

**ECONOMIC PRESSURES**  
**SECURITY** SAFETY INTIMIDATION  
MEDIA REFORM THREATS COURT PROCEEDINGS  
ETHICS INSULT POLITICAL PRESSURES VERBAL THREATS

# CHRONICLE OF ATTACKS AND PRESSURES AGAINST JOURNALISTS

**COURT PRACTICE** INCIDENTS  
**SELF-SENSORSHIP** VIOLENCE  
**FREEDOM OF EXPRESSION**  
**MEDIA FREEDOMS**  
**OPAQUE FINANCING**  
**LABOUR RIGHTS**  
**PHYSICAL ASSAULTS**  
**2016**

**IJAS EARLY WARNING SYSTEM**

**IJAS**  
INDEPENDENT JOURNALISTS  
ASSOCIATION OF SERBIA  
**PRESS**

# Chronicle of Attacks and Pressures Against Journalists in 2016

IJAS Early Warning System

Belgrade 2016

# Chronicle of Attacks and Pressures Against Journalists in 2016

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# Introduction

In the course of 2016 on the Serbian media scene, media professionals and the media faced different problems - from labour law and professional issues to the very question of survival.

The collection of key data regarding the media scene in this report leads to the conclusion that the past year saw a continued trend in the deterioration of the freedom of expression, both journalistic and media, in Serbia.

The European Commission report on Serbia's progress in 2016, in which it is estimated that the overall atmosphere is not suitable for exercising the right to freedom of expression confirms this report's findings. Despite noting that "Serbia has achieved a certain level of consideration in the field of freedom of expression", the EC notes that in the past year, "however, no progress was made."

The European Commission suggests that "to address the shortcomings in the forthcoming period Serbia should:

- create an enabling environment in which unhindered freedom of expression can be exercised; public condemnation of threats, physical assaults, incitement to violence against journalists and bloggers, with full support of judicial authorities;
- guarantee full implementation of media laws and to ensure that the Regulatory Authority for Electronic Media is fully operational in order to provide support to editorial independence of media;
- ensure adequate funding of public service broadcasters, and editorial independence, supporting them to serve the public interest;
- ensure that the allocation of funds from the state budget for co-financing of media content that serves the public interest and is in line with current legislation, in order to ensure transparency and equal opportunities."

The European Commission report points out that media laws should be implemented in full. "The privatisation of state-owned media did not lead to increased transparency of ownership and funding sources, including funding from the state. To meet the obligations to public interest, co-financing of media content should be implemented in accordance with the legal framework, using a transparent and fair procedure, and without interference by the government, especially at the local level. In addition to failing to complete privati-

sation of state-owned media, requirements for transparency of ownership have not been provided nor has greater access to information of public importance been secured.” “As far as access to information of public interest provided by state authorities, the state authorities often prefer to resort to paying fines rather than divulging the information requested.”

In the section dedicated to public services the EC notes that partial funding of *Radio Television of Serbia* and *Radio Television of Vojvodina* “for subscription in accordance with the law” has been initiated, and that additional funding from the state budget will have to be defined by clear criteria. “Funds available for public service broadcasters are not sufficient to meet their legal obligations and the temporary nature of their financing model makes them susceptible to political influence.” It is also noted that “there is a need to strengthen the public service in minority languages, especially when it comes to *RTS*”. In addition, it is noted that numerous personnel changes on *RTV* in May 2016 caused concern for the editorial independence of the public service.

The European Commission expresses concern for political and economic influence on the media, indicating that “pressure on editorial policy is carried out through the distribution of funds for advertising.”

In the annual EC Report, special attention was given to the Regulatory Authority for Electronic Media (RAEM), which is “incomplete because not all Council members have been appointed.” The report indicates that “the appointment procedure for members of the RAEM Council should be free of political influence,” and reminds that the report on the behaviour of broadcast regulators during the election campaign in April 2016 is still pending.

Indirectly, EC has praised the work of the Press Council, which has “stepped up its efforts to document and impose penalties for violation of professional standards in print media and records an increase in the number of violations of the Journalists’ Code of Ethics, which primarily relates to the veracity of published information.”

The EC perceives a particular cause for concern in threats, violence and intimidation of journalists. It is noted that investigations and verdicts for attacks on journalists and intimidation of journalists are infrequent. “The number of recorded cases of threats, intimidation and violence against journalists continues to be a cause for concern. Several criminal charges were filed, but verdicts are still rare. Police protection for several journalists and social media activists continue, with no tangible action taken to eliminate the reasons for these security measures, which seriously hinders their professional commitments. The Commission, which is tasked with reviewing pending cases of journalists murdered in 1999 and 2001, has not made further progress in the investigation of two murders, while

the trial for the murder of a media owner is ongoing... No progress was made in the investigation of a series of cases against websites which occurred from 2014 onwards. Serious efforts are needed to identify and prosecute those suspected of violations of Internet freedom,” according to the European Commission report on Serbia for 2016.

The European Commission estimates that low salaries and fear of dismissal make journalists “vulnerable to pressures and influences” so that “the overall media environment encourages self-censorship.” It is therefore necessary to boost the operational safety of journalists while “journalists’ associations should strengthen their role in trade unions”.

IJAS introduced the early warning system (2014) with the aim to systematically and effectively monitor events on the media scene in Serbia in five key areas that are directly related to media freedom and the position of media professionals.

Despite legal guarantees on the protection and security of journalists other media professionals are also exposed to high risks while performing their tasks. During 2016 (until 20<sup>th</sup> December) IJAS recorded 69 physical and verbal attacks, threats and direct pressures.

In the analysis of IJAS’s public statements, in accordance with the mission and goals of the association, five specific categories were formulated:

- statements regarding the threat to the safety and security of journalists and other media professionals;
- statements regarding political, economic and other pressures on journalists and other media professionals;
- press releases regarding pressures on journalists through lawsuits, judicial proceedings and verdicts which do not comply with the European Court of Human Rights;
- public warnings of violations of the Serbian Journalists’ Code of Ethics;
- activities aimed at reforming media legislation.

Apart from addressing the general public, depending on the nature of the particular case, IJAS addressed various institutions and individuals accountable and responsible for the problems and potential solution.

IJAS’s early warning system involved several different activities regarding specific cases:

1. After receiving the information regarding an incident or problem, IJAS contacts relevant individuals to secure as much information as possible and to decide on further steps.

2. Subsequent to the statement, IJAS continues to communicate with particular target groups, including national and, where appropriate, international institutions.
3. Important issues and problems are accompanied with texts which include a deeper analysis of the problem and are subsequently published on the IJAS website and in the association's Newsletter.
4. Especially intensive communication is maintained with journalists and other media professionals who are exposed to pressures, intimidation and attacks.
5. In context of IJAS's legal aid, lawyers provide free legal advice to media professionals regarding their professional and labour rights.

This report lists the most memorable cases IJAS recorded during 2016 by chapters.

# I Safety and Security of Journalists and Other Media Professionals

In 2016, despite certain advances that have been made ensuring the security of journalists, the number of attacks on journalists has not decreased. On the contrary, the data collected by IJAS suggests an increased trend in pressures and attacks on media professionals. Journalists were most often exposed to verbal assaults involving threats to life or physical harm or to members of their families. The increase of insults and threats through social networks and the Internet are particularly notable. As in previous years, the problem is the fact that very often journalists themselves do not report the pressures, threats and attacks, and the main reasons for this are fear and the awareness that these procedures will last a long time and will probably not be carried through to the final verdict.

According to IJAS records, in 2016, 36 attacks on media professionals, including 9 physical attacks, 26 verbal and 1 attack on property have been documented.

According to the data we were able to collect in 6 cases it was found that there were no elements of a criminal offense. Two cases were resolved and the largest number of cases is still being processed. In one resolved case, the defendant was sentenced to a security measure of forfeiture and mandatory psychiatric treatment in an institution. The second case was solved by the perpetrator claiming prosecutorial discretion, admitting to the criminal offense of causing general danger (Article 278 paragraph 1 of the Criminal Procedure Code - CPC) and the criminal offense of causing bodily harm (Article 122 paragraph 3 of the CPC), serving the compulsory order, while the prosecution in such cases dismisses criminal charges. There are examples of cases that are not reported to the police.

Among the cases that can be found in our records, misdemeanour trials were initiated. Some proceedings were completed while others are still being processed.

Unfortunately, there are journalists who are still under police protection. According to our association's data, four journalists have been subject to several years of continued police protection, but the official data on the total number could not be obtained because dissemination of such information could jeopardise their safety.

The state has recognised the need for journalists' safety to be raised to a higher level. This is indicated by the fact that the Commission on reviewing on the facts related to investigation of the murders of journalists was established, as well as the fact that in Chapter 23 of the Action Plan an entire section is dedicated to dealing with freedom of expression and the freedom and pluralism of the media (3.5). However, the prescribed deadlines are not respected in full.

A Memorandum on measures to raise security levels related to journalists' safety was initiated whose signatories will be the Republic Public Prosecutor, Ministry of Internal Affairs

and journalists' and media associations. However, the negotiations were prolonged because IJAS and other journalist and media organisations had a number of objections to the draft document. The proposal to form a special body to deal with safety of journalists was particularly contested. In early December 2016, The Republic Public Prosecutor's Office prepared a new draft of the Memorandum incorporating most of the proposals made by the journalists' and media associations. Signing of the document is expected in the near future.

The improvements include the introduction of special prosecutorial records of criminal offenders at the expense of journalists and labelling of these a priority in procedure. In December 2015 the Republic Public Prosecutor's Office adopted Guidelines on keeping specific records in the Appellation, Higher and Basic Public Prosecutor's Offices in relation to criminal offenses committed against persons performing activities of public interest in the field of information, related to the activities they perform, as well as recording attacks on media websites, in cases which require urgent procedure. According to the Guidelines, the Republic Public Prosecutor's Office will receive quarterly reports with the data contained in separate records. Such records have been kept from 1<sup>st</sup> January 2016 and, according to the data received by IJAS from RPP, until 15<sup>th</sup> October 2016 the Prosecutor's Office has recorded 24 cases of attacks on journalists.

**Table of attacks on journalists to 15/12/2016  
(verbal, physical assaults and attacks on property) <sup>1</sup>**

<b>Serial number</b>	<b>Date of attack</b>	<b>Place of attack</b>	<b>Journalist</b>	<b>Description of incident</b>	<b>Procedure /Outcome</b>
1.	15/01/2016	Novi Sad	RTV crew	Unknown man threatened with a gun.	Case was reported to the police.
2.	30/01/2016	Bela Crkva	Stefan Cvetković	Verbal attack and mobile interface broken.	Case was reported to the police. No notification from the police.
3.	10/03/2016	Kopaonik	Mina Milanović	Physically prevented from taking the statement by being pushed away, while the security covered her camera with their hands and body.	The case was not reported, the perpetrator apologised.

