

24 Annex - Justice, freedom and security

**175. LAW ON INTERNATIONAL LEGAL ASSISTANCE IN
CRIMINAL MATTERS**

Pursuant to Article 95, item 3 of the Constitution of Montenegro I hereby issue

Decree Promulgating the Law on International Legal Assistance in Criminal Matters

I hereby promulgate the Law on International Legal Assistance in Criminal Matters, passed by the Parliament of Montenegro, at the sixth sitting of the second ordinary session in 2007, on 26 December 2007.

No: 01-32/2

Podgorica, 11 January 2008

The President of Montenegro

Filip Vujanovic, m.p.

LAW ON INTERNATIONAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

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17 January 2008

I. GENERAL PROVISIONS

Article 1

This Law governs the conditions and procedure for the provision of international legal assistance in criminal matters (hereinafter referred to as "international legal assistance").

Article 2

1. International legal assistance shall be provided in accordance with an international treaty.
2. If there is no international treaty or if specific issues are not regulated under an international treaty, international legal assistance shall be provided in accordance with this Law, provided that there is reciprocity or that it can be expected that the foreign state would execute the letter rogatory for international legal assistance of the domestic judicial authority.

Article 3

International legal assistance includes the extradition of the accused and sentenced persons, transfer and assuming of criminal prosecution, enforcement of foreign criminal judgements, service of documents, written materials and other items relating to the criminal proceedings in a foreign state, as well as the undertaking of specific procedural actions such as: hearing of the accused, witnesses and experts, crime scene investigation, search of premises and persons and temporary seizure of items.

Article 4

1. Domestic judicial authority shall forward letters rogatory for international legal assistance to foreign judicial authorities and receive the letters rogatory for international legal assistance of foreign judicial authorities through the ministry responsible for the judiciary (hereinafter referred to as "the Ministry").

2. In cases where there is no international treaty or reciprocity, the Ministry shall deliver and receive letters rogatory for international legal assistance through the diplomatic channels.
3. Where so provided in international treaty or where there is reciprocity, the Ministry shall deliver and receive letters rogatory for international legal assistance through the competent authority of the foreign state as the central communication authority.
4. Exceptionally, if so provided for in an international treaty, domestic judicial authority may deliver letter rogatory for international legal assistance to a foreign judicial authority directly and receive letter rogatory for international legal assistance from a foreign judicial authority directly, subject to submitting a copy of the letter rogatory to the Ministry.
5. In urgent cases, provided that there is reciprocity, the letter rogatory for international legal assistance may be delivered and received through the National Central Bureau of Interpol.
6. The courts and the state prosecutors' offices shall be responsible for the provision of international legal assistance in accordance with the law.

Article 5

International criminal assistance may be provided if the offence for which the provision of international legal assistance is requested is a criminal offence under both the national law and the law of the requesting state.

Article 6

1. Unless otherwise provided by an international treaty or this Law, the letter rogatory for international legal assistance of the domestic or of the foreign judicial authority shall be accompanied with a translation of the letter rogatory into the language of the requested state, or one of the official languages of the Council of Europe, if the requested state agrees. The replies to the letters rogatory of the foreign judicial authorities shall not be translated.
2. Domestic judicial authority shall execute the letter rogatory for international legal assistance of the foreign judicial authority even where the letter rogatory has been presented electronically or by some other telecommunication means which provides delivery receipt, provided that it may verify its authenticity and that the foreign judicial authority is prepared to deliver the original of the letter rogatory not later than 15 days.

Article 7

Unless otherwise provided by an international treaty or this Law, the signed and certified letter rogatory for international legal assistance shall contain:

1. the name and the registered office of the requesting authority;
2. the name of the requested authority, and if its precise name is unknown, an indication that the letter rogatory is being sent to the competent judicial authority, and the name of the country;
3. legal basis for the provision of international legal assistance;
4. the type of the international legal assistance requested and the reason for the letter rogatory;
5. legal qualification of the criminal offence committed and summary of the facts, except where the letter rogatory refers to the service of court writs (petitions, documents and alike);
6. nationality and other personal details of the person in relation to whom international legal assistance is requested and his/her status in the proceedings;
7. in case of service of court writs, the type thereof.

