

Case description

This case was brought before the Podgorica High, against nine defendants; eight men and one woman. The Podgorica High Prosecution Service filed charges for the criminal offenses of drug trafficking.

The final judgment was rendered in September 2016 and the defendants were found guilty.

Specification of recovered assets

After the court rendered the final and enforceable judgment, it simultaneously ordered the confiscation of assets of the convicted persons.

The following assets were confiscated from the convicted person:

REAL ESTATE

- real estate:

- a. real estate registered in the name of one of the defendants;
- b. real estate registered with the branch office of the Real Estate Administration of Montenegro, the Municipality of Niksic, an apartment of 64 m².

Main characteristics of financial investigation

The Podgorica Higher Prosecution Service led the financial investigation determining legally acquired profits of the defendant, as well as his assets and for the aforementioned apartment collected evidence that it was acquired by pursuing criminal activity, i.e. that the defendant did not have legally acquired funds for purchasing it. Specifically, the value of the apartment was substantially disproportionate from his legally obtained income.

It is important to emphasize that the application of secret surveillance measures during the criminal proceedings against the defendant resulted in obtaining the information and evidence that he had phone conversation requesting certain individuals to certify that they have borrowed him the money for purchasing the aforementioned apartment.

Relevant legal issues with importance for asset recovery

After submitting the order for confiscation of the aforementioned apartment, the court, following the implementation of the proceeding, found that the convicted person did not make probable that the aforementioned apartment was acquired in a legal manner and after comparing legally obtained income and expenses of the convicted person against the value of this apartment, the court found a substantial disproportion, or that there was reasonable suspicion that the apartment was acquired by pursuing criminal activity. The court particularly considered the fact that the convicted person was never employed, or that he never gained any personal income, and due to these reasons, he couldn't acquire the apartment which value is EUR 47,000.

On 26th January 2019, the Podgorica Higher Court adopted the decision confiscating the apartment from the convicted person.

On 1st April 2019, dismissed the complaint of the convicted person lodged by his defence lawyer and thereby the apartment was confiscated.