



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances Twenty-ninth session

### Summary record of the 541st meeting

Held at the Palais Wilson, Geneva, on Monday, 22 September 2025, at 3 p.m.

*Chair:* Mr. Albán-Alencastro

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*The meeting was called to order at 3 p.m.*

### **Consideration of additional information submitted by States Parties**

*Additional information submitted by Montenegro under article 29 (4) of the Convention* ([CED/C/MNE/AI/1](#); [CED/C/MNE/Q/AI/1](#))

1. *At the invitation of the Chair, the delegation of Montenegro joined the meeting.*
2. **A representative of Montenegro** said that, for his Government, the implementation of the Convention was both an international obligation and a moral duty. Measurable progress in that direction had been made, but a number of challenges still had to be overcome.
3. Criminal proceedings in respect of cases related to enforced disappearance had been instituted in his country's judicial system every year since 2021. Some of those cases had been instituted following requests for international legal assistance, and the Special State Prosecutor's Office had, in turn, made a total of 11 requests for international legal assistance in criminal matters in 2024 and the first half of 2025. In July 2025, the High Court of Podgorica had served a defendant with a 20-year prison sentence for war crimes committed decades earlier – a punishment that had sent a clear message to the effect that the passage of time would not prevent justice from being done.
4. The Special State Prosecutor's Office was currently conducting seven investigations into cases of missing or disappeared persons. However, the complexity of the circumstances and the lack of precise documentation meant that it was still not possible to determine exactly how many of those persons were victims of enforced disappearance. Additionally, the Supreme State Prosecutor's Office had adopted a strategy, accompanied by an initial action plan, for the investigation of war crimes, and special teams had been formed to re-examine complex cases, including the previously closed cases related to war crimes in Morinj, Bukovica and Kaluđerski Laz and a case involving the deportation of refugees.
5. Under amendments to the Code of Criminal Procedure, evidence submitted to international courts was thenceforth admissible in domestic proceedings. Cooperation with countries in the region had been made more robust, and the highly effective exchanges of evidence and experiences with the International Residual Mechanism for Criminal Tribunals in The Hague, including through training sessions, were ongoing.
6. Public institutions had taken part in a number of public events organized in 2024 with a view to winning the trust of the victims of human rights violations and members of their families, and in June 2025 amendments to the Criminal Code under which enforced disappearance would be made an autonomous offence had been proposed. Once those amendments became law, any public official who detained, abducted or otherwise deprived a person of his or her liberty and/or concealed his or her fate or whereabouts would be liable to a prison sentence of not less than 5 years, with harsher penalties being prescribed in the event of aggravating circumstances, and victims of war crimes and enforced disappearance would be entitled to psychological and other forms of support services, to protection and to information on the progress of proceedings. Victims would also have the right to submit claims for compensation.
7. As a result of other legislative developments, civilian victims of war, whose family members were entitled to monthly allowances, had, for the first time in his country's history, been given a specific legal status. In addition, in 2025 the Government had recognized the need to provide financial assistance of €100,000 to each of the 16 families of those who had lost their lives during the events in Murino, Tuzi and Štrpci and in the refugee deportation case, and the adoption of guidelines on compensation for victims and a reform of victim support services were expected by the end of the year. No person could be deprived of his or her liberty without proper documentation of the deprivation of liberty, and all persons deprived of liberty had the right to notify a person of their choice of their detention, to request a lawyer and a doctor and to be informed of the reasons for their deprivation of liberty.
8. The Government's Commission on Missing Persons was currently tracing a total of 50 individuals who had gone missing during the armed conflicts in the former Yugoslavia. Since 2021, the remains of four individuals had been recovered. In one case, the person's identity had been confirmed in 2024, and the remains had then been returned to the family.

