



Chronicle of Attacks and Pressures against Journalists in 2018

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Introduction

In order to systematically monitor, record, and analyse developments on Serbia's media scene the Independent Journalists' Association of Serbia has been using the Early warning system for five years. It is focused on five key areas most directly connected to media freedoms and the position of journalists and other media professionals.

Media freedom is guaranteed by international conventions ratified by Serbia, the Constitution of the Republic of Serbia and corresponding laws. However, journalists, media experts, and a large portion of the public agree that in Serbia we have been experiencing a constant drop in media freedoms over a longer period of time. This negative trend in freedom of public information in Serbia is also confirmed in various international reports.

Due to concern about the condition of media freedoms in Serbia and upon NUNS' request, on January 18 and 19 2018, a mission comprising representatives of the European Federation of Journalists (EFJ), South East Europe Media Organization (SEEMO) and International Press Institute (IPI)¹ visited Serbia. The mission led by the EFJ President Mogens Bliher Bjeregard had meetings with representatives of journalists' and media associations, representatives of state bodies and institutions. In the end of the visit, members of the mission communicated the following recommendations:

Safety - All authorities should take cases of violence and harassment reported by journalists seriously by providing immediate reactions underscoring the need for a quick resolution of the case based on an efficient, impartial investigation. The Serbian government must undertake efforts to resolve past cases of violence against journalists, which is important not only for the journalists targeted in those cases and their families, but also for the fight against impunity. In general, we strongly recommend that officials at all levels of gov-

ernment in Serbia send a clear signal – without any conditions – condemning all attacks on journalists.

The role of the state in media - Numerous journalists and editors interviewed by the mission expressed concern over what they described as an increasingly difficult environment for critical journalism, driven in part by hostile official reactions to criticism and investigative journalism in particular. Serbian government officials at all levels must refrain from actions, including verbal harassment, that have the effect of delegitimising critical journalists and their work. Officials must send clear signals that journalists have a right to investigate the activities of those in power. Serbian officials at all levels must also demonstrate respect for media pluralism and media independence. Officials should adopt a non-discriminatory approach to media interaction, engaging with all media outlets on a fair basis. Public funding schemes for media – especially at the local level – must be carried out in a transparent and independent manner and in line with established criteria.

Media Strategy - We urge the Ministry of Culture to ensure that the public consultation of a new media strategy takes place in a transparent and visible way both offline and online as well as across the country. There must be sufficient time for ensuring debate on the proposal and there must be a proper call for interventions and amendments as well as serious considerations of any such interventions and amendments. The views of those who left the working group must be acknowledged.

Social dialogue - In the view of the EFJ, decent working conditions through collective agreements are a prerequisite for journalists to do their job. In this vein, the EFJ urges an improvement in the field of social dialogue, or its introduction where it is missing. The EFJ states that there is a great need for the building of an infrastructure with functioning organisations and institutions, which should be supported by capacity building programmes.

Access to information - State bodies must respect journalists' right to access public information and must

¹ Mission of the European Federation of Journalists in Belgrade in mid-January <http://www.nuns.rs/reforma-javnog-informisanja/33660/misija-evropske-federacije-novinara-u-beogradu-sredinom-januara.html>

respond to such requests in a timely manner. Extensive waiting times for documents have a serious negative impact on journalistic work in practice.

The Ombudsman - We recommend classifying journalism and media as a special issue for the institution of the national ombudsman – an independent government body tasked with promoting and protecting citizens' rights – so as better to allow her or him to deal with complaints and issues regarding journalism and media.

Definition of journalists - So as not to limit press freedom and so as to uphold the protecting of sources, the joint mission warns both media stakeholders and the authorities against the introduction of a special definition on who is a journalist by narrowing the present understanding.

Permanent group for journalists' safety - The international mission views the formation of the Standing working group for journalists' safety as an important signal of Serbia's intention to seriously tackle the problem of safety. In this light, we urge the group's members – representatives of the media, police and the public prosecutor's office – to enter into a dialogue intended to revitalise this important effort, if needed with support of an independent moderator. Mutual understanding is critical to achieving concrete progress.

