



HUMAN RIGHTS ACTION | AKCIJA ZA LJUDSKA PRAVA

## MONITORING OF JOURNALISTIC SELF-REGULATORY BODIES IN MONTENEGRO

### THIRD REPORT

(1 October 2013 – 1 March 2014)

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May 2014

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## 1. INTRODUCTORY REMARKS

This is the third report within the project "Monitoring of Journalistic Self-Regulatory Bodies in Montenegro", conducted by Human Rights Action (HRA) from Podgorica as of September 2012, with the support of the British Embassy in Podgorica. The project will end in September 2014, and the final report on the project published. All reports are available on HRA website, [www.hraction.org](http://www.hraction.org).

This report covers the period from 1 October 2013 to 1 March 2014.

The aim of the project is to support media and journalistic self-regulatory bodies in Montenegro to objectively and uniformly apply the Code of Montenegrin Journalists (the Code), and human rights standards.

HRA believes that self-regulation of the media can and should be used to protect human rights and prevent their violation. HRA also believes that, if done professionally and impartially, self-regulation benefits both the media and citizens, as it can prevent legal proceedings, contribute to responsible informing of the public and promote public confidence in the press and media. As an association of citizens observing the implementation of the Code by the media and self-regulatory bodies, reporting on the aforesaid and encouraging debate on the topic, we hope that our efforts will be beneficial – and, as part of the "media accountability system"<sup>1</sup>, promote the respect for ethical rules of journalistic profession and promote a 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 issue, *Dan*, *Dnevne novine*, *Pobjeda* and *Vijesti*, and weekly *Monitor*) and portals (*Analitika*, *Café del Montenegro*, *IN4S* and *Vijesti*) has been prepared by Dragoljub Duško Vuković, freelance journalist and journalism instructor, who led the project of drafting of the Code of Montenegrin Journalists. In this report, as in the previous one, we included the monitoring of self-regulation of central news programmes of the five most watched<sup>2</sup> televisions: *Atlas TV*, *Television of Montenegro*, *Pink M TV*, *Prva* and *Vijesti*, with support of the Open Society Foundation. It was Marijana Buljan, media expert and HRA Programme Director, who conducted monitoring of the mentioned TV stations' news programmes and produced a report on it, which is a part of this report.

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<sup>1</sup> Professor Claude-Jean Bertrand, one of the most prominent international experts for journalistic ethics, 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 detail see <http://www.rjionline.org/MAS-Claude-Jean-Bertrand>; also, see "Power without Responsibility", Sandra Bašić Hrvatin, PhD, article published in magazine *Media Culture* no. 02/2011, "Self-Regulation", Civic Forum Nikšić, 2011, p. 23-27.

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

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 make sure, on the basis of our monitoring, whether journalistic self-regulatory bodies are able to fully and impartially respond to conduct of the media in violation of the Code of Montenegrin Journalists.

Based on the analysis of self-regulatory practices, the report also includes recommendations for improvement of the practice, as well as regulations and guidelines of the Code of Montenegrin Journalists.

We welcome 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 (1 October 2013 - 1 March 2014), two collective self-regulatory bodies continued to operate in Montenegro, the Media Council for Self-Regulation (hereinafter MSS)<sup>3</sup>, Self-Regulatory Local Press Council (hereinafter SLPC)<sup>4</sup>, and two singular self-regulatory bodies – protectors of the rights of viewers and readers (Ombudsmen) in TV *Vijesti* and daily *Vijesti*. In late February 2014, daily *Dan* announced to have opted for a singular model of self-regulation and appointed Ilija Jovičević, their senior journalist and associate, as the Protector of the rights of readers.

On 25 January 2014, SLPC was joined by: *Novine Nikšića*, *Medijska politika* (Nikšić), *Regionalne novine* (Šavnik, Plužine and Žabljak), *Novine podgoričke baštine*, *Prosvjetni rad* and *Medijski dijalozi* (Podgorica), *Kolašinske novosti*, *More* (Budva), portal *Barinfo*, *Sloboda* and electronic newspapers *E spona* (Berane). SLPC now has 22 members. It was then announced that in the future this self-regulatory body would evolve into Self-regulatory Council for Local and Periodic Press, and expand to include "other media alongside print media, especially portals, electronic newspapers, regional and local TV and radio broadcasters and commercial stations".<sup>5</sup>

Following the practice of TV *Vijesti* and daily *Vijesti*<sup>6</sup>, and recommendations from the previous HRA report<sup>7</sup>, daily *Dan* established an institution to protect the rights of its readers, and on 25 February 2014 the executive director of daily *Dan* publisher - Jumedia Mont Podgorica Ltd., Mladen Milutinović, adopted the Rules of Procedure of the Protector of the rights of daily *Dan* readers.<sup>8</sup> Art. 1 of the Rules specifies the manner of operation of the Ombudsman "in procedures initiated by complaints filed with regard to content published in "Dan" print edition

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<sup>3</sup> MSS was founded in early March 2012 by representatives of 18 print, electronic and online media, who were later joined by 3 other media and online edition of the national public broadcaster - RTCG portal.

<sup>4</sup> SLPC was established in April 2012 by 11 local newspapers, some of which are issued only occasionally.

<sup>5</sup> "Self-regulatory Council for Local and Periodic Press: 11 new members joined the Council", *Pobjeda*, 26 January 2014: [http://www.pobjeda.me/2014/01/26/samoregulatorni-savjet-za-lokalnu-i-periodicnu-stampu-pristupilo-11-novih-clanova/#.U2fv\\_qJgCUk](http://www.pobjeda.me/2014/01/26/samoregulatorni-savjet-za-lokalnu-i-periodicnu-stampu-pristupilo-11-novih-clanova/#.U2fv_qJgCUk)

<sup>6</sup> In the case of daily *Vijesti*, Rules of Procedure of the Ombudsman were drafted and adopted together by Ombudswoman Božena Jelušić and editor-in-chief of daily "Vijesti" Mihailo Jovović, highlighting the journalistic and editorial responsibility in matters of professional ethics.

<sup>7</sup> HRA recommendation: "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."

<sup>8</sup> Rules of Procedure available at: [www.dan.co.me/ombudsman](http://www.dan.co.me/ombudsman).

and its issues on all platforms, when found that they do not comply with the provisions of the Code of Montenegrin Journalists"<sup>9</sup>.

According to Art. 2 of the Rules, "the Ombudsman shall decide on complaints filed with regard to a specific content published in *Dan*", while Art. 3 prescribes the criteria that complaints must meet in order to be processed. These criteria are identical to those previously established in the Rules of Procedure of daily *Vijesti* Ombudsman.<sup>10</sup>

Art. 13 of the Rules provides that a decision of the Ombudsman to adopt a complaint shall be published in *Dan*, "in the issue published no later than three days from the date of receipt of the decision, or within seven days of receipt of the decision in the internet issue and issue on other platforms." The same article stipulates that "the Ombudsman may decide to adopt a complaint without obligation to *Dan* to publish the decision, only at the express request of the complainant."

As under the Rules of Procedure of daily *Vijesti* Ombudsman, daily *Dan* too granted the opportunity to its Ombudsman, apart from deciding on a complaint, "to warn the editor in writing, on own initiative, about violation of the Code," and also, "when deemed necessary, publish an article in *Dan* about negative and positive trends in compliance with the Code by journalists and editors" of that daily.

On the first page of its online edition, *Dan* publishes daily invitation to the readers to write to the Protector of their rights, as well as information about where to share their comments, suggestions, complaints and reviews.

Weekly *Monitor* has not yet accepted any form of self-regulation, despite the announcements.

In its tenth report, MSS welcomed the "beginning of the work of newspapers Ombudsmen in dailies *Vijesti* and *Dan*", assessing "the beginning of their work as important for the media

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<sup>9</sup> Rules of Procedure, as above.

<sup>10</sup> • Complaints must be submitted in writing (sealed and delivered to address: 13 Jul bb Podgorica, daily newspaper DAN, with a note COMPLAINT for the Ombudsman), by electronic mail (e-mail: ombudsman@dan.co.me) or fax 020 481 505;

- relate to specific content published in *Dan* considered to be contrary to the Code of Montenegrin Journalists;
- if the complaint is made in writing, include the printed content published in *Dan* and considered to be contrary to the rules of the Code, and if is submitted in electronic form, include a web link to the published content considered to be contrary to the rules of the Code or scanned content or be otherwise attached to the e-mail;
- be submitted in a timely manner, as follows:
  - if the content was published in the print edition - within 30 days from the date of publication;
  - if the content was posted via the Internet or other platform constantly available to the public, as long as such content is available;
- relate personally to the complainant or filed with the written consent of the person allegedly injured by the published content;
- include e-mail address or home address to receive mail;
- if the published content related to a minor, the complaint must be filed by a parent or other guardian as a legal representative of a minor or parents must give written consent to a third party to file the complaint on behalf of a minor, and
- include the complainant's full name, if a natural person, or full name and registration number if it is a legal entity.

In the complaint relating to the content the complainant believes to have violated the Code of Montenegrin Journalists, he/she may file a request stating their settlement proposal for rapid correction of violations of the Code of Montenegrin Journalists and elimination of consequences of such violation. The proposal shall specify the obligation of daily *Dan*, manner and deadlines for carrying out that obligation.



community in Montenegro" and expressing hope "that they will contribute to a more professional operation of these media outlets"<sup>11</sup>. MSS stressed that it is "open for cooperation with all who care about ethical and professional journalism in our country"<sup>12</sup>, while MSS executive secretary Ranko Vujović personally lodged a complaint<sup>13</sup> with daily *Vijesti* Ombudswoman. President of SLPC Amer Ramusović, at the ceremony on the occasion of new media joining this self-regulatory body, pointed to the need for cooperation and said that "journalists, associations, the media themselves, and in particular self-regulatory bodies, should join their efforts in raising professional standards in order to strengthen the social position of journalism and thus create the conditions for improved self-regulatory mechanisms primarily for the suppression of hate speech in the media".<sup>14</sup>

Following the last HRA report, no self-regulatory body, nor any other member of the media or journalistic community, have raised the issue of amendments to the Code of Montenegrin Journalists in order to improve it and adapt to new ethical challenges, which was one of HRA recommendations from previous reports.

### **2.1.1. Conclusions and recommendations:**

*- New local media joining the Self-Regulatory Local Press Council and the decision of daily Dan to follow the experience of TV Vijesti and daily Vijesti and appoint the protector of the rights of its readers represent new examples affirming the need to establish effective self-regulatory practices in the Montenegrin media community. Of influential media, only weekly Monitor remains out of self-regulatory process. It is high time that weekly Monitor select an appropriate form of self-regulation, as well as many electronic media<sup>15</sup> who are not involved in operation of any of the existing collective self-regulatory bodies.*

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<sup>11</sup> Report on the work of Montenegrin media for the period 1 December 2013 – 15 February 2014, p. 2.

<sup>12</sup> *Ibidem*.

<sup>13</sup> On 18 January 2014, in his capacity as President of the Board of the Regional Conference "Word, image, enemy", Ranko Vujović submitted a complaint to daily "Vijesti" Ombudswoman because of the refusal of the newspaper to publish his response to the open letter by Tea Gorjanc Prelević, HRA Executive Director, written on the occasion of the said Conference. In her January report the Ombudswoman said that, on the occasion of the said complaint, she "concluded that it was not possible to publish the denial announcement, because it did not include the correction of erroneous or untrue statements, or arguments to dispute the allegations in an open letter."

<sup>14</sup> "The accession of new members to Self-regulatory local press council", E-spona, 14 January 2014:  
<http://espona.me/index.php/kultura/107-pristupanje-novih-clanova-samoregulativnom-savietu-za-lokalnu-stampu>

<sup>15</sup> **Local public broadcasters:** Radio Andrijevića, Radio Bar, Radio Berane, Radio Bijelo Polje, Radio Budva, Radio Cetinje, Radio Danilovgrad, Radio Herceg Novi, Radio Kotor, Radio Nikšić, Radio Pljevlja, Radio Rožaje, Radio Ulcinj, TV Budva, TV Nikšić, TV Pljevlja.  
**Commercial broadcasters:** Radio 083, Radio Adriatic, Radio Boom, Radio City, Radio Cool, Radio Corona, Radio D. Radio D plus, Radio Delfin, Radio DRS, Radio Elita, Radio F, Radio Glas Plava, Radio Gusinje, Radio Homer, 777 TV Lutrija Crne Gore, Novi TV, Srpska TV, TV APR, TV Boka, TV Corona, TV Glas Plava, TV Mojkovac, TV Panorama, TV Sun. (Source: Electronic Media Agency: [http://www.ardcg.org/index.php?option=com\\_frontpage&Itemid=1](http://www.ardcg.org/index.php?option=com_frontpage&Itemid=1))

- *The fact that MSS welcomed the establishment of Ombudsman in TV Vijesti and dailies Vijesti and Dan and showed its willingness to cooperate represents an encouraging step towards reducing the distrust and towards the beginning of cooperation among various self-regulatory bodies. MSS could validate its publicly declared willingness to cooperate with Ombudsmen of daily and TV Vijesti and daily Dan by forwarding complaints it had received referring to these media, without stating its opinion on them. This even more so because thus far MT MSS has failed to seek statements from the media who were not its members in complaint procedures concerning the complaint or its own findings, although in breach of the provisions of its Statute.*<sup>16</sup>

**In case of discrepancies in the application of the Code, i.e. different interpretations of basic principles and associated guidelines, self-regulatory bodies should initiate a joint debate with the aim of consistent interpretation of the Code and promotion of the respect for professional standards and human rights by the media.**

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<sup>16</sup> Art. 21, para 3 of the Statute of MSS: "Before compiling monthly reports, monitoring team shall request the opinion of the media outlet indicated to have violated the Code of Montenegrin Journalists, pursuant to a complaint filed by viewers / readers / listeners or based on the team's monitoring."

### 3. ACTIVITIES AND RESULTS OF OPERATION OF SELF-REGULATORY BODIES

#### 3.1. Activities of Media Council for Self-Regulation (MSS)

##### 3.1.1. General information

###### **Reports**

Media Council for Self-Regulation (MSS) published two reports during the period covered by this report, presenting unethical media practice analysis carried out by its Monitoring Team, as well as decisions on complaints addressed to MSS. The first report covered the period from 1 October to 1 December 2013, and the second - from 1 December 2013 to 15 February 2014. The latter is the tenth MSS report.

Although Art. 7 of the Statute of MSS<sup>17</sup> provides that, in addition to periodical, this body shall also publish its semi-annual and annual reports on the respect of the Code, MSS has not yet published such report.

###### **Transparency of operations**

Consistent with its previous practice, MSS presented its latest two periodic reports at press conferences, and failed to publish them immediately after the presentation on its website (<http://medijskisavjet.me>)<sup>18</sup>. In the case of the last two MSS reports, up to 15 days have passed between presentation of the report and its publication on the website.

###### **Informing of citizens**

During this period, MSS did not conduct a public campaign to inform the citizens about its activities and encourage them to complain about media misconduct. Only portal Analitika, a member of MSS, published a banner on its home page with MSS contact details and message – call to all interested parties to address this self-regulatory body. Similar banners were not noticed on websites, or in printed publications or radio and television programmes of other MSS media members.

###### **Other activities**

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<sup>17</sup> "The Council is established as a non-governmental organization with the aim to: promote and develop media self-regulation in Montenegro, implement the Code of Montenegrin Journalists in order to protect citizens from unethical reporting in the media, raise awareness about the importance of fair and timely reporting. In order to achieve the set objectives, the Council shall perform the following activities: monitor implementation of the Code of Montenegrin Journalists in the media, **publish monthly, semi-annual and annual reports on respect for the Code of Montenegrin Journalists**, decide on citizens' appeals and complaints about the work of media outlets and violations of the Code of Montenegrin Journalists, inform the media about specific appeals and complaints."

<sup>18</sup> MSS also failed to forward its last two reports to HRA, and bearing in mind its earlier expressed unwillingness to cooperate, HRA no longer addressed MSS, but waited for the reports to be published.

MSS co-organized regional media conference in Montenegro titled "Word, Image an Enemy", which caused much controversy among Montenegrin professional and lay public and contributed to additional polarization within Montenegrin journalistic and media community. Representatives of Montenegrin media that are critical of the Government and social affairs, as well as NGOs from Montenegro, which implemented projects related to freedom of expression, HRA among them, were not invited to this conference. The conference, financially supported by the two relevant ministries (Ministry of Culture and Ministry for Human and Minority Rights), was used for noticeably one-sided presentation of Montenegrin media scene and its actors.

### **3.1.2. Results of operation of MSS Monitoring Team**

#### **3.1.2.1. Acting on complaints regarding content published in the media**

In the period from 1 October 2013 to 15 February 2014, Monitoring Team (MT) MSS received a total of 19 complaints, of which 13 were accepted in whole or in part, and six rejected.

The largest number of complaints (12) referred to media outlets that are not MSS members, and half as much (7) to media members of this self-regulatory body. As for media outlets who are not members of MSS, most complaints related to daily *Vijesti* (7), then daily *Dan* (4), while one complaint related to TV *San* from Bijelo Polje. With regard to MSS members, three complaints referred to daily *Pobjeda*, two to TV *Pink M* and one to *Skala Radio* from Kotor.

MT MSS rejected two complaints each relating to daily *Pobjeda* and TV *Pink M* and one each in relation to daily *Vijesti* and *Skala Radio*. Although it dismissed the complaint in relation to *Skala Radio*, in this case MT MSS found that this radio station had violated Principle 1 of the Code for allowing posting of unethical visitors' comments on its website about the complainant. The complaint was dismissed because the complainant did not complain about that, but, as stated in the report of MT MSS, only about "non-publication of his comment and later his denial announcement on Radio Skala portal".<sup>19</sup>

Deciding on 13 complaints it adopted, MSS stated that the media violated some of the principles of the Code 17 times.<sup>20</sup>

One of the complaints MSS received in the period from 1 October to 15 March, concerned not the media, but actions of MT MSS. Namely, the Association of Gambling Providers complained

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<sup>19</sup> Report on the work of Montenegrin media for the period 1 December 2013-15 February 2014, p. 8 (Complainant is journalist Siniša Luković and MT MSS has found that his unpublished comment "does not apply to the initial text, but the comments published in relation to him" and therefore rejected his complaint).

<sup>20</sup> For more detail about which principles have been violated, see chapter 3.1.3. (HRA analysis of MT MSS conduct).

about the decision of the Monitoring Team. MSS accepted that its Monitoring Team had made a mistake in the assessment about which principle of the Code had been violated.<sup>21</sup>

MSS has not yet adopted the rulebook<sup>22</sup> that would regulate dispute settlement procedures, although its adoption was announced early last year.

### **3.1.2.2. Findings of MSS Monitoring Team**

During the period covered by the ninth and tenth MSS reports (1 October 2013 - 15 February 2014), MT MSS, aside from the complaints, recorded 66 examples of violations of the Code. According to their record, the most common violations relate to Principle 1, concerning the respect for truth - 29 times, followed by violations of Principle 10, concerning the respect for the presumption of innocence - 12 times. According to MT MSS findings, violation of Principle 3, concerning the inviolability of facts and putting them in the proper context, occurred 7 times, and of Principle 4 - the obligation to disclose corrections, 3 times. Principle 5, concerning hate speech, was violated 5 times, Principle 8, which relates to the protection of privacy, 7 times and Principle 9, relating to the protection of children and persons with disabilities - 3 times.

MT MSS has found that daily *Dan* violated the Code 34 times, daily *Vijesti* 15 times, *Dnevne novine* 10 times, daily *Pobjeda* 6 times, and *Blic* – Montenegrin issue, only once.<sup>23</sup>

In the report covering the period from 1 October to 1 December 2013, MT MSS dealt with online media (portals), while in the report for the period from 1 December 2013 to 15 February 2014 this body only noted that it did not monitor these media<sup>24</sup>. However, it was concluded that even though MSS did not consider online media, that "does not mean that they operated professionally."<sup>25</sup> "Some of them still include mostly offensive comments, which is the biggest problem with such media," reads the report of MSS, without specifying which media this statement relates to.<sup>26</sup>

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<sup>21</sup> Report on the work of Montenegrin media for the period 1 October 2013 - 1 December 2013, p. 5.

<sup>22</sup> "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." (Monitoring of journalistic self-regulatory bodies in Montenegro, the second report, HRA recommendation, p. 10.)

<sup>23</sup> Media recorded by MT MSS as the most common violators of the Code ("Dan" and "Vijesti") are not MSS members and do not recognize its competence.

<sup>24</sup> According to MSS Statute (Art. 21), reports of its Monitoring Team should cover "work of electronic media, daily and weekly print media and relevant web portals".

<sup>25</sup> Report on the work of Montenegrin media for the period 1 December 2013 - 15 February 2014, p. 2.

<sup>26</sup> Report, as above, p. 2.

In the report covering the period between 1 October and 1 December 2013, MT MSS marked as controversial comments below a total of 13 articles on *Vijesti* portal.

Not one of the eight previous MSS reports dealt with radio and TV broadcasters, which constitute the majority of members of this self-regulatory body, and such practice has continued in the tenth report for the period from 1 December to 15 February. In the ninth report, covering the period from 1 October to 1 December 2013, MT MSS found that TV *Pink M* had repeatedly breached the Code in its news reports, but listed only one example.

