

"The Official Gazette of the Republic of Montenegro", No. 31/2005

Pursuant to article 88 point 2 of the Constitution of the Republic of Montenegro I make the following

## **D E C R E E**

### **ON PROCLAIMING THE PUBLIC ASSEMBLY ACT**

I hereby proclaim the Public Assembly Act, passed by the Parliament of the Republic of Montenegro on the second meeting of the first regular session in the year 2005, on the day of May 11<sup>th</sup> 2005.

Number: 01-494/2

Podgorica, May 12<sup>th</sup> 2005

President of the Republic of Montenegro

**Filip Vujanović**, signed

## **PUBLIC ASSEMBLY ACT**

### **I. BASIC PROVISIONS**

#### **Article 1**

The right to freedom of public assembly shall be exercised in the manner prescribed by this Act.

#### **Article 2**

Public assembly, for the purpose of this Act, shall include:

- 1) peaceful assembly and public protests,
- 2) public events;
- 3) other gatherings.

#### **Article 3**

Peaceful assembly and public protests (henceforth referred to as: the peaceful assembly) is understood as any organized gathering of more than 20 citizens held in a public place for the purpose of expressing political, social and other beliefs and interests.

Public events are understood as gatherings organized for the purpose of making profit within the registered economic activity which, considering the expected number of participants or character of the event, requires special security measures.

Other types of gathering are understood as gatherings with the purpose of realization of state, traditional, humanitarian, sports, cultural-artistic and other interests.

#### **Article 4**

Freedom of assembly and other gathering of citizens can be temporarily restricted for the purpose of protecting the rights of others, public order and safety, public moral, environment and public health.

Freedom of speech and addressing a public assembly is restricted by the ban on any agitation and incitement to the use of violence, national, racial, religious and other hatred or intolerance.

## **II. PEACEFUL ASSEMBLY**

### **Article 5**

Organizer of the peaceful assembly is any legal or physical entity (henceforth referred to as: the organizer) which, in line with this Act, organizes, holds and supervises the peaceful assembly.

Peaceful assembly under paragraph 1 of this article can also be organized by a group of citizens, or more than one legal entity.

In case of situation under paragraph 2 of this article, the organizer is obliged to appoint a representative.

### **Article 6**

Organizer, or his representative, is obliged to submit an application to hold a peaceful assembly (henceforth referred to as: the application) in the cases stipulated by this Act.

The organizer is obliged to submit the application under paragraph 1 of this article not later than five days before the scheduled beginning of the peaceful assembly.

The application is submitted to the authorized body in charge of police affairs (henceforth referred to as: the authorized body).

### **Article 7**

The application under article 6 paragraph 1 of this Act shall contain:

- 1) information on the purpose of the assembly;
- 2) location, day and time of the assembly;
- 3) information on the organizer or his representative;
- 4) personal data on the manager of the peaceful assembly;
- 5) number of monitors;
- 6) estimated number of participants.

### **Article 8**

Notwithstanding the provisions of article 6 of this Act, the following gatherings are not reported: meetings, panels, round tables or assemblies of registered political parties, trade union or other organizations that are held indoors.

### **Article 9**

Peaceful assembly can be held in any location appropriate for the occasion.

### **Article 10**

Notwithstanding article 9 of this Act, peaceful assembly cannot be held:

- 1) near hospitals;
- 2) near kindergartens and primary schools while the children are inside;

- 3) in national parks and protected natural parks, except for peaceful assemblies that propagate environmental protection;
- 4) near monuments, if it should lead to destruction of protected cultural values;
- 5) in highways, arterial, regional and local roads in a way that could endanger the safety of traffic;
- 6) in other locations if, considering the time, number of participants or the character of assembly, it could seriously jeopardize movement and work of larger number of citizens.

