



CRNA GORA
VRHOVNI SUD



CRNA GORA
MINISTARSTVO PRAVDE



CRNA GORA
VRHOVNO DRŽAVNO TUŽILAŠTVO



Centar za građansko obrazovanje
Centre for civic education

MEMORANDUM OF COOPERATION

between

Centre for Civic Education (CCE)

and

Supreme Court of Montenegro

Ministry of Justice

Supreme State Prosecution

Starting from:

- the necessity of active participation, direct cooperation and coordination of all segments of society, including civil society organizations, in the fight against corruption, with the aim of establishing a full rule of law;
- the need for cooperation in the development of full confidence in the judicial system of Montenegro;
- the importance of a proactive approach of non-governmental organizations, to contribute to the strengthening of the capacity of civil society in the fight against corruption and in advocating change through monitoring;
- the ability to influence public policy in the areas of justice, judicial and prosecutorial practice, as well as the Ministry of Justice in charge, through collecting, processing and distributing reliable information concerning the anti-corruption legislation and its implementation, in order to identify issues in need of reform and define appropriate recommendations;
- the objective of judicial and prosecutorial organizations to be responsible, professional, efficient and transparent.

With reference to:

- The Constitution of Montenegro;
- Judicial Reform Strategy of Montenegro for the period 2007-2012;
- National Program for Integration of Montenegro into the EU (NPI) for the period 2008-2012;
- Action Plan for implementation of the recommendations from the European Commission's Opinion, adopted February 17, 2011;
- Strategy for the fight against corruption and organized crime for the period 2010-2014.



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The parties concerned sign this:

MEMORANDUM OF COOPERATION

between

Centre for Civic Education (CCE)

and

Supreme Court of Montenegro

Ministry of Justice

Supreme State Prosecution

concerning

the implementation of activities of the project: "*Monitoring of court cases related to corruption offenses*"

Article 1

The purpose of the Memorandum is to determine the modes of cooperation, coordination and exchange of information during the project.

Article 2

The overall objective of this project is to contribute to reducing the level of corruption in Montenegro through its effective prosecution.

In particular, the project will assess judicial efficiency in processing anti-corruption cases and raise awareness among the general public as well as legal and media professionals of the problem of corruption and the existing anti-corruption mechanisms.

This project should result in: 1) establishment of communication and cooperation channels with the authorities in charge for processing corruption cases (courts, prosecution, Ministry of Justice); 2) monitoring of the efficiency, impartiality and fairness of the Montenegrin judiciary and other stakeholders (engaged lawyers, media) in processing corruption cases; 3) raised awareness among the general public as well as legal and media professionals of corruption problem and existing anti-corruption mechanisms; 4) recommendations for improvement of the legislation, mechanisms and procedures in place, as well as media reporting in a final report.



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Article 3

The signatory parties shall commit themselves to cooperation in the implementation of activities with respect to the required meetings and consultations in order to ensure access to relevant data regarding the areas covered by the project.

Each signatory party shall commit themselves, in its fields of competence and technical capabilities, to provide the necessary support for achieving the objectives and results of the project.

Within this context, the signatory parties agree that the rights and obligations comprise of:

The Supreme Court shall, for certified associates of the Centre for Civic Education (CCE) give written permission for access to the courts, provide copies of the proceedings records, from hearings attended by authorized associates of the Centre for Civic Education (CCE), unless the public is exempted by the court decision; provide insight into the distribution of cases by the random assignment of cases to the Court Rules of Procedure prescribed in relation to items dealing with corruption; provide insight into case in which a final judgment is rendered, and for which a legal-binding decisions has been made between 2010 until 28 February 2013; notify all courts of the signing and character of the Memorandum of Cooperation, and give suggestions and comments on the reports that are going to be made within the realization of the project.

The Ministry of Justice will provide a copy of the Report on the monitoring of courts organization and work as well as the implementation of the Court Rules of Procedures to the registered authorized representatives of the Centre for Civic Education (CCE), in line with the information and notifications that the courts are required to submit at the request of the Ministry of Justice, under the supervision of the Ministry of Justice over the exercise of administrative activities conducted by the court, and also promptly provide to the CCE other related information according to the Law on Free Access to Information.

The Supreme State Prosecution will for authorized associates of the Centre for Civic Education (CCE) provide insight into indictments in cases of corruption, as well as into charges for cases that have been closed between 2010 and 28 February 2013.

Centre for Civic Education (CCE) will continuously strengthen its own capacities and the capacities of civil society organizations for monitoring the work of the judiciary and advocating necessary changes; establish regular communication with the Supreme Court in order to duly inform the parties concerned of the progress and findings in the field; follow Montenegrin media coverage of corruption cases; and publish and present to the public the draft report after its completion, including all the suggestions and remarks that will be made by the Supreme Court of Montenegro, the Montenegrin Ministry of Justice and the Prosecutor General. In its reports, the Centre for Civic Education (CCE) will respect the provisions of the Rules of Data Anonymization in judicial decisions.



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Article 4

The Memorandum of Cooperation will remain in effect for an indefinite period of time, and shall enter into force upon signature.

Article 5

The Memorandum of Cooperation has been made in four (4) identical hard copies in the Montenegrin language, one (1) for each signatory party.

for Supreme Court

for Ministry of Justice

for Supreme State Prosecution

for CCE

Stanka Vučinić
Deputy President

Branka Lakočević
Minister Assistant

Veselin Vučković
Deputy of SSP

Daliborka Uljarević
Executive Director

In Podgorica, 24 January 2013