



PROSECUTION OF ATTACKS ON JOURNALISTS IN MONTENEGRO

November 2016



HUMAN RIGHTS ACTION

AKCIJA ZA LJUDSKA PRAVA



This is what your right to be informed looks like.
STOP REPRESSION OF JOURNALISTS!



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Report

**Prosecution of attacks
on journalists
in Montenegro**

Podgorica
November 2016

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INTRODUCTION

Freedom of expression is essential for a democratic society to exist and thrive. Journalists, who inform the public, must have the right to freedom of expression and personal safety in accordance with international standards and the legal system of Montenegro.

The state in which the attacks on journalists are prevented, effectively investigated and duly punished ensures basic conditions for the work of journalists, and Montenegro has yet to become such a state. The fact that the authorities have failed to shed more light on the killing of a journalist, but also attempted murder, six assaults, threats, as well as attacks on media property, creates an atmosphere of intimidation and public impression about the absence of the rule of law, about clandestine cooperation of state authorities with the attackers on journalists. As a rule, journalists targeted were those who dared criticize the government and point to corruption and crime.

Human Rights Action (HRA) keeps a record of attacks on journalists and monitors the state reaction to them in order to call attention to a special social need for justice in all these cases. The society should be particularly interested in resolving and punishing attacks on journalists, as there is a reasonable doubt that they have been targeted for trying to ensure that this very society be informed. In addition, no person should be under attack because of free expression, as there are civilized, legitimate and accessible ways to express disagreement with media editorial policy or unprofessional work of journalists.

HRA published its previous report on the prosecution of attacks on journalists in Montenegro on 31 January 2014,¹ with the specific intent to provide a systematic overview of publicly available facts about these attacks to the then freshly established Commission for monitoring actions of competent authorities in the investigation of cases of threats and violence against journalists, assassinations of journalists and attacks on media property. The new edition of the report, published 2 November 2016, contains new information on the processing of cases that occurred up to the end of January 2014, as well as an overview of new cases of attacks together with the information about their processing and conclusions.

¹ More information available at: <http://www.hraccion.org/wp-content/uploads/Report-Prosecution-of-Attacks-on-Journalists-in-Montenegro.pdf>.

The said Commission for monitoring investigations of attacks on journalists, which operated for two years - from January 2014 until the end of 2015, was established by the Government of Montenegro to re-examine investigations of attacks on journalists and provide an opinion on the shortcomings in these investigations, and the way to improve the investigation process. However, the Commission failed to fulfil the task for which it was created. Why did that happen - HRA has tried to explain in a special report on operation of the Commission, which was discussed in a panel discussion on 19 May 2016.² The Government of Montenegro then on 30 June 2016 decided to set up a new commission – Commission for monitoring actions of competent authorities in the investigation of cases of threats and violence against journalists, assassinations of journalists and attacks on media property.³ Decision on its establishment came into force on 23 September 2016 and it held three sessions until the release of this report on 2 November 2016. One of the members of the new Commission is attorney at law Dalibor Tomović, who was proposed for membership by HRA, and supported by 10 more non-governmental organizations.⁴

HRA here presents the processing of a total of 55 attacks on journalists and their property - from murder and physical attacks, threats, use of explosives, stoning of business premises, to damage to vehicles. Of these, 27 cases occurred in the period from January 2014, following the attack Lidija Nikčević, journalist of daily *Dan*, up to the end of October 2016 marked by threats to Siniša Luković, journalist of daily *Vijesti*. This report, like the previous one, includes the case of the attack on a writer, Jevrem Brković, who in his book described the links between the government and organized crime, and murder of his companion, who was killed during that attack. The report also includes the case of death threats to a human rights activist, Aleksandar Zeković, whose safety was jeopardized due to his research on breaches of human rights as well as his free speech.⁵

² For more detail see: <http://www.hraction.org/?p=10803>.

³ The Commission is composed of Nikola Marković, assistant editor in chief of daily *Dan*, Chairman, and members Mihailo Jovović, editor in chief of daily *Vijesti*, Marijana Camović, president of the Media Trade Union, Ranko Vujović, Executive Secretary of the Media Self-Regulation Council, Dragoljub Duško Vuković, journalist and media expert, Veselin Racković, member of the Prosecutorial Council, former prosecutor, Milan Adžić, chief police inspector for control of the legality of police powers in the Department for internal control of the police in the Ministry of Internal Affairs, Aleksandra Samardžić, representative of the National Security Agency and Dalibor Tomović, attorney, representative of 11 NGOs.

⁴ Pursuant to Art. 12 of the Decision, it shall enter into force on the eight day as of 15 August 2016, when it was published in *Sl. list CG*, 59/2016.

⁵ The European Court of Human Rights put activists and journalists on an equal footing in terms of protection afforded, as NGO activists contribute to the public debate by spreading information and ideas about topics of public interest (see judgment *Steel and Morris v. the UK*).

The aim of this the report is to indicate, based on the available information, whether the attacks were effectively prosecuted or not, while keeping in mind that the standard of "effectiveness of investigation" also implies that the public should be adequately informed about the investigation process. For an investigation to be effective, it must be conducted promptly and expeditiously, in a manner capable of leading to the identification and punishment of all those responsible, including persons in charge. Any shortcoming in the investigation, which reduces the chance of identifying all the perpetrators, both direct ones and those who ordered or organized the crime, does not meet this minimum standard and violates the European Convention on Human Rights (see, for example, judgments of the European Court of Human rights in cases *Kaya v. Turkey*, *Gongadze v. Ukraine*, *McKerr v. the United Kingdom*, *Najafli v. Azerbaijan*).⁶

The Committee of Ministers of the Council of Europe in 2011 adopted guidelines in order to eradicate gross violations of human rights, noting therein the criteria for an effective investigation: adequate, thorough, impartial and independent, fast and controlled by the public.⁷ The Organization for Security and Cooperation in Europe (OSCE) in its Safety of Journalists Guidebook, published in 2012, states as follows: "Investigations of attacks on journalists require particular sensitivity and expertise to ensure that any possible link between the crime and the journalist's professional activities is uncovered and taken into account. A newspaper article, broadcast item, or any form of published material, may be a significant piece of evidence... Police and governmental authorities should also be mindful of the fact that journalists may be especially vulnerable to malicious physical attacks on account of their work. They should be prepared to take steps to provide protection in cases when there is a substantial or imminent fear of assault or harm."⁸

Two journalists in Montenegro were assigned police protection. These are Tufik Softić, who was attacked twice - in 2007 and 2013, and has been under the police protection for nearly three years (since February 2014) and Olivera Lakić, who was threatened and attacked in 2012, but cancelled the police protection two years and seven months later.

6 See HRA Bulletin XVIII: *Violence against journalists*, [http://www.hraction.org/wp-content/uploads/Bulletin-XVIII.pdf](http://www.hrraction.org/wp-content/uploads/Bulletin-XVIII.pdf).

7 Guidelines Eradicating impunity for serious *human rights violations*, adopted by the Committee of Ministers on 30 March 2011 at the 1110th meeting of the Ministers' Deputies.

8 OSCE Safety of Journalists Guidebook, William Horsley, 2012, p. 20-21, available at: <https://www.osce.org/fom/85777?download=true>.

In addition to cases that have been reported to the police, the report highlights 15 incidents in which journalists received threats and were insulted or otherwise obstructed in their duties, most of which were not reported or journalists abandoned the prosecution by private action. Information about these cases was presented particularly in order to paint a more comprehensive picture of social climate that journalists in Montenegro presently work in.

The best way to prevent attacks on journalists is probably the existence of state based on the rule of law, with institutions capable of efficiently and effectively responding to all threats against journalists and attacks on them. The aim of this report is primarily to draw attention to cases of attacks on journalists in Montenegro that remained unpunished and unresolved for several years, and remind competent authorities about their unfulfilled obligations and thus support establishment of the rule of law.

Finally, in light of an increased number of incidents obstructing journalists on assignment, HRA believes it necessary to prescribe greater criminal protection of journalists by the Criminal Code, following the example of the protection enjoyed by civil servants. In this regard, we are advocating for the introduction of two new offenses: *Obstructing of journalists in performing their professional duties* and *Attack on journalists in performing their professional duties*, which would encompass the qualified form of offense in the event that the offense is committed by a state officer.⁹ HRA also proposed to the Ministry of Justice to add criminal offences Aggravated murder, Grave bodily harm and definition of a journalist in the article which prescribes the meaning of terms in the Criminal Code.¹⁰

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In Podgorica, 2 November 2016

⁹ With regard to the protection of journalism and safety of journalists and other media actors, the Committee of Ministers of the Council of Europe in its Recommendation CM / Rec (2016) 4 of 13 April 2016 stated the following: "The law should provide for additional or aggravated penalties to be applicable to public officials who, by neglect, complicity or design, act in a way that prevents or obstructs the investigation, prosecution or punishment of those responsible for crimes against journalists or other media actors on account of their work or contribution to public debate." Recommendation available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9

¹⁰ HRA proposal available at: <http://www.hracion.org/wp-content/uploads/HRA-Predlog-zakona-izmjenu-Krivicnog-zakonika.pdf>.

CONCLUSIONS

January 2014 – October 2016

- ① Since the beginning of January 2014, when journalist of daily *Dan* Lidija Nikčević was attacked, until 1 November 2016 there were no incidents of physical attacks on journalists resulting in grave injuries. However, a total of 27 attacks on journalists or media of lesser intensity were recorded¹¹, including:
- 3 physical attacks,
 - 10 threats,
 - 1 case of duress (forcible seizure of a camera),
 - 4 incident in which journalists were threatened or prevented from working,
 - 9 attack on the media and journalists' property.

In relation to the media individually:

- *Vijesti* (10: 8 threats, 6 of which were resolved; 1 case of obstructing a journalist at work, resolved; one torching of an official vehicle, unresolved);
- *Dan* (4: 1 case of preventing a journalist from performing duties, resolved; 1 instance of stoning of the building, resolved; 1 damaging of journalist's vehicle, unresolved; 1 case of obstructing a journalist at work, prosecution in progress);
- *Monitor* (3: 1 forcible seizure of a camera, resolved; 2 threats, unresolved);
- *IN4S* (3 physical attacks by policemen on editor Gojko Raičević, unresolved);
- *TV Pink M* (3 instances of stoning of the building, unresolved);
- *Dnevne novine* (2 instances of damaging of journalists' vehicles, unresolved; 1 case of obstructing a journalist at work, resolved);
- *RTCG* (1 damaging of the vehicle of director general, unresolved).

¹¹ HRA record correspond to the records of the police, as stated by Mr Saša Rakočević, head of the Department for combating general crime of the Police Directorate at HRA panel discussion entitled "Towards the rule of law and freedom of expression: how to ensure that the attacks on journalists be punished, how to prevent such attacks and provide a legal framework favourable for investigative journalism?" on 2 June 2016 in Podgorica.

- Of 27 processed cases, 10 (1/3) were resolved and 17 (2/3) remain unresolved.
- The police officers who physically attacked journalist Gojko Raičević on three occasions were not identified. Similarly, perpetrators of three incidents of stoning of *TV Pink M* newsroom, when during one of them Ivana Drobnjak, editor, sustained light injuries, have not been found.
- Of 10 cases of threats, 5 were resolved; one case of duress was resolved; of 4 incidents in which journalists were prevented from performing official duties, 3 have been resolved, prosecution of the fourth is in progress.
- Of 9 attacks on the property of the media and journalists, only one has been resolved - stoning of the building of daily *Dan*. Unsolved cases include torching of the vehicle of daily *Vijesti*, two damaged vehicles owned by journalists of *Dnevne novine*, one damaged vehicle of *Dan* journalist, one damaged vehicle belonging to RTCG director general, three instances of stoning of *TV Pink M* building.
- The attackers were usually persons on whom the journalists reported or planned to report, while the attack occurred while performing journalistic tasks.
- Punishments imposed for threats, preventing and obstructing of the work of journalists and stoning of buildings were, as a rule, at the level of the statutory minimum. Perpetrators of 4 crimes have been punished – in one case for the criminal offence Duress and in 3 cases for threats that were qualified as criminal offence Endangering Safety. For Duress the offender was sentenced in a final decision to a prison term of 9 months (prescribed prison sentence is 3 months to 3 years), while those punished for threats in 2 of 3 cases received suspended sentences¹² (one judgment is final, the other is not), and in the third case the person was convicted in a final decision to imprisonment for 3 months (punishable by a fine or imprisonment up to 1 year). Furthermore, perpetrators of 4 misdemeanours were fined, although each of these offenses was also punishable by imprisonment. Specifically, offenders who threatened journalists in a public place on two occasions were fined (punishable by a fine or imprisonment up to 60 days). In the third case, the offender was fined for insulting a journalist and insolent behaviour in a public

¹² Prison sentence is not executed if the perpetrator for a specified time period does not commit another criminal offense.

place (punishable by a fine or imprisonment up to 30 days) and in the fourth case a fine was ordered against a person who threw stones at the building, which was qualified as public disturbance or endangering public safety (by throwing and breaking bottles, glasses and other items), also punishable by a prison sentence of up to 30 days.

- 2 In the past two years, journalists in Montenegro have been operating in an atmosphere where citizens were more likely to express their dissatisfaction with reporting in an unacceptable manner – with insulting journalists in public places, threats, stoning media headquarters or damaging their vehicles - rather than address media self-regulatory bodies, the Electronic Media Agency, exercise right to correction and reply, or through litigation protect their privacy, honour and reputation.

There have been three instances of stoning of *TV Pink M* building, two during the protests by opposition parties in October 2015, and in September 2016. Not one case has been resolved.¹³

From May 2004 to October 2016 there were 14 incidents in which journalists received threats and insults or were otherwise impeded in their work, most of which were not reported or journalists abandoned the prosecution on private action. Of these 14 incidents, 11 occurred in the past two years - 8 during the October 2015 protests, when journalists were directly prevented or obstructed in their work. Of these, 6 cases were not prosecuted because the journalists did not report them, and in one case a journalist dropped the charges, while one threat was reported to the prosecutor's office.

The following are conclusions in relation to the overall statistics of attacks on journalists, starting from the murder of Duško Jovanović in May 2004 up to 1 November 2016.

¹³ *TV Pink M* is a media outlet known for its biased coverage sympathetic to the authorities. Since the beginning of 2016, the Electronic Media Agency found in deciding on complaints that of all electronic media, this television had most times (6) violated the Law on Electronic Media and / or Rules of program standards in the electronic media in relation to objectivity, impartiality, accuracy etc. Also, the Media Council for Self-Regulation has over the last year established, while deciding on appeals, that *TV Pink M* had most violations (5) of the Code of Journalists of Montenegro in relation to the principle of truthfulness (Art. 1 of the Code). Finally, on 3 October 2016 NGO Civic Alliance published report "It does concern me -monitoring the election campaign", which states: "Almost one in three reports on all television stations were one-sided. This particularly refers to Pink M, which had slightly more than 70% of biased reports (compared to the total number of reports on this station)." The report in Montenegrin language is available at: <http://www.gamn.org/index.php/mn/novosti/1065-tice-me-se-izvjestaj-o-monitoringu-izborne-kampanje05.html>.

May 2004 – October 2016

3 In Montenegro 2/3 of cases of attacks on journalists remain unresolved, including murder, physical violence, threats, attacks on property and incidents in which journalists were prevented or hindered in the performance of their duties. According to HRA records, 55 cases have been reported and prosecuted, of which 18 were solved (33%), 3 were partially solved (5%), while 34 remain unresolved (62%). These cases include:

- 1 murder of journalist Duško Jovanović (partially resolved);
- 1 attempted murder of Tufik Softić (unresolved);
- 4 grave physical attacks on Željko Ivanović, Jevrem Brković, Mladen Stojović and Lidija Nikčević, while during the attack on writer Jevrem Brković his companion Srđan Vojičić was killed (3 unresolved, attack on Lidija Nikčević resolved);¹⁴
- 5 physical attacks of lesser intensity (3 unresolved on Gojko Raičević, 1 partially resolved on Olivera Lakić¹⁵, 1 resolved on Mihailo Jovović and Boris Pejović);¹⁶
- 17 threats (9 unresolved, 1 partially resolved, 7 resolved);¹⁷
- 2 plantings of explosive devices, Tufik Softić and *Vijesti* newsroom (unresolved);

14 Although the attack on *Vijesti* director Željko Ivanović is officially regarded as resolved, the Commission for monitoring the investigation of attacks on journalists and media assets and HRA believe the opposite, taking into account a reasonable grounds to suspect that the real attackers have not been punished, and that the third perpetrator was certainly not identified.

15 Even though the perpetrator was punished, those who ordered the attack remain unidentified.

16 Although the perpetrators were prosecuted in one case of threats and physical attacks on journalist Olivera Lakić, persons behind the attacks have never been identified or prosecuted. Hence, the Commission for monitoring the investigation of attacks on journalists and media assets and HRA consider these two cases unresolved. The same applies to the case of threats she received in May 2014, officially considered to be resolved by the court, which by not confirming the indictment of the state prosecutor's office prevented trial against persons who threatened journalist Lakić, despite the context in which threats had been made, which contributed to doubts that throughout this whole case special attention was paid to not reaching the persons behind the attacks as well as intimidating journalist Olivera Lakić.

17 A more detailed overview of threats: 9 unresolved - 1 addressed to Aleksandar Zeković, 3 to Olivera Lakić, 2 addressed to *Vijesti* editorial staff, 2 addressed to Marko Milačić and 1 addressed to Marijana Bojanić, 1 partially resolved - addressed to Olivera Lakić (as in the case of physical assault, the perpetrator was punished, the instigator was not identified), 7 solved - 2 addressed to Siniša Luković, 1 to Milena Perović Korać, 1 addressed to Marijana Bojanić, 1 addressed to Marko Milačić, 1 to Darko Bulatović and 1 to journalists who insisted on staying anonymous.

