



**MONTENEGRO**

**MINISTRY OF JUSTICE**

Directorate for Justice

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***REPORT ON THE IMPLEMENTATION  
OF THE LAW ON THE PROTECTION  
OF THE RIGHT TO A TRIAL WITHIN A  
REASONABLE TIME FOR THE PERIOD  
15/5/2012 - 04/01/2014***

Podgorica, June 2014

# **REPORT ON THE IMPLEMENTATION OF THE LAW ON THE PROTECTION OF THE RIGHT TO A TRIAL WITHIN A REASONABLE TIME FOR THE PERIOD 15/5/2012 - 04/01/2014**

## **I INTRODUCTION**

The protection of the right to a trial within a reasonable time, as the right derived from the fundamental right to a fair trial guaranteed by Article 6 of the European Convention on the Protection of Human Rights and Fundamental Freedoms and the right to an effective legal remedy guaranteed by Article 13 of the said Convention, is one of the key guarantees for the creation of an efficient and effective judicial system which will ensure the protection of human rights and freedoms.

The Constitution of Montenegro stipulates that everyone has the right to a fair and public trial within a reasonable time before an independent, impartial and law established court (Article 32), and that the court shall rule on the basis of the Constitution, laws and ratified and published international treaties (Article 118).

In accordance with the European Convention on the Protection of Human Rights and Fundamental Freedoms and the said constitutional provisions, the Law on Courts and procedural laws, the right to a trial within a reasonable time is stipulated as a basic principle of proceedings before the courts.

The protection of the right to a trial within a reasonable time, as well as the just satisfaction for the violation of the said right shall be exercised in a court proceeding, in the manner and under the conditions stipulated by the Law on Protection of the Right to a Trial within a Reasonable Time.

By this Law, which entered into force on 21 December 2007, two legal remedies were established for the protection of this right (so-called control request and claim for just satisfaction).

In order to monitor the implementation of this Law, in June 2012, The Ministry of Justice prepared and the Government adopted the Report on the Implementation of the Law on the Protection of the Right to a Trial within a Reasonable Time for the period from the day of entry into force of this Law until 15 May 2012.

The importance of this issue has been recognized in the Action Plan for the negotiation chapter 23 - Judiciary and Fundamental Rights as well as the Strategy for Judiciary Reform 2014 - 2018, where in particular, monitoring of the application of the Law on the Protection of the Right to a Trial within a Reasonable Time was envisaged as one of the activities.

As an indicator to measure the success of the implementation of this measure, it was envisaged the preparation of a report by the Ministry of Justice, which will contain information on the number of requests for acceleration of the proceedings, as well as on the number of filed claims for just satisfaction in respect of the previous period.

In order to implement the above mentioned activities, the Ministry of Justice has prepared a report (which covers the period 15 May 2012 – 1 April 2014), in which is analyzed the fulfillment of the recommendations from the previous report, through the assessment of condition is compared the effectiveness of legal remedies in respect of the previous report, and recommendations are made for the future.

Data on the number of submitted control requests, appeals, claims for just satisfaction and their processing, have been collected on the basis of annual reports on the work of the courts and individual court reports for the period 2012, 2013 and the first four months of 2014.

## II NORMATIVE FRAMEWORK AND OVERVIEW

### 1. CONTROL REQUESTS

According to the Law on the Protection of the Right to a Trial within a Reasonable Time, the control request is a legal remedy submitted by the party which considers that there is an unjustified obstruction of proceedings and decision-making in the procedure made by the court (Art. 9). On the request shall be decided by the president of the court or another judge determined by the work schedule in the courts which have more than 10 judges (Art. 10). If the president of the court is a judge competent for the proceedings in relation to which the control request was submitted, the president of the directly higher court shall decide upon the control request, and if it comes to the President of the Supreme Court, the Chamber of three judges of the Supreme Court shall decide upon the control request (Article 11).

On the control request shall be decided by a decision which has to contain statement of reasons (Art. 12). Incomplete request will be rejected, provided that the president of the court will refer the party to regulate the control request within eight days. Notwithstanding, if the party submitted the control request via qualified attorney (lawyer or a person passed the bar exam), the president of the court shall reject the control request as incomplete (Art. 13). Obviously unfounded request will be dismissed (Art. 14).

If the control request is not rejected or dismissed as obviously unfounded, the president of the court will require a written report on the duration of the procedure and the reasons why the procedure is not completed. The report is made in accordance with the criteria referred to in Article 4 and contains an opinion about the deadline in which the case may be resolved (Art. 15).

Afterwards, the president of the court may:

- dismiss the control request as unfounded if s/he determines that the right to a trial within a reasonable time is not violated (Art. 16),
- inform the party that the judge has informed him/her that the procedural actions will be carried out i.e. decision made within deadline which cannot be longer than four months from the receipt of the control request (Art. 17),
- by the decision set a deadline for taking certain actions which cannot be longer than four months - as well as the appropriate deadline in which the judge has to inform him/her of the action taken, or order the priority processing of the case, depending on the urgency (Art. 18).

If the judge does not take the measures determined by the decision on control request or notification, the president of the court may revoke the assigned case in accordance with the special Law (Art. 19).

The president of the court shall decide upon the control request at the latest within 60 days (Art. 20).

