

Regional Report: Contempt Charge Editor Speaks to IWPR

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Montenegrin editor indicted by The Hague for naming a protected witness denies that he intended to break the law.

The Montenegrin editor who made history as the first journalist to be charged with contempt of court by the Hague Tribunal told IWPR this week he will go to court - and plead not guilty.

Dusko Jovanovic, editor of Dan, one of the country's biggest-selling newspapers, is accused of publishing the name of an anonymous witness in the Milosevic trial.

The offence carries a maximum seven year jail sentence, but Jovanovic insists he is not afraid.

"Of course I will appear in court," he told IWPR. "I am waiting to receive the indictment. Then I will contact the court, perhaps write a letter to them and ask them if they will cover the cost of my defence."

He said he expects to win the case because there was no intention to break the law. He also argues that the information was in the public domain. "It is all about just three sentences which for many Montenegrins, especially those from the home town of the protected witness, are no secret at all," he said.

Jovanovic says his paper named the witness, who is referred to only as K-32 in the trial proceeding, because the man's name was already known to many readers.

"The day he appeared on TV as a protected witness, the whole town where he lived knew who he was," he said. "And yet they are accusing me of disclosing his identity."

Jovanovic said that because K-32's identity was so well known, his status as a protected witness meant that special security arrangements would be in place for him. However, prosecutors in the Hague say the naming of K-32 last October put the witness's life in danger.

The court has repeatedly warned journalists not to name protected witnesses in case they or their families are put at risk. This fear is a real one - many witnesses and potential witnesses have told court officials they have had death threats.

But Jovanovic insists he did not intend to be the cause of any intimidation. And he says he has had no complaints from the witness himself. "Witness K-32 has never called me to complain about disclosure of his identity, and I have never had any contact with him."

Dan is one of Montenegro's highest circulation newspapers. It has gained a reputation for controversial reporting on domestic politics as well as for covering confidential parts of the Milosevic trial. It gained fame for accusing former Montenegrin president - now prime minister - Milo Djukanovic of being involved in tobacco smuggling. Djukanovic sued the paper and won a libel action which resulted in a former editor being jailed.

The newspaper is currently facing a total of 23 libel cases. According to Jovanovic, 90 per cent of them are brought by Montenegrin government officials. Critics of the paper accuse it of carrying unverified stories.

Jovanovic said he was not in a position to know that the article naming K-32 might be in breach of the law.

"The law on co-operation with the Hague was adopted almost immediately before the publication of the article about the protected witness, which was why I was not properly acquainted with its provisions, let alone the rules of the Hague tribunal," he said.

He also thinks seven years is too stiff a sentence for this kind of offence. "If I had killed someone in the war, or done something even worse, seven years in prison would have been too much," he said. "Let alone disclosing a man's identity when it was very well known throughout his home town and much of Montenegro."

But Jovanovic insists he is not opposed to the Hague court. "Any notion of trying to dispute its legality is preposterous and would not correspond to reality," he said.

Pressed on whether he would publish this kind of story again, Jovanovic would say only that other media were publishing similar stories.

Boris Darmanovic is IWPR's coordinating editor in Montenegro.

Focus: International Criminal Tribunal for the former Yugoslavia

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