



The Civil Society Facility, Media Freedom and Accountability Programme,
EuropeAid/134613/C/ACT/MULTI

GOVERNMENT AND STATE BODIES: STILL THE GREATEST THREAT



This project is funded by
The European Union



A project implemented by
Center for Independent Journalism

South-East European Partnership for Media Development

SEE Partnership for Media Development is implemented by a consortium of media organizations from **Albania, Bosnia-Herzegovina, Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Bulgaria, Romania**. Media professionals from Kosovo and Turkey will also be involved.

The Project is co-financed by the European Commission, the Civil Society Facility, Media Freedom and Accountability Programme, Europe Aid/134613/C/ACT/MULTI

The SEENPM members that are part of the project: Albanian Media Institute (Albania), Mediacenter for Media and Civil Society Development (Bosnia and Herzegovina), Media Initiatives – Association for Media Development and Promotion of Professional Journalism (Bosnia and Herzegovina), Macedonian Institute for Media (FYROM), Montenegro Media Institute (Montenegro), Media Center (Serbia), Media and Reform Centre Nis (Serbia), Media Development Center (Bulgaria).

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By the Center for Independent
Journalism

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The European Commission is the EU's executive body.

“The European Union is made up of 28 Member States who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders”.

GOVERNMENT AND STATE BODIES: STILL THE GREATEST THREAT

Montenegro Media Institute

PODGORICA, October 2017



Institut za medije Crne Gore
Montenegro Media Institute

Montenegro continues with bad ratings for media freedom. According to the World Press Freedom Index 2017¹, Montenegro is ranked 106th out of 180 countries, on the same place as last year. Worse effect of the countries in the region has only Macedonia.

“Journalists must censor themselves because they are often the targets of violent verbal and physical attacks, and the perpetrators enjoy systematic impunity...The media are subject to political and economic pressure and reporters investigating government corruption are often accused of trying to harm the community”, explained Reporters without borders (RWB) that rank for Montenegro.

In the meantime, some processes, law changes and cases of violence against journalists that are still waiting to be solved are all reasons for the additional worry when we talk about freedom of expression and media freedom in Montenegro.

The General secretary of the Parliament in the June this year banned the reporters and press teams to enter in the hall of parliament and do their jobs. Trade Union of Media of Montenegro (SMCG), reacted and appealed to the Speaker of the Parliament, Ivan Brajovic, to enable the press teams to smoothly perform their work in the Assembly building. SMCG remembered that a similar situation occurred in the Assembly in June 2016, when ex President of the Parliament, Milutin Simovic, banned photo-reporters and cameramen from entering the plenary.²

“Low salaries, overload work, fear of dismissal, censorship and self-censorship are the usual ambience where journalists in Montenegro work. The shutdown of media outlets causes the number of journalists and media employees to decrease every year. Most of the attacks on journalists and media assets are still unsolved. After 13 years we still do not know who murdered the editor-in-chief of the daily newspaper Dan Dusko Jovanovic. Over the past year, without strong evidence, the prosecution held journalist Jovo Martinovic for 14 months in detention. This attitude towards the media is reflected in the reports of relevant international organizations. That is the reason for the fact that According to the World Press Freedom Index 2017 Montenegro is ranked 106th out of 180 countries media reporter without borders and this year it took 106th place”, says Predrag Nikolic³, the member of the board of SMCG.

Reporters Without Borders (RSF) and partner organizations wrote in September 2016 to Milo Dukanovic, who was the prime minister of Montenegro at that time, voicing concern about **Jovo Martinovic**, an investigative reporter who has been detained for nearly 15 months. On April 8, 2016 after almost six months in detention, Montenegro’s Special Prosecutor’s Office filed charges against Martinovic and 13 others. As of October 2016, no trial date had been set

A specialist in covering organized crime in the western Balkans, Martinovic is being held in a police investigation into drug trafficking but has not been formally charged by the Montenegrin public prosecutor’s office. Martinovic works for many international media outlets including the *Economist*, the *Financial Times*, and the *CAPA* news agency.

¹ <https://rsf.org/en/montenegro>

² <http://www.sindikatomedija.me/index.php/saopstenja2/188-novinarima-mora-biti-omogucen-normalan-rad-u-skupstini>

³ Interview by Milena Perovic Korac

RSF and the other organizations urge the authorities to release Martinovic at once pending trial. Martinovic has been insisting on his innocence ever since his arrest in September 2015. On April 8, 2016 after almost six months in detention, Montenegro's Special Prosecutor's Office filed charges against Martinovic and 13 others. As of October 2016, no trial date had been set.

