



HUMAN RIGHTS ACTION | AKCIJA ZA LJUDSKA PRAVA

MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO

SECOND REPORT

(March 2013 – October 2013)

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1. INTRODUCTORY REMARKS

This is the second report published within the project “Monitoring of Journalistic Self-Regulatory Bodies in Montenegro”, implemented by Human Rights Action (HRA) from Podgorica from September 2012, with the support of the British Embassy in Podgorica. The project will last until September 2014 and the reports will be published every six months.

The aim of the project is to support the media and journalistic, i.e. media self-regulatory bodies in Montenegro in objective and uniform implementation of the Code of Montenegrin Journalists and standards of human rights.

We believe that media self-regulation can and should contribute to the protection of human rights and the prevention of their violation. We believe that, if done professionally and impartially, media self-regulation may prevent litigation, contribute to accountable informing of the public and improve public confidence in reporting of the media. We hope that, as association of citizens, by observing the implementation of the Code by the media and self-regulatory bodies, reporting on it and encouraging debate on the subject, we can act useful – and as part of the "media accountability system"¹ we can promote respect for ethical rules of journalism and thus improve the culture of respect for human rights in Montenegro.

This report, as well as the previous one, in relation to print media (daily newspapers "Blic" – Montenegrin edition, "Dan", "Dnevne novine", "Pobjeda", "Vijesti" and weekly "Monitor") and web portals ("Analitika", "Cafe del Montenegro", "IN4S" and "Vijesti online") was developed by Dragoljub Duško Vuković. This second report for the first time deals with monitoring of self-regulation of primetime news programmes of five most watched television stations: Atlas TV, Television of Montenegro, TV Pink M, Prva Television, Television Vijesti², with support from the Open Society Foundation and HRA associate Marijana Buljan, expert in the media, who conducted the monitoring of the mentioned television news programmes and produced a report, which forms part of this report.

Although HRA associates sought to closely monitor the content of those media outlets, it is possible that not every case of unethical journalistic practice has been recorded. The general intention was to check, on the basis of our monitoring, whether journalistic self-regulatory bodies

¹ Bertrand is considered the most prominent international expert for journalistic ethics. He defined the Media Accountability Systems as rules and practices that include "any non-governmental means of inducing media and journalists to respect the ethical rules set by the profession". These systems include ethical codes, counselling for press and other self-regulatory bodies, research conducted by non-governmental organizations, auditing, etc. For more details, see <http://www.rjionline.org/MAS-Claude-Jean-Bertrand>; and, "Power without Responsibility", Sandra Bašić Hrvatinić, PhD, article published in magazine Media Culture no. 02/2011, "Self-Regulation", Civic Forum Nikšić, 2011, page 23-27.

² Based on research conducted by CEDEM (OEBS), July 2012, Extra TV, February 2013 and IPSOS Strategic Puls, March 2013.

manage to fully and properly respond within their competence to conduct of the media, which represents a violation of the Code of Montenegrin Journalists.

The report includes recommendations based on the self-regulatory practice.

We will be grateful for any constructive criticism.

Tea Gorjanc-Prelević,

Executive Director of NGO Human Rights Action

2. CURRENT SITUATION OF MEDIA SELF-REGULATION

2.1. General overview

In the period covered by this report, the **Media Council for Self-Regulation** (hereinafter **MSS**), founded at the beginning of March 2012 by representatives of 18 print, broadcast and internet media outlets in Montenegro, continued its operation. In the meantime, daily “Blic” – Montenegrin edition, TV “Prva”, TV “Pink M” and portal RTCG joined this self-regulatory body. There has also been personnel changes in the Executive Board of MSS, because Srđan Kusovac, editor in chief of daily “Pobjeda”, resigned from the post due to the transition to the position of Head of the Public Relations Bureau of the Government of Montenegro.

Self-Regulatory Local Press Council announced that several new print media outlets will become its members³, and that it received requests for membership from local electronic media, although membership of electronic media is not prescribed by the current Statute of the body.

Press Council, established at the end of May 2012 by daily “Vijesti” and “Dan” and weekly “Monitor” and included in the register of NGOs on 6 August 2012, did not commence with operation.

“Vijesti” decided to appoint a **Protector of the rights of readers**, i.e. the **Ombudsman**, following the practice of TV “Vijesti” that had done so at the end of January 2013. “Vijesti” informed the public about this decision on 4 November 2013 in its print edition and on its website⁴. The duties of the Ombudsman were entrusted to Božena Jelušić, a professor of literature and media literacy from Budva, and a regular columnist for daily “Vijesti”. Rules of Procedure of the Ombudsman were developed by Božena Jelušić and Mihailo Jovović, editor in chief of daily “Vijesti”. The Rules prescribe the method of operation of the Ombudsman in proceedings initiated upon complaints about articles published in the print edition of “Vijesti” and “their releases on all platforms, when they are contrary to provisions of the Code of Montenegrin Journalists”⁵.

Article 2 of the Rules of Procedure of the Protector of the rights of daily “Vijesti” readers specifies that the Ombudsman is “competent to decide on complaints filed against specific content

³ During a conversation with the author of this report, Amer Ramusović, President of the Self-Regulatory Local Press Council, announced that the Council will be joined by: “Kolašinske novine”, “Novine Nikšića”, “Sloboda”, “More”, “Podgoričke novine” and “Prosvjetni rad”.

⁴ <http://iptv.vijesti.me/vijesti/vijesti-dobile-ombudsmana-clanak-158502>

⁵ Rules of Procedure of the Ombudsman for readers of Vijesti.

published in "Vijesti" and states the criteria that complaints are required to meet"⁶. Article 13 of the Rules of Procedure states that "except for dealing with complaints, the Ombudsman may on his/her initiative react with a written indication to the editorial board on violations of the Code" and "may, when he/she deems it appropriate, publish an article in daily "Vijesti" on the negative and positive trends in compliance with the Code by journalists and the editor of Vijesti".

In the 2013 Montenegro Progress Report, the European Commission noted: "Some mainstream media have not established any self-regulation. Promotion and enforcement of professional and ethical standards remains a challenge for most media outlets"⁷.

Between two HRA reports, no self-regulatory body nor any media outlet or press community raised the issue of amending the Code of Montenegrin Journalists in order to improve and adapt it to new ethical challenges, nor was it announced that there has been any discussion on the re-establishment of a single journalistic self-regulatory body for all media outlets in Montenegro.

2.1.1. Conclusions and recommendations

After daily "Vijesti" appointed the Ombudsman for its readers, among the relevant media outlets in Montenegro, only daily "Dan" and weekly "Monitor" remained outside of any self-regulatory process. Both media outlets should opt for a model of self-regulation as soon as possible, especially having in mind that daily "Dan" has the most recorded cases of violations of the Code of Journalists of Montenegro.

⁶ "Complaints must meet the following criteria in order to be processed:

- must be in written form or sent via e-mail;
- must be related to specific content published in "Vijesti", considered to be contrary to the Code of Montenegrin Journalists;
- if the complaint is filed in written form, it must contain printed content published in "Vijesti" considered to be contrary to provisions of the Code, and if sent via e-mail, it must include the link to published content, considered to be contrary to provisions of the Code, or a scanned copy of content or attached otherwise;
- the complaint must be filed in due time, and:
 - if content was published in print edition – within 30 days from the day it was published,
 - if content was published on the Internet or other platform available to the public, until it is removed;
- must be personally related to the person filing the complaint, or be filed with written consent of the person who believes that he/she had been damaged by the published content;
- must contain e-mail address or post address;
- if content is related to a juvenile, the complaint must be filed by a parent or legal advisor of the juvenile, or with parents' written consent given to a third person to file the complaint instead of the juvenile;
- must contain full name of the person filing the complaint, if a physical entity, or full title and ID number if a legal entity;

The complaint on the content that the complainant believes to be in violation of the Code of Montenegrin Journalists may contain a request in which he/she will state a settlement proposal for prompt correction of violations of the Code of Montenegrin Journalists and elimination of consequences of such damage. The proposal shall specify the obligations of "Vijesti", manner and deadlines for carrying out these obligations".

⁷ "Some mainstream media have not established any self-regulation. Promotion and enforcement of professional and ethical standards remain a challenge for most media", 2013 Montenegro Progress Report, p. 42.

2.2. Activities of the Media Council for Self-Regulation (MSS)

In accordance with its Statute, which prescribes bi-monthly publication of reports, MSS published three reports from 1 March to 1 October 2013 (sixth, seventh, and eighth since the beginning of its operation)⁸. These reports dealt with monitoring the content of some of the media outlets members of the MSS, as well as those that are not its members and do not accept its authority. (More on the competence of the body is available in the first HRA report, p. 11.)

In contrast to previous reports, in the last three reports the MSS failed to mention that it did not monitor the content of broadcast media (radio and TV) that constitute the majority of its members, but in only one case registered a violation of the Code by this type of media. In the same period, HRA observed 69 cases of violations of the Code only by the five monitored TV stations, four of which are members of the MSS, but only within their major news programmes (detailed later in the report).

Although Article 7 of the Statute provides that MSS, in addition to periodic reports, shall publish semi-annual and annual reports on compliance with the Code, it has not yet published them.

MSS presented its periodic reports at press conferences, but did not regularly publish them on its website (<http://medijskisavjet.me>). Despite several requests by HRA, the MSS did not publish its sixth report (for the period from 1 March to 15 May 2013) on the website or sent it to HRA, although it debated some paragraphs from the first HRA report "Monitoring of Journalistic Self-Regulatory Bodies in Montenegro". This and the subsequent report (for the period from 15 May to 15 July 2013) MSS published on its website only after 18 September 2013, after HRA submitted the third written request for the reports to be submitted or published on the website. MSS published the eighth report, covering the period from 15 July to 1 October, on the website shortly after it was presented to the media.

During the period from March to October 2013, MSS received and processed eight complaints about conduct of media. The decision of MSS on the appeal of HRA stated that it was adopted by the Commission for Complaints and Appeals of the MSS, a body not prescribed by the Statute.

MSS did not conduct a public campaign to educate citizens and encourage them to complain about the unethical behavior of the media. On the MSS website there is a section "Complaints

⁸ The sixth MSS report covered the period from 1 March to 15 May, the seventh from 15 May to 15 July, and the eighth from 15 July to 1 October.

and procedures”⁹ where visitors are informed that complaints may be submitted by post to address Boulevard Svetog Petra Cetinjskog 9, Podgorica, to fax 020 220 273 or e-mail zalba@medijskisavjet.me. Interested parties have the convenience of sending the complaint via e-mail directly from the webpage, but the procedure is not explained. Instead, a note states that “a special rulebook that will define in more detail the manner in which complaints are filed and processed by a competent team is being developed”¹⁰.

During the period covered by this HRA report, the MSS continued to violate the provisions of its Statute in relation to the provision which stipulates that the MSS Monitoring team is obliged to “seek the opinion of the media that was accused of violating the Code of Montenegrin Journalists in the application of viewers/readers/listeners or based on the monitoring of the Monitoring team”¹¹. According to information HRA gathered from editors of daily newspapers “Vijesti” and “Dan”, which are commonly referred to as violators of the Code in MSS reports, MSS did not ask them for any statements regarding the complaints on the published content, neither on the findings of the MSS Monitoring team. This provision was not violated only in the case of a complaint submitted to MSS by HRA on the conduct of daily “Pobjeda”. In its report, MSS stated that it had asked “Pobjeda” for a statement on this complaint, but did not receive it by the time the report was finished and presented to the public¹². (The report does not state whether there is a document prescribing the time limit within which the media, on the conduct of which a complaint had been filed, must respond to MSS.)

2.2.1. Conclusion and recommendations

- *The MSS did not establish violations of the Code by the broadcast media (radio and TV) except for one instance, when it acted on a complaint in relation to RTCG. At the same time, limited HRA monitoring of news programmes of five most watched televisions in Montenegro showed that violations of the Code in those televisions’ news programmes are frequent. Therefore, it would be necessary to include TV stations in active self-regulation. **The MSS should pay more attention to monitoring broadcast media outlets, especially those that are its members, and if it is not able to do so, then it should***

⁹ <http://medijskisavjet.me/zalbe-i-postupci/>

¹⁰ Information available on the website of Media Council for Self-Regulation on 26 November 2013, at: <http://medijskisavjet.me/zalbe-i-postupci/>.

¹¹ According to information HRA gathered from editors of daily “Vijesti” and “Dan”, which are commonly referred to as violators of the Code in MSS reports, MSS did not ask them for statements regarding the complaints on the published content, neither on the findings of the Monitoring team of MSS.

¹² <http://www.hracion.org/wp-content/uploads/Odgovor-na-%C5%BEalbu.pdf>

announce this fact in its reports, as it is otherwise allowing for the conclusion that it does not recognize such incidents as violations of the Code.

- *Although earlier this year the Media Council for Self-Regulation (MSS) announced the development of a special rulebook, it still does not have defined procedures for dealing with complaints. The MSS generally does not comply with provisions of its Statute, stipulating that it should provide the media outlet, referred to in the complaint, with the opportunity to comment on the complaint directed against it (from 1 March to 1 October 2013, MSS has done so in only one of eight cases). **MSS should adopt a rulebook precisely defining the procedure for dealing with complaints and appeals as soon as possible. Such rulebook should also regulate the issue of sanctions against those media outlets – members who do not cooperate in this process with MSS. We repeat the previous recommendation that MSS should comply with its Statute and allow all media outlets in relation to which it receives complaints to comment on them.***
- *Complaints submitted to MSS are decided by the Commission for Complaints of the MSS, a body not prescribed by the MSS Statute. Art. 4 of the Statute only states that the Monitoring team, among other things, “decides on complaints submitted against any media organization in Montenegro, when it comes to violations of the Code of Montenegrin Journalists and informs the public about such cases”. **The MSS Statute should prescribe the existence of the Commission for Complaints and Appeals as a special body personally and organizationally different from the Monitoring team. This is particularly important because the existing Monitoring team consists of two active journalists from media outlets that are members of MSS, and the Commission for Complaints and Appeals should be independent from editorial teams of the media and build its authority on that independence. In addition, the number of members of MSS body dealing with complaints and appeals should be greater than three. The Media Self-Regulation Guidebook (OSCE, Vienna 2008, p. 57) suggests that the optimal number is between 7 and 11 members.***

2.3. Activities of TV *Vijesti* Ombudsman

TV *Vijesti* Ombudsman¹³ has published two reports, the first covering the period from 25 January to 10 May 2013, and the second from 11 May to 30 September 2013. Both reports are quite short – the first has 35 lines, the second 32.

¹³ TV “Vijesti” established a single self-regulatory body – Ombudsman, and informed the public on this on 25 January 2013. The Executive Director of the television, Slavoljub Šćekić, appointed a prominent journalist and editor of this media outlet, Aida Ramusović, as the first

Ombudsman's reports were presented to the public in TV "Vijesti" news programmes, on "Vijesti" web portal, and distributed to non-governmental organizations dealing with human rights, as well as to relevant international addresses.

In the period covered in Ombudsman's reports, TV "Vijesti" continued the campaign of informing the public (through advertising) about the existence of its self-regulatory body and the opportunities it provides.

TV "Vijesti" have not yet adopted an internal code of ethics, although the decision on the establishment of the Ombudsman stated it would do so.

2.4. Activities of the Self-Regulatory Local Press Council

Statute of the Self-Regulatory Local Press Council prescribes publishing annual reports on the compliance with the Code. This self-regulatory body published the first such report on 3 March 2013 and it covered the period from May 2012 to December 2012, which was also discussed in our first report on page 18. This year it has not made comments on violations of the Code.

Ombudsman. This form of self-regulation was previously established through an amendment to the Statute of TV *Vijesti* (Monitoring Journalistic Self-Regulatory Bodies in Montenegro, first HRA report, from September 2012 to March 2013.).

3. RESULTS OF OPERATION OF SELF-REGULATORY BODIES

3.1. Results of operation of MSS

3.1.1. Dealing with complaints about content published in the media

From 1 March to 1 October 2013, MSS received eight complaints about the content of the media, its members and non-members. Of the total number of received complaints, six were related to the content published in "Vijesti" and "Dan", non-members of the MSS, one concerned daily "Pobjeda", member of MSS, and one "Blic", Montenegrin edition, which in the meantime became a member of MSS.

MSS proclaimed itself competent for a complaint concerning "Blic", finding that the complaint concerned an article published in the edition of "Blic" for Serbia. The complaint was filed by I.D. from Budva about an article published on 30 April 2013 titled "Murder of Nikola Bojović is revenge of mafia from Budva".

MSS fully or partially accepted complaints filed by the Supreme Court of Montenegro (one), the Mayor of Podgorica Miodir Mugoša (two), assistant to businessman Zoran Bećirović (three) and Executive Director of HRA (one). MSS rejected one of the complaints filed by Bećirović's lawyer.

According to information, interpretations and arguments that MSS stated in its reports, this self-regulatory body dealt properly with all the cases.

The complaint of the Supreme Court of Montenegro referred to an article published in daily "Vijesti" on 15 June 2013 titled "They mixed the dates and knew in advance that the judges will write to them", in which a false information was knowingly published, according to the complainant, for which the author knew it was a technical error "on the correction of which was promptly informed".

The Mayor of Podgorica complained on the conduct of daily "Dan" in case that began when "Dan" published an article on 6 June 2013 titled "Mugoša hid a million from taxes", dealing with the issue of debt of the Capital to the Department of Public Revenues. MSS concluded that "Dan" did not act professionally because the texts, professionally correct according to MSS, had inadequate and tendentious headlines.

MSS partially accepted the complaint of the Mayor of Podgorica, related to writing of daily "Vijesti" on 13 June 2013, in an article titled "Mugoša wanted to cheat the Chinese for a million" and the general conduct of "Vijesti" in reporting on this topic. MSS found that the first denial of the disputed text was not published in a proper manner, as prescribed by the Code, but "Vijesti" published the second reaction related to the same topic in an ethical manner.

The first complaint of businessman Zoran Bećirović's lawyer that MSS accepted was related to treatment of denials published in daily "Dan" titled "The Government in debt of 25 million because of Čočo". MSS concluded that the text was "manipulative and tendentious as was the main headline" and that Bećirović's denial was not published "in the manner prescribed by the Code and the law". The second complaint was filed because of the manner in which daily "Dan" dealt with Bećirović's denial about the article published on 29 May titled "Čočo asking 20 thousand". MSS stated that "Dan" made a mistake in the headline "when it published that Zoran Bećirović sued Basketball Club Budućnost", and that the new violation of the Code occurred when "the publication of the denial was followed by new unfounded accusations, although the editorial board indirectly admitted making the mistake".