The Press Council - The international mission views the formation of the working group on journalist safety as an important signal of Serbia's intention to seriously tackle the problem of safety. In this light, we urge the group's members – representatives of the media, police and the public prosecutor's office – to enter into a dialogue intended to revitalise this important effort, if needed with support of an independent moderator. Mutual understanding is critical to achieving concrete progress. We urge all media, media associations and journalists in Serbia to respect at all times the professional and ethical standards in their work and daily communication.

In their report, Reporters Without Borders state that in terms of media freedoms, in 2018 Serbia dropped by 10 positions in relation to the previous year, and now occupies position 76 out of 180 countries. The report states that "Serbia has become a country where it is unsafe to be a journalist. This is clear from the alarming number of attacks on journalists that have not been investigated, solved, or punished, and the aggressive smear campaigns that pro-government media orchestrate against investigative reporters."²

The European Commission's Progress Report, published in April 2018, points to the fact that Serbia is

still facing significant challenges in terms of freedom of expression and information and conditions for establishment of media pluralism³.

According to the report of the European Commission (hereinafter: the EC), "Serbia has some level of preparation concerning freedom of expression. However, there was no progress" in this area. The EC states "The overall environment is still not conducive to the exercise of this right" and that "cases of threats, intimidation and violence against journalists are still a concern, while investigations and final convictions remain rare. The report also assesses that "Political and economic influence over media continues to be a source of concern. Serbian authorities should ensure that informal pressure on editorial policy is not exerted through the distribution of advertising funds, including from public companies, as well as project co-funding from local budgets". It is also pointed to the inadequate model of financing of public broadcasting services: "combination of subscription fees, budget subsidies and commercial contributions – leaves them vulnerable to political influence".

This is why the EC points that "Serbian authorities need to react promptly to and publicly condemn hate speech and threats against journalists", and that "legal framework needs to provide for greater transparency of ownership and funding of media outlets." and "co-financing of media content to meet public interest obligations needs to be implemented in line with the legislative framework. This requires transparent and fair procedures without interference by the state administration, especially at local level".

The EC report especially emphasizes the following obligations of the Republic of Serbia:

- create an enabling environment in which freedom of expression can be exercised without hindrance, and ensure that threats, physical assaults, the instigation of violence, and cases of invasion of privacy against journalists and bloggers are properly followed up by law enforcement and the judicial authorities, and publicly condemned by government officials;
- ensure the full implementation of media laws and strengthen the independence of the
- Regulatory Body for Electronic Media;
- adopt the new strategy for the development of a public information system, in a transparent and inclusive manner;
- ensure adequate funding of public broadcasting services, and transparent and equitable co-funding for media content serving the public interest.

² Reporters Without Borders, *World Press Freedom Index, Paris, 2018*. <https://rsf.org/en/serbia>

³ European Commission, *Republic of Serbia, Report for 2018, Brussels, 2018*, p. 29 and 30. http://www.pregovarackagrupa27.gov.rs/?wpfb_dl=140

The extent to which the given tasks of the Republic of Serbia are important and urgent is confirmed by parameters used by NUNS in implementation of the Early warning system. NUNS database indicates continuation of the growing trend of pressures and threats against journalists and other media professionals and media which are objective and critical when reporting on authorities, especially on corruption and organized crime.

The total number of recorded pressures in 2018 amounted to 72 in comparison to 2017 when it amounted to 62. The number of attacks and verbal threats is almost identical to that from the previous year - in 2018 there were 31 of such cases recorded, 7 of them physical attacks, while 24 cases were verbal threats and intimidation.

The Regulatory Body for Electronic Media (hereinafter: the REM) is under obvious political influence, and does not perform its function as prescribed in the Law on electronic media.

Public services broadcasters are still not independent in financial and programme terms, as they still largely depend on money from the budget and willingness of the executive authorities.

Budget co-financing of public interest in public information increasingly serves for awarding media outlets which promote and advertise authorities.

By analysing its public reactions, NUNS identified the following five categories of actions in line with the mission and objectives of this association:

- Statements regarding the threat to the safety and security of 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;
- Statements regarding political, economic and other pressures on journalists and other media professionals;
- Public condemnations of breaches of Journalists' Code of Ethics;
- Activities in the area of media legislation reform.

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

This report comprises data collected from 01 January to 31 December 2018.