<sup>1</sup> Data downloaded from the website [www.bazenuns.rs](http://www.bazenuns.rs)

4.	18/03/2016	Čačak	Silvija Pašalić and other employees from the correspondence office	Attacker insulted and physically assaulted employees.	The case ended up before the Misdemeanour Court in Cacak, the perpetrator was imposed with a restraining order.
5.	21/03/2016	Valjevo	TV Valjevo Plus crew	Curses and threats at journalists.	No elements of a criminal case.
6.	22/03/2016	Beograd	Brankica Stanković, Veran Matić, Irena Stević and Miodrag Čvorović	Death threats via Internet.	The High Court ruled that the defendant is ordered compulsory forfeiture and mandatory psychiatric treatment in an institution.
7.	April 2016	Vršac	Aleksandar Čupić	Death threats via social network Facebook.	No grounds for prosecution.
8.	21/04/2016	Vrnjačka Banja	Vesna Đorđević	Accosted in the street and verbally attacked.	No elements of an offense, claim submitted for initiating criminal proceedings.
9.	21/04/2016	Vršac	Vladimir Vašalić	Received death threats over telephone for a co-authored article.	No elements of a criminal offense.
10.	22/04/2016	Niš	Marija Vučić and Predrag Blagojević	Received insults and threats over the telephone.	The case is pending.
11.	27/04/2016	Novi Sad	Miloš Stanić and Dragan Gojić	Verbally attacked, insulted and pushed out of the office.	The case is pending.
12.	30/04/2016	Beograd	TV Pink journalist	Attacked at an opposition rally.	
13.	05/05/2016	Vršac	Aleksandar Čupić	Physically attacked, hit with a pickup truck.	Claimed prosecutorial discretion, admitted to the criminal act, carried out the prosecution's verdict and with his consent was released from custody.
14.	06/05/2016	Aleksandrovac	Gvozden Zdravić	Threatened by the Mayor.	No elements of a criminal offense.
15.	21/05/2016	Prigrevica	Filip Zorić and Mato Jakšić	A group of people sent threats from the stands.	Journalists gave statements to the prosecution.
16.	19/06/2016	Beograd	Zoran Kesić	Death threats via Internet.	Case reported.

17.	24/06/2016	Prijepolje	Alem Rovčanin	Subjected to threats, intimidation and insults by the person who said that they are in government and that the journalist cannot film him. A person attempted to snatch his camera.	The case was not reported to the police or prosecutor.
18.	12/07/2016	Novi Sad	Boris Džinić	They surrounded him, intimidating him, humiliated him and threatened physical abuse.	No elements of a criminal case.
19.	15/07/2016	Beograd	Dragana Pećo and KRIK editorial staff	Threats made via social network Twitter.	Proceedings before the prosecution in progress.
20.	18/08/2016	Beograd	Vladimir Živanović and Boris Mirkov	The perpetrator started with insults and followed up with threats to his family.	Case reported to the police.
21.	05/09/2016	Novi Pazar	Senad Župljanin	Threw him on the ground and attempted to take his camera.	Investigation under way.
22.	09/09/2016	Novi Sad	Slobodan Georgijev	Threats made via social network Twitter.	Proceedings before the prosecution in progress, statements being collected.
23.	09/09/2016.	Novi Sad	Nedim Sejdinović	Threats made via social network Twitter.	Proceedings before the prosecution in progress, statements being collected.
24.	15/09/2016	Novi Sad	Nedim Sejdinović and Dinko Gruhonjić	Death threats by anonymous letter.	The Higher Public Prosecutor in Novi Sad informed.
25.	24/09/2016	Bujanovac	Nikola Lazić	Threats in comments section on web portal.	Criminal charges submitted to prosecution.
26.	04/10/2016	Kula	Miloš Stanić	A series of threats and insults over telephone.	Proceedings before the prosecution in progress, statements being collection.
27.	09/10/2016	Jagodina	Vladimir Mitrić	Insults, slander and call to murder over Facebook.	Case reported to the police.
28.	14/10/2016	Beograd	N1 journalists	Threats directed at N1 webpage editorial staff.	Police arrested the suspect; the Prosecutor's Office filed criminal charges.
29.	20/10/2016	Beograd	Kurir crew	Lawyer swung her hand at the photojournalist and covered the camera lens.	

30.	28/10/2016	Leskovac	Milica Ivanović	Threats via Facebook.	Case submitted to prosecution.
31.	01/11/2016	Beograd	Blic crew	Perpetrator was aggressively in photo reporter's face and subsequently took the memory card and photographed the photo reporter's ID.	Police patrol arrived at the scene and took statements.
32.	02/11/2016	Zaječar	Dušan Vojvodić	Wheel bolts unscrewed on the right back wheel of his car.	Case reported to the police.
33.	08/11/2016	Beograd	Dragoljub Petrović	Threats via Cenazolovka Facebook page.	Police established the identity of the person; the prosecution will file the claim.
34.	17/11/2016	Novi Pazar	Sajma Redžepfendić	Threats via social networks.	Criminal case proceedings initiated against suspected individual.
35.	11/11/2016	Novi Sad	Dragan Gojić	Unknown person rushed the journalist.	Case reported to the police.
36.	15/12/2016	Bela Crkva	Stefan Cvetković	Found a note on his car "Dead".	Case reported to the police.

### ***The most egregious cases of endangering the safety of media professionals in 2016:***

**18/03/2016** *Radio Television Serbia* correspondent from Čačak, Silvija Pašalić, said that an individual, whom none of the staff know, insulted and physically assaulted employees "upset because he has to pay the licence fee." He demanded the Request for exemption from licence fee payment form from her and her colleagues who were in front of the correspondence bureau, but they told him to collect it inside. He then began to curse them, while on *RTS* premises he physically assaulted the editor Vojislav Tepavčević. Police conducted the crime scene investigation. The case is still pending before the Misdemeanour Court in Čačak, the perpetrator was imposed with a restraining order.

**21/03/2016** IJAS condemned the verbal threats against *TV Valjevo Plus* journalists and emphasised their expectation for the authorities to react in a timely manner, to examine and process this case as soon as possible. According to *TV Valjevo Plus*, former Serbian Progressive Party MP Slobodan Gvozdenović, while visiting the Minister without portfolio Velimir Ilić in Valjevo, verbally attacked journalists from *TV Valjevo Plus*. He cursed the editor in chief of the TV station, Predrag Lučić, saying, "... your boss is a criminal who should be in prison, not building bridges and other facilities in the city." Gvozdenović, with vulgar

courses, threatened *Valjevo TV Plus* employees, claiming that the SNS official Darko Glišić will “impale them”.

The case was reported to the Valjevo Police Department. In the end, it was determined that there are no elements of a criminal offense.

**21/03/2016** Death threats were sent via the Internet to Brankica Stanković and her associates, editor of the portal *Insajder.net* and Veran Matić, editor in chief of *TV B92* news programme. IJAS made a public statement and requested from the investigating authorities to urgently identify and deliver to court the persons who sent these threats. The threats were reported to the Prosecutor’s Office and the police arrested an individual who had made the threats on multiple occasions.

The case is solved. On 27<sup>th</sup> June 2016 the High Court in Belgrade ruled that the defendant was ordered to compulsory security measures and forfeiture while under mandatory psychiatric treatment in an institution.

**21/04/2016** Member of the Socialist Party of Serbia in Vršac and “*Drugi okobar*” company director Ljubisav Šljivić telephoned journalist Vladimir Vašalić from Vršac and threatened him because of an article he co-authored. “You’re going to be living in this town for a while...” threatened Šljivić for an article concerning his arrest. He added other threats. The case was reported to the police and Šljivić gave a statement.

The case concluded when the prosecution established that there was no basis for criminal proceedings.

**21/04/2016** Journalist Vesna Djordjević was attacked in Vojvodjanska Street in Vrnjačka Banja after the television broadcast of the news programme “*Promenade*”. She was confronted on the street and verbally attacked by Milan Stojković from Vrnjačka Banja, with a series of vulgar, abusive or threatening messages. IJAS publicly condemned the attack and demanded that the culprit be adequately punished. Members of the Ministry of Interior immediately detained and questioned a man suspected of having insulted the journalist.

The Deputy Public Prosecutor in Kraljevo was duly informed but claimed that no elements of a criminal offense were present, while the on duty Magistrate in Kraljevo was informed. Under the Article 9 of the Law on Public Peace and Order a request for initiating criminal proceedings for an offense against the individual were submitted.

**27/04/2016** IJAS made a public statement regarding the attack on *Blic* journalist Miloš Stanić and *Beta* photo-reporter Dragan Gojić, demanding that the perpetrators of the attacks be punished in accordance with the law, especially as the protagonists of this incident were teachers, who should certainly be aware of the role and importance of journalists and media. The Headmistress of the Higher Education Technical School of Professional Studies in Novi Sad, Dragica Tomić, banned Stanić and Gojić from entering the school building. After the journalists managed to enter, people from her office verbally attacked

them demanding to know who paid them to follow the event. The argument and the attacks were continued by Professor Milka Imbronjević who pushed the journalists out of the office, but the attacks and insults continued in the school hall. The police were informed of the incident. When they arrived at the scene of the incident they made a report. Misdemeanour proceedings have been initiated and are ongoing.

**05/05/2016** IJAS and IJAV publicly demanded from the authorities to urgently shed light on the attack of Aleksandar Čupić, editor in chief of the portal *E-Vršac*, and appropriately punish the perpetrator. While he was involved in field work with colleagues from *TV Kovačica* in a village Parta near Vršac, Milan Tikić the son of a local businessman Dragan Tikić tried to run him over with a pickup truck. “I was standing by the side of the road when a black pickup, instead of driving down the right, was driving down the left side of the road and straight in my direction. I thought that he wanted to come down onto the mud road but realised at the last minute that it was going directly at me. I managed a short jump to the side, but he hit me with the hood and threw me a few meters,” said Čupić. His assessment is that the attack is connected with the investigative articles he had written over the last month and a half concerning the relationships Dragan Tikić had with politicians. Pančevo police arrested Milan Tikić on charges of deliberately hitting the editor of *E-Vršac* Aleksandar Čupić with the vehicle. Alongside the criminal complaint, he is also charged with causing general danger and causing bodily harm, and was detained by the Prosecutor’s Office.

The case concluded with the prosecution dismissing the complaint because the suspect called upon prosecutorial discretion, admitted to the offense of causing general danger (Article 278 paragraph 1) and the criminal offense of causing bodily harm (Article 122 paragraph 3, CPC), carried out the order by the Basic Public Prosecutor’s Office and with the consent of the journalist Čupić was released from detention.

**19/06/2016** Zoran Kesić, anchor of a satirical news show “*24 Minutes*”, was sent death threats due to a recording in which he supposedly made fun of Republica Srpska. However, it was later found that the video in which Kesić mocks Republica Srpska and the Serbs was edited without his knowledge. IJAS condemned the death threats and demanded from the authorities to ascertain who made the threats, but also to determine who planted the edited video. The case was reported to the police and Zoran Kesić made a statement.

**15/07/2016** IJAS and IJAV demanded from the authorities to take all available legal measures to prevent all direct and serious threats to journalists from the *Crime and Corruption Reporting Network - KRIK*. The two associations noted that it is incomprehensible that direct death threats made to journalists resulted in no reaction from the relevant authorities or even formal condemnation. In this particular case, two individuals on social networks sent threats to *KRIK* reporters just after they published the results of their investigation into the assets of state officials. Through anonymous accounts on Twitter *KRIK* reporters were told: “Who do you think you are to look into information on the head of state and the president, go f... yourselves you traitors “ and “when you come to search for this information I’ll

come visit you and smash your...". From another profile account the journalists were sent a message that they "should be lined up and shoot as foreign agents." Journalists were able to determine the identity of a person who was threatening them and the information was sent to the Prosecutor's Office. The other is hiding behind the Twitter account under the name of Peter Pan.

The case was reported to the Higher Public Prosecutor's Office in Belgrade. Proceedings are in progress and the necessary information is being collected.

**05/09/2016** IJAS made a public statement condemning the physical attack on the journalist Senad Župljanin and called upon the Prosecutor's Office to initiate proceedings against the three identified perpetrators. Novi Pazar city administration stated that Župljanin was attacked by several security guards responsible for the safety of Muamer Zukorlić, leader of the Bosniak Democratic Party of Sandžak an MP and the President of the Education Committee of the National Assembly of Serbia. The attackers, allegedly, knocked Župljanin to the ground and tried to take his camera. He was rescued from being lynched by a police officer who was passing by. "I already finished photographing and was approached by some guys. I don't know them. The three of them threw me on the ground cursing, getting in my face and demanding to know why I was photographing the Mufti ... Had the conscientious police inspector not arrived, a guy called Barac, followed by other police officers, who knows what would have happened," said Župljanin. Župljanin gave a statement to the police, according to his information, two assailants were detained.