MSS also pointed out a mistake made by daily "Dan" in confusing the names of Zoran Bećirović and his murdered brother Dragan.

The third complaint of Zoran Bećirović's lawyer concerned an article published in daily "Vijesti" on 8 June 2013 titled "The Ministry of Sustainable Development legalized Bećirović's complex above Jaz", i.e. the denial of that text that "Vijesti" did not publish. MSS did not accept claims by the complainant, but accepted the reasoning of daily "Vijesti", whose editor in chief Mihailo Jovović sent a letter to the complainant, according to MSS, saying that "Vijesti" will publish a denial "when the Media Law is amended". MSS concluded that "Vijesti" "could have published the reaction, but did not have an obligation", given the serious charges stated in the denial, which MSS did not state.

MSS fully accepted the complaint of Human Rights Action (HRA), i.e. its Executive Director Tea Gorjanc Prelević, about the conduct of daily "Pobjeda", which never published her reaction to the article by Stevan Lilić from 7 September 2013 titled "Lilić: The business group *Vijesti* – NGO sector does not like the existence of the Institute", in which he claims that there is a dominance of "business group *Vijesti* – NGO sector" which "receives enormous donations and money for literally any project, as long as it meets the component 'democratic opposition to the Government'". The reaction to this article was sent on 10 September 2013, but it was never published in daily "Pobjeda". Instead, on 24 September it published a new text by Lilić, as a reaction to the unpublished reaction of HRA director. MSS concluded that daily "Pobjeda" violated the Code by not publishing the reaction, but that the gravity of the violation is even greater because "Pobjeda" published a reaction to the unpublished text.

3.1.2. Findings of the MSS Monitoring team

MSS Monitoring team recorded 113 examples of violations of the Code during the period from 1 March to 1 October, of which 92 (81%) were by daily newspapers “Dan” and “Vijesti” and portal “Vijesti”, media outlets non-members of the MSS that do not recognize its authority.

MSS monitors noticed the majority of violations of the Code (49) in daily “Dan”, followed by portal “Vijesti” (29), and daily “Vijesti” (14), non-members of MSS. According to findings of MSS monitors, daily “Pobjeda”, a member of MSS, violated the Code seven times, but in the report for the period 15 July – 1 October, MSS noted that it chose only “two illustrative examples” of the texts of the Association of Gambling Providers that “Pobjeda” occasionally publishes, which are “often filled with insults”, as MSS observed.

In more than one third of violations of the Code (37), noted in MSS reports, it was not specified which basic principles and guidelines of the Code were violated and in what manner. Based on the cases MSS was specific about, it can be concluded that, according to the assessment of MSS, violations of Principle 1¹⁴ of the Code (23 examples) were most frequent, followed by Principle 3¹⁵. According to MSS monitors, Principle 10 of the Code (presumption of innocence¹⁶) was violated only six times.

MSS also recorded an instance of violation of the law shortly before the presidential elections, although violations of law are not within its competence. Violations were recorded in the double issue of “Dnevne novine” from 6/7 April, that, as MSS assessed, violated the election silence by “repeating the main messages of both candidates made before the elections, in addition to other relevant information related to the election process”.

3.1.3. HRA analysis of MSS conduct

Based on its monitoring in the reported period (March 1 – October 1 2013), MSS recorded 113 violations of the Code, while HRA monitors in the same period recorded 659 such cases.

¹⁴ Principle 1: “Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.”

¹⁵ Principle 3: “The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumors and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.”

¹⁶ Principle 10: “When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure.”

Comparison of monitoring results by MSS and HRA

Violations of the Code of Montenegrin Journalists	Monitoring by MSS	Monitoring by HRA
Principle 1	23	49
Principle 2		
Principle 3	11	24
Principle 4	6	1
Principle 5	9	8
Principle 6	4	
Principle 7	1	
Principle 8	10	19
Principle 9		4
Principle 10	6	521
Principle 11		21
Principle 12		12
Violated principle of the Code not specified	37	
Violation of a principle established upon a complaint	6	

Total	113	659
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In contrast to findings of MSS monitors, HRA associates found that in this period most frequent were violations of Principle 10 of the Code – the presumption of innocence. While MSS recorded only six violations of this principle, HRA associates observed 521.

MSS recorded 23 examples of violations of Principle 1 of the Code, while HRA recorded 49. In regard to Principle 3 of the Code, there is also a significant difference between the number of violations recorded by MSS and those recorded by HRA associates – MSS recorded 11 and HRA 24 violations. MSS, unlike HRA, did not record any violations of principles 9, 11 and 12 of the Code, while HRA did not record violation of principles 6 and 7 of the Code. Neither MSS nor HRA recorded violations of Principle 2 of the Code. (A more detailed analysis will follow later in the report.)

In the report covering the period from 1 March to 15 May 2013, MSS noted that the guideline for Principle 1 of the Code, related to reporting on events of the election campaign¹⁷, was “completely ignored” and that only listing the violations “would encompass an entire report”. However, MSS did not illustrate its assessment with a single characteristic example.

In the same report, MSS established insult in two cases, without quoting the specific principle and/or guideline of the Code. In the first case, it qualified as insult writings of daily “Pobjeda”, which in a box next to the text of the article “Dan paid Lekić 11 000 euros per year”, signed by the editorial board, repeatedly referred to the opposition political alliance Democratic Front as a “political-interest-criminogenic group”. As a second example of insult, MSS stated that in an article published by “Vijesti”, Miodrag Perović referred to the Supreme State Prosecutor Ranka Čarapić as the “Supreme servant of the regime”. MSS concluded that the first case constitutes insult, “because it is an editorial text, and not a quote of political opponents” and that the second case constitutes insult “because it is a text of one of the owners of the newspaper and not a quote of political opponents”.

In addition to two mentioned examples, MSS recorded offensive language in many other texts, although the Code in the principles or guidelines does not address the issue of insult in any way. (Insult can be considered a violation of honour for which civil proceeding may be initiated for damages or other compensation – Articles 205-207 of the Law of Obligations, *Official Gazette of*

¹⁷ Guideline 1.4: “When contributing from rallies organized during an election campaign, the reporters will also report on the views and values with which they may not agree. Such an approach is a matter of reporter's fairness; it serves the citizens' right to the freedom of information and supports the principle of equal opportunities for all political parties and other participants in the election process.”

Montenegro, 47/08. However, it should be noted that according to practice of the European Court of Human Rights, freedom of expression protects offensive speech, when it does not represent a gratuitous personal attack, and is related to the debate of public interest).

In its report for the period from 1 March to 15 May, MSS assessed that daily “Dan” “lead a media campaign with an apparent intention to create and strengthen a public opinion on irregularities of the election process, and thus the election results”, without specifying the violation of any principle of the Code. After such accusations, it stated that “it was completely impossible to determine with precision what was accurate in the vast amount of published material and what was media manipulation, wrong interpretation or facts put into desired context”.

Opting not to support its critical assessment with a single example, MSS knowingly exposed itself to criticism that it fails to operate objectively and based on facts, especially since the media outlet related to the case is not its member.

At the same time, MSS overlooked that daily “Pobjeda”, which is its member, again published in its July editions parts of the series of articles originally published a little more than two years ago, which contained a one-sided and biased analysis of the operation and editorial policy of daily “Vijesti” and weekly “Monitor”, and the owners of the media outlets were accused of “tax evasion, stock manipulation and illegal loans”¹⁸, although it was never officially published that criminal proceedings were initiated against those persons. In the announcement about the new publication of the series of articles under the joint headline “How a media empire was established in Montenegro”, the former editor in chief of “Pobjeda”, Srđan Kusovac, qualified the co-owners of “Vijesti” as “organized crime group of the co-owners of tabloid Vijesti”¹⁹.

In our opinion, in its assessment concerning daily “Dan”, MSS stepped out of boundaries of its competence and dealt with the editorial policy of the media outlet, without specifying the cases of violations of the Code and the manner in which they were done. MSS also stepped out of boundaries prescribed by its Statute in the case of offensive qualification of a journalist of “Monitor”, Marko Milačić, “considering that the editorial board made a mistake when signing the author as a journalist”²⁰.

¹⁸ “The entrance of WAZ” (Pobjeda, 5 June 2013).

¹⁹ “How the law was violated by Vijesti” (Pobjeda, 5 June 2013).

²⁰ The reason for this suggestion of MSS was an article by Marko Milačić in “Vijesti” from 16 April titled “I’ll see you on the street”. MSS assessed that “the text is rich in heavy insults against the leading persons of the DPS”, and that “the language used very frequently in his texts has nothing to do with the journalistic profession and could rather be characterized as a political performance by a party soldier”.

In its report for the period from 15 May to 15 July, MSS found that, when it comes to three web portals it monitors (Portal “Vijesti”, CdM and “Analitika”), “there is still no consistency in deleting improper comments” and that “during the monitored period, portal “Vijesti” was at the forefront in publishing improper comments”. Later, in contrast to that, it stated that, in regard to other two web portals (CdM and “Analitika”), MSS “did not observe any oversights and concluded that editors and administrators continually observe professional standards and have a restrictive editorial policy on the publication of comments that could represent a violation of professional principles”.

If web portal “Vijesti” was at the forefront, as stated, that means that there were unethical comments on other two monitored portals, and, as an illustration, it should have specified at least some of them.

3.1.4. Conclusions and recommendations

- *The MSS only sporadically observes violations of the Principle 10 of the Code – the presumption of innocence, which are, according to HRA records, by far the most common violations by the media of norms prescribed by the Code of Montenegrin Journalists. In comparison to the previous HRA report, the number of recorded examples of violation of the presumption of innocence in the print media has increased almost five times. This situation requires finding solutions to overcome it. **The MSS and other self-regulatory bodies should support the proposal that, in case that the upward trend in violations of the presumption of innocence by the media continues, the court should be authorized, through an amendment to the Criminal Procedure Code, to observe and punish violations of the presumption of innocence by the media, in accordance with the obligation of the media to observe it under the Criminal Procedure Code.***
- *Monitoring conducted by HRA and MSS shows that, after the violation of the presumption of innocence, media outlets most often violate principles 1 and 3 of the Code, and thus the basic standards of journalistic profession. These violations are most visible in examples of unbalanced reporting, favouring one side and avoiding to verify the information obtained from the named or unnamed sources. **Besides observing examples of violations of these principles of the Code, the self-regulatory bodies should also intensify the campaign within journalistic and media community about the necessity of proper application of ethical and professional standards in Montenegrin journalism and thus contribute to overcoming the current antagonism rooted outside the profession.***

- *In more than one third of the examples of violations of the Code noted in the reports of the MSS (37), it was not precisely stated which basic principles and guidelines of the Code were violated and how. It also happens that the MSS generally criticizes actions of particular media without citing specific examples for such claims. **In order to avoid the impression of being biased and to act educationally and preventively, whenever a violation of the Code or relevant guidelines is established, a full and detailed description of the violation should be given in the reports, as well as an explanation why the action represents a violation of ethical norms.***

3.2. Results of operation of TV Vijesti Ombudsman

3.2.1. Dealing with complaints of viewers

The first report, covering the period from 25 January to 10 May 2013, stated that the Ombudsman received a written complaint of a viewer, and “about a dozen phone calls” with complaints, mostly about the work of journalists. It was not specified who made the calls.

The mentioned letter was a complaint of an anonymous viewer about the alleged inaccuracy in the information that was posted in a news programme. The Ombudsman noted that “the viewer wrongly concluded that there was a violation of journalistic standards, as was explained to them in a telephone response”.

As for the phone calls with complaints about the work of journalists, the Ombudsman noted that, after the calls, “no viewer or state institution that called wanted to initiate formal proceedings and call for the accountability of journalists”. (This concerned proceedings stipulated by the Decision on the Establishment of TV Vijesti Ombudsman.)

During the period covered by the second report, the Ombudsman²¹ stated that she had received two complaints from citizens, one of which was dismissed as unfounded. Both examples were interpreted in the report in detail, but with no mention of dates.

The first complaint was, in fact, a criticism of the Organizing Committee of the symposium “Days of Njegoš”, submitted to the editor of news programme “At half past six”, for not broadcasting the material from the press conference that announced the event. The criticism concerned the editorial policy. In the case of the other complaint, the Ombudsman accepted the claims of the complainant, who pointed out the unethical use of video material, recorded during the “Night of

²¹ Since the Ombudsman is female (Aida Ramusović) female pronouns will be used hereinafter.

beer drinkers” in the Scottish pub in Podgorica. This material was broadcast in news programme “At half past four” as “video illustration for the report on a press conference on the use of alcohol in Montenegro”, and Ombudsman explained that this violated Principle 3 of the Code of Montenegrin Journalists²².

The report noted that Ombudsman drew attention to this violation of the Code to the editor in chief and apologized via e-mail to the person who submitted the complaint.

3.2.2. Self-initiated conduct of the Ombudsman

In the first report, the Ombudsman stated that she reacted on her own initiative 12 times “in cases of improper display of faces of juveniles without hiding their identity, inaccurately published information, imprecise announcements of reports or ambiguous ‘headlines’, i.e. announcements of news programmes”. The report noted that in most cases the response was in the form of conversations with journalists, and that in one case the editor/author of a news programme “publicly explained the context of the statement that seven days earlier a part of the audience found offensive”.

In its second report (11 May to 30 September 2013), the Ombudsman noted on her own initiative that in several cases news programmes “At half past six” and “At ten” broadcasted “inaccurate information”, as well as that several reports did not observe the rule to provide the position of the other side. The report noted that a number of committed errors was corrected the next day. It was also stated that “in some cases the public was not warned about disturbing images from the crime section of news programmes”.

3.2.3. HRA analysis

During the period covered by this report, which is not the same as the period covered by Ombudsman's report, in 15 cases TV “Vijesti” violated the Code, mostly Principle 1 and the corresponding guidelines. (This case will be presented in more detail below, in Section 4, in relation to the violation of individual principles of the Code.)

The first report of the Ombudsman, when stating that a viewer’s complaint was assessed as unfounded since it concerned the editorial policy, does not provide specific details and arguments of viewer’s complaint. In addition, it is not clear why the Ombudsman did not use the written form of communication when responding to the complainant, as is prescribed by the

²² Principle 3: “The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumors and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.”

Decision on the establishment of the Ombudsman (letter, e-mail or fax), rather than a phone conversation.

In case when the content of viewer's complaint was precisely specified (complaint of the Organizing Committee of symposium "Days of Njegoš"), it is clear that the Ombudsman had the proper position, meaning that it represented an interference in the editorial policy of the media, and not a violation of ethical norms.

In the second report, the Ombudsman, without specifying, stated that during the covered period she "noted inaccurate information in a number of cases in the news programmes "At half past six" and "At ten", and that "several reports did not comply with the rules of providing the position of the other side", and that a number of committed errors was corrected the next day.

We believe that it was necessary to illustrate typical examples of some of the noted oversights, why they occurred and what was specifically undertaken in this regard.

Ombudsman's reports did not specify whether the journalists, editors or management consulted her when making decisions they considered to be controversial, but noted that the Ombudsman acted on her own initiative. However, it is not clear whether this was always done after the broadcast, or there were preventive reactions.

3.2.4. Conclusions and recommendations

- *The Reports of TV "Vijesti" Ombudsman are somewhat general and seem to be written for internal use and for those who are already familiar with the details of their content. **Ombudsman's reports should be methodologically unified and detailed. The reports should precisely interpret complaints of viewers and their arguments, as well as the reactions of the Ombudsman and the arguments in favour or against the viewer's complaint, so that laymen as well as professionals in the public could assess the validity of arguments themselves. This is important for the building of Ombudsman's credibility, as well as for increasing media literacy among television audiences, citizens and journalists themselves.***
- *The TV "Vijesti" Ombudsman did not respond in writing to a viewer's complaint that was assessed as ungrounded, but did so in a telephone conversation, although the act on the establishment of the Ombudsman prescribed communication with viewers through letters, e-mail and fax. **The Ombudsman should officially communicate with the***

audience in a manner prescribed by its act of establishment, as it is important to keep the archive of the decisions on complaints and their communication.

4. COMPARATIVE MONITORING AND ANALYSIS OF HUMAN RIGHTS ACTION

4.1. Principle 1 of the Code: selective approach to facts, one-sidedness

“Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.”

4.1.1. Violations of Principle 1 in print and online media

According to MSS findings, from 15 July to 1 October, three daily newspapers in Montenegro violated Principle 1 of the Code in 23 cases. Three cases were found during procedures initiated upon complaints, while other cases were observed by MSS monitors.

MSS found that daily “Dan” violated this principle 17 times, daily “Vijesti” three times, and “Pobjeda” once. On two occasions MSS observed violations of this principle, not attributing it to any media outlet in particular. The first time it was done in the report covering the period from 1 March to 15 May 2013, in a review of the media coverage of the electoral campaign for the presidential election. MSS noted that the reporting “completely ignored” Principle 1, i.e. its Guideline 1.4²³, “and that only listing the violations could encompass an entire report”. In another case, also in the report covering the period from 1 March to 15 May, MSS pointed out the violation of this principles (and others) in reporting on the affair of the President of the State Audit Institution, Miroslav Ivanišević.

HRA associates who monitored the conduct of the media during the same period recorded 29 violations of this principle in the print media and on web portals. There were 12 violations by daily “Dan”, eight by daily “Vijesti”, three by daily “Pobjeda”, two by “Blic” – Montenegrin edition and “Dnevne novine”, and one violation by web portals *Café del Montenegro* and *In4S*.

Violations of other principles of the Code, mostly Principle 10²⁴, were also recorded in some texts.

Assessment of MSS and HRA associates match when it comes to the quality of media coverage of political activities during the election campaign, for which the MMS stated that they were not in

²³ Guideline 1.4: When contributing from rallies organized during an election campaign, thereporters will also report on the views and values with which they may not agree. Such an approach is a matter of reporter’s fairness; it serves the citizens’ right to the freedom of information and supports the principle of equal opportunities for all political parties and other participants in the election process.”

²⁴ Principle 10: “When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure.”

line with suggestions of Principle 1 of the Code and its guidelines. HRA considers that MSS had done a proper assessment in most cases observed in relation to Principle 1 and agrees with that assessment.

