

9. PRESSURES ON THE REQUESTERS OF FREE ACCESS TO INFORMATION

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Adoption of the Law on Free Access to Information represents the base for establishment of different relations between the state and the citizens, for the citizens finally obtain a mechanism for direct control of the state institutions work.

This “small revolution” came across resistance of particular structures of the system, especially those whose work has so far been covered by a veil of secrecy, which certainly does not contribute to stimulate citizens to use the rights guaranteed by the law.

Any form of direct or indirect influence on the requester represents a limitation of the right to free access to information.

Case study 14: Letter of the Director of the Agency for National Security

During monitoring of the law implementation, MANS encountered various forms of pressures by numerous institutions which were not ready to answer the requests for information, and the most drastic example is certainly the relationship of the Agency for National Security (ANB).

Verdicts of the Administrative Court passed in favour of MANS, annulled decisions of ANB by which information on the number of employees of that institution and the number of wiretaped and followed persons during 2005 were proclaimed state secrets.

After publishing of the verdicts in the media, the Director of ANB on 18 October 2006 sent a letter to the home address of the Executive Director of MANS, in which he expresses his discontent with the appearing in public of MANS.

In the letter of the Director of ANB it is stated among other that the media appearances of MANS on the relationship between the citizens and ANB “could be interpreted by a part of the public in a malicious and tendentious manner”, and that “our efforts to bring into question the trust which the citizens of Montenegro have in the work and professional quality of the Agency for National Security have no grounds”

After that, in an open letter addressed to the Presidents of the State, the Parliament and the Government, MANS asked them to prevent the threatening of privacy, attempt to narrow the basic human rights and put pressures on the citizens of Montenegro by the ANB become a rule.

No reply to the open letter was ever received, and the Head of the Cabinet of the Director of ANB apologized in public stating that the letter they had sent was the result of an administrative mistake.

9. Pressures on the requesters of the free access to information



REPUBLIKA CRNA GORA
AGENCIJA ZA NACIONALNU BEZBJEDNOST

Broj: 050-02-6372-1/06
Podgorica, 18. 10. 2006.

NVO - M A N S -
Broj: 025/10
PODGORICA, 24. 10. 2006.

Vanja Čalović
81000 Podgorica
Ul. Đoka Mirasovića 7/15

Povodom Vaših medijskih istupa o odnosu građana i Agencije za nacionalnu bezbjednost, koji bi se u dijelu javnosti mogli protumačiti na zlogamerni i tendenciozan

"In relation to your media appearances regarding the relationship between the citizens and the Agency for National Security, which could by a part of the public be interpreted in a malicious and tendentious manner, we inform you that the Agency for National Security is consistently applying the legal norms and solutions, and in particular those implying respect for the European democratic standards. In this sense, the performance of affairs from the scope of national security, which is the basic competence of the Agency, is not an obstacle for transparent and legal treatment of data and other information, held by the Agency."

vođenih o građanima Republike Crne Gore u Službi državne bezbjednosti, koju je Vlada RCG donijela 2001. godine. U primjeni navedene Uredbe SDB je stekla pozitivno iskustvo i afirmativne ocjene od strane građana koji su vršili uvid u dosijea, ali i domaće i međunarodne stručne javnosti koja je pratila njenu primjenu, iako interesovanje za uvid nije bilo ni približno broju otvorenih dosijea (9014). Naime, tokom propisanog roka

"These data unambiguously indicate to what extent are groundless your efforts to bring into question the trust that the citizens of Montenegro have in the work and professional quality of the Agency for National Security, which you are trying to bring into question these days by your appearance in the media."

Oni podaci nedvosmisleno ukazuju o kojoj mjeri nema otkrivenja u vašem nastojanju da kroz medijska obraćanja, ovih dana, dovedete u pitanje povjerenje koje građani Crne Gore imaju u obavljanje poslova i profesionalnost Agencije za nacionalnu bezbjednost.

DIREKTOR
Duško Marković

Letter of the Director of the Agency for National Security from 18 October 2006

9. Pressures on the requesters of the free access to information



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Filipu Vujanoviću, Predsjedniku Crne Gore
Ranku Krivokapiću, Predsjedniku Skupštine Crne Gore
Milu Đukanoviću, Predsjedniku Vlade
Željku Šturanoviću, mandataru



Podgorica, 24. oktobar 2006. godine

OTVORENO PISMO

Poštovani,

Obraćam Vam se povodom pisma direktora Agencije za nacionalnu bezbjednost, Duška Markovića, koje mi je sinoć dostavljeno na kućnu adresu, a koje Vam dostavljam u prilogu.

Zvaničnim dopisom na kome se nalazi logo, pečat, djelovodni broj i potpis direktora Agencije, informisana sam da direktor ANB nije zadovoljan mojim nastupima u medijima koji se odnose na rad Agencije.

Kao što Vam je poznato, MANS je nevladina organizacija koja je registrovana i radi u skladu sa

"Therefore I believe that the Director of ANB sending the letter to my home address represents an extremely unprofessional act.

I am using this opportunity to inform you that at the address to which the letter of Mr Marković was sent I live with my younger brother and that the office of MANS is in the opposite part of the town, on which Mr Marković must be well informed, because so far he has sent all the letters to MANS to that address.

I am convinced that such communication of the Director of the Agency for National Security with citizens is not appropriate for democratic states and I hope that this does not represent a rule but an exception in Montenegro.

Therefore I experience his letter exclusively as an attempt to put pressure on me and my family.

Also, I experience the assesment of Mr Duško Marković that I bring into question the trust of citizens in the work and professional character of the Agency through my appearing in the media as an attempt to deny one of the basic human rights, the right to freedom of thought and speech."

da razmotrite moj slučaj i direktoru Agencije, Dušku Markoviću, ukažete na posljedice koje može imati ovako neprofesionalan čin.

S poštovanjem

Vanja Calović, izvršni direktor

NVO - MANS -
BROJ 1227/10

Open letter to the Presidents of the Republic, Parliament and Government from 24 October 2006