



## REPORT

**“Enhancing the ability of criminal justice institutions to better communicate their work to citizens”**

Civic Alliance, Montenegro  
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## I Previous information

Nongovernmental foundation Civic Alliance (CA) is focused on control of work of public institutions, and works on it attentively through the Rule of Law Program for almost six years. Five-member team of CA worked on the research and development of this Report. Questionnaire methods, interviews, and analysis of the content – legal analysis were methods used for the purpose of this report. Our team used Law on Free Access to Information and analyses of the official reports about the work of courts, prosecution offices, and the police. This research covered all Basic courts, two High courts, Appellate court, and the Supreme Court. Prosecutors from all Basic Prosecution Offices, two High courts, and Supreme State Prosecution were also covered by the research. We interviewed all Heads of Security Centers and Police Stations in Montenegro. CA also monitored transparency of publishing of information via portals <http://www.tuzilastvocg.me>, <http://www.sudovi.me> and <http://www.mup.gov.me>, using the Law on Free Access to Information.

Bureau of International Narcotics and Law Enforcement Affairs (INL) supported the project. Implementation of the project lasted from 1 September 2015 until 31 September 2016.

CA is grateful to Association of Judges of Montenegro, student organization ELSA and News Agency MINA for their contribution to the successful implementation of the research.

## II Introduction

Fundamental public functions are grounded on principles of coordination and cooperation between different public bodies. Certain bodies are more directed towards each other in specific processes, because of the nature of activities, and specific competences in the scope of their work. Development of precise principles and standards as the basis of work and communication between bodies is logical step that will, at the same time, preserve their institutional credibility and ability within the structure of public bodies, and among public that expects efficient and effective job performance.

Judicial institutions are under the pressure from both sides. When it comes to different public authorities, it is expected from judiciary to materialize criminal justice through adoption of prosecutorial and judicial decisions, and to finalizes the previous work of the police and other bodies that act in the phase of prevention, revealing, and processing of committers of criminal acts (customs services, agencies, administration).

On the other side, laic and professional public has always been the modifier of ineffective and inefficient acting of all public bodies. They often resist and do not have confidence in institutions which, as they believe, do nothing or are inefficient. Thus, public often reacts when information lacks and when speculations become a strong device leading to the collapse of confidence in work of public bodies. This usually occurs in the criminal justice system, where all insufficiencies are notable and, as the rule, have an adverse effect on social processes.

Functioning of networks that spread information is of great importance, no matter if it comes from the official protocols, of adapted contents or interviews, professional presentations, participation in meetings and discussions on this issue.

It is easy to conclude that public bodies were (or still are) often passive to step out openly, with the attitude in specific matters. Thus, aggressive approach of other social actors in public often leaves the impression that the concrete situation or acting is the result of their inertia or failure to find the solution in the given situation. This occurred in very sensitive cases that had a strong impact on social events, which caused a number of controversies and dilemmas about legality and adequacy of decisions of public bodies. Besides, seams that the lack of awareness of competences and procedures within judicial and other public bodies, largely created the wrong image about bearers of responsibilities, in terms of the real competences covered by the circumstances of the concrete case.

Goal of this Project was to demystify relations between public bodies in achieving of criminal justice, and to indicate on important elements of communication with public, recognized as an essential need of institutions in the period of activities on creation of relations with citizens.

Finally, transparency of work of institutions in achieving of criminal justice is important precondition for preparations of future generations, academic citizens and bearers of judicial and other public functions. Important precondition is also free expression of standpoints about the internal matters and conditions of work of institutions. It is also important to indicate on weak points in functioning, or on eventual lack of capacities in performing of functions.

During the project implementation, several methods were used, including: the set of informative professional opinions and standpoints, broadcasted by different media, and based on concrete examples, and experiences of citizens with institutions that participate in the criminal justice system; public dialogue about the principles of transparency of judiciary, which took place with representatives of judiciary and future academic citizens (students of the Faculty of Law, High School students dealing

with the Law); anonymous questionnaires for the bearers of functions in public bodies, in order to obtain information about the situation in institutions and about internal assessment of procedures.

