



Chronicle of Attacks and Pressures against Journalists in 2017

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Introduction

The Independent Journalists' Association of Serbia has been implementing the Early warning system for four years already. The aim of the system is to facilitate more systematic and efficient monitoring of developments on the Serbian media scene in the five key areas which are most directly connected to media freedoms and the position of journalists and other media professionals.

Even though freedom of media is guaranteed by the Constitution of the Republic of Serbia and media legislation, journalists and media experts agree in their assessment that media freedoms have been constantly dropping for a longer period of time. The decreased level of media freedoms is also corroborated by various international reports which state that Serbia is in a much worse position than in the previous period.

Reporters Without Borders¹ published the World Press Freedom Index 2017, where Serbia occupies position 66 out of the total of 180 countries ranked by the level of media freedom. In comparison with the previous year, Serbia has dropped by seven places. In the Freedom House Report,² Serbia is included among countries which experienced the greatest drop on the global list of media freedoms, by four points.

President of the European Federation of Journalists (EFJ) Mogens Blicher Bjerregård assessed that Serbia represents the worst example of violation of media freedoms

in the Balkans. The Article 19 (Article 19)³ research indicated that Serbia is among the countries in which media freedoms experienced a serious drop. For instance, indicators within the index Protection point to “increasing intimidation of independent and critical journalists and civil society”, as evaluated in the analysis, with a special emphasis on attacks against journalists and activists.

The conclusion of the internal semi-annual analysis of the European Commission on action plans for chapters relating to rule of law and fundamental freedoms, which Serbia implements in negotiations for the accession with the EU, is that Serbia is still faced with considerable challenges when it comes to media freedom and freedom of expression, as well as establishment of proper conditions for a pluralist media scene. “Reports on attacks and intimidation of journalists still cause concern”, warns the EC, emphasizing the “very slow progress of the Commission in investigations of murder cases of journalists”. The non-paper document also states that it is “necessary to mobilize the force of legal obligation, and that political factors need to be leading by example” in order to ensure policy of total intolerance of attacks against journalists.⁴

According to the parameters used by IJAS in implementation of the Early warning system, the media scene in Serbia last year was marked by different types of issues faced by both journalists and media outlets. It is more than obvious

1 Reporters Without Borders, *World Press Freedom Index, Paris, 2017*. <https://rsf.org/en/serbia>

2 Freedom House, *Freedom of the Press 2017, Washington, 2017*. <https://freedomhouse.org/report/freedom-press/2017/serbiarison>

3 EurActiv Srbija, „Pad slobode izražavanja u Srbiji odraz nazadovanja demokratije“, 30 November 2017 <http://www.euractiv.rs/mediji/12072-pad-slobode-izrazavanja-u-srbiji-odraz-nazadovanja-demokratije>

4 Beta, „E.K: Krupni izazovi za slobodu medija u Srbiji“, TV N1, 5 December 2017. <http://rs.n1info.com/a347110/Vesti/Vesti/EK-o-slobodi-medija-u-Srbiji.html>

that the trend of increasing of the number of pressures and threats aimed against journalists' and media associations, primarily those who are critical of representatives of authorities, is continuing; on the other hand, figures which show that the number of physical attacks against journalists and other media professional has decreased are encouraging.

According to IJAS database, in the period between 1 January and 5 December 2017 30 attacks were recorded, including 6 physical attacks, 21 verbal assaults, 2 attacks against property, and one case of surveillance of journalists.

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' Early warning system involved several different activities regarding specific cases:

- 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.
- Subsequent to the statement, IJAS continues to communicate with particular target groups, including national and, where appropriate, international institutions.
- 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.
- Especially intensive communication is maintained with journalists and other media professionals who are exposed to pressures, intimidation and attacks.
- In context of IJAS's legal aid, lawyers provide free legal advice to media professionals regarding their professional and labour rights.

In the following report, besides safety and security of journalists and other media professionals, particular attention was paid to topics such as the media reform, co-financing of public interest in public information, irregularities at competitions, and REM status through analysis of the most striking cases of attacks and pressures which IJAS recorded in the course of 2017.

This publication contains data collated by 5 December 2017.

Safety and Security of Journalists and Other Media Professionals

When we compare 2017 with the previous year, it is obvious that the trend of increasing of the number of pressures and threats to journalists and other media professionals has continued, while the number of physical attacks against journalists has dropped. According to records kept by the Independent Journalists' Association of Serbia (IJAS), in the period of 01 January to 05 December 2017 there has been the total of 30 attacks, including six physical attacks, 21 verbal threats, two attacks against property, and one case of surveillance of journalists.

In the course of 2017, most attacks against media professionals were sent via the Internet and social networks. However, this certainly does not mean that journalists' safety is under less threat compared to the previous years, but that manners of threatening their safety are different – these are no longer only direct threats and physical attacks, but pressures exerted in various manners as well.

It can be said that in the previous year there have been certain formal developments in this area. In the end of December 2016, a Memorandum on measures to raise security levels related to journalist safety was signed between Serbian Ministry of the Interior, Republic Public Prosecutor's Office, and seven journalists' and media associations (Independent Journalists' Association of Serbia, Association of Journalists of Serbia, Independent Journalists' Association of Vojvodina, Association of Journalists of Vojvodina, Media Association, Association of Independent Electronic Media, and Association of Online Media). This Memorandum was provided for by the Action plan for Chapter 23 in the process of accession to the European Union, with establishment of a system of measures to ensure more efficient criminal and legal protection of journalists as the basic goal.

The Memorandum provided for establishment of the Standing working group, which was established upon signing of documents by representatives of all signatories. A mechanism for cooperation was also established by all signatories determining contact and coordination persons, who will facilitate communication of the signatories in case of attacks against journalists so as to report the case and exchange information, and obtain information on cases in accordance with law. The Memorandum also provides for establishment of two sub-groups – for analysis of criminal legislation and for the level of transparency on part of institutions, which will also comprise representa-

tives of each signatory. The sub-groups have been formally established, but have not started working yet.

However, even though the Memorandum has been signed, the Standing working group has been established, and contact and coordination persons have been appointed, no concrete, serious developments have taken place in the area of promotion of safety and security of journalists and other media workers. It may be said that cooperation, or rather communication is somewhat better, so that it is easier to get information on incidents, and the Prosecutor's office sends newsletters and makes separate records of attacks against journalists. Such records were provided for by the Instruction on keeping separate records in appellate, higher, and Basic Public Prosecutors' Offices (A No. 802/15) related to criminal offences perpetrated against persons who perform functions of public importance in the area of information. The same Instruction stipulates urgent actions of prosecutors' offices in relation to such cases. Still, such developments, which are of rather formal character, are not sufficient, which is primarily corroborated by the large number of unresolved cases of attacks against journalists. According to IJAS data, out of 30 recorded cases, as many as 23 are still in pre-investigative proceedings; in three cases it was established that there were no elements of a criminal offence to be prosecuted *ex officio*, that is, that there were no grounds for prosecution; while in four cases criminal charges were dismissed.

Journalists' and media associations are generally not satisfied with the manner in which the signed Memorandum is being implemented. Dragan Janjić, IJAS vice-president and representative in the Standing working group, believes that signing of the Memorandum was very important: "It is very good that we have a good framework for cooperation, but there are yet no concrete results which we would find satisfactory. The Memorandum may not resolve cases by itself; this should be done by competent bodies, but mechanisms for cooperation provided for by the Memorandum may trigger and accelerate investigations. Unfortunately, this does not happen in practice, or happens quite rarely. More recent cases of threats against journalists remain unresolved too, while we, media people, find some decisions passed by prosecutors totally incomprehensible and unacceptable. With such an approach, the Memorandum we are talking about and the Working group founded within the Memorandum may not

meet one of the basic functions, which is discouraging of attacks and pressures against journalists and freedom of public expression.”

On the other hand, Branko Stamenković, representative of the Republic Public Prosecutor’s Office believes that implementation of the Memorandum started well and that it is developing successfully. He says that there are difficulties which, as far as the prosecutors’ office is concerned, comprise the fact that prosecutors are educated to strictly abide by law. This means, explains Stamenković, that when a representative of journalist association requests information on certain cases based on the Memorandum, the first reaction of prosecutors is to ask if they have an authorization to seek such information.⁵

The case showing that dissatisfaction on part of journalists’ and media associations with the manner in which the Memorandum is implemented is justified is the one of the attack against journalists in the course of inauguration of president Aleksandar Vučić and passing of the decision by the First Basic Prosecutor’s Office in Belgrade to dismiss criminal charges of the journalists attacked. On this occasion, dissatisfied with the unacceptable justification of the decision, and requesting to clarify the reasons to dismiss the criminal charges Independent Journalists’ Association of Serbia, Independent Journalists’ Association of Vojvodina (IJAV) and Association of Independent Electronic Media (ANEM) requested an urgent meeting with the Zagorka Dolovac, Republic Public Prosecutor. The associations also stated that they would decide about their status in the Standing working group after the meeting. On the same occasion, Media Association and Association of On-line Media suspended their participation in the Standing working group until the meeting with the Republic Public Prosecutor.

Having in mind the inefficiency on part of state institutions in protection of journalists’ and media freedoms, the newly established informal Group for Media Freedom, which comprises journalists’ and media associations, CSOs, media, journalists, and citizens recognized the need to include in the requests filed to Serbian Prime Minister Ana Brnabić one which relates to safety of journalists. Namely, the Group requested that competent state bodies should use urgent procedure to solve all cases of attacks against journalists and cases of threats against their safety and initiate proceedings against perpetrators; to urgently compose and publish an analysis of actions launched by the police and prosecution in cases of murders of journalists and attacks against journalists so far.

Electronic surveillance measures taken against citizens, including journalists, which comprise physical surveillance, recording, and secret surveillance of communication, present a separate issue. According to law such measures may be taken only in certain cases and upon court approval. However, even though there is no material evidence that electronic surveillance is performed illegally, there are cases that question the process. One of such cases took place in 2017 and the protagonist was Predrag Blagojević, editor-in-chief of Internet portal Južne vesti. According to him, the whole case started when he observed some issues in communication with certain individuals, representatives of embassies (UK, USA, and Australian embassy). “Following these events, and after consultations with several institutions, the Commissioner for information of public importance and protection of personal data, several CSOs active in this field, I addressed the Higher Court in Niš requesting information on whether they had issued an order for me to be put under the measure of secret surveillance; I was told that they had not issued such an order. Law enforcement gave me an answer which may be interpreted in two manners. Ministry of interior refused to supply the information, saying that this data was marked ‘strictly classified’. Some interpret this as a confirmation that I am subjected to surveillance and that the minister marked the case as ‘strictly classified’, while others believe that, based on his reply, it is impossible to establish whether my communications were subject to police surveillance or not. What took place after this is the incident in March this year, when I noticed being recorded by a man holding a video camera in a parked car. When I took out my phone to take a photo of him and walked towards to ask him why he was doing that, he put the camera down and drove away. The case was reported to the police at once, the car was described and the photo was provided to them, but the competent institutions have still not identified the subject, not even traced the car based on the number plates, claiming that these number plates were not registered in the database. This leads to the conclusion that these were some official number plates, that is, that it was some security service.”⁶

In this report we shall mention attacks against Internet portals and websites of media outlets, which have been on the rise in recent years. From the beginning of the year till 5 December, the Share foundation database recorded five technical attacks, i.e. hackings of Internet portals and on-line media. However, according to the data from the same database, none of the cases has been resolved yet.

