



*Représentation Permanente du Monténégro auprès du Conseil de l'Europe*

*Permanent Representation of Montenegro to the Council of Europe*

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Dear Mr Gruden,

It is a great pleasure to transmit to you in the annex the information made by the Ministry of Interior of Montenegro as the answer to the claim against Montenegro submitted by EFJ/IFJ on 7 December 2015 via the Council of Europe Platform to promote the protection of journalism and safety of journalists.

Yours sincerely,

Ambassador

Božidarka Krunic



**Mr Matjaž Gruden**  
**Director**  
**Directorate for Policy Planning**  
**The Council of Europe**

**The answer made by the Ministry of Interior of Montenegro on the occasion of the alarm posed at the Council of Europe platform to promote the protection of journalism and safety of journalists**

1. The Ministry of Interior holds that it is of crucial importance to make the clear distinction between the following: 1) events that took place at the plateau in front of the Parliament of Montenegro where the stage had been constructed and where the key activities of protests took place and 2) the actions of the police forces once the protests had been finished that resulted in attacking the Police. We particularly noted that the aforementioned relates to the events 24 October night. Namely:

- As regards item 1: it has been widely noted from those national and international stakeholders that took the opportunity to directly assess the actions taken by the Montenegrin police in front of the Parliament that the actions taken were highly professional, predominantly restrained and the police exercised their powers only after being directly and frontally attacked. The attack, fueled with the inflammatory rhetoric, has been carried out with poles, stones and Molotov cocktails and resulted in injuring around 30 police officers only upon which did the police use the means to be used for suppressing this kind of violent behavior.

We emphasize that the Ministry of Interior and Police Administration acted proactively towards both the representatives of the civil sector and media. The NGO Civic Alliance, being the leader in promoting human rights in Montenegro but also monitoring the actions conducted to the people in custody, was given full support for their monitoring at all spots and police facilities in Podgorica. Their final remarks stand as evidence of the proper acting of the Police Administration in front of the Parliament of Montenegro and in the detention facilities.

Furthermore, the media representatives were given the high visibility neon yellow safety vests while the Ministry of the Interior provided for the PR centre that provided regular and precise information to the diplomatic representations, media and other partners. By doing so, we reconfirmed the dedication to make the work of the police more transparent and to create the conditions for the impartial and professional activities of all the stakeholders.

- As regards item 2: We reiterate the dedication of the Ministry of Interior and the Police Administration to the full investigation of the cases of abuse of police powers by individuals. The integrity of the police officers and their proper actions are the pillars of the rule of law, and in that very sense, the Police Administration has provided the relevant prosecutor with all the necessary information and assistance aiming at shedding the light to all the individual cases. In addition, all the information and needed support have been given to the Council for the Civic Control over the Police Work; while in the meantime, two police officers faced charges before the relevant bodies. All the cases of alleged abuse of police power took place solely upon the attack on the police officers in

front of the Parliament and all the cases are to be separately investigated and checked separately in order not to question the acting of the police during the protest and attacks.

- The Ministry of Interior finds it necessary to make the clear distinction between two dimensions when it comes to these events in order to create an unbiased presentation of the events that took place in Podgorica on the night of 24 October 2015 and actions taken by the police in the concrete situations. The same issues have been under investigations and analyses of the state bodies in charge, while the internal mechanisms of supervision and control in the Police Administration are investigating the manner in which the devices such as teargas and gum bullets have been used. In the proceedings so far, they have assessed that these tools have been used solely in order to avoid direct contact and physical attacks with the protesters.
- The Ministry of Interior reiterates its strong professional determination to give full support to the relevant state institutions in investigating fully all the eventual cases of the abuse of power, while the most flagrant cases have been strongly condemned in the Ministry's press release and in media communications, statements and interviews of Minister Rasko Konjevic himself.