News Agency MINA, which was the partner in the project, dailies "DAN" and "Vijesti", and social networks (Facebook and Twitter pages of NGO ELSA Montenegro) published information about the project and implemented activities.

The Report has been structured according to presented facts, in the following areas:

1. cooperation of public bodies;
2. relation of institutions and professional and laic public;
3. transparency of work of institutions in achieving of criminal justice;
4. the role of media and other social elements in informing public about the work of institutions in achieving of criminal justice.

### III Cooperation of public bodies

#### a) Constitutional and legal grounds

Article 118 of the Constitution of Montenegro<sup>1</sup> says that the court is autonomous and independent, while the Supreme Court shall be the highest court in Montenegro that shall secure unified enforcement of laws by the courts, according to Article 124.

Law on Courts<sup>2</sup> defines principles of establishing, organization and jurisdiction of courts, organization of work of courts and judicial administration, and other matters relevant for timely and duly functioning of courts. Although this Law has specific Chapter about relations between courts, courts and other bodies, and courts and parties, this norm defines relations only through participation of other bodies in court proceedings in the function of the party (Chapter IV). Provisions of Articles 63 and 64 of the Law say that dignity of parties and the right to inspect files have to be respected. Thus, the Court Rulebook<sup>3</sup> prescribes that the President of the court is responsible for adequate relations between judges, civil servants and employees and parties, public bodies, legal entities, and other organizations. Also, President of the court is obliged to appoint working meetings with bodies responsible for revealing of criminal offenses and finding and pursuing of committers of criminal acts, other bodies or organizations or lawyers, when it is in interest of exercising of judicial power (Article 24).

Article 134 of the Constitution of Montenegro says that “The State Prosecution shall be unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted *ex officio*”. Article 136 of the Constitution says that “The Council of Prosecutors shall secure the independence of the state prosecution”.

Law on State Prosecution<sup>4</sup> still elaborates constitutional principles and emphasizes few key principles in exercising of functions. So, Article 3 prescribes the principle of *independence* and says that the State Prosecutor must not exercise its office under anybody’s influence and that nobody shall influence the State Prosecutor in the exercise of its office, except in cases provided for by the present Law. State Prosecutor shall exercise its function in objective and impartial manner, on the principles of legality and equality. Finally, the principle of publicity of work of State Prosecution is also prescribed by the Law (Article 5 of the Law).

The Law establishes few principles in terms of internal cooperation and cooperation with other bodies. So, exercising of the function of State Prosecutor requires “ability of organization and coordination of employees in State Prosecution, which is assessed according to ability of State Prosecutor to cooperate, organize, and to control the work of councilors, interns, and other employees.” (Article 90 of the Law)

Principle of cooperation has been defined with the Chapter “Relations and Cooperation”, which defines relations with courts, other public bodies, cooperation with the police and other bodies and international cooperation.

State Prosecutor shall have a power to request from courts and other state authorities to be provided with files, information, and notifications as may be required for taking the measures falling within his/her competence, while courts or other state authorities shall be under a duty act upon the request. The

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<sup>1</sup> (“Official Gazette of Montenegro”, no. 001/07, from 25 October 2007, 038/13 from 02 August 2013)

<sup>2</sup> (“Official Gazette of Montenegro”, no. 011/15 from 12 March 2015)

<sup>3</sup> (“Official Gazette of Montenegro”, no. 065/16 from 12 October 2016)

<sup>4</sup> (“Official Gazette of Montenegro”, no. 011/15 from 12 March 2015, 042/15 from 29 July 2015)

State Prosecutor shall be under a duty to forward the files and information requested by the court or other state authority when these are required for the performance of the function of the latter. Cooperation that could endanger the integrity and independence of courts may be excluded, but also – cooperation that incites initiatives opposite to the principles of its independence shall be considered redundant.

Cooperation with the police and other bodies implies organization of counseling meetings intended for resolving of actual problems and exchange of detailed instructions for acting in specific cases. Purpose of the counseling meeting is to define the form of cooperation, to exchange collected data and also to direct joint activities of state prosecutors with the police officers, and officers from other bodies. Counseling meetings may be organized after the initiative of state prosecutors or police officers, or officers from other bodies. (Article 149 of the Law)

International cooperation is exercised through direct cooperation with prosecution offices from other countries, in the framework of international agreements and other international documents. Session of the Supreme State Prosecution defines the manner and conditions of cooperation. The session attends Supreme State Prosecutor and State Prosecutors from the Supreme State Prosecution (Article 145 of the Law).