The examples noted by MSS Monitoring team and HRA associates, which have the same assessment of ethics, also include those by daily newspapers “Dan” and “Pobjeda”, the analysis of which follows below.

In its report for the period from 15 May to 15 July, MSS recorded unethical reporting by “Dan” on the alleged irregularities in the export of weapons from Montenegro by the state-owned company “Montenegro Defence Industry”. HRA associates also noted that, in the case of the text titled “Minister smuggled documents on export of weapons”, published on 14 May, “Dan” failed to seek the opinion of persons it accused and to verify the claims, which would make its story completely ethical from the start.

There is also a concurring opinion of MSS and HRA associates on the reporting of daily “Pobjeda” in the statement of the EU Commissioner for Enlargement and European Neighbourhood Policy Stefan Fule in relation to an article published in daily “Vijesti”²⁵. “Pobjeda” violated Principle 1 of the Code and related guidelines by twisting the facts and maliciously re-interpreting and commenting on them.

Some assessment of MSS in cases mentioned in their reports were not, according to HRA, sufficiently grounded and argued. The difference in approach between MSS monitors and associates HRA is illustrated in the following case.

MSS concluded that daily “Dan” violated Principle 1 of the Code by publishing an interview with the former leader of the Liberal Alliance of Montenegro, Slavko Perović, in which he claimed that police officer Božidar Jauković, who once arrested Perović and hurt him on this occasion exceeding his authority, did not commit suicide, but was killed: “It is an obvious lie that police officer (Božidar) Jauković committed suicide, but the only truth is that he was murdered. I am sure he was murdered because he publicly threatened to reveal who ordered him to kill me”, “said Perović.

²⁵ The edition from 20 June, “Pobjeda” published an article titled “Fule denied tabloid Vijesti”. The article stated that “on Thursday morning, the EU Commissioner for Enlargement and Neighbourhood Policy Stefan Fule classified as nonsense the claim of the director of tabloid Vijesti, Željko Ivanović made on Wednesday in that print thing, that he had seen evidence that Miodrag Lekić won the presidential election”. The text quoted Fule: ‘It is complete nonsense, I do not deal with such matters, nor it is my job to get into that. I especially did not talk about that if it was presented in such a way as you told me’. The text published in Pobjeda stated that “in an article published on Wednesday under the title ‘The only one remaining’, Ivanović wrote to Commissioner Fule saying that “he took a good look at all the documentation on the presidential elections that took place in April in Montenegro, and that he thinks that the opposition candidate Miodrag Lekić won, and that by controlling the electoral process, Đukanovic managed to turn the defeat of his candidate Vujanović into victory”. However, in Ivanović’s text, this statement was not attributed to Fule, but to an unnamed diplomat, who was quoted before Fule in the text.

HRA considers that “Dan” did not violate professional ethical standards when it considered important to publish the claim put forward by the interviewed source, who was involved in the event. Also, Perović did not accuse anyone specifically for the alleged murder. Moreover, “Dan” acted professionally by publishing reactions to Perović’s claims.

HRA disagrees with the assessment of MSS in case of the article published in “Dan” on 30 August 2013, titled “Gačević: Special Unit beat up my brother and stabbed him with bayonets”. In the report (July 15 - October 1), MSS only stated that the text is actually a conversation “with Goran Gačević from Bijelo Polje, who claimed, citing unnamed sources and unofficial sources from the Ministry of the Interior, that his brother was beat up by ‘the black troika and stabbed with bayonets” and assessed that “Dan” violated Principle 1 of the Code. However, no arguments for such an assessment were found.

According to violations noted by HRA associates, and not always by MSS monitors, they range from allegations falsely outlined in the headline, publication of incomplete information that may mislead the public, sensationalist, inaccurate or one-sided presentation of facts and presentation or emphasizing of one aspect of the story²⁶.

An illustration example of sensationalist reporting, not observed by MSS monitors, is the one from “Dnevne novine” from 13 May with the headline “Forbidden Love” and the title “By holding hands, they jumped in the river”. The subtitle of the report stated: “Because the girl's parents did not allow their marriage, a young couple from Podgorica jumped in Cijevna”. The first paragraph of the text reads: “A couple from Podgorica, girl A.K. (18) and her boyfriend Z.T. (20) almost ended their forbidden love like Romeo and Juliet from Shakespeare's novel. The family of the girl was against their great love from the beginning, and that is why these two young people jumped into the swollen river Cijevna yesterday. Due to quick and efficient reaction of police from Tuzi, everything ended without major consequences”. The second paragraph reads: “Young and inexperienced, but filled with love – A.K. and Z.T. decided to defend their relationship and love untill the end. Allegedly, after a quarrel with her parents who opposed their marriage, a boy and a girl came to the bridge on river Cijevna yesterday after 12:00, where they, overwhelmed by emotion, showed that their love is stronger than any prohibition. Holding hands, the two jumped into the swollen and muddy river. Shortly after, the police unit from Tuzi pulled out the young couple from the water, and after that they were transported to the emergency room”.

²⁶ Guideline 1.2 (b): “The public’s right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.”

The report was written as if the reporter was an eyewitness and, without making reference to the source, informed in detail about the relationship of the two young persons, which represents exaggeration characteristic of sensationalist reporting, while paying no attention to a generally known fact – that Shakespeare did not write novels but plays.

An example of text in which the information was published as verified and obvious from the context that it was a rumour, was published in daily “Pobjeda” on 23 May titled “Mercy, Lord, have mercy”. The article is a commented report²⁷ on the arrival of the director of daily “Vijesti”, Željko Ivanović at the reception hosted by Prime Minister Milo Đukanović, on the occasion of the Statehood Day. The paper stated that Ivanović was condescending in the conversation with Đukanović. The text also, without reference to a credible source, attributed Ivanović with certain behaviour, and on that ground made a conclusion in the headline that Ivanović asked mercy from the Prime Minister, whom his newspaper and he himself criticize. The Prime Minister did not deny the testimony of Ivanović that followed about what he said to him (published in “Vijesti” and its web portal²⁸ on May 23) which is completely contrary to what “Pobjeda” wrote.

One of the typical examples of one-sidedness in reporting recorded by HRA associates is in a report published by daily “Dan” on 15 May with subtitle “Police prevented the incident at the Serbian Orthodox cemetery in Martinovići near Plav” and headline “Albanians attacked the Orthodox”. The report was based on only one source, an Orthodox priest, Željko Savić. The journalist did not attempt to hear the other side of the story from the local Albanians whom the priest accused of attacking him and the residents of the Orthodox religion. Communal police officer, mentioned by priest Savić, was asked for opinion, but the police, whose members stopped the incident, were not.

In order for the report on these events to be complete, it cannot be based on only one source, especially if the source is an interested participant in the event. The formulation of the headline further increases the one-sidedness of the report.

Another illustration is an article published in “Vijesti” on 29 June with subtitle “Shareholders' Assembly” and headline “Vukotić voted against the Government due to dividends in Plantaže”. The article stated: “The Assembly of Shareholders of Plantaže rejected the Government's proposal not to pay dividend for 2012, which caused a heated debate after which the Government's representative left the meeting” and the President of the Board of Directors and

²⁷ Guideline 3.1: “The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact.”

²⁸ <http://www.vijesti.me/vijesti/vijesti-ce-opstati-makar-vlasnike-strpali-zatvor-ili-pod-zemlju-clanak-129840>

representative of state funds in the Board voted against the Government's proposal because he has a share in "Plantaže" and expects the dividend. The article stated that Vukotić and the Minister of Agriculture Petar Ivanović have a large shares in "Plantaže" and specified that Ivanović has 1.25 million in shares and that he would receive a dividend in cash amounting to 4500 euros, while the nominal value of shares is 16 000. Nothing was mentioned about Vukotić.

This is an example of an incomplete and one-sided reporting. Saying that Vukotić has a large number of shares, the audience expects the exact number, their amounts, and those expectations must be met, especially as it reveals the shares of Minister Ivanović. In addition, Vukotić is a regular columnist for "Vijesti", so this omission could be interpreted as his protection. Meeting the highest professional and ethical standards prescribed by Principle 1 of the Code in such cases requires that Ivanović and Vukotić should be asked for answers, without speculating why they voted against the Government's proposal, and to check how much shares they have in "Plantaže".

Except the analysed illustrative examples, violations of Principle 1 were also recorded by HRA associates in texts:

- daily "Dan": "Anđelić has been smuggling for six years", "Unfit for custody after talking about bribe", "Asked and then forgot about the registration", "Diminished the value of three factories 11 times", "They regret selling Telekom", "Žarko Rakčević deprived of his beach", "Daliborka introduces diet", "Pressed charges against brother and sister in law for abuse", "Again without a roof over his head", "Minister worked in name of the State, but on account of Kroling";
- daily "Vijesti": "Tender for the Institute will be annuled", "Divanović won proceedings against Prva", "Fejzić claims that Mujević organized smuggling in Rožaje", "They have to know who directed 'Marathon Runners'", "I have no money for electricity, and will have to go to prison", "Beaten a juvenile", "National Security Agency officers threatened tourists to kill them";
- daily "Blic", Montenegrin edition: "Šarić has access to Internet in his cell, gets food from a restaurant", "LGBT progress: Montenegrins to be brides to the French", "50 millions for agriculture";
- daily "Pobjeda": in parts of re-printed series of articles under a common headline "How a media empire was established in Montenegro";
- daily "Dnevne novine": "Normal cheated buyers of flats";
- web portal *Café del Montenegro*: "Granite slabs in Hercegovačka broken by a truck";
- web portal *In4S*: "Bishop Janjić from Kotor threatens the coordinator of Montenegrin Catholic Church, Zanković replies: I'm under attack by gay lobby from Vatican".

4.1.2. Violations of Principle 1 in TV programmes

In its reports covering the period from 1 March to 1 October, MSS did not record any violations of the Principle 1 in news programmes of radio and television stations.

According to HRA monitoring of major news programmes of leading television stations in Montenegro²⁹, Principle 1 of the Code has been violated 21 times.

PINK: INFOMONTE (May 15) In the announcement for the film “Witness” by Š. Radončić, it was stated that the hero of the film, former police inspector Slobodan Pejović, claimed to have saved the Bosnian refugees from deportation from Herceg Novi, and that “the truth is quite the opposite”. The film is about a police inspector Slobodan Pejović, the alleged hero, who insists that, while risking his life during the war, he saved three Muslims for which he received numerous awards. However, the truth is quite the opposite”.

However, facts about events discussed in the film are not established by a court judgement, in order to be presented as positions or opinions of one side, and not as undeniable truth.

TVCG: NEWS 2 (17 May) In the announcement for a report on charges of Montenegro Customer Care Center against Alpe Adria Bank, the claim of plaintiff was interpreted as undeniable fact, although the court had not yet made a decision. It was stated that clients consider that “Hypo Alpe Adria Bank had to inform them on all the risks of the loan”, but the next sentence contains a claim that “the bank did not do so, and due to that and the changes in exchange currency franc – euro, the clients were put in a situation that they are unable to return the loan”.

The claim was not repeated in the report.

TV PINK M: INFOMONTE (31 May) The main news programme broadcasted allegations of illegal operation of publishers of “Vijesti”, which were based on data of company VAZ, allegedly submitted to television “Pink” by an unnamed source from VAZ. Although TV “Pink” broadcasted serious accusations “about operation through black funds and tax evasion”, there is no statements from the other named party, nor information whether journalists of “Pink” asked “Vijesti” to comment.

TVCG: NEWS 2 (2 June) In the report on the landslide in Podi near Herceg Novi, the journalist says that the cause of moving of soil is unknown, and that it is yet to be proven in court. She presented no evidence, but merely stated the belief of the locals. “The most persistent struggle to survive in the village that has slipped down the slope after the builders of road Meljine - Petijevići burdened it with 90 tons of debris, but also to prove this claim in court.”

²⁹ We monitored primetime news programmes of five most watched TV stations, according to the latest three researches: TV Vijesti (At half past six); RTCG (News 2); PINK M (INFOMONTE); RTV ATLAS (FORUM); PRVA (NEWS).

TV PINK M: INFOMONTE (5 June) The editorial board of “Blic”, headed by Veselin Simonović, was accused in a report of implementing a negative campaign against Montenegro for years. The report presented a claim that “Blic” from Belgrade and “Vijesti” from Podgorica published “a series of panic-filled articles about a deadly virus mers”, thus spreading “panic among citizens, with the apparent aim to harm the upcoming season”.

Although it represents serious accusations, positions, comments or reactions of the other side were not broadcasted, as well as information whether the other side was asked to comment.

TV VIJESTI: NEWS AT HALF PAST SIX (6 June) In a report on the quality of fuel in Montenegro, the reporter states: “It is a public secret that fuel in Montenegro is generally not of high quality, because water is added to it”.

This information was not checked or confirmed by any other source in the report.

TV VIJESTI: NEWS AT HALF PAST SIX (10 June) The reporter presented allegations of a person (“The story of smuggling from ten days ago has left heavy scars on his body and even harder in his head – he was kidnapped”) to the public as a fact, i.e. correct information, although police investigations or court decision did not confirm the allegations of M.F., nor the reporter discovered and published data substantiating his allegations.

TV VIJESTI: NEWS AT HALF PAST SEVEN (11 June) The report, in which the journalist covered a dispute over the right to lease of a beach in Petrovac, broadcasted statements by both parties in the dispute, owner of the hotel “Villa Oliva” and representative of the Coastal zone management agency of Montenegro, but the reporter clearly takes the side of the owner, without showing the audience how he came to such a conclusion. The report stated: “The lease of the beach was first given to them, but then mysteriously taken away. Therefore, this is brutal theft and discrimination”.

PRVA TV: NEWS (17 June) The report broadcasted accusations that daily “Blic” from Belgrade has been leading negative campaigns against Montenegro before and during the summer season for several years. The chief editor of “Blic”, Veselin Simonović, was named responsible. The report did not include statements from the accused side.

TVCG: NEWS 2 (19 June) The report on the “13 July award” broadcasted only criticism of the decision, without statements of members of the jury or winners.

TVCG: NEWS 2 (20 June) In the report on reactions to the 13 July award, critics referred to members of the jury as manipulators, but without information on positions and comments of members of the jury, and the information whether they had been asked to comment.

TV PINK M: INFOMONTE (12 July) The report broadcasted information that the NGO “Euromost” accused “Vijesti” and its correspondent from Bijelo Polje, Jadranka Četković, of “spreading national and racial discrimination”. The accused side did not have an opportunity to respond and react.

TV VIJESTI: NEWS AT HALF PAST SIX (9 August) The report on the killing of fish in Lake Slano near Nikšić broadcasted claims of fishermen that it was EPCG’s fault, which thus broke the law. However, there were no comments of the accused side.

TV PINK M: INFOMONTE (26 August) TV Pink broadcasted the reaction of the former Director of the Police Directorate Veselin Veljović about accusations made against him that he ordered the beating of political opponents and journalists, and concluded: “The case Brajušković is just another attempt to construct a new affair”. Thus, one person's biased position was presented as proven fact.

TVCG: NEWS 2 (28 August) On the alleged attack of a journalists of “Dan” on Goran Perović, the report stated: “After the interview was broadcasted in our primetime news programme, a journalist of “Dan”, who published information that Perović later denied, called him and threatened him on the phone”.

Claims of Goran Perović that the journalist of “Dan” threatened him were broadcasted as a fact, not a claim of only one side. There was no information on what the mentioned journalist of “Dan” said or whether his colleagues from RTCG contacted him to ask for a comment.

TV VIJESTI: AT HALF PAST SIX (3 September) The report on the alleged attack of the Director of NGO Public Policy Institute, Vladimir Beba Popović, on journalist and photographer of “Vijesti”, broadcasted only statements of the journalist, photographer and their lawyer, and no statements of the other side. Claims of the journalist of “Vijesti” were broadcasted as an indisputable fact, and not as one version of the event.

TV VIJESTI: AT HALF PAST SIX (4 September) The report on developments in the case Beba Popović - journalists of “Vijesti”, presented only the version of journalists, without Popović’s position, his lawyer, nor it was stated whether they attempted to contact them.

TV PINK M: INFOMONTE (7 and 8 September) Reporting on the case Popović – journalists of “Vijesti” and “TV Pink”, the report broadcasted one-sided information, presenting only the version of the event by Vladimir Beba Popović and his lawyer, and comments in which “Vijesti” were attacked. Positions of journalists of “Vijesti” and their legal or other advisors were not broadcasted, nor was it stated whether they attempted to ask a statement from them.

4.2. Principle 2 of the Code: critical attitude toward individuals in power

“A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power.”

4.2.1. Violations of the Principle

MSS monitors and HRA associates did not record violations of Principle 2 of the Code (See conclusions and recommendations at the end of the report in relation to a proposal to amend this principle of the Code with guidelines for its interpretation).

4.3. Principle 3 of the Code: news and comments not separated

“The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumors and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.”

4.3.1. Violations of Principle 3 in print and online media

In the period from 1 March to 1 October, MSS recorded 11 violations of Principle 3 of the Code and its guidelines. Daily “Dan” violated the principle nine times, and daily “Vijesti” two times. None of these media outlets is a member of MSS. MSS recorded the most violations of this principle in its report for the period from 15 July to 1 October 2013.

Violations established by MSS Monitoring team and observed by HRA associates are only partly similar and related to articles published in daily “Dan” on 16, 17 and 23 May, which dealt with the controversial topic of selling weapons in which the state-owned company "Montenegro Defence Industry" took part. Among the seven typical examples of violations of Principle 3 observed by HRA associates (three in “Dan” and “Pobjeda” each, and one in “Vijesti”), there are also those in relation to which HRA agrees with the assessment of the MSS Monitoring team that “Dan” violated Principle 3 in specific cases.

We also believe that MSS correctly concluded that Principle 3 of the Code was violated in an article of daily “Dan” with the subtitle “Citizen of Cetinje, Dragan Bračanović, warned the authorities that it has not yet been revealed who beat him in 1999” and with headline “MP from

the SNP victim of the black troika". MSS specifically stated that the claim from the headline was not mentioned in the article as Bracanović's statement, which means it was attributed to him.

The following examples illustrate the different approach of MSS and HRA in interpretation of violations or non-violations of this principle.

