

# Reporters Without Borders

<http://www.rsf.org/four-month-jail-term-for-libel-20-04-2012,42335.html>

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Europe/Ex-USSR - Montenegro

Absurd and shocking

## Four-month jail term for libel seen as test for EU membership will

20 April 2012

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Reporters Without Borders is outraged by a Podgorica court's decision this week to sentence journalist **Petar Komnenic** to four months in prison on a libel charge for reporting in 2007 that high court judges had been illegally placed under surveillance.

"We are extremely disappointed and disturbed," Reporters Without Borders said. "Imposing a jail sentence on a journalist for a press offence is absolutely unacceptable, especially in a country that is a candidate to join the European Union.

"The Komnenic case is a test for the government's recent reforms. Officially, Montenegro decriminalized defamation and insults last July. Even if this case predates that, it would be inconceivable for Komnenic not to benefit from the new provisions. Furthermore, the many murky aspects of this absurd case raise even greater concerns about the impartiality of the courts and respect for European standards."

Currently a *Vijesti TV* editor and stringer for *Reuters* and *Radio Free Europe / Radio Liberty (RFE/RL)*, Komnenic wrote his 2007 article about illegal surveillance of high court judges for the weekly *Monitor*.

In response to a lawsuit by former high court president Ivica Stankovic, now a member of the supreme court, Komnenic presented all of his evidence in court, including a copy of email exchanges and a statement by one of the judges involved. But the file containing the evidence mysteriously disappeared and he was finally sentenced in February 2011 to a fine of 3,000 euros or four months in prison if he failed to pay the fine.

Komnenic refused to pay and appealed to a higher court, which changed the jail sentence to community service. But a Podgorica court reimposed the four-month jail sentence on 18 April, ignoring the higher court's ruling.

"Komnenic's jail sentence seems more like an act of revenge than an independent judicial system's calm decision," Reporters Without Borders said. "Must we point out that the European Court of Human Rights has consistently ruled that imposing a sentence for a media offence is only acceptable in a democratic society if it is 'proportionate' and 'necessary'? Account must be taken of the journalist's good faith and public figures are expected to be more tolerant of criticism. Have these principles been respected?"

"We unreservedly support the appeal that Komnenic has filed against this latest sentence and we hope that this absurd ruling will be overturned as quickly as possible. Any other outcome would constitute a grave act of intimidation for investigative journalism and a major obstacle for the EU accession talks that are due to begin in June."

Montenegro is ranked 107th out of 179 countries in the latest Reporters Without Borders press freedom index.

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**Other images**



JPEG - 18 kb  
400 x 300 pixels

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