When it comes to consideration of matters relevant for the work of the State Prosecution, and other cases prescribed by the law, Supreme State Prosecutor calls the extended session of the Supreme Public Prosecution, composed of supreme public prosecutor, state prosecutors from the Suprema State Prosecution, heads of high state prosecutions, and head of Special State Prosecution.

Provisions of the Law on State Prosecution are applied in terms of work of Special State Prosecution.

Article 4 of Law on Internal Affairs<sup>5</sup> says that “the Ministry, within the scope of its jurisdiction, shall provide expert assistance to citizens, legal persons, and other state bodies in exercise of their rights and obligations, protection of life, personal safety of citizens and property.” Police affairs are based on the principles of legality, professionalism, *cooperation*, proportional enforcement of competences, efficiency, impartiality, non-discrimination, and timeliness.

In accordance with the law, police officers provide assistance to public bodies, bodies of public administration, bodies of local self-government, and legal entities in executing of their decisions, if the procedures imply or expect physical resistance.

Article 16 of the Criminal Procedure Code<sup>6</sup> says that the Court, State Prosecutor and other public bodies participating in the criminal proceedings shall be bound to establish all facts relevant to render a lawful decision truthfully and completely and to examine and determine with equal attention facts that incriminate the defendant, as well as those that are in his favour.

According to this law, basic investigation principle is so called prosecutorial investigation, by which the State Prosecutor conducts the investigation. Exceptionally, following the request of the State Prosecutor, or defendant, certain investigative actions may be taken by investigative judge. This, however, must be conformed to the provisions of the Code, if specific circumstances may indicate that

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<sup>5</sup> (“Official Gazette of Montenegro”, no. 044/12 from 09 August 2012, 036/13 from 26 July 2013, 001/15 from 5 January 2015)

<sup>6</sup> (“Official Gazette of Montenegro”, no. 57/9 from 18 August 2009, 49/10 from 13 August 2010, 47/14 from 07 November 2014, 02/15 from 16 January 2015, 35/15 from 07 July 2015, 58/15 from 09 October 2015)



similar actions may not reoccur at the main trial or in case that consideration of evidences at the main trial would be impossible or hardened. This option reflects the possibility for communication, or cooperation between two bodies when it comes to setting the facts and principle of efficiency of the proceeding.

According to Article 44 of the Criminal Procedure Code, the basic right and the main duty of the State Prosecutor shall be the prosecution of criminal offenders, who shall issue binding orders or directly manage the activities of the administrative authority competent for police affairs in the preliminary investigation, military police, bodies of administration competent for the customs, bodies of administration competent for tax affairs and other bodies.

In order to exercise powers, police and other public authorities shall notify the competent State Prosecutor before taking any action, except in cases of emergency. The police and other public authorities in charge of revealing criminal offences shall proceed upon the request of the competent State Prosecutor. When it comes to imposing secret surveillance measures, which defines investigation judge on explanatory proposal of Public Prosecutor, the same measures are determined by Public Prosecutor after the proposal of authorized police officer.

Where there are grounds for suspicion that a criminal offence which is subject to prosecution by virtue of office has been committed, the police shall inform the competent State Prosecutor and take necessary measures as a self-initiative or upon a petition by a State Prosecutor, with a view to discovering the perpetrator, preventing the perpetrator or accomplice from fleeing or hiding, discovering and securing traces of the criminal offence and items which may serve as evidence, and to gathering all information which could be useful for conducting the criminal proceedings successfully. A person against whom some of the police actions or measures have been undertaken and misused, shall have the right to file a complaint with the competent State Prosecutor.