Article 8

Unless otherwise provided by an international treaty or this Law, the costs of provision of international legal assistance shall be borne by the requested state, subject to reciprocity.

Article 9

The expressions used in this Law shall have the following meaning:

1. 'domestic judicial authority' shall mean court and state prosecutor designated by law to provide international legal assistance;
2. 'foreign judicial authority' shall mean the state authority competent to provide international legal assistance under the law of the foreign state;
3. 'requesting state' shall mean foreign state whose competent judicial authority sent the letter rogatory for international legal assistance;
4. 'requested state' shall mean the foreign state to which the letter rogatory for international legal assistance is sent;
5. 'letter rogatory' shall mean a document requesting international legal assistance;
6. 'national law' shall mean the law of Montenegro.

II. EXTRADITION OF ACCUSED AND SENTENCED PERSONS

Article 10

Extradition of the accused or sentenced persons shall be requested and enforced in accordance with this Law unless otherwise provided for in an international treaty.

Article 11

1. The conditions for extradition on the basis of the letter rogatory of a requesting state shall be as follows:

1. that the person whose extradition is requested is not a national of Montenegro;
2. that the offence for which extradition is requested was not committed within the territory of Montenegro, against Montenegro or its national;
3. that the offence motivating the request for extradition is a criminal offence both under the domestic law and under the law of the country in which it was committed;
4. that criminal prosecution or enforcement of criminal sanction had not been barred by the lapse of time under the national law before the person whose extradition is requested was detained or examined as an accused;
5. that the person whose extradition is requested has not already been convicted by a domestic court of the same offence or that he/she has not been acquitted of the same offence by the domestic court by a final and enforceable decision, except if the requirements prescribed by the Criminal Procedure Code for retrial have been met; or that criminal proceedings have not been brought in Montenegro for the same offence committed against Montenegro or a national of Montenegro; and, if proceedings have been brought for the offence committed against a national of Montenegro, that security for satisfaction of the claim law under property of the victim has been provided;
6. that the identity of the person whose extradition is requested has been established;
7. that the requesting state presented facts and sufficient evidence to give rise to reasonable suspicion that the person whose extradition is requested has committed the criminal offence or that there is a final and enforceable judicial decision;

8. that it not motivated by a minor offence, in accordance with the Criminal Code.

Article 12

1. Extradition shall not be granted if the offence in respect of which it is requested is a political criminal offence, an offence connected with a political criminal offence or a military criminal offence within the meaning of the European Convention on Extradition (hereinafter referred to as "political and military criminal offences").
2. The prohibition referred to in paragraph 1 of this Law shall not apply to the criminal offences of genocide, crime against humanity, war crimes and terrorism.

Article 13

1. Extradition shall not be granted for criminal offences punishable under the domestic law and the law of the requesting state by imprisonment for a term of up to six months or a fine.
2. If extradition of a sentenced person is requested in order that he/she may a sentence, extradition of such person shall not be granted if the duration of the imposed imprisonment sentence or the remaining portion thereof is less than four months.

Article 14

If the offence for which extradition is requested is punishable by death under the law of the requesting state, extradition may be granted only if that state gives assurance that the death penalty will not be imposed or carried out.

Article 15

1. The procedure for extradition of the accused or sentenced person shall be initiated upon the letter rogatory of the requesting state.
2. The letter rogatory for extradition shall be delivered to the Ministry.
3. The following shall be enclosed with the letter rogatory:
 - 1) means to establish the identity of the accused and/or of the sentenced person (accurate description, photographs, fingerprints and the like);
 - 2) a certificate or other information on the nationality of the person whose extradition is requested;
 - 3) the indictment, judgement or detention order, or any other document equivalent to indictment, in the original or as authenticated copy, which contains the forename and surname of the person whose extradition is requested and other information necessary to establish his/her identity, description of the offence, legal qualification of the offence and evidence giving rise to reasonable suspicion;
 - 4) an excerpt from the criminal law of the requesting country which is to be applied or which has been applied against the accused for the offence for which extradition is requested, and if the offence was committed within the territory of a third country, an excerpt from the the criminal law of that country as well.
- (4) If the information and documents referred to in paragraph 3 above have been submitted in a foreign language, they shall be accompanied by a certified translation into the Montenegrin language.

