



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

Distr.: General  
15 May 2025

Original: English  
English, French and Spanish only

---

## Committee on Enforced Disappearances

### Twenty-ninth session

Geneva, 22 September–3 October 2025

### Lists of priority themes under article 29 (3) and (4) of the Convention

## List of priority themes in relation to the additional information submitted by Montenegro under article 29 (4) of the Convention

### Note by the Committee

1. The Committee recalls that the International Convention for the Protection of All Persons from Enforced Disappearance does not provide for periodic reports; rather, it provides for a procedure in which the Committee may request States Parties for additional information. To enable effective and efficient monitoring, and pursuant to rule 49 (1) of its rules of procedure, the Committee may request such information whenever it considers it necessary, in the light of the status of implementation of its recommendations by the State Party and the evolution of the situation related to enforced disappearance in the State Party. In that regard, the examination of the additional information submitted by States Parties pursuant to article 29 (3) and (4) of the Convention covers a maximum of four priority themes identified by the Committee, and comprises four phases:

(a) Identification, by the country rapporteurs, of priority themes related to the implementation of previous concluding observations and/or to the evolution of the situation of enforced disappearance in the State Party concerned and adoption of the list of priority themes by the Committee plenary;

(b) Transmission of the list of priority themes to the State Party. No written response is expected from the State Party at this stage of the procedure;

(c) Public dialogue between the Committee and a delegation of the State Party, with active participation by the competent authorities of the State Party; for Montenegro, the constructive dialogue is scheduled to take place during one three-hour meeting at the twenty-ninth session of the Committee;

(d) Adoption of concluding observations, in which the Committee highlights its concerns and recommendations and indicates the next steps in the procedure.

2. Having considered the additional information submitted by Montenegro under article 29 (4) of the Convention, dated 26 October 2021,<sup>1</sup> and the information received from the State Party, dated 8 December 2016, on follow-up to the concluding observations,<sup>2</sup> the Committee decided to focus its next dialogue with the State Party on the list of priority themes and related issues set out below. The list is not exhaustive and other issues may be raised during the dialogue. All interested persons and organizations may provide

---

<sup>1</sup> [CED/C/MNE/AI/1](#).

<sup>2</sup> [CED/C/MNE/CO/1/Add.1](#). See also [CED/C/MNE/CO/1](#).



information on the issues raised, through written contributions and/or in confidential oral briefings with the Committee that will take place ahead of the dialogue with the State Party.

## **I. Harmonization of legislation with the Convention, and institutional framework**

3. With regard to paragraphs 8 to 14 of the State Party's additional information, the Committee notes the specific provisions invoked in national legislation to deal with facts amounting to enforced disappearance, and the ongoing process of drafting amendments to the Criminal Code. In that connection, please describe:

(a) The measures envisaged to incorporate a definition of enforced disappearance that does not constitute a crime against humanity, in compliance with article 2 of the Convention and to ensure that it constitutes an autonomous crime;

(b) The penalties envisioned, and the aggravating and mitigating circumstances taken into consideration, for this offence;

(c) The steps taken or planned to ensure that, given the continuous nature of the offence of enforced disappearance, any statute of limitations applicable to enforced disappearances commences from the moment the offence ceases, and that existing remedies for victims, including with regard to obtaining redress, are subject to appropriate statutes of limitations (arts. 2, 4, 7 and 8).

4. Please provide updated information on the ongoing legislative and policy reforms aimed at improving the realization of victims' rights, in particular with regard to the following:

(a) In the framework of the Judicial Reform Strategy 2024–2027, the actions taken in, and the status of, the process of developing the national strategy for the protection of victims' rights for the 2025–2028 period and the corresponding action plan, including the main priorities set out in the national strategy;

(b) In the light of the draft law on amendments to the Code of Criminal Procedure, the measures taken to align the definition of "victim" with article 24 (1) of the Convention and to guarantee the right of victims to truth, justice and reparation, applying a differential approach (arts. 2, 4 and 24).

## **II. Search, investigation, prosecution and cooperation**

5. The Committee takes note of: the Law on Mutual Assistance in Criminal Matters; the Strategy for the Investigation of War Crimes 2024–2027; the State Party's action plan for 2024–2025 aimed at addressing the issue of persons who disappeared in armed conflicts in the former Yugoslavia; and the project on strengthening regional cooperation in respect of the prosecution of war crimes and search for missing persons.<sup>3</sup> In that connection, please:

(a) Describe the steps taken to adopt guidelines for the search for disappeared persons that are in line with the Committee's Guiding Principles for the Search for Disappeared Persons;<sup>4</sup>

(b) Describe the actions taken to ensure the protection and enforcement of the right of the families of disappeared persons to participate in the search and criminal processes, including through the use of online communication and interaction;

(c) Provide the outcome of the analysis of the war crime procedures related to enforced disappearances perpetrated during the conflicts that took place in the former Yugoslavia;

---

<sup>3</sup> CED/C/MNE/AI/1, para. 26.

<sup>4</sup> CED/C/7.