Safety and security of journalists and other media professionals

Journalists' safety is one of the key issues for their professional status and position, but for media freedoms too. The Serbian society lacks awareness regarding importance of this profession, and likewise of the fact that an attack against a journalist is an attack against freedom of information and expression, and an attack against democracy in general. Verbal attacks and pressures against journalists and other media professional and attacks against their physical integrity jeopardize their safety. Since they have as direct impact on their professional work, they are also attacks against freedom of media and information, and freedom of speech.

Independent Journalists' Association of Serbia (NUNS) has been keeping a database on attacks against journalists and all forms of pressures against media and freedom of expression in general since 2008.

In the period from 01 January 2018 to 31 December 2018, NUNS recorded the total of 31 cases of physical attacks, threats, and intimidation of journalists and other media professional, including 7 physical attacks, and 24 cases of verbal threats and intimidation. Same as in the previous years, in 2018 there was a large number of threats addressed through the Internet and social networks.

The fact that the number of attacks and threats is lower in comparison to number of pressures, and that certain mechanisms to advance the level of journalists' safety have been established, this has not contributed to greater safety of journalists. This is especially obvious in the view of the event from the last months of 2018, primarily the case of arson of the family home of journalist Milan Jovanović, and, only two weeks later, raiding of the flat in which he was staying, terrible threats addressed to journalist Tatjana Vojtehovski, and various other types of direct pressures against journalists.

NUNS is a member of the network Regional Platform for advocacy of media freedoms and journalists' safety (hereinafter: the Regional Platform) which also comprises journalists' organisations from Croatia, Bosnia and Herzegovina, Macedonia, Kosovo* and Montenegro. The Regional Platform records attacks against journalists in all the given countries and areas since 2014. Records include cases of physical attacks, threats, and intimidation; and records show that when

it comes to the number of attacks, Serbia is the leader in the region. Out of the total number of attacks since 2014, the largest number was recorded in Serbia – 162, then in Bosnia and Herzegovina – 116, Kosovo – 85, Macedonia – 51, Croatia – 49, and Montenegro – 33.

The Regional Platform reacts upon the most severe cases of attacks against journalists. These are primarily physical attacks and death threats, but also all other cases in which the members of the network believe it is necessary to react. The Regional Platform informs a large number of domestic and international institutions, organizations, and embassies about its reactions, and supplies them with necessary information on the said cases. As a consequence of such work of the Platform, there are numerous reactions of international organizations, while a number of these cases were taken over by the Council of Europe's Council of Europe's Platform to promote the protection of journalism and the safety of journalists. Having included a case in its records, the Council of Europe sends a letter of warning to state institutions of the country in which the incident took place. The problem is certainly in the fact that in a large number of cases state institutions do not respond to such letters or file some generic reply. Also, a large number of cases from the Regional Platform are registered in the database kept by the organization Index of Censorship.

As already mentioned, in recent years in Serbia some steps have been made with an aim to promote protection of journalists. In December 2016, journalists' and media associations⁴ signed the Agreement on cooperation and measures to increase the level of journalists' safety (hereinafter: the Agreement) with the Republic Public Prosecutor's Office (RPP) and Ministry of the Interior (MOI), while the Standing working group, comprising authorized representatives of all signatories was established. However, even though considerable time has passed since the signing of the Agreement, there hasn't been much progress in terms

* This title is without prejudice as to the status and is in line with the UN Security Council Resolution 1244 and opinion of the International Court of Justice and declaration on independence of Kosovo.

⁴ Journalists' Association of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Journalists' Association of Vojvodina, Media Association, Association of Independent Electronic Media, and Association of On-line Media.

of safety of journalists and resolving of a large number of cases. Some media and journalists' associations were not satisfied with the results of the implementation of the Agreement, and their dissatisfaction culminated following the attack against journalists in the course of inauguration of Aleksandar Vučić as Serbia's President and decision of the First Basic Prosecutor's Office in Belgrade to reject criminal charges filed by the attacked journalists.

On this occasion, in November 2017, five journalists' and media associations froze their status in the Standing working group⁵. In 2018 several meetings were held with the aim to continue cooperation. The associations which froze their status believed that in the situation faced by journalists, when their safety is jeopardized, and when they are not satisfied with the work of competent bodies, it is still important that they remain within the Standing working group and continue cooperation with institutions, so as to try and achieve some positive results. This is when journalists' and media associations submitted to RPP and MOI requests and measures for improvement of the work of the Group. It needs to be said that during the period of frozen communication of the five associations their contact points were functioning and that attacks were reported through the established mechanism⁶.