*Standpoints on cooperation within judicial institutions and at the level of cooperation with other public bodies*

The questionnaire that took place at the end of 2015, at the territory of 14 municipalities, covered by territorial jurisdiction of Basic, previously High, Administrative, Commercial, Appellate, and Supreme Court (except Misdemeanor court). The questionnaire noted specific trends in assessments of bearers of judicial functions of cooperation with other public bodies. 208 judges from different organizing levels participated in anonymous questionnaire. The given answers were structured according to numerical indicators, answers to concrete questions about the impact of other bodies, or their role in enforcement of justice and efficiency of the proceeding. The highest percent of interviewed judges (71,2%) said that other public bodies contributed, but their participation should be more efficient. Very small percentage of interviewers said that these bodies poorly contributed to resolving of cases and efficiency of proceedings (7,2%). According to the opinions of interviewers (judges) in the questionnaire, other public administration bodies and local self-government mostly contribute to slow proceedings and weak efficiency of work of courts (40,4%), the police (9,6%) and prosecution (6,7%). Results of the questionnaire clearly show that the least "resistance" was registered towards cooperation with institutions and bodies covered with this project, and with the police and prosecution.

When it comes to prosecution, large number of bearers of prosecution function (95 prosecutors, December 2015) was anonymously interviewed during the Project. The questionnaire included prosecutors at the level of Basic Prosecution Offices, and Special State Prosecution and High Prosecution in Bijelo Polje.

In a view of assessment of the role of other bodies in enforcement of justice and efficiency of proceeding, even 77,9% prosecutors said “they contribute, but their participation should be more efficient”, and even 15,8% believed that other bodies contributed to efficiency of the proceeding. Almost 4,3% prosecutors said “they weakly contribute to resolving of cases and efficiency of the proceeding, and that they obstruct enforcement of justice”, and 2,1% of prosecutors did not respond to this question. To their opinion, other public administration bodies and local self-government influenced of slow proceedings and efficiency of work of prosecution (36,8%), police (16,8%), courts (9,5%), and lawyers (3,2%).

In comparison with the efficiency of the functional part of trial and bodies, which, according to the opinion of prosecutors, have to change and improve their work; and relations and acting towards prosecution; prosecutors said that the Police Directorate had the lowest need for changes, and certain services of Ministry of Interior.

The questionnaire did not cover standpoints of prosecutors about the work of courts, because such an access may be understood as inappropriate, especially bearing in mind the role of courts and relations with the prosecution, in the process of functioning of judicial institutions.

The questionnaire conducted in the frame of the Police Directorate covered more Security Centers and Units (Bar, Berane, Bijelo Polje, Herceg Novi, Kotor, Pljevlja, Budva, Podgorica, Niksic, Tivat, Ulcinj, Niksic and Rozaje). Heads of the Security Centers and Police stations participated in interviews. General impression that dominates after obtained responses from the Police Directorate, reflects good level of cooperation with prosecution bodies, which confirmed all interviewers, except one. Individual answers provided more impressions, indicating that the cooperation should be better, especially in terms of supplement of evidence, which is the fundamental ground of investigation procedure. Responses of the Police Directorate officers showed that they had noted lack of logistic capacities in work of prosecution, especially lack of adequate premises, which could make the communication easier, and also provide presence of police officers in work on investigation cases. Seems that there are differences in understanding of staff solutions, which requires better trained prosecutors in acting in specific cases, demanding criminalistics and technical professionalism.

Most responses indicated on certain level of relief in work of the police bodies, especially in terms of initiating of investigation procedures. This may be explained with the responsibility of prosecutors for all the phases of investigation, or interventions after the reporting and/or reporting of the criminal act from the domain of real competence of certain prosecution offices.

On question whether the prosecution and staff capacities had been qualified for investigation and operational measures from their domain, most respondents gave positive answers. They also noted that operation affairs are coordinated and take place with the cooperation of the police and prosecution, agreement about the manner of operationalization of measure, actions and procedures, and mutual respect of standpoints and opinions. This is obviously the indicator of progress, especially bearing in mind previous cases of mutual denying of credibility, which resulted in media confrontation. Obviously, cooperation was the key form of acting, which may significantly improve the impression of public that prevailed in previous period, and was significantly under the influence of media reporting about evident disagreements, in terms of cooperation between Special Prosecution and the Police Directorate.

Explanation of reasons of better cooperation often mentioned that the prosecutorial investigation as the new institute, specified the roles of certain bodies in undertaking of competences and procedures prescribed by the law. Also, subordinate role of prosecution did not diminish the importance and role of

police bodies, and as respondents said, police officers assessed that, for improvement of already good cooperation, it would be useful to take into account legal qualification of offenses.

