



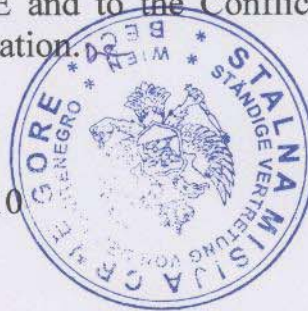
**Permanent Mission of Montenegro to the UN, OSCE and other
International Organizations in Vienna**

No:47-2/2010

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 for 2009.

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, January 22nd, 2010



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



Montenegro

Information Exchange on the OSCE Code of Conduct on Politico-Military Aspects of Security

- 2009 -

1. Appropriate measures for prevention and combating terrorism, specifically participation in international treaties

a) List of international treaties, including all UN conventions and protocols pertaining to terrorism that are binding for Montenegro

Regarding international-legal instruments in the field of fight against terrorism and cooperation in the fight against crime, Montenegro has deposited its instrument of succession to the following conventions:

Conventions whose designated depository is the Secretary General of the United Nations:

1. United Nations Convention against Transnational Organized Crime;
2. International Convention for the Suppression of the Financing of Terrorism;
3. 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;
4. International Convention for the Suppression of Terrorist Bombings;
5. International Convention Against the Taking of Hostages;
6. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
7. International Convention for the Suppression of Acts of Nuclear Terrorism, **succession to the signature;**

Conventions whose designated depository is the International Maritime Organisation:

1. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988);
2. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (SUA PROT 1988);

Conventions whose designated depositories are individual states:

1. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970;
2. 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,
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1970.^[1]

b) Accession to and participation in other multilateral and bilateral agreements and measures taken for the purpose of prevention and combating terrorist activities

Council of Europe

Montenegro has signed and ratified the following conventions of Council of Europe regarding prevention and combating terrorist activities:

- Council of Europe Convention on the Prevention of Terrorism – adopted in Warsaw 2005, (Official Gazette of Montenegro – International treaties, # 5/08);
- European Convention on the Suppression of Terrorism (Official Gazette of FRY – 10/01);
- CoE Convention on Money Laundering, Search and Seizure and Confiscation of the Proceeds from Crime and of the Financing of Terrorism (Official Gazette of Montenegro – International treaties, # 5/08);
- European Convention on the Prevention of Torture and Inhuman and Degrading Treatment with additional Protocols I and II (Official Gazette of Montenegro – International treaties, # 09/03);
- European Convention on International Legal Assistance in Criminal Matters with additional Protocol (Official Gazette of FRY, #10/01);
- European Convention on Extradition with additional Protocol (Official Gazette of FRY, # 10/01);
- European Convention on the Transfer of Sentenced Persons with additional Protocol (Official Gazette of FRY, # 04/01);
- Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (Official Gazette of FRY, # 01/92);
- European Convention on the Transfer of Proceedings in Criminal Matters (Official Gazette of FRY, # 10/01);

^[1] The depositories of these three international instruments are the United Kingdom, the Russian Federation and the United States of America. Montenegro deposited its instrument of succession with the Government of the United Kingdom, after which the Foreign Office informed the Montenegrin Ministry of Foreign Affairs that other members and depositories would be informed about the given legal transaction.

- European Convention on the International Validity of Criminal Judgments with Appendices, adopted in the Hague 1970, (Official Gazette of Montenegro – International treaties, # 13/02 and 02).

Organisation for Security and Co-operation in Europe (OSCE)

Montenegro considers that the existing OSCE mechanisms and commitments for maintaining security in Europe, and the structures for their implementation are adequate and relevant. OSCE remains the best framework for further discussions in this field, due to its comprehensive and multidimensional approach to the security issues. The principles and norms, as well as the basic documents of the OSCE are the main European values and Montenegro is committed to implement and respect them.

Central European Initiative (CEI)

Montenegro actively takes part in the Working Structures of CEI, which serves as a forum for exchanging information on national anti-terrorist legislation. This structure explores possibilities for increasing the cooperation in this field, especially as regards the harmonization of laws and support for operational activities concerning transnational crime in the CEI region.