9. The authorities participated actively in regional mechanisms, in particular the Missing Persons Group that brought together all relevant institutions of the Western Balkans. The Missing Persons Group had formed two operational working groups, one focused on the identification of remains held in morgues and the other on administering a regional database of missing persons. The database, which had been accessible to the public since 2022, was a model for successful regional cooperation, having been consulted by more than 56,000 members of the public since November 2022.

10. The Commission on Missing Persons maintained regular contact with the families of missing persons, providing material, administrative, logistical and psychological support, facilitating the collection of DNA samples and organizing commemorative events. Additionally, drawing on international human rights standards, it had prepared guidelines for the search for missing persons that set out clear principles and procedures designed to ensure that searches were conducted professionally. The guidelines were also a token of the considerable importance that the Government attached to the search for missing persons.

11. Enforced disappearance was above all a human and social issue. The families of missing persons lived in prolonged uncertainty and pain. It was the Government's duty to provide them with support, and to give assurances that, despite challenges such as a lack of documentation, the passage of time, the need to further strengthen cooperation with countries in the region and capacity constraints, public institutions stood by their side and were acting in their best interests.

12. **Mr. Kanyongolo** (Country Rapporteur) said that he wished to know what measures had been taken to ensure that the proposed amendments under which enforced disappearance would be made an autonomous criminal offence were adopted and by what date they were likely to be enacted. He also wished to know whether enforced disappearance was defined in the amendments as it was defined in the Convention; and whether the criminal offences with which agents of the State or persons or groups of persons acting with the authorization, support or acquiescence of the State could, in the interim, be charged covered all the forms of criminal conduct described in article 2 of the Convention, including refusal to acknowledge deprivation of liberty and concealment of the fate or whereabouts of a disappeared person. It would be helpful to learn, in addition, whether provision was made in the proposed amendments for penalties that took into account the extreme seriousness of the offence of enforced disappearance and for mitigating circumstances to be established, in particular for persons who, having been implicated in the commission of an enforced disappearance, contributed to bringing the disappeared person forward alive or made it possible to clarify cases of enforced disappearance or to identify the perpetrators of an enforced disappearance. In connection with other possible legislative developments, he wondered whether the State Party envisaged amending article 125 of its Criminal Code to provide that the statute of limitations applicable to the offence of enforced disappearance commenced from the moment when the offence ceased.

13. It would be useful to know to what extent the implementation of the Strategy for the Investigation of War Crimes 2024–2027 was informed by the guidelines for the search for missing persons and in what particular situations the guidelines had been applied. It would be helpful, too, to know whether the guidelines fully reflected the Committee's Guiding Principles for the Search of Disappeared Persons and, if, as seemed to be the case, they did not, why not.

14. Although the cooperation between the State Party's authorities and their counterparts elsewhere in the Western Balkans was welcome, he wondered in what specific areas it needed, as had been noted, to be further strengthened, and what obstacles might be preventing a strengthening of such cooperation. He also wondered what specific measures were being taken to address any challenges facing the operational working groups of the Missing Persons Group and in what specific activities the families of the missing had taken part within the framework of searches for missing persons and the organization of commemorative events.

15. **Ms. Lochbihler** (Country Rapporteur) said that she wished to know why no action had been taken in follow-up to the 2022 publication of proposed amendments to the Code of Criminal Procedure that contained an amended definition of victims of enforced disappearance; and what steps were being taken to ensure that the amendments were made

law without further delay. She also wished to know whether the national strategy for the protection of victims' rights and the corresponding action plan had been adopted and, if not, why not. In that connection, it would be helpful to learn what had been, or was being, done to involve victims and civil society organizations in the adoption process.

16. She wondered whether the State Party had any plans to amend the Law on Free Legal Aid in order to ensure that the families of missing or disappeared persons were entitled to legal aid on a basis of equality with families of victims of war crimes. She likewise wondered what steps were being taken to ensure that registers of persons deprived of their liberty were up to date and consistent; why the Law on Compensation of Victims of Violent Crimes would not enter into force until the State Party had officially become a member of the European Union; and how the Government intended to ensure that compensation was granted without undue limitations in scope. In addition, she would like to know what would be done to ensure that all family members of disappeared persons were recognized as victims of enforced disappearance, in line with article 24 (1) of the Convention and whether the Government was looking into the plight of families in addition to the 16 that had been found eligible for financial compensation earlier in 2025.