### **3.1.3. HRA analysis of MSS Monitoring Team conduct**

#### **3.1.3.1. HRA analysis of MT MSS acting on complaints**

MT MSS in the reports generally does not represent the views of both sides or provide sufficient reasoning for its conclusions; it is therefore difficult, without reviewing all of the documentation of individual cases, to assess whether its assessments are well-founded. Judging on the basis of what is stated in the report, certain assessments seem well-founded and indisputable, but not all.

One of the well-founded assessments of MT MSS refers to a complaint of the Ethics Committee of the Special Hospital for Psychiatry in Dobrota about an article published in daily *Vijesti* on 22 October titled "**Mad Milan continues his treatment in Serbia.**" Ethics Committee noted, and MT MSS confirmed, that the use of terms "Mad Milan" and "monster" violated the Code. According to the assessment of MT MSS, in this case *Vijesti* violated Principles 1 and 8, i.e. guidelines for interpretation of these principles.<sup>27</sup>

Acting on complaints pertaining to media outlets that are not members of this self-regulatory body, MT MSS has not shown the necessary objectivity. Despite the obligation specified in its Statute<sup>28</sup> to seek statement of the media outlet referred to in the complaint in each case, this was not always done.

In its reports MT MSS provided information showing that the statement was sought, but only in cases in which the complaint referred to the media - member of MSS (statement was requested

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<sup>27</sup> "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." "Physical and mental illness or injuries come fundamentally within the private sphere of the persons affected. Out of consideration for them and their dependants, the media should not publish names and photographs in such cases and should avoid using disparaging terms to describe their illness, even if they are terms in popular usage".

<sup>28</sup> Art. 21, para 3 of the Statute of MSS reads: "Before compiling monthly reports, monitoring team shall request the opinion of the media outlet indicated to have violated the Code of Montenegrin Journalists, pursuant to a complaint filed by viewers / readers / listeners or based on the team's monitoring."

from *Skala Radio*, daily *Pobjeda* and TV *Pink M*, but not from dailies *Dan* and *Vijesti*). In addition, MT MSS in its report stated that, following complaints for not publishing the responses, it received assurance of its members *Pobjeda* and TV *Pink M* that responses had been published, but did not indicate whether the accuracy of these claims was verified.<sup>29</sup>

MSS also devised its stance on violations of the Code in a TV report without having insight into the report, but solely on the basis of the media outlet's statement, which is its member. In this particular case a complaint was filed by HRA Director because TV *Pink M* had not published her response to a story published on 16 January 2014 during INFOMONTE news, stating the following: "Opposition media in Montenegro who call themselves independent, and some non-governmental organizations are very much connected and help each other using citizens' money, while persuading them for years that the only truth is what they serve, reads today's *Pobjeda*. Thus, Director of Human Rights Action, Tea Gorjanc Prelević, is one of the co-owners of *Monitor*, while Daliborka Uljarević, Director of Centre for Civic Education, has been helping daily *Vijesti* for years and paying scholarship for its editor Nedeljko Rudović". Apart from mentioning names in the TV report, a photograph of Tea Gorjanc Prelević was shown. Nevertheless, MT MSS rejected HRA's complaint and reasoned its decision using the response received from TV *Pink M*, that the said report "mentions nowhere that Tea Gorjanc Prelević's NGO, Human Rights Action, spent citizens' money".

One of the complaints with regard to which MT MSS failed to seek statement of the media, contrary to its Statute, was a complaint filed by legal representative of Vladimir Popović from Belgrade, one of the founders and executive director of NGO Institute for Public Policy, against daily *Vijesti*. The complaint was filed for not publishing a response to an article with heading "Primitivism continues: Popović's lawyer seeks that SEEMO withdraw its condemnation of his attacks on journalists" and title "Beba cries and cheats again". The article dealt with a complaint submitted by Popović's legal representative to SEEMO media organization concerning its reaction to an incident between Popović and two journalists from daily *Vijesti*, which was presented as an attack on journalists by *Vijesti*. In an unpublished response of 12 September 2013, according to MT MSS report, Popović's lawyer gave his opinion about a surveillance camera footage that recorded the incident and its authenticity, as well as the overall situation as a result of the alleged incident.

MT MSS has found that *Vijesti* had an obligation to publish a response to the article, stating that it was their constitutional, legal and ethical obligation. Another argument MT MSS had in favour of assessing that the response should have been published is the fact that, as noted, *Vijesti* just

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<sup>29</sup> MSS's response to a complaint filed by Human Rights Actions (HRA) reads as follows: "We have received information that the response of Human Rights Action had been published on TV Pink M on 30 December 2013 in news programmes 'Minut - dva' aired from 12 a.m. to 6 p.m. that day. HRA monitors found that the reaction was aired a day later, on 31 December 2013.

once published the standpoint of the other side on the event in question - as a reaction of Popović's legal representative, but published several articles on it.

Bearing in mind that MT MSS did not obtain the opinion of the media outlet to which the complaint relates and consider their arguments, it is difficult to assess whether the assessment by MT MSS is accurate and whether *Vijesti* in this case violated Principle 4 of the Code.

MT MSS acted on a complaint which was also addressed to *Vijesti* Ombudsman and this example shows the need for cooperation among self-regulatory bodies, i.e. forwarding of complaints relating to their members. Businessman Zoran Bećirović's legal representative complained to both MT MSS and *Vijesti* Ombudsman because this daily newspaper failed to publish a correction in a timely manner, although it was recognized that an error had been made in the text. While MT MSS in its report stated that *Vijesti* published a correction only after 25 days, and only when the lawyer threatened to sue, Ombudswoman of daily *Vijesti*, whom MT MSS did not ask to comment on the complaint, took responsibility for the delay, explained by the need to verify journalist's arguments. (See more detail in chapter 3.4. Daily *Vijesti* Ombudsman activities).

HRA finds disputable the decision of MT MSS regarding the complaint of Director of Railway Transport, that daily *Vijesti* violated Principle 5 of the Code<sup>30</sup>. MT MSS registered a violation of the Code, i.e. hate speech, in the following sentence: "Sandwiches for Montenegrin travellers only", published within the article entitled: "Does a complaint against negligence help" (19 September 2013). MT MSS found that "the journalist reached the conclusion completely arbitrarily, which may have resulted in the expansion of national hatred<sup>31</sup>, and thereby violated Principle 5 of the Code." Although the conclusion on the arbitrariness of the statement was in place, it is very far-fetched to claim that this could have resulted in the expansion of national hatred. As in some examples that HRA cited in the first and second report, MT MSS tends to exaggerate when assessing something as hate speech and inadequately interprets the content of this term, which was once defined in the recommendation of the Council of Europe from 1997.<sup>32</sup>

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<sup>30</sup> "A reporter will mention race, religion, nationality, ethnicity, sexual orientation and family status of a person only if necessary for the information."

<sup>31</sup> "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" (Guideline for Principle 5 of the Code).

<sup>32</sup> Recommendation on hate speech of the Committee of Ministers of the Council of Europe from 1997: "Hate speech shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism 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."



Based on its reports, it is evident that MT MSS not once used the possibility, prescribed by the Statute<sup>33</sup>, to mediate in disputes between the media, on one side, and natural or legal persons on the other.

### **3.1.3.2. HRA analysis of MT MSS conduct based on its monitoring**

In the period from 1 October 2013 to 15 February 2014, MT MSS recorded 83 violations against one of the 12 basic principles of the Code. In the period from 1 October 2013 to 15 February 2014, in the monitored print media, portals and major news broadcasts of five leading television stations HRA associates recorded 511 examples.

MT MSS found that the media whose content was analysed most often violated Principle 1 of the Code (relating to accuracy) and in its report presented 32 such examples (three based on a complaint). According to MT MSS findings, the second most frequent is violation of Principle 10 (referring to the presumption of innocence) and MT MSS recorded 14 such examples (two on the basis of a complaint).

Monitoring conducted by HRA associates shows the reverse order, i.e. that most violations relate to the presumption of innocence - Principle 10, followed by violations of Principle 1, relating to accuracy.

From 1 October 2013 to 15 February 2014, HRA associates in the monitored media found 311 cases of violation against Principle 10. As regards violation of Principle 1 of the Code, HRA associates recorded 62 examples. (See the table below for other comparisons).

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<sup>33</sup> "The monitoring team shall mediate in disputes between media organizations or journalists with natural and legal persons in cases where media organizations or journalists violated the basic principles of journalistic ethics, so that these disputes do not end up in court" (Statute of the Media council for self-regulation, Art. 21, para 6).

Violations of the Code of Montenegrin Journalists	MSS monitoring complaints	/ HRA monitoring (press / TV / portals)
Principle 1	33	62
Principle 2		2
Principle 3	11	38
Principle 4	6	1
Principle 5	6	6
Principle 6		
Principle 7		
Principle 8	8	23
Principle 9	4	4
Principle 10	15	311
Principle 11		8
Principle 12		56
<b>Total</b>	<b>83</b>	<b>511</b>

MT MSS did not find any example of violation of five of the 12 basic principles of the Code - Principle 2 (duty of journalists to defend freedom and the right to peaceful gathering and communication of information, for example free commentary and criticism), Principle 6 (ethical collection of information), Principle 7 (protection of confidential sources of information), Principle 11 (obligation to reject privileges that could limit or bring into question journalistic autonomy and impartiality), and Principle 12 (prohibition of plagiarism).

HRA associates have not found any instance of violation of two principles - Principles 6 and 7.

According to MT MSS findings, from 1 October 2013 to 15 February 2014, daily *Dan* violated the Code 36 times - most commonly Principle 1, concerning the accuracy. In the same period, according to the findings of HRA associates, daily *Dan* violated the Code 146 times, of which Principle 10, referring to the presumption of innocence, as many as 116 times.

According to the findings of MT MSS, with regard to the frequency of violations of the Code, daily *Dan* is followed by daily *Vijesti*, which committed 24 examples of violations, of which almost half refer to Principle 1. HRA once again emphasizes that these dailies are not MSS

members, and that, after a failed attempt to establish a self-regulatory body with the weekly *Monitor*<sup>34</sup>, they decided to establish own Ombudsmen.

Results of the monitoring conducted by HRA also show that daily *Dan* violated the Code most frequently, however, daily *Dnevne novine* comes second on our list, followed by dailies *Pobjeda* and *Vijesti* sharing the third place, with the same number of violations (for more detail see table below).

<b>VIOLATION OF BASIC PRINCIPLES OF THE CODE</b>		
<b>1 October 2013 - 15 February 2014</b>		
<b>Media outlet</b>	<b>MT MSS monitoring</b>	<b>HRA monitoring</b>
Dan	33	146
Dnevne novine	10	83
Vijesti	23	73
Pobjeda	7	73
Blic, Montenegrin issue	1	45
Portal CdM		14
Portal Vijesti	4	3
Portal In4S		3
Portal Analitika		1
TV Pink M	1	43
TV Vijesti		10
TVCG		10
Atlas TV		7
TV San	1	
Skala Radio	1	
<b>TOTAL</b>	<b>83</b>	<b>511</b>

Unlike MT MSS, which recorded only seven examples of violations of some of the basic principles of the Code in daily *Pobjeda* (a member of MSS), HRA associates found an equal number of examples of violations of the Code in *Pobjeda* and *Vijesti* dailies - 73. As for *Dnevne novine*, also a member of MSS, from 1 October 2013 to 15 February 2014, MT MSS recorded only 10 examples of violations of some of the basic principles, while HRA associates recorded as many as 83, which puts this daily newspaper directly behind daily *Dan* with regard to the frequency of violations of the Code. The difference between figures observed by MT MSS and situation found by HRA associates is also evident in the case of daily *Blic*, Montenegrin issue, a

<sup>34</sup> Dailies "Vijesti" and "Dan" and weekly "Monitor" founded the Press Council in late May 2012, but this self-regulatory body never started its operation and remained only on paper.

member of MSS as well. For the same period, MT MSS recorded only one example of violation of the basic principles of the Code, and HRA associates recorded 45.

HRA associates recorded 70 examples of violations of the Code in central news broadcasts of five monitored televisions, which are the most viewed in Montenegro. More than half of all recorded violations (43) refer to TV *Pink M*. However, in the same period MT MSS registered violations of the Code by this television only on two occasions.

Recording unethical conduct on TV *Pink M*, MT MSS cited reality programme "The Farm" as the first example, without specifying which basic ethical principle of the Code was violated. However, this type of TV programme does not entail journalistic content, so its possible unethical content may be assessed only by an authorized regulator, rather than a self-regulatory body.

As regards TV *Pink M*, MT MSS stated that insulting words "have been used on several occasions in 'Minut, dva' news programme, which insult the dignity of persons subject to reporting." Not specifying when such conduct first occurred, MT MSS specified that the "last such instance occurred on Sunday, 15 December", regarding the following: "In particular, in the said news programme, in the report about an investigation against former CKB Bank managers Milka Ljumović and Bosa Tatar, terms 'yellow' and 'black' were used to identify the said persons."

This case is indeed an example of good identification of unethical conduct, however, MT MSS failed to specify and document other examples of unethical actions of TV *Pink M* which, according to the report, occurred "several times in 'Minut, dva' news programme".

In contrast to the period between 1 October and 1 December 2013, when MT MSS monitored online media (portals), such monitoring has not been done for the period from 1 December 2013 to 15 February 2014, covered by its tenth report; also, no reasons for this omission have been stated. In the ninth report MT MSS recorded comments below a total of 13 articles on *Vijesti* website as controversial. In the case of four articles concerning Pride parade<sup>35</sup>, MT MSS rightly found violations of ethical standards set forth in the guidelines for Principle 5 of the Code in the commentary cited in the report. In the case of comments below two articles<sup>36</sup> relating to the incident in the parliament (Đukanović - Abazović), there are descriptive examples of offensive speech, but no conclusion that any of the basic principles of the Code have been violated. Likewise, other texts were only listed in the report, as well as the commentary MT

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<sup>35</sup> "Pride parade organizers: We are not afraid of riots, there will be several hundred participants"; "Pride slogan is 'Montenegro with pride', and moustache - its symbol"; "Pride in Podgorica: police are ready, threats are serious "; "Radojičić: Parade showed where Montenegrin youth stands, I am ashamed of incidents caused by young people."

<sup>36</sup> "Đukanović to Abazović: Sit down, punk - Pozitivna requested an emergency session of the Board", 21 November 2013.

MSS assessed as controversial, but there is no indication of why these comments were problematic in relation to the principles and guidelines of the Code.

In dealing with problematic commentary posted below articles on *Vijesti* website, in the report covering the period from 1 October to 1 December 2013, on page 18, MT MSS abandoned its role of appraiser of content ethics and engaged in unacceptable diagnosis of mental condition of authors of controversial comments.<sup>37</sup>

During the period from 1 October 2013 to 15 February 2014, HRA associates recorded 22 violations against the basic principles of the Code in articles published on monitored portals<sup>38</sup>, of which 15 examples concern Principle 10, i.e. violation of the presumption of innocence. According to HRA findings, CdM portal violated Principle 10 most often - 12 times; also, this portal breached the Code 14 times in total.

### **3.1.4. Conclusions and recommendations**

- *Although in early 2013 on its official website MSS announced the adoption of a rulebook that would regulate dispute settlement procedures, the document has not yet been adopted. It is essential that MSS adopt the announced rulebook as soon as possible and thus additionally specify duties and responsibilities of its Monitoring Team and prevent arbitrariness in its conduct.*

- *MT MSS, which also decides on complaints, still does not apply equal criteria when it comes to decision-making procedures. In most cases, especially those regarding complaints about media outlets that are not its members, MT MSS did not seek statement of these media about allegations in the complaints, thus failing to show the necessary objectivity. Also, there have been no attempts to mediate in disputes between the media and complainants. It is necessary that MT MSS apply equal criteria when deciding on complaints, prescribed by the Statute of MSS. Adoption of Rules of Procedure would certainly be helpful, so as to clearly and precisely define the procedure for acting on complaints.*

- *In several cases, MT MSS founded its decision concerning the complaint on the response of the media outlet referred to in that complaint. Although, according to its Statute, MSS has to request statement of the media outlet referred to in the complaint, its decision should be made objectively, based on review of the controversial journalistic material, and not solely based on allegations of the media to which the complaint relates.*

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<sup>37</sup> "Unfortunately, it has become almost a rule that comments are used to express readers' disturbed, sick and stubborn attitudes, who anonymously and without portal administrator's censure express their frustration, hatred and aggression, while sparing no one and nothing."

<sup>38</sup> It should be borne in mind that the content on "Vijesti" portal in many cases coincided with the content in that newspaper, and that it was taken into account that examples of violations of the Code observed in the newspaper and on the website be statistically shown only once.

- *Example of deciding on the appeal filed by the Association of Gambling Providers regarding the decision of MT MSS on their complaint showed that current MSS regulations do not address the issue of higher instance in deciding on complaints. Solution according to which the complainant who is dissatisfied with the decision of MT MSS shall appeal to that same instance is legally and logically unviable. **Amendments to MSS Statute should envisage second instance authority that decides on appeals.***

- *Dealing with problematic commentary posted below articles on Vijesti website, on one occasion in its report MT MSS abandoned its role of appraiser of content ethics and engaged in unacceptable diagnosis of mental condition of authors of controversial comments: "comments are used to express readers' disturbed, sick and stubborn attitudes". **As much as such assessment might be well-founded, self-regulatory bodies should refrain from diagnosing health condition of authors of comments, and be generous in offering and finding solutions for the improvement of editorial practices in new electronic media.***

- *When comparing data obtained by MT MSS and those obtained by HRA associates, it is evident that the main reason for significant discrepancies is that MT MSS does not pay enough attention to the most common examples of violation of the Code (violation of Principle no. 10 - respect for the presumption of innocence) and does not pay attention at all to violation of Principle no. 11 (obligation to not accept privileges that could limit or bring into question journalistic autonomy and impartiality) and no. 12 (no plagiarism). **MT MSS should pay equal attention to violations of each of the fundamental principles of the Code and guidelines developing and explaining these principles, or at least state reasonable grounds for its selective approach.***

- *Significant discrepancy in comparative monitoring conducted by MT MSS and by HRA is also due to the fact that MSS Monitoring Team, as a rule, deals with violations of the Code in television programmes only on the basis of filed complaints, and very rarely carries out monitoring of their programmes on its own initiative. HRA monitoring of major news broadcasts of only five most watched TV stations in Montenegro recorded a number of breaches of the Code, particularly by TV PINK M, a member of MSS. **MT MSS should, at least periodically, monitor the work of electronic media, especially television stations whose signal covers the whole of Montenegro, which are members of this self-regulatory body (TVCG, TV Pink M, TV Prva).***

- *Contrary to previous reports of MT MSS, which recorded as many as 37 examples of stating that the Code had been violated, but without identifying specific principles of the Code that had been violated<sup>39</sup>, in its ninth and tenth report MT MSS improved its reasoning and the above failure has been recorded only in a few cases. **For the assessment on the Code violation***

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<sup>39</sup> Monitoring of journalistic self-regulatory bodies in Montenegro, second report, HRA recommendation, p. 15.

to be well-founded and credible, and in order to prevent similar conduct in the future, it is necessary to always clearly state in the report which basic principle of the Code and which guideline had been violated, as well as the manner of such violation.

## **3.2. Activities of the Self-Regulatory Local Press Council (SLPC)**

### **3.2.1. General information**

#### ***Reports***

In the period covered by this report, SLPC did not publish the report on violations of the Code of Montenegrin Journalists by the media outlets that are its members, nor any other statement regarding possible unethical practice by those media outlets.

#### ***Transparency***

This self-regulatory body does not have its own webpage for informing its members and public on its activities. On the occasion of the inclusion of new media outlets in SLPC, a press conference was organized, during which activities of this self-regulatory body were also discussed.

#### ***Informing citizens***

SLPC has not conducted a campaign of informing citizens on how they may complain about possible unethical conduct of media outlets that are its members.

#### ***Other activities***

In mid December 2013, SLPC organized a campaign “Self-regulation of media in theory and practice” aimed, as reported, at “raising awareness of the local media in conjunction with media self-regulation in the era of media expansion<sup>40</sup>.”

### **3.2.2 Results of SLPC operation**

Since there are no reports on activities related to issues of respect for professional journalistic ethics in local print media that are members of the SLPC, nothing can be said regarding results in this field. However, a noteworthy result is the fact that SLPC managed to motivate new local print media to become its members.

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<sup>40</sup> “Ramusović: Self-regulation of media is a necessity and obligation to citizens”, portal Vijesti, 15 December 2013 (<http://www.vijesti.me/vijesti/ramusovic-samoregulacija-medija-nuznost-obaveza-prema-gradanima-clanak-166359>); „Meeting on self-regulation in media ended; We have to do everything to make professionalism rule, instead of market laws, Pobjeda, 15 December 2013).

### **3.2.3. HRA analysis of SLPC activities**

The statute of SLPC prescribes publication of annual reports on the respect of the Code. SLPC published its first such report on 3 March 2013, while its second report was not yet published by the time this report was finalised. We note that no violations of the Code were recorded in its first and for now only report.

Although we have emphasised as a noteworthy result the fact that SLPC expanded its membership, we have reservation towards the fact that two political magazines have become its members (*Medijski dijalozi* and *Medijska politika*), bearing in mind that they publish scientific and not journalistic articles. It is not common for such media outlets to be considered as equal in relation to self-regulation.

Since the majority of media outlets that are members of SLPC are published periodically and have small circulation, it is difficult to expect promptness and engagement from this self-regulatory body.