- 6 instances of stoning of newsrooms, *TV Montena*, *TV Vijesti*, daily *Dan*, *TV Pink M* (5 not solved, 1 solved);
 - 8 vehicles damaged owned by the media or journalists, of which 4 were set on fire - owned by *Vijesti* (all unresolved);
 - 9 processed incidents in which journalists were illegally prevented or obstructed in the performance of official duties (8 resolved, 1 procedure in progress).
- 4 Of 18 attacks on the property of the media and journalists, only one was solved. Of the total number of attacks, 12 were on the media property and 6 on the property of journalists. These included 4 instances of torching of *Vijesti* vehicles, 2 instances of stoning of *Vijesti* building, planting of explosive devices by *Vijesti* building, planting of explosive devices near a journalist's house, 3 instances of stoning of *TV Pink M* building, stoning of *TV Montena* and stoning of daily *Dan* building, the only one which was resolved. In 5 cases journalists' vehicles have been damaged - in 2 cases vehicle owned by journalist of daily *Dnevne novine* and in one case by *Dan* journalist, *RTCG* director and freelance journalist Darko Ivanović. It has not been proved that the damage to journalists' vehicles occurred in connection with the performance of journalistic duties, but in all cases the injured parties said they suspected so.
- 5 All most serious attacks (murder and attempted murder, physical assaults, threats, planting of explosives and torching of vehicles) were targeted at journalists and media houses who have criticized the government sharply and investigated corruption and organized crime. These are the media and/or journalists of daily *Vijesti* and *Dan*, weekly *Monitor* and (during the October 2015 protests) portal *IN4S*.
- 6 Half of the processed attacks were targeted at *Vijesti*, i.e. director, editor, journalists and property of *TV Vijesti* and daily *Vijesti*. Of the 57 cases, 29 were related to *Vijesti*: beatings and other physical assaults, threats, planting of explosives, torching of vehicles, preventing and obstructing the work of journalists and stoning of the building. Daily *Dan* is in the second place, targeted in 8 attacks - killing of editor-in-chief and director, beating of journalist, stoning of the building, damaging journalist's vehicle, *weekly Monitor in the third place*, which suffered 6 attacks, mostly threats to journalists. Portal *IN4S* is the fourth - during the October 2015 protests police officers beat the editor on three occasions, while one policeman threatened him. The fifth place is shared by *TV Pink M*, which premises were stoned three times (on one occasion editor Ivana Drobñjak, who was at the time in the newsroom, was

injured), and *Dnevne novine* with three attacks - two damaged vehicles owned by journalists and obstructing the work of a journalist.

- 7 As a rule, cases that were prosecuted effectively were only those in which the journalists investigated or reported on topics of local interest. Such examples were recorded in Nikšić, Danilovgrad, Kotor, etc. As regards the most serious attacks, only one was resolved completely - The beating of *Dan* journalist Lidija Nikčević in January 2014, which occurred as a result of her research and reporting on the link between a local company and marijuana trafficking, which was the topic of local interest. In other serious cases that remain unresolved the victims reported on suspected criminal activities at the state level. This is also apparent in the aforementioned cases of murder of *Dan* editor Duško Jovanović, attacks on *Vijesti* director Željko Ivanović and threats and attacks against *Vijesti* journalist Olivera Lakić, as well as attacks against journalists Tufik Softić and Mladen Stojović.
- 8 Poorest results in the prosecution of attacks on journalists were recorded in Podgorica, unlike in other municipalities where the perpetrators were in general effectively prosecuted. Specifically, the cases of physical attacks and threats were, other than in Podgorica, prosecuted in Nikšić, Kotor, Pljevlja, Danilovgrad, Kolašin, Bijelo Polje and Bar. All offenders in other municipalities have been prosecuted except in cases of Tufik Softić and Mladen Stojović (cases prosecuted in Bijelo Polje and Bar) who reported on criminal activities that went beyond local boundaries. On the other hand, in addition to the above cases, authorities in Podgorica also failed to prosecute cases of torching of *Vijesti* vehicles and plantings of an explosive device by their newsroom, stoning of newsrooms of *Vijesti* and *TV Pink M*, on which occasion editor Ivana Drobnyak sustained injuries, beating of portal *IN4S* editor Gojko Raičević by police officers, etc.
- 9 Sanctions for the perpetrators of attacks on journalists were imposed, as a rule, at the level of the statutory minimum. This conclusion is based on the analysis of all 19 cases which ended in punishments for the perpetrators imposed in a criminal or misdemeanour proceedings; these are the cases of attacks on *Vijesti* director Željko Ivanović, editor and journalist of this newspaper Mihailo Jovović and Olivera Lakić, beating of *Dan* journalist Lidija Nikčević, as well as the cases in which the perpetrators were punished in misdemeanour proceedings. There have been examples of imposing suspended sentences for crimes such as, for example, in cases of causing grave bodily harm to daily *Vijesti* editor Mihailo Jovović and endangering of safety of *TV Vijesti* director Marijana Bojanić.

Conclusions on the prosecution of the most serious cases

- 1** There is still a lack of will to prosecute the most serious cases of attacks on journalists and media property so that all the co-perpetrators (perpetrators and instigators – those behind the attacks) be identified and sanctioned. This includes the murder of *Dan* editor-in-chief Duško Jovanović, attack on writer Jevrem Brković in 2006 when his companion Srđan Vojičić was killed, 2007 beating of director of daily *Vijesti* Željko Ivanović, attempted murder and assault on journalists Tufik Softić in 2007 and 2013, beating of journalist Mladen Stojović in 2008, threats and attack on *Vijesti* journalist Olivera Lakić in 2011 and 2012, torching of vehicles of daily *Vijesti* in 2011 and 2014 and planting of explosive devices in front of the editorial office of the newspaper in 2013. The only exception is the beating of *Dan* journalist Lidija Nikčević from January 2014, which was fully resolved, prosecuted and punished. Back on 13 March 2012, at the initiative of the Prime Minister Igor Lukšić, a meeting was held attended by the Police Director Božidar Vuksanović, Deputy Prime Minister and Justice Minister Duško Marković, Supreme State Prosecutor Ranka Čarapić, Interior Minister Ivan Brajović and special prosecutor Đurđina Ivanović, where it was decided that resolution and prosecution of all cases of attacks on journalists and the media *be set a priority of the police and office of the state prosecutor* in the following two years. However, not even four years later was there any progress in solving the cases and identifying both the instigators and the perpetrators. Additionally, not all conditions were provided for the work of the commission established by the government to re-examine investigations in the most serious cases. Bearing in mind the foregoing, report of the European Commission on the progress of Montenegro in 2015 did not come as a surprise, stating that Montenegro should pay particular attention to addressing the older cases of violence against journalists.¹⁸
- 2** In the most serious cases, investigations were ineffective, contrary to the European standard,¹⁹ which has been presented in more detail in separate HRA reports on prosecution of the murder of Duško Jovanović,²⁰ threats and

18 Report of the European Commission on the progress of Montenegro in 2015: „In addressing the shortcomings outlined below, Montenegro should pay particular attention to: solving older cases of violence against media, including the 2004 murder case, identifying not only the material perpetrators but also those behind the attacks and implementing recommendations issued by the ad hoc media commission set up to monitor attacks”, p. 19. Report available at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_montenegro.pdf.

19 For the definition of the standard of effectiveness of an investigation see introduction, p. 2.

20 "Unsolved Murder of Duško Jovanović, the Director and Editor-in-Chief of the Daily Dan – Questions without Answers", HRA, 27 May 2016, available at: [http://www.hraction.org/wp-content/uploads/Report-final.pdf](http://www.hrraction.org/wp-content/uploads/Report-final.pdf).

attack on journalist Olivera Lakić²¹ and attempted murder and assault on journalists Tufik Softić²². This conclusion is based on facts which indicate that investigations were not conducted properly, so as to lead to the identification and punishment of all those responsible, including persons who ordered the attack, or thoroughly, because not all reasonable steps were taken to provide all relevant evidence such as identification and interviewing of suspects and witnesses pointed out by the very victims, the scene was not thoroughly examined in order to collect all the forensic and medical evidence (particularly relating to cases of murder of Duško Jovanović, threats and attacks on journalist Olivera Lakić, attempted murder and attacks on journalists Tufik Softić, beating of journalist Mladen Stojović). In the most serious cases, investigations did not ensure that any possible link between the crime and professional activities of journalists be uncovered and taken into account²³. This is particularly evident in the case of murder of editor-in-chief Duško Jovanović, attack on writer Jevrem Brković when his companion Srđan Vojičić was killed, attempted murder and attacks on journalists Tufik Softić and Mladen Stojović and threats and attacks on journalist Olivera Lakić. It should particularly be borne in mind that the victims who survived the attacks immediately asserted that these had been due to the topics they dealt with and indicated whom they suspect to be responsible for the attacks. Investigations were not conducted efficiently, or completed within a reasonable time (e.g. investigation into the murder of Duško Jovanović is still ongoing - 12 years after the crime, investigation into attempted murder of Tufik Softić was suspended without results almost nine years after the event, investigations were suspended in cases of attack on journalist Mladen Stojović and threats to NGO activist Aleksandar Saša Zeković, that were conducted without any results – more detail below). Sufficient element of public scrutiny has not been ensured, which must exist in order to preserve public confidence in the rule of law, ensure responsibility and prevent any appearance of collusion in or tolerance of unlawful acts.²⁴ The former Supreme State Prosecutor Ranka Čarapić for two years (2010-2012) insisted that the public had no right to

21 Report "Threats and attack against *Vijesti* journalist Olivera Lakić, January 2011 - May 2014", HRA, 15 September 2016, summary in English available at: [http://www.hraction.org/wp-content/uploads/The-report.pdf](http://www.hrraction.org/wp-content/uploads/The-report.pdf)

22 More detail below in the report. Letter of 18 January 2016 submitted by Softić's attorney Dalibor Tomović and HRA executive director Tea Gorjanc-Prelević to Supreme State Prosecutor Ivica Stanković available at: <http://www.hraction.org/wp-content/uploads/Letter-to-the-SSP-Faults-in-investigation-of-attacks-on-journalist-Tufik-Softić%C4%87.pdf>.

23 OSCE Safety of Journalists Guidebook, William Horsley, 2012, p. 20-21, available at: <https://www.osce.org/fom/85777?download=true>.

24 Guidelines Eradicating *impunity for serious human rights violations*, adopted by the Committee of Ministers on 30 March 2011 at the 1110th meeting of the Ministers' Deputies, VI. Criteria for an effective investigation.

information about the status of investigations into cases of human rights violations, including attacks on journalists of great public interest, until the Administrative Court ruled against such a stance.²⁵ Current Supreme State Prosecutor Ivica Stanković has introduced greater transparency in the work of state prosecutors, but has not shown his willingness to thoroughly review their work in the unresolved cases of attacks on journalists.

- 3 In cases where the perpetrators were prosecuted, there were often 'volunteers' - people who claimed responsibility for attacks on journalists, although there were serious doubts about whether they were indeed the real perpetrators (attacks against director of *Vijesti* Željko Ivanović and threats and attacks against *Vijesti* journalist Olivera Lakić), while as a rule the instigators (persons behind these attacks) remained unidentified (in addition to the aforementioned case, this also applies to the case of murder of Duško Jovanović).
- 4 In indictments the state prosecutors leaned toward lighter qualifications of offences, while the courts reduced punishments, which is elaborated in more detail in separate chapters in cases of murder of Duško Jovanović, attempted murder of journalists Tufik Softić and cases of threats and attacks on Olivera Lakić.
- 5 Responsibility of civil servants who obstructed investigations in the most serious cases, ensured impunity and seriously brought into question the rule of law in Montenegro was never established. Furthermore, there were examples where those responsible for conducting controversial investigations got promoted.
- 6 The State Prosecutor's Office was not ready to thoroughly investigate allegations of the media and journalists targeted in the attacks, creating thus the impression that their efforts to report on all suspected cases of corruption and organized crime in the public interest remained futile. This discourages other journalists to deal with issues of common interest, while the public loses confidence in the capacity of the police and state prosecutors to ensure the rule of law. The given conclusion is particularly apparent in the attitude of the State Prosecutor's Office towards allegations brought forward by journalists Tufik Softić, Olivera Lakić, Mladen Stojović, writer Jevrem Brković, etc.

²⁵ This especially relates to cases of murder of editor Duško Jovanović, beating of journalist Mladen Stojović and attempted murder of Tufik Softić, attack on writer Jevrem Brković and investigation of murder of Srđan Vojičić, as well as death threats against NGO activists Aleksandar Saša Zeković. For more detail see: <http://www.hracion.org/?p=1957>.

Table with chronological outline of attacks on journalists, their property and assets of the media from 27 May 2004 until the publication of the report on 2 November 2016

PHYSICAL VIOLENCE AGAINST JOURNALISTS INCLUDING MURDER, ATTEMPTED MURDER, BEATING OF JOURNALISTS, THREATS, PLANTING OF EXPLOSIVES, STONING OF NEWSROOMS, DAMAGE TO VEHICLES AND SMALL OFFENCES AGAINST JOURNALISTS						
No.	Date	Journalist / Media house	Description of the case / Qualification (some offences were not qualified by the State Prosecutor's Office or the information about the qualification of the offense is not available)	Outcome	HRA remark	
1	24 July 2004	Duško Jovanović, daily <i>Dan</i> editor-in-chief and director	Murder / Criminal offence Attempted Aggravated Murder of Several People	<i>PARTLY RESOLVED</i>	Accomplice was convicted in a final decision (prison sentence of 18 years), other accomplices have not been identified, including the person who ordered the killing. HRA has inquired into this case in a special report available at: http://www.hraction.org/?p=10911 .	
2	26 October 2006	Jevrem Brković, writer	Writer Jevrem Brković was physically attacked and beaten, while his bodyguard Srđan Vojičić was murdered / Criminal offence Attempted Aggravated Murder of Several People	<i>UNRESOLVED</i>	The perpetrators have not been identified.	
3	April and May 2007	Threats / Criminal offence Endangering Safety	Prijetnje /k.d. Ugrožavanje sigurnosti	<i>UNRESOLVED</i>	Continuing death threats against NGO activists and researcher of human rights violations Aleksandar Zeković in 2007, suspected to have been made by a police officer, the then bodyguard of the Director of Police, were never prosecuted, audio recording of the threats disappeared from the case file, and prosecution became time-barred. In this case, too, the responsibility of civil servants for failures in the investigation was never established.	

4	1 September 2007	Željko Ivanović, daily <i>Vijesti</i> director	Physically attacked - beaten / Criminal offence Grievous Bodily Injury and Criminal offence Violent Behaviour	<i>Officially: RESOLVED</i> HRA assessment: <i>UNRESOLVED</i>	<p>Although two defendants were sentenced in a final ruling (imprisonment for a term of one year), Ivanović explicitly stated that these were not the persons who had attacked him. Other indications also justify the suspicion that the defendants actually admitted guilt for an act they did not commit. Additionally, the accused and witnesses in the trial testified that another person had been present at the time of the assault ("Miki"), but this person was never identified or prosecuted. Bearing all this in mind, HRA assessed this case as unresolved.</p>
5	1 November 2007	Tufik Softić, <i>Radio Berane</i> and daily <i>Republika</i> journalist	Physically attacked - beaten / Criminal offence Grievous Bodily Injury, later requalified to criminal offence Attempted Murder	<i>UNRESOLVED</i>	<p>Softić was attacked in the backyard of his house. The attackers used sticks during the assault; Softić suffered head and arm injuries. The perpetrators have not been identified. More information on the steps taken up to April 2016 available at: http://www.hraction.org/?p=10462.</p>
6	24 May 2008	Mladen Stojović, daily <i>Danas</i> and <i>Vijesti</i> journalist	Physically attacked - beaten / Criminal offence Grievous Bodily Injury	<i>UNRESOLVED</i>	<p>Stojović was attacked in his apartment. During the attack he suffered fractures to his upper and lower jaw, bleeding in the area of the head and was stabbed with a sharp object in the face. The investigation was suspended due to time-bar.</p>
7	5 August 2009	Mihajlo Jovović and Boris Pejović, daily <i>Vijesti</i> editor and photojournalist	Physically attacked / in relation to Jovović the criminal offence was qualified as Grievous Bodily Injury	<i>RESOLVED</i>	<p>The case of the attack on photojournalist Boris Pejović and Mihailo Jovović, editor of <i>Vijesti</i>, by the Mayor of Podgorica Miomir Mugoša, his son and bodyguard, that the State Prosecutor's Office persistently tried to present as a fight in which all the participants were equally guilty, was not adequately prosecuted. During the attack Jovović sustained an eardrum rupture when he was struck by Miljan Mugoša. Miomir Mugoša's son was sentenced to a prison term of six months, suspended for two years.</p>

8	24 September 2010	TV <i>Vijesti</i> and daily <i>Vijesti</i> newsroom	Threats / -	<i>UNRESOLVED</i>	Threatening mail was addressed to TV <i>Vijesti</i> and daily <i>Vijesti</i> newsroom. The perpetrators have not been identified.
9	31 January 2011	Olivera Lakić, daily <i>Vijesti</i> journalist	Threats / -	<i>UNRESOLVED</i>	Telephone threats in connection with the research that she had worked on. Identity of the perpetrators has not been established. HRA discussed all the threats and attack on journalist Lakić in a special report available at: http://www.hraction.org/?p=11335 .
10	3 February 2011	Olivera Lakić, daily <i>Vijesti</i> journalist	Threats / Criminal offence Endangering Safety	<i>UNRESOLVED</i>	Although the perpetrator was sentenced to four months in prison, the person who ordered the threats has not been identified.
11	3 February 2011	Olivera Lakić, daily <i>Vijesti</i> journalist	Threats / Criminal offence Endangering Safety	<i>UNRESOLVED</i>	The accused was acquitted in a final decision because the court assessed each piece of evidence individually in favour of the accused, without viewing them as a whole and connecting them logically. The court did not at all question a possible motive for threats to journalist Lakić. Both the first and the second instance court failed to take into account the generally known context of threats to Lakić, as well as the fact that she had accused the Director of Police of being behind the threats and attacks on her, and that he was the accused officer's superior and very close to him.
12	14 July 2011	Daily <i>Vijesti</i>	Two vehicles torched / Criminal offence Provoking General Danger	<i>UNRESOLVED</i>	The perpetrators have not been identified. Court expert in mechanical engineering estimated the damage to vehicles at € 8,500; <i>Vijesti</i> agreed with the amount estimated.
13	26 July 2011	Daily <i>Vijesti</i>	Two vehicles torched / Criminal offence Provoking General Danger	<i>UNRESOLVED</i>	
14	28 August 2011	Daily <i>Vijesti</i>	Two vehicles torched / Criminal offence Provoking General Danger	<i>UNRESOLVED</i>	

15	18 November 2011	TV <i>Vijesti</i> and daily <i>Vijesti</i> team of journalists: Darko Bulatović, journalist, Aleksandar Marojević, cameraman and Ivan Petrušić, photographer	Three persons cursed and insulted a team of journalists then pushed them into a vehicle, bruising journalist Bulatović's leg with the car door on that occasion / Criminal offence Violent Behaviour and misdemeanour -insult and impudent behaviour in a public place.	<i>RESOLVED</i>	Two perpetrators were convicted in a final decision - one to a prison term of 3 months, while the second was fined in misdemeanour proceedings in the amount of € 300.
16	7 March 2012	Olivera Lakić, daily <i>Vijesti</i> journalist	Physical assault / Criminal offence Violent Behaviour	<i>PARTLY RESOLVED</i>	Although the perpetrator was punished, the person who gave orders has not been identified.
17	6 April 2012	Marko Milačić, weekly <i>Monitor</i> journalist	After a brief quarrel in the nightclub which included swearing and insults, businessman Veselin Barović grabbed Milačić by the hand causing his bone to crack / misdemeanour - intimidation	<i>RESOLVED</i>	The perpetrator was order by a final decision to pay a fine in the amount of € 1,000, but the decision was not enforced due to time-bar.
18	4 October 2012	Goran Malidžan and Božidar Jelovac, daily <i>Dan</i> and <i>Vijesti</i> journalists	Journalists hindered in their work and insulted, Malidžan suffered a blow / Criminal offence Endangering Safety, misdemeanour - physical assault on another person	<i>RESOLVED</i>	Three perpetrators were punished in a final decision; Two were fined in misdemeanour proceedings with € 400 and € 200, while the third offender was fined with the amount of € 800 for criminal offence Endangering Safety.
19	5 July 2013	Milena Perović Korać, weekly <i>Monitor</i> journalist	Threat / Criminal offence Endangering Safety	<i>RESOLVED</i>	Offender was sentenced in a final decision to imprisonment of 60 days, suspended for one year.

