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To all media – delivery of

TI BiH to the Ministry of Internal Affairs of the Republic of Srpska: Spontaneous gathering of citizens is an international standard

The Ministry of Internal Affairs of the Republic of Srpska (MIA RS) warned the activists of the group Pravda za Davida (Justice for David) that they failed to inform the Ministry about gathering. TI BiH warns that every democratic society offers a possibility of spontaneous gathering as an expression of political and civil freedoms.

Banjaluka, 21st September 2018 – After the Ministry of Internal Affairs of the Republic of Srpska (MIA RS) stated that the requests for initiation of the minor offence proceedings will be initiated against the members of the group Pravda za Davida (Justice for David) for failing to organize protest in accordance with the Law on Public Gathering of RS, Transparency International BiH (TI BiH) emphasizes that this example best demonstrates the fact that restrictive laws are used only to intimidate citizens.

The Law on Public Gathering of RS does not prescribe a possibility of spontaneous citizen gathering, but it requires each gathering to be previously announced, which is contrary to the international standards and recommendations. MIA RS issued a statement to warn the citizens that they should refrain from illegal behavior, and to indicate that the controversial gathering had not been announced earlier and had not been organized at location where allowed. TI BiH warns that all democratic societies allow possibility of spontaneous gatherings as an expression of political and civil freedoms, and that participants of such gatherings, despite the fact they are not specified by the Law, should not be punished or prosecuted just for not announcing the gathering previously. The latest example that refers to the members of the group Pravda za Davida demonstrates that the authorities are ready to use existing legal solutions to perform political persecution and intimidation.

The Law on Public Gathering of RS is very strict in terms of location restrictions since it does not allow citizens to gather in the vicinity of specifically secured facilities. The Venice Commission emphasized on several occasions that freedom to choose the location is a key aspect of gathering freedom. Also, the Republic of Srpska Constitution guarantees to the citizens the right to organize peaceful gathering and public protest, and the freedom of gathering can be legally restricted only to protect the safety of people and property.

TI BiH indicates that it is necessary to alter the legal framework that regulates freedom of gathering since the current framework serves only to limit political and civil freedoms. TI BiH invites MIA RS to restrain from any activity aimed against spontaneous citizen gatherings since they are guaranteed by the Republic of Srpska Constitution and the European Convention on Human Rights and Fundamental Freedoms.

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