Independent Legal Mission to Study Press Freedom in Montenegro

A Report Prepared by the Swedish Bar Association and the New York City Bar Association

10 May 2013

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EXECUTIVE SUMMARY

In February of 2013, the Swedish Bar Association and the New York City Bar Association, through its Cyrus Vance Center for International Justice and Committee on Communications and Media Law, sent a four-lawyer team to Montenegro at the initiative of the Media Development Investment Fund ("MDIF") to assess the state of press freedom in Montenegro. Concerns had been raised about incidents of violence against journalists, the number of libel suits brought by plaintiffs allied with the government, and the government's financial influence in the media marketplace. During a visit to Montenegro in February 2013, the team met with journalists, government officials, members of the bar, news industry executives, and representatives of advocacy groups. It also reviewed laws pertaining to the press and documents prepared by various parties concerning issues of press freedom in the country.

While the team found that the laws governing the press are generally satisfactory, the relationships between the independent press and the government and between the independent press and pro-government press are permeated by polarization and antagonism. The government continues to influence the marketplace for news through its ownership of a daily paper and its placement of a high volume of advertising in favored media. Certain incidents of violence against journalists have not been adequately investigated, and the number of libel suits remains a concern. In addition, independent observers repeatedly noted that the lack of clear ethical standards or a generally accepted self-regulatory body undermines the quality of journalism in Montenegro.

As detailed in the report, the assessment led to these conclusions and recommendations:

I. A lack of transparency has undermined trust and created an environment that makes it difficult for a free press to function

   1. Greater transparency is needed as to how acts of violence are being investigated and prosecuted

   2. Greater transparency is needed concerning the operation of the court system in its handling of libel cases

3. Greater transparency is needed into government financial support of Pobjeda (direct funding and advertising)

II. Libel litigation remains a concern, and close public monitoring of the court system is needed to ensure that ECHR decisions are implemented to discourage frivolous and politically motivated lawsuits and to identify areas where further law reform is needed

III. While a voice in support of the dominant political party is an important element in the marketplace of ideas, government financing of a newspaper (whether directly or through inordinate amounts of advertising) creates conditions for the abuse of power and the further entrenchment of the government

IV. The failure of the news industry to create a true self-regulatory body underscores the need for both an accepted code of ethics and independent private-sector monitoring institutions to promote ethics, address citizen complaints, and use the power of publicity to spotlight ethical misconduct and elevate standards

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I. Summary of Mission

A. Sponsors

The mission was undertaken by the Swedish Bar Association and the New York City Bar Association, through its Cyrus Vance Center for International Justice and Committee on Communications and Media Law, at the initiative of the Media Development Investment Fund ("MDIF"). A team of four legal experts visited Montenegro 5-8 February 2013 in order to examine the state of freedom of the press.

B. Objectives

The objectives of the team were to carry out a legal assessment of the extent to which Montenegro's legislation and jurisprudence comply with international and regional standards on freedom of the press, in particular in view of Montenegro's pending application for accession to the European Union.

C. Team Participants

The participants of the team were David Cook and David McCraw from the New York Bar and Christian Ahlund and Lars Viklund from the Swedish Bar. For their CVs, see Annex 1-4.

D. Meetings and Interviews

An important part of the facts and information on which this report is based came from

interviews and meetings with publishers, journalists, government officials, lawyers, and representatives of the international community and civil society. For a list of these meetings and interviews, see Annex 5.

II. Legal and Regulatory Framework

The Montenegro Constitution and laws, as recently amended, generally provide an acceptable framework to foster continuing development of a free press, obtain access to information, and protect the media from government censorship. The independent media[1] are free under the law as written to express views critical to the government and to report on alleged government corruption. However, the implementation and enforcement of these laws – some of which are the product of only recent reforms – remain uneven, and the independent media continue to operate under fears of informal forms of intimidation and reprisals. The primary laws governing the media include (i) the Constitution; (ii) the Media Law; (iii) the Access to Information Law; and the (iv) Electronic Media Law.

A. Constitution

Montenegro adopted its Constitution on October of 2007. It contains several provisions directly relating to general principles of free press as primarily set forth in Articles 47, 49 and 50:

> **Article 47: Freedom of expression.** Everyone shall have the right to freedom of expression by speech, writing, picture or in some other manner. The right to freedom of expression may be limited only by the right of others to dignity, reputation and honor and if it threatens public morality or the security of Montenegro.

> **Article 49: Freedom of press.** Freedom of press and other forms of public information shall be guaranteed. The right to establish newspapers and other public information media, without approval, by registration with the competent authority, shall be guaranteed.

[1] "Independent media," as used in this report refers to those news organizations that are privately owned and are generally critical of the government and its policies.

> The right to a response and the right to a correction of any untrue, incomplete or incorrectly conveyed information that violates a person's right or interest and the right to compensation of damage caused by the publication of untruthful data or information shall be guaranteed.
>
> **Article 50: Prohibition of censorship.** There shall be no censorship in Montenegro. The competent court may prevent dissemination of information and ideas via the public media if required so to: prevent invitation to forcible destruction of the order defined by the Constitution; preservation of territorial integrity of Montenegro; prevention of propagating war or incitement to violence or performance of criminal offences; prevention of propagating racial, national and religious hatred or discrimination.

These provisions provide the constitutional framework for Montenegro's specific media laws. As indicated above, there are certain limitations to free press that, while not facially contrary to international standards, have the potential for selective enforcement and could conceivably be used to chill media freedom.

B. Media Law

Montenegro (at the time united with Serbia) enacted its Media Law in 2002. The law governs newspapers, radio, and television. Importantly, Article 1 prohibits censorship and mandates interpretation and implementation "in compliance with the principles contained in the European Convention for the Protection of Human Rights and Fundamental Freedoms and shall be governed by the case law practice of the European Court for Human Rights" ("ECHR").

Article 2 further guarantees "the right of free founding and undisturbed work of media based on: the freedom of expression; freedom of investigation, collection, dissemination, publicizing and receiving information; free access to all sources of information; and protection of man's person and dignity and free flow of information."

The Media Law also contains in Article 21 protections for anonymous sources as well as for the publication of government secrets "if there is an overriding interest of the public to be informed."

Although the Media Law does not contain many express restrictions on the press, there is legal authority for courts to ban the distribution of certain publications based on particular forms of content. Specifically, Article 11 provides that:

> On the basis of the State Attorney's proposal, the competent court may ban the distribution of the publicized media programming that: invites forceful destruction of the constitutional system and violation of the territorial integrity of the Republic; infringes on the guaranteed human and citizen's freedoms and rights; or instigates national, racial or religious intolerance or hatred.

The law also contains at Article 23 an express content restriction banning publication of "information and opinions that instigate discrimination, hatred or violence against persons or a group of persons based on … race, religion, nation, ethnic group, sex or sexual orientation." While these provisions contain elements that could be selectively enforced or otherwise misused to effect content-based closures of media outlets with anti-government or unpopular viewpoints, our investigation did not reveal any such incidents.

