

OFFICE OF THE PRESIDENT OF MONTENEGRO

Attn: Filip Vujanović, President

Berane, October 14, 2013.

INITIATIVE FOR PARDON

Dear President Vujanović,

We turn to you with the initiative, in accordance with Article 15 of the Pardon Law (Official Gazette of Montenegro 31/2012), to start a process and pardon 32 citizens of local community Beranselo, who are sentenced to pay fines. Six of them are now sentenced to prison, and all of these sentences have a character of criminal sanctions for a punishable offense in accordance with Article 2 of the Pardon Law. The names of convicted citizens are in attachment 1.

All fines in the amount of 200 to 530 EUR are issued by Berane regional magistrate court because of “obstructing of official persons in performing of actions”. In that way is qualified the peaceful protest of citizens because of years of illegal dumping of different types of waste, including hazardous waste on illegal landfill Vasove vode, local community Beranselo, municipality Berane.

Residents, who are listed, participated in the blockade which prevented the public utility company trucks to continue with dumping of waste in illegal landfill that exists more than seven years on location Vasove vode.

Punishment of Beranselo citizens represents an obvious injustice because they were by “obstructing” the officials in performing of illegal acts, actually defending the legal order of the ecological state Montenegro, that anticipates the rule of law especially in terms of environmental protection, by Constitution, a series of laws including Criminal Code and ratified international treaties.

There is no doubt that in time of bringing, judicial proceedings and punishing of citizens for opposition to illegal waste dumping, the landfill on location Vasove vode didn't meet the requirements of Article 78 of Law on Waste Management and therefor it could not be considered for “temporary landfill”. In support to this claim we attach the report of environmental inspector, March 1, 2013 (Attachment 2).

After they depleted all institutional procedures, including local referendum, misdemeanor and criminal charges, Beranselo citizens didn't have any other option but to try to prevent in nonviolent protest further threat to the environment and people's health, which is a good practice in all democratic countries in the world, also guaranteed by the Constitution of Montenegro.

It is essential that bringing of the citizens by the Police department, regional unit Berane, and assistance given to Municipal Police and Public utility company Berane, was conducted on the basis of the decision of Municipal Police, which allowed the illegal dumping of different types of unselectively collected and hazardous waste on location Vasove vode. This decision was never available to Beranselo citizens despite the demands of their local community.

We emphasize that location Vasove vode is used for seven years as illegal landfill of hazardous waste, which doesn't fulfill the requirements of Article 78 of Law on Waste Management and therefor can't be treated as temporary disposal of municipal waste from territory of Municipality Berane.

Records of the inspection bodies, environmental and veterinary inspectors, confirm the fact that hazardous waste – medical, animal and other hazardous waste (electronic devices, waste tires, waste oil) was continuously being disposed in last seven years in this illegal landfill and in that way was violated the Law on Waste management and Veterinary Law. (Attachments 3 and 4)

Bearing in mind all of the above, it is understandable why Beranselo citizens, worried for their health and preservation of environment, have used their guaranteed right to peaceful assembly and protest, after it was obvious that relevant institutions don't react adequately on continuous violation of Law on Waste Management, Environmental Law, Criminal Code, Constitution and number of international conventions.

Illegal landfill of hazardous waste Vasove vode is close to river Lim, which is by Declaration on the Protection of the Danube River Basin under international protection, there is no doubt that illegal dumping of different types of waste has trans-boundary adverse impact on the environment. All this confirms concerns of Beranselo citizens and justifies their initiative to protect in every democratic way their right to live in healthy environment, which is also of regional importance.

Bearing in mind all the above, as well as the fact that this is a systemic problem where Beranselo citizens are victims of continuous inefficient and selective application of laws, administrative silence and failure to take prescribed measures by relevant institutions, we urge you to:

- 1) Obtain the opinion of the Ministry of Justice and give pardon to all listed citizens of local community Beranselo who are punished;
- 2) Provide immediate interim solution for temporary landfill in agreement with local authority that will be in accordance with Law on Waste Management.

We hope that you will appreciate this initiative and help to correct the injustice that has been done and to ensure the protection of the constitutional order of Montenegro.

Yours sincerely,

On behalf of Local community Beranselo and Environmental movement "OZON",

Aleksandar Perović, executive director

LIST OF NGOs THAT SUPPORT THE INITIATIVE:

Akcija za ljudska prava, Tea Gorjanc Prelević, executive director

Anima, Ljupka Kovačević, executive director

Mreža za afirmaciju nevladinog sektora (MANS), Zorica Čeranić, director of citizens' initiatives

Građanska Alijansa, Milan Radović, coordinator of human rights program

Green Home, Jelena Marojević, program director

Centar za ženska prava, Maja Raičević, executive director

Expreditio, Biljana Gligorić, program director

Sigurna ženska kuća, Ljiljana Raičević, executive director

Crnogorski komitet pravnika za zaštitu ljudskih prava, Velija Murić

NGO network from north (25 NGOs from municipalities in north), Milorad Mitrović, coordinator of network, NVO Breznica, Pljevlja

Savez slijepih Crne Gore, Goran Macanović, executive director

Savez organizacija gluhih i nagluhih Crne Gore, Darko Mijušković, president

CEDEM, Marija Vuksanovic,

Udruženje lica sa tjelesnim invaliditetom Crne Gore, Andrija Marićević, president

Prima , Aida Perović-Ivanović, executive director

Viva Vita – Pljevlja, Zagorka Kalović, president

Savez udruženja paraplegičara Crne Gore, Nataša Borović, president

Omladinski centar Herceg Novi

Udruženje Plegije Nikšić, Milenko Vojičić

Montenegro Adventures, Slavica Vukčević, executive director

Mediterranski centar fotografije, Anto Baković, president

Odbor za zaštitu Dragišnice, Velizar Kasalica, president

Centar za političku edukaciju, Dragiša Janjušević, president

Humanitarac, Slobodan Simović, president

Udruženje mladih sa hendikepom Crne Gore, Marina Vujačić, executive director

Udruženje za djecu sa posebnim potrebama, Cica Žugić, executive director

Društvo mladih ekologa Nikšić, za Miodrag Karadžić president

INITIATIVE WAS ALSO SIGNED BY:

Božidar Vučinić, dipl.ing.geologije, author of the study Site selection for regional sanitary landfill for municipalities Berane, Rožaje, Andrijevica i Plav



ATTACHMENTS:

- **Attachment 1** – List of Beranselo citizens who are sentenced to fines and prison
- **Attachment 2** – Report of Administration for Inspection Affairs, Department of Environmental Inspection
- **Attachment 3** – Report of environmental inspector
- **Attachment 4** – Report of veterinary inspector

CONTACT PERSON:

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