Police bodies believe that the law provisions limiting the importance of statements of the suspect, given to the police, should be analyzed and reviewed, in order to improve the efficiency of the proceeding or to help achieving of criminal justice. In addition to this conclusion, it would be appropriate to analyze the standards implemented in practice of the European Court of Human Rights, in order to avoid confusion about the nature of measures, defined by the law and procedures in terms of criminal proceeding standards during the investigation phase.

The summary of this part of the project should mention the position of each body that acts in cases recognized in the analysis of the given answers. According to competences prescribed by the law, which define organization and acting of the police bodies; responsible work on revealing and preventing of criminal offenses is prescribed as their main duty. In the framework of these competences, they are also obliged to maintain peace and order, protect personal and safety of property of citizens, prevent crime, control national borders, control movement and residence of foreigners, etc. The Police Directorate has special services dealing with the matters of analysis of undertaken measures in the framework of its competences, which may significantly ease the work on implementation of investigation measures when they become part of prosecutorial investigation.

Furthermore, the police has a very important role in prevention of the most serious forms of crime. Thus, legal and efficient work of the police and cooperation with the prosecution is the elementary presumption of efficiency of acting in this area. Except this function, cooperation between the Prosecution and the Police is observed as the precondition for prevention and elimination of misuse of competences that undermines the confidence in the overall institutional order, where criminal justice is achieved.

On the other side, jurisdiction lines are based upon the nature of the doubt, whereas the role of prosecutor is activated upon the collection of sufficient evidences on the reasonable doubts<sup>7</sup> on the specific criminal offence. By the rule, information on the reasonable doubt most often comes from police bodies, as the result of their field work in the specific case. Reasonable doubt is higher grade of doubt, as it is based on collected information and credibility of evidences.

Conclusions about the necessity of cooperation indicate that all phases of investigation – starting from revealing and reporting of criminal offense and its finalization or indictment, through the strategy and tactics in investigation – are combination of measures and procedures for its efficient conduction. This concretely means that the phase of operational measures and actions in investigation always has to count on logistical support of police bodies that have necessary human and technical resources. It is illusion to expect that investigation can be successful in absence of cooperation between these institutions, and that planning of investigation can be done without appropriate input of bodies that reveal criminal acts by the nature of their work.

A prosecutor who has the role of the managing mechanism in investigation, has to be thoroughly, timely and adequately informed about all actions conducted under his competences, and the facts related to the concrete criminal offense, and about a committer identified by official persons before investigation formally started because of the relevance for investigation.

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<sup>7</sup> The certainty that the criminal act was committed, or the existence of particular circumstances indicating the possibility of the criminal offense and a person as a possible perpetrator.

Conduction of investigation implies regular and extraordinary contacts with all subjects participating in investigation, information about the results of conducted investigation activities, problems that occurred during investigation, and assessment of the previous situation and decisions on further steps in investigation. This also implies dynamics of investigation activities, and the timeframes of activities.

Characteristics of work of bodies clearly indicate cooperation points which inevitably direct both prosecution and the police to each other. Seems that the questionnaire has largely reflected readiness and mutual respect in work of these bodies, which may also be described as the new and concrete confirmation of improvement of cooperation of two bodies.

Measurable indicators of cooperation are given in the questionnaire results, and the most relevant are presented in this part of the Report.

## IV Relations of institutions and professional and laic public

Judicial institutions were closed for all forms of public for a long period of time, which is their key characteristic. All information were given in reports about the work that were published periodically, containing a lot of statistical data. Contact with the professional public is still sporadic and mostly through conferences, seminars, round tables, and other forms of professionalism, or exchange of opinions.

The new quality, noted by this Project, is presence of judiciary in academic and other educational institutions, which is good grounds for timely attaining of knowledge about proceedings and material law, used in work of judicial institutions, which also provides information for the general public about the work of these institutions.

