



HUMAN RIGHTS ACTION | AKCIJAZA LJUDSKA PRAVA

**REPORT ON OPERATION OF THE COMMISSION FOR MONITORING INVESTIGATION OF ATTACKS
AGAINST JOURNALISTS: THE CITIZENS' VIEWPOINT**

ABSTRACT

Commission for the monitoring of operation of competent authorities in investigating the cases of threats and violence against journalists, murders of journalists and attacks on media property (hereinafter: the Commission), whose mandate expired at the end of 2015, failed to achieve the main objective for which it had been established - to provide a comprehensive opinion on shortcomings in these investigations and manner in which they could have been improved based on the overview of investigations recognised as high-priority ones.

The Commission achieved some other objectives - it established a plan and schedule for gathering of facts, made a review of status of the cases, determined deadlines for time-bar for criminal prosecution, established an archive related to the investigations. For this purpose the Commission realised a partly successful cooperation with the authorities responsible for conducting these investigations. However, the largest obstruction it faced during its operation was from the Police Directorate, which persisted in providing incomplete, anonymised records until the end of the Commission's mandate in 2015. Council of the Agency for the protection of personal data and free access to information joined in the obstruction, stating the opinion that the Commission's members could not be allowed access to all relevant information from police files.

From the very beginning the composition of the Commission did not promise that it would reach wanted results, as the majority of its members (six) were representatives of state bodies whose conduct the Commission was to review. Two (or even four members - according to the Chairman of the Commission) had directly conflicting interests, because they were in charge of investigations identified by the Commission as high-priority.

Already the first report of the Commission pointed to the lack of trust among its members, when representatives of the State Prosecutor's Office and the Police took defensive positions on the occasion of serious charges addressed at them by media representatives and NGOs regarding the actions of the bodies they represent, failing at the same time to provide an explanation or indication that a compromise could be reached.

The Commission failed to achieve its planned scope of work. Of the six planned reports and 44 sessions, three reports were adopted and thirteen sessions held. Also, the opportunity to involve national and international experts in the work of the Commission was not used.

The two-year mandate of the Commission expired at the end of December 2015, in silence. There was no final report, no joint statement, or even the statement of the Chairman or one of the members of the Commission. The Commission also failed to adopt the last report proposal of its Chairman on the work from January to July 2015, which means that in 2015 the Commission's work practically had no result, or at least a written published trace of this result.

Nonetheless, this report proposal, which was circulated to all the members of the Commission, contains opinions and recommendations regarding the case of murder of newspaper editor Duško Jovanović, recognized by the Commission as a priority; also, Chairman of the Commission and chairperson of the working group for the investigation of the attack on Tufik Softić submitted to the Supreme State Prosecutor their opinion on shortcomings in the investigation of the case, that they reached thanks to the work in the Commission.

HRA believes that it would have been better for the legitimacy of the Commission if it had been established by the Parliament of Montenegro. Its establishment on the basis of a Government's decision was more operational, but a question which arose from the beginning was whether the Government was really ready for the Commission that could determine failures in investigating the attacks on journalists that had occurred and had not been investigated during the term of its President? It proved that neither the composition of the Commission that would instil confidence was ensured, nor access to the complete documentation, nor was the Commission's recommendation accepted that the Government announce a reward for information that could lead to progress in the investigations.

The establishment of the Commission was to present a political will to achieve progress in investigating the attacks on journalists with the most severe consequences. However, the composition of the Commission and the obstruction of its work, primarily by the Police Directorate, indicate that the said will essentially was not there, which seems to be the main reason behind the absence of the results of Commission's operation and progress in investigations identified by this body as a priority for the two years of its existence.