

**Tea Gorjanc-Prelević**  
To: Sonja DIEZ  
Cc: Natasa Radonjic  
Re: Get well soon

1 Sep 2015 15:58  
[Hide Details](#)

Dear Sonja,  
sorry you have to work immediately...  
Please see my comments below  
Best from London

Tea Gorjanc Prelević  
Izvršna direktorica / Executive director

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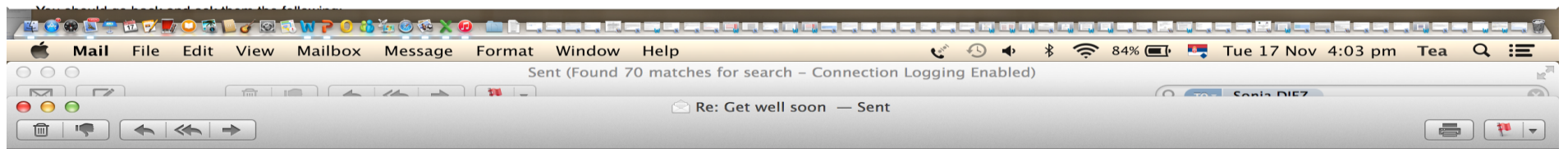
On 01 Sep 2015, at 07:41, <[Sonja.DIEZ@ec.europa.eu](mailto:Sonja.DIEZ@ec.europa.eu)> <[Sonja.DIEZ@ec.europa.eu](mailto:Sonja.DIEZ@ec.europa.eu)> wrote:

Dear Tea,

Thanks for your kind wishes. I am back in the office now.

By the way, I asked the MNE authorities about the legal basis for appointing Branka Lakocevic President of the Administrative Court and for giving the Judicial Council the discretion to appoint other candidates than the ones with the best result. This is what they replied (for your eyes only) - NO PROBLEM

1) Ms. Branka Lakocevic has been appointed for the President of the Administrative Court on the basis of the Law on the Judicial Council ("Official Gazette of Montenegro", 39/11, 31/12, 46/13, 51/13), and the Law on Courts ("Official Gazette of Montenegro", no. 22/2008, 39/2011 and 46/2013). Since Ms. Lakocevic hasn't been a judge, a written test has been conducted in accordance with Article 34 of the Law on the Judicial Council. The procedure has been carried out using the criteria of Article 31, 32, 32a and 32b.



You should go back and ask them the following:

Art. 32b - Criteria for appointment of the president of court - states that the president needs to fulfil criteria from Art. 32a - Criteria for appointment of the judge that is being promoted

Do you have the law in English? In short, those criteria are: 1) acquired knowledge ... 2) ability to perform judicial function, assessed according to sub-criteria: a) professional experience; **b) results of work in the last 3 years that are assessed in accordance to: the number and type of decided cases and method of deciding; the number of approved (confirmed), overturned or quashed decisions... percentage of completed cases with regard to orientation criteria; deciding of cases on priority; timely performance ...** SO CLEARLY ALL THOSE BOLDED CRITERIA/SUB-CRITERIA MAY ONLY BE FULFILLED BY A JUDGE. FROM WHAT I HAVE HEARD - BUT PLEASE ALSO AMONG US AS I HAVE TO PROTECT MY SOURCE, SHE WAS AWARDED MORE POINTS ON THIS PARTICULAR CRITERIA (b) THAN THE OTHER TWO COMPETING JUDGES!!! Btw, Branka was never ever a judge, she worked for the Ministry of Justice from 1991. - as you can see from the web site of the Ministry of Justice.

THEY WOULD NOT SUE... I AM SO SORRY, BUT THAT IS THE REALITY. THEY DO NOT FEEL THEY ALONE COULD CHANGE THE WILL OF THE POWERFUL WHO PROMISED BRANKA THE POSITION

I HAVE ALSO HEARD THAT EVERYONE KNOWS WHO ARE GOING TO BE NEXT TWO JUDGES OF THE ADMINISTRATIVE COURT - EVEN BEFORE THE COMPETITION WAS ANNOUNCED!

I have indeed heard even before summer that the girl from the Ministry of Justice - Nataša Radonjić - will become a judge there, that its a deal...