The parties may not submit a new control request in the same case before the expiry of the deadline from the notification, i.e. the decision of the president of the court, and if the control request is dismissed as unfounded it may be filed only after the expiry of six months from the receipt of the decision. Detention cases or cases related to security measures have been exempted from this constraint (Art. 23).

DATA ON CONTROL REQUESTS FOR THE PERIOD 15 MAY 2012 – 1 APRIL 2014

Before the Montenegrin courts during the reporting period, a total of 479 control requests were submitted, out of which 26 were adopted, 294 were dismissed, 4 were rejected, in 45 cases the notification was submitted in accordance with Art. 17 and 18 of the Law, 94 requests were resolved in another way, while 40 requests remained unresolved. (Table no. 1).

Analyzing the total number of submitted requests during the reporting period and the method of decision-making upon them, it can be noticed that the largest number of submitted requests were dismissed (58%), that the number of rejected requests is negligible (1%), in 5% of the cases the control request was adopted, while the notification under Art. 17 and 18 was submitted to the party in 9% of the cases. (Chart no. 1).

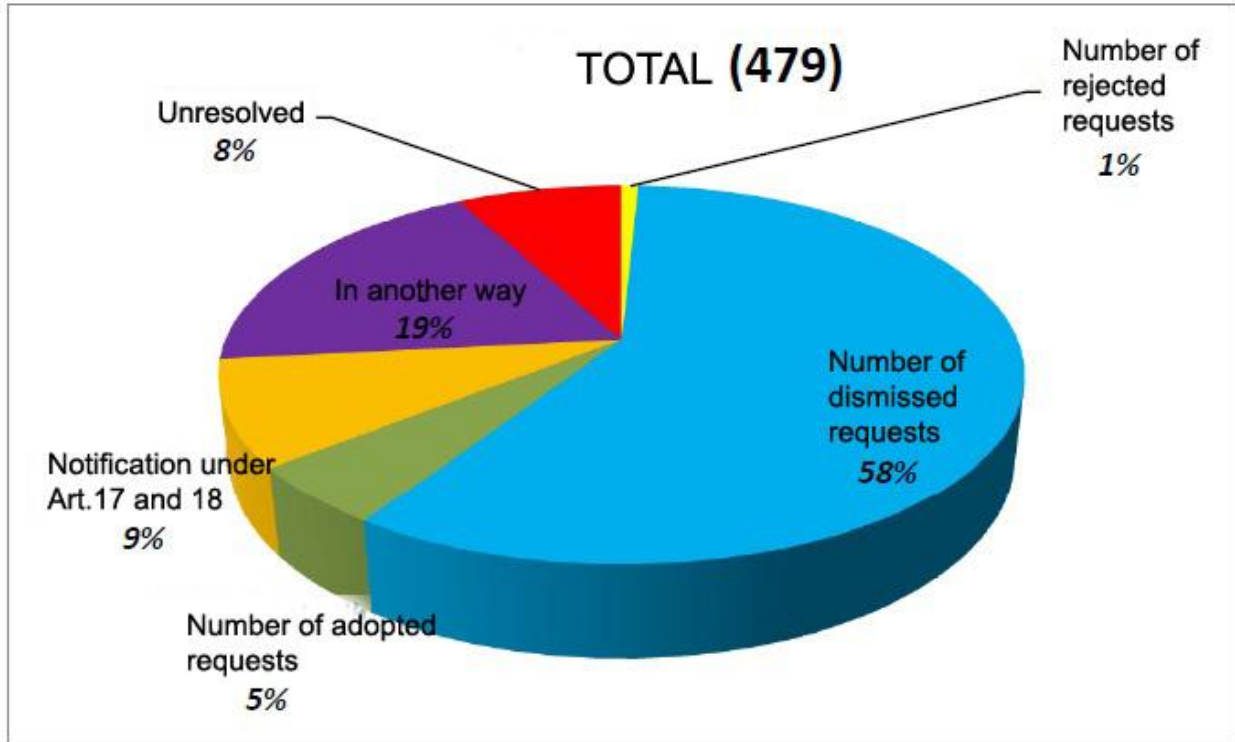
It is very important to point out that in the cases on which the control requests refer to, the presidents of the courts directly through JIS, written statements of the judges, as well as with direct access to case files, accompany the implementation of measures according to Art. 17 of the Law. If a judge in the report or other written legal acts inform the president of the court that certain procedural actions will be carried out, i.e. decision made within deadline which cannot be longer than four months from the receipt of the control request, the presidents of the courts shall notify the party thereof, thus ending the procedure on the control request.

