation and main hearing, since there is no presence of the general public in investigation, but only the so-called party public.

**Therefore, the principle of general public access imposes the need for all judgments, final and otherwise, never to be declared confidential, except in the cases when the court, in line with the law, passed the decision to hold the trial in camera, which was not the case in the given examples.**

---

<sup>7</sup> Art 10 of the European Convention on Human Rights and Fundamental Freedoms.

<sup>8</sup> Decision of the Bijelo Polje High Court Su. V br.923/13 of 15 November 2013.

<sup>9</sup> The provisions of the Law which stipulate the limited access to information regarding personal data protection and protection of the prevention of criminal investigation and prosecution.

#### 4. ACCESS TO DATA ON COURT PROCEEDINGS IN ORGANISED CRIME CASES WHERE COVERT SURVEILLANCE WAS USED

MANS requested from High Courts in Bijelo Polje and Podgorica the documents containing the number of motions and orders for imposing special investigative measures in organised crime cases between September 2008 and the date of the request, and motions and orders for special investigative measures in cases that were closed with final judgments.

The Podgorica-based High Court asked for the clarification of the request stating it was unclear since "it does not make it evident which information is requested".<sup>10</sup> Following the filing of a corrected request in which we stated it referred to the number of final judgments in cases where special investigating measures were used and cited also the codes the Court uses for final judgments, **the Court passed the decision informing us that all the judgments were publicly available on their web pages (www.sudovi.me.)**

Hence, the Court first supposedly did not understand the request, then asked for their correction, only to inform us subsequently that the judgments are posted online, although we did not ask for judgments. This leads to a conclusion that courts restrict access to information without any reasoning for doing so and thus prevent public scrutiny over the actions which pose a huge risk of interference with fundamental rights and freedoms.

Acting as per the request, the High Court Bijelo Polje established it is to be rejected as ill-founded since the motions and orders for special investigative measures are strictly confidential and thus fall under the restrictions for access to information.<sup>11</sup>

However, such information was already presented during the court proceedings that were open to the public.

MANS lodged appeals against such decisions, and the appellate procedures are still pending.

Public scrutiny over special investigative measures is paramount to check whether these are pronounced and applied lawfully, since these pose risks of violating human rights, but also the failure to convict based on such unlawful measures. Therefore, it is particularly problematic when such information, particularly the documents proposing and ordering special investigative measures, are hidden for already closed cases, as the courts are doing upon our requests. In addition, the concealment of such data prevents the verification whether special investigative measures are being applied for curbing high-level corruption and organised crime or only for minor offences.

---

<sup>10</sup> Document of the Podgorica High Court I. Su. br 153/13 of 04 November 2013.

<sup>11</sup> Decision of the Bijelo Polje High Court Su. V br.926/13 of 15 November 2013.

## 5. THE ISSUE OF “PARTIES TO THE PROCEEDINGS”

Access to court files and rulings is frequently denied under the justification that the requesting parties are not the parties to the proceedings, i.e. that they do not have the status of an interested party, as stipulated by the Criminal Procedure Code.

These provisions are frequently misused, thus the persons wishing to monitor the work of courts, and who are unaware of positive legislation to that effect to establish the problematic application of such provisions, are often denied information. Paradoxically, even person with an indisputable interest in the proceedings are frequently unable to obtain case files unless being in the capacity of an accused or a defendant.

In order to indicate the lack of justification for such actions and the misapplication of the relevant provisions, MANS filed over 50 requests for information with all basic prosecutors and the Supreme State Prosecution Office asking for case files established as per the criminal reports filed by MANS, which have meanwhile been rejected by the prosecution.

All these requests were denied in the first instance procedure, citing as reasons that MANS was not a party to the proceedings, and that access to such case files may be exercised solely under the Criminal Procedure Code.

MANS appealed against all such decision, which were again rejected in the second instance with the same justification.

Not even the Administrative Court, before which we tried challenging the second instance decisions saw any problems in actions of the prosecution denying access to case files generated while acting upon criminal reports by MANS. To make it even more absurd, the Administrative Court found nothing wrong in the allegations of some prosecutors that the publication of such case files would jeopardise the investigation, and as already noted, the reports were rejected, hence, the investigation was closed.

