

Prosecution of attacks on journalists in Montenegro

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Assassination of Duško Jovanović. – As far as the police are concerned, the murder of the daily Dan editor Duško Jovanović has been “resolved”, and as the daily *Vijesti* was unofficially told by the Police Directorate, nothing new has been revealed during the investigation for nearly two years.¹ Jovanović was killed on 27 May 2004, but the perpetrators, accomplices who participated in the murder of Jovanović with convicted Damir Mandić, as well as persons who ordered the murder have not yet been identified. The Supreme Court upheld the sentence of 18 years in prison for Mandić, as the Appellate Court had overturned the first-instance verdict sentencing Mandić to a maximum of 30 years. The initial first-instance verdict acquitted Mandić for the lack of evidence.

The prosecution office never explained why it took them four years, until 2008, to send the DNA of suspects Vuk Vulević and Muso Osmanagić for testing.² The latter were publicly suspected of the crime by senior police officials at the very start of the investigation, but were never indicted.

The competent authorities failed to expand the circle of direct perpetrators, and although eight years have passed since Jovanović’s death, the reason why Jovanović was killed or who may have ordered his murder, which the senior Montenegrin police officials claim was not politically motivated, remain unknown. In early April, the Montenegrin press carried the allegations by the Belgrade daily Blic, which published a series of articles describing the organized involvement of criminals in Serbia in hiding Duško Jovanović’s killers in 2004 and the assassins of police inspector Slavoljub Sčekić a year later. Blic said that the Montenegrin state security ordered both assassinations.³

Damir Mandić’s defence attorney claims he was convicted on circumstantial evidence and that the authorities were keen on convicting someone without identifying who had ordered or actually shot Jovanović dead.⁴ The Supreme Court in 2010 dismissed the motion for the protection of legality Mandić had filed against the Appellate Court judgment, and the Constitutional Court’s decision on his constitutional appeal against the violation of his right to a fair trial is still pending.⁵

In April 2011 *Dan* has released an official note that was allegedly made by a former Special Advisor to the Deputy Minister of Internal Affairs and the (then) Chief of State Security of Duško Marković, Vasilije Mijović, on 30 May 2004. The note quotes one witness, also a former employee of the State Security Agency (SDB), according to which the witness saw, from the balcony of his apartment in the night when the killing took place, Vuk Vulević and Damir

¹ „Police not looking for Stojović and Softić’s attackers for a while”, *Vijesti*, 3 December 2010.

² „No traces of Muša and Vulević in the Golf”, *Vijesti*, 1 June 2010.

³ „Duško’s killers were protected by Montenegrin State Security Officers”, *Vijesti*, “Vuk and Čila were in the Golf”, *Dan*, 5 April 2011.

⁴ „Mandić preparing himself for Strasbourg, too”, *Vijesti*, 23 November 2010, “Judgment against Damir Mandić to be reviewed in February”, *Dan*, 24 January 2011.

⁵ Ibid.

Mandić getting out of the car.⁶ According to the same note, stamped by the Ministry of Internal Affairs, which was created based on informal conversation between Vasilije Mijović and a witness whose name was not released, the witness said that, out of fear for the safety of his family, he did not report his findings: “I am not crazy, that would kill my children, do you know who Vuk Vulević and Damir Mandić are? They are Agency people and beasts. Do you know that in 2000 Vuk killed Beli Raspopović in the middle of the day in the Slobode street,⁷ and Ranko Krivokapić witnessed the crime,⁸ but did not report it?! He also killed Miško Krstović at the same place in 2001.⁹ Everyone knows that. No one can reach them. I don’t want to get into trouble.”¹⁰ Duško Marković, Minister of Justice, stated that he had never seen this note, and that he first received it from the *Dan* editorial board, after which he submitted it to the Prosecutor’s Office,¹¹ and that the official note regarding Vasilije Mijović does not exist in the documentary fund of the SDB, nor it has listed in the SDB archives for 2004. As the prosecution had initiated the proceeding on this occasion, the witness from the note testified and denied that he had given the above statement to Vasilije Mijović, and to on this date, when the note was allegedly made, he was in Belgrade. He also stated that he was on good terms with Mijović and that he could not understand why after 7 years he went public with his claims.¹² During interrogation, Mijović repeated statements from the note and said that (the minister) Marković is trying to kill him, because, according to him, in early April 2010 he sent assassins to silence him, which was rejected by Marković as a fabrication.¹³ In Belgrade in early August 2011 someone fired a shot at the vehicle operated by Mijović when wedding ceremony participants walked down the street, but it is unknown whether the shot was fired accidentally or intentionally at Mijović’s vehicle.¹⁴ Although allegedly, right after the arrest, Mandić said that Vulević had murdered Jovanović, there is no official note on that. Later in the trial he defended himself with silence.¹⁵

The State Prosecutor's Office was also interested in finding from whom and in which manner the Chief Editor of daily *Dan* Mladen Milutinović and journalist Mitar Rakčević received an official note, made by the National Security Agency’s former official Vasilije Mijović on the occasion of Duško Jovanović’s murder.¹⁶ Additionally, it is not clear why the prosecution has focused the investigation on the source, rather than content of the note. High State Prosecutor's Office completed its investigation into the contents of the official note without previously hearing a retired SDB general Nedeljko-Neđo Bošković, who stated for the media that Mijović’s official note was authentic. Bošković, former adviser for the SDB Chief Duško Marković (now

⁶ „Witness saw Vulević getting out of the “killer Golf”“, *Dan*, 16 April 2011.

⁷ An official of the State Security of Montenegro, Darko Raspopović Beli, murdered in January 2001.

⁸ Speaker of the Parliament of Montenegro.

⁹ Private entrepreneur, killed in April 2001.

¹⁰ “I do not dare to testify, the SDB protected Vuk when he killed Beli”, *Dan*, 17 April 2011.

