



UDRUŽENJE PRIREĐIVAČA IGARA NA SREĆU CRNE GORE - NVO
ASSOCIATION OF GAMBLING PROVIDERS MONTENEGRO - NGO

Sjedište: Podgorica Crna Gora Adresa: Rimski trg br. 50
PIB 02848767 Žiro račun: 520-5138-84 Hipotekarna banka

UDRUŽENJE PRIREĐIVAČA IGARA NA SREĆU CRNE GORE - NVO
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DELEGACIJI EVROPSKE KOMISIJE U PODGORICI
KANCELARIJI OEBS-a
SYM AMBASADAMA ZEMALJA EU
Broj 186
Podgorica 9. 12. 2014. god.

OSCE

No. 64/12
Podgorica 09. 12. 2014. g.

Predmet: Apel za pomoć - za poštovanje ustavom zagarantovanih prava i sloboda

Poštovana gospodo,

Predstavljajući bitne detalje, argumente i dokaze, potkrepljujući isto obimnom originalnom dokumentacijom, obraćali smo se više puta do danas **Delegaciji Evropske Komisije** u Podgorici i **kancelariji OEBS-a** sa APELOM za pomoć u situaciji brutalnog kršenja ljudskih prava i sloboda i diskriminacije od strane Skupštine Crne Gore i nadležnih državnih institucija.

U par navrata, imali smo pažnju ambasadorke OEBS-a, gospođe **Janine Hrebičkove** i gospodina **Alberta Kamarate** iz Delegacije EK. Primili smo Vaše sugestije i savjete da potražimo pomoć kod nacionalnih institucija. Obratili smo se Zaštitniku ljudskih prava i sloboda Crne Gore (u daljem tekstu: Zaštitnik), Odboru za ljudska prava i slobode Skupštine Crne Gore, nadležnom Ministarstvu za ljudska i manjinska prava i Savjetu za zaštitu od diskriminacije. Podnijeli smo i tužbu protiv države Crne Gore nadležnom sudu u Podgorici. Svaki vaš savjet i preporuku slijedili smo veoma pažljivo i sa dužnim poštovanjem.

Na žalost, umjesto pomoći i primjene Zakona, mi i dalje **trpimo diskriminaciju u Skupštini Crne Gore** i to podržanu teretom političke dominacije, zloupotrebom ovlašćenja u političke i druge svrhe od strane poslanika i nadležnih državnih institucija, dok direktnu diskriminaciju posebno trpimo i od **kancelarije Zaštitnika**. U međuvremenu, **presudom Osnovnog suda u Podgorici br. P4407/13 od 28. oktobra 2014.** utvrđeno je da je "organ tužene, Skupština Crne Gore dana 29. i 30. jula 2013.g. diskriminatorski postupala prema tužiocima Savi Grboviću, NVO UPIŠ i Sandri Milić i ZABRANJUJE tuženoj ponavljanje radnje diskriminacije prema istim tužiocima" – kraj citata iz Presude, čiju kopiju vam šaljemo u prilogu.

Dana 4. novembra 2014.g., na 37. sjednici Odbora za ljudska prava i slobode mi smo ponovo na brutalan način pretpjeli akt diskriminacije u Skupštini. To je kod nas izazvalo veliko uznemirenje i produžilo osjećaj diskriminisanosti, poniženosti i obespravljenosti. Sve to, suprotno Poslovniku, praksi, Ustavom i zakonom zagarantovanim pravima i slobodama, a u prisustvu i na očigled Zaštitnika ljudskih prava i sloboda, predstavnika nadležnih državnih institucija i tijela, kao i predstavnika Delegacije Evropske Komisije u Podgorici.

Da stvar bude još strašnija, pored ponavljanja akta diskriminacije, bez ustezanja i pred kamerama (**vidjeti na linku: <http://www.youtube.com/watch?v=fNhdNb-6ABs>**) - mi već duže vrijeme, kroz nepostupanje i nečinjenje, trpimo direktnu diskriminaciju od strane Zaštitnika, koji umjesto da postupi u konkretnom predmetu i slučaj okonča, uporno propušta da upotrijebi zakonom propisana ovlašćenja, projektuje i simulira navodno (ne)postupanje u slučaju, bez primjene konkretnog materijalnog prava na koje ga obavezuje Zakon. Sve to čini na način simulirajući navodnu namjeru postupanja, dok faktički zapravo čini sve da stvar "zataška" i bez namjere da sprovede postupak, svjesno izbjegavajući da upotrijebi Zakonom propisana ovlašćenja i okonča predmetni slučaj.

