

PRESS ANNOUNCEMENT ON THE OCCASSION OF PROPOSED AMENDMENTS TO THE PROPOSAL OF THE CRIMINAL PROCEDURE LAW

On 22 June 2009 the Human Rights Action (HRA) delivered proposal of 18 amendments on the Government's Proposal of Criminal Procedure Law to the members of the Parliament's Political System, Judiciary and Administration Committee and chiefs of all MP's clubs. The Parliament will be deciding on the Proposal of the Criminal Procedure Law upon deliberation by the committees.

In May 2008 HRA delivered 26 proposed amendments to the Ministry of Justice on the Draft Criminal Procedure Law, and some of those proposals were indeed adopted by the Ministry. However, HRA considers that to be insufficient and believes it would be necessary for the Parliament to consider the 18 proposed amendments to the end of protection of some minimal human rights guarantees from international treaties and already reached level of human rights guarantees in Montenegro.

In summary, the HRA proposed that the Criminal Procedure Law should explicitly guarantee the right of free assistance of an interpreter throughout the whole procedure to the person under criminal charge and other participants in the procedure who do not understand the language of the domestic court; to provide an obligation of the prosecutor, or the president of court, to dismiss appointed legal representative if the one obviously inefficiently performs his or her duty; to secure the right of defence to access, review and copy the case file; to explicitly provide the right of journalists of non-disclosure of their sources of information, i.e. that they cannot be heard as witnesses under such circumstances; to stick to existing limits on the duration of detention following the indictment and the delivery of the first instance verdict; to allow the defendant to file the Request for Protection of Legality, in order to make this irregular remedy an effective legal remedy in accordance with the findings of the European Court of Human Rights, etc.

The proposed amendments were prepared for HRA by the attorney at law Radomir Prelevic, Ph.D., and Tea Gorjanc Prelevic, LL.M., editor of programs of HRA.

The complete text of the amendments is available only in Montenegrin language at the web site of the HRA: www.hraction.org.