



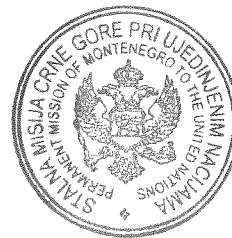
**Permanent Mission of Montenegro to the United Nations  
New York**

**No: 442/2018**

The Permanent Mission of Montenegro to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and, with the reference to the Verbal Note No. LA/COD/50/1 of 13 December 2017, has the honour to convey the information of the Government of Montenegro concerning the implementation of the UN General Assembly Resolution 71/112 (2017) "Criminal accountability of UN officials and experts on mission".

The Permanent Mission of Montenegro to the United Nations avails itself of this opportunity to renew the Office of Legal Affairs of the United Nations the assurances of its highest considerations. *sa*

New York, 18 June 2018



**Office of Legal Affairs of the United Nations**

**New York**

**Implementation of the UN General Assembly resolution 71/112 (2017) "Criminal accountability of UN officials and experts on mission"**

Article 136 of the Criminal Code of Montenegro stipulates that the criminal legislation of Montenegro is valid for a citizen of Montenegro when abroad, if he finds himself in the territory of Montenegro or is extradited to Montenegro, and in case the perpetrator became a citizen of Montenegro after commitment of a criminal offense. Article 137 stipulates that the criminal legislation of Montenegro applies also to a foreign national who, outside of the territory of Montenegro, commits a criminal offense to Montenegrin or its national, if he is found in the territory of Montenegro or is extradited to it. For criminal offenses, in these cases, prosecution will be carried out only when the criminal offense is punishable also under the law of the country where the offense was committed, with the exception that, upon the approval of the Supreme State Prosecutor of Montenegro, prosecution can be taken even if the criminal offense is not punishable under the law of the country where the offense was committed.

Criminal legislation of Montenegro will also apply to the perpetrator who became a citizen of Montenegro after having committed a criminal offense. The reason for applying this principle is that domestic citizens, by arriving in Montenegro, do not avoid responsibility for crimes committed abroad because they cannot be extradited to a foreign country (except when there is an international legal obligation of Montenegro).

If there is a request for extradition of a citizen of Montenegro for a criminal offense committed on the territory of another country, Montenegro, as a signatory to the European Convention on Extradition from 13 December 1957, may refuse to extradite its national, but in that case Montenegrin authorities need to inform competent authorities of the requesting state about refusal.

Also, the extradition treaties signed by Montenegro with the Republic of Serbia, the Republic of Croatia, Bosnia and Herzegovina, Macedonia and the Republic of Italy, foresee the possibility of extraditing their own nationals.

**Applicability of Criminal Legislation of Montenegro to a National of  
Montenegro who commits a Criminal Offence Abroad**

**Article 136**

(1) Criminal legislation of Montenegro shall also be applicable to a national of Montenegro where he commits abroad a criminal offence other than those referred to in Art.135 hereof, provided that he is found in the territory of Montenegro or gets extradited to Montenegro.

2) Subject to the conditions referred to in para. 1 above, the criminal legislation of Montenegro shall also apply to a perpetrator who became a national of Montenegro after the commission of a criminal offence.

**Applicability of Criminal Legislation of Montenegro to  
Foreign Nationals who commit Criminal Offence Abroad**

**Article 137**

(1) Criminal legislation of Montenegro shall also be applicable to a foreign national who commits outside the territory of Montenegro against Montenegro or its national a criminal offence other than those referred to in Art.135 hereof or who commits a criminal offence referred to in Articles 276a, 276b, 422, 422a, 423 and 424 hereof, in the commission of which a national of Montenegro is involved in any way, provided that he is caught in the territory of Montenegro or gets extradited to Montenegro.

(2) Criminal legislation of Montenegro shall also be applicable to a foreign national who commits a criminal offence abroad against a foreign country or a foreign national where such offence is punishable under the law of the country where it was committed by a prison term of five years or longer, provided that he is caught in the territory of Montenegro but not extradited to a foreign country. Unless otherwise provided for by this Code, in such a case a court may pronounce punishment which is more severe than the punishment provided for by the law of the country where the criminal offence was committed.