



Représentation Permanente du Monténégro auprès du Conseil de l'Europe

Permanent Representation of Montenegro to the Council of Europe

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NOTE VERBALE

The Permanent Representation of Montenegro to the Council of Europe presents its compliments to the Directorate General for Democracy and has the honor to forward the information regarding the case "*Head of Public Broadcaster Sacked*".

The Permanent Representation of Montenegro to the Council of Europe avails itself of this opportunity to renew to the Directorate General for Democracy assurances of its highest consideration.



Strasbourg, 25 April 2019

Mr. Adrian Evtuhovici

Directorate General for Democracy

Council of Europe

Montenegro
Ministry of Culture

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To:
Ministry of Foreign Affairs
General Directorate for Multilateral Relations
Mr Ivan Ivanisevic, Director General

Subject: Case "Kadija" posted on the Council of Europe Platform for the Protection of Journalism and Safety of Journalists

Dear Mr Ivanišević,

Considering that the harmonization of the national media legislation with the European legal heritage is, in accordance with the national media legislation, under the competency of the Ministry of Culture, I would like to inform you that the subject matter is under the competency of the RTCG Council (Radio and Television of Montenegro), in accordance with the Article 22 of the Law on Public Broadcasting Servicer "Radio of Montenegro" and "Television of Montenegro".

Pursuant to the publicly available information, the initiative for dismissal of Director General of RTCG Andrijana Kadija was submitted to the RTCG Council by member of RTCG Council Mimo Drašković due to allegedly, conclusion of the Contract between the RTCG and NGO "Centar za građansko obrazovanje" (CGO – Centre for Civic Education).

By estimation of the submitted initiative, and on the basis of Andrijana Kadija's Statement, the RTCG Council, on the session held on 7th June 2018, decided by the majority of votes that the initiative submitted by member of the RTCG Council Mimo Drašković, was grounded, and decided to release Andrijana Kadija from duty of Director General of the RTCG.

In the Reasoning of its Decision, the RTCG Council implied that the Contract on business cooperation No. 01-237 as of 16th January 2018, concluded between the RTCG and NGO CGO "undoubtedly contains principles which question the independence of the Public Broadcasting Servicer, as well as independence of journalism and editorial policy, especially because the significant part of the informative-political program is factually edited by the mentioned Contract", what is unacceptable and contrary to the guidelines from the Recommendations of the Council of Europe 96/10 which explicitly forbids any kind of "interference by any authority" in the work of public broadcasting.

As it is indicated in the Reasoning of the RTCG Council, contrary to the provisions given in the Article 13 and Article 14 of the Law on Public Broadcasting Servicer "Radio of Montenegro" and "Television of Montenegro", in the abovementioned Contract "the elements of the base

of professional and objective journalism, editorial independence and principles of the institutional autonomy of the RTCG are questioned", in a way that enables NGO CGO to realize immediate and concrete external influence through previously suggested themes which are approved in writing, choice of guests, control of final features before their broadcasting and payment of fees to journalists and editors.

In addition, when deciding on the dismissal of the Director General of the RTCG, the RTCG Council took into account that Montenegro, as a member of the Council of Europe, undertook the obligation to harmonize its legislation with the international EU legislation; and that the Contract with the NGO CGO was contrary the provisions of the AVM Services Directive 2010/13 / EU Article 10 Paragraph 1 Item a) and Article 10 paragraph 4, which state that:

"1. Audiovisual media services or sponsored programs encounter the following requirements:
(a) Their content and, in the case of television broadcasting, their scheduling should in no case be under such influence that would affect the responsibility and editorial independence of media service providers:

4. No information programs or programs on current events are financed. "

Finally, when deciding on the dismissal of the Director General of the RTCG, the RTCG Council also took into account the Agency for Electronic Media's Opinion on the concluded Contract between the RTCG and NGO CGO regarding the realization of the project "The facts are important! Objective and innovative journalism for the EU", which states: "By the insight into the subject Contract on business cooperation (registered in RTCG under No. 01-237 as of 16th January 2018), Annex No. I of the Contract (registered in the RTCG under No. 01-1326 as of 16th March 2018), the Agency found that the Articles 3 and 4 regulate the rights and obligations of the RTCG and NGO CGO in a way that leaves room for an inadequate opinion of the NGO CGO concernig the editorial decisions of the RTCG in relation to the programme which will be realized within the project. "

According to publicly available information, Andrijana Kadija, filed a lawsuit against the Decision of the RTCG Council on her dismissal from the position of the Director General of the RTCG, before the Basic Court in Podgorica, where the proceeding is over, and the verdict will be rendered on April 25 this year.

Sincerely,

Director General of the Media Directorate

Željko Rutović

Courtesy translation