



FORGIVENESS WITH THE SEAL OF THE STATE

Amnesty and Pardons in Montenegro (2006–2025)



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CONTENTS

INTRODUCTION AND METHODOLOGY	7
NATIONAL LEGAL FRAMEWORK	9
AMNESTY	9
PARDON	15
COMPARATIVE PRACTICE	20
AMNESTY	20
PARDON	22
AMNESTY AND PARDON IN MONTENEGRO IN THE PERIOD FROM 2006 TO 2025	25
AMNESTY	25
PARDON	38
CONCLUSIONS AND RECOMMENDATIONS	48

INTRODUCTION AND METHODOLOGY

The institutions of amnesty and pardon represent one of the most sensitive mechanisms in the hands of the state, i.e. the place where law, justice and mercy meet on the same level. Although in modern legal systems they are often viewed as exceptions to the rule, they are also valuable instruments that reveal the depth of institutional maturity, but also the social needs of society.

Montenegro is currently in its longest period without an adopted Amnesty Law, at a time when official data indicate a high burden on prison capacities, but also a chronically high number of requests for pardon. It is precisely this gap between the needs of the system and the lack of an institutional response, that was the initial motivation for the preparation of this report.

Amnesty and pardon, in addition to having a legal dimension, also carry a strong social component. These acts of mercy raise the question of how the state understands rehabilitation, what its relationship is with convicted people, and where it draws the line between individual responsibility and a social chance for a new beginning. In societies with limited prison system capacities, these institutions occasionally become a “valve” that prevents further degradation of conditions, but also a mirror through which the broader social context is seen, from penological policy to access to human rights and resocialization.

In order to understand the place and function of forgiveness in the Montenegrin legal order, the author team approached the study in three complementary phases. The first included a series of exploratory interviews with actors involved in the amnesty and pardon processes, from institutional representatives to experts in the field of law and penology,

which identified key challenges and shortcomings of the existing system. The second phase involved the collection and analysis of publicly available data to create a clearer picture of the dynamics of these institutions over the past almost twenty years. The third phase involved submitting requests for free access to information and processing the received data, which enabled access to precise data and insight into practices that are not easily visible outside institutional archives.

In the period from the restoration of independence to the present, Montenegro's attitude towards amnesty and pardon has gone through different phases, from intensive normative reforms to long periods of stagnation. While some cycles have passed amnesty laws as a response to prison overcrowding or specific political and social circumstances, other periods have been marked by the absence of systemic solutions and reliance almost exclusively on presidential discretion through

the institution of pardon. Such uneven dynamics indicate that these institutions are not only legal mechanisms, but also indicators of the social pulse. At the same time, the debate on whether amnesties are occasionally abused or underused reveals a deep division in the public space regarding their purpose, effects and limits.

This is precisely why understanding institutions of forgiveness in Montenegro requires more than a collection of statistical indicators. It requires insight into the motivations of decision makers, in administrative capacities of the institutions that carry out these processes, in social affairs eaters that arise when the system is overloaded, but also in individual human stories which remain behind the numbers.

This report is guided by the idea that these layers must be seen together in order to receive a comprehensive picture, because the question is not only whether the state forgives, but how, to whom and why he forgives, and whether that process is regulated in such a way as to balance the public interest, humanity and the principles of the modern penal system.

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NATIONAL LEGAL FRAMEWORK

AMNESTY

The Constitution of Montenegro,¹ in Article 82, paragraph 1, prescribes, as one of the competences of the Parliament, the granting of amnesty, which constitutes the only constitutional provision addressing this issue. As Montenegro still lacks a Law on Parliament, the aforementioned constitutional provision is further elaborated by the Rules of Procedure of the Parliament,² specifically Article 40, which provides that proposals for laws, other regulations and general acts, as well as other matters relating to amnesty, shall be considered by the Committee on Political System, Judiciary and Administration. Given the absence of specific norms governing the procedure for the adoption of the amnesty law, it follows that such a law is adopted under the ordinary legislative procedure, i.e. its enactment does not require a qualified majority.

The Criminal Code of Montenegro³ regulates amnesty as an act granting exemption from criminal prosecution or full or partial exemption from the execution of a sentence, substituting an imposed sentence with a more lenient penalty, granting rehabilitation, or revoking certain or all legal consequences of conviction. The Code also explicitly enumerates the security measures that may be lifted by amnesty, namely: prohibition from exercising a profession, activity or duty; prohibition from driving a motor vehicle; and expulsion of foreign nationals from the country. Furthermore, the Code stipulates that the granting of amnesty shall not affect the rights of third parties arising from the conviction.

The Criminal Code further provides that where, by an act of amnesty or pardon, or by a court decision rendered upon an extraordinary legal remedy, the imposed sentence has been reduced, the period required for the statute of limitations to apply shall be determined in accordance with the new sentence, while the limitation period shall continue to run from the earlier final judgment.

Several provisions concerning amnesty are also contained in the Criminal Proce-

1 *Official Gazette of Montenegro*, No. 1/2007 and 38/2013

2 *Official Gazette of the Republic of Montenegro*, Nos. 051/06, 066/06; *Official Gazette of Montenegro*, Nos. 088/09, 080/10, 039/11, 025/12, 049/13, 032/14, 042/15, 052/17, 017/18, 047/19, 112/20, 129/20, 065/21, 048/24, 080/24

3 *Official Gazette of the Republic of Montenegro (RCG)*, Nos. 70/2003, 13/2004, 47/2006; *Official Gazette of Montenegro*, Nos. 40/2008, 25/2010, 32/2011, 64/2011 – other law, 40/2013, 56/2013, 14/2015, 42/2015, 58/2015 – other law, 44/2017, 49/2018, 3/2020, 26/2021 – correction, 144/2021, 145/2021, 110/2023

Code,⁴ which regulate the impossibility of initiating criminal prosecution or the discontinuation of proceedings at certain stages of criminal procedure due to amnesty, as well as amnesty as one of the grounds for the improper reopening of criminal proceedings.

Since the restoration of independence in 2006, six amnesty laws have been adopted in Montenegro.

Under the Law on Amnesty of Persons Convicted of Criminal Offences Prescribed by the Laws of the Republic of Montenegro⁵ of 2006, persons who, on the date of entry into force of the Law, had been finally convicted of criminal offences prescribed by the laws of the Republic of Montenegro were granted exemption from the execution of 25% of the imposed sentence, as well as persons to whom amnesty had previously been granted under the laws of 2000, 2002 and 2004. The same Law also provided for exemption from the execution of 10% of the sentence for persons who had been finally convicted of criminal offences against sexual freedom. Amnesty did not apply to persons convicted of trafficking in human beings, war crimes against the civilian population, or criminal offences against humanity and other values protected under international law. Furthermore, persons against whom an arrest warrant had been issued due to failure to report for the execution of the sentence or due to escape from serving the sentence were excluded from amnesty. The then Institute for the Execution of Criminal Sanctions (ZIKS) or the court that had ordered the issuance of the warrant was obliged to notify the court competent for the application of amnesty within three days from the entry into force of the Law.

As with the currently applicable Criminal Code, this Law contained a provision stipulating that amnesty does not affect the rights of third parties arising from the conviction, as well as a provision on the corresponding application of the Criminal Procedure Code to matters of amnesty.

Under the 2006 Law, compliance with the conditions for amnesty was determined by the Basic Court competent to refer the convicted person to serve the prison sentence, acting *ex officio*, upon the request of the convicted person, the state prosecutor, or a person authorized under the Criminal Procedure Code to lodge an appeal against the judgment. The percentage and duration of the remission of the sentence were determined by a court decision, against which an appeal could be filed with the competent Higher Court within three days from the date of receipt, without suspensive effect.

⁴ *Official Gazette of Montenegro*, Nos. 57/2009, 49/2010, 47/2014 – Decision of the Constitutional Court of Montenegro, 2/2015 – Decision of the Constitutional Court of Montenegro, 35/2015 (Articles 88–91 not included in the consolidated text), 58/2015 – other law, 28/2018 – Decision of the Constitutional Court of Montenegro, 116/2020 – Decision of the Constitutional Court of Montenegro, 145/2021, 54/2024 and 58/2024 – correction

⁵ *Official Gazette of the Republic of Montenegro*, No. 48/2006

ZIKS was required, within 24 hours from the entry into force of the Law, to notify the court of persons serving a sentence who were eligible for amnesty. If the convicted person was serving the sentence in another state, notification was to be carried out through the Ministry of Justice.

Under the Law on Amnesty of Persons Convicted of Criminal Offences Prescribed by the Laws of Montenegro and Persons Convicted by a Foreign Criminal Judgment Enforced in Montenegro⁶ of 2008, persons who, on the date of entry into force of the Law, had been finally convicted of criminal offences prescribed by the laws of Montenegro and committed before 21 May 2006, as well as persons convicted by a foreign criminal judgment enforced in Montenegro, were granted exemption from the execution of 25% of the imposed sentence. As in the case of the 2006 Law, the amnesty did not apply to persons convicted of trafficking in human beings, war crimes against the civilian population, or criminal offences against humanity and other values protected under international law, persons against whom an arrest warrant had been issued due to failure to report for the execution of the sentence or escape from serving the sentence, as well as persons who had already been granted amnesty under the 2006 Law and persons convicted of criminal offences against sexual freedom.

As under the 2006 Law, it was prescribed that compliance with the conditions for amnesty would be determined by the Basic Court competent to refer the convicted person to serve the prison sentence. However, the 2008 Law additionally provided that, in respect of persons convicted by a foreign criminal judgment enforced in Montenegro, compliance with the conditions for amnesty shall be determined by the Basic Court at the seat of the Higher Court competent for international criminal legal assistance.

In all other respects, the provisions of this Law are identical to those of the 2006 Law.

Under the Law on Amnesty of Persons Convicted of Criminal Offences Prescribed by the Laws of Montenegro and Persons Convicted by a Foreign Criminal Judgment Enforced in Montenegro⁷ of 2010, persons who, on the date of entry into force of the Law, had been finally convicted of criminal offences prescribed by the laws of Montenegro, as well as persons convicted by a foreign criminal judgment enforced in Montenegro, were granted exemption from the execution of 20% of the imposed prison sentence.

Persons who, on the date of entry into force of this Law, had been finally convicted of criminal offences prescribed by the laws of Montenegro and sentenced to imprisonment of up to three months, and who had not yet commenced serving

⁶ Official Gazette of the Republic of Montenegro, No. 48/2006

⁷ Official Gazette of Montenegro, No. 45/2010

their sentence, had their prison sentence substituted by a suspended sentence, whereby the imposed prison sentence was deemed established and the probation period was set at two years. For persons already serving such sentences, the execution of the sentence was discontinued and the remaining part of the sentence was substituted by a suspended sentence, also with a probation period of two years.

Excluded from amnesty under this Law were persons convicted of trafficking in human beings, war crimes against the civilian population, as well as criminal offences against humanity and other values protected under international law, persons against whom an arrest warrant had been issued due to failure to report for the execution of the sentence or escape from serving the sentence, persons convicted of criminal offences against sexual freedom and criminal offences against marriage and family, persons who had been granted amnesty under the laws of 2006 and 2008, persons against whom an arrest warrant had been issued due to failure to report for the execution of the sentence or escape from serving the sentence (with the exception of persons sentenced to imprisonment of up to three months), as well as persons convicted of the criminal offence of aggravated murder.

In all other respects, the provisions of this Law are identical to those of the 2008 Law.

Defamation and insult have not constituted criminal offences in Montenegro for over a decade, as in 2011 Montenegro decriminalized these offences in line with the recommendations of the Council of Europe. In this way, at least formally, a higher degree of freedom of expression for journalists and the media has been ensured. Although no longer criminal offences, compensation for damage resulting from violations of personality rights may still be sought before Montenegrin courts pursuant to the Media Law and the Law on Obligations.