### **3.2.4. Conclusions and recommendations**

*- Self-Regulatory Local Press Council still lacks a separate act regulating the work of its Court of Honour (Monitoring Team), the body envisaged by the Statute, and the procedure for filing complaints and acting upon them. The existence of such document could encourage potential complainants. It is necessary that the appropriate body of Self-Regulatory Local Press Council adopt a document regulating the work of Court of Honour (Monitoring Team) and the procedure for filing complaints and acting upon them.*

## **3.3. Activities of TV *Vijesti* Ombudsman**

### **3.3.1. General information**

#### ***Reports***

In the period covering the period from 30 September 2013 until the end of January 2014, TV *Vijesti* Ombudswoman<sup>41</sup> published only one report.

#### ***Transparency***

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<sup>41</sup> Hereinafter term “ombudswoman” will be used, since this duty is performed by a female person, Aida Ramusović.



Information on the report of the Ombudswoman has been published in news programmes of TV *Vijesti*. The report was also timely delivered to HRA, and was used for the purpose of this report.

### ***Informing citizens***

In the period covered by the report of its Ombudswoman, TV *Vijesti* continued to occasionally inform the public (through advertisements) on the existence of this form of self-regulation and the opportunities that it offers to citizens.

### **Other activities**

In her report, the Ombudswoman emphasised that she has attended meetings related to media self-regulation in Montenegro, but failed to specify more details on the mentioned meetings.

### **3.3.2. Results of TV *Vijesti* Ombudsman's work**

In a short report, the Ombudswoman noted that from September 2013 to January 2013 she did not receive a single official complaint about violation of the Code by this media outlet. She also stated in the report that she had to act preventively, expressing that she is pleased that journalists often contact her, as well as that the most common dilemmas relate to reporting on “vulnerable social groups”.

### **3.3.3. HRA analysis of the activities of TV *Vijesti* Ombudsman**

The TV *Vijesti* Ombudswoman did not provide more details on her initiatives in her report, thus failing, in our opinion, to further affirm the role of the Ombudsman. In the period from 1 October to 1 March, HRA associates monitored central news programmes of TV *Vijesti* and recorded 11 violations of the Code.

Most often, i.e. five times, the violations concerned Principle 8 of the Code on the respect of privacy, or the guidelines<sup>42</sup> of the Principle providing that the victims of accidents or crimes are entitled to special protection of their names, which should only be disclosed exceptionally, not as a rule.

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<sup>42</sup> “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.”

In all the recorded cases of violations of the Code, TV *Vijesti* revealed the names of citizens who are not public figures and who were injured or killed in traffic accidents, although in those cases there were no circumstances that would justify such a violation of privacy.

The issue of protection of identities of victims of accidents and crimes is relevant also in a particularly distinct case of violation of the Code by TV *Vijesti* reporters (on 16 December) who published the full name of a victim before the autopsy and official confirmation of the identity of the person whose body was pulled from Morača river by divers. In the monitoring carried out by HRA associates, this case was also recorded as a violation of Principle 1, or as a failure to verify the accuracy of information.

In the above mentioned period, journalists of TV *Vijesti* violated Principle 1 (referring to the need for publishing accurate, verified and comprehensive information) and Principle 10 (the presumption of innocence) each twice and Principle 11 (an obligation to separate the information and advertising) once.

We also note that the necessary cooperation between the TV *Vijesti* Ombudswoman and the daily *Vijesti* has not been realised. In fact, according to the report of daily *Vijesti* Ombudswoman that included two last months of the previous year, one of the complaints she received referred to TV *Vijesti*. In her report, the daily *Vijesti* Ombudswoman stated only that the complaint referred to TV *Vijesti*, but failed to state what the complaint was about and whether she forwarded it to the TV *Vijesti* Ombudswoman. On the other hand, TV *Vijesti* Ombudswoman did not mention such a complaint in her report.

#### **3.3.4. Conclusions and recommendations**

- *Although Ombudsman was established almost a year ago, TV Vijesti has not yet adopted an internal code of ethics, envisaged in the decision on the establishment of Ombudsman. Bearing in mind the statement of Ombudswoman that journalists often contact her in order to solve their ethical dilemmas, this could be an additional incentive for a speedy development and adoption of an internal code of ethics and programme guidelines for TV Vijesti.*

- *HRA monitoring identified violations of several principles, especially Principle 8 in relation to the disclosure of names of the victims of accidents in TV Vijesti news programmes. It would be useful if the Ombudswoman, while working preventively as stated in her report, drew the attention of journalists to these and other mistakes, so that they would not occur again.*

### **3.4. Activities of TV *Vijesti* Ombudsman**

#### **3.4.1. General information**

##### ***Reports***

TV *Vijesti* Ombudswoman<sup>43</sup> started operation on 3 November 2013. Until March 2014, she issued three reports – the first report included the last two months of 2013, while the other two reports include January and February 2014.

##### ***Transparency***

The Ombudswoman has informed the public on her activities via the special page on portal *Vijesti* ([www.vijesti.me/ombudsman](http://www.vijesti.me/ombudsman)), and her reports were published in daily *Vijesti*. Regardless of that, each of her reports was timely delivered to HRA, i.e. to the authors of this report.

##### ***Informing citizens***

On the pages of the portal *Vijesti* and the daily *Vijesti*, the readers were regularly invited to write to the Ombudsman if they assess that the Code, and therefore some of their rights, were violated.

##### ***Other activities***

The TV *Vijesti* Ombudswoman published on her page on portal *Vijesti* on 24 December 2013 an article titled “Administrator in the arena”, where she opened the discussion on the function of comments shared by the website's visitors and the problems in editing that part of the content. More than 50 visitors of the portal discussed this topic.

#### **3.4.2. Results of daily *Vijesti* Ombudsman's work**

In the period from 3 November 2013 to 1 March 2014, the Ombudswoman received a total of 36 complaints, eight of which during the first two months, and 14 in each January and February 2014.

In her reports, the Ombudswoman stated that several times she “acted on her own initiative”<sup>44</sup> in order to improve the editorial practice and policy of daily *Vijesti*.

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<sup>43</sup> Hereinafter term “ombudswoman” will be used, since this duty is performed by a female person, Božena Jelušić, who also uses the terms respecting gender equality in her public communication and reports.

According to HRA records, the Ombudswoman accepted 13 and rejected 11 complaints. Six complaints were resolved through mediation<sup>45</sup> between the complainants on one side, and *Vijesti* on the other. In five cases, during January and February 2014, the Ombudswoman acted on her own initiative regarding the published content. One of these actions was related to, as previously said, “the protection of privacy” in the article published on portal *Vijesti*, **“Chaos at the Cemetery in Petrovac: Repairman Robs, Cleans and Resells Old Graves”** (<http://www.vijesti.me/vijesti/haos-groblju-petrovcu-majstor-otima-cisti-preprodaje-grobnice-clanak-172055>). The problem was in a photograph that could be maximized in the portal, where the names of the deceased could be easily read, which could be considered a violation of their rights and rights of their relatives to privacy, the report said. The Ombudswoman proposed the removal of the photo, which was “immediately accepted”.

In the report for November and December, the Ombudswoman suggested the editors of daily *Vijesti* that its front pages should be more balanced between “the stories about success and the ones about conflicts”. In her report for February, the Ombudswoman stated that she noticed “a number of headlines and titles with the question mark, or some form of potential, in order to leave room for other interpretations, as well as to avoid violations of the presumption of innocence. With respect to that, she concluded that it is “an exceptionally positive development towards achievement of balanced reporting on the issues of public interest”, but also that “further efforts should be made to silence the sensationalist tone in the headlines”.

In her report for February 2014, the Ombudswoman took over the responsibility for a delay in publishing a correction related to a complaint submitted by the legal representative of businessman Zoran Bećirović, on which MT MSS also decided. She noted that the delay occurred because “in the process of determining violations of the Code she respected also the journalist's undenied claims” speaking on the journalist's efforts to provide true information related to the content of a story she was working on, without any success. With respect to this article, the Ombudswoman concluded that “besides the importance of the responsibility of the media, there is also a responsibility towards the media reporting on the issues of public interest and the principles of transparency should be respected by everyone”.

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<sup>44</sup> According to the Rules of Procedure of the Protector of “*Vijesti*” readers, the Ombudsman has no obligation to conduct monitoring, as provided in the statute of MSS monitoring team, however the Article 13 states that “the Ombudsman is competent to not only resolve complaints, but also to respond to [vijesti.me](http://www.vijesti.me) portal with a written warning, and the editorial board is obliged to publish the warning within the deadline prescribed in Article 12 of the Rulebook. The Ombudsman may, if necessary, publish an article in “*Vijesti*” about the negative and positive trends among reporters of “*Vijesti*” in respect of the Code.

<sup>45</sup> The Article 8 of the Rules of Procedure of the protector of “*Vijesti*” readers states: If the editorial board, in response to an appeal, accepts the settlement proposal, the mediation is considered successful and the parties are invited to carry out the settlement, and the appeal will be suspended.”

### **3.4.3. HRA analysis of decisions of the TV Vijesti Ombudsman**

Based on the argumentation published in the reports, the Ombudswoman's assessments and decisions mainly appear justified, however it is problematic that those assessments and decisions are not followed by stating specific principles, or guidelines of the Code that were violated and how. Also, the Ombudswoman consistently fails to use terms from the Code, and uses terms as "articles" or "provisions" for what is clearly defined as "basic principles" in the Code.

The important part of her work is that she managed to resolve 7 disputes through the mediation process. One of the examples of a successful mediation is the one between the editors of daily *Vijesti* and the Public Enterprise "Morsko dobro" ("The Good of the Sea"), which complained about an article published on 4 December 2014, titled „**That's the Evil of the Sea**“. PE Morsko Dobro was insulted by the fact that there was no undeniable evidence for the author's claims and that they have not been given the opportunity to defend themselves from the claims. The editors rejected the objections, but agreed that the article's title and the caption under the photo could be ethically problematic in a sense of mixing the genres of news and comments, also expressing their readiness to publish an apology. PE "Morsko dobro" agreed with this proposal.

The Ombudswoman accepted the arguments of complainants twice and noticed that the headline composition of articles (titles, subtitles) and/or the captions under the photos are unethical in a sense that they express the authors' value judgments while the published articles in genre belong to the news section, which all brought to a violation of Principle 3 which prohibits combining news and comments.

The above mentioned concerns the articles "**Pejović would like a little quarell with Lekić throught the newspaper**", which was the subject of complaint submitted by the spokeswoman of the political party Positive Montenegro, and the one titled "**Some in the party, some in 'Splendid'**", on which Demir Hodžić complained. In case of the second article, the Ombudswoman found that the caption under a photo of Hodžić "**From MANS to Zukorlić**" was tendencious.

In our opinion, the Ombudswoman acted properly also when she accepted the objection of Boban Šćepanović, who complained on 29 December 2013 about the article "**Fired after attending protest**" published on 16 December 2013. "After a careful analysis and statements from both sides", the Ombudswoman estimated that the Principles 1 and 2 were violated "in a sense that the facts were partly distorted" and that "the readers could certainly get an impression that this concerned an ungrounded persecution".

An example of an unsubstantiated assessment of the Ombudswoman was when she agreed with a reader who pointed out on 23 January 2014 that the photo under the article “**Ulcinj fisherman caught a rare specimen of merou at the mouth of Bojana River**” “does not reflect a moral and human treatment of animals”. The Ombudswoman agreed with this opinion, but failed to relate her approval with some of the basic principles of the Code or the guidelines explaining those principles.

In her reports, the Ombudswoman listed complaints even when appeals, suggestions and comments she received from readers did not meet the criteria for complaints<sup>46</sup> in accordance with the Rulebook. The reports for January and February also included Ombudswoman's self-initiated actions on violations of the Code in the list of complaints, which seems confusing because Article 3 of the Rulebook on Protection of Rights of Readers does not clearly define the meaning of the term “complaint”.

In the report for January, the Ombudswoman indicated that she did not decide on a complaint related to the article subtitled “Plus, Minus” and title “**Majority achieved with trade**” because she failed to timely provide the opinion of the editors regarding claims from the complaint. In the report for February, however, the Ombudswoman did not mention this complaint or her decision on it. According to Article 8, Paragraph 2 of the Rules of Procedure of the Protector of rights of *Vijesti* readers, untimely decisions of the editorial staff do not bind the Ombudswoman, who is obliged to decide on complaints<sup>47</sup>.

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<sup>46</sup> “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”.

<sup>47</sup> If the editorial board does not respond by the expiration of deadline, the complainant is informed of this in writing, and the Ombudsman makes a decision on the complaint.”

The Ombudswoman took over the responsibility for the delay in publishing a correction, but failed to state that she thus violated Article 7 of the Rules of Procedure of the Protector of rights of *Vijesti* readers. Judging by the report, she did not follow the procedure prescribing that she has an obligation to address both the complainant and the editorial staff for additional explanations, and she also did not respect the 13-days deadline.<sup>48</sup>

One of the complaints she received during the first reporting period did not, according to the Ombudswoman, relate to the daily or portal *Vijesti* which is the reason why it was not considered. The Ombudswoman did not indicate whether she transferred the complaint to her colleague, the TV *Vijesti* Ombudswoman, but judging by her report (which we have already discussed), that complaint was not forwarded to her and its fate remains unknown.

#### **3.4.4. Conclusions and recommendations**

- *Art. 3 of the Rules of Procedure of Ombudsman of daily Vijesti provides that a complaint, in order to be considered, should, inter alia, include: name and surname of the complainant, if a natural person, or full name and registration number, if a legal entity. Ombudswoman has so far also considered complaints that do not contain this requirement. Although such position of Ombudswoman is understandable in the interest of complainants, it would be more appropriate to comply with the Rules and thus have educational impact on complainants as well.*

- *In the reports Ombudswoman also treated her self-initiated interventions as complaints, as well as complaints written not in the form of a complaint or in accordance with the Rules of Procedure of Ombudsman of Vijesti readers, which is confusing. In subsequent reports Ombudswoman should adhere to terminology prescribed by the Rules and make a clear distinction between acting on complaints and self-initiated interventions and engagements on the basis of complaints that do not comply with the prescribed form.*

- *Daily Vijesti Ombudswoman does not always state which basic principle of the Code had been violated and in what manner, and does not consistently use the Code terminology, all of which complicates understanding of her decisions. In identifying violations of professional ethics, it is desirable to always state which principle or guideline of the Code was violated, and in which*

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<sup>48</sup> Rules of Procedure of the Protector of *Vijesti*, Article 7, state: "If a complaint is formally correct, the Ombudsman submits the complaint to the editor in chief of *Vijesti* or his deputies (hereinafter referred to as the editorial board), who are required to respond to it within seven days of receipt of the notice of complaint and decide on the settlement proposal, if such a proposal is set. If the facts relevant for the decision on a submitted complaint are not sufficiently, completely or accurately determined even after the response received from the editorial board, for the reasons of their accurate and complete determination, the Ombudswoman sends the editorial boards' response to the complainant who can subsequently decide, within three days, on the possible completion of the complaint, or clarify factual allegations of the appeal and the response on the complaint. Plea of the complainant about the editorial board's response should be delivered in written form to the board, along with an invitation on the additional statement and completion or clarification of the facts relevant for deciding on the complaints within three days."

manner, so as to avoid the impression of bias, as well as to educate and prevent. It is also desirable to comply with terminology used in the Code.

#### 4. HRA COMPARATIVE MONITORING AND ANALYSIS

Note: Comparative monitoring and analysis that follows applies only to the operation of the MT MSS, and not to the Ombudsmans of TV *Vijesti* and daily *Vijesti*, because unlike the latter, the MT MSS has a duty to monitor, on its own initiative, the compliance of the Code by the media, instead of only deciding on complaints of natural and legal entities on violations of the Code. The two Ombudsmans, on the other hand, have an obligation to decide on complaints, but not to carefully monitor and record violations of the Code in media outlets that established them. Bearing this in mind, the results of HRA monitoring are only compared with the results of the MT MSS monitoring.

##### 4.1. Principle 1 of the Code

“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<sup>49</sup>**

The comparative monitoring shows the frequency of biased reporting, so the MT MSS monitoring shows that Principle 1 was violated the most, while in HRA monitoring it is in second place. Violation of this principle is observed, as a rule, when the media uses accusing statements of one side as their news source, while omitting to give the opportunity to the other side to immediately give comments on the allegations, which sometimes has the characteristics of a campaign aimed at public compromising of certain people.

In the period from 1 October 2013 to 15 January 2014, the MT MSS recorded a total of 32 violations of Principle 1 of the Code, three of which were based on complaints. In nine of 32 cases, in addition to Principle 1, the MT MSS observed violations of at least one more basic principle of the Code.

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<sup>49</sup> The examples of an unethical practice found in daily *Vijesti* and repeated on portal *Vijesti* were not dealt with twice. The same case is with a number of examples that are, in the same time, recorded in daily *Dnevne novine* and also *Cafe del Montenegro* which often copies the content published in *Dnevne novine*. This practice is applied not only for the examples of violations of the other principles.



In daily newspapers *Vijesti* and *Dan*, which are not its members, the MSS found 13 violations of this principle, while the other six violations were found in media outlets – members of this self-regulatory body: four of them in daily *Pobjeda*, one in *Dnevne novine* and one on the portal of *Skala radio*.

In the same period, HRA associates, who carried out the monitoring of a part of the media (mentioned in the introduction of this report), found 41 violations of Principle 1 of the Code<sup>50</sup>. They observed that in seven cases where a violation of this principle was recorded, at least one more principle was also violated.

According to HRA observation, among the monitored media, daily *Dan* violated Principle 1 of the Code most of all. During the period covered by the last two reports of the MT MSS, HRA associates observed that daily *Dan* violated Principle 1 of the Code 14 times, i.e. one more case than observed by the MT MSS.

HRA associates recorded 11 violations of Principle 1 of the Code in daily *Vijesti*, two violations less than observed by the MT MSS.

In media outlets - members of the MSS, HRA associates observed several violations of Principle 1 more when compared to observations of the MT MSS. MT MSS recorded violations of Principle 1 in two media outlets that are members of the MSS, *Pobjeda* and *Dnevne novine*, while HRA associates found more violations in *Blic* – Montenegrin edition and the portal *Café del Montenegro*. MT MSS observed four violations of Principle 1 in *Pobjeda* and one in *Dnevne novine*, while HRA associates found 9 such violations in *Pobjeda* and three in *Dnevne novine*. HRA associates also observed three violations each in *Blic* – Montenegrin edition and portal *Café del Montenegro*.

In most of the monitored media, HRA, as well as MT MSS observed a tendency for biased reporting, in particular in the cases when the charges on one's account were published, without giving the other side an immediate opportunity to respond. One of the articles clearly illustrating this phenomenon, recorded by both MT MSS and HRA, is the one titled “**Nobody controls Džigi's television**”, published in daily *Dan* on 19 December 2013.

HRA also agrees with the assessment of the MT MSS in case of the article „**Keljmendi's friend is head of the DPS election list**” published in daily *Dan* on 23 January 2014. MT MSS concluded that in the article's title a serious accusation was stated on the account of a local DPS's politician, who allegedly used his position as the director of EPCG Ulcinj to connect the illegally built hotel “Casa Grande” – owned by the Kosovar businessman charged with drug smuggling - to the electrical grid in June 2010.

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<sup>50</sup> By the end of February, the HRA associates recorded six more examples of violations of Principle 1 of the Code.

HRA also agrees with MT MSS about an unethical practice of daily *Pobjeda* in the article titled “CGO gives scholarships to Vijesti editors without paying tax”, published on 16 January 2014, which, as MT MSS noticed, expressed doubts in the legality of work of Podgorica-based NGO Center for Civic Education. However, there is a difference in the approach. The disputed article begins with the following conclusion: „The network of the so-called independent media and non-governmental organizations manages to find excellent schemes to help each other by using money of the citizens whom they have been persuading for years that their words and assessments are competent since they are so moral and clean that they can give lessons to everyone else!” MT MSS considered that in this case *Pobjeda* was obliged to seek the opinion on the controversial accusations from the other side, while HRA believes that this was not an informative article – a genre that would require the other side's opinion on a controversial issue – but a comment by the editor-in-chief of *Pobjeda* based on doubts she treated as facts. Therefore, it is a question of a commentary presented in such a way to create an impression that it is based on facts, which violated Principle 3 of the Code, or the corresponding guideline<sup>51</sup>.

MT MSS and HRA assessed differently the articles published in daily newspapers *Dan* and *Vijesti* on 26 January 2014, "**Tied the boy, and tortured his mother**" and "**Thieves tied woman and her son and took jewelry and 650 euros**". MT MSS based its assessment that Principle 1 was violated on a fact that it was subsequently revealed that the whole event on which the two daily newspapers reported was invented by the woman who wanted to conceal her love affair from her husband. At the same time, the MT MSS avoided to mention that both *Vijesti* and *Dan* cited the source from the Police and were unable to check the allegations of their sources, as well as that the same story was also published in other media (*Pobjeda*, the portals *RTCG* and *Cafe del Montenegro*) which also cited the source from the Police. HRA also considers that the MT MSS did not have a good approach in assessing ethics in the article titled "**Political life marked by 'The Tape' affair**" published in daily *Dan* on 16 November 2013. MT MSS observed a violation of Principle 1 of the Code in the composition of the title where, according to them, the opinion of a participant in the reported meeting was clearly recognized. However, HRA believes that the article was clearly a report from the meeting in which the journalist only presented the views set out during the meeting, without an obligation to verify them.