The Media Law further contains a broad right entitling individuals to publication of a correction or reply on a largely subjective basis "without any modifications or addition" if requested within 30 days of publication of the offending material. The publisher is required to publish the correction or reply except in a few specified instances. If the publisher fails to publish a correction or reply, the matter is subject to judicial review in an expedited proceeding. Although the strict text of this provision appears to limit editorial discretion for corrections and

replies, in practice this does not appear to be an issue as none of the editors interviewed during the course of this investigation raised a concern in this regard.

C. Access to Information

Montenegrin journalists are guaranteed certain access to government records through the Montenegrin Constitution and the Law on Free Access ("Access Law"). Article 51 of the Constitution provides the basic foundational framework for media access:

> **Article 51: Access to information.** Everyone shall have the right to access information held by the state authorities and organizations exercising public authority. The right to access to information may be limited if this is in the interest of: the protection of life; public health; morality and privacy; carrying of criminal proceedings; security and defense of Montenegro; foreign, monetary and economic policy.

The constitutional right of access is supplemented by an amendment to the Access Law that came into effect in early 2013. Although the Access Law contains broad presumptions of access to government information for the media within fifteen days from a request, it also provides in Article 14 for restrictions in the case of, among other things, personal data, security, defense, economic policy, criminal investigations and trade secrets. Decisions denying an access request are subject to further review by an independent supervisory authority, and then – if still denied – judicial review.

In practice, under the earlier version of the Access Law, access to information has been slowed by the manner in which courts decide access cases. Several sources interviewed during

our mission indicated that typically, when a journalist prevails on an access claim against the state, Montenegrin courts do not directly order the state to provide the specific information sought. Instead, the court directs the state agency to provide a supplemental response without any mandate as to the information to be included. The agency then often produces limited supplemental information without providing the key documents requested, and the litigation process begins again. This tactic appears to be employed at times by the government to delay access to time sensitive information until the newsworthy content becomes stale. By contrast, an independent source indicated that certain news organizations intentionally overburden state agencies with voluminous access requests for the express purpose of manufacturing a legal controversy to bring to the attention of the international community.

To address certain of these concerns, the Montenegrin Parliament enacted amendments to the Access Law, which became effective in early 2013. Because they have not been fully implemented, it is too soon to say whether the amendments will rectify past problems.

D. Broadcast Regulation

Broadcasting in Montenegro is primarily governed by the Electronic Media Law. Articles 2 and 3 provide that the law shall be interpreted consistent with the European Convention on Human Rights so as to not censor or restrict the freedoms of speech or expression.

The Agency for Electronic Media regulates broadcast media in Montenegro and implements the Electronic Media Law. The Agency is comprised of five members who are appointed by Parliament. The Agency is intended under Article 10 to function autonomously from the state. As part of its functions, the Agency presides over broadcast licensing, regulates

advertising, and makes determinations regarding the competitiveness and diversity of the broadcasting markets, among other things.

Public broadcasting is also governed by the Law on Public Broadcasting Services of Montenegro, adopted in 2012. This law is specific to the special regulatory framework for Montenegro's state-run broadcasters. Public broadcasting is managed by an independent nine-member Council appointed by Parliament.

None of our interviewees complained about content control or censorship by the government through the regulatory agency, although TV Vijesti was at one point delayed in obtaining the necessary licenses to broadcast in certain key locations in the country.

E. Legal Reforms

In December 2010, Montenegro became a candidate for accession to the European Union. In connection with its pending candidacy, Montenegro adopted a number of legal reforms to its existing laws relating to press freedoms to bring them more in line with international standards. Importantly, Montenegro's Parliament decriminalized defamation in 2011. The Montenegrin Supreme Court also limited pecuniary compensation for liability in defamation cases to bring judicial awards in line with European standards as interpreted by the ECHR. As mentioned above, Montenegro has also recently enacted amendments to its Access Law.

These legal reforms have been watched closely by the European Commission. However, a challenge remains in the implementation of these new laws, which often are aimed at altering decades of precedent and practice. Indeed, at least one Montenegrin lawyer indicated that when a judge presides over a defamation case brought by a government official, the judge may not

receive direct instruction regarding the case “but it is implied that you rule a particular way by the people who appointed you.”

This concern too is intended to be addressed, at least in part, by a newly formed Judicial Council, which is tasked with the selection of judicial appointments. The Judicial Council is comprised of the President of the Supreme Court, two attorneys, four judges, two Members of Parliament and the Minister of Justice. Again, this too will take time to implement and it is too soon to assess its impact.

III. Marketplace for News

A. Print

There are reportedly more than 40 printed periodical publications in Montenegro, a country with a population of 650,000. The competition is fierce, partisan polarization is very strong, professional ethics standards are frequently ignored, and there is often bitter infighting between the various actors. Newspapers continue to be the most important part of the print news market, with few Internet news sites having any noticeable impact.

The following papers dominate the market.

Vijesti (daily)

Vijesti was established in 1997 by a group under the leadership of Miodrag Perovic, a Montenegrin academic and businessman. Perovic and Montenegrin Prime Minister Milo Djukanovic were political allies at the time, and Djukanovic, the dominant political actor in Montenegro for more than two decades, enjoyed the editorial support of Vijesti. However, following Montenegro's independence in 2006, Perovic and Djukanovic's interests began to diverge, and Vijesti is now strongly critical of Djukanovic´s policies and leadership.

Vijesti´s circulation today is believed to be 8,000 to 12,000 copies daily – down from 18,000 three years ago – but Vijesti reports 80,000 visits daily to the website. Vijesti explains this discrepancy by saying that the government discourages public employees from being seen with a paper that is hostile to the administration, so Internet reading provides a discrete way to read Vijesti. Despite the drop in circulation, Vijesti has said it has revenues of more than 4 million EUR. Vijesti copies are sold at a price of 70 cents.

Vijesti is published and managed by the Montenegrin company, Daily Press. The

ownership of Daily Press is currently split between Montenegrin partners (44.175%), Austrian Styria Medien AG (25.1%), and MDIF (30.725%).

Dan (daily)

Dan was established in 1998. From inception, Dan was one of the harshest critics of Milo Djukanovic. Dan´s coverage in 2001-2002 of a cigarette smuggling ring, implicating the mafia, the Djukanovic government, and the DPS party, received considerable attention.

In 2004, Dusko Jovanovic, Dan's founder and editor-in-chief, was assassinated in front of the paper's offices. The case has still not been solved, which has led to speculation that the assassination was politically motivated. The assassination and the subsequent lack of progress in the investigation have further sharpened Dan´s criticism of Djukanovic and DPS.

Dan´s editorial policy is sympathetic towards Serbia. Dan is owned jointly by Dusko Jovanovic´s widow, Slavica Jovanovic, and editor-in-chief Mladen Milutinovic. Dan´s present circulation has fallen to an estimated 12,000 copies from an earlier high of 20,000. Copies are sold at 70 cents.