20	21 July 2013	Ivan Petrušić, daily <i>Vijesti</i> photojournalist	Photojournalist suffered a blow during reporting / misdemeanours - physical assault on another person and harsh insult, particularly impertinent or obscene behaviour	<i>RESOLVED</i>	The perpetrators were punished in a final decision (one was acquitted, two received a € 400 fine each).
21	11 August 2013	Tufik Softić, daily <i>Vijesti</i> and weekly <i>Monitor</i> journalist	Planting and activating an explosive device in front of the house / Criminal offence Provoking General Danger and criminal offence Illegal Possession of Firearms, Explosives	<i>UNRESOLVED</i>	The perpetrators were punished in a final decision (one was acquitted, two received a € 400 fine each).
22	3 September 2013	Daily <i>Vijesti</i> journalist and photojournalist	Verbal incident between the Director of NGO Institute for Public Policy and <i>Vijesti</i> journalist and photojournalist	<i>RESOLVED</i>	Charges against both the journalist and photojournalist and against the director of NGO Institute for Public Policy have been dismissed.
23	20 October 2013	<i>Daily Vijesti</i>	Stoning of premises / misdemeanour	<i>UNRESOLVED</i>	The perpetrators have not been identified. The State Prosecutor's Office qualified the offense as a misdemeanour (without specifying which one).
24	8 November 2013	<i>Daily Vijesti</i>	Stoning of premises / Criminal offence Provoking General Danger	<i>UNRESOLVED</i>	The perpetrators have not been identified.
25	16 December 2013	Darko Ivanović, <i>RTCG</i> journalist	Breaking into a car / Criminal offence Destruction and Damage of Another's Property	<i>UNRESOLVED</i>	Allegations according to which the police had led the accused (who was later convicted in a final decision) to give false testimony have not been investigated.

26	26 December 2013	<i>Daily Vijesti</i>	Activation of an explosive device in front of the newsroom / Criminal offence Illegal Possession of Firearms, Explosives in concurrence with criminal offence Provoking General Danger	<i>UNRESOLVED</i>	The perpetrators have not been identified. The two defendants were acquitted on charges of planting the explosive.
27	31 December 2013	<i>TV Montena</i>	Kamenovana zgrada / -	<i>UNRESOLVED</i>	The perpetrators have not been identified.
28	3 January 2014	Lidija Nikčević, daily <i>Dan</i> journalist	Physical assault - journalist beaten / Criminal offence Violent Behaviour in concurrence with criminal offence Incitement	<i>RESOLVED</i>	Perpetrators were sentenced in a final decision. Three offenders were sentenced to a prison term of 11 months, one to a prison term of 13 months and the last one to imprisonment for a term of 15 months.
29	13 February 2014	<i>Daily Vijesti</i>	Torched vehicle / Criminal offence Provoking General Danger	<i>UNRESOLVED</i>	The perpetrators have not been identified. More information available at: http://www.hraction.org/?p=5657 .
30	16 May 2014	Olivera Lakić, daily <i>Vijesti</i> journalist	Threats / Criminal offence Endangering Safety in concurrence with criminal offence Commission and Participation	<i>Officially: RESOLVED</i> <i>HRA assessment: UNRESOLVED</i>	The court rejected a motion to indict by the state prosecutor for lack of evidence and did not prevent the trial despite the context in which the threat had been made.
31	25 May 2014	Marko Milačić, weekly <i>Monitor</i> journalist	Threat / Criminal offence Duress	<i>RESOLVED</i>	The perpetrator was sentenced in a final decision to a prison term of 9 months.
32	25 May 2014	Jelena Jovanović, daily <i>Vijesti</i> journalist	Threats / misdemeanour - intimidation	<i>RESOLVED</i>	The perpetrator was fined in misdemeanour proceedings with € 1,200.

33	30 June 2014	Iva Mandić, daily <i>Dnevne novine</i> journalist	Obstructing the performance of professional duties by a blow to the hand / misdemeanour -insult and impudent behaviour	<i>RESOLVED</i>	The perpetrator was fined in misdemeanour proceedings with € 100.
34	19 July 2014	Darĳo Bulatović, daily <i>Vijesti</i> journalist	Threats / Criminal offence Endangering Safety	<i>RESOLVED</i>	The perpetrator was sentenced in a final decision to a prison term of 3 months.
35	8 August 2014	Ivana Komnenić and Biljana Marković, daily <i>Vijesti</i> and <i>Dan</i> journalists	Obstructing the performance of professional duties (one sustained a blow to the hand) / misdemeanours – intimidation and physical assault on another person	<i>RESOLVED</i>	The perpetrator was fined in misdemeanour proceedings with € 600.
36	27 January 2015	Siniša Luković, daily <i>Vijesti</i> journalist	Threats / Criminal offence Endangering Safety	<i>RESOLVED</i>	The perpetrator was sentenced in the first instance, the verdict was overturned and in retrial the court issued the same verdict. Appeals procedure is ongoing. The perpetrator was sentenced to imprisonment of 30 days, suspended for one year.
37	25 April 2015	<i>Vijesti</i> newsroom	Threat / Criminal offence Endangering Safety	<i>UNRESOLVED</i>	The perpetrators have not been identified.
38	6 May 2015	Milovan Novović, daily <i>Dan</i> urnalists	Damaged vehicle / Criminal offence Destruction and Damage of Another's Property	<i>UNRESOLVED</i>	It is uncertain that the damage was motivated by writing of the journalist (journalist himself left the possibility in this case that damage to the vehicle had not been motivated by his writing).

39	7 May 2015	Zorica Bulatović, daily <i>Dnevne novine</i> journalist	Damaged vehicle / Criminal offence Destruction and Damage of Another's Property	UNRESOLVED	Investigation was suspended in line with the Basic State Prosecutor's decision because the offence was qualified as criminal offence Destruction and Damage of Another's Property that is prosecuted by private action. More information available at: http://www.hraction.org/?p=8790 .
40	3 June 2015	Daily <i>Dan</i> newsroom	Threat / misdemeanour - insulting another on the basis of national, racial or religious affiliation, ethnic origin or other characteristics	UNRESOLVED	<i>The procedure is ongoing, Kemal Canović, who compared daily Dan with French newspaper Charlie Hebdo, is being tried. More information available at: http://www.hraction.org/?p=8859.</i>
41	12 June 2015	Alma Ljuca, novinarka <i>Dnevni novina</i>	Damaged vehicle / Criminal offence Destruction and Damage of Another's Property	UNRESOLVED	The perpetrators have not been identified. More information available at: http://www.hraction.org/?p=8907 .
42	16 July 2015	Daily <i>Dan</i> newsroom	Stoning of premises / misdemeanour - public disturbance or endangering public safety	RESOLVED	The perpetrator was fined in misdemeanour proceedings. More information available at: http://www.hraction.org/?p=9199 .
43	29 July 2015	RTCG	Damage to the vehicle of RTCG General Director Rade Vojvodić / according to available information from the State Prosecutor's Office, the offence has not been qualified	UNRESOLVED	The perpetrators have not been identified, investigation is in progress.
44	26 August 2015	Marko Milačić, weekly <i>Monitor</i> journalist	Threat (in the commentary below the text on the portal) / -	UNRESOLVED	The State Prosecutor's Office did not reveal the identity of a person who posted the comment below the text threatening Milačić.

45	17 October 2015	Gojko Raičević, portal IN4S editor	Physical assault - Raičević was struck in the back by the policeman and then fell and hurt his already injured knee / according to available information from the State Prosecutor's Office, the offence has not been qualified	UNRESOLVED	Identity of the police officer who hit Raičević has not been established, despite the photographs presented by Raičević. In this context, Raičević was fined in misdemeanour proceedings in the amount of € 200 for failure to act on the orders of an official.
46	18 October 2015	TV Pink M	Stoning of premises, editor Ivana Drobniak sustained light injuries during stoning/ Criminal offence Provoking General Danger	UNRESOLVED	The State Prosecutor's Office did not establish the identity of the perpetrators, investigation is ongoing.
47	19 October 2015	Marijana Bojanić, Tv Vijesti director	Threats via Twitter /-	UNRESOLVED	The perpetrator has not been identified.
48	19 October 2015	Marijana Bojanić, Tv Vijesti director	Threats via Facebook / Criminal offence Endangering Safety	RESOLVED	The offender was imposed a suspended prison sentence of three months in a final decision, which shall not be enforced if for a period of one year from the date of the final judgment the defendant does not commit another criminal offense. More information available at: http://www.hraction.org/?p=9596 .
49	21 October 2015	ANONYMOUS (Identity known to HRA)	Death threats /-	RESOLVED	Journalist withdrew from prosecution, after the Prosecutor's Office assessed that there were no elements of a crime that is prosecuted ex officio.
50	24 October 2015	Gojko Raičević, portal IN4S editor	Physical attack - a blow / according to available information from the State Prosecutor's Office, the offence has not been qualified	UNRESOLVED	The identity of the police officer has not been established despite the video showing the officer striking Raičević twice as well as the license plates of the vehicle that the officer had stepped out from. More information available at: http://www.hraction.org/?p=10946 .

51	24 October 2015	Gojko Raičević, portal IN4S editor	Physical attack – a blow / according to available information from the State Prosecutor's Office, the offence has not been qualified	<i>UNRESOLVED</i>	The identity of the police officer has not been established.
52	24 October 2015	<i>TV Pink M</i>	Stoning of premises / Criminal offence Provoking General Danger	<i>UNRESOLVED</i>	The perpetrator has not been identified.
53	30 October 2015	Marko Milačić, weekly <i>Monitor</i> journalist	Threat (a message in front of the apartment) / -	<i>UNRESOLVED</i>	The State Prosecutor's Office did not establish the identity of a person who left the message.
54	7 September 2016	<i>TV Pink M</i>	Stoning of premises / Criminal offence Destruction and Damage of Another's Property	<i>UNRESOLVED</i>	The State Prosecutor's Office did not establish the identity of the perpetrators, investigation is ongoing. More information available at: http://www.hraction.org/?p=11301 .
55	17 October 2016	Siniša Luković, <i>TV Vijesti</i> journalist	Threats	<i>RESOLVED</i>	The offender was fined for particularly impertinent behaviour with € 300. The State Prosecutor's Office did not qualify this act as criminal offence Endangering Safety, although the conditions for this more rigorous qualification had been met. More information available at: http://www.hraction.org/?p=11556 .

INCIDENTS WHERE JOURNALISTS WERE THREATENED, INSULTED OR OTHERWISE IMPEDED IN PERFORMING THEIR DUTIES, MOST OF WHICH HAVE NOT BEEN REPORTED OR THE JOURNALIST SUBSEQUENTLY WITHDREW FROM PROSECUTION(N/A – NOT APPLICABLE)						
56	8 August 2012	Lidija Nikčević, daily <i>Dan</i> journalist	Verbal incident between a politician and a journalist	N/A	The journalist accepted an apology and did not initiate the proceedings.	
57	17 September 2013	Marko Milačić, weekly <i>Monitor</i> journalist	Insults /-	N/A	The perpetrator has been identified. Milačić did not take further steps.	
58	16 November 2013	Milka Tadić Mijović, weekly <i>Monitor</i> director	Vulgar insults via text message / journalist filed a criminal complaint for criminal offence Endangering Safety	UNRESOLVED	Tadić Mijović was not informed of the outcome of the complaint procedure, even though in the meantime the person who had sent her the text message publicly admitted to it.	
59	13 January 2014	Jevrem Briković, writer	Explosion in front of the apartment / -	UNRESOLVED	The perpetrators have not been identified.	
60	25 June 2015	Novak Uskoković, <i>Informers</i> editor	Threats / -	N/A	Although he filed a criminal complaint on this occasion, the editor of <i>Informers</i> later withdrew from prosecution.	
61	9 December 2015	<i>Vijesti</i> newsroom	Threatened and insulted by Vice President of the Assembly and official of Democratic Front	N/A	Director of daily <i>Vijesti</i> Željko Ivanović stated in the prosecutor's office that he did not feel threatened, and did not file a complaint on this occasion.	
62	12 December 2015	Marko Milačić, weekly <i>Monitor</i>	Prijetnja (putem Facebook-a)/-	N/A	Prijetnja nije odgovarajuće prijavljena (iz ODT su pozvali Milačića da dođe lično podnese prijavu, a ne putem telefona, što on nije učinio).	

INCIDENTS THAT TOOK PLACE DURING DEMONSTRATIONS ORGANIZED BY OPPOSITION PARTY DEMOCRATIC FRONT

63	17 October 2015	Dražen Živković and Lazar Ružić, daily Dan journalists	Živković was unlawfully deprived of his liberty, Ružić was pushed twice by police officers while photographing / -	N/A	No person was held responsible for the illegal deprivation of liberty, though the journalist did not report anyone. Živković was acquitted of charges in a misdemeanour procedure for refusing to act on the orders of an official.
64	17 October 2015	Dobriko Malidžan, daily <i>Pobjeda</i> photojournalist	Malidžan filed charges against an unknown person who damaged his camera	N/A	Malidžan abandoned the criminal prosecution of a person who has since been identified by him.
65	18 October 2015	Gojko Raičević, portal IN4S editor	Threat / according to available information from the State Prosecutor's Office, the offence has not been qualified	N/A	Identity of the police officer who threatened Raičević has not been established, despite the license plate number of the officer's vehicle presented by Raičević.
66	24 October 2015	Radomir Kračković, TV Vijesti journalist, the police	The Police threw tear gas in the direction of journalists who were carrying accreditation cards.	N/A	Journalists did not file charges on this occasion. However, the Council for Civil Control of the Police analysed the case and found that ...?
67	24 October 2015	Draško Đuranović, daily <i>Pobjeda</i> editor and <i>Pobjeda</i> team of journalist	<i>Pobjeda</i> journalists reported publicly about the insults; editor Đuranović publicly reported that one person had pushed and threatened him.	N/A	Editor Đuranović and <i>Pobjeda</i> journalists did not file charges on this occasion.

68	24 October 2015	Sladana Đuković, portal CdM journalist	The journalist was injured on the job, during the attack on the police by the protesters, in front of the Assembly building. She was hit in the leg with a pyrotechnic device and sustained burns on that occasion.	N/A	The journalist did not file charges on this occasion.
69	24 October 2015	Balša Rakočević and Novak Uskoković, Informer photojournalist and editor	One of the protesters hit Rakočević twice, causing him to drop the camera, which then broke. One person insulted and threatened Uskoković.	N/A	The journalists did not file charges on this occasion.
70	15 November 2015	Ivana Šebek, RTCG journalist	Obstructing the performance of professional duties and insulting	N/A	Although the identity of the person who insulted her is known, journalist Šebek did not take further action. According to information at our disposal, misdemeanour proceedings has not been initiated in accordance with the Law on Public Order and Peace. More information available at: http://www.hrraction.org/?p=9788 .

INDIVIDUAL CASES

1. Murder of Duško Jovanović, director and editor-in-chief of daily Dan (27 May 2004)

Social Context

The unsolved assassination of Duško Jovanović, the founder, director and editor-in-chief of the Podgorica daily *Dan*, has been weighing down on the Montenegrin public for 12 years now. This case has been highlighted in all reports on the state of human rights in Montenegro since 2004, in the context of violations of the right to life and freedom of expression.

Jovanović's newspaper has openly criticised the (still intact) Montenegrin regime ever since it was launched in 1999. Before Jovanović was assassinated, *Dan* had been sued, inter alia, by the Montenegrin Prime Minister, President, his Security Adviser, the Head of the State Security Service (SDB), and by businessmen close to the Government and the Prime Minister. Nearly all these people are still among the country's top political and economic power-wielders.

Jovanović had received numerous threats shortly before he was killed. He was also physically assaulted in 2000. Neither those who had assaulted him nor those who had threatened him have ever been identified. His wife claims that Jovanović had also been threatened by the then Chief of the State Security Service, now the Deputy Prime Minister of Montenegro, who has denied these allegations. Jovanović received an anonymous tip that he had been assaulted by members of the Special Anti-Terrorist Unit (SAJ) of the police.

The only person charged with and convicted of involvement in his assassination is a man, who claims he was a collaborator of the Montenegrin police. The context in which Jovanović, who bore the typical features of the so-called enemy of the state, was assassinated, coupled with the deficiencies in the investigation of his assassination, which have not been explained or investigated to this day, lead to the conclusion that there is no political will to shed light on and solve this case once and for all.

Under the minimal European standard of the right to life, the state must ensure an effective official investigation of a murder, which means that:

- 1) Such an investigation is carried out by public officials independent from the persons involved in the murder;
- 2) They have to act promptly and with expedition;
- 3) They take all reasonable measures to secure the evidence;
- 4) There is an adequate level of transparency of the investigation or at least its results, to ensure accountability and public confidence in their maintenance of the rule of law.

However, the undertaken actions have been lacking in urgency and seriousness required by international standards and cases involving the assassination of journalists. For example, the DNA of persons initially suspected of assassinating Jovanović was sent for analysis four years after the crime. A man, who told the State Prosecutor's Office that he had information about the case over a year ago, has not been questioned yet. *Dan* got hold of an official police memo, whose importance might steer the investigation in the right direction, of which there is no trace in the official case file.

The twelfth anniversary of the unsolved assassination of Duško Jovanović is burdened by doubts in the seriousness and sincerity of the relevant authorities' efforts to solve the case and by the impression that they are in collusion with the perpetrators and those who ordered the assassination.