17. It would be helpful to learn what steps were being taken to ensure that the family members of disappeared persons whose fate had not been clarified could exercise their relatives' property and other related rights, including under family law. The delegation might also indicate whether any changes to witness protection programmes were planned. She would welcome more information on victim support services, including, specifically, how the capacities of service providers were assessed, whether their services were available countrywide, and what steps were being taken to ensure that victims obtained forms of reparation in addition to monetary compensation. It would also be interesting to know whether the Commission on Missing Persons, which was currently looking into the fate of 50 such persons, had annual targets, and whether modern techniques in addition to DNA analysis were being used to facilitate searches.

18. She wished to know what specific topics had been covered in the training on war crimes and enforced disappearance that, reportedly, had recently been organized for judges and prosecutors; how the State Party planned to expand capacity-building opportunities and ensure that the new guidelines for the search for missing persons were integrated into the training provided for all professions concerned; and whether the State Party intended to cover the Committee's general comment No. 1 (2023) in training on the Convention. She wondered whether the recommendations made to the Office of the Protector of Human Rights and Freedoms (Ombudsman) of Montenegro in 2016 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions had been implemented; to what extent the Office was involved in the prevention of enforced disappearance; and whether the State Party intended to establish a national human rights institution that would qualify for category A status accreditation.

19. **Mr. Diop** said that he wished to know whether the family members of the 50 persons who had gone missing during the armed conflicts in the former Yugoslavia referred to earlier by the delegation were considered victims and entitled to assistance; what assistance the State Party provided to them if they were; and how close a relative to the disappeared person a person was required to be in order to be considered a victim.

*The meeting was suspended at 3.40 p.m. and resumed at 4 p.m.*

20. **A representative of Montenegro** said that the draft law to amend the country's criminal legislation had been submitted to the European Commission on 18 June 2025 for an opinion as to whether it was in line with European Union *acquis*. The definition of enforced disappearance was fully aligned with the Convention, and aggravating circumstances were provided for, including in cases where the victim was a child or pregnant woman or was held for more than 30 days. Implicated persons who made a significant contribution to finding and freeing the person concerned, clarifying a case of enforced disappearance or identifying the perpetrators of an enforced disappearance would qualify for mitigating circumstances.

21. Unlawful deprivation of liberty and abduction were already offences under the Criminal Code of Montenegro and included elements such as holding a person by force and limiting his or her freedom of movement. Under the Criminal Code, the offence of crimes

against humanity encompassed cases where a person's abduction or deprivation of liberty was concealed for the purpose of removing him or her from the protection of the law and the offence of war crimes against a civilian population also included elements of deprivation of liberty and confinement. Officials who ignored information indicating that a person had been unlawfully deprived of liberty and took no steps to prevent an offence as well as persons who committed offences with the approval or support of the State were subject to criminal penalties. Factors taken into account in determining the severity of the penalty included the motive, the circumstances under which the offence had been committed and the relationship between the victim and the perpetrator. Under the Criminal Code, the statute of limitations began to run on the day the offence was committed or, if the consequences of the offence arose at a later time, on the day on which those consequences arose. The law provided for both an absolute statute of limitations and a shorter relative statute.

22. The strategy for the protection of victims' rights had been drafted on the basis of an ex ante analysis performed by experts, with support from the Council of Europe and the involvement of a wide range of stakeholders, including representatives of government ministries, the courts, prosecutors' offices, the Office of the Protector of Human Rights and Freedoms of Montenegro and non-governmental organizations. The draft, which was accompanied by an action plan for the period 2025–2027, had been published in mid-September 2025 and public debate regarding its content would continue until mid-October 2025. The strategy was intended to align the legal framework for the protection of victims' rights with international standards, to enhance access to justice for victims and build professional capacity, and to raise awareness in the area of victims' rights protection.