In accordance with the recommendations of the Council of Europe, Montenegro decriminalized insult and defamation in 2011, thereby transferring protection against such acts from the sphere of criminal law to that of civil law protection. Consequently, in 2012, the Parliament adopted the Law on Amnesty of Persons Convicted of the Criminal Offences of Insult and Defamation, by which persons convicted of these offences were released from the execution of the imposed sentence, and the measure prohibiting the exercise of a profession, activity or duty was also lifted. This Law contained only three articles and, unlike all other amnesty laws adopted in Montenegro after 2006, it regulated solely the jurisdiction for issuing decisions on amnesty (the court competent for the execution of the sentence), the possibility of appealing such decisions before the competent Higher Court within three days from receipt, and the rule that decisions on amnesty shall be issued either ex officio or upon the request of the convicted person or another person authorized, in favour of the accused, to lodge an appeal in criminal pro-

ceedings.[8]

Under the Law on Amnesty of Persons Convicted of Criminal Offences Prescribed by the Laws of Montenegro and Persons Convicted by a Foreign Criminal Judgment Enforced in Montenegro⁸ of 2013, persons who, on the date of entry into force of the Law, had been finally convicted of criminal offences prescribed by the laws of Montenegro, as well as persons convicted by a foreign criminal judgment enforced in Montenegro, were granted exemption from the execution of 25% of the imposed prison sentence.

Excluded from amnesty under this Law were the same categories of persons excluded under the 2010 Law, with the addition of persons who, on the date of entry into force of the Law, had been finally convicted of the criminal offences of criminal association and establishing a criminal organization, persons finally convicted of unauthorized production, possession and trafficking of narcotic drugs and facilitating the use of narcotic drugs, as well as persons who had been granted amnesty in 2008 and 2010.

In all other respects, the provisions of this Law are identical to those of the 2010 Law.

Under the Law on Amnesty of Persons Convicted of Criminal Offences Prescribed by the Laws of Montenegro and Persons Convicted by a Foreign Criminal Judgment Enforced in Montenegro⁹ of 2020, persons who, on the date of entry into force of the Law, had been finally convicted of criminal offences prescribed by the laws of Montenegro and were, on that date, serving a prison sentence in Montenegro, as well as persons convicted by a foreign criminal judgment enforced in Montenegro or whose transfer for the execution of a prison sentence had been carried out to another state, were granted exemption from the execution of 15% of the imposed prison sentence.

By way of exception, persons who, on the date of entry into force of the Law, had been finally convicted of criminal offences prescribed by the laws of Montenegro but had not yet commenced serving their prison sentence were granted exemption from the execution of 10% of the imposed prison sentence. Furthermore, persons who had been finally convicted two or more times to an unconditional prison sentence for criminal offences were granted exemption from the execution of 5% of the imposed prison sentence.

Persons who, on the date of entry into force of the Law, had been convicted for the **first time** to a prison sentence of **up to three months** for criminal offences prescribed by the laws of Montenegro, and had not yet commenced serving the sen-

⁸ *Official Gazette of Montenegro*, No. 39/2013

⁹ *Official Gazette of Montenegro*, No. 65/2020

tence, had their prison sentence substituted by a **suspended sentence**, whereby the imposed sentence was deemed established and it was simultaneously determined that it would not be executed if the convicted person did not commit a new criminal offence within a period of two years.

The Law introduced an additional modality of amnesty by prescribing that persons who, on the date of entry into force of the Law, had been convicted for the **first time** to a prison sentence of **three to six months** for criminal offences prescribed by the laws of Montenegro, and had not yet commenced serving the sentence, would have the imposed prison sentence deemed established and it would simultaneously be determined that the sentence shall be executed **in the premises where the convicted person resides**. For such persons already serving the sentence, the execution of the sentence was discontinued and the remaining part of the sentence was substituted by a suspended sentence, whereby the remainder of the sentence was deemed established and it was determined that it would not be executed if the convicted person did not commit a new criminal offence within a period of two years.

Excluded from amnesty under this Law were the same categories of persons excluded under the 2013 Law, with the addition of persons who, on the date of entry into force of the Law, had been finally convicted of the criminal offences of terrorism, money laundering, criminal offences against official duty, as well as the criminal offence of obstructing a public official in the performance of official duties. Additionally, excluded were persons convicted of the criminal offence of assault on a public official in the performance of official duties, persons finally convicted of criminal offences of neglect and abuse of a minor, domestic violence or violence within the family unit, and incest, which represents a narrower scope of offences within the group of criminal offences against marriage and family compared to previous laws. Furthermore, excluded were persons who, on the date of entry into force of the Law, had been finally sentenced to 40 years of imprisonment, as well as persons who had been granted amnesty in 2008 and 2013, while persons amnestied under the laws of 2010 and 2012 were not explicitly mentioned.

Unlike the 2013 Law, this Law did not exclude from amnesty persons finally convicted of the criminal offences of unauthorized production, possession and trafficking of narcotic drugs and facilitating the use of narcotic drugs.

With the exception of the 2012 Law, all of the aforementioned laws contain a provision stipulating that persons who have been sentenced by a final judgment to a single aggregate prison sentence shall be granted remission in respect of the previously individually determined prison sentences, as well as a provision according to which the competent court decides on the fulfilment of the conditions for amnesty ex officio, upon the request of the convicted person, the state prosecutor, or a person authorized under the Criminal Procedure Code to lodge an appeal against the judgment.

According to data available on the official website of the Parliament of Montenegro, a Draft Law on Amnesty of Persons Convicted of Criminal Offences Prescribed by the Laws of Montenegro and Persons Convicted by a Foreign Criminal Judgment Enforced in Montenegro is currently under parliamentary procedure, having been submitted to Parliament on 16 July 2025 by a group of Members of Parliament. However, according to the voting record of 31 July 2025, the proposal did not obtain the required majority. *trebnu većinu*.

PARDON

Article 95 of the **Constitution of Montenegro**,¹⁰ which regulates the competences of the President, provides that the President, *inter alia*, grants pardons.

The **Criminal Code**¹¹ addresses the issue of pardon in several provisions. In particular, it stipulates that where, by an act of amnesty or pardon, or by a court decision rendered upon an extraordinary legal remedy, the imposed sentence has been reduced, the period required for the statute of limitations for the execution of the sentence or security measure shall be determined in accordance with the new sentence, while the limitation period shall continue to run from the earlier final judgment.

The Criminal Code further provides that, by way of pardon, a specifically designated individual may be granted exemption from criminal prosecution or full or partial exemption from the execution of a sentence, the imposed sentence may be substituted with a more lenient penalty or a suspended sentence, rehabilitation may be granted, a shorter duration of certain legal consequences of conviction may be determined, or certain or all legal consequences of conviction may be revoked.

The Code also stipulates that, by way of pardon, it is possible to revoke or reduce the duration of the following security measures: prohibition from exercising a profession, activity or duty; prohibition from driving a motor vehicle; and expulsion of a foreign national from the country.

Finally, the Criminal Code provides that the granting of amnesty or pardon shall not affect the rights of third parties arising from the conviction.

10 Official Gazette of Montenegro, No. 001/07 of October 25, 2007, and No. 038/13 of August 2, 2013

11 *Official Gazette of the Republic of Montenegro*, No. 070/03 of December 25, 2003, 013/04 of February 26, 2004, 047/06 of July 25, 2006; Official Gazette of Montenegro, No. 040/08 of June 27, 2008, 025/10 of May 5, 2010, 073/10 of December 10, 2010, 032/11 of July 1, 2011, 064/11 of December 29, 2011, 040/13 of August 13, 2013, 056/13 of December 6, 2013, 014/15 of March 26, 2015, 042/15 of July 29, 2015, 058/15 of October 9, 2015, 044/17 of July 6, 2017, 049/18 of July 17, 2018, 003/20 of January 23, 2020, 026/21 of March 8, 2021, 144/21 of December 31, 2021, 145/21 of December 31, 2021, 110/23 of December 12, 2023, 123/24 of December 23, 2024, and 121/25 of October 21, 2025

This institute is most comprehensively regulated by the **Law on Pardon**.¹² This Law prescribes that a pardon shall be granted to a specifically designated individual who has been subjected to a criminal sanction for a criminal or other punishable offence prescribed by the laws of Montenegro, the laws of a foreign state whose judgments are enforced in Montenegro, as well as federal legislation for which a court in Montenegro exercised first-instance jurisdiction.

Furthermore, the Law provides that, by way of pardon, exemption from criminal prosecution or full or partial exemption from the execution of a sentence may be granted; the imposed sentence may be substituted with a more lenient penalty or a suspended sentence (in which case the provisions of the Criminal Code¹³ governing suspended sentences shall apply); rehabilitation may be granted; or a shorter duration of certain legal consequences of conviction may be determined, or certain or all legal consequences of conviction may be revoked.

The Law also provides that, by way of pardon, it is possible to revoke or reduce the duration of the following security measures: prohibition from exercising a profession, activity or duty; prohibition from driving a motor vehicle; and expulsion of foreign nationals from the country.

The expungement of a conviction by way of pardon is not limited by the severity of the imposed sentence or the type of criminal offence for which a suspended sentence was imposed. Moreover, expungement by way of pardon produces the same legal effect as expungement under the Criminal Code.¹⁴

What is the Pardon procedure?

Pursuant to the Law, the procedure for granting a pardon is initiated either upon a petition for pardon or ex officio. A petition for pardon may be submitted by the convicted person, their spouse, a blood relative in the direct line, adoptive parent, adoptee, brother, sister, guardian, or a person living with the convicted person in a non-marital union. The petition shall be submitted after the judgment has become final.

Such a petition may be resubmitted after the expiration of a period of one year from the date of the last decision on pardon, where the imposed prison sentence

¹² *Official Gazette of Montenegro*, No. 031/12 of June 15, 2012

¹³ *Official Gazette of the Republic of Montenegro*, No. 070/03 of December 25, 2003, 013/04 of February 26, 2004, 047/06 of July 25, 2006; *Official Gazette of Montenegro*, No. 040/08 of June 27, 2008, 025/10 of May 5, 2010, 073/10 of December 10, 2010, 032/11 of July 1, 2011, 064/11 of December 29, 2011, 040/13 of August 13, 2013, 056/13 of December 6, 2013, 014/15 of March 26, 2015, 042/15 of July 29, 2015, 058/15 of October 9, 2015, 044/17 of July 6, 2017, 049/18 of July 17, 2018, 003/20 of January 23, 2020, 026/21 of March 8, 2021, 144/21 of December 31, 2021, 145/21 of December 31, 2021, 110/23 of December 12, 2023, 123/24 of December 23, 2024, and 121/25 of October 21, 2025

¹⁴ *ibidem*

exceeds three years. In cases where the imposed prison sentence is up to three years, the petition may be resubmitted after the expiration of six months from the date of the last decision on pardon. In no case does the submission of a petition suspend the execution of the criminal sanction.

Although the power to grant pardons lies with the President of the State, the petition is submitted to the ministry responsible for justice affairs, i.e. the Ministry of Justice. Where the petition is submitted by a person serving a sentence, it is submitted through the institution in which the sentence is being served, which shall, when forwarding the petition to the Ministry, attach its opinion regarding the convicted person's conduct, behaviour, and health condition, as well as any other information relevant for deciding on the petition.

If it is established that the petition has been submitted by an unauthorized person, or that it has been submitted before the expiration of the prescribed time limits, the Ministry shall reject the petition by a formal decision.

In order to properly assess the petition, the Ministry may request relevant information from the competent court, the prosecutor's office, state authorities, local self-government bodies, public enterprises, institutions, and other legal entities. Where the petitioner invokes specific facts or circumstances that may influence the decision, the Ministry shall carry out the necessary verifications and include a report thereon with the petition.

Following the assessment of the petition and the collected information, the Minister of Justice prepares a reasoned proposal for pardon and submits it, together with the petition, to the President of the State.