Hitherto Investigation Results

The director and editor-in-chief of the daily *Dan*, Duško Jovanović, was shot outside the newspaper's offices in Podgorica just before midnight on 27 May 2004. He was gunned down right after he got into his car, from a vehicle with tinted windows. Shots were also fired at his bodyguard, who was close by. Jovanović succumbed to his wounds in hospital several hours later.

Only one person, Damir Mandić, was charged with and sentenced for involvement in the assassination, after a marathon, 11-year-long trial, during which the case was retried twice. The court ruled that Mandić had been in the vehicle from which the shots were fired, but that he had not fired them. The assassin, the co-perpetrators and the person(s) who ordered the hit have not been identified. The motive for the assassination remains unknown. It is unclear why Mandić was accused of and convicted for the crime of attempted

aggravated murder of more than one person under Article 144(1(8)) of the Criminal Code.

The manner in which the investigation was conducted has never been thoroughly reviewed, despite its insufficient results and complaints about its deficiencies. No one really examined whether the state had done everything it could to protect Duško Jovanović, in light of the threats he had received and reported. It remains unknown whether the criminal report he had filed against Ljubiša Buha-Čume²⁶ was acted upon or whether any consideration had been given to extending him police protection, in spite of the threats which he reported.

In August 2013, the then Acting Supreme State Prosecutor, Veselin Vučković, required of the Higher State Prosecutor's Office to look into the preliminary inquiry case file because *Dan* had in the meantime reported on the existence of an official police memo on Damir Mandić's interrogation on 2 June 2004, containing his alleged confession and a description of the assassination; this memo was not signed, registered or included in the case file. To this day, nearly three years later, the Higher State Prosecutor's Office has not finished working on the case, which it opened in response to the said request. None of the actions undertaken since have led to any progress in the investigation or a comprehensive analysis of actions taken until then.

The Higher State Prosecutor's Office said that a "comprehensive analysis has not been conducted because work on cases investigated by the Higher Prosecutor's Office has not been completed."²⁷ HRA, however, believes it necessary to conduct an urgent and comprehensive review of the investigation, which has not made any progress for 12 years now, because even the Commission for Monitoring Investigations into Attacks on Journalists has failed to perform such an analysis.²⁸

26 The leader of the so-called Surčin criminal clan in Belgrade, who was convicted several times and was later granted the status of protected witness in a trial against members of the so-called Zemun clan and in the trial for the assassination of Serbian Prime Minister Zoran Đinđić in 2003.

27 Higher Prosecutor's Office letter Tu. No. 443/16 of 25 May 2016.

28 More about the Commission in the report "From the Citizens' Perspective – Report on the Work of the Commission for Monitoring Investigations into Attacks on Journalists," HRA, 2016, the summary of which is available in English at: <http://www.hraktion.org/?p=10803>.

HRA published a special report "Unsolved murder of Duško Jovanović – questions without answers" in order to instigate a comprehensive review of the investigation of this case to date. Instead of representing conclusions, the report stressed twelve questions about deficiencies in the investigation to which the public has not received answers. HRA recommended hiring a foreign expert for investigation of the assassination, who would impartially review whether all reasonable steps were taken in this investigation and, if not, recommend further steps. HRA submitted the report to the Supreme State Prosecutor, Mr. Ivica Stanković and Minister of Interior Affairs Mr. Goran Danilović. The report is available at: [http://www.hraction.org/?p=10911](http://www.hrraction.org/?p=10911).

2. Attack on Jevrem Brković, writer and murder of Srđan Vojičić (24 October 2006)

On the evening of 24 October 2006, writer Jevrem Brković was attacked by three masked persons at the entrance to the building where he lived.²⁹ Brković was beaten with metal bars, and his driver, Srđan Vojičić, was murdered with a gunshot while trying to protect the writer.

To date, ten years later, no attacker has been identified and accused for this offense, which was qualified as Attempted aggravated murder of more than one person (Art. 144 of CC, para. 8 regarding Art. 20)³⁰.

Brković assumes that he was attacked by those who recognized themselves in his book "Ljubavnik Duklje (*The Lover of Duklja*)" published recently before the attack, in which he described links between organized crime

²⁹ "Jevrem povrijeđen, vozač ubijen (*Jevrem hurt, driver murdered*)", Dan, 25 October 2006; "Povrijeđen književnik Jevrem Brković, njegov vozač ubijen (*Writer Jevrem Brkovic hurt, his driver murdered*)", PCNEN, 25 October, 2006.

³⁰ Response of the Supreme State Prosecutor's Office on NGO Human Rights Action's request for information of 20 March 2012, item 7: http://www.hraction.org/wp-content/uploads/Odgovori_VDT-a.pdf.

and the ruling political elite in Montenegro³¹. Family members of the murdered Srđan Vojičić claimed that Brković actually knew who the attackers were, but refused to testify about it, and suggested that it had been a businessman closely associated with politicians in power³². Brković denied these claims.³³

The Police disclosed the name of a suspect for the first time seven years after the attack, in December 2013. Vido Brajović, at the time in the Podgorica prison, was suspected of having participated in the attack and murdering Vojičić, and the State Prosecutor's Office had been asked to take his DNA and compare it with other traces collected by the Police.³⁴ However, nothing else has been reported since.

Jevrem Brković told HRA that "the Police and Veljović³⁵ know very well who attacked him", as well as that following the attack, two Police teams were sent to the crime scene, "one to collect evidence and another one to destroy them upon the orders of their principals". The uncle of the murdered Srđan Vojičić also gave a similar statement.³⁶

On the night of 13 January 2014, on the eve of the Orthodox New Year, unidentified persons detonated a powerful pyrotechnic explosive – firecracker of larger dimensions, in front of Brković's flat in the centre of Podgorica, causing a lot of noise, but no major damage. Brković stated that he believed the event had been an attempt at intimidating him, and expressed doubt that the attack on him was performed by Serbian nationalists, because in his book he described people and events from the wars in Croatia and Bosnia and Herzegovina.³⁷ The

31 "Povrijeđen književnik Jevrem Brković, njegov vozač ubijen (*Writer Jevrem Brkovic hurt, his driver murdered*)", PCNEN, 25 October 2006; "Ubice još slobodne (Murderers still free)", *Vijesti*, 26 October 2006; "Brković: napad su naručili oni koji su se prepoznali u mom romanu" (Brković: Those who recognized themselves in the novel ordered the attack), RTS, 25 October 2006; "Jevrem Brković: attack due to writings about weapon and tobacco smugglers", text of Andrej Nikolaidis for *Croatian Jutarnji list*, 26 October 2006, etc.

32 „Brković čuva tajnu?" (*Brković keeps the secret*), *Republika*, 2 October 2006.

33 "Skupštinsko saslušanje o napadu na Jevrema Brkovića" (*Parliamentary Hearing on the attack on Brković*), *Radio Free Europe*, 1 October 2007.

34 "Zatvoreniku uzimaju DNK zbog ubistva Srđana Vojičića" (*DNA taken from a prisoner because of the murder of Srđan Vojičić*), *Vijesti*, 13 December 2013.

35 Veselin Veljović is the former director of Police Authority. He is currently the secretary of the Council for National Security of the Informative-Security Sector of Montenegro.

36 "Puniša Vojičić: Nekadašnji prvi ljudi policije znaju ko je ubio Srđana" (*former heads of the Police know who murdered Srđan*), *Vijesti*, 24 October 2014.

37 "Cilj je da se zaplašim, a znaju da me ne mogu zaplašiti" (*The goal is to intimidate me, and they know that I cannot be intimidated*), portal *Analitika*, 14 January 2014.

state prosecutor Ivan Medojević came on the scene, and promised Brković that the Police and the Prosecutor's Office will do everything to find the perpetrators, and on the order of the Minister of the Interior, Raško Konjević, a police patrol was designated to secure the building.³⁸

The Basic State Prosecutor's Office has opened a case on the occasion, and ordered DNA and other forensic evidence to be analysed.³⁹ According to the latest information available in September 2016, the work on the case was still in progress.

The case of attack on the writer Jevrem Brković and murder of his driver Srđan Vojičić was set among priorities of the Commission for monitoring performance of the state bodies in cases of attacks on journalists. However, the Commission did not report on the case until the expiry of its mandate in December 2015.⁴⁰

At the time of the murders of Duško Jovanović and Srđan Vojičić, and later the attacks on Željko Ivanović, director of *Vijesti* and the journalist Tufik Softić, the Supreme State Prosecutor was Vesna Medenica, appointed on 30 July 2003. She was then appointed president of the Supreme Court on 19 December 2007 and had remained in that office in October 2016, at the time of publication of this report.⁴¹

The investigating judge in the case of murder of Vojičić and attack on Brković, Mušika Dujović, was afterwards appointed president of the Higher Court in Podgorica and later also a judge and president of the Appellate court of Montenegro. He was in the office of the president of the Appellate court also in October 2016, at the time of publication of this report.⁴²

38 "Topovski udar' za Jevrema Brkovića" (*'Cannon attack' for Jevrem Brković*), *Vijesti*, 14 January 2014.

39 Response of the Basic State Prosecutor to the HRA request for access to information of 7 December 2015, TUSPI No. 13/15.

40 Report of the Commission for monitoring investigation of attacks on journalist for the period 6 February – 6 May 2014.

41 Official biography available at: <http://sudovi.me/vrhs/predsjednik-suda/biografija/>

42 Official biography available at: <http://sudovi.me/ascg/predsjednik-suda/>

3. Death threats to Aleksandar Zeković, human rights activist (April and May 2007)

Researcher of human rights violations and member of the Council for Civilian Control of Police, Aleksandar Saša Zeković, filed a criminal report after receiving death threats on his mobile phone in April and May 2007.⁴³

After the Police refused to listen to death threats recordings made by Zeković on his mobile phone, because they lacked voice analysis equipment, the local radio station from Podgorica *Antena M* broadcasted the recorded threats. Several people then recognized the voice of police officer Mirko Banović, a bodyguard of the Police director Veselin Veljović.⁴⁴

Veljović informed Zeković that the Police questioned Banović with a polygraph, and that it had been established that Banović had not been responsible for the threats, but Zeković did not attend that procedure and was only told about it subsequently.⁴⁵

Publicly available information on Mirko Banović

Before publication of the report, in October 2016, Mirko Banović was deputy commander of the Special antiterrorism unit (SAJ). The SAJ commander, Radosav Lješković, was indicted under suspicion of having committed a criminal offense Assisting perpetrator of a crime. The Basic State Prosecutor suspects that Lješković assisted members of SAJ to remain unidentified although the investigation had showed that on 24 October 2015, at the time of protests of political party Democratic front ill-treated citizens.⁴⁶ Although Banović himself had been sentenced in first instance for the crime Torture and Ill-treatment, this case reached time bar, according to NGO Civic Alliance.⁴⁷

43 "Prijetili mu smrću dok je bio kod šefa policije" (*Threatened to kill him while he was with the Police Chief*), *Vijesti*, 5 May 2007; "Zekoviću priječeno smrću (Zeković gets death threats)", *Dan*, 5 May 2007.

44 „Spremi drvenu košulju“ (*Prepare to die*), *Vijesti*, 6.5.2007.

45 "Banović passes polygraph test", *Dan*, 17 May 2007. "Zeković dissatisfied with protection and investigation", *Vijesti*, 28 April 2007.

46 For more detail please consider: [http://www.hraction.org/?p=10946](http://www.hrraction.org/?p=10946)

47 Saopštenje o nekažnjivosti u oblasti torture (*Announcement on impunity in the area of torture*), 17 June 2015, available at: <http://freeoftorture.net/index.php/me/pocetna/85-saopstenje-o-nekaznjivosti-u-oblasti-torture>; Also, „Naslednik Lješkovića sumnjičen za mučenje“ (*Lješković's successor suspected for torture*), *Dan*, 2 jul 2016.

Voice of America journalist Nebojša Redžić publicly announced that Banović in March 2009 forcefully removed him out of the room of the state villa Gorica, while he attempted to record the meeting between Milo Đukanović and Silvio Berlusconi, prime ministers of Montenegro and Italy, but he did not submit a criminal complaint against Banović.⁴⁸

The Council for Civilian Control of the Police stated that the Police failed to provide information it had required on the assessment of risk to personal safety of Zeković, member of the Council⁴⁹. The media reported that bodyguards of a Montenegrin Government official were involved in the secret surveillance and harassment of Aleksandar Zeković⁵⁰. The former President of the Supreme Court, Ratko Vukotić, informed Zeković that he could not tell him whether he had been under secret surveillance because disclosure of such information would be contrary to security interests of the State.⁵¹

Upon HRA requests filed in 2007 and 2008, the Basic State Prosecutor's Office responded that the Police were ordered to conduct specific investigation activities⁵², but not whether the Police actually did as they were instructed. However, it remains unknown to the public whether the Supreme State Prosecutor ever exercised her right to notify the Ministry of the Interior that the Police had not acted on Prosecutors' requests. On the second anniversary of the incident with Zeković, 31 NGOs sent a letter to the Supreme State Prosecutor, asking her to inform the public on the actions the State Prosecutor's Office has undertaken within its competence to investigate this case⁵³. The Supreme State Prosecutor's Office never replied to the letter. In 2010 the Supreme State Prosecutor's Office refused twice to answer HRA's request for access to information on what actions the State Prosecutor had undertaken to investigate the threats. The Administrative Court annulled the decision of the Ministry of Justice, which agreed with such decision of the SSP, and ordered adoption of a new decision. HRA received a response on 20 March 2012. SSP's response

48 HRA interview with Nebojsa Redzic. Also see: "Redžić: Ivanovića i Brkovića batinali članovi policijskih specijalaca" (*Redžić: Ivanović and Brković were beaten by members of police special unit*), 24 August 2013, *Vijesti*, <http://www.vijesti.me/vijesti/redzic-ivanovica-i-brkovic-batinali-clanovi-policijskih-specijalaca-145763>

49 "Zeković dissatisfied with protection and investigation", *Vijesti*, 28 April 2007.

50 "Policemen followed Zeković!", *Republika*, 26 April 2007.

51 "They won't reveal whether Zeković was followed", *Dan*, 3 May 2007.

52 The Basic State Prosecutor Office reply to the request for free access to information is available in the HRA archives.

53 Letter available on website: <http://www.hraction.org/?p=224>.

clearly indicates that the Police failed to provide necessary information to the Prosecutor's Office and obstructed the investigation.⁵⁴ Although the Prosecutor's Office urged the Police four times, SSP has clearly accepted illegal operations of Police officers, despite the publicly expressed serious doubts that the police officer had threatened Zeković and that his colleagues supported him in such actions.

After almost four years from the incident, when the prosecution apparently became time-barred, in February 2011 Zeković was called in by Acting Basic State Prosecutor, Ljiljana Klikovac, and told him that the audio recordings of the threats he had submitted to the Police were not in his case file.⁵⁵ It is still unknown who is responsible for the cover-up of this case, i.e. for the failure to conduct an effective investigation.

4. Attack on Željko Ivanović, director of daily Vijesti (1 September 2007)

In the early morning of 1 September 2007, in the city center of Podgorica, three unidentified persons attacked Željko Ivanović, the director and founder of daily *Vijesti*. He was beaten with a wooden bat in the head and body, suffered serious head injury in the form of ruptured cheekbones, hematoma under the eye and swellings on the face, as well as several light bodily injuries.⁵⁶

The persons accused for the attack were arrested two weeks later on 14 September. During investigation and trial, Ivanović testified that the accused did not even look like the attackers he described to the police immediately after the attack. Based on the confessions of two alleged attackers, despite testimonies of Ivanović and other witnesses of the attack that those two did not look like the real assaultants, the Deputy Basic State Prosecutor in Podgorica Sanja Jovičević accused Radoman Petručić from Nikšić for the criminal offence Serious bodily injury and Mitar Blagojević from Foča for Behaving in an unscrupulous and violent manner, both of whom were sentenced for these offences by final and

54 SSP response available at: [http://www.hraction.org/wp-content/uploads/Odgovori_VDT-a.pdf](http://www.hrraction.org/wp-content/uploads/Odgovori_VDT-a.pdf).

55 "Prosecution Office did not hear the death threats", *Vijesti*, 18 February 2011. HRA interview with Zeković.

56 Judgement of the High Court in Podgorica, K.no. 07/1475, of 15 January 2008.

enforceable judgements.⁵⁷

During the investigation and trial, Ivanović said the accused did not even look like the real attackers he described to the police immediately following the attack.⁵⁸ He also claimed that the men who attacked him approached him from the front, and not the back, as the two defendants testified, and also stated that they hit him with bats and not their fists, as the defendants claimed.⁵⁹ The two witnesses who saw the perpetrators supported Ivanović's statement, as they said that those defendants were not the persons they saw.⁶⁰ Since there was no other evidence, it can be concluded that the defendants were convicted only on the basis of their confessions.

In addition, both the defendants and the witnesses said at the trial that the incident was attended by another person wearing a mask, so-called "Miki", who watched the attack, as could also be seen on the surveillance footage of the attack. However, this third person was never identified.⁶¹

After an unusually efficient trial for the time being in Montenegro – the first-instance trial lasted one month, and the proceedings on defendant's appeal less than five months – the Basic Court in Podgorica sentenced both defendants to imprisonment of four years, and then the High Court in Podgorica drastically reduced their sentences to one year, finding that the first-instance court did not sufficiently appreciate a mitigating circumstance that the defendants confessed committing the criminal offense, despite the fact that both defendants were convicted in the past on two occasions.⁶² It is also absurd that both the first and second instance courts pointed out as a mitigating circumstance the fact that the injured Željko Ivanović did not join the prosecution of the defendants – ignoring the fact that he had done so due to his belief that those persons were not the real perpetrators, not due to his willingness to forgive them for the attack.

57 "Ivanović: They forgot what they were supposed to say", *Dan*, 11 December 2007.

58 "The defendants are not the real assaultants on Ivanović", *Radio Free Europe*, 10 December 2007

59 Ibid.

60 Judgement of the Basic Court in Podgorica, K.no. 07/1475, of 15 January 2008, p. 7 and 8. Namely, one witness talked about assaultants he saw attacking Ivanović, and the other on two men he was waiting for someone on the scene.

61 "They no longer search for Miki", *Vijesti*, 16 June 2012.

62 Judgement of the Basic Court in Podgorica, K.no. 07/1475, of 15 January 2008, judge Zoran Šćepanović president of the Council, p. 14 and High Court in Podgorica Kž.no. 745/08, of 16 May 2008, p. 3 (Council of judges: Milić Međedović, president and Miroslav Bašović and Radimir Ivanović, members of the Council).