In addition to cases of attacks in 2017, it is necessary to mention that three murders of journalists (Radislava Dada Vujasinović in 1994, Slavko Ćuruvija in 1999, and

5 Independent Journalists’ Association of Serbia, “Indicators for the level of media freedom and journalists’ safety”, Belgrade, 2017. The research is available at the website www.safejournalists.rs from 19 January 2017.

6 Independent Journalists’ Association of Serbia, “Indicators for the level of media freedom and journalists’ safety”, Belgrade, 2017. The research is available at the website www.safejournalists.rs from 19 January 2017

Milan Pantić in 2001) have not been resolved yet. The Commission for Investigating Murders of Journalists made certain progress in the case of murder of journalist Milan Pantić in 2017. Its president, Veran Matić, said that the police investigation was completed, that evidence on motives and suspects was collected, and that the investigation showed that Pantić was murdered for his work as a journalist and investigative articles on corruption and crime in Jagodina and that part of Serbia. Nevertheless, the case is still in pre-investigative proceedings, and no charges have been filed yet. Also, numerous cases of aggravated attacks from previous years have not yet been resolved, such as the attempted murder of Dejan Anastasijević in 2007, and physical attacks against Davor Pašalić in 2014 and Ivan Ninić in 2015.

What is important and also provided by the said Memorandum is training which is also stipulated in the Action plan for Chapter 23. This is training for members of prosecution and law enforcement so as to ensure better understanding of specific issues and for the sake of more efficient actions of competent bodies in cases of threatening of safety of journalists. Beside this, the Memorandum also provides for training of journalists in relation to their rights to criminal and legal protection and obligations in terms of criminal proceedings, as well as training of journalists and media owners on IT safety of Internet portals. However, such trainings have not been conducted yet; it is envisaged that they will be implemented in the coming period and in cooperation with OSCE, which has the role of an observer in the Memorandum on cooperation.

Table of attacks against journalists recorded by 5 December 2017 (verbal, physical, and attacks against property)⁷

No.	Date of attack	Place of attack	Journalists/media outlet	Description of incident	Course of action/outcome
1.	5 Jan. 2017	Belgrade	Nihad Ibrahimkadić	Unidentified persons physically attacked the journalist and inflicted him injuries	The case before prosecution is underway, perpetrator is unidentified.
2.	27 Jan. 2017	Novi Sad	Igor Besermenji	Threats made via social network Facebook	The case before prosecution is underway, one person arrested on suspicion of having committed the criminal act of threatening safety.
3.	9 Mar. 2017		Gvozden Zdravić	Threats made publicly and anonymously; also, threats through a mobile phone with a concealed number.	There are no elements of a criminal prosecuted ex officio.
4.	18 Feb. 2017	Apatin	Vesna Milanović Simčić	Journalist was sitting in an Apatin café with her friends when she was approached from back by an unknown man who pulled her by the shoulder and threatened her.	The decision on dismissal of criminal charges was passed. No grounds for launching of criminal proceedings.
5.	21 Feb. 2017	Belgrade	Teofil Pančić	Threats made via social network Facebook	The case before prosecution is underway; request to collect all necessary intelligence was filed.
6.	21 Mar. 2017	Niš	Predrag Blagojević	An unidentified person made recordings of the journalist from a car in the town centre.	The case before prosecution is underway; request to collect all necessary intelligence was filed.
7.	5 Apr. 2017	Novi Sad	Dinko Gruhonjić	Threats made via social network Facebook	The case before prosecution is underway; request to collect all necessary intelligence was filed. Unidentified perpetrator.
8.	6 Apr. 2017	Novi Sad	Nedim Sejdinović and Dinko Gruhonjić	Recording posted on YouTube channel in which the journalists are criticized and their safety is threatened.	The case before prosecution is underway; request to collect all necessary intelligence was filed.
9.	8 Apr. 2017	Belgrade	Srpski telegraf	Threats made via social network Facebook	The case before prosecution is underway; collection of evidence is underway.

⁷ Source: www.bazenuns.rs

No.	Date of attack	Place of attack	Journalists/media outlet	Description of incident	Course of action/outcome
10.	9 Apr. 2017	Belgrade	Tatjana Vojtehovski	Threats written on a piece of paper posted on a tree	The case before prosecution is underway; perpetrator unidentified.
11.	14 Apr. 2017	Novi Sad	Nedim Sejdinović	Threats made via social network Facebook	The case before prosecution is underway; a suspect has been identified.
12.	18 Apr. 2017	Belgrade	Predrag Lučić and Vasilije Ristović	The journalists were physically attacked while they were doing their job by a group of unidentified individuals.	The case before prosecution is underway; collection of evidence is underway.
13.	29 Apr. 2017	Bujanovac	Dželjaj Behlulji	While sitting in a café, he was approached by the sons of the local politician who started to insult and threaten him.	There are no grounds for criminal prosecution as for criminal offences prosecuted ex officio.
14.	29 Apr. 2014	Zaječar	Vlado Madžoski	Threats and insults made via social network Facebook	There are no elements of a criminal prosecuted ex officio. The criminal charges were rejected.
15.	31 May 2017	Belgrade	Lidija Valtner	In the course of inauguration of the president of the Republic, the journalist was physically carried away from the place; an attempt to take here phone was made.	The decision was passed to dismiss criminal charges; the prosecution ordered the police to launch misdemeanour proceedings against the bullies.
16.	31 May 2017	Belgrade	Insider and VICE journalists	In the course of inauguration of the president of the Republic, the journalists were threatened.	Decision on dismissal of criminal charges
17.	1 Jun. 2017	Novi Sad	Dinko Gruhonjić and Nedim Sejdinović (management of Independent Journalists' Association of Vojvodina)	Streets of Novi Sad were covered with stickers showing them enemies of the state.	No grounds to launch criminal proceedings.
18.	13 Jun. 2017	Belgrade	Milan Lučić	A famous singer physically attacked the journalist and inflicted him bodily harm.	The case before prosecution is underway; request to collect all necessary intelligence was filed.
19.	22 Jun. 2017	Niš	Representatives of the Independent Journalists' Association of Vojvodina	At the screening of the film "Albanian women are our sisters" the journalists, activists, and hosts of the screening gathered in the conference room of the Media Centre were threatened and shouted at by a man who said they would be all beaten up if the film was shown. The incident lasted for 20 minutes	The case before prosecution is underway; request to collect all necessary intelligence was filed.
20.	24 Jun. 2017	Belgrade	Marija Vučić	Threats made via social network Facebook	The case before prosecution is underway; request to collect all necessary intelligence was filed.
21.	7 Jul. 2017	Belgrade	Dragana Pećo	The journalist's flat was burgled, but nothing was taken from it.	The case before prosecution is underway.
22.	20 Jul. 2017	Novi Sad	Igor Besermenji	Threats made via social network Facebook	The case before prosecution is underway; request to collect all necessary intelligence was filed.
23.	4 Sep. 2017	Subotica	Magločistač Portal	Threats made as a comment under an article published on the website.	The case before prosecution is underway; request to collect all necessary intelligence was filed.
24.	16 Sep. 2017	Belgrade	Gordana Uzelac and Mara Dragović	The journalists were attacked in the course of the protest rally of the right wing party "Dveri" in front of TV Pink building.	The case before prosecution is underway; collection of evidence is underway.

No.	Date of attack	Place of attack	Journalists/media outlet	Description of incident	Course of action/outcome
25.	12 Oct. 2017	Belgrade	Slaviša Lekić	Threats made by phone, on Lekić's father's landline.	The case before prosecution is underway; a suspect was arrested and interrogated.
26.	15 Oct. 2017	Belgrade	Marko Dragoslavić	The journalist was first verbally and then physically assaulted; the person swung a board with an intention to hit him, but caught a shoulder only.	The case before prosecution is underway.
27.	5 Nov. 2017	Belgrade	Ljiljana Stanišić	The journalist was pushed away and verbal threats were made.	The case before prosecution is underway.
28.	6 Nov. 2017	Belgrade	Vuk Cvijić	The journalist's car was broken into and his laptop was taken away together with documents relating to his investigative journalistic work.	The case before prosecution is underway.
29.	7 Nov. 2017	Belgrade	Tatjana Vojtehovski	Threats made through the social network Twitter	The case before prosecution is underway; one person was arrested for suspicion for having committed the criminal act of jeopardizing safety.
30.	4 Dec. 2017	Belgrade	Marija Antić	Threats made through social networks Twitter and Facebook	The case was reported to the police.

In this Report, we will describe the most serious cases of threatening of safety of media professionals in 2017.

The first case which needs to be mentioned took place in the course of [taking the oath of the new president of Republic of Serbia Aleksandar Vučić on 31 May 2017](#). On that day, six journalists were attacked and some reported that the police officers standing nearby did not do anything about it. The journalists were prevented from doing their job, while some of them were also restrained, such as the journalists of the Danas daily, Lidija Valtner, who was literally carried away "from the spot" by unidentified individuals. VICE and Insider journalists were threatened, while journalists of Radio Belgrade and Espresso portal were pushed away. IJAS published a reaction on the same day condemning the attack and harassment of journalists, and protested the inadequate behaviour on part of law enforcement. On 13 June the Danas daily published photos on which individuals mistreating the journalists could be clearly seen.⁸ On 20 July, Nebojša Stefanović, minister of the interior, said that all individuals who had attacked journalists and citizens on that day were identified.⁹ However, despite all this, the prosecution remained silent for five and a half months. The First Basic Prosecutor's office in Belgrade passed the decision to dismiss criminal charges filed by the journalists, and ordered the Ministry of the inte-

rrior to launch misdemeanour proceedings against the perpetrators. In relation to the decision passed by the prosecutor's office, IJAS reacted believing that the decision is shameful, and that it is but another proof that the judicial system in Serbia does not operate in accordance with law and justice, but only in the interest of authorities and ruling political parties. Together with IJAV and ANEM, IJAS requested an urgent meeting with the Republic Public Prosecutor Zagorka Dolovac; following the meeting, the association will decide on their further status within the Standing working group. The Council of Europe included the case of Lidija Valtner in its Platform for promotion of protection of journalism and safety of journalists.

The case of [physical attack](#) against journalist which also needs to be singled out is the attack against [Nihad Ibrahimkadić](#), cameraman of the Turkish Anadolu news agency, which took place on [5 January 2017](#) in the vicinity of Belgrade railway station. At dawn, unidentified attackers attacked Ibrahimkadić from behind and hurt him; they were not saying anything in the course of the attack, and they did not take away any valuable possessions. IJAS reacted publicly condemning the attack against the cameraman and appealed to the police to identify the attackers and motives of such attack urgently. IJAS monitors the case regularly; however, almost a year since the incident, the attackers have not been identified, while the case is still before the prosecution.