Article 16

(1) The Ministry shall deliver letter rogatory for the extradition to the investigating judge of the court within the territory of which the person whose extradition is requested resides or within the territory of which the person whose extradition is requested happens to be.

(2) If the permanent or temporary residence of the person whose extradition is requested is unknown, his permanent or temporary residence shall be established through the state administration authority competent for affairs relating to permanent or temporary residence.

(3) If the letter rogatory has been submitted in accordance with Article 15 hereof, the investigating judge shall issue an order to detain the person whose extradition is requested, if there is a danger that he/she will avoid the procedure of extradition, or if other reasons set out in the Criminal Procedure Code exist, or shall take other measures to ensure his/her presence, unless it is obvious from the letter rogatory and delivered information and documents that the conditions for extradition have not been met.

(4) Detention referred to in paragraph 3 above may last until the decision on extradition is enforced at latest, but not longer than six months.

(5) Upon a reasoned request of the requesting state, the panel of the competent court may extend the duration of detention referred to in paragraph 3 hereof in justified cases for additional two months.

(6) After having established the identity of the person whose extradition is requested, the investigating judge shall inform him/her without delay as to why and based on which evidence his/her extradition is requested and shall invite him/her to present defence.

(7) The record shall be made of the questioning and presentation of defence. The investigating judge is under a duty to inform the person whose extradition is requested immediately that he may engage a defence attorney, or that a defence attorney *ex officio* will be appointed to him/her if defence is mandatory for the criminal offence in question under the Criminal Procedure Code.

Article 17

1. Detention for the purpose of extradition may be ordered under conditions set out in Article 15 of this Law even before the letter rogatory of the requesting state is received, if so requested by it, or if there is reasonable suspicion that the person whose extradition is requested committed the criminal offence for which he may be extradited to the requesting state.
2. The investigating judge shall release the person whose extradition is requested when the reasons for detention terminate or if the letter rogatory has not been submitted within the period of time which he/she fixed in view of all circumstances of the case, and which cannot exceed 40 days from the date of detention. The detention ordered pursuant to paragraph 1 of this Article may be revoked if the letter rogatory has not been submitted within 18 days from the date on which the person whose extradition is requested was detained.
3. The Ministry shall inform the requesting state about the time limits set by the investigating judge without delay. Exceptionally, if there are justified reasons, the investigating judge may extend the duration of detention for not more than additional 30 days, if so requested by the requesting state.

Article 18

1. Upon hearing the state prosecutor and the defence attorney, the investigating judge shall take other actions if necessary to determine whether the conditions for extradition and/or surrender of the items on which or by which the criminal offence was committed, if these have been confiscated from the person whose extradition is requested, are fulfilled.
2. After the actions referred to in paragraph 1 above have been taken, the investigating judge shall deliver the case files to the competent panel along with his opinion.

3. If the criminal proceedings are underway before a domestic court against the person whose extradition is requested for the same or another criminal offence, the investigating judge shall note that in the case files.

Article 19

1. If the Chamber of the competent court finds that the conditions for extradition prescribed by this Law have not been met, it shall make a decision to reject the letter rogatory for extradition.
2. The court shall submit the order referred to in paragraph 1 of this Article *ex officio* to the immediately higher court, which may confirm, repeal or reverse the decision after it hears the state prosecutor.
3. If the person whose extradition is requested is held in detention, the panel of the competent court may decide that he should remain in detention until the decision rejecting his extradition becomes final and enforceable.
4. The final and legally binding decision rejecting the extradition shall be submitted to the Ministry, which shall inform the requesting state thereof.

Article 20

1. If the panel of the competent court finds that the conditions for extradition prescribed by this Law are met, it shall confirm this by passing a ruling.
2. The person whose extradition is requested has the right to make an appeal against the ruling referred to in paragraph 1 of this Article to the immediately higher court instance three days following the receipt thereof.

Article 21

If the second instance court confirms the ruling referred to in Article 20 hereof, or if the complaint has not been lodged against the ruling of the court of first instance, the case shall be delivered to the minister competent for judiciary (hereinafter referred to as the Minister), so he/she may make a decision whether to grant extradition.