In its report for the period 15 July – 1 October, MSS stated that "Dan" violated Principle 3 of the Code because it omitted a note in the subtitle, which exists in the text to which the subtitle pertains to. As MSS stated, the subtitle of the article states "that the SNP's MP Vasilije Lalošević said that Duško Jovanović was beaten in 2000 by members of the so-called black troika, and four years later he was brutally liquidated (Jovanović)", while the text stated that Lalošević said that by quoting the media: "This should be done due to the fact that in 2000 he was beaten, according to the press, by the so-called black troika". MSS concluded that "the facts were not put in proper context, but that Lalošević's statement was taken out of context, which is not without significance, as it was used in the subtitle, i.e. in the layout of the article".

In the same way, MSS assessed that, by omitting one piece of information in the subtitle of the text, but not in the text itself, "Dan" violated Principle 3 of the Code. This concerned an article with the testimony of a police officer who worked in the Administration for Execution of Criminal Sanctions (AECS), who confessed to a journalist of "Dan" that he was asked to beat one opposition member, and to wire the car and party premises of the other.

HRA believes that the headline composition of the text (heading, title, subtitle) can only be unethical if it does not essentially match the content and intonation of the text, nor if it omits any information contained in the text. The latter was not the case here, thus making MSS assessment unfounded and exaggerated.

In our opinion, MSS made a mistake in its assessment of two other texts of daily "Dan". The case concerned texts with testimonies of persons (poet Momir Vojvodić and painter Tomo Pavićević), who were beaten several years ago, and their findings and assumptions about who was behind the beatings. The text made clear that "Dan" does not deal with rumours, but published testimonies and doubts of persons who are beaten, in the context of cases that have never been resolved or processed.

HRA associates have recorded two illustrative examples of violations of Principle 3 in relation to disclosure of recorded conversations, in which interlocutors were not warned, nor approved the recording. In this regard the Code has been violated once by a journalist of "Dan", and the second time by a journalist of "Pobjeda" (both instances were overlooked by MSS Monitoring team).

In case of daily “Dan”, this was done in an article titled “Covering up the embezzlement of 150 000 for a year”, which is part of a transcript of a telephone interview with the former Supreme State Prosecutor Ranka Čarapić. The journalist introduced himself and asked a question about the case in which prosecutor Čarapić’s husband was suspected of misuse of money, which was allegedly covered up by the prosecution. The journalist did not announce that he was going to record the conversation, or to use it in the way he did, thus violating the guidelines relating to interview.³⁰

“Pobjeda” made the same ethical violation on 25 April by publishing transcript of a telephone interview with subtitle “I don’t give a f... about Montenegro and its public”. The occasion for the interview with Ivan Zanković from Berane was his application for registration of the Montenegrin Catholic Church. A journalist of “Pobjeda” called Zanković on telephone, saying he was a journalist, but not his full name. However, he did not say that the conversation was going to be recorded, or published, especially not in its entirety. During the interview Zanković clearly pointed out: “I did not give you a statement, I accepted your call and told you that you'll get a written statement for the public, did we agree?”, as was published in “Pobjeda”. At the end of the conversation, Zanković again drew attention that the conversation was not formal and should be treated as such: “This is just you and me talking, having fun, because we have nothing else to do, do you understand me? But I appreciate your interest, just like I respect daily “Pobjeda”, and I want to do you a favour, you understand...” The journalist of “Pobjeda” ends the conversation with: “Okay, okay, talk to you later...”

None of the two above mentioned cases of undercover interview can be justified in Guideline 1(c) of Principle 6 of the Code, which stipulates that “undercover research may only be used where other methods have failed to yield information of particular public interest”. The guideline lists examples when it is allowed to resort to undercover gathering of information “when they will help to detect or expose criminal activity, abuse of power, or will bring to light information that will protect the public against serious threats to public health and safety and the environment”.³¹

MSS did not record another typical instance of violation of Principle 3 of the Code by daily “Pobjeda”, which is its member. In the edition of 17 August, “Pobjeda” published an article titled

³⁰ Guideline 3.2 (a): “(a) An interview is completely journalistically correct if the interviewee or his/her representative has authorized it, or if it is obvious that there is interviewee's approval for the intention to publish unauthorized interview. If time is short, it is also correct to publish statements in unauthorized interview form if it is clear to both the interviewer and the interviewee that the statements are to be published either verbatim or as an edited version. If the text of an interview is reproduced in full or in part, the publication concerned must state its source. If the basic content of verbally expressed thoughts is paraphrased, it is nonetheless a matter of journalistic honor to state the source.”

³¹ The latest amendments of the Criminal Code from August 2013 should be taken into consideration, in relation to the offense *Unauthorized wiretapping and recording*, which excludes punishment for this offense if it prevents or detects an offense for which imprisonment to five years or more may be sentenced in accordance with the law (Article 176a, Criminal Code, *Official Gazette of Montenegro*, 40/2013).

“The support for Montenegro's entry into NATO is growing”, which presented results of research by “Ipsos Strategic Marketing” agency from Belgrade, but without stating who commissioned the research. By concealing who commissioned the research (TV Vijesti), clearly listed on the website of the agency (http://www.ipsos.rs/nato_cg), “Pobjeda” violated Principle 3 of the Code, i.e. the guidelines relating to the results of public opinion polls.³²

An illustrative example of violation of the same principle was observed in daily “Vijesti”, edition of 23 August, in an article under the headline “Comedy: The Director of the National Park Skadar Lake urged the guard service yesterday to catch journalists in a serious offense” and with title “Škatarić sent a manhunt on reporters of Vijesti”. The article stated that reporters of “Vijesti” went aboard a sightseeing boat without tickets for the National Park, and that is why the boat was controlled and a report filed to the owner of the boat. The fact box stated that this was a revenge of the NP director due to previous writings of “Vijesti”, which stated that the director of the NP “Skadar Lake” was responsible for the death of a rare eagle because he allegedly estimated that the wounded bird was in fact a spy because it had a tracking device attached.³³

On the basis of the published story, and the history of relations of the management of the National Park with “Vijesti”, also mentioned in the article, it is reasonable to assume that the event unfolded the way it was explicitly stated in the title of the story, but it is not professionally viable to claim that only on the basis of assumptions, without any confirmation, in a situation where it is recognized that journalists actually committed an offense, so the story was one-sided and biased.

In addition to the above mentioned, Principle 3 was violated in the following articles:

- “Pride Parade on the Day of Saint Parascheva”, “Mušika must have a defectologist” (“Dan”).

4.3.2. Violations of Principle 3 in TV programmes

In the reports covering the period 1 March – 1 October, MSS did not record any violations of Principle 3 in news programmes of radio and television stations. The TV “Vijesti” Ombudsman observed one violation of Principle 3 of the Code by this media outlet, pointed out by a damaged viewer, whose complaint the Ombudsman accepted.

³² Guideline 3.5: “In publishing findings by opinion poll agencies, the media should give the number of respondents, the date of the poll, the identity of the person or organization that commissioned it, and the questions asked. If the agency was not commissioned to carry out the poll, it should be pointed out that it was implemented at the initiative of the agency.”

³³ <http://www.vijesti.me/vijesti/orao-bruzda-nije-bio-spijun-nosio-je-uredaj-pracenje-clanak-105871>

According to HRA monitoring of major news programmes of leading TV stations in Montenegro, Principle 3 of the Code was violated 18 times. In 13 cases it was done by TV “Pink”, in three by TV “Vijesti”, and twice by TVCG.

TV VIJESTI: NEWS AT HALF PAST SIX (17 May) In the report on the study on media freedom in Montenegro, the facts were not put into proper context, i.e. the report was incomplete because it did not include information on who commissioned the study.

TV PINK M: INFOMONTE (18 May) Challenging the accuracy of the report on press freedom published on TV “Vijesti”, together with the information about the authors of the report, a number of comments were stated that were not separated from the information, but presented as facts: “This is another desperate attempt, by sponsoring individuals that ‘Vijesti’ brings to Montenegro and presents as independent experts, to hide from the public the collapse of an empire, which is reflected not only in decline of viewership and circulation, but also in daily transfers of journalists to other editorial boards. At the same time, this is an attempt to prevent the investigation against Miodrag Perović, Željko Ivanović, and other related persons by all means.”

TV PINK M: INFOMONTE (22 May) The report on the attendance of the director of “Vijesti” to a reception organized in honour of the Independence Day contained a comment that was not separated from the information nor announced as a comment. “His presence was interpreted by some as an attempt to prevent the deterioration of the company, but also to stop the investigation, conducted by the Prosecutor’s Office against him and Miodrag Perović”.

TV VIJESTI: AT HALF PAST SIX – SPORT (23 May) In the round-up of sports events of the day, the report contained a comment on incidents at the final match of the Montenegrin cup between “Čelik” and “Budućnost” (“Shameful behavior of the management of ‘Čelik’ and the fans of ‘Budućnost’”). The comment was not announced, nor were the information about what happened at the stadium separated from the comments.

TV VIJESTI: AT HALF PAST SIX (31 May) Prior to the meeting of the Prosecutorial Council, the report published a comment on the work of the Supreme State Prosecutor Ranka Čarapić, but it was announced as a comment, i.e. position of the journalist. The comment contained an assessment “The representatives of the Government who violated the law may be calm”.

TVCG: NEWS 2 (20 June) The report on the reactions to winners of 13 July awards, the journalist, after a series of negative assessments of interviewees, did not state the facts, but commented: “To begin with, let it be an answer to the question of who has the right to play with social significance and symbolism of 13 July, one of the brightest dates in our history, and thus discredit the highest national recognition. Is the jury the only to blame?”

TV PINK M: INFOMONTE (10 June) While broadcasting the denial of the Ministry of Culture regarding articles in “Dan” on the number of advisors in Montenegrin Government, the report

stated a comment that was not separated from the information: “This is another example of a connection of the media between Serbia and Montenegro, which in Montenegro is led by ‘Vijesti’, ‘Dan’ and ‘Monitor’, that, by inventing and falsifying facts from Montenegro, enable ‘Blic’, B92 and ‘Večernje novosti’ to continue the campaign of stigmatization of Montenegro due to the declared independence in 2006”.

TV PINK M: INFOMONTE (21 June) The report on the detention of members of NGO MANS after they spilt red paint in front of the Parliament contained a comment as an integral part of the report, and not separated from the news. At the end of the report it was stated: “While MANS in many ways struggles to make life better and more peaceful, a logical question is who should be fighting for the health of maintenance workers who at 50 degrees had to clean the mess that the activists of MANS left behind. Why didn’t the members of MANS that were not arrested help them?”

TVCG: NEWS 2 (22 June) The report that did not separate commentary and news, stated an assessment of the journalist on the quality of winner of the 13 July award as an indisputable fact, not opinion: “The fact that Montenegro decided to give the highest award of the State, the 13 July award, to two mediocre writers and an anonymous scientist shocked the national hero Jovo Kapičić, one of the few still living participants of the 13 July uprising”.

TV PINK M: INFOMONTE (24 June) In the report on the text by Darko Šuković in “Pobjeda” that dealt with the events of the conference on freedom of the media in Brussels, the viewers were not provided with facts put in their proper context – what Šuković wrote and what it referred to, but it gives an interpretation of the text, i.e. commentary: “This is how “Pobjeda” today completely reveals the director of tabloid ‘Vijesti’ Željko Ivanović, by publishing numerous evidences which show that Ivanović, after the denial of Stefan Fule, hastily renounced his text, claiming that the person mentioned in the article was not Stefan Fule, which led to a scandal at the conference, as the European commissioner unreservedly believed Ivanović”.

TV PINK M: INFOMONTE (24 August) The story on ‘case Brajušković’ was presented in the form of commentary, and was not announced as commentary with opinions and qualifications. The comment contained an assessment that “with the help of tabloids ‘Vijesti’ and ‘Dan’ and certain politicians, Brajušković has been trying for days to initiate a new affair in the public life of Montenegro, which, like in the previous months, would occupy the public life in Montenegro”.

TV PINK M: INFOMONTE (26 August) In the report on the “case Brajušković” news and commentary were together, and it was assessed that the case concerned a “media-political soap opera”, that Brajušković is “the new favourite of the opposition media”, and that he “poured insults and threats to Veselin Veljović and the leaders of the State”, although it did not specify what he said.

TV PINK M: INFOMONTE (27 August) In the report on the “case Brajušković” the news and commentary were broadcasted together. Information about the statement of the Administration for Execution of Criminal Sanctions (AECS) that Brajušković and his son terminated employment upon agreement were broadcasted within the commentary, which, among other things, stated that “Brajušković has been creating an atmosphere of anxiety without any evidence for days”.

TV PINK M: INFOMONTE (28 August) In the report on the “case Brajušković” news and commentary were broadcasted together. “While numerous witnesses deny the allegations of Brajušković and even strictly accuse him by presenting extensive evidence, media allies, patrons of ‘Dan’ and ‘Vijesti’ are still trying to help him in his role play ‘I will tell the names and give the evidence as soon as possible’”.

TV PINK M: INFOMONTE (29 August) The news and commentary were again broadcasted together in the report dealing with the “case Brajušković”. The information that the two police officers denied allegations that they were members of the so-called black troikas was broadcasted within the commentary that, among other things, stated: “The media soap opera produced by ‘Vijesti’ and ‘Dan’ that, supported by the economic and political centers, these media outlets tried to turn into a new affair, is entering into a new stage of comedy. Since all the witnesses and evidence uncovered all the inconsistencies and lies, which have been overwhelming the public life in Montenegro these days, the creators of this joke are starting to make desperate measures”.

TV PINK M: INFOMONTE (29 August) The report analyzed the language used by politician Nebojša Medojević, and before the analysis of experts, a comment was broadcasted that was not separated from the news qualifying Medojević’s behaviour: “The representative of the Democratic Front Nebojša Medojević continues with media rampage, spreading hate speech, for which this representative of the DF is becoming known even beyond the borders of Montenegro”.

TV PINK M: INFOMONTE (8 September) In the report that lawyers of Vladimir Beba Popović released footage from surveillance cameras showing the event for which the journalists of “Vijesti” reported to the police that they were attacked by Popović, the news were broadcasted together with commentary which, among other things, stated: “The owners of ‘Vijesti’ continue to inform the domestic and international public on made-up stories about some brutal attack and seizure of equipment. Having in mind that, by releasing inaccurate information through established shemes, they put pressure on state institutions, using the method of fear and blackmail...”

TV PINK M: INFOMONTE (12 September) In the report on the upcoming local elections in Cetinje, the journalist concluded that the citizens are satisfied with the Democratic Party of Socialists

(DPS) and the current municipal government, based on a poll of three citizens. "The citizens of Cetinje would not change a thing. They are satisfied with what has been done so far, so they would give the DPS another chance. CITIZEN 1: "I do not expect a change of government, this current one has done great things for Cetinje. CITIZEN 2: "It should be as the people decide". CITIZEN 3: "Life should be better. If it is not better, it cannot be worse than this". Although only one questioned citizen unequivocally praised the authorities, the reporter presented the poll as evidence that the citizens of Cetinje will vote for the DPS again.

4.4. Principle 4 of the Code: correction, denial, apology

"It is a duty of a journalist to complete an incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner."

4.4.1. Violations of Principle 4 in print and online media

In its reports, MSS recorded six violations of Principle 4 of the Code. According to MSS, this principle was violated three times by daily "Vijesti", two times by daily "Dan", and once by daily "Pobjeda". In each of these case, MSS found violations of the Code after considering complaints about articles published in "Dan", "Vijesti" and "Pobjeda".

Of violations recorded by MSS, HRA associates recorded only one that refers to "Pobjeda", because HRA was a victim of unethical conduct of this daily newspaper. MSS extensively described this case in its report for the period from 15 July to 1 October and assessed that "the violation of the Code is even greater, because after two weeks 'Pobjeda' published a response of Professor Lilić to the response of HRA, which was never published"³⁴.

Of the other five cases concerning improper conduct of the media in relation to reactions, i.e. denials, according to the opinion of HRA, MSS acted properly in four cases, but not in one concerning "Vijesti" of 13 April 2013.

According to MSS, "Vijesti" violated Principle 4 of the Code by not publishing a denial of the President of the Committee on EU Affairs in the German parliament Gunther Krichbaum as

³⁴ Executive director of HRA, Tea Gorjanc Prelević, complained to MSS on the conduct of "Pobjeda", which did not publish her response to the letter of Professor Stevan Lilić, President of the NGO Public Policy Institute, which was published on 10 September. Despite not publishing the response of HRA executive director, on 24 September "Pobjeda" published a response of dr Lilić on the unpublished response of HRA.

prescribed by the Code. Namely, “Vijesti” published a denial as news with headline “The Government announced that Krichbaum sent a denial of the answers of his cabinet to Vijesti” and title “He denies himself”. According to an article published in daily “Vijesti” on the same web portal³⁵, it is clear that the information previously published by this media outlet about Krichbaum not inviting the Montenegrin Prime Minister Milo Đukanovic to visit was not sent to “Vijesti” with a request to be published. As MSS confirmed, the denial was published by other media outlets, and “Vijesti” copied the information, and then wrote its version of the story about the whole event.

4.4.2. Violations of Principle 4 in TV programmes

In its report for the period 1 March – 1 October, MSS did not record any violations of Principle 4 in news programmes of radio and television stations that are its members, and of the relevant broadcast media that are not its members.

According to monitoring of major news programmes of leading televisions in Montenegro, HRA also did not observe violations of this principle.

4.5. Principle 5 of the Code: issues of ethnicity and nationality

“One's race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information.”

4.5.1. Violations of Principle 5 in print and online media

According to MSS reports for the period from 1 March to 1 October 2013, media outlets monitored by this self-regulatory body violated Principle 5 of the Code in 10 occasions. They assessed that “Pobjeda” did so three times, “Dan” and portal “Vijesti” twice, and once by daily “Vijesti”, portal RTCG and portal *Café del Montenegro*.

During the same period, HRA associates recorded three violations of Principle 5 of the Code in print and online media, including the one observed by MSS on portal “Vijesti”, on which MSS and HRA have the same opinion. The violation concerns three anti-Semitic comments of visitors, on which the Jewish community in Montenegro also reacted. MSS and HRA believe that it is

³⁵ <http://www.vijesti.me/vijesti/put-berlin-krihbaum-demantuje-samog-sebe-clanak-123157>

important that portal “Vijesti” admitted the mistake, deleted the controversial comments and published a response of the Jewish community of Montenegro and apologized to it.