23. The proposed amendments to criminal legislation contained a new article on the rights of victims of criminal offences that broadened the scope of those rights, extending them to victims of trafficking in persons, sexual offences, domestic violence and war crimes and to the children of victims. Persons such as spouses, same-sex partners, children, adopted children, adoptive parents and siblings of the victim of the criminal offence were all considered to be victims under that provision.

24. Eligibility for free legal aid had been expanded under 2024 amendments to the Law on Free Legal Aid, with victims of torture being among the priority categories of beneficiaries, in line with recommendations made by the Committee against Torture (CAT/C/MNE/CO/3). The Government would consider broadening the qualifying criteria for beneficiaries to include victims of enforced disappearance and missing persons when the Law was next amended. Pending the entry into force of the Law on Compensation of Victims of Violent Crimes, which would occur on the day of the accession of Montenegro to the European Union, victims could seek compensation through civil claims.

25. **A representative of Montenegro** said that the Ministry of the Interior had adopted instructions for the implementation of recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following its 2022 visit to the country. Under those instructions, all persons detained by the police must be informed of the reason for their deprivation of liberty and must be allowed to notify a person of their choice of their detention and to have access to a lawyer and see a doctor from the moment of their arrival at police premises. Under the Law on the Execution of Prison Sentences and related regulations, including a rule book on the contents, keeping and safeguarding of prison registers and prisoners' personal files, no person could be deprived of liberty without an official record being made of the exact date and time of the deprivation of liberty, the grounds for the deprivation of liberty, the person's identity and the place where the person was being held. In addition to registers of prisoners and detainees, a central register must be kept of inmates' personal files.

26. Articles 207 to 211 of the Law on Obligations addressed compensation for non-pecuniary damages, while articles 200 to 204 addressed compensation for, for example, death and bodily injury. Information on the compensation awarded in the refugee deportation case and in respect of the events in Štrpci, together with an update on the status of the Bukovica and Kaluderski Laz cases, were provided in paragraph 83 of the additional information submitted by Montenegro (CED/C/MNE/AI/1). With respect to the civil claims for compensation initiated by Croatian nationals in the Moringj cases, the decisions on 103 claims were final. The proceedings relating to five others – of which three were before

the High Court of Podgorica and two were before courts of first instance in Cetinje – had not yet been finalized. Between 2013 and 2024, the courts had, in final and enforceable decisions in cases related to Morinj, awarded €1,485,510 in compensation for non-pecuniary damages.

27. **A representative of Montenegro** said that the guidelines for the search for missing persons adopted by the Commission on Missing Persons on 29 July 2025 were available on its web page. Given their recent adoption, she could not yet give specific examples of their implementation in practice. Searches were concluded when the person in question was found or his or her remains were identified. The families of missing persons were systematically involved in all phases of the search process, from the initial report to the exhumation and identification, and were entitled to progress updates. Family members were encouraged to provide DNA samples for analysis and verification of identity. The Commission informed families of positive identifications based on DNA analysis and provided them with material, logistical and administrative support for claiming the remains and organizing burials. A joint commemoration of civilian victims of armed conflicts in the former Yugoslavia held in Podgorica in September 2022 had been attended by family members from across the region. As the Commission did not have authority to investigate autonomously in the territory of other countries, its work depended on cooperation with its counterparts in neighbouring countries, regional mechanisms and international organizations. Relatives of civilian victims of war were eligible for the monthly allowance referred to in the opening statement irrespective of whether other members of their family were already in receipt of benefits.