Bilateral agreements:

Bilateral agreements and protocols on cooperation in fighting terrorism have been signed:

- Convention on Police Cooperation between the Government of the Kingdom of Belgium and the Government of Montenegro;
- Agreement on Cooperation between Montenegro and the Government of the Republic of Bulgaria in Fighting Terrorism, Organized Crime, Trade in Drugs, Psychotropic Substances and Precursors, Illegal Migrations and Other Criminal Forms;
- Agreement Between the Government of Montenegro and the Government of the Republic of Albania on Cooperation in Fighting Terrorism, Organized Crime, Trafficking and Other Illegal Activities;
- Agreement between the Government of Montenegro and the Government of the Republic of Turkey on Police Cooperation;
- Agreement between the Ministry of Interior of Montenegro and the Ministry of Interior of the Republic of Croatia on Police Cooperation;
- Agreement Between the Ministry of Interior of Montenegro and Federal Ministry of Interior of the Republic of Austria on Police Cooperation;
- Protocol on Police Cooperation between the Ministry of Interior of Montenegro and the Ministry of Interior of Romania;
- Protocol between the Ministry of Interior of Montenegro and the Ministry of Interior of the Republic of Serbia on cooperation in fighting terrorism, organized crime, illegal trafficking in drugs, psycho-tropic substances and precursors, human trafficking, illegal migration and other criminal offences as well as on cooperation in other field of their respective competencies;

- Agreement between the Government of the Republic of Slovenia and the Government of Montenegro on cooperation in fighting organized crime, human trafficking and illegal migrations, drug trafficking and precursors, terrorism and other forms of crime;
- Agreement between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina on Cooperation in Fighting Terrorism, Organized Crime, Trade in Illegal Drugs, Psychosomatic Substances and Precursors, Illegal Migrations and Other Criminal Offences.

c) National measures, including relevant legislation, taken to implement the international treaties, conventions and protocols mentioned above.

Legislative framework that regulates this subject matter comprises the following:

- Criminal Code of Montenegro (Official Gazette of the RoM, # 70/03, 13/04 and 47/06 and Official Gazette of the RoM # 40/08);
- Criminal Procedure Law (Official Gazette of the RoM, # 71/03, 7/04 and 47/06);
- Law on State Prosecution (Official Gazette of the RoM, # 69/03 and 40/08);
- Law on Courts (Official Gazette of the RoM, # 5/02, 49/04 and Official Gazette of the RoM No. 22/08);
- Law on the Prevention of Money Laundering and Terrorism Financing (Official Gazette of the RoM, # 14/07 and 4/08-corrected);
- Police Act (Official Gazette of the RoM, # 28/05);
- Law on National Security Agency (Official Gazette of the RoM, # 28/05);
- Law on Asylum (Official Gazette of the RoM, # 45/06);
- Law on State Border Surveillance (Official Gazette of the RoM, # 72/05);
- Aliens Law (Official Gazette of the RoM, # 82/08);
- Law on Travel Documents of Montenegrin Citizens (Official Gazette of the RoM, # 21/08 and 25/08);
- Law on Personal Data Protection (Official Gazette of the RoM, # 79/08) and
- Law on Classified Data (Official Gazette of the RoM, # 14/08);
- Law on International Legal Assistance in Criminal Matters (Official Gazette of the RoM, # 4/08);
- Law on Disposal of Seized and Confiscated Proceeds (Official Gazette of the RoM, # 49/08);
- Law on Criminal Liability of Legal Persons (Official Gazette of the RoM, # 2/07 and 13/07).

d) Information on national measures taken for the sake of prevention and combating terrorism including appropriate information on legislation aside from conventions and protocols of the UN,

Montenegro defines and implements systemic and institutional concepts and measures and activities for responding to general security threats and concrete forms of threats in prevention and fight against terrorism. In adopting solutions related to threat to security the following facts are taken into consideration:

- a) geo-political position of Montenegro that is dominated by its aspirations to integrate and associate with EU and Euro-Atlantic Integrations;
- b) security challenges and risks for Montenegro;
- c) state of the capability system for providing required security;
- d) available resources.

