

Threats and attack against *Vijesti* journalist Olivera Lakić

January 2011 - May 2014

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Summary

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

In early 2011 Olivera Lakić investigated whether fake cigarette brands had been produced and stored at "Tara" factory in Mojkovac and its warehouse in Podgorica suburbs Donja Gorica, and smuggled therefrom. Articles in question stated that officers of the Police Directorate and National Security Agency (NSA) were involved in this illegal business. After the assault the journalist publicly accused Veselin Veljović, the Chief of Montenegrin Police (at present Secretary of the Council for National Security of the Intelligence and Security Sector) of being the man behind the threats and assault.

The State Prosecutor's Office has taken legal action against most of the persons who threatened Lakić, including Ivan Bušković, who attacked her in 2012, but there was no investigation directed at identifying a person who ordered threats and attack. Also, there was no convincing investigation into the journalist's claims about illegal operations of "Tara" factory, which triggered everything that had happened to her since. The Chief Special Prosecutor of Montenegro, Milivoje Katnić, stated in November 2015 that evidence related to Mojkovac tobacco factory "probably emigrated and was lost permanently", but that the State Prosecutor's Office was still on the case.¹

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

Milan Grgurović, who had accused himself falsely of threatening journalist Lakić, was prosecuted unsuccessfully. It has never been established why or on whose behalf did he do it. Finally, police officer Milenko Rabrenović, who was close to the then Police Chief Veljović, was also prosecuted for threatening Lakić, her daughter and her daughter's roommate. He was acquitted on the basis of controversial findings of expert witness Predrag Boljević, who relativized proof of the phone number

¹ Show Načisto: "Budva locals wanted to kill witnesses?", by Petar Komnenić, portal *Vijesti*, 20 November 2015 (Milivoje Katnić: "Procedure concerning Mojkovac tobacco factory was conducted several years ago, and some evidence has most likely emigrated and is lost permanently. What we have now is what the prosecutor's office is trying to establish").

used to make threats by subsequent assertion that it was possible that two mobile phone networks at the same time register two different mobile phones under the same 15-digit IMEI number. This proved enough for the court to release Rabrenović. Rabrenović's trial was also marked by an unusual interest of the President of the Supreme Court Vesna Medenica and Head of Budva Police Criminal Investigation Department Siniša Stojković for the outcome of the case with the Basic State Prosecutor. The Prosecutor's Office even decided to prosecute Stojković for criminal offense Illegal Influence, but the court later acquitted him as well referring to, yet again, controversial interpretation of the Criminal Code.

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

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

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

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

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

In the said case the courts punished with minimal sentences only one person who threatened Lakić and her attacker. Two police officers were acquitted - one accused of making threats, and the other accused of illegal influence on the public prosecutor to suspend the prosecution of the former. Both acquittals were based on controversial interpretation of the facts and legislation. Epilogue of the second case is that the police officer did not rank high enough to be able to exercise unlawful influence on the prosecutor, although the law imposes no such requirement. The fact that the police officer accused of threatening the journalist was very close to Chief of the Police and that the Supreme Court President expressed her interest in the proceedings against him supports the suspicion that in both cases the judges were not impartial. In addition, the court found that the person who had falsely accused himself of threatening the journalist could not be held criminally

responsible, in the case of threats for which a police officer was prosecuted afterwards. It was never exposed why he had tried to mislead the investigation. Ultimately, the court also suspended the proceedings against Lakić attackers' friends who threatened her last, finding that there was insufficient suspicion that they had committed the crime of Endangering Safety.

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

The original report in Montenegrin language is 16 pages long and available at:

<http://www.hraction.org/wp-content/uploads/lzvjestaji.pdf>