Pobjeda (daily)

Pobjeda, which was founded in 1945, is the oldest newspaper in Montenegro. The government owns 86% of Pobjeda, with minor shareholders, e.g., the newspaper's employees, making up the remaining 14%. The Media Law requires print media to be privately owned, but several attempts to privatize Pobjeda have failed, due at least in part to its poor economic performance.

According to the management of Pobjeda, its income comes from the following sources:

Sales	25%
Obituaries	25%

Publishing activities	20%
Advertising	30% (of which half comes from government and half from the private sector)

The management of Pobjeda maintains that it is only natural that Pobjeda receives a relatively large part of government advertising, since it is owned by the government. Due to financial difficulties, Pobjeda has in a short time cut its staff from over 500 to less than half that number. Still, according to the management, current income is not sufficient to pay the salaries of its employees. The management denies that Pobjeda receives any direct funding from the government having been removed from the state budget in 2004. Pobjeda´s circulation today is estimated to be about 5,000 copies. Copies are sold at 50 cents.

Dnevne Novine (daily)

Dnevne Novine ("Novine") was started in 2011 as the fourth Montenegrin daily newspaper. It describes itself as "anti-fascist and anti-nationalistic" and promoting "social justice, tolerance and diversity and the fight against corruption."

Novine is owned by "Restis," a private Greek conglomerate, but further information about its ownership and economic situation has not been available. Information about its circulation varies, but circulation estimates range from approximately 3,000 to 8,000 copies daily. Copies sell at a price of 20 cents, which is alleged to be below cost but, in any event, appears remarkably low.

Monitor (weekly)

Monitor was founded in 1990. One of the co-founders was Miodrag Perovic (see above). Monitor´s editorial policy is often critical of the DPS party and its leader, Milo Djukanovic. Monitor considers itself, together with Vijesti and Dan, to be the only independent print media. It

shares some small individual shareholders with Vijesti and TV Vijesti. Monitor has a circulation of 5,000 copies.

B. Broadcast

Montenegrin broadcast media compete for viewers with a number of channels from neighboring countries, mainly Serbia, which are available by cable. One significant financial issue for Montenegro's privately owned broadcasters is the share of commercials that appear on foreign stations broadcasting within Montenegro's borders. As a result, advertisers can reach Montenegrin audiences for their services and products without having to buy time on Montenegrin channels.

The main Montenegrin broadcast media are Vijesti TV and government owned RTCG.

TV Vijesti

TV Vijesti was established in 2008. It covers the whole territory of Montenegro and broadcasts a mix of news, commentary, information, and entertainment. TV Vijesti has become the main TV outlet in the country, and according to TV Vijesti management, polls show that it enjoys the trust of 80% of viewers. Several unaffiliated sources describe it as the "most objective" source of news in the country. TV Vijesti has some common shareholders with the Vijesti daily newspaper (see above).

Public Radio/TV

Montenegro's public television company, RTCG, is the other main national TV station. It is controlled by the government and financed directly from the state budget (previously it was

funded through user fees). The budget allocation amounts to 1.2% of the state budget. It operates two channels and covers the whole territory of Montenegro. It is governed by a council of five members, who are appointed by the Parliament for five-year terms, and the council in turn appoints the director. In the governmental hierarchy, the public television falls under the Ministry of Culture – Media Department.

IV. Assessment of Principal Points of Concern Raised

A. Financial Influence of Government In a Financially Challenged Marketplace

A major concern raised by representatives of privately owned media was the role and influence of the government in competition both for advertising and for readers and viewers.

(i) Pobjeda Ownership

Pobjeda is the only daily newspaper in Montenegro that is government-owned. It is the longest-running daily but currently has a circulation of only approximately 5,000. In 2002, Parliament passed a law directing that the government privatize Pobjeda by 2004. However, given the paper's low circulation and the increasingly competitive news market in a proportionately small nation of approximately 650,000, Pobjeda has attracted few bids despite three unsuccessful tenders. The newspaper also is millions of Euros in debt, according to management, and that has hindered its privatization.

The government and Pobjeda management both stated that direct funding of the paper by the government ended in 2004. The government is in the process of a fourth tender for the newspaper but there are currently no promising prospective bidders.

(ii) Government Advertising in Print Media

The small national population, saturated media market, and economic downturn combine to place the Montenegrin print media in a very competitive environment for advertising. The government is the largest advertiser in the country, making it an important source for revenue. Government advertising primarily consists of notices for public procurements and other notices.

Many in the independent media allege that the government uses advertising to subsidize newspapers with pro-government viewpoints – particularly Pobjeda. A study by an NGO, the Center for Civic Education, showed that 91% of all government advertising in the local print media went to Pobjeda. Pobjeda's management represented that government advertising constitutes 15% of its revenues.

Several representatives of the independent media alleged that their publications receive absolutely no advertising from government. They further allege that the government informally discourages government-run businesses, such as Montenegrin Airlines, from placing advertisements in the independent media. In fact, the independent operators do receive government advertising, but a disproportionately high volume of the advertising is directed to Pobjeda. Given the higher circulations of the independent press and purportedly lower advertising rates, this concentration of government advertising appears to be a form of *de facto* subsidization of Pobjeda. It is unclear, however, whether the volume of advertising is attributable to retribution for particular anti-government content or whether it is a means to prop up Pobjeda's revenues for purposes of its ongoing public tender.

B. Polarization and Antagonism

In our meetings with media executives, journalists, NGOs, and others, there was widespread consensus that a hostile atmosphere permeated the relationship between the independent media and the government. Indicative of that was not only the charged rhetoric of criticism but also the number of threats and physical violence against journalists and the number of libel suits against independent media journalists seeking relatively high amounts of damages.

There is also a dramatic line of conflict between the independent media and the pro-government publications. So deep is the division that individual journalists rarely if ever change employers from one side to another. Telling of the animosity is Pobjeda's decision to spend weeks publishing what purported to be an expose´ of the wrongdoing by people affiliated with Vijesti and Monitor.

One could believe that the conflicts had to do solely with political differences, but the picture is more complicated than that. Within the independent media, Dan differs from Vijesti because of its pro-Serbian viewpoint, while both Vijesti and Pobjeda appear to be supportive of an independent Montenegro and for EU membership. Beyond politics, the conflicts also seem to originate from long-standing ethnic and personal disputes and a distrust in civil society to resolve disputes satisfactorily.

A recent series of events illustrates the polarization and distrust. The sister of Miodrag Perovic (the founder of Vijesti) was recently indicted for bank fraud. She had been one of the country's leading bank executives prior to the sale of the bank that she led. The charges came a short time after Vijesti and other publications began writing stories detailing allegations of bribery involving the sister of Prime Minister Djukanovic. Vijesti supporters believe the bank fraud indictment is politically motivated and a form of retribution against Vijesti for its critical

coverage. These charges are ongoing and are beyond the scope of our review. However, whatever the merits of the case, the incidents have only heightened the hostility between the government and Vijesti.