28. **A representative of Montenegro** said that the Supreme State Prosecutor's Office had concluded two agreements on support for victims and witnesses in criminal proceedings with its counterparts in Bosnia and Herzegovina and Serbia, while preparations for a similar agreement with Croatia had been taken over by the Ministry of Justice. The signatories had agreed to cooperate in the areas of victim support, including psychological, administrative, technical and other kinds of support, the exchange of experience and information about witnesses and assessments of their needs, and the organization of training sessions, study visits and seminars.

29. Victims pursuing civil claims for compensation were asked to fill out a form providing evidence of the pecuniary and non-pecuniary damages they had suffered. A working group composed of judges, prosecutors and other experts had been tasked with drafting guidelines to improve judicial practice in relation to the compensation of victims in criminal cases, which would likely be adopted by the end of 2025.

30. The Division for Combating Organized Crime, Corruption, Terrorism and War Crimes of the High Court of Podgorica had introduced a support service for victims and witnesses during the Morinj cases, with support provided including the organization of transport and accommodation and provision of information during court proceedings. Victim support services were attached to the high courts and prosecutors' offices in Podgorica and Bijelo Polje. Changes to the system of victim support were expected in the context of the amendment of the Code of Criminal Procedure.

31. The Law on Civil Procedure contained provisions to ensure the protection of witnesses in special cases; for example, witnesses in such cases could testify under a pseudonym or using technical means such as screens and voice changers. As limited infrastructure and resources for victim and witness protection had been identified as a problem in the Strategy for the Investigation of War Crimes 2024–2027, the Government had allocated a building to the Special State Prosecutor's Office that would be refurbished and equipped to facilitate procedural protection measures.

32. A report on the implementation of the Strategy showed that the Special State Prosecutor's Office had 12 special prosecutors and 4 prosecutors on assignment from other offices. The Strategy itself included a recommendation that the number of prosecutors should be increased to 20 – a recommendation that had been endorsed by the Prosecutorial Council. Although there had since been two calls for applications, only three candidates had applied, all of whom had been appointed.

33. The Government had adopted recommendations on the organization of training for stakeholders responsible for implementing the Convention. The Centre for the Training of Judges had been instructed to prepare content and materials for a training course on enforced

disappearance that would combine theory and practice and would cover international standards and cooperation with colleagues from the region. The new course, which would be held once a year for 20 to 25 trainees from relevant authorities, had been presented during the training for judges and prosecutors on war crimes and enforced disappearances that the Centre had recently organized with the support of the United Nations Development Programme. Course content would be published on the Centre's web page for the benefit of interested persons and representatives of competent authorities.

34. The Supreme State Prosecutor's Office carried out an annual training needs analysis within the framework of the project entitled "Strengthening accountability of the judicial system and enhancing protection of victims' rights in Montenegro", undertaken in cooperation with the Council of Europe and the European Union. The Government would send a delegation to the forthcoming regional conference on the rights of victims to be held in North Macedonia. The Committee's suggestion that training might be provided on enforced disappearance in the context of migration was welcome, and would be considered during the next training needs analysis.

35. **Mr. Kanyongolo**, noting that draft amendments to the Criminal Code had been submitted to the European Commission, said that the State Party's progress towards joining the European Union should not come at the expense of its obligations under the Convention. He wished to know whether the State Party could take any proactive measures, such as engagement with the Commission, that would allow it to expedite the adoption of the amendments.

36. He would be grateful for additional clarification regarding the Criminal Code provisions under which enforced disappearance might be prosecuted in the absence of an autonomous offence aligned with article 2 of the Convention. In particular, he wished to know which specific offences addressed the elements of refusal to acknowledge the deprivation of liberty and concealment of the fate or whereabouts of the disappeared person.

37. Noting that, under article 125 of the Criminal Code, the statute of limitations for criminal prosecution ran from the date of commission of the criminal offence or from the date on which the consequences arose, he asked when the consequences would be deemed to have arisen in the event of an enforced disappearance. It would be interesting to know, in that regard, whether the draft amendments to the Criminal Code met the requirements of article 8 (1) of the Convention.

