



MONTENEGRO COUNCIL FOR CIVIL CONTROL OF POLICE

No: 62/131-15

Podgorica, 18th November 2015

Council for Civil Control of Police, hereinafter referred to as the 56th session of the Council held on 18 November 2015, in the composition of the academician Prof. Dr. Dragan Radonjic, Dr. Djoko Jovic, Aleksandar Sasa Zekovic, Branislav Radulovic and John Poleksić, considered acting upon the complaint of the Union of media of Montenegro, police treatment towards a group of journalists after demonstrations in Podgorica, on 24 October 2015, and adopted, after the information gathered, review the available video materials, the procedure and the discussion, the following

C O N C L U S I O N

1. Union of Media of Montenegro (SMCG) publicly called the Council for Civil Control of Police to promptly and objectively examine whether police exceeded their powers in relation to the news team, and especially during the incident, which happened on the Boulevard of Stanko Dragojevic, where several journalists claim that the police intentionally fired tear gas at about 30 journalists who were carrying vests marked with "press" inscription.
2. SCMG also asked to examine whether the police during the intervention ignored the recommendation of the Council that "at all public gatherings the smooth operation of the media and the presence of journalists is enabled and the (police) refrain from unnecessarily restricting their freedom of movement or reporting" and that the Council has sent in the eve of repeated protests.
3. SMCG demanded from the Police Administration to review the actions of its officials, especially those who gave orders, and to determine whether they had exceeded their authority in relation to a number of media crews who were exposed, in their opinion, to excessive use of chemical agents.
4. Regarding the statement of SMCG which is publicly invited to the activity and actions of the Council from the Police Administration it has been requested the appropriate response. On the same day, the complaints of the journalists on the actions of the police, the Council informed the Minister of the Interior, who was called to order a check of police officers towards a group of journalists at the specified location
5. The Council is in communication with the Union of the media, among other things recalled that specific recommendations have been adopted to the police organization in order to allow full freedom of movement and thus reporting to all journalists and improve their overall treatment and security in public gatherings at high risk.¹
6. Police informed the Council that "in the specific case there is no knowledge of such conduct by police officers towards journalists and we believe that there was no intention that chemical agents are used against them".²

¹ Obračanje predsjednika Savjeta Sindikatu medija broj 62/83-15 od 2.11.2015; Dokumentacija Savjeta

² Odgovor direktora Uprave policije 45 broj 086/15-65003/2 od 4.11.2015; Dokumentacija Savjeta

7. Police Administration on this occasion has explained: "Chemical agents (tear gas) are used to the mass of the persons who were on that occasion, seriously disturbing public order and peace to a greater extent. According to the legal powers of the police on that evening it only used tear gas toward the gathered mass of protesters because they have disrupted public order and peace to a greater extent. Journalists were invited through the media to to get vests with the words press in the building of the Ministry of Interior, in order to be recognized and to facilitate the smooth performance of their activities. Before dispatch to the task the police officers were pointed to the fact of compliance activities towards facilitating the work of journalists. "

8. The Council has submitted its reply to SMCG by director of the Police Administration and asked for additional observations on this occasion.³

9. SMCG has pleaded of reply from the Police. Council was told that even though the Police has no knowledge that during the protest, 24 October 2015, the tear gas was fired towards a group of journalists that was placed in the street of Stanko Dragojevic. The Union of the Media once again demonstrates that there are credible testimonies of several journalists that it happened. "Journalists, Radomir Kračković, Danijela Lasica and Vesna Rajković Nenadic, publicly and through social networks pointed to this incident responsibly claiming that here there the tear gas has been fired in the streets in whose front, closer to the police, stood a group of around 30 journalists, cameramen and photographers and in the lower part of the street a group of about 20 citizens were crossing the street. Also, the same evening at a press conference of the Ministry of Interior and Police journalists of regional media asked the interior minister why he the tear gas was fired towards journalists. We believe that the police officers did not intend to do so, and this incident is considered to be unnecessary but we invite the police to investigate it further, especially since in the eve of the protest, there has been good cooperation between the police to the media to which vests were distributed. The Union of media maintains that journalists must be provided with the minimum requirements for timely reporting, even in such incidents." Additional observations of the Union of media, according to the Council, were signed by journalists, members of the Central Committee of this media trade union organizations, Goran Kapor and Radomir Kračković.⁴

10. The Council is at work on this case took into account the statement by the journalist Kračković given to the TV Channel "Vijesti" and quoted by portal "Vijesti". He said among other things: "I do not know why the police fired teargas towards journalists unless they were not provoked as photographers took pictures of them. If this is such a sin, then let we drank a portion of it".⁵

11. The Council has established, according to the police report prepared by the Commission to establish the circumstances surrounding the use of force, it was at this location, street of Stanko Dragojevic, fired the first three then four more, making a total of seven missile CS tear gas filled material. Police, on the basis of the report, it is believed that it was necessary for the successful execution of tasks and establish the breached, to a large extent, public order and peace.

12. The Council underlines, considering it extremely important that the police director said that there was no intention that chemical agents are used against journalists. Also, it is equally important, that the The Union of media has similar opinion and the perception that the police officers did not intend to fire tear gas towards journalists.

13. The Council recalls that Recommendation No. 62 / 22-15, dated 20 October 2015, which is fully in line with the mandatory achievement of the European Court of Human Rights, urged police officers to provide at all public gatherings, unhindered functioning of

³ ³ Obračanje predsjednika Savjeta Sindikatu medija broj 62/89-15 od 4.11.2015; Dokumentacija Savjeta

⁴ Dodatno izjašnjenje Sindikata medija broj 85 od 18.11.2015; Dokumentacija Savjeta

⁵ Dostupno na <http://www.vijesti.me/tv/krackovic-policija-bacila-suzavac-u-pravcu-novinara-857312>

the media, the presence of journalists and to refrain from unnecessarily restricting their freedom of movement or reporting.

14. For the Council it is encouraging information, announced by the by director of the Police Administration that before the dispatching to the task, the police officers were pointed out the obligation to respect and facilitate the work of journalists. The Council is convinced that, through the implementation of media recommendations and through enhanced commanding attention, it has preventively been affected on the quality and professional attitude of the police towards all media workers. Such approaches should be continued and it should be learnt from registered negative practices.

15. The Council noted, taking into account a number of risk situations which journalists are faced as well as the many obstacles to their work and the freedom of the media, that such actions of police officers, at least in the part of the public, can be recognized as the attempt, with the aim to reduce media coverage about the event.

16. In spite of the difficult circumstances in which the police acted, the Council notes that the use of chemical agents were insufficiently careful and the indiscriminate in this case.

17. The Council calls on the Ministry of Interior to send appropriately to the Union of Montenegro and media reporters, cameramen and the photographers who were on the critical night present at this location, a symbolic apology.

COUNCIL FOR THE CIVIL CONTROL OF THE POLICE