While drafting the Criminal Code (Official Gazette of the RoM, # 70/03, 13/04, 47/06 and 40/08) the legislator sought to sanction all illegal acts that, by applying general criteria, can be considered as terrorist activities as well as to comply with international conventions of the UN and the Council of Europe, as well as generally accepted principles of international criminal law.

The Criminal Code of Montenegro in its Article 447 incriminates criminal act of international terrorism which the whole international community incriminated only in some elements such as: aircraft hijack, jeopardizing aircraft safety in the air, jeopardizing persons who enjoy international protection etc. The definition of this criminal act as such ensued from Montenegro's belief that international terrorism is not confined within a certain territory and that eventually it jeopardizes security in every country. Anyone who with the intention to inflict harm to a foreign state or organization, commits abduction or commits any other act of violence, sets explosion or fire or commits any other dangerous acts or threats to use nuclear, chemical, bacteriological or other similar means, shall be punished by prison sentence for a term ranging from three to fifteen years (Article 447, paragraph 1).

Regarding the criminal offence international terrorism, the Criminal Code sets forth definition of terrorism and incrimination in relation to subjective and objective element of an offence. Consequently, it could be concluded that this Article has been brought in compliance with the Framework Decision on Combating Terrorism (Council of Europe, June 13, 2002; and OJL 164 of June 22, 2002). The basic form of criminal offence from Article 447 of the Criminal Code (international terrorism) contains an element of internationality obviously that sets this provision apart from the criminal offense of terrorism against state from Article 365 of the Criminal Code which has the focus on Montenegro and, as it is, this criminal offence has exclusively national significance, where criminal offender has intention to jeopardize constitutional order and security of Montenegro and it can therefore be marked as internal/national terrorism.

Article 448 of the Criminal Code is compliant with the Convention Against the Taking of Hostages was ratified as far back as in 1984 by former SFRY and it sanctions hostage-taking as a criminal offence in its basic form and in two qualified ones.

Articles 336 and 337 of the Criminal Code sanction two criminal offences i.e. unlawful acquisition and disposal of nuclear substances; and jeopardizing security by nuclear substances. This incrimination was introduced into criminal legislation on the basis of ratified the Convention on Physical Protection of Nuclear Material, adopted in Vienna in 1979, by which the parties bound themselves to introduce appropriate sanction with a view to preventing misuse of nuclear substances.

Criminal Code in its Articles 341 and 343 sets forth criminal offences: jeopardizing air traffic safety by inflicting force, by high-jacking aircrafts, vessels and other means of

transport. In relation to sanctioning criminal offence of endangering safety of air traffic, legislators relied on the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, concluded in Montreal on 23. 09. 1971, in which parties to this Convention assumed obligation to incriminate such acts in their respective legislations, by providing sanctions for various forms of this criminal offence, such as illegal or improper handling of aircraft, omission in procedure or supervision, providing inaccurate information and causing danger in other way.

Article 365 of the Criminal Code prescribes criminal offence of terrorism. Terrorism is defined as an intention to put constitutional order and security of Montenegro in danger, by causing explosion or fire or undertake other dangerous act or kidnapping a person or committing other act of violence or by threatening to undertake some dangerous action or using nuclear, chemical, bacteriological or other dangerous substance whereby to causing fear or feeling of insecurity of citizens.

Criminal association is the basis of the term: organized crime. Article 401 of the Criminal Code prescribes criminal offence - criminal association whereby the Code was brought in compliance with the provision of Article 2 of the UN Convention on Transnational Organized Crime. Thus, the Code incriminates anyone who organizes a group or other association with a view to commit criminal offences that are punishable by imprisonment sentence, the punishment is weighted depending on whether an offender is an organizer or a member of the association. Paragraph 1 of Article 401 sanctions basic form of this criminal offence.

Basic element of this criminal offence is the agreement of members to commit more than one criminal offence - not necessarily determined by time, place and manner etc.

Anyone who was aware of the commission of criminal offence punishable by up to five years in prison or more and at the time when such exercise could have been prevented did not report it, and the offence thereof was attempted or committed shall be punished by a fine or up to one year in prison (Article 385, paragraph 1). Failure to report preparation of criminal offence punishable by law by a prison sentence of up to forty years shall be punished by imprisonment for a term of three months to three years (paragraph 2).