In the last year, there have been a large number of recorded threats against the [Independent Journalists' Association of Vojvodina](#) management, primarily against

⁸ Source: http://www.danas.rs/politika.56.html?news_id=348289

⁹ Source: http://www.danas.rs/drustvo.55.html?news_id=351606&title=Stefanovi%C4%87%3A+identifikovani+napada%C4%8Di+na+novinare

Nedim Sejdinović, its president, and Dinko Gruhonjić, its programme director, but also against the association itself. As many as five attacks – verbal threats – have been recorded, mostly through the Internet and the Facebook social network. Beside this, threats were also recorded at the promotion of the film “Albanian women are our sisters” in Niš, when several dozen of extreme right-wing supporters gathered in front of the Media Centre to shout and threaten the gathered journalists, activists, and hosts of the screening. A man, who presented himself as a “četnik duke”,¹⁰ kept yelling and threatening in the conference room of the Media Centre for about 20 minutes, saying they everyone will be beaten up should the film be screened. There is also a separate case of stickers appearing on the streets of Novi Sad presenting, among others, photos of Nedim Sejdinović and Dinko Gruhonjić as state enemies. IJAS publicly condemned most of these events, while none of the cases mentioned has been resolved yet; they are all in proceedings before prosecution.

Beside the case of IJAV, there are other journalists who were threatened on several occasions in the course of 2017. Journalist **Tatjana Vojtehovski** was seriously threatened twice and both cases were reported to prosecution by IJAS. Journalist of Internet portal *Autonomija.info* **Igor Besermenji** was also threatened twice on Facebook this year. Certain steps ahead were made in two out of the four investigations; thus, on 20 November 2017, the police reported they had arrested one person on suspicion of having committed both the criminal offence of jeopardizing of safety of Tatjana Vojtehovski that took place on 7 November 2017, and of Igor Besermenji on 27 January 2017.

Attacks against property are listed separately in the report. In the course of 2017 there were two of such cases. The first one took place on **7 July** when the flat of KRIK journalist **Dragana Pećo**, who was out of Belgrade at the time, was burgled. As nothing was taken away from the flat, it may be assumed that the aim of the burglary was to intimidate the journalist. IJAS reported the case to the police, and, together with other associations, reacted requesting that all circumstances of the case should be publicly communicated.

This case is also before the prosecution. Another attack against property took place on **6 November** when the car of **Vuk Cvijić**, the Blic daily journalist, was broken into and his laptop and three folders with documents relating to investigative journalism were stolen. This happened while Cvijić was at a meeting in a restaurant close to his flat, in front of which the car was parked. Nothing else was stolen from the car, as it's often the case with such burglaries – no tools, the first-aid kit, cables, etc. Cvijić reported the theft to the police at once, while IJAS informed the prosecution about the case. IJAS also launched a public reaction requesting that the police investigate the case urgently.

A case of serious threats of death against **Slaviša Lekić**, journalist and IJAS president, was recorded on **12 October**, when Lekić's father received a phone call on his land line. An unidentified person asked him: “Do you know everything your son Slaviša does and writes about?” followed by a torrent of insults, and also threats that the person would “kill Slaviša” and his father. The voice repeated that they would be “obliterated from Earth” several times. Following this, on 16 October, another phone call was received, but it ended as soon as Lekić's father picked up the receiver. IJAS reported the case to the prosecution and the police reacted swiftly arresting and interrogating the suspect in only 14 days. The case was passed to the prosecution.

A case of serious threats was also recorded against **Marija Vučić**, journalist of *Cenzolovka* portal, in the night between 23 and 24 June, when she received death threats on Facebook: “You whore, you will be slain soon”. The message was sent only several hours after her article “Threats of Niš extremists: Vučić's security will be here soon, they have their way with journalists” was published. The article relates to the incident which took place when extreme right-wing supporters in Niš prevented screening of the documentary “Albanian women are our sisters”. IJAS publicly condemned the threat and stated that it expected the Prosecutors Office for High-Tech Crime to investigate the case after urgent procedure and establish the identity of the author of the message. This case has also not been resolved yet, and is in proceedings before prosecution.

¹⁰ Četnik being a member of nationalist right wing movement dating from the Second World War

Political, Economic, and Other Pressure against Journalists and Other Media Professional

The 2017 trend was marked by an increase in the number of pressures against journalists and other media professionals. In the period from 1 January to 5 December 2017, the number of pressures recorded in the database kept by IJAS amounted to 54, while throughout 2016 that number was 33. The pressures include: harassment of journalists, different forms of pressures exerted by state officials, politicians and other persons in positions of power, cases of restricting attendance or selective invitation of journalists to various public events, as well as pressures of pro-governmental media against journalists and media outlets which are likely to be critical of authorities.

At the same time, compared to 2016, 2017 was marked by decrease in the number of physical and verbal attacks.

When it comes to pressures, in a large number of cases these are pressures exerted by public officials, i.e. representatives of authorities, starting from top state officials, to representatives of local authorities. Pressures, which gained prevalence over physical and verbal attacks, are not always direct, but often concealed or latent. It needs to be emphasized that, regardless of their form, pressures affect journalists and their work and put a question mark over their safety; in a broader context, they represent violation of media freedoms. Same as in the previous year, as a direct consequence of pressures against journalists and media, self-censorship remains a significant issue for journalism.

The most frequent targets of pressures are media outlets and journalists critical of the work of the government, ministers, and other state officials and local self-government units. Such pressures are continuous and most are increasingly targeting journalists of TV N1, the Danas daily and non-profit media CINS and KRIK, active in the investigative journalism. Local journalists are also exposed to various forms of political and economic pressures, which threaten survival of their media outlets. Such was the case of the Vranjske weekly that was closed after 23 years of existence.

Media freedoms in Serbia are faced with an increasing number of challenges due to the poor economic position of journalists and economic pressures against media. Journalists and other media professionals work in dif-

ficult conditions, with very low and irregularly paid salaries, frequently without labour contract; this especially relates to journalists and media workers in local media outlets.¹¹ Another proof of poor working conditions is the act of Jovica Vasić, long-year journalist of the Narodne novine and publicist, who had declared a hunger strike. He opted for this step both because of the difficult working conditions he had been exposed to for years, and competent state institutions' failures to react.¹²

Following the trends of previous years, pressures against non-profit media continued to grow. Pressures against editors and journalists in such media outlets are exerted through public, non-argued and insulting criticizing by the top state officials, but also media outlets openly close to government. KRIK, CINS, BIRN, and other non-profit media outlets are attacked primarily because of their manner of financing; they are accused of being foreign mercenaries, traitors, and enemies of the state; they are characterized as "junkies" and persons who are "delighted with pain".

In this Report, we shall single out the most striking pressures which took place in 2017. As already mentioned, the majority of cases recorded in the IJAS database are the pressures exerted by representatives of authorities on national and local level. Cases of direct unjust criticism on part of top state officials were recorded, including those by the president of the Republic; journalists are thus divided into suitable and unsuitable, and labelled as supporters of some other side.

Such case took place in Niš on **24 February 2017**, when **Vesna Radojević, journalist of Istinomer portal**, asked the then Prime Minister Aleksandar Vučić the question why the promise made to employees of devastated giant factories from Niš that their remaining salaries would be paid was never fulfilled. Vučić reacted nervously, characterized the question as provocation of journalists – for-

¹¹ Independent Journalists' Association of Serbia, "Indicators for the level of media freedom and journalists' safety", Belgrade, 2017. The research is available at the website www.safejournalists.rs from 19 January 2017

¹² Source: <http://www.radiocity.rs/vesti/drustvo/6160/pobuna-jovice-vasica-je-pobuna-svakog-ponizenog-coveka-dovedenog-do-ivice.html>

eign mercenaries who stand for interests of “those that you support”. When asked by the Istinomer journalist why he keeps labelling and humiliating journalists, the Prime Minister replied: “It is you who keeps humiliating me by disrupting me, wanting to build up a case. You came from Belgrade to build a case”. IJAS publicly condemned the Prime Minister’s behaviour and informed the European Federation of Journalists about the case.

A similar incident took place on **7 March 2017**, when the Mayor of Belgrade Siniša Mali pushed away **Milka Domanović, Istinomer journalist**, when she insisted he answered the question how long he intended to hide from journalists and evade questions about demolition of buildings in Hercegovačka street (the Savamala case), to which the Mayor did not reply. The journalist was first pushed away by a security guard, and then by the Mayor himself, saying “you are seeking for an incident without a reason”.

A case which took place on **11 April 2017** constitutes a very serious form of labelling and pressures against journalists. Head of the Parliamentary group of the Serbian Progressive Party Aleksandar Martinović, publicly showed photos of numerous citizens who took part in street rallies “against the dictatorship”, first in the Parliament, and then in the “Upitnik” programme on RTS; this includes journalists **Nedim Sejdinović, Antonela Riha, Dragoljub Petrović, Zoran Kesić, and Dinko Gruhonjić, as well as Luka Višnjić, son of Olja Bečković**, journalist, criticizing them for taking part in protest rallies. Together with the other associations, IJAS publicly condemned such pressure against journalists, and requested members of the National Parliament, especially representatives of the ruling SNS party, to publicly condemn this act.

Cases of more extreme political pressures also include the one which took place on **18 September 2017**, following the investigative report by KRIK detailing how current minister of defence, Aleksandar Vulin cannot prove the origin of more than 200,000 EUR used to purchase his flat. His party, the Socialists Movement, a member of the ruling coalition, published a series of public announcements calling **Stevan Dojčinović**, KRIK editor, a “junkie”, “foreign mercenary”, and a person that “delights in pain”. The releases were published at the party’s website, but also on the personal website of the minister of defence. Instead of being condemned for this act by top state officials, minister Vulin received support and understanding, including that of Prime Minister Ana Brnabić, who among other things, said that she understands the “emotional reaction of Socialists Movement following the KRIK story”. Together with other journalists’ and media associations, IJAS reacted publicly and condemned the act of Socialists Movement. Following this, IJAS and IJAV expressed their deepest concern for the manner in which representatives of public authorities, including Prime Minister Ana Brnabić, treat severe partisan attacks against KRIK. In relation to the same case, attacks against journalists in Serbia were also condemned by the

International and European Federations of Journalists, Reporters Without Borders, Freedom House, SEEMO, as well as the European Union, which stated that attacks against integrity of journalists, with the aim to discredit their journalistic work, is a rough violation of media freedoms, and that the European Union will be watchful over the attitude of authorities towards journalists in Serbia.

The next group of pressures, which was also on the rise in 2017, relates to banning journalists from reporting from certain events, as well as the practice of discrimination whereas some journalists and media are not invited to public events. In this manner, journalists and media outlets are discriminated against and that is a violation of principles of freedom of reporting from public events which the public has the right to be informed about. IJAS recorded a number of such cases.