¹¹ “Marković forwarded the note to the Prosecution”, *Dan*, 30 April 2011.

¹² “The witness interrogated because of official note”, *Dan*, 7 May 2011.

¹³ “Mijović: Duško sends assassins to silence me, Marković: Vaso making up things again”, *Dan*, 2 June 2011.

¹⁴ ““Wedding guests” fired a shot at Mijović“, *Dan*, 9 August 2011.

¹⁵ “Regime returns a bloody debt”, *Dan*, 21 July 2010.

¹⁶ “Prosecutor interested in the origin, not the contents of the official note”, *Dan*, 8 July 2011.

Minister of Justice and Human Rights), was mentioned by Mijović during a hearing in Belgrade, who stated that at the time when he had made a note, he had informed him on that.¹⁷ In its response submitted to HRA immediately before the completion of the investigation, the SSP noted the following as regards the official note: "Verification of allegations of the witness are in progress,¹⁸ although the actions taken so far have shown that this witness's statement is not endorsed by persons the witness referred to as the source of his knowledge."¹⁹

To date the prosecution has failed to explain why Vulević's and Osmanagić's DNA samples were sent for analysis only after four years of murder, although they had been suspected as perpetrators by senior police officers immediately after the murder. On the other hand, condemned Mandić claims that the evidence against him in this case has been planted. Also, the public is unaware if the prosecution determined whether the official note, the contents of which have been verified, is genuine.

Assault on Jevrem Brković and murder of Srđan Vojičić. – Writer Jevrem Brković was physically assaulted and injured on 26 October 2006. His driver Srđan Vojičić was killed during the incident.²⁰ Brković presumes that he was assaulted by those who recognised themselves in his book "Lover of Duklja", in which he wrote about the links between organised crime and the ruling political elite in Montenegro.²¹ The family members of the late Srđan Vojičić claim that Brković knows who attacked him but refused to testify about them, suggesting that a businessman closely linked to politicians in power was at issue.²² No one has yet been suspected of killing Vojičić and assaulting Brković.²³ According to the Supreme State Prosecution Office's response of 20 March 2012, no headway has been made in the investigation of this case.

Assault on journalist Tufik Softić. –Berane journalist Tufik Softić, who was investigating and reporting on organised crime groups, was assaulted on 2 November 2007 by two masked men. He was hospitalised with grave injuries to his arm and head.²⁴ According to Softić, the person he suspects of the assault, who had previously threatened him and was suspected of membership of Darko Šarić's organised crime group involved in drug trafficking, has never been interrogated with respect to the assault.²⁵ No headway has been made in the investigation of this incident to date. As regards information about the status of the investigation, the Supreme State Prosecution Office replied: "In order to shed light on the case, the Basic State Prosecution has

¹⁷ „Prosecution refused to hear the key witness," *Dan*, 16 May 2012.

¹⁸ This refers to the witness whose identity was not revealed, mentioned by Vasilije Mijović.

¹⁹ For more detail see: [http://www.hraction.org/wp-content/uploads/Odgovori_VDT-a.pdf](http://www.hrraction.org/wp-content/uploads/Odgovori_VDT-a.pdf).

²⁰ „Jevrem injured, driver killed", *Dan*, 25 October, 2006.

²¹ „Killers still at large", *Vijesti*, 26 October 2006.

²² „Brković keeping the secret?", *Republika*, 2 October 2006.

²³ „Shed light on the murders of and assaults on journalists", *Dan*, 2 February 2011.

²⁴ „Republika correspondent Tufik Softić beaten up", *Republika*, 2 October 2007.

²⁵ „Powerful shield", *Monitor*, 19 March 2010.

urged the police several times, with the last inquiry submitted on 17 February 2012, in response to which on 20 February 2012 the Police informed the competent prosecutor's office that there have been no new findings in the case."²⁶ This response, amongst others, proves that the prosecution shows an unacceptably high level of tolerance for obvious human rights violations by the government officials – members of the police, responsible for ineffective investigations - and thus promotes impunity for serious violations of human rights, contrary to international standards.²⁷

Assault on journalist Mladen Stojović. – Bar sports journalist Mladen Stojović was assaulted in his apartment in late May 2008. The assault left Stojović unconscious with grave injuries – fractured upper and lower jaws, mouth and nose bleeding; he was also stabbed by a sharp object in the jaw. In the B92 show *Insider* in January 2008, Stojović testified about frauds i.e. rigging of soccer games by the Montenegrin “soccer mafia”.²⁸ The police and the Supreme State Prosecutor said that there were no traces that could lead them to the assailants.²⁹ It remains unknown whether the State Prosecutor ever investigated Stojović’s allegations about the existence of a soccer mafia in Montenegro and any links between the persons he named as members of the “soccer mafia” and the assault on him, as the Supreme State Prosecution Office failed to provide an answer to this question submitted by HRA, while as regards the investigation it was noted: "During the process of collecting the necessary information 17 persons were examined, whose testimony could not help confirm the identity of the assailants. In relation to that, on 4 February and 30 March 2011, the Police Regional Unit in Bar submitted their most recent reports to the Basic State Prosecution Office. Basic State Prosecution Office in Bar submitted repeated inquiries to the Police several times, the last one on 12 March 2012."

Death threats against human rights violations researcher Aleksandar Zeković. – Researcher of human rights violations and member of the Council for the Civilian Oversight of the Police Aleksandar Saša Zeković filed a criminal report after receiving death threats on his cell phone in April and May 2007.³⁰ After the police refused to listen to the recordings of the two last death threats Zeković had recorded because they lacked voice analysis equipment, the Podgorica local radio station *Antena M* broadcast the recorded threats. Several people recognised the voice of policeman Mirko Banović, a bodyguard of Police Director Veselin Veljović at the

²⁶ For more detail see: http://www.hraction.org/wp-content/uploads/Odgovori_VDT-a.pdf.

