

Interview of the State Secretary of the Ministry of Justice in Montenegro

By Willy Fautré

On 22 November, I interviewed the State Secretary of the Ministry of Justice, Boris Maric, with the help of an interpreter, in the framework of my investigation about the extradition practices of Montenegro.

Willy Fautré: How does Montenegro deal with extraditions requests from an EU member state?

Boris Maric: The Ministry of Justice, Human Rights and Minorities of Montenegro acts according to the International Human Rights Conventions; all laws are brought into conformity.

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 One of them was withdrawn because it was not relevant anymore and in the 19 other cases, Montenegro extradited the wanted persons.

Willy Fautré: How does Montenegro deal with extraditions to a non-EU member state?

Boris Maric: We respect the same rules as for EU member states and abide by the provisions of the European Convention on Extradition. Some years ago, a war criminal from Kosovo was arrested in Montenegro in the framework of a criminal investigation by the Hague International Criminal Court. Montenegro extradited him to the requesting party. He was sentenced to 12 years in prison.

Willy Fautré: What is the decision-making procedure that your country follows before deciding to extradite or not a foreign citizen?

Boris Maric: First, documents are collected concerning the extradition request. Montenegro asks for all the records of the case from the requesting country. All the papers and arguments are meticulously studied.

Nevertheless, there is already an established practice with colleagues from the requesting countries and we take into account their professional experience.

The final decision related to the extradition is taken by the Minister of Justice.

Willy Fautré: Some countries refuse to extradite some wanted people to other countries because of the notorious lack of independence of their judiciary and the lack of guarantees for a fair trial, the overpopulation and the sub-standard detention conditions in their prisons, the practice of torture or inhuman and degrading treatments? Russia is a good example of such failures to respect the international standards of the rule of law. Have you received request of extradition by Russia these last few years?

Boris Maric: Montenegro considers all the conditions you have mentioned in your question in the light of the international conventions.

There is no difference whatever the country we work with. We examine each case separately.

In 2020, there were only three extradition requests from the Russian Federation. Two cases are still being addressed because the detainees have requested political asylum. In the third case, the prisoner agreed to be sent back to the Russian Federation.

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 Fautré : I only know one of the cases concerning Russia. It is Georgii Rossi. He was arrested on 12 August and he is still in prison here. Before his arrest, a skin cancer had been detected. He needs specific health care but if he is extradited to Russia, he will probably die for lack of appropriate medical treatment.

Boris Maric: I do not know his case.

Thank you for devoting your time to this interview.