Media freedom in Montenegro was the issue in the last *European Commission report on state of play in Chapters 23 and 24, so called non-paper*⁴ published in the June of this year

“In the field of freedom of expression, there is still limited progress in dealing with cases of violence against journalists, especially the old ones. The Commission for monitoring investigation of attacks against journalists, whose mandate expired in December 2015, was re-established in September 2016. The Commission has so far adopted a rulebook on its work and formed four committees to work on separate major cases. So far, all commission members have been granted access to classified information and the commission should now intensify its work. While some cases of violence against journalists have recently been completed, it is also necessary to resolve old cases, including the 2004 murder case. Not only the perpetrators, but also the persons behind the attacks should be discovered, and to overcome shortcomings and delays in the investigations in which results are lacking”, says EK.

Commission whose mandate expired at the end of 2015, failed to achieve the main objective for which it had been established - to provide a comprehensive opinion on shortcomings in these investigations and ways they could have been improved based on the overview of investigations recognized as high-priority ones.

“From the very beginning the composition of the Commission did not promise that it would reach wanted results, as most of its members (six) were representatives of state bodies whose conduct the Commission was to review. Two (or even four members according to the Chairman of the Commission) had directly conflicting interests, because they were in charge of investigations identified by the Commission as high priority”, the conclusion is in the report of NGO Human rights action.⁵

The Commission was reestablished in September 2016. **Dusko Vukovic**⁶, one of the members of Commission says that they started to work in full composition these days.

“The Commission has only recently started to work in full, because it was delayed obtaining the access to classified documents for all members. Now we will see if there will be obstructions, which the previous commission faced, or things will go better. I am skeptical about that”, says Vukovic.

Some of the unsolved cases of attacks on journalists could be obsolete soon.

In October 2016, on the day of parliamentary elections, several messaging applications such as WhatsApp and Viber were blocked. A few hours before polling stations opened, the authorities

⁴ <http://www.mep.gov.me/vijesti/173928/Saopstenje-Objavljen-radni-dokument-o-trenutnom-stanju-u-oblastima-poglavlja-23-i-24.html>

⁵ <http://www.hraction.org/wp-content/uploads/Report2.pdf>

⁶ Interview by Milena Perovic Korac

announced that they had foiled a mysterious plot to oust Prime Minister Milo Djukanovic and had arrested 20 suspects in Podgorica.

That fact is also mentioned in the last *European Commission non-paper* report: “Temporary suspension of certain social media platforms for communication on the day of election, as well as the way it is ordered, provokes concern about compliance with European standards”

The European Commission in the non-paper report also criticized the drafting amendments to the Criminal Code that was under preparation this year: “Despite the introduction of certain additional guarantees for journalists, there is a risk of discouraging media freedom by drafting amendments to the Criminal Code that is under preparation and providing for imprisonment for defamation of judges and prosecutors, and therefore should be reconsidered”. That paragraph is erased the Draft after the pressure of domestic and international organizations.

But some other law changes that have been adopted can also discourage media freedom. The parliament recently adopted amendments to the Law on Free Access to Information enable institutions to conceal information that may indicate a violation of law or corruption, contrary to the recommendations of the European Union. The law has been changed without the knowledge of the public.

In early 2016, the Ministry of Culture set up a working group to draft amendments to the Law on Free Access to Information with the task of regulating the issue of data re-use in compliance with European directives. Almost a year after the draft was made, the government submitted the Proposal of amendments to the law to the Parliament, at the very moment when all opposition parties boycotted the work of the Parliament.

The government’s initial proposal referred only to the re-use of information, but it later accepted the amendments of MPs of the ruling party which significantly limited the access to information. The institutions responsible for the implementation of the law were not consulted when proposing the controversial amendments, nor was the opinion of the European Commission asked.

Vuk Jankovic⁷ from NGO MANS thinks that the adopted amendments allow state institutions to hide information about their work.

“More important is that the interested public has no possibility of judicial control over the whole procedure, as it was the case so far. From now on, access to information depends on the free will and assessment of persons at the head of state institutions, whether they want or do not want some information to be public. In addition, the list of information whose access to information is limited is extended so that institutions have a legal alibi to hide information that can reveal how business deals are concluded, as well as information relating to tax debts and exemptions, etc.

Also, the new legal solution has eliminated the obligation of the Agency's decision-making merit, which in practice will result in delays in the procedure, without the possibility of making a final decision in the specific case”, says Jankovic

⁷ Interview by Milena Perovic Korac

Conclusion

Some processes, law changes and cases of violence against journalists that still waits to be solved are all reasons for the additional worry when we talk about freedom of expression and media freedom in Montenegro. It also shows that the greatest pressure on media freedom still comes from the government and state institutions.