²⁷ For a systematic review of these standards see Guidelines on Impunity - Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious violations of human rights, adopted at the 1110th session on 31 March 2011, Strasbourg.

²⁸ More information available at: http://www.b92.net/info/emisije/insajder.php?yyyy=2008&mm=01&nav_id=283409.

²⁹ „Stojović: They want to water down the case”, *Vijesti*, 29 May 2008.

³⁰ „Threatened to kill him while he was with the Police Chief”, *Vijesti*, 5 May 2007; “Zeković gets death threats”, *Dan*, 5 May 2007.

time.³¹ Veljović told Zeković that a procedure had been conducted and that it had been established that the threats had not been voiced by Banović, but Zeković did not attend the procedure and was only told about it subsequently.³² The Council for the Civilian Oversight of the Police stated that the police failed to provide it with the information it required regarding the danger to the personal safety of Zeković, a Council member.³³ The media reported that the bodyguards of a senior Montenegrin Government official were involved in the secret surveillance and harassment of Aleksandar Zeković.³⁴ The then President of the Supreme Court, Ratko Vukotić, notified Zeković that he could not tell him whether he had been under secret surveillance measures because disclosure of such information would be in contravention of state security interests.³⁵ At HRA's requests filed in 2007 and 2008, the Basic State Prosecutor responded that the police were ordered to conduct specific investigation activities, but not whether the police actually did as they were instructed.³⁶ It, however, remains unknown whether the Supreme State Prosecutor ever exercised her right to notify the Ministry of Internal Affairs that the police had not acted on the prosecutors' requests. On the second anniversary of the Zeković incident, 31 NGOs sent a letter to the Supreme State Prosecutor, asking her to notify the public of the actions the prosecution office took within its remit to investigate this case. The Supreme State Prosecution Office never replied to the letter. In 2010 the Supreme State Prosecution Office twice refused to answer HRA's request for access to information on what steps the state prosecutor had undertaken to investigate the threats. Administrative Court annulled the decision of the Ministry of Justice which agreed with such decision of the SSP, and ordered adoption of a new decision. HRA received a response on 20 March 2012. SSP's response clearly indicates that the Police failed to provide necessary information to the Prosecutor's Office and obstructed the investigation. Although the Prosecutor's Office urged the Police on this occasion four times, SSP has clearly accepted illegal operations of Police officers, despite the publicly expressed serious doubts that the police officer had threatened Zeković and that his colleagues supported him in such actions.

For the first time after almost four years since the incident, when the prosecution apparently became time barred, in February 2011 Zeković was called in by Acting Basic State Prosecutor, Ljiljana Klikovac, and told that the audio recordings of the threats he had submitted to the police were not in his case file.³⁷

Assault on Vijesti Director Željko Ivanović. – Three unidentified persons assaulted Željko Ivanović, the editor and founder of the daily *Vijesti*, in the night of 1 September 2007. Despite

³¹ „Prepare to die”, *Vijesti*, 6 May 2007.

³² „Banović passes polygraph test”, *Dan*, 17 May 2007.

³³ „Zeković dissatisfied with protection and investigation”, *Vijesti*, 28 April 2007.

³⁴ „Policemen followed Zeković!”, *Republika*, 26 April 2007.

³⁵ „They won't reveal whether Zeković was followed”, *Dan*, 3 May 2007.

³⁶ The State Prosecution Office's reply to the request for free access to information is available in the HRA archives.

³⁷ „Prosecution Office did not hear the death threats”, *Vijesti*, 18 February 2011.

the objections voiced by Ivanović and other witnesses of the assault, the State Prosecutor indicted two persons, from Nikšić and Foča, for inflicting physical injuries and violent conduct, basing the indictment only on the confessions of the two alleged assailants.³⁸ After an unusually efficient trial, the Podgorica Basic Court convicted both defendants to four years' imprisonment. Their sentences were modified to a year in jail by the High Court on appeal.³⁹ The defendants confessed to beating Ivanović up, claiming they had been provoked by *Vijesti's* earlier reports about them. During the investigation and the trial, Ivanović said that the defendants looked nothing like the assailants he had described to the police immediately after the assault. He also claimed that they approached him from the front, not the back, as they alleged. Another witness also claimed that the defendants did not resemble the assailants he saw.⁴⁰ It seems odd that one of the defendants waited two and a half years to take revenge on Ivanović, given that this was how much time had passed since *Vijesti* and the other papers published a short police statement on his indictment. All this gives probable cause for doubt that the persons convicted for assaulting Ivanović were not the real assailants. Also, the accused and the witnesses at the trial testified that the event had also been attended by a masked person, who had only watched the attack, and the driver waiting in the car. By the beginning of November 2012 (more than 5 years after the attacks), these two persons have not yet been identified and prosecuted.⁴¹

Assault on Vijesti photographer Boris Pejović and Vijesti editor Mihailo Jovović. – Podgorica Mayor Miomir Mugoša, his son Miljan Mugoša and driver Dragan Radonjić physically assaulted *Vijesti* photographer Boris Pejović and then Deputy Editor Mihailo Jovović in August 2009 while they were documenting the Mayor's vehicle as it was illegally parking. The Mayor, his son and driver claimed that Jovović had physically assaulted them and inflicted grave injuries on the driver.⁴² Jovović said that the Mayor's son at one point even pointed a gun at him but that the police had not even tried to search the Mayor's car and look for the weapon.⁴³ Pejović and Jovović underwent medical examinations after the incidents, and the doctors established that they had sustained several injuries. The doctors found that Jovović's eardrum had been ruptured and he was operated on.⁴⁴

The police filed criminal reports against the Mayor's son, but also against the victim, Jovović, and the Basic State Prosecutor indicted both, Jovović for incurring injuries to the driver which resulted in a brain concussion. The Podgorica Basic Court panel returned the indictment filed against Jovović and asked that the medical court expert elaborate on the driver's injuries.

