

Transitions

Montenegro, Politics, Society, Southeastern Europe

Death Threats and Deadlines

by **Barbara Frye**

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The perils of being a journalist in the Balkans’ “quiet” country.

PODGORICA | Mihailo Jovovic could hardly believe what he was seeing. It was late one night in August 2009 and he had just watched the city’s mayor hop out of a car on a Podgorica street and slap a photographer for *Vijesti*, Montenegro’s leading daily newspaper.

“Can you imagine?” said Jovovic, the newspaper’s editor in chief. “Why are you doing this? Are you normal?” Jovovic said he asked the mayor. “And he turned to me and he slapped me. I thought, ‘This is really crazy.’ ”



Mihailo Jovovic

Soon afterward, Jovovic said, the mayor’s son, who had been at a downtown café with his father and others, walked over – and struck him on the side of the head.

The photographer had gone to the café on a tip that Mayor Miomir Mugosa was parked illegally. The newspaper had only that day run a photograph of the mayor

illegally parked car. With the night duty reporter gone, Jovovic had taken the assignment himself.

Summoned by someone in the *Vijesti* newsroom, police arrived but Jovovic said, “They were more afraid of the mayor than I was.” As the journalist tells it, they didn’t search for the gun that Jovovic said the mayor’s son had held to his side. Nor did they take witness statements or footage from nearby surveillance cameras. “They were more trying to hush everything up.”

But the truly crazy part was to come the next day – and to last for three years.

Jovovic was diagnosed with a punctured eardrum – which could have resulted in serious charges against the mayor’s son – and taken in for surgery the next morning.

When word of that injury got out, the mayor’s driver, who Jovovic said was there the night before but not involved in the dispute, showed up at the hospital with a scratch on the side of his head complaining about headaches. He said Jovovic had struck him.

From there, Jovovic described a scenario of badly compromised institutions, including a hospital and law enforcement agencies. The driver was diagnosed with brain damage and Jovovic was brought up on criminal charges. He was looking at one to eight years in prison.

“From the point where the police arrived, I realized firsthand how the system works in Montenegro when somebody close to the ruling circles or somebody from the ruling circles is involved,” Jovovic said.

This summer, he was acquitted and the mayor’s son, who eventually admitted hitting Jovovic, received a suspended sentence. The prosecutor has appealed the acquittal.



Journalists and others protest an attack on a *Vijesti* reporter in March 2012. Photo by Savo Prelevic/Radio Free Europe/Radio Liberty.

The mayor, who was fined for disturbing the peace in connection with the attack, said he had been defending himself against Jovovic and the photographer.

At least in that attack the journalist knew who had struck him, and why. That’s not the case in most of the assaults on Montenegro’s journalists, especially those from *Vijesti*, that have occurred since 2004. It’s a black eye for the country as it begins

negotiations to enter the European Union – press freedom is one of seven areas that Brussels told Montenegro to focus on nearly two years ago.

Most who have watched the attacks go unpunished year after year say that in the long term, this small country needs to eradicate a culture of impunity that has its roots in one-party rule: the same party, a successor to the Communists, has governed Montenegro since 1991. The lack of viable opposition parties has left a vacuum, into which the national press and some watchdog groups have stepped.

The persistence of corruption in Montenegro's clannish society, also cited by Brussels as a priority, makes journalists' work even more dangerous. While that might change as the country works to meet EU standards, some signs suggest that Montenegro is not quite ready for its cleanup.

Milo Djukanovic, leader of the ruling Democratic Party of Socialists, is set to become the country's new prime minister after October's parliamentary elections. Djukanovic has been either president or prime minister since 1991, with the exception of a few short interregnums. In the 2000s, he was investigated in Italy for links to organized crime and tobacco smuggling, charges that were eventually dropped in a dispute over whether he enjoyed immunity as a head of state. [A journalistic investigation](#) earlier this year revealed that a taxpayer bailout of a Montenegrin bank controlled by Djukanovic's family had been triggered by bad loans to his family members and associates – which were funded in the first place primarily by major government deposits.