Prosecutor's Office initiated proceedings, the investigation is ongoing.

**09/09/2016** IJAS filed a complaint with the Special Prosecutor's Office for Cyber Crime and made a public statement regarding the threats against Nedim Sejdinović via social networks, expecting the Prosecutor's Office, in accordance with its jurisdiction ex officio to immediately take all necessary measures in accordance with the law and identify persons who made the threats, followed by an indictment. Threats via social networks were directed to Sejdinović a few days after he made a comparison between the "Image of Serbia during the nineties with the image of the Islamic state" at a panel discussion.

According to the Prosecutor's Office the case is pending and the necessary information is being collected.

**09/09/2016** IJAS made a public statement and filed a complaint with the Special Prosecutor's Office for Cyber Crime because of the threats made to journalist Slobodan Georgiev via the social network Twitter. The threats were directed at Georgiev in response to the front page of a daily newspaper where he wrote that "Europe, unlike Serbia, is an anti-fascist creation". Some of the tweets include: "I'll clean the streets of at least a few bums who are destroying Serbia", and: "Unfortunately for us, the Macedonian-Soros scum came to Serbia, only here you will fail. Even at the cost of thirty years of hard labour."

According to the information we received from the Prosecutor's Office, the process is underway and the necessary information is being collected.

**19/09/2016** Death threats sent by an anonymous letter arrived at the address of the Independent Journalists' Association of Vojvodina, directed to its President Nedim Sejdinović. In the letter, Sejdinović and his colleague Dinko Gruhonjić, also a journalist, were threatened with death and the death of their families. IJAV reported the incident to the police and informed the Higher Public Prosecutor's Office in Novi Sad. IJAS called on the authorities, the police, prosecutors and courts to strong action in order to prevent harm to their colleagues, and also the potentially serious consequences that can result from such a particular social context. IJAS appealed to the representatives of the government, above all the Prime Minister Aleksandar Vučić and his closest associates, to show tolerance and restraint towards journalists. The European Federation of Journalists publicly condemned the threats.

**24/09/2016** Regarding the threats directed to the portal *Bujanovačke*, IJAS filed a complaint with the Special Prosecutor's Office for Cyber Crime. Threats were made because of the article "Kamberi and Musliu in Pristina: On the Presevo Valley in Brussels," in the ofrm of comments quoted in entirety: "For cooperation with the Shqiptar separatists and the so called Kosovo and Metohija parliament, as soon as the Serbian authorities are liberated from traitors you'll have to face legal consequences. You should be very careful on this portal. The rats are the first to leave the ship, you'll stay and so will your legacy. Regards!"

**09/10/2016** Regarding the threats against *Vecernje novosti* journalist Vladimir Mitrić, IJAS publicly appealed to the Special Prosecutor's Office for Cyber Crime to take all legal measures against those who threaten the safety of journalists on social networks. On Slavko Drlo Jerotić's Facebook profile journalist Vladimir Mitrić was exposed to insults, slander, blatant lies and also calls for murder. One of Jerotić's friends, certain Lazar Nedić, referring to Vladimir Mitrić, wrote: "That sh... should be killed."

**14/10/2016** Threats against journalists from *TV N1* were sent to the website newsroom with a message: "You US who\*es, who maintain this site owned by the foremost Serbian traitors and enemies who want to destroy your Serbian nation, when the time comes to pay you'll be the first to feel the vengeance of real Serbs. I'll be the first in line to slit the throats of who\*es who allow the enemy to f\*ck them for money, c\*nts."

Members of the Crime Investigation Police Department of the Ministry of Internal Affairs arrested a person from Belgrade on the grounds for suspicion that a message sent through Facebook with threatening content was from a fake profile "Strahinja Milenković". As a result he was held for 48 hours, after which criminal charges were announced.

**28/10/2016** IJAS filed a complaint with the Special Prosecutor's Office for Cyber Crime regarding the threats made against Milica Ivanović, *JuGmedia* editor in chief. Ivanović published an article on a couple and the difficult conditions in which they live in with their child

and at the end of the text added that one can “recall their participation in the beating of a young man from Bojnik”. Then, from a profile of Alesandar S. threats were sent via Facebook chat. From their correspondence one can see that he told her that he was “mentioned in the last part of the article” and that he wasn’t informed. He told her to “ask your colleague from Kurir how he fared and with who he talked.” He also wrote that he promises to “close down the building where she works with two phone calls” and that she’ll get a call from the “Director of Belgrade Blic”. Later, he added that he was close to “someone from the Ministry who she knows,” and again “warned her” to “watch what she’s doing” and that he would “destroy her life,” and will make sure “she’ll lose her job if she persists”.

**02/11/2016** A coalition of journalists’ and media associations (JAS, IJAS, IJAV, ANEM and Local Press) requested from Zaječar police and Prosecutor’s Office to launch an investigation into the case of attack on journalist Dušan Vojvodić and to determine whether this incident has anything to do with the his profession. According to the journalist Dušan Vojvodić, as he drove from Zaječar to Belgrade he had trouble steering and heard some odd noises. When he stopped the second time he saw that the bolts on the right rear wheel were unscrewed. Doubts exist that this is connected to Vojvodić’s work on two projects dealing with misuse of funds from the city of Zaječar budget. The police have been informed.

**11/08/2016** An unidentified person threatened the editor in chief of *Danas*, Dragoljub Petrović, via the *Cenzolovka* Facebook page.

Members of the Ministry of Interior, in coordination with the Special Prosecutor’s Office for Cyber Crime, identified the person. The Ministry of Interior announced that it will file a criminal complaint to the Higher Public Prosecutor’s Office in Belgrade.

**17/11/2016** IJAS publicly condemned the threats and insults via social networks directed at the journalist Sajma Redžepfendić and called for the Prosecutor’s Office and the police in Novi Pazar to urgently identify the authors of hostile messages and initiate proceedings against them in accordance with the Criminal Code. The association “Zajedno” from Novi Pazar informed IJAS that *Radio Television Novi Pazar* journalist Sajma Redžepfendić had been targeted in recent days “with death threats against her, her family and her child (a 10 month old baby).” Insults and threatening messages followed after Redžepfendić published on her Facebook profile “confessions of women, single mothers, who were distressed by verbal assaults from employees of the Islamic Community in Serbia.” When the portal *Glas Pazara* shared her Facebook profile status, it was followed by condemnation and threats which didn’t end even after the posts on the portal *Glas Pazar* were deleted.

The case was reported and criminal charges were filed with the Police Department in Novi Pazar on 20<sup>th</sup> November against individuals who threatened the journalists Sajma Redžepfendić. According to available data, the Special Prosecutor’s Office for Cyber Crime prepared the case and initiated proceedings.

## II Political, Economic and Other Pressures Against Journalists and Other Media Professionals

Pressures on journalists and other media professionals, both in terms of scope and severity, have increased from year to year<sup>2</sup>. The frequency of pressure is, among other things, one of the key causes of self-censorship in the media and is one of the leading problems facing journalism in Serbia today. The main reasons for self-censorship are listed as fear for job security or fear of worsening relations with the editors because of possible sanctions against the media where the journalist is employed.

Increased economic pressures on journalists in 2016 are primarily noticeable on the local level. In particular, the case of a journalist from the Nis newspaper *Narodne*, Jovica Vasić, who staged a hunger strike in the city centre. He decided on this desperate measure due to the difficult working conditions to which he had been exposed for many years and because of the responsible state institution's neglect. We are bearing witness to a trend of an increased number of media that are late in paying the already meagre wages for prolonged periods, in many cases for numerous months. This was the decisive motive for *Radio Television Kragujevac* employees to stage protests and strike for several months. IJAS publicly supported their demands considering them to be entirely justified.

The exerted pressures materialise from many different sides, but primarily from media owners or their managers who (in)directly threaten journalists with layoffs. A specific form of pressure is a forced change within the hierarchy with a degrading deployment or demotion to another, inadequate station, with the apparent aim to force the journalists themselves to quit. Journalists are increasingly the victims of mobbing. Such pressures in newsrooms are the chief cause of professional insecurity and self-censorship.

In the past year pressures on editorial boards and journalists in the public service media have intensified. These pressures primarily come from inside of the public service administration and programming committee, but also from other circles of power.

In the media community and to an extent among segments of the public, the strongest political pressure from the ruling elite was perceived during the exhibition "Uncensored lies" organised by the Serbian Progressive Party's press service. The aim of the organisers was "to show that Serbia has no censorship and to freely present all articles in which

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<sup>2</sup> Based on survey results "Indicators on the level of media freedom and journalists' safety" conducted by IJAS in 2016, <http://safejournalists.net/wp-content/uploads/2016/12/lzve%C5%A1taj-ZB-Indikator-Slobode-Medija-2016-SRB.pdf>

Vučić and other SNS members were mentioned in negative light.” The exhibition which contained 2,500 newspaper pages, reports, news, commentary and caricatures was promoted in Belgrade and exhibited in Krusevac.

The exhibition presents critical and negative media content of the current government published in the last two years. IJAS and IJAV publicly estimated that the exhibition is the culmination of cynicism exemplified by the Serbian Progressive Party, the incumbent government, creating pressure on the already fragile freedom of expression in the country. In addition, the exhibition provides further evidence that the ruling party does not understand that the main role of the media is to act as a government watchdog and guardian of public interest, instead of a propaganda tool and a PR service for politicians.

Furthermore, during the previous year an increase in pressure on non-profit media has been documented, primarily through disparaging comments and insults to journalists, in which it is not uncommon for the highest officials of state and executive authorities to participate in, in addition to media which do not hide close ties with the authorities. Critical non-profit media are placed on the pillar of shame for legally obtained grants for the promotion of media professionalism and investigative journalism. Journalists and editors are being blacklisted as “traitors” and “foreign mercenaries”. In short, the result is an overwhelming atmosphere of a pending lynch.

In such an atmosphere in Serbia during 2016 a continued crackdown on critical media content is sustained, primarily in the electronic media. Such is the case with the show “Radar” broadcast on *RTV Vojvodina* Public Service, where different political opinions and critical views could be heard.

In 2016 IJAS registered a total of 33 cases of direct pressure on journalists and the media. This report includes the most striking.

**24/03/2016** IJAS publicly assessed that the criminal charge against Uroš Urošević the editor of *Radio Boom 93* and his questioning by the police is a classic example of pressuring media. Managing Director of “Water and Sewerage”, who is also an official of the Socialist Party of Serbia in Požarevac, Saša Valjarević, filed a criminal complaint on behalf of the company. He was irritated by the information that the drinking water in Požarevac did not meet hygienic standards before its distribution was officially banned in mid-October 2015. On 7<sup>th</sup> October 2015 *Radio Boom 93*, referring to the statement issued by the Institute of Public Health, announced the news that the nitrates in Požarevac water supply exceeded the levels approved by regulation and that there is a strong possibility that the water could be formally declared defective in the coming days. The first of the three consecutive samples confirmed that the drinking water was unhygienic, after which the Republic Sanitary Inspector from Požarevac “Water Supply” banned the distribution of drinking water, even for cooking. On 27<sup>th</sup> October Valjarević threatened the editor Uroš Urošević over the telephone claiming that he will file a criminal complaint because of the

statement he made, claiming that the water hasn't been fit for human consumption for almost over a month, although the allegation was confirmed by laboratory testing.

*Radio Boom 93* legal representative Goran S. Petrović states that the Public Utility Company "Waterworks and Sewerage" filed a criminal complaint against Urošević for a criminal offense under the Article 343 of the Criminal Code for causing panic and disturbing the peace.