³⁸ „Ivanović: They forgot what they were supposed to say”, *Dan*, 11 December 2007.

³⁹ „Only one year for assault”, *Dan*, 9 June 2008.

⁴⁰ „Witness: They weren't the assailants, one of them was huge”, *Vijesti*, 13 December 2007.

⁴¹ „They no longer look for Mickey either”, *Vijesti*, 16 June 2012.

⁴² „Mugoša physically assaults journalists”, *Dan*, 7 August 2009.

⁴³ „Mugi is allowed to beat us up!”, *Vijesti*, 8 August 2009.

⁴⁴ „Radonjić was only scratched”, *Dan*, 1 October 2009.

Court medical expert Dr. Dragana Čukić had earlier opined that it was possible that Jovović had not inflicted the injury on the driver and that the driver may have sustained it a long time ago.⁴⁵ The finding was confirmed by court medical experts in Belgrade.⁴⁶ Driver Radonjić asked for a medical examination 13 hours after the incident.

In May 2011 the State Prosecutor accused *Vijesti* editor, Mihailo Jovović, and Mayor's son Miljan Mugoša, while Mayor Mugoša was earlier fined 400 Euros for the misdemeanour of disturbing public peace and order.⁴⁷

Jovović was charged with "Causing light body injury" to the driver Radonjić. This crime is often prosecuted by private action, while in this case the State Prosecutor has undertaken prosecution ex officio, accusing Jovović of the qualified form of this offense, because the alleged injury was caused by "a dangerous weapon, instrument or other means suitable to seriously injure the body or seriously impair health" (Art. 152(2) CC). The Prosecution based its decision on the opinion of the Institute of Forensic Medicine in Belgrade, which states that Radonjić sustained injuries that could be caused by "edge of a telephone or voice recorder".⁴⁸ The position of the State Prosecution that a mobile phone is a dangerous weapon that can cause serious injuries was not the usual case in practice. Trial has been scheduled for 6 September 2011. Such diligence of the State Prosecutor is in contrast with other human rights cases, where the Prosecution failed to undertake any actions whatsoever.

The Council for the Civilian Oversight of the Police found that the policemen had made several mistakes during the investigation of the incident and in their treatment of the suspects. Criminal complaint was filed against police officers for falsifying a record of retaining the mayor's son, who, as suspected, has never been taken to the detention premises. The Council also criticised the findings of the Police Internal Audit Sector, which had qualified the police conduct as professional.⁴⁹ At the main hearing which commenced on 26 December 2011, Editor Jovović's attorneys suggested that criminal proceedings against him and Miljan Mugoša, who were tried under the same indictment, be separated, arguing that there had been no legal grounds for conducting joint proceedings against them. They noted that Jovović has been denied the status and rights of the injured party in the proceeding, which is in violation of his right to a fair trial. Deputy Basic State Prosecutor, as well as Mugoša and Radonjić's attorney, opposed the motion of Jovović's defence, stating that the event had taken place at the same time and place, and that there was a connection between the committed crimes. The Court rejected the said motion, as well as the proposal to conduct the trial in a court room with sufficient spatial capacity due to an increased public interest, and the main hearing was held on 10 May 2012.⁵⁰ At the hearing Miljan Mugoša, after almost three years, admitted that he had hit Mihailo Jovović.

⁴⁵ „Jovović indicted without evidence”, *Vijesti*, 20 November 2009.

⁴⁶ „Tore the Prosecution Office's construct to bits”, *Vijesti*, 20 July 2010.

⁴⁷ „Miomir Mugoša fined for incident with *Vijesti* journalists”, *Vijesti*, 25 January 2010.

⁴⁸ „Jovović endangered Radonjić's life with a mobile phone”, *Vijesti*, 18 May 2011.

⁴⁹ „Policemen made mistakes, but so did Internal Audit Sector”, *Vijesti*, 14 April 2010.

⁵⁰ HRA monitor attended the trial.

When asked why he denied that he had hit Jovović in the course of the investigation and gave different testimony about the incident, he replied "that this was for personal reasons, and that his former lawyer advised him that, while his current lawyer told him to use the truth as a defence".

Miljan Mugoša has repeatedly stated that he could not remember certain details because it had been almost 3 years after the incident and that his intention had been to protect his father. He said that Jovović had tried to assault his father three times, and that "he was forced to slap Jovović when he saw that several previous attacks have not been successful", after which Jovović "calmed down". Also, in his testimony Mugoša said that Jovović had put his hand under his shirt, not knowing what he had been holding in his hands, and that he remembered that the driver had been "whispering" something to his father, and later read in the files that he had in fact warned him about an "ambush".

Radonjić testified that he had been hit by Jovović, but could not remember how because "he was at the time most concerned about the mayor's safety." In addition, he testified that he had not seen Mugoša hitting Jovović. He reasoned that he had undergone medical examination 17 hours after the incident because the whole event was extremely stressful for him, and because he had been tired, decided to rest and see a doctor the following day.

During the testimony, for the most part Mugoša and Radonjić could not remember details of the incident, including "how Jovović hit them or attacked the mayor, where he stood, in what position were his hands just before the attack and during the attack", etc. Both Mugoša and Radonjić denied the existence of the gun.