On **23 April 2017** in Zaječar, in the electoral headquarters of the Serbian Progressive Party (SNS), the team of reporters from **TV N1** was not allowed to record, while an unidentified individual pushed journalist Gordana Bjeletić out from the party premises. The journalists had asked a question in relation to the procedure of election monitoring and communication of results; instead of being provided a reply, she was told, “Get out!” On that day, SNS members acted in the same manner towards journalists from B92 and Istinomer, who were prohibited to make any recordings, without any explanation whatsoever. When asked why journalists may not enter the SNS electoral headquarters, Milan Đokić, party member and a mayor of Knjaževac, replied that no journalists are allowed to enter. On the occasion of this case, IJAS launched a public reaction and protested because of the behaviour of representatives of the SNS electoral headquarters, assessing that this is behaviour inclined towards censorship which presents a direct attack against freedom of information which is guaranteed by international conventions, the Constitution, and legislation of the Republic of Serbia

Similar case took place on **17 October 2017**, when journalists **Vesna Radojević and Dušan Telesković** were not allowed to attend the celebration ceremony of the Security and Information Agency (BIA). Previously, KRIK journalists Milica Vojinović and Vesna Radojević got regular accreditations for the event. Vojinović entered the event, while Vesna Radojević was told at the entrance that she may not attend, because the “security-related conditions” were not met. On the same day journalist Dušan Telesković published that he was not allowed to attend the formal reception at BIA premises. IJAS launched a public reaction most strongly protesting for inexplicable discrimination against colleagues. Interestingly, in the course of the reception, information was received from the cabinet of the president of the Republic Aleksandar Vučić that he would not attend the ceremony “because the right to report and freedom of information cannot be denied to anyone” and he demanded “from the state authorities of Serbia to respect

and guarantee freedoms and rights of all citizens, regardless of their political orientation”.

In recent months, there have been several cases when representatives of authorities on various levels refused to reply to questions asked by certain media outlets. Such behaviour of representatives of authorities also presents violation of freedom of information, because persons on public functions are obliged to treat journalists responsibly and without any discrimination. Direct and indirect discrimination against media editors, journalists, and other persons in the area of public information is prohibited by law, especially in terms of their political affiliation, beliefs, or other personal traits.

A particularly significant case of discrimination against media is the failure of minister Vulin to reply to the question asked by [the TV N1 and other journalists on 29 September 2017](#) in relation to the origin of money (more than 200,000 EUR) he used to pay his flat with.

Such cases are also recorded on local level. Thus, on [5 October 2017](#), Bratimir Vasiljević (from the ruling SNS party), mayor of the municipality of Pantelej, refused to reply to questions from [journalists of Južne vesti portal](#). In a phone conversation with a journalist from the media outlet from Niš, the mayor insulted the newsroom without any arguments. The journalists tried to interview the mayor in relation to the recent Fair of entrepreneurship organized in Čair sports hall. However, rather than replying, Vasiljević said that he did not want to talk to journalists from Južne vesti and that they would get his answers if they send him the questions via e-mail.

In 2017, there were also pressures exerted by media outlets close to authorities. Such pressures were most frequently aimed against media outlets and journalists from non-profit media outlets such as CINS, KRIK, BIRN, Istinomer, etc. critical of the Government work. The most emphasized pressures were those exerted by the Informer daily against TV N1, as well as pressures on presidents of journalists' associations.

IJAS launched a public reaction against the article published on Antidot portal on [26 September 2017](#); the article was full of insulting phrases, untrue and distorted data and facts, and targeted [CINS, BIRN, KRIK, ANEM, and other media outlets](#), but also Rodoljub Šabić, Commissioner for Information of Public Importance and Personal Data Protection, Saša Janković, former Ombudsman and a presidential candidate, and Dunja Mijatović, former OSCE Representative on Freedom of the Media. From the Antidot portal, connected to the controversial businessman Stanko Subotić, the article about independent media outlets in Serbia was soon published by all pro-regime media. In joint action with IJAV, IJAS warned citizens and the international community that a new campaign against independent media is being conducted by authorities, pa-

ra-state structures and pro-regime media. The aim is their additional intimidation and defamation and an indisputable call for lynching of editors and journalists who are listed on various state “black lists”.

IJAS also publicly reacted and condemned Informer which on [19 September 2017](#) published an article in which work of Public Broadcasting Service (RTS) was criticized and journalists [Antonela Riha, Nataša Mijušković, and Jelena Obućina](#) were offensively marked as the “yellow hypocrites from RTS”.¹³

Regarding pressures exerted on public media services in 2017 we shall mention the event from [18 April 2017](#) when minister Aleksandar Vulin announced that he would request replacement of the [RTS](#) management, because, as he said, they care about what “someone will shout on the street” rather than interests of the state. Vulin then assessed that reporting of the public service about the street protests changed from the moment the protestors started requesting replacement of the RTS management. “Since that moment, RTS reporting has changed; since that moment, RTS has started to provide time, in this holiday season, there were between 100 and 200 people on the street, and there are TV reports lasting several minutes”, said Vulin for TV Pink, commenting that the public service is thus “apologizing” and “asking protestors for mercy”. Then Prime Minister Aleksandar Vučić was asked what he thought about the minister Aleksandar Vulin intention to request replacement of the RTS management, he said that he had only laughed about it. He said: “When Vulin is requesting so, then it is a dictator-like request, but when others request so, then it is a democratic request. Then you can just have a laugh and say ‘aren’t you blessed, folks’. You know, there are institutions which pass decisions about such matters. Have I always been happy about what RTS does? No, I haven’t, but it might be good for democracy”.

As it has been already pointed out in this Report, media outlets are exposed to various, both political and economic pressures, which put them in a difficult position that threatens their survival.

One of the most dramatic examples of the kind is the closure of [Vranjske weekly](#). Shortly before the closure, on [18 September 2017](#), Vukašin Obradović, its founder, manager, and editor-in-chief, went on a hunger strike and decided close the paper which was regularly printed for 23 years due to unbearable political and financial pressures. He said that the hunger strike was “an act of a desperate man who cannot perceive another manner to end his career in journalism, keeping at least minimum self-respect and dignity at the same time”. Since its establishment in 1994, Vranjske has been reporting about abuses of pub-

13 “Yellow” being associated with Democratic Party

lic offices, corruption, and organized crime. Throughout its existence, Vranjske has been continuously exposed to political and economic pressures. Obradović himself, as well as his family and colleagues, experienced a number of investigated cases of harassment, threats, damaging of cars, and burglaries of newsroom offices, as well as various extraordinary administrative inspections and controls which presented an additional burden to the newsroom. Following this, on 21 September Obradović filed an open letter to the tax administration, with a number of questions in relation to the reasons of such controls in Vranjske, in which he pointed to the fact that since its establishment, the newspaper has been operating transparently and in accordance with law. IJAS published a release in which it emphasized that the closing down of Vranjske weekly is a direct consequence of long-term political pressures against media freedoms and also frightening news for media professionals. Regional Platform for Advocating Media Freedom and Journalists' Safety also launched a public reaction. In relation to this case, IJAS addressed the International (IFJ) and European Federation of Journalists (EFJ) which also publicly acted in defence of Vranjske and other independent media. The Council of Europe included the case of Vranjske weekly closure in the Platform for promotion of protection of journalism and journalists' safety. On the same occasion, other international organizations such as SEEMO, Reporters Without Borders and Freedom House reacted, addressing strong criticism to authorities in Serbia. In October, the newsroom of the Vranjske received the Tax administration report which states that the weekly did not violate any laws or evade tax payment, and that there are no legal grounds for filing any criminal charges against this media outlet.

Another example of [administrative pressures](#) relates to [TV Forum from Prijepolje](#), one of the very few media outlets in Serbia established by a civil society organisation – Forum of women from Prijepolje. According to Mileva Mališić, the manager of TV Forum, pressures against this media outlet, due to its objective and timely information in public interest, are always present, but have escalated in the last year after local elections and victory of the coalition led by the Serbian Progressive Party and mayor Dragoljub Zindović. Pressures were exerted in various manners, starting in January, when TV Forum received a request to urgently move out the municipal Cultural Centre premises. Not waiting for the outcome of the launched litigation, the newsroom was evicted in September this year. The fact that direct broadcasts of sessions of the local assembly, paid from the municipal budget, were ceded to a commercial TV station from a neighbouring municipality is yet another pressure. The manager of TV Forum also reported to IJAS that official releases and other information from the municipality are sent to all but this media outlet, while local public enterprises are prohibited to advertise in programmes of TV Forum. Also, TV Forum was deleted from the list of media invited to events organized by administrative bodies, municipal administration, and the may-

or. At this year's municipal call for proposals for co-financing of media content of public interest, the allocated funds of 5,000,000 dinars were distributed to TV stations from other municipalities, while the TV Forum project was allocated with 100,000 dinars, which the media outlet refused to accept, as they did not want to legitimize illegitimate activities in public competitions.

One of specific political pressures against media in the last year took place on [8 November 2017](#) at the opening of the healthcare station in the village of Prnjavor in the vicinity of Belgrade. [The team of reporters from TV N1](#) were closely followed and recorded by mobile phone by an employee of the municipality of Voždovac, while the journalist and the cameraman were conducting a citizen survey. When asked who she was and why she made recordings of them, she replied that she was an employee of the municipality of Voždovac and that she made the recordings because she wanted to hear what citizens had to say. IJAS launched a public reaction and sharply protested because of the disturbance of the team of journalists in their work. It requested from Information service of Voždovac municipality and its president, who witnessed this event, but also from the ruling SNS party, also an important factor in this Belgrade municipality, to provide public explanation for this unusual event. TV N1 requested an official explanation from the municipality of Voždovac. Following this, Marina Ralević, head of the information department of the Information service and protocol of the City municipality of Voždovac, who made recordings of the team, said that she did not see anything disputable in this matter, because laws of the Republic of Serbia do not prohibit making recordings at public gatherings. She also said that in the course of the event she noticed people who were unpleasant to citizens, but that she did not know who they were, or that they were journalists. On the footage published by TV N1 it is possible to see that the TV N1 team members were not unpleasant to citizens, but that they talked to them in the most regular manner.

All mentioned cases on attacks against journalists, as well as the other cases recorded with the IJAS database, contribute to the fact that the newly-founded informal Group for Media Freedom includes requests related to pressures against journalists on the list of its demands. The Group requested of the Government and Prime Minister Ana Brnabić that representatives of authorities, especially high state officials, stop with public criticizing and attempts to discredit journalists and media. It also requested that the Government, ministries and ministers, as well as representatives of other state institutions, reply to questions asked by journalists, respond to media requests for statements and interviews, and treat all media which observe the Journalists' Code of Ethics in an equal manner, without selection and discrimination.

Pressures against Journalists through Court Procedures

In Serbia libel is decriminalized, but there are numerous charges filed against journalists in relation to publicizing of information in media. This trend, which has been present for years, has continued in 2017. From the beginning of the year to 31 August, the number of claims filed amounted to 352, while in the whole 2016 that number was 507, and in 2015 it was 406. On 31 August 2017 the number of unresolved cases amounted to 784.