HRA considers unfounded the assessment of MT MSS that daily *Vijesti* violated Principle 1 in the articles whose content was taken from Italian media, referring to the proceedings for cigarette smuggling conducted before the Italian courts against Montenegrin citizens, including the Prime Minister Milo Đukanović. MT MSS assessed that *Vijesti* quoted the documents in a way that created the wrong impression about the trial. HRA, however, believes that the texts "**Paradise**

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<sup>51</sup> “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 “

**for smuggling and criminals"** and **"Mafia funded the election campaign"**, published on 19 and 20 January 2014, reported on the writing of Italian media in a professionally correct way, and it is normal that perception of the content will be different depending on the political and other factors.

Below we will list several typical examples of violations of Principle 1 recorded by HRA associates, but not the MT MSS. The examples were found even in media outlets members and non-members of the MT MSS.

In the very beginning of the period covered by this report, HRA associated recorded non-typical violations of several media outlets (daily newspapers *Pobjeda*, *Dan*, *Vijesti* and *Blic*, and portal *Analitika*) regarding Principle 1 by omitting the important information, thus failing to meet their obligation to make their reports represent the truth<sup>52</sup>, in the specific case the report from the press conference of the Minister of Agriculture and Rural Development, Petar Ivanović, on Abu Dhabi's financial help to Montenegro.

According to the media, the Minister said the following: "Abu Dhabi Foundation for Development granted 50 million dollars for Montenegrin agriculture", but none of the present journalists asked what he meant by "granted". If the Minister forgot to say what it was about, the reporters should have asked him, because hiding or neglecting such an important information represents a violation of Principle 1 of the Code, or one of its guidelines<sup>53</sup> for this principle. It should be kept in mind that the obligation of a journalist is, as said in the Principle 1 of the Code, to "persistently search for the truth" but not to consider the statements of officials as the truth.

On 12 November 2013, *Dnevne novine* published the article titled **"Independent media – the key for European integrations"**, a report on the beginning of operation of the regional conference "Word, Image and Enemy", which omitted to include information that none of the media that were subjected to criticism at the Conference in the following days were invited (*Vijesti*, *Dan*, *Monitor*, *TV Vijesti*). By omitting this, the author violated the guideline for Principle 1 which states that "journalists must ensure that they disseminate only accurate information, and that their comments on events are genuine and honest".

On 30 January 2013 daily *Pobjeda* published an article titled **"Mirror of HRA broken"**, which was the reaction of the Administrative Board of the Conference "Word, Image and Enemy" on the letter that HRA executive director, Tea Gorjanc-Prelević sent to the organizers of the

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<sup>52</sup> "Before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavor to provide full reports of events and must not be silent about or suppress essential information."  
(Guideline A for the Principle 1 of the Code)

<sup>53</sup> "Before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavor to provide full reports of events and must not be silent about or suppress essential information."

conference and the exhibition which was a part of it. Previously, *Pobjeda* did not publish the article that the reaction referred to, although they received it, and as an excuse for publishing the reaction<sup>54</sup> they stated that the article was not published in *Vijesti*, which published the article by Tea Gorjanc-Prelević.

By publishing the reaction on the article which was previously not presented to its readers, *Pobjeda* violated the general ethical standards of professional journalism prescribed by Principle 1 and relating guidelines of the Code. *Pobjeda* did not have an obligation to publish the open letter to the organizers of the exhibition "Word, Image and Enemy", although its responsibility to publish opinions concerning discussion on important and controversial issues within the society could be discussed, bearing in mind that *Pobjeda* is dominantly a state-owned media outlet, but since it decided to get involved, *Pobjeda* needed to simultaneously inform its readers also on the article that was the subject of the reaction.<sup>55</sup>

The edition of daily *Blic* for Montenegro of 3 december 2013 contained an article titled "**Doctorate put on review without consent of the Commission**", which states accusations of PhD Tanja Bečanović on the account of the other two members of the commission for the doctorate of Vladimir Vojinović. However, the journalist failed to give the opportunity to others to respond to the accusations. This is one of the stories that never loses its relevance, and such bias in reporting violates Principle 1 of the Code in terms of the principle of accuracy and the necessity to highlight not only one aspect of the story.

Among few examples of violations of Principle 1 in daily *Vijesti*, which MT MSS did not record, we emphasize, as an illustrative example, the article titled "**Coach loses his bonuses so he would not pay alimony**", published on 22 October 2013. In that article the ex wife of the coach accused her husband without offering any evidence for her story, except her word. The article ends with the sentence: "FSCG did not reply to our email yesterday". The journalist should check the accusing version of the ex wife's story and wait for a response of the accused side. As in the previous example from *Blic*, this story was also not one of those that lose relevance, nor can the delay of its publishing cause damage to anyone, especially the interest of the public to know.

On 16 January 2014 daily *Dan* published an article titled "**Threw table at children**" with accusations of tenants against two female neighbors who were considered mentally ill persons

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<sup>54</sup> It is interesting that the reaction signed by Ranko Vujovic, the head of MSS and member of its monitoring team, as president of the managing board of the conference „Word, Image, Enemy“, was also sent to the media – member of that self-regulatory body,

<sup>55</sup> *Pobjeda* subsequently published Tea Gorjanc Prelevic's response to the statement of the managing board of the conference „Word, Image and Enemy“, which MT MSS concluded following an appeal which Tea Gorjan Prelevic sent to this self-regulatory body.

and who allegedly endanger the safety of other tenants by throwing things from the terrace of their apartment. The identities of the accused persons were revealed indirectly, and the whole article was based on the story of tenants and a brief statement of one of the sisters who accepted the accusations but only in relation to her sister. Although the title stated that the tenants desperately seek help from competent authorities because the neighbors are endangering their safety, the journalist did not even try to obtain the opinion of the competent authorities on this case.

Although this issue cannot be ignored, the manner in which it was presented suggests that the motive for its publishing was more of a sensationalist nature than a support for the issue to be resolved and everyone's rights protected. (This is one of the examples of violations, not only of Principle 1, but also Principle 8 of the Code which prescribes that journalists should care for people's private life.)

Since the report of MT MSS covers the period until 15 February 2014, and this HRA report covers also the period until the end of February 2014, we also stated the violations of Principle 1 in the article **“Slap for perverted head”**, originally published on portal *Café del Montenegro* on 22 February 2014, which was completely copied by the print and online edition of *Pobjeda*.

The article of certain Mihailo Terzić, whose topic was the assault on Nebojša Medojević - an MP from the opposition - which took place at the Belgrade airport, brought several assessments on the personality of the politician Nebojša Medojević that were not based on facts but on the author's opinion. The author insinuates that Medojević was a member of the criminal “Zemun Clan” (“It did not happen in Silerova Street, former headquarters of Meda...”) qualifying him as a “denunciator who barks at everything related to Montenegro”, someone who “defames in a schizoid manner”, while he presented the assault on Medojević as “a smack in the perverted head of citizen Medojević”. One of the guidelines for Principle 1 which relates to general professional standards, states the obligation to publish only accurate information, and that the commentary should be honest<sup>56</sup>.

Except in the analysed texts, HRA associates recorded violations of Principle 1 in the following text published in daily *Dan*:

- “Ministar radio u ime države, a za račun Krolinga” (3 October 2013)
- “Po naredbi Jova Kapičića ubijeno 20 i mučeno 10 ljudi” (3 October 2013)
- “Žene biju, ćerke prodaju” (18 October 2013)
- “Sudiji Jovaniću namještali predmete” (21 October 2013)

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<sup>56</sup> “Journalists must maintain the highest professional and ethical standards. They must take all reasonable steps to ensure that they disseminate only accurate information, and that their comments on events are genuine and honest”.

- “Krastavci iz Albanije zatrovani pesticidima” (30 October 2013)
- “Profesor manipulše studentima” (12 November 2013)
- “Ne daju zimnicu, cijepaju listice” (29 November 2013)
- “Ćočo bježi od suda” (14 December 2013)
- “Korupmirano 25 policajaca” (25 December 2013)
- “Država daje jedino špijunima” (21 January 2014)
- “Lukšić je znao za sve, ali je ćutao” (22 January 2014)
- “Državu oštetili za dva miliona” (4 February 2014)
- “Riječ, slika neprijatelj Daloborka” (12 February 2014)
- “Ne poštuju odluke suda” (25 February 2014)
- “Masakriran pa opljačkan” (26 February 2014)
- “Djevojčica se udavila u jami” (28 February 2014)

... in daily *Vijesti*:

- “Prvo upucan, pa ostao bez posla” (11 October 2013)
- “Ćekala šest sati da joj kažu da nije za bolnicu” (18 October 2013)
- “Brkovićev sin udario biciklistu” (24 October 2013)
- “Sin vlasnika 'Vektre' vozio neregistrovani automobil i pokosio Petera Vajsa, koji pomaže Crnoj Gori da suzbije korupciju” (27 October 2013)
- “Burić srušio cijelu terasu” (30 October 2013)
- “Najteže mi je kad gledam one što su 'sredili' penziju” (30 October 2013)
- “Kako je načelnik Centra za vaskularnu hirurgiju u Kliničkom centru Davor Musić spojio državni posao i privatni angažman” (8 November 2013)
- “Konjević traži glave onih što mu rade iza leđa” (14 November 2013)
- “Vasilije Lalošević kupio garsonjeru” (5 February 2014)

... in daily *Pobjeda*:

- “Radončić: Milki Tadić niko ni pod prozor nije pljunuo, a kamoli prijetio” (15 January 2014)
- “Amfilohije: Moliću se za mitropolita Mihaila” (20 January 2014)
- “Anatomija jedna hajke (1)” (20 January 2014)
- “Anatomija jedna hajke (2)” (21 January 2014)
- “SLUČAJ CKB: Cijela pjaca zna za Skill i stanove” (24 January 2014)
- “Zbog 800.000 eura Krgović zažmurio na oba oka” (1 February 2014)
- “Pejović: Kad me ne poznaješ što laješ Medojević: Posao mi je da lajem” (22 February 2014)
- “Brajušković: Zla namjera je očigledna” (25 February 2014)

... in daily *Blic*, Montenegrin edition:

- “Pas lualica napao petogodišnjaka, pedijatar tražio da dovedu psa na pregled” (18 October 2013)
- “Ministar Žugić nezakonito izabran za docent” (28 January 2014)

... in *Dnevne novine*:

- “Sumnjivim odlukama oštećena Crna Gora” (20 January 2014)
- “Ignorisanje Ministarstva, tjeranje sa portirnice” (30 January 2014)

... on portal *Café del Montenegro*:

- “Riječ, slika i neprijatelj: Gorjanc-Prelević stala u odbranu reketaškog novinarstva” (28 December 2013)
- “Djevojčica se udavila u jami” (28 February 2014)

#### **4.1.2. Violations of Principle 1 in TV programmes**

In its reports covering the period from 1 October to 15 February, MT MSS did not record a single example of violation of Principle 1 in news programmes of TV stations. However, the media reported on the opinion of Ranko Vujović, the executive secretary of MSS, who rightfully assessed that TV *Vijesti* violated “several journalistic rules” in a report on the search for missing persons (see below, TV *Vijesti*, 11 December 2013), including “disclosure of information without checking”<sup>57</sup>, which is a violation of Principle 1, but MT MSS did not mention that case in its report. According to HRA monitoring, the central television news programmes of *TVCG*, *Pink M*, *Vijesti*, *Atlas* and *Prva* violated Principle 1 21 times, and by far the largest number of recorded violations was by TV *Pink M* (13). Five violations were recorded in programmes of *TVCG*, two in TV *Vijesti* and one in programmes of TV *Atlas*.

The most common reason for violations of Principle 1 in TV programmes is biased reporting, or accent put on only one aspect of the story and lack of comments from the other side.

In the case of TV *Pink M* such an approach to journalism became a rule that resulted in a series of reports which systematically published accusations without statements of the mentioned side, whether within the same report or subsequently, as a commentary or reaction. Such

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<sup>57</sup> “Ranko Vujovic, the executive director of the Media Council for Self-Regulation said that the reporting of certain media on the two missing persons, one of which was found, was extremely problematic and unprofessional. Vujovic particularly accented the reporting of Dan and Tv *Vijesti*, adding that several journalistic rules have been violated, such as the disclosure of full names and surnames and the revelation of details which are the expression of disrespect towards the families, but also the publication of information without confirmation from the police and pathologists” (TV *Pink Montenegro*, 13 December 2013)

reporting has all the characteristics of a defamation, which violates Principle 10 related to the presumption of innocence.

TVCG: NEWS 2 (15 October) – A biased information on judgment of a London court, in the case of a lawsuit initiated by Stanko Subotić against Ratko Knežević was published, without an information that Ratko Knežević, or his legal representatives, have also been contacted.

Principle 1 was violated also by the fact that the claim of Subotić's team that “Knežević moved to Croatia with his family to avoid the legal liability” has been conveyed without a reserve.

TVCG: NEWS 2 (22 October) – Editorial board of the public service published an incomplete information on the seventh report of the Media Council for Self-Regulation, because they did not include the information that MSS criticized the work of daily *Pobjeda*. By publishing only the information about the violations that MSS found in dailies *Vijesti* and *Dan*, the guideline providing that “before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavor to provide full reports of events and must not be silent about or suppress essential information”.

TVCG: NEWS 2 (12 November) – In the report on a promotion of Seki Radončić's book, author's opinions were conveyed without a reserve, although he made accusations on the account of other persons. In such a manner, both the announcement and report stated the sentence “This book is... a personal confession on the satanization which former colleagues prepared for Radončić”, which could lead readers to an impression that the journalist also found the author's claims true. The guidelines for the Principle 1 say that “journalists must never publish information that they know to be false or maliciously make unfounded allegations about others that are intended to harm their reputations”.

TV PINK INFOMONTE (28 October) – By reporting on the proceedings before the Podgorica Basic Court in the lawsuit initiated by Lutrija Crne Gore and Džek Pot against daily *Vijesti* and NGO MANS for causing damage to their reputation and honour, journalists conveyed only the opinion of one side, the lawyer Bojić, who accused the defense to have obstructed the case.

TVCG: NEWS 2 (21 November) – A particularly distinct case of publishing incomplete information is a report from the Parliament on the verbal conflict between the Prime Minister and the MP of the „Positive Montenegro“, which failed to state what the Prime Minister said to Dritan Abazović. The crucial information was not published – what did the Prime Minister say and why the MPs from Positive Montenegro left the Parliament, although even the Prime Minister subsequently gave a public apology.



TVCG: NEWS 2 (22 November) – An biased report on the trial of Lutrija Crne Gore against Daily Press, the publisher of *Vijesti*, and NGO MANS. In the report the author cites only the prosecutors, without any arguments of the defense. A statement of the lawyer representing prosecution was also published.

TV PINK M: INFOMONTE (25 November) – In the report on the Law on protection of national interests in the mining and metallurgy sector, an opportunity to comment was given only to the oponents of this law, which is biased reporting. Since the law was adopted with majority in the Parliament, there was enough potential interlocutors also among the advocates of the Law.

TV PINK M: INFOMONTE (25 November) – A report, in which the allegations of daily *Pobjeda* were conveyed, claims that “members of families Perović, Ljumović and Tatar got tens of millions with the money of state companies by which they were clearing minuses in the CKB.” The report did not publish the opinions of the accused persons.

TV PINK M: INFOMONTE (26 November) – Once again, a biased report was published, based on writings of the newspaper *Pobjeda*, without any information on the reactions or opinions of the accused persons. The report claims that “information from today confirms that the members of the families and persons close to them seized millions, not by purchasing but largely by using notional contracts on gifts and by taking over shares of the companies which they previously brought to bankruptcy”, but the spectators were not offered any evidence or argument for the claim set out.

TV VIJESTI: NEWS AT HALF PAST SIX (26 November) – Reports on the announcement of a blockade of the Faculty of political sciences in Podgorica were presented in a sensationalist manner. The announcement stated that “the situation came to a boiling point”, while in the report the journalist said about the chaos: “Blockade of the faculty, as announced, will last from 12:00 to 15:00. This just keeps the chaos at the faculty”. Although the representatives of all sides were included in the report, due to the usage of excessively sharp qualifications of the event, Principle 1, e.g. the guideline related to accuracy, was violated.

TV PINK M: INFOMONTE (9 December) - The report on an alleged establishment of a bank by Bosa Tatar and Milka Ljumović, claimed that “a large number of families of the responsible persons in these institutions at the time were employed or were given loans, which is why those institutions keep silent about breaking the rules”. Once again, no opinions of the relevant interlocutors or mentioned persons was presented, nor the spectators offered with evidence for the claims.

TV PINK M: INFOMONTE (13 December) – “While the special prosecution investigates case of the robbery of CKB, the main protagonists of this robbery establish a new bank. Journalists of *Pobjeda* tried to get the confirmation of this scandalous news which has been discussed in the banking sector in the last few months”. This report is not accompanied by the information whether the accused persons were contacted.

TV VIJESTI: NEWS AT HALF PAST SIX (11 December) – In the report on the action of divers who pulled a male body from river Moraca, the Principle 1 was sharply violated because the identity of the deceased was revealed, although this information was not confirmed. “The divers of the Regional Center from Bijela pulled a body of a young man from the river Moraca at the Podgorica suburb Dahna. It was assumed that the body belonged to Ratko Nisavic, a student from Berane, but the autopsy is underway”, the announcement for the report stated. The identity of the deceased simply must not be assumed, and only the confirmed information should be published. In the first sentence of the report the assumption was replaced with a claim – „Divers found Nisavić while searching for the other missing young man, Anton Dedivanović from Podgorica. (With the exception of the Principle 1 which obliges journalists to undertake actions to check the accuracy of information, this report violated also Principle 8 which protects the names of the victims of accidents or crimes).

TV PINK M: INFOMONTE (23 December) – By conveying an article, published in daily *Pobjeda*, on the property owned by the families of Milka Ljumović and Bosa Tatar, TV *Pink M* published the opinion – comment, as ascertained fact. Thus, it was stated that *Pobjeda* revealed information on numerous real estates owned by the members of these families which they bought with money earned from the sale of CKB shares, obtained in a suspicious manner." The choice of this newspaper to state that there is evidence that the company that operated the renovation of the bank premises and property was allegedly paid in flats, and that these flats are actually their personal property.

TV PINK M: INFOMONTE (15 January) – By reporting on the article from *Pobjeda* on alleged illegal business of Mladen Bojanić, the member of parliament from Positive Montenegro, TV *Pink M* violated Principle 1 which obliges journalists to not publish biased information, as well as to do everything to check the accuracy of the information. “By stock exchange malversations, as the owned of Holder Broker, Bojanić constitutes a joint venture fund Aktiva Integra, through which he laundered 1.7 million euros”. In this case the accusations presented as ascertained facts could harm the reputation of the Member of Parliament, without publishing his comment.

TV PINK M: INFOMONTE (16 January) – While reporting on a text from *Pobjeda*, the report claimed that Tea Gorjanc Prelevic is one of the co-owners of *Monitor* and that she uses the money of citizens for the activities of HRA. „The opposition media in Montenegro, which call themselves „independent“, and some of the NGOs are well connected and they help each other

by using the money of citizens, for years convincing them that the truth is exclusively what they offer, as today's issue of *Pobjeda* reports." In such manner, the director of HRA is one of the co-owners of Monitor. On 31 December 2013, TV *Pink M* published a reaction of Gorjanc Prelevic in which she explained that she is not the co-owner of *Monitor*, which means that *Pink M* consciously published the inaccurate information, and that it obviously hasn't done anything to check the second allegation on the usage of citizens' money.

TV PINK M: INFOMONTE (20 January) – In a report on the writings of *Pobjeda* about the business operations of the former managers of CKB, several principles of the Code were violated. In the announcement for the report mentioned "the robbery in CKB", and continued: "One of the close associates of that financial institution explains how the two managers, Milka Ljumović and Bosa Tatar, have been robbing the bank for years, supported and protected by the monetary authorities." The report failed to publish the evidence for the claims on the illegal business, as well as comments of the accused side and the information whether they were contacted.

TV PINK M: INFOMONTE (21 January) An anonymous source from CKB told the newspaper *Pobjeda* several new accusations on the account of Bosa Tatar and Milka Ljumović, while TV *Pink M* reported on them as ascertained facts, without any evidence or comments of the accused side. Author of the report claims that "the robbery of CKB" was conducted, that the illegal activities were masterminded by Tatar and Ljumović, and that the members of these families were given the loans that were subsequently pardoned on the bank's expense".

TV PINK M: INFOMONTE (22 January) – Even in this report, based on the writings of daily *Pobjeda*, a guideline prescribing the provision of complete reports was violated, since the opinion of the journalists or editors of *Pobjeda* that the robbery of CKB happened, is presented as the ascertained fact. „How the CKB robbery looked like in the era of the tandem Milka Ljumović – Bose Tatar is clearly indicated in the following example.

TV PINK M: INFOMONTE (24 January) – The Code was violated several times in the report on an allegedly illegal contract signed by CKB and a company reconstructing the bank premises. Although several persons were accused for the illegal business activities, their reactions or the attempts to contact them were not published, the claim on the bank robbery is repeated, and the anonymous persons, whose claims, as seen in the report, were obviously unchecked.

"The profit obtained this way was shared among the bank managers and it was mostly expressed in square meters. The system was simple. Lower level is sold to the bank, while on the first floor the flats for families Tatar and Ljumović were built. That's how they did it in Kotor, but also in Cetinje. They were so arrogant that they took neighbors' terraces to expand the flats kept for themselves, their neighbors from Cetinje claim."