In accordance with the Law, the proposal for pardon shall contain: personal data of the convicted person; information on prior convictions; the legal qualification of the criminal offence; a description of the offence; identification of the court that rendered the judgment and relevant information on the judgment; data on the convicted person's employment, education, and conduct; information on the health condition and family circumstances of the convicted person; data on the execution of the sentence or reasons for postponement thereof; information on the application of amnesty, pardon, or extraordinary mitigation of punishment; as well as any other relevant information.

The procedure for granting a pardon shall be discontinued by the Minister of Justice if it is established that the convicted person has served the sentence, that the security measures or legal consequences of the conviction have ceased, that the petition has been withdrawn, or that the convicted person has deceased.

Although the Law prescribes a detailed procedure, the President may grant a pardon without conducting the procedure prescribed by law, provided that the prior

opinion of the Ministry has been obtained.

The decision adopted by the President is submitted to the Ministry, which then delivers it to the convicted person and informs the court that rendered the first-instance judgment, as well as the authority in which the sentence is being served.

The procedure for granting a pardon granting exemption from criminal prosecution ex officio is initiated by the Minister of Justice.

The procedure for pardon is conducted as an urgent procedure.

What innovations did the 2012 Pardon Law bring?

Prior to the adoption of the new Law on Pardon in 2012, the Law on Pardon¹⁵ of 1995, as amended in 1998 and 1999, was in force.

In addition to differences of a technical nature (for example, under the 1995 Law the authority was vested in the President of the Republic, whereas under the 2012 Law it is vested in the President of the State), the 2012 Law introduced a number of substantive novelties.

Namely, the 1995 Law imposed limitations on the President's authority to grant pardons, providing that persons convicted of criminal offences against the constitutional order, the Army of Yugoslavia, and international law could not be pardoned. Such restrictions no longer exist under the 2012 Law. Furthermore, the new Law introduces rehabilitation as a distinct form of pardon, whereas the 1995 Law did not explicitly provide for this possibility.

The 2012 Law also introduces a process of judicialization of the procedure. Instead of submitting the petition for pardon to the court that rendered the first-instance judgment, petitions are now submitted to the Ministry of Justice, while the court assumes a secondary role, being obliged to provide the Ministry with the information it requests. Consequently, under the new Law, the authority to dismiss a petition rests with the Ministry of Justice, unlike under the previous legal framework, where such authority was vested in the court. The time limits remain largely unchanged, although they are more precisely defined and linked to the date of the last decision on pardon.

The previous Law on Pardon also provided for an obligation of the Ministry of Justice to adopt Guidelines on the conduct of courts and institutions responsible for the execution of sentences in pardon proceedings.¹⁶ As the new law centralizes the role of the Ministry of Justice in this procedure, it does not foresee the obligation to adopt

¹⁵ *Official Gazette of the Republic of Montenegro*, No. 016/95 of May 15, 1995, 012/98 of April 10, 1998, 021/99 of June 1, 1999

¹⁶ *Official Gazette of the Republic of Montenegro*, No. 001/96 of January 12, 1996, 031/98 of August 28, 1998

a bylaw. This is supported by the fact that the 2012 law, unlike the 1995 law, already prescribes more detailed content of the pardon proposal.

With regard to transparency, the new Law introduces additional safeguards, notably the obligation of the President to publish, by 31 January each year, data on the number and structure of pardon decisions by criminal offences on the official website, for the preceding year.

It is also important to emphasize that the 2012 Law expands the discretionary powers of the President, allowing for the granting of a pardon even without conducting the full statutory procedure, subject to obtaining the opinion of the Ministry of Justice.

COMPARATIVE PRACTICE

AMNESTY

Amnesty models in the countries of the former Yugoslavia differ considerably, and this is due to the fact that the institution of amnesty is not only a legal institution but also a means of balancing the relationship between penal policy and the most diverse interests of society. As such, amnesty often serves as a tool for achieving political objectives, predominantly of ruling structures. At times, it is also the subject of agreements and compromises between the government and the opposition within a broader political context. Consequently, it reflects not only legal, but also political, and even historical aspects of the state and society.

Although countries in the region share a common legacy of a unified Yugoslav legal system, their amnesty models differ in terms of the objectives for which they were adopted—ranging from post-conflict reconciliation, through prison system reform and addressing prison overcrowding, to achieving political and national stabilization. For the purposes of this report, the analysis covers Serbia, Croatia, Bosnia and Herzegovina, North Macedonia, and Kosovo.

In Croatia, Bosnia and Herzegovina, and Kosovo, amnesty measures were primarily aimed at post-conflict reconciliation, reintegration of participants in armed conflicts, and the return of displaced persons. In Serbia, the focus was predominantly on the humanization of penal policy and the alleviation of pressure on the prison system, while, for example, the 2018 amnesty in North Macedonia was motivated by the need to ease political tensions following the violent incursion into the Parliament (Sobranie) in 2017.

Croatia adopted the General Amnesty Act in 1996, granting amnesty to participants in the war, with the exception of those convicted of war crimes. The objective of this law was political stabilization, post-war reconciliation, and the establishment of social and territorial cohesion. Its adoption rendered obsolete earlier legislation, including the Law on Amnesty from Criminal Prosecution and Proceedings for Criminal Offences Committed during Armed Conflicts and War against the Republic of Croatia, as well as the Law on Amnesty for Perpetrators of Criminal Offences from Temporarily Occupied Areas of the Vukovar-Srijem and Osijek-Baranja counties.

The specific constitutional and territorial structure of **Bosnia and Herzegovina** has resulted in a distinct approach to the application of amnesty. The Federation of Bosnia and Herzegovina adopted an amnesty law in 1995, granting amnesty to members of armed forces, except those convicted of serious crimes, war crimes, genocide, and crimes against humanity. This was followed by amnesty laws in 1999, 2000, 2002,

2006, and 2014. The latter two were related to the unlawful possession of explosive devices and weapons. **The Republic of Bosnia and Herzegovina** adopted amnesty laws in 1996, 2001, and 2007, the **Republika Srpska** in 1996, 1998, 2002, 2005, and 2018, and the **Brčko District** in 2001 and 2007. A common feature of early post-conflict amnesty laws (1995–1996, and in the Federation also 2006 and 2014) was that they primarily applied to military-related offences and aimed to facilitate the return of displaced persons and address the issue of illegal weapons. In later periods, however, more general amnesty laws were adopted.

Certain forms of amnesty were also introduced through legislation regulating the possession and carrying of weapons, whereby individuals who voluntarily surrendered illegal weapons were exempted from liability for unlawful possession. Although cantons did not adopt their own amnesty laws, they utilized weapons legislation to grant forms of amnesty, as did the former Republic of Bosnia and Herzegovina and its entities.

In **Serbia**, amnesty laws adopted in 2006 and 2010 were primarily aimed at military conscripts, while the 2012 Law—adopted under an urgent procedure—granted amnesty to 2,761 individuals in order to address prison overcrowding. Sentences were generally reduced by 25% (and by 50% for sentences ranging from three to six months), while persons convicted of war crimes, rape, murder, corruption, and drug trafficking were excluded. The focus was thus clear on penal system reform.

North Macedonia adopted amnesty laws in 1999, 2002, 2003, 2018, and 2023. Of particular significance is the 2018 Law, which granted amnesty to participants in the 2017 Parliament violence, excluding the organizers. This law was intended as a political instrument for stabilization and reconciliation, but it generated significant public controversy and division. The 2023 Law is also noteworthy, as it granted amnesty to persons convicted for violations of pandemic-related measures.

In **Kosovo**, the **2013 Law on Amnesty** granted amnesty to persons involved in conflicts up to 2008, excluding those convicted of war crimes, serious crimes against humanity, corruption, and organized crime. This law formed part of the broader **Brussels Dialogue** between Belgrade and Pristina and was aimed at facilitating the return of Serbs, particularly to the northern part of Kosovo.

In addition to the above, a specific type of amnesty relatively common in the region is the so-called tax amnesty, whereby legislation provides for the remission of part of tax debt, interest, or penalties, provided that the taxpayer settles the principal debt within a specified timeframe or enters a debt restructuring arrangement.

Montenegro adopted a **Law on Tax Amnesty in 2002**,¹⁷ under which taxpayers were exempted from misdemeanor and criminal liability if they paid due taxes and contri-

¹⁷ *Official Gazette of Montenegro*, No. 30/2002

butions within 90 days from the entry into force of the Law. Such measures are typically implemented in situations of budget deficits or with the aim of relieving businesses to sustain economic activity. However, the effects of such amnesties, both in Montenegro and in other countries in the region, have generally been limited and temporary.

PARDON

Pardons in the region likewise remain a significant political, but also social instrument. For the purposes of the comparative analysis, the research team relied on the legislation of several states of the former Yugoslavia, which were considered comparable in this context.

Serbia

Thus, the Law on Pardon of the Republic of Serbia of 1995 continues to regulate the role of the court in pardon proceedings, whereby a petition for pardon is submitted to the court that rendered the first-instance judgment. The Law further provides that the procedure for granting a pardon is initiated either upon a petition or ex officio, while the procedure for granting a pardon that results in exemption from criminal prosecution may be initiated exclusively ex officio. Given that the Law remains in force from a period when the death penalty was still prescribed as a form of sanction, it also provides that the procedure for granting a pardon shall be initiated even where a death sentence has been imposed and no petition has been submitted. The Law stipulates that a petition for pardon, which may be submitted only after the judgment has become final, may be filed by the convicted person, their legal representative, spouse, a relative in the direct line, brother, sister, adoptive parent, adoptee, foster parent, or guardian.

Regarding time limits, the Law provides that, where a prison sentence exceeding three years has been imposed, a petition may be resubmitted after the expiration of one year from the date of the decision on the previous petition. Where a sentence of up to three years' imprisonment or a more lenient penalty has been imposed, the petition may be resubmitted after six months. These time limits do not apply where the decision was adopted in proceedings initiated ex officio. The Law also provides that, with regard to appeals against decisions rejecting a petition for pardon, the provisions governing appeals against decisions rendered in criminal proceedings shall be applied *mutatis mutandis*. Where the petition is admissible, timely, and submitted by an authorized person, the court forwards it to the Ministry of Justice, together with its opinion. The Ministry then submits the petition to the President of the Republic of Serbia, while also being authorized to initiate pardon proceedings ex officio.

Croatia

The most significant differences between the Montenegrin legal framework and the Law on Pardon of the Republic of Croatia are reflected in several aspects. In Croatia, it is explicitly provided that the granting of a pardon shall not affect the rights of third parties arising from the conviction, whereas in Montenegro this principle is regulated by the Criminal Code.¹⁸ Furthermore, the Croatian Law does not contain an exhaustive list of persons entitled to submit a petition for pardon, but rather provides that such a petition may be submitted by the convicted person or by a person authorized to lodge an appeal in favor of the accused. Given that Croatia provides for the sanction of life imprisonment, the Law stipulates that a petition for pardon submitted by a convicted person may be resubmitted after a period of **ten years** from the date of the decision on pardon, and subsequently after three years from the date of the previous decision. The Croatian Law also provides that decisions on pardon shall be published in the Official Gazette of the Republic of Croatia, which is not the case in Montenegro.

Bosnia and Herzegovina

Taking into account the complex constitutional and legal structure of Bosnia and Herzegovina, the Law on Pardon in this country is correspondingly more complex. Namely, it provides that the Presidency of Bosnia and Herzegovina may grant pardons to convicted persons in respect of criminal sanctions imposed by the Court of Bosnia and Herzegovina, or by another court, where jurisdiction has been transferred to the Court of Bosnia and Herzegovina. Furthermore, pardons may be granted in relation to sanctions executed within the territory of Bosnia and Herzegovina, even where such sanctions were not imposed by a domestic court. Pardons may also be granted in respect of the legal consequences of conviction. Unlike the previously analyzed jurisdictions, the Law of Bosnia and Herzegovina explicitly provides that pardons may not be granted for criminal offences of genocide, war crimes, or crimes against humanity. The Law further stipulates that, by way of pardon, a convicted person may be granted full or partial exemption from the execution of a sentence, the imposed sentence may be substituted with a more lenient penalty or a suspended sentence, the duration of a security measure prohibiting the exercise of a profession, activity or duty may be reduced or such a measure may be revoked, certain legal consequences of conviction may be revoked or their duration shortened, or the conviction may be expunged.