(d) Provide, in the light of paragraphs 30 to 34 of the additional information submitted by the State Party and concerns regarding the lack of progress in prosecuting war crimes,<sup>5</sup> the updated number of cases sent to the Office of the Special State Prosecutor; the number of cases investigated, specifying the proportion of those cases that concern enforced disappearance; the number of cases that have led to convictions; and the number of cases in which the fate of the disappeared person has been clarified (arts. 10–14 and 24).

6. Regarding the work of the Commission on Missing Persons, please provide the following information:

- (a) The number of registered disappeared persons;
- (b) The number of persons who have been located;
- (c) The number of exhumations carried out;

(d) The number of persons whose remains have been found, and the proportion of remains that have been identified and returned to the person's relatives (arts. 2, 3, 12 and 24).

7. In the light of the Framework Plan to Address the Issue of Persons Missing from Conflicts on the Territory of the Former Yugoslavia,<sup>6</sup> please describe the mechanisms that have been established to promote cooperation between the Commission on Missing Persons and the competent authorities in the Western Balkans region; please also describe positive outcomes arising from, and challenges faced in, this cooperation. Please provide information on the regional database of active missing persons cases from the Armed conflicts in the former Yugoslavia,<sup>7</sup> and describe the mechanisms established to ensure coordination and international legal assistance between the participating countries (arts. 2, 3, 12, 14 and 15).

8. Please describe the measures taken by State authorities to promote the participation of the families of disappeared persons, to facilitate the return of bodies or remains of disappeared persons and to organize commemorative events (arts. 15 and 24).

9. In the light of paragraphs 35 to 44 and 72 to 75 of the State Party's additional information, please indicate the frequency of the training sessions referred to and describe any additional efforts carried out to strengthen the professional capacities of State officials regarding enforced disappearance and the Convention (art. 23).

### III. Victims' rights

10. Taking into account the recommendations of the Committee against Torture related to the need to ensure the effective implementation of key legal safeguards for detained persons,<sup>8</sup> please provide information on the measures adopted to ensure that persons deprived of their liberty can communicate without delay with their families or any person of their choosing and have access to an independent lawyer from the very outset of the deprivation of liberty. Please indicate the efforts made, pursuant to the Law on Free Legal Aid, to guarantee an effective system of free legal aid for victims of enforced disappearance and to establish and implement clear criteria to access such aid (arts. 17 and 24).

11. With reference to the information provided by the State Party in paragraph 77 of the additional information, namely that the law on compensation of victims of violent crimes will become applicable on the day of the accession of Montenegro to the European Union, please describe:

- (a) How the right of victims to receive compensation in accordance with the Code of Criminal Procedure has been guaranteed in practice, including with regard to

<sup>5</sup> CAT/C/MNE/CO/3, para. 22.

<sup>6</sup> CED/C/MNE/AI/1, para. 19.

<sup>7</sup> A/HRC/39/46/Add.2, p. 43.

<sup>8</sup> CAT/C/MNE/CO/3, paras. 8 and 9.

mechanisms to ensure that compensation is proportionate to the extreme gravity of the crime and that it is granted in a timely manner;

(b) The measures taken to improve procedural guarantees to allow victims to submit a compensation claim in a separate civil proceeding, including with regard to the right to be protected and supported and to receive compensation in a timely manner (art. 24).

12. With regard to paragraphs 79 to 84 of the State Party's additional information and the 5,714,656.20 euros awarded in damages for victims of war crimes, please indicate how many of the cases referred to relate to victims of enforced disappearance (art. 24).

13. In the light of paragraphs 52 to 55 of the State Party's additional information, including with reference to the Law on Witness Protection and the Witness Protection Programme, please describe the assistance programmes available for witnesses and victims of enforced disappearances, including with regard to the following:

(a) The procedural and extra-procedural mechanisms of protection for persons participating in criminal proceedings;

(b) The measures taken to establish a mechanism for the individual assessment of victims to identify, applying a differential approach, their needs regarding protection from ill-treatment or intimidation and support; please also describe the criteria applied to assess the related risk;

(c) The number of beneficiaries of the service for the support of witnesses and injured parties provided by the High Courts in Podgorica and Bijelo Polje and concrete examples of the provision of this service for victims of enforced disappearance (art. 24).

14. Please describe the mandate of the available victim support services, the capacities of those services and the measures planned or taken to improve their work, and the steps taken to set up a comprehensive reparation programme that is not limited to compensation (art. 24).

15. With regard to paragraph 86 of the State Party's additional information and the protection of the rights of families of disappeared persons, please describe:

(a) The steps taken to ensure that all family members of disappeared persons are recognized as victims and treated equally, especially in the context of the 2023 legislative amendments on civilian victims of war;

(b) The measures taken to ensure that the relatives of disappeared persons whose fate has not been clarified can exercise their rights in areas such as social welfare, financial matters, family law and property rights, including with regard to access to a procedure to obtain a declaration of absence, so that victims do not have to declare the disappeared person dead or presumed dead (art. 24).

---