[**Apel za pomoć - za poštovanje ustavom zagarantovanih prava i sloboda**]

S tim u vezi, **OBAVJEŠTAVAMO VAS** da smo dana 26.11.2014. 2014.g. lično podnijeli Zaštitniku **Pritužbu na novi akt diskriminacije u Skupštini Crne Gore**, koji se dogodio na 37. sjednici Odbora, od 4.11.2014.g. (kopija Pritužbe sa obrazloženjem u prilogu), kao i **Pritužbu na akt diskriminacije od strane Zaštitnika** u konkretnim (gore pomenutim) slučajevima (kopija Pritužbe sa obrazloženjem u prilogu).

Ovim putem **APELUJEMO** na vas da se uključite u proces nadgledanja pomenutih slučajeva diskriminacije i direktne zloupotrebe ovlašćenja od Skupštine Crne Gore, kancelarije Zaštitnika i nadležnih državnih organa, a na uštrb vladavine prava i ljudskih prava i sloboda građana, koji u funkciji političke dominacije i drugih interesnih projekcija proizvode žrtvu, trpljenje i štetu. Ovo je parekselans pitanje vladavine prava i zbog toga **APELUJEMO** na vas da se, u skladu sa vašom misijom i poslom, **kod nadležnih institucija interesujete o bitnim zloupotrebama zakonskih ovlašćenja i pomognete da se spriječe dalji akti diskriminacije prema nama i da načelo jednakosti zaživi u praksi, jednako prema svim građanima.**

Tim povodom **tražimo hitan sastanak** kod delegacije Evropske Komisije u Podgorici i u kancelariji OEBS-a, kako bi vam u direktnoj komunikaciji prenijeli našu strepnju i duboku uznemirenost povodom nastavljanja akata diskriminacije prema nama, kao i nemogućnosti da pred nadležnim institucijom Zaštitnika, Skupštine Crne Gore i nadležnih državnih organa ostvarimo Ustavom i zakonima zagarantovana prava i slobode.

S poštovanjem,
Marko Piletić, predsjednik UPIS-a

Prilozi:

- Akt naš br. 179 od 26.11.2014./Zaštitniku ljudskih prava i sloboda /Pritužba zbog diskriminacije
- Akt naš br. 180 od 26.11.2014. /Zaštitniku ljudskih prava i sloboda /Pritužba
- Akt naš br. 181 od 26.11.2014. /Zaštitniku ljudskih prava i sloboda /Pritužba
- Akt naš br. 182 od 4.12.2014. /Odboru za ljudska prava i slobode
- Akt naš br. 183 od 5.12.2014. /Ministarstvu za ljudska i manjinska prava
- Akt naš br. 184 od 5.12.2014. /Savjetu za zaštitu od diskriminacije

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OSCE

No. 011/R

Podgorica, 09.12. 2014. g.

Broj 186

Podgorica, 09.12. 2014. god.

TO EUROPEAN COMMISSION DELEGATION IN PODGORICA,
OSCE OFFICE,
ALL EMBASSIES OF EU MEMBER STATES

Subject: Appeal for assistance – respect for constitutionally guaranteed rights and freedoms

Dear Sirs,

Presenting important details, arguments, and evidence substantiated by the extensive original documentation, we addressed several times to the **European Commission Delegation** in Podgorica and the **OSCE office** with the **APPEAL** for assistance in the situation concerning the brutal violation of human rights and freedoms and discrimination committed by the Parliament of Montenegro and the competent state institutions.

On several occasions, we had the attention of the OSCE Ambassador Mrs. **Janina Hrebickova** and Mr. **Albert Kamarata** from the European Commission Delegation. We received your suggestions and advices to seek support from the national institutions. We, also, addressed to the Protector for Human Rights and Freedoms of Montenegro (hereinafter referred to as: Protector), the Committee on Human Rights and Freedoms of the Parliament of Montenegro, the competent Ministry of Human and Minority Rights and the Council for protection against discrimination. We filed a lawsuit against the state of Montenegro before the competent court in Podgorica. We extremely carefully and respectfully followed all your advices and recommendations.