¹⁸ *Official Gazette of the Republic of Montenegro*, No. 070/03 of December 25, 2003, 013/04 of February 26, 2004, 047/06 of July 25, 2006; *Official Gazette of Montenegro*, No. 040/08 of June 27, 2008, 025/10 of May 5, 2010, 073/10 of December 10, 2010, 032/11 of July 1, 2011, 064/11 of December 29, 2011, 040/13 of August 13, 2013, 056/13 of December 6, 2013, 014/15 of March 26, 2015, 042/15 of July 29, 2015, 058/15 of October 9, 2015, 044/17 of July 6, 2017, 049/18 of July 17, 2018, 003/20 of January 23, 2020, 026/21 of March 8, 2021, 144/21 of December 31, 2021, 145/21 of December 31, 2021, 110/23 of December 12, 2023, 123/24 of December 23, 2024, and 121/25 of October 21, 2025

The procedure for granting a pardon in Bosnia and Herzegovina is likewise initiated by a petition for pardon submitted by the convicted person, or by a person authorized under the criminal procedure legislation to lodge an appeal in favour of the accused. As in other jurisdictions, such a petition may be submitted only after the judgment has become final, while the time limits for submitting a new petition remain the same or similar to those in other states of the region. The Law also prescribes in detail the required content of such a petition and provides that it shall be submitted to the Ministry of Justice, which has established a Commission for Pardons. The Ministry is authorized to reject the petition where formal requirements are not met. Upon preparing a report in accordance with the legally prescribed content, the Ministry forwards the petition to the Presidency of Bosnia and Herzegovina.

A notable feature of the Law is that it provides for public disclosure of pardon decisions, the content of which is also regulated by law, through the media, except in cases involving minors, where only initials are disclosed without the names of the parents. The decision is also published in the Official Gazette of Bosnia and Herzegovina, while the Presidency submits an annual report to the Parliamentary Assembly of Bosnia and Herzegovina on pardon decisions adopted during the previous calendar year.

AMNESTY AND PARDON IN MONTENEGRO IN THE PERIOD FROM 2006 TO 2025

AMNESTY

The following section presents an overview of the number of decisions on amnesty issued by each of the Basic Courts in Montenegro in the years in which amnesty laws were adopted, namely 2006, 2008, 2010, 2012, 2013, and 2020. At this point, it should be noted that the tables lack the following data:

- all data from the Basic Court in Berane, as the court refused the request for free access to information submitted by the research team, which had been sent in identical form to all courts for the purpose of collecting the necessary data;
- for the Basic Court in Bijelo Polje, data on the percentage of the sentence from which convicted persons were exempted are missing;
- data for 2006 from the Basic Court in Danilovgrad, as the archives for that period were disposed of; only aggregate data on the total number of amnesties is available;
- data for 2006, 2008, and 2010 from the Basic Court in Podgorica, as the records were destroyed in a fire; additionally, from the data for 2012 it is not possible to determine whether they refer solely to amnesties for criminal offences of insult and defamation or, as in some other courts, to the total number of amnesty decisions issued in that year under previous amnesty laws (as further explained below);
- data for 2006 and 2008 from the Basic Court in Rožaje, as, according to the response to the request for free access to information, such records were destroyed with the approval of the State Archives – Berane-Rožaje Office; for 11 amnesty cases listed under the column indicating the percentage of sentence remission, it is not possible to determine to which specific criminal offences or sentences they relate.

As noted above, the inclusion of amnesty decisions relating to offences against, for example, life and bodily integrity in 2012 within the responses to requests for free access to information indicates that the records of most courts (with the exception of the Basic Courts in Bar, Cetinje, Plav, Herceg Novi, and Žabljak) in fact relate to all amnesty decisions issued in a given year, rather than only to those issued pursuant to the amnesty law adopted in that specific year (2006, 2008, 2010, 2012, 2013, or 2020), as requested. Otherwise, the 2012 records would have reflected only amnesties granted for the criminal offences of insult and defamation.

Furthermore, the existence of a certain number of amnesty decisions issued in years

in which no amnesty laws were adopted indicates that some proceedings - unsurprisingly, given the possibility of appeals against first-instance amnesty decisions - extend beyond one year, resulting in individuals being granted amnesty in years following the adoption of the relevant law.

It should also be noted that, in certain cases, individuals were granted amnesty from the execution of multiple sentences for different offences. For the purposes of classification in the tables, the offence that is more serious in terms of its legal qualification and severity of punishment was recorded, while the sentences were aggregated.

It is also evident that the records of the Administration for the Execution of Criminal Sanctions (UIKS) differ significantly from court records, which is partly expected. Upon the adoption of an amnesty law, UIKS informs the courts of persons to whom the amnesty will apply and who are, at that moment, serving sentences within UIKS. However, courts may issue amnesty decisions not only ex officio, but also upon the request of the convicted person, the state prosecutor, or a person authorized under the Criminal Procedure Code to lodge an appeal against a judgment.¹⁹ Consequently, at the time when UIKS notifies the courts of persons serving sentences who are eligible for amnesty, a portion of convicted persons entitled to amnesty are not yet serving their sentences within UIKS.

Nevertheless, the substantial discrepancies in figures primarily indicate a systemic problem of the lack of uniform and comprehensive record-keeping at the level of the courts, as well as the absence of consolidated and system-wide records at the level of UIKS and the Ministry of Justice regarding the application of amnesty in Montenegro.

Issues related to record-keeping within the judiciary and the need for their digitalization have been recognized and incorporated into the *Judiciary Digitalization Strategy 2025–2028*.²⁰ Although records relating to amnesty and pardons are not explicitly mentioned in that document, they warrant particular attention in light of the deficiencies identified during the data collection process for this report.

The data on issued amnesty decisions have been categorized according to:

- the law based on which the amnesty decision was issued;
- the court that issued the decision; and
- the type of criminal offence, focusing on those most frequently represented across all courts.

All remaining criminal offences have been grouped under the category “Other”.

¹⁹ whereas the laws on amnesty do not explicitly prescribe a deadline for submitting this request

²⁰ *Digitalisation Strategy of the Judiciary 2025–2028*, published on the website of the Government of Montenegro on June 13, 2025

Table 1: Overview of the number of persons amnestied under the 2006 Amnesty Law, by type of criminal offense

Court	Number of people amnestied under the 2006 Amnesty Law for crimes against:							
	Life and body	Property	People's health	public transport safety	public order and peace	official duties	Other	Total
Basic Court Bar	4	6	3	0	0	0	7	20
Basic Court Berane	-	-	-	-	-	-	-	-
Basic Court Bijelo Polje	0	1	0	0	0	0	0	1
Basic Court Cetinje	0	0	0	0	0	0	0	0
Basic Court Danilovgrad	-	-	-	-	-	-	-	25
Basic Court Herceg Novi	0	3	5	0	1	0	1	10
Basic Court Kolašin	3	0	1	0	0	0	2	6
Basic Court Kotor	6	19	2	2	0	0	12	41
Basic Court Nikšić	18	0	0	0	3	0	45 ²¹	66
Basic Court Plav	0	0	0	0	0	0	0	0
Basic Court Pljevlja	3	6	2	1	0	1	8 ²²	21
Basic Court Podgorica	-	-	-	-	-	-	-	-
Basic Court Rožaje	-	-	-	-	-	-	-	-
Basic Court Ulcinj	0	2	0	0	0	0	1	3
Basic Court Žabljak	3	0	0	1	0	0	2	6
TOTAL	37	37	13	4	4	1	78	199*

*The total number includes 25 amnesties from the Basic Court in Danilovgrad; however, since they are not classified by types of criminal offences, they are not included in the column totals.

21 This number includes amnesties for 12 offenses of preventing the monitoring of voting, 6 offenses of assault on an official person, and 1 offense of domestic violence or violence within the family or family community.

22 This number includes amnesties for four offenses of document forgery and three offenses of assault on an official person in the performance of official duties.

Table 2: Overview of the number of persons amnestied under the 2008 Amnesty Law, by type of criminal offense

Court	Number of people amnestied under the 2008 Amnesty Law for crimes against:							
	Life and body	Property	People's health	public transport safety	public order and peace	official duties	Other	Total
Basic Court Bar	0	4	0	0	1	0	37 ²³	42
Basic Court Berane	-	-	-	-	-	-	-	-
Basic Court Bijelo Polje	0	0	0	0	0	0	2	2
Basic Court Cetinje	0	0	0	0	0	0	0	0
Basic Court Danilovgrad	2	3	2	2	0	0	2	11
Basic Court Herceg Novi	0	2	0	0	0	0	0	2
Basic Court Kolašin	0	1	0	0	0	0	0	1
Basic Court Kotor	4	14	10	2	2	2	8	42
Basic Court Nikšić	0	0	0	0	0	0	0	0
Basic Court Plav	4	4	1	0	0	0	0	9
Basic Court Pljevlja	-	-	-	-	-	-	-	-
Basic Court Podgorica	-	-	-	-	-	-	-	-
Basic Court Rožaje	0	0	0	0	0	0	0	0
Basic Court Ulcinj	0	4	0	0	0	0	0	4
Basic Court Žabljak	0	4	0	0	0	0	1	5
TOTAL	10	36	13	4	3	2	50	118

23 mostly for the criminal offense of sexual intercourse through abuse of official position and document forgery

Table 3: Overview of the number of persons amnestied under the 2010 Amnesty Law, by type of criminal offense

Court	Number of people amnestied under the 2010 Amnesty Law for crimes against:							
	Life and body	Prop-erty	People's health	public transport safety	public order and peace	official duties	Other	Total
Basic Court Bar	14	55	0	3	18	0	137 ²⁴	227
Basic Court Berane	-	-	-	-	-	-	-	-
Basic Court Bijelo Polje	14	13	3	2	5	3	28 ²⁵	68
Basic Court Cetinje	0	0	0	0	0	0	0	0
Basic Court Danilovgrad	5	14	6	9	2	3	9	48
Basic Court Herceg Novi	2	23	15	2	9	1	14 ²⁶	66
Basic Court Kolašin	1	2	2	0	6	0	0	11
Basic Court Kotor	9	65	32	11	15	5	22	159
Basic Court Nikšić	30	156	34	13	48	3	31	315
Basic Court Plav	1	2	0	2	0	1	5 ²⁷	11
Basic Court Pljevlja	12	18	8	5	8	4	12 ²⁸	67
Basic Court Podgorica	-	-	-	-	-	-	-	-
Basic Court Rožaje	0	0	1	0	0	0	6	7
Basic Court Ulcinj	0	14	6	0	5	0	6	31
Basic Court Žabljak	1	1	1	2	2	1	4	12
TOTAL	89	363	108	49	118	21	274	1022

24 This number predominantly includes the criminal offense of document forgery, followed by sexual intercourse through abuse of official position, and offenses against the environment and spatial planning.

25 This number includes amnesties for five offenses of forest theft and four offenses of assault on an official person in the performance of official duties.

