

Montenegro: Media and Freedom of Expression, Regular Report 2012

Montenegrin independent media and its journalists have been exposed to new attacks and pressures over this year. These were manifested through physical assaults on journalists, financial pressures and legal proceedings. Not surprisingly, therefore, Montenegro is now ranked lower than in the previous year on the 'Reporters without borders' report on media freedoms, where its 107th position is the lowest in the region. In Europe, only Belarus, Russia and Ukraine have lower rankings. The enhancement of media freedom has been one of the key requirements for obtaining the date for commencement of EU accession negotiations.

Representatives of the independent media have a huge problem with regard to security and normal functioning of their newsrooms due to the pressures from the criminal and political circles.

The case of Olivera Lakic: Daily Vijesti journalist Olivera Lakic has been physically assaulted in the evening hours on March 7, 2012, in front of her house in downtown Podgorica. Ms Lakic wrote last year a series of articles on illegal production of cigarettes in the northern town of Mojkovac. After that, those in that murky business threatened Ms Lakic and her family in several ways, while the police tried to minimize and cover up the case instead of investigating it thoroughly and protecting the journalist.

A few days after the attack, the police arrested one person, who, according to Ms Lakic's best knowledge, did not have any motive to assault her. She insisted that those who commissioned this act be found. She also announced her withdrawal from journalism, until the state authorities resolve the case.

Earlier this month (December 2012), Montenegrin prosecution authorities examined Milenko Rabrenovic, a police officer employed at the Ministry of Internal Affairs, on suspicion that he threatened Olivera Lakic and her daughter after a series of articles about the illegal cigarette trafficking in Montenegro. Mr Rabrenovic was a driver of the former Head of Montenegrin Police Authority Veselin Veljovic when these texts were published.

The case of Veselin Drljevic: In February of 2012, the editor of daily Dan Veselin Drljevic and the photographer of this paper were assaulted by a group of hooligans who inflicted several injuries on Drljevic's face and body. Perpetrators of this attack were found and legal proceedings against them have begun.

The case of arson of Vijesti vehicles: Police did not find out who are the arsonists who torched vehicles of Vijesti. Fire was set on four vehicles of Vijesti in three night operations. Although the representatives of Police and Government have stated that they are diligently working on resolving these cases, no progress has been made after several months of investigation.

Montenegrin police and judiciary did not manage to solve numerous previous cases of physical endangering of journalists and editors in Montenegro, starting with the 2004 murder of publisher and editor Dusko Jovanovic, the 2008 murder of Srdjan Vojcic, who was a guard of

Montenegrin poet Jevrem Brkovic. The same applies to subsequent attacks on Tufik Softic, Zeljko Ivanovic, Mladen Stojovic and others. One of the main requests of massive street protests in 2012 and the petition of media professionals sent to EU officials Baroso and Fule was for these cases to be solved.

The persecution of Mihailo Jovovic, Vijesti's Editor in Chief: Three years upon the physical attack by the Podgorica mayor Miomir Mugosa and his son Miljan Mugosa on Mihailo Jovovic, Editor in Chief of Vijesti, and Boris Pejovic, its photographer, the Court has sentenced only conditionally Mayor's son Miljan, although the court practice for all types of severe injuries similar to the one inflicted by Miljan Mugosa is to impose prison sentences. However, even after such an epilogue, the Prosecution has appealed to the Superior Court, whom it is now asking to reverse its decision and to prosecute instead the Editor in Chief for alleged attack on the Mayor's son.

In August 2009, Jovovic and Pejovic were assaulted by Mayor Mugosa and his son while covering a story on Mayor's repeated illegal parking and the functioning of the city's communal police. The journalists were threatened with a gun by the Mayor's son and Mr. Jovovic was admitted to hospital with a ruptured eardrum. Colluding with the Mayor, police failed to take any evidence from the scene, including the gun, while prosecutors falsely indicted Mr. Jovovic for attacking the Mayor's driver and causing him serious brain injury, contrary to two expert medical opinions.

Treatment of the independent media representatives as criminals and enemies: The representatives of the independent media have been accused for being disloyal to the Montenegrin state and depicted as non-patriotic, even for belonging to the organized crime.

