

How corruption affects the security and stability in Montenegro?



- A successful fight against corruption is one of the main factors that is appreciated in the process of accession to the European Union, which Montenegro aspires to, as well as the processes of alignment with the standards of the Council of Europe
- Montenegro is a full member of GRECO (Group of States against corruption) since June 2006, which monitors the implementation of the Conventions for Combating Corruption by Council of Europe.

- Continuous cooperation in the fight against corruption is realized through the realization of joint projects with the OSCE Mission in Montenegro, the UNDP Office, the Office of the Council of Europe in Montenegro, the United States Embassy, and others.
- **The first anti-corruption body in Montenegro was established in 2001. when the Government of Montenegro adopted the Decree on the Establishment of the Anti-Corruption Agency**

Conditions in Montenegro

- *The Special State Prosecutor's Office* is a body whose competencies are specific and relate only to certain criminal offenses, but that are the most dangerous like:
 - 1) organized crime, regardless of the height of the punishment prescribed;
 - 2) high corruption;
 - 3) money laundering;
 - 4) terrorism;
 - 5) war crimes, and
 - 6) violations of the electoral rights prescribed in the Chapter of the 14th Criminal Code of Montenegro.
- The Special State Prosecutor's Office, in the exercise of his / her jurisdiction, works directly with the Special Police Department.

- According to the Report of the Special State Prosecutor's Office for 2016, the Special State Prosecutor's Office has:
 - received criminal charges against a total of **811 persons for criminal offenses in the field of corruption**, and with unresolved applications from previous years, the prosecution had filed complaints against a total of **1055 perpetrators of these criminal offenses**;
 - in the reporting year, **75%** of persons from this crime area were reported in comparison to the previous year;

- the prosecution issued decisions on the dismissal of a criminal complaint against 460 perpetrators, while 43 perpetrators issued an order to carry out the investigation, of which they were transferred to the other prosecution offices for the jurisdiction of a criminal complaint against 103 persons. An indictment was filed against two persons, while applications in relation to 447 persons remained unresolved at the end of the reporting period;
- together with investigations launched during the reporting period and investigations from previous years, the prosecution has been investigating a total of 55 people. After the completed investigations for corruption, a total of 26 persons were charged, while investigations against 29 persons remained unresolved at the end of the reporting period.
- **At the end of the reporting year, the charges against 37 persons remained unresolved**

- **According to the Report on the work of the Special State Prosecutors' Office for 2017:**
 - on the basis of a **plea agreement**, the verdict of the competent court solved cases against **240 perpetrators of criminal offenses** , due to the gravest and most serious criminal offenses of corruption and organized crime. With sentencing, the proceeds from the perpetrators of the criminal offense were seized in the total amount of **177,038.10 euros** and are obliged to pay for humanitarian purposes the amount of **22,750 euros**.
 - when it comes to criminality against adults who were decided in the jurisdiction of the Special State Prosecutor's Office, **26.91% less of the persons than in the previous year**, in these criminal offenses were reported. In the total number of reported perpetrators, **organized crime accounts for 13.66%**, high corruption.
 - **The number of persons registered for high crime corruption cases decreased by 34.40%**, the number of registered persons (in 2016, 811 persons).

Higher court - Specialized department for detention for criminal offenses of organized criminal, corruption, terrorism and war crimes

- According to the Report on the work of courts for 2015:
 - two Specialized departments in higher courts that deal with cases of organized crime, corruption and war crimes, had 53 cases in total, of which 26 cases were resolved, and 27 cases remained unresolved. The inflow was lower compared to the previous years, the specific number of cases solved was lower for 6 cases in relation to the number of resolved cases in the previous year.

- **According to the Report on the work of courts for 2016:**
 - two specialized departments in higher courts prosecuting cases of organized crime, corruption and war crimes, **had 70 cases in total, out of which 38 cases were resolved, and 32 cases remained unresolved.** The inflow was higher compared to the previous years, and the number of cases was higher for 12 cases compared to the number of resolved cases in the previous year.

- **According to the Report on the work of courts for 2017:**
 - a total of 81 cases were examined by the Specialized Department at the Higher Court in Podgorica, which examines cases of organized crime, corruption and war crimes, out of which 39 cases were resolved, while the remaining 42 were resolved, ie 51.85%.

Ministry of internal affairs

- **According to the Report of the Police for 2015:**

There were 714 criminal offenses detected, including 69 criminal offenses with elements of corruption. These criminal offenses were prosecuted by filing 507 criminal reports, involving 637 persons, of which 9 were legal entities.

- **According to the Report of the Police for 2016:**

It was discovered 455 criminal offenses of economic crime, or 36.3% less than in 2015, including 80 criminal offenses with elements of corruption.