But even in the short term, the country has not managed any plausible prosecutions of the attacks on journalists. When someone is caught, it's usually small-time thugs, who profess puzzling motives.

That's what happened to Zeljko Ivanovic, a *Vijesti* co-owner and managing editor. It was September 2007, and *Vijesti* had just celebrated its first 10 years of publishing. At the time, Ivanovic said, Djukanovic was waging a war in state-controlled media against *Vijesti* because of its critical coverage. As he was leaving the anniversary celebrations in the wee hours, three men emerged from a doorway, he said, two of whom began to beat him with sticks. He escaped and they sped off in a waiting car.

“But that was nothing compared with horrible things the government did after that attack,” Ivanovic said. Two men were tried for the assault. Neither Ivanovic nor two other witnesses said they matched the description of the actual attackers. The men could not say where Ivanovic's car was that night, and they contradicted each other's testimony.

Their motive? The suspects told the judge they were angry that *Vijesti* had included their names on the police blotter for a petty theft that took place in a provincial town two years earlier.

“It was really funny. It was theater,” Ivanovic said.

They were sentenced to four years in prison, reduced to one year on appeal. They ended up serving two months, according to Ivanovic.

“My case was organized by the highest level of the mafia in Montenegro,” he said.

Likewise, *Vijesti* reporter Olivera Lakic received death threats last year and in March was attacked after reporting on the alleged production of counterfeit cigarettes at a Montenegro factory. A 29-year-old man was sentenced to nine months in prison for the crime. Lakic has resigned and declined to be interviewed for this story.

In 2008, a sports writer for *Vijesti* was beaten after making comments on a Serbian television program about corruption in soccer.

Last year, three of *Vijesti*'s vans were hit by arsonists.

But the gravest attack of all was not on a *Vijesti* journalist: Dusko Jovanovic, editor in chief of the *Dan* daily newspaper, was murdered in a drive-by shooting in 2004. One man is serving an 18-year prison sentence for the crime, but he claims the evidence found on him was planted. The prosecution waited for years to test DNA evidence on two other suspects and the trail of others involved has apparently gone cold.

And those are just the physical attacks. In the past three years, *Vijesti* has had to defend more than 100 libel cases in court, Ivanovic said, and over the last five years lawsuits have cost the company more than 100,000 euros (\$128,000). During the same period, *Vijesti*'s advertising revenue from the government or ruling party has declined by 1 million euros, according to Ivanovic. He said most of the government advertising has migrated to *Pobjeda*, a poorly read daily that was once the organ of the Yugoslav-era Communists.

Journalists at other private media have been the targets of attacks and lawsuits as well. One of them, Petar Komnencic, is now the host of the country's most-watched public affairs program, on *Vijesti* TV, the newspaper's sister station. But in 2007, while working for the weekly *Monitor* magazine, he was sued by a high court judge after writing a story that said judges on that court had

been placed under illegal surveillance by police and prosecutors. Despite the testimony of a judge who had been Komnenic's source for the story, and the presentation of documentary evidence, Komnenic was fined 4,000 euros. When he refused to pay, the court changed the sentence to four months in jail.

Komnenic, though, remains a free man. After pingponging between lower and higher courts, his case has been quietly dropped by the authorities following a protest from the European Commission.

"They just put it under the carpet," he said.

Tea Gorjanc-Prelevic is executive director of the Human Rights Action watchdog group. "We deal with freedom of expression – it's very precious, important for us – but if I had to choose, I'm concerned about the judiciary," she said. "Because we cannot live without freedom of expression but I'm more concerned with the state authorities and ... when I see how judges behave and state prosecutors, I'm completely depressed." She called the prosecution of Ivanovic's attackers a "sham."

Gorjanc-Prelevic said the state prosecutor's office, whose responsibilities include overseeing the police, often simply accepts the police's explanations for the lack of progress in investigating human rights violations instead of pushing them. Reinforcing the impression of a paralyzed justice system, authorities generally refuse to comment on investigations.