In many public appearances during the last year, the new prime minister and leader of the ruling political party DPS Milo Djukanovic continued the campaign against the independent media. He called the representatives of independent media *rodents that need to be deratized*. On more than one occasion Djukanovic has repeated that media and civil activists represent a major barrier on the Montenegrin road towards Europe, that they chase away foreign investors by writing about corruption and organized crime, and that they want to bring down the current administration by all means possible.

During the recent campaign for parliamentary elections held on 14 October, Djukanovic and his associates engaged more with the independent media than with the opposition. In his speeches, Djukanovic falsely accused the independent media for coordinating the opposition parties and announced the arrest of Miodrag Perovic, co-founder of daily Vijesti and weekly Monitor. During the campaign, Vijesti's correspondent Goran Malidžan was physically assaulted at a DPS party rally in that city.

Media completely or partially funded by the government publish serials about the representatives of independent media, using the hate language and numerous lies. So, the female journalists and civil activists are called prostitutes, while owners and male journalists are presented as fools, animals and national traitors. In the media controlled by DPS, the attacks

on independent media are openly ridiculed. The state owned daily Pobjeda is leading this propaganda.

On the other hand, only in the independent media one can find serious investigative pieces on corruption, non-transparent privatizations, links of the political elite with criminals, etc. The aim is clear – to silence and discipline the independent media, their founders, editors and journalists by publicly lynching them.

Financial pressures through advertising: The biggest portion of the total advertising budget from the state institutions - the national and local governments, agencies, ministries, state owned companies - goes mostly to the media controlled by the state and ruling political structures. A recent research conducted by the Center for Civic Education, has concluded that the state-controlled daily Pobjeda, albeit with the smallest circulation, benefits from the greatest number of advertisings by the state institutions and enterprises.

Pobjeda sells its advertising space to the state companies and institutions for much higher prices than Vijesti and Dan do. Also, Pobjeda offers very low advertising prices to private companies, thus threatening the independent media to loose its main source of revenue.

The launch of a free daily newspaper and dumping prices by competitors: On the small Montenegrin market, two daily newspapers have been launched over the past year. One of them, 'Dnevne novine', was established and distributed without charge for almost a year and, since very recently, is selling at a nominal price of 20 cents, while the other, named 'Blic', is selling at a token price of 30 cents. On a market of 650 000 inhabitants, such low dumping prices cannot be economically sustainable. The largest-selling and most influential dailies in Montenegro, 'Vijesti' and 'Dan', are sold for 70 cents. This fuels strong suspicion that the establishing of media with dumping prices is politically motivated and that the anonymous financiers are willing to invest huge fortunes in order to undermine the independent press. Needless to say, the state authorities entrusted to implement the Law on Protection of Competition are not reacting.

The ownership structure: Most of Montenegrin media are controlled by the top of DPS and are being financed in a nontransparent way. It is unclear who really stands behind them, as a significant majority is bankrupt; some have multimillion losses but still keep functioning. Government covers losses of Pobjeda and public Radio & Television of Montenegro out of its own budget. Behind the others, publicly or secretly, stand tycoons and their companies who support the propaganda in favour of the government. At the same time, the top state and DPS party officials aggressively and falsely depict the owners of daily Vijesti and weekly Monitor, the media that are struggling to survive under such oppressive circumstances, as filthy rich media monopolists and mafia.

Indicative is the case of the daily Pobjeda which remains in a majority ownership of the state, even though the Media Law of 2002 called for the privatization of this house by 2004, at the latest. Since then, two tenders have been 'unsuccessful', so the Government continued to finance the newspaper despite the legal provisions forbidding this.

Now, after the third announcement of the tender, the government could cede Pobjeda well below the anticipated conditions of sale. According to recently released information, it could happen that the state assumes the huge debts of Pobjeda, which amount to about 20 million. The only bidder is the Bosnian company Avaz. Owner of Avaz is controversial Fahrudin Radoncic, a longtime friend of Milo Djukanovic. Messrs Radoncic and Djukanovic were Montenegrin Communist Party officials before the multiparty system was introduced.