In his testimony, Jovović said that he bore no guilt whatsoever over the incident he has been charged with, and that the indictment was false as the plaintiff did not intend to determine the full truth, but blame him at all costs in order to establish a balance and unburden Miljan Mugoša. In relation to Mugoša's testimony, he stated that he believed that the only true Mugoša's statement was the one given to the police and the first statement given to the investigating judge, saying that he had not hit anyone, and that the rest of the testimony was false. Regarding Mugoša's statement about being sorry that the incident ever took place, Jovović said: "If he was sorry, he would have not lied for three years." He denied the story of the ambush and assault on Miomir Mugoša, stating that after reaching St. Petar Cetinjski Boulevard, he saw Mugoša and Radonjić near a bus stop, rushing towards Pejović. He further stated that he had seen Pejović backing away and then the mayor slapping him twice. At that moment, Jovović rushed toward them holding his mobile phone in one hand and voice recorder in the other. After a brief communication with the mayor, who identified Jovović by asking for a press card and questioned him about why he was beating his photojournalist, Mugoša slapped him as well. Then came the second blow. He reiterated that Miljan Mugoša had hit him in the head area, from behind, with an open hand after which he felt pain and hissing in his ear. He reiterated that he had heard gun cocking and that Miljan Mugoša put the gun against his back and hid it after his father's command: "Put that away." Jovović said that he had been trying all through to turn on the voice recorder in order to secure evidence "in case he gets killed." He reiterated that he had not hit anyone, not once. In support of this, Jovović noted that during the first fifteen minutes upon the

arrival of the police, neither older nor younger Mugoša, nor the driver told the police that he had hit anyone.

Prosecutor Zoran Vučinić, who has been appointed to represent the indictment, had only two questions during the nearly eight-hour trial: one for Mugoša – which hand did he use to slap Jovović, and one for Radonjić – in which hand did Jovović hold the items.

As the trial continued, on 2 July 2012, the Mayor of Podgorica Miomir Mugoša used his legal right not to testify in proceedings against his son, on the grounds that it contributes to the efficiency and depoliticization of the process. Photojournalist Pejović testified that Jovović had not attacked Mugoša father or son or had any contact with driver Dragan Radonjić. Pejović reiterated that mayor Mugoša had slapped him twice and insulted him.⁵¹ Jovović's attorneys Lutovac and Rodić suggested, among other things, that the audio footage of the conversation with the police, recorded by Jovović, be heard at the trial as evidence. Attorneys also proposed hearing of doctor Milanka Raičević (based on whose findings on the alleged Radonjić's injury Jovović has been charged) and her colleague Vladimir Dobričanin.⁵² The court rejected this proposal on the grounds that the defence had no objections to the findings of experts from Podgorica and Belgrade, prepared on the basis of documents whose authenticity was challenged by attorney Rodić.⁵³

Three years after the controversial event, in late July 2012 the Basic Court in Podgorica, acting in the first instance, sentenced Miljan Mugoša, the son of the Mayor of Podgorica, to six months, suspended for two years prison sentence for causing grievous bodily harm to Editor of the daily *Vijesti*, Mihailo Jovović, while Jovović was acquitted of causing bodily injury to Miljan Mugoša with dangerous tools. The state prosecutor has announced an appeal against the acquittal of Jovović.⁵⁴

Death threats against Vijesti journalist Olivera Lakić. - *Vijesti* journalist, Olivera Lakić, wrote about the alleged illegal cigarette manufacturing in Mojkovac factory "Tara", owned by "Montenegro Tobacco Company" from Podgorica, and received several threats in late January and early February 2011. On that occasion the Basic State Prosecutor's Office in Podgorica filed an indictment in February 2011 against S.M. and M.P. for the criminal breach of security. Prosecutor Klikovac stated that the defendants are charged for "serious threats, directed between 31 January and 3 February, to endanger Lakić's life, while S.M., by threatening her, endangered the safety of persons with whom the journalist was on duty on 3 February".⁵⁵ In late June the trial was postponed for the third time for late July.⁵⁶ The trial began on 27 July 2011.⁵⁷ In June

⁵¹ „Miomir Mugoša escaped the court“, *Vijesti*, 3 July 2012.

⁵² „Evidence that started the persecution are now irrelevant“, *Vijesti*, 4 July 2012.

⁵³ „All evidence of Defence rejected“, *Vijesti*, 18 July 2012.

⁵⁴ „The prosecution announced an appeal against the acquittal of Jovović“, *Vijesti*, 24 July 2012.

⁵⁵ „Charged for threatening a journalist“, *Dan*, 17 February 2011.

⁵⁶ „A fine of 500 Euros for Musić's lawyers“, *Vijesti*, 22 June 2011.

2012 S.M. was sentenced to four months in prison, while M.P., who was tried *in absentia*, was acquitted on charges of endangering the safety of journalist Lakić.⁵⁸ Supreme State Prosecutor's Office in February began checking operations on the tobacco factory that Lakić wrote about, and to date it has not been announced that an investigation was initiated.⁵⁹

On 9 February 2011, just hours after the police estimated that Lakić and her family were not in danger because of threats addressed to her ten days earlier and endangering of her safety while on journalistic duty, a man who identified himself as Boško called another *Vijesti* reporter, Jasmina Muminović, on her mobile phone. With a strong Nikšić accent, he uttered a series of serious insults and threats directed at Olivera Lakić. The case was reported to the police. The next day Muminović received a threatening text message directed at her colleague Lakić from the same number.⁶⁰

Three days after the threats, Milan Grgurević⁶¹ reported himself to the police with the claim that he had addressed serious threats at journalist Lakić and her daughter. During the investigation he said that he had also called and texted Muminović, but could not recall any part of the alleged conversation with her or explain why he had made that telephone call. During expert testimony, the prosecution concluded that his testimony was false and that he was not the person who had threatened the journalist; in October 2011 the prosecution filed an indictment against Grgurević for a criminal offense false reporting. At the trial Grgurević remained silent. Expert testimony also established that the telephone from which threats had been addressed and Grgurević's telephone had been used almost simultaneously in locations that are several tens of kilometres away from each other. At the main hearing Muminović asserted that the voice of the person she had spoken to on the phone was certainly not Grgurević's, since that person had a pretty rough male voice, with a strong Nikšić accent.⁶² Head of the Branch for the Suppression of Sexual and Blood Crimes in Podgorica Regional Unit, Ekan Jasavić, claimed that in February last year, through a phone call record, the police determined that the number from which threats had been addressed had also been used in Grgurević's "Nokia" and that on these grounds Grgurević received a summons from the police. Although Jasavić stated that both versions had been considered in cooperation with the prosecutor - someone ordering Grgurević to report himself or him actually threatening the journalist – he failed to explain what had specifically convinced them to prosecute Grgurević for endangering the journalist's safety, and not for false reporting.⁶³ On 13 February 2012 Grgurević was sentenced to one year in prison for the crime of

⁵⁷ Seventh monthly report on the implementation of obligations under the Action Plan for monitoring the implementation of recommendations from the European Commission's Opinion, available at: http://www.gov.me/aktuelno/Mjesečni_izvještaji/.