26 five amnesties for the criminal offense of document forgery

27 three amnesties for the criminal offense of insult (Article 195)

28 three offenses each of document forgery, forest theft, and assault on an official person in the performance of official duties

Table 4: Overview of the number of amnestied persons under the 2012 Amnes-ty Law

Court	Number of people amnestied for a crime	
	insult	slander
Basic Court Bar	0	0
Basic Court Berane	-	-
Basic Court Bijelo Polje *	0	0
Basic Court Cetinje	0	0
Basic Court Danilovgrad *	0	0
Basic Court Herceg Novi	0	0
Basic Court Kolašin *	0	0
Basic Court Kotor	0	0
Basic Court Nikšić *	2	-
Basic Court Plav	0	0
Basic Court Pljevlja	1	1
Basic Court Podgorica	Total of 26 amnesties in year 2012	
Basic Court Rožaje *	0	0
Basic Court Ulcinj *	0	0
Basic Court Žabljak	0	0

*Basic courts that provided data on the number of amnesties granted for acts other than insult and defamation

Table 5: Overview of the number of persons amnestied under the 2013 Amnesty Law, by type of criminal offense

Court	Number of people amnestied under the 2013 Amnesty Law for crimes against:							
	Life and body	Property	People's health	public transport safety	public order and peace	official duties	Other	Total
Basic Court Bar	1	8	0	1	2	0	26 ²⁹	38
Basic Court Berane	-	-	-	-	-	-	-	-
Basic Court Bijelo Polje	8	20	1	2	4	1	20 ³⁰	56
Basic Court Cetinje	14	15	0	3	5	0	9	46
Basic Court Danilovgrad	4	13	0	5	4	3	4	33
Basic Court Herceg Novi	2	29	1	2	3	2	5 ³¹	44
Basic Court Kolašin	6	2	0	1	1	0	2	12
Basic Court Kotor	5	44	2	4	12	2	19	88
Basic Court Nikšić	22	139	0	12	48	3	37 ³²	261
Basic Court Plav	1	2	0	0	0	1	2	6
Basic Court Pljevlja	12	29	0	2	2	1	20 ³³	66
Basic Court Podgorica	71	228	2	19	62	5	48	435
Basic CourtRožaje	17	18	2	3	1	0	17 ³⁴	58
Basic Court Ulcinj	3	9	0	1	3	2	8	26
Basic Court Žabljak	3	1	0	0	0	0	3	7
TOTAL	169	557	8	55	147	20	220	1176

29 predominantly for document forgery

30 The number includes six offenses of document forgery and five offenses against the environment and spatial planning.

31 three offenses of document forgery

32 Of this number, 11 are offenses of endangering security and nine are offenses of document forgery.

33 Four offenses against payment transactions and economic operations, seven offenses of endangering security, and four offenses of document forgery.

34 Within this number, there is one amnesty for the offense of attempted rape, four for offenses against payment transactions and economic operations, and five for offenses against legal transactions (of which four are for document forgery).

Table 6: Overview of the number of amnestied persons under the 2020 Amnesty Law, by type of criminal offense

Court	Number of people amnestied under the 2020 Amnesty Law for crimes against:							
	Life and body	Property	People's health	public transport safety	public order and peace	official duties	Other	Total
Basic Court Bar	16	15	8	3	12	3	3	60
Basic Court Berane	-	-	-	-	-	-	-	-
Basic Court Bijelo Polje	0	0	2	0	0	0	0	2
Basic Court Cetinje	4	10	1	3	1	0	1	20
Basic Court Danilovgrad	4	5	8	4	2	0	2 ³⁵	25
Basic Court Herceg Novi	1	5	8	0	4	0	10 ³⁶	28
Basic Court Kolašin	3	3	0	1	0	0	2	9
Basic Court Kotor	18	33	11	3	13	0	15	93
Basic Court Nikšić	24	40	60 ³⁷	4	29	0	15	172
Basic Court Plav	3	0	3	1	2	0	2	11
Basic Court Pljevlja	8	18	8	3	9	0	6 ³⁸	52
Basic Court Podgorica	59	123	212	14	55	0	45	508
Basic Court Rožaje	14	14	21 ³⁹	0	3	0	5	57
Basic Court Ulcinj	1	4	4	0	1	0	0	10
Basic Court Žabljak	0	1	0	0	0	0	0	1
TOTAL	155	271	346	36	131	3	106	1048

35 an amnesty for one offense of domestic violence and one offense against honor and reputation (Article 198)

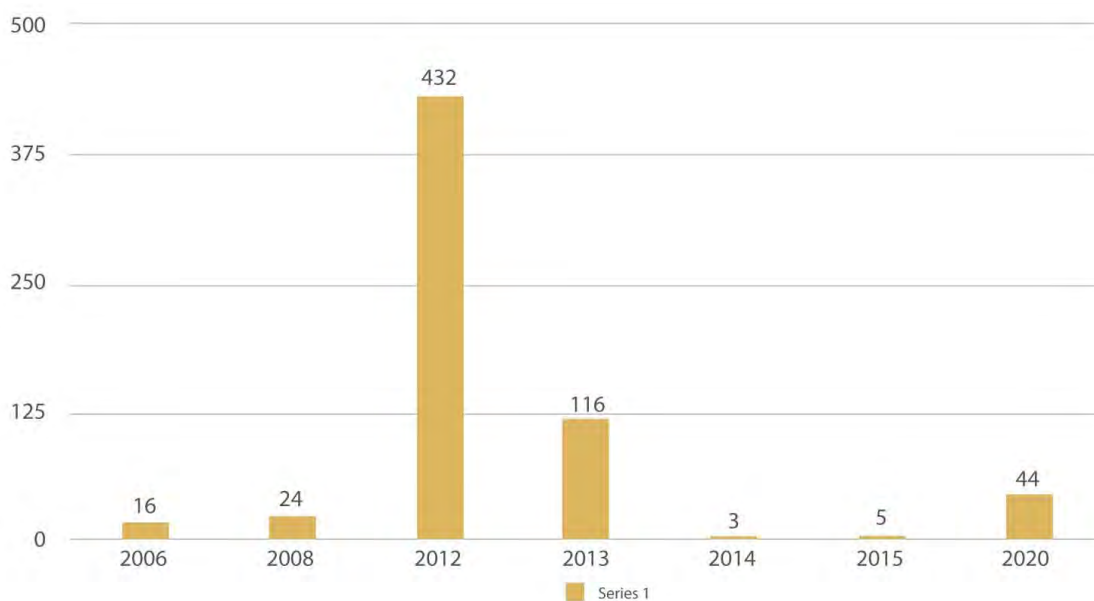
36 four offenses of failure to provide maintenance

37 of which 44 amnesties are for the offense of failure to comply with health regulations (likely during the pandemic)

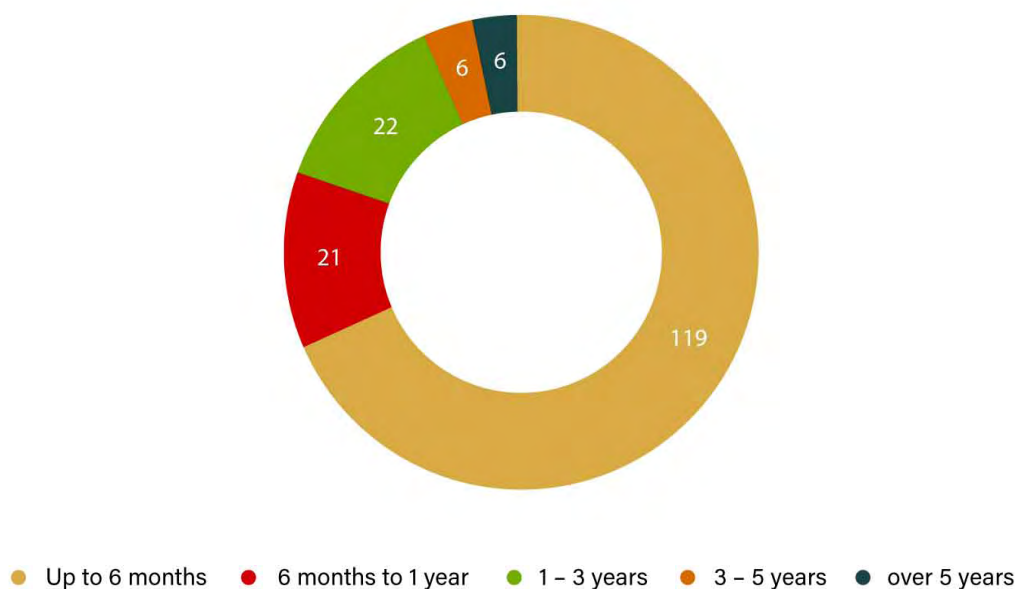
38 one offense of failure to provide maintenance

39 Eight of these individuals were granted amnesty for the offense of unauthorized production, possession, and trafficking of narcotic drugs, and 11 individuals for the criminal offense of failure to comply with health regulations for the suppression of a dangerous infectious disease (likely during the COVID-19 pandemic).

Graph 1: UIKS data on the number of releases based on amnesty at the level of all courts in Montenegro⁴⁰



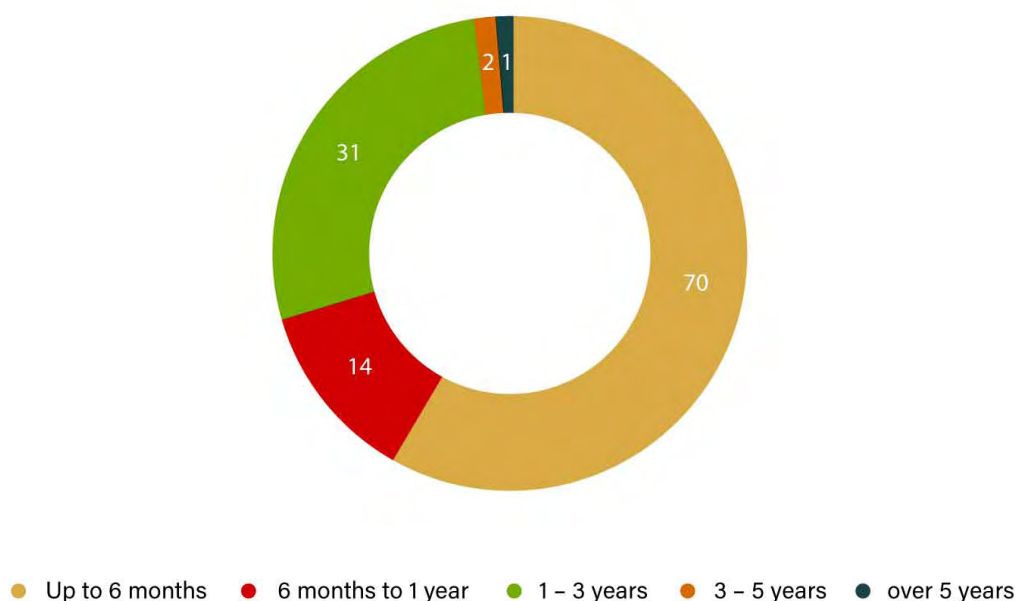
Graph 2: Structure of amnesties granted under the 2006 Law, according to the amount of the sentence to which the amnesty was applied



⁴⁰ EThe records available to the Administration for the Execution of Criminal Sanctions, on the basis of which it provided data to CeMI, relate to the number of releases by year, rather than individually by amnesty laws.

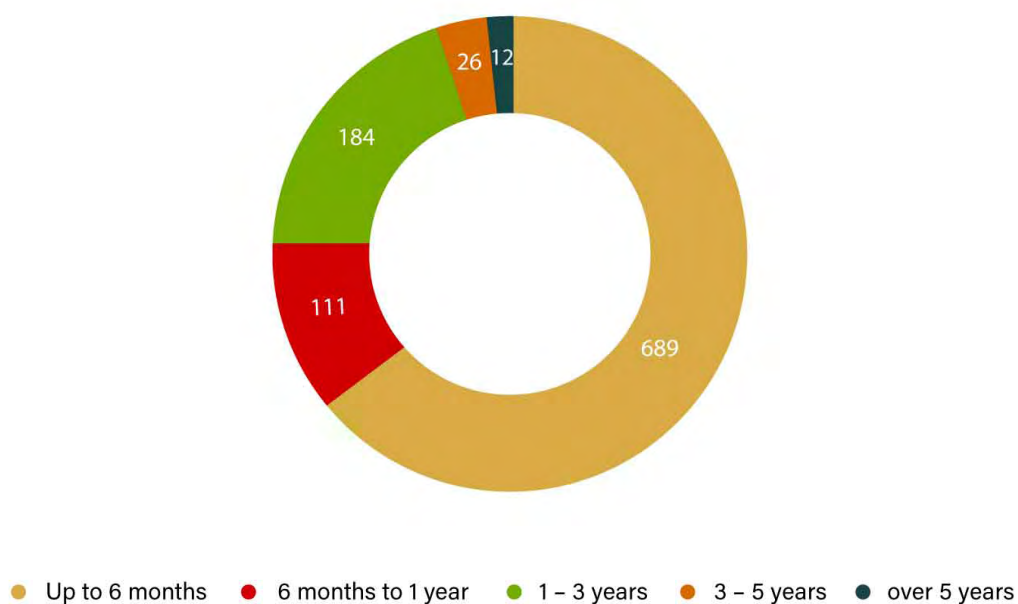
The report does not include courts that did not have recorded amnesty decisions for 2006, nor the court in Danilovgrad, which only had the total number of amnesties in 2006, but not the structure by offense and sentence. A 25% reduction was applied to all sentences (probably also in the case of one amnesty in the Basic Court in Bijelo Polje, for which data on the percentage of reduction was not provided).