**13/04/2016** *Radio Television Vojvodina* editor from the correspondence bureau in Belgrade, Svetlana Božić Krainčanić, was penalised with a 20 per cent wage reduction for asking the Prime Minister Aleksandar Vučić a question at a press conference on 1<sup>st</sup> April this year. At the press conference, in addition to her own question, the *RTV* journalist asked the Prime Minister another question concerning an NGO "Youth Initiative for Human Rights", which was protesting outside the Serbian Government building prior to the press conference. This NGO requested from the Prime Minister an answer to the questions: what he thought about the political project of "Greater Serbia" and whether Vučić renounces his politics from the nineties.

IJAS and IJAV made a joint public statement pointing out that the journalist, Božić Krainčanić, did not violate any legal, ethical or professional standards by posing questions to the Prime Minister Vučić. The two journalists' associations have called on the management of *RTV Vojvodina* to allow Svetlana Božić Krainčanić to continue working without pressure or penalty, including the withdrawal of the decision to discipline her.

**05/06/2016** The new Managing Board of the *RTV* Public Broadcasting Service sacked the programme director Slobodan Arežina on the grounds that a "decline in viewership of television programming" had been concluded. IJAS and IJAV publicly responded to this decision and the accompanying explanation, bringing to mind that in evaluating the work of the public service, ratings should not be the sole or even the dominant criterion. Unlike commercial television, the quality of public services is assessed by the level of professionalism and achievement of public interest in informing the citizens. According to the Law on Public Broadcasting Services (Art. 23 para. 1 item. 9) the proposal to the Management Board for appointment and dismissal of the programme director is the exclusive responsibility of the Managing Director of the Public Service Broadcaster.

Furthermore, according to the *RTV* Statute (Art. 36), which the Managing Board applied in its decision to dismiss Arežina, it is specified that the Managing Board can only dismiss the programme director before the contract ends on the initiative of the Managing Director. The data available to IJAS informs that this condition was not met, namely that the Managing Director did not propose Arežina's dismissal. After all, the decision to dismiss does not contain the Managing Director's proposal. *RTV* Statute stipulates that a decision for the dismissal of the director of programming has to be made by the Managing Board with a two-thirds majority vote of all members, and the decision for the dismissal itself does not confirm that the procedure was respected. The decision does not require legal remedy.

Consequently, IJAS and IJAV have expressed serious doubts regarding the professionalism and political impartiality of the members of the new Managing Board during the period within which the state authority that appointed them (Regulatory Authority for Electronic Media) functioned in truncated form, without AP Vojvodina and NGOs sector representatives.

Slobodan Arežina filed a lawsuit against *RTV* for unlawful dismissal. Court proceedings are ongoing.

**06/06/2016** IJAS called on the judicial authorities, especially the Prosecutor's Office, to take legal measures to protect Stevan Dojčinović because of the extremely dangerous statements made by Milorad Vučelić and that these statements directly threaten his physical safety. The former *RTS* director Milorad Vučelić, in a statement to the tabloid *Informer*, declared the editor of the web portal *KRIK*, Stevan Dojčinović, to be a "foreign mercenary" whose "mission is to provoke a war in the Balkans." *Crime and Corruption Reporting Network - KRIK* is a regular target of pro-government media such as *TV Pink* and *Informer*.

**13/06/2016** In a public assessment of the attack by the Interior Minister Nebojša Stefanović on *TV N1* newsroom IJAS stated that it was highly inappropriate for public communication and urged the authorities to immediately cease such practices for the sake of calming tensions in society and to allow normal functioning of all media, regardless of who or what is being reported on. Minister Stefanović made a comment via the social network Twitter, regarding the article published by *N1* under the heading "What are the effects of the Balkan Spring". Stefanović made a comment on Twitter regarding the alleged intentions of the TV station. "I see that the American *N1* calls for a Balkan Spring in Serbia. Arab Spring not being enough" Stefanović wrote. In another tweet, the Police Minister states that the conclusions presented by *N1* pose the logical question: "Do they want Vučić to end up like Gaddafi?"

**15/07/2016** *Magyar szo* management decided to remove politically unsuitable journalists and editors from this Hungarian language daily newspaper. Citing streamlining of operations as the reason, the leadership of *Magyar szo* decided to reduce the number of employees in their editorial offices in Subotica and Senta, and to simultaneously increase the Novi Sad newsroom, so eight employees received a letter requesting from them to declare if they agree to a commute Subotica-Novı Sad and Senta-Novı Sad respectively. The invitation was sent to five employees from Subotica and three from Senta. The concerned journalists and editors have repeatedly protested in public because of the political pressure on editorial policy conducted by the Alliance of Vojvodina Hungarians and the National Council of the Hungarian Ethnic Minority. IJAV responded publicly claiming that this procedure endangers professional freedom and the rights of journalists.

**29/07/2016** The *Radio Television Novi Pazar* journalists were denied the opportunity to report the official visit of the Chairman of the Presidency of Bosnia and Herzegovina Bakır Izetbegović, who during his stay in Novi Pazar attended a session of the Bosniak National

Council, marking the founding of the Party of Democratic Action (SDA) in Sandzak 26 years ago. Although they sent requests for accreditation, journalists from *RTV Novi Pazar* were told that they didn't receive it because "the SDA information service had the exclusive right to decide who will be accredited to report the event". *RTV Novi Pazar* crew were not even permitted to report on the meeting from the Bosniak National Council chaired by Sulejman Ugljanin and with the Chairman of the Presidency of Bosnia and Herzegovina Bakir Izetbegović in attendance.

**30/07/2016** IJAS expressed public support for journalists and other media employees from the newspaper *Sport* and called on the judicial authorities to immediately respond to the brutal loss of labour rights. *Sport* journalists went on strike after two of their colleagues were fired. In solidarity with their colleagues the employees locked themselves in the office. Just a day later the owner, Saša Mirković, said that "several employees in the *Sport* newsroom" refused to perform their professional duty and were warned that it was a serious breach of work discipline. He added that they were suspended and that eight of them will see their employment contract terminated. The *Sport* Labour Union on 4<sup>th</sup> August said that *Sport* reporters on strike were delivered a warning before dismissal, and that they refused to accept them because they were "unintelligible".

**17/08/2016** The Serbian Progressive Party promoted the exhibition entitled "Uncensored lies" which contained media content from Serbia for the period 2014 to 2016, presenting approximately 2,500 front pages, reports, news and including commentary. The exhibition presents media content critical and negative of the incumbent government published in the previous two years, and on the basis of which, as the organisers of the exhibition claimed, people can assess whether censorship in Serbia exists. In a joint statement, IJAS and IJAV estimated that the exhibition "Uncensored lies" not only represents the height of cynicism by the Serbian Progressive Party and government representatives, but also creates further pressure on the already fragile freedom of expression in the country. In addition to placing increased pressure on freedom of expression, the exhibition is also evidence that the ruling party does not understand that the main role of the media is to act as government watchdog and protector of public interest, but instead considers it to be another method of propaganda and a PR service for politicians.

**22/08/2016** IJAS publicly criticised the manner in which the Prime Minister of Serbia Aleksandar Vučić spoke of *Radio Television Serbia* reporters at a press conference and invited the Prime Minister to express a greater degree of responsibility for public speech. During a news conference at the Serbian Government building, Prime Minister Vučić criticised the work of the public sector, stating that citizens should know how much money the Public Broadcasting Service spent on sending a large team to the Olympic Games. He said that "I'm too ashamed to speak of some in the Public Broadcasting Service. Citizens pay their salaries and yet they incite hatred against individuals or the Government just because they think differently. I haven't visited *RTS* for 4 or 5 months and I don't plan to.

They engage in whatever type of politics they desire, but then they're constantly taking more money.“

**08/09/2016** Pressure on the *Balkan Investigative Reporting Network (BIRN)* journalists was carried out by the Interior Minister Nebojša Stefanović, as a guest on the *RTS* morning programme regarding the EU Enlargement Commissioner Johannes Hahn presence in a Serbian Government session. Minister Stefanović said at the time: “I would like to hear some answers regarding the fact that Europe finances media organisations and institutions that are lying about Serbia, like the story on West Trnava published by BIRN, and later denied by the World Bank.”

**10/09/2016** Pressures on the *BIRN* journalist Slobodan Georgiev were made by the pro-government tabloid *Informer* in a myriad of different ways. Firstly, in the newspaper comment: “Slobodan Georgiev, editor of the Balkan Investigative Reporting Network, which is financed from donations to the tune of millions by Western embassies and the European Union, proclaimed Serbia, believe it or not, a fascist creation!?!” In the same article, SNS official Zoran Babić made a comment to the *Informer*: “This is the height of dishonour and hatred! I appeal to the judicial and medical authorities to react.” The very same day, the *Informer* editor in chief, Dragan J. Vučićević, on *TV Pink* morning programme said that the European Union is funding *BIRN* journalist Slobodan Georgiev with enormous amounts of money to “write what he writes... But today it's almost unprecedented in print media and exists only in the *Informer*. Therefore, it's only us who write that the European Union plays favourites with Slobodan Georgiev, the editor in chief of BIRN or whatever who wrote that Serbia is a fascist state.“

**14/10/2016** The Interior Minister Nebojša Stefanović filed a lawsuit against the sociologist Vesna Pešić and editors in chief of the portal *Peščanik* - Svetlana Lukić and Svetlana Vuković, demanding 200,000 dinars for defamation and damages to his reputation. Stefanović filed a lawsuit because of the column written by Vesna Pešić published on 14<sup>th</sup> May in *Peščanik* entitled “Adding salt”. The lawsuit was filed because of the comments made by Vesna Pešić, in which she writes that “only the Police Minister Nebojša Stefanović's stupidity is unsurpassed and unpredictable” and that “so far we haven't discovered why he was assigned the role of a dunce.”

The European Court of Human Rights case “Thorgeirson against Iceland,” and in other similar cases, demonstrate how freedom of expression should be treated in democratic societies. Regarding the case from 1983, in which Thorgeirson, writer and a citizen of Iceland, was indicted and finally sentenced to pay a fine for writing about the police. The European Court ruled that the state's conviction violated Thorgeirson's human rights as stipulated in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The rationale from the judgment: “The Court recalls that freedom of expression constitutes one of the cornerstones of a democratic society; According to paragraph 2 in article 10 (art. 10-2), freedom of expression includes not only

'information' or 'ideas' that are accepted with approval or that are not considered offensive or which are neutral, but also those which are damaging, shocking or disturbing. Freedom of expression, as it is regulated in Article 10, is subject to many limitations, but they must be interpreted narrowly and the need for any restrictions must be convincingly established... Although the press must not exceed the limits established for the "protection of the reputation of others" among many reasons, its role is to impart information and ideas of public interest. Not only does the press have the task of conveying information and ideas: the public also has a right to receive them. If it were otherwise, the press would be unable to play its vital role as 'watchdog' (v. § 63 of the judgment). This attitude was confirmed by the European Court in later judgments.

**19/10/2016** A man who identified himself as the son of a Headmistress from "Jevrem Obrenović" primary school and an official of the Customs Administration in Šabac, sought clarifications regarding the article and concerning the events which took place in the elementary school "Jevrem Obrenović," which was published in *Podrinske* on 13<sup>th</sup> October, by journalist Dragan Eraković. After learning that the school employee won the court case after five years and that several co-workers required assistance at the Šabac Neuro Psychiatric Hospital, and that he can direct his dissatisfaction with the newspaper article by appealing to the court, Eraković said: "We have contacts, we don't need the court..."

**28/10/2016** IJAS and IJAV publicly responded and called for the Prosecutor's Office and the police to urgently investigate and determine the identity of persons who stalked and filmed the *Centre for Investigative Journalism of Serbia* (CINS) journalists. Journalists' associations invited the highest state officials to clearly and publically condemn the attacks and pressures on media and media professionals, and to promote additional and efficient methods for the protection of media freedom and the journalistic profession. During the previous few days unknown persons stalked and photographed CINS journalists on several occasions, at the entrance to their office and in other public spaces.

The First Basic Public Prosecutor's Office in Belgrade, in response to a criminal complaint filed by the *Centre for Investigative Journalism of Serbia* against unknown persons, launched a preliminary investigation and ordered the police to examine the case.