Two other examples were observed by HRA, in contrast to MSS, in daily newspapers “Dan” and “Blic” – Montenegrin edition, in which, without specific professional reasons³⁶, the title featured ethnicity of the suspect to a crime. “Dan” did so in news published on 17 May, which had the headline “Skank seized at the border crossing Debeli brijeg” and titled “Albanian smuggling drugs”. “Blic” – Montenegrin edition published on 2 August news titled “Arsonist set fires in Tivat”, and in the first paragraph, the suspect was identified as an Albanian from Kosovo.

In its report for the period from 15 July to 1 October, MSS noted that a number of marketing texts of the Association of Gambling Providers (UPIS), occasionally published in “Pobjeda”, contained violations of Principle 5 of the Code, but that it singled out two illustrative examples of dealing with persons from public life “that are filled with insults and extremely inappropriate language”. In its report, MSS called for the editorial of “Pobjeda” “to stop the practice of publishing paid articles which uncontrollably insult and label people”.

MSS assessed that Principle 5 was violated in the column of Marko Vešović, published in “Pobjeda” on 4 August under the headline “Sonja Biserko and friends, the payment of humanism” and the title “The defender of Sarajevo”. MSS qualified the author’s language as offensive and hate speech. MSS noted that this text “repeated taunting and insulting names that the author uses for journalists and owners of ‘Monitor’ and ‘Vijesti’, as well as university professor Milan Popović – calling them Milka Kilomudić or Goveče sa Krštenicom (ox with birth certificate) and Milan Avetinja (fool)”.

HRA believes that the MSS rightly condemned as unethical the practice of publishing texts of UPIS in the form of paid marketing, and supports its call for the editor of “Pobjeda” to “stop the practice of publishing paid articles which uncontrollably insult and label people”. HRA also agrees with the assessment of MSS that the publication of such content is unacceptable “due to extremely vulgar vocabulary, which lowers the level of public communication to level of the street and is certainly not in line with the profile of a serious political media, which is, in addition, funded by the state”.

HRA believes that texts of UPIS and Vešović’s column can be rightfully assessed as having offensive and vulgar language, but it is difficult to classify them as violations of Principle 5 of the Code, because they do not concern hostility and hatred defined in the guidelines for this principle

³⁶ Guideline 5.2, concerning reporting on crimes, states: “When reporting crimes, it is not permissible to refer to the suspect’s religious, ethnic or other minority membership unless this information can be justified as being relevant to the audience’s understanding of the incident. In particular, it must be borne in mind that such references could stir up prejudices against groups in need of protection.”

and relevant international documents³⁷. It could rather be considered as violations of Principle 1, or the guideline that states that journalists “must take all reasonable measures to make sure they publish only accurate information, and that **their comments are honest**”. Therefore, it is our opinion that in the above mentioned case represents a violation of Principle 1 of the Code.

HRA believes that MSS did not act properly when, in its report for the period from 15 July to 1 October, it concluded that daily “Dan” violated Principle 5 of the Code by using hate speech in an unusual discussion with the Prime Minister Milo Đukanović. This concerned a mocking poem³⁸ illustrated with a caricature of Đukanović, which was the answer of the editor of the newspaper to Djukanović’s indirect accusations against “Dan”, in which he characterized this media outlet as “bulletin board for intelligence military structures from Belgrade”. In this case one can argue about whether the public communication of Prime Minister and the chief editor of a daily newspaper was at an appropriate level, but, in our opinion, in this case “Dan” cannot be accused of hate speech³⁹.

4.5.2. Violations of Principle 5 in TV programmes

In its report for the period 1 March – 1 October, MSS recorded a violation of Principle 5 of the Code in the TVCG News. According to MSS, on 17 May in News at 19:30 and 22:00 TVCG “broadcasted a statement of the Metropolitan of Montenegro and the Littoral of the Serbian Orthodox Church in Montenegro, Amfilohije Radović, in which he tried to justify the war crimes and genocide in Srebrenica as revenge for alleged crimes committed against Serbs” and that with such “editorial conduct it violated the Code of Journalists and allowed open spreading of hate speech through its media”. MSS added to this assessment that “in the mentioned TV report, RTCG did not try to distance itself from such statements”.

According to HRA monitoring of major news programmes of leading television stations in Montenegro, Principle 5 was violated four times. HRA associates recorded two violations by TV

³⁷ Recommendation on hate speech of the Committee of Ministers of the Council of Europe from 1997: “The term “hate speech” shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin”.

³⁸ „When the dictator starts to scream, it means he has started to s... in his pants. Please pardon, the word is nasty, the dictator is breaking us down, but he will be broken down by shame... Since the beginning of time, there has been one golden rule for those who love being in power, when he fills his diaper, he seeks internal enemies. He also feels that something stinks and reeks, and realizes it is the smell of his rotting empire. And when he is left alone, when his bodyguards betray him, a firecracker will be enough to make him leave.”

³⁹ Guideline 5.1 (a) of the Code: “Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred.”

“Vijesti”, and two in programmes of TVCG (one of which was also observed by MSS) and “Atlas” television.

TVCG: DNEVNIK 2 (17 May) According to HRA associates, TVCG did violate the Code in the case recorded and assessed by MSS, but in the announcement of the report, and not the report itself. In addition to the position of Amfilohije, the journalist released statements of two interlocutors who oppose his interpretation of events. In addition, the end of the report contained a condemning assessment of Metropolitan’s position. The report ended with the following: “To keep quiet about a genocide is equal to participating in it, and often the reluctance of individuals or communities to deal with the past leads to new downfalls”. The reporter obviously tried to distance herself from Metropolitan statements with this ending.

However, there is no distancing from hate speech in the announcement of the report. It only broadcasted Metropolitan remarks that “the current position towards Srebrenica is a preparation for new massacres” and that “glorifying the symbol of Srebrenica in relation to events of the Second World War is not the road to reconciliation”. The announcement of reports in television news programmes sets the tone for the entire report, i.e. has an equal role and importance as titles and subtitles in the print media. In cases of hate speech, positions cannot be only communicated, because in that case it turns into spreading of such opinions.

On the other hand, guidelines for Principle 5 of the Code must not become a barrier for keeping the public informed about important events or, in this case, the attitudes of people of power and high social standing, such as the Metropolitan Amfilohije. The media must find the right way to distance themselves from the controversial statement and to clearly qualify them. One of the ways is to communicate the information in its entirety and context, for example, what happened in Srebrenica, how many people were killed, how many persons were accused and how many convicted for the crime by the International Court in The Hague, and that the International Court of Justice identified the events as genocide.

TV VIJESTI: NEWS AT HALF PAST SIX (29 May) While reporting on the removal of shacks of family Sejdović from the banks of river Morača, upon order of the Municipal Inspection, the journalist of TV “Vijesti” unnecessarily stated, in the announcement and the report, that it was a Roma family.

ATLAS TV: FORUM (27 June) While reporting on the position of the Metropolitan of Montenegro and the Littoral Amfilohije he expressed in talk show “Live truth”, “Forum” of TV “Atlas” broadcasted, without reservation or qualification of the journalist that it was hate speech, Metropolitan's position that “there is no difference between pedophiles and homosexuals”.

TV VIJESTI: AT HALF PAST SEVEN, SPORT (5 September) The report on the clash between fans of Serbia and Bosnia and Herzegovina in Slovenia, broadcasted the news that “sports fans from

Serbia shouted: ‘Knife, wire, Srebrenica’”, without comment, qualifications or reservation from the shouted slogans.

4.6. Principle 6 of the Code: unethical gathering of information

“In order to collect information in any form, a journalist should use professionally honorable and legally allowed methods. Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public.”

4.6.1. Violations of Principle 6 in print and online media

MSS recorded four violations of Principle 6 of the Code by the media, three of which by daily “Vijesti”, and one by daily “Dan”. As assessed by MSS, these violations include violations of other principles of the Code.

HRA associates did not register violations of this principle and believe that MSS did not assess the four cases properly.

In its report covering the period from 15 July to 1 October, MSS stated that “Vijesti” violated Principle 6 of the Code (and principles 3 and 4) in an article published on 29 August under the headline “Affair of the black troika: Miodrag Jovanović submitted an anonymous letter to Vijesti that he originally sent to his brother Duško with names of people who had allegedly beaten up the late editor of Dan in 2000” and titled “Đurovic, Lazović and Kalezić the main trio of the beating platoon”. In the opinion of MSS, “Vijesti” violated these principles of the Code by publishing the anonymous letter that was found in the records of the murdered Jovanović, which revealed the identity of a member of the special police unit who had allegedly beaten Duško Jovanovic. MSS stated that it “believes that the publication of the anonymous letter does not constitute an honourable or legally permitted method”.

According to HRA, MSS was right when it concluded that “Vijesti” violated the Code with improper treatment of denials of the person accused in the anonymous letter, i.e. the text (denial published in a small box with the title “Members of SAJ rejected claims from the letter”, so it is not clear that it is a denial), but the assessment of the report that principles 6 and 3 of the Code were violated are unfounded.

When it stated that Principle 6 was violated, MSS based its assessment on the claim that “the publication of the anonymous letter constitutes neither honourable nor legally permissible methods”. The first sentence of Principle 6 reads: “In order to collect information in any form, a journalist should use professionally honorable and legally allowed methods” but the second sentence reads: “Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public”. Bearing in mind that the case of beating the chief editor of “Dan” Duško Jovanović in the entrance of the building where he lived was never solved, as well as his subsequent murder, HRA believes that any information that may help shed light on this crime that has been preoccupying Montenegrin society for years is important for the public and the position of Montenegro in the international community.

Regarding the Principle 3, MSS assessed that it was violated by making a statement referred to in the headline as alleged into explicit statement in the title: “Đurović, Lazović and Kalezić the main trio of the beating platoon”. This title is sensationalist and in this sense can be regarded as unethical⁴⁰, but it is important that the text of “Dan” made it clear to readers that it was an anonymous letter, i.e. a rumour, thus observing the suggestion of Principle 3 that “rumours and assumptions should be clearly marked as such”.

HRA believes that MSS made the same error when, in the same way, it assessed an article published in daily “Dan” on 31 August under the headline “Lawyer of Jumediamont Nebojša Asanović provided the Prosecutor’s Office and the police evidence of the beating of Duško Jovanović which reached the editorial board” and the title “New names on the list of perpetrators”.

HRA believes that the published texts clearly show that “Vijesti” and “Dan” sought to put the received anonymous letters in the proper context of the current stories of insiders (former member of the SAJ Brajuško Brajušković) on the abuse of the special police unit. The texts also show that both dailies tried to contact the persons mentioned or accused in the anonymous letters for comments. What is of particular importance in this case, that MSS did not assess, is that the intention of published articles was to search for truth that the public interest in this case is very prominent.

Deciding on a complaint of the Supreme Court (page 12 of this report), MSS reasonably pointed out the violation of ethics of the reporter who used information for which he was duly told to be incorrect and that it was made because of a technical error, but did not make the proper

⁴⁰ Guideline 1.2 (b): “The public’s right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.”

connection between this violation and Principle 6 of the Code. MSS made the same mistake in case of a text that announced the Pride Parade in Budva, which will be elaborated in the next section, since MSS assessed that “Vijesti” violated Principle 7 of the Code in this case.

4.6.2. Violations of Principle 6 in TV programmes

In its reports relating to the period 1 March – 1 October, MSS did not record violations of Principle 6 in news programmes of radio and television stations.

According to HRA monitoring of major news programmes of leading televisions in Montenegro, there were no recorded violations of this principle.

4.7. Principle 7 of the Code: protection of sources

“It is a right and duty of a journalist to protect confidential information sources, but also always to check motives of the confidential source before one is promised anonymity and protection.”

4.7.1. Violations of Principle 7 in print and online media

In its report for the period from 15 July to 1 October, MSS found that daily “Vijesti” violated Principle 7 in one case (and also Principle 6), i.e. the guidelines for the interpretation of these principles.

In the same period, HRA associates did not record violations of this principle, and in relation to violation that MSS stated, HRA believes that it cannot be related with Principle 7 of the Code. This case may, however, be related to Principle 3 and the guidelines for this principle dealing with limitation of the media regarding the disclosure of information (embargo).

In the opinion of MSS, “Vijesti” violated Principle 7 and Principle 6, because it published, on its front page, that the first Pride Parade in Montenegro will be held in Budva, a week earlier. MSS noted in its report that this information was strictly confidential, but did not specify who qualified this information as such and why, except that “Vijesti” emphasized this in the headline of the news: “Strictly confidential: The metropolis of tourism will soon be in the colours of the rainbow”. MSS assessed “that publication of evident police information on the place and time of the Parade, which was a high-risk event, as it later turned out to be, is an act that cannot be justified by the

public's right to know". MSS did not further deliberate its conclusion on this issue, and did not specify on which guideline it based its conclusion.

Guideline 3.4 of Principle 3 states, among other things, that "the imposition of embargoes during which the publication of certain information is held over is justifiable only if it is vital for objective and careful reporting". Further on, this guideline states that "in principle, embargoes are a free agreement between informants and the media", and that "embargoes should be observed only if there is an objectively justifiable reason". It states that it can be "in the case of speeches still to be held, advance copies of company reports and other types of activities or information on a future event (meetings, resolutions, honors, ceremonies, etc.)", and concludes that "the media should not use it for taking advantage over competition".

Also in relation to this issue, one should bear in mind the Guideline 10.3: "in principle, the media do not accept news 'blackouts'. Coordination between the media and the police shall occur only if the action of journalists can protect or save the life and health of victims and other involved persons. The media shall comply with police requests for a partial or total news embargo for a certain period in the interest of solving crime, if the request is justified convincingly".

The Pride Parade in Budva could have been the kind of event that required what is referred to in the guidelines of the Code as "free agreement between informants and the media" on the disclosure of information before the "green light" or as "restriction of news". The informant is the one interested in this kind of agreement and it is logical that they initiate it, which was not done in this case. The informant, perhaps, had an agreement with the police to retain information about the event, but not with the media. On the other hand, it seems that in this case the police had an agreement of confidentiality with the organizer of the event, and the source of the journalist from the police violated the agreement by disclosing the information, according to the article of "Vijesti" that published the information as "strictly confidential".

Of course, the motives of "Vijesti" to publish information about the time and place of the Pride it could be speculated and discussed from the standpoint of the public interest, the harmfulness or usefulness of the information, but the Code does not have sufficient grounds to accuse this media outlet of the lack of ethics. In this sense, we propose amending the Code, in order to provide a clear guideline for the ethical treatment of the media in similar cases.

4.7.2. Violations of Principle 7 in TV programmes

In its reports covering the period from 1 March to 1 October, MSS did not record any instance of violation of Principle 7 in news programmes of radio and television stations.

HRA monitoring of major news programmes of leading televisions in Montenegro also did not record any instances of violation of this principle.

4.8. Principle 8 of the Code: protection of privacy

“A journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs, but in those cases, it is necessary to respect human dignity as well”.

4.8.1. Violations of Principle 8 in print and online media

In the period covered by this report, MSS recorded 12 violations of Principle 8 of the Code, of which seven by “Dan”, three by “Dnevne novine”, and two by portal “Vijesti”.

According to HRA, MSS, except in one case, properly assessed violations of Principle 8 and some of its guidelines that deal with the issue of protecting people's privacy.

Below are two illustrative examples of proper assessment of MSS.

MSS believes, and HRA agrees, that “Dnevne novine” violated Principle 8 of the Code because it titled the news of the murder of a pensioner in Bar “Killed because he did not want to pay for sex?” which was “extremely unfair to the victim and his family” and “showed a lack of respect for the person unknown to Montenegrin public”. “Dan”, as MSS properly assessed, violated Principle 8 of the Code in the article titled “Supported Filip and sold the drugs”, which reminds that the professor from Herceg Novi, whose identity was revealed, was once sentenced to eight months in prison for consuming and drug dealing, and the story was put in its current political context, since she supported the presidential candidate of the ruling party. MSS assessed as particularly malicious comments of the journalist: “Whether she, in the meantime, solved the problem with addiction is unknown, because it has not been possible to reach her from yesterday”.

Findings and assessments of MSS and HRA match in cases of publication of personal identification numbers of citizens, but MSS monitors overlooked that publication of private addresses of people is also unethical, as the guidelines for Principle 8 explicitly note that private addresses have special protection. In cases of publication of ID numbers and addresses that daily “Dan” did several times, demonstrating examples of alleged election fraud in the presidential election, there was no need for that in terms of legitimate public interest. The public interest is to detect

possible election manipulation and theft, provided that this right “is always carefully weighed against the personal rights of the people”.

HRA considers that MSS misjudged that “Dan” violated Principle 8 in the case of publication of the interview with the former leader of the Liberal Alliance Slavko Perović, in which he claimed that a police officer Božidar Jauković was killed, and did not (according to the official version) kill himself. (The case is elaborated in Section 4.1.1 Violations of Principle 1 in print and online media, because MSS assessed that Principle 1 of the Code was violated in this case.)

HRA associates noted a total of 18 violations of this principle, 10 by daily “Dan”, three by “Dnevne novine”, two by portal RTCG and one by daily newspapers “Vijesti”, “Pobjeda” and “Blic” – Montenegrin edition each.

The examples observed by HRA associates (not MSS), concerning unethical ways of reporting on cases of suicide or attempted suicide (directly or indirectly revealing the identity and a detailed description of the circumstances under which the alleged suicide happened), include two characteristic ones, observed on the portal of the national public service that should not have any reason to satisfy the mere curiosity of the public. The portal RTCG, with reference to the Police Operations Centre, published on 17 March “that a 13-year-old N.M. (published the full name of the child), who attempted suicide by firearms on 11 March, died at the Clinical Center”. The article reminded that the boy was brought to the Clinical Center on 11 March and that “he had a wound in the head from a fire weapon, probably a gun”. In later edited version of the article, the full name was replaced with initials. It was preceded by a comment of a visitor, which brought the editorial board’s attention to the problematic reporting: “Where did you get the information that he tried to commit suicide? Who said that? He is a juvenile and you wrote his full name. If it really was suicide, as you say, then especially the full name must not be written. Very professional. Bravo!”

As the visitor noted in the comment, there is no justification for disclosing the identity of the boy nor the details of his wounding, and this harshly violated Principle 8 and one of the guidelines⁴¹ for this principle.