C. Violence against Journalists

Another critical issue raised both before and during our visit was the disturbing number of incidents involving violence against journalists affiliated with independent news organizations and the apparent failure of the authorities to do a proper investigation of some of the most serious incidents. Humans Rights Action, an NGO, had compiled a list of twelve events and incidents from 2004 to 2012. In each case, the journalists believe that assaults were carried out on orders from the government or DPS party or perpetrated by persons close to the party. The government and its supporters, however, attribute the actions to ordinary criminals or to those who have had unfavorable coverage in the independent press.

Representatives of the independent media also point to inflammatory remarks by Prime Minister Djukanovic, who has portrayed the independent press as, among other things, "rats" that were a scourge on society. The journalists believe the remarks have provoked violence by government supporters.

The major incidents include:

- Dusko Jovanovic, Daily Dan's founder and editor, was killed by gunmen outside the newspaper's offices on 27 May 2004. One person, Damir Mandic, has been convicted in connection with the murder and sentenced to 18 years' imprisonment. He has been portrayed as an accomplice but not the person who actually killed Jovanovic. Mandic claims that he was convicted on circumstantial evidence and has appealed to the Constitutional Court, arguing that

he did not have a fair trial. This appeal is pending. Several witnesses say that they have seen two other accomplices, but no one else has been prosecuted. The police have been criticized for not sending DNA samples for analysis until four years after the murder.

- Jevrem Brkovic, a writer who has written about the connections between organized crime and the ruling elite in Montenegro, was assaulted on 26 October 2006, and his driver was killed. The police investigation has not resulted in any prosecutions.

- Tufik Softic, a writer for Radio Berane, was working on an article on organized crime and drug trafficking when he was assaulted on 2 November 2007 and seriously injured. The police investigation has not resulted in any prosecutions.

- Mladen Stojovic, a journalist from Bar, was assaulted in his home in May 2008 and was seriously injured. Stojovic had investigated allegedly rigged Montenegrin soccer games. The police investigation has not resulted in any prosecutions.

- The freelance journalist Aleksandar Zekovic, who reported on violations of human rights, received death threats over his cell phone in April and May 2007. The threat was reported to police. Although a recording of the threats was broadcast by the radio station Antena M., there has been no follow-up by authorities.

- Zeljko Ivanovic, the editor of Vijesti and one of its founders, was assaulted on 1 September 2007 by three men armed with baseball bats and iron bars. Two persons, who according to Ivanovic were not actually perpetrators, were rapidly prosecuted and sentenced to one year in prison. According to witnesses and Ivanovic, there were two other accomplices. According to news reports, the police said the two convicted men had purportedly been the subject of critical reporting in Vijesti for two and half years before the assault.

- In August 2009, Vijesti journalists Boris Pejovic and Mihailo Jovovic were assaulted by Podgorica's mayor, his son, and his driver. The mayor claimed that the journalists attacked them. The journalists said that they had merely photographed the mayor's illegally parked car. In July 2012, the Mayor's son was sentenced for assault and Jovovic was acquitted. The prosecutor has appealed Jovovic's acquittal.

- Olivera Lakic, a Vijesti journalist, has reported on criminal conduct in cigarette manufacturing in Montenegro. She received several death threats by telephone in January and February 2011 and was assaulted outside her home on 7 March 2012. The legal outcome of the case is less than clear. One person was convicted and sentenced to four months in prison, and another one was acquitted. A third person contacted the police and admitted to making the threats. However, that person apparently had no role in the threats and is now being prosecuted for false reporting.

- On three occasions in July 2012, Vijesti service vehicles were set on fire in a suspected arson. No arrests have been made. The police and the prosecutor have said that the incidents are not a case for public prosecution.

- On 18 November 2011, three men assaulted a team from TV Vijesti. Two of the men have been prosecuted.

- On 8 August 2012, the Dan journalist Lidija Nikcevic was present at a political party meeting in Niksic. She was attacked verbally and was the victim of a physical attack. The journalist did not report the incident to the police.

- On 4 October 2012, a reporter from Vijesti and a reporter from Dan were present at an election rally for the DPS party. At the meeting, Prime Minister Luksic denounced the

independent media. The two journalists were then subjected to verbal and physical attacks. The incident was reported to the police. One person was prosecuted, but one of the journalists was also investigated for a minor offense.

D. Proliferation of Libel Cases

Another concern raised repeatedly before and during our visit was the number of libel suits targeting independent media and their journalists. Vijesti and Monitor provided to us charts summarizing their libel litigation.

One compilation from the Vijesti Group shows 26 cases still pending against the Vijesti newspaper and website entities or their journalists as of 5 February 2013. filed in the following years:

2009 – five cases
2010 – two cases
2011 – five cases
2012 – fourteen cases

Of those, 17 are before the Podgorica City Court and two are being heard at the Commercial Court of Podgorica. Seven cases are before the Court of Appeals.

Another compilation from just the Vijesti newspaper from 15 October 2010 shows that at that time there were 31 open cases, which had been filed in the following years:

2003 – three cases
2004 – four cases
2005 – three cases
2006 – two cases
2007 – two cases
2008 – four cases
2009 – nine cases
2010 – two cases

One current compilation from Monitor shows 14 cases that were filed against the weekly paper in the following years with the following results:

2006 – three cases (two won, one lost)
2007 – five cases (four lost, one pending)
2008 – three cases (two lost, one pending)
2010 – two cases (both pending)
2012 – one case (pending)

The plaintiffs in all these cases are politicians, judges, businessmen, military officers, and, in two cases, the film director Emir Kusturica. Monitor has lost seven cases and prevailed in two cases. The rest are pending, including one in the Constitutional Court.

A fourth compilation from Dan shows 29 cases filed against it during the following years:

2003 – two cases
2004 – three cases
2005 – three cases
2006 – three cases
2007 – one case
2008 – six cases
2009 – six cases
2010 – two cases
2011 – three cases

Dan has paid a combined total of approximately 60,000 EUR in damages in ten of those cases. Dan has won or resolved 18 of the cases and one case is still pending.

A compilation on damages awarded against Vijesti entities in 20 cases from 2004 to 2011 reveals that Vijesti has paid 206,183 EUR in damages, fines and costs on claims initially seeking awards for a combined total of more than 2,135,000 EUR.

We did not obtain a summary of the libel litigation of Pobjeda, although its executives said the paper had faced two recent libel suits. In one, the paper conceded it had made an error, and the other was resolved in favor of the paper.

Although many sources in Montenegro indicated that there has been a decline in the number of libel suits against the independent media in recent years, the above data does not necessarily support such a conclusion. We note, however, that the amount of damages awarded in successful libel claims appears to have been tempered by the Montenegrin courts' recent adherence to standards articulated by the ECHR in this regard (see below). We further note that the incidence of libel cases against the independent media appears conspicuously high given the population of Montenegro.