Criminal Code of Montenegro in its Article 268 stipulated criminal offence - money laundering whereby Montenegro joined efforts of international community in combating and preventing this unlawful - criminal activity. In addition, criminal offence money laundering is stipulated in its four forms: basic, qualified, severe and the most severe.

Criminal Code envisages special criminal offence financing of terrorism (Article 449). One to ten years of imprisonment shall be the punishment for anyone who provides or raises funds intended for financing of criminal offences of terrorism, hostage taking and international terrorism. The seizure of the means for providing financing of terrorist acts and means that have been collected is mandatory.

The Criminal Procedure Law in its Article 230 stipulates that the police is bound to undertake all necessary measures aimed at discovering a perpetrator of criminal offence, prevent perpetrator or accomplice from fleeing or running away, to discover and secure traces of criminal offence and object of crime that can be used as evidence and

to collect all information that can be useful for criminal proceedings if there are grounds for suspicion that the criminal offence that is prosecuted ex-officio has been committed.

The same Code in its Article 507 sets forth special rules for criminal prosecution of perpetrators of organized criminal activities and the procedure for seizing instruments of crime and proceeds, as well as procedure of international cooperation in detecting and prosecuting perpetrators of criminal offences of organized crime.

The new Law on Criminal Procedure adopted by the Parliament of Montenegro at its session on July 27, 2009 with a view to provide for more efficient prevention and detection of terrorist activities, envisages the use of special means of investigation (secret surveillance measures). The secret surveillance measures are the following: 1) secret surveillance and wiretapping of phone calls and other communication that is done by means of remote technical communication as well as of private communication in private or public area or in the open; 2) secret photographing and visual recording in private premises; 3) secret tracking and technical recording of persons and items.

Measures from Article 157, paragraph 1, item 1 can be ordered against a person who is reasonably suspected for having transmitted messages in relation to criminal offence to and from perpetrator of criminal offence from Article 158 of this Law or if the perpetrator thereof uses this person's phone/s or other means of electronic communication.

If there are grounds for suspicion that a person alone or together with other person has committed or is committing or preparing criminal offence from Article 158 of this Law and circumstances relevant to the case indicate that there is a way to collect evidence with minimal infringement on the right to privacy, the secret surveillance measures can be ordered against that person such as:

- 1) simulated purchase of objects or persons, simulated bribe giving or taking;
- 2) surveillance of transportation and delivery of the objects of crime;
- 3) wiretapping of conversation with permission beforehand of one of the collocutors;
- 4) undercover agent or informant.

Measures from paragraph 2, items 1, 3 and 4 of Article 157 should not be such as to be considered inducement to commission of a criminal offence.

Measures from Article 157 of this Law can be ordered for the following criminal offences:

- 1) which are punishable by imprisonment from ten years and more;
- 2) with elements of organized crime;
- 3) with elements of corruption, such as: money laundering, purposeful/false bankruptcy, abuse of assessment, bribe taking, bribe giving, disclosure of official secret, unlawful mediation, abuse of authority in commercial activities, abuse of office and fraud in office – that is punishable by imprisonment of eight years or more;

- 4) abduction, extortion, blackmail, mediation in prostitution, displaying of pornographic material, usury, tax/contributions evasion, smuggling, unlawful processing, disposal and storage of hazardous substances, assault on official person on duty, preventing evidence taking, criminal association, unlawful possession of arms and explosives, unlawful border crossing, and smuggling of humans;
- 5) against security of IT data.

Pursuant to the Law on State Prosecution, the Chief State Prosecutor (Official Gazette of the RoM # 22/08) established separate department for fighting organized crime, corruption, terrorism and war crimes named the Department for Fighting Organized Crime, Corruption, Terrorism and War Crimes and headed by the Special Prosecutor.

By amendments to the Law on Courts (Official Gazette of the RoM, # 22/08) superior courts in Bijelo Polje and Podgorica respectively have established specialized departments for trying cases of organized crime, corruption, terrorism and war crimes.

Terrorism is addressed in detail in the Law on Prevention of Money Laundering and Financing of Terrorism. This law sets forth measures and activities to be taken on detecting and combating money laundering and financing of terrorism.