MANS requested the annulment of all judgments before the Supreme Court that found our requests credible and annulled all pertinent Administrative Court judgments.

The Supreme Court confirmed our claims that the case files in the given case confirm it was MANS that filed reports against certain persons, and that it was rejected by the competent prosecutor. Given such circumstances the reasoning of the Administrative Court judgment is incomprehensible, since in case of a rejection of criminal reports there can be no prevention or threat to ongoing investigation and prosecution, nor are the data of convicted persons, pronounced sentences or security measures involved.<sup>12</sup>

The Administrative Court has not yet acted upon the Supreme Court instructions, and once it is done we believe it will finally start changing the practice of judicial bodies of concealing case files from the eyes of the interested public without any proper justification.

---

<sup>12</sup> Supreme Court judgement Uvp. br. 241/13 of 29 November 2013.

## 6. CONCLUSIONS AND RECOMMENDATIONS

The observance of the right to information regarding final judgments is seeing substantial improvement, particularly having in mind the previous period when many courts did not allow access to rulings to third parties.

The Supreme Court took a stance that all final judgments are to be published, but this is not fully implemented, so the web pages of some courts are not updated regularly to add new judgments.

On the other hand, the judgments published online or submitted when requested, are anonymised regarding the names of defendants and their companies, which is quite dubious given that each court proceedings is public, and that judgments are pronounced on behalf of the people. A reason more not to keep the names of such persons away from the public lies in the positive provisions forbidding the exercise of public functions by people convicted of corruption crimes.

The application of the unique methodology and the IT programmes established through the Judicial IT System (PRIS) is not fully present. The problems in the functioning of PRIS are particularly prominent in the case of the Basic Court Podgorica, with the greatest caseload, and thus the final judgments of this court may not be obtained unless inspecting the court register at the premises of this Court.

Given the diverse practice of different courts, the following is needed:

1. Make the judicial IT system effective in order for all courts to have an overview of all judgments pronounced by the type of offense, particularly the Basic Court Podgorica, as the single largest first instance court;
2. Harmonise the practice of publishing court judgments as regards anonymising the data in order not to misuse this to conceal relevant data from court judgments, particularly given that these are pronounced publicly, on behalf of the people, and that they have to be available to the same people, or the public, in their full scope.
3. Regularly update the web pages of all courts and publish all judgments not later than seven days after these have become final.

Courts do not allow access to case files of cases ending in final judgments, including the information gathered by using special investigative measures, and prevent access to first instance judgment although they were publicly pronounced. In this respect, the following is needed:

4. the Supreme Court to pass binding guidance to order all courts, under the FAI Law, to make available full case files of cases where final judgments were pronounced to all persons requesting such information, and the interim judgments in cases where trials were public;
5. the Judicial Council to make a system to monitor the implementation of the FAI Law by all courts in Montenegro;
6. the Judicial Council to ensure that chief judges of all courts breaching the provisions of the FAI Law and acting contrary to the instructions of the Supreme Court are held accountable.