Even though according to practices of the European Court of Human Rights state officials are obliged to bear a higher level of criticism, it appears that domestic courts fail to take this into consideration in certain cases. An illustrative example is that of Nebojša Stefanović, minister of the interior, who acted against NIN weekly because of the article “Chief phantom of Savamala”.¹⁴ This case may be characterized as a form of pressure against media, especially having in mind the social role and importance of media and practice of the European Court of Human Rights. The court case against NIN was resolved in the first instance to the benefit of the minister after but one hearing, scheduled four months after the filing of the claim. On this occasion, the Higher Court in Belgrade pronounced a verdict against NIN which was to pay 300,000 dinars as non-pecuniary damages. However, the Belgrade Court of Appeals modified the first-instance verdict and rejected the minister’s claim, believing that the Higher Court misinterpreted the Law on Public Information and Media when establishing that NIN had not observed the principle of due journalistic attention, i.e. checking of veracity and completeness of data in relation to the claim that Stefanović is the “chief phantom of Savamala”.

Court practice in Serbia is rather uneven. Beside this, there is also an issue of awarded damages which are too high for media, and also not in line with European Court of Human Rights practice. In some cases, high fines threaten the very survival of media outlets, especially those on local level, which are faced with economic hardships in any case.

We would also like to point to the case of Autonomija portal, in which the Higher Court first rejected the claim

of Danijel Kulačin made due to an article published at the website; however, in May this year, Belgrade Court of Appeals modified the first-instance verdict and fined the media outlet with 300,000 dinars as compensation of damages resulting from violation of Kulačin’s honour and dignity (in total, together with the court fees, this amounted to somewhat less than 400,000 dinars).¹⁵

Issues in court proceedings also arise from uneven court practice in criminal proceedings, especially resulting from different interpretation of threats.

One of such examples is the decision of the Higher Public Prosecutor’s Office to dismiss criminal charges against editor of the Informer daily, Dragan Vučićević, editor-in-chief of TV Pink, Željko Mitrović, and some other media, filed by journalists Vukašin Obradović, Ilir Gaši, Antonela Riha, and Tamara Skrozza, as well as actors Sergej and Branislav Trifunović. The charges were filed because the mentioned persons were, without any evidence whatsoever, accused of participating in a conspiracy for violent toppling of constitutional order, and linked to “foreign agencies” and the attempt to create chaos in the country. The prosecution stated that there is no reasonable doubt that the subjects had performed the said criminal offences, or any other criminal offences prosecuted ex officio, but that this could possibly be qualified as the criminal offence of insult. The mentioned journalists and actors filed an objection to the Appellate Public Prosecutor’s Office, but the objection was rejected. The claimants then appealed to the Constitutional Court for violation of right to just trial and violation of right to freedom of expression. The constitutional appeal is the last legal remedy; should it fail, the group of journalists and actors may address the Strasbourg-based European Court of Human Rights.

The Group for Media Freedom filed a request to the Ministry of Justice to establish an independent commission for collation of records and analysis of court proceedings against media publishers, editors, and journalists, in line with the practices of the European Court of Human Rights.

In the course of the last year, IJAS monitored certain court processes in relation to claims against journalists for pub-

¹⁴ The article investigated the role of Nebojša Stefanović in illegal demolition of Savamala

¹⁵ Source: <http://www.autonomija.info/novinarska-i-medijiska-udruzenja-politicka-presuda-apelacionog-suda-protiv-IJAV-a.html>

lishing of information on media and published reports from trials. The most interesting cases are as follows:

Nebojša Stefanović vs. Vesna Pešić and Peščanik – In addition to suing NIN weekly, Nebojša Stefanović, minister of the interior, filed a claim against Peščanik portal and its editors, Svetlana Lukić and Svetlana Vuković, and Vesna Pešić, an associate of the portal. The claim was filed against Vesna Pešić's column published on 14 May 2016, entitled "Adding salt" about the demolition of Hercegovačka street in Belgrade (the Savamala case), more precisely for the part which reads that "only the stupidity of the minister of interior Nebojša Stefanović is matchless and unforeseeable", and that "we have not established so far why it was he who was given the role of the complete idiot".¹⁶

Stefanović filed the claim for violation of honour and reputation, and requested compensation at the amount of 200,000 dinars. The hearing for the case before the first-instance court has been postponed several times.

Marijan Rističević vs. B92 – this case was mentioned in 2016 Chronicle in the context of encouraging court practices. Rističević filed a claim for violation of honour and reputation inflicted to him by a TV report broadcasted on TV B92 in newscast. The report was based on the information that the "Rističević Company", owned by the claimant's wife, offered to sell a certain quantity of corn to Directorate for Commodity Reserves and supplied certificate by the Company for Technical Testing and Analysis SGS Beograd Ltd. Belgrade. The same report contained the statement of Marinko Ukropina, director of the Company for Technical Testing and Analysis, that they had never cooperated with "Rističević Company" and that the reports and certificates on amounts and qualities submitted to the Directorate are forgeries. It was also stated that criminal charges were filed against the claimant's wife, company owner, on suspicion that she had perpetrated the criminal offence of fraud in combination with the criminal offence of forging of documents. The author of the report then published the claimant's statement, having also checked the veracity of information with the Directorate for Commodity Reserves. The journalist was told that the Directorate had requested the checking of the certificate, and that it would not publicize any statements before the actual truth is known, and that "Rističević Company" was paid the money for the promised corn, as it was stated in the report.

In this case, the Higher Court in Belgrade rejected Rističević's claim as unfounded. The Higher Court took the position that the disputed media content comprises facts stated by the author of the report, other natural and legal entities, but also the claimant himself. Assessing primarily whether the author of the report acted in line with due journalistic diligence, the court determined that all statements were publicized veraciously, that is, verbatim. The court also regarded the report broadcast within the newscast of TV B92 in the context of the fact that the claimant is a public personality, which was treated as general knowledge.

However, the Belgrade Court of Appeals annulled the first-instance verdict and pointed to the Higher Court that in the repeated proceeding it should especially bear in mind that the disputable report begins with a photo of the claimant, that the claimant is known by coming to Parliamentary sessions on a tractor, and that at the moment his family company faces with serious accusations, and that the TV report aimed at operations of the company of the claimant's wife, not the company which is in the ownership of his family.

In 2017 some hearings were held while some were postponed, and the repeated proceeding before the first-instance court which is still on-going.

¹⁶ Referring to, then Prime Minister, Vucic statement that those who demolished Savamala are "complete idiots"

Violation of the Journalists' Code of Ethics

The ethical plummeting of media

The trend of ethical plummeting in media continues in 2017, as shown by the Press Council report. It states that from 1 January to 31 August Press Council received 65 complaints against media contents. It is true that the number of complaints is by 23 less than in the same period in 2016, but the Press Council also points the fact that the monitoring of the code of journalism compliance concluded that the number of infringements is still growing.¹⁷

Out of the total number of complaints filed, the Press Council Complaints Commission deliberated 43. As many as 16 complaints were rejected for formal shortcomings, four were resolved through mediation prior to deliberation at a Commission session, while two complaints were still in procedures. As many as 31 complaints were filed by civil society organisations – the first time since the beginning of work of the Press Council that the number of complaints filed by organizations surpasses the number of complaints filed by citizens, who in the first 8 months complained to this independent self-regulatory body for 26 times. As many as four complaints were filed by media outlets against other media outlets, while members of the Complaints Commission, institutions, and companies filed two complaints each.

The Complaints Commission decided that the Code had not been violated on only three occasions, while in six cases it did not manage to reach the final decision due to lack of necessary 8 votes. Breaches of the Code were found in 35 cases, out of which, 15 decisions were passed about media outlets that recognize the Press Council authority, while 20 public reprimands were pronounced to media outlets which have not accepted self-regulation yet.

Out of the mentioned 15 decisions, media that violated the Code published only four, even though by accepting competence of the Council they also accepted the obligation to publish decisions passed by it. Media outlets which are not in the self-regulation system do not have the obligation to publish public reprimands.

The largest number of decisions that the publishing of media content violated the Code was passed against the Politika

daily – five. However, Politika failed to publish them. In the same period, the Code was broken by the Alo and Blic three times, and once by the Kurir, Večernje novosti, Telegraf.rs, and Pančevac. The most public reprimands were addressed to Informer daily – 6, followed by the Srpski telegraf – 4, the Tabloid – two, while one was sent respectively to Kraljevo online, Žig info, Glas Zapadne Srbije, the Dnevni žurnal, ePodunavlje, Ekspres, Afera, PP Media, Gradski portal 018, and Peščanik.

Provisions violated most frequently are those from the chapter Veracity of reporting (16 times), Journalistic attention (15 infringements), while there were 13 violations of provisions related to prohibition of discrimination, which is, as assessed in the report, a result of a larger engagement on part of CSOs in filing of complaints. In nine cases it was established that the title did not match the content of the article; the right to privacy was violated six times, while the right to reply was violated four times.

There is an interesting example of Pero Simić, the advisor of the president of the Republic of Srpska, who filed a complaint against the Danas daily. Simić addressed the Press Council because Danas failed to publish his response to the column of a journalist from the paper. It started with Danas publishing an article about Simić, followed by Simić's reaction. The journalist responded by publishing another article, continuing the discussion. However, Danas refused to publish Simić new reply, finding it offensive for the journalist, and requested of him to adapt the response so it can be published. Instead of Simić, the reply was sent by the president of Republika Srpska, and published by the paper; however, advisor Simić complained to the Complaints Commission because Danas hadn't published his response. The Commission did not manage to harmonize the decision, as it could not resolve the dilemma whether the right to reply should be observed if the reply is offensive, i.e. if it should be published.

Particular attention of the profession and public was drawn to the case of "phantom commentators" in the Politika daily. This is about two allegedly author's articles of non-existing individuals, with phantom titles, stating discriminatory attitudes to women. It turned out that the authors of the articles did not exist; one of the articles also included a photo of a German actor. In addition to actor, a complaint was filed by an organization dealing with protection of women's rights. The Commission decided the Code was violated in both cases.

There is an interesting case of complaint against the Blic daily, which published a story about a German national who suffered a heart attack on an Air Serbia flight. The article praised

¹⁷ Press Council, "Rezultati rada Komisije za žalbe Saveta za štampu od 1. januara do 31. avgusta 2017. godine", septembar 2017. <http://www.savetzastampu.rs/latinica/izvestaji/11/2017/09/25/1554/rezultati-rada-komisije-za-zalbe-saveta-za-stampu-od-1-januara-do-31-avgusta-2017-godine.html>

the company and the doctor who assisted the passenger; however, the Blic also published the name of the passenger, and a photo which was downloaded from his Facebook account without approval. This was all done despite the request of the passenger not to be mentioned in papers. The Commission decided that the Blic violated his right to privacy.

One of the conclusions of the Press Council report is that media outlets are increasingly less likely to respond to complaints and also increasingly less likely to publish decisions of the Complaints Commission.

Media smear campaigns against journalists

Wars among journalists and persecution of individual journalists in certain media are certainly not new to Serbian public scene. On contrary – for decades, serious political conflicts have been accompanied with likewise serious harangues, targeting, and ad hoc accusations against this or that journalist who was not to someone's liking.

Nowadays, however, the matter is so pervasive that it is difficult to even list all attacks, accusations, and campaigns, insane constructs which persons nominally defined as journalists addressed to their colleagues. Certainly, this surpasses the level of usual clashes within a profession: these conflicts are far more serious than conflicts in any other profession as they put targeted journalists in physical danger and expose them to risk of continual defamation and discrediting, which affects not only them personally, but their family members as well.

