

4. Case study:

CRIMINAL OFFENCE VIOLATION OF THE RIGHT TO BE INFORMED ON ENVIRONMENT



This case study shows the attitude of the state prosecutor's office towards the first proceeding initiated based on the criminal offence violation of the right to be informed on the state of the environment. It provides evidence for the fact that the state prosecutor's office abandoned charges stating that the requested documents do not exist, although Privatization Strategy of the Aluminium Plant and the Council for Privatization claim the contrary.

Criminal Code, Article 317, paragraph 1

Anyone who contrary to regulations does not provide data or provides untrue data on the state of the environment and the phenomena which are necessary for the assessment of danger for the environment and for taking measures for the protection of life and health of people, shall be liable to a fine or imprisonment for a maximum term not exceeding one year.

By the decision number 04-662/06-2 as of April 07 2006 signed by **Nada Mugoša, Deputy Minister for Environment Protection and Space Development**, the request for information submitted by MANS on February 09 2006 requesting the following information :

- A copy of documents including results of due diligence analysis "**Determining of the current state of the environment**", which was made up in the period of preparation of the Aluminium Plant for Privatization,
- A copy of the document including the results of due diligence analysis "**Environment impact assessment**" made in the period of preparation of the Aluminium Plant for privatization

was rejected with the explanation that the **requested information is not in the possession** of the Ministry of Environment Protection and Space Development.

On March 28 2006 Center for eco-toxicological research (CETI) refused to submit **A study of the of the zero state of the environment of the Aluminum Plant with the explanation** that the requested information is possessed by the Government of Montenegro and that we should address the Ministry in order to obtain it. After that we informed CETI that the requested Study is proper information of CETI and that it is obliged to make it public.

By the decision as of April 25 2006 signed by Ana Mišurović, as the Director of CETI, access to information was refused again with the explanation that the Study was developed upon a request and for the needs of the Ministry for Environment Protection and Space Development and that the report on the analysis of samples has to be submitted or reported exclusively to the party ordering the analyses, and that publishing of such information would significantly jeopardize the commercial and economic interests of CETI as stated in Article 4 paragraph 1 line 3 of the Rulebook on Business Secret of CETI.

On July 03 2006 MANS submitted a **crime report** against Nada Mugoša, Deputy Minister for Environment Protection and Space Development and the Director of the Centre for Eco-toxicological Research **because they refused to submit information on the state of the environment and phenomena necessary for the assessment of danger for the environment and undertaking of measures for protection of the environment and the health of people whereby they committed a criminal act of violation of the right to be informed on the state of the environment.**

Excerpt from the crime report submitted on July 3 2005 referring to N. Mugoša:

According to Article 14 of the Regulation on Organization and Manner of Work of Public Administration the **Ministry for Environment Protection and Space Development, among other, performs administration affairs** referring to the **system of environment protection; monitoring of the state of the environment; information system of the environment; cadastre of pollutants...**

The site of the Ministry for Environment Protection states that **operative activities of the Sector for Environment Protection** (www.mepp.vlada.cg.yu/vijesti.php?akcija=vijesti&id=75) are **monitoring of the state of the environment** on the whole and per segments, proposal of remedial measures, protection and improvement of environment quality, preparation of information, analyses and opinions in the field of environment, determining of standards and norms of environment quality, performance of control affairs, performance of direct supervision over enforcement of law and other regulations, and undertaking of measures for removal of determined irregularities.

The Ministry must possess the requested documents because they represent the base for implementation of operative activities of the Sector for Environment Protection as regards the biggest pollutant in Montenegro, the Aluminum Plant.