2. As regards item 3 of the application against Montenegro via the Online Platform of the Council of Europe that, apart from referring to the protests held on 24 October (the reply is in the item 1), refers also to the events that took place on 17-18 October:

- Referring to the allegation that on 17 October 2015 Mr Raicevic has been physically attacked and arrested because of his reporting on the opposition Member of Parliament arrest, the Ministry of Interior considers this as an utterly untrue allegation. Namely, while the Police Administration took actions of providing assistance in the early morning hours on 17 October 2015 as obliged by law, there was Mr Raicevic in the assistance zone in his capacity of the active participant of the protest, who failed to act according to the order of the police to quit the gathering. At the same time, he failed to comply with the order of quitting the gathering in a peaceful manner which caused his bringing to the police office (not arresting) in Podgorica for the interrogation. He stayed in the Police office for a short period of time and Mr Raicevic was again an active protester at the gathering same day in the afternoon.
- Also, the MP that was reported by Mr Raicevic of being arrested was not arrested either but brought to the premises of the police in his capacity of the citizen for the purposes of interrogation. The line prosecutor's office established the behavior as the misdemeanor and not as the criminal offence. The actions of bringing this person to the office for interrogation were in line with the relevant law. The Ministry of Interior believes that it is of considerable significance to differentiate certain legal terms the misinterpretation of which may lead to the considerably different conclusions.

- The Ministry of Interior finds necessary to make the distinction between the active participation at the demonstrations and reporting about the event. The online complaint fails to refer to the obligation of a participant of an event, especially reporter, journalist and photographer in case of a request for quitting of the gathering in a peaceful manner. The Ministry of Interior reminds that this person failed to respect order of the authorized police officer and because of that particular behavior he was brought to the premises of the Security Centre for the purpose of interrogation solely.

- Ministry of Interior reminds that this principle is contained within OSCE/ODIHR Guidelines on Freedom on Peaceful Assembly and European Commission for Democracy through Law (Venice Commission) that has been adopted on 83<sup>rd</sup> Plenary Session of the Venice Commission (Venice, Republic of Italy, 4<sup>th</sup> June 2010). In this document it is clearly stated:

*“168. If dispersal is deemed necessary, the assembly organiser and participants should be clearly and audibly informed prior to any intervention by law enforcement personnel. Participants should also be given reasonable time to disperse voluntarily. Only if participants then fail to disperse may law enforcement officials intervene further. Third parties (such as monitors, journalists, and photographers) may also be asked to disperse, but they should not be prevented from observing and recording the policing operation...”*

- Ministry of Interior would like to remind that the treatment of journalists and the participants of the assembly have been recently the subject of decision of the European Court for Human Rights (ECHR) and in that respect, would like to draw attention to the Grand Chamber judgement in case «Pentikainen against Finland» (published on 20th October 2015). The Ministry of Interior in particular refers to separate advisory opinion of the judge Iulia Antoanella Motoc (Romania) that reminds on precise obligations that supervene from «Munich Declaration» concerning the promotion of «responsible journalism» through consideration of explicit and implicit principles of this concept that has been treated within number of judgements of ECHR.

3. Ministry of Interior stands available for any kind of additional clarification of delivered information and ready to offer all the necessary explanations in that regard. Ministry of Interior and Police Administration pay special attention to cooperation with journalists and the media and are fully dedicated to conducting all the activities aiming at the climate in which the Montenegrin media operate, that has been confirmed through various activities in the area of protection and investigations of the attacks against journalists and media property. In addition, undoubtedly, the Ministry of Interior and Police Administration is committed to sharing all necessary information, support and assistance to the line institutions in order to identify and punish those police officers who have been proven of abusing the power. Within period from last protests, two police officers, from Special Anti-Terrorist Unit have been suspended until the end of

criminal proceedings, while the Prosecutor's Office and bodies of internal and civic control of the Police have been provided with all the available relevant information for unbiased overview of police officers practices in order to identify individual accountability and protect the Police Administration integrity and accurate, restrained and cautious reaction of the police officers when attacked at the plateau in front of the Parliament of Montenegro on 24 October 2015.