**02/11/2016** IJAS publicly protested against the statement made by the Minister of Labour, Employment, Veteran and Social Policy Aleksandar Vulin, who on the *RTS* show "Upitnik" said: "In a country where the Prime Minister was murdered, and you hear on the news that there was an assassination attempt on another Prime Minister, you can immediately expect some Georgiev, Mašić or whoever to say that it's a lie." IJAS claims that such comments by the Minister criminalise journalists such as Slobodan Georgiev and Dušan Mašić which only contributes to the creation of a perilous atmosphere in society, which could have unforeseeable consequences for the safety of journalists and other media professionals.



### III Pressure on Journalists through Court Procedures

Court practice in Serbia is inconsistent, both in civil proceedings against media professionals and in criminal proceedings. First of all, the Judicial and Prosecutorial interpretation of threats to security and safety of journalists and the media is inconsistent.

For example, the court in Nis concluded that a public message “You need to burn”, sent to *Južne vesti* editorial staff does not constitute a criminal offense but instead constitutes freedom of speech. Also, the media community expressed dissatisfaction when the Prosecutor’s Office in Leskovac concluded that a message publicly announced “I’d give you a bullet in the head” to a journalist was not a criminal offense.

In an article for IJAS, journalist Tatjana Tagirov indicates that the “attitude of the Supreme Court of Cassation that journalists are not menaced with clear and concrete threats, but that the politicians are, even with stupid ones on the Internet, only proves that judges don’t think for themselves, that politics has prevailed, that they don’t have independent attitudes regarding the application of the law nor uniformed court practice”<sup>3</sup>.

According to the data IJAS received from the Higher Court in Belgrade on the number of civil cases in connection with information published in the media on 1<sup>st</sup> January 2016 a total of 744 cases were registered, while in the period from 1<sup>st</sup> January 2016 to 15<sup>th</sup> November 2016 the total number of cases was 1,184. During that period, 431 cases were solved, while on 15<sup>th</sup> November 2016 another 753 cases remained unresolved.

Below are just a few examples that are representative of court practice in legal proceedings relating to information published in the media. Moreover, we also present the recent decision of the Constitutional Court which is significant because it refers to the European Court of Human Rights decisions.

**Rističević vs B92** – In the IJAS report for 2015, the case “Marijan Rističević against *RDP B92*” was published as an example of encouraging court practice, because the High Court in Belgrade rejected the claim as unfounded. Examining the merits of the claim The High Court took the view that the complaint over the disputed media content consisted of facts made by the author, other legal and natural persons and the prosecutor himself. First of all, judging whether the journalist, author, acted in accordance with due journalistic care, the Court found that all of the statements were truthfully presented, i.e. they were transmitted faithfully. Furthermore, the Court treated the feature broadcast on *TV B92* in con-

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<sup>3</sup> Tatjana Tagirov, „War against journalism: who’ll survive until sunrise?“ 21/12/2016. <http://www.nuns.rs/info/news/29747/rat-protiv-novinarstva-ko-ce-jutro-docekati.html>

text, which is to say that the plaintiff was a public figure, which was treated as a generally well known fact.

Marijan Rističević filed a lawsuit against *RDP B92* for the feature broadcast on *TV B92* during the News programme. The plaintiff stated that the broadcast information violated his rights, slander and damage to his reputation, and claimed compensation for non-pecuniary damage. The feature focused on the information that “Rističević Company”, owned by the plaintiff’s wife, told the Republic Directorate for Commodity Reserves that they have a certain amount of corn to sell and for that purpose attached the Company for Technical Testing and Analysis SGS Beograd Ltd certificate. In the same feature Marinko Ukropina, Company Director for technical testing and analyses stated that they have never collaborated with “Rističević Company” and that the reports and certificates of quantity and quality, as well as the report on conditionality handed over to the Directorate were forgeries. Also, it was stated that they filed a criminal complaint against the plaintiff’s wife, the company owner, on suspicion of committing an offense of fraud in concurrence with the criminal offense of falsifying documents. Author of the feature quoted the plaintiff’s statement on the subject, and in addition, checked the accuracy of the information with the Directorate for Commodity Reserves. He received informed that the Directorate sought to verify the certificate and will not make a public statement until the truth is determined and that “Rističević Company” was paid the money promised for the corn, which was stated in the report.

However, acting on a complaint by Marijan Rističević, the Court of Appeal in Belgrade overturned the First Instance Judgment with its own decision dated 26<sup>th</sup> March 2016. The Court of Appeal pointed out to the Higher Court in Belgrade to be especially mindful in the repeated procedure of the fact that the disputed feature begins with a photograph of the plaintiff, alleging that the plaintiff is known for arriving to a parliament session in the tractor, and that the plaintiff’s family business is now threaten with serious charges, including that the TV feature deals with the plaintiff’s wife, not the company that is owned by the plaintiff’s family.

The repeated trial before the Court of First Instance is pending.

**Milanović vs B92, Matic and Radišića** - This is another case which ranked high among the examples of best practices in our courts in the last year’s report, and refers to the first instance judgement by the High Court in Belgrade which rejected the claim by Dragoljub Milanović against *RDP B92*, Veran Matic, *B92* news director and Nikola Radišić the author, because of whose report on *TV B92* they were all prosecuted, according to the plaintiff, for slander and injury to reputation.

However, the Court of Appeal in Belgrade overturned the first instance judgment.

In particular, the following claims are in question: “The former *RTS* General Manager, Dragoljub Milanović, appeared in public for the first time since his release from prison. He

spent ten years behind bars because he was held responsible for the deaths of 16 *RTS* employees. Currently he is on trial for illegal allocation of public housing... Has he forgotten these scenes (the feature shows the ruins of the *RTS* building), after 10 years in prison, because during the bombing of *RTS* he sacrificed 16 of his employees? There are no answers to this question, because the former *RTS* director Dragoljub Milanović refused to answer *B92*. Dragoljub Milanović appeared in public for the first time after serving a ten year sentence because of the death of *RTS* employees. “

The rationale for the decision to reject the claim in its entirety as unfounded, the Higher Court stated that the author of the feature claimed that the plaintiff was “found responsible for the deaths of 16 *RTS* employees,” and did not provide false information. The statement was observed in context, that the plaintiff did not act in accordance with the order of the Federal Government regarding the instructions to move people and equipment to reserve positions, and that the consequences of such failure resulted in the death of 16 *RTS* employees, which was established by the final judgment of the District Court in Belgrade, which convicted the plaintiff of a serious criminal offense against general security. With respect to the term “sacrifice” the court held that it is a value judgment based on real factual basis, that this term is used to make the report more intelligible to ordinary people, that the plaintiff is a public figure and that he refused to respond to the defendant’s questions.

However, the Belgrade Court of Appeal reversed the judgment of the Higher Court and ordered the defendant to pay the plaintiff the sum of 150,000.00 dinars in compensation for the violation of personal rights, and Veran Matić, as editor of the news programme, undertook the responsibility to publish this judgment on the *TV B92* news. The Court of Appeal held that the plaintiff was lawfully convicted of aggravated offense against general security and that there was no intent to cause the deaths of 16 *RTS* employees. With this in mind, the statement that the plaintiff “sacrificed sixteen of his employees”, is according to the attitude of the Court of Appeal, based on erroneous fact, because the plaintiff did not sacrifice nor was he convicted for “sacrificing” people. In addition, the Court of Appeal held that the plaintiff, at the time of publication of the information in question, was not the bearer of any state or political position or a public figure at the time, and for that reason there were no limits to his right to privacy.

Against the final judgment of the Court of Appeal the defendants submitted a revision to the Supreme Court of Cassation.

**Dalibor and Olivera Kekić and Mirko Borđoški vs Bečej Youth Association and Aleksandar Đekić** - A good example of judicial practice is the case of plaintiffs Dalibor and Olivera Kekić and Mirko Borđoški against the Bečej Youth Association and the editor of the portal *Moj Bečej* Aleksandar Đekić.

This year saw the legal termination of the procedure in which the plaintiffs Dalibor Kekić (at the time of publication was serving as a member of the Bečej Municipality Council

and manager of the Liberal Democratic Party in the municipality of Bečej), Olivera Kekić (wife of Dalibor Kekić) and Mirko Borđoški (brother of Dalibor Kekić) against Bečej Youth Association and Aleksandar Đekić, editor of the portal *Moj Bečej*. In May 2014 the plaintiffs filed three lawsuits, on the defendants' proposal all cases were merged into one. The total amount of claimed damages by the plaintiffs amounted to 1,200,000.00 RSD.

The plaintiffs claimed that the portal *Moj Bečej*, in the articles "Mitrović's retraction: I haven't done anything illegal or abused any privileges" and "Mitrović retracts Ivanišević's retraction" published a series of inaccurate information at their expense.

In April 2016 the Higher Court of First Instance in Belgrade issued the verdict dismissing the complaints as unfounded with the explanation the case didn't fulfil the necessary conditions for the defendants to be libel. During the proceedings, the Court found that this case was not concerned with the articles written by the defendants, but concerning the retractions which they accurately conveyed "guided by the motto to hear both sides of the argument" (Slobodan Mitrović, former Managing Director of "Vodokanal", former long time friend of the plaintiff Dalibor Kekić and a public official of the same party, while Tamara Ivanišević, was the Deputy Mayor of Bečej at the time). The Court specifically took into account the fact that Dalibor Kekić, when publishing the controversial retractions, was serving as a member on the Bečej Municipality Council and was LDP manager, that criticism on his behalf related to the job that he was performing at that time and that he had to demonstrate greater tolerance in relation to words spoken in public. Moreover, the Higher Court held that the defendant, before the publication of the retractions, collected enough evidence to support the accuracy and completeness of the information presented, and that the information concerning the other two defendants, who due to the responsibilities they performed can also be regarded as public figures, was of legitimate public interest.

Plaintiffs appealed against the verdict, but the Court of Appeal in Belgrade rejected it as unfounded and upheld the judgment of the Higher Court.

### ***The decision of the Constitutional Court in defence of press freedom***

The Constitutional Court's decision on 6<sup>th</sup> October 2016 could significantly contribute to the advancement in coordinating judicial practice in proceedings as it pertains to media content by adopting the journalist Gvozden Zdravić's constitutional complaint.

This verdict found that the judgment of the Court of Appeal in Kragujevac Gž. 80 – 14<sup>th</sup> to 20<sup>th</sup> March 2014, violated journalistic freedom of expression guaranteed by Article 46, paragraph 1 of the Constitution of the Republic of Serbia. In that decision the Constitutional Court annulled the verdict and ordered the Court of Appeal to issue a new judgment based on the journalists Gvozden Zdravić's appeal against the verdict of the Higher

First Instance Court in Kragujevac. The significance of this decision is reflected in the fact that the Constitutional Court repeatedly refers to the European Court of Human Rights in the explanation.

The Higher Court in Kragujevac partly granted the Mayor of Aleksandrovac Jugoslav Stajkovac's claim and obliged the defendants to jointly pay a set amount for causing non-pecuniary damages, suffering defamation and damage to reputation. Stajkovac sued the editor of the monthly newspaper *Rasina pres* and journalists Gvozden Zdravić because of the newspaper articles published in 2011, in which, among other things, it was indicated how much money was spent on renovating the "Old Mill" from the municipal budget, as well as other information regarding the subject. The Higher Court found in its judgment, among other things, that the defendant in his statements made character judgements of the plaintiff in a manner that violated the plaintiff's honour and undermined his reputation in public. The Court of Appeal in Kragujevac rejected the claim as unfounded and upheld the judgement of the Higher Court of First Instance.