The associations waited for a very long time for replies of the RPP and MOI to these requests. Five journalists' and media associations unfroze their status in October 2018. Also, the two sub-groups for analysis of the Criminal Code and transparency of institutions which were established immediately following the signing of the Agreement started working only at the end of 2018.

Even though certain steps have been made, there is still no significant progress. The established mechanisms made reporting of cases easier as well as obtaining information about the incidents from the authorities; the police and prosecution are more transparent than they used to be; the RPP keeps records in

line with the Guidelines on keeping separate records of criminal offences perpetrated to the detriment of persons performing operations of public importance in the area of information. Also, the same Guidelines envisage urgent actions of the Prosecutor's office in relation to the said cases. Currently, MOI is in the process of passing of the Guidelines on actions of law enforcement officers in the cases when the perpetrated criminal offence or misdemeanour damaged persons performing activities of public interest in the area of information (hereinafter: the Guidelines).

However, none of the aforementioned is at a satisfactory level yet. Individual cases were solved through urgent proceedings, but there is still a large number of unsolved cases, while journalists' and media associations are not satisfied with the implementation of the Agreement. Investigations in cases of attacks against journalists still last long; some cases are in pre-investigation proceedings for an inexplicably long time; court epilogues are rare, and when they take place, the pronounced verdicts are too lenient.

According to data obtained by NUNS, out of the 31 cases recorded in 2018, three cases were solved by pronouncing a verdict, while 18 cases are still pending before the prosecution and police. In 5 cases it was established that there were no elements of a criminal offence prosecuted ex officio, while two cases are in court proceedings. Two cases of threat were not even reported, and for one case we don't have information. The situation is not much better in relation to the previous year of 2017. Out of the total of 31 recorded cases recorded in 2017, 13 are still pending before prosecution, in 9 cases it was established that prosecution would not be needed, i.e. that there were no elements of a criminal offence prosecuted ex officio. Six cases were solved - in three cases a sentence was imposed, in two cases the institute of deferring criminal prosecution was applied and one was prosecuted by another state. In two cases, the court proceedings are on-going and in one case court rejected the charges.

From the aforementioned it may be concluded that impunity is the major issue for safety of media professionals. This is corroborated by the status of cases that took place several years ago and are still pending, such as the attempted murder of Dejan Anastasijević (2007) and physical attack against Davor Pašalić (2014) and Ivan Ninić (2015). The cases of serious threats to Dragana Pećo and KRIK newsroom, Nedim Sejdinović and Dinko Gruhonjić (all dated 2016) are still pending, same as the raiding of Dragana Pećo's flat and unauthorized recording of Predrag Blagojević (2017), and numerous other cases.

The issue of impunity is especially evident in investigations of murders of journalists. Cases of Radoslava Dada Vujasinović (1994) and Milan Pantić (2001) are

5 On this occasion, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, and Association of Independent Electronic Media requested an urgent meeting with Republic Public Prosecutor Zagorka Dolovac, dissatisfied with the unacceptable explanation of the decision and requesting to clarify the reasons for the rejection of criminal charges. On the same occasion, Media Association and Association of On-line Media suspended their participation in the Permanent working group until the meeting with the Republic Public Prosecutor. After this, the Higher Public Prosecutor's Office in Belgrade adopted the objection filed by one of the damaged parties and returned the case to the First Basic Prosecutor's Office to decide on this case again; however, several months later, the First Basic Prosecutor's Office rejected the criminal charges again.

6 In line with the Agreement, all signatories identified contact and coordination persons to communicate with in case of an attack against journalists so as to report on the case and exchange information.

still in pre-investigative proceedings, while the trial for the murder of Slavko Ćuruvija is still held before the First-instance court even though the proceeding was initiated in 2015.

On 2 November, the International Day to End Impunity for Crimes against Journalists, NUNS requested of the state to take responsibility for unpunished attacks against journalists, and invited authorities to support the proposal of the International Federation of Journalists (IFJ) to the UN to pass a Convention on Protection of Journalists and Other Media Professionals. The request was expressed in a letter read at the protest when NUNS joined world-wide campaign “End Impunity – for a UN Convention to protect journalists”, and filed to Serbia’s Prime Minister.