Table No.1

Year of submission of requests	Number of submitted requests	Number of rejected requests	Number of dismissed requests	Number of adopted requests	Notification under Art. 17 and 18	In another way	Unresolved
<b>15.5.2012 - 31.12.2012</b> *	<b>170</b>	<b>3</b>	<b>124</b>	<b>3</b>	<b>35</b>	<b>22</b>	<b>0</b>
<b>2013.</b>	<b>235</b>	<b>0</b>	<b>135</b>	<b>20</b>	<b>0</b>	<b>63</b>	<b>17</b>
<b>1.1.2014 - 1.4.2014</b>	<b>74</b>	<b>1</b>	<b>35</b>	<b>3</b>	<b>10</b>	<b>9</b>	<b>23</b>
<b>Total</b>	<b>479</b>	<b>4</b>	<b>294</b>	<b>26</b>	<b>45</b>	<b>94</b>	<b>40</b>

\*Note: In this reporting period, the sum of rejected, dismissed, adopted, requests resolved in another way and notifications under Art. 17 and 18 of the Law, is greater than the number of submitted requests during this period, because to the number of rejected, dismissed or cases resolved in another way is included a certain number of cases which in the previous period (until 15 May 2012) were not resolved, and they were finished by the end of 2012.

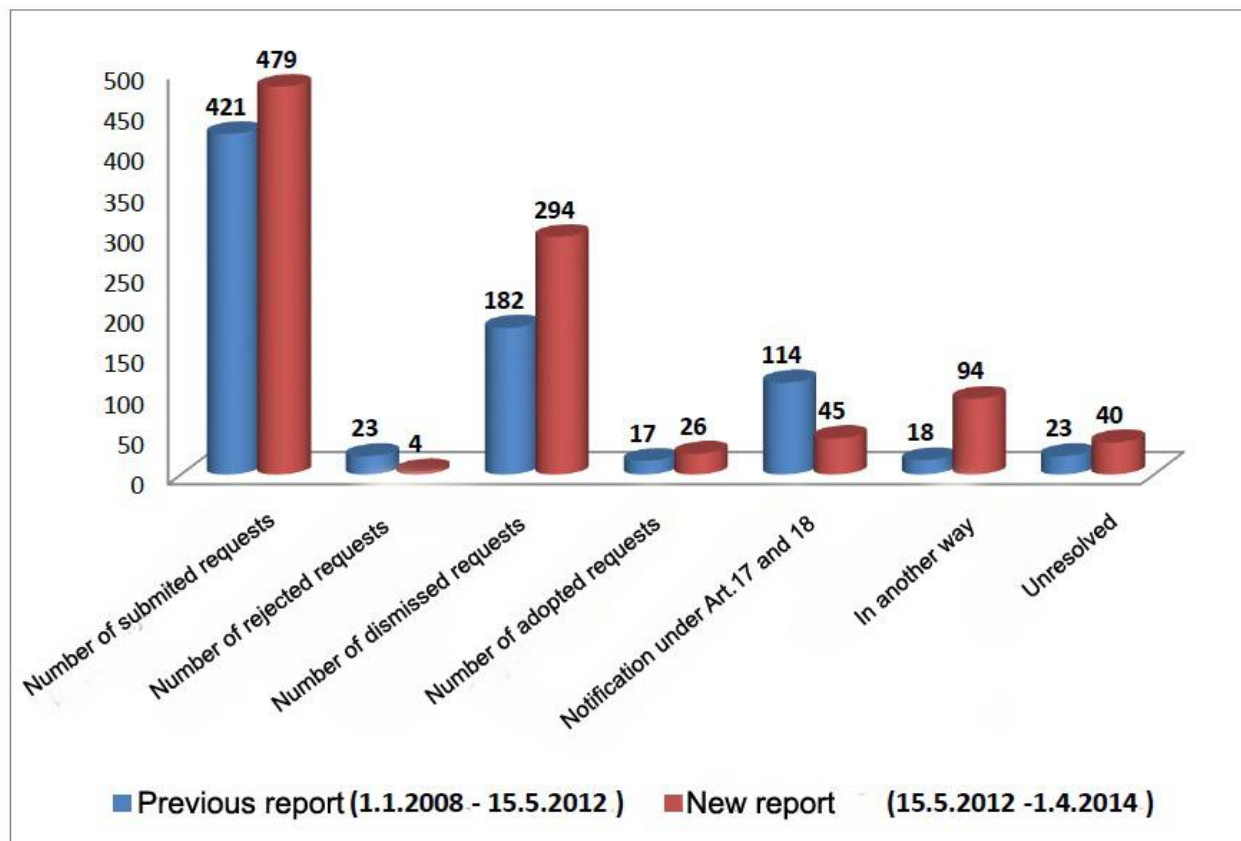
Chart no.1: Total number and the method of decision-making upon the control requests in the reporting period



COMPARATIVE ANALYSIS IN COMPARISON TO THE PREVIOUS REPORT

REPORTING PERIOD	Number of submitted requests	Number of rejected requests	Number of dismissed requests	Number of adopted requests	Notification under Art. 17 and 18	In another way	Unresolved
PREVIOUS REPORT (1.1.2008 - 15.5.2012)	421	23	182	17	114	18	23
NEW REPORT (15.5.2012 - 1.04.2014)	479	4	294	26	45	94	40

Chart no.2: Comparative analysis in comparison to the previous report



When the data to which this report is referred to (15 May 2012 – 1 April 2014), are compared to the total number of control requests in the period that was covered by the previous report (January, 2008 - 15 May 2012), we come to the conclusion that there has been an increase in the number of submitted requests, as well as the number of dismissed, adopted or requests resolved in another way (Chart no. 2).

This fact is especially significant due to the fact that in a much shorter period of time to which the said report is referred to (about 2 years), the number of control requests increased in comparison to the previous report, which included as twice as longer period of time (4 years and 5 months).