When it comes to web portals of courts, they are updated and have better content, so now it is possible for the professional public to obtain more information, and is especially better informed about merit court decisions created by the court practice. Thus, web portal [www.sudovi.me](http://www.sudovi.me) significantly developed its pages, and published large number of verdicts rendered in various proceedings which, at the same time, may serve for the strategy in proceedings, for all participants in court proceeding.

Portal pages are now balanced, and examples of good practice can be found at all levels. For example, web page of the Basic court in Rožaje published more than 4,500 court decisions, and the web page of the court in Pljevlja more than 7,000. Basic court in Podgorica published 7,000 court decisions at its web site and Basic court in Kotor published almost 5,000. Court in Rožaje has various and the most comprehensive page with statements and information important for the work of the court, and also for parties, professional and general public.

Besides the practice of national courts, the web page of the Supreme Court of Montenegro publishes the practice of the European Court of Human Rights, and professional publications from the domain of competences and work of courts, and links are directed to organizations, institutions and bodies that create standards and/or participate in some other manner in creation of legal practice important for the work of courts and informing of general public (*Ombudsman, Bar Association, Notary Chamber, State Prosecution, Police Directorate, etc.*)

Especially important element in terms of informing public is the schedule of trials, which is constituent part of web pages of all courts. Updating of content has been done during the last month of the current year, while the web page of Basic court in Nikšić published the schedule for the beginning of the next year.

Judicial institutions improved contacts with professional public through intensive communication with civil sector and other judicial branches, via Center for training of judges and state prosecutors. This activity takes place through national working program and educational plan, and through participation in projects important for the law profession as a whole. According to information we obtained during the preparation of this report, two professional meetings took place during the last two months. Meetings were organized by the HELP Program of the Council of Europe, and PREDIM Project, and were about the improvement of capacities of national institutions in fight against discrimination and protection from torture. NGO CEDEM organizes education of young staff in judiciary, which in the last years includes law practice. Important activity is also noted in Association of Judges of Montenegro, which informs public through its publishing activities and organizing of seminars for professionals, about activities and

practice important for education and information about the practice of courts and other bodies that implement the law.

We got the impression that coordination in organizing and participating in different forms of specialization and educational innovations failed, and that the civil sector was included only in initiatives that were of “lower professional level”. Besides, law profession was also marginalized, although as the constitutional category has an important role in establishing of legal order, or practice of national courts and the Constitutional court of Montenegro.

Indicators of situation in this area are measurable and may be observed through the content on the web page of courts, Center for training of judges and state prosecutors, Association of Judges of Montenegro, NGO CEDEM, and the Council of Europe Help Program.

## V Transparency of work of institutions in achievement of criminal justice

### a) Legislation

Article 65 of the Law on Courts of Montenegro says that the information about the work of the court shall be disclosed by the President of the court or person authorized by the President of the court. The information shall be disclosed in line with this Law, Court Rules of Procedure and the law governing the free access to information. Information that could affect the conduct of judicial proceedings may not be made available to the media. For the purpose of informing the public, a separate public relations department may be established in courts.

Relations between State Prosecution and media relies on information on the work of the State Prosecution that shall be disclosed by the Chief State Prosecutor or a person authorized by him. Information that could affect the conducting of the proceedings shall not be disclosed to the media. For the needs of informing public, State Prosecution may establish special PR service.

Law on Internal Affairs, which is applied to the Police Directorate, prescribes by the Article 5 that the Ministry shall inform the public about the performance of internal affairs when in the interest of the citizens of Montenegro and their safety. Notification containing personal data shall be submitted in accordance with the separate law.

Transparency as the form of the public work of judicial institutions was monitored from more levels of this project:

- Through monitoring of communication of the strategy of judicial institutions and the police
- Respect of principles of free access to information that are of public interest
- Internet presentation of judicial institutions and the police.

Expression communication strategy in this Report is used to explain all forms of contacts that have the function to inform public about facts and activities important for the work of courts, prosecution and the police, and participation of public as its constituent part. Legislation established publicity of work of these institutions as one of the fundamental principles. Publicity of work is achieved through contacts with media, direct addressing of citizens, reports about work, participation in projects related to PR affairs and other forms of public informing. Goal of transparency are available information important for wide social community, improvement of confidence of citizens and users of services of judicial and police administration services in institutions, protection of all participants in criminal proceedings (especially vulnerable groups), maintenance of presumption of innocence, and timely submitting of information. At the same time, it is important to define target groups through communication strategy, bearing in mind that they may be various (level of education, age, health condition, mental and physical ability, social status, etc.).