The Constitutional Court, assessing the merits of constitutional complaints regarding the violation of freedom of expression, found that the civil judgment restricted the freedom of expression of the journalist, the plaintiff. The Court held that freedom of expression is regulated by the Constitution in a democratic society and the right to freely express opinions, information and ideas, regardless of their content and the fact that while freedom of expression may include a certain degree of exaggeration or even provocation, it is guaranteed. The Constitutional Court indicates that the special protection for the right to freedom of expression is enjoyed by journalists and the media in particular because of its important social role. According to Article 51, paragraph 1 of the Constitution, everyone has the right to be accurately, completely and timely informed on issues of public interest and have the obligation to respect this right. A pursuant to Article 4 of the Law on Public Information the media are to freely publish ideas, information and opinions concerning occurrences, events and personalities that the public has a justified interest to know. In addition, the Constitutional Court pointed out that freedom of expression applies not only to "information" and "ideas" that are favourably received or regarded as inoffensive but also those that offend, shock or disturb and refers to the judgment of the European Court of Human rights in the case "Castells vs Spain," application No. 11798-85 of 23 April 1992, paragraph 2 of the Constitutional court states that the freedom of expression, among other things, includes the right to unbiased, well intentioned information of public interest, even when the publication includes statements harmful to individuals (ECHR judgment in the case "Lepojić vs Serbia", application number 13909-05 from 2<sup>nd</sup> October 2007, paragraph 74).

Furthermore, the Constitutional Court's judgement stated that although the media must not overstep certain boundaries, in particular in respect of the reputation and rights of others, their duty is to communicate in a manner consistent with their duties and respon-

sibilities, including information and ideas on all matters of public interest. Journalistic freedom also includes the right of recourse to a degree of exaggeration or even provocation. The Constitutional Court points out that the limits of permissible criticism according to the European Court of Human Rights, is significantly wider with regard to politicians, holders of public office and other public figures, much less so compared to other persons, and calls on the ECHR judgment in the case “Bodrožić vs Serbia”, application No. 32550-05 dated 2<sup>nd</sup> June 2009, paragraph 54. However, the Constitutional Court also notes that when considering the limits of freedom of expression it must be taken into account whether the disputed terms regard one’s private life or someone’s behaviour in an official capacity.

The Constitutional Court in this case, among other things, claimed that the information in the relevant journalistic articles exclusively related to municipal spending of public finances, and that there is no doubt that these are matters of public concern, and that to inform the public in accordance with the role of the media as “the guardian of public interest” the journalist (the plaintiff of the constitutional complaint) did not intend to disparage the personality but only inform the public with information of public interest.

In addition, the Constitutional Court in its decision noted that the standard of journalistic attention should be evaluated on the basis of knowledge and information that the journalist has available at the time of writing the newspaper article, not on the basis of information subsequently incurred or made available to the public (ECHR judgments in the “Hlynsdottir vs Iceland” No. 54145-10 from 2<sup>nd</sup> June 2015, paragraph 71). In the present case, the administration of the Municipality of Aleksandrovac informed the journalist that they do not possess the document that contains the required information regarding the facility “Old Mill”, without explanation and justification.

When deciding, the Constitutional Court took into consideration the views of the European Court of Human Rights according to which the ordinary courts should not be too strict to assess the professional conduct of journalists, as this can later deter the exercise of the function to inform the public or to exercise the function of “public watchdog” which the media are responsible for in democratic society. A court decision may have an impact not only as an individual case but the media as a whole (Constitutional Court refers to the judgment of the ECHR in the case of “Yordanova and Toshev vs Bulgaria”, Application No. 5126-05 from 2<sup>nd</sup> October 2012, paragraph 48.)

Founded on the aforementioned information, the Constitutional Court ascertained that the reasons listed by the Higher Court of Appeal in Kragujevac to justify restricting freedom of expression were not relevant and sufficient, and that such a restriction was not necessary in democratic society. Therefore, the Constitutional Court found that the journalist Gvozden Zdravić’s freedom of expression was violated which is guaranteed by the Constitution and that the consequences of the violation of such freedom are that they can only be eliminated by the annulment by the judgment of the Court of Appeal.

## IV Violations of the Journalists' Code of Ethics

The year 2016 was the “year of ethical ruin in media” as assessed by Tamara Skrozza, a member of the Press Complaints Commission of the Press Council, in an article for IJAS.<sup>4</sup>

Monitoring of eight daily newspapers implemented by the Press Council shows that this year, compared to the previous, has shown a dramatic increase in the number of violations of the Serbian Journalists' Code of Ethics, in which the leading tabloids *Informer*, *Srpski Telegraf*, *Kurir* and *Alo* led the way. In 2015, from 1<sup>st</sup> April to 31<sup>st</sup> December there were 3,357 problematic articles, while in 2016, from 1<sup>st</sup> March to 30<sup>th</sup> November 4,881 were already noted.

From the beginning of the year to the end of November, the Press Council received 110 complaints on various media content, of which 32 were rejected. The Press Complaints Commission deliberated on 78, while 10 were resolved by mediation. The Commission assessed that 50 complaints were justified, that a violation of the Serbian Journalists' Code of Ethics occurred. In 10 cases it was found that there were no violations of professional ethics, while in 18 complaints the Commission was unable to come to a decision.

Of the 78 deliberated complaints, 39 were filed by citizens, 16 by non-governmental organisations, 9 by members of the Commission, 9 by media, 3 by private companies and 2 by political parties.

Analysis of the decisions made by the Press Council's Press Complaints Commission in the past year shows that in print and online media, the most frequently violated provisions of the Serbian Journalists' Code of Ethics concerns veracity of reporting, followed by violation of the obligation to respect privacy and non-discrimination and hate speech. The number of complaints is increasing, while in 90 percent of the cases the same text violated several provisions of the Serbian Journalists' Code of Ethics.

“Each of these articles leaves far reaching consequences, further lowering the already very low bar for professional standards and cementing a solid foundation that the future is going to be even worse,” claims Tamara Skrozza, adding that “it's nothing new when we say that local media only sporadically respect professional ethics”.

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<sup>4</sup> Tamara Skrozza, The year of ethical ruin in media, <http://nuns.rs/info/news/29691/godina-etickog-sunovrata-u-medijima.html>, 16/12/2016

Last year was marked by events that have worsened the already gloomy overall picture of media professionalism.

In context of media ethics, the year was certainly marked by the manner in which the case of a murdered singer, Jelena Marjanović, was reported on. An unsolved crime, it was incomprehensibly attractive to media even eight months after the event. This was significantly contributed to by the tabloid media, publishing insane theories about the background and circumstances of the murder and thus further raising tensions among the public. Undisputed leaders were the *Srpski Telegraf*, *Informer*, *Kurir* and *Alo*, all attempting to play the role of investigative bodies in discovering the murderer, which in itself is a severe violation of the Serbian Journalists' Code of Ethics.

At the session held on 30<sup>th</sup> June, the Press Council's Press Complaints Committee made a decision that the four daily newspapers seriously violated professional ethical standards in this case. Meanwhile, members of the Marjanović family sued several media, looking for high financial damages and a ban on reporting with reference to them and their private lives, and once again they experienced media chicanery.

In the long term, perhaps the most important case relates to the reporting of the rape and murder of a three year old girl from the vicinity of Zaječar.

After the terrible description of the crimes published in the media, the Commissioner for Information of Public Importance and Personal Data Protection, Rodoljub Šabić, initiated the monitoring of the Interior Ministry in connection with leaked information on this case and found that the media publish information of dubious credibility.

Sabic announced that his task is not to "engage in an assessment of whether this is due to poor sources, running aground on someone's spin doctoring or consciously creating untruths motivated by the struggle for increased circulation." Tamara Skrozza's opinion is that "if, however, we engage in evaluation of each of these variants they present the crudest possible violation of ethics and professional standards." Because it is a tragedy of a three year old child, her dignity as a victim, her family's privacy, including the public interest (the citizens' need to be informed, but at the same time not to expose them to the horrific experiences).

Apart from these there were other untruths published on other occasions. One for the books is certainly the reporting on the actress Neda Arnerić who fell from her balcony. This story attracted great media attention, but at the same time it was a textbook example of all known violations of ethical standards: the average reader, who would leaf through all the daily newspapers of the day, would be in complete confusion as to what actually happened, and in doing so would have a chance to "archive" a multitude of unverified information that fall within the domain of Neda Arnerić's greatest intimacy and that of her family.

Crude invasion of privacy was also observed in the case of actress Danica Maksimovic by the newspaper *Kurir* whose associates photographed her on a private nudist beach where filming is not permitted. She then tried to take the camera, which led to a physical altercation between her and the journalist. *Kurir* then, as a sort of “revenge”, published the photos on their front page, a photo that violates Danica Maksimovic’s right to privacy. Deciding on the complaint, which was later sent by the actress, members of the Press Council were in agreement that the Serbian Journalists’ Code of Ethics was violated concerning the right to privacy, the use of honourable means and journalistic attention.

In the long run perhaps the most important phenomenon is the increase in hidden information that could affect the readers’ perspective. Although the Serbian Journalists’ Code of Ethics covers this topic (chapter 5), media who reported on the work of the civil sector, political opponents and independent media often deny their audience some of the available information and guide them to their desired (and usually incorrect) conclusions.

Late last year the daily *Politika* started and continued in early 2016, with the publication of articles on the amounts media and non-governmental organisations received through project funding, which provoked a stormy public debate. On the one hand, in most cases the data in *Politika* were correct or approximately correct. On the other hand however, it belittled the importance of implemented projects without an explanation as to what the funds were actually used for nor the real influence donors have and what the recipients do with of money. Also, it is not explained that the media and the non-governmental organisations pay taxes in Serbia and are not stealing out of anyone’s’ pocket. Once the Press Complaints Commission decided that the complaints by several organisations against *Politika* were justified, the newspaper responded by attacking the Commission for several months, including members of the Commission individually.

In contrast to *Politika*, whose sense for ethics is still present, the newspaper *Informer* used the same information regarding civil society financing and the media who report critically of the government, and published them in such a manner that there is no question of public interest and respect for basic professional standards: all those who received any funding for any project were automatically branded as traitors and destroyers of the constitutional order, without any explanation. No individual, no organisation, no media that ever uttered or said anything negative about Aleksandar Vucic, were found on the front page or in the headlines of the most popular Serbian tabloid: photographs of people who manage those organisations, manage the media, activists, journalists and actors were practically an indispensable detail on the front page, which brought into question their physical safety.

Personal persecution most often ended in private lawsuits or criminal charges, and only in 2017 will we see a development in the legal epilogue to these stories. Meanwhile, IJAS

called for a boycott of the *Informer*, so there are a growing number of public figures who refuse to give statements to the newspaper, even if they themselves are direct subjects of articles.

The case of the newspaper *Informer* and the political battles it leads in someone else's name is somewhat specific in relation to other media. In fact, it seems that there is no question of media ethics, but that it's all more or less orchestrated, from the top levels of government, a coordinated mistreatment of opponents. For such a claim, there is no concrete evidence, but it is more than indicative that the Prosecutor's Office never, in accordance with its powers, carries out an investigation into alleged information claimed by *Informer*. If the paper's journalists have evidence that, say, ten public figures are in a conspiracy to overthrow the constitutional order, the duty of the state authorities is to investigate and determine whether this is true or not. Since this did not happen, the only logical explanation is that the articles in the *Informer* are one of the methods of defamation and manner in which to discredit individuals and groups, directed by the state itself.

In late November 2016 the Press Council established guidelines for the implementation of the Serbian Journalists' Code of Ethics in online media. The instructions were developed by a group of journalists and lawyers and should clarify any doubts concerning the application of recognised standards of due journalistic care, attitude towards sources of information, the manner in which media content is transmitted, respect for privacy, respect for copyright and other important matters governed by the Serbian Journalists' Code of Ethics.

## V Media Reform

The year behind us was marked by incomplete and selective implementation of media legislation.