38. Since it remained unclear whether the guidelines for the search for missing persons were aligned with the Guiding Principles for the Search for Disappeared Persons, he also wished to know whether the guidelines adhered to certain specific principles, namely, that searches should take into account the particular vulnerability of migrants, that they should be coordinated, that searches and criminal investigations should be interrelated, and that searches should be independent and impartial.

39. **Ms. Lochbihler** said that she would be grateful if the delegation could shed light on the "complexity of the circumstances" that had reportedly made it difficult to determine the exact number of persons who should be considered victims of enforced disappearance. She would be interested to hear details of the training courses run for professionals other than judges and prosecutors, and to know whether the State Party envisaged additional capacity-building on the Convention, including in the regional context. She wondered whether the Government had identified any opportunities for increased regional cooperation in the search for missing persons.

40. She would like to know why the Law on Compensation of Victims of Violent Crimes would not become applicable until the day of the accession of Montenegro to the European Union, and whether the law might be applied domestically prior to accession. She was also curious to know to what extent non-governmental and victims' organizations had heeded the call for input in the drafting of the national strategy for the protection of victims' rights. She would be grateful if the delegation could confirm that only two of the cases in which a total of €5.7 million had been awarded in damages to victims of war crimes had related to enforced disappearance. How much compensation had been paid in those two cases, and how many victims of enforced disappearance would benefit from the one-time financial assistance,

totalling €1.6 million, that, as announced by the Government, was to be shared between 16 families?

41. **Mr. Diop**, recalling that the Commission on Missing Persons was searching for 50 persons who had gone missing during the armed conflicts in the former Yugoslavia, said that he would be interested to know whether there was a civil law procedure for declaring missing persons dead once a certain period of time had elapsed and whether the procedure had been applied in the case of those 50 missing persons. More generally, it would be interesting to know how the authorities proceeded in cases in which the circumstances of the disappearance gave grounds to believe that the missing person was no longer alive and at what point a missing person could be considered deceased so that steps could be taken to resolve inheritance and other issues. He would also like to know what practical measures had been taken to support the families of the 50 missing persons.

42. Since the delegation had indicated that, under the draft amendments to the Criminal Code, the minimum penalty for officials who committed an offence of enforced disappearance would be 8 years' imprisonment, he wondered what the maximum penalty would be in the event of aggravating circumstances such as the torture or subsequent death of the victim.

43. **Ms. Villa Quintana** said that she too would welcome clarification regarding the maximum sentence that could be imposed for an offence of enforced disappearance under the amended Criminal Code and what aggravating circumstances would lead to such a sentence. She would like to know whether, and under what circumstances, enforced disappearance might carry a long-term prison sentence of 30 to 40 years, as defined in article 35 of the current Criminal Code, and what penalties might be imposed if the perpetrator was not an agent of the State but a person or group of persons acting with the authorization, support or acquiescence of the State. Additionally, she would welcome further information on the protection of witnesses who appeared before the courts, together with an explanation of how the courts proceeded in such cases, including an indication as to whether cross-examination was permitted, whether witnesses could testify anonymously and what other technical means might be used to ensure their protection.

44. While it appeared that the State Party had sufficient special prosecutors to deal with war crimes cases, she had been struck that so few candidates had responded to the call for applications to the Special State Prosecutor's Office. She wondered why employment with the Special State Prosecutor's Office was not seen as attractive, whether the calls for applications had not been effectively disseminated, and how many such calls would be necessary in order to recruit sufficient professionals with the requisite experience and expertise.

45. **The Chair** said that the Committee would be glad to receive the text of the draft amendments to the Criminal Code, including, most importantly, the provision establishing enforced disappearance as an autonomous offence. He would appreciate clarification of the delegation's statement that amendments to the Code of Criminal Procedure had made it possible to use evidence presented before international courts in domestic proceedings.

