

Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE:
AL MNE 1/2018

15 May 2018

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 34/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the attack against investigative journalist, **Olivera Lakic**.

Ms. Lakic is an investigative reporter who reports on organized crime for the Montenegrin newspaper *Vijesti*.

Concerns about a previous attack against Ms. Lakic were raised by the former Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression following his country visit to Montenegro in 2014 (A/HRC/26/30/Add.1). Concerns were particularly raised at the fact that the motives for the attack were not fully clarified.

According to the new information received:

On 8 May 2018, at approximately 9 p.m., Ms. Lakic was shot and wounded in the right leg outside her home in Podgorica. The attack was reportedly made by three men. She was taken to a hospital and was reported out of danger.

Soon after the attack the police reported that an investigation into the attack was underway. The Prime minister condemned the attack and urged a swift and efficient investigation to discover the motive as well as who might have ordered the attack.

Ms. Lakic was attacked six years ago after she wrote a series of articles about corruption. The perpetrator was jailed but was freed early as part of an amnesty.

The attack against Ms. Lakic is the second attack against a journalist in a month. Many of the numerous attacks in the last 15 years, including a 2004 murder of an editor, remain unresolved. Since 2007, the newspaper *Vijesti* and its employees have suffered or received twenty-five attacks and threats.

I express serious concern at the attack against Ms. Lakic which takes place in an environment in Montenegro that appears increasingly hostile to journalists and media

workers. I express further concern that the circumstances around the previous attack against Ms. Lakic was not fully clarified and that the majority of attacks against media workers in the country results in impunity. Such killings have a serious impact not only on individual journalists and their families but also on the general public's right to information and a democratic society. While I welcome the authorities call for an investigation, I call on the authorities to take all measures to ensure that such an investigation is independent, effective and speedy in order to bring the perpetrators, including the masterminds, to justice. Further, given the impact the killing may have on other reporting, I urge the Government to take all possible steps to protect and support journalists working to uncover organized crime and corruption and other matters of public interest.

Without prejudging the allegations above, we would like to underline the duty of the State to take all measures to ensure an enabling and safe environment for the exercise of freedom of expression as guaranteed by article 19 of the International Covenant on Civil and Political Rights (ICCPR), succeeded by Montenegro on 23 October 2006.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the above-mentioned rights in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about the status of the investigation carried out in relation to the attack. Please include whether the police has taken any measures to protect Ms. Lakic. If no such measures have taken place, please explain why.
3. Please provide information about the reasons for the early release from prison of the person convicted for the previous attack against Ms. Lakic.
4. Please provide information about measures taken or to be taken to combat the high rate of impunity in cases involving attacks against journalists and media workers in Montenegro.
5. Please provide detailed information concerning measures to ensure that everyone can exercise and defend their right to freedom of expression

without fear of harassment or retaliation, including the ability to investigate matters on organized crime.

I would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, I urge that all necessary measures be taken to ensure the accountability of any person(s) responsible for the attack.

Please accept, Excellency, the assurances of my highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

In this connection, I would also like to make reference to Resolution 12/16 of the Human Rights Council, which calls upon states to ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence against journalists, and to bring to justice those responsible to combat impunity.