The Ministry for Environment Protection and Space Development according to Article 23 paragraph 3 and Article 8, item 17 of the Law on Environment Protection conducts **a cadastre of pollutants, so it must also possess data on pollution by KAP included in the requested due diligence analyses.**

Also, according to Article 25 of the Environment Law, the Ministry keeps an **information system on the environment** which should include all the data on the environment, including data of domestic and foreign institutions and international organizations, thus **it is obliged to possess also the results of due diligence analysis.**

Besides, the Ministry for Environment Protection and Space Development **organized a public debate** during the privatization process of the Aluminum Plant on the topic of environment in the vicinity of KAP at which the consultants engaged for development of due diligence analysis presented the draft of that document. According to this, the Ministry participated in the due diligence analysis elaboration, so **it is not possible for it as the competent institution not to possess the final document.**

According to the **Contract on provision of consulting services** in the privatization process of Aluminum plant signed on January 13 2004, item 3.7. of the Part II General Conditions of the Contract, 4. Consultants' Obligations, **all the documents made by the consultants are the property of the Agency of Montenegro for Economic Restructuring and Foreign Investments, i.e. of the Government of Montenegro.**

According to Article 26 of the Environment Law ("Off. Gazette RoM", no. 12/96, 55/00) **all the state bodies which obtained the due diligence analysis and all other acts referring to environment pollution by KAP were obliged to submit them to the competent Ministry, and that is undoubtedly the Ministry of Environment Protection and Space Development.**

Excerpt from the crime report submitted on July 3 2005 which refers to A. Mišurović:

By the decision number 00-23-2777 as of April 25 2006 signed by Ana Mišurović, access was refused to the following information of the **Centre for Eco-toxicological Investigations: Study of zero state of the environment of the Aluminum Plant** with the explanation that it was developed upon a request and for the needs of the Ministry of Environment Protection and Space Development and that reports on analysis samples must exclusively be submitted or reported to the party ordering the analyses, and that publication of these analyses would significantly jeopardize the commercial and economic interests of the Centre as stipulated in Article 4 paragraph 1 line 3 of the Rulebook on Business Secret of the Centre.

It is important to point out that we submitted a request with the same content to the Centre for Eco-toxicological Investigations earlier, on March 23 2006, and that on March 28 2006 we were submitted Act of the Centre number 00-26-2056 as of March 27 2006, signed also by Ms Mišurović, which states that the requested information is owned by the Government of Montenegro and that we should require the information from the Ministry. After that we informed Ms Mišurović that the requested Study is proper information of the Centre and that according to the Law on Free Access to Information it is obliged to make it public. Namely, according to the Law on Free Access to Information, the Centre, as the administration body, undoubtedly possesses the requested information, as proper information, and is obliged to make possible access to that information.

Ms Mišurović thus knew she was violating Article 19 of the Constitution, Article 1, 3, 6 and 8 of the Law on Free Access to Information, Article 7, items 11 and 12 and Article 28 of the Environment Law, and still she signed an act whereby she conscientiously and deliberately, and contrary to provisions, violated the right to be informed on the state of the environment and phenomena which are necessary for assessment of danger for the environment and undertaking of measures of protection of the environment and the health of people, and thus she committed a criminal act as of Article 317, paragraph 1 of the Criminal Code.

Since **one of the basic sources of revenues of the Centre for Eco-toxicological Investigations is precisely the Aluminum Plant**, there is grounded doubt that Ana Mišurović committed a criminal offence of **violation of the right to be informed on the state of the environment with the aim to protect her employers i.e. financiers.**

The prosecutor deemed that only that part of the crime report referring to Nada Mugoša **has grounds and after the investigation it submitted the indicting proposal to the Municipal Court.**

The trial was scheduled for June 15 2007 but it was postponed because Nada Mugoša did not respond to the invitation of the Court.

On September 17 2007 a hearing at courts upon the indicting proposal was held at which the presentation of evidence was done.

On February 14 2008 MANS submitted an official letter to the State Prosecutor asking him to inform us on all the actions undertaken based on the indicting proposal in the phase in which the proceedings is found.

