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PROTECTION OF JOURNALISTIC SOURCES FUNDAMENTAL TO THE FREEDOM OF THE MEDIA

Centre for Civic Education (CCE) and Centre for Development of Non-Governmental Organisations (CDNGO) strongly condemn the attempt on the part of the NSA (National Security Agency) to try and pressure journalists of the daily "*Vijesti*" during interrogation to reveal their sources of information concerning excerpts from the NSA report which have been published by this newspaper.

CCE and CDNGO remind that Montenegro, as a member of the CoE, is bound by the European Convention on Human Rights and Freedoms. In that sense, it is obvious that certain structures, unwilling to engage in genuine democratic processes, are also ignorant of the Article 10 of the Convention, which guarantees the right to free expression, as well as of other relevant documents establishing European standards in this area.

The CoE Declaration on the Freedom of Expression and Information from 1982 defines freedom of expression and information as one of the key foundation of a democratic society and a basic precondition to progress and development of the society and each individual.

Public interest in these matters has been recognized by the European Parliament Resolution on the Confidentiality of Journalistic Sources and the right of the public officials to reveal all information available to them from 1994 (The Official Journal of European Communities, no. C44/34).

Protection of journalistic sources is of great importance in its many aspects, as it ensures free flow of information, journalism and its freedom, and the position of the media as a monitoring entity; it is also the basis of research journalism and a basic ingredient of the journalistic codex, as well as of the national legal codes (Article 5. of the Media Law). It has been confirmed through multiple cases before the European Court of Human Rights (e.g. *Goodwin vs. UK*, 1999; *Roemen and Schmit vs. Luxembourg*, 2003; *Ernts et al. vs. Belgium*, 2003) that have resulted in verdicts against the states trying to endanger this right. Those verdicts contain a very clear message: it is in the interest of democratic societies to safeguard and maintain journalistic freedom, as one of the best means to protect the interest of the public.

Similarly, Recommendation R(2000)7 of the Committee of Ministers of the Council of Europe to the member states regarding the right of the journalists not to reveal their sources indicates that this right must also be guaranteed by the national legislation (as it is in Montenegro, by the Article 5 of the Media Law). The recommendation also ascertains the principle that third parties who may be acquainted with the sources of

information (through their professional and other contacts with the journalists) have the same right not to reveal them.

The goal of these documents is to safeguard the freedom of the media and the right of the public to be informed. This is why the “protection of the professional relationship between the journalists and their sources is in that respect of greater importance than the real value of those information for the public”, to quote the European Court of Human Rights (Verdict on Goodwin vs. UK, paragraph 37), and revealing the sources might discourage other potential sources from offering information to the journalists, thus contributing to democratization of the society. At the same time, this right assumes freedom of a journalist no to require an official agreement from the state officials or organs (principle 11(b) of the Recommendation R (96)4 on the protection of journalists in the situation of conflict or high tension).

We emphasise that forced revelations of journalistic sources have a very negative, discouraging effect on the future sources and on the work of journalists and that it carries far reaching consequences, limiting the freedom of information.

Principle of the protection of journalistic resources is fundamental to the freedom of the media: without such protection, journalistic sources would be discouraged in helping the media inform the public about he matters of general interest.

This is why CCE and CDNGO recommend that in the upcoming period the members of the police and investigative organs who are not aware of the European standards in this area should attend specially designed trainings, and in that sense we are ready to offer our professional assistance. **We believe that education about European standards and their implementation in the interest of all citizens would be a genuine contribution to European integrations and an important step forward towards the oft proclaimed commitment to reform of the security services which, as can be inferred from the above, has not even started.** Instead of opening towards the public to which it should be accountable and for which it ought to work and solve the problems piled up in the various areas of crime, this service seems to employ ever more time and professional capacities in trying to identify and punish those who point out the problems in its work.

CCE and CGO suggest to the NSA, Police Directorate, prosecution and other services to invest more effort in fulfilling their duties and less in controlling the journalists and NGO representatives, engaging in unprecedented debates with foreign diplomats and performing similar actions that producing scandals in Montenegro almost on a daily basis, damaging the process of European integrations and the very institutions of the system.

On behalf of CCE
Daliborka Uljarevic, Executive Director

On behalf of CDNGO
Stevo Muk, Executive Director