E. Allegations of Court Bias

We were not in a position to do an independent review of the impartiality of the courts. However, members of the independent media were outspoken in their belief that libel cases are steered toward pro-government judges and at times put on an expedited schedule favorable to plaintiffs. The Ministry of Justice denied that charge and stated that the assignment of judges is done randomly, for libel cases as well as other types of litigation. A review of the cases reportedly filed against Vijesti and Monitor showed that the number of victories by the press organizations was roughly equal to their losses.

Our interviews also suggested that the courts are growing more sensitive to the need to apply decisions of the ECHR in Montenegrin actions. The ECHR ruled in November 2011 in a case between the Montenegrin journalist Veseljko Koprivica and Montenegro. The Montenegrin Courts had sentenced Koprivica in a libel case to pay 5,000 EUR in damages and 2,677 EUR in costs. According to the ECHR, the amount of damages and costs were disproportionate to the legitimate aim served and thus in violation of Article 10 of the European Convention on Human

Rights. In a case in 2012, the Constitutional Court of Montenegro referred to the Koprivica case when it overturned a ruling by the Supreme Court of Montenegro against a Monitor journalist.

One concern in respect to the judiciary was its independence. According to the Ministry of Justice, judges can be dismissed in three instances: for commission of a crime, health reasons, or incompetence. It is important to judicial independence that judges have relative job security. However, several sources indicated that judges feel pressure from the members of government responsible for their appointment to rule in the government's favor. The creation of the new Judicial Council may also help assure greater independence and competency, although the effect of its work cannot yet be assessed.

V. Conclusions and Recommendations

I. A lack of transparency has undermined trust and created an environment that makes it difficult for a free press to function

We were struck throughout our visit by how many facts that would be critical to fully assessing the state of press freedom were unavailable or severely in dispute. Were government agencies actively and competently investigating violent crimes committed against journalists of the independent media? Were libel cases being handled impartially by the courts? Was the government providing hidden financial aid to Pobjeda? Members of the independent media and their supporters saw a pattern of official abuse designed to silence opposition voices while promoting pro-government voices. Although there is no direct censorship – and in fact vigorous commentary and critical reporting are a vital part of daily media reports – those in the independent media saw the government and its supporters chipping away at their independence through frivolous lawsuits, an unfair judicial system, physical attacks, and the financial pressure that comes from having the government prop up pro-government competitors. Government representatives and executives at Pobjeda, on the other hand, dismissed those complaints as the special pleadings of those whose political agenda had been rejected at the polls. They defended the integrity of the courts and law enforcement and categorically denied that any secret payments were coming to Pobjeda.

Some facts are, or course, not in dispute. We were concerned about the large number of libel suits that were targeted at the independent media over the last decade, and the failure of prosecutors to solve certain crimes against journalists – most notably, the murder of Dusko Jovanovic, the editor of Dan – is troubling at many levels. It is also clear that the government

spends money on advertising in Pobjeda at a level that cannot be justified under any rational cost/benefit analysis. But ultimately our mission was unable to say with certainty where the truth lies in respect to the quality of justice in libel litigation, the efficacy of law enforcement in cases involving violence against journalists, and the level of financial support provided to pro-government media.

However, we are convinced that the lack of transparency about these matters is, in and of itself, a problem that undermines press freedom. Where journalists and media organizations believe that they risk financial ruin from unfair libel verdicts and face physical danger from crimes that will not be punished, there will be self-censorship, and the nation will not get the robust press coverage it needs and deserves. Likewise, when these media organizations believe that the financial playing field is not level and that the quality of their work will not determine whether they succeed in the marketplace, they will be reluctant to commit more resources to their businesses. Put simply, the perception of risk and unfairness, whether accurate or not, has a chilling effect. And, in Montenegro, the government bears the burden for failing to create the kind of transparency that would either show that the independent media are mistaken in their beliefs and free them to focus their resources and attention on doing quality journalism or confirm the fears of the independent media and set the stage for real reform.

We urge the government to provide greater transparency in three critical areas:

1. **Greater transparency is needed as to how acts of violence are being investigated and prosecuted**

It is beyond dispute that several crimes against journalists have not been investigated fully: specifically, the murder of the editor of Dan, the confrontation between Vijesti journalists and the Podgorica mayor and his son, recent vandalism of cars owned by Vijesti, and the threats

against Vijesti journalist Olivera Lakic. It is time that these matters be turned over to a special prosecutor – someone who is independent of the government and trusted by the legal community and press organizations – for a thorough review of the work done by police and prosecutors. The special prosecutor should be given broad access to review files and question those in law enforcement who have handled the cases. The principal role of the special prosecutor would be to issue a public report assessing whether the investigations have been given proper attention, whether political considerations influenced the conduct of the investigation, and whether there has been any misconduct by authorities in their handling of the investigations and prosecutions.

2. Greater transparency is needed concerning the operation of the court system in its handling of libel cases

There is a dispute as to whether the court system is steering libel cases against the independent media to judges known for their pro-government bias or whether (as the Ministry of Justice says) a random-selection process is used. Members of the independent media have also complained that the plaintiffs are able to obtain rapid decisions in their cases. While speed is often desired, it becomes a concern when it deprives defendants of a full opportunity to research, develop, and prepare a defense.

In light of the legitimate questions raised and the importance of the issue to assuring both the press and the public of the basic fairness of adjudicatory proceedings, the Ministry of Justice should provide a public accounting of the relevant facts. Specifically, the Ministry should provide statistical information on the number of libel cases assigned to each judge, the outcome of the libel cases on a judge-by-judge basis, and the length of time for libel cases to proceed from the filing of complaint to the rendering of the decision, again on a judge-by-judge basis. While

such a report may not fully answer the charges of bias made by the independent media, it will illuminate whether there is a legitimate basis for the independent media's concerns.

3. Greater transparency is needed into government financial support of Pobjeda (direct funding and advertising)

The study by the NGO Center for Civil Education has established that an overwhelming majority of governmental print advertising goes to Pobjeda, despite its small circulation. But it should not require an NGO to bring transparency to this issue. Instead, the government should regularly provide a full public accounting of its support, direct and indirect, to Pobjeda. The government obviously has ready access to the information, and there is no justification for its failure to disclose the full scope of its financing or subsidizing of Pobjeda, whether through advertising or otherwise.

II. Libel litigation remains a concern, and close public monitoring of the court system is needed to ensure that ECHR decisions are implemented to discourage frivolous and politically motivated lawsuits and to identify areas where further law reform is needed

Libel suits play an important role in vindicating individuals' right to be free of reputational harm from published or broadcast falsehoods. They can also be misused by the powerful in government and society to inflict unnecessary and burdensome costs on journalists whose work threatens the status quo. Whether the legal system is fostering abusive libel litigation or merely providing a forum for those who in good faith believe they are wronged is rarely self-obvious. Getting to the bottom of that question requires a close look at a broad sample of the cases, including a review of (a) the actual statements that were made in the press,

(b) the reporting that gave rise to the statements, (c) the courts' rulings on the plaintiff's evidence and the defenses offered by the defendant, (d) whether global norms providing for protection of press freedom were applied by the court, (e) the level of damages imposed, and (f) the availability of an effective appeal. The review must also be sensitive to any changes in trends in libel litigation and the specific question of whether, as it appears, there are fewer large damage amounts being awarded.