- The Ministry of the Internal affairs, in cooperation with the Police Academy, organizes special training on the topic of **Strengthening Integrity in the Security Sector**. Training is done on a special program for police officers, made by DCAF experts, in co-operation with OSCE.
- Licensed lecturers organize training in all centers and security departments. After each training, an analysis of the tests of knowledge testing is carried out before and after training. **During 2016. year 36 training sessions were held for 463 participants, and in 2017. year 37 training for 507 civil servants and in 2018. 6 training for 64 officers.**

Legal frame

Montenegrin legislation

- **Criminal Code of Montenegro** does not consist corruption as a individual criminal offense, but there are a number of criminal offenses with elements of corruption on the basis of which corruption is sanctioned.
- **Criminal Offenses against Official Offenses** (special chapter in Criminal Code):
misuse of official position (Article 416); misconduct in service (Article 417); unlawful collection and payment (Article 418); fraud in service (419); embezzlement (Article 420); unlawful influence (Article 422); referring to unlawful influence (Article 422a), receiving a bribe (Article 423); bribing (Article 423).

- **Criminal offenses against payment transactions and business operations** (a chapter in Criminal Code):
abuse of monopolistic position (Article 270); abuse of office in business (Article 272); abuse of authority in the economy (Article 276); misuse of unauthorized information (Article 281); manipulation on the securities market (Article 276); bribery in business (article 276a); bribery in bribery business (Article 276b) of value or other financial instruments (Article 281a).
- The Criminal Code also gave the **definition of the bribe** (as an integral part of corruption) which reads: "The bribe, in the sense of this law, is a gift or other unlawful property or non-profit benefit, regardless of value."

- **The Law on Prevention of Corruption** prescribes measures to prevent conflicts of public and private interest, regulates restrictions on the performance of public functions, submission of revenue reports and public officials' assets, protection of persons reporting threats to public interest indicating corruption, as well as other issues of relevance for preventing and preventing corruption.
- This law provides the definition of corruption that reads: "Corruption is any abuse of official, business or social position or influence in order to gain personal benefit or benefit to another."

- Crucial fact when it comes to **The Law on Prevention of Corruption** is that this Law foresees educated special institution for the prevention of corruption - **the Anti-Corruption Agency**.
- This Law also provides the procedure for determining violations of the provisions of this Law. If this procedure determines violations of the Law, the Agency shall issue a decision on the basis of which the public official is acting by an unauthorized public function.

- The forms of corruption are also prohibited by many other laws, such as: the **Law on Civil Servants and Employees**, the **Law on Internal Affairs**, the **Law on Financing Political Entities and Electoral Campaigns**, and the **Law on Lobbying**.
- It is also important to mention **The Code of Police Ethics** as a subordinate act that foresees the principles of ethics that a police officer must respect in the conduct of police affairs. What importance is attached to the Code of Ethics shows that the Law on Internal Affairs foresees violating the Code as a **major violation of official duty**.

- When it comes to international acts, Montenegro is a signatory of The United Nations Convention against Corruption since 2003. when it was adopted in New York, and ratified in 2005, and thus created the basis for the implementation of European standards in this area.
- Other important documents, which are the basis, the guidelines, and also provide measures to combat corruption, are:
 - *National Strategy for Sustainable Development* by 2030 (NSSD) as the main and long-term development strategy of Montenegro;
 - *Medium-term program of work of the Government of Montenegro 2018-2020*. which primary goal is the preservation of peace, security and stability, the development of democracy, the rule of law, freedom, human and minority rights and good governance for all citizens;

- *Chapter 24. - Justice, freedom and security* which contains common European Union rules that Montenegro needs to fulfill in order to harmonize the domestic system with European standards
- *Development Strategy of the Police Directorate for the period 2016-2020.* which is a main strategy for police improvement, based on which the Action Plans for its implementation are adopted each year, which envisage the measures that the organizational units of the Police Directorate are obliged to fulfill;
- *Integrated Border Management Strategy 2014-2018.* whose main goal is to meet the criteria for Montenegro's accession to the European Union and the Schengen area.

Anti-corruption agency

- *The Anti-Corruption Agency* is an independent state institution that started operations on January 1 2016. in accordance with the Law on Prevention of Corruption.
- According to the Law on Prevention of Corruption, all authorities are obliged to adopt an *integrity plan* that contains measures that prevent and eliminate the possibility of corruption and corruption itself, and ensure the trust of citizens in their work.
- The Agency takes numerous measures to prevent and fight corruption. For example: determines the existence of a conflict of interest in public functions and undertakes measures for its prevention; controls restrictions in the exercise of public functions; issues a misdemeanor order and initiate misdemeanor and other proceedings;
achieves regional and international cooperation in the preventive fight against corruption; and perform other tasks prescribed by law, and performs other duties under its jurisdiction.