During the second half of 2016, the Government of Montenegro adopted the *Strategy of Judicial Information and Communication Technologies 2016-2020*, where one of its pillars (Strategy Pillar 4) is establishing of electronic services for citizens, legal entities, institutions, and international organizations. Introduction of electronic services in functioning of judiciary would improve official communication between judicial institutions, and official communication with users of its services, and would also improve efficiency in resolving of cases, and would also result in cost-effectiveness of judicial institutions and users of its services.



Through monitoring of the web page of the Police Directorate, which is in the framework of the Ministry of Interior of Montenegro, it has been stated that there was large number of information based on facts and activities that had occurred in work of this body. It was noticed that the special attention was devoted to informing of public about the events whose actors (victims or committers) were vulnerable groups, and that the accent was on presumption of innocence. Such access does not correspond with media reporting from “sources close to the Police Directorate”, where fundamental principles are often violated.

Communication strategy document does not exist within this body. According to statements of authorized persons, informing is based on principles of responsible and professional reporting. At the level of Directorate, qualified and highly professional officers were engaged, who directly apply experience and knowledge in everyday work. Even though, it was not possible to appoint the interview with representatives of Police Directorate during the Project, which was a duty of the News Agency MINA, the partner in this project.

Representatives of judicial institutions organized a number of public sessions – dialogues with students, at three Law Faculties of University institutions in Montenegro (University Mediteran, University Donja Gorica, and the University of Montenegro) and two sessions in High Schools with law departments (Economy High School “Mirko Vesovic” in Podgorica, and Gymnasium “Stojan Cerovic” in Niksic). Participants of these sessions were representatives of courts and prosecution at different level, police bodies, and institutions for protection from misuse of competences, media and general public.

All mentioned activities had media attention - print media and electronic media in Montenegro, via News Agency MINA and attendance of journalists, while *ELSA (European Association of Law Students)* additionally informed public about these events via its profiles at social networks (40 statements with more than 7000 followers on Twitter).

Content that was published by the Agency MINA were translated into English and therefore, easily available to diplomatic missions and international organizations interested in social events in Montenegro.

These sessions were devoted to cooperation and obstacles that prevent full functioning of judicial institutions, and to relations between judiciary and the police in Montenegro. Thus, sessions had become more than informative event. They were the grandstand for open debates on all aspects of work of institutions that were the subject of interest in this Project.

Finally, in order to better meet with the efficiency of work of institutions, the Project points out on reports of all mentioned institutions covered by the Project, as follows:

- The Report on Work of Courts, 2015
- The Report on Work of State Prosecution, 2015
- The Report of Ministry of Interior About the Work and Situation in Managing Areas for 2015, with information about the work of Police Directorate for the mentioned period.

Measurable indicators for this part of the Project are number of meetings that took place, their precise titles, statements that were published by media and the number of visits on portals and social networks on topics related to the Project.



Besides, Association of Judges of Montenegro published two significant documents<sup>8</sup> aiming to introduce public with data about the work of courts, proceedings and activities in the framework of these proceedings. In that manner, the Association gave the opportunity to general and professional public to meet with the details that may be important during the participation in court proceedings or when using services of court administration. Both documents were published at the web page of the Association (<http://www.udruzenjesudija.me/index.php/download/download>).

In a view of free access to information, it was stated that all mentioned bodies had guides for free access to information in a domain of their work. Some of them were innovated, while others had old forms.

During the last quarter of 2015, prosecution bodies received two requirements for free access to information – Supreme and High State Prosecution. We received answers that were not concrete.

In the same period, Supreme State Prosecution had published 38 statements related to work of 17 prosecution bodies. This leads to the conclusion that there are prosecution offices that are more active than the ones that are less active in public relations, or the ones that did not communicate with public at all.

When it comes to the Police Directorate, contact information at the level of certain security centers lacks (email, phone number of Security Center Berane and Rožaje).