We recommend that an independent body, whether the bar association or a non-government organization, be given the funding to undertake such a study. It is critical both that the body doing the work have the trust of the legal community and press organizations and that the body's finding be publicly reported in depth so that the public can assess for itself the comprehensiveness and accuracy of the research. In addition, the work of the body should not end with the report. There will be a need for continuing oversight and monitoring over the next few years, and the body should also address whether changes in the law are needed to provide adequate protection of press freedom.

III. While a voice in support of the dominant political party is an important element in the marketplace of ideas, government financing of a newspaper (whether directly or through inordinate amounts of advertising) creates conditions for the abuse of power and the further entrenchment of the government

For more than a decade, Montenegrin law has required the sale by the government of Pobjeda. Attempts to sell the newspaper have failed. Undoubtedly, a newspaper with a pro-government perspective enriches the media mix in Montenegro. But the government's continuing role in owning and financing Pobjeda undermines press freedom in various ways.

First, the subsidies create unfair competition that undermines the financial viability of private newspapers. The private papers do not have access to government funding to supplement private revenues, and government advertising that would be more effective in papers with larger circulation instead goes to Pobjeda. The result is to rob opposition papers of a fair opportunity to compete in the marketplace and to achieve their deserved market share in advertising and circulation.

Second, the perception that Pobjeda lacks an independent voice, whether accurate or not, is largely the result of its reliance on the government. While it is possible that publicly funded media can be independent – the BBC provides an example of that – there appears to be few effective safeguards to guarantee independence or even create the appearance that Pobjeda is something other than a governmental mouthpiece. As a result, Pobjeda's effectiveness as an alternative to the opposition papers is significantly diminished, and that in turn deprives the public of real choice.

Third, it seems likely that the continuing subsidization of Pobjeda blocks the entry into the marketplace of a privately owned paper with a pro-government perspective. The market is already crowded, and revenue sources are more limited than ever. A pro-government paper in private hands, competing for the same readers as Pobjeda, would face an insurmountable disadvantage as long as a government-financed Pobjeda is in the marketplace.

After more than a decade, we believe it must be a priority of the government to complete the sale of Pobjeda as soon as possible. That may require the government to assume financial responsibility for accrued employee pensions or take some other extraordinary steps to make the sale financially viable, but the continuing failure of the government to make the sale over so

many years raises doubts about the commitment of the government to abide by the law. If current trends persist, the future will be no better than the present for finding a buyer for the paper. The time has come to complete the transfer so that privately owned outlets no longer have to compete in an unfair market and the possibility of a truly independent paper with a pro-government perspective can be realized.

IV. The failure of the news industry to create a true self-regulatory body underscores the need for both an accepted code of ethics and independent private-sector monitoring institutions to promote ethics, address citizen complaints, and use the power of publicity to spotlight ethical misconduct and elevate standards

If there was one theme that was sounded in virtually every meeting – with journalists, with NGO's, and with government officials – it was a concern about the ethics of the Montenegrin news organizations and the absence of an effective self-regulatory body. A decade ago, the Montenegrin Press Institute made progress in establishing a code of ethics, but those efforts did not lead to adoption of the code. More recently, efforts to create a self-regulatory council ended with the creation of three groups – one made up of those aligned with the government, one made up of those outlets in the opposition, and a third for media in the north of the country. A common perception is that the groups typically criticize non-members rather than the work of their own members, rendering "self-regulation" a misnomer.

Codes of conduct and self-regulatory bodies play an important role in advancing freedom of the press. They elevate the quality of journalism, and that in turn engenders popular support for a free press. Where journalists are respected, arguments for government regulation of the press rarely find receptive audiences. In addition, those who feel injured by press accounts are less prone to resort to libel suits as a remedy if there are other avenues available through which their concerns can be heard and remedial steps can be taken. Finally, self-regulation serves as a check on the power of the press, and the power struggles between the press and public officials that have marked recent history in Montenegro, and inevitably lead to formal or informal reprisals against journalists, are defused.

The current situation with three independent and incompatible self-regulatory groups is unacceptable, as is the absence of any meaningful code of ethics. We recommend, as an initial step, that a respected and independent institution in Montenegro, such as the Montenegro Bar Association, designate a Media Ombudsman to chair a Media Committee of four members selected by the government press, independent press, public service broadcasting, and the independent broadcasters. This Media Committee would be charged with development and implementation of a unified voluntary code of journalistic ethics based on international best practices in cooperation with international bodies such as the OSCE or Council of Europe. To the extent that such cooperation is unworkable given the historical divide among these various media outlets, we would alternatively propose that a panel of five academics, selected by the Montenegro Media Institute and chaired by a representative from the Institute, work with international journalism associations and the OSCE to develop a journalistic code of ethics with a view toward voluntary adoption by the various independent and pro-government media outlets.

The creation of an effective self-regulatory body from the industry's own initiative, at least in the near term, seems unlikely. But experience elsewhere has shown that there are other non-governmental mechanisms for encouraging higher journalistic standards and providing a counterbalance to press power through public discourse concerning press performance. Among those mechanisms are journalism reviews associated with educational institutions; press critics who operate through their own publications or websites; ombudsmen at individual news outlets; NGO's that take on the task of receiving citizen complaints about the press, investigating them, and publicizing the results; and the promulgation of ethics codes, based on global norms, by

professional journalist associations or organizations affiliated with journalism schools, rather than by the corporate news outlets themselves.

While the cooperation of the press in these mechanisms enhances their effectiveness, most of them can still be valuable without formal ties to the industry. The essential power of each is anchored in the power of public disclosure to bring public pressure and peer pressure to bear on journalists who stray from accepted norms of fairness.

The success of any of these mechanisms turns on their ability to operate with independence and impartiality, and to be perceived as having that independence and impartiality. We do not doubt that the deep lines of division in the media and in politics in Montenegro make that difficult, but we also do not think it is impossible. Initiating such efforts will also be daunting, but an important first step would be the establishment of an organization like the Montenegro Media Institute with sufficient resources to create an independent body to review complaints, to craft and promulgate a code of ethics, to train journalists, and to foster other initiatives aimed at expanding public monitoring and discussion of press performance. Such initial efforts can be the seed for creating a culture within the news industry where over time ethical norms are accepted by a wide portion of the professional press and concerns about public criticism provide an incentive for fairer and better journalism.

Related to the absence of self-regulation in Montenegro is the lack of robust training for journalists. There is a general consensus in Montenegro – including from the independent media themselves – that training for journalists is inconsistent and overall inadequate. This lack of training has many potential repercussions, including poorly researched articles, tabloid-like journalism, a lack of professional camaraderie, and higher-than-expected libel litigation. The

professionalism of journalism needs to be elevated. For example, workshops on international standards could serve a dual purpose of bringing together factionalized journalists and raising professional practices and standards. Such workshops could be organized in cooperation with a respected international organization like the Organization for Security and Cooperation in Europe ("OSCE"), Council of Europe or the European Union, among others.