On April 07 2008 the State Prosecutor submitted a response stating that the **proceeding is ended because during the proceeding the prosecutor abandoned the criminal prosecution.**

OSNOVNO DRŽAVNO TUŽILAŠTVO-PODGORICA

Ktr.br. 2o8/o8 -

Podgorica, 1.marta 2oo8. godine

MP/MM

MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA «MANS»
-Izvršnom direktoru Calović Vanji-

PODGORICA
Ul.Dalmatinska br.188

Povodom vaše molbe od 14.02.2oo8.godine, upućene Vrhovnom Državnom Tužiocu Crne Gore, obavještavam vas da je Osnovni državni tužilac u Podgorici, postupio po podnijetim prijavama na sledeći način:

kri 31 od kri dje 28 ko kri zb	<p><i>Crime Report submitted on 14 06 2007 against Ana Misurovic due to the criminal offence violation of the right to be informed about the state of the environment as of Art. 317 para. 1 of the Criminal Code, was refused by the decision Kt. No. 1575/06 as of 28 03 2007 because of non-existence of grounded doubt that the mentioned person committed this criminal offence, while according to the same report against Nada Mugosa due to the same criminal offence an indicting proposal Kt. No 1575/06 as of 28 03 2007 was submitted to Municipal Court in Podgorica according to which that court on 17 09 2007 passed the verdict by which the charges are refused due to abandonment of the criminal prosecution by the Municipal state prosecutor.</i></p>
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Response of the Municipal State Proseccutor submitted on April 07 2008

MANS asked from the Municipal Court in Podgorica the verdict and the minutes from hearing held on September 17 2008.

From the response of the Municipal Court in Podgorica it is evident that at the main hearing, after the presentation of evidence, the prosecutor abandoned the criminal prosecution.

Accroding to the minutes from the trial submitted to us by the Municipal Court, **Nada Mugosa** stated that she received only the Study on the Determininig of the Zero State of Emissions from KAP, which was not done in the period of KAP privatization, and that the document with the title „due diligence“ never arrived to the Ministry. She also states that **documents "Determining of the existing state of the environment" and "Assessment of Influence on the Environment" do not exist in the Ministry.**

Za ovim se konstatuje da okrivljena nakon što je upoznata sa navodima optužbe koji joj se stavljaju na teret izjavljuje sledeće:

U cjelosti ostajem pri navodima svoje odbrane koju sam iznijela pred istražnim sudijom ovog suda na zapisniku Kri.br 1249/06 od 01.12.2007. godine i tim navodima bih još dodala da navedeni rezultati koji se navode u činjeničnom

...i.e. they are not the result submitted to me actually on 21.12.2005, i.e. it is better to say that these documents might somehow be connected, but in any case these are not the same results – documents, since on 21.12.2005 I was submitted a study on determining of zero state of emissions from KAP in the air, land and water from the plants constituting KAP according to sources of pollution. Apart from that the document submitted to me on 21.12.2005 is not the document made

nakon davanja saglasnosti vlade na ugovor i morao je biti usaglasen sa kupcem.

Na pitanje zastupnika optužbe okrivljena se izjašnjava pa kaže:

Ja tvrdim da dokumenti - analiza koje se navode u činjeničnom opisu djela nisu dolazile u naše ministarstvo. Studija koja

...this has nothing to do with the mentioned two studies – results stated in the factual description of the work, and which according to mans were developed by the consultants although I have never seen those results and I am not acquainted with them, since they never arrived to the Ministry of Environment Protection and Space Planning. I claim that no document called „due diligence“ ever arrived to our Ministry, and apart from that, there is no document in the Ministry of Environment Protection and Space Planning titled „determining the current state of the environment“ and „environment impact assessment“.

bilo kakvi rezultati.

The prosecutor proposed as a witness Ana Mišurović who stated that she was at the presentation organized by the Agency for Economic Restructuring and Foreign Investments at which due diligence study was mentioned, but that nobody of those present saw it. Mišurović states that the study of zero state of emissions from KAP has nothing to do with the due diligence analysis.