"It shows that they don't give a damn what the public thinks of them because as long as they're supported by the ruling party, that they're safe in their positions, they don't care what the public says. This is the impression," Gorjanc-Prelevic said.

In May 2010 Human Rights Action submitted a list of 12 cases of alleged human rights violations in Montenegro, including attacks on journalists, to the state prosecutor's office to ask what progress had been made. The prosecutor initially refused to answer, but after two years and a court battle, the group finally received responses.

Among them: that attempts to find others involved in Jovanovic's murder have stalled and that investigations into a 2007 attack on a journalist and the 2008 beating of the *Vijesti* sports writer have gone nowhere.

The state prosecutor's office did not respond to requests for an interview or comment.

ROLE PLAYING

If a faltering judicial system promotes an atmosphere of impunity for attacks on the press, then a stagnant and incestuous political scene underlies the troubled judicial system. With a largely neutered opposition, would-be reformers say they struggle to get the ear of those in power, and they often take on functions that are better suited to an opposition political party.

“On a daily basis, you will see more initiatives made from media and made from civil society organizations in comparison to opposition parties, and it’s true, to be totally fair and honest, that in our country, you have government, you have very limited capacity of the opposition, and you have the very strong role of media and civil society,” said Ana Novakovic, executive director of the Center for Development of Nongovernmental Organizations.

It was Human Rights Action, for instance, that led the charge to decriminalize defamation and to reduce the penalties assessed in civil defamation cases.

But if some media, along with civic groups, must play the role of the opposition, observers including Novakovic, Gorjanc-Prelevic, and others say coverage often goes beyond the bounds of healthy ideological differences.

“You have two approaches: supportive toward government and totally against government,” Novakovic said. “And when you try to say that something that government did was good and in line with European standards, in line with protection of human rights, you are not interesting for these media.”

In a pre-election speech to a congress of the Democratic Party of Socialists, Prime Minister Igor Luksic said the newspapers *Vijesti* and *Dan* and an anti-corruption watchdog group were working with two new political parties as part of the opposition.

“It is the same head, speaking through various mouths. Those are not independent media, but the media aligned behind the same kitchen. When you boil it all together, it does not smell good,” Luksic said, according to Balkan Insight.

Novakovic condemned the remark and, in an open letter to Luksic, Jovovic said it encouraged assaults that took place at the party congress on *Dan* and *Vijesti* reporters.

Ivanovic bristled at the notion that *Vijesti* is an opposition mouthpiece. He said Djukanovic has tried “to present us as the same as his media: they lie for him, we lie against him.”

“The government and its people everywhere try to say that the media are politically divided, some media for the government and some media for the opposition,” Jovovic said. “But if you are a journalist, if you are a media group of people who wants to do its job properly, you have to write about the bad things whoever is in question – government, criminals, shady businessmen, businessmen close to the government. ... You have to write about them, and it’s tough luck if you do it. We cannot ignore it.”

Vijesti has a patchwork of ownership: the Austrian Styria Media Group AG holds 25 percent; the nonprofit, Prague-based Media Development Loan Fund holds 30 percent; and four local owners, including Ivanovic, hold 45 percent.

“I don’t see anything wrong with the fact that one private media chooses not to speak in favor of the government, especially when that government is in power for the last 23 years,” Komnenic said. “It’s the same government that went to wars together with Milosevic, the same government that was involved in cigarette smuggling. ... Those magazines have nothing to do with the opposition. They are not sponsored by the opposition.”

Instead, Komnenic and others blasted the fawning coverage of the ruling party and those linked to it in government-owned media.

“They are using my money for their campaign in the public media. They are controlling the public media. That’s illegal. That’s not legitimate,” Komnenic said.

An OSCE analysis of coverage before the parliamentary elections was inconclusive on that score. It said public radio and television “devoted 57 percent of its political and election prime time news coverage to governing figures, showing a lack of analytical reporting and a neutral tone toward [the] opposition.” In contrast, the observers found, “Private broadcasters monitored devoted 54 percent to state representatives and the ruling coalition, frequently negative in tone.”

