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MONTENEGRO: Is it really abiding by EU standards in extradition cases?

Is Montenegro really abiding by EU standards in extradition cases?

Suspicious of "double standards"

By Willy Fautré

THE EUROPEAN TIMES (15.12.2021) – <https://bit.ly/3mbp483> – In autumn of this year, *Human Rights Without Frontiers* was approached by the wife of Georgii Rossi, a Ukrainian businessman currently in prison in Montenegro. He is not a billionaire or a tycoon. He is an ordinary financier who left the Russian Federation in 2013.

Six years after Georgii Rossi left the Russian Federation, he was identified on Interpol's international wanted list at the request of the Russian Federation on alleged charges of illegal bank activities in 2011-2013 and was arrested in Montenegro in August 2021. Now he is under threat of extradition to the Russian Federation. On 18 November, I visited him in prison in Velje Brdo.

From my conversation with Georgii Rossi

Georgii considers absurd the accusations of the Russian authorities and does not admit his guilt. Since 2013 he has been traveling around the world without any problem, but on 12 August last he was arrested at the airport in Montenegro. During our talk in prison, he also shared an unfortunate fact with me: he is sick because he has cancer (melanoma). His disease had been diagnosed before his imprisonment in Montenegro and he had started a medical treatment in Ukraine but it should continue. Of course, Georgii's fate in a Russian prison would be obvious: he would die there.

To clarify the extradition practices in Montenegro, I requested an interview with the Minister of Justice, Human and

Minority Rights of Montenegro. As the position had been vacant for several months for political reasons, the First Secretary of the Ministry, Boris Maric, accepted to be interviewed. He kindly told me about the legal framework of the extradition procedures in Montenegro, the general time frame for the review of cases and statistics. Below are some of his answers but the full version of the interview is available [here](#).

From the interview of the State Secretary of the Ministry Boris Maric

Willy Fautre: Have you received requests of extradition by Russia these last few years?

Boris Maric: There is no difference whatever the country we work with. We examine each case separately. In 2021, 11 individuals were requested by the Russian Federation. One person has already been extradited to Russia. The other 10 people are in detention. They have all made requests for political asylum.

Willy Fautre: What about extradition requests from an EU member state?

Boris Maric: Concerning EU member states, there were 19 requests in 2021. In 12 cases, Montenegro gave the green light to their extradition. The other seven cases are still being reviewed. In 2020, there were 20 requests. One of them was withdrawn because it was not relevant any more and in the other 19 cases, Montenegro extradited the wanted persons.

Some disturbing facts

While citing the national statistics of extradition cases, Mr. Maric failed to talk about the recent high-profile case of the Russian billionaire Chengiz Ismailov, the former owner and director of the Cherkizovsky market, who was detained in Montenegro at the request of Interpol on 1 October 2021. The Russian Federation requested Ismailov's extradition from Montenegro on charges of organizing the murder of two businessmen. Strange though it may be, only three weeks after his arrest, on 22 October last, Ismailov was quickly granted political asylum in Montenegro. Some mass media outlets also revealed that before his arrest Ismailov had been living in Montenegro for several years.

Another question is "Why do people prosecuted by the Russian justice come to Montenegro?" In 2021, there were 11 cases in 11 months, which is not a small number.

[Corruption cases in Montenegro](#) have been widely reported over the years, [including by EU institutions](#), and officials in Montenegro do not deny this problem. They promise the European Union to combat mercilessly corrupt practices in the country, nepotism, and mafia groups. And it is possible that Montenegro guarantees a certain "protection" to people wanted by the Russian Federation but certainly not for free. There are several official ways of getting this sort of "protection": by acquiring Montenegrin citizenship, accepting requests for political asylum and rejecting extradition.

In such cases, it can be assumed that a person wanted by the Russian Federation, who is already on the territory of Montenegro, has no other choice but to "pay" and become a "cash cow." If such an individual is not willing or unable to "pay", then he will be [extradited to the Russian Federation](#),

where he may be tortured in prison.

This presupposes the existence of an organized mafia scheme in Montenegro and people who serve it at various levels. However, perhaps the situation is even more severe if there is some "tacit agreement" between Montenegro and the Russian Federation on such cases. If so, then this is a bad sign for Montenegro which wants to adhere to the European Union.

A few days after I visited Georgii Rossi in prison, it became known that the Supreme Court of Podgorica had decided to extradite him to the Russian Federation but such a decision raises a number of questions.

In any extradition matter, the requesting state must deliver facts and evidence to support its reasonable suspicion of the perpetration of a crime. However, the Russian request concerning Rossi I have studied with a lawyer in a third country has only a reference to three rulings of the investigative authorities of the Russian Federation but fails to include the location, the time and the way the alleged crime was committed. Noteworthy is that according to the European Convention on Extradition and the Montenegro Law on mutual legal assistance in criminal matters, such information is mandatory in a request for extradition to be considered valid. As such crucial information is missing, it cannot be understood for which reason the Supreme Court of Podgorica did not reject the request for extradition.

This is one of the reasons for which Georgy Rossi has [appealed](#) the controversial decision of the Montenegrin Supreme Court.

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