



Centar za građansko obrazovanje

Centre for civic education

SUPREME STATE PROSECUTION SHOULD BE THE LEADER IN LAW ENFORCEMENT, NOT TO BE SUED PARTY

Podgorica, 30 October 2009

Centre for Civic Education (CCE) for more than half a year is trying, in accordance with the Law on Free Access to Information, to get some basic information about the work of the Supreme Public Prosecutor's Office (SSP), with the aim to familiarise this important institution to citizens and to increase the transparency of its work.

Instead of complying with the Law, SSP by disrespecting of our request violates its own reputation and thus influence that one of the main pillars of the rule becomes an obstacle for its implementation.

Namely, based on the request for access to information from 10/03/2009 to SSP, and the repeated request from 25/03/2009, CCE has appealed to the Ministry of Justice as the appellate authority in charge of the first instance because of the silence of the administration 12/06/2009, and then sent lawsuit to the Administrative Court of Montenegro because of administrative silence of second instance 01/09/2009. **A month after the processing of the claim with evidence, CCE has received a letter from the Administrative Court with the decision of the Ministry of Justice, upholding our complaint and by which the Ministry ordered that Prosecution to make a decision immediately or within 8 days, which allows or denies access to information. After the deadline, which is the order to the second instance authority to make the first instance produce a decision which has not been done, CCE has expanded the lawsuit and asked from the Administrative Court to render a final administrative decision, because such a breache of the law, institutions and statutory deadlines should not have happened to any, let alone institution such as the Supreme State Prosecutor.**

SSP is responsible for law enforcement and providing information to the interested public about their work. The citizens of Montenegro, in which behalf SSP performs its responsibilities and which funds it, should know how SSP works, especially if there are indications publicly stated that the work of this institution is an instrument and under the political influence.

There is no legal basis why the CCE should not receive answers to the submitted questions, and persistent avoiding of SSP to respond only contributes to the belief that the SSP is hiding something and does not respect law. **In a democratic society, or the one that aspires to be such, the prosecution must at all time be available to citizens, and to resolve all the outstanding issues of prosecuting crimes in order to achieve justice in contact and professional relationship, without political pressures. Any other behavior is a serious obstacle to the development of democracy and the rule of law.**

Snežana Kaluđerović, Legal Advisor



Annex
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Questions that CCE seeks to answer:

1. How many people in prosecution works on positions of monitoring printed and electronic media?
2. Which printed and electronic media are monitored and how much has been allocated from the budget of prosecution for these activities?
3. How many people, on the basis of the statements in the media, were asked to give a statement to the prosecutor's office in 2006, 2007, 2008 and 2009?
4. Have you read the Momir Bulatović's book "Rules of Silence," and if you or any of your predecessors called Momir Bulatović to make a statement in the prosecutor's office?
5. Have you read Misha Glenny's book "McMafija" and whether you intend to call Mr Glenny in the prosecutor's office to make a statement?
6. Have you invited colleagues from the Italian judiciary in search for information about the case in which is accused the Prime Minister Milo Djukanovic, as well?
7. Which actions are taken by the Prosecution in the case of illegal surveillance, wiretapping and threats to the human rights violation researcher Aleksandar Sasa Zeković?
8. Is in the case of Aleksandar Sasa Zeković anyone from prosecution called Mr Veselin Veljović and his bodyguard who was labeled as principal and perpetrator of threats to our public?
9. Which actions has the prosecution been taken in the case of Avala and Zavala?
10. Does the prosecution addressed reports regarding corruption and abuse of authority in education and relevant inspectorates?
11. Did the Prosecution examine the case of one year old A.B. from Niksic because of the reasonable doubt that in this case was committed a number of crimes, especially murder or manslaughter through negligence, reckless endangerment causing the death of abandoned person or abandonment of a helpless person causing the death of the same and why it has not been possible to reach any info on the case, despite multiple interventions directed?
12. What does the Prosecution undertake in checking of public allegations of political pressure on the employees of the Montenegrin educational institutions?