For the purpose of investigation of the cases of murder from 2013, the Commission for deliberation of facts obtained in the investigations of murders of journalists. In August 2018, the Serbian Government passed a decision to extend the competences of the Commission and include the cases of murders and disappearance of journalists in Kosovo and Metohija in the period from 1998 to 2001, and murders of journalists in conflicts in SFRY from 1991 to 1995. The cases of killed and missing journalists at the territory of Kosovo and Metohija were also discussed at the annual Meeting of the European Federation of Journalists held in Lisbon on 7 July. Based on the motion of Journalists Association of Serbia, Independent Journalists’ Association of Serbia, Trade Union of Journalists of Serbia, Association of Journalists of Kosovo, the of the European Federation of Journalists unanimously adopted the Resolution on investigations of murders of journalists in Kosovo. The Resolution requested efficient investigations of the murder and kidnapping of 14 Serbian and Albanian journalists and media professionals in Kosovo in the period from 1998 to 2005; EULEX and the UN are requested to implement decisions of the UN Advisory Commission for Human Rights in order to resolve these cases and indemnify the families. It is also requested that prosecutors from Belgrade and Pristina cooperate for the purpose of resolving of these cases; that mandate of the Special Court for war crimes committed in Kosovo also includes cases of murdered and kidnapped journalists and media workers; and that a commission featuring journalists is established in Pristina to investigate cases of murders and kidnapping of journalists and media workers in Kosovo from 1998 to 2005.

In 2017, the Commission made certain progress in the case of murder of Milan Pantić, but the Prosecutor’s Office on Organized Crime has not taken any steps yet. Veran Matić, President of the Commission, publicly stated that he does not understand the reasons why this Prosecutor’s Office has not taken the case over yet. It is clear that there is an organized criminal

group behind this murder, and that the process of collection of evidence could be conducted much more efficiently if the investigation is conducted by the Prosecutor’s Office for Organized Crime⁷.

The President of the Commission, who is at the same time a member of the Standing working group for safety, proposed that in situations when the associations assess that some journalists’ safety is seriously threatened, the Standing working groups initiates a safety assessment for such a journalist with MOI.

The very signing of the Agreement and establishment of the Standing working group are envisaged in the Action plan for Chapter 23 for accession to the EU; thus, associations are very careful when it comes to the work of the Standing working group and implementation of the Agreement.

The Action plan also envisages training for members of prosecutor’s offices and law enforcement, as well as for media and journalists. The aim of training envisaged by the Agreement for members of prosecution and law enforcement is to facilitate better understanding of specific issues and more efficient actions of competent bodies in cases of jeopardizing of journalists’ safety. The Agreement also envisages education for journalists in areas of their rights to criminal and legal protection and obligations in relation to criminal proceedings, as well as training of journalists and media owners on information safety of Internet portals. Organization for Security and Cooperation in Europe (hereinafter: OSCE), which has an observer role and attends meetings of the Standing working group has taken upon itself to organize such training; one of such sessions intended for journalists was organized in December 2018.

Besides frequent threats to journalists, threats are also addressed to journalists’ associations and their managements, primarily the associations which are prone to criticism in cases of violation of media freedoms by authorities. In the previous years, numerous threats have been addressed to the Independent Journalists association of Vojvodina. In February 2018, in the course of the election campaign for Belgrade elections, there was a case of intimidation of the Independent Journalists’ Association of Serbia. On several occasions in the course of the election campaign, posters were glued to the entrance of the building where NUNS is based. The posters stated “Unfortunate Association of Serbia’s Enemies” (in Serbian, the acronym is NUNS).

⁷ *Independent Journalists’ Association of Serbia, “Indicators for the level of media freedom and safety of journalists, Serbia 2018”, Belgrade, 2018, p. 32. <http://safejournalists.net/wp-content/uploads/2018/12/Ceo-izve%C5%A1taj-Indikatora-za-nivo-slobode-medija-i-bezbednost-novinara-Srbija-2018.pdf>*

The issue of journalists' safety in Serbia was especially emphasized by the European Commission in last years' Progress report in which it pointed that "cases of threats, intimidation and violence against journalists are still a concern, while investigations and final convictions remain rare"⁸.