Graph 3: Structure of amnesties granted under the 2008 Law, according to the amount of the sentence to which the amnesty was applied



The review does not include courts that did not have recorded amnesty decisions for 2008. A 25% exemption was applied to all sentences (probably also in the case of two amnesties in the Basic Court in Bijelo Polje).

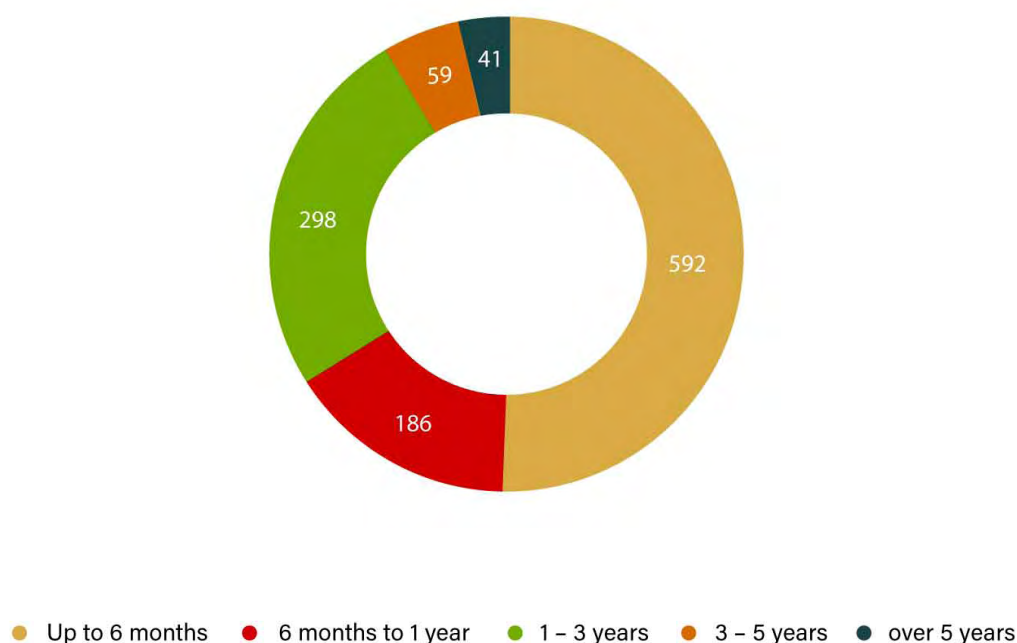
Graph 4: Structure of amnesties granted under the 2010 Law, according to the amount of the sentence to which the amnesty was applied



A 25% reduction was applied to 111 sentences, a 20% reduction was applied to 307, while a 15% reduction was applied to 6 sentences. 523 prison sentences were replaced with suspended sentences. As mentioned above, data on the percentage of reduction is missing for the Basic Court in Bijelo Polje (for the 68 amnesties granted) and from the data from the Basic Court in Rožaje it is not possible to determine which crime and sentence a rejected amnesty request refers to.

As the 2010 Law only provided for the exemption from serving 20% of the imposed prison sentence and its replacement with a suspended sentence, the data on sentences reduced by 25 and 15% support the conclusion that in the records of amnesty decisions issued under a particular Law, courts also include a certain number of decisions issued under previous Laws, which became final and enforceable in the year the newer Law was adopted.

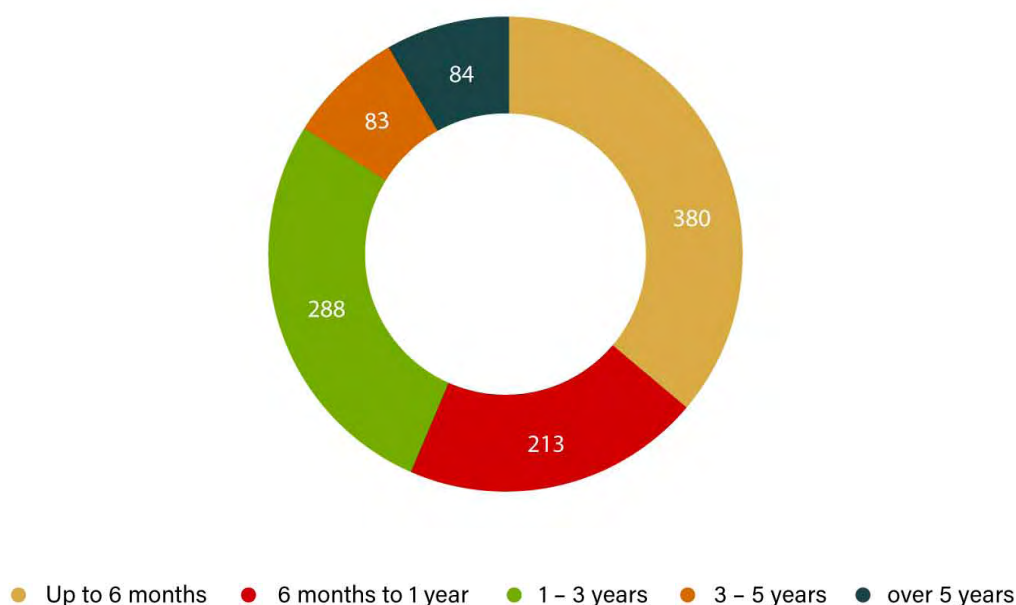
Graph 5: Structure of amnesties granted under the 2013 Law, according to the amount of the sentence to which the amnesty was applied



In addition to the prison sentences shown in the graph, amnesty was also applied to one fine.

According to data for 2013, 455 sentences were replaced by a suspended sentence, 656 were granted a 25% release, one sentence was granted a 20% reduction, and one fine was waived. For the Basic Court in Bijelo Polje, data on the percentage of reduction (for the 56 amnesties granted) is missing, and from the data from the Basic Court in Rožaje, it is not possible to determine which offense and sentence they refer to for the seven unfulfilled conditions for amnesty.

Graph 6: Structure of amnesties granted under the 2020 Law, according to the amount of the sentence to which the amnesty was applied



In addition to the prison sentences shown in the graph, amnesty was also applied to one fine, while out of 380 prison sentences of up to 6 months, eight were so-called house arrest sentences, as were nine out of 213 prison sentences of 17 months to one year. Out of 83 prison sentences of 3 to 5 years, one was a juvenile prison sentence.

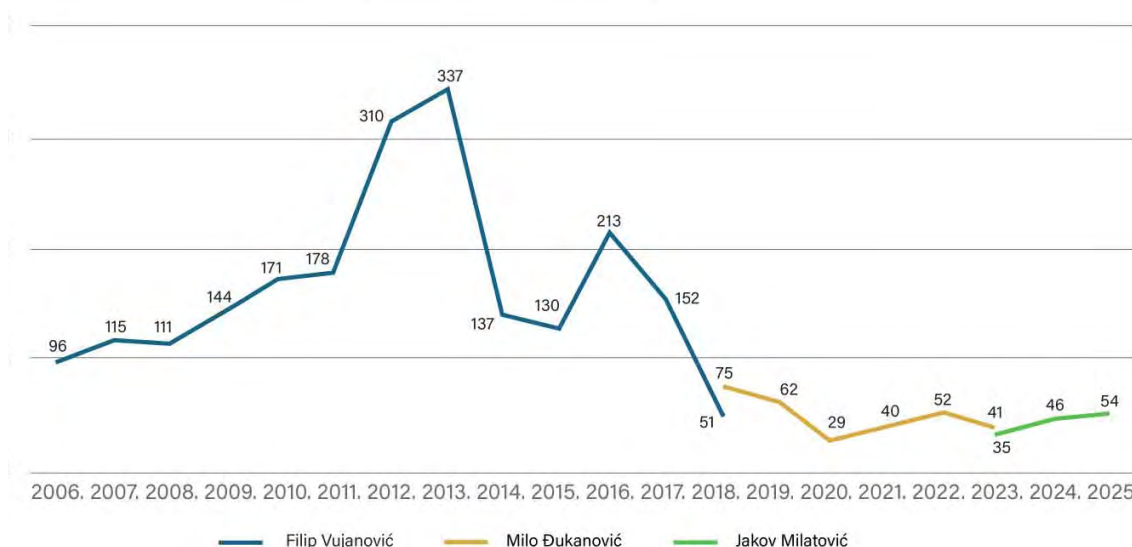
250 sentences were replaced with suspended sentences, 5% relief was applied to 538 prison sentences, 10% relief was applied to 95 sentences, 15% relief was applied to 138 sentences (of which, in addition to the reduction, 2 sentences were determined to be executed in the premises where the convicted person lives), 25% relief was applied to one sentence, 20 prison sentences were replaced with so-called house arrest and one sentence was replaced with work in the public interest. For the Basic Court in Bijelo Polje, data on the percentage of reduction (for two amnesties granted) is missing and from the data from the Basic Court in Rožaje it is not possible to determine to which offense and sentence one rejected amnesty request and two cases in which the court was declared incompetent refer.

As the 2020 Law only provided for the exemption from serving 5, 10 and 15% of the imposed prison sentence and the replacement with a suspended sentence/ execution of the sentence in the premises where the convicted person resides, the data on sentences reduced by 25% support the conclusion that in the records of amnesty decisions issued under a certain Law, the courts also include a certain number of decisions issued under previous Laws, which became final and enforceable in the year the new Law was adopted.

PARDON

According to the Office of the President of Montenegro, the institution of pardon has been continuously applied in the period from the restoration of independence in 2006 to 2025. Pardon is a constitutional authority of the President of the State, which is exercised on the basis of individual applications of convicted persons, and implies release from criminal prosecution or execution of the sentence, or mitigation of the imposed sanction.

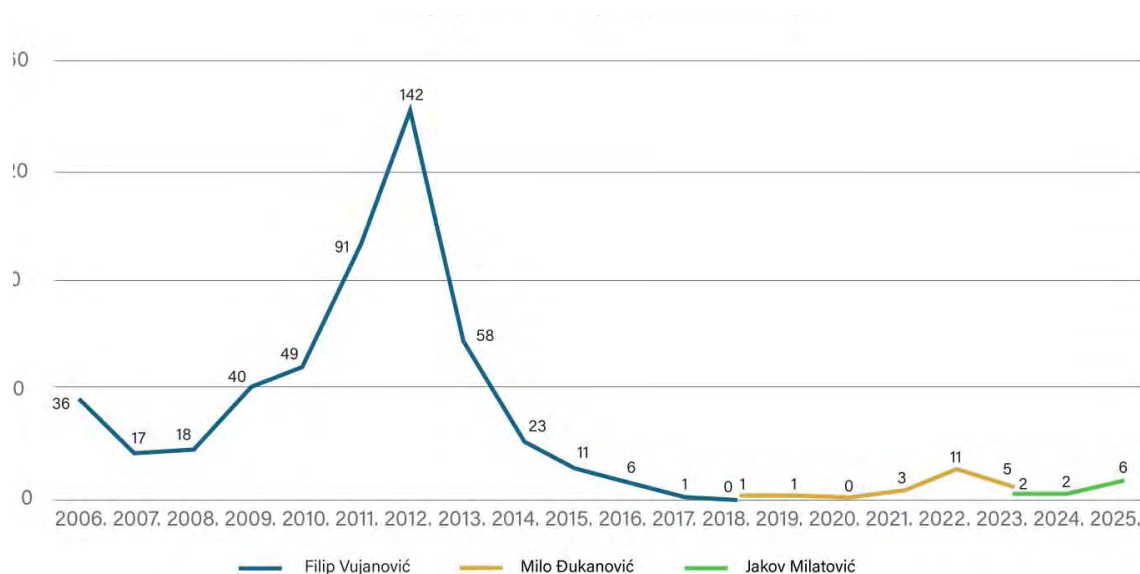
Graph 7: Number of applications for amnesty (2006-2025)



Official data indicate that the highest number of clemency requests was received during the term of President Filip Vujanović. In the period from 2006, during his first term, until 20 May 2018, when his third term ended, a total of 2,145 clemency requests were received.