Measures for detecting and preventing money laundering and financing of terrorism are taken by legal and private persons engaged in activities of taking, depositing, exchange, keeping or other disposal with money and other assets, other transactions as defined by this law and follow-up regulations and with all transactions for which there is a reasonable grounds to believe could represent money laundering and financing of terrorism.

The Law on Prevention of Money Laundering and Financing of Terrorism has been brought in compliance with the requirements of international organizations and institutions and with relevant regulations in field of prevention of money laundering and financing of terrorism as follows:

1. Directive 91/308/EEC on the Prevention of the Use of Financial System for the Purpose of Money Laundering.
2. Directive 2001/97/EC of the European Parliament and the Council;
3. Directive 2005/60/EC of the European Parliament and the Council from October 26, 2005 on the Prevention of the Use of Financial System for the Purpose of Money Laundering and Terrorism Financing;
4. FTAF Recommendations (40+8+1);
5. UN Convention Against Corruption.

The Police Law in Article 2 stipulates, *inter alia*, that police has the following competences: 1) protection and security of citizens and freedoms and rights established by the Constitution; 2) property protection; 3) prevention and detection of criminal offences and misdemeanors; 4) identifying and arresting perpetrators of criminal offences and misdemeanors and bringing them to competent authorities; 5) surveillance

and guarding of the state border and border control; and 6) control of border crossings and stays of foreigners.

The Law on the Agency for National Security (Official Gazette of the RoM # 28/05) established competence of the Agency for National Security in relation to collecting data on activities of organizations, groups and individuals focused on national and international terrorism, organized crime and the most serious forms of criminal offences against humanity and international law.

The Law on Asylum prescribes that neither a foreigner nor an asylum seeker shall be granted the status of refugee if there are serious reasons indicating that: s/he has committed crime against peace, a war crime or crime against humanity as defined by international documents that have provisions on such crimes; that s/he has committed serious crime by provisions of international law abroad or prior to coming to Montenegro, or that s/he is found guilty for any act infringing upon the objectives and principles of the United Nations.

The Aliens Law stipulates terms for entering, moving about and stay of foreigners on the territory of Montenegro as well as restrictions or prohibition of movement on the certain territory of Montenegro if that is required for the reasons of national security and public order.

The Law on Travel Documents for Montenegrin Citizens provides for issuance of electronic passports. By establishing so called biometric indicators for passports and visas that will be fed into the integral computer system, is conducive to creating conditions for prevention of cross-border crime and terrorism, which is out top priority.

The Law on Classified Information (official Gazette of the RoM, # 14/08) prescribes an integral system for determining the degree of data classification, access to classified information, keeping, retrieving, entering and protection of classified data, pursuant to the conditions prescribed by this law.

Fight against terrorism is entrusted to the Police Directorate. Special Anti-terrorist Unit does the planning and delivers upon the most complex activities and tasks in the field of terrorism, solving hostage situations, ambushing dangerous persons, arrests of criminal groups, solving situations of armed stand-off, assisting fights against organized crime and assisting rescue actions and anything that contributes to protecting security of Montenegro as a state and its citizens as well as other persons who come under its jurisdiction with respect of personal rights and freedoms.

The Criminal Police Sector has its three organizational units that have competences related to identifying and incarcerating perpetrators of criminal offences of terrorism. These are: Unit for Fighting Organized Crime and Corruption (the Group for fighting organized crime and for fighting terrorism and international terrorism), Criminal Police Unit (Group for Fighting Criminal Offences Related to Terrorism) and at local level – local police units (groups for fighting criminal acts of terrorism and criminal acts related to fire, explosions and hazards).

Fight against terrorism, incarceration of organized criminal groups and other activities that are delivered by Special Anti-Terrorist Unit also fall within competence of a Special unit that Supports Special Anti-Terrorist Unit that takes part in actions thereof.

In the Sector for Guarding Persons and Objects, there is a Group for Anti-terrorist Check, while anti-terrorist actions are delivered by the Special Police Unit.

Apart from specialized units and units for anti-terrorist fight within the Police Directorate, the Agency for National Security and Directorate for Prevention of Money Laundering are involved, too.