Article 22

1. In the event referred to in Article 21 above, the Minister shall pass a decision granting or refusing the extradition.
2. When he grants extradition, the Minister may make a decision to postpone the extradition because criminal proceedings are underway before a domestic court for another criminal offence against the person whose extradition is requested or because this person is serving an imprisonment sentence in Montenegro.
3. The Minister shall not grant the extradition of the person who enjoys the right of asylum in Montenegro or where it can be reasonably assumed that the person whose extradition is requested shall be subjected to prosecution or punishment because of his race, religion, national origin, belonging to a specific social group or his political beliefs, or that his status would be made more difficult for one of these reasons.
4. The Minister shall refuse extradition if the person whose extradition is requested has not been given the possibility to have a defence counsel in the criminal proceedings preceding extradition.

Article 23

1. In the decision granting the extradition, the Minister shall note that without a consent of Montenegro:

1. the person whose extradition is requested may not be prosecuted for another criminal offence committed prior to extradition;
2. the punishment for another criminal offence committed prior to extradition may not be enforced against the person whose extradition is requested;
3. a punishment more severe than the one to which he has been sentenced may not be enforced against the person whose extradition is requested;
4. the person whose extradition is requested may not be extradited to a third state for prosecution for a criminal offence committed prior to extradition which has been granted.

2. In addition to the conditions referred to in paragraph 1 above, the Minister may also impose other conditions for extradition.

Article 24

1. The requesting state shall be notified of the decision concerning extradition through the diplomatic channels.
2. The decision granting extradition shall be submitted to the administration authority competent for police affairs, which shall escort the person whose extradition is requested to the border crossing where he/she will be surrendered to the authorities of the requesting state.

Article 25

1. The requesting state shall take over the person whose extradition has been granted within 30 days as of the date of delivery of the decision on extradition.
2. The Minister may extend the time limit referred to in paragraph 1 of this Article for additional 15 days upon a reasoned request of the requesting state.
3. If the person whose extradition has been granted has not been taken over within the time limit referred to in paragraphs 1 and 2 above, he/she shall be immediately released, and the Minister may refuse the repeated extradition request for the same criminal offence.

Article 26

If extradition of the same person is requested by more than one country, either for the same offence or for different offences, the decision shall be taken having regard to seriousness of the criminal offences, the place of commission, the respective dates of the requests, the nationality of the person whose extradition is requested, the possibility of subsequent extradition to another state, and other circumstances.

Article 27

1. If extradition is requested by a foreign state from another foreign state and the person whose extradition is requested would have to be escorted through the territory of Montenegro, transit may be granted by the Minister upon the letter rogatory by the requesting state, provided that the person concerned is not a national of Montenegro and that extradition is not enforced for political or military criminal offence.
2. The letter rogatory for transit of the person through the territory of Montenegro shall contain the information and documents referred to in Article 15 paragraph 3 of this Law.

3. In the case of transit of the person through the territory of Montenegro by air traffic if no landing is expected, it shall not be necessary to obtain the permission referred to in paragraph 1 above.
4. The requesting state shall notify the Ministry of the transit referred to in paragraph 3 of this Article. The notification shall contain information such as: the name of the person escorted through the territory of Montenegro, the state to which the person is extradited, the criminal offence for which the person is extradited, and the time of air transit.

Article 28

1. At the request of the requesting state, the competent court shall seize and surrender, in accordance with national law, items which may serve as evidence or which resulted from the commission of a criminal offence.
2. The items referred to in paragraph 1 of this Article shall be surrendered even in case when an already approved extradition may not be enforced due to the death or escape of the person whose extradition is requested.
3. If the items referred to in paragraph 1 of this Article are subject to seizure or confiscation within the territory of Montenegro, they may be temporarily retained in connection with ongoing criminal proceedings or surrendered under the condition that they be returned.
4. The items referred to in paragraph 1 above, which Montenegro and third persons have rights in, shall be returned to Montenegro as soon as possible after the trial is completed. The costs of returning of items shall be borne by the requesting state.