## ANNEX: An overview of all requests filed and the responses received

Final judgments in corruption and organized crime cases			
Institution	Description	Final response	Procedure
Basic Court Bar	All final judgments concerning the following offences:	already published	request
Basic Court Berane	- violation of equality in pursuing an economic activity under Art 269 of the Criminal Code (CC) between 31 July 2012 and 01 September 2013	granted	request
Basic Court Bijelo Polje	- abuse of monopoly under CC Art 270 between 31 July 2012 and 01 September 2013	granted	request
Basic Court Cetinje	- causing bankruptcy under CC Art 273 between 31 July 2012 and 01 September	already published	request
Basic Court Danilovgrad	- causing false bankruptcy under CC Art 274 between 31 July 2012 and 01 September	n/a	request
Basic Court Herceg Novi	- causing false bankruptcy under CC Art 276 between 31 July 2012 and 01 September	granted	request
Basic Court Kolašin	- misuse of position in business activity under CC Art 278 between 31 July 2012 and 01 September	n/a	request
Basic Court Kotor	- false balance sheet under CC Art 279 between 31 July 2012 and 01 September	granted	request
Basic Court Nikšić	- misuse of evaluation under CC Art 280 between 31 July 2012 and 01 September	n/a	request
Basic Court Plav	- revealing a business secret under CC Art 281 between 31 July 2012 and 01 September	n/a	request
Basic Court Pljevlja	- revealing and using stock exchange secret under CC Art 282 between 31 July 2012 and 01 September	granted	request
Basic Court Podgorica	- misuse of office under CC Art 416 between 31 July 2012 and 01 September	granted	appeal
Basic Court Rožaje	- malpractice in office under Art 417 between 31 July 2012 and 01 September	granted	request
Basic Court Ulcinj	- trading in influences under CC Art 422 between 31 July 2012 and 01 September	granted	repeated appeal
Basic Court Žabljak	- passive bribery under CC Art 423 between 31 July 2012 and 01 September	granted	request
High Court Bijelo Polje	- active bribery under CC Art 424 between 31 July 2012 and 01 September	granted	request
High Court Podgorica	- revealing official secret under CC Art 425 between 31 July 2012 and 01 September	already published	request
Court of Appeals	- organised crime between 31 July 2012 and 01 September	n/	request
Full case files for organised crime offences			
Institution	Description	Final response	Procedure
High Court Podgorica	Case file for case no. K-S 5/2012.	already published	appeal
High Court Podgorica	Case file for case no. K-S 20/2012	already published	appeal
High Court Podgorica	Case file for case no. K-S 7/2012.	already published	appeal
High Court Podgorica	Case file for case no. K-S 6/2009.	already published	appeal
High Court Podgorica	Case file for case no. K-S 4/2008.	already published	appeal
High Court Podgorica	Case file for case no. Ks.br.30/2011	already published	appeal
High Court Bijelo Polje	Case file for case no. K-S 12/2012.	granted	appeal
High Court Bijelo Polje	Case file for case no. K-S 3/09.	granted	appeal
Court of Appeals	Case file for case no. Kž-S/I 12/2013.	restricted-exception	appeal
Court of Appeals	Case file for case no. Kž-S/I 8/2013.	restricted-exception	appeal
Court of Appeals	Case file for case no. Kž-S 48/2012.	restricted-exception	appeal
Covert surveillance/Non-final judgments/Other judgments and case files			
Institution	Description	Final response	Procedure
High Court Podgorica	proposals and orders to conduct secret surveillance measures for cases that received final rulings	already published	call to correct request
High Court Bijelo Polje	proposals and orders to conduct secret surveillance measures for cases that received final rulings	restricted-exception	appeal
High Court Bijelo Polje	all first instance (non-final) judgments and indictments for organized crime offences since specialized departments were set up (September 2008)	restricted-exception	appeal
High Court Bijelo Polje	all first instance (non-final) judgments and indictments for organized crime offences since specialized departments were set up	request rejected	request