Court cases: Journalist of the weekly Monitor Veseljko Koprivica won the case against Montenegro in the European Court for Human Rights in Strasbourg. Explanation of judges in Strasbourg was that the penalty and damage charges for alleged libel, which were assigned to Koprivica in Montenegrin court, were not in accordance with the practice of HRC in Strasbourg. This court ruling is a great encouragement, since in the last few years dailies Vijesti and Dan and weekly Monitor paid over 300 000 euros for alleged libel and pain and suffering of the plaintiffs, former prime minister Djukanovic and his close representatives of business elite included. In a majority of these cases penalties imposed in the Montenegrin courts have not been in accordance with the practice of HRC and have jeopardized the economic survival of these media, and thus the freedom of speech and expression.

The verdict in Koprivica vs. Montenegro could positively influence the courts in Montenegro, which currently deal with many court proceedings for libel against dailies Dan and Vijesti and weekly Monitor.

It is encouraging that the Constitutional Court of Montenegro at the beginning of this year overturned the verdict of the Supreme Court against the weekly Monitor and its journalist Andrej Nikolaidis. The Constitutional Court in its interpretation of judgment called on the practice of the Court in Strasbourg.

Lawsuit by Ana Kolarevic: On the same day that it was announced that the Prime Minister will be Milo Djukanovic, his sister and lawyer Ana Kolarevic filed a lawsuit against dailies Vijesti and Dan, and the weekly Monitor, seeking compensation of **100,000 euros** from each of them. The pretext is the alleged mental pain that she has suffered as a result of their reporting on the Telecom affair. Earlier this year, the US court authorities in New York opened a high-level corruption case related to the Telecom privatisation in 2005. In New York Court documents, Prime Minister Djukanovic's sister is brought in connection with this affair and its dubious contracts, which were highlighted by the media that she is now suing. Ms Kolarevic has decided to file a lawsuit only ten months after the first articles appeared, when it was clear that her brother would return to the post of Prime Minister.

Public Radio and Television: Advisory Committee of the Public Broadcasting Service (RTCG), after the overturn of the former managing director, appointed the new one – Rade Vojvodic. Mr Vojvodic was a long term director of the private television 'IN', which was subsequently liquidated following a bankruptcy. He is also a close friend of Milo Djukanovic. In an ambitious program, Mr Vojvodic has announced reforms and drastic decrease of number of employees. While layoffs were initiated, Mr Vojvodic brought to RTCG most of his personnel from TV IN. According to the Independent labor union of RTCG, their hiring was in collision with the Employment law.

Although the arrival of the new management improved the viewership rating of public broadcasting services, the quality of the programme is still questionable. The editorial board now insists on entertainment and sports, for airing the Champions League, for example, and which absorb significant state budgetary funds. At the same time, educational, scientific and informative programme, which are the foundation of every public service broadcast, still have inadequate professional standards. In the news programs, the primacy is still given to the ruling parties and leading government officials, while the information on actions and views of the opposition and civil society representatives significantly lags behind.

RTCG is accused by some members of its Advisory Board for non-transparent allocation of funds in previous years, as well as for closing suspicious contracts worth millions with the offshore company Fiesta. For more than ten years, Fiesta has been an agent for leasing of satellite services for RTCG. Interestingly, the company "Fiesta" was in the middle of the corruption scandal associated with the privatization of Montenegrin Telekom.

Self regulatory bodies: After several months of deliberations, in which local OSCE and EU delegation representatives also took part, the Montenegrin media community decided to establish two self-regulatory bodies. In March 2012, the 'Media self-regulatory body' was formed, bringing together 19 electronic and print media. A significant number of these media is financed from state and local budgets, while a majority of them does not keep distance from the ruling structures. Since their inception, they have commented mostly the activities of dailies Vijesti and Dan, TV Vijesti and weekly Monitor, instead of focussing on their founders.

On the other hand, dailies Vijesti and Dan and the weekly Monitor, which had advocated the establishment of two separate bodies since the beginning of these deliberations - one which would deal with issues of self-regulation in the print media and the other in the electronic media - formed a working group for establishment of a Press council. The working group has drafted the key documents and announced the creation of the Council.

Željko Ivanović, CEO daily Vijesti

Mladen Milutinovic, CEO daily Dan

Milka Tadić Mijović, CEO Monitor weekly

Podgorica, 10 December 2012