During the term of President Milo Đukanović, 299 requests were received, which is a significantly lower number compared to the previous period. The current President Jakov Milatović, from the time he took office on 20 May 2023 to 31 December 2025, received a total of 135 clemency requests.

It is important to emphasize that these data refer to the number of applications received, not the number of pardons granted, and that they do not in themselves indicate the frequency of positive decisions.

Graph 8: Number of pardons (2006-2025)

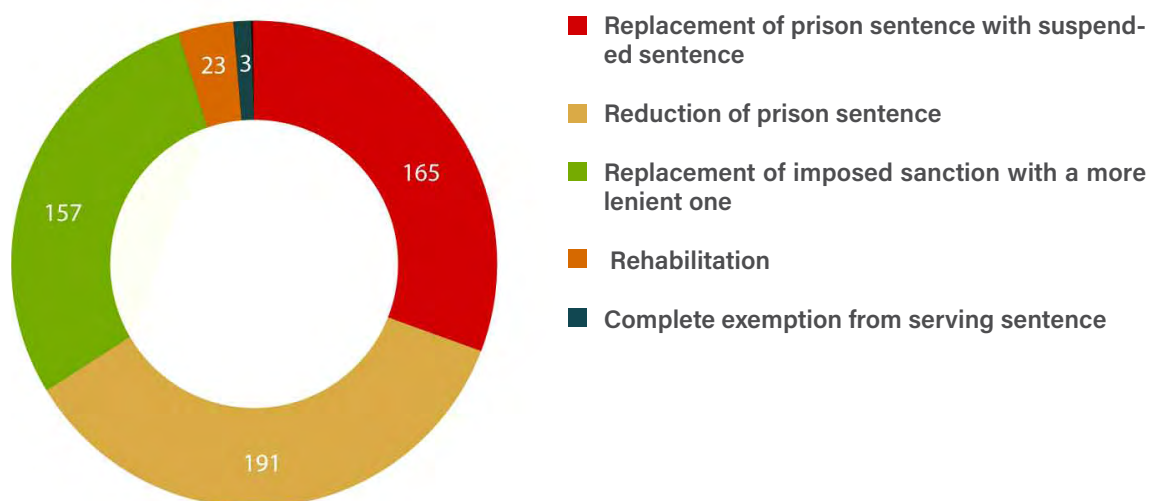
By far the most generous when it comes to pardons was President Vujanović, who pardoned 492 people during his almost twelve-year term, which is covered by this report, or 22.93% of the requests received. The highest number of pardons was recorded in the period from 2009 to 2013, with a peak in 2012 when 142 requests were accepted. Since 2014, a pronounced downward trend has been recorded, culminating in 2017 with only one pardon, or in 2018, when all requests for pardon were rejected until the handover of office to the new president.

During his five years in office, President Đukanović pardoned a total of 21 people, which is 7.02% of the applications received. During his term, the number of pardons was significantly lower than in the previous period, and in some years (such as 2018 and 2020) there were no pardons.

As of the end of 2025, President Milatović pardoned 10 people and accepted 7.4% of the applications for pardon.

In the period from 2006 to the end of 2025, a total of 2,588 applications for pardon were submitted to the presidents of Montenegro, of which 539 applications were accepted, which is 20.82% of the total number of applications submitted. Viewed as a whole, the data indicate marked differences in the approach to the institution of pardon between individual presidents, as well as a long-term trend of more restrictive decision-making compared to the first years after the restoration of independence.

Graph 9: Structure of pardons granted (2006-2025)



When it comes to the structure of pardons granted, the available data show that in 165 cases, prison sentences were replaced by suspended sentences, in 191 cases, the prison sentence was shortened, in 157 cases the imposed sanction was replaced by a milder sanction, 23 persons were rehabilitated, while three persons were completely released from serving their sentences. Taken together, the most common form of pardon refers to interventions in terms of the duration or type of sentence, while complete release and rehabilitation are relatively rare.

At the same time, it is important to emphasize that these categories do not represent a literal takeover of the legal formulations, nor is it possible to establish a completely precise match between them. The law provides that a pardon may grant exemption from criminal prosecution or full or partial exemption from serving a sentence, replace the imposed sentence with a lighter sentence or suspended sentence, provide rehabilitation, as well as determine a shorter duration or abolish certain legal consequences of the sentence.⁴¹ However, the statistical evidence at our disposal uses operational, simplified categories (e.g. “reduction of prison sentence” or “replacement of a sanction with a lighter one”), which functionally correspond to certain legal institutes, but are not terminologically or normatively identical to the legal text.

Therefore, it is necessary to bear in mind that this is a statistical classification that approximately reflects the legal institutes, but does not completely mirror them, which limits the possibility of a completely precise normative comparison.

⁴¹ Article 3 of the Law on Pardon (*Official Gazette of Montenegro*, No. 031/12 of June 15, 2012)

Table 7: Structure of pardon decisions by type of criminal offense⁴² - Jakov Milatović

	2023 (from 20.05) ⁴³		2024		2025	
CC Chapter:	✓	X	✓	X	✓	X
14		6		10		6
15		1		5		4
16				1		
19		2	1	1		3
22		6		6		6
23		2		1		3
24	1	5		9	2	7
25		2		1		2
27		4		5	3	4
29		1				1
30				1		2
32		3	1	2	1	10
33		1		1		

The President of Montenegro, Jakov Milatović, from taking office in 2023 until the end of 2025, decided on pardon applications covering a wide range of criminal offences prescribed by the Criminal Code of Montenegro. The observed structure of decisions shows a restrictive approach, with dominantly negative outcomes, without specific rules.

The most pronounced consistency in the rejection of applications is observed in criminal offences against life and body (Chapter 14), where all 22 applications were rejected, spread over three years. A similar pattern is also visible in criminal offences against freedoms and rights of man and citizen (Chapter 15), where ten applications were considered during the period of about two and a half years of his mandate, and none resulted in a positive decision.

In the case of criminal offences against electoral rights (Chapter 16), only one application was recorded in 2024, which was rejected. In relation to criminal offences against marriage and family (Chapter 19), seven applications were recorded, of which only one was adopted, in 2024.

⁴² The types of criminal offenses are categorized according to the chapters of the Criminal Code in which they are contained.

⁴³ For one pardon, it was not possible to determine from the available data which criminal offense it relates to.

In the chapter on criminal offences against property (Chapter 22), a uniform number of applications was recorded during all three observed years - six per year, or a total of 18 in the period from May 2023 to the end of 2025. This continuity in the number of applications submitted is not accompanied by a positive outcome, since no application was approved.

An identical trend is also recorded in the chapter on criminal offences against payment transactions and business operations (Chapter 23), where all six applications were rejected.

A somewhat different picture is presented by applications related to criminal offences against human health (Chapter 24). Although here too, the majority of the total of 24 applications were rejected, three were still approved, one in each of the analyzed years. This places this category among the few in which a continuity of positive decisions has been recorded. It is important to note that violations of measures adopted in connection with the COVID-19 pandemic were qualified precisely as criminal offences against human health, which may be relevant for understanding the structure of these cases.

In the case of criminal offences against the environment and spatial planning (Chapter 25), all five applications were decided negatively, while in the group of criminal offences against the safety of public transport (Chapter 27), out of 16 applications considered, three were adopted, all in 2025.

When it comes to applications related to criminal offences against the constitutional order and security of Montenegro (Chapter 29) and against state bodies (Chapter 30), their number was relatively small and all were rejected. On the other hand, a larger number of applications related to criminal offenses against public order and peace (Chapter 32), where 18 of them were recorded, with two positive decisions - one each in 2024 and 2025.

Finally, two applications related to criminal offenses against legal traffic (Chapter 33), and both were rejected.

Table 8: Structure of pardon decisions by type of criminal offense - Milo Đukanović

CC Chapter:	2018(from 20.05)		2019		2020		2021 ⁴⁴		2022		2023 (until 20.05)	
	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X
14		13		18		1		8	1	7		7
15		4	1	2		1	1	1		3		
18				1						1		
19		7		6		4		4		5		1
22		13		9		8		8	1	4		7
23		3		4		2				1		
24		9		4		5		6	1	5		5
25		1		1							1	1
26				1		1				1		2
27	1	6		6		3	1	4	2	4	1	3
28		1							1	1		
30		1		2		1		1	2	2		
31				1				1				
32		10		3		2		3	1	7	3	8
33		2		2								1
34		3		1		1		1	1			1
35		1										

During the term of office of the former President of Montenegro, Milo Đukanović, pardon applications related to a wide range of criminal offences prescribed by the Criminal Code of Montenegro, but their representation was strongly concentrated on a few types of criminal offences. The largest number of applications were submitted for criminal offences against life and body (Chapter 14) and criminal offences against property (Chapter 22), while other areas were represented to a significantly lesser extent. At the same time, the number of accepted applications was limited and for most types of criminal offences they made up a smaller part of the total number of applications submitted.

The largest number of applications was recorded for criminal offences against life and body (Chapter 14), a total of 55, with only one positive decision. Given the gravity of these offences, the almost complete absence of pardons in this category is one of the more striking findings in the structure of decisions.

⁴⁴ For one pardon, it was not possible to determine from the available data which criminal offense it relates to.

A large number of applications are also present for criminal offences against property (Chapter 22) - a total of 50, of which, again, only one was answered positively, while criminal offences against public order and peace (Chapter 32) are also significantly represented with 37 applications and four positive decisions, as well as criminal offences against the safety of public transport (Chapter 27) with 32 applications and six positive decisions. In these categories, the number of granted pardons is somewhat higher compared to most other clusters of criminal offences but still accounts for a smaller part of the total number of applications.

In the case of criminal offences against human health (Chapter 24), 35 applications were filed, while only one was positively answered. A similar situation is observed in the case of criminal offences against marriage and family (Chapter 19), where 27 applications were recorded, but without any positive decisions in this structure.

A moderate number of applications was recorded in the case of criminal offences against human and citizen rights and freedoms (Chapter 15) - 13 applications and two positive decisions, and in the case of criminal offences against state bodies (Chapter 30) - nine applications and two positive decisions. Ten applications were also received in relation to criminal offences under Chapter 23 - criminal offences against payment transactions and business operations, but there were no positive responses.

A smaller number of applications were registered for criminal offences against the environment and spatial planning (Chapter 25) - four applications and one positive decision, then for criminal offences against computer data security (Chapter 28) - three applications and one positive decision, as well as for criminal offences against official duty (Chapter 34) - eight applications and one positive decision.

Sporadic applications appear for criminal offences against honour and reputation (Chapter 18) - two applications, criminal offences against the general security of people and property (Chapter 26) - five applications, criminal offences against the judiciary (Chapter 31) - two applications, criminal offences against legal traffic (Chapter 33) - five applications, and criminal offences against humanity and other goods protected by international law (Chapter 35) - one application. No positive decisions were recorded in these categories.