It is important to mention that in comparison to the previous reporting period, the number of rejected requests rather decreased, as well as the number of notifications submitted to the parties.

## **2. APPEALS**

In accordance with the Law on the Protection of the Right to a Trial within a Reasonable Time, in case that the control request is dismissed, a dissatisfied party may appeal directly to the higher court because the president of the lower court has rejected or dismissed the control request or has not submitted a decision within 60 days (Art. 24). In all cases, the appeal shall be filed within 8 days of the receipt of the decision or the expiry of the deadline for submitting a decision on the control request or notification. The decision of the President of the Supreme Court or the Supreme Court Chamber is not subject to appeal.

President of directly higher court shall issue a decision within 60 days from receipt of the file. S/he may reject the appeal as untimely or presented by an unauthorized person, dismiss as unfounded and confirm the decision of the president of the lower court or amend the decision of the president of the lower court, if s/he finds that the appeal is justified or if the appeal was filed because the president of the lower court failed to decide within 60 days on the control request, may decide on the control request (Art. 26-30).

### DATA ON APPEALS FOR THE PERIOD 15 May 2012 – 1 April 2014

During the reporting period, a total of 94 appeals were filed, out of which in 9 cases the claim was adopted, in 73 cases the court has dismissed the appeal, three times the decision was amended, twice was abolished, while in 9 cases it was solved in another way. (Table no.2)

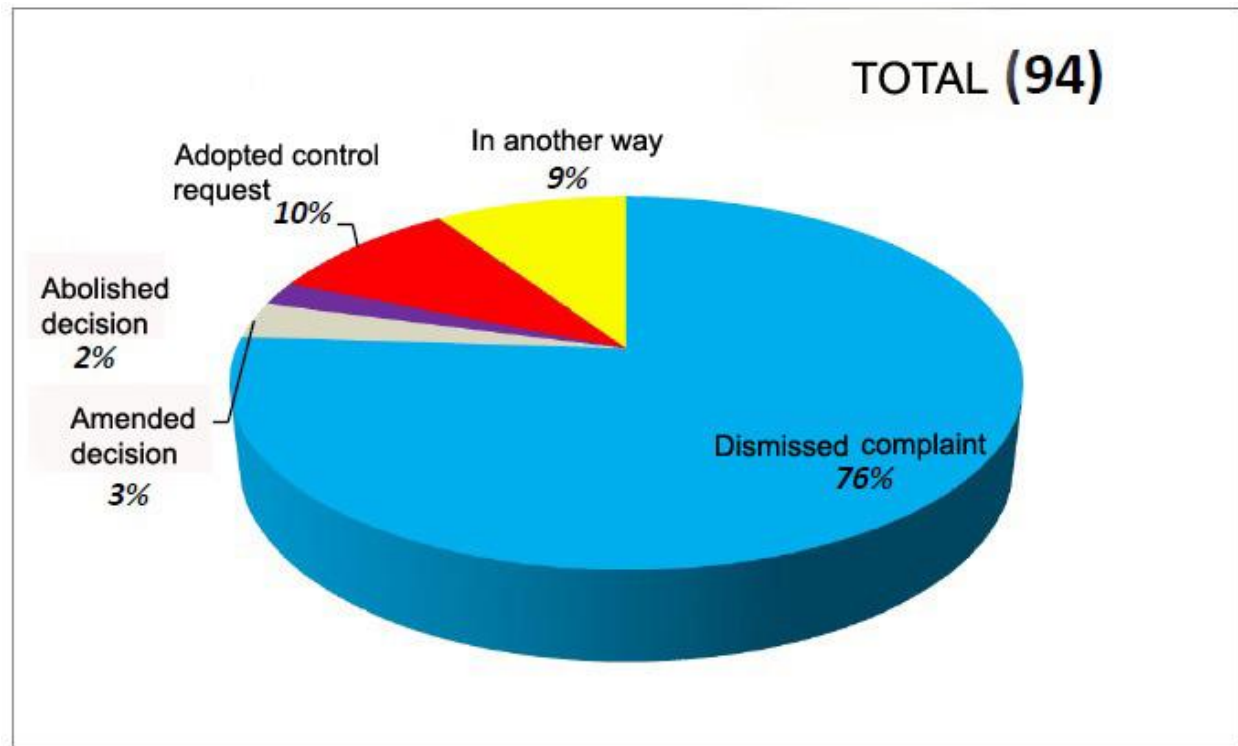
Analyzing the total number of filed appeals and the method of decision-making upon them, it can be noticed that the largest number of appeals were dismissed (76%), in 10% of cases the court adopted the control request, abolished the decision in 2% of cases, amended in 3%, while 9% of appeals were solved in another way. (Chart no. 3)

Table no. 2

<b>The reporting period</b>	<b>Number of filed appeals</b>	<b>Dismissed appeal</b>	<b>Amended decision</b>	<b>Abolished decision</b>	<b>Adopted control request</b>	<b>In another way</b>
<b>15.5.2012 - 31.12.2012**</b>	<b>29</b>	<b>27</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>
<b>2013</b>	<b>39</b>	<b>27</b>	<b>3</b>	<b>0</b>	<b>7</b>	<b>2</b>
<b>1.1.2014 - 1.4.2014</b>	<b>26</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>
<b>Total</b>	<b>94</b>	<b>73</b>	<b>3</b>	<b>2</b>	<b>9</b>	<b>9</b>

\*\*Note: In this reporting period, the sum of dismissed appeals, amended decisions, abolished decisions, adopted control requests and otherwise resolved cases on appeal, is greater than the number of appeals filed during this period, due to the fact that in the number of dismissed appeals, amended decisions, abolished decisions, adopted control requests and otherwise resolved cases on appeal is included a certain number of cases which in the previous period (until 15 May 2012) have not been resolved, and they were finished by the end of 2012.

