



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

EUROPEAN UNION
DELEGATION OF THE
EUROPEAN UNION TO MONTENEGRO
Attn: Alberto Cammarata, Head of Political Section
Ul. Vuka Karadžića br.12, Podgorica

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

Broj 42
Podgorica 18. 2. 2015. god.

Subject: Discrimination

Dear Mr. Cammarata,

NGO "UPIS" would like to inform You that on 3 February 2015, on behalf of this organization, 200 economic and legal entities which are the members of NGO "UPIS" and 18,000 citizens filed the Complaint to the Protector of Human Rights and Freedoms of Montenegro regarding the repeated act of violation committed by the Parliament of Montenegro, respectively the Head of the Parliament, lawyer Ranko Krivokapić, on 27 December 2014, by adopting the Law on Amendments to the Law on Personal Income Tax and executing the action (of antedating) concerning the publication of the aforementioned Law in the Official Gazette of Montenegro on 19 January 2015.

In the Complaint it was presented in detail and with arguments that it was about the act of repeated discrimination since July 2013, committing discrimination of an extended duration, gross violation of the equality of citizens before the law and the different treatment without an objective and reasonable justification by the Head of the Parliament, respectively, lawyer Ranko Krivokapić, with misuse of public authority, laws and other means which were regulated and protected by the public authorities. Filed Complaint describes a whole range of violated rights and freedoms, such as violation of the principles of equality, violation of the principle of "vacatio legis" violation of the principle of legal certainty and the principle of proportionality, the violation of the constitutional guarantees in accordance with the Article 8, Article 9, Article 16, Article 17 and 145 of the Constitution of Montenegro, violation of the principle of non-discrimination and violation of basic human rights and freedoms. The Complaint points out the repetition and the prolonged act of discrimination done by the public authorities – the Parliament of Montenegro, respectively the Head of the Parliament, lawyer Ranko Krivokapić, and propagating discrimination and encouraging inequality with the aim of causing serious consequences for the discriminated person, other persons and property, citizens, public interest, budget, human rights and freedoms, legal security, economic stability and the rule of law.

Additionally, it was pointed to the brutal violation of the principle of non-discrimination and neglecting the explicit prohibition of the Basic Court in Podgorica (judgment No. P4407/13, dated 28 October 2014) which, with the first instance judgment, found that the Parliament of Montenegro, on 29 and 30 July 2013, made the act of violation and by which it was prohibited the Parliament of Montenegro, respectively its Head, lawyer Ranko Krivokapić (first among equal) and other Members of the Parliament (equals to the first), including the Committee, as an informal legal-political body, which function should be to improve the work of the largest legislative body – the Parliament of Montenegro, the repetition of the act of discrimination.

The Complaint was filed on 7 pages (excluding the attached documents) and in detail, with arguments and in professional way it stated the facts and proofs supporting the Complaint, demanding from the Protector of Human Rights and Freedoms of Montenegro to act urgently and use the mechanism for the protection against the discrimination by means of law or through violation of public authorization which were regulated and protected by the public authority.

The Law on Amendments to the Law on Personal Income Tax violates fundamental human rights and freedoms which, above all, are guaranteed by the Constitution of Montenegro, because it cannot be proved a reasonable proportionality between the used means and the intended objective to be achieved, and therefore the Law fails the test of proportionality. Additionally, this Law does not meet the requirement of the principle of legal certainty as the prerequisite for meeting the requirements of the principle of proportionality, which jointly violates the concept and principle of non-discrimination, fundamental human rights and freedoms and the rule of law, and because of its vagueness, imprecision, unpredictability and non-applicability, instead of security, the

Law gives way to the precarious legal position, contrary to the rule of law and the public interest. In particular, we had also the case of the gross violation of legislative procedure of adopting and entering into force of the aforementioned Law, which provided that the Law must be applied from 1 January 2015, while it was published in the Official Gazette of Montenegro only on 19 January 2015, which caused the gross violation of the principle "vacatio legis" and constitutionally guaranteed right, which prohibited the retroactive application of the law.

The UPIS informed the broadest national and international public, professional public, competent institutions, embassies, and especially the EU Delegation in Podgorica about all these facts and evidence.

UPIS again addressed the Ministry for Human and Minority Rights, Council for Protection against Discrimination, Committee on Human Rights and Freedoms of the Parliament with a request for immediate reaction and engagement concerning the elimination of all harmful consequences for us and stopping further discrimination.

We seriously suffer as discriminated persons, our fundamental human rights and freedoms have been brutally abused, we experience suffering and discrimination which is repeated and prolonged.

Sincerely,
UPIS



Marko Piletić, Chairman

Annex:
To the Protector of Human Rights and Freedoms of Montenegro Šučko Baković/ Complaint
(Act No. 27 dated 3 February 2015., No. 28 dated 3 February 2015.)