Assassins and conspirators

As of recently, journalists are most frequently attacked as traitors and mercenaries in the Informer, Srpski telegraf, and on TV Pink – the champions of pro-regime media engagement. This list comprises primarily editors and journalists of CINS, BIRN, and KRIK, but also journalists from N1, Vreme weekly, and other media which won funds at legal and transparent competitions of international organizations and institutions.

The favourite personality of tabloid media is certainly Vukašin Obradović, who was targeted as a conspirator, person of suspicious ethical qualities, or person “who is not opposed to assassination of Aleksandar Vučić” several times. Following Obradović's hunger strike and announced closure of Vranjske weekly, tabloids competed in stories of millions and trillions dinars he had “received from the state”, all in an attempt to explain that he had no reason at all to go on a hunger strike. This case, however, is the best illustration that attacks against journalists in tabloids are not driven by journalists, but by those who regularly feed them with half-information and various constructs. The story about the paid mil-

lions (from which key data were conveniently omitted) was first launched by Prime Minister Ana Brnabić, her theses being additionally developed by agile tabloid reporters. This case also shows how serious media attacks are and how much they affect not only the person they directly relate to, but his or her nearest and dearest as well. At a hearing with Obradović's claim against the Informer on 30 November this year, he testified that, as the tabloid had published that he worked “to the benefit of Albanians”, a number of people in his environment were “under the delusion” that he really worked in the interest of Albanians, that is, “against Serbia”.

Although worrying, such statements do not seem to be of much concern to Serbian judiciary. Unlike lawsuits for violation of honour and reputation, lawsuits based on situations of physical or any other danger in which the targeted individual is put are rejected as a rule, or this dimension is not taken into consideration at all. When Obradović and a group of activists, actors, and journalists labelled as persons involved into conspiracy to murder Aleksandar Vučić filed criminal charges against the editor of the Informer and several other media outlets, the prosecution dismissed the charges with the justification that “there was no reasonable suspicion that the charged persons had perpetrated the said criminal offences”. Even though the alleged “conspirators” testified in person and explained what problems they encountered for having been put a media target on the forehead, this was simply not enough for the prosecution. “Printing our photos and names under the headline ‘KILLING OF VUČIĆ BEGINS!’ and ‘CONSPIRACY AGAINST AUTHORITIES IN SERBIA’ the Informer actually printed our wanted warrants. Also, the thesis on conspiracy was widely discussed, while the wanted warrants were multiplied within the broad network of pro-regime media, including TV Pink, website of the unknown nationalist organization Zavetnici, the Pravda daily, and others”, explained the claimants. “Positive that freedom of expression and freedom of media end where someone's persecution begins, as public figures, journalists, and activists, we took the obligation of pointing to the responsibility of media and journalists for marking us targets, or anyone else who is covered on front pages of so-called tabloid papers. The decision on dismissal of our criminal charges once again shows that those who ‘think differently’ and react publicly in Serbia cannot count on justice, fairness, and equality, and that anyone can accuse them of whatever without bearing any consequences”.

Cases which are more likely to have an outcome in court, and to the benefit of the claimant too, are those in which data from claimant's private lives is used, abused, or forged, so as to disqualify their professional work. In these terms, there is a telling example of Stevan Dojčinović, who was accused of various things by pro-regime media (without any grounds or sense, certainly), while in March last year the Informer placed a particular emphasis on his alleged hobbies; thus, a whole article is dedicated to the thesis that “Dojčinović is at best a suspicious person who should not be taken for granted” having in mind his “sodomasochistic” inclinations. Blurred pho-

tos were published allegedly showing the journalist hanging from the ceiling, on some sports apparatus, or the procedure of perforation of his skin “without anaesthesia” with hooks so as to hank him up on a jenny; it was mockingly stated that Dojčinović himself explained this as an extreme sport.

In the context of other accusations of pro-regime media, the KRIK editor is faced with (that he is an associate of narco bosses, drug addict, etc.), this detail does not seem so important at first, primarily because sports do include hooks and ceilings. However, when we consider what an average reader of the *Informer* – poisoned with hatred towards everything which is in any manner “different” – may think of someone who hangs from the ceiling and allegedly “delights in pain”.

If they have really nothing “saucy” to (ab)use against journalists whose work is not up to the taste of the current regime, state newsletters in the form of daily papers and TV stations are always glad to publish off-hand accusations on income or affiliation to a political party of persecuted colleagues. Thus, numerous RTS journalists were accused of being “yellow hypocrites”; there is also the case of a group of journalists who in the case of the presidential campaign supported the wife of candidate Vuk Jeremić – former journalist Nataša Jeremić, who was at the time accused of being connected to drug cartels. The alleged “hypocrisy” of the colleagues was in a specific manner repeated following the attack of a member of Dveri against two journalists from TV Pink:¹⁸ this is when colleagues Nataša Mijušković, Antonela Riha, and Jelena Obućina were criticized in the harshest words for having supported one colleague, not supporting two others (?).

Elegantly and with style

A separate type of attacks against journalists comprises those professional ones which are considerably more elegant than the mentioned tabloid ones, which are addressed to different or other media audience, but which bear long-term danger for journalists they are targeted against. In these terms, there is the memorable several month long chase of the *Politika* against the Press Council’s Complaints Commission, that is, its individual members – including a signatory of this text. When the Commission passed the decision that the *Politika* violated the Journalists’ Code of Ethics in the article on financial income of certain media outlets and CSOs, at least one article a week was dedicated to professional capacities of behaviour of individuals who participated in the passing of this decision. These articles were unlike those published in the *Informer*, far from that, but they did undermine the image of the Press Council and criticized individuals.

This also includes a recent analysis of Ljiljana Smajlović in *Nedeljnik* weekly, dedicated to the participation of the Group for Media Freedom at the EU – Western Balkans Media Days conference in Tirana held on 9 and 10 November. This is where the participants of the conference were called “posers in black t-shirts”, which some readers must have found amusing; however, at the same time, they were placed in the context of flattering the EU (while they were doing exactly the opposite in Tirana) and foreign forces in general.

It is legitimate and, for freedom of expression, very desirable that there are different attitudes on certain phenomena and events in the public sphere, but one must not forget important facts, context, and the whole picture; at the same time, the colleagues were addressed serious accusations and qualifications.

The story about media campaigns against journalists contains a very interesting fact that there always some new and so-far unprecedented reasons for persecution. Thus, currently, in the absence of new theories on conspirators, assassins, drug addicts, traitors, mercenaries, it happened that N1 journalist Marija Antić was harassed for the questions she asked humanitarian worker and right-wing supporter Arnaud Gouillon. Gouillon himself, as then tabloids too, pointed a finger to the journalist because she insisted he explained his political ultra-rightist biography. The first media outlet which reacted was portal *Telegraf.rs* which published the headline “A SHAMEFUL INTERVIEW: JOURNALIST WANTS TO PRESENT THE GREATEST HUMANITARIAN WORKER AS A FASCIST” followed by the *Informer* with the statement that the French humanitarian worker is “TARGET OF AMERICAN MERCENARIES!! CIA TV N1 ATTACKS A FRIEND OF SERBS!”

This is all garnished with saucy comments of readers, which – together with the steaming campaign on social networks – presents a most serious threat to safety of journalist Antić.

It is clear that there is political will behind chases against journalists, or the wish of the ruling elite to label, exhaust, and intimidate colleagues who dare ask a question, write, report, and act differently than pro-regime media. It is also clear that in the time of considerable media tensions, each such attack results in concrete, physical danger for all the labelled and criticized journalists, or at least jeopardizes their further work and integrity.

Thanks to all this, media smearing may be readily placed among the gravest issues facing journalists and journalism in Serbia. They no longer present individual incidents, or something that happens occasionally. On contrary, smear campaigns belong to everyday life and permanent threat hanging over each and every journalist. At least, as long as there are journalists who are willing to defend their positions regardless of what kind of media notoriety this might earn them.

¹⁸ Attacked on 18.09.2017 during protests in front of TV Pink by supporters of the right-wing parliamentary party Dveri

Media Reforms

Co-financing of public interest in public information

General data for 2017

According to the IJAS database of project-based co-financing, from 1 January to 12 December 2017 in Serbia there has been the total of 146 public calls (competitions) on all state levels for co-financing of projects in the area of public information. The total amount of funds allocated for all competitions was 1,292,548,388 dinars (almost 11 million EUR).

Competitions in 2017	Number	Total value in RSD
Republic	7	255,000,000
Provincial	16	70,000,000
Towns and municipalities	133	967,548,388
Total	146	1,292,548,388

The Ministry of culture and information published seven competitions (on 14 February 2017) which were realized by the end of June 2017, at the value of 255 million dinars.

The Provincial secretariat for culture and information of the AP of Vojvodina published six competitions realized by the end of August 2017 at the total value of 70 million dinars.

Between 1 January and the end of November 2017, local self-government units (LSG units – towns and municipalities) published the total of 133 competitions at the total value of about 967,548,388 million dinars.

Amounts allocated at local competitions in 2017 in RSD	
The highest amount, the City of Belgrade	74,000,000
The lowest amount, municipality of Knjic	200,000
Average amount	7,274,799
No. of LSG units below average	39
No. of LSG units above average	94

The largest amount was allocated within the competition of the City of Belgrade – 74,000,000, while the smallest was allocated by the competition of the municipality of Knjić – 200,000 dinars.

The municipalities of Boljevac, Kovačica, Raška, Bečej, Paraćin, and towns of Novi Sad, Pančevo, and Smederevo published two competitions respectively.

The municipality of Apatin cancelled its competition for the lack of funds, while Požarevac, Bojnik, and Novi Kneževac cancelled public invitations following the warning of the Coalition of journalists' and media associations (hereinafter: the Coalition) in relation to irregularities. All the four local self-government units later published and implemented correct competitions. However, there was a considerably large number of incorrect competitions which were not rectified even after the warning issued by the Coalition.

Irregularities at competitions

Out of the total of 133 competitions published by LSG units, according to IJAS data, as many as 39 (somewhat less than one third) contained irregularities. The Coalition reacted pointing to the irregularities to the bodies which had published the competitions. The irregularities most frequently related to failure to state the minimum and maximum amounts of funds which could be allocated for individual projects, as well as publicizing of old project application forms (the competent ministry published new forms in the beginning of 2017). In most cases, LSG units rectified the formal shortcomings of the competitions following the warning of the Coalition, while some LSG units turned a deaf ear to the warning, which resulted in public statements of the Coalition about illegitimacy of the competitions and the decision not to nominate candidates as members for the competition board as a result.

The municipality of Novi Kneževac violated legal regulations on several grounds and in the most obvious manner, by limiting the right to participate in competitions only to media outlets which have head offices at the territory of the municipality. Minimum and maximum amounts were also not defined, and the competition was based on the old forms. Besides, the competition was published only on the municipal website, but not in print media. The municipality did not rectify the competition, even after the reaction of the Coalition; this is why the Coalition did not nominate candidates as members of the professional commission.¹⁹ Later, the competition was finally annulled.