#### **Article 11**

The authorized body shall make the decision to ban the peaceful assembly if:

- 1) it is not timely and properly reported;
- 2) it is reported to take place in the location where, according to this Act, it cannot be held;
- 3) its objectives are aimed at violation of human rights and freedoms guaranteed by the Constitution, or incitement to the use of violence, national, racial, religious and other type of hatred or intolerance;
- 4) there is actual danger that by holding the peaceful assembly safety of person or property would be jeopardized, or major breach of public order and peace would ensue;
- 5) it is necessary to prevent the threat to public health, upon demand of state administration body in charge of public health issues.

The decision under paragraph 1 of this article should be made at least 48 hours before the scheduled beginning of the peaceful assembly.

#### **Article 12**

The organizer can lodge a complaint against the decision under article 11 of this Act.

The authorized body is obliged to forward without delay the complaint, along with the documentation, to the state authority in charge of internal affairs (henceforth referred to as: the Ministry).

The complaint does not delay the execution of the decision.

The decision on the complaint should be made and submitted to the organizer at least 24 hours upon receiving the complaint.

In case the Ministry does not make the decision on the complaint in the prescribed period, the peaceful assembly cannot be held.

Immediately after receiving the decision which orders the peaceful assembly to be banned, the organizer is obliged to inform the public about it, and, if possible, to remove the publicly displayed announcements and advertisements on the peaceful assembly.

#### **Article 13**

The organizer is obliged to ensure peace and order in the peaceful assembly.

The organizer is obliged to provide the sufficient number of monitors to perform the duties of maintaining peace and order in the peaceful assembly (henceforth referred to as: the monitoring duties) and to take adequate measures of medical protection and fire protection.

The organizer can entrust the performance of monitoring duties to a legal or physical entity registered for the performance of activities in the field of protection of persons and property.

The activities of maintaining public order and peace in the area in the immediate vicinity of the location of peaceful assembly are conducted by the authorized officers of the authorized state body (henceforth referred to as: police officers).

#### **Article 14**

The police officers are obliged to prevent any disruption or interruption of the peaceful assembly, which is taking place according to the provisions of this Act, and are allowed to use technical and protective means in the course of this.

#### **Article 15**

The organizer is obliged to take all the necessary measures to ensure that the participants of the peaceful assembly are not armed and causing damage.

The organizer is obliged to enable undisturbed passage for the vehicles of: police, emergency unit and fire department.

#### **Article 16**

Participants of the peaceful assembly are not allowed to carry objects that can be used to cause injury and alcoholic drinks.

Participants of the peaceful assembly are not allowed to wear uniforms, parts of uniform, clothes and other markings that call upon or incite to armed conflicts or the use of violence, national, racial or religious hatred or other types of intolerance.

#### **Article 17**

Monitor is a person designated by the organizer to perform monitoring duties in the peaceful assembly.

While performing monitoring duties, the monitor is obliged to protect the participants of peaceful assembly and property in the area where the assembly is taking place.

The monitor is obliged to immediately detain and hand over to the police officer any participant of the peaceful assembly carrying arms or objects that can be used to cause injury.

While performing monitoring duties, the monitor is obliged to:

- 1) execute search of any person entering the area in which the peaceful assembly is taking place, and, according to the organizer's instructions, temporarily confiscates objects that can be used to cause injury;
- 2) ban the entrance into the area under point 1 of this article to any person he judges to be intoxicated or could disrupt the peaceful assembly;
- 3) direct the motion of the participants of peaceful assembly;
- 4) remove the person who disrupts peace and order;
- 5) detain the person who seriously violates peace and order and immediately hand him over to the police.

#### **Article 18**

While performing monitoring duties, the monitor is obliged to wear a clearly visible armband with the writing: "Monitor".

The monitor is not allowed to carry objects that can be used to cause injury, uniform, clothes or markings under article 16 paragraph 2 of this Act.

#### **Article 19**

The organizer is obliged to designate the manager of the peaceful assembly.

The manager of the peaceful assembly is a person who conducts supervision over the peaceful assembly and directs the work of monitors.