The Coordination and cooperation of operational units that conduct investigation of terrorism consists of the activities of collection, analysis and rapid exchange of intelligence, assessment of intelligence and joint planning activities.

Ministry of Interior and Public Administration and the Police Directorate have competence over obligations assumed through international treaties/protocols related to fighting terrorism and organized crime.

The activities on drafting the National strategy for fighting terrorism have started and they are expected to enable more efficient work and coordination of all competent institutions and actors.

The Police Directorate has been taking measures on enhancing capability of specialized units for fighting terrorism which is found not to be at appropriate level and being such it can pose an obstacle for efficient performance of most complex tasks in this field.

In the last five years, only one criminal offence of terrorism has been reported – Action Eagle's Flight – from 2006. After a successful action the police prevented damage to constitutional order and security of Montenegro (large quantity of explosives, arms and ammunition was seized). At first instance court trial the perpetrators of these offences were convicted to many years of imprisonment.

After it completed the action named „Eagle's Flight”, the Police Directorate forwarded criminal reports against 18 individuals who had acquired a large quantity of explosives and arms – ammunition, with assistance of some persons from Albania and Kosovo, that they intended to use to demolish certain object and instigate armed resistance.

Officers of the Police Directorate have taken courses and trainings that were organized for them to learn about methods used by terrorists.

The police does not have any indication or information on potential terrorist activities on the territory of Montenegro. Special attention is paid to “Vehabias” in municipalities Plav, Ulcinj, Rozaje and Podgorica (Municipal unit in Tuzi) on the grounds that they demonstrate Islamist radicalism and due to their contacts with other supporters of this movement in the region. We find that the areas in which they are active can be most “suitable” for terrorist activities and we do not eliminate possibility that they can target some vital objects (ports, airports, hydro-electrical power plants, hotels, bridges etc.), whereby significant damage would be inflicted on Montenegro.

Criminal offences of terrorism have not been registered on the territory of Montenegro either in 2007 or 2008. Anti-terrorist actions in the referred period have not been undertaken.

With a view to enhancing fight against terrorism and other forms of serious crimes, and in compliance with the New Law on State Prosecution, from June 2008, State Prosecutor's Office have expanded the scope of competence of the Department for Combating Organized Crime that operates within the Chief State Prosecutor's Office of Montenegro so that it now covers the activities on combating corruption, terrorism and war crimes in addition.

Pursuant to the Criminal Code of Montenegro that is in force now, criminal acts of terrorism are the following: terrorism from Article 365 of the Code, international terrorism from Article 447 of the Criminal Code, hostage taking from Article 448 and terrorism financing from Article 449 of the Criminal Code.

Criminal offences of international terrorism, hostage taking and terrorism financing come from Chapter XXXV of the Criminal Code which covers the criminal acts against humanity and other rights guaranteed under international law, while criminal offence of terrorism comes from Chapter XXIX of the Criminal Code which covers criminal acts against constitutional order and security of Montenegro.

In its activities so far the Chief State Prosecutor of Montenegro has closed one case, against 18 persons prosecuted for criminal acts of associating for unconstitutional activities from Article 372, paragraphs 1 and 2 of the Criminal Code related to criminal offence terrorism from Article 365 of the Criminal Code and preparing acts against constitutional order and security of Montenegro from Article 373, paragraphs 1 and 2 of the Criminal Code.

After an investigation that was ordered on 13. 09. 2006, the indictment was raised on 17. 12. 2006 before the Higher Court in Podgorica.

The procedure after indictment thereof charged 17 persons and it was closed with conviction verdict, save for one person who is be tried in a separate process (as he is at large).

2. Description of national planning and decision-making processes including the role of the Parliament and ministries for the purpose of defining:

a) National defense

In defining priorities of national defense, it is the planning that calls for common understanding of relations among ambitions, tasks, capacities and means. The Parliament of Montenegro adopted the National Security Strategy which defines security goals, possible reaction of Montenegro, national security system and required resources; and the Defense Strategy of Montenegro which defines strategic defense objectives of Montenegro *vis-a-vis* identified challenges, risks and threats to national security, determines strategic defense concept, projects defense system, missions and tasks of the Army of Montenegro, and sets forth development vision, organizational principles and structure, resources and financing of defense.

