

Podgorica, 21 January 2009

Montenegro
CONSTITUTIONAL COURT
President prof. Dr Milan Markovic

Dear Mr. President of the Constitutional Court,

We would like to distract your attention, with good intentions, that positioning of the Constitutional Court on the alignment of the Law on Election of Councilors and MPs after the Parliament adopts a decision on the reduction of its mandate could negatively affect its credibility and reputation.

Socialist People's Party, as a serious and prominent political organization, submitted the proposal to the Constitutional Court for assessing the alignment of the Law on Election of Councilors and MPs since it is not in line with the Constitution of Montenegro.

Parliament of Montenegro started the debate on the initiative of the Government on the reduction of its mandate. Parliamentary majority has already stated that it will without delay accept the initiative and open the way to the president of the state to call for parliamentary elections to be held as prescribed by the law that is not in line with the Constitution of Montenegro.

Decision of the Constitutional Court after the eventual decision of the Parliament and parliamentary majority could produce additional doubts in genuine independence of the Constitutional Court and put this decision in light of the agreement and interests of political parties.

We consider that the initiated procedure for assessment of the constitutionality of the Law on Election of Councilors and MPs must be completed before the final decision of the parliamentary majority of Parliament of Montenegro.

In this context, we urge you to, without further delay, make a decision in order to clarify the circumstances of this constitutional state of affairs and to get the information if the elections are to be conducted constitutionally or not, and thus to end further debate concerning this issue taking into the account that the decisions of the Constitutional Court mandatory and executive.

Stevo Muk
President of the Management Board of the Institute Alternative

Daliborka Uljarevic
Executive director of the Centre for Civic Education

MSc Aleksandar Sasa Zekovic
Researcher of human rights violation in Montenegro