The manager of the peaceful assembly is obliged to take the necessary measures to ensure peace and order at the peaceful assembly.

The manager of the peaceful assembly is obliged to stop the peaceful assembly in case of actual threat to safety of the participants of the peaceful assembly and for property.

The manager of the peaceful assembly is allowed to continue the peaceful assembly if in the meantime public order and peace are re-established.

#### **Article 20**

The police officers are obliged to stop and ban the peaceful assembly, if:

- 1) it is not reported or it is banned;
- 2) it is taking place outside the location stated in the application;
- 3) the participants are incited to armed conflicts, national, racial, religious and other type of hatred or intolerance;
- 4) the monitors are not able to maintain peace and order;
- 5) there is actual or direct danger of violence or other types of major violation of public order and peace.

#### **Article 21**

The police officer will communicate the decision on ending and banning the peaceful assembly under article 20 of this Act to the manager of the peaceful assembly.

The manager of the peaceful assembly is obliged to inform the participants of the peaceful assembly that the assembly is ended and banned and to ask them to disperse peacefully.

If the manager or participants of the peaceful assembly should not act in accordance with the order under paragraph 1 of this article, police officers are obliged to take the necessary and inevitable measures to disperse the participants of the peaceful assembly.

### **III. PUBLIC EVENTS**

#### **Article 22**

Public events can be organized in any location indoors or outdoors that is intended or suitable to hold them.

#### **Article 23**

Organizer of the public event is a legal or physical entity that organizes the event in accordance with this Act.

#### **Article 24**

Organizer of the public event is obliged to submit the application to hold the public event.

The public event is to be reported at least seven days before its scheduled beginning.

The application under paragraph 1 of this article is submitted to the authorized body.

The application to hold a public event should contain:

- 1) name and last name, personal identification number of the citizen, or the name and registered seat of the organizer, personal data of the responsible person;
- 2) information on the manager of the public event, organization of monitoring service and the number of monitors;
- 3) purpose, location, day and time of the event;
- 4) measures to ensure peace and order;
- 5) estimated number of participants.

If the event is taking place in a public and traffic area, which would stop the traffic in important routes or cause major threat or disruption of road traffic, the organizer is obliged to submit the permit issued by the authorized body according to the law, along with the data under paragraph 4 of this article.

#### **Article 25**

Based on the information in the application and other circumstances, the authorized body will assess if the safety conditions for the public event to take place are fulfilled.

Based on the assessment under paragraph 1 of this article, the authorized body will instruct the organizer to take additional safety measures, in the period not shorter than 24 hours.

If the organizer fails to take the measures under paragraph 2 of this article, which could cause actual or direct danger for the participants of the public event or major violation of public order and peace, the authorized body shall ban the public event.

#### **Article 26**

The authorized body shall make the decision to ban the public event if:

- 1) it is not timely and properly reported;
- 2) the organizer fails to take the measures under article 25 paragraph 2 of this Act;
- 3) it is reported to take place in a location that is not intended or suitable for a public event;
- 4) there is actual danger that holding the public event would jeopardize public order and safety, cause major violation of public order and peace, public moral, environment and public health.

The decision under paragraph 1 of this article should be made not later than 48 hours before the scheduled beginning of the public event.

#### **Article 27**

The organizer of a public event with sport, cultural or entertaining character, is obliged to bear the costs incurred by safety measures taken by the authorized body in order to ensure public order and peace outside the regular police duties.

The amount of costs under paragraph 1 of this article is established in the Contract to be concluded at least 48 hours before the scheduled beginning of the public event.

#### **Article 28**

The organizer is responsible for any damage caused by the participants of the public event on buildings or areas under article 22 of this Act, according to the principle of objective responsibility.

#### **Article 29**

Provisions of articles 12-21 of this Act are applied accordingly to public events as well.

#### **IV. OTHER TYPES OF GATHERINGS**

##### **Article 30**

Other types of gatherings are not reported.