There are still no satisfactory reactions of state institutions in the cases of attacks and violence against journalists. The rare public condemnations as of recently are formal and selective, which was also emphasized as one of the issues in the EC Report: "Serbian authorities need to react promptly to and publicly condemn hate speech and threats against journalists"⁹.

The Team for Dialogue and Coordination Body were established in 2018 upon request of media and journalists' associations with the aim to resolve current issues faced by media and journalists, together with

composition of a new Media strategy. The Team for Dialogue comprises representatives of nine journalists' and media associations and trade unions, while the Governmental Coordination Body for cooperation with media comprises representatives of the Ministries of the Interior, Culture and Information, Justice, State Administration and local self-government, and Republic Legislative Secretariat. The body is co-presided by the advisor of the President of the Republic and the Prime Minister. The Team for Dialogue filed 13 requests to the Coordination Body¹⁰ which needed to be solved to demonstrate a political will to bring order and better the media scene. One of the requests relates to journalists' safety and investigation of all cases of attacks against journalists and threats against their safety, and, consequently, launching of proceedings against the perpetrators, and their finalisation within a reasonable time.

Table of attacks against journalists from 1 January 2018 to 31 December 2018 (verbal and physical attacks and attacks against property)¹¹

No.	Date of attack	Place of attack	Journalist/media outlet	Incident description	Course/result of proceeding
1.	15 January 2018	Belgrade	Boban Karović	Threats addressed by the mobile phone	Proceeding before prosecutor's office is underway
2.	16 January 2018	Belgrade	Dragan Janjić	Threats addressed through the Facebook social network	Prosecution Office for High Tech Crime passed rejected the criminal charges which relates to the activities taken by the administrator of the Facebook page "Naša zemlja". The proceeding regarding other threats is still on-going.
3.	3 February 2018	Belgrade	Slaviša Lekić	Threats addressed through social network Facebook	No reason to launch criminal proceedings for criminal offences prosecuted ex officio

⁸ European Commission, "Republic of Serbia, Report for 2018", Brussels, 2018, p. 28. http://www.pregovarackagrupa27.gov.rs/?wpfb_dl=140

⁹ *Ibid.*

¹⁰ NUNS, "Requests of journalists' and media associations to the Serbian Government Coordination body for cooperation with media, 16 August 2018 <http://www.nuns.rs/info/news/37691/zahtevi-novinarskih-i-medijskih-udruzenja-koordinacionom-telu-vlade-srbije-za-saradnju-sa-medijima.html>

¹¹ Data was taken over from the web-site www.bazenuns.rs

No.	Date of attack	Place of attack	Journalist/media outlet	Incident description	Course/result of proceeding
4.	4 February 2018	Belgrade	Independent Journalists' Association of Serbia	The entrance to the building of the Home of journalists is covered in posters in which NUNS is presented as the "Unfortunate Association of Serbia's Enemies"	The proceeding before prosecution is underway
5.	16 February 2018	Belgrade	TV O2 team	The team was attacked on while reporting	Court proceeding is pending
6.	28 March 2018	Novi Sad	Independent Journalists Association of Vojvodina	Threats addressed through social networks	No information on the case
7.	30 March 2018	Belgrade	Jelena Diković	Threats addressed while she was reporting from the Special Court	The case was not reported
8.	31 March 2018	Zrenjanin	Dalibor Bubnjević	Threats addressed while reporting from a ceremony held in the Hotel "Vojvodina"	The proceeding before prosecution is underway
9.	5 April 2018	Leskovac	Ljiljana Stojanović	Threats addressed through a SMS message	The proceeding before prosecution is underway
10.	17 April 2018	Leskovac	Danilo Mašojević and Vladeta Urošević	Attacked while reporting	Guilty verdict
11.	21 April 2018	Belgrade	Ivan Ivanović	Threats addressed through social networks	The proceeding before prosecution is underway
12.	21 April 2018	Belgrade	Olivera Kovačević	Threats by public official via Informer tabloid	There are no grounds for criminal prosecution for criminal offences prosecuted ex officio
13.	9 May 2018	Belgrade	Tatjana Vojtehovski	Threats addressed through social network Twitter	Safety measure of compulsory psychiatric treatment was pronounced
14.	28 May 2018	Belgrade	Slobodan Marković	Offences and threats addressed through social network Facebook	There is no need to launch criminal proceedings
15.	13 June 2018	Bela Crkva	Stefan Cvetković	Journalist reported missing	An official note was passed that there is no need to launch criminal proceedings
16.	6 July 2018	Indija	Verica Marinčić	Two unknown young men publicly threatened the journalist in the centre of Indija	The criminal charges were rejected. No grounds to launch criminal proceedings for criminal offences prosecuted ex officio. An objection was lodged.
17.	9 July 2018	Bela Crkva	Stefan Cvetković	Beaten in a café in the centre of Bela Crkva	The perpetrator was sentenced to 3 months of house arrest
18.	11 July 2018	Zaječar	Dušan Vojvodić	Unscrewing of bolts on car wheels	The proceeding before prosecution is underway
19.	15 August 2018	Jagodina	Anita Đukić	Offences and threats addressed while reporting	Court proceeding is underway