⁵⁸ „Four months for Musić, Piper free”, *Vijesti*, 13 June 2012.

⁵⁹ „Paperwork done properly – there is no affair“, *Dan*, 9 February 2011.

⁶⁰ „Who does the fake volunteer from Danilovgrad protect?“, *Vijesti*, 26 September 2011.

⁶¹ Milan Grgurević was not employed in the tobacco factory that journalist Lakić wrote about, nor in any other way (before reporting to the police) brought into connection with journalist Lakić.

⁶² „A year in jail for Grgurević”, *Vijesti*, 14 February 2012.

⁶³ „Prosecutor made Jasavić sweat”, *Vijesti*, 26 January 2012.

false reporting. In June 2012 this judgment was overruled, and the ruling stated that the High Court considers that Grgurević's actions had no elements of a criminal act of false reporting. The ruling states that Grgurević did not voluntarily contact the police, but by the order, as he was sought by the police for threatening reporter Lakić and her family, and that he was "interrogated as a suspect and arrested, while his false confession that he committed a crime can not be considered as a criminal offense of false reporting." The case was returned to the same judge for reconsideration.⁶⁴ The retrial is pending.⁶⁵

In the evening of 7 March 2012 journalist Lakić was attacked as she unlocked the front door of the building she lives in. On that occasion, on 12 March 2012 Ivan Bušković⁶⁶ was arrested on suspicion of attacking journalist Lakić. She recognized Bušković as her attacker, who on the other hand denied that, while 17 persons, Bušković's friends, claimed that he had participated in a football match with them at the time of the attack.⁶⁷ Basic Prosecutor's Office filed an indictment against Ivan Bušković for the criminal act of violent behaviour. The prosecution invited the Court to hear 19 witnesses and present 11 pieces of material evidence.⁶⁸ During the trial the defendant maintained that he did not know journalist Lakić, that at the time of the attack he had taken part in a football game, and that he had no reason to attack Lakić, who required him to name a person that had ordered the attack.⁶⁹ Bušković was convicted for the crime of violent behaviour to 10 months in prison. The prosecutor announced the filing of a complaint dissatisfied with the duration of the adjudicated punishment (punishment for this criminal act is 6 months to 5 years), while the Executive Director of "Daily Press" Željko Ivanović, noting the duration of the sentence, also emphasized that it is essential to continue the investigation and identify persons who ordered the attack.⁷⁰

Setting fire to Vijesti vehicles. - In the period from 14 July 2011 to 28 August 2011 there were three cases of setting fire to *Vijesti* vehicles in Podgorica. The first took place in the night between 13 and 14 July, when around 3 a.m. unknown perpetrators set fire to two service vehicles owned by *Vijesti* newspaper, parked near the office.⁷¹ Director of the Police Directorate Veselin Veljović said the incident should be regarded as an isolated act of an individual.⁷² Second case of setting fire to *Vijesti* vehicle occurred in the night of 26 July in Masline where the

⁶⁴ „False confession is not false reporting“, *Vijesti*, 26 June 2012.

⁶⁵ „Now they seek recusal of a judge“, *Vijesti*, 14 September 2012.

⁶⁶ „Who ordered the attack, and why?“, *Vijesti*, 14 March 2012.

⁶⁷ „Friends claim that Bušković played football when Lakić was attacked“, *portal Vijesti*, 13 March 2012.

⁶⁸ „Indictment against Bušković, commanders still in the shadow“, *Vijesti*, 10 April 2012.

⁶⁹ „Bušković is the attacker, but he should say why“, *Vijesti*, 29 May 2012, „Last night two vehicles set on fire“, *portal Analitika*, 14 July 2011, „Journalists are victims of various types of pressure“, *Dan*, 6 April 2012.

⁷⁰ „No justice for Olivera“, *Vijesti*, 21 July 2012.

⁷¹ „Across the street from the National Security Agency two official vehicles of the daily *Vijesti* set on fire“, *Vijesti*, 14 July 2011.

⁷² „Veljović: Setting fire to *Vijesti* automobiles is an isolated case“, *Portal Analitika*, 15 July 2011, available at: <http://www.portalanalitika.me/drustvo/vijesti/31802--veljovi-spaljivanje-automobila-vijesti-je-izolovan-sluaj-.html>.

