



**1. Does your country have any legislation, or regulations, and/or court rules of procedure that are relevant to the topic of our focus this year - mutual cooperation in the investigation of criminal cases and in the presentation of evidence in a criminal proceeding at court? Please explain.**

In The Republic of Serbia, matters of mutual cooperation in the investigation of criminal cases and in the presentation of evidence in criminal proceedings are regulated by the Law on Mutual Legal Assistance in Criminal Matters, and by bilateral agreements. These regulations present a basis for international mutual cooperation in criminal matters between the Republic of Serbia and other countries.

**2. In your country, when a crime is being investigated does the judiciary have any role (a) in the request for information from a foreign state and/or (b) in the provision of information to a foreign state?**

Yes, in both situations.

**3. If your answer to either 2 (a) or 2 (b) is yes, what legislation, regulations or rules of procedure apply to the decision of a judge involved at the investigation stage?**

The Law on Mutual Legal Assistance in Criminal Matters and bilateral agreements.

**4. What is the legislation or court rules that relate to the taking of evidence from a witness in a foreign state, or the giving of evidence from a witness in your country to a court in a foreign country? Please explain these including the role played by a judge in both scenarios.**

The Law on Mutual Legal Assistance in Criminal Matters and bilateral agreements. The role of a preliminary proceedings judge is to, following a letter rogatory by the requesting state, secure evidence (examination of witnesses, acquiring of written evidence, etc), and then, deliver this evidence to the requesting state.

**5. As a judge, if you receive a request for assistance from a foreign country, whether at the investigation stage or in the context of a court proceeding (a hearing or a trial), is it relevant to your determination of whether and how to assist that the basic human rights, principles of natural justice, and/or rules of procedural fairness that exist in your country are respected? Please explain.**

Yes, respecting the right to defence and the principle of fairness in order to a more efficient protection of rights of persons against whom the proceedings are being conducted.

**6. Describe your own personal experience(s) as a judge that are relevant to the topic of our focus this year, whether it be presiding over an extradition hearing (a request to extradite**

an accused person to another country in order to be prosecuted in that other country), or receiving evidence in a court proceeding in your country from a witness who is testifying from another country and with the help of court officials in that other country, or helping to arrange for a witness in a court proceeding in another country to testify from a place in your own country, or responding to a request for assistance from an international court such as The Hague, or something else. These are just examples of things that you may have experienced; they are not meant to be exhaustive.

My personal experience as a judge refers to a case of detention pending extradition, when a citizen of the Republic of Montenegro, who was already convicted by the Basic Court in Podgorica (Montenegro) to a 10 month imprisonment sentence, was, following a wanted list issued by the Interpol, ordered detention in the Republic of Serbia. The person was immediately ordered into detention pending extradition, of which the Ministry of Justice of Serbia was informed, which then informed the Ministry of Justice of Montenegro of the case of deprivation of liberty.

Pursuant to the Law on Mutual Legal Assistance in Criminal Matters, and to the bilateral agreement between Serbia and Montenegro, the competent court in Serbia requested a statement from the Ministry of Justice of Montenegro on whether it will request the extradition of its citizen, in order for the sentence to be served in Montenegro. The MoJ of Montenegro informed the MoJ of Serbia that it will indeed request the extradition of its citizen.

In the court proceedings conducted in Serbia, a statement was taken from the detained person whose extradition is requested, on whether they wanted the extradition to be carried out according to a summary procedure. After the convicted person declared that they accept the extradition according to a summary procedure, the Ministry of Justice of the Republic of Serbia was immediately informed about this, and the minister in charge of justice will decide on the extradition. The procedure is still ongoing.