Notwithstanding paragraph 1 of this article, the organizer is obliged to report other types of gatherings, if their character or the expected number of participants calls for special safety measures to be taken, outside regular police duties.

The application to hold a gathering under paragraph 2 of this article is to be submitted at least 48 hours before the scheduled gathering.

The application shall be submitted to the authorized body.

The application shall contain the information under article 7 of this Act.

Provision of article 27 of this Act is applied accordingly to gatherings under paragraph 2 of this article, if their purpose is to make financial profit.

#### **V. PENALTY PROVISIONS**

##### **Article 31**

Legal entity shall be fined in the amount of one hundred to three hundred the amount of average salary in the Republic for the following offences:

- 1) holding an assembly without prior application, if the application is mandatory (article 6 paragraph 1 and article 30 paragraph 2);
- 2) holding a peaceful assembly contrary to article 10 of this Act;
- 3) holding a peaceful assembly contrary to the decision of the authorized body on banning the assembly (article 11 paragraph 1);
- 4) failing to inform the public on the ban on public assembly (article 12 paragraph 6);
- 5) failing to ensure peace and order in the public assembly (article 13 paragraph 1);
- 6) failing to provide a sufficient number of monitors and to take the appropriate measures of medical and fire protection (article 13 paragraph 2);
- 7) failing to take all the necessary measures to ensure that the participants of the public assembly are not armed and causing damage (article 15 paragraph 1);
- 8) failing to ensure undisturbed passage for the vehicles of police, emergency unit and fire department (article 15 paragraph 2);
- 9) holding a public event without prior application (article 24 paragraph 1);
- 10) holding a public event contrary to article 25 paragraphs 2 and 3 of this Act.

Responsible person in the legal entity and physical person shall be fined in the amount of ten to twenty times the amount of average salary in the Republic for offences under paragraph 1 of this article.

##### **Article 32**

Manager of the peaceful assembly shall be fined in the amount of five to ten times the amount of average salary in the Republic for the following offences:

- 1) failing to take the necessary measures to ensure peace and order in the public assembly (article 19 paragraph 2);
- 2) failing to end the public assembly in case of actual danger for the safety of participants of the public assembly and for property (article 19 paragraph 3);
- 3) failing to inform the participants of the public assembly that the assembly has been ended and banned and ask them to disperse peacefully (article 21 paragraph 2).

### **Article 33**

Monitor at the public assembly shall be fined in the amount of five to ten times the amount of average salary in the Republic for the following offences:

- 1) failing to take the measures established under article 17 paragraphs 2 and 3 of this Act;
- 2) acting contrary to article 17 paragraph 4 of this Act;
- 3) not wearing clearly visible marking with the writing "Monitor" (article 18 paragraph 1);
- 4) carrying objects that can be used to cause injury, uniform, clothes or other markings that call upon or incite armed conflicts or the use of violence, national, racial or religious hatred or other types of intolerance (article 18 paragraph 2).

### **Article 34**

Physical person shall be fined in the amount of five to ten times the amount of average salary in the Republic for the following offences:

- 1) participating in the public assembly while carrying objects that can be used to cause injury and alcoholic drinks (article 16 paragraph 1);
- 2) as a participant of the public assembly, carrying uniform, parts of uniform, clothes or other markings that call upon or incite armed conflicts or the use of violence, national, racial or religious hatred or other types of intolerance (article 16 paragraph 2).

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 35**

Until the establishment of the authorized body, the individual administrative issues according to this Act are decided upon by the authorized organizational unit of the Ministry.

The complaints against individual administrative acts of the authorized organizational unit under paragraph 1 of this article are decided upon by the Ministry.

### **Article 36**

With the effective date of this Act, the Law on Public Assembly ("The Official Gazette of the Republic of Montenegro", No. 57/92) is no longer valid.

### **Article 37**

This Act comes into effect on the eighth day of its publication in "The Official Gazette of the Republic of Montenegro".