	(September 2008)		
High Court Podgorica	a document containing the number of proposals and orders to conduct secret surveillance measures, from September 2008 onwards	silence administration	repeated appeal
High Court Bijelo Polje	a document containing the number of proposals and orders to conduct secret surveillance measures, from September 2008 onwards	granted	request
High Court Bijelo Polje	case file in criminal proceedings against the brothers Ramiz and Esad Muković ending in the final judgment (first instance judgment court reference number (P.br.2/08), following which the Appellate Court ruling quashed the judgment (Ksž.br. 7/09))	silence of administration	appeal
Supreme State Prosecution	a document with the information on how many pending investigations there are for homicide with elements of organized crime	already published	appeal
Basic Court Berane	final judgment in the case against Vuk Vulević for the assault on an official and illicit arms possession carried out in 2002, and full case files	granted	request
High Court Bijelo Polje	rulings quashing the Basic Court Berane judgments in the case against Vuk Vulević on the count of an assault against an official and illicit arms possession, as well as the judgment dismissing the charges due to statute of limitations	request correction	call to correct request
High Court Podgorica	judgment and case file against Vuk Vulević on the count of murdering Faiz Kadrić in the Insider bar in Zurich in 1999	already published	request
Basic Court Podgorica	Final judgment and case file of the civil procedure as per the complaint lodged by Vuk Vulević against the state of Montenegro in which Vuk Vulević was awarded 30,000 euros on the count of unlawful deprivation of liberty.	silence of administration	request
Basic Court Podgorica	judgment and case file of the civil procedure as per the complaint lodged by Vuk Vulević against the state of Montenegro in which Vuk Vulević was awarded 126,000 euros on the count of unlawful deprivation of liberty.	silence of administration	request
High Court Podgorica	judgment and case file of the civil procedure as per the complaint lodged by Vuk Vulević against the state of Montenegro in which Vuk Vulević was awarded 126,000 euros on the count of unlawful deprivation of liberty.	n/a	request
<b>Case files as per criminal reports by MANS (problem of "parties to the proceedings")</b>			
Institution	Description	Final response	Procedure
Supreme State Prosecution	A copy of the document by which the prosecutor ordered investigation based on criminal report filed by MANS against Mirko Nilević	Granted	Repeated request
Basic Prosecutor Ulcinj	Case file developed after the criminal report against Ljoro Nrekić from Ulcinj, filed by MANS on 9 October 2008 (ref.no. 4994/10)	No competence	Request
Supreme State Prosecution	Case file developed after the criminal report against Ljoro Nrekić from Ulcinj, filed by MANS on 9 October 2008 (ref.no. 4994/10)	n/a	Appeal
Supreme State Prosecution	Case file developed after the criminal report against Vasilije Đukanović, filed by MANS on (ref.no. 1290/07)	n/a	Appeal
Supreme State Prosecution	Case file developed after the criminal report by MANS on 17 October 2007 against the Mayor of Podgorica Miomir Mugoša and the director of the Assets Directorate of Podgorica Dragan Đukić, subsequently dismissed	n/a	Repeated appeal
Supreme State Prosecution	Case file developed after the criminal report by MANS on 21 September 2007 against the Mayor of Cetinje Milovan Janković, subsequently dismissed	n/a	Repeated appeal
Supreme State Prosecution	Case file developed after the criminal report by MANS on 14 June 2007 against the construction inspector in the Republic Inspection Service for Construction Industry, Suzana Lačković subsequently dismissed	n/a	Repeated appeal
Supreme State Prosecution	Case file developed after the criminal report by MANS on 08 September 2009 against the then Secretary of the Secretariat for Urban Planning and Spatial Development of the Municipality of Podgorica Nada Mugoša, subsequently dismissed	Silence of administration	Administrative Court dispute
Supreme State Prosecution	Ful rationale for dismissing the criminal report (291/2011 of 3 May 2012) by MANS ref. no. 15303/10, filed on 18 October 2011	Request correction	Request correction submitted
Basic Prosecutor Rožaje	A copy of the case file as per the criminal report by MANS (Kt.br.86/11-Arbin Kalač), dismissed by the Supreme State Prosecution and Basic Prosecutor Rožaje (23 January 2012)	Restricted-exception	Request to extend complaint
Basic Prosecutor Kotor	A copy of the case file as per the criminal report by MANS	Silence of	Request to