The municipalities of Vladičin Han, Majdanpek, and Čuprija also failed to rectify the irregularities in their competition procedures, despite warnings of journalists' and media associations.²⁰

¹⁹ Source: <http://IJAS.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/29963/medijska-koalicija-nezakonit-konkurs-novog-knezevca.html>

²⁰ Source: <http://IJAS.rs/info/statements/30205/medijska-koalicija-nezakoniti-konkursi-vladicinog-hana-majdanpeka-i-cuprije.html>

Following the competition for co-financing of media projects, the town of Loznica published a public invitation for purchase of services in the area of public information. This was publicly condemned by the Coalition, which pointed that by acting so, Loznica contributed to disintegration of laws on public information and media.²¹

The municipality of Kladovo rejected the proposal of the professional commission comprising representatives of representative journalists' association without any explanation and established a new commission which re-evaluated the projects. The same happened in Smederevo, where a three-member commission was appointed at first, comprising representatives of the Coalition; however, the town council later on appointed a new commission without any explanation, the commission comprising: Ilija Stojanović, Radio Advertising Bureau (RAB) representative, Radojica Mali, and Siniša Batalo, as media professionals. Professional CVs of the said individuals were not published, but media reminded the public that Batalo was the "Pančevo scout of the criminal regime Milošević-Marković and teacher of Marxism". Radojica Mali was a member of one out of the two this year's commissions in Pančevo, together with Ferenc Berček and Vladimir Jovanović, who were members of numerous commissions notorious for the most disputable decisions on co-financing.

"Expert" commissions and criminal allocations

The largest Serbian journalists' and media association have for a number of times protested, both jointly and individually, about the manner in which money from town and municipal budgets is allocated for co-financing of media contents of public interest.

The associations assessed, on several occasions, that money from local self-government budgets was allocated only to media outlets close to authorities or those which act as "propaganda machinery of the authorities", while the commissions comprise representatives of unfamiliar associations who distribute taxpayers' money "among themselves", which recalls "criminal conspiracy".

The key issues lie in incomplete legal regulations, insufficient transparency of competition procedures, absence of evaluation of the process and the approved projects, as well as absence of sanctions for bodies competent in the area of public information in the case of law violation.

Amounts by individual projects at competitions in 2017 in RSD		
The largest amount at Republic competition	5,000,000	
The smallest amount at Republic competition	500,000	
The highest amount at Provincial competition	2,000,000	
The lowest amount at Provincial competition	100,000	
	7,000,000	Beograd
	7,000,000	Kruševac
	6,000,000	Pančevo
The highest amounts at local competitions	5,222,402	Raška
	5,000,000	Leskovac
	3,900,000	Subotica
	3,700,000	Niš
	3,500,000	Novi Sad
The lowest amount at local competition	10,000	Kovin

Another issue lies in the fact that numerous LSG units do not allocate sufficient funds. For example, it is quite illogical that the municipality of Kovačica allocates 20 million dinars for co-financing of media contents, Čajetina also allocates 20 million, and that Krnjaževac allocates 11.4 million, while considerably larger and more affluent towns allocate considerably smaller amounts: Užice – 8 million, Čačak – 7 million, and Zaječar – only 2.7 million.

Obvious favouring of media outlets inclined towards the authorities, covered by so-called expert commissions, is almost becoming a rule. Here it is necessary to mention that competence of some associations whose representatives are almost regularly appointed as members of competition commissions which pass disputable decisions on media financing is very questionable. On the other hand, in the previous year, it was as if candidates of the Coalition of the major journalists' and media associations (IJAS, JAS, IJAV, ANEM, and LP) were undesirable for local authorities. For example, in the total of 39 competitions published by towns and municipalities in Vojvodina, a member of the Coalition was appointed only in the commissions of Beočin, Bač, Ada, and Čoka respectively.

What is especially intriguing is the fact that advertising and similar agencies which the public is unfamiliar with get five or six million dinars for projects, which is by two to three times more than the most expensive projects approved at the competitions published by the Ministry of culture and information, implemented by serious media outlets and production houses which pursue investigative journalism after the highest professional standards. Such financial kindness towards unknown and only just established companies raises serious suspicion that it is a result of interpretation of media laws facilitating use of taxpayers' money to cover not public, but some private interests, hidden in some clandestine manner.

²¹ Source: <http://IJAS.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/31338/koalicija-loznica-u-javnoj-nabavci-nema-informisanja-ni-javnog-interesa-za-gradjane.html>

Big towns are leaders in suspicious, slanted allocations of funds for media projects. Each of the so-far three published competitions of the City of Belgrade was implemented in the manner which tricked the aim of project-based financing. This year, at the Belgrade competition, most funds were allocated to media outlets openly close to authorities, unfamiliar consulting and PR agencies, but newly founded companies as well.

More than 90% of the total amount of 74 million dinars, as was allocated by the competition of the capital, was distributed to pro-governmental tabloid papers, companies in ownership relations with Studio B, unknown or only just founded companies. Somewhat less than one third (23 million dinars) was allocated to Studio B and companies connected to it – Brender d.o.o. and Lrik d.o.o. Several million dinar amounts were also allocated to the tabloid papers Alo, Informer, and Srpski telegraf, then Association of Rock Musicians and the music company Sky comm group, as well as two companies (Zofin and Folim) which were only registered several days upon the publishing of the competition.

The beneficiaries of the budgetary funds included but a few media outlets in real terms – the Politika, the Novosti, and FoNet news agency; however, what is telling is the fact that critical media, such as the Danas daily, Vreme weekly, Beta news agency and Association Eutopia have not received a penny. The only project investigating corruption in city administration (by portal Pištaljka) also did not meet the “professional criteria” of the commissions.²²

Such an outcome, however, was not surprising, having in mind the composition of the competition commission which comprised Ferenc Berček (representative of Radio Advertising Bureau – RAB), Vladimir Jovanović (Association of Journalists and Writers in Tourism), Dragana Milovanović (Association of Sports Journalists), and Marija Stamenić and Nebojša Radošević as the “independent media experts” totally unknown to the media community. Same as in the case of the previous two competitions, the city authorities failed to appoint a single representative of representative journalists and media associations, or any approved media experts to the commission.²³

Distribution of budgetary funds for media projects in Niš was also marked by pro-governmental media and advertising agencies, including a newly-established company which the commission favoured regardless of that to the detriments of approved media outlets.

This year the City of Niš allocated the amount of 20,5 million dinars for co-financing of projects of local media outlets; out of this amount, as much as 72% was allocated to media outlets close to authorities. The largest amount of money from the town budget was allocated to media owned by Vitko Radomirović – the Narodne novine, TV Belami, and TV Niš (3,7 million). Millions were also granted to TV Zona plus (4,3 million) and the portal bearing the same name (400,000), the real owner of which is Vladan Gašić, son of Bratislav Gašić, vice-president of the ruling SNS party and director of BIA. Financial support for the mentioned media from the city budget was also allocated additionally, indirectly, through projects of some association and the PR agency which was to place content in TV stations, newspapers, and portals owned by Radomirović and Gašić.

Financial support was also extended to IN radio, in family ownership of Maja Raković, president of RAB association, who also manages the Naxi network. Interestingly, her deputy Ferenc Berček, who is at the same time a member of the Naxi network, was also a member of the competition commission in Niš.

On the other hand, the commission in Niš also failed to express interest in the project based on investigation of corruption, which the portal Južne vesti, one of the most prominent Internet media outlets, applied with. Some projects of Beta news agency and City radio, which has numerous audiences, were also rejected.

The members of the competition commission in Niš were the already mentioned Ferenc Berček (RAB), Zoran Veličković (upon proposal of the Association of Journalists from Niš), Budimir Ničić, upon proposal of JAS, and two “media professionals” – Dušan Stojanović and Vladimir Veljković.

Independent Journalists’ Association of Serbia (IJAS) and Independent Journalists’ Association of Vojvodina (IJAV) launched a public protest “because of the scandalously implemented competition of the City of Niš for co-financing of public interest in public information”, assessing that “it is more than obvious that budgetary support, that is, money of citizens of Niš, was allocated to pro-regime media outlets which case about public interest exactly as the reality programmes ‘Couples’, ‘Cooperative’, and ‘Farm’”.²⁴

Both this year’s competitions in Novi Sad were also used to award millions to pro-regime media; beside this, considerable money went to marketing agencies.

Following the first competition, where most money was allocated to unknown and newly-established media outlets,

²² Source: <http://IJAS.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/32550/novac-za-medije-u-beogradu-dobile-tek-osnovane-firme.html>

²³ Source: http://www.danas.rs/politika.56.html?news_id=361362&title=Nepoznati+eksperti+dele+milione+medijima+bliskim+vlasti

²⁴ Source: <http://IJAS.rs/reforma-javnog-informisanja/projektno-finansiranje-medija/32188/IJAS-i-IJAV-niski-konkurs-za-medije-realizovan-po-zelji-vlasti.html>

the projects which were best-rated at the second competition were those of advertising agencies. Interestingly, the amount of three million dinars was both times allocated for projects of an unfamiliar, newly-established company Media Info Centre, the co-owner of which, Marko Carić, was the mentor for composition of the master's paper of Tomislav Nikolić, former president of Serbia.²⁵ It is also quite telling that Carić's partner in the said company, Vladimir Jovanović, was frequently appointed member of competition commissions throughout Serbia (for instance, in the Belgrade commission).

Not a single commission in Novi Sad included members of any representative journalists' and media associations. Instead, Dragoljub Anđelković, presented by the pro-governmental media as a political analyst, was appointed member of the commission as a media expert. Beside him, media projects were also evaluated by Biljana Ratković Njegovan, Milovan Balaban, Ferenc Berček, and Željko Rakičević. Finally, the decision on appointment of the commission was not published at the city website.

Public interest for private business

Competitions for co-financing of public interest in media are becoming a very attractive and lucrative business for influential individuals close to authorities, even those who have nothing to do with public information.

According to an investigation conducted by Cenzolovka, newly-established companies Brifing Banat from Pančevo and Brif media net from Novi Sad "collected about 277,000 EUR from citizens of Vojvodina" at the 16 local competitions published in September and October this year. The company Brifing Banat, registered in the beginning of September with the Agency for Business Registers (APR) stated "advertising agency activities" as its dominant activity; in the end of October, company Brif media net was registered with the head office in Novi Sad, with web portals as the dominant activity. With identical start-up capital of 100 dinars respectively, on the same day (5 October) both companies registered with the Register of media the portals juznibanat.rs and brif.rs. As the founders of the said portals, Brifing Banat and Brif media net collected the total of almost 33 million dinars in several months from local competitions for co-financing of media projects. The anonymous portals thus became the best paid authors of media projects in Serbia.²⁶

The newly established portals unknown to the public, ePodunavlje, which at the recent competition in Smederevo was allocated seven million dinars, and Balkan produkcija Beograd, which was allocated 4,9 out of the total of 20 million dinars allocated within the same competition, turned out to be very skilful in protecting "public interest" in media content. Interestingly, the Town council of Smederevo originally (on 23 June) appointed as members of the competition commission three representatives of representative associations (IJAS, JAS, and ANEM); however, two months later, it changed its decision and appointed a new commission which passed the said decision.²⁷

Public interest without protection

The Law on public information and media and by-law – Rulebook on co-financing of projects for achieving of public interest in the area of public information does not provide for an appeal as a legal remedy against a decision of bodies implementing a competition. The only legal remedy envisaged by legal regulations is launching of administrative proceedings against the decision on allocation of funds for co-financing of projects.