Two main directions of media reform are problematic established by the Media Strategy (2011 - 2015) and the Law on Public Information and Media (2014) - withdrawal of the state from media ownership, and establishing a system of co-financing of media content of public interest. Problematisation of these key reform objectives, were primarily and undoubtedly caused by political party interests and influences.

Incomplete implementation of the law is also emphasised in the European Commission report on Serbia for 2016. "Privatisation of state-owned media did not lead to more transparency of ownership and funding sources, including funding from the state. Co-financing of media content to meet the obligations of public interest should be implemented in accordance with the legal framework, using a transparent and fair procedure, and without interference by the government, especially at the local level. "

In his keynote address on the Government Programme, Prime Minister Aleksandar Vučić announced the continuation of media reforms, implementing the media strategy "as a whole", completion of the withdrawal of the state from media and finding a sustainable model for financing public service broadcasters. In the keynote address nothing was specified, no dates, no regulations on the basis of which the objectives will be carried out. It is certain, however, that in the first hundred days state withdrawal from media ownership wasn't complete: the state agency Tanjug which was "shut down" is still operational, while the state still has ownership in media companies *AD Politika* and *Večernje novosti*; the issue of privatisation of local state media (e.g. *RTV Preševo*) remains unresolved; a sustainable model for financing the public service broadcasters *RTS* and *RTV* has not been determined.

The Minister of Culture and Information, Vladan Vukosavljević, on 18<sup>th</sup> October 2016 announced that he will "take a stand within a month or two regarding the situation with *Tanjug*," without specifying a model (regulation) how it will be done. Even at the time of writing this report the public are not aware of any new details regarding the fate of the "pirate" state news agency. Nor is it known how and when a new (announced) Serbian Media Strategy will be developed and adopted.

### **Party Privatisation**

Complete, serious analyses of media privatisation processes are yet to come but it is already clear that it has been incomplete thus far, non-transparent and problematic. Pri-

marily, it is clear that the national media companies were bought by individuals close to the ruling party and its coalition partners, mainly from budgetary resources, or citizens', taxpayer's money.

It is obvious that after only a year since the official completion of the privatisation process, many unresolved and painful issues remain. The biggest is certainly - *Tanjug*. However, the fate of state (co)ownership in media companies *Politika* and *Večernje novosti* is unclear.

“‘Milosavljević media empire’ created overnight is crumbling, the lawfully ‘extinguished’ Tanjug agency continues to survive thanks to government ‘transfusion’ and journalists from unsold state media are attempting to save themselves by Sisyphean efforts,” writes journalist Vladimir Kostić in the IJAS analytical article on media privatisation.

Out of 73 media companies which at the beginning of the privatisation process in 2015 were owned by the state and local governments, 34 were sold, of which 14 were bought by individuals or companies evidently close to the ruling coalition (in 13 cases Serbian

Progressive Party and the Social Democratic Party in one).

Radojica Milosavljević, former Deputy Mayor of Kruševac (then close to SPS, now in close ties with SNS), bought 8 regional and local media in a short space of time, mostly television stations. Meanwhile, Milosavljević failed to respect the obligations under the privatisation contract nor has he paid the salaries of *TV Požega* employees. Similar behaviour can be witnessed by the new owner of *Radio Television Brus* and the *Centre for Information Novi Kneževac*, while the most ruthlessness is the new owner of *Radio Television Kragujevac*, whose workers have been protesting for months for late salaries and the failure to fulfil obligations on investment. In recent days, the assets of this regional TV have been repeatedly sold “for pennies” to settle claims adjudication. This TV station does not broadcast, and by all accounts, formal liquidation is soon to be due.

Unlike the media in “Milosavljević empire” whose fate the responsible institutions are silent on and do not want to terminate the privatisation process, other privatised media have had a different fate. The Ministry of Economy cancelled the privatisation of the *Weekly newspaper* from Bačka Palanka and *RTV Pruga* from Lajkovac, in both cases because their obligations under the privatisation contract were not executed.

The good news is that *RTV Vranje* employees, after a year of “charging against windmills” in the shape of state administration, managed to obtain joint stock ownership. In the end, the Ministry of Economy, following the interpretation of the National Assembly, passed a decision on the transfer of this media’s capital to 16 journalists and media employees.

The National Assembly decided on this matter after the Ministry of Economy supervised the Agency for Privatisation and it was concluded that the capital must be transferred to the employees in total. However, not even this interpretation could solve all the dilemmas

and problems. One of the journalists to whom ownership of *TV Smederevo* was transferred filed charges against the former Managing Director because he interfered by refusing to receive the decision from the Ministry of Economy. This television station has been taken over by two journalists as they lost their shares because they had previously received shares from state enterprises NIS, Telekom and Aerodrom.

The situation is similar in *RTV Preševo* where employees have sued the Ministry of Economy because they are excluded from the free transfer of ownership due to the previously subscribed free shares of public enterprises. The decision on the privatisation of ownership rights was awarded only to one of their colleague, while other employees who filed a lawsuit with the Administrative Court managed to freeze the entire procedure.

### ***Problems with co-financing***

In the past year, the process of co-financing of media content of public interest established on 1<sup>st</sup> January 2015 as a state obligation on all levels, from local government across the Autonomous Province to central authority. The process continued in more or less the same rhythm, but was also fraught with the same difficulties, irregularities and problems from the start, burdening the implementation of the calls for proposals for co-financing media projects. The most frequent irregularities were lack of transparency, non-discriminatory competition criteria and illegal methods of forming expert committees for assessing media projects.

The consequences are very serious: budgetary support is received by media close to the government at the expense of the media defined by public interest objectives, analytical and unbiased informing of citizens. This trend seriously jeopardises the meaning and relevance of the whole system of co-financing of public interest by public funds, i.e. the taxpayers' money.

The results of co-financing of media projects is unsatisfactory, not when it comes to respect for the laws and bylaws nor when it comes to transparency of the process. All this confirms the complexity of the process, but also the fact that this change in government media relationship was of great importance and that the media, state authorities and expert committees welcomed it unprepared.

The "White Paper" was created by monitoring the calls for proposals for media co-financing, which the Coalition of journalists and media associations conducted during the period from 1<sup>st</sup> April 2015 to 1<sup>st</sup> April 2016, and it contains key qualitative and quantitative indicators (or lack) of in this process.

Monitoring results show that this is a very controversial process: on the one hand, authorities who were strict in implementing the calls for proposals, respecting provisions of the law, and on the other hand, many crossing the line in various ways, weaving through

ambiguities and gaps or breaking the law, sometimes deliberately and severely. During 2016, the Coalition submitted comments on the texts for more than 40 local government's calls for proposals, of which 32 were accepted (80%).

Irregularities mainly aim to narrow and limit the number of potential participants in the call, and to make the entire process problematic from the legal and practical perspective. The purpose of intentional mistakes was so that the authorities retain influence over the allocation of funds from the budget for co-financing of media content of public interest, so that money ends up in the pockets of media close to the government. A myriad of offending cases were noted, such as funds being awarded directly from the budget without a call for proposal and the commission, failing to schedule calls for proposals and not allocating funds from the budget.

It is interesting that it is precisely in the largest cities that the greatest problems occurred in the infringement and circumvention of regulations in the process of media co-financing.

The most recent such case is the City of Belgrade's call for proposal, announced on 5<sup>th</sup> September, for the distribution of a total of 90 million dinars. Until 12<sup>th</sup> December when the decision on the distribution was prepared, the entire tender procedure was a mystery. From the number of proposals sent, over the appointment of experts to the committee and the final proposal for the distribution of funds. IJAS protested against these practices and the decision on how to allocate the funds undersigned by the Director of the Secretariat for Information Mirjana Pavičić, stating that more than a third of the money was allocated to companies and entrepreneurs whose main activity is not public information in the public interest. In addition, more than 30 million dinars were distributed to companies and individuals involved in the production of audio and video material, advertising, and even car rental. Greater doubts regarding the justification of this decision are the facts that some of the agencies which were approved the largest sums (between 5.5 and 9 million dinars) were established immediately before and during the call for proposals. This is probably the reason why the formal adoption of the decision for fund allocation took one hundred days from the announcement of the call. IJAS believes that for allocation of public funds, the responsibility lies with the members of the five member expert committee which was approximately the same composition in 2015 when the media community also expressed serious doubts concerning the justification for allocation of budget funds for co-financing media projects. The expert committee in the capital did not elect a single candidate from the Coalition of journalists and media associations, this or the previous year.

The City of Kragujevac is a perfect example. With resources from the budget, with lack of transparency and without an open call for proposals, therefore contrary to the law, the city government paid for media coverage. Kragujevac has not allocated a single penny for co-financing of media content of public interest, and all the funds from the budget for

public information from the last and early this year, trickled to the account of a single media, *Radio Television Kragujevac* and its owner, but we already mentioned Radojica Milosavljević.

In Novi Sad, just like in Belgrade, neither last nor this year has the expert committee elected a single member, not a single candidate, from the Coalition of journalists' and media associations while some of the candidates elected to this day don't know on whose proposal they were selected. The process is entirely non-transparent, and there is suspicion of conflict of interest, since the individual organisations that have representatives in the commission, received funding on a number of criteria. The Commission in Novi Sad has been composed of the same people for two years in a row, although the Law on Public Information and Media explicitly states that "members of the Commission shall be appointed for each call separately."

In Niš, a representative of the Coalition of journalists and media organisations refused to participate in the Commission because the representatives of the civil sector were not allowed to act as observers, while a general allocation of funds for media content of public interest in the city sparked a violent reaction and raised some serious doubts. The Administrative Court in its recent decision annulled last year's call for proposals because numerous irregularities were found which were been identified in complaints made by *Južne vesti* and *Radio Banker*. The Court accepted the lawsuit in which, among other things, it stated that when deciding on the allocation of funds to the citizens the city authorities have not clearly explained why and who receives how much money, but also that individual members of the committee were in conflict of interest because they are simultaneously working for some of the media who participated in the call. The city government was ordered to repeat the tender procedure.

In calls for proposals for media co-financing by the Ministry of Culture and Information and the Provincial Secretariat for Culture and Public Information, major mistakes were not noticed. The exception is a decision by the former Minister Ivan Tasovac to revise the proposal made by the expert commission for electronic media projects, thereby withholding financial support from IJAS, Media Center and IJAV. IJAS and IJAV have publicly assessed that such an arbitrary decision by the Minister "sent a message to the lower levels of government that the media laws and expert committees are just decoration for the international community and a hoax on the public."

## ***IJAS activities regarding RAEM***

**16/01/2016** IJAS and IJAV requested from the Regulatory Authority for Electronic Media (RAEM) to publicly disclose the criteria by which they elected the managing boards of the two public public service broadcasters. The fact is that among them are people for whom

the public has a justified cause for concern fearing that they will not perform their duties in the interest of the citizens of Vojvodina and Serbia or the public service broadcasters.

**22/01/2016** IJAS, the Association of Independent Electronic Media (ANEM), Independent Journalists' Association of Vojvodina (IJAV) and Association of Local Independent Media Local Press (LP) publicly urged MPs not to adopt the proposal made by the Committee on Constitutional and Legislative Affairs for prosecutorial discretion in the provisions of Article 11, paragraphs 4, 5 and 6 of the Law on electronic media. They concluded that the said proposal directly affects the formation of the new Council of the Regulatory Authority for Electronic Media (RAEM) in an objectionable manner and in direct relation to the associations whose goals are freedom of expression and the protection of children while in the future, potentially in relation to journalists' associations, electronic media, film, theatre and drama artists and composers.