The defendants confessed beating Ivanović because a journalist of *Vijesti* had previously written "various articles" on Petrušić, thus "shaming his family".⁶³ However, it is peculiar that Petrušić waited for two and a half years in order to get his revenge, and not because of any texts, which were also not presented as evidence in the court proceedings, but allegedly because of a short Police statement published in *Vijesti* stating that the Police suspected Petrušić of stealing. *Vijesti* quoted this statement as did other daily newspapers.⁶⁴

The attack occurred in the early morning, after Ivanović left the celebration of the tenth anniversary from establishment of daily *Vijesti*. After admission to the hospital, Ivanović said that the attack was "congratulation from those who govern Montenegro – Milo Đukanović and his family, whether biological or criminal". Because of these statements, the Prime Minister Milo Đukanović sued Ivanović on 6 September 2007 and was awarded 20.000 euros in first-instance proceedings, but the High Court reduced the amount to 10.000 euros.⁶⁵

All these circumstances provide with reasonable basis to doubt that actual attackers on Ivanović were indeed prosecuted. The European Committee for the Prevention of Torture (CPT) in 2001 recommended to all member states of the Council of Europe, as well as Montenegro, to prevent judgments based on confessions, as this encourages members of the investigative state bodies to use the means of physical or psychological coercion in resolving cases.⁶⁶ The same recommendation CPT repeated in 2014.⁶⁷

Ivanović's attorney requested from the Supreme State Prosecutor at the time, Ranka Čarapić, to announce what the Prosecution has done in the meantime to shed light on this case "which had, due to failure of prosecution,

63 Judgement of the Basic Court in Podgorica, K.no. 07/1475, of 15 January 2008, p. 4.

64 "The Police suspected Petrušić for stealing iron in Budo Tomović neighbourhood and stated that criminal complaint had been filed against him. Research of archives of other media outlets showed that on the same day Dan and Pobjeda wrote in more detail on the suspicion of the Police of Petrušić's criminal actions. *Vijesti* only reported on the Police statement, while in other daily newspapers the articles were signed by journalists. In electronic archives of Dan and Pobjeda there are no other texts except for this one, as reported by *Vijesti*." "The assaultant on Ivanović mentioned in *Vijesti* only once", PCNEN, 18 September 2007.

65 This judgement, as well as NGO Human Rights Action's comments on them are available at: http://www.hraction.org/?page_id=459.

66 "Substantive" sections of the CPT's General Reports (extracts from the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, the CPT Standards, Substantive Sections of the CPT's General Reports, Council of Europe, October 2001, CPT/Inf/E (2002)), point 35.

67 *Committee against Torture*, Concluding observations on the second periodic report of Montenegro, 17 June 2014 (CAT/C/MNE/CO/2), point 14a.

ended without any actual perpetrators and their instigators."⁶⁸ He also stated in the letter to the Supreme State Prosecutor how "even if the actual perpetrators were prosecuted, it is obvious that not all of the perpetrators were prosecuted, and there is no information that anything had been done to find the rest of the perpetrators of the attack". He received no answer from the Supreme State Prosecutor.⁶⁹

Although the Commission for Monitoring the Investigation of Attacks on Journalists set this case of attack as one of the Commission's priorities until the end of its term of office (December 2015), it did not report any findings.⁷⁰

The former Police Director, Veselin Veljović, connected with criminal organizations and attacks on journalists?

Weekly *Monitor* in early December 2011 published the following information: „Nebojša Medojević, President of the Movement for Changes and a member of the parliamentary Committee for security and defense, this spring launched a claim that "a close associate of Veljović, formerly associated with threats to human rights activist Aleksandar Zeković is the key link between Veljović and criminal clan of Zagorič" and that his "enormous personal property exceeds the earnings earned in the civil service" ... Criminal clan of Zagorič, with whom Veljović allegedly dealt through an associate „is responsible for the attack on the director and owner of *Vijesti* Željko Ivanović, as well as for murder of Srđan Vojičić and attack on Jevrem Brković.“ Medojević informed the Supreme State Prosecutor Ranka Čarapić about these allegations, but there was no confirmation that she started an investigation on this matter.“ To date, there is also no publicly available data that an investigation has been started.

Because of these claims Veljović sued Medojević for breach of honor and reputation, demanding compensation in the amount of 50.000 euros, but later dropped the lawsuit on the grounds that he ceased to serve as the Director of the Montenegrin Police.

In the meantime, Olivera Lakić, journalist of the daily *Vijesti* was physically attacked on 7 March 2012. In early 2011 Olivera Lakić investigated whether fake cigarette brands had been produced and stored

68 "Whether I am supposed to be sad because I survived", *Vijesti*, 16 June 2016

69 The researcher of Human Rights Action conducted an interview with Željko Ivanović, 26.4.2016.

70 The list of priorities had been identified in the first report of the Commission for the period of 6 February to 6 May, 2014.

at "Tara" factory in Mojkovac and its warehouse in Podgorica suburbs Donja Gorica, and smuggled therefrom. Articles in question stated that officers of the Police Directorate and National Security Agency were involved in this illegal business. After the assault the journalist publicly accused Veselin Veljović, the Chief of Montenegrin Police (at present Secretary of the Council for National Security of the Intelligence and Security Sector) of being the man behind the threats and assault. To date, these allegations have not been effectively investigated.

5. Attacks on Tufik Softić, reporter of Radio Berane and correspondent for newspapers Republika, Vijesti and Monitor (1 November 2007 and 11 August 2013)

On 1 November 2007 two masked men attacked *Radio Berane* journalist and correspondent for daily *Republika* Tufik Softić outside his home in Berane with baseball bats. Due to serious injuries to his head and arm that he sustained on that occasion, Softić was placed in a hospital. The attackers have not been identified and the case never reached the court.

Prior to the attack Softić had been reporting about organized crime groups from the north of Montenegro that operated at the state level and beyond.⁷¹

After a 2-year wait⁷², in 2012 HRA finally managed to obtain a response from the Supreme State Prosecutor (Ranka Čarapić) regarding actions taken in the process of investigation of attack on Softić. SSP stated that an extensive pre-trial procedure had been conducted, during which 34 persons were heard, 25 underwent a polygraph test, list of calls to and from all these persons' telephones was examined, but also that "in order to shed light on the events, the Basic State Prosecutor's Office appealed to the police on several occasions, with

⁷¹ See, for example: "Correspondent for daily Republika Tufik Softić beaten", *Republika*, 2 October 2007, "Drug Traffickers Rule Montenegro's Poor North", BIRN, 25 April 2007. Text available at: <http://courses.wcupa.edu/rbove/eco343/070comecon/Centeur/Montenegro/070425drugs.txt>, "Caught in a mousetrap", *Republika*, 27 November 2006.

⁷² More detail about the fight for the public's right to access to information regarding the activities in the investigation of the attack on Softić available at: [http://www.hraction.org/wp-content/uploads/access_to_info-case_study.pdf](http://www.hrraction.org/wp-content/uploads/access_to_info-case_study.pdf).

the latest request filed on 17 February 2012, in response to which the Police Directorate on 20 February 2012 informed the competent prosecutor's office that they had no new information about the case in question."⁷³ Such response indicates that the State Prosecutor's Office had wrongly perceived itself as an authority not competent or responsible for conducting the investigation. In addition to the unjustified shifting of responsibility to the police, there is a clear and unacceptable level of tolerance towards inaction of the police. State Prosecutor's Office thus promoted impunity for serious violations of human rights, contrary to international standards.⁷⁴

It was only after the second attack on Softić when an explosive device was activated in front of his family house on 11 August 2013 (more detail below) and six years after the first attack that the police inspectors at Berane Security Centre decided to check whether Softić had been attacked with baseball bats that were found back in 2007. The police called in Softić to provide a DNA sample as late as 15 August 2013 in order to match it with DNA found on baseball bats in 2007, with an explanation that the Forensic Centre had previously not had the conditions to conduct such analysis of the bats probably used during the attack. There was no explanation as to why DNA evidence had not been timely submitted for forensic analysis abroad, as has been the practice in other cases.⁷⁵

Vijesti reporters have tried to obtain answers from officials of the Ministry of Interior with regard to the delay in ordering a forensic analysis of DNA samples since 2007 and were informed that the Police Directorate was taking "all measures within its competence to shed light on the crime Grievous Bodily Harm committed in 2007 against T.S." and that "in connection with the said incident, forensic analysis of all evidence uncovered at the scene is ongoing."⁷⁶

Criminal investigation into the attack on Tufik Softić was opened only seven years following the attack, in 2014, against Ivan Asanović, Vladimir and Dragan Labudović. However, only a year and a half later, on 28 October 2015, the investigation was closed, when the High State Prosecutor's Office in Bijelo

73 For more detail see: [http://www.hraction.org/wp-content/uploads/Odgovori_VDT-a.pdf](http://www.hrraction.org/wp-content/uploads/Odgovori_VDT-a.pdf).

74 For a systematic overview of these standards see *Guidelines on impunity* - Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious human rights violations, adopted on 30 March 2011 at the 1110th meeting, Strasbourg, available at: https://www.coe.int/t/dghl/standardsetting/hrpolicy/Publications/Impunity_en.pdf.

75 For example, see the case of investigation into the murder of Duško Jovanović.

76 "Police waited six years to start to deal with the evidence", *Vijesti*, 15 August 2013.

Polje adopted an act terminating an investigation for lack of evidence.⁷⁷

Basic State Prosecutor in Berane first heard Tufik Softić as late as 2014. Although in 2007 Softić mentioned to the police that he had received threats from Draško Vuković's brother, member of the clan of Duško Šarić, Vuković was heard only on 1 July 2014 in the High State Prosecutor's Office in Bijelo Polje, and on 17 July 2014 Vladimir Labudović, Ivan Asanović and Duško Vuković were heard. Also, in 2015 Boris Laban was heard. One person that Softić marked as suspicious has never been interrogated.

In the opinion of Dalibor Tomović, Tufik Softić's attorney and member of the *Commission for monitoring the investigation of attacks on journalists and media property*, termination of the investigation was a logical sequence of ineffective police and prosecutorial actions before the prosecutor's office in Berane from 1 November 2007 to 18 July and 20 October 2014 and later a yearlong investigation before the High Prosecutor's Office in Bijelo Polje.

The case in question was first qualified as criminal offence Grievous Bodily Harm, and later, under the pressure from the European Commission and local public, as Attempted Murder.

Tufik Softić filed an appeal to the Constitutional Court of Montenegro against the decision of the High State Prosecutor's Office to terminate the investigation, asserting that ineffective investigation had violated his rights to a fair and public trial, access to court, life, an effective remedy and prohibition of torture. In the appeal he also alleged that his attorney had been unable to timely access the case file in order to possibly take over the prosecution against the accused as a private prosecutor. He was in principle allowed to copy the files only one week prior to the deadline for taking over the persecution, but in actual fact a day before the expiry of the deadline and only after the intervention of the Supreme State Prosecutor Ivica Stanković.

Below are all the faults in the implementation of this investigation that Softić had brought to the attention of both the Supreme State Prosecutor Ivica Stanković and the Constitutional Court:

1. The state prosecutor in Berane failed to order the police to block the city exit roads immediately after the attack, in order to prevent the perpetrators and aiders from escaping (Article 243 in connection with Article 230 of the Criminal Procedure Code, *Sl. list RCG* 47/06);

⁷⁷ "The investigation opened only seven years later", portal *Dan*, 5 January 2016.

2. The state prosecutor in Berane and the investigating judge failed to come to the crime scene after they were informed by the police, which was their duty (Article 246 of the Criminal Procedure Code, *Sl. list RCG 47/06*);
3. The state prosecutor in Berane failed to promptly interrogate the persons whom Softić named to the police as suspects, i.e. as persons who might have been connected with the attack:
 - D.V. was interrogated by the prosecutor in Berane for the first time on 1 July 2014;
 - D.L. was interrogated for the first time on 17 September 2014, after the High State Prosecutor's Office in Bijelo Polje initiated the investigation;
 - N.B. was never interrogated.
4. The state prosecutor in Berane failed to order the investigating judge to search apartments, facilities, vehicles and persons that Softić marked as suspicious: D.L., D.V., Nikola Božović (this is obligatory in case of an NN perpetrator according to Articles 247 and 248 of the Criminal Procedure Code, *Sl. list RCG 47/06*);
5. The state prosecutor in Berane interrogated the injured party, Tufik Softić, for the first time only seven years after the attack, in 2014, although the prosecutor had the right and professional obligation to do so immediately (Article 243 of the Criminal Procedure Code, *Sl. list RCG 47/06*);
6. V.B., owner of facilities in which the bats which were allegedly used for beating Tufik Softić have been discovered has never been interrogated as a witness with regard to how the bats came into his possession and who had left them in his facilities back in 2007;
7. The DNA analysis of the baseball bats which were allegedly used in beating Softić, as well as matching the DNA with Softić's profile, has been carried out in 2013, although the bats were found back in 2007;
8. The attacker's DNA material was not immediately collected from Softić, bearing in mind that the attacker hit Softić with his hand in the area of his arm (Articles 230 and 243 of the Criminal Procedure Code, *Sl. list RCG 47/06*);
9. The DNA profile of D.L. was not made or matched to the DNA profile of the discovered baseball bats, although Softić named this person as suspicious;
10. The state prosecutor in Berane and the police failed to take photographs of Tufik Softić's injuries immediately after they were caused (appearance of injuries, accurate localization, spacing, shape) in order to help to precisely determine the means by which the injuries were caused;

11. After initiating the investigation and qualifying the offence as Attempted Murder in 2014, the prosecutor in Bijelo Polje failed to request from the investigating judge to determine secret surveillance measures over the defendants, in order to enable the possibility for collecting any new evidence (Article 159 of the Criminal Procedure Code, *Sl. list RCG* 47/06);
12. The police and the prosecution in Berane and Bijelo Polje failed to undertake any actions during the investigation phase for 5 years and 6 months (from 3 March 2008 to 15 August 2013);
13. No relevant activities have been undertaken during the following periods from initiating the investigation: from 20 October 2014 to 1 April 2015, and from 1 April 2015 to 28 October 2015, when the investigation was terminated.

Softić commented on the ineffectiveness of investigation as "preference of prosecutor Rifat Hadrović to treat criminals with respect" and pointed out that he held the state prosecutor from Bijelo Polje and Supreme State Prosecutor Ivica Stanković responsible for his safety.⁷⁸

On the occasion of the letter that HRA submitted together with Softić's attorney to the Supreme State Prosecutor's Office on 18 January 2016⁷⁹, noting the aforementioned shortcomings in the investigation, the Special State Prosecutor's Office found that the work of state prosecutors and other officials contained no elements of a criminal offense Abuse of Office or other criminal offenses within the jurisdiction of that office.⁸⁰ Softić's attorney Dalibor Tomović then addressed a new letter to the Supreme State Prosecutor Ivica Stanković, urging him to ensure that the responsibility of civil servants be established for ineffective investigation of attack on Softić.⁸¹

The case of attack on Tufik Softić was on the list of priorities of the *Commission for monitoring the investigation of attacks on journalists and media property* during its mandate from 2014 to the end of 2015. On this occasion the

78 "If anything happens to me, it is the fault of the State Prosecutor's Office", *Dan*, 3 November 2015, available at: <http://www.dan.co.me/?nivo=3&rubrika=Drustvo&datum=2015-11-03&clanak=517387>.

79 HRA letter submitted to the Supreme State Prosecutor on 18 January 2016, available at: <http://www.hracion.org/wp-content/uploads/pismo-HRA-i-Dalibora-Tomovi%C4%87a-za-VDT-CG-18.1.2016.1.pdf>.

80 Response of the Special State Prosecutor's Office to HRA letter of 4 August 2016, Kts-S. br. 103/16.

81 Letter of attorney Tomović to the Supreme State Prosecutor of 7 September 2016, HRA archives. "Stanković and Katnić approve of idleness", *Vijesti*, 7 September 2016.

Commission also established a working group chaired by Mila Radulović, *Vijesti* journalist and representative of Media Union in the Commission. She drafted a report on the shortcomings in the investigation of attempted murder of Softić, which the Commission did not adopt until the end of its mandate in 2015, but which was submitted to the Supreme State Prosecutor Ivica Stanković.

Due to ineffective investigation which violated his right to life, journalist Tufik Softić filed a lawsuit against the state with the support of the Media Legal Defence Initiative (MLDI) from London and HRA, seeking damages.

Explosion in front of Softić's house in 2013

Six years after the first attack on Tufik Softić, who has since worked as the correspondent for daily *Vijesti* and weekly *Monitor*, he was again attacked on 11 August 2013 when an explosive device was activated in the yard of his family home during the evening hours. At the moment of the explosion Softić was inside the house with his wife and three children. No one was injured, but the explosion caused minor damage to the car. Following investigation of the scene, a police expert told Softić that the explosive thrown in his yard was a powerful one – trotyl.⁸² Basic State Prosecutor never came to the scene during the investigation in this case of a repeated attack on Softić. Three years later, up to the day of publishing of this report, not a single suspect has been identified.

An explosive device was activated ten days after Softić had published an article about Vladan Simonović from Berane, who was arrested in late July 2013 on suspicion to have committed a criminal offense of money laundering in Montenegro gained through the sale of drugs abroad together with Velija Hot from Rožaje.⁸³

Softić was unofficially informed by the police that Simonović had accepted a polygraph test and that the test was carried out in Remand Prison in Bijelo Polje, but it remained unknown whether the inspectors interrogated him about the most recent attack on Softić or his beating in 2007. The prosecutor's office announced that the execution of the act was entrusted to officers of the Police Directorate at Berane Security Centre and that collecting of information was in progress. Acting at the request of prosecutor's office, officers at Berane Security Centre searched the apartment and other premises and obtained a list of calls.⁸⁴

⁸² "Police waited six years to start to deal with the evidence", *Vijesti*, 15 August 2013.

⁸³ "Attack on Softić: Alibi of Simonović's relatives to be verified", *Vijesti*, 14 August 2013, <http://www.vijesti.me/vijesti/napad-softica-alibi-simonovicevih-rodaka-provjeri-clanak-144184>.

⁸⁴ "Attacks on journalists far from resolution, investigation of the attack on Stojović terminated",

Softić was informed by the police officers at regional unit in Berane that during the investigation it was determined that the explosive thrown in his yard had been manufactured in *Poliex* factory of explosives, which was raided on several occasions, and that the police were searching for the perpetrators.

Although this case was not initially listed among the cases that the *Commission for monitoring the investigation of attacks on journalists and media property* dealt with, in the second report⁸⁵ the Commission specified that it had collected information on this case, too. By the end of its term of office the Commission did not publish the results of its research.