The second case is also about suicide. The portal RTCG on 9 May published the news of the attempted suicide of a girl who jumped from the balcony of the apartment in Karađorđeva Street in Podgorica. In addition to information about the event, a video was released showing a large bloodstain on the sidewalk, and the camera zoomed on the balcony from which the girl allegedly

⁴¹ Guideine 8.1 (h): “Reporting on suicides calls for restraint. This applies in particular to the publication of names and detailed descriptions of the circumstances. Exceptions are justifiable only if the case is of public interest.”

jumped. In addition to guideline for Principle 8 we mentioned earlier, in this case the guideline that suggest “respect for the suffering of victims” is also important.⁴²

In our opinion, also illustrative is the unethical manner of reporting of daily newspapers about a car accident in which a girl O.B. was injured, the daughter of one of the most famous Montenegrin tycoons. The news was published by all newspaper in Montenegro, without any professionally good reason, revealed the identity of the victims of a traffic accident, and thus violated Principle 8 of the Code and its guideline⁴³ that suggests that it is not a rule to reveal the identity of a victim of an accident, except if the person is a public figure or in the case of special circumstances. In this case we consider that there were none of the above two reasons.

HRA notes that in Montenegrin media it is a rule, not an exception to publish the names of victims of accidents and thus violate the Code.

In addition to the above mentioned, violation of Principle 8 were also observed in the following articles:

- “Jumped into swollen Ribnica”, “Poisoned himself with pills”, “Jumped into Lim“, “Citizen of Nikšić shot himself in the head” (Dnevne novine)
- “Body: The Prosecutor’s Office investigates the death of a citizen of Mojkovac A.A. (37)” (“Vijesti”)
“When voting, money and abuses are abundant”, “Fake ID cards for double voting”, “Attacked his brother with a knife”, “Gave 50 euros to voters”, “Girl drowned in lake, see swallowed a Canadian” (“Dan”)

4.8.2. Violations of Principle 8 in TV programmes

In its reports covering the period 1 March - 1 October, MSS did not record any violations of Principle 8 in news programmes of radio and television stations.

According to HRA monitoring of major news programmes of leading televisions in Montenegro, Principle 8 was violated once in the programme of TV “Vijesti”.

⁴² Guideline 8.1 (j): “The limit of acceptability in reports on accidents and disasters is respect for the suffering of the victims and the feelings of their dependants. Victims of misfortune must not be made to suffer a second time by their portrayal in the media”.

⁴³ Guideline 8.1 (d): “Victims of accidents or crimes have a right to special protection of their names. It is not as a rule necessary to identify the victim in order for the audience better to understand the accident or crime. Exceptions can be justified if the person concerned is a public figure or if there are special accompanying circumstances.”

TV VIJESTI: NEWS AT HALF PAST SIX (19 June) The report of a car accident stated the name of the deceased person, although they were not public figures, and opened a possibility for doubt that it was a suicide. “At that moment I followed her in the rear mirror, she remained a little on the white line and then suddenly moved to the front of the truck coming from Bijelo Polje”, stated the testimony of an eyewitness of the accident.

4.9. Principle 9 of the Code: disclosure of identity of juveniles, who are perpetrators or victims of crimes

“The journalist is obliged to protect the integrity of adolescent persons, different and disabled persons.”

4.9.1. Violations of Principle 9 of the Code in print and online media

MSC did not register any violations of Principle 9 of the Code during the period from 1 March to 1 October.

HRA associates observed three violations of this principle in print media, two in “Blic”-Montenegrin edition, and one in daily newspapers “Dan”.

“Blic”- Montenegrin edition, published on 28 June news titled “LGBT Progress: Montenegrins to be brides to the French”. The news reported on a request that was sent by non-governmental organisation LGBT Forum Progress to Montenegrin Chief of Diplomacy to initiate an agreement, in order to enable same-sex marriage of French citizens with citizens of Montenegro. The title represents, in our opinion, a wrong contextualization of the story, and reflects a mocking approach, which is not present in the text of the news. This title violates Principle 9 of the Code, which teaches the journalists to protect the integrity of those who are different, and not to mock them.

“Blic” Montenegrin edition of 22 August published a story with headline “Everyday occurrence in supermarkets in Nikšić” and title “Number of young beggars increasing”. The text disclosed the identity of underage beggars and published their photographs as well.

It is good for the society that such reports are published, but it is not ethical to permanently identify children individually in order to point out the problem.

A similar thing happened in the case of the story in daily “Dan” from 29 June. This daily published a story with headline “Single mother with two children Slađana Medojević fears they will become

homeless” and title “She sees the waves of Lim as her only salvation”. The text describes the difficult life of this single mother with three children, and within a story, mentions another woman, who tells about her children who are at Children’s Home in Bijela. The story pointed out serious social problems of single mothers, but in the way the story was told it could not be noticed that the journalist had in mind a suggestion from guideline of Principle 9, which points out that “information affecting interests of children shall be investigated with special attention”. The formal principles of UNICEF on reporting about children specifically point out that no child shall be additionally identified.⁴⁴

4.9.2. Violations of Principle 9 in TV programmes

MSC did not record any violations of Principle 9 in news programmes of radio and television stations in reports covering the period from 1 March to 1 October.

According to HRA monitoring of major news programmes of leading televisions in Montenegro, Principle 9 was violated once in a programme of the National Public Service TVCG.

RTCG: NEWS 2 (17 June) In the report from the press conference, which was held by Frank La Rue in Podgorica, Special Rapporteur on the right to freedom of opinion and expression, the following was stated: “La Rue wrote what he heard in the report, but had difficulties reading it”. It was followed by a video of Mr. La Rue, who, is a foreigner, but also a visually impaired person as well, reads and pronounces Montenegrin names with difficulty. Unduly pointing out his bad eyesight and lack of knowledge of Montenegrin language, the reporter compromised the integrity of the person and therefore violated Principle 9.

4.10. Principle 10 of the Code: violation of the presumption of innocence

“When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-judicate the outcome of a court procedure.”

⁴⁴ “Do not further stigmatize any child; avoid categorizations or descriptions that expose a child to negative reprisals - including additional physical or psychological harm, or to lifelong abuse, discrimination or rejection by their local communities.” (http://5sazvezdicom.medijskestudije.org/index.php?option=com_content&view=article&id=183:izvetavanje-o-deci&catid=46:zakonska-regulativa&Itemid=64)

4.10.1. Violations of Principle 10 in print and online media

In its reports MSS recorded six violations of Principle 10 of the Code, which unambiguously suggests that it is necessary to respect the presumption of innocence of the suspect or defendant. However, results of HRA associates for the period from 1 March to 1 October 2013 show enormous number of violations of this principle, mostly by daily “Dan” (see table no. 1 below).

In texts of various genres, but mostly in the news, HRA associates observed more than 500 violations of the presumption of innocence by daily newspapers. Violations of this principle were recorded also in online editions of the daily newspapers, as well as on portals and in weekly “Monitor”.

Table no. 1

Violation of presumption of innocence	Blic	Dan	Dnevne novine	Pobjeda	Vijesti	Total
In the title	58	144	74	59	58	393
In the title and first paragraph	6	12	10	6	8	42
In the title and the text	6	1	4	2	6	19
In the title and the headline		15		1	3	19
In the title, first paragraph and the text	1		3		3	7
In the text	1			3	1	5

In the headline			1		3	4
In the headline, title and the first paragraph		3			1	4
In the first paragraph	2				2	4
In the headline, title and the text					3	3
In the title, subtitle, first paragraph and the text		1			2	3
In the title, subtitle and the first paragraph	1	1				2
In the title and subtitle		1		1		2
In the title, subtitle and the text		1	1			2
In the headline and the first paragraph					1	1
TOTAL	75	179	93	72	91	510

Principle 10, the presumption of innocence was violated with statements or suggestions in the title composition (headline, title, subtitle), in the first paragraph or some other part of the text, that a person, whose identity was fully disclosed or only with initials, has committed some criminal offence, even though it is evident from the whole text or the source the author refers to that the person is only a suspect, reasonably suspected or only accused, but not convicted for the offence through a court judgement, which fulfills the conditions for attributing a specific criminal offence to someone.

In most recorded cases of violations, the presumption of innocence was violated, as shown in the table, in the title of the news, but not necessarily in the text itself, which points to the conclusion that this principle was violated, as a rule, by the competent editors who decide on the layout of the text, and not journalists who write the text and rarely give it a title.

The titles of texts in which violations of Principle 10, the presumption of innocence were observed, are provided at the end of this report, as an Appendix.

4.10.2. Violations of Principle 10 in TV programmes

In the reports relating to the period 1 March - 1 October MSS did not record any instance of violation of Principle 10 in news programmes of radio and television stations.

HRA monitoring of main news programmes of leading television stations in Montenegro indicates that Principle 10 was violated on seven occasions - twice by TV stations "Pink", TVCG and "Atlas" and once by TV "Vijesti."

TV PINK M: INFOMONTE (16 May) In the headline "Man from Podgorica threw a bomb in the centre of Budva", as well as in the TV report stating that "a man from Podgorica Andrej Brković ... after an argument with Goran Slovinić, one of the owners of 'San Marino' pizzeria, threw a bomb at the said café" violated the presumption of innocence. That was the suspicion of the police and erroneous statement that Brković had thrown a bomb was repeated in the TV report.

RTCG: NEWS 2 (30 May) The presumption of innocence was violated in the headline "Arrest of a dealer in Bijelo Polje" as well as in the TV report announcement, as it was stated that "members of an organized criminal group" had been arrested and one of the arrested was referred to as "one of the organizers of this group".

TV VIJESTI: NEWS AT HALF PAST SIX (30 May) The headline "Smuggling cocaine" announcing a TV report on the arrest in Bijelo Polje violated the presumption of innocence.

TV PINK M: INFOMONTE (30 May) TV report on the arrest in Bijelo Polje stated: "Halilović belongs to a criminal group that smuggled and sold cocaine from South America to the Western European countries", violating thus the presumption of innocence.

ATLAS TV: FORUM (30 May) Reporting on the arrest in Bijelo Polje, the presumption of innocence was violated by labelling the arrested as "one of the smugglers of cocaine".

TVCG: NEWS (28 July) In the report on the arrest of one person in Berane and police search for another person from Rožaje on suspicion of money-laundering, a reporter said that those persons were police suspects, but the headline "Laundered one million euros" violated the presumption of innocence.

ATLAS TV: FORUM (10 September) The report of arrests in the coastal region stated that 16 persons, while also mentioning the full name of one of them, "sold heroin, cocaine and subutex in Podgorica, Nikšić, Bar, Kotor and Tivat. They earned tens of thousands of Euros in drug profits per month, stated the police."

4.11. Principle 11 of the Code: accepting privileges

"A journalist should not accept privileges of any kind that could limit or bring into suspicion his autonomy and impartiality, and affect freedom of a publisher and editorial board to make decisions".

4.11.1. Violations of Principle 11 in the print and online media

MSS did not register any case of violation of Principle 11 of the Code during the period covered by this report, while HRA associates noted two examples in the print media.

In daily newspaper "Dnevne novine" of 16 August an article was published with the headline "Introducing" and the title "Forza Mare, hotel number one". The content and tone of the article were completely promotional, not journalistic, which is in violation of Principle 11 of the Code, i.e. the guideline explaining the distinction between editorial content and advertisements⁴⁵. Daily "Dan" committed the same ethical transgression on 17 August, publishing an article with the headline "Izet Hodžić, known as Brko the healer, presented his remedies in Plav" and title "Cures

⁴⁵ Guideline 11.4: "Advertisements and pages or programs sponsored must be clearly distinguishable from the editorial content and must be designed and presented that the reader/listener/viewer can recognize them as such. A journalist must not be engaged in advertising-propaganda business".

many ills." This article, like the one in "Dnevne novine", is completely promotional in its content and tone, not journalistic. In addition, the article violated Principle 8 of the Code, i.e. one of the guidelines⁴⁶ for this Principle.

4.11.2. Violations of Principle 11 in TV programmes

In its reports relating to the period 1 March - 1 October MSS did not record any instance of violation of Principle 11 in news programmes of radio and television stations.

According to HRA monitoring of main news programmes of leading TV stations in Montenegro, Principle 11 was violated in 19 cases - nine times by "Pink" TV, three times by national public service TVCG and "Atlas" TV and twice by "Vijesti" and "Prva" TV.

TV PINK M: INFOMONTE (16 May) Principle 11 was violated in the media coverage of the new offer by "Atlas Life" company, which brought detailed marketing information: "Users of the insurance policy, in addition to the surgical intervention, shall be paid the sum for several interventions on different organs. Insured sum is paid once for a surgical intervention on one organ and shall not exceed 5,000 Euros or 15,000 Euros in case of multiple procedures. User of the insurance policy is entitled to payment of the sum insured, regardless of the health institution in which the surgical intervention was performed."

ATLAS TV: FORUM (16 May) TV report about the life insurance offer by "Atlas Life" company provided details about the offer and its benefits to customers in a manner that exceeds the legitimate interest of the public. "One of the best such hospital in Croatia has established cooperation with 'Atlas Life' in the same manner as 'Meljine' general hospital, which means that all of our policyholders as of today have a discount of 10, 15 and 20% in 'Sveta Katarina', depending on the treatment."

TVCG: NEWS 2 (22 May) A several-minute-long report on "Vuković" ethno village presented its detailed proposal and announced to the viewers that this was "a place for rest and relaxation and escape from the summer heat, but also a challenge for those who will enjoy our new attractive features this summer."

ATLAS TV: FORUM (29 May) An advertising message regarding the prize draw for Master Card and Maestro Atlas Card users was broadcasted during the news programme. The message included information about the conditions for participation in the contest and the prizes.

⁴⁶ Guideline 8.2.(b): When reporting on the activities of para-doctors and self-proclaimed healers, a reporter must express a special dose of reasonable doubt and restraint."

TV PINK M: INFOMONTE (9 June) In the TV report on Lovćen adventure camp the Code was violated by the following description, which is promotional, not journalistic: "Amazed looks of visitors, sighs of delight and excited thoughts – this could be a short description of the experience of a place that allows visitors to combine pure adrenaline fun and unique beauty of Montenegrin nature." The report, in the promotional manner, also provided information about ticket prices. "Although leaving a different impression, the adventure park is designed for all ages. Adventure price for aerial walkways, which, according to the park employees, remain etched in visitors' memory, is 8 to 18 euros."

TV PINK M: INFOMONTE (10 June) While conveying Hipotekarna Banka's information about its operations in the first five months, information about individual bank services were also conveyed in the promotional manner: "This service allows quick and easy performance of all financial transactions via your mobile phone at any time. The mBH click service can be activated at any Hipotekarna Banka branch by signing the application form", as well as "In the new premises of Podgorica Commercial Centre payments to the account can be made 24 hours a day, seven days a week, regardless of working hours of the bank".

PRVA TV: NEWS (10 June) In the report on the opening of a new Hipotekarna Banka branch, apart from information about the bank's operations, data about individual bank services, more appropriate for TV commercials, were also broadcasted: "The bank has also enabled its clients to perform financial transactions via mobile phone; another novelty is an ATM that, in addition to the standard services, offers the option to change your PIN code, pay bills and deposit money in a bank account."

TV PINK M: INFOMONTE (22 June) Promotional material for "Telenor" company was published in the report on "Smart caravan": "The superiority of 4G network as well as the highest download and upload speed were presented to all interested users of super services. So far Smart caravan visited Danilovgrad, Nikšić, Šavnik, Žabljak and Mojkovac, a tour in the north continued with visits to Berane, Rožaje and Bijelo Polje. During each visit the most skilled users won telephones, modems or internet packages."

TV VIJESTI: NEWS AT HALF PAST SIX (9 July) The report on NLB bank operations violated Principle 11 of the Code by including promotional announcement of new bank products: "By the end of the year NLB announced the introduction of a completely secure Internet trade system for their cards."

TV PINK M: INFOMONTE (8 July) The main news program broadcasted promotional material of "Jugopetrol" company: "Jugopetrol AD Kotor has included 95 Economy fuel in its offer, which can only be found at Jugopetrol Eko gas stations in Montenegro". It was further stated that the fuel's "most important characteristic is engine life extension and optimization of its performance and consumption."

TV VIJESTI: News at half past six (19 July) Information about the new service by Telekom was broadcasted stating, without any reservation, the company's claim that its customers would be able "to obtain very clear sound at extremely busy locations with no background noise."

TV PINK M: INFOMONTE (19 July) Information about the new service by Telekom was broadcasted stating, without any reservation, the company's claim that its customers would be able "to obtain very clear sound at extremely busy locations with no background noise." Furthermore, the statement by the company representative was also broadcasted, who, among other things, stated: "In our shops you can find a large selection of phones that will be able to meet these requirements."

TVCG: NEWS 2 (28 July) In the TV report on Kučka korita promotional material about this ethno village was broadcasted: "We heard of a very interesting ethno village which will soon include sports activities in its offer as well as a ski resort in the future."

TVCG: NEWS 2 (28 July) TV report about the need to regularly clean air conditioning devices included a statement by a repairman from a service shop, the name of the shop and the cost of cleaning.

PRVA TV: NEWS (30 July) The report on operations of M:tel company also encompassed promotional material: "Director of M:tel is particularly proud of an application through which all users will be able to watch the latest basketball news, especially in relation to the European Championships in Slovenia"; "The company success - m:go application allows users to make free calls within the network and send free text messages within the country and abroad."

TV PINK M: INFOMONTE (4 August) The report broadcasted an advertisement for "Montera" company which manages "Zavala" complex. It included the information that the beach has been opened, a statement of the company's PR according to which the food was prepared by a chef from Spain, as well as the information that "show room will soon be available to interested buyers, while the sales office has been installed at the town's entrance."

ATLAS TV: FORUM (13 August) With the report on the popularity of Dan Brown's new book and the plot, a publisher's information was also broadcasted: "A new novel by Dan Brown 'Inferno' is now available to Montenegrin readers. Publishing company 'Nova knjiga' stated that the book is available at more than 700 sales places throughout Montenegro."

TV PINK M: INFOMONTE (21 August) The TV report broadcasted an advertisement about new products and information about the payment terms in "Merkator": "Company Merkator expanded its offer of school supplies which can be purchased at very affordable prices, with the possibility of deferred payment in 12 monthly instalments."