TV ATLAS: FORUM (26 January) – A report on the opportunity for fathers to attend deliveries in the new Obstetric of the Clinical Center is not in compliance with the guidelines for Principle 1 which prescribe that journalists must tend to publish accurate and complete information. The announcement of the report stated: "The people are divided, some men say that they would like to attend this act, while women do not support that," while the report stated: "Women are unanimous - partners have no place in the delivery room". Such claims must be supported by the results of a research carried out on a sufficiently large sample, but which are not, as in this case, based on the answers of two women in the street.

## **4.2. Principle 2 of the Code**

"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 Principle 2 in print and online media**

MT MSS did not find violations of Principle 2 of the Code, and HRA believes that this principle was violated by portal *Cafe del Montenegro* and daily *Pobjeda*, members of the MSS.

Both media outlets published the response of the Management board of the Conference "Word, Image and Enemy" on a critical review of the exhibition by HRA executive director Tea Gorjanc-Prelević, without previously publishing her text. Portal *Cafe del Montenegro* did not even make a reference for visitors via link to the text that was the subject of the reaction, and which was published on the official website of HRA.

By posting reactions to the text of Ms Gorjanc-Prelević, which had a form of an open letter and encouraged dialogue on controversial issues of public interest, and by not publishing the text which was the subject of reaction, *Pobjeda* and *Cafe del Montenegro* enabled the use of the right to free comment and criticism to one party, and denied the same right to another, therefore violating Principle 2 of the Code.

### **4.2.2. Violations of Principle 2 in TV programmes**

Neither MT MSS nor HRA associates found examples of violations of Principle 2 in television programmes.

### 4.3. Principle 3 of the Code

“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 October 2013 to 15 February 2014, MT MSS recorded the total of 9 violations of Principle 3 of the Code. During the same period, HRA associates recorded 16 violations of the same principle.

According to MT MSS findings, Principle 3 of the Code was violated four times by daily *Dan*, and once by daily *Vijesti*, *Dnevne novine*, *Blic* - Montenegrin edition and *Pobjeda*. Violations in case of daily *Pobjeda* were found upon acting on complaints.

According to HRA associates' findings, daily *Pobjeda* violated Principle 3 of the Code during the referring period the most. Principle 3 was violated six times in this media. HRA associates have determined that the same principle was violated three times by daily *Vijesti*, by *Dnevne novine* twice, once by daily *Dan* and *Blic* - Montenegrin edition, and portals *Analitika*, *Café del Montenegro* and *IN4S*.

Besides the fact that the number of violations found by HRA associates was higher than recorded by MT MSS, the journalistic content did not match that in which these violations were found. However, based on what was presented in the MT MSS reports, HRA believes that their assessment of violations of Principle 3 is correct. An illustrative example of good judgement of MT MSS can be found in the case of an appeal of the Director of the Association of Gambling Providers Marko Čulafić to the article "**Association of Gambling Providers, Marko Čulafić: Montenegro as Las Vegas**," published by daily *Pobjeda* on 1 December 2013. Čulafić complained about the act of journalists who attributed to him answers given by the spokesperson of the Association of Gambling Providers via e-mail, and presented them to readers as if they had actually talked to him. MT MSS determined that it was obvious that the questions were addressed to the spokesperson of the Association, and that the responses were sent to the same e-mail address, and that neither in the questions nor in the answers the name of the director Čulafić was mentioned. By attributing these answers to him, *Pobjeda* violated Principle 3 of the Code, as correctly observed by the MT MSS.

Below is the example of a case where the MT MSS, on its own initiative, correctly assessed that there was no violation of Principle 3 in daily *Blic* - Montenegrin edition. An allegation has been made in text "**Subotić remains with expenses**" that the court in London stated in its ruling that during the process it was not proven that Ratko Knežević slandered Stanko Subotić. MT MSS estimated that this statement was not true, and that the statement in the headline that the London Court found Knežević not guilty is disputable. The court, as noted by MT MSS, in the above case was declared incompetent, and, therefore, did not at all determine the person's guilt or innocence. MT MSS did not fail to point out that *Blic* corrected the mistake in the next edition by publishing the response of Subotic's lawyer.

In the examples specified by MT MSS, there is an interesting example from daily *Vijesti*. In the 1 December 2013 release, an article was published "**Footage will show whether there was any intention**" with headline "GAS: Vujica Gojačanin (20) in custody on suspicion of jeopardising the security of lawyer Daniel Mičovič". In its report MT MSS notes that it was a lawyer from the defense team of Šćepan Bujić from Bar, who is being tried for the murder of brothers Gojačanin. The text is illustrated with a photograph, taken inside a car, which shows the back of a male driver, and a hand of a person in the passenger's seat showing the middle finger. Below the photo is a caption: "Message from the jeep: Gojačanin and Perazić". MT MSS noted that the identity of the subject cannot be reliably determined, it is not known when the photo was taken and whether there is any connection with the controversial event that *Vijesti* reported. HRA considers such assessment of violation of Principle 3 of the Code based on these allegations correct.

We will give several illustrative examples of violations of Principle 3 noted by HRA associates, and not mentioned in reports of the MT MSS.

Daily *Pobjeda* published on 3 October 2013 an article titled "**Women most often kill out of jealousy and self-defense**" which is illustrated by a photo-portrait of a woman behind bars, below which there is no caption that clarifies the dilemma of whether it is a photo-portrait of a prisoner from the prison in Spuž or, as it is probably the case, the photograph of an unknown woman, borrowed from the Internet, which only served to illustrate the story. One of the guidelines<sup>58</sup> for Principle 3 prescribes how the media should make use of symbolic images, in order not to mislead the audience.

The identical case of violation of Principle 3 was noted by HRA associates in the weekend edition of *Dnevne novine* (3/4 November 2014). The text under the headline "**Reported teacher for**

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<sup>58</sup> " If an illustration, especially the photographs, may give the impression to an average reader that it is an authentic document, despite the fact that it is a symbolic picture, the case must be made clear. Photo montage or other interventions on authentic documents must be clearly marked as such in the accompanying text or in some other appropriate manner. "

**beating student”** was illustrated with a photo of a boy (profile), but there was no caption to suggest what kind of photograph was in question – a photograph of a boy who was allegedly beaten or a neutral photograph serving only to illustrate the story.

This type of violation was noticed in daily *Dnevne novine* in the 14 November 2013 release, in which a text under the title "**Average grades good, but too many absences**" was published, and which was illustrated with a photograph of groups of students, but without a caption that would suggest to the reader what kind of photograph is in question.

We note an example in *Vijesti* edition of 3 December 2013, in which this media outlet violated guideline for Principle 3, which prescribes that news must be separated from comments. In an article titled "**Head of the Bureau offends, the government remains silent**" which deals with the statement of Srđan Kusovac (former editor in chief of *Pobjeda*, who was then advisor of Prime Minister Milo Đukanović) published on the social network Facebook and reaction to the statements of people from the NGO sector. Between the two quotes of executive director of CCE Daliborka Uljarević there is a comment<sup>59</sup> that, although not explicitly attributed to Uljarević, could be concluded to be hers, due to its placement. In this way the author of the text violated the ethical principle of separating the information/news from the author's opinion about something or someone.

Portal *Café del Montenegro* published on 6 October 2013 an article about the public opinion poll without any additional information obligatory for the media according to the guidelines<sup>60</sup> of Principle 3 of the Code. This portal did not publish details of the contracting authority, the agency that carried out the research, the sample and potential variations. The site owner Boris Darmanović apologized for this omission the following day, which was pointed out to him by the rival media.

In early February 2014 (4 February) the same ethical violation was made by portal *In4S*, which published, as exclusive, an article entitled "**37 percent for NATO, 48 percent against.**" The article was about a poll, to which the portal allegedly had access, but does not specify the name of the agency that carried out the research, nor the contracting authority, or any other relevant information specified in the guidelines for Principle 3 of the Code.

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<sup>59</sup> "Former editor of *Pobjeda* will be remembered as a journalist without restraint to defense of the regime, using every opportunity and possibility, and personally insulting, cursing opponents and critics of the regime. Publication of curses, setting of photo and reporter ambushes, placing medical diagnosis of public figures, were normal in Kusovac's journalism."

<sup>60</sup> "When publishing the results of public opinion poll agencies, the media should give the number of respondents, the date of the poll, the identity of the contracting authority, as well as the questions asked. If no one has commissioned the poll, it should be pointed out that it was conducted on the initiative of the agency."

In addition to the analysed articles, HRA associates found violations of Principle in the following texts in daily *Pobjeda*:

- "Klikovac: Investigation of operations of CCE in the procedure" (17 January 2014)
- "'Inter-party battle' for the mayor seat in Herceg Novi initiated: Opposition finds everyone equally unacceptable" (7 February 2014)

... in daily *Vijesti*:

- "Hired Mitrović and Pink for campaign against B92" (22 October 2013)

#### **4.3.2. Violations of Principle 3 in TV programmes**

In the reports for the period from 1 October to 15 February, MT MSS recorded, acting on a complaint, a violation by TV *San*.

According to HRA monitoring of main news programmes of the top five television stations in Montenegro, in the period from 1 October to 1 March, Principle 3 was violated 22 times. TV *Pink M*, MSS member, had a convincing lead with regard to violations of this principle, during whose primetime news programme 21 instance of violations were recorded. One violation was recorded in *TVCG* programme.

In the reports broadcasted on TV *Pink M*, in addition to Principle 3, Principle 1 was violated very often, i.e. the principle of integrity of information, as well as Principle 10, which speaks of the presumption of innocence. It is evident that *Pink M* violates Principle 3 almost exclusively in the reports on the same topics and people. These are the stories about criminal charges against Milka Ljumović and Bose Tatar, about Ljumović, Tatar and Perović families, about the work of television and daily newspaper *Vijesti*, weekly *Monitor* and NGOs Centre for Civic Education and Human Rights Action. In all these reports the information is mixed with comments, in violation of Principle 3 of the Code.

TV PINK M: INFOMONTE (18 October) – During the announcement for a TV report about who's competence it is to assess whether there are elements of crime in a certain case, Principle 3 was violated because the comment was not clearly separated from facts. Thus, one's position - comment that "the owners and editors of *Vijesti* together with certain NGOs and opposition parties have been trying for days to disprove the prosecution's decision, using various manipulations of readers and viewers" - has been presented as a fact.

TV PINK M: INFOMONTE (18 October) – In its report on the presentation of Šeki Radončić's book, TV *Pink M* violated the obligation to clearly separate news from commentary, since the



opinion of the author was presented as an indisputably established fact. In the report announcement, the anchor-man stated: "For the first time in Montenegro Radončić opens a Pandora's box of secret relations of lies and deceptions, hiding behind the scenes of a story of independent journalism". The report, amongst other things, includes the statement that the book "publishes evidence of unscrupulous plunder and illegal actions by several owners of weekly *Monitor* and daily *Vijesti*".

TV PINK M: INFOMONTE (21 October) – Opinion of journalists or editorial board was presented as an established fact in a report announcement about the reasons why the expert testimony had not been conducted at the Faculty of Economics in the case of CKB Bank. Principle 3 was violated in the following sentence: "Information desk of Pink M television continues to explore the reasons why the case against accused former officials of CKB Bank, headed by director Milka Ljumović, has been sitting untouched for months in the Prosecutor's Office, and at the same time under the absolute media protection with the Montenegrin public". The very report does not offer arguments or facts that prove the claim that the case was under "the absolute protection of the media with the Montenegrin public."

TV PINK M: INFOMONTE (23 October) – Journalists and editorial board's opinion was presented as a fact in this report, too. The announcement says: "in the following report we wish to remind the public about the continuing obstruction and delay in the case", but the report does not provide evidence of claims of "obstruction and delay". Also, the report informs about "several millions in damage caused to the bank", although this has not been established. Commentary is also evident in the statement: "All the accused have received pretrial release, with an offensive and hitherto unrecorded court's reasoning, which clearly showed everyone at the very beginning of this process that in this case the law will be treated noticeably different".

TV PINK M: INFOMONTE (25 October) – In a report regarding an interview with professor Miško Perović, co-owner of daily and television *Vijesti*, a journalist presented several qualifications, comments, that were not announced as such, which represents a violation of the rule to separate fact from commentary. For example: "Abusing his ownership of a TV station with national coverage, in the so-called interview he tried to pressure judicial authorities leading the investigation".

TV PINK M: INFOMONTE (25 November) – In the mixture of news and commentary, Principle 3 was breached several times in a report about "a campaign of *Vijesti* interest group against the organizers and participants of conference 'Word, image, enemy'". Assessments were presented as facts, for example: "Together with their soldiers, they (*Vijesti*) have been harassing and insulting the participants for days, writing pamphlets, publishing lies".

TV PINK M: INFOMONTE (25 November) – Commentary and news were not separated, as required by Principle 3 of the Code, in a report conveying the writings of daily newspaper *Pobjeda*. The following was reported: "Today's *Pobjeda* publishes new scandalous details of the affair of robbery of Montenegrin Commercial Bank (CKB)... credits for buying company shares were granted by the order of "Black" and "Yellow"... Thus, the members of families Perović, Ljumović and Tatar obtained these tens of millions through the money of state companies that covered overdrafts at CKB".

TV PINK M: INFOMONTE (26 November) – In the genre mix of information and comments, "the scandal robbery of Montenegrin Commercial Bank" is regarded as an established fact, claiming that the mentioned families "obtained millions not through the purchase of shares, but mostly through fictitious contracts on gifts and overtaking of company shares previously driven into bankruptcy."

TV PINK M: INFOMONTE (4 December) – Editor or journalist's opinion of *Vijesti* owners was presented as a fact in the following content: "Based on the details of affair Robbery of Montenegrin Commercial Bank (CKB) that appeared in the media during the last several weeks, the public could make certain that illegal business has been an integral part of operation of *Vijesti* owners... and that the violation of law is a work style employed by *Vijesti* owners".

TV PINK M: INFOMONTE (9 December) – Comment was presented as fact in a report where Bose Tatar and Milka Ljumović were called "the main protagonists of CKB robbery", while also asserting that "the wall of silence from state institutions regarding the scandal was primarily a consequence of strong influence Ljumović and Tatar had on state institutions, because a large number of family members of the responsible persons from these institutions were once employed by the two, or granted a loan".

TV PINK M: INFOMONTE (13 December) – This report too speaks about "CKB robbery" as if it were an established fact, about "the alleged investigation of the Prosecutor's Office", and the Dean of the Faculty of Economics Milivoje Radović, who "further reduced the significance" of this case, without stressing that this was an opinion or comment, not a fact.

TV PINK M: INFOMONTE (13 December) – Reporting about MSS's notice that daily *Dan* and TV *Vijesti* had violated the Code, the rule of separation of comment and news was breached, and the report was concluded with a comment "following the recent decision of Agency for Electronic Media, which confirmed that *Vijesti* television constantly violates the laws, this is yet another proof that the professional standards of journalism have been banned in Željko Ivanović and Miodrag Perović's television".

TV PINK M: INFOMONTE (23 December) - Citing daily *Pobjeda* writings regarding the property owned by Milka Ljumović and Bose Tatar families, PINK M presented an opinion - commentary, as if it were an established fact. Thus, it is stated that "*Pobjeda* reveals information about the number of real estate owned by members of these families, which were bought with money from the sale of CKB shares obtained by dubious means".

TV PINK M: INFOMONTE (13 January) – Citing *Pobjeda* writings, PINK M does not separate commentary from facts and states that "*Pobjeda* journalists publicly ask why some media outlets have been privileged by the Prosecutor's Office top officials, why the Prosecutor's Office favours these tabloids and immediately responds to their requests, while it is obvious that information from the Prosecutor's Office constantly leaks into those privileged tabloids".

TV PINK M: INFOMONTE (15 January) – Even though in the report announcements regarding statements by Šeki Radončić and Milka Tadić Mijović, both parties' positions were properly presented as their personal positions - opinions, not facts, that was not the case in the very report, as a number of qualifications were presented, unsupported by facts: "For two days already, tabloid *Vijesti* has been pushing the topic of alleged threats against journalists. The whole story includes the so-called Media Union. They are thus trying to create an image of vulnerability of journalists, so following false information about an explosive device thrown in front of the building of writer Jevrem Brković, there were Milka Tadić's false claims that she had been threatened by journalist and publicist Šeki Radončić... Because of her column insulting him and journalist Darko Šuković, Radončić... ".

TV PINK M: INFOMONTE (16 January) – In its TV report referring to daily *Pobjeda*, TV PINK M transmitted a comment without separating it in any way from the established facts. The following was stated in the report: "Opposition media in Montenegro who call themselves independent, and some non-governmental organizations are very much connected and help each other using citizens' money, while persuading them for years that the only truth is what they serve, reads today's *Pobjeda*. Thus, Tea Gorjanc Prelević, Director of Human Rights Action, is one of the co-owners of *Monitor*, while Daliborka Uljarević, Director of Centre for Civic Education (CCE), has been helping daily *Vijesti* for years and paying scholarship for its editor Nedeljko Rudović". In December, TV Pink editorial board received and published the response of Tea Gorjanc Prelević, explaining that she was not weekly *Monitor* co-owner, which did not prevent this TV station from re-publishing the information, which they now knew was incorrect, violating the guideline for Principle 3 stating that "opinions and assessments in the commentary must be based on facts."

TV PINK M: INFOMONTE (17 January) – In its report regarding information from the Prosecutor's Office on the investigation into NGOs CCE operations, distinction has not been made between the facts and comments expressing the opinion of editorial board and

journalists. It was stated that "Uljarević brazenly says...", and "even though they are self-proclaimed critics who find flaws to everything and everyone, present themselves as teachers of democracy and promote European standards, they are obviously very bothered when someone asks them whether they function in accordance with the law and the European standards".

TV PINK M: INFOMONTE (19 January) – Comment was not separated from the facts in a report regarding the statement of Special Prosecutor for organized crime about expert testimony in the case of CKB bank. Prosecutor's statements were commented in the following manner: "Although prosecutor Ivanović failed to explain why the expert's report was so important, especially after the previous game with expert testimony by Dean of the Faculty of Economics Milivoje Radović, because the fraud and damage done by these managers is so obvious that an expert's report was not even necessary."

TV PINK M: INFOMONTE (22 January) – In this report too, based on the writings of *Pobjeda*, commentary, opinion of journalists or editorial board that the robbery of CKB had taken place, was presented as an established fact. "The following example best shows what the robbery of CKB during the reign of Milka Ljumović - Bose Tatar tandem looked like...".

TV PINK M: INFOMONTE (24 January) – Statement that the bank was robbed was repeated, while also stating that "their arrogance was so great that they were snatching neighbours' terraces to expand apartments they had left for themselves, according to neighbours from Cetinje."

TV PINK M: INFOMONT (13 February) - As part of the report on the opening of exhibition "Word, image, enemy" in Berane, comment was not separated from facts, thus, instead of information on what had happened, viewers were offered journalist's interpretation, i.e. commentary. Following the statement by Ranko Vujović, member of the Organizing Committee of the exhibition, that "reactions of those who were called out and their allies, months after the exhibition, only prove how much the exhibition hit a problem burdening our media scene for years", TV PINK M reporter continued: "The fact that these allegations are true is also confirmed by a failed attempt of Tufik Softić, correspondent of opposition daily *Vijesti* from Berane, to draw attention to the election list of Democratic Front and Socialist People's Party, that his wife Nada Softić was on, by using some kind of propaganda postcards." However, apart from this comment interpreting journalist Softić's intention to viewers, there was no information about the very event. Only from the reports of other media one could have concluded that Softić reported on the performance of Luka Berane group, who had set up postcards at the exhibition.

TVCG: NEWS 2 (16 February) – In a report about the sale of national and imported bottled water in Montenegrin stores, the comment or opinion of a journalist or editorial staff - that there is a big difference in the quality of imported and Montenegrin water - was announced as if an established fact."

#### **4.4. Principle 4 of the Code**

"It is a duty of a journalist to complete 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**

MT MSS recorded a total of six examples of violations of Principle 4 in the period from 1 October 2013 to 15 February 2014, four of which due to the complaints of interested persons. In the same period, HRA associates recorded one example. MT MSS found all seven examples of violations in the two media outlets that are not MSS members - *Dan* (4) and *Vijesti* (3). HRA associates found one example in daily *Dan*.

By analysing MSS Monitoring Team's acting on complaints, we have already asserted that its reports do not generally represent the views of both sides or include satisfactory explanations of what its conclusions were based on, which makes it difficult to weigh whether the presented assessments are valid. Such assessments are questionable also due to the absence of the requirement to obtain an opinion of the media outlet mentioned in a complaint, which leads to favouring of arguments of the complainant.

Judging on the basis of arguments presented in the report, MT MSS rightly found that daily *Dan* failed to act in accordance with the Code and violated Principle 4, because it did not in the prescribed manner correct an error made in the report from the courtroom published in its issue dated 16 October 2013. As stated by MT MSS, on the front page and on page 9 daily *Dan* published an article entitled "**Milo knew that they worked without a tender or permit**", containing extensive excerpts from a testimony of the accused former mayor of Budva Rajko Kuljača. In the next issue, as stated in MT MSS report, on page 8, *Dan* published Kuljača's response, asserting that in his statement he did not hint at Milo Đukanović, but Budva DPS and Boro Lazović. MT MSS believes that *Dan* failed to comply with the rules governing the publication of denials, and that in this particular case the compliance with the said rules was even more important, since the error occurred due to the arbitrary interpretation of a

testimony given during a trial. MT MSS found that *Dan* did not comply with any of the suggestions of the corresponding guideline<sup>61</sup> for Principle 4 of the Code.