vehicle was parked in front of the house of the newspaper's employee.⁷³ Third incident took place on 28 August, while the vehicle was parked in Stari aerodrom. In all three cases the vehicles were set on fire in the same way, by dousing the front of the vehicle with gasoline and setting it on fire.⁷⁴ Head of the Criminal Police, Podgorica Regional Unit, Siniša Stojković said that in all three cases the police had blocked the city, searched wider crime scene and informed the competent prosecutors and investigating judges. The latter failed to appear at the scene and the forensic actions and measures were taken by officers of the Podgorica Regional Unit. Stojković also asserted that the police had sent samples from the crime scene to the Forensic Centre for necessary expertise, collected information from witnesses and persons who had been using the vehicles damaged in fire, obtained video surveillance footage from several buildings near the site, verified the alibi of several persons and carried out numerous polygraph tests,⁷⁵ all of which was not enough to file criminal charges against the offender.⁷⁶ After the third *Vijesti* vehicle fire incident, the Police Directorate issued a press release stating: "Pursuant to the new CPC, the Basic State Prosecutor in Podgorica declared that this case contained no elements of the crime that is prosecuted *ex officio*",⁷⁷ although the new CPC (Criminal Procedure Code) came into force on 1 September 2011.⁷⁸ In this regard, the Supreme State Prosecutor stated that the above statement of the Police Directorate was "inaccurate and unprofessional"⁷⁹ and that "for the police it is most important to establish the identity of the perpetrator, not to qualify the crime".⁸⁰ After the second vehicle fire incident, Chief Editor of daily *Vijesti* Mihailo Jovović stated that an interview with former Prime Minister Milo Đukanović might have contributed to these events, since prior to the first fire incident in an interview for daily *Pobjeda* Đukanović had fiercely attacked critical media including *Vijesti*, and prior to the second vehicle fire incident, he had given another interview with similar assertions.⁸¹ On 31 October 2011 "Daily Press Ltd", publisher of daily *Vijesti*, filed a lawsuit against the state of Montenegro, seeking 60,000 Euros in damages for failing to prevent attacks on *Vijesti* property, and also because the competent authorities failed to identify actors in July and August 2011 fire incidents involving four vehicles. The ruling P.br.4569/11,⁸² dismissing the lawsuit (later specified at 8,641.98 Euros), *inter alia*, states the following: "the act of terrorism can not be characterized as such, aside from the goal it serves, which is in line with the definition of the Council of Europe Convention on the

⁷³ „Another *Vijesti* vehicle set on fire: Is this also an isolated case?“, *Vijesti*, 27 August 2011, „*Vijesti* vehicle set on fire again“, *RTCG*, 27 August 2011, information available at: <http://www.rtcg.me/vijesti/drustvo/hronika/46898-ponovo-zapaljeno-vozilo-vijesti.html>.

⁷⁴ „The prosecutor does not respond to terror“, *Vijesti*, 28 August 2011.

⁷⁵ „Still not a word about the perpetrator“, *Vijesti*, 27 October 2011.

⁷⁶ *Ibid.*

⁷⁷ Press release available at: <http://www.upravapolicije.com/index.php?IDSP=1927&jezik=lat>.

⁷⁸ Art 517 CPC (*Sl. list CG*, 57/2009 and 49/2010).

⁷⁹ „Čarapić: Police Directorate's press release on *Vijesti* vehicle fire incident is inaccurate and unprofessional“, *Vijesti*, 2 September 2011.

⁸⁰ „Still not a word about the perpetrator“, *Vijesti*, 27 October 2011.

⁸¹ „Another *Vijesti* vehicle set on fire: Is this also an isolated case?“, *Vijesti*, 27 August 2011.

⁸² Ruling available at: <http://www.hracion.org/?p=2523>.

Prevention of Terrorism, which our country ratified in the Law, ..., which in the introduction states that acts of terrorism have the purpose by their nature or context to seriously intimidate a population or unduly compel a government or an international organisation to perform or abstain from performing any act or seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation. For now, there is no evidence that setting fire to the plaintiff's vehicles ... was aimed at the purpose, i.e. purposes set forth in the said Convention." Regarding the argument of the indictment that Montenegrin state authorities failed to take all necessary measures to prevent acts of violence and damage resulting from the execution of these acts (setting fire to vehicles), the ruling states: "In this case the mentioned conditions for the responsibility of the respondent State of Montenegro have not been met on this basis either, since there is no evidence of illegal actions of the defendant's authorities in taking the necessary actions or failure to act, while these actions are evidently still being conducted ...".

Solved case of assault on Vijesti TV crew. - On 18 November 2011 in Humci, near the town of Nikšić, *Vijesti TV* crew has been assaulted - namely journalist Darko Bulatović, cameraman Aleksandar Marojević and photographer Ivan Petrušić, while trying to capture the panorama of Humci.⁸³ Dragoljub Karadžić, Miodrag Glušica and Miloš Šanjević pushed *TV Vijesti* crew back into their vehicle, cursing the whole time, while Karadžić injured Bulatović's leg trying to slam the door.⁸⁴ Deputy Basic State Prosecutor in Nikšić was informed about the event and ordered that criminal prosecution be initiated against Karadžić on suspicion of committing an act of violent behaviour. Misdemeanour charges were filed against Šanjević for insult, while no elements of misdemeanour were determined in Glušica's actions.⁸⁵ Criminal charges for violent behaviour have been filed against Karadžić (criminal charges are being processed, the trial is in progress) and Šanjević was fined with 300 Euros for misdemeanour offence.⁸⁶

Incident with Dan journalist. – On 8 August 2012 in Nikšić, *Dan* journalist Lidija Nikčević entered the meeting room after the session of the Central Committee of the Socialist People's Party (SNP) intending to photograph and take a statement from SNP President Srđan Milić. According to the journalist, members of SNP Municipal Board Milinko Radulović and Milan Jauković started insulting her as they were unhappy with her writing about the initiative for dismissal of Svetozar Golubović, Board member from Nikšić, and developments in SNP Municipal Board in Nikšić, arguing that the initiative should have remained hidden from the public eye, when Radulović even tried to physically assault her.⁸⁷ The incident was prevented by

⁸³ „*Vijesti* crew assaulted in Nikšić”, radio *Antena M*, information available at: http://www.antenam.net/sajt/index.php?option=com_content&view=article&id=8305:u-nkiu-napadnuta-ekipa-vijesti&catid=35:drutvo&Itemid=54.

⁸⁴ „Police detained suspects for the attack and insult of *Vijesti* crew“, *Vijesti*, 18 November 2011.

