

FSC.EMI/230/08
9 June 2008

ENGLISH only



*Permanent Mission of Montenegro to the UN, OSCE and other
International Organizations in Vienna*

No: 308-2/2008

The Permanent Mission of Montenegro to the OSCE presents its compliments to all Permanent Missions to the OSCE and to the Conflict Prevention Centre (CPC) and has the honour to transmit herewith the response of Montenegro to the Questionnaire on the Code of Conduct on Political-Military Aspects of Security.

The Permanent Mission of Montenegro to the OSCE avails itself of this opportunity to renew to all Permanent Missions to the OSCE and to the Conflict Prevention Centre (CPC) the assurances of its highest consideration.

Vienna, June 9th, 2008



**To all Permanent Missions
and the Conflict prevention Centre (CPC)
Vienna**

2008 INFORMATION EXCHANGE BY THE MONTENEGRIN THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Having in mind that terrorism become a permanent threat to a world peace, Montenegro is a country that dedicates particular attention to this matter. Although Montenegro is not a country that is directly exposed to terrorist threats, because of its geopolitical position, and the fact that is tourist and transit country, it is on a line of a terrorist attacks.

As responsible member of international community Montenegro participates in all forms of fight against terrorism, and is recognized as country that fulfills all its commitments.

Legal frame

Legal frame is the one that enables efficient struggle against terrorism, and includes laws that are related to the criminal-legal field or refer to. These are:

- Criminal law of Montenegro
- Law on criminal process of Montenegro
- Law on prevention money laundry and financing of terrorism,
- Law on Agency for national Security
- Law on state prosecutor

Decisions that are in these laws demonstrate readiness of Montenegro to support international activities on the level fight against terrorism.

Montenegrin legislation related to the terrorism and fight against terrorism is in line with CELEX number 31999Y1223(01), as well as with European convention on fight against terrorism from 27.01.1997 and protocol CoE on terrorism from 7.12.2005 and Protocol on stamping out of terrorism 16.8. 2003.

During 2008 it is expected that Montenegro pass a Law on ratification of additional protocol to European Convention on stamping out of terrorism.

Participating States will supply relevant information (including documents where appropriate) on the following items:

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end:

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

See Annex 1

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

See annex 2

(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;

See annex 3

(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);

(e) Roles and missions of armed and security forces in preventing and combating terrorism;

See annex 4

The Army, in line with the Constitutional Charter, legislation and its competencies undertakes measures to combat terrorism. The Army of Montenegro possess special anti-terrorist unit. The competent authorities are undertaking appropriate measures to prevent the entry of terrorists as well as their transit through its territory.

2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of:

(a) The military posture;

In defining priorities in national defense, planning requires a common understanding of the relationship between ambitions, tasks, capabilities and means. Since Montenegro is in process of Euro-Atlantic integrations, and is part of NATO PfP program, strategic documents as Defense Strategy and others are in drafting phase.

(b) Defense expenditures;

The Defense Plan of Montenegro is not finish jet, is currently under way. The Plan will explain the relationship between the policy, the planned expenditures and capability development versus activities, personnel and equipment. This document will serve as the basis for the annual budget plan. The Chief of Defense, as the corporate planner, formulates this integrated proposal to be submitted to the

Minister of Defense. The Government of Montenegro has decided for continuously and stable budget assignments on level of 2% of GDP, for necessities of Defense system.

3. Stationing of armed forces on the territory of another participating States in accordance with their freely negotiated agreements as well as in accordance with international law';

The Montenegro do not has stationed armed forces on the territory of another participating States.

4. Description of

(a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;

The Constitution states that the Government has the supreme authority over the armed forces. Its security and defense policy is subject to a parliamentary control. The Montenegro does not have paramilitary, internal security or intelligence forces.

(b) Constitutionally established authorities/institutions responsible for the democratic control of military paramilitary and security forces;

The Minister of Defense is politically responsible to the Parliament for the implementation of the outlined policy priorities and the operational objectives set. The Parliament has the competence for allocating funds for the annual budget of the Ministry of Defense and the armed forces.

In a Sector of criminal police there are three sections that are working on a position that are related to terrorism.

- Section for fights against organized crime and corruption,
- Section for general criminal and
- On local level- Regional units.

The Director of Police Department is also responsible to the Parliament, and has regular hearings in Committee for Security and Security of the Parliament.

(c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

The Montenegro aims to have smaller but high-quality, interoperable and fully deployable armed forces.