Stance of MT MSS that daily *Dan* acted in a manner contrary to Principle 4 guidelines of the Code is also well-founded in the case of Electric Power Company of Montenegro. Namely, a denial announcement of Montenegrin Electric Power Company regarding claims set forth in article "**DPS voters forgiven debt for electric power supply**" of 8 February 2014 was integrated into a text published in the next issue of that daily, titled "**Prosecutor will not go against DPS**", and not published separately, in accordance with the guidelines for Principle 4 of the Code.

HRA associates noticed that daily *Dan* acted inappropriately in its issue of 28 November 2013, publishing a response of company "Sublime Developments" Ltd from Podgorica and Edin Kolarević titled "**Loan of six million is not ours**". The text to which the response referred was published on the front page, titled "**Received 11 million loan for building without a use permit**", while the reaction had no such editorial treatment, although *Dan* did not call into question the accuracy of allegations in the response text. The Law on Media and guidelines for Principle 4 of the Code specifically state that a reaction must be published in an appropriate manner, i.e. correspond to the placement of a text to which the reaction relates, which in this context means the publication of a correction in the same place (in case of print media).

According to the findings of HRA associates, weekly *Monitor* also violated Principle 4 of the Code, acting beyond what is suggested in the guidelines for this principle, and contrary to Art. 28 of the Law on Media.<sup>62</sup> On 28 February *Monitor* published a response ("**I want an official apology**") of foreign businessman Neil Emilfarb regarding the text from the previous issue titled "**Uzbek on the Holy (Sveto's) land**" in its section "Inbox", not in a section appropriate for placement of the text of a response.

It is a well-known editorial practice that correction texts are published in separate sections, intended for such content. This can be justified in cases of critical assessments of one's standpoint, polemics, but not in case of a reaction challenging the factual foundation of journalistic text, as was the case in the example above.

#### **4.4.2. Violations of Principle 4 in TV programmes**

Neither MT MSS nor HRA recorded violations of this Principle in the period covered by the report.

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<sup>61</sup> "If a media institution discovers that it has published a report containing a significant distortion of the facts, it must publish a correction promptly and with comparable prominence. This correction must refer to the previous incorrect report".

<sup>62</sup> Art. 28, para 1 of the Law on Media: "The correction or reply shall be published without amendments, on the same newspaper page or in the same TV or radio broadcast which published the programme content that the correction or reply refer to."

## 4.5. Principle 5 of the Code

“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**

In MT MSS reports from 1 October to 15 February, six examples of violations of Principle 5 of the Code were recorded. In the same period, HRA associates also recorded six examples<sup>63</sup> of violations of the above principle, some of which were the same as those established by MSS.

According to MT MSS, daily *Dan* violated Principle 5 of the Code on four occasions, while dailies *Vijesti* and *Dnevne novine* violated this principle once each. HRA associates also recorded four breaches of this principle in daily *Dan* and two on IN4S portal.

Both HRA associates and MT MSS found ethically problematic an article written by Dragan Mraović, titled "The Parade", published in *Dan* on 10 October 2013. The author referred to the upcoming Pride parade in Podgorica, stating clear positions against such event, using, amongst others, the following argument: "Requirements of this population to be protected, legitimate in terms of homophobia, are in this way transformed into a political option and used as an argument to legitimize gay marriage and adopt children in favour of those who do not want to create them the way nature intended, but want to make other people's children stray from a natural path so as to fulfil their egoistic desire for others to give them what they themselves could have naturally had, but did not want to. The parade of shame has a direct ideological impact on the family, the foundation of a healthy society and thus a healthy state...".

In cited paragraphs, the author stated his homophobic views while basing them solely on the stereotypes that exist in relation to sexual minorities. Such author's views violated Principle 5 of the Code and the guideline<sup>64</sup> for this principle concerning hate speech.

We believe that MT MSS acted properly when it detected speech in violation of Principle 5 and guidelines for this principle in texts conveying the views of Metropolitan of Montenegro and the Littoral Amfilohije. These were articles published in daily *Dan* on 17 and 28 October 2013, titled "**Parade of obscenity thanks to faggot lobby**" and "**Amfilohije: Podgorica cleansed of sin**".

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<sup>63</sup> By the end of February, HRA associates noted another example of violation of Principle 5 of the Code, in weekly *Monitor*.

<sup>64</sup> "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."

In addition to the above examples noticed by MSS, HRA associates recorded five more instances of ethically problematic content with regard to sexual minorities, three of which were published in *Dan* and two on IN4S portal. *Dan* published stories titled "**Man shaved off his moustache after 57 years because of the parade**" (20 October 2013), "**Old Trako shaved off his moustache**" (27 October 2013) and "**Dedejić withdrew because of provocateurs with axes**" (21 October 2013), while portal IN4S published texts "**Faggot western morality**" and "**Russia: Conflict between Orthodox Christians and LGBT activists.**"

HRA believes that all statements disclosed in the aforementioned articles, that the gay population is in need of treatment, represent hate speech, because they are not based on scientifically proven information - facts, are used with the apparent intent to stigmatize a minority and support the arguments of homophobic people, especially those who are violent or promote violence. These statements are particularly problematic in the context of the text with homophobic intoning. "Faggot western morality", on the other hand, is a critically intoned pamphlet against the policy of tolerance towards sexual minorities. Introductory part of the pamphlet puts in a problematic context two completely different events - the killing of Muammar al Gaddafi and organization of Pride parade in Podgorica, and uses expressions with obvious intention to devalue and humiliate people who belong to a sexual minority ("faggot march", "faggot quota", "faggot paradise", "disgusting parade of shame"). This text also humiliates those who advocate for their rights, who are unfoundedly accused of wanting to collapse "the inviolability of Montenegrin family...", etc.

HRA agrees with MT MSS that *Dnevne novine* violated Principle 5 in text "**Montenegrins beat two boys**", published in the weekend issue of 4/5 January 2014, because the title unduly emphasizes nationality. The same goes for Monitor's text "**Uzbek on the Holy (Sveto's) land**", where HRA already asserted a violation of Principle 4.

HRA does not agree with MT MSS in connection with a breach of Principle 5 in article "Like priests, like truth" published in *Dan* on 26 November 2013. MT MSS found that Montenegrin Orthodox Church, its priests and believers were disparaged in this text. Aside from assessing as controversial a headline of the report from the main hearing held in Podgorica Basic Court on a complaint filed by Metropolitanate of Montenegro and the Littoral against Metropolitan of Montenegrin Orthodox Church, Mihailo and its priests Dragan Pavlović and Jovan Tomović ("Contradictory statements by representatives of the so-called Montenegrin Orthodox Church at the trial on a complaint by Metropolitanate of Montenegro and the Littoral") because of an indication "the so-called", MT MSS failed to mention anything else that could have been qualified as hate speech. Montenegrin Orthodox Church is an existing religious organization in Montenegro, but since it has not been canonically recognized by leading Orthodox churches, *Dan* cannot be denied the right to publish such statement. However, if the "so-called" remark is



perceived as a comment, then one could talk about the violation of Principle 3 of the Code, which requires that "news and commentary be clearly separated".

#### **4.5.2. Violations of Principle 5 in TV programmes**

During the period covered by this report, neither MT MSS nor HRA recorded violations of this Principle.

#### **4.6. Principle 6 of the Code**

"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**

Neither MT MSS nor HRA monitors recorded violations of Principle 6 of the Code in the period covered by this report.

##### **4.6.2. Violations of Principle 6 in TV programmes**

Neither MT MSS nor HRA monitors recorded violations of Principle 6 of the Code in the period covered by this report.

#### **4.7. Principle 7 of the Code**

"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**

Neither MT MSS nor HRA monitors recorded violations of Principle 7 of the Code in the period covered by this report.

#### **4.7.2. Violations of Principle 7 in TV programmes**

In the period covered by this report neither MT MSS nor HRA monitors recorded violations of Principle 7 of the Code.

#### **4.8. Principle 8 of the Code**

*“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, MT MSS recorded eight violations of Principle 8, of which one upon complaint, while HRA monitors recorded two more violations<sup>65</sup>.

According to two MSS reports from October 1 2013 to 15 February 2014, daily "Dan" violated Principle 8 three times, daily newspapers *Pobjeda* and *Dnevne novine* two times, and daily *Vijesti* once. According to HRA statistics, its associates recorded three violations of Principle 8 each by daily newspapers *Vijesti* and *Dan* and two by *Pobjeda* and *Blic* – Montenegrin edition.

Based on the reasoning presented in the MSS report, we believe that its assessment was grounded in the case of a text published in the weekend edition of *Dnevne novine* of 9/10 November 2013. MT MSS believes that in the article titled "**Đukic threatened Đurović's gang from prison**" violated Principle 8, i.e the guideline<sup>66</sup> that refers to staying within acceptable limits when reporting on accidents. MT MSS rightly believes that the limits of reporting on accidents (in this case about the murder) were crossed because the reporting was based on unconfirmed speculations by anonymous sources, thus, according to our opinion, unprofessionally and unethically constructing a story about the accident and disrespecting the feelings of victim's family members.

We also believe that the assessment of MT MSS on the violation of Principle 8 in article titled "**With a husband like that, a vibrator is necessary**", published in daily *Dnevne novine* on 16 January 2014. MT MSS stated that this was an interview with singer Danijel Alibabić's wife, in

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<sup>65</sup> By the end of February, HRA monitors observed one more violation of Principle 5 of the Code in daily "Dnevne novine".

<sup>66</sup> "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".

which she revealed details from their private life, which represents a violation of the obligation of journalists "to be very careful when dealing with private life of people".

In an article titled "**The noise disturbs sleep**", published in daily *Dan* on 9 February, MT MSS properly recorded a violation of Principle 8, because the media violated the privacy of the petitioners whose facsimile was published. The petition also contained ID numbers of petitioners.

In the edition of *Dan* of 25 January 2014, in the text "**Failed to mention during the investigation that Duško was in danger**", facsimile of the first page of the minutes of the hearing of witnesses (Minister Duško Marković) was published on the cover page as well as page 9, showing his private address, which is in HRA's opinion, a violation of the guideline of Principle 8 which suggests that "people's private addresses enjoy special protection". This violation was not recorded by the MT MSS.

HRA monitors recorded another violation in *Vijesti*, in article titled "**Crazy Milan continued treatment in Serbia**" published on October 22 2013, which contained unethical reporting on transferring people convicted of multiple murders. Although this concerns a perpetrator of a serious crime, he is a severely mentally ill person, on, in our opinion, should not be subject of journalistic disdain, as one of the guidelines<sup>67</sup> for Principle 8 prescribes.

MT MSS properly assessed the case of the text titled "**Released pending trial**" published in *Dan* on 9 February. This concerns an article that dealt with the case of a woman who was suspected of falsely reporting robbery in order to, allegedly, cover up her infidelity, and MT MSS believes that *Dan* did not take into account the interests of three minor children of the mentioned woman. "The whole case was actually a story about adultery, disturbed marital relations, in which children should not have been further hurt by media reporting", stated MT MSS, on what HRA agrees. However, MT MSS is not consistent with respect to this case, because it overlooked reporting of other media outlets on the same subject. According to observations of HRA monitors, in their reporting on this case, daily newspapers *Pobjeda* (5 February 2014), *Blic* (6 February 2014) and *Dan* (5 February 2014) also violated Principle 8, days before the MT MSS observed unethical reporting on this case.

*Dan* and *Pobjeda* published the identity of spouses, and *Blic* - Montenegrin edition, only initials, but it was easy to conclude who it was about based on the story of a husband policeman and the writing of other print media. Although the wife was suspected of criminal offense of false reporting, on which the public was informed earlier through the media, it does not mean that

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<sup>67</sup> "Physical and mental illness or injuries come fundamentally within the private sphere of the persons affected. Out of consideration for them and their dependants, the media should not publish names and photographs in such cases and should avoid using disparaging terms to describe their illness, even if they are terms in popular usage."

the public interest demanded a family drama to be made public. One of the guidelines<sup>68</sup> for Principle 8 of the Code states that the private life of a person should be made public only in cases of particular interest to the public, which was not the case here. It should especially be noted that spouses have three young children, as MT MSS rightly observed in its report.

MT MSS observed that daily *Pobjeda*, in two columns of Marko Vešović ("**Papak from Papa and Smradončić from Gusinje**", 18 October, and "**The Awakening of the Rats**", October 25, 2013) violated Principle 1 and Principle 8, stating that the author used insulting language when referring to certain individuals. MT MSS properly observed that the author's language was offensive and constituted a violation of Principle 1, which deals with general standards, but in our opinion Principle 8 was not violated, because the texts did not violate anyone's privacy in a manner explained in the existing guidelines for this principle. However, another article by the same author contains a direct violation of Principle 8, but MT MSS did not mention that text in its report. This concerns a column titled "**Enough with the delays**", published in daily *Pobjeda* on 13 January 2014, in which the author revealed more information concerning the private life of persons whose names were not listed, but their nicknames by which the author has continuously referred to them in public communication were, making them easily identifiable. Examples: "A climax of a woman's love of freedom in Montenegro is represented today by a lady used sexually by Ratko Knežević...", "... and as for her husband, people in Podgorica say that you never know when he's on heroin, and when on Hera". Specifying this kind of information in the text represents an invasion on privacy and harsh humiliation of the mentioned persons, which directly violates Principle 8 of the Code.

MT MSS observed that daily *Dan* violated Principle 8 in the text titled "**Searched for Anton, found Ratko**", published on 12 December 2013. The text concerned the search for two boys who went missing and were presumed to have committed suicide, and MT MSS believes that the title of *Dan* attempted to be funny, which is inappropriate in reporting on accidents. HRA believes that this assessment of MT MSS was quite far-fetched, because although the title was not the best choice, it cannot, however, be considered that the intention was to be funny.

In addition to the analyzed, HRA associates observed a violation of Principle 8 in texts "**Mugoša gave land to Milo's godfather**", published in *Vijesti* on 10 February 2014 and "**Damir Mandić engaged, Ljubo Bigović to be his best man**" published in the same newspaper on 15 February 2014. In the first case the right to privacy was violated by publishing personal identification number, and the second was an unjustified interference with the private life of a person without his permission.

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<sup>68</sup> "Reporting on a person's private life can be justified when it is in the public interest to do so. This would include: detecting or exposing criminal conduct; detecting or exposing seriously anti-social conduct; protecting public health and safety; corruption, etc. Reporting on a person's private life is also justified if it prevents the public from being misled by some statement or action of that individual such as where a person is doing something in private which he or she is publicly condemning."

#### **4.8.2. Violations of Principle 8 in TV programmes**

In its reports, the MT MSS did not list any violations of Principle 8 in TV programmes.

HRA recorded 13 such examples, of which five in programmes of TV *Vijesti*, *Atlas* and *TVCG* each.

Most violations of this principle (11 examples) relate to the disclosure of names and surnames of victims of traffic accidents, contrary to the guideline of Principle. 8, which states that "the victims of accidents or crimes are entitled to special protection of their names," and that "it is not always a rule to disclose the identity of the victim in order for the public to better understand the accident or crime," but that "exceptions can be tolerated if the person is a public figure or in the case of special circumstances."

In all the recorded cases the victims were not public figures, and there were no special circumstances that would justify the publication of the names of the deceased and injured.

Violations on this basis were observed in the following news programmes:

TV VIJESTI: NEWS AT HALF PAST SIX (5): 25 October 2013, 5, 6, 7, 11, and 13 January 2014.

TV ATLAS: FORUM (4): 29 December 2013, 9, 11, 18 and 28 January 2014.

TVCG: NEWS 2 (3): 24 November 2013 and 10 February 2014.

TVCG violated the guideline for Principle 8 which obliges journalists to ultimate restraint in reporting on suicides.<sup>69</sup>

TVCG (24 November) - In a report on the alleged suicide name of the person who was killed in a bomb blast in Podgorica was not disclosed, but the allegation that the case was a suicide was, accompanied by the caption "COMMITTED SUICIDE" and contained detailed circumstances of the death, as well as assumptions that the person had left a suicide note. Details of his personal life were also published. "Unofficially, the man who killed himself left a suicide note and was indicted after not returning to prison in Spuž after his probation."

In its programme *TVCG* violated the guideline for Principle 8, which states the necessary caution in reporting on medical research and therapy.<sup>70</sup>

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<sup>69</sup> "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."

<sup>70</sup> Reports of alleged successes or failures of medical or pharmaceutical research in the fight against serious illnesses call for circumspection and a sense of responsibility."

TVCG: NEWS 2 (12 December) – Regarding the information that disproportionately more male children are born in Montenegro, TVCG published a report on an empiric who can, as claimed, affect the sex of a conceived child and help couples who suffer from infertility. "Eighty-year-old Bajo Šušlavčević, who has been helping couples to become parents for half a century, knows that offspring should not be left to chance. You have a choice between male or female", states the report. This violated Principle 8 which deals with reporting on the activities of freelance healers - empirics, and states that journalists must express a special dose of reasonable doubt and reserve. TVCG report not only did not express doubts about the claims of the empiric, but in the closing words the audience is encouraged to discriminate unborn children based on their sex: "If you doubt, give it a try, Bajo does not charge advice. That is a better options than frequent abortions, which classified Montenegro among the countries with the highest rate of natural disturbances in average ratio of sexes".

#### **4.9. Principle 9 of the Code**

*"A journalist is obliged to protect integrity of adolescent persons, different and disabled persons."*

##### **4.9.1. Violations of Principle 9 in print and online media**

MT MSS and HRA recorded four violations each of Principle 9, of which only one was the same while others were different. Three examples were recorded in daily *Dan* and one in *Vijesti*. HRA associates observed two violations in *Dan*, and one in *Pobjeda* and *Blic* – Montenegrin edition, each.

Violation observed by both MT MSS and HRA is from an article published in daily *Dan* on 10 October 2013 titled "**Raped niece and pushed her from the balcony**". Bearing in mind that this concerned a minor whose identity was disclosed indirectly, the article did not take into account the protection of the interests of children in themanner generally suggested in the guideline<sup>71</sup> for Principle 9.

In the case of the text titled "**He beat my child and pushed his head into the bench**" published in daily *Vijesti* on 16 November 2013, MT MSS recorded a violation of Principle 9, but this was not explained in a way that would convince us that they acted properly. The report does not specify the way in which manner this principle was violated, except that it reminds us, "that the

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<sup>71</sup> "The media is obliged to comply with the principles of the UN Convention on the Rights of Children and to research with special care the information that effect children's interests."

alleged victim is a minor," and that the guidelines for Principle 9 prescribe "special care for information related to the interests of children".

According to the MT MSS report, daily *Dan* published on 8 February in its appendix two articles ("**The coldn made them clung to each other**" and "**No flour of the fritters**") on the Food Bank's donation to vulnerable families and with both texts containing photographs of underage children. MT MSS assessed that it was inappropriate to publish those photographs "in order to provoke public sympathy for their poverty, regardless of whether they have the consent of a parent or guardian". However, we believe that it was not a violation of the Code if the aim of the article was to incite pity and thus encourage people to help. Unethical reporting would, in our opinion, be if pity was used to manipulate with children in favour of someone or something else, which MT MSS did not observe. Principle 6 of the UNICEF general guidelines on reporting on children states that journalists should not publish a story or a photograph which might put the child, his/her siblings or peers at risk. In this case there was no such danger, thus HRA does not agree with the assessment of the MT MSS.

Unlike MT MSS, HRA associates observed that daily *Pobjeda*, in our opinion, violated Principle 9 when reporting on a minor. In its edition of 10 December 2013, *Pobjeda* published an article titled "**Epilogue of Pobjeda's story: Grba will go to home in Bijela**" in which it stated that a minor, whose identity was disclosed, will be placed in a home for children in Bijela, since his parents "do not have the capacity to take care of him." The article was illustrated with a photograph of the child. HRA believes that disclosing the identity of the child (full name) and publishing photographs violated Principle 9 of the Code, in particular the guideline concerning photographing.<sup>72</sup> In this case there is no professional justification for the disclosure of identity and photographs of the child, because those actions do not help him, and no public interest suggests acting as *Pobjeda* did.

HRA associates observed violations of Principle 9 in daily *Dan* of 23 October, in an article about a car accident, and daily *Blic* – Montenegrin edition on 23 November 2013, in an interview with the prize winner of the U.S. Government.

Article on the accident titled "**Toppled cyclist with motorcycle**" stated that a 17-year-old boy was riding the motorcycle that hit the cyclist, whose identity was revealed, and that he is to blame for the accident. Although everyone in the local community will find out the name of the young man who was suspected of causing the accident, HRA believes that there was no justification for the disclosure of his identity in the newspapers.

In case of the interview titled "**Mixed business and humanity, helps invalids find jobs**" HRA associates observed that the journalist used the term "invalids" and the interviewee used the

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<sup>72</sup> „The media is obliged to exercise special sympathy when interviewing, photographing or filming children under the age of sixteen.”

term "persons with disabilities", which is more acceptable. The title contains a phrase that belongs to the jargon and is offensive to this group of people. Principle 9 of the Code states that the journalist is obliged to protect the integrity of minors, disabled and different persons, and that means using language that does not offend them.

#### **4.9.2. Violations of Principle 9 in TV programmes**

During the period covered by this report, HRA and MT MSS did not observe any violations of this principle.

