

THIRD ELECTION OF VESNA MEDENICA AS PRESIDENT OF THE SUPREME COURT OF MONTENEGRO GROSSLY VIOLATES CONSTITUTION

By electing Ms. Vesna Medenica for the third time as President of the Supreme Court of Montenegro, the Judicial Council grossly violated the Constitution, which prohibits in Article 124 (5) the same person from being elected more than twice for the post ("The same person may be elected the president of the Supreme Court no more than two times").

The Judicial Council elected the President of the Supreme Court without any reasoning regarding constitutionality of the candidacy, as would have a politburo in a one-party system, although 11 non-governmental organizations, law professors and other prominent lawyers from Montenegro and the region had publicly warned in due time and with reasoning that the candidacy of Ms. Medenica had been unconstitutional.

By this decision, members of the Judicial Council acting with one voice and without explanation repealed the Constitution of Montenegro, aware that there would be no legal review against their decision, as there had been no other candidate for the same function who could file legal remedy.

We may only conclude that the Constitution had been abolished and to warn the public that instead of the rule of law what we have is rule of political power, overriding general interest for personal gain. The result is devastating for Montenegro, especially as it comes from those whose job is to secure the independence of the judiciary and provide for equal application of the Constitution and law to everyone.

The Judicial Council has definitely been compromised as a puppet body, while the post of the President of the Supreme Court is usurped. It is furthermore devastating that the candidate was unanimously proposed by the General Session of the Supreme Court (all 18 judges) without any explanation as to the constitutionality of the candidacy.

For those who still do not get it, let us repeat: In July 2013, by an amendment that had immediately come into force, the Constitution of Montenegro prohibited the appointment of the same person more than twice as president of the Supreme Court. Thus, an important democratic institution was adopted in order to "prevent inappropriate concentration of power", as explained by the Venice Commission. However, this universally accepted democratic custom will not apply to those of us living in Montenegro during the Vesna Medenica's presidency, who by the end of her third term will be 17 years in the same post and who will have concentrated such personal power that should cause deepest concern for every reasonable and objective observer.

11 NGOs:

Human Rights Action (HRA), **Tea Gorjanc Prelević**, Executive Director

Network for Affirmation of NGO Sector MANS, lawyer Veselin Radulović, legal representative

Institute Alternative, **Stevo Muk**, President of the Managing Board

Committee of Lawyers for the Protection of Human Rights, lawyer **Velija Murić**, Executive Director

ANIMA – Centre for Women’s and Peace Education, **Ervina Dabižinović**, Coordinator

Adamas, **Katarina Bošković**, Executive Director

Center for Civil Liberties, **Boris Marić**, Director

Association for Protection and Promotion of Citizen’s Rights “Legal Representative”, **Budislav Minić**, executive legal representative

Media Centre, **Goran Đurović**, Director

Centre for Civic Education (CCE), **Daliborka Uljarević**, Executive Director

Center for Development of Non-Governmental Organizations, **Ana Novaković**, Executive Director

NOTE: The eleven NGOs sent a letter to the Judicial Council on 31 May 2019 outlining reasons for unconstitutionality of the candidacy of Ms. Medenica for her third mandate as president of the Supreme Court.