ANNEX 1 - 4

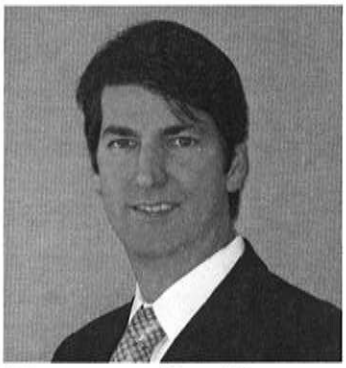
Christian Ahlund is the Executive Director of International Legal Assistance Consortium (ILAC), an umbrella organisation for some fifty international associations of judges, prosecutors and lawyers, with the objective of resurrecting judicial systems in post-conflict countries. ILAC was formed in 2002 and has its head-quarters in Stockholm. Its member organisations represent more that three million individuals world-wide. ILAC has initiated legal reform activities in a number of countries, e.g Afghanistan, Iraq, Haiti, Liberia and Tunisia. Ahlund is a senior partner of the Swedish law firm Sju Advokater and a member of the Swedish Bar.

Since the mid ´80s Ahlund has had recurring international assignments in the fields of human rights and international law. During the second half of the ´80s and early ´90s, Ahlund was a member of a government commission, which advised the Swedish Government on politically sensitive matters of assistance to opposition groups in South Africa and Central America. During this period he travelled extensively in these regions. In 1990-1991 Ahlund was part of an international team, appointed by the International Commission of Jurists in Geneva, which investigated the internecine violence in South African townships.

During the latter half of the 1990´s, Ahlund´s main field of activity became the Balkans, particularly Bosnia-Hercegovina. In 1997, he was posted in Sarajevo as Director General for Human Rights for the Organisation of Security and Cooperation in Europe (OSCE) Mission to Bosnia-Hercegovina, tasked with monitoring the implementation of the human rights aspects of the Dayton Agreement. In December 1999 he was appointed jointly by the Office of the High Representative in Bosnia-Hercegovina and OSCE to chair a commission of national and international experts with the task of drafting legislation in the fields of defamation and freedom of information. The group´s law proposals were presented in March 2001 and have subsequently been transformed into law by the Bosnian parliament. In his capacity as chair of the Human Rights Commission of the Swedish Bar Association 1998 - 2003, Ahlund was engaged in projects with the purpose of upgrading the bar associations in Republika Srpska and Macedonia.

From 2003 to 2006, Ahlund chaired the Human Rights Committee of the Human Rights Committee of CCBE (the Council of Bars and Law Societies in the European Union). Since 2005, he represents Sweden in the Council of Europe´s Commission against Racism and Intolerance. In 2004, Ahlund received the International Bar Association´s annual "Rule of Law Award".

Ahlund has published articles in Swedish and international press on issues of human rights and international law.



DAVID L. COOK

Of Counsel

SPECIALTIES: Media Law, International Law, and Complex Commercial Litigation

EDUCATION:

- J.D., Cornell Law School, 1997
  Editor, *Cornell Law Review*
  John M. Olin Law and Economics Scholar
- A.B., Economics and Government, Cornell University, 1992

DAVID L. COOK is Of Counsel to the Firm's Litigation Practice Group. Mr. Cook's media law expertise includes representing The Associated Press, Univision, Newsweek and other major media organizations in various defamation and access cases in New York and New Jersey, providing pre-publication review for various newspapers in the New York area, representing then-Governor of New York George Pataki against an election-related libel claim, advising media organizations regarding the Congressional investigation into the 2000 Presidential election returns, revising a compendium of laws affecting newspapers for the Media Law Resource Center, and drafting articles relating to various defamation and ride-along access topics.

Mr. Cook also represents corporations and banks in litigation involving complex commercial disputes in State and Federal Courts throughout the United States, Fortune 500 companies in international cartel and other antitrust class actions, major international banks and corporations in U.S. sanctions and Foreign Corrupt Practices Act investigations, banks and executives in securities fraud class actions, an international energy company in a class action relating to the Sudanese civil war, representing the government of Kuwait before the United Nations in war reparation claims stemming from Iraq's invasion during the first Gulf War, and representing a United States energy company in an international commercial arbitration in India.

Sills Cummis & Gross P.C.

Mr. Cook was previously Counsel in the Litigation & Dispute Resolution group at Clifford Chance US LLP. He also served as an Assistant to the Counsel to the President in the White House in Washington, D.C. from 1991-1993, and as a Legislative Aide to United States Congressman Bob Franks (R-NJ) in Washington D.C. from 1993-1994.

Bar Admissions

- New Jersey, 1997
- New York, 1998
- U.S. District Court for the District of New Jersey, 1998
- U.S. District Court for the Southern District of New York, 1998
- U.S. District Court for the Eastern District of New York, 1998
- U.S. District Court for the District of Colorado, 2005
- Second Circuit Court of Appeals, 2006
- Tenth Circuit Court of Appeals, 2006

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PROFESSIONAL EXPERIENCE

Vice President and Assistant General Counsel, The New York Times Company (January 2007 - present; **Senior Counsel**, January 2005 - January 2007; **Counsel**, May 2002 - December 2005)

In-house attorney for The Times, The International Herald Tribune, The Boston Globe, and the Company's other media and Internet properties. Duties include litigating libel cases and freedom-of-information suits; counseling business units on libel, advertising, contractual, antitrust, and intellectual property issues; supervising outside counsel in wide range of lawsuits, including patent infringement, breach-of-contract, and libel claims; and providing pre-publication review of stories. Also serve as the Company's crisis management coordinator.

Adjunct Professor, New York University School of Law (August 2011 - present)

Professor for Media Law course.

Vice President/Deputy General Counsel, New York Daily News (August 2000 - April 2002)
Assistant General Counsel, Applied Graphics Technologies (August 2000 - April 2002)

Principal attorney for newsroom and advertising issues at The Daily News and for commercial and employment litigation at its sister company, AGT.

Associate, Clifford Chance (formerly Rogers & Wells), New York (August 1994 - August 2000)

Litigation associate working primarily in the areas of commercial law, securities, white-collar crime, employment, and First Amendment matters.

Law Clerk, Hon. Richard D. Simons, Judge, New York Court of Appeals (1992 - 1994)

Summer Associate, Sullivan & Cromwell, New York (1991)

PROFESSIONAL ACTIVITIES

Speaker/consultant on press law reform, conducting programs on press freedom and media law issues in Yemen (2005), Jordan (2006), Poland (2007), Hungary (2007), Czech Republic (2007), Lithuania (2007), Peru (2007), Kuwait (2009), Chile (2010), Russia (2010), China (2011), and Cameroon (2012).