Chart no.3: Total number of filed appeals and the method of decision-making upon appeals during the reporting period



### **3. CLAIMS FOR JUST SATISFACTION**

Just satisfaction due to the violation of the right to a trial within a reasonable time, in accordance with the Law on the Protection of the Right to a Trial within a Reasonable Time, may be achieved by payment of monetary compensation for caused damage and/or publication of the judgment if the party has been violated the right to a trial within a reasonable time (Art.31).

The claim may be filed by a party that had previously submitted a control request to the competent court or could not objectively submit a control request (Art. 33). The right to a just satisfaction does not have the state authority, body of local self-government public service and other public authorities as the parties in legal proceedings (Art. 32).

The claim may be filed not later than six months from the date of receipt of the final decision, and in the procedure of implementation of enforcement within 6 months from the date of receipt of the final decision on the control request (Art. 33, para. 3).

Monetary compensation for the inflicted non-material damage due to the violation of the right to a trial within a reasonable time is limited to the amount of € 300 to € 5000, and it is estimated on the basis of criteria that are set out in Article 4 of the Law (Art. 34).

The claim for just satisfaction must contain the following information:

- first name and the last name, or the name of the party, the address of its permanent or temporary residence, i.e. registered office;
- first name and the last name, or the name of a representative or attorney and the address of his/her permanent or temporary residence, i.e. registered office;



- business case number or other information about the case on the basis of which it can be determined on which case the control request is referred to;
- information and circumstances in relation to the case resulting in an unjustified obstruction of proceedings and decision-making in the procedure made by the court;
- the signature of the party, representative or attorney.

The prosecutor is obliged to submit the final decision along with the claim on the control request or notification referred to in Article 17 of this Law, or proof that s/he submitted a control request to the competent court (Art. 35).

The Supreme Court shall decide on equitable compensation, in the composition of the panel of three judges, to whom case files are submitted within 3 days by the court where the case is found. The claim with the case files is submitted to the Protector of property interests of Montenegro, who again within 8 days after receipt of the claim and case files, submits his/her decision to the Supreme Court. The Supreme Court shall issue a decision on the claim not later than 4 months (Art. 36).

The Supreme Court shall reject the untimely claim, the claim filed by an unauthorized person, and the claim that was filed without having filed a control request, neither there were circumstances that prevented it objectively. It will adopt a request in case when the merits of the control request is determined by the final decision or the notification is sent to the party. The Supreme Court will adopt the request even when the control request was dismissed if it finds that the party was objectively unable to submit a control request. The claim will be dismissed if it determines that the right to a trial within a reasonable time has not been violated (Art. 37).

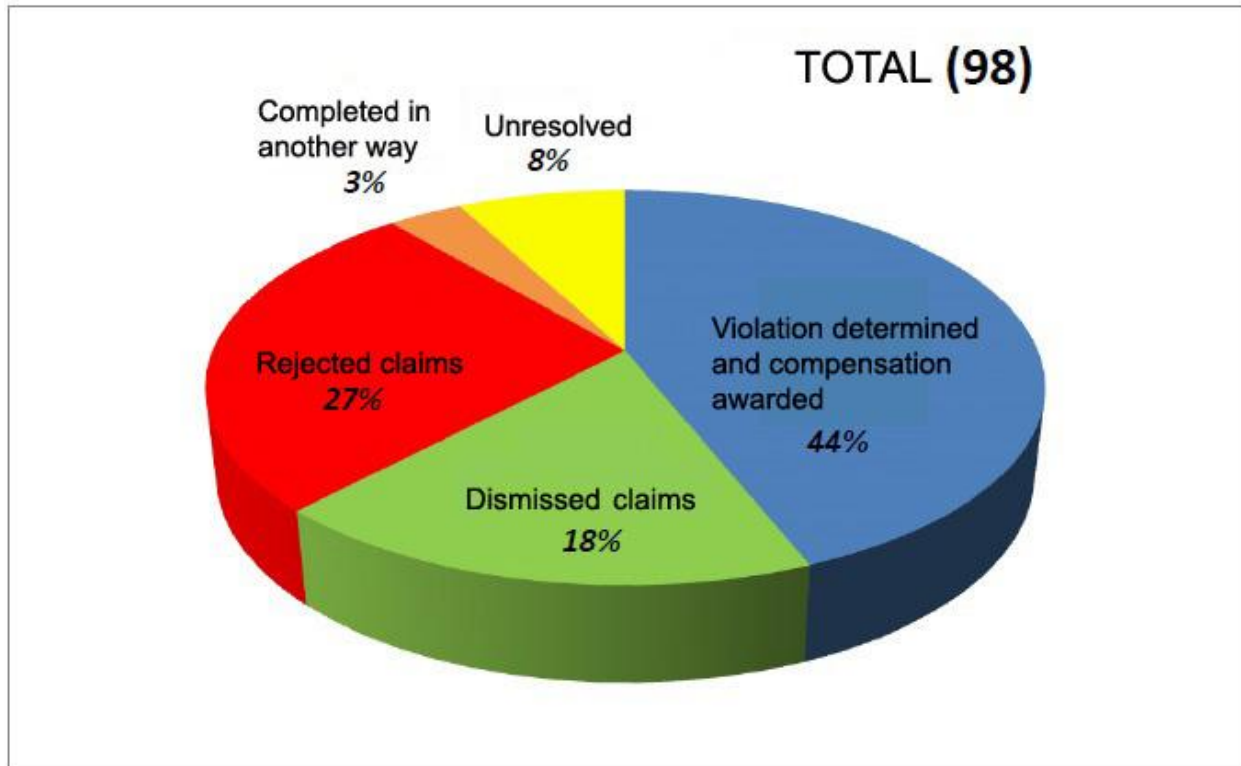
The Supreme Court may issue a decision only on the violation of the right to a trial within a reasonable time and decides to publish the judgment at the party's request, without awarding monetary compensation to the party when it is justified by all the circumstances of the case and the conduct of the party (Art. 38).