Article 29

1. The person for extradition of whom the foreign state submitted the letter rogatory may be extradited in a summary procedure if the conditions for extradition prescribed by this Law have been met, subject to the consent of that person.
2. The consent referred to in paragraph 1 above shall be given on record before the competent court in accordance with the Criminal Procedure Code, in a way which ensures that the consent is given voluntarily and that the person whose extradition is requested is aware of all consequences of such consent at the time when he/she gives consent. The consent once given may not be revoked.
3. The decision on extradition in a summary procedure shall be passed by the competent court.
4. The court shall notify without delay the Ministry about the decision referred to in paragraph 3 of this Article, and the Ministry shall inform the requesting state.
5. The extradition in a summary procedure shall have the same force and effect as the extradition in an ordinary procedure.

Article 30

The costs of extradition incurred outside the territory of Montenegro shall be borne by the requesting state.

Article 31

1. If criminal proceedings are underway in Montenegro against a person located in a foreign state or if a person located in a foreign state has been sentenced by a competent Montenegrin court, the Minister may submit a letter rogatory for extradition.
2. The letter rogatory shall be submitted to the requested state through the diplomatic channels and shall be accompanied by documents and information referred to in Article 15 of this Law.

Article 32

1. If there is danger that the person whose extradition is requested will flee or hide, the Minister may request that he/she be put in temporary detention or that other measures required to prevent his/her escape be taken, even before the actions are taken in accordance with Article 31 of this Law.
2. The letter rogatory for temporary detention shall contain information on the identity of the person whose extradition is requested, the name of the criminal offence for which the extradition is requested, indictment, judgement or detention order, date, place and name of the authority ordering detention, and/or information about the validity of judgement, as well as a statement that extradition will be requested through the regular channels.

Article 33

1. If the person whose extradition is requested is extradited, he/she may be prosecuted and a sentence may be enforced against him/her only for the criminal offence for which the extradition has been granted.
2. If the person referred to in paragraph 1 of this Article has been convicted by a final and enforceable decision of the competent Montenegrin court for other criminal offences committed prior to extradition with regard to which extradition is not allowed, the provisions of the Criminal Procedure Code regulating the reversal of judgement without retrial shall apply as appropriate.
3. If extradition has been granted subject to conditions which relate the type or duration of sanction which may be imposed and enforced and has been accepted under such conditions, the court shall be bound by such conditions when imposing a sentence; and where the enforcement of an already imposed sentence is the subject of extradition, the court which adjudicated in the highest instance shall reverse the judgement and impose punishment in accordance with the conditions of extradition.
4. If the person extradited had been held in detention in a foreign country for the criminal offence for which he has been extradited, the time spent in detention shall be counted towards the time served.

III. TRANSFER AND ASSUMING OF CRIMINAL PROSECUTION

Article 34

1. If a foreigner who is permanently resident in a foreign state has committed a criminal offence within the territory of Montenegro, such state may be, notwithstanding the conditions referred to in Article 11 of this Law, surrendered the criminal files for the purpose of conducting criminal prosecution, provided that the foreign state does not object to it.
2. Before passing a decision to conduct investigation, the decision to transfer prosecution shall be taken by the competent state prosecutor; and if the decision was passed prior to the commencement of the main hearing, the decision to transfer prosecution shall be taken by the three-judge panel of the competent court.
3. The decision to transfer prosecution may be taken in relation to the criminal offences punishable by imprisonment for a term of up to ten years and for the criminal offences of endangering of public traffic.
4. If the victim is a national of Montenegro, the transfer of prosecution shall not be allowed if the victim opposes it, unless security for the settlement of his/her claim under property law has been provided.

5. If the accused is held in detention, the requested state shall be asked, in the shortest possible manner, to notify, within fifteen days, the competent Montenegrin authority whether it will assume prosecution.

Article 35

The competent court or the state prosecutor shall deliver the letter rogatory for the transfer of the criminal prosecution accompanied with a decision on the transfer of criminal prosecution and the case files to the Ministry.

The Ministry shall deliver the letter rogatory for the transfer of the criminal prosecution to the competent authority of the requested state, in accordance with Article 4 of this Law.