The Law on Electronic Media acknowledged the right of associations whose goals are freedom of expression and the protection of children to, in mutual agreement, propose to the Committee two candidates, of whom it would choose one member for the RAEM Council. The law specifically provides that every organisation from the circle of authorised nominators, as in this case, any association whose objectives are freedom of expression and protection of children, submit to the Committee a well reasoned proposal for two candidates, and that two or more associations may submit a joint proposal. After that, if different associations' submit different candidates, the Act provides that the Committee organise a meeting to decide on the joint proposal from the two candidates by agreement, and if agreement cannot be achieved by consent of all, the final proposal is to be determined by ballot. The Law, Article 10, paragraph 2, recognises the right of each of the organisations that belongs to the group to propose two candidates for the Council, and not one. By insisting on a vote for a candidate in the formation of the final list, as suggested in prosecutorial discretion by the committee, it will undermine the right of each individual association to submit two candidates.

**24/03/2016** IJAS publicly stated that it does not consider the decision of the Ministry of Culture and Information very useful, not to accept the joint initiative by the Regulatory Authority for Electronic Media, IJAS and JAS, to initiate the procedure for the prosecutorial discretion of Article 47 of the Law on Electronic media that governs the issue of direct broadcast of party meetings.

Ministry of Culture and Information considers that there is no reason to demand prosecutorial discretion from the Serbian Parliament, because, in their opinion, in spite of the support for the RAEM, IJAS and JAS proposal and the positive response from OSCE, they claim that the initiative "is not justified". The reason for the initiative was RAEM's interpretation of the live broadcast of the ceremony marking the seventh anniversary of the Serbian Progressive Party. Although RAEM at its meeting decided not to impose punitive measures on broadcasters which broadcast live from the party rally, it was concluded

that the article of the Law on Electronic Media is not totally clear when prohibiting specifics that this provision prescribes.

The Ministry of Culture and Information, however, believes that RAEM's decision on the Rules of Procedure for providers of media services during the election campaign ("Official Gazette of RS", No. 55/15), should establish rules for the implementation of the obligations set out in Article 47, paragraph 1, and item 5 Law on Electronic Media. The said paragraph, according to the Ministry, envisaged that the media service provider is obliged to respect the ban on political advertising outside an election campaign, whereas, during the election campaign, provide airtime to the registered political parties, coalitions and candidates representation without discrimination.

The Ministry warned RAEM that when creating the said Rules it was not indicated that there are uncertainties regarding the application of Article 47 of the Law on Electronic Media, which initiated prosecutorial direction. Regarding concerns on the terms "advertising" and "advertising message" the Ministry advised for RAEM to consult the Ministry of Trade, which is responsible for supervising the implementation of the Law on Advertising.

**04/05/2016** IJAS publicly invited the Regulatory Authority for Electronic Media to announce when the meeting which deliberated on the N1 TV programme was organised, as well as to specify with which content this television station violated the election silence and which article of the law had been violated. IJAS also demanded, since some RAEM's committee members mandate ended and that in the meantime the candidates proposed by AP Vojvodina and NGOs were not elected, to announce which of the RAEM members attended the meeting. It also requested that RAEM explain how was it possible that *Pink TV* broadcast their announcement in the early morning hours, while the other media learn of the session and RAEM's conclusions six hours later.

**20/07/2016** The Independent Journalists' Association of Serbia sent a letter to the parliamentary Committee for Culture and Information to forward the request to the responsible departments of the National Assembly, to immediately initiated a public call for nomination for the missing members of Regulatory Authority for Electronic Media (RAEM) Council who are to be elected based on the proposal of the association of publishers of electronic media and journalists' associations. IJAS stressed that the National Assembly failed for six months, before the expiry of the mandate RAEM member Gordana Susa, to issue a public call for the nomination of candidates, as required by the Law on Electronic Media (Article 10). Because of this omission, the RAEM Council, instead of nine has only six active members, which means that the regulatory body is functioning on the borderline of legality.

**26/08/2016** IJAS and the Bureau for Social Research (BIRODI) publicly urged the Regulatory Authority for Electronic Media to publish the Final Report on the supervision of

broadcaster reporting during the election campaign for the parliamentary elections held on 24<sup>th</sup> April, after a four month delay.

**24/09/2016** The Independent Journalists' Association of Serbia has publicly expressed great disappointment that among the candidates for the Regulatory Authority for Electronic Media (RAEM) membership, which will represent the media community, Goran Pekovic has been included.

IJAS reminded that during the election of representatives from the NGO sector in RAEM, everything possible was done for Goran Peković to be among the candidates. After the authorised representatives of the NGO sector decided to vote for Snežana Stojanović Plavšić, child psychologist from Leskovac, and Milan Antonijević, director of YUCOM, most of the parliamentary Committee for Culture attempted to, in an appeal of sports associations, to annul the legitimate and legal vote. After that, the process of selecting the three member of the Regulatory Authority was first stopped and then it continued in a passionate parliamentary session held on 14<sup>th</sup> October, when members of RAEM elected Goran Peković and Djordje Vozarević. Vozarević was proposed by the Assembly of AP Vojvodina Committee for Culture and Information, while Peković was elected as a candidate of a more or less unknown association of publishers of electronic media, lesser known associations of journalists. Established associations of journalists did not submitted candidates. Given the fact that in the previous arrangement RAEM and its member Gordana Suša, elected on IJAS's proposal, the leadership of our association deemed expedient that this time the journalist community in this regulatory body is represented by the JAS candidate.

At the same time, at this meeting of the Committee, the majority of deputies did not give support to any of the associations' candidates whose goals are freedom of expression and the protection of children, Milan Antonijević and Snežana Stojanović Plavšić. Thus, the will of the ruling party's majority, RAEM still has a vacancy for the ninth member who should be selected on the proposal of the associations whose goals are freedom of expression and protection of children.

**27/09/2016** The Independent Journalists' Association of Serbia (IJAS) filed a complaint with the Commissioner for Information of Public Importance and Personal Data Protection because the Regulatory Authority for Electronic Media (RAEM) is behind on the legal deadline of 15 days to provide the Report on the supervision of the broadcasters during the election period and for the parliamentary elections held on 24<sup>th</sup> April. A formal request for access to information of public importance, and for the submission of the report on the supervision over the work of broadcasters, IJAS has sent to the Deputy Chairman of the RAEM Council, Goran Petrović, on 29<sup>th</sup> August, while the appeal was filed with the Commissioner on 21<sup>st</sup> September. Regulatory Authority for Electronic Media supervision over the work of broadcasters during the election campaign is based on the Law on Elec-

tronic Media (Articles 22 and 47) and the Regulation on the obligations of providers of media services during the election campaign.

Commissioner for Information of Public Importance and Personal Data Protection issued a decision that RAEM must, without delay and within three days, to inform IJAS if it possessed the report on the supervision of the work of broadcasters during the pre-election and election campaign for parliamentary elections and, if yes, deliver the copy of the report to IJAS. The Commissioner found that RAEM had not acted on the IJAS's request dated 29<sup>th</sup> August 2016, and that it was obliged to do so without delay and no later than 15 days.

On the request of the Commissioner and in response to IJAS, RAEM stated that they don't have in their possession the "Report on the supervision over the work of broadcasters during the pre-election and election campaign for the parliamentary elections held on 24<sup>th</sup> April 2016". However, just ten days subsequent to this response, CINS released the news that the Anti-Corruption agency submitted data on party advertising during the election campaigns. In fact, the data are part of the monitoring conducted by RAEM during the election campaign.

### ***IJAS' complaints to the Regulatory Authority for Electronic Media***

**22/01/2016** Independent Journalists' Association of Serbia filed a complaint with the Regulatory Authority for Electronic Media against *TV Pink* because of the content broadcast within the programme "Serbian media deep in mud". On this occasion they published sensitive data on the patient's health.

IJAS considers that in the aforementioned programme *TV Pink* violated provisions of the Rules of Procedure on the protection of human rights in the provision of media services and the Regulation on the protection of the rights of minors in the provision of media services. According to Rules of Procedure, the media service provider is bound to respect the human rights of media services consumers, programme participants or persons referred to in the information published, guaranteed by the Constitution of the Republic of Serbia and ratified by international laws governing human rights. Also, the media service provider is bound to provide a media service in a manner that respects the dignity of media services users, participants in the programme and the person to whom the information relates, and to respect the dignity of person. The Rules of Procedure further stresses that the media service provider is obliged to take all necessary measures not to harm the development of minors by its programme content.

RAEM Council on the 169<sup>th</sup> regular session held on 6<sup>th</sup> April 2016, unanimously decided to reject the aforementioned complaint by IJAS against *TV Pink*.

**22/04/2016** Independent Journalists' Association of Serbia filed a complaint to the Regulatory Authority for Electronic Media against *TV Prva* because of the programme "Who is Aleksandar Vučić" broadcast on 20<sup>th</sup> April 2016. IJAS demanded from RAEM to assess whether *TV Prva* breached the Rules of Procedure on the obligations of providers of media services during the election campaign.

IJAS believes that *TV Prva* violated the obligation to clearly mark pre-election programming throughout as such. Also, *TV Prva* violated a provision prohibiting the broadcasting of pre-election programme disguised as news programmes, or any other type, as well as the broadcasting of informative content where MPs or prominent party representative or candidate appear. In addition, a special political show on *TV Prva*, in the midst of an election campaign, did not host anyone other than the party leader Aleksandar Vučić. Therefore, *TV Prva* violated the obligation of media service providers prescribed by the Regulations, that when broadcasting information on pre-election activities of electoral lists and candidates representation without discrimination must ensured in their programme.

RAEM Council on the 174<sup>th</sup> regular session held on 14<sup>th</sup> September 2016, unanimously decided that no measures are to be taken against *TV Prva*.

**17/10/2016** Because of the content on the show "Black Chronicle Special" broadcast on 16<sup>th</sup> October 2016, the Independent Journalists' Association of Serbia filed a complaint to the Regulatory Authority for Electronic Media against *TV Pink*. The show aired an interview with the mother of a 13 year old girl who was seduced by a paedophile.

In the filed complaint IJAS states that by showing the school the girl attended, and clearly labelling the place and her address of residence, a violation of the Law on Public Information and Media occurred, as well as the Ordinance on the protection of the rights of minors in the provision of media services. In Article 82, paragraph 2 of the Law on Public Information and Media it is expressly stated that when presenting information from private life, the minor must not be made recognisable in the information that can harm their rights and interests. Also, *TV Pink* broadcast violated Article 27 of the Regulations on the Protection of the rights of minors in the field of media services, which states that the media service provider is obliged to protect the identity of the minor, if there are indications that he/she is the perpetrator, witness or victim, of a criminal offense or other illicit behaviour... The report also points out that paragraph 3 of the same Article for media service providers obliges refrain from publishing information which directly reveals the identity of the minor, such as the name, the names of parents or close relatives and address. It is illegal to publish information that could indirectly indicate their identity, either individually or cumulatively with the data already available to the public such as the name of the school they attend, workplace, personal description, photographs or videos.

RAEM has not yet decided on the complaint filed by IJAS.

## VI Free Legal Advices

The year 2016 has been characterised by IJAS's Free Legal Aid within whose framework members asked many questions, more varied than in previous years.

This diversity of interests by journalists and other media professionals can also be interpreted through the fact that in 2016, when the media are concerned, was more turbulent than the previous year. What's more, most of IJAS's Free Legal Advice service users asked different questions from which one could conclude that their interests have increased and that they are better informed than before.

Most of the 36 questions that IJAS members asked during 2016 relate to the financing of projects in the area of public information, labour law and prevention of abuse at work, verbal attacks on journalists that can be qualified as insults and threats. Also, questions about the proceedings before the Administrative Court, potential lawsuits against the media, editors and journalists in accordance with the provisions of the Law on Public Information and Media, requesting assistance in drafting regular legal remedies in court proceedings against the media, journalists and editors, as well as assistance in preparing complaints to be submitted to the Regulatory Authority for Electronic Media.

Journalists requested legal interpretations on the topic of media discrimination, the Law on Copyright Infringements and related rights, establishment of media organisations, changing data in the Media Registry, hate speech in media, as well as court decisions in civil and criminal cases.

This year, as in the previous, most of the questions related to labour law, and most of these questions were posed in the first half of 2016.



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