TV PINK M: INFOMONTE (24 August) TV report on the complex "Plavnica" was broadcasted, stating the following: "Swimming pool with sails is unique because there are a limited number of visitors per day who can use it to enjoy, and water filtration is carried out 24 hours a day. Full service costs 10 Euros, same as the ticket for a cruise ship of the same name. "

4.12. Principle 12 of the Code: journalistic solidarity and plagiarism

"It is a duty of a journalist to maintain solidarity in relation with his colleagues in the extent that would not prevent him to properly perform professional task, or to make him violate basic principles of the journalist codex."

4.12.1. Violations of Principle 12 in the print and online media

While MSS monitors failed to record any instance of violation of Principle 12 in their periodic reports of 1 March to 1 October 2013, HRA associates noticed 11 cases in which this principle was violated by not citing primary source of a text taken from other media in whole or in part, or in which readers may have been misled about the authorship in some other way. In the examples being considered, majority of which were found in the daily newspaper "Dan", such information had mainly been taken from the foreign media, without citing the primary source.

In the issue of 3 July, in the section "Periscope" daily "Dan" published news under the headline "Gym professor has not changed his outfit for decades" and the title "Same outfit worn for 40 years." The text was signed only by initials, as an author, although the same story was conveyed those days by numerous national and international online media.

"Dnevne novine" of 4 March in three of its articles published in the section "Fun" stated at the end of one of the paragraphs where they were borrowed from, but this was not the case with

the fourth article published in that section ("Salt shaker worth 50 million Euros"), although it is easy to assume that this article too was borrowed.

An example from "Vijesti" is also characteristic. In an issue of 12 April an article was published with the headline "Feathered dinosaurs: The new stage of palaeontology" and the title "Feathers served in maintaining balance?". The subtitle of the text reveals the identity of writers of an article on this subject, but the text does not reveal which sources were used, so one can talk about plagiarism. For instance, Croatian portal "Znanost" wrote on the same subject earlier under the title "Palaeontologists discovered fossils of feathered dinosaurs on American soil", and the author said that he had used "Discover Magazine" as the source.

HRA associates noticed atypical examples of violation of Principle 12 in several daily issues of 8 March 2013 – avoiding to reveal the background of a copyright text by the U.S. Secretary of State John Kerry. The manner in which the article was published in "Pobjeda" left the impression that it was written for that daily or taken from somewhere without citing the media where it had been originally published. The same text was published in "Blic" as if John Kerry had written it just for that newspaper⁴⁷, and "Dan" published the same text paraphrasing and quoting it, also without specifying what kind of text it was. This was, in fact, the text sent to several media addresses and posted on the website of the U.S. Embassy in Montenegro.⁴⁸ Although this cannot be labelled as plagiarism, it has its elements due to the fact that the manner in which the media got hold of the text and gained the right to publish it has not been specified.

Aside from those mentioned above, instances of violation of Principle 12 were also observed in the following articles:

- "Artificial leaf that will save the world", "Bigfoot exists?", "Seed germinated from the heat of the young Sun", "The Higgs boson might have a double" ("Dan");

- "Esmeralda: Drugs destroyed her life" ("Vijesti").

4.12.2. Violations of Principle 12 in TV programmes

In the reports relating to the period 1 March - 1 October MSS did not record any instance of violation of Principle 12 in news programmes of radio and television stations that are its members nor in the relevant broadcast media that are not.

⁴⁷ <http://www.blic.rs/Vesti/Politika/371217/Dzon-Keri-pise-za-Blic-Zasto-zene-zauzimaju-kljucno-mesto-u-spolinoj-politici-SAD>.

⁴⁸ http://podgorica.usembassy.gov/secretary_kerry_op_ed_mne.html.

HRA monitoring of main news broadcasts of leading television stations in Montenegro did not identify any instance of violation of this principle either.

4.13. Conclusions and recommendations

- *HRA concludes that certain principles and guidelines of the Code should be further specified to leave no room for uncertainty about what they prohibit. Reports of self-regulatory bodies in the reporting period included no proposals to amend the Code. **Self-regulatory bodies should propose new guidelines for the application of the Code, following the final advice in the current Code, which reads: "These guidelines are not final, but can be supplemented in compliance with ethic dilemmas arising from practice".***

For example, given the need to prevent and punish offensive speech in the media through a process of self-regulation, which in its profanity and offensiveness "lowers the level of public communication to street level", as correctly pointed out by MSS, and bearing in mind that this type of speech cannot always be subsumed under what is defined as hate speech in the Code and otherwise, it would be necessary to supplement the existing Code, in line with the comparative practice, in a way that would facilitate the job of those evaluating ethics of media content.

- *HRA concludes (as in the first report) that the second paragraph of Principle 2 of the Code ("A journalist should be a sharp observer of those who have social, political and economic power") has been formulated so that it can be interpreted in different ways by self-regulatory bodies and it is also difficult to explain its violation. **HRA reiterates its recommendation to specify this principle of the Code through appropriate guidelines, which should clearly distinguish when journalists are expected to work in the spirit of the above principle, and when not, since some forms of journalism (news, reports) are not always suitable for that.***
- *The current Code does not have sufficient grounds for criticism of the media practice of premature release of information, without consultation with competent informants, that could be used contrary to the public interest, as was the case of the publication of information on the Pride Parade in Budva, which contributed or could have contributed to organized violent disruption of the event by opponents of sexual minority groups. **HRA believes that the Code should be amended with respect to these and similar cases in a manner which would constitute a clear guideline for ethical conduct.***

5. CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT

- 1) *After daily "Vijesti" appointed the Ombudsman for its readers, among the relevant media outlets in Montenegro, only daily "Dan" and weekly "Monitor" remained outside of any self-regulatory process. Both media outlets should opt for a model of self-regulation as soon as possible, especially having in mind that daily "Dan" has the most recorded cases of violations of the Code of Journalists of Montenegro.*
- 2) *The MSS did not establish violations of the Code by the broadcast media (radio and TV) except for one instance, when it acted on a complaint in relation to RTCG. At the same time, limited HRA monitoring of news programmes of five most watched televisions in Montenegro showed that violations of the Code in those televisions' news programmes are frequent. Therefore, it would be necessary to include TV stations in active self-regulation. The MSS should pay more attention to monitoring broadcast media outlets, especially those that are its members, and if it is not able to do so, then it should announce this fact in its reports, as it is otherwise allowing for the conclusion that it does not recognize such incidents as violations of the Code.*
- 3) *Although earlier this year the Media Council for Self-Regulation (MSS) announced the development of a special rulebook, it still does not have defined procedures for dealing with complaints. The MSS generally does not comply with provisions of its Statute, stipulating that it should provide the media outlet, referred to in the complaint, with the opportunity to comment on the complaint directed against it (from 1 March to 1 October 2013, MSS has done so in only one of eight cases). MSS should adopt a rulebook precisely defining the procedure for dealing with complaints and appeals as soon as possible. Such rulebook should also regulate the issue of sanctions against those media outlets – members who do not cooperate in this process with MSS. We repeat the previous recommendation that MSS should comply with its Statute and allow all media outlets in relation to which it receives complaints to comment on them.*
- 4) *Complaints submitted to MSS are decided by the Commission for Complaints of the MSS, a body not prescribed by the MSS Statute. Art. 4 of the Statute only states that the Monitoring team, among other things, "decides on complaints submitted against any media organization in Montenegro, when it comes to violations of the Code of Montenegrin Journalists and informs the public about such cases". The MSS Statute should prescribe the existence of the Commission for Complaints and Appeals as a special body personally and organizationally different from the Monitoring team. This is particularly important because the existing Monitoring team consists of two active*

journalists from media outlets that are members of MSS, and the Commission for Complaints and Appeals should be independent from editorial teams of the media and build its authority on that independence. In addition, the number of members of MSS body dealing with complaints and appeals should be greater than three. The Media Self-Regulation Guidebook (OSCE, Vienna 2008, p. 57) suggests that the optimal number is between 7 and 11 members.

- 5) *The MSS only sporadically observes violations of the Principle 10 of the Code – the presumption of innocence, which are, according to HRA records, by far the most common violations by the media of norms prescribed by the Code of Montenegrin Journalists. In comparison to the previous HRA report, the number of recorded examples of violation of the presumption of innocence in the print media has increased almost five times. This situation requires finding solutions to overcome it. **The MSS and other self-regulatory bodies should support the proposal that, in case that the upward trend in violations of the presumption of innocence by the media continues, the court should be authorized, through an amendment to the Criminal Procedure Code, to observe and punish violations of the presumption of innocence by the media, in accordance with the obligation of the media to observe it under the Criminal Procedure Code.***
- 6) *Monitoring conducted by HRA and MSS shows that, after the violation of the presumption of innocence, media outlets most often violate principles 1 and 3 of the Code, and thus the basic standards of journalistic profession. These violations are most visible in examples of unbalanced reporting, favouring one side and avoiding to verify the information obtained from the named or unnamed sources. **Besides observing examples of violations of these principles of the Code, the self-regulatory bodies should also intensify the campaign within journalistic and media community about the necessity of proper application of ethical and professional standards in Montenegrin journalism and thus contribute to overcoming the current antagonism rooted outside the profession.***
- 7) *In more than one third of the examples of violations of the Code noted in the reports of the MSS (37), it was not precisely stated which basic principles and guidelines of the Code were violated and how. It also happens that the MSS generally criticizes actions of particular media without citing specific examples for such claims. **In order to avoid the impression of being biased and to act educationally and preventively, whenever a violation of the Code or relevant guidelines is established, a full and detailed description of the violation should be given in the reports, as well as an explanation why the action represents a violation of ethical norms.***

8) *The Reports of TV "Vijesti" Ombudsman are somewhat general and seem to be written for internal use and for those who are already familiar with the details of their content. Ombudsman's reports should be methodologically unified and detailed. The reports should precisely interpret complaints of viewers and their arguments, as well as the reactions of the Ombudsman and the arguments in favour or against the viewer's complaint, so that laymen as well as professionals in the public could assess the validity of arguments themselves. This is important for the building of Ombudsman's credibility, as well as for increasing media literacy among television audiences, citizens and journalists themselves.*

9) *The TV "Vijesti" Ombudsman did not respond in writing to a viewer's complaint that was assessed as ungrounded, but did so in a telephone conversation, although the act on the establishment of the Ombudsman prescribed communication with viewers through letters, e-mail and fax. The Ombudsman should officially communicate with the audience in a manner prescribed by its act of establishment, as it is important to keep the archive of the decisions on complaints and their communication.*

10) *HRA concludes that certain principles and guidelines of the Code should be further specified to leave no room for uncertainty about what they prohibit. Reports of self-regulatory bodies in the reporting period included no proposals to amend the Code. Self-regulatory bodies should propose new guidelines for the application of the Code, following the final advice in the current Code, which reads: "These guidelines are not final, but can be supplemented in compliance with ethic dilemmas arising from practice".*

For example, given the need to prevent and punish offensive speech in the media through a process of self-regulation, which in its profanity and offensiveness "lowers the level of public communication to street level", as correctly pointed out by MSS, and bearing in mind that this type of speech cannot always be subsumed under what is defined as hate speech in the Code and otherwise, it would be necessary to supplement the existing Code, in line with the comparative practice, in a way that would facilitate the job of those evaluating ethics of media content.

11) *HRA concludes (as in the first report) that the second paragraph of Principle 2 of the Code ("A journalist should be a sharp observer of those who have social, political and economic power") has been formulated so that it can be interpreted in different ways by self-regulatory bodies and it is also difficult to explain its violation. HRA reiterates its recommendation to specify this principle of the Code through appropriate guidelines,*

which should clearly distinguish when journalists are expected to work in the spirit of the above principle, and when not, since some forms of journalism (news, reports) are not always suitable for that.

12) The current Code does not have sufficient grounds for criticism of the media practice of premature release of information, without consultation with competent informants, that could be used contrary to the public interest, as was the case of the publication of information on the Pride Parade in Budva, which contributed or could have contributed to organized violent disruption of the event by opponents of sexual minority groups. HRA believes that the Code should be amended with respect to these and similar cases in a manner which would constitute a clear guideline for ethical conduct.

6. APPENDIX:

Headlines of articles that violated the presumption of innocence

...

DAN

“Ukrao mobilni i laptop”, “Bivši inspector švercovao skank”, “Maloljetniku oteo telefon”, “Obili kiosk”, “Ukrao dva mercedesa”, “Napadao žene i otimao im torbe”, “Švercovao telefone”, “Majka i sin dilovali heroin”, “Ukrao pištolj”, “Kamenovali voz”, “Uhapšen ubica Antona Stanaja”, “Ukrala 2,500 eura”, “Taksisti ukrao vozilo”, “Ispod haube švercovali 60 kila skanka”, “Pretukao ga i uzeo mu mobilni”, “U autu krio 54 kila skanka”, “Anđelić se švercuje šest godina”, “Zamjeniku komandira polomili vilicu”, “Ošamario dječaka”, “Podgoričanin masakrirao drugove zbog droge”, “Odnio kazan za rakiju”, “Ukrali material vrijedan 23.000 eura”, “Falsifikovao bankovne kartice”, “Partnere prevario za deset miliona dolara”, “Švercovao 75 kila marihuane”, “Ženama otimao tašne”, “Ukrao 210 grama zlata”, “Slao prijeteće poruke”, “Trojka pala zbog krađe”, “Harao po Piperima”, “Pucao iz lovačke puške”, “Prodavao ukradene djelove”, “Ukrao zlatni nakit”, “Zapalio ćeliju, pa izbo cimere”, “Silovao djevojku”, “Rožajac švercovao heroin”, “Maloljetnik opljačkao kladionicu”, “Krao šta je stigao”, “Krali lopte i cigareta”, “Oteo dva telefona”, “Gradili bez građevinske dozvole”, “Ranio maloljetnicu”, “Kćerku lopatom pretukao na smrt”, “Pucao na komšiju, pa pobjegao”, “Maloljetnik ukrao telefon i zlato”, “Skank krio u krovu auta”, “Obijao kola i krao po ulazima”, “Gradili mimo propisa”, “Tablete spremao za preprodaju”, “Ubio komšiju”, “Ukradena vozila prodavali na otpadu”, “Istu kuću dva puta opljačkao”, “U lov s puškom bez dozvole”, “Pronevjerio državni novac”, “Bacio bombu pa dobio metak”, “Albanac švercovao drogu”, “Ukrala 25.000, pa ih uplatila na svoj račun”, “Ukrao telefon”, “Galeniku oštetili za 12 miliona eura”, “Nožem ranio mladića”, “U pritvoru zbog silovanja”, “Europol uhapsio 18 ljudi osumnjičenih za trafiking”, “Krivokapic širi govor mržnje”, “Podmetnula požar”, “Puškom lovio ribu”, “Krali metalne predmete”, “Krali metalne predmete”, “Dijana je preminula zbog nebrige ljekara”, “Nikola Dabanović laže!”, “‘Varvari’ lomili stolice”, “Opljačkali stan”, “Pretukao poznanicu”, “Đedo mozak šverca”, “Maloljetnik obijao kuće”, “Krali što su stigli”, “Pljačkali bankomate”, “Parama od kokaina kupovali stanove”, “Napali policajca”, “Maloljetnik opljačkao apoteku”, “Švercovao dva kila skanka”, “Haker provalio na sajt”, “Iza rešetaka zbog droge”, “Izazvao udes, pa pucao u dva mladića”, “Organizovao prevare u kladionicama”, “Drogu čuvao za drugoga”, “Policija pravila lažne zabilješke”, “Krao rešetke”, “Švercovao 50 grama skanka”, “Švercovao četiri kilograma kokaina”, “Ubio zbog ljubomore”, “Ukrao ogrlicu”, “Spremao likvidaciju Luke Đurovića”, “Crnogorci organizovali ilegalno klađenje”, “Ukrao bankovnu karticu”,

“Pesnicama na službenika ambasade”, “Podgoričanke pretukle djevojku”, “U kući krili arsenal oružja”, “Pretukao sugrađanina, pa ukrao 40 eura”, “Skank krio u patosu vozila”, “Ubio zbog duga”, “Ukrao cigarete vrijedne 4.150 eura”, “Preko firmi oprali milione”, “Krali šta su stigli”, “Pljačkali stovarišta i automobile”, “Obili trafostanicu pod naponom”, “Opljačkao kazino i ćevabdžinicu”, “Nožem ubio komšiju i ranio njegovog sina”, “Švercovali cigarete”, “Podgoričanin pao sa kilogramom heroina”, “Direktora častili 5.600 eura”, “Diler u pritvoru”, “Pljevljak rasturao drogu”, “Diler iza rešetaka”, “Panto nije vratio pivske flaše”, “Ukrao kran od 35 tona”, “Opljačkao školu”, “Odnijeli cirkula”, “Odnijela marke i dolare”, “Švercovali heroin”, “U rezervoaru krio skank”, “Ukrali krov sa hotela”, “Nacionalni savjeti spiskali 300 hiljada”, “Ukrao auto, pa ga preprodao”, “Bacio eksploziv na autobuse”, “Žene šutirao i gađao kamenicama”, “Heroin švercovali preko Crne Gore”, “Ukrala četiri prstena”, “Pretukao sugrađanina”, “Prijeteci noževima ukrali 500 eura”, “Nožem izbo trojicu mladića”, “Krao mobilne i zlato”, “Fingirali razbojništvo”, “Falsifikovali kreditne kartice”, “Oštetili firmu za 6.000 eura”, “Krali iz vozila i hotela”, “Divljao pijan, izazvao udes”, “Švercovao Pakistance u Crnu Goru”, “Mladića četiri puta ubo nožem”, “Pucao u trudnu suprugu”, “Policajac uzeo 200 eura mita”, “Ukrala haljinu od 1.000 eura”, “Autom vukao magarca”, “Stoper izmislio da je opljačkan”, “Zakopala dva djeteta u dvoristu”, “U sobi krila eksploziv”, “Krao šampone za kosu”, “Preprodavao drogu u Budvi”, “Ušao kroz gepek i ukrao auto”, “Obijao vozila”, “'Pink Panther' pao u Monpeljeu”, “Pacijent pretukao ljekara”, “Prisvojili 150 eura”, “Ukrao alkohol i kakao prah”, “Duguju porez”, “Ranili mladiće”, “Ukrao auto, pa ga prodao”, “Krao zlato i kartice”, “Ministar radio u ime države, a za račun Krolinga”, “Umjesto pokojnika vozio marihuana”, “Uhapšen zbog krađe”, “Oštetio budžet za milion dolara”, “Gliserom usmrtio Rusa”, “Novcem od kokaina kupovao nekretnine”, “Policajac oteo maloljetnika”, “Prevarom zaradili 330.000”, “Pregazio pješaka”, “Dilovao drogu da bi zaradio za hljeb”, “Iz Red taksija odnijeli 360 eura”, “Heroin krio u pismima”, “Kokain krila u apartmanu”, “Švercovao cigarete”.