Article 36

1. The letter rogatory of the requesting state that Montenegro assumes criminal prosecution of a national of Montenegro or a person whose permanent residence is in Montenegro for a criminal offence committed in the requesting state, shall be delivered together with the files to the competent state prosecutor within the territory of whom that person resides.
2. If a claim under property law has been lodged with the competent authority of the requesting state, action shall be taken as if it were presented to the competent court.
3. The requesting state shall be informed of the refusal to assume criminal prosecution as well as of the final and enforceable decision passed in criminal proceedings, in accordance with Article 4 of this Law.

Article 37

1. If prosecution has been assumed on basis of the letter of rogatory referred to in Article 36 of this Law, national law shall apply.
2. The law of the foreign state shall apply if it is more favourable to the accused.

IV. ENFORCEMENT OF FOREIGN CRIMINAL JUDGEMENT

Article 38

1. The competent Montenegrin court shall enforce the final and enforceable criminal judgement of a foreign court if so provided by an international treaty or if there is reciprocity and where the foreign court has imposed a criminal sanction in accordance with national law.
2. In the case referred to in paragraph 1 above, a three-judge panel of the competent court shall pass the decision without the presence of the parties.
3. Territorial jurisdiction of the court shall be determined on the basis of the last place of permanent residence of the sentenced person in Montenegro, whereas if the sentenced person has never reported his/her permanent residence in Montenegro it shall be determined in the basis of the place of birth. If the sentenced person has neither permanent residence nor was born in Montenegro, the Supreme Court of Montenegro shall designate one of the courts having subject-matter jurisdiction before which the proceedings shall be conducted.
4. In the operative part of the judgement referred to in paragraph 2 of this Article, the court shall insert the full wording of the operative part and the name of the court taken from the judgement of the foreign court and shall impose a sentence. In the statement of reasons for

the judgement, the court shall note the reasons on the basis of which imposed the sentence and highlight the reasons of the foreign court whose judgement is enforced.

5. The state prosecutor and the sentenced person or his defence attorney may lodge an appeal against the judgement.

Article 39

1. If a foreign court has imposed a criminal sanction which is not provided for by the domestic law, the competent Montenegrin court shall impose a criminal sanction which is most similar to the criminal sanction imposed by the foreign court as to the type and severity.
2. In the event referred to in paragraph 1 of this Article, the criminal sanction may not be more severe than the criminal sanction imposed by a foreign court.

Article 40

The provisions of the national law governing pardon, amnesty and conditional release shall also apply to persons convicted by foreign criminal judgements enforced in Montenegro.

Article 41

1. A criminal judgement of a Montenegrin court may be enforced in a foreign state if so provided for in an international treaty or if there is reciprocity.
2. If a foreign national convicted in Montenegro or a competent authority so authorized under an international treaty submits a request to the competent Montenegrin court that a sentenced person may serve a sentence in its country, the court shall proceed in accordance with the international treaty.

V. OTHER TYPES OF INTERNATIONAL LEGAL ASSISTANCE

Article 42

Other types of international legal assistance include: service of documents, written materials and other items related to the criminal proceedings in the requesting country; mutual exchange of information, as well as taking of specific procedural actions; hearing of the accused, witness and expert, including hearing through video and telephone conference, crime scene investigation, search of premises and persons, temporary seizure of items, secret surveillance measures, DNA analysis, temporary surrender of a person deprived of liberty so that he/she may to give testimony, delivering information from penal records and other procedural actions.

Article 43

1. The Ministry shall deliver and receive letters rogatory for the types of international legal assistance referred to in Article 42 of this Law in accordance with Article 4 of this Law.
2. The permissibility and method of enforcement of the action which is the subject matter of the letter rogatory of the foreign judicial authority shall be established by the court in accordance with national law and international treaty.

Article 44

1. In response to the letter rogatory of a foreign judicial authority, the domestic judicial authority may approve the presence of a foreign official person and person having legal interest in the enforcement of the action requested by the letter rogatory.

2. In case that the presence referred to in paragraph 1 of this Article is approved, the domestic judicial authority shall notify the foreign judicial authority of the place and time of enforcement of the action requested by the letter rogatory.

Article 45

A procedural action taken by the foreign judicial authority in accordance with its law shall be considered equivalent to the relevant procedural action taken by the domestic judicial authority within criminal proceedings, unless this is contrary to the principles of the national judicial system and generally recognised principles of international law.

Article 46

International legal assistance shall not be provided if the letter rogatory is motivated by a military criminal offence.