	(Kt.br.243/11-Sergey Natalenko), dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (02 March 2012)	administration	extend complaint
<b>Basic Prosecutor Herceg-Novi</b>	A copy of the case file as per the criminal report by MANS Kt.br.108/2011-Žarko Vučurović), dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (28 November 2011)	Restricted-exception	Request to extend complaint
<b>Basic Prosecutor Nikšić</b>	A copy of the case file as per the criminal report by MANS (Kt.br.740/11-2-Zdravko Vlahović), dismissed by the Supreme State Prosecution and Basic Prosecutor Nikšić (07 March 2012)	Restricted-exception	Administrative Court dispute
<b>Basic Prosecutor Herceg-Novi</b>	A copy of the case file as per the criminal report by MANS (Kt.br.264/2011-2-Jelena Poledica) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (22 December 2011)	Restricted-exception	Request to review court ruling
<b>Basic Prosecutor Bar</b>	A copy of the case file as per the criminal report by MANS (Kt.br.515/11-2-Slavoljub Stijepović and Sreten Škuletić) dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (23 December 2011)	Restricted-exception	Request to review court ruling
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.44/11-Saša Čađenović), dismissed by the Supreme State Prosecution and Basic Prosecutor Cetinje (24 May 2011)	Silence of administration	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.86/11-Arbin Kalač), dismissed by the Supreme State Prosecution and Basic Prosecutor Rožaje (23 January 2012)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.243/11-Sergey Natalenko), dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (02 March 2012)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS Kt.br.108/2011-Žarko Vučurović), dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (28 November 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.740/11-2-Zdravko Vlahović), dismissed by the Supreme State Prosecution and Basic Prosecutor Nikšić (07 March 2012)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.264/2011-2-Jelena Poledica) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (22 December 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.515/11-2-Slavoljub Stijepović and Sreten Škuletić) dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (23 December 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.514/11-2-Saša Milanović and Gojko Šušter) dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (22 December 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt-I-br. 16/2011-2-AD Adriatic Shipyard Bijela and Stanko Zloković) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (27 October 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS Kt.br. 1685/11-2-Branko Vujović and Nikola Jablan) dismissed by the Supreme State Prosecution and Basic Prosecutor Podgorica (30 November 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br. 682/11-2-Nenad Ljubojević) (dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (12 December 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br. 683/11-2-Budimir Pejović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (06 March 2012)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.686/11-2-Velizar Mandić) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (28 December 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.686/11-2-Zlatko Dragović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (28 December 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.205/09 i Ktr.233/11-LR Development and Miodrag Jovanović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (09 November 2011)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.291/2011-Goran Čulafić) dismissed by the Supreme State Prosecution and Basic Prosecutor Berane (03 May 2012)	Ruling upon appeal	Request to extend complaint
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS	Ruling upon appeal	Request to