DNEVNE NOVINE

DN

“U Ulcinju uhvaćen lopov”, “Mladic otimao torbe”, “Opljačkao dva stana u Podgorici”, “Klijentima davala drogu i ‘na ler’”, “Obijali vikendice bogatih Rusa”, “Krala novac iz džepova prolaznika”, “Razotkriven lopov betonskih statua”, “Grčki državljanin u autu prevezio 60 kg skanka”, “Novljanin tražio reket od četrdeset hiljada eura”, “Sa skankom htio da se ukrca na Sveca”, “Trojac pljačkao po Herceg Novom”, “Ukrali gromobran”, “Uzeo pare i pobjegao”, “Maloljetni Podgoričanin opljačkao kladionicu”, “Maloljetnici krali”, “Krao žice sa pruge ŽICG”, “Kćerku lopatom prebio do smrti”, “Radnik prijavio lažno razbojništvo”, “Ukradenim autom provalili u radnju”, “Pljačkao prodavnice i restorane”, “Palicama izbacili goste iz kafića”, “Dogovorili ubistvo dvojice ‘kvartaša’”, “Srbijanca pokrao i ostavio bez svijeti”, “Navijači remetili mir i bezbjednost na utakmici”, “Uhapšen zbog krađe”, “Blagajnik pronevjerio 7.500 E”, “Pritvor

zbog ranjavanja brata", "Prijetio i zastrašivao birače", "Heklere i skank krio od Podgorice do Bijelog Polja", "Po očevom nagovoru pucao na komšiju, ali ga promašio", "Maloljetnik prijetio pištoljem", "Svađu prekratio sječivom", "Prijatelj ga ubo nožem", "Osobu sa invaliditetom navodio na prosjačenje", "Tuzanina udrali i polivali vodom", "Mladić u kući krio suboteks", "Milačić načinio prekršaj", "Potrošila pazar, pa prijavila pljačku", "Policajac ubio dvojicu mladića", "Pljevljak pretukao sugrađanku", "Udario ga kolima nakon prepirke", "Ukrao auto djelove", "Ukrao garderobu iz butika", "Uhapšen zbog bacanja dinamita", "Starca ubila pod dejstvom alkohola i droge", "Bjelopoljac organizovao kokainski lanac", "Vozili i pucali u vazduh", "Palestinci oštetili M:tel", "Zbog neuzvrćene ljubavi ubio bivšu", "Počinio osam krađa", "Bekriji zaplijenili arsenal oružja", "Pjevač napao vozača ambasade Crne Gore", "Odnio cigerete vrijedne 4.000 E", "Uхваćen dok je prenosio 34 kilograma skanka", "Kosovar švercovao mobilne telefone", "Direktoru firme dali nadoknadu od 5.630 E", "Skinuli bakarne table sa hotela", "Sin vlasnika Pinka pregazio tinejdžerku, pa pobjegao", "Ukrao zlato u Donjoj Gorici", "Beranci ranili četvoricu mladića", "Gorivo plaćali lažnim novčanicama", "Stradali zbog neukosti raftera", "Ubili Rusa zbog 250 eura", "Ušetali preko balkona i opljačkali stan", "Iz šanka ukrao 130 eura", "Desetak sudija učestvovalo u krađi više od milion eura", "Normal prevario kupce stanova", "Kamenicama na kupače u Krašićima", "Zemunac napao tri policajca", "Naoružani opljačkali market", "U pljački angažovao maloljetnog rođaka", "Pocijepao umrlicu i bacio ikone", "Oštetili firmu sa Cetinja za 6.000€", "Bugari i Tivčanin skinuli kodove sa 300 računa", "Djeci prijetio gasnim pištoljem", "Krao torbe kupačima", "Uhapšen diler heroína", "Zvicer u policijskom pritvoru", "Maloljetnik prodavačici uperio pištolj u potiljak", "Napadnute inspektorke", "Opet napadnute dvije inspektorke", "Policajac uhapšen zbog primanja mita", "Prijavio lažno razbojništvo", "Otkriven mučitelj magarca", "Cetinjanka ukrala haljinu", "Eksplozive držala u spavaćoj sobi", "Maloljetnik ukrao 'seat'", "Podgoričanin opljačkao po dva puta iste objekte", "Odnio šampone za kosu", "Obio automobile Skupštine", "Uhapšen crnogorski Pink Panther", "Ukrali novac i alkoholna pića", "Maloljetnik ženi oteo novčanik", "Zarađivao koristeći alat firme Okov", "Ukradenim Golfom smrskali Tojotu", "Pretukao doktorku na radnom mjestu", "Sekulović izbjegavali plaćanje poreza", "Prijava protiv pacijenta koji je prebio doktorku", "Pljačkao stanove", "Taksijem otišao po oružje, pa zapucao s vrata", "U pogrebnom vozilu švercovao marihuana", "Grk prenosio 59 kilograma skanka radi dalje preprodaje", "Policajac oteo i prebio maloljetnika", "Podgorički biznismen jahtom usmrtio Rusa", "Lazovići prevarili Dušana Bana", "Sugrađaninu nožem probio jetru u svađi", "Devetnaestogodišnjak pokosio pješaka", "Pljevljak komšiju ubio zbog žene".

VIJESTI

"Uhapšen diler marihuane", "Bajrami krao u Ulcinju", "Danilovgrađanin uhapšen zbog krađa", "Švercovao mobilne telefone", "Ženama otimao torbice", "Uhapšen ulični diler", "Učenik britvom dva puta ubo maturanta", "Napao inspektora pred djetetom", "Nož ispod grla kod Vezirovog most", "Ukrao taksu, pa se zakucao u ogradu", "Blagajnik prisvojio 7.500 eura", "Čamcem vozili

57 kilograma skanka", "Račun umalo platio glavom", "Redža telefonom prijetio inspektorki", "Policajcu slomili vilicu i oteli pištolj", "Uzimao novac za apartmane, koje nikad nije izgradio", "Automobilom provalili u market", "Ukrali sanitarni material i Golf IV", "Popio metak zbog 80.000 eura", "Obio 'Mimi' i ukrao novčanik", "Izašao iz zatvora i opljačkao zlataru", "Maloljetnik prijetio zbog reportaže o selu", "Vrijednost tri fabrike umanjili 11 puta", "Ministar švercovao dokumenta o izvozu oružja", "Ukrao kablove i kazan za pečenje rakije", "Pucnjavom ugrožavali bezbjednost", "Obijali kuće i vikendice", "Zapalio ćeliju, pa lakše ranio cimere", "Lopatom ubio ćerku pred četvoro djece", "Motorom naletio na pješaka", "U šasiji krio 2,3 kilograma skanka", "Šenlučio na Oštrovcu", "Skinuo sve četiri gume sa BMV", "Bomba u centru Budve", "Pješak teško povrijeđen", "Ukradeni novac sakrila u banci", "Jovović na sud jer je tukao ženu", "Zapošljavao po partijskoj liniji", "Ojadila Lutriju Crne Gore za 10.000 eura", "Mladića kamenom udario u glavu", "U Kokotima krio suboteks", "Bivšem partneru zapalila stan", "Mijuškoviću pritvor zbog pokušaja ubistva", "Bujićev drug prijetio Džemalu Babačiću", "Opljačkali 195.000 eura u 13 pohoda", "Svađali se, pa mladića pregazio kolima", "Krao autodjelove na Zlatici", "Đedo kontrolisao unos droge u Evropu", "Pucao na komšiju", "U Tivtu 'pali' lopovi i falsifikatori", "Raičević slomio nos starijoj sugrađanki", "Zadavili ga zbog novca za stanarinu", "Ukrao kreditne kartice, pa otišao da digne pare", "Urlao i spominjao Luku Bojovića", "Žandarm ubio i spalio dvojicu mladića", "Mugoša krao cigarete u Mojkovcu", "Fočanac pljačkao pa napustio Crnu Goru", "Ubio komšiju zbog puta", "Pao sa skankom na granici", "Bježeći sa heroinom probio graničnu rampu", "Nedžad je nabavio heroin", "Ukrao kran od 35 tona", "Prijetio mi je smrću", "Heroin krili ispod sjedišta", "Bejzbolkom povrijedio sugrađanina", "Provalio u stan Baranina", "Iz frižidera ukrali oko 70.000", "Maloljetnik obijao kuće", "Turisti iz Čačka tukli drvenim palicama", "Krali iz Montenegro modern shoesa", "Prevaranti poslali u Spuž", "Trebinjac krao po Herceg Novom", "Vozio se Tivtom s pištoljem za pasom", "Službenik ANB prijetio turistima da će ih ubiti", "Liridon otišao na Kosovo", "Istukao djevojku i zapalio joj auto", "Vlasnika istukli i ukrali mu novac", "Otimali lančice i novčanike", "Lažno prijavio da su mu oteli 200 eura", "Graničar uhapšen zbog primanja mita", "Prijava protiv mučitelja magarca", "U spuškome zatvoru spriječena dva pokušaja unošenja droge osuđenicima: Naduvani otišli u posjetu u zatvor", "Ukrao 'seat' pa se vozikao Zabjelom", "Uhapšen maloljetni diler", "Ljekari umalo ubili Esmiru Murić", "Pao 'Pink panter'", "Đurović, Lazović i Kalezić udarna trojka batinaškog voda", "Mladić se ušunjavao u krevet između muža i žene", "Heroin krili u motociklu", "Mazio ženu dok je spavala pored muža", "Habana utajila 40.000 E", "Prvo tražio ljekove, pa onda pretukao doktoricu", "Ukrao auto, pa ga prodao na otpadu", "Djevojka ubijenog nosila francuski ključ zbog bezbjednosti", "Ulcinjani donio drogu u zatvor", "Pošao po pokojnika sa tovarom droge", "Uhapšen provalnik", "Vozač ministra udario djevojčicu", "Ukrao dva vozila pa jedno zapalio".

POBJEDA

“Presrijetao žene i otimao im torbice”, “Izmišljao stavove o povredi privatnosti Milke Ljumović”, “Pokušao da opljačka maloljetnika”, “Trojica Beranaca krali bakar i metal”, “Podgoričanin ukrao taksi, zaradio prijavu”, “Blagajnik Doma starih u Bijelom Polju ukrao 7.560 eura”, “Tražili 50.000 eura da ne naude njemu i porodici”, “Iz prodavnice ukrali ploče od aluminijuma”, “Radnik kazina lažirao pljačku kako bi vratio dugove”, “Pritvor nakon četiri krađe”, “Krao kablove za struju pod naponom”, “Iz lovačke puške pucali na auta i kuće”, “Petnaestogodišnjak obio kladionicu i ukrao televizore”, “Počinio četiri krađe, pokušao dvije”, “Krali cigarete i fudbalske lopte”, “Gradili sportski objekat bez dozvole”, “Maloljetnik ukrao registar-kasu”, “Uhapšen zbog dilovanja droge”, “Lopatom na smrt prebio kćerku”, “Adžović se kaje zbog ubistva kćerke”, “Dva puta obio istu kuću u Zagoriču”, “Potegao pištolj nakon svađe”, “Ukrao sva četiri točka sa BMW-a”, “Ukrali pribor za pecanje”, “Navodio na prosjačenje”, “Nakon svađe udario Baranina automobilom”, “Tukao je nogama i rukama”, “Uhapšen zbog krađe”, “Nikšićanin krao djelove sa pruge”, “Maloljetnik opljačkao apoteku”, “Vozač i saputnik prijeteći policajcima”, “Drama u Kotoru: Izazvao udes, pa pucao na sugrađane”, “MANS propagira ubijanje državnih činovnika”, “Gorivo platio lažnom novčanicom od 200 eura”, “Teško ranio djevojku”, “Tuđim karticama ‘zaradio’ 200 eura”, “Ukrao cigarete”, “Uhapšen provalnik”, “Krijumčar droge uhvaćen u potjeri”, “Ukrao 35 tona metala”, “Ukrala četiri zlatna prstena”, “Baranin pretukao sugrađanina i sugrađanku”, “Šesnaestogodišnjak nožem ranio trojicu”, “Razotkriven pomagač koji je odnio 80.000 eura”, “Kopirao ključ da bi se dočepao novca”, “Maloljetnik tri puta pljačkao istu kuću”, “Skimovali podatke sa bankomata i skinuli 12.000 eura”, “Cetinjani oštetili preduzeće za 6.000 eura”, “Vozilom udario pjesake”, “Ukrala haljinu vrijednu više od 1.000 eura”, “Lažno prijavio da su mu prijeteći i ukrali 200 eura”, “Priveden zbog razbojništva”, “Dodirivao ženu dok je spavala sa mužem”, “Podgoričanin odnio sve i svašta”, “Podgoričani iz lokala odnijeli novac, viski i šampanjac”, “Ukrao novčanik i pobjegao”, “Pokušao da opljačka pumpu na Zlatici”, “Prodavac ukrao Okovu 800 eura”, “UPIS: Apel nadležnim državnim institucijama”, “Protivpravno prisvojili 150 eura”, “Krao alkohol i kakao”, “Auto ukrao, pa ga prodao”, “Ukrao i zlatni lanac vrijedan 1.000 eura”, “Ugovarali seks za 100 do 300 eura”, “Kod Baranina pronađeno pet grama kokaina”, “Pogrebnim vozilom prevezio 83 kilograma marihuana”, “UPIS pozvao Tužilaštvo da sprovodi zakone”, “Obijali kuće i krali mobilne telefone i zlato”, “Policajac i još dvije osobe oteli 15-godišnjaka”, “Vlasnici ‘Orgazma’ na prevaru uzeli više od 330.000 eura”, “Nakon svađe nož mu zario u grudi”, “Ukrao, pa zapalio auto”, “Maskirani napadači odnijeli 363 eura”, “Heroin krio u pismu”, “Ukrao auta pa ih zapalio”.

BLIC

“Riješene dvije krađe vozila”, “Baranin u kući držao arsenal oružja”, “Uhapšen Podgoričanin preprodavac skanka”, “Prolaznicama otimao tašne”, “Stanaja ubio bivši član misije UN sa Kosova”, “Tridesetogodišnjak napao maloljetnika”, “Razbojnik iza brave”, “Opljačkao dva taksi vozila”, “Pokrali pogon za metaloprerađu”, “Taksista ukrao automobil pa udario u ogradu”,

“Kradljivci iza brave”, “Stanaja ubio saradnik Mujo Sefa sa Kosova”, “Uhapšena grupa maloljetnih lopova”, “Poslije svađe autom udario Baranina”, “Uhapšen kradljivac”, “Maloljetnik krao bronzane spomen-biste”, “Bjegunac iz Spuža pljačkao vikendice”, “Uhapšeni brutalni razbojnici”, “Uhapšen kradljivac iz Herceg Novog”, “Maloljetnik obio kladionicu”, “Splićanka optužena jer je na internet oglašavala seksualne usluge”, “Prodavao tablete ‘suboxone’”, naslovom “Držalom ubio kćerku”, “Belgijanac švercovao skank”, “Pucao ispred kuće na Oštrovcu”, “Bombaški napad u centru Budve”, “Policajac pretukao majku”, “Ukrala 25.000 eura”, “Obili zamrzivač sa sladoledima”, “Golfom udario i teško povrijedio ženu”, “Silovao djevojku s kojom je bio u vezi”, “Uništili skulpture na trgu”, “Prijava zbog navođenja na prosjačenje”, “Uhapšen vođa grupe krijumčara kokaina”, “Uhapšen maloljetnik koji je pljačkao apoteke”, “Riješena krađa”, “Prijava protiv prevaranta”, “Skank pokušao da prokrijumčari vozom”, “Uhapšen kradljivac iz Boljevca”, “Nikšićanin hakovao hrvatski sajt”, “Veselin Pantović spremao likvidaciju Luke Đurovića”, “Uhapšen razbojnik u Nikšiću”, “Razbojnik iz Podgorice iza brave”, “Ukroa cigarete iz trafike”, “Nikšićanin krijumčario oko 34 kilograma skanka”, “Sekretar na prevaru od Ruskinje uzeo 400 eura”, “Maloljetni lopov iza brave”, “Ukao kran vrijedan 77.000 eura”, “Uhapšeni odmah poslije pljačke”, “Ukrali 12000 eura i 46750 franaka”, “Piroman podmetnuo požare u Tivtu”, “Uhapšen i drugi akter lažne pljačke”, “Preprodavali ukradene stvari”, “Nožem teško ranio sugrađanina”, “Tukao djevojku pa joj zapalio automobile”, “Stoper lažno prijavio da je opljačkan”, “Dječak ukrao automobile”, “Beograđanin dilovao drogu u Budvi”, “Dva puta pokrao ‘Kužinu’ i apoteku ‘Sveti vrači’”, “Uhapšen lažni ljekar koji je oboljeloj djeci davao steroide”, “Uhapšen ‘Pink Panter’ iz Crne Gore”, “Kradljivac iz Podgorice iza brave”, “Lopov mazio ženu dok je spavala s mužem”, “Uhvaćen pljačkaš iz Podgorice”, “Otkriveni kradljivci kabla s mosta”, “Pokušao da opljačka benzinsku pumpu”, “Pokušao da ukrade četiri flaše pića i kakao”, “Zloupotrijebili pečat firme”, “Prijava protiv pacijenta koji je pretukao doktorku”, “Švercovali marihuanu u pogrebnom kombiju”, “Usmrtio kupača pa prijavio leš u moru”, “Gajio marihuanu”, “Počinje suđenje ubici braće Gojačanin”, “Švercovao skank u prtljažniku”, “Policija traga za ubicom”.

CAFÉ DEL MONTENEGRO

“Država oštećena za milion eura”, “Podgorica: Pacijent pretukao doktorku na radnom mjestu”, “Crnogorac u pogrebnom vozilu krijumčario 83 kg marihuane”.

MONITOR

“Stanaja ubio njegov radnik”, “Čvrsti temelji od bijelog praha”.