Article 47

International legal assistance referred to in Article 42 of this Law may be refused:

1. if the letter rogatory of the requesting state is motivated by political criminal offences;
2. if the execution of the letter rogatory of the requesting state is likely to prejudice the sovereignty, constitutional order, security or other fundamental interests of Montenegro.

Article 48

1. The domestic judicial authority may defer the provision of international legal assistance referred to in Article 42 of this Law if so required for the purposes of prosecution or conduct of criminal proceedings which are pending before domestic judicial authorities, and which are related to the letter rogatory submitted.
2. If the domestic judicial authority defers the provision of international legal assistance, in accordance with paragraph 1 of this Article, it shall notify the requesting state thereof and give reasons for deferral.

Article 49

1. A person deprived of liberty in Montenegro may temporarily be transferred as a witness to the requesting state on the basis of the letter of rogatory of its competent judicial authority for the purpose of giving testimony, carrying out confrontation or on the spot initiated in relation to proceedings conducted in that state, provided that:
 1. the person gives a statement on record before the competent court to the effect that he/she consents to the temporary transfer;
 2. the period of temporary transfer will not result in an extension of deprivation of liberty and or put at risk the conduct of criminal proceedings against him/her in Montenegro;
 3. the person concerned will not be punished or imposed another sanction during the temporary transfer;
 4. it has been ensured that the transferred person will be sent back to Montenegro immediately after the taking of the procedural action.
2. The requesting state is under a duty to send the person referred to in paragraph 1 of this Article back to Montenegro, without delay, immediately after the procedural action has been taken, and not later than 60 days.

3. The decision on transfer shall be passed by a three-judge panel of the competent court and shall be enforced in a manner prescribed by Article 24 paragraph 2 of this Law.

4. The person whose transfer is requested shall have the right to make an appeal against the decision referred to in paragraph 3 of this Article to the competent court within three days as of the receipt of decision.

Article 50

In relation to criminal offences of making and putting into circulation counterfeit money, money-laundering, unauthorized production and processing of and trafficking in narcotic drugs and poisons, trafficking in human beings, as well as other criminal offences with respect to which the centralization of data is prescribed under international treaty, the authority before which the criminal proceedings are conducted shall be obliged to deliver to the National Central Bureau of Interpol, without delay, data on criminal offences and the perpetrator, while the court of first instance shall be further obliged to submit a final and enforceable judgement.

Article 51

1. The Ministry shall, at a request of domestic judicial authorities, obtain from the competent foreign judicial authorities the texts of legislation applicable or previously applicable in other countries, and, if necessary, notifications regarding specific legal issues.
2. The Ministry shall, at a request of foreign judicial authorities, deliver texts of national legislation or notifications on specific legal issues.

Article 52

1. International legal assistance referred to in Article 42 of this Law shall also be provided to the European Court of Human Rights and the European Court of Justice, in accordance with this Law.
2. The provision of international legal assistance to the International Criminal Court shall be governed by a separate law.

Article 53

The costs incurred in relation to expert examination and the costs of temporary transfer of the person deprived of liberty so he/she may be questioned in the requesting state shall be borne by the requesting state.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 54

Unless otherwise provided in this Law, the provisions of the Criminal Procedure Code shall apply *mutatis mutandis* to the provision of international legal assistance.

Article 55

The proceedings for the provision of international legal assistance being conducted on the date of entry into force of this Law shall be completed in accordance with the provisions of Title XXX and XXXI of the Criminal Procedure Code (Official Gazette of the Socialist Federal Republic of Yugoslavia 4/77, 14/85, 74/87, 57/89 and 3/90, and Official Gazette of the Federal Republic of Yugoslavia 27/92 and 24/94).

Article 56

The provisions of Title XXX and XXXI of the Criminal Procedure Code (Official Gazette of the Socialist Federal Republic of Yugoslavia 4/77, 14/85, 74/87, 57/89 and 3/90 and 'Official Official Gazette of the Socialist Federal Republic of Yugoslavia 27/92 and 24/94) shall be repealed with effect from the date of entry into force of this Law

Article 57

This Law shall enter into force on the eighth day of its publication in the Official Gazette of Montenegro.