Executive Committee of the Association of the Bar of the City of New York (Elected Member, 2009 - present); Vance Center Committee, Association of the Bar of the City of New York (Member, 2011 - present); Committee on Communications and Media Law, Association of the Bar of the City of New York (Chair, 2005 - 2008; Member, 2002 - 2004); Committee on Alternate

Dispute Resolution, New York State Bar Association (Member, 2000 - 2005); Joint Bar Task Force on the Revised Uniform Arbitration Act (Chairperson, 2001 - 2004); Committee on Media Law, New York State Bar Association (Member, 2001 - 2007; 2009 - present); Committee on International Law, Media Law Resources Center (Co-chair, 2007 - 2009).

Recipient, Cyrus R. Vance Access to Justice Award (for international pro bono service), Association of the Bar of the City of New York (2010).

EDUCATION

Albany Law School of Union University, Albany, NY - J.D., June 1992
Class Rank: 1st
Note/Comment Editor, Albany Law Review

Cornell University, Ithaca, NY - M.P.S., Communication, May 1979
G.P.A.: 4.0/4.0

University of Illinois, Urbana - B.S., Journalism, December 1975
Class Rank: Top 3%

OTHER EMPLOYMENT

Assistant Professor and Director of Journalism, Marist College, Poughkeepsie, NY (1981 - 1992) (on leave for law studies, 1989 - 1990; reduced load, 1990 - 1992)

Free-Lance Writer and Newspaper Columnist (1981 - 1990)

Instructor of English, SUNY New Paltz (1979 - 1981)

PUBLICATIONS

Transparency as a Political Hot Button: The Case of Kuwait (book chapter), Exporting the Matrix: The Campaign to Reform Media Laws Abroad, Richard Winfield, editor (Carolina Academic Press), in press

Press Freedom and Private People: The Life and Times (and Future) of Chapadeau v. Utica Observer-Dispatch, Albany Law Rev., August 2011

Biography of Richard D. Simons (book chapter) (co-author), The Judges of the New York Court of Appeals: A Biographical History, Albert Rosenblatt, editor (Fordham University Press), 2007

Oral History: Judge Richard D. Simons, New York Legal History (researcher, interviewer, and editor), 2005

Jurors and Juror Information: Unlocking the Jury Room Door (co-author), MLRC Bulletin, 2004

Survey of Second Circuit Libel Law (book chapter) (co-author),
Libel Defense Resource Center 50-State Survey 1998-99 Media Libel Law

Survey of New York Employment Defamation Law (book chapter) (co-author),
Libel Defense Resource Center 50-State Survey 1998-99 Employment Libel Law

Survey of Second Circuit Libel Law (book chapter) (co-author),
Libel Defense Resource Center 50-State Survey 1997-98 Media Libel Law

"Doubts About Our Processes": Richard D. Simons and the Jurisprudence of Restraint in State Constitutional Analysis, Touro Law Rev., Spring 1997 (Annual Symposium on New York State Constitution)

Law as Collaboration: A Portrait of Judge Richard D. Simons,
New York State Bar Journal, December 1996

"Free Exercise" Under the State Constitution: Will the Exception Become the Rule?,
Touro Law Rev., Spring 1996 (Annual Symposium on New York State Constitution)

End to Closed Voir Dire Proceedings?,
New York Law Journal, July 3, 1995

New York Jury Selection: It Has to be Public,
Albany Times-Union, June 13, 1995

Law on "Missing Witness" Seen as Shifting (co-author),
New York Law Journal, June 9, 1995

How Do Readers Read? Social Science and the Law of Libel,
Catholic Univ. Law Rev., Fall 1991

The Right to Republish Libel: Neutral Reportage and the Reasonable Reader,
Univ. of Akron Law Rev., Fall 1991

Curriculum vitae Lars Viklund

Born 1943 in Stockholm

Education

GCE at Advanced Level 1962 Östra Real Stockholm

Graduate at Law 1968 Uppsala University

Professional Career

Serving at Huddinge and Stockholms City Courts 1969-1971

Counsel LO Rättsskydd AB 1971-1979 (representing trade unions in Court)

Counsel Swedish Consumer Ombudsman1979-1982

Law Practise since 1982, Law firms Åhlund & Viklund, Sju Advokater and Advokat Lars Viklund AB

Member of the Swedish Bar

Specialities: Labor law and Libel and defamation Law.

Court performances

A great number of Cases in Swedish Labor Court, Swedish Districts Courts and Courts of Appeal, performed several times in Supreme Court and the Market Court .

Regularly assignments as arbitrator and Counsel in Arbitration

Other assignment

Taken part as an expert in Official reports on Consumer Law and Labor Market negotiation.

Member of the board of Civil Rights Defenders (former Swedish Helsinki Committee) working with Rule of Law and Freedom of Expression issues and against Discrimination

Former board member of the Stockholm Bar and International Jurist

Various

Author of Labor Law books, contributing regularly in daily and periodical media. Teaching assigmnents on legal procedur law and court performance

Teaching in Labour law at Stockholm and Uppsala University

Languages

English fair, French passable

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ANNEX 5

Meetings and Interviews

FEBRUARY 5TH

9:00-10:00

WEEKLY MONITOR

Milka Tadic Mijovic/Journalist

10:00- 11:30

DAILY VIJESTI

Zeljko Ivanovic/CEO and founder

11:45- 12:45

DAILY DAN

Mladen Milutinovic /Director

12:45-14:00 LUNCH BREAK

14:00- 15:30

US EMBASSY

Doug Jones, Acting Political/Economic Section Chief

Marko Cimbaljevic, Press Specialist

Sasa Brajovic PR officer

Shelly Seaver PR Officer

15:45- 17:00

LAW OFFICE RODIC

Goran Rodic/Lawyer

17:30-18:30

Dusko Vukovic/Journalist Freelance

FEBRUARY 6TH

09:00- 10:15

MONTENEGRO BAR ASSOCIATION

Zdravko Begovic/ Chair

10:30- 11:30

Bozena Jelusic/Columnist

11:45- 12:45

MINISTRY OF JUSTICE

Branka Lakocevic/ Assistant to the Minister

13:00- 14:00

AGENCY OF ELECTRONIC MEDIA

Jadranka Vojvodic/ Deputy Director

Djordje Vujnovic/ International Relations Adviser to Director

14:00-15:00 LUNCH BREAK

15:30-16:30

NGO ACTION FOR HUMAN ACTION

Tea Gorjanc Prelevic/ Director

FEBRUARY 7TH

11:00-12:30

MINISTRY OF CULTURE AND MEDIA

Borka Vuković/ Assistant for the media issues

Ana Vučković/ Assistant for the internation affairs and media

Miloš Lalević/Assistant for the EU integrations and media

12:45-13:45

LUNCH BREAK

14:00-15:00

RADIO FREE EUROPE

Slavica Brajovic/Editor in chief

15:15-15:50

NGO CENTER FOR CIVIC EDUCATION

Daliborka Uljarevic/Director

16:00-17:30

EU DELEGATION

Alberto Cammarata/ Head of Political, European Integration and Trade Section

Dragan Mugosa/ Press And Information Officer

FRIDAY 8TH

09:00 – 10:00

DAILY POBJEDA