Konstatuje se da je pred sudom svjedok Mišurović Ana, od oca Dušana i majke Olge, rodjene Dukanac, rođena 19.09.1946. godine u Beogradu, koja nakon što je upoznata sa predmetom svjedočenja, propisno upozorena, upitana izjavi:

As for „due diligence“ study and results, I know nothing about those studies except that in July 2004 I was at a presentation organized by the Agency for Economic Restructuring and Foreign Investments at which those studies were mentioned, i.e. data were presented on the state of the environment but no-one of us present there saw those studies, although the room was full of people. So I do not know anything about those analyses..

multilog stanja emisija iz KAP-a u vazduh, zemijiste i vode iz fabrika u sastavu KAP-a, a koja studija nema nikakve veze sa

Namely, the Government asked from us i.e. from the Centre for Eco-toxicological Investigations to determine the zero state of the environment i.e emissions into the environment at the moment when KAP is taken over since KAP i.e. the new owner was obliged by the Government to realize the program of environment protection in the following five years,

Parts of Minutes from the hearing held on September 19 2007

During the process of Aluminium Plant privatization **the then Ministry for Environment Protection and Space development organized a public hearing on the topic of the state of the environment in the vicinity of KAP, at which the consultant engaged at due diligence analysis development submitted a draft of that document, and Nada Mugoša stated they were submitted all the materials necessary for work.** Accordingly the Ministry participated actively in the due diligence analysis development.

Also, all the state bodies that came into possession of due diligence analysis and all other acts referring to environment pollution by the Aluminium Plant **were obliged** according to the Environment Law **to submit them to the competent Ministry.**

Excerpts from the Article published in the daily "Vijesti" on July 17 2004

At the fourth round table on the privatization strategy for the Aluminium Plant Ana Mišurović warned: CARCINOGENIC MATTERS RELEASED FROM KAP

Podgorica – There are no precise data in Montenegro on how much the Aluminium Plant is daily jeopardizing the environment, but there has been no good quality research in the past three years either. It is certain, however, that KAP pollutes water, air, land and the basic foods – this was stated yesterday by the **participants of the fourth round table held in the Government building, at which the ecology aspect of this company privatization strategy were analyzed.**

The Minister for Environment Protection and Space Development Boro Vučinić, who chaired the debate, said that in "70-s ecology accidents in KAP were the consequence of the human factor, and in recent years of technology obsolescence and lack of discipline.

Representative of the **consulting houses** URS Corporation and Alcor, Tobi Apington and Raelof den Hand presented a part of the project regarding ecology problems after extension of capacities and production of KAP. Advisors calculated that Alumina production amounting to 280 thousand tons will increase the production of aluminium to the level of 132-140 thousands of tons per year and make possible alumina export.

Director of the Centre for Eco-Toxicological Analyses **Ana Mišurović** said that KAP pollutes the Skadar Lake due to connected underground waters of the Zeta Plain, in which the presence of heavy metals and fluorides was confirmed. She pointed out that due to environment pollution from the plants of KAP releasing carcinogenic matters, "there is danger of carcinogenic diseases ". Mišurović quoted matters being released from the Anodes Plant as particularly dangerous.

Otherwise, the establishment of the so called "border line" is still ahead, which is to define a border between the present state and the new obligations of investors, based on an analysis prepared by the consultants.

Assistant to the Minister for Environment Protection and Space Development **Nada Mugoša** said that the foreign consultants were provided for insight all the documents and analyses on degree to which the environment is jeopardized. She pointed out that "costs of environment rehabilitation are already being born by the Government and that it has already financed the water management system" for several villages at the territory of Zeta.

Elaboration of due diligence analysis was announced at the hearing, as confirmed by the **Privatization Strategy for KAP¹** in which on page 29 it is stated that precise investigation of the state of the environment will be possible only as a result of due diligence for the environment which is currently being elaborated.