46. **A representative of Montenegro** said that the Government planned to close all chapters for accession to the European Union by the end of 2026, and that, as part of that process, Montenegro was required to align its laws with the European Union acquis. The Government was in continual communication with the European Commission in order to expedite the adoption of laws, including the amendments to the Criminal Code, to ensure an effective response to recommendations received, and to advance the national legislative process whenever a positive opinion was obtained.

47. The Criminal Code established several offences that included elements consistent with the definition of enforced disappearance under article 2 of the Convention. Particularly relevant were article 162, on unlawful deprivation of liberty, and article 427, on crimes against humanity, which referred to the "detention or abduction of persons followed by a refusal to acknowledge that deprivation of freedom with the intention of removing them from the protection of the law".



48. Montenegrin law provided that statutes of limitations ran from the date on which criminal offences were committed or, if later, from the date on which the consequences of the offences arose. Absolute statutes of limitations ran for twice as long as relative statutes and ranged from three years, for offences punishable by a prison term exceeding 1 year, to 25 years, for offences punishable by a prison term significantly exceeding 15 years. Statutes of limitations were interrupted by procedural action and began running anew subsequently. Although the Law on Compensation Of Victims of Violent Crimes would not become applicable until Montenegro acceded to the European Union, other provisions, particularly article 207 of the Law on Obligations, provided for the proper compensation of victims for any form of harm suffered, including physical and mental harm, in civil proceedings in which forensic evidence could be examined. The Government had only recently, on 17 September 2025, launched the call for public input on the national strategy for the protection of victims' rights for the period 2025–2028 and experience had shown that the public typically responded to such calls in the second half of the period for engagement that had been announced.

49. Under proposed amendments to introduce the offence of enforced disappearance into the Criminal Code, the maximum available sentence for the offence, if aggravating circumstances were present, would be between 30 and 40 years, compared with a maximum sentence of 20 years available for the same actions under the current Code. Courts were required to take all aggravating and mitigating circumstances into consideration during sentencing, including the previous conduct of the perpetrator, his or her motives and his or her conduct after committing the offence. The new article proposed provided that the penalty applied to a public official who committed an act of enforced disappearance would also apply to any other person who committed such an offence with the authorization, support, or acquiescence of the State.

50. **A representative of Montenegro** said that witness protection procedures were governed by the Code of Criminal Procedure and the Law on Witness Protection. Measures taken included conducting closed court proceedings, allowing witnesses to use pseudonyms and taking steps to protect their personal information. Under the Law on Witness Protection, the witness protection programme was initiated whenever there were grounds to believe that witnesses would face genuine and serious threats to their health, physical integrity, freedom or property if they provided testimony in criminal cases. Decisions on the application of protective measures were taken on a case-by-case basis by a commission comprising a Supreme Court judge, a prosecutor from the Supreme State Prosecutor's Office, members of the witness protection unit attached to the police force, the director of the authority responsible for the execution of sentences, and psychologists appointed by the social welfare and work authorities. The witness protection unit provided persons in their care with necessary economic, social, psychological and legal support.

51. Prosecutors were recruited through public calls launched by the Prosecutorial Council, which provided information on the job requirements, and were selected following interviews. They dealt with cases involving war crimes, high corruption and organized crime, and with matters of international legal assistance, often doing so in conditions of understaffing, which required dedication and sacrifice. As an incentive in addition to the motivation of serving justice, prosecutors' salaries had been increased by 30 per cent, which, it was hoped, would help to attract a sufficient number of applicants. In addition to judges and prosecutors, the training on enforced disappearance provided had been attended by representatives from the Ministry of Justice and the Ministry of Defence, members of the police force, representatives from the International Committee of the Red Cross and regional training specialists. On the basis of a needs assessment that would be published at the end of 2025, plans for further such training and engagement with other institutions would be developed. The Supreme State Prosecutor's Office would reach out to centres of education and international partners with initiatives for cooperation on regional training to improve the conduct of criminal proceedings and protection of victims' rights.