6. Attack on Mladen Stojović, journalist of daily newspapers *Dan* and *Vijesti* (24 May 2008)

Longtime sports journalist of *Danas* and *Vijesti* from Bar, Mladen Stojović, was attacked and severely beaten in his apartment in the late May 2008, after publicly testifying in "The Insider" TV show of Serbian TV B92 that Montenegrin "football mafia" participates in the match-fixing.⁸⁶ As a result of the attack, Stojović lost consciousness and suffered serious injuries – fractured jaws, bleeding in the mouth and nose, as he had been stabbed in the jaw area with a sharp object. After the attack Stojović said that the only reason for attack could be his texts about match-fixing, about which he also spoke for „The Insider“.⁸⁷

The Introductory text of „The Insider“ where Stojović participated:

"The General Secretary of the Football Association of Yugoslavia Branko Bulatović was killed on 26 March, 2004. The police, according to our knowledge, ever since knew that the murder was ordered from Montenegro.

Vijesti, 15 November 2013, <http://www.vijesti.me/vijesti/napadi-na-novinare-daleko-od-rjesenja-obustavljena-istraga-za-napad-na-stojovica-160515>.

⁸⁵ Report on operation of the *Commission for monitoring the investigation of attacks on journalists and media property* in the period June - September 2014 and October 2014 - January 2015.

⁸⁶ "Football mafia of Serbia – Game Rules – Part II", „The Insider, B92, <https://insajder.net/>, broadcasted on 28 January 2008.

⁸⁷ „He was beaten because of story about the mafia and football“, *Blic*, 29.5.2008. Text available at: <http://www.blic.rs/vesti/hronika/preucen-zbog-price-o-mafiji-u-fudbalu/h3emk7x>.

Bulatović, according to the sources from the Ministry of Interior, was killed at the time when he decided to terminate the long-standing practice of match-fixing. However, although many details surrounding the murder have been known to the police, the investigation for some reason has not been completed yet. Branko Bulatović, a few days before the murder, refused to register the match on suspicion that a match played between (Montenegrin football club) *Sutjeska*, led by Brano Micunović, and (Serbian) *OFK Belgrade*, led by Zvezdan Terzić had been fixed.⁸⁸

Mladen Stojović spoke about connections of the Montenegrin clubs *Zeta*, led by Radojica Božović and *Sutjeska*, led by Brano Micunović, with Belgrade football clubs *Partizan*, *OFK Beograd* and *Obilić*: "At a time when Arkan took over *Obilić*, conditionally speaking, a similar situation occurred in Montenegro, because Brano Micunović took over *Sutjeska* ... he was in Montenegro what Arkan was in Serbia, respectively, had the same reputation. He has the same reputation, he is still alive. "... Zvezdan Terzić is former player of the club ... and the man who had been associated with Brano Micunović, so there was a story about „holy trinity“ when it comes to *Obilić*, *Sutjeska* and *OFK Beograd* ... "

In April 2012 the Supreme State Prosecutor's Office informed HRA that the Police in Bar filed a criminal complaint to the Basic State Prosecutor in Bar unidentified perpetrator 18 days after the attack, on 11 June 2008.⁸⁹ They also stated that the State Prosecutor qualified the offense as serious bodily injury.⁹⁰

What Stojović said in 2008, with regard to the prosecution of attack:⁹¹

„I have no communication with the police and do not want to communicate with them any more, because it is torturing for me. I'm afraid to talk to them, I feel more vulnerable the more I speak, when I see the reactions of the police. I have good cooperation with the inspector in charge, but I do not think he can solve the case. I feel that there is no will for solving my case. So, I am afraid to talk, and I do not intend to talk any more. I take care of my personal safety, in order to prevent something like that to happen again. Because I do not know where the story leads. I repeated ten times the same story, but he dealt with my ex-girlfriends and my friends and so on. I do not expect, after all of this, that they will solve the case. After such reaction I do not want to speak with them any more. I will not cooperate with them any more.“

88 "Football mafia of Serbia – Game Rules – Part II", „The Insider, B92, <https://insajder.net/>, broadcasted on 28 January 2008.

89 Supreme State Prosecutor's Office response TU. no. 312/10 of 20 March 2012, received in April 2012: http://www.hracion.org/wpcontent/uploads/Odgovori_VDT-a.pdf.

90 Ibid.

91 Stojovic statement taken from a report *Human Rights in Montenegro - 2008*, YIHR, 2008 Report available at: http://www.yihr.me/wp-content/uploads/documents/ljudska_prava_u_crnoj_gori_2008.pdf.

It is unknown whether the State Prosecutor ever investigated Stojović's statements about the existence of the "football mafia" in Montenegro and a possible link between certain individuals he named as members of that "mafia", and the attack on him. The State Prosecutor's Office did not answer this question to HRA, and on 20 March 2012 stated on the investigation that: „During the process of gathering the necessary information, 17 persons have been heard whose testimonies did not provide the data on the identity of the assaultants, as the Bar Police Unit stated in its latest reports submitted to the Basic State Prosecutor in Bar on 4 February and 30 March 2011. The Basic State Prosecutor in Bar submitted urgencies several times, the latest on 12 March 2012.“⁹²

The investigation of this case was suspended due to becoming time-barred, as stated Deputy Supreme Public Prosecutor Ćuković Radmila in June 2013.⁹³ According to her, the Basic State Prosecutor in Bar Milenko Magdelinić in 18 June 2013 terminated the investigation in this case. Magdelinić led the investigation against unidentified persons for reasonable suspicion for committing grievous bodily harm and violent behavior, and failed to identify any suspects.⁹⁴ In the meantime, Stojović left the journalistic work, and he did not want to comment the decision of the Prosecution.

Although the Commission for Monitoring the Investigation of Attacks on Journalists set this case of attack as one of the Commission's priorities until the end of its term of office (December 2015) it did not report any findings.⁹⁵

Career progress of the acting state prosecutor

Prosecutor Milenko Magdelinić, before moving to the Basic State Prosecutor's Office in Bar in 2010, was the basic state prosecutor in Rožaje. He was in charge of the investigation in the Stojović case, which was suspended in 18 June 2013. One year later, on 30 July 2014, Magdelinić was elected Head of the Basic State Prosecutor's Office in Bar and was performing this duty in October 2016.

⁹² Supreme State Prosecutor's Office response TU.no. 312/10, of 20 March 2012: http://www.hrraction.org/wpcontent/uploads/Odgovori_VDT-a.pdf.

⁹³ "Attacks on journalists are far from being resolved, investigation of the attack on Stojović suspended", *Vijesti*, 15.11.2013.

⁹⁴ Ibid.

⁹⁵ The list of priorities had been identified in the first report of the Commission for the period of 6 February to 6 May, 2014.

In April 2013, the prosecutor Magdelinić caught the spotlight after the High State Prosecutor's Office initiated an investigation concluding that Magdelinić legally acquired six apartments, registered in his name, his wife and son Miloš, who is police inspector for narcotics in Bar.

7. Attack on Mihailo Jovović and Boris Pejović, editor and photographer of *Vijesti* (5 August 2009)

The Mayor of Podgorica, Miomir Mugoša, his son Miljan Mugoša and driver Dragan Radonjić physically assaulted photographer of daily *Vijesti*, Boris Pejović, and editor of *Vijesti*, Mihailo Jovović, in August 2009, as the two journalists documented the Mayor's illegally parked vehicle.

The case reached the court three and a half years later, on 31 March 2013, when the court released editor Mihailo Jovović from charges of causing light bodily injury to the Mayor's driver, Dragan Radonjić, while the Mayor's son, Miljan Mugoša, was sentenced with suspended sentence for causing serious bodily injury to Jovović. In separate proceedings before the Misdemeanour Body, the Mayor Miomir Mugoša was fined with 400 euros for disturbing public peace and order.

The Mayor, his son and driver claimed that Jovović physically assaulted them and inflicted serious injuries on the driver.⁹⁶ The State Prosecutor's Office persistently stuck to this version of the story, and in addition to Miljan Mugoša, also charged Jovović with causing bodily injury. The Mayor's son subsequently confessed to the court that he hit Jovović.⁹⁷ Jovović claimed from the beginning that he did not hit anyone on the occasion, and that during the incident he suffered several blows from the Mayor and his son, that at one point the Mayor's son even pointed a gun at him, as he reported to police officers when they arrived at the scene, but that they had not even attempted to search the Mayor's vehicle for the weapon⁹⁸. After the incident, medical reports confirmed injuries on both Radonjić and Jovović. Jovović had a ruptured eardrum, and underwent

⁹⁶ "Mugoša physically assaults journalists", *Dan*, 7 June 2009.

⁹⁷ Basic Court in Podgorica judgement, K. no. 11/386, of 19 July 2012, page 5.

⁹⁸ The same judgement as above. Also, „Mugi can beat us!", *Vijesti*, 8 August 2009.

surgery, while Radonjić allegedly had a concussion.⁹⁹

At first, the police filed criminal charges against the Mayor's son and the editor of *Vijesti* on suspicion that both inflicted a serious bodily injury – Mugoša to Jovović, and Jovović to Radonjić. In October 2009, Deputy Basic State Prosecutor in Podgorica, Sanja Jovičević¹⁰⁰, accused Jovović and Mugoša for inflicting serious bodily injury, and a motion for misdemeanour proceedings for violation of the Law on Public Order and Peace was filed against the Mayor¹⁰¹. The State Prosecutor's Office claimed that Jovović hit Radonjić with his fist "in which he held a mobile phone and a voice recorder" and on this occasion he "inflicted injury due to which he permanently and substantially damaged his brain" and that Miljan Mugoša hit Jovović and inflicted serious bodily injury, which caused Jovović's eardrum to burst.

After delivering the indictment against Jovović, the Council of the Basic Court returned the indictment to the prosecution, in order for a medical expert to make further comments on Radonjić, Mayor's driver. In September 2009, prior to the indictment, doctor Dragana Čukić stated that there is a possibility Jovović did not cause the driver's injury, but that it was inflicted long before the incident.¹⁰² These findings were then supplemented by both doctor Čukić and professor doctor Dragoslav Nenezić in December 2009. In June 2010 medical reports of the Medical Faculty in Belgrade and supplemented opinion in February 2011 gave the same results¹⁰³. Driver Radonjić went to medical examination only 13 hours after the incident, and the initial findings, which found the alleged concussion incurred during the incident, on which the state prosecutor based the original indictment, were developed by doctor Milanka Raičević, who had previously treated Radonjić, as reported by *Vijesti*.¹⁰⁴

99 "Radonjić was only scratched", *Dan*, 1 October 2009.

100 Meanwhile she was appointed Special State Prosecutor.

101 "Indictment against Jovović and Mugoša's son", *Radio Free Europe*, 5 October 2009.

102 "Jovović accused without evidence", *Vijesti*, 20 November 2009.

103 Basic Court in Podgorica judgement, K. no. 11/386, of 19 July 2012, page 41 (The court considered these findings "as clear and objective and based on the rules of the profession and accepted them as such").

104 "Award for a witness of the prosecution in the attack of Mugoša against *Vijesti*", *Vijesti*, 14 December 2011.

Doctor Milanka Raičević wins "19 December" prize, awarded by the Capital Podgorica

During the term of office of Mayor Mugoša, representative of the Democratic Party of Socialists (DPS), doctor Raičević received the highest award given by the Capital - "19 December". The award money amounted to 4,830 euros, on the basis of the Decision on the terms, conditions and procedure for awarding prize "19 December".¹⁰⁵

The decision on the laureate was adopted by a jury of 13 members of which 5 are current or former MPs or ministers in DPS or persons who are perceived in the public as affiliates of DPS and the Social Democratic Party (SDP), which at the time formed a coalition with DPS at the state level.

Members of the jury chaired by Gordana Đurović (DPS) were, among others, Petar Ivanović (DPS), Đoko Jočić (who the public associated with "political mentor" Mugoša while he served as Minister of Health)¹⁰⁶, Predrag Miranović (publicly identified as a supporter of the coalition party at the national level SDP)¹⁰⁷, and Ruždija Tuzović (advisor to President).

After the supplemented medical report from Podgorica, and findings from Belgrade, the state prosecutor withdrew the qualification of serious bodily injury due to driver Radonjić's concussion, but in May 2011, the Deputy Basic State Prosecutor Zoran Vučinić (who took over the case from prosecutor Jovičević) accused the editor of *Vijesti* of causing light bodily injury to the driver Radonjić and Mayor's son, Miljan Mugoša, of causing serious bodily injury to editor Jovović.¹⁰⁸

105 "Amount of the Prize awarded is equal to ten average salaries of workers in Montenegro, for the month of November in the year in which the prize is awarded", Art. 9, para 3. Decision published in Sl. list CG - municipal regulations, no. 28/06. According to data released by *Monstat*, the average net salary in Montenegro in November 2011 amounted to 483 euros, for more detail see: <http://www.monstat.org/userfiles/file/zarade/2011/Novembar2011%20zarade.pdf>.

106 "The case of Đoko Jočić: doctor for the soul", *Monitor*, 19 July 2013. More details available at: http://www.monitor.co.me/index.php?option=com_content&view=article&id=4502:sluaj-oka-joia-ljekar-za-duu&catid=3050:broj-1187&Itemid=4301.

107 "Systematic control by SDP and DPS over professors at the University," *Vijesti*, 16 November 2011. For more detail see: <http://www.vijesti.me/vijesti/sdp-i-dps-sistemska-kontrolisu-i-profesore-na-univerzitetu-47166>.

108 "Miomir Mugoša fined for the incident with *Vijesti* journalists", *Vijesti*, 25 January 2010.

The state prosecutor accused Jovović for aggravated form of the offense Light bodily injury, the basic form of which is prosecuted upon private charges, because the alleged injury was caused by "weapons, dangerous tools or other means suitable for inflicting serious bodily injuries or seriously impairing health" (Article 152, para. 2 of CC). The prosecution based its decision on the opinion of the Institute of Forensic Medicine in Belgrade, which stated that Radonjić sustained injuries that could have been caused with "the edge of a telephone or voice recorder".¹⁰⁹

The position of the State Prosecution that a mobile phone is a dangerous weapon that can cause serious injuries was not the usual case in practice. For example, HRA analysed the operation of the prosecution in cases where state prosecutors in Montenegro did not prosecute the accused police officers for Light bodily injury, although the injuries were inflicted with a wooden stick and a baton ("means suitable for inflicting serious bodily injury"), although the prosecutor should have prosecuted this offense *ex officio*, in accordance with the law.¹¹⁰ The persistence of the state prosecutor in the investigation and subsequently to prove the guilt of journalists and present it as equal to the guilt of Mayor's son, is contrary to the proverbial inaction that the State Prosecutor's Office shows in cases of human rights violations, and even the absolute right to freedom from torture and other ill-treatment, undertaking actions for which it is competent.¹¹¹

¹⁰⁹ "Jovović threatened Radonjić's life with a telephone", *Vijesti*, 18 May 2011.

¹¹⁰ In examined judgements: judgement of the Basic Court in Kotor K.no. 434/08 of 28 July 2010; judgements of the Basic Court in Danilovgrad K.no. 272/08 of 16 September 2009, K.no. 267/09 of 4 June 2010 and K.no. 306/09 of 5 July 2010; judgement of the Basic Court in Kolašin 237/09 of 27 October 2009.

¹¹¹ Like, for example, the never resolved case of disappearance of two residents of the institution for persons with intellectual disability "Komanski most" and abuse that representatives of the European Committee for the Prevention of Torture observed in this institution in 2008, or other cases discusses in detail in the publication "Prosecution of Torture and Ill-Treatment in Montenegro", Human Rights Action, the Centre for Anti-discrimination EQUITTA, Centre for Civic Education, Women's Safe House, Podgorica, 2013, available at: [http://www.hraction.org/wp-content/uploads/Izvjestaj_Procesuiranje-mucenja-i-zlostavljanja_ENG.pdf](http://www.hrraction.org/wp-content/uploads/Izvjestaj_Procesuiranje-mucenja-i-zlostavljanja_ENG.pdf). The Basic State Prosecutor's Office has not improved its efficiency. Thus, for example, in December 2015, this office issued an indictment against 10 officers of the Administration for Execution of Criminal Sanctions on suspicion that in January 2015 they committed the crimes of torture and causing serious bodily injury against eleven convicts. For details, see "Indictment filed against 10 prison guards' portal CdM, 17 December 2016. The text is available at: <http://www.cdm.me/drustvo/hronika/podignuta-optuznica-protiv-10-zatvorskih-cuvara>.

The Basic Court in Podgorica in the first instance judgment, which became final and enforceable, determined on the basis of medical reports that driver Radonjić sustained light bodily injury to the head, but not that it was inflicted by Mihailo Jovović during the incident. The court based this judgment on Radonjić's statement given during the investigation and at the trial, and statements the Mayor's son gave to the police and the investigating judge, when he did not yet claim that Jovović hit Radonjić. Later Miljan Mugoša testified differently i.e. that Jovović hit Radonjić. However, the court found that even if that were true, Jovović could not have inflicted the injury to Radonjić in a way that is described in medical reports.¹¹²

The Council for the Civilian Oversight of the Police found that the policemen had made several mistakes during the investigation of the incident and in their treatment of the suspects. Criminal complaint was filed against police officers for falsifying a record of detention of Mayor's son Miljan, who, as suspected, has never been taken to the detention premises. The Council also criticised the findings of the Police Internal Audit Sector, which had qualified the police conduct as professional.¹¹³

At the main hearing, held on 10 May 2012, Miljan Mugoša changed the statement he gave to the investigating judge and admitted that he had hit Mihailo Jovović.¹¹⁴ When asked why he denied hitting Jovović in the course of the investigation and gave different testimony about the incident, he replied "that this was for personal reasons, and that his former lawyer advised him so, while his current lawyer told him to defend himself with the truth".

Miljan Mugoša has repeatedly stated that he could not remember certain details because it had been almost 3 years after the incident and that his intention was to protect his father. He said that Jovović had tried to attack his father three times, and that "he was forced to slap Jovović when he saw that several previous attacks were not successful". Radonjić testified that he was hit by Jovović, but could not remember how because "he was at the time most concerned about Mayor's safety." In addition, he testified that he did not see Mugoša hitting Jovović. He reasoned that he had undergone medical examination only 13 hours after the incident because the whole incident was extremely stressful for him, so he decided to rest and see a doctor the following day. During the testimony, for the most part Mugoša and Radonjić could not remember the details of the incident, including "how Jovović hit them or attacked the Mayor, where he stood, in what position were his hands just before the attack and during the attack", etc. Both Mugoša and Radonjić denied the existence of the mentioned gun.