The Government of Montenegro adopted the Montenegrin Defense Plan that sets forth the preparation for achieving defense objectives within the defense system of Montenegro.

b) Defense expenditures

Pursuant to Article 57 of the Defense Law, the funds for defense expenditures shall be appropriated from the Budget. Also, pursuant to Article 190 of the Army of Montenegro Act, financial means for operation, programs and activities of the Army of Montenegro shall be determined by the Budget of Montenegro Act.

The Government of Montenegro has set aside 2% of GDP per year for funding defense system, including the Army of Montenegro.

3. Stationing of armed forces on the territory of other participating state, in compliance with their freely negotiated agreements and in compliance with international law.

Montenegro does not have any forces stationed on the territory of any other country whatsoever, thus it does not have forces stationed on territories of other countries participating in the Code of Conduct on Politico-military Aspects of Security.

4. Description

a) Constitutionally established procedures that provide efficient democratic control over the Army, paramilitary and national security services and intelligence and police.

The Constitution of Montenegro prescribes that the Army and security services are put under democratic and civil control.

Montenegro does not have paramilitary formations.

b) Constitutionally established authorities/institutions in charge of democratic control of the Army, paramilitary formations and security services.

The Constitution of Montenegro prescribes that the Parliament exercises supervision over the Army and security services.

Minister of Defense is responsible to the Parliament of Montenegro and to the Prime Minister of the Government of Montenegro for his/her work, the operation of the Ministry of Defense and for the state of defense (State Administration Act, Article 41, paragraph

c) Role and mission of the Army, paramilitary formations and security agencies and the control for ensuring that they act solely within constitutional framework.

Montenegro aspires to build professional, high quality, modern and interoperable Army to commensurate with its strategic defense concept and realistic financial, material and demographic capabilities.

The Army of Montenegro has three missions, as follows: defense of Montenegro, support to civilian institutions in the country in case of natural and artificially caused catastrophes and in other crises, including those caused by terrorist activities; and to contribute to building and keeping peace in the region and in the world.

The Government of Montenegro informs the public in Montenegro about the issues relevant to the Army by means of press conferences, publications, press releases and other means of public information. Also, any citizen, media outlet, non-governmental organization etc. is entitled to have access to information held by the Ministry of Defense, in compliance with the law.

5. Description

a) Recruiting procedures and call to service to the Army, paramilitary forces or to security service.

In time of peace citizens of Montenegro are not subject to recruiting or call up to regular or reserve formations of the Army of Montenegro.

Citizens can be called to voluntary training to acquire necessary knowledge for their duties in times of war. It can last 15 days per calendar year at most.

In the reporting period there have been no calls for service for citizens nor has anything such been planned in the year to come.

b) Exceptions or alternatives to conscription

Regarding the fact that there is no statutory recruitment, conscription or duty to serve reserve formation of the Army in Montenegro, there are no exceptions or alternatives to conscription.

c) Legal and administrative procedures for protection of the Army servicemen's rights

The protection of the rights of servicemen in the Army is regulated by the Army of Montenegro Act in a way that by most terms does not differ from the procedures for protection of the rights of civil servants and other employees of the state. The Act thereof prescribes that the rights of the Army personnel are subject to limitation solely during the extraordinary state or state of war or state of alert, and it concerns leaving the unit or venue of service only after being granted permission by the commander of a unit of a certain rank; or traveling abroad only after being granted permission to leave by the minister, and in relation to trip abroad in time of peace in which case such person is obliged to report his/her trip abroad to his/her superior. A serviceman/woman cannot be a member of political party and s/he is not allowed to go public about the situation or relations in the Army, without being granted an approval thereon by the Minister of Defense.

Ombudsman functions in the Army of Montenegro are done by the Senior Defense Inspector.

6. Instructions on international humanitarian law and other conventions that regulate armed conflicts as a part of the military training program and in by-laws.

The programs of the Army of Montenegro's personnel training include *inter alia* the contents pertaining to international humanitarian law and the conventions regulating armed conflicts.

7. Additional information.

No additional information.