Pitanje zaštite životne sredine

Uticaji rada Kombinata aluminijuma Podgorica na životnu sredinu i zdravlje ljudi evidentirani su i kroz Dijagnostički izvještaj. Na bazi tog Izvještaja, Izvještaja Državne komisije iz 1993 godine, dva magistarska rada i drugih raspoloživih ekspertskih izvještaja i studija konstatovano je da je tehnologija ugrađena u KAP-u stara 30-35 godina, u tom periodu nije bilo bitnijih promjena osim na samom početku kada je unaprijedjen sistem filtracije crvenog mulja. Tokom sankcija KAP je radio u neregularnim uslovima, sistemom "stani-kreni". To je neminovno dovelo do oštećenja opreme (sistem za filtraciju gasova iz serije B Elektrolize i slično) i povećanja otpada. Posljedice po narušavanje kvaliteta životne sredine ogledaju se u pogoršanju kvaliteta osnovnih segmenata životne sredine: podzemnih i površinskih voda; vazduha; zemljišta. Rješenje navedenih problema podrazumijeva aktivnosti u dva pravca, i to: **saniranje posljedica dosadašnjeg zagađivanja i sprečavanje daljeg zagađivanja.**

Predlog:

- Vlada treba da preduzme aktivnosti na saniranju posljedica dosadašnjeg zagađivanja koje su nastale kao posljedica rada Kombinata.
- Budući investitor treba da spriječi dalje zagađivanje i da predloži investicije koje će biti namijenjene za poboljšanje kvaliteta svih segmenata životne i radne sredine u krugu KAP-a.

■ Accurate investigation of the state of the environment will be possible only as a result of due diligence for the environment which is currently under way.



KAP PROJECT
June 2004

Government of RoM: Privatization Strategy of Aluminium Plant Podgorica, page 29

The section titled »Course of Privatization«, on pages 59 and 60 includes items that needed to be realized in the process of privatization among which also the development of due diligence by pre-qualified investors as well as a timetable of the tendering process.

Pregled tenderskog procesa

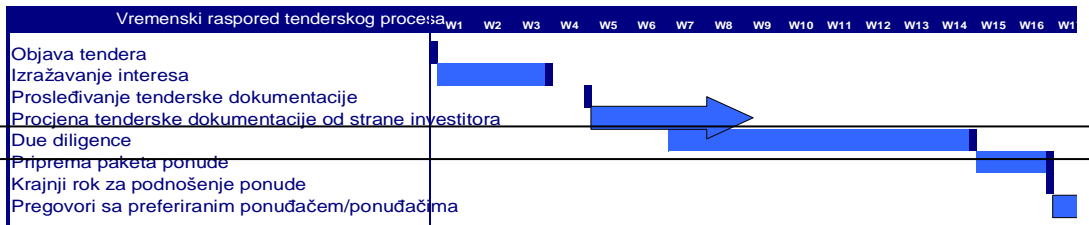
- Objavlivanje javnog poziva za podnošenje izražavanja interesa
- Predkvalifikacija potencijalnih investitora
- Prodaja tenderske dokumentacije pred-kvalifikovanim potencijalnim investitorima
- Sastavljanje tenderske dokumentacije
- Podnošenje tenderske dokumentacije
- Odabir preferiranog ponuđača
- Pregovori i potpisivanje transakcione dokumentacije
- Proces zatvaranja transakcije

Elaboration of due diligence by the pre-qualified investors.



KAP PROJECT
June 2004

Government of RoM: Privatization Strategy of the Aluminium Plant Podgorica, page 59



Government of RoM: Privatization Strategy of the Aluminium Plant Podgorica, page 60

¹ www.vlada.cg.yu/biblioteka/1088785861.ppt

The fact that the requested due diligence exists is confirmed also by the response of the Council for Privatization to the request of MANS for submission of Environment Protection Study in the process of privatization of Aluminium Plant in Podgorica which states that the results of ecology due diligence analysis are presented in the documents "Determining of the Current State of the Environment" and "Environment Impact Assessment" and that they are protected by copyright.