I am so glad you are at least interested.

Best regards,

Tea

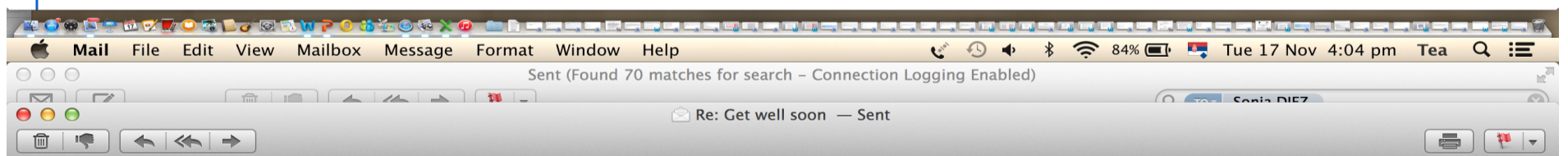
2) The Constitution of Montenegro in Article 128 stipulates that the Judicial Council appoints and dismisses judges and presidents of courts and that decisions are made by a majority vote of all members of the Judicial Council. Law on Judicial Council stipulates in Article 35 that the Commission of the Judicial Council shall form a list of candidates who have achieved satisfactory results, on the basis of evaluation criteria and sub-criteria with which the Judicial Council appoints judges and court presidents. However, there are no specific legal obligations that elections should follow the list of candidates.

TRUE, BUT SHAME OF THEM FOR NOT MAKING SUCH A MORAL DECISION TO OBEY THE EVALUATIONS THEY THEMSELVES DID - ALTHOUGH THOSE ARE ALSO NOT BASED ON ANY INDICATORS AND ARE IN THEMSELVES ARBITRARY. AND THEY CANNOT EVEN AGREE ON OBEYING THOSE. JUDICIAL COUNCIL IS A SHAM.

It will be important to insist for the secondary legislation on appointment and promotion of judges that the Judicial Council will be obliged to follow the ranking of candidates based on the competition results!

HOPEFULLY LUCA PERILLI WILL SIDE WITH US AND NOT THEM. AS YOU KNOW I AM NOT AT ALL HAPPY WITH THE LAWS HE ADVISED ON. I AM SORRY THAT I HAVE TO BE SO BLUNT, BUT WHAT WE ARE COMBATING HERE ARE THE WAYS OF A PRIVATE STATE AND PRIVATE JUDICIARY ORDERED BY THE HEAD OF SUPREME COURT FOR THE PM. WHOEVER THINKS OTHERWISE IS NAIVE. THE PRESIDENT OF THE JC WAS THE GENERAL SECRETARY OF DPS AND 2 YRS AGO STILL REPORTED ON INTERNET AS HEAD OF DPS COMMISSION FOR THE RULE OF LAW!

Kind regards,



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Kind regards,

Sonja

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**From:** Tea Gorjanc-Prelević [<mailto:tea@hracion.org>]  
**Sent:** Monday, August 31, 2015 1:46 PM  
**To:** DIEZ Sonja (NEAR)  
**Subject:** Get well soon

Dear Sonja, sorry to see you are on sick leave. I hope it is not serious? Get well soon  
With best wishes

Tea

Sent from my iPhone

Begin forwarded message:

**From:** <[Sonja.DIEZ@ec.europa.eu](mailto:Sonja.DIEZ@ec.europa.eu)>  
**Date:** 31.08.2015. 13.06.20 GMT+2  
**To:** <[hra@t-com.me](mailto:hra@t-com.me)>  
**Subject:** Automatic reply: HRA AND MONTENEGRO COMMITTEE OF LAWYERS FOR THE PROTECTION OF HUMAN RIGHTS AT THE OCCASION OF THE INTERNATIONAL DAY OF VICTIMS OF FORCED DISAPPEARANCES: REMAINS OF VICTIMS OF CRIMES IN MONTENEGRO STILL NOT FOUND

Thank you for your message. I am on sick leave. For urgent matters please contact the unit B1 secretariat (+32 2 29 59438).

Best regards,

Sonja Diez

