



CENTAR ZA GRAĐANSKO OBRAZOVANJE
CENTRE FOR CIVIC EDUCATION

Podgorica, 7 April 2007

PROTECTING MURATBASIC IS A PUBLIC INTEREST

Centre for Civic Education (CCE) condemns the decision to suspend policeman Suad Muratbasic from Bijelo Polje and to raise criminal charges against him because of a statement given to the *RFE*.

CCE reminds the authorities that the current Constitution of the Republic of Montenegro clearly states that “The state is founded on the principle of the rule of law. The government shall be in conformity with the Constitution and the Law (Article 4)”, as well as that “In Montenegro, everything shall be deemed to be free if not prohibited by Law. Everyone is obliged to uphold the Constitution and the Law” (Article 13). The same Constitution, in the Article 38 stipulates: “Freedom of speech and public appearance is guaranteed”. Other relevant legal acts are fully based upon these constitutional principles.

Suspension of and criminal charges against Muratbasic are in direct conflict with international standards expressed through such documents as the European Convention of Human Rights and Freedoms, particularly its Article 10 which guarantees freedom of expression to all “without interference by public authority and regardless of frontiers”. It is important to note that those duties and responsibilities that could potentially limit this right cannot be in any manner applied in the case of the policeman Muratbasic, which can be ascertained on the basis of abundant practice of the European Court of Human Rights regarding this article of the Convention. **Public interest issuing from the statement of Muratbasic is much greater than the possibilities of limiting it, therefore, there is no basis for a criminal process against him based on this act.**

Bearing in mind the declared orientation of the Government of Montenegro towards European integrations path as well as the fact that Montenegro is about to become a member of the Council of Europe in June 2007, such measures of the authorities against Muratbasic cause surprise and make one wonder about the real commitment of the Government towards such European path. **Namely, the road to Europe does not lead through disregard for its standards and violation of rights of its own citizens, but through genuine acceptance of such standards and their incorporation into the existing legal system and practice, therefore establishing public institutions that would serve the citizens, not act against them.**

CCE urges the competent authorities to annul the suspension and to immediately withdraw all criminal charges against Muratbasic because such measures on the part of a government body severely undermine the rule of law, international credibility of the state and directly contribute to furthering mistrust of the citizens in the state institutions, which has long-term consequences for the establishment of Montenegro as a democratic state.