#### **4.10. Principle 10 of the Code**

*“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.”*

##### **4.10.1. Violations of Principle 10 in print and online media**

From 1 October 2013 to 15 February 2014, MT MSS observed 14 violations of Principle 10, concerning the presumption of innocence. HRA associates HRA recorded 293 examples in the same period.<sup>73</sup>

Although, according to the monitoring of HRA associates, violations of Principle 10 still constitute the majority of all violations of the Code by print and online media, we note that this number is significantly lower than in our second report, which covered the period from 1 March to 1 October 2013. During that period, which is a month and a half longer than the period covered by this report, there were 510 examples of violations of Principle 10.

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<sup>73</sup> From 15 February to 1 March 2014, HRA associates observed 18 more violations of the presumption of innocence.



Violations of the presumption of innocence (1 October 2013 – 1 March 2014)	Blic	Dan	Dnevne novine	Pobjeda	Vijesti	Total
Title	19	108	49	47	39	262
Title and first paragraph	2	3	2	1	1	9
Title and text	3	2			3	8
Title and headline	1	6	4	2		13
Title, first paragraph and text		1	1			2
Title and photograph		1	1			2
Title, headline, first paragraph and text		1				1
Title and subtitle		3				3
Headline and first paragraph				1	1	2
<b>TOTAL</b>	<b>25</b>	<b>125</b>	<b>57</b>	<b>51</b>	<b>44</b>	<b>302</b>

Of 14 violations specified by MT MSS, four related to dailies *Vijesti* and *Dan*, and five to *Dnevne novine*. Of all the observed by HRA associates during the same period, 116 were found in daily *Dan*, 48 in *Dnevne novine*, 50 in daily *Pobjeda*, 45 in daily *Vijesti* and three on portal *Vijesti*, 23 in *Blic* – Montenegrin edition and 11 on portal *Café del Montenegro*.

Of violations observed by HRA associates, Principle 10, the presumption of innocence was usually violated in titles of articles published in daily newspapers and on portals. This was done 261 times. After that, the most common violations of Principle 10 are in headlines and subtitles, but this was observed in only 13 cases. Only one violation of Principle 10, the presumption of innocence, was recorded in the headline, title, first paragraph and the rest of the text. This case was an article with headline "Podgorica police arrested Ognjen Vuković and Miloš Rakočevića for torturing Milinko Lepojević" and title "Colleagues tried to rape him", published in daily *Dan* on 21 December 2013.

In only two cases Principle 10 was violated in the formulation of the title and the caption below the photograph.

According to HRA associates, Principle 10 was violated seven times in articles which violated other basic principles of the Code, and in five cases, this concerned Principle 5.

(The titles of articles in which Principle 10 was violated are listed at the end of this report.)

#### **4.10.2. Violations of Principle 10 in TV programmes**

MT MSS in its IX report, covering the period from 1 October to 1 December 2013, stated that the programmes of *Pink M* repeatedly violated Principle 10 by referring to former managers of CKB Milka Ljumović and Bosa Tatar as "Blond" and "Brunette". The assessment was that "such qualifications discredit and undermine the integrity of the reported person". MSS quoted the guideline for Principle 10 which prohibits "the portrayal of persons which prejudices their character, as well as accusations that violate the constitutional protection of human dignity".

HRA agrees with the assessment that the alleged nicknames "Blonde" and "Brunette" were used with the intent to impair the dignity of persons and, in some way, make them similar to people in the criminal world who often have nicknames, but we note that the series of reports of TV *Pink M* on the investigation in the CKB case also violated the presumption of innocence of two former female managers in other ways as well. *Pink M* repeatedly used the phrase "the main protagonists of the robbery of CKB", and all the examples listed below claim that they violated the law.

In the period from 1 October to 1 March HRA recorded violations of Principle 10 in five television news programs, eight in TV programme of *Pink M* and two in TV *Vijesti*.

TV NEWS: NEWS AT HALF PAST SIX (15 October) - The presupposition of innocence was violated in the following sentence: "70-year-old Stanko Radusinović was seriously injured when around 4:00 PM his brother, 81-year-old Đorđije Radusinović, threw a bomb at him".

TV PINK: INFOMONTE (November 25) – One of the reports mentioned above on the investigation into CKB robbery stated: "Loans, used to purchase shares of the company were pardoned upon orders of "Blonde" and "Brunette", as the employees called Tatar and Ljumović, i.e. allowances for impairment were conducted... Thus family members Perović, Ljumović and Tatar got these tens of millions by using money from state-owned companies which covered overdrafts at the CKB".

TV PINK: INFOMONTE (26 November) Referring to the daily newspaper *Pobjeda*, *Pink M* reported on the "robbery of CKB" and stated that published data confirm that "the family members Perović, Ljumović and persons close to them earned millions not by purchasing but mostly through fictitious contracts on gifts and taking over stock of companies they previously drove into bankruptcy".

TV PINK: INFOMONTE (9 December) – In the report which dealt with the alleged opening of a new bank, the presumption of innocence was violated in the statement: "While the Special Prosecutor's Office has been investigating the case of robbery of CKB for over a year, the main protagonists of this robbery Bosa Tatar and Milka Ljumović open a new bank".

TV PINK: INFOMONTE (13 December) - In the report which dealt with the alleged opening of a new bank, the presumption of innocence was violated in the statement: "First Aleksandra Popovic, executive director of the sector for contact with clients and signatory of the controversial loans was removed from the investigation, followed by the exclusion of loans that 'Brunette and 'Blonde' gave to their families".

TV PINK: Infomont (20 January) - A report on the writings of daily *Pobjeda* on the business of the former managers of CKB violated several principles of the Code. The trailer of the report dealt with the "robbery of CKB", followed by: "One of the close associates of the financial institution explains the mechanisms the two managers Miljka Ljumović and Bose Tatar used to rob the bank for years with the help and protection of the monetary authorities".

TV PINK: INFOMONTE (21 January) - An unnamed source of daily *Pobjeda* from the CKB, presented a series of new accusations against Bosa Tatar and Milka Ljumović, and *Pink M* published them as indisputable facts. The source claimed that the "robbery of CKB" was carried

out, that illegal activities were "planned by" Tatar and Ljumović, and that they gave loans to members of their families that were then "pardoned at the expense the bank."

TV PINK: INFOMONTE (22 January) - In this report, based on the writings of *Pobjeda*, comments and opinions of journalists or editors that the Montenegrin Commercial Bank (CKB) was robbed were presented as established facts. "The following example best illustrates what the robber of CKB during the reign of the tandem Milka Ljumović and Bose Tatar was like". In addition to Principle 3, this report also violated Principle 1, which prescribes that information must be complete and not one-sided, because there are no comments or statements of the accused persons, as well as Principle 10 which states that journalists must not violate the presumption of innocence.

TV VIJESTI: NEWS AT HALF PAST SIX (22 January) - The presumption of innocence was violated in the report which referred to the two arrested men as robbers revealing their full names.

TV PINK: INFOMONTE (24 January) – The Code was violated several times in the report on the allegedly illegal contract of CKB with the company which carried out the reconstruction of a bank's branch, and the presumption of innocence was violated in the following: "These earnings were shared among the managers of the bank, mainly in square meters. The system was simple. Lower level was sold to the bank, and the floor above was designated for flats of families of Tatar and Ljumović. That is how it was done in Kotor and Cetinje. The greed was so great that they took away terraces from neighbors to extend their flats they designated to themselves, according to neighbors from Cetinje".

#### **4.11. Principle 11 of the Code**

*"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 print and online media**

In its last two reports the MT MSS did not state any violations of Principle 11. During the period from 1 October 2013 to 15 February 2014, HRA associates found three violations in dailies *Pobjeda* and *Dnevne novine*, members of the MSS.

Text titled: "**Footnote: Gumar Prometheus - Ombudsman**", published in *Pobjeda* on 1 October 2013, was written in the form of a journalistic text and deals with the life and work of lawyer Veselin D. Radulović. The text accusing claims against Radulović which were not verified in

accordance with professional journalistic standards. The text is unsigned, but the authorship could be linked with the logo of the Association of Gambling Providers, which is placed above the text, but does not appear to be graphically connected to the text.

HRA believes that the method of processing and presentation of this text represents a violation of Principle 11 of the Code and guidelines which deal with the differences between news and advertising<sup>74</sup>. Problem with this text is that it belongs in the section - forum for different opinions, and since it was published with a logo, it indicates that it is treated as advertising, marketing content.

In another article from daily *Pobjeda*, in our opinion, Principle 11 was violated in short information based on communication of the public relations service of the national airline company "Montenegro Airlines". The article titled "**Branch moved to Bulevar Ivana Crnojevića**" quoted the sentence: "Users can expect at this address our traditionally friendly staff, prompt booking and ticketing and affordable prices, which will continue to be a priority for the national airline company". In this sentence, in our opinion, important service information was "seasoned" with self-advertisement, which exceeded the limits prescribed in the Code as disguised advertisement (Guideline 11.5)<sup>75</sup>.

A similar violation was recorded in an article published in *Dnevne novine* on 21 January 2014, titled "**Save with Pika card**". The news was based on "Dormeo" company's press release, and the limit of disguised advertising was exceeded in the sentence: "This January, when money is traditionally spent faster due to the holidays, we provide the privilege to our customers to buy their favorite 'Dormeo' product..."

#### **4.11.2. Violations of Principle 11 in TV programmes**

During the period from 1 October to 15 February, the MT MSS did not observe violations of Principle 11 in TV programmes.

HRA associates recorded six such violations in their monitoring, a large majority of which refers to the non-critical publication of materials for public relations within the news programme, thus eliminating the distinction between editorial content and advertising.

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<sup>74</sup> "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."

<sup>75</sup> "The credibility of the media as a source of information calls for particular care in dealing with PR material and in producing editorial supplements. Editorial stories that refer to companies, their products, services or events must not overstep the boundary to hidden advertising. This risk is especially great if a story goes beyond justified public interest or the audience's interest in information. This also applies to unedited advertising texts, photographs and illustrations."

Two violations of Principle 11 were recorded in TVCG programmes, and one each in programmes of other monitored television stations (*Vijesti*, *Pink M*, *Atlas* and *Prva*).

Three television stations, *TVCG*, *Pink M* and *Vijesti* violated this principle on 7 November, reporting on home loans of bank Societe Generale Montenegro (SGM). Journalists reported on what is, without doubt, propaganda of the bank which discloses information about a new product wishing to reach customers. The sole disclosure of information was a violation of Principle 11, and the mistake is worsened when announcement of the SGM are published in which the bank praises itself, its products or services. Televisions should not publish such information in the news programmes, except within reports in which the allegations were proven to be true, for example, if comparing home loans on the market and providing an assessment of these products.

TVCG: NEWS 2 (7 December) - A report on the opening of hypermarket "Voli" crossed the line between information and advertising. Among other things, it was reported: "They say that consumers will be offered 20 thousand items at prices more favourable than the competition". The journalists did not check this assertion, but the surveyed citizens confirmed it. We note that the survey was conducted among fewer than 10 customers, and was published as part of the report, which cannot be regarded as a relevant method of verifying the allegations about the price of the product.

TV ATLAS: FORUM (26 December) – A report on the reception that Atlas Bank organized for its customers and partners contained advertisement and claims about the superiority of this bank over its competitors in Montenegro: "Business partners of the bank say they are happy with the cooperation this year as well as the year before, pointing out that this may be the only reliable financial institution in Montenegro".

PRVA TV: NEWS (20 February) - Information on improving the Internet network of company Mtel was published, containing claims of company's representative on the quality, which was not questioned or put into context in any way.

#### **4.12. Principle 12 of the Code**

*"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 print and online media**

While MT MSS did not record any violations of Principle 12 during the period from 1 October 2013 to 15 February 2014 in its two last report, HRA associates recorded 56 violations.<sup>76</sup>

HRA associates recorded the majority of violations in *Dnevne novine* (29) and *Blic* – Montenegrin edition (14), in *Vijesti* (9), in *Dan* two, and one each in *Pobjeda* and portal *RTCG*.

In all cases this concerned guideline<sup>77</sup> of Principle 12 which relates to the journalist's use of other people's texts, parts of texts or photographs, without citing sources, but presenting them as their own.

The majority of examples of plagiarism HRA associates found based on the data that the same news and photographs originally appeared previously in other media (mostly online foreign media). There are also examples where the plagiarized stories were signed with full names or initials of Journalists (often in *Blic* – Montenegrin edition), when it was quite clear that those journalists did not report on mentioned events from the scene, but rather plagiarized the text or parts of it. For example, on 16 January 2014, *Blic* published a report on a crime that occurred in the U.S. with headline "Horror in the United States: Two students seriously injured in attack", and title "Child shot other children with a shotgun". Full name of the journalist was written above the article, which would be logical if she reported from the scene or was a correspondent in the United States. Since this was not stated in the report, it is logical to conclude that she compiled parts of texts from other foreign media. Photographs whose authorship remains unknown were also used.

In few cases the source for some of the published stories was discretely named, but it remains unclear whether the rest of the story can be attributed to the same source or another that remained hidden. An example of this is the text published in *Vijesti* on 19 November 2013 titled "**Without simulation and censorship**", where the second paragraph stated the source of a quotation, but it remained unclear whether the whole text was taken from the Danish magazine "Filmmagasinet Ekko" or just that one quote.

HRA associates noted that weekly *Monitor* uses photographs whose authorship remains unknown and express doubts that in a number of cases the photos were borrowed from other media, which was not stated. One of the few exceptions is a photo from the front page of the weekly release of 14 February 2014, which was credited on the contents page, where it was stated that the photograph was taken from portal "Klix.ba". (This drew our attention and raised

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<sup>76</sup> From 15 February to 1 March 2014, HRA associates observed nine more violations of Principle 12 of the Code.

<sup>77</sup> Novinar ne smije da se bavi plagiranjem. Pod plagijatom se podrazumijeva korišćenja tuđih informacija, riječi, ideja i slika bez odgovarajućeg navodjenja izvora.

doubts that other photos, especially those that illustrate stories not thematically related to Montenegro, could also be plagiarized.

(Titles of articles with violations of Principle 12 are listed at the end of the report).

#### **4.12.2. Violations of Principle 12 in TV programmes**

MT MSS and HRA did not observe violations of this principle in the monitored period.



## 5. CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT

### Media and self-regulatory bodies in Montenegro

1. *New local media joining the Self-Regulatory Local Press Council and the decision of daily "Dan" to follow the experience of TV Vijesti and daily "Vijesti" and appoint the protector of the rights of its readers represent new examples affirming the need to establish effective self-regulatory practices in the Montenegrin media community. Of influential media, only weekly "Monitor" remains out of self-regulatory process. It is high time for weekly "Monitor" to select an appropriate form of self-regulation, as well as many electronic media not involved in work of any of the existing collective self-regulatory bodies.*

### Cooperation among self-regulatory bodies

2. a) *The fact that MSS welcomed the establishment of Ombudsman in TV Vijesti and daily newspapers "Vijesti" and "Dan" and declared its willingness to cooperate represents an encouraging step towards reducing the distrust and towards the beginning of cooperation among various self-regulatory bodies. MSS could validate its publicly declared willingness to cooperate with Ombudsmen of daily and TV "Vijesti" and daily "Dan" by forwarding complaints it had received referring to these media, without stating its opinion on them. This even more so because thus far MT MSS has failed to seek statements in complaint procedures or regarding its own findings from the media that were not its members, although this represents breach of the provisions of its Statute.*

**In case of discrepancies in the application of the Code, i.e. different interpretations of basic principles and associated guidelines, self-regulatory bodies should initiate a joint debate with the aim of consistent interpretation of the Code and promotion of the respect for professional standards and human rights by the media.**

2. b) *The need for cooperation has also been observed between Ombudswomen of TV and newspaper "Vijesti", since the complaint concerning "Vijesti" television, which arrived at the address of daily "Vijesti" Ombudswoman, did not reach TV "Vijesti" Ombudswoman - according to their reports. Cooperation and forwarding of complaints would imply conscious acting primarily in the interests of viewers and readers, whose interests Ombudswomen (of self-regulatory bodies) are supposed to protect, and would also improve confidence in their roles, as well as in the media that appointed them.*

## The procedure by which self-regulatory bodies act

3. a) *MT MSS, which also decides on complaints, still does not apply equal criteria when it comes to decision-making procedures. In most cases, especially those regarding complaints about media outlets that are not its members, MT MSS did not seek statement of these media about allegations in the complaints, or attempted to mediate in disputes between the media and complainants. It is necessary that MT MSS applies equal criteria when deciding on complaints prescribed by the Statute of MSS.*

3. b) *MSS has not adopted a rulebook that would regulate dispute settlement procedures, despite the announcement published on its website in early 2013. It is essential that MSS adopts the announced rulebook as soon as possible and thus additionally specify duties and responsibilities of its Monitoring Team and prevent arbitrariness in its conduct.*

3. c) *In several cases (of complaints relating to media outlets that are MSS members), MT MSS founded its decision concerning the complaint solely on the response of the media outlet referred to in that complaint. Although, according to its Statute, MSS has to request statement of the media outlet referred to in the complaint, its decision should be made objectively, based on review of the controversial journalistic material, and not solely based on allegations of the media to which the complaint relates.*

3. d) *Example of deciding on the appeal filed by the Association of Gambling Providers regarding the decision of MT MSS on their complaint showed that current MSS regulations do not address the issue of higher instance in deciding on complaints. Solution according to which the complainant who is dissatisfied with the decision of MT MSS shall appeal to that same instance is legally and logically unviable. Amendments to MSS Statute should envisage second instance authority that decides on appeals.*

3. e) *In dealing with problematic readers commentary on portal "Vijesti", on one occasion in its report MT MSS abandoned its role of appraiser of content ethics and engaged in unacceptable diagnosis of mental condition of authors of controversial comments: "comments are used to express readers' disturbed, sick and stubborn attitudes". As much as such assessment might be well-founded, self-regulatory bodies should refrain from diagnosing health condition of authors of comments, and be generous in offering and finding solutions for the improvement of editorial practices in new electronic media.*

3. f) *Contrary to previous reports of MT MSS, which recorded as many as 37 examples of stating that the Code had been violated, but without identifying specific principles of the Code that had been violated<sup>78</sup>, in its ninth and tenth report MT MSS improved its reasoning and the above*

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<sup>78</sup> Monitoring of journalistic self-regulatory bodies in Montenegro, second report, HRA recommendation, p.15.

*failure has been recorded only in a few cases. For the assessment on the Code violation to be well-founded and credible, and in order to prevent similar conduct in the future, it is necessary to always clearly state in the report which basic principle of the Code and which guideline had been violated, as well as the manner of such violation.*

*3. g) When comparing data obtained by MT MSS and those obtained by HRA associates, it is evident that the main reason for significant discrepancies is that MT MSS does not pay enough attention to the most common examples of violation of the Code (violation of Principle no. 10 - respect for the presumption of innocence) and does not pay attention at all to violation of Principle no. 11 (obligation to not accept privileges that could limit or bring into question journalistic autonomy and impartiality) and no. 12 (no plagiarism). **MT MSS should pay equal attention to violations of each of the fundamental principles of the Code and guidelines developing and explaining these principles, or at least state reasonable grounds for its selective approach.***

*3. h) Significant discrepancy in comparative monitoring conducted by MT MSS and by HRA is also due to the fact that MSS Monitoring Team, as a rule, deals with violations of the Code in television programmes only on the basis of filed complaints, and very rarely carries out monitoring of their programmes on its own initiative. HRA monitoring of major news broadcasts of only five most watched TV stations in Montenegro recorded a number of breaches of the Code, particularly by TV "PINK M", a member of MSS. **MT MSS should, at least periodically, monitor the work of electronic media, especially television stations whose signal covers the whole territory of Montenegro and are members of this self-regulatory body (TVCG, TV Pink M, TV Prva).***

*3. i) Self-Regulatory Local Press Council still lacks a separate act regulating the work of its Court of Honour (Monitoring Team), the body envisaged by the Statute, and the procedure for filing complaints and acting upon them. The existence of such document could encourage potential complainants. **It is necessary that the appropriate body of Self-Regulatory Local Press Council adopt a document regulating the work of Court of Honour (Monitoring Team) and the procedure for filing complaints and acting upon them.***

*3. j) Although Ombudsman was established almost a year ago, TV Vijesti has not yet adopted an internal code of ethics, envisaged in the decision on the establishment of Ombudsman. **Bearing in mind the statement of Ombudswoman that journalists often contact her in order to solve their ethical dilemmas, this could be an additional incentive for a speedy development and adoption of an internal code of ethics and programme guidelines for TV Vijesti.***

*3. k) Art. 3 of the Rules of Procedure of Ombudsman of daily "Vijesti" provides that a complaint, in order to be considered, should, inter alia, include: name and surname of the complainant, if a*

natural person, or full name and registration number, if a legal entity. Ombudswoman has so far also considered complaints that do not contain this requirement. **Although such position of Ombudswoman is understandable in the interest of complainants, it would be more appropriate to comply with the Rules and thus have educational impact on complainants as well.**

3. l) *In the reports Ombudswoman also treated her self-initiated interventions as complaints, as well as complaints written not in the form of a complaint or in accordance with the Rules of Procedure of Ombudsman of Vijesti readers, which is confusing. In subsequent reports Ombudswoman should adhere to terminology prescribed by the Rules and make a clear distinction between acting on complaints and self-initiated interventions and engagements on the basis of complaints that do not comply with the prescribed form.*