Table 9: Structure of pardon decisions by type of criminal offense – Filip Vujanović

2018 (until 20.05)		
CC Chapter:	✓	X
14		8
15		1
19		6
22		8
23		5
24		2
25		1
26		1
27		4
30		2
32		8
33		1
34		5

There are no consolidated and systematically organized records that would enable a complete insight into the structure of pardon decisions by type of criminal offense during the three mandates of Filip Vujanović. The period covered by this report begins in 2006, which coincides with the middle of Filip Vujanović's first mandate as President of Montenegro.

Although this is the period in which, according to the total number of decisions, the most pardons were granted, the available data do not contain data on the specific criminal offenses to which the decisions referred, nor are they presented in a way that would enable their classification by chapters of the Criminal Code of Montenegro. This makes it impossible to examine in more detail the patterns in the application of this institute, especially in relation to the gravity and nature of the criminal offenses for which pardons were granted or refused.

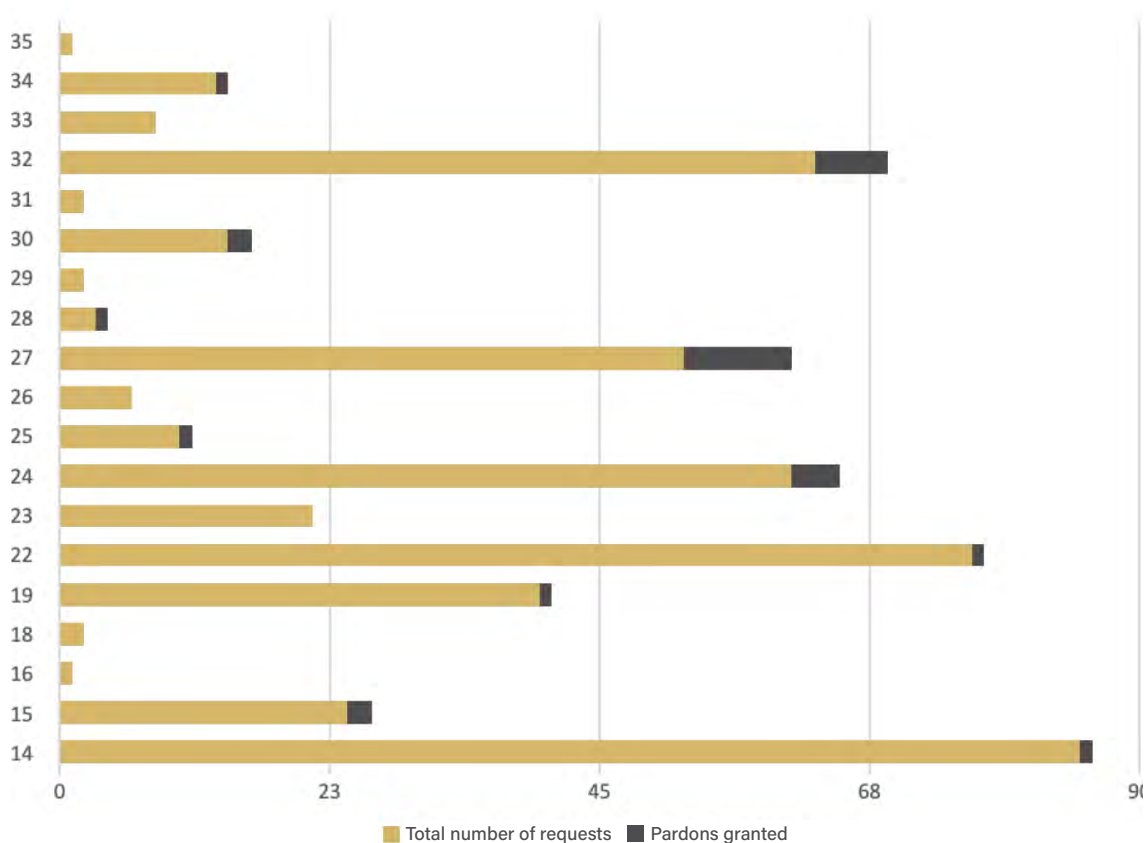
A certain systematization of data exists only for part of 2018, namely for the period until President Milo Đukanović took office. This is a time frame of less than five months, which represents a limited and partial sample in relation to the total duration of Filip Vujanović's presidential mandates. Therefore, these data do not allow for drawing broader conclusions about the overall pardon policy in that period, but they provide insight into the structure of applications received immediately before the change in the position of the President of the State.

The available data shows that in the period of less than five months of 2018, the largest number of applications for pardon was submitted in connection with criminal offences against life and body (Chapter 14), criminal offences against property (Chapter 22) and criminal offences against public order and peace (Chapter 32) - eight applications each. Six applications were filed for criminal offences against marriage and family (Chapter 19), while five applications were filed for criminal offences against payment transactions and business operations (Chapter 23) and criminal offences against official duty (Chapter 34).

Four applications were filed for criminal offences against public transport safety (Chapter 27), while two applications were filed for criminal offences against human health (Chapter 24) and criminal offences against state bodies (Chapter 30). One application was received for criminal offenses against the freedoms and rights of man and citizen (Chapter 15), criminal offenses against the living environment and spatial planning (Chapter 25), criminal offenses against the general safety of people and property (Chapter 26) and criminal offenses against legal traffic (Chapter 33).

According to the available data, none of the aforementioned applications have been approved.

Graph 10: Structure of pardon decisions by type of criminal offense (2018-2025)



Overall, in the period from the beginning of 2018 to the end of 2025, pardon applications were most frequently submitted for criminal offences against life and body (Chapter 14) and criminal offences against property (Chapter 22). A total of 85 applications were submitted for criminal offences against life and body, of which only one resulted in a pardon (1.18%), while for criminal offences against property, 76 applications and one pardon (1.32%) were recorded.

A relatively large number of applications were also recorded for criminal offences against public order and peace (Chapter 32) and criminal offences against human health (Chapter 24). In criminal offences against public order and peace, six pardons were granted out of 63 applications (9.52%), while in criminal offences against human health, four out of 61 applications were approved (6.56%).

The highest number of pardons granted was recorded in criminal offences against public transport safety (Chapter 27), where nine out of 52 applications were approved (17.31%). A relatively higher rate was also recorded in criminal offences against state bodies (Chapter 30) with two out of 14 applications (14.29%) and criminal offences against human and citizen rights and freedoms (Chapter 15) with two out of 24 applications (8.33%).

The highest percentage of approval was recorded for criminal offences against computer data security (Chapter 28), where one out of three applications was approved (33.33%). However, given the very small number of applications submitted in this category, this percentage does not have significant analytical weight. For criminal offences against the environment and spatial planning (Chapter 25), one out of ten applications was approved (10%).

For several types of criminal offences, including criminal offences against payment transactions and business operations (Chapter 23), criminal offences against the general safety of people and property (Chapter 26), criminal offences against the judiciary (Chapter 31) and criminal offences against legal traffic (Chapter 33), no application resulted in a pardon (0%).

Observed according to the percentage of approved applications, the highest probability of obtaining a pardon was recorded for criminal offenses against public traffic safety (Chapter 27), followed by criminal offenses against state bodies (Chapter 30) and criminal offenses against public order and peace (Chapter 32).

CONCLUSIONS AND RECOMMENDATIONS

Since the restoration of independence, Montenegro has adopted six amnesty laws, which - apart from the 2012 law, which applied only to two criminal offences (insult and defamation) - have largely differed only in terms of the percentage of sentence reduction and the categories of criminal offences excluded from amnesty.

However, these laws differ significantly from amnesty laws adopted in other countries of the region since the dissolution of the former Yugoslavia, primarily in terms of their underlying motivations. While in Montenegro amnesty has predominantly represented an act of clemency, in neighboring countries it has generally been motivated by post-conflict reconciliation, reintegration of displaced populations, disarmament, as well as broader political considerations.

The research conducted primarily indicates that Montenegro faces a systemic issue of lacking a unified and comprehensive record-keeping system on amnesties, both at the level of courts and in terms of consolidated data at the level of the Administration for the Execution of Criminal Sanctions (UIKS) and the Ministry of Justice.

The analysis of amnesty decisions issued between 2006 and 2020—classified by issuing court, type of criminal offence, imposed sentence, and type of sentence reduction—reveals several key trends:

- The number of amnesty decisions is generally proportional to the workload of courts, with courts handling a higher volume of cases also issuing a higher number of amnesty decisions, particularly the Basic Courts in Podgorica, Nikšić, Bar, and Kotor;
- In all cases, amnesty has most frequently been applied to prison sentences of up to six months, followed by sentences of one to three years, then six months to one year, while the lowest number of amnesties has been granted for sentences exceeding three years. This is expected, given that the most serious offences are generally excluded from amnesty;
- The structure of applied sentence reduction percentages and the share of suspended sentences does not demonstrate any consistent pattern.

The research also indicates that, although the laws provided for such a possibility, no amnesties were granted in relation to security measures during the reporting period.

Furthermore, given that the laws did not explicitly prescribe deadlines for submitting requests for amnesty, the application of one amnesty law in a significant

number of cases overlapped with the adoption and implementation of subsequent laws.

With regard to the institution of pardon in Montenegro, the findings indicate that this mechanism is applied continuously, albeit with noticeable changes in both scope and character over time. A particularly significant shift is observed following the adoption of the Law on Pardon in 2012, after which the practice became progressively more restrictive compared to earlier periods.

Despite a relatively high number of submitted petitions, the number of granted pardons remains relatively low, especially after 2014, indicating a shift in the understanding of the purpose of this institute. Pardons are increasingly viewed less as an instrument for broader correction of penal policy, and more as an exception reserved for clearly defined and specific circumstances.

The structure of decisions confirms this trend, as pardons rarely result in full exemption from punishment, while the dominant forms include partial mitigation, such as sentence reduction, substitution with a more lenient sanction, or rehabilitation.

Although certain earlier periods—particularly during the mandate of Filip Vujanović—recorded an unusually high number of pardons compared to European standards, these assessments primarily concerned the volume of application, rather than the existence of controversial individual decisions.

At the same time, the individualized nature of pardons, combined with limited procedural transparency, restricts their effectiveness in addressing broader structural burdens within the penal system. Nevertheless, unlike in certain countries in the region, such as Serbia, Montenegro has not recorded cases of pardons that would have generated significant social, political, or legal controversy, confirming its role as a supplementary rather than systemic instrument of penal policy.

Based on the analysis of these institutes in Montenegro, the research team has identified several recommendations for improving their application:

- Montenegro currently lacks a centralized registry of persons granted amnesty, and it is therefore necessary to establish a comprehensive and systematic database of all amnesty decisions. This could be addressed within the framework of the upcoming Judiciary Digitalization Strategy;
- Significant efforts should be made to improve transparency in the application of amnesty. In this regard, the law could introduce an obligation for courts to maintain and regularly update records of amnesty decisions, with the possibility of publishing aggregated data to inform the public and strengthen transparency;
- Prior to proposing new amnesty legislation or amendments to the Law on Par-

don, it is necessary to address the issues of recidivism and resocialization, including conducting research on the extent to which persons granted amnesty or pardon reoffend. Additionally, when granting rehabilitation through pardon - particularly on the basis of health or difficult socio-economic conditions - it should be taken into account that such factors may have already been considered as mitigating circumstances at sentencing;

- With the exception of the 2020 amnesty law, explanatory memoranda for previous amnesty laws have not included projections of the number of beneficiaries, which should be improved in future legislative processes;
- In light of the current context surrounding the so-called “Marko and Mašan Law”, consideration should be given to the use of abolition measures as a tool for encouraging the voluntary surrender of illegal weapons;
- In accordance with principles of good democratic practice, amnesty laws should not be adopted in election years, to reduce the risk of political misuse;
- Although there is a legal obligation to publish the number and structure of pardon decisions, there is room to further improve transparency by regularly publishing positive pardon decisions, with appropriate anonymization where necessary to protect personal data.