Unfortunately, instead of assistance and implementation of Law, we still suffer from discrimination in the **Parliament of Montenegro**, which is supported by the weight of political domination, abuse of authority for political and other purposes of the MPs and competent state institutions, while we especially suffer a direct discrimination from the **Protector's Office**. In the meantime, with the judgment of the **Basic court in Podgorica, No. P4407/13 dated 28 October 2014** it was determined that "the defendant's institution, the Parliament of Montenegro, on 29 and 30 July 2013, acted discriminatory against the claimants Sava Grbović, NGO UPIS and Sandra Milić and FORBIDS the defendant from repeating the act of discrimination against the same claimants" – end of quotation from the Judgment, which copy we enclosed in the annex.

At 37th Meeting of the **Committee on Human Rights and Freedoms held on 4 November 2014**, we again suffered brutal act of discrimination in the Parliament. We were very anxious and it caused further feeling of discrimination, humiliation and deprivation of rights. All that, contrary to the Rules of Procedure, practice, constitutionally and legally guaranteed rights and freedoms, and in the presence of the Protector of Human Rights and Freedoms, representatives of the relevant state institutions and bodies, as well as the representatives of European Commission Delegation in Podgorica. To make the matter even worse, besides the repeated act of discrimination, without hesitation, and in front of the cameras (see the link: <http://www.youtube.com/watch?v=fNhdNb-6ABs>) for a long period of time, we suffer from the direct discrimination committed by the Protector, by his failure to act, who, instead of acting in the particular case and trying to close the case, has been persistently failing to use his competencies prescribed by the law, projecting and simulating alleged (in)action in the case, not applying the substantive law.

[Appeal for assistance – respect for constitutionally guaranteed rights and freedoms]

He did all these in a manner of simulating the alleged intent to act, while, in fact, he did everything to "cover up" the matter and not wanting to carry out the proceeding, intentionally avoiding to use his authority prescribed by law and to close the case.

In this regard, **WE INFORM YOU** that on 26/11/2014, we personally filed a **Complaint** to the Protector on a **new act of discrimination in the Parliament of Montenegro**, which took place at the 37th Meeting of the Committee held on 4/11/2014 (a copy of the Complaint with the reasoning is given in the Annex), as well as the **Complaint on the act of discrimination committed by the Protector** in the particular (above mentioned) cases (a copy of the Complaint with the reasoning is given in the Annex).

We hereby **URGE** you to get involved in the monitoring process of the mentioned cases of discrimination and direct abuse of power of the Parliament of Montenegro, the Office of the Protector and the competent state authorities, and to the detriment of the rule of law and human rights and freedoms of citizens, who in function of political domination and other interest projection produce sacrifice, suffering and loss. This is par excellence question concerning the rule of law and therefore we **URGE** you to, in compliance with your mission and work, **ask the competent institutions about the abuse of legal powers and help to prevent future acts of discrimination against us so that the principle of equality be applied in practice, equally for all citizens.**

On this occasion, we **ask an urgent meeting** with the Delegation of the European Commission in Podgorica and the OSCE representatives, in order to directly convey to you our misgiving and deep concern concerning the continuation of acts of discrimination against us, as well as an inability to, before the competent institution of the Protector, the Parliament of Montenegro and the competent state authorities exercise our rights and freedoms prescribed by the Constitution and laws.

Respectfully,

Marko Piletić, Chairman of UPIS

Annexes:

- Act our No.179 dated 26/11/2014, to the Protector of Human Rights and Freedoms / Complaint on discrimination
- Act our No. 180 dated 26/11/2014, to the Protector of Human Rights and Freedoms / Complaint
- Act our No.181 dated 26/11/2014, to the Protector of Human Rights and Freedoms / Complaint
- Act our No. 182 dated 4/12/2014, to the Committee on Human Rights and Freedoms
- Act our No. 183 dated 5/12/2014, to the Ministry of Human and Minority Rights
- Act our No. 184 dated 5/12/2014, to the Council for protection against discrimination

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