3. m) *Daily "Vijesti" Ombudswoman does not always state which basic principle of the Code had been violated and in what manner, and does not consistently use the Code terminology, all of which complicates understanding of her decisions. In identifying violations of professional ethics, it is desirable to always state which principle or guideline of the Code was violated, and in which manner, so as to avoid the impression of bias, as well as to educate and prevent. It is also desirable to comply with terminology used in the Code.*

#### **Findings of a comparative media monitoring**

4. a) *Although the violation of the presumption of innocence (Principle no. 10 of the Code) is still by far the most common example of unethical practice in the media, it is encouraging that HRA monitors recorded significantly fewer examples than in the period covered by our second report, and that Ombudswoman of daily "Vijesti" in the February issue of the newspapers "noted a significant number of titles and headings with a question mark, or some form of potential, so as to leave room for a different interpretation, i.e. not jeopardize the presumption of innocence". HRA recommends that the media endeavour to reduce to a negligible extent the number of examples of violation of the presumption of innocence. Mitigating circumstance in this case is that this is a violation relatively easy to recognize, and therefore, with the good will of journalists and particularly editors, easily avoided.*

4. b) *Comparative monitoring shows the frequency of one-sided reporting – Principle no. 1 has been the most often violated principle according to monitoring conducted by MSS, while according to HRA monitoring it came in second. As a rule, this principle is violated when the media use one party's accusatory statements as a source of news, while denying the other party the opportunity to immediately comment on allegations. In order to have well-balanced reporting and journalism fulfilling its purpose through the "search for truth", the media must*

**immediately offer the opportunity to the other party to respond to charges, and not just leave the possibility that they subsequently respond. Also, the media themselves must check the merits of the charges.**

*4. c) There is a noticeable increase in the number of violations of Principle no. 12. Number of cases of plagiarism in the monitored media, especially on websites, is much greater than the stated, as it is not always easy to determine that type of ethical violation without a thorough comparative analysis. Compared to the previous two HRA reports, this report specifies several examples of overt or clumsily disguised plagiarism. As the media clearly point out their authorship when it comes to articles and photographs, it is desirable that they do the same when using someone else's articles or parts of them, photographs and other graphic illustrations.*

*4. e) Most examples of violation of Principle no. 8 of the Code in the monitored television news programmes relate to disclosure of names and surnames of traffic accident victims. The media should be a lot more attentive and considerate towards the victims of crimes or accidents, since, under the Code, they have the right to special protection of identity, except in cases of extraordinary circumstances, which should always be carefully considered.*

*4. f) In some texts MT MSS brought abusive language into connection with Principle no. 8 of the Code, i.e. violation of privacy, although existing guidelines for this principle do not provide a basis for such a conclusion. It is necessary to raise the question of possible amendments to guidelines of the Code pertaining to Principle no. 8, thus taking into account that according to the jurisprudence of the European Court of Human Rights violation of one's honour and reputation may constitute a breach of privacy.*

a) Headlines of articles which violated Principle 10 – the presumption of innocence:

**From „Dan“:** “Oštetio banku za 6.530 eura”, “Pokrao Crveni krst i vrtić”, “Švercovali auto-djelove”, “Krali eksploziv”, “Oskrnasio crkvu i udario policajca”, “Gvozdenuvić nezakonito izdao dozvolu”, “Ukrao auto”, “Švercovali duvan”, “Pornografske snimke slao u Njemačku”, “Beranac dilovao marihuana”, “Silovao brataničnu pa je bacio sa terase”, “Mladića ubo nožem u grudi”, “Muju Redži pozliko u ćeliji”, “Banku oštetio za 112.000 eura”, “Metke krili u šporetu”, “‘Divljak’ pokušao da pregazi policajce”, “Zapalili tendu, pa pobjegli”, “U pritvor zbog pokušaja ubistva brata”, “Opljačkao crkvu”, “Krali bicikla”, “Četiri rođeka dilovala 19 kila”, “Pucao na video nadzor policije”, “Maloljetnici ukrali zvono”, “Uhapšeni lopovi”, “Mladić pucao u policijske kamere”, “Zbog konobarice pucao u mladića”, “Bombaš poslat u Spuž”, “Policajac ubio divovarca”, “Prodavali heroin”, “Pao i drugi bombaš”, “Osmani pretukao Mandu Popović”, “Ukrao kola, pa sletio s puta”, “Muša opraio pola miliona”, “Napao prodavnicu”, “Ukrala 6.600

eura”, “Opelom' udario staricu”, “Krio oružje i pancir”, “Izazvao saobraćajnu nesreću”, “Oštetio budžet za 800.000 eura”, “Oтели torbu”, “Drogu krili u kući”, “Pokušao da siluje djevojčicu”, “Ukrao 3.500 eura”, “Opljačkao 'Rodu””, “Ubio kćerku jer se smijala”, “Obio lokal i ukrao piće”, “Krali auta, obijali kuće”, “Skank krio u patosu kamiona”, “Sa pumpe odnio 1.700 eura”, “Ukrao telefon”, “Krali ležaje”, “Tukao policajca”, “Firme oštetili za 16.000”, “Prebili azilante, pa tražili otkup”, “Iz kladionice odnio 1.200 eura”, “Podgoričanin odnio sliku”, “Uhapšen jer je pokušavao da pregazi advokata”, “Rožajci silovali maloljetnicu”, “Krao koverta”, “Bombom na brata zbog međa”, “Jedan tukao, drugi prijetio”, “Pljačkao i frizerske salone”, “Mladić ranjen nožem”, “Postavio eksploziv na auto policajca”, “Radnik ukrao 4.000 eura”, “Porez utajili, banku čašćavali”, “Izboli tetku nožem, pa je opljačkali”, “Uhapšen zelenaš”, “Krao novac i telephone”, “Marihuanu spremali za prodaju”, “Unuk kamenom ubio babu”, “Krao bakar sa hale”, “Beranac švercovao 45 kilograma kokaina”, “Maloljetnicima polomili rebra”, “Mučio invalida”, “Napao obezbjeđenje i lomip inventor”, “Krao robu iz prodavnice”, “Drogu krio u sobi”, “Mučili psa do smrti”, “Policajac uzeo mito od pet vozača”, “Bivši direktor pronevjerio 34.000”, “Uhapšeni lopovi”, “Kolege pokušale da ga siluju”, “Odnio 500 eura”, “Krao telefone od košarkaša”, “Drogu krio u gaćama”, “Spremao skank za prodaju”, “Pokupao da se ugrije, pa zapalio kuću”, “Maloljetnici polomili stakla”, “Uhapšeni kradljivci”, “Obila slot aparat”, “Opljačkao tri auta”, “Izmislio pljačku”, “Uhapšen u krađi”, “Krali novac, telefone, šporete”, “Radnik obezbjeđenja pljačkao kolege”, “Opljačkali market”, “Vlasnika 'kopa' kafe ucjenjivali za 8.000 eura”, “Pronevjerio pola miliona eura”, “Pare od vode stavljali u džep”, “Prodavca tukao čekićem po glavi”, “Ulcinjani švercovao skank”, “Maloljetnik dilovao drogu”, “Ukrao 250 eura, pa izmislio razbojništvo”, “Švercovao heroin”, “Prisvojio 408 hiljada”, “Krali televizore”, “Švercovao drogue”, “Ukrali kazan za rakiju”, “Izvršili pljačku, pa tukli policiju”, “Prodavali marihuana”, “Odnio dokumentaciju”, “Organizovali prostituciju u Podgorici i na Primorju”, “Švercovao drogue”, “Opljačkao knjižaru”, “Krao novčanike i torbe”, “Ubio mladiće koje nije poznao”, “Napastvovao djevojčicu”, “Opljačkali bračni par iz Njemačke”, “Opljačkao kazino”, “Prevozili skank”, “Uhapšen zbog seksualnog zlostavljanja učenika”, “Oštetio firmu za 11.000 eura”, “Pronevjerio pazar”, “Ukrao laptop”, “Oteo 15 eura”, “Obio auto, opljačkao magazine”, “Švercovali tablet”, “Aktivistima DPS-a na dan izbora dijelila po 200 eura”, “Otuđio 15.700 eura”.

**From „Dnevne novine“:** “Držao pištolj i municiju različitog kalibra”, “Ukrao novac i nakit iz auta”, “Krao torbe sa plaže”, “Silovao, pa zatim pokušao da ubije brataničnu”, “Konobar nožem ubo gosta lokala u stomak”, “Vlasnik Komerc Kormana prisvojio tuđe mašine”, “U džepu nosio drogu”, “Vrijeđao i udarao Beranku”, “Bombom pokušao da ubije brata”, “Krali pa uništavali auta”, “Dolijao provalnik crkve”, “Bacio bombu zbog svađe sa gazdama”, “Osmanagići oprali 72.000 eura”, “Izazvao potres možga kako bi sakrio 150.000 E”, “Izazvao požar na jahti”, “U kući držali arsenal oružja”, “U stanovima krili pakovanje skanka”, “Nije vratila pozajmicu od 30.000 eura”, “Djevojčica od starca ukrala više od šest i po hiljada eura”, “Prebili bračni par pa im oteli

100.000 eura", "Oštetili firme za koje su radili za više od 16.000 eura", "Halilović organizovao šverc kokaina", "Ubica tvrdi da je usmrtio kćerku, a njena majka da joj on nije otac", "Iz kladionice Meridian ukrao 500 eura", "Kolašinci u autu držali drogue", "Crnogorci pretukli dvojicu dječaka", "Carinik falsifikovao ispravu", "Mladić krao bakarne šipke", "Policajac uhapšen zbog primanja mita", "Lažirao pljačku", "Ukrali 400 eura i uhapšeni", "Maloljetnik nožem prekratio tuču", "Stavio hipoteku na tuđu imovinu", "Švercovao cigare", "Baranin ocu zario nož u grudi", "Optužnica protiv razbojnika", "Ukrao pa prodao dva auta", "Uhapšen serijski razbojnik iz Podgorice", "Krenuo da proda skank", "Zatekla lopova u trafici", "Opljačkali market", "Pao i drugi 'reketaš' vlasnika Kopa kafe", "Uhapšen Beranac N: Bacio bombu ispred kafića", "Iz automobila ukrao torbicu", "Jedan lopov uhapšen, drugog traže", "Obio auto i ukrao torbicu", "Krali televizore iz kladionica", "Uhapšen Cetinjanin koji je obijao crkve", "Srbijanac oštetio budžet Crne Gore za pola miliona", "Umjesto predaje, tukli policajce", "Autom prevozili 14 kilograma skanka", "Švercovao drogue", "Prevezio marihuana", "Starac pokušao da obljubi djevojčicu", "Krali kozmetiku", "Policija zatekla razbojnika u krađi", "Mladić iz auta ukrao laptop", "Pljačkao kuće u Virpazaru", "Podmetnuli bombu", "Pijani ljekar izazvao sudar".

**From "Pobjeda":** "Krao novac, telephone, bankovne kartice...", "Potegli nož na dva dječaka", "Slao klipove pedofilskog sadržaja", "Mladići krali kablove", "Oštetio banku za 112.000 eura", "Šesnaestogodišnjak iz Podgorice krao novac, zlato, telefon", "Oštetila klijenta za skoro 23.000 eura", "U potkrovlju krili marihuanu i municiju", "Bombašu određen pritvoren od 30 dana", "Policajac i lovočuvnik uhvaćeni u krivolovu", "Inscenirao saobraćajni udes kako bi prisvojio 14.000 eura", "Baranin u kesi krio eksploziv", "Falsifikovali sanitarne knjižice", "Skank krio u rezervoaru", "U stanu krili skank", "Opljačkao market i kladionicu", "Hrvatski stručnjaci kontrolišu poslovanje bivših menadžera CKB", "Pokušao da opljačka dječaka", "Ukrao mobilni iz 'Golfa'", "Maloljetnici krali vrata, prozore, kapiju, cijevi...", "Uhapšen bombaš, pomagač u bjekstvu", "Razbojnik odnio novac i ključeve iz vozila", "Pretukli muškarca pa pokušali da ga siluju", "Podgoričanin opljačkao kladionicu i udario radnicu", "Šahmanović oštetio JP za 34.401 euro", "Počinje suđenje Vladanu Nicoviću jer je prevario kupce stanova", "Uz prijetnju pištoljem ukrao više od 1.000", "Prokockao stričev novac pa prijavio da je pokraden", "Blefirali da skupljaju otpad i obijali kuće", "Pokrao firmu u kojoj je bio zaposlen", "Tukli čuvara pajserom i šipkama po glavi", "Krao mobilne telefone za vrijeme utakmice", "Ukrao 'ford' i 'audi'", "Mladić 'odradio' pet krađa i odnio više od 1.000 eura", "Iz stanova krali novac i mobilne", "Oštetio firmu za skoro 8.000 eura", "Izmislilo da je opljačkan da bi vratio dug", "Uhapšen bombaš", "Prijeteci htio da 'zaradi' 8.000 eura", "Prevario sugrađane za 408.000 eura", "Obio 'mercedes' i ukrao dokumenta", "Udario čekićem trgovca kad je odbio da mu preda novac", "Uhapšen Nikšićanin N: Krio 330 grama skanka", "Krali motore i LCD televizore", "Uhapšeni zbog krađe i napada na policajce", "Izrežirali pljačku 15 Alboninih prodavnica", "U stanu krio pištolj", "Drogu krio u donjem vešu", "Htio da se ugrije, pa zapalio kuću", "Starac pokušao da napastvuje djevojčicu", "Ispisivali grafite po školama i vrtićima", "Izudarao radnicu i ukrao 15 eura".

**From „Vijesti“:** “Radnici iz fabrike ‘Poliex’ krali TNT”, “Silovao pa pokušao da ubije brataničnu”, “U vikendici krili trotilske metke”, “Ukrao sat i lanac”, “Nožem nasrnuo na Delibašića”, “Novljani krali bicikla na primorju”, “Maloljetnici ukrali crkvena zvona”, “Prodavao petarde u blizini škole na Vidrovanu”, “Ukrao prilog iz crkve i ostavio kačket”, “Trojica maloljetnika među napadačima”, “Na 'lažne' porodilje uzeli 176.000 eura”, “Pucao zbog konobarice”, “Lomili po lokalu pa bacio bombu”, “Čolović nabavio bombu za Džez klub”, “Lopova 'zarobili' i čuvali prolaznici”, “Zbog novca izazvao udes”, “Arsenal oružja u kući Prelevića”, “Razvojnim kreditima vraćao stare dugove”, “Pijan je tukao do smrti zbog prečestih izlazaka”, “Iz tri pljačke odnio 1.900 eura”, “Braća silovala maloljetnicu”, “Hrvat švercovao 44 kilograma skanka”, “Radojica i Mikaš ubili divojarca”, “Zabranili portparolu da daje informacije 'Vijestima' i 'Danu'”, “Korumpirani policajci u ozvučenom presretaču”, “Ulazio u stanove i krao novčanike”, “Sajo u kući držao revolver i karabin”, “Mandić opljačkao restoran u kome je radio”, “Pretukli kolegu, pa pokušali da ga siluju”, “Tuđi plac dao u zalog za kredit”, “Nikšićanin "pao" sa 38 boksova cigareta”, “Ošteti firmu za 34.000 E”, “Sin nožem ubi oca u grudi”, “Marihuanu krio u gaćama”, “Baranin nosio pištolj sa devet metaka u okviru”, “Oko 330 grama trave hrio da proda za 400 eura”, “Zapalio kuću da bi se ugrijeo”, “Ćorac uhapšen dok je pljačkao Gradsku knjižaru”, “Preuzeo, ali nije platio šest tona goriva”, “Barać utajio porez”, “Arsenal oružja kod Duška Glendže”, “Pokrao ženu dok joj je 'pomagao'”, “Obijali kuće i butike”, “Maloljetnici polomili stakla na HGI u Tivtu”, “Sekti kandilo nosio za drogue”, “Napao djevojčicu”, “Isljam Jašari nožem pokušao da ubije sina”.

**From portal „Vijesti“:** “Silovana djevojčica će od ponedjeljka biti u Domu za nezbrinutu djecu u Bijeloj”, “Uhapšeno petoro mladića koji su tukli srednjoškolca koji je podržao Paradu”, “Napad na Džez klub: Radović se posvađao sa gazdama, pa pošao po bombu”.

**From „Blic“:** “Dolijao provalnik”, “Krao na plažama”, “Silovao i pokušao da ubije djevojčicu”, “Nožem prekratio svađu”, “Šarićeva prijateljica prisvojila 63.000 eura”, “Bombom na brata zbog imovine”, “Crnogorska i srpska policija uhapsile krijumčare skanka”, “Ukrali na desetine bicikla”, “Uhvaćeni kradljivci automobile”, “Pozajmila 10.000 eura i nije ih vratila”, “Nikšićanin hicem iz pištolja u kafani 'Kod hama' teško ranio Podgoričanina”, “Ljut na gazde bombom ranio 11 gostiju kluba”, “Ukrao pazar, pa inscenirao udes”, “Sa eksplozivom krenuo u ribolov”, “Uhapšen vođa barskog klana”, “Sin ubo nožem oca u grudi”, “Na prevaru uzeo šest tona dizela”, “Pokrao ukućane, pa lažno prijevio pljačku”, “Palicama nasrnuli na policajce”, “Slučajno zapalio napuštenu kuću u koju je došao da prespava”, “Cetinjanin obijao crkve”, “Krijumčarile drogu, pa doživjele udes”, “Ukradeni automobil htio da proda otpadu”.

**From portal „Cafe del Montenegro“:** “Pretučen dječak: Devetogodišnjaka udario šakom i bacao na beton”, “Srbijanac pokušao da siluje maloljetnicu u Bijelom Polju”, “Uz prijetnju nožem, od radnice kladionice Volcano oteo novac”, “Albanski državljanin švercovao auto



djelove i elektro-uređaje”, “Nakon svađe i tuče Albanac nožem ranio Ulcinjanina”, “Berane: U šporetu krili trotilske metke”, “Ne zna se kako je silovana djevojčica pobjegla iz bolnice”, “Buronje: Bacio bombu na rođenog brata”, ““Pozajmila" 10 hiljada eura koje nikad nije vratila”, “Novac izgubio na kocki, pa lažno prijavio da je napadnut i opljačkan”, “Nezvanično: U pucnjavi u Mojanovićima ranjen policajac”, “Sin Hanke Paldum kolima pregazio tri žene”.

**b) Headlines of articles which violated Principle 12:**

**From „Dnevne novine“:** “Deset najbizarnijih stvari na aukciji eBaY-a”, “Pozovi brata ako je kasno i plašiš se da sama ideš kući”, “Gonkur' Pjeru Lemetru”, “Nekadašnji šef bostonskog podzemlja osuđen na dvije doživotne kazne”, “Sakupio kolekciju od 9.000 lutaka”, Bez naslova (atrfila), “Zamalo drugi dio ‘pada crnog jastreba””, “Tusk pooštrava propise nakon teške nesreće”, “Ako neće Rusi, hoće Njemci”, “Eksperiment koji će sa pažnjom pratiti mnogi”, “Bliži mi se penzija”, “Cedungu statua od zlata”, “Nijesam platio porez jer sam se sudario sa kravom”, “Gafovi poznatih”, “PCG i SDP zajedno na izbor?”, “Festival limuna”, “Nigdje ne ide bez čačkalice”, “Osam mjeseci sam proveo u pritvoru kao Mladićev jatak”, “Nevjerovatne 3D tetovaže”, “Anželina ima 42 kilograma”, “U kući držao 300 pitona”, “Driblao najveće, a sada je majstor za kapučino i ekspres”, “Ovo su najhladnija mjesta na planeti”, “Barikade niču kao pečurke”, “Mur se povlači”, “Za jubilej kanala djeca slikala mural”, “Al-kaida uputila izvinjenje”, “Merkel spasila Hodorovskog”, “Kerol mrzio slavu”, “Šestonoga krava”, “EU ne može da ispuni sve zahtjeve Velike Britanije”, “Britanija pokreće raspravu o metodi "troje roditelja”, “Najmanja tinejdžerka na svijetu”, “Svijetleći rogovci za irvase”

**From „Blic“:** “Prva dana u bolnici zbog depresije”, “Ukradeno 18 milijardi”, “Urugvaj otvara firme za proizvodnju marihuana”, “Drogiraju djecu i tjeraju ih na seks”, “Odsjekli su mi uvo i bjesomučno tukli”, “Nije lako biti afrički dendi”, “Linčovali ga pred seljanima za primjer”, “Turska vlada može da zabrani svaki sajt”, “Papa na aukciji prodao svoj motor”, “Molio sam otmičare da me ubiju”, “Benzemi i riberiju prijete zatvor”, “Kopilot oteo avion da bi dobio azil”, “Ćerka naciste hoće u briselske klupe”, “Djeca su tražila da umru”, “Renci sklonio Letu”.

**From „Vijesti“:** “Putin opet pustio suzu”, “Esmeralda: Droga joj uništila život”, “Irak predodređen da propadne”, “Optužnica protiv 'dobrih momaka””, “Indija: Silovana po naređenju seoskog savjeta”, “Suzan Bojl: Traži posao u kladionici”, “Rođak prodavao podatke o njemu”, “Ne prestaje da kupuje jakne”, “Janukovič pristaje i na predsjedničke izbore?”, “Nađena dva dnevnika u kojima je opisivao muke sa drogom”, “Stolice samo za zvijezde”,

**From „Dana“:** “Sjeme proklijalo od topline mladog Sunca”, “Bigfut postoji?”

**From „Pobjede“:** “Vuk sa Vol strita zabranjen u Maleziji”,

**From portal RTCG:** “Survao se autobus, 14 poginulih”.