There is no reliable data on the number and outcomes of administrative proceedings launched on the grounds of competitions for co-financing of media content in public interest.

City radio from Niš has so far initiated the largest number of administrative proceedings against decisions on allocations within local competitions for co-financing of media content in public interest. Out of the total of 20 procedures upon claims of this media outlet in 2015 and 2016, the Administrative Court resolved a half of the cases to the benefit of the claimant. The claim of City radio most frequently related to the absence of justification in decisions on co-financing. In all cases, the verdict comprised the order that the public authority body which had published the competition pass a new decision in accordance with law. However, there has been no real satisfaction for the claimant, because competent bodies of LSG units pass new decisions which are identical to the previous ones, except for providing more detailed justification of the decision on allocation. In the course of 2017, only one more claim submitted against the municipality of Negotin was resolved, this time to the benefit of the LSG unit which referred the fact that the competition application of the claimant – City radio – was not duly filled in. In his statement for IJAS, Dragan Kocić, editor-in-chief of City radio, pointed to the fact that the administrative body of Negotin made another legal omission in this case, as it was obliged, having no-

²⁵ Source: <http://rs.n1info.com/a340962/Vesti/VestiMentorutomislava-Nikolica-najvise-novca-na-medijskom-konkursu.html>

²⁶ Source: <https://www.cenzolovka.rs/drzava-i-mediji/mladi-nepoznati-ali-uspesni-277-000-evra-za-portale-koje-spaja-podrska-vlastima/>

²⁷ Source: <https://www.cenzolovka.rs/drzava-i-mediji/tek-osnovanim-medijima-u-smederevu-dodeljeno-100-000-evra/>

ticed irregularities in the filled forms, to order the applicant to rectify the shortcomings within a certain period of time, which was not done in this case. Interestingly, this is the only case of City radio which was resolved before the Administrative court in Belgrade, while all the previous ones were resolved before the Administrative court in Niš.

“Unfortunately, as a rule, decisions on co-financing do not include any precise justification as to why some projects are supported, i.e. why others are rejected. There is an impression that public interest in media projects is not taken into consideration, but that the financial support is extended to media outlets, which is contrary to the idea and sense of the system of co-financing of media content as prescribed by the Law on Public Information and Media”, assessed Kocić.

The newsroom of the portal Južne vesti has very similar experiences in launching administrative proceedings. So far, they have launched seven lawsuits against decisions of LSG bodies, and got positive court decisions in all cases. In five cases, court decisions were to the benefit of the claimant by annulling the decision passed by administrative bodies of the municipality of Blace (twice), the Town of Niš (twice), and the town of Leskovac, while the case upon claim against the Ministry of culture and information is still pending. On this occasion, Južne vesti also launched the case against the Government of Serbia, for the “silence of the administration”, i.e. for failure to reply to the request for information of public importance, in relation to the competition published by the Ministry of culture and information.

In his statement for IJAS, Predrag Blagojević, editor-in-chief of Južne vesti assessed that this type of legal protection in

practice does not yield any results. “We mostly launched proceedings because the decisions on co-financing of projects did not include a justification. We also pointed to conflict of interest of members of competition commissions, as well as some other violations of law, but it is the Constitutional court which, as a rule, decides about formal shortcomings in decisions on allocation. Thus, an opportunity is given to bodies implementing competitions to add some kind of justification in new decisions, not changing any financial item”.

In mid-January 2017, a group of media filed a joint claim to the Administrative Court for the purpose of annulment of the decision passed by the City administration of Belgrade on allocation of funds within the published competition for co-financing of projects in 2016. The claimants were: Beta news agency, the Danas daily, Vreme weekly, Media Centre Belgrade, Radio Oscar, and agencies SL Media and JSP Beograd. It was requested from the Court to postpone execution of the decision on allocation which was passed on 12 December 2016 and by which the amount of 85,750,000 dinars was allocated for co-financing of media projects, which is the largest amount allocated within LSG competitions so far. The claim pointed to serious, obvious violations of law committed in the course of implementation of the competition as a possible cause of material damage for claimants, as well as the City of Belgrade itself.

So far, almost a year later, the Administrative court has not scheduled the first hearing after the said claim.

Regulatory Authority for Electronic Media

One of the key issues in the media sphere in recent years has been the (lack of) work of the Regulatory Authority for Electronic Media (REM). Professional public mostly believes that the members of the REM council are not independent, that the regulator deliberately fails to use all the legally prescribed possibilities to sanction actions of broadcasters opposed to law, and that it does not conduct monitoring over the work of broadcasters, as is in the competence of this body.

Media expert and a former member of the REM council, Gordana Suša believes that there are two key parameters which show that this body is not independent: “For a body to be independent, it needs to be passing decisions independently, and be financially independent. However, REM needs to request approval of the Government for any financial decision they make. Thus, it happened that the Government would adopt a financial plan for the following year only at the end of such a year. According to the new law, monitoring services, which are an integral part of the work of REM, are included in state administration, which is totally out of logic, as they are not financed from the budget. As an independent body, REM is financed from fees paid by electronic media. For example, as far as three years ago, the REM council proposed that these fees should be decreased, but the Government did not accept this. Also, the appointment of members of the REM Council by the Parliament of Serbia affects its independence, as it goes without saying that the ruling majority in the National Parliament will appoint whoever they want. An example for this is the destiny of independent candidates proposed by authorized civil society proponents – Milan Antonijević and Snežana Stojanović Plavšić. The competent Committee for culture and information of Serbian Parliament annulled the competition and repeated it to the benefit of the ‘winner’ Goran Peković who was supported by the ruling coalition. One of the manners in which political influence of ruling parties could be diminished is to amend laws and, for instance, make it possible for members of the REM Council to be appointed by authorized proponents themselves, and not the Parliament.”²⁸

The REM Articles of association prescribe that the regulatory body performs supervision over the work of broad-

casters in the Republic of Serbia,²⁹ while the Law on Electronic Media stipulates the obligation on part of REM to protect media pluralism in the time of elections.³⁰

According to the data published on the REM website, in 2017 this body pronounced only two reprimands and one measure of warning.

One of the most controversial decisions passed by REM in the previous year was the decision not to perform monitoring of the pre-election campaign for the 2017 presidential elections, but to act upon complaints only. The result was that the work of broadcasters in the course of the pre-election campaign was monitored by CSOs which filed complaints to REM; complaints were also filed by citizens.

According to the data published at the REM website in relation to the complaints relating to the pre-election campaign, in 27 it was established that there were no grounds to launch proceedings, while eight complaints were rejected as incomplete. In 8 cases REM requested a statement of the broadcaster, while the decisions are still pending; in one case, an order was filed to complete the complaint. Also, in 6 cases REM provided a reply as “notification in relation to statement” in relation to RTV and RTS; in 3 cases they sent a “reply to the official letter” (that there was no violation of law; the disputable content does not relate to pre-electoral content, or the disputable content was broadcast within news programmes). Decisions of the REM Council are pending only in five cases relating to the same event. These complaints were filed on 30 March, when TV Požega broadcast programme content to unequally represent the candidates, thus violating and threatening personal interests of the claimant, as well as general interest.

On 23 March IJAS publicly invited all members of the REM Council to resign for obvious mistakes and biased work. IJAS pointed that REM failed to react when certain commercial televisions with national frequencies, especially TV Pink and Studio B, most blatantly violate pre-election rules in their news programmes by openly supporting Aleksandar Vučić, while defaming other presidential candidates, violating their dignity. This was also triggered by the act of REM Council member Olivera Zekić, who published an article on the official REM website in which

28 Independent Journalists' Association of Serbia, “Indicators for the level of media freedom and journalists' safety”, Belgrade, 2017.

29 Articles of Association of the Republic Broadcasting Agency, Article 5, paragraph 1, item 6.

30 Law on electronic media, Article 103.

she threatened TV N1 and journalist Tamara Skrozza with private lawsuits. IJAS protested most sharply and condemned this act, without deliberating the reasons the reasons which made Olivera Zekić angry, but pointing that usage of the official website of a state body for personal fights with media and journalists is blatant abuse and pressure against freedom of information and expression.

On 16 May IJAS repeated the request that REM Council members resign as they do not perform their duties as prescribed in the Law on Electronic Media, and because of various scandalous omissions in their work. The reason for repeating the request for resignation was that REM, acting upon citizen complaints, did not launch proceedings, but rather filed the complaints to the broadcasters who, as reported by media, declared themselves as “not guilty”, as expected. In some cases, REM filed broadcasters’ replies to the claimant, thus ending the “procedure” upon citizen complaint.

On 24 May 2017, IJAS Filed criminal charges against REM Council members, for reasonable suspicion that they had performed the criminal offence of negligent work. The charges pointed to the fact that the members of the REM Council failed to perform supervision over work of providers of media services in the course of the pre-election campaign for the presidential elections held on 2 April 2017 obviously acted negligently in their work even though they were aware of the fact that this may result in grave violation of basic human rights as guaranteed by the Constitution and laws. The criminal charges stated that

the violation was doubtless made and that it presented a grave violation of rights of all citizens of Serbia and candidates who participated in the presidential elections. The right and interest of the public to be informed in a timely, truthful and complete manner on all issues of public importance was violated in particular, as all information affecting election of the president of Serbia are issues of public importance.

The prosecution has not yet passed the decision on the criminal charges, or initiated court proceedings.

Requests of the Group for Media Freedom also relate to REM. The first request is that the National Parliament launch the procedure of dismissal of the REM Council members and eliminate the possibility of executive and legislative authorities exerting influence on appointment of new council members and proposals made by other proponents. The justification of the request states that the Parliamentary committee for culture and information is not competent to establish eligibility of members appointed by authorized proponents, nor can the Parliament refuse to state its opinion on nominations for the council members. It was also requested that the Law on Electronic Media is modified to define such criteria for appointment of the Council members, which would ensure candidates are professionals experienced in their work, who enjoy doubtless moral credibility, and that state bodies and political institutions are excluded from the group of authorized proponents.

Free legal advice service

In 2017, questions asked by journalists and other media professionals within the project of Free Legal id related to different areas. The questions related both to working and professional rights, but also copyrights, while there were also questions relating to criminal proceedings.

What is characteristic of year 2017 was a larger number of questions asked related to copyrights, as well as the work created within employment. There were also numerous questions relating to professional rights of journalists, primarily to publicizing of photos and information from private life, quotes, and publishing of official police notes. There were also questions in relation to registration of media outlets and the impressum.

Likewise, there were questions in the area of labour law; however, for 2017 it was characteristic that there fewer questions in the area of labour law than in the previous year, having in mind that in 2016 the largest number of questions related to the area of labour law.

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