



Centar za građansko obrazovanje  
Centre for civic education

25 September 2012, Podgorica

## PROSECUTOR SUES YOU, PROSECUTOR JUDGES YOU

Centre for Civic Education (CCE) today submitted to the Constitutional Court a **Proposal for priority review** of an Initiative for evaluation of the constitutionality of the Law on Misdemeanor that seeks to declare as unconstitutional the appointment of judges by the Government of Montenegro.

*By the appointment and dismissal of judges (68 of them) by the Government of Montenegro, citizens' right to trial by an independent court has been violated, which is guaranteed by the Constitution and the European Convention on Human Rights and Freedoms.*

The Ministry of Justice, in the absence of arguments, stated that it was "early to analyze the effects of reforms" and that they are "preparing the information on the results of the misdemeanor system reform," even though CCE has never denied the Law on Misdemeanor, but only the provisions of the old law, which are still in force, in which judges are appointed and dismissed by the Government, contrary to the fundamental principles of independence and impartiality of judges.

It is encouraging that the *president of the Lawyer's Association Zdravko Begović said the initiative was "constitutionally based"*, and we hope that other participants in the justice system will publicly support the resolution of this issue to the Constitutional Court as well.

*All citizens who are from 1 September 2011 to this date by the Authority for the offenses referred to a term of imprisonment, psychiatric treatment, fines or other serious measures will have the right to demand the annulment of the decision unless the Constitutional Court decides that the decision was not in accordance with the Constitution, that is, because their right to trial by an independent court has been violated.*

**CCE expresses concerns that RTCG, as a public broadcasting service, has not found it as necessary to inform citizens in their news regarding the ongoing initiative, which is legally compulsory, taking into account that this is a significant legal issue that has wider social significance.**

CCE hereby invites the Constitutional Court to stand in protection of the highest principles of the rule of law, and to accept this case as a priority, in order to protect the rights of the citizens of Montenegro to trial before an independent court.

Danilo Ajković  
Programme Coordinator