A spokesman for the Montenegrin government did not respond to questions from TOL by press time.

Most interviewed for this article said they were optimistic that EU entry negotiations could help straighten out the country’s twisted media scene, and they pointed to the changed defamation law

as an early success. Some stressed that Brussels, having learned its lesson with Romania and Bulgaria, will begin and end negotiations by focusing on rule of law issues, which include judicial reform, human rights, and freedom of expression.

Dragan Mugosa, spokesman for the EU delegation in Montenegro, said the number of attacks on journalists has declined since 2009, when Brussels began considering the country's EU membership application.

“It's totally unacceptable to have any violence against journalists, and what we expect is that if such violence does occur, that the police investigate thoroughly the situation, and if necessary, take measures, the prosecutor takes action and basically that the case is processed quickly and that perpetrators of these aggressive crimes against journalists are taken to court. We expect the authorities to be rather tough in this respect,” Mugosa said.

In addition, he noted that the EU had prodded Montenegro to bring its stratospheric court judgments against reporters – some in the tens of thousands of euros – more into line with standards set by the European Court of Human Rights and with average Montenegrin salaries.

On the other hand, Mugosa said, the country's press also has work to do, citing a lack of qualified people in some newsrooms and cases of unsubstantiated allegations and flatly wrong stories getting front-page treatment.

That frustration is mutual. Some journalists and activists deride the restrained statements about press freedom that appear in reports from Brussels. The only criticism on the subject to appear in the most recent assessment of Montenegro's readiness to join the EU, released in October, reads: “Efforts to investigate and prosecute old cases of violence against journalists need to be stepped up.”

“They never put it on the table, say, ‘You have to resolve these cases,’ ” Ivanovic said.

Jovovic said Montenegrin officials have gotten away with mischief because in some ways they're not as bad as their neighbors.

“We don't make troubles. We don't have a Kosovo, we don't have Hague tribunal problems. ... They say very often Montenegro is the success story of the Balkans. They don't pay enough attention or they don't want to pay enough attention [to] democracy in Montenegro, human rights.”

UPDATE: TOL received the following email response from the Montenegrin government's public relations office after deadline. It has been edited for style.

The legislation in Montenegro does not require state institutions to publish advertisements in all daily newspapers and it is left to the institutions' discretion to choose where they will publish their tenders, vacancies, etc. In accordance with the measures aimed at reducing public spending, the institutions are chiefly guided by the principle of cost-effectiveness, i.e. choosing the financially most favorable option for advertising.

In fact, rather than taking away revenues from independent media, the government has invested efforts to help the media to cope with the economic crisis. It has provided a bailout package for print and electronic media, granting an 800,000 euro subsidy to the press distribution company Bega Press and writing off the debts of electronic media outlets for the use of frequencies and broadcasting infrastructure worth 4.4 million euros.

We would disagree with the critics who say that the police and the prosecution are doing little to solve these cases [of attacks on journalists], as there has been a consistent track record in the past several years of measurable progress in their work. In 2011 Montenegro was the country with the lowest crime rate in Europe.

Defamation has been decriminalized and a limit has been set on financial claims for compensation in litigation cases, in line with relevant European standards and the case law of the European Court of Human Rights.

Most recently, on 8 June 2012, the Basic Court in Podgorica sentenced one person to six months in prison for threatening the safety of journalist Olivera Lakic, while on 20 June 2012, another person accused of assaulting Mrs. Lakic was sentenced to six months in prison.

The government has no influence whatsoever on the editorial policies of any media outlet in the country, including the state-owned media.

The work of the broadcast media is governed by an independent regulatory authority, Agency for Electronic Media, whose council is elected by the parliament, while the print media are governed by the principle of self-regulation, in line with European standards.

Barbara Frye is TOL's managing editor. This article was produced for the Next in Line project, which is co-funded by the European Union. The contents of this project are the sole responsibility of

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