During the first quarter of 2016, three requirements were filed for free access to information to the Supreme court, High court in Podgorica, High court in Bijelo Polje. The one requirement resulted in negative answer, but the remaining requirements were fully respected and we received concrete and detailed answers. During the mentioned period, 24 statements were published from 17 prosecution units. Out of this number, 10 were from Basic and High Prosecutions.

Requirements for free access to information were filed to the Supreme court, High court and two High courts in Bijelo Polje, in the second quarter. Two requirements resulted in positive answers, but two requirements were rejected. In the given period, web portal of the State Prosecution published 33 statements from all the units, which were related to 16 Basic and five High Prosecutions.

During the third quarter, three requirements for free access to information were sent to the Police – in Security Center in Podgorica, Bijelo Polje and Nikšić. Two requirements resulted in positive answers, but we did not receive response on one requirement for free access to information.

Two requirements for free access to information were sent during the last quarter to High State Prosecution in Podgorica, and we have received answers on both requirements. However, responses we received were not concrete.

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<sup>8</sup> “Guide through Courts in Montenegro” and “Guide through Criminal and Civil Proceeding of Montenegro”

## VI The role of media and other social elements in informing public about the work of institutions in achieving of criminal justice

The Project itself stressed media reporting about its implementation. Media forms that reach the user of information in the easiest and fastest manner were the primacy, and these are social networks and informative agency that is the service for a number of media.

During the monitoring of media effect of proceedings before judicial institutions and the police, special attention was directed on critical points in the reporting, which indicated on lack of coordination between bodies that are directed to cooperation, by their nature. It was also concluded that the very reporting had become an issue, due to the lack of fundamental knowledge and information related to the proceeding. This directly ruins the reputation of institutions, and additionally causes damage to participants in the proceeding and users of judicial administration and the Police Directorate. This is the consequence of lack of direct communication, which is based on understanding of the role of media in court proceedings. After the initiative of the Association of Courts, a number of seminars devoted to communication between media and judiciary were organized.

Center for Training of Judges and State Prosecutors organized the training for state prosecutors, in cooperation with Organization for Security and Cooperation (OSCE) and USA Embassy in Podgorica. Topic of the training was *"Public relations"*, and it covered topics related to transparency of work, protection of personal data and free access to information, through the process of communication with media, and practical trainings (in front of cameras) – statements, press conferences, and TV interviews (April 2016).

However, despite the expressed readiness, it seems that the core of the problem is still related to the certain level of mutual distrust between these institutions. That problem is sustained with the fact that empty space is created by the mandatory commitment of judicial representatives to conform to the secrecy of the proceedings and dignity of the parties, and that empty space is much more occupied by the other actors in the public information realm as well as persons for whom the public information are integral part of their professions (marketing in widest sense). Similar patterns exist with police bodies, although "information leaking's" are much more frequent with them.

## VII Recommendations

- Mutual cooperation of different bodies should be systematically solved. Practice for mutual consideration of general matters for the interest of all bodies, should be established as well (for example, in the framework of Center for Education of Judges and State Prosecutors, professional debates at the Law Faculties, etc.)
- Legislative and institutional reforms should be followed by adequate material and staff support, including the space, equipment, and human resources. This is especially important for the capacities of the prosecutorial organization.
- Besides the mentioned support, the system of “early” revealing of the staff potential, and support for lawyers to devote to their own professional development in systematic and continuous manner, should be in focus.
- Relations between judiciary and the police should be based on strategic orientation that will cover target groups, acting methods and human resources. Shortly, communication strategy should exist, with previously specified goals and indicators for monitoring of implementation.
- Status of judicial institutions and police bodies in social events should be demystified, and measures for attaining/encouraging/returning of confidence of citizens and users of administration services should be designated.
- Communication with public should be based on participation of the high bearers of judicial functions, which is the manner of showing respect to public that has the right to be informed about matters of wide social (public) interest.
- Using of information technologies and social networks is important element and the method for introducing the public with all forms of work of public institutions.
- Strengthening of institutions should be based on direct support of media that have to be informed timely and duly about all events under the competences of these institutions, in order to reduce space for speculations and disinformation.
- Monitoring of future activities should arise from the proposed measures, as the logical follow up of monitoring of situation in this area.