52. **A representative of Montenegro** said that, as enforced disappearance was not yet a criminal offence under Montenegrin law, the delegation had not been able to identify cases in which compensation had been awarded to victims of the specific offence, although, as mentioned earlier, a total of €1.6 million had been paid in compensation to 16 families who were civil victims of war.

53. **A representative of Montenegro** said that the Commission on Missing Persons dealt with cases of persons who had gone missing during the armed conflicts in the former Yugoslavia and did not have responsibility for cases involving migrants. The guidelines for the search for disappeared persons provided for an expansion of international cooperation through the application of bilateral agreements with relevant regional institutions, the Joint Declaration on Missing Persons in the Framework of the Berlin Process and other agreements defining obligations, procedures and mechanisms for the exchange of information and data, active participation in regional bodies for the search for missing persons, cooperation with associations of families and civil society organizations, and the organization of regular meetings between the Commission on Missing Persons and regional counterparts to share experience and coordinate action.

54. Under amendments to the Law on Veterans' and Disability Protection, the families of missing persons were entitled to monthly benefits. They were also entitled to a one-time support payment from the Commission on Missing Persons.

55. **A representative of Montenegro** said that the new draft law on the Office of the Protector of Human Rights and Freedoms, which was in the final development stages, implemented all recommendations made in that area and had been drafted with the cooperation of international and non-governmental organizations with a view to securing A status accreditation from the Global Alliance of National Human Rights Institutions. It was anticipated that the draft law would be approved by the Government at the end of September 2025. The draft would then be transmitted to the European Commission for its opinion and efforts would be made to adopt the new text by the end of the year under an expedited procedure.

56. Although Montenegro was in favour of increasing, and was doing its utmost to facilitate, regional cooperation in cases of persons who had gone missing during the armed conflicts in the former Yugoslavia, and there was already good interregional cooperation between experts in that area, work was being impeded by political decisions and other complicating factors originating from neighbouring countries in which the conflicts had taken place. It was necessary to enhance cooperation between commissions and judicial, prosecutorial and law enforcement bodies and to provide them with the political support needed to conclude their work and bring perpetrators to justice. Although Montenegro was not dealing with a large number of missing persons cases, difficulties identifying persons who had gone missing and the unwillingness of family members to provide DNA samples were hampering efforts to bring searches to an end. Public trust in the institutions involved needed to be increased if that issue was to be resolved.

57. The Government provided training on social protection, psychological support and other topics in addition to enforced disappearance. It was committed to taking all the legal and other steps required for accession to the European Union, but it wished to do so in the manner that would best serve its citizens in the future rather than merely meeting external obligations. Since all of the institutions needed to safeguard the rights of Montenegrin citizens, including the Office of the Protector of Human Rights and Freedoms, were already in place, rather than establishing additional institutions the Government had only to ensure that they functioned correctly.

58. **Mr. Diop** said that he wished to know whether the State Party planned to declare persons who had been missing for a period of more than 20 or 30 years deceased, and, if so, within what time frame.

59. **A representative of Montenegro** said that the law provided for missing persons to be declared deceased when the circumstances suggested that they had died. Proceedings to have a missing person declared deceased could be brought by a family member, a person with a legal interest in the matter or a competent authority.

60. The country was currently in the process of making extensive amendments to its legislation with the objective of acceding to the European Union in 2028. Once it had done so, it would be able to apply the Law on Compensation of Victims of Violent Crimes in a manner that was fully compatible with all of those amendments.

61. The Government of Montenegro was committed to following best international practices in legal and other matters in a manner that was acceptable to the country and served as an example to the international community. It welcomed the Committee's questions and recommendations, which would enhance the authorities' understanding of how best to address the situation with respect to enforced disappearance and would enable them to act accordingly.

*The meeting rose at 5.45 p.m.*