112 Basic Court in Podgorica judgement, K. no. 11/386, of 19 July 2012, p. 55-58.

113 "Police officers made mistakes, as well as the Internal Control", *Vijesti*, 14 April 2010.

114 Human Rights Action monitor attended the trial.

In his testimony, Jovović said that he bore no guilt whatsoever over the incident he was charged with, and that the indictment was false as the prosecutor did not intend to determine the full truth, but blame him at all costs in order to establish a balance and unburden Miljan Mugoša. In relation to Miljan Mugoša's statement, he believes that his first statement to the police and investigating judge in which he said that Jovović did not hit anyone was true, and that the rest of the testimony is false. He reiterated that he had not hit anyone, not once. In support of this, Jovović noted that during the first fifteen minutes upon the arrival of the police, neither older nor younger Mugoša, nor the driver told the police that he had hit anyone.

The deputy State Prosecutor Zoran Vučinić, who has been appointed to represent the indictment after taking over the case from prosecutor Jovičević (after Jovičević was appointed as Deputy High Prosecutor), had only two questions during the nearly eight-hour trial: one for Mugoša – which hand did he use to slap Jovović, and one for Radonjić – in which hand did Jovović hold the items.

As the trial continued, on 2 July 2012, the Mayor of Podgorica Miomir Mugoša used his legal right not to testify in proceedings against his son, on the grounds that it contributes to the efficiency and de-politicization of the process. Photographer Pejović testified that Jovović had not attacked neither Mugoša father nor son nor had any contact with the driver Radonjić. Pejović reiterated that mayor Mugoša had slapped him twice and insulted him.¹¹⁵

Three years after the controversial event, in late July 2012 the Basic Court in Podgorica, acting in the first instance, sentenced Miljan Mugoša, the son of the Mayor of Podgorica, to six months, for two years suspended prison sentence for causing serious bodily injury to the editor of daily *Vijesti*, Mihailo Jovović, while Jovović was released of charges for causing bodily injury to Miljan Mugoša with dangerous tools. The High Court later confirmed this judgement.¹¹⁶

At the end of his closing statement, which he submitted in writing to the court, Jovović stated that the prosecutor should consider it as criminal charges against the organized criminal group for carrying out criminal offenses against the judiciary, falsification of documents and abuse of office. He mentioned several persons in his complaint, including Mugoša father and son and Radonjić, the Supreme State Prosecutor and all the prosecutors who acted in the process, police officers and their superiors, as well as Dr Milanka Raičević. In his opinion, they

¹¹⁵ "Miomir Mugoša escapes court", *Vijesti*, 3 July 2012.

¹¹⁶ "Jovović released of charges, suspended sentence to Mugoša", *portal CDM*, 31 March 2013.

committed these criminal offenses through the act of commission or omission.¹¹⁷

By the time the report was published in 2016, the public was not informed that these criminal charges have been prosecuted. Also, it is unknown whether the prosecution had done anything on charges for falsifying the record on detention of Miljan Mugoša.

Commission for monitoring the investigations of attacks on journalists and media property set the case of attack on Mihailo Jovović and Boris Pejović as one of its priorities. However, by the end of his term the Commission did not announce anything on the said case.¹¹⁸

Acting State Prosecutor advances in career

The work of Acting Basic State Prosecutor Sanja Jovičević has already been discussed in the case of 2007 attack on *Vijesti* director Željko Ivanović. Jovičević then accused alleged attackers based on their testimonies, despite the testimony of Ivanović and other witnesses of the attacks that the defendants did not look like the real attackers.

In the case of editor Jovović and photographer Pejović, Jovičević was particularly persistent in proving the journalist's guilt in the attempt to present it equal to the guilt of the Mayor's son, contrary to the proverbial inaction that the State Prosecutor's Office still shows in cases of human rights violations, including absolute right to freedom from torture and other ill-treatment, in which it did not at all take action or took a delayed actions for which it was competent.

Although the then Minister of Justice Duško Marković regarding this case said: "When the proceedings end in a final decision, it is necessary to determine whether there was ignorance or intent, because if the court did not accept the indictment and did not accept the facts and arguments in the indictment, it does not mean that it was the prosecutor's fault. This is simply the procedure of checking the prosecutor. The indictment is checked with the competent judge on acceptance of the indictment, and the merits of the indictment and the evidence offered in the court proceedings in the first, second and third instance. If the analysis of these procedures determines that the prosecutor in question had been incompetent or professionally

117 "Jovović released of charges, suspended sentence to Miljan Mugoša", *Vijesti*, 31 March 2013.

118 The list of priority cases was established in the first report of the Commission for monitoring the investigations of attacks on journalists for the period 6 February – 6 May 2014.

inconsistent, then there are elements for establishing professional accountability. And that is why in the Action Plan we envisaged a measure to analyse these things and evaluate whether there are reasons to establish professional accountability".¹¹⁹ There is no publicly available data whether the work of prosecutors in these cases had been analysed.

During the proceedings in this case prosecutor Jovičević was appointed Deputy High Prosecutor in Podgorica, and since June 2016 she holds the office of a special prosecutor in the Special State Prosecutor's Office, while prosecutor Vučinić (who took over the case from prosecutor Jovičević after her appointment as Deputy State Prosecutor) remains Basic State Prosecutor in Podgorica.

Miomir Mugoša now holds the office of the Ambassador of Montenegro in Ljubljana, while his son Miljan Mugoša is representative of the diplomatic mission of Montenegro to Argentina, which is also responsible for Brazil.¹²⁰

8. Threats and attacks on Olivera Lakić, journalist of the daily *Vijesti* (January 2011 – May 2014)

Olivera Lakić, journalist of the daily *Vijesti* was physically attacked with several blows to the head in March 2012 in Podgorica, Montenegro, in front of the building where she lived. Also, a year prior to the attack she was threatened on two occasions - in late January and early February 2011 - for a series of articles published in *Vijesti* on the alleged illegal production and smuggling of cigarettes. Finally, in May 2014 she received threats from persons close to the man who attacked her in 2012.

In early 2011 Olivera Lakić investigated whether fake cigarette brands had been produced and stored at "Tara" factory in Mojkovac and its warehouse in Podgorica suburbs Donja Gorica, and smuggled therefrom. Articles in

119 "Marković: We will analyse the work of the prosecutor in case Mugoša – Jovović", *Vijesti*, 20 July 2013, available at: <http://www.vijesti.me/vijesti/markovic-analiziracemo-rad-tuzilaca-u-slucaju-mugosa-jovovic-139805>.

120 "Brazilian police arrested the attackers on Montenegrin Olympic Committee representatives", *Vijesti*, 13 August 2016.

question stated that officers of the Police Directorate and National Security Agency (NSA) were involved in this illegal business. After the assault the journalist publicly accused Veselin Veljović, the Chief of Montenegrin Police (at present Secretary of the Council for National Security of the Intelligence and Security Sector) of being the man behind the threats and assault.

The State Prosecutor's Office has taken legal action against most of the persons who threatened Lakić, including Ivan Bušković, who attacked her in 2012, but there was no investigation directed at identifying a person who ordered threats and attack. Also, there was no convincing investigation into the journalist's claims about illegal operations of "Tara" factory, which triggered everything that had happened to her since. The Chief Special Prosecutor of Montenegro, Milivoje Katnić, stated in November 2015 that evidence related to Mojkovac tobacco factory "probably emigrated and was lost permanently", but that the State Prosecutor's Office was still on the case.¹²¹

Slavko Musić, who threatened Lakić first in 2011, an employee of the owner of "Tara" factory, and Ivan Bušković, attacker from 2012, received light prison sentences. The then Chief of the Police, Veselin Veljović, meanwhile said that Bušković was convicted only because the police had tampered with evidence and on 2 November 2013 Olivera Lakić filed a criminal complaint seeking investigation into those allegations. The Basic State Prosecutor's Office in Podgorica opened the case and launched investigation, but the outcome remains unknown to date.

Milan Grgurović, who had accused himself falsely of threatening journalist Lakić, was prosecuted unsuccessfully. It has never been established why or on whose behalf did he do it. Finally, police officer Milenko Rabrenović, who was close to the then Police Chief Veljović, was also prosecuted for threatening Lakić, her daughter and her daughter's roommate. He was acquitted on the basis of controversial findings of expert witness Predrag Boljević, who relativized proof of the phone number used to make threats by subsequent assertion that it was possible that two mobile phone networks at the same time register two different mobile phones under the same 15-digit IMEI number. This proved enough for the court to release Rabrenović. Rabrenović's trial was also marked by an unusual interest of the President of the Supreme Court Vesna Medenica and Head of Budva Police Criminal Investigation Department Siniša Stojković for the outcome of the

121 TV show *Načisto*: "Budva locals wanted to kill witnesses?", by Petar Komnenić, portal *Vijesti*, 20 November 2015 (Milivoje Katnić: "Procedure concerning Mojkovac tobacco factory was conducted several years ago, and some evidence has most likely emigrated and is lost permanently. What we have now is what the prosecutor's office is trying to establish").

case with the Basic State Prosecutor. The Prosecutor's Office even decided to prosecute Stojković for criminal offense Illegal Influence, but the court later acquitted him as well referring to, yet again, controversial interpretation of the Criminal Code.

When in May 2014 Olivera Lakić received threats from Ivan Bušković's friends - who had previously been sentenced for assaulting her - the court did not find this to be sufficient ground to uphold indictment for criminal offense Endangering Safety, and so these persons were not prosecuted.

Following the attack, journalist Lakić was placed under police protection for two years and seven months; however, in October 2014 she decided to cancel it because she no longer wanted to live and work under such conditions.

The Commission for Monitoring the Investigation of Attacks on Journalists (2014-2016) set the case of attack and threats to Olivera Lakić as one of the Commission's priorities, but until the end of its term of office did not report any findings.

HRA commentary

Due to a series of texts on illegal production and smuggling of cigarettes, which were brought into connection with the Police Directorate and NSA officers, journalist Olivera Lakić became the victim of a series of threats and a physical attack. Prosecution of these attacks was accompanied by numerous controversies and influence of senior civil servants. Thus, one person attempted to impede the investigation by giving false testimony, Police Chief stated that the journalist's attacker was convicted because the police had planted evidence, Head of Budva Police Criminal Investigation Department tried to influence the prosecutor to discontinue proceedings against his colleague for threatening journalist Lakić, and the Supreme Court President was particularly interested in that case.

The State Prosecutor's Office chose the middle way - striving to prosecute all executors of threats and the attack on the journalist, but not to identify a person that had ordered these threats and attack, not to thoroughly investigate the illegal production and smuggling of cigarettes that Lakić wrote about and that made her a target, nor to investigate the disappearance of evidence in this regard. The journalist's efforts and sacrifice in the interest of citizens have thus remained futile, with the epilogue of this case being the fact that the rule of law in Montenegro has not been ensured, and that the public continues to lose its

confidence in the willingness of the Police Directorate and State Prosecutor's Office to ensure it.

In the said case the courts punished with minimal sentences only one person who threatened Lakić and her attacker. Two police officers were acquitted - one accused of making threats, and the other accused of illegal influence on the public prosecutor to suspend the prosecution of the former. Both acquittals were based on controversial interpretation of the facts and legislation. Epilogue of the second case is that the police officer did not rank high enough to be able to exercise unlawful influence on the prosecutor, although the law imposes no such requirement. The fact that the police officer accused of threatening the journalist was very close to Chief of the Police and that the Supreme Court President expressed her interest in the proceedings against him supports the suspicion that in both cases the judges were not impartial. In addition, the court found that the person who had falsely accused himself of threatening the journalist could not be held criminally responsible, in the case of threats for which a police officer was prosecuted afterwards. It was never exposed why he had tried to mislead the investigation. Ultimately, the court also suspended the proceedings against Lakić attackers' friends who threatened her last, finding that there was insufficient suspicion that they had committed the crime of Endangering Safety.

In conclusion, the courts have failed to see all these procedures in the context that deserved to be taken into consideration with utmost concern - that the journalist Olivera Lakić had been the victim of continuous threats and even physical assault with the intention of intimidating and discouraging her to continue her research into the illegal production and smuggling of cigarettes in Montenegro - a business that former and current public officials at the Police Directorate and NSA are most likely linked to, according to unconvincing response of all competent state authorities in the case of assault on the journalist. For threats and attack on journalist Lakić only two persons, who are not influential and against whom the evidence was fairly apparent, received light sentences, while it has been ensured that the investigation does not reach the organizer of the attack.

The extended version of the report on this case in Montenegrin is available at: <http://www.hraction.org/wp-content/uploads/Izvjestaj1.pdf>

9. Setting on fire of vehicles of daily *Vijesti* (14 July 2011- 28 August 2011, 14 February 2014)

In the period from 14 July to 28 August 2011, three cases of setting on fire vehicles owned by daily *Vijesti* occurred in Podgorica. The series of setting vehicles on fire started in the night between 13 and 14 July, when still unidentified perpetrators, around 3:00 AM, set on fire two vehicles of daily *Vijesti*, parked nearby the editorial board offices.¹²² Veselin Veljović, former director of the Police Directorate of Montenegro, said that this case should be perceived as the act of an individual and an isolated incident.¹²³

The second case of setting vehicles on fire occurred on 28 August in Masline, where a vehicle of *Vijesti* was parked in front of a *Vijesti* employee's house.¹²⁴

The third case occurred on 28 August in Stari Aerodrom, where a vehicle of *Vijesti* was parked.

In all three cases, the vehicles were set on fire in the same way, by first pouring gasoline over their hoods.¹²⁵ Former Chief of Local Criminal Police in Podgorica, Siniša Stojković, said that the police in all these cases blocked the streets, searched the wider area of the crime scene, and that the competent prosecutors and investigating judges who were not present at the scene were informed, and the crime scene investigation was conducted by local police unit officers. He also said that they took samples and sent them to the Forensic Centre for necessary expertize, gathered information from eyewitnesses and persons who used the vehicles damaged in the fire, as well as acquired surveillance footage from several nearby buildings, checked alibies for several persons and conducted numerous polygraph investigations,¹²⁶ and all of that was insufficient

122 "Two vehicles of daily *Vijesti* set on fire nearby the building of ANB", *Vijesti*, 14 July 2011.

123 Veljović: „Setting daily *Vijesti* vehicle on fire was an isolated incident“, *Portal Analitika*, 15 July 2011, information available at: <http://www.portalanalitika.me/drustvo/vijesti/31802--veljovi-spaljivanje-automobila-vijesti-je-izolovan-sluaj-.html>.

124 "Another vehicle of *Vijesti* set on fire: Is this also an isolated incident?", *Vijesti*, 27 August 2011, „Another vehicle of *Vijesti* set on fire“, RTCG, 27 August 2011, the information available at: <http://www.rtcg.me/vijesti/drustvo/hronika/46898-ponovo-ljeno-vozilo-vijesti.html>.

125 „Prosecutor does not respond to terror“, *Vijesti*, 28 August 2011.

126 "No word yet on the perpetrators", *Vijesti*, 27 October 2011.

to initiate criminal proceedings against the perpetrators.¹²⁷

The police officer Siniša Stojković suspected of illegal influence in the case of threats to journalist Olivera Lakić

A few hours after Veselin Veljović was interviewed in an investigation of threats to journalist Olivera Lakić, the chief of Criminal Police Budva Siniša Stojković was arrested and released after the hearing. Former Supreme State Prosecutor Ranka Čarapić announced on 28 December 2012 that police arrested Stojković for corruption criminal offense - illegal influence, and for a reasonable suspicion that he intervened to the basic public prosecutor in Podgorica to suspend action in the proceedings against Milenko Miće Rabrenović, suspected for threatening to the journalist Lakić. Čarapić said that Stojković warned the prosecutor that the continuation of the proceedings would jeopardize career advancement to the head of security services of Veselin Veljović and Vladan Joković, which was allegedly already agreed at the political top. Stojković has, as Čarapić said, in the context of the circumstances suggested to the Basic State Prosecutor Liljani Klikovac to beware of initiated proceeding, because otherwise she could be resolved. Stojković admitted that he was interested in the subject, but pleaded that he did not influence the prosecutor illegally, but that only used their business and friendly relationship to inquire about case of threats to journalist. For details, see the report "Threats and attacks against journalist of the daily *Vijesti* Olivera Lakić," p. 12 (available at: <http://www.hracion.org/wp-content/uploads/Izvjestaj1.pdf>).

After the third case of setting on fire vehicles of *Vijesti*, the Police Directorate issued the following statement: "The Basic public prosecutor in Podgorica, in accordance with the new Criminal Procedure Code (CPC), concluded that, in this particular case, there were no elements of a criminal offense prosecuted *ex officio*,"¹²⁸ although the new CPC came into force on 1 September 2011.¹²⁹ In this regard, the Supreme State Prosecutor said that the quoted statement of the Police Directorate was "inaccurate and unprofessional"¹³⁰, as well as that "the first priority for the police is to identify

127 Ibid.

128 Statement available at: <http://www.upravapolicije.com/index.php?IDSP=1927&jezik=lat>.

129 Article 517 of the Criminal Procedure Code (Official Gazette of Montenegro, no. 57/2009 and 49/2010).

130 "Čarapić: Police statement on setting a *Vijesti* vehicle on fire is incorrect and unprofessional", *Vijesti*, 27 August 2011.

the perpetrators, not to qualify a criminal offense."¹³¹ The Editor in chief of *Vijesti*, Mihailo Jovović, stated after the first incident that an interview of the former Prime Minister Milo Đukanović given to daily *Pobjeda* just before the incident possibly contributed. In the interview the Prime Minister sharply criticized local critical media, including *Vijesti*, and repeated such criticism in another interview given before the second attack.¹³²

Publisher of daily *Vijesti*, *Daily Press LLC*, on 31 October 2011 filed a lawsuit against the State of Montenegro, with the request for compensation of 60.000 euros for its failure to prevent these attacks and also to identify the perpetrators of the cases of setting vehicles on fire in July and August 2011. The judgement¹³³, that rejected the claim (later specified to 8642 euros), stated, inter alia: „the act of terrorism cannot be treated as such separately from its aim, as the Convention of the Council of Europe on preventing terrorism also states – adopted through a law in our country. In the introduction the Convention states that acts of terrorism have the purpose by their nature or context to seriously intimidate a population or unduly compel a government or an international organisation to perform or abstain from performing any act or seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation. So far, there is no evidence that these cases of setting vehicles on fire had the aim(s) set out in the mentioned Convention.” Regarding the argument from the lawsuit claiming that the state bodies of Montenegro did not undertake all necessary measures to prevent the acts of violence and damage occurred by their commission (they referred to cases of setting *Vijesti* vehicles on fire), the judgement says: „This particular case did not meet the above conditions for liability of the defendant state of Montenegro, since there is no evidence of defendant’s illegal action in undertaking the necessary actions, or state officials not performing their duties, and these actions are evidently still in the investigation phase...”. Meanwhile, this judgement became final and enforceable.

