

Balkan Investigative Reporting Network - Montenegro

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To: European Commission

President, **Mrs. Ursula von der Leyen**

High Representative for Foreign Affairs and Security Policy, **Mrs. Kaja Kallas**

European Commissioner for Enlargement, **Mrs. Marta Kos**

North Atlantic Treaty Organization (NATO)

Secretary General, **Mr. Mark Rutte**

Council of Europe

Secretary General, **Mr. Alain Berset**

Commissioner for Human Rights, **Mr. Michael O'Flaherty**

Subject: Urgent concerns regarding the proposed Law on the Agency for National Security of Montenegro

29 July 2025

Respected ladies and gentlemen, leaders of the European Commission, NATO and Council of Europe,

We write on behalf of **BIRN Montenegro**, a leading investigative media outlet in Montenegro, which monitors surveillance, censorship and violation of rights in our Country. Our reports, like *Surveillance and Censorship in the Western Balkans*, elaborate on previous misuses and breaches of rights of citizens¹.

The aim of this letter is to alert your institutions to the serious deficiencies and procedural concerns surrounding the draft **Law on the Agency for National Security** (ANB). This law has been prepared and advanced without proper consultation, transparency, or legislative safeguards, posing a deep risk to democratic standards, the rule of law, and human rights in Montenegro.

Key concerns of the draft law include **access to databases and information-communication systems without prior judicial approval, implementation of some secret surveillance measures without court order and lack of any procedure for employment in the Agency**. While we are aware that some democratic countries do have some of these solutions incorporated in their systems, **Montenegrin context makes such discretionary rights highly problematic**.

The Agency already operates under a legal framework that grants it extensive authority to monitor and collect intelligence. However, previous legal and institutional safeguards have proven inadequate to prevent misuse. Therefore, **significant cases of misuse**

¹ Further reading: <https://balkaninsight.com/plus/pdf/Surveillance-and-Censorship-in-the-Western-Balkans-WB6.pdf>

surveillance of civil society, opposition, or media without proper judicial authorization are currently being adjudicated, including cases against a former Agency Director. In addition, several individuals already won cases against the state of Montenegro for defamation, which were part of the **campaigns illegally orchestrated by the previous Agency's leadership**.

The Agency for National Security of Montenegro **had never undergone systemic reform, proper vetting of its current staff was never implemented, and no accountability of its employees involved in illegal operations** was ever established. Therefore, granting a politically controlled institution with such professional deficits new discretionary mechanisms that can be misused go against the interest of the Montenegrin public and its future reforms.

Montenegrin public discourse faced with an **outcry of more than 20 most prominent Montenegrin civil society organizations, which pointed out serious deficiencies** in the draft law, flagged most problematic provisions and requested its withdrawal².

The draft law adopted during an electronic Government session, in the evening, **without any prior public debate or formal process for stakeholder input**, including from civil society organisations or oversight bodies, with the aim to expedite its adoption in the Parliament by the end of July, to **avoid any serious public scrutiny**.

The new law appears structured to further entrench secrecy, with **no clear reforms to strengthen parliamentary or judicial oversight, nor independent review channels for alleged abuses**. At the same time, leadership of the Agency is being appointed by the Government, current director is close to several highly ranked officials of the ruling party and more discretionary rights would potentially open new grounds for political misuse of the Agency.

In the end, Montenegro remains under concern for state capture, weaknesses in institutional independence, and infiltration of organised crime and political influence into law enforcement and prosecution, which are problems recognised by the European Commission, Transparency International and several other international organizations which are monitoring Montenegrin reforms.

Considering these concerns, we respectfully request that NATO, the European Commission, and the Council of Europe **encourage suspension of any adoption** of the draft law in its current form, **facilitate or insist on a proper, participatory legislative process, and support introduction of proper judiciary oversight and scrutiny and independent review channels for alleged abuses**.

Respectfully, 

Vuk Maras, Executive Director
Balkan Investigative Reporting Network (BIRN) - Montenegro



² Further reading: <https://institut-alternativa.org/predlog-zakona-korak-unazad-za-anb/> & <https://www.mans.co.me/mans-predlog-zakona-o-anb-neustavan-protivan-medunarodnim-standardima-i-prijetnja-privatnosti-gradana/> & <https://www.hraction.org/wp-content/uploads/2025/07/ANB-25-05-2025.pdf>