The Army of Montenegro has three principal missions:

Defense of any conventional, unconventional and asymmetric threats, especially threat of terrorism

Support to state institutions in the case of ecological, natural and artificially caused disasters

Participation in building and peacekeeping in the region and world

The Government informs the public in an active way on matters related to the armed forces, using all possible means for this purpose, for instance- websites, audio-visual materials, briefings and

publications. Besides this active way, there are plenty of opportunities for the press and the public to put forward questions related to the armed forces.

5. Description of

(a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;

The Montenegro has suspended military recruitment in 2006.

(b) Exemptions or alternatives to compulsory military service, if applicable;

Since the Montenegro has suspended military conscription, offering alternatives to compulsory military service is no longer applicable.

(c) Legal and administrative procedures protecting the rights of all forces personnel;

The military disciplinary rules are almost entirely shaped after civil law and do not infringe upon the civil rights of the military personnel. Only during military operations in times of war or in peace support operations, these civil rights can be limited. The Inspector General for the armed forces serves as Ombudsman for all personnel.

6. Instruction on international humanitarian law and other international treaties, conventions and commitments governing armed conflict included in military training programs and regulations;

International humanitarian law is instructed to all military personnel, as well as other relevant international conventions and commitments, for instance those within the framework of the United Nations. Further, the principal rules of international humanitarian law are summarized on easy-to-carry personal instruction cards distributed to each individual soldier.

7. Any other information.

None.

ANNEX 1

To question 1 of the Information exchange on the Code of Conduct on politico-military aspects of security

1(a): List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party

MONTENEGRO AS A PARTY TO THE UNIVERSAL INSTRUMENTS RELATED TO TERRORISM AND COOPERATION IN CRIMINAL MATTERS

Conventions for which Secretary-General of UN acts as depositary:

United Nations Convention against Transnational Organized Crime

International Convention for the Suppression of the Financing of Terrorism

International Convention for the Suppression of Acts of Nuclear Terrorism, **succeeded to signature**

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

International Convention for the Suppression of Terrorist Bombings

International Convention against the Taking of Hostages

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

Conventions for which Secretary-General of ICAO acts as depositary:

Convention on Offences and Certain Other Acts Committed on Board Aircraft.

Conventions which are deposited with International Maritime Organization

Montenegro has succeeded to the following Conventions that are deposited with International Maritime Organization:

Convention for the Suppression of Unlawful Acts against the Safety of maritime Navigation (SUA 1988);

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed platforms Located on the Continental Shelf (SUA PROT 1988).

Conventions for which individual states act as depositaries:

For the following Conventions Ministry of Foreign Affairs of the Republic of Montenegro has, on 12 December 2006, deposit an instrument of succession with the Government of the United Kingdom of Great Britain and Northern Ireland:

Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970,

Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988,

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971

Treaty Section of the Foreign and Commonwealth Office has informed the Ministry, on the 2 January 2007 that the information concerning Montenegro succession will be circulated to all State Parties and the Secretary-General of the United Nations.

ANNEX 2

(b): Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

European Convention on the Suppression of Terrorism, 27 January 1977. Strasbourg (entry into force for the Montenegro:06 Jun 2006)

Agreements concerning the on the Suppression of Terrorism among the follows States of the European Community : Republic of Greece , Republic of Bulgaria, Republic of Serbia, Republic of Albania, Republic of Italy, Republic of Croatia, Republic of Austria.

Adopted and implementation Berlins Declaration from 10 Jul 2002.

ANNEX 3

(c): National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above

Criminal law of Montenegro incriminate as particular acts, criminal act of international terrorism and criminal act of financing terrorism (article 447 and 449 of the Criminal law of Montenegro)

ANNEX 4

(d): On the basis of the proposal of the Law on peace mission, that has been delivered to the Montenegrin Parliament, on adopting, in these operations, which are under UN or EU flag, there will be members of Montenegrin Police Department. Role of Police Department in these operations is civil and the goal is support of peace operations and establishing peace and order, as well as building and strengthening of stabilization and institutions in post conflict societies. So far, only one representative of Police Department participated in peace missions.

ANNEX 5

Supreme state court of Montenegro, division for stamping out of organized crime, raised indictment against 18 persons, for the criminal act- association for the unconstitutional activity related to the article 372 paragraph 2 and 3, and in relation with article 364 and 365 of Criminal law. Process on this accusation is in phase of main discussion, and its completing is expected to be to the end of June this year.