The Supreme Court may in addition to monetary compensation issue a decision on the publication of the judgment at the party's request (Art. 39, para. 1). The publication is made on the website of the court for which was determined unjustified obstruction of proceedings and it shall bear the costs of publication as well. The judgment must be available on the website for a period of two months, after which it is archived or deleted at the request of the party within 15 days of receipt of the request for deletion (Art. 39).

#### OVERVIEW OF CASES ON CLAIM FOR JUST SATISFACTION FOR THE PERIOD 15 MAY 2012 - 1 APRIL 2014

During the reporting period, a total of 98 claims were filed for just satisfaction, out of which in 51 the violation was determined and the compensation was awarded, 21 claims were dismissed, 31 were rejected, and 4 claims were completed in another way, while 9 claims remained unresolved.

Chart no.4: Total number of filed claims and the method of decision-making upon claims during the reporting period

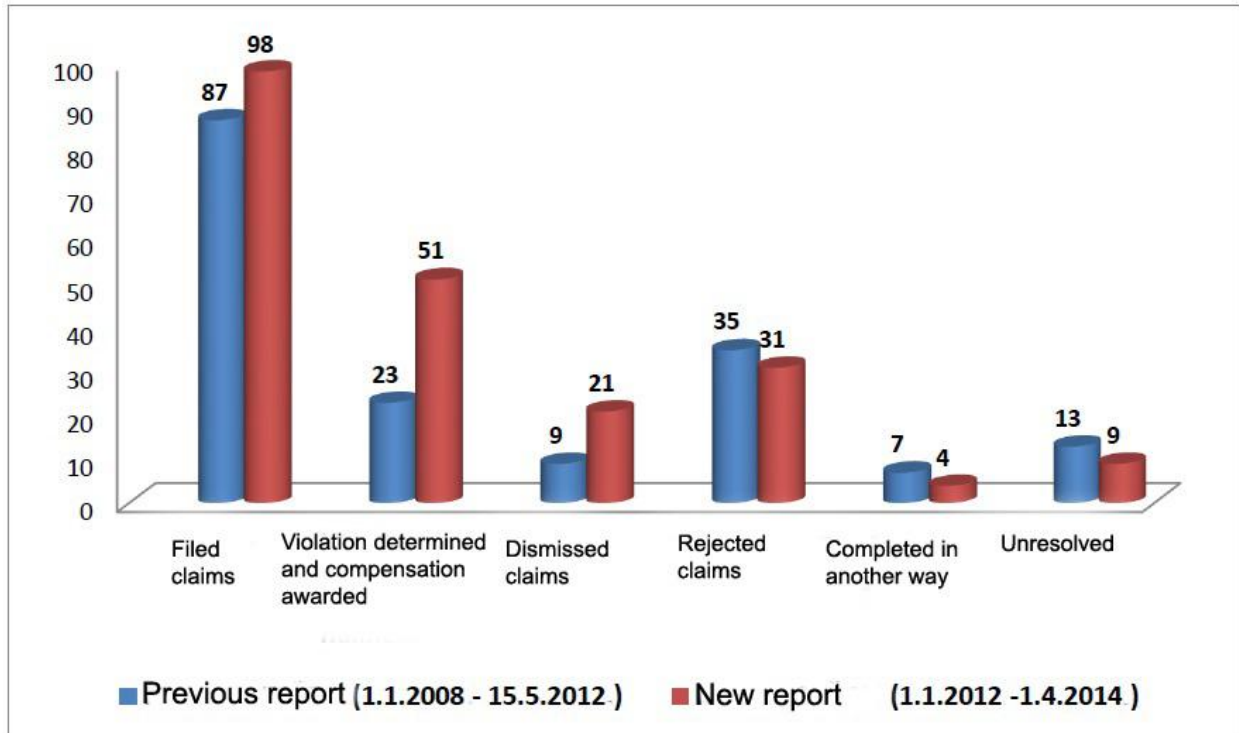


Analyzing the total number of filed claims and the method of decision-making upon them, it can be noticed that the largest number of filed claims were adopted (so the violation was determined and the compensation awarded in 44%), in 27% the claim was rejected, in 18% dismissed, while the number of unresolved and completed cases is negligible (8% and 3% respectively). (Chart no. 4)