	(Kt.br.645/10 and Ktm.br. 4/12-Andrija, Aleksandra, Nataša, Katarina and Bojana Knežević) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (18 May 2012)		extend complaint
Supreme State Prosecution	A copy of the case file as per the criminal report by MANS (Kt.br.5/12-Arbin Kalač) dismissed by the Supreme State Prosecution and Basic Prosecutor Rožaje (17 April 2012)	Silence of administration	Request to extend complaint
Supreme State Prosecution	A copy of the case file as per the criminal report by MANS (Kt.br.582/11-2-Vlada Ristović, Zoran Lilić and Sofija Atanasković) dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (02 February 2012)	Silence of administration	Request to extend complaint
Supreme State Prosecution	A copy of the case file as per the criminal report by MANS (Kt.br.583/11-2-Goran Pajković) dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (23 December 2011)	Silence of administration	Request to extend complaint
Supreme State Prosecution	A copy of the case file as per the criminal report by MANS (Kt.br. 159/12-Predrag Sekulić, Branislav Gvozdenović, Predrag Nenezić, Zoran Tomić, Nataša Brajović, Rajko Kilića, Lazar Rađenović, Milenko Medigović, Zlatko Dragović, Krsto Ljubanović and	Silence of administration	Request to extend complaint
Supreme State Prosecution	A copy of the case file as per the criminal report by MANS (Kt.br.234/12-Lazar Rađenović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (12 July 2012)	Silence of administration	Request to extend complaint
Supreme State Prosecution	A copy of the case file as per the criminal report by MANS (Kt.br.72/2012-Radovan Marinović) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (05 July 2012)	Silence of administration	Request to extend complaint
Supreme State Prosecution	A copy of the case file as per the criminal report by MANS (Kt.br.88/2012-Milenko Blagojević) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (20 April 2012)	Silence of administration	Request to extend complaint
Basic Prosecutor Cetinje	A copy of the case file as per the criminal report by MANS (Kt.br.44/11-Saša Čađenović), dismissed by the Supreme State Prosecution and Basic Prosecutor Cetinje (24 May 2011)	Granted	Request
Basic Prosecutor Bar	A copy of the case file as per the criminal report by MANS (Kt.br.514/11-2-Saša Milanović and Gojko Šušter) dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (22 December 2011)	Restricted-exception	Request to extend complaint
Basic Prosecutor Herceg- Novi	A copy of the case file as per the criminal report by MANS (Kt-I-br. 16/2011-2-AD Adriatic Shipyard Bijela and Stanko Zloković) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (27 October 2011)	Restricted-exception	Request to extend complaint
Basic Prosecutor Podgorica	A copy of the case file as per the criminal report by MANS Kt.br. 1685/11-2-Branko Vujović and Nikola Jablan) dismissed by the Supreme State Prosecution and Basic Prosecutor Podgorica (30 November 2011)	Restricted-exception	Request to extend complaint
Basic Prosecutor Kotor	A copy of the case file as per the criminal report by MANS (Kt.br. 682/11-2-Nenad Ljubojević) (dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (12 December 2011)	Silence of administration	Request to extend complaint
Basic Prosecutor Kotor	A copy of the case file as per the criminal report by MANS (Kt.br. 683/11-2-Budimir Pejović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (06 March 2012)	Restricted-exception	Request to extend complaint
Basic Prosecutor Kotor	A copy of the case file as per the criminal report by MANS (Kt.br.686/11-2-Velizar Mandić) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (28 December 2011)	Silence of administration	Request to extend complaint
Basic Prosecutor Kotor	A copy of the case file as per the criminal report by MANS (Kt.br.686/11-2-Zlatko Dragović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (28 December 2011)	Silence of administration	Request to extend complaint
Basic Prosecutor Kotor	A copy of the case file as per the criminal report by MANS (Kt.br.205/09 i Ktr.233/11-LR Development and Miodrag Jovanović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (09 November 2011)	Silence of administration	Request to extend complaint
Basic Prosecutor Berane	A copy of the case file as per the criminal report by MANS (Kt.br.291/2011-Goran Čulafić) dismissed by the Supreme State Prosecution and Basic Prosecutor Berane (03 May 2012)	Granted	Request
Basic Prosecutor Kotor	A copy of the case file as per the criminal report by MANS (Kt.br.645/10 and Ktm.br. 4/12-Andrija, Aleksandra, Nataša, Katarina and Bojana Knežević) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (18 May 2012)	Silence of administration	Request to extend complaint
Basic Prosecutor Rožaje	A copy of the case file as per the criminal report by MANS (Kt.br.5/12-Arbin Kalač) dismissed by the Supreme State Prosecution and Basic Prosecutor Rožaje (17 April 2012)	Restricted-exception	Request to extend complaint
Basic Prosecutor Bar	A copy of the case file as per the criminal report by MANS (Kt.br.582/11-2-Vlada Ristović, Zoran Lilić and Sofija Atanasković)	Restricted-exception	Administrative Court dispute

	dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (02 February 2012)		
<b>Basic Prosecutor Bar</b>	A copy of the case file as per the criminal report by MANS (Kt.br.583/11-2-Goran Pajković) dismissed by the Supreme State Prosecution and Basic Prosecutor Bar (23 December 2011)	<b>Restricted-exception</b>	<b>Request to extend complaint</b>
<b>Basic Prosecutor Kotor</b>	A copy of the case file as per the criminal report by MANS (Kt.br.159/12-Predrag Sekulić, Branislav Gvozdenović, Predrag Nenezić, Zoran Tomić, Nataša Brajović, Rajko Kijača, Lazar Rađenović, Milenko Medigović, Zlatko Dragović, Krsto Ljubanović and	<b>Silence of administration</b>	<b>Request to extend complaint</b>
<b>Basic Prosecutor Kotor</b>	A copy of the case file as per the criminal report by MANS (Kt.br.234/12-Lazar Rađenović) dismissed by the Supreme State Prosecution and Basic Prosecutor Kotor (12 July 2012)	<b>Silence of administration</b>	<b>Request to extend complaint</b>
<b>Basic Prosecutor Herceg-Novi</b>	A copy of the case file as per the criminal report by MANS (Kt.br.72/2012-Radovan Marinović) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (05 July 2012)	<b>Restricted-exception</b>	<b>Request to extend complaint</b>
<b>Basic Prosecutor Herceg-Novi</b>	A copy of the case file as per the criminal report by MANS (Kt.br.88/2012-Milenko Blagojević) dismissed by the Supreme State Prosecution and Basic Prosecutor Herceg Novi (20 April 2012)	<b>Restricted-exception</b>	<b>Administrative Court dispute</b>
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.988/12-Branimir Gvozdenović, Miomir Mugoša, Dejan Bracovbić, Radenko Radojičić and Nikola Radojičić) dismissed by the Supreme State Prosecution and Basic Prosecutor Podgor	<b>Restricted-exception</b>	<b>Request to review court ruling</b>
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.591/12-Borislav Kaščelan, Miroslav Brajić, Vesna Krivokapić, Miomir Peruničić, Slavica Vojinović and Žana Kosić) dismissed by the Supreme State Prosecution and Basic Prosecutor Ko	<b>Restricted-exception</b>	<b>Request to review court ruling</b>
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.1645/12-Veselin Grbović, Zorica Božović, Vlatko Čipranić, Miodrag Bakrač, Lela Šoškić and Jelica Bošković) dismissed by the Supreme State Prosecution and Basic Prosecutor	<b>Restricted-exception</b>	<b>Request to review court ruling</b>
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.1646/12-Veselin Grbović, Mile Ostojić, Vlado Čiprčanić, Miodrag Bakrač, Radojicqa Poleksić i Jelica Bošković) dismissed by the Supreme State Prosecution and Basic Prosecutor Pod	<b>Restricted-exception</b>	<b>Request to review court ruling</b>
<b>Basic Prosecutor Podgorica</b>	A copy of the case file as per the criminal report by MANS (Kt.br.988/12-Branimir Gvozdenović, Miomir Mugoša, Dejan Bracovbić, Radenko Radojičić i Nikola Radojičić) dismissed by the Supreme State Prosecution and Basic Prosecutor Podgorica (17	<b>Silence of administration</b>	<b>Request to extend complaint</b>
<b>Basic Prosecutor Podgorica</b>	A copy of the case file as per the criminal report by MANS (Kt.br.1645/12-Veselin Grbović, Zorica Božović, Vlatko Čipranić, Miodrag Bakrač, Lela Šoškić and Jelica Bošković) dismissed by the Supreme State Prosecution and Basic Prosecutor Podgori	<b>Restricted-exception</b>	<b>Request to extend complaint</b>
<b>Basic Prosecutor Podgorica</b>	A copy of the case file as per the criminal report by MANS (Kt.br.1646/12-Veselin Grbović, Mile Ostojić, Vlado Čiprčanić, Miodrag Bakrač, Radojicqa Poleksić i Jelica Bošković) dismissed by the Supreme State Prosecution and Basic Prosecutor Podgorica	<b>Restricted-exception</b>	<b>Request to extend complaint</b>
<b>Basic Prosecutor Kotor</b>	A copy of the case file as per the criminal report by MANS (Kt.br.591/12-Borislav Kaščelan, Miroslav Brajić, Vesna Krivokapić, Miomir Peruničić, Slavica Vojinović and Žana Kosić) dismissed by the Supreme State Prosecution and Basic Prosecutor Ko	<b>Restricted-exception</b>	<b>Administrative Court dispute</b>
<b>Supreme State Prosecution</b>	A copy of the case file as per the criminal report by MANS (Kt.br.591/12-Borislav Kaščelan, Miroslav Brajić, Vesna Krivokapić, Miomir Peruničić, Slavica Vojinović and Žana Kosić) dismissed by the Supreme State Prosecution and Basic	<b>Restricted-exception</b>	<b>Request</b>