On 13 February 2014 another vehicle of daily *Vijesti* was doused daily *Vijesti*, was doused with gasoline and set on fire near the city market in Podgorica.¹³⁴

On the occasion of this event two procedures were launched: in order to identify the perpetrator of the crime Causing General Danger under Art. 327 st. 1 of the Criminal Code against policemen Veseljko Vračar and Miloš Sekulić who have had an official mission to ensure vehicle.

131 "No word yet on the perpetrators", *Vijesti*, 27 October 2011.

132 "Another vehicle of *Vijesti* set on fire: Is this also an isolated incident?", *Vijesti*, 27 August 2011.

133 Judgement available at: http://www.hraction.org/wp-content/uploads/DOO_Daily_Press_v_CG_osnovni_sud.pdf.

134 "Set on fire vehicle of daily *Vijesti*" portal *Vijesti*, 13 February 2014.

By November 2016 the perpetrators of the last ignition were not identified.

By the decision of the judge of the Basic Court in Podgorica, Larisa Mijušković Stamatović from 6 June 2015, police officer Vračar was sentenced to two months in prison for abuse of official position¹³⁵ that allowed unknown persons to set fire on the vehicle owned by daily *Vijesti*. Also, he was obliged to pay around 2683 euros to daily *Vijesti* as compensation for destroyed vehicle. Charges against officer Sekulić were rejected because the prosecution in its closing argument abstained from criminal prosecution against him, which *Vijesti* also did not wish to continue.¹³⁶

Testifying in the process, director of *Vijesti*, Željko Ivanović, announced that this vehicle, as agreed with the then Minister of Interior Raško Konjević, should have been the bait to catch offenders who were previously setting *Vijesti* cars on fire, and that this example shows that "there was no political will to get to the perpetrators and those who ordered the attacks, and to protect the assets of the daily *Vijesti*."¹³⁷

10. Explosion in front of daily *Vijesti* editorial board premises (6 December 2013)

In the evening of 26 December 2013, an explosive device was activated in front of the *Vijesti* editorial board offices, below the window of the Editor-in-chief Mihailo Jovović's office, and the perpetrators were not identified by the end of development of this report.

At the time of the attack, Mihailo Jovović was in the office together with fifteen other people, but no one was injured. The strong explosion caused the glass on windows of the office to shatter. *Vijesti* published information that surveillance footage shows one hooded perpetrator approaching the *Vijesti*

135 During the trial, prosecutor Saša Čadenović re-qualified criminal offense, and Vračar was charged for c.o. Abuse of authority instead of c.o. Negligent performance of duty. By conducted evidence it is found that Vračar was not at work, and he had to know that due to his failure may appear result in damage to the vehicle.

136 "Imprisonment for the police officer for allowing to be burned car of daily *Vijesti*" portal *Vijesti*, 5 June 2015.

137 "Bait burned down, a prey escaped", *Vijesti*, 24 May 2015.

building, placing the explosive under the window of Editor's office and then disappearing from the frame, followed by a flash of the explosion, a minute and a half later. *Vijesti* further stated that Podgorica police announced that they blocked the entire city in search of black "Opel Corsa" that, as reported, rushed away from the building at high speed, from the back of the *Pobjeda* building towards the Clinical Centre and the same car was then seen rushing at high speed away from the scene.¹³⁸

On-site investigation was conducted under the direction of Deputy Basic State Prosecutor in Podgorica, in the presence of an expert on fires, explosions and accidents, and the Police informed *Vijesti* that "the officials of the Ministry of the Interior –the Police Directorate, the Security Centre Podgorica, with the support of the Criminal Police Department have undertaken intensive activities on solving the case of activating an explosive device against the injured party daily *Vijesti*."¹³⁹

Marko Šofranac and Nemanja Vukmirović are accused for the explosion. They are accused for setting up the 300-400 grams of explosives in front of office of the Editor-in-Chief Mihailo Jovović, and thus committed c.o. Unlawful keeping of weapon and explosives in conjunction with c.o. Causing general danger.

According to the first instance verdict of Nenad Vujanović, the judge of the Basic Court in Podgorica, Šofranac and Vukmirović were released from charges for lack of evidence. Podgorica High Court overturned the verdict of the Basic Court with the explanation that the first instance Court had to assess more critical defense of defendants and bring them into "logical connection with other evidence."¹⁴⁰ At the retrial in the Podgorica Basic Court, a judge Vujanović made the same decision and this verdict became final on 20 June 2016.¹⁴¹

Acquittal was not a surprise, bearing in mind that during the trial, all the examined evident indicated that Šofranac and Vukmirović are not guilty. In fact, analyses of all experts and witness testimony linked to an acquittal during the trial. The question is, why even during the presentation of evidence that pointed to the innocence of the defendants, the investigation has been focused on finding the real culprits? Željko Ivanović, executive director of *Vijesti*, said that from the beginning they were "reserved to the operation conducted by the

138 "Dynamite activated in front of *Vijesti*: Will the State arrest the murderers or kill the media?", *Vijesti*, 27 December 2013, <http://www.vijesti.me/vijesti/dinamitom-vijesti-hoce-li-drzava-zatvarati-ubice-ili-ubijati-medije-clanak-168540>.

139 Ibid.

140 "Overruled judgment for the attack on *Vijesti*", portal *Vijesti*, 19 December 2015, available at: <http://www.vijesti.me/vijesti/ukinuta-presuda-za-bombaski-napad-na-vijesti-866238>.

141 "State, who bombed us", *Vijesti*, page 13, 21 June 2016.

police in cooperation with the prosecution" when it comes to accusing Šofranac and Vukmirović.¹⁴²

The member of the Commission for monitoring investigation of attacks on journalists and media property and editor-in-chief of *Vijesti* Mihailo Jovović suggested the Prosecutor's Office to seek for documentation that the National Security Agency and the Police submitted to the Commission in connection with this case and verify some of the information contained in the documentation. In addition, Jovović has reiterated that the judge refused his request to also testify the Prime Minister, in order to explain what he meant when he said that in attack were involved some state structures¹⁴³, saying that it is job of the prosecutor's office, as well as the fact that nor the police nor the prosecutor did nothing to track down the perpetrators and those who order, talks about their real will to solve it.¹⁴⁴

According to the information available to the public, the prosecution has not yet reviewed the documents in the possession of the National Security Agency, as Jovović suggested.

The Commission for monitoring investigation of attacks on journalists and media property has included, among the priority cases, the explosion in front of *Vijesti*.¹⁴⁵ In its second report¹⁴⁶ the Commission noted that the perpetrators were arrested following an initiative by the Commission, although, as it turned out, they were not real perpetrators.

142 "The fault of the regime is only proven", *Dan*, 19 May 2015.

143 In December 2013 on the occasion of the attack on *Vijesti* the Prime Minister said: "I believe that this with situation happened in the last few days, is throwing a glove in the face of the country. It is obvious that certain structures in Montenegro believe that in this way can banter with the state. The police and the prosecution will have to prove, in addition to their declarative commitment, the competence to deal with these problems. Or they will be changed. Because we can not prove only with a political declaration to stand in the way. If we are not able to stand in the way we leave the impression that we are losing the war against crime", "Condemnation of attack on *Vijesti*: Scare tactics Continue", portal *Radio Free Europe*, 27 December 2013, available at: <http://www.slobodnaevropa.org/content/eksplozivom-na-redakciju-ijesti/25213747.html>

144 "Jovović: Here is an opportunity for a thorough investigation, call and examine Đukanović", portal *Vijesti*, 19 May 2015.

145 The list of priority cases identified in the first report of the Commission for monitoring investigation of attacks on journalists for the period 6 February-6 May 2014.

146 The report on operation of the Commission for monitoring investigation of attacks on journalists for the period June- September 2014 and October-January 2015.

11. Attack on Lidija Nikčević, journalist of daily Dan (3 January 2014)

Journalist of daily *Dan*, Lidija Nikčević, was brutally beaten by a masked assaultant in the evening of 3 January 2014 in front of the editorial board unit of that daily newspaper in Nikšić.

An unidentified perpetrator, dressed in a black overall, with a mask on their head, attacked Nikčević from behind, grabbing her shoulder, after which he hit her head with a bat, causing her multiple injuries followed by substantial bleeding. The journalist tried to put resistance, injuring her arm. After the attacker escaped she cried for help.

The Police Directorate stated that the Prosecutor qualified the attack on Nikčević as criminal offence Attempted robbery "based on the statement of the injured person and other facts". On 3 January, immediately after the attack, the media reported that she stated that at one point the attacker „pulled her handbag“. Lidija Nikčević responded that she was shocked by the decision of the Prosecutor's Office to qualify the attack on her as attempted robbery. She said that the attack can in no way be characterised as attempted robbery, as the assaultant brutally and on purpose hit her head with a bat, and stole none of her stuff. Nikčević said that allegations that she stated that the assaultant pulled her handbag were not true, and the proof for that are the injuries she suffered. HRA also considered that, based on the way it was carried out and the injuries that were imposed, the attack on journalist Nikčević seems more like an attempted murder than attempted theft.

Finally, the attack is qualified as criminal offence Violent behaviour in concurrence with criminal offence Incitement.

After a three-month investigation, police identified and arrested the six defendants who were indicted later. During the investigation, police determined a motive for the attack. Namely, the attack was motivated by her reporting on the company "Narcis" which deals with funeral services and whose driver Aleksandar Jovanovic was arrested in September last year for smuggling marijuana.

The first instance verdict has been issued by judge of the Basic Court in Nikšić Ivan Perović on 10 December 2014. He convicted five, out of six accused. The owner of the „Narcis“ Željko Miletić, as initiator of the attack was sentenced

to imprisonment for a term of 15 months because he organized and carried out the attack on the journalist. Other defendants were sentenced to imprisonment for a term of 11 to 13 months.¹⁴⁷ This judgment is final.

The Commission for Monitoring the Investigation of Attacks on Journalists set this case of attack as one of the Commission's priorities.¹⁴⁸ In its second report the Commission stated that perpetrators had been arrested just after the initiative of the Commission.¹⁴⁹

12. Attacks and threat to Gojko Raičević, editor of the portal IN4S by police officers (17, 18 and 24 October 2015)

Editor of the portal *IN4S*, Gojko Raičević, suffered 3 attacks by police officers during the protests, once on 17 October 2015 and twice on 24 October 2015.

The first attack occurred on 17 October, before noon, near the Parliament of Montenegro. Raičević attended the protests, as a journalist. He was arrested, because he disobeyed the orders of the police.¹⁵⁰

While entering in the police vehicle, one of the police officers hit him in the back, in the kidney area, after which he lost his balance and fell, injuring his already injured knee. After the apprehension, he made a statement in the Police and before the judge of the Regional misdemeanors body, medical check was carried out and then he was released, i.e. allowed to defend himself from liberty.¹⁵¹

The proceeding against Gojko Raičević was initiated before the Misdemeanor Court for offenses under Article 12 of the Law on Public Order

147 "For punching journalist of Dan five years in prison", *Dan*, 18.6.2015.

148 The list of priorities had been identified in the first report of the Commission for the period of 6 February to 6 May, 2014.

149 The report of the Commission for the period of June-September 2014, and October-January 2015.

150 "During the clashes between the police and demonstrators in Podgorica, IN4S portal chief editor and journalist of daily *Dan* were attacked" *Fair press portal*, 19 October 2015.

151 The information contained in the criminal complaint by Gojko Raičević submitted to the Basic State Prosecutor's Office.

and Peace. On 26 November 2015 the decision was made by which he was guilty of failure to act according to the orders of a police officer.

Raičević in his defense said that it is not true that he has not acted on the orders of Police officers - Security Center Bijelo Polje, Miodrag Šebek, prohibiting the movement and retention in place, but it is true that he stayed because he wanted to record the arrest of MPs, and that he complied with the order when he was told to stop, and that he was not trying to pass on, but he continued to record the event by telephone.¹⁵²

In the evidentiary proceedings Miodrag Šebek and Saša Knežević were heard as witnesses. Šebek said that his task was to remove all persons who where are trying to move to the Assembly and to ban their retention in this place, and that Gojko Raičević, although he was obliged to move away from the crime scene, did not do it. When Raičević asked Šebek whether on this occasion he insulted the police and belittled, Šebek said he had not.¹⁵³

The second witness, Saša Knežević, said the same thing as Šebek; that there had been a disruption of peace and order to a greater extent, that Raičević had been with the police cordon had and refused their request to move away from the crime scene, recording events with mobile phone, and on Šebek's order to leave he said he would not but to arrest him.¹⁵⁴

However, despite the Raičević words that he did not acted contrary to orders, that he stopped when and where he was told, and that during the arrest he was injured in the kidney area, after which he lost his balance and injury knee, although he warned the police officers that he has problems with his knee, the witness statements of the police officers of the security Center Bijelo Polje, Miodrag Šebek and Saša Knežević the judge assessed as mutually consistent and convincing. Accordingly, the judge Sonja Pepeljak established from the statements of the witnesses that the defendant ignored the orders of a police officer and she "donated the full faith" to the witness statements.¹⁵⁵

The judge for the misdemeanors handed down a minimum fine for the defendant, in the amount of 200 euros, for the offense under Article 12 of the Law on Public Order and Peace of Montenegro.¹⁵⁶

152 The decision of the Misdemeanor Court from 26 November 2015, PP.br. 11509/15-19, page 2.

153 Ibid.

154 Ibid.

155 The decision of the Misdemeanor Court from 26 November 2015, PP.br. 11509/15-19, page 6.

156 The decision of the Misdemeanor Court from 26 November 2015, PP.br. 11509/15-19, page 7.

On 26 November 2015 Raičević lodged an appeal on the decision of the Misdemeanor Court. The appeal stated international standards and recommendations that judge of the Misdemeanor Court, Sonja Pepeljak, missed during reviewing and determining sentence.

HRA pointed out in the press release on 23 October 2015¹⁵⁷ to the Guidelines on Freedom of Peaceful Assembly of the Council to Europe Venice Commission and the OSCE (ODIHR): "Third parties (such as monitors, journalists and photographers) may also be asked to disperse, but they should not be prevented from observing and recording the police operation..." as well as that "Photographing or video recording the policing operation by participants and other third parties should not be prevented, and any requirement to surrender film or digitally recorded images or footage to the law enforcement agencies should be subject to prior judicial scrutiny."

In favor of the appeal is the judgment of the European Court of Human Rights in the case *Pentikäinen v. Finland*, where the Court emphasized the key role of the media for providing information to the public on police conduct against demonstrators and especially on how they suppress violent protests. "The watch-dog role of the media assumes particular importance in such contexts since their presence is a guarantee that the authorities can be held to account for their conduct vis-à-vis the demonstrators and the public at large when it comes to the policing of large gatherings, including the methods used to control or disperse protesters or to preserve public order. Any attempt to remove journalists from the scene of demonstrations must therefore be subject to strict scrutiny" (paragraph 89).

The High Misdemeanor Court rejected the appeal as unfounded.¹⁵⁸

Raičević informed HRA that a day after the first attack on 17 October, he received provocations addressed to date by an unidentified police officer from a passing vehicle, which gesticulated menacingly that he will be beaten up again. Raičević reported this to the Security Centre Podgorica, director of the Police and the public, stating the license plate number and the type of vehicle.

On 24 October Raičević again attended the protest as a journalist, accompanied by a journalist cameraman of *TV Srpska*. During that protest, the police officers hit him on two occasions.¹⁵⁹

157 HRA press release from 23 October 2015 is available at: [http://www.hraction.org/?p=9640](http://www.hrraction.org/?p=9640).

158 The decision of the High Misdemeanor Court from 11 February 2016, PŽP.No.38/16-4.

159 "Found the "heroes" who beat journalists" *Dan*, 25 November 2015.

Raičević says both attacks occurred because of him recording the police while using force against citizens. The first attack was related to the behavior of one of the police officers who approached Raičević and hit him in the back with a truncheon. There are photos and medical reports supporting this allegation of attack.

To the other form of inappropriate use of force and attack on Raičević testifies video footage¹⁶⁰ that recorded attack on Raičević with an official baton at his right shoulder by the police officer, and then with fist to the jaw. The police officer was not identified, but it was recorded that he came out of the police vehicle license plate number PG MN 234.

The Council for Civil Control of Police concluded that there was an inappropriate use of force against a citizen G.R. who did not resist. The Council has requested from the Police to publish the identity of the acting police officers as well as information regarding the processing of his conduct and inform the public about it.¹⁶¹

Due to these attacks and treatment of unknown persons - members of the Police as officials, who have exceeded the limits of authority, Gojko Raičević filed a criminal complaint with the Basic State Prosecutor's Office, which stated that "achieved all essential elements of the criminal offense of abuse of official position in the extended duration of Art. 416 st. 1 of Art. 49 Criminal Code of Montenegro, as well as the criminal offense of Abuse of Office through its support of art. 416 st. 1 of Art. 25 Criminal Code of Montenegro. "

On HRA request for free access to information, the Basic State Prosecutor's Office on the occasion of the filed criminal complaint responded that the case against unidentified police officers was formed and that on this occasion certain evidentiary actions were taken.¹⁶²

On the occasion of filed criminal charge, Raičević informed HRA researcher that the State Prosecutor's Office did not receive requested information from the Police. He also told us that the new Minister of the Interior

160 Video footage that testifies attack on Raičević "IN4S: Editor IN4S victim of police brutality, again!" is available at: <https://www.youtube.com/watch?v=B6rAtt9pXgo>.

161 For details, see the publication *The right to physical integrity and human dignity: October protests and the implementation of police powers*, published by the Ministry of Interior of Montenegro, the Council for Civil Control of Police, Protector of Human Rights and Freedoms of Montenegro, Supreme State Prosecutor of Montenegro, NGO Civic Alliance and HRA, p. 45. The publication is available at: <http://www.ombudsman.co.me/img-publications/18/publikacija--pravo-na-fizi--ki-integritet-i-ljudsko-dostojanstvo.pdf>.

162 Answer of the Basic State Prosecutor's Office to on the request for free access to information of the Human Rights Action from 14 December 2015, TUSP no. 13/15

Affairs ordered to re-examine his case.¹⁶³

However, until the end of work on the report there has been no progress in the investigation. Despite the evidence Raičević enclosed, the police officers were not identified, nor did Raičević receive an answer to his criminal charges.

¹⁶³ The interview which was conducted with Gojko Raičević by HRA researcher on 30 October 2015.