It is precisely based on that response that MANS requested documentation from the Ministry.

Vlada Republike Crne Gore
SAVJET ZA PRIVATIZACIJU
- Sekretarijat Savjeta za privatizaciju -
Broj: 01 - 4/1
Podgorica, 06. februar 2006.godine

BROJ. 06/200-201 vop/mr
PODGORICA. 06.02.2006.

Na osnovu člana 55. stav 4. Zakona o opštem upravnom postupku ("Službeni list RCG" br. 60/03), Sekretarijat Savjeta za privatizaciju Vlade Republike Crne Gore donosi

ZAKLJUČAK

Odbacuje se zahtjev Mreže za afirmaciju nevladinog sektora – MANS iz Podgorice od 01. februara 2006.godine kojim je traženo dostavljanje kopije Studije zaštite životne sredine u procesu privatizacije Kombinata Aluminiјuma Podgorica, zbog nenadležnosti

Obrazloženje

Mreža za afirmaciju nevladinog sektora – MANS iz Podgorice podnijela je 01. februara 2006.godine Sekretarijatu Savjeta za privatizaciju zahtjev za dostavljanje kopije Studije zaštite životne sredine u procesu privatizacije Kombinata Aluminiјuma Podgorica.

*.... Advisor for privatization of the Aluminium Plant Podgorica, the consortium BNP Paribas ...
...Prepared a report on the conducted ecology due diligence analysis.The result of the
conducted ecology due diligence analysis is presented in the following documents:
„Determining of the current state of the environment" and „Environment Impact
Assessment".....*

Životne sredine, rezultat sprovedene ekološke due diligence analize je prikazan sledećim dokumentima: »Utvrđivanje postojećeg stanja životne sredine« i »Ocjena uticaja na životnu sredinu«.

Imajući u vidu da je kompanija URS navedna dokumenta zaštitila autorskim pravom, što znači da je neovlašćena reprodukcija ili upotreba od strane bilo koje osobe osim one kojoj su namijenjena strogo zabranjeno, obavještavamo Vas da bez prethodne saglasnosti kompanije URS nismo u mogućnosti da ih dostavimo.

Imajući u vidu da se u ovom slučaju radi o informacijama iz člana 9. Zakona o slobodnom pristupu informacija, Sekretarijat Savjeta za privatizaciju je odlučio da zahtjev MANS-a kojim je traženo dostavljanje kopije studije zaštite životne sredine u procesu privatizacije KAP-a, odbaci zbog nenadležnosti.

Na osnovu izloženog odlučeno je kao u dispozitivu rješenja.

Uputstvo o pravnom sredstvu: Ovo rješenje je konačno i protiv njega se može pokrenuti upravni spor tužbom kod Upravnog suda Republike Crne Gore u roku od 30 dana od dana dostavljanja rješenja.

Dostaviti:

- Mreža za afirmaciju nevladinog sektora MANS
- spisi predmeta
- a/a

SEKRETAR SAVJETA ZA PRIVATIZACIJU
Vojin Vlahović
B. Brunić
3.2.2006
Kreni

Response of the Council for Privatization as of February 06 2006

Although official documentation shows that due diligence analysis had to be developed during privatization, it is indisputable that it differs from the zero state study mentioned by the defendant and the witness Mišurović.

Still, after the presentation of evidence, based on the statement of the defendant Nada Mišurović and the witness Ana Mišurović who was also the subject of the crime report, **the prosecutor abandons the indicting proposal stating that MANS required documents which the Ministry does not possess. It stresses in particular the fact that MANS asked subsequently from CETI the study of the zero state concluding from it that MANS knew that different documents were in question. In the end it states that the ministry or any other body did not produce due diligence analyses upon a request of the ministry.**

Zastupnik Optužbe u konačnom izjavljuje:

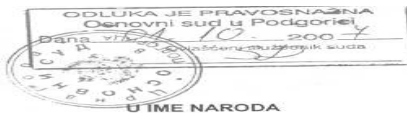
... Today at the main trial it was determined that the authorized representative of NGO MANS asked from the Ministry of Environment Protection documents which were not in the possession of the Ministry at the time when they were requested or at some later time. The same was confirmed by the statement of the witness heard at the trial. ...