⁸⁵ Police Directorate press release available at: <http://www.upravapolicije.com/index.php?IDSP=2190&jezik=lat>.

⁸⁶ „Šanjević fined with 300 Euros for assaulting *Vijesti* crew“, *Vijesti*, 19 November 2011.

⁸⁷ HRA press release available at: [http://www.hraction.org/?p=2112](http://www.hrraction.org/?p=2112).

the president and other SNP members, who have been in the meeting room. Journalist Nikčević chose not to prosecute Board members Radulović and Jauković on this occasion.⁸⁸

Incident with Vijesti and Dan journalists during an election campaign in Pljevlja. – On 4 October 2012, *Vijesti* reporter Goran Malidžan and *Dan* reporter Božidar Jelovac were attacked after the election campaign of the Democratic Party of Socialists (DPS) in Pljevlja, where Prime Minister Igor Lukšić gave a speech stating there were no independent media in Montenegro, that *Vijesti* and *Dan* were part of the opposition and that all that jumbled together "does not smell so good".⁸⁹

Malidžan was attacked by local DPS activist and former police officer Goran Čavić, first verbally and then physically. After leaving the meeting room where the convention had been held, he was approached by another former police officer, Slavko Rončević, who told him: "Someday I will make your life harder." *Dan* journalist Božidar Jelovac pulled out a camera to document the assault on Malidžan, after which local DPS activist Mustafa Brahić called him "boor", "pathetic", "scum" and said that "*Dan* is garbage".⁹⁰

Prime Minister Igor Lukšić condemned physical attacks on journalists Malidžan and Jelovac and stressed that the assessment that these attacks had been linked to his speech at DPS convention was completely unacceptable.⁹¹ Criminal proceedings have been initiated against Rončević, and misdemeanour procedure against Malidžan. Although Malidžan sought recusal of judge Vesna Milinković because she used to be a member of DPS Municipal Board, same as the defendant and witnesses, President of the Regional authority refused this request.⁹² Such action of the President of the Regional authority is contrary to the standard established in the jurisprudence of the European Court of Human Rights (which has been introduced into national legislation) that requires a court to inspire public confidence in any proceeding by endeavouring to exclude any reasonable doubt as to its impartiality. In this case, the fact that judge Milinković was professionally bound with the organization that the defendants and participants in the procedure belong to, raises justifiable doubts as to her unbiased treatment.⁹³

Appendix: Case of alleged wiretapping in the Podgorica High Court and disappearance of the case file. - In October 2010, the Podgorica High Court upheld⁹⁴ the Podgorica Basic Court judgment finding Monitor journalist Petar Komnenić guilty of defamation and ordering him to

⁸⁸ Information obtained in an interview between journalist Lidija Nikčević and HRA researcher.

⁸⁹ „Reporters attacked after DPS convention“, *Vijesti*, 5 October 2012.

⁹⁰ „Reporters assaulted every now and then“, *Vijesti*, 9 October 2012.

⁹¹ „Igor Lukšić condemned attacks on journalists“, *RTCG, News*, 5 October 2012.

⁹² „It doesn't matter that they are all together in DPS“, *Vijesti*, 27 October 2012.

⁹³ For more detail see HRA press release: <http://www.hracion.org/?p=2523>.

⁹⁴ High Court ruling available at: http://www.hracion.org/wp-content/uploads/Stankovic-Komnenic-Presuda_Visi_sud.pdf.

pay 3,000 Euros to the former High Court President Ivica Stanković.⁹⁵ Stanković had sued Komnenić over an article in which he had claimed the police were wiretapping Stanković at the request of the special organised crime prosecutor with respect to his alleged links with crime.⁹⁶ In his article, Komnenić quoted former High Court judge Radovan Mandić as saying that Stanković was under secret surveillance measures. Mandić reiterated his statement at the trial as well. As stated in the response of March 2012, the prosecutors have not yet investigated the alleged wiretapping in the High Court which Komnenić had talked about and provided evidence of during the trial, notably: the statement by former judge Mandić that his former colleague and Podgorica High Court judge Hamid Ganjola told him that he had approved wiretapping of Mandić and that “half the judges” of the High Court were being wiretapped, the statement by the then special prosecutor Stojanka Radović, who testified that the case regarding the secret surveillance measures which judge Ganjola was charged with had “disappeared” somewhere between the court and the prosecution; the indictment against the men accused of killing police inspector Šćekić stating that the Podgorica High Court judges had let the co-defendants visit each other in detention in contravention of the law, etc. Non-inquiry into these allegations is devastating as it proves that investigative journalism is undesirable for both the court and the prosecutor's office in Montenegro. In late September 2011 Komnenić's fine was replaced by imprisonment for a term of four months.⁹⁷ Journalist Komnenić filed an appeal against this decision, which the High Court adopted and quashed the decision of the Basic Court to replace the fine with imprisonment, proposing that the Basic Court impose Komnenić a sentence of community service in a retrial. On this occasion Komnenić said that the only work in the public interest he would accept was volunteering in the archives of the High Court, in order to complete his research on how the case file had disappeared from the court archives.⁹⁸ After the Basic Court rendered a decision to replace the fine by a term of imprisonment for the second time, appeal against the decision was lodged before the High Court, but was also rejected.⁹⁹ However, the decision could not be enforced because of the adoption of Amnesty Law in June 2012 for persons convicted of criminal offenses defamation and insult.

⁹⁵ First instance ruling available at: http://www.hraction.org/wp-content/uploads/komnenic_stankovic.pdf.

⁹⁶ „Judges under surveillance“, *Monitor*, 18 May 2007.

⁹⁷ Basic Court ruling available at: http://www.hraction.org/wp-content/uploads/PetarK_rjesenje.pdf.

⁹⁸ „Accepts to serve his sentence in the court archives“, *Vijesti*, 21 December 2011.

⁹⁹ Information obtained in an interview with lawyer Petar Komnenić.