COMPARATIVE ANALYSIS IN COMPARISON TO THE PREVIOUS REPORT

REPORTING PERIOD	Filed claims	Violation determined and compensation	Claims dismissed	Claims rejected	Completed in another way	Unresolved
Previous report (1.1.2008 - 15.5.2012)	87	23	9	35	7	13
New Report (1.1.2012 - 1.04.2014)	98	51	21	31	4	9

Chart no.5: Comparative analysis in relation to the previous report



When the number of filed claims in the period covered by this report (15 May 2012 – 1 April 2014) is compared to data from previous report (January 2008 – 15 May 2012), it comes to the conclusion that in a much shorter period of time there was an increase in the number of filed claims, the number of cases in which the violation was determined and compensation awarded, as well as the number of dismissed claims. The number of rejected claims and unresolved cases was reduced. (Chart no. 5)

### III EVALUATION

The Law on the Protection of the Right to a Trial within a Reasonable Time has been harmonized with international standards and jurisprudence of the European Court of Human Rights in this area and as a legal text provides adequate legal remedies for the protection of this right.

Monitoring of records on submitted legal remedies prescribed by the said Law, shall be provided in accordance with the Court Rules, in a way that in the register for cases on claims for just satisfaction "Cjs" that is kept in the Supreme Court, claims for just satisfaction are entered, while cases regarding the submitted requests for acceleration of the procedure (control request), the courts keep in the register "Cr" in the group for control requests.

Annual reports on the work of the courts also contain information on the submitted legal remedies (control requests, appeals, claims for just satisfaction), both at the level of each court individually and information in total.

Using the control request, as the legal remedy submitted by a party which considers that there is an unjustified obstruction of proceedings and decision-making in the procedure made by the court, and on which shall be decided by the president of the court or another judge determined by the work schedule in the courts which have more than 10 judges, during the period covered by this report (15 May 2012 – 1 April 2014) showed to be effective.

Namely, on this indicates the fact that during this reporting period, which covered the period of about two years (May 2012 – April 2014), was submitted a total of 479 control requests, which is a significant increase compared to 421, which were submitted in the period that corresponds to the previous report, which covered the period of 4 years and 5 months (January 2008 - May 2012). This is due to greater awareness of the parties on the possibilities provided by the Law.

In regard to the method of decision-making upon the control requests of all submitted requests, the largest number of submitted requests were dismissed (58%), the number of rejected requests is negligible (1%), in 5% of the cases the control request was adopted, while the notification under Art. 17 and 18 was submitted to the party in 9% of the cases.

It is important to point out that in the cases to which the control requests refer to, the presidents of the courts directly through JIS, written statements of judges, as well as through direct access to case files accompany the implementation of measures according to Art. 17 of the Law.

In case the control request was dismissed, dissatisfied party may appeal directly to the higher court because the president of the lower court has rejected or dismissed the control request or did not issue a decision within 60 days.

During the reporting period, a total of 94 appeals were filed, out of which in 9 cases the claim was adopted, in 73 cases the court has dismissed the appeal, three times the decision was amended, twice was abolished, while in 9 cases it was solved in another way.

In terms of the method of decision-making on appeals, in most cases the appeal was dismissed (76%), in 10% of cases the court adopted the control request, abolished the decision in 2% of cases, amended in 3%, while 9% of appeals were resolved in another way.

After the completion of judicial proceedings in accordance with the standards of the European Convention on Human Rights and Fundamental Freedoms, the right to claim for just satisfaction shall be acquired, and the complaint was filed with the Supreme Court of Montenegro. In this court the Chamber was established, acting on the claim for just satisfaction. Budgetary funds are provided within the budget of the courts, for the payment of compensation for just satisfaction.

During the reporting period, a total of 98 of these kinds of complaints were filed, out of which in 51 cases the violation was determined and compensation awarded, 21 claims were dismissed, 31 were rejected, 4 claims were completed in another way, while 9 claims remained unresolved.

Considering the total number of filed complaints and the method of decision-making upon them, it is evident that the largest number of filed complaints were adopted (so the violation was determined and the compensation awarded in 44%), in 27% the claim was rejected, in 18% was dismissed, and that the number of unresolved and completed cases is negligible (8% and 3% respectively).

When the number of filed complaints is compared to data from the previous report, it can be concluded that in a much shorter period of time there was an increase in the number of filed complaints (from 87 to 98), and therefore the number of cases in which the violation was determined and compensation awarded, but also in the number of dismissed claims. The number of rejected complaints and unresolved cases was reduced.