It was also determined that the ministry or any other body did not produce „due diligence“ analysis upon a request of the Ministry.

Parts of Minutes from the hearing held on September 19 2007

Since the prosecutor abandoned the charges, the court made the verdict by which it refuses the accusation.

OSNOVNI SUD U PODGORICI
K.br.07/453
Dana 17.09.2007 godine



NVO - MANS
BROJ: 08/8561
PODGORICA, 29.04.2008

OSNOVNI SUD U PODGORICI, kao prvostepeni, krivični, po sudiji Zoranu Ščepanoviću - kao sudiji pojedincu, uz učešće Dragane Mihailović, kao zapisničara, u krivičnom predmetu okrivljene Mugoša Nade, zbog krivičnog djela povreda prava na informisanje o stanju životne sredine iz čl.314 st.1 Krivičnog zakonika, rješavajući po Optužnom predlogu ODT-a Podgorica Kt.br.1575/06 od 28.03.2007 godine, nakon održanog glavnog, javnog pretresa - zaključenog dana 17.09.2007 godine (održanog u prisustvu zastupnika Optužnog predloga - Čadjenović Saše, zamjenika ODT-a Podgorica, te u prisustvu okrivljene), izrekao je dana 17.09.2007 godine i istog dana javno objavio

PRESUDU

Prema okrivljenoj MUGOŠA NADI, od oca Nikole i majke Biserke, rođene Perazić, rođena 21.03.1950 godine u Cetinju (sa jedinstvenim matičnim brojem iz lične karte: 2103950215187), sa prebivalištem u Podgorici - ul. Vukice Mitrović br.36, državljanin Crne Gore, udata, majka dvoje djece, srednjeg imovnog stanja, ranije neosudivana

Na osnovu čl.362 tač.1 i čl.203 st.1 u vezi čl.199 Zakonika o krivičnom postupku

OPTUŽBA SE ODBIJA

Kojom je predstavljeno da je:

Dana 07.04.2006 godine kao odgovorno lice - pomoćnik ministra u Ministarstvu zaštite životne sredine i uređenje prostora protivno čl.8 Zakona o slobodnom pristupu informacijama uskratila podatke o stanju životne sredine i pojavama koji su neophodni za procjenu opasnosti po životnu sredinu i preduzimanje mjera zaštite života, zdravlja i ljudi, na način što je rješenjem broj 04-662/06-2 od 07.04.2006 godine odbila zahtjev Mreže za afirmaciju nevladinog sektora - MANS-a za dostavu rezultata DUE DILIGENCE "Utvrđivanje postojećeg stanja životne sredine" i DUE DILIGENCE analize "Ocjena uticaja na životnu sredinu" koji su sačinjeni u periodu pripreme KAP-a za privatizaciju, a koji dokumenti sadrže podatke o izvorima zagadivanja u KAP-u, vrsti štetnih materija i njegovog uticaja na životnu sredinu iz razloga jer navodno isti nijesu bili u posjedu Ministarstva zaštite životne sredine i uređenje prostora, iako su isti dostavljeni lično okrivljenoj Mugoša Nadi od strane JU "Centra za ekotoksikološka ispitivanja" Podgorica dana 21.12.2005 godine

- Čime bi izvršila krivično djelo povreda prava na informisanje o stanju životne sredine iz čl.314 st.1 Krivičnog zakonika

Prednje zbog odustanka tužioca od optužbe.

Verdict of the Municipal Court in Podgorica passed on September 17 2007, and submitted to MANS on April 29 2008