#### **IV IMPLEMENTATION OF RECOMMENDATIONS FROM THE PREVIOUS REPORT**

In order to implement the recommendations envisaged by the previous report, the following activities were carried out:

During 2012 in the Supreme Court of Montenegro the Department for monitoring the case law of the European Court of Human Rights was established, which deals with the monitoring and analyzing of the case law of the European Court of Human Rights in relation to the decisions in the cases against Montenegro.

When it comes to the continuous training of the president of the courts and judges regarding the effective implementation of the law and monitoring the case law of the European Court of Human Rights concerning the protection of the right to a trial within a reasonable time, the Judicial Training Center has organized several seminars and workshops whose topics were: "the European Convention on Human rights and Fundamental Freedoms, with particular reference to Article 6 and Article 10", "The right to liberty and security and the right to a fair trial under the European Convention on Human Rights and the Criminal Procedure Code of Montenegro", "the European Convention on Human Rights and Criminal Justice", "The right to personal liberty and safety - the standards of the European Convention on Human rights (ECHR) and the Montenegrin legislation and practice."

In addition, during 2012, 2013 and 2014 the Center regularly/quarterly distributed Legal Bulletin – Human rights in Europe to all courts and prosecution offices in Montenegro. The Bulletin represents a source summary of the latest decisions of the European Court on Human Rights with the comments. This long-standing practice of the Centre has been conducted in cooperation with AIRE Centre from London (Centre for Legal Assistance in terms of the Protection of Human Rights in Europe) and the Council of Europe.

In relation to the recommendation which was related to the stimulation of the Bar Association to educate attorneys regarding the use of legal remedies for the protection of the right to a trial within a reasonable time, in the previous period the Bar Association has introduced its members with possibilities of using the above-mentioned legal remedies through mutual meetings as well as notifications of the Management Board sessions.

Regarding the implementation of the Law in the previous period it was continued with the work on the promotion and presentation of legal remedies to citizens and lawyers via media, brochures, technical discussions, etc.

The issue of the protection of the right to a fair trial within a reasonable time in particular is in the focus of interest of the Committee of Ministers of the Council of Europe in the process of supervision over the execution of judgments of the European Court of Human Rights. In this regard, the Representative of Montenegro to the European Court of Human Rights, in cooperation with the Ministry of Justice, has taken significant actions in the coordination of communication with the Committee of Ministers of the Council of Europe on improving the legislative framework related to judicial enforcement proceedings, as well as in all other areas of cooperation. In order to effectively implement the Law, the Representative has also achieved a good cooperation with the Supreme Court of Montenegro, especially in the area of education and promotion of case law in Montenegro, in order that the case law should be compatible with the case law of the European Court of Human Rights.

The Representative, in cooperation with the OSCE Mission in Montenegro has prepared a brochure on the protection of the right to a trial within a reasonable time, which is made available to citizens and other legal entities as parties to the Montenegrin courts.

## **V THE RECOMMENDATIONS FOR THE NEXT PERIOD**

Considering the normative framework, its compliance with international standards and jurisprudence of the European Court of Human Rights and the collected statistical data, it can be concluded that the Law on the Protection of the Right to a Trial within a Reasonable Time has proved as an effective legal remedy for the protection of said right at the national level.

It is the judgment of the European Court of Human Rights in the case Vukelić against Montenegro, the European Court explicitly determined the effectiveness of the legal remedies prescribed by the Law on the Protection of the Right to a Trial within a Reasonable Time. This has as the legal consequence that the use of these legal remedies at the national level will be considered by the European Court as a condition of admissibility for future applications, after the final judgment in the case Vukelić against Montenegro, a judgment became final and enforceable on September 4, 2013. This will certainly reduce substantially the number of incoming cases to the European Court against Montenegro, on this basis, on which cases the European Court should rule on the merits.

We note that a significant number of international legal proceedings against Montenegro to the European Court of Human Rights refers to administrative proceedings before the competent administrative authorities in Montenegro, i.e. administrative proceedings before the Administrative Court. In this regard, it is necessary to follow the guidelines provided by the Recommendation of the Committee of Ministers of Council of Europe to Member States on the improvement of domestic legal remedies R (2004)6 of 12.5.2004, as well as some of the other recommendations of international bodies which, inter alia, recommend the introduction into national procedural laws opportunities of pre-openings of procedures (reopening of domestic procedures) in cases when the European Court of Human Rights has determined a violation of the Convention rights.

In order to its effective implementation in the future period, following steps should be taken:

- continue to monitor the implementation of the Law on the Protection of the Right to a Trial within a Reasonable Time through the preparation of annual reports on the implementation of the law, which will include an overview of the situation and give appropriate recommendations to ensure its effective implementation;

- continue with the training of the presidents of the courts and judges regarding the effective implementation of the law and monitoring of the jurisprudence of the European Court of Human Rights concerning the protection of the right to a trial within a reasonable time;

- consider the possibility of introducing special legal remedy (extraordinary legal remedy) into the legal system of Montenegro, for reopening of proceedings on administrative disputes through amendments to the Law on Administrative Procedure;

- encourage the Bar Association to educate attorneys regarding the use of legal remedies for the protection of the right to a trial within a reasonable time;

- continue further promotion of the legal remedies provided by the law in order to inform the citizens and improve the way of reporting on the implementation of the legal remedies envisaged by the law, as well as the method of monitoring the implementation of decisions on legal remedies.