No.	Date of attack	Place of attack	Journalist/media outlet	Incident description	Course/result of proceeding
21.	2 September 2018	Novi Sad	Igor Besermenji	Threats addressed through the social network Instagram	The proceeding before prosecution is underway
22.	21 September 2018	Kragujevac	Zoran Radovanović	Threats addressed through mobile phone	The proceeding before prosecution is underway
23.	9 October 2018	Belgrade	Željko Matorčević	Physical attack by an unknown person	The proceeding before prosecution is underway
24.	25 November 2018	Jagodina	Anita Đukić	Threats addressed in a comment under the text published at a website and through a SMS message	The proceeding before prosecution is underway
25.	6 December 2018	Mladenovac	Milan Janković	Threats addressed following the session of the local assembly	The proceeding before prosecution is underway
25.	6. 12. 2018.	Mladenovac	Milan Janković	Pretnje upućene nakon sednice lokalne skupštine	Postupak pred tužilaštvom u toku
26.	9 December 2018	Belgrade	Ivan Ivanović	Threats addressed through the social network Twitter	The case was not reported
27.	12 December 2018	Grocka	Milan Jovanović	Arson: incendiary device was thrown in the garage; the fire engulfed the house which burned; On 30 December 2018 unknown persons burgled the flat journalists was staying.	A plea bargain was made with one accessory who was sentenced to 6 months of house arrest and a fine of approx. 420 EUR. Other suspects - the proceeding before the prosecutor's office is underway
28.	25 December 2018	Belgrade	Tatjana Vojtehovski	Threats addressed through the social network Twitter	The proceeding before prosecution is underway
29.	26 December 2018	Lebane	Žaklina Cvetković Mladenović	A man broke into the newsroom and threatened that he would "blow up the car"	The proceeding before prosecution is underway
30	29 December 2018	Belgrade	Ivana Vučićević	Threats addressed through the social network Twitter	The proceeding before prosecution is underway

* The number of given cases is smaller than the total number of recorded attacks due to request of anonymity by journalists and other media professionals.

Description of the most serious cases of jeopardizing of safety of media professionals in 2018 is given in the text below.

In the case of threats addressed to Dragan Janjić, editor-in-chief of Beta news agency and, at that moment, vice-president of NUNS, on 16 January 2018, the Facebook page "Srbija naša zemlja" published a photo of Dragan Janjić with the following text: "Dragan Janjić, editor-in-chief of Beta news agency, long-term subscriber of Serbia's enemies, accused Serbia of Ivanović's murder 10 minutes after the crime. He despises Serbia and everything Serbian!" A range of threats

and offences followed in comments to the post, some of them being as follows: "(take him) To Kalemegdan and put a bullet in his head", and "all Serb traitors should be hanged on a lamp-post".

NUNS publicly condemned the threats, requested competent bodies to take necessary measures, and reported the case to the Prosecutor's Office for High-Tech Crime immediately. The Regional Platform reacted as well, informing all relevant national and international institutions, organizations and embassies about the incident. Following this, organizations SEEMO and Reporters Without Borders reacted as well, while the

case as also included in the Council of Europe's Platform for protection of journalists and journalists' safety.

In March 2018, the Prosecutor's Office for High-Tech Crime rejected criminal charges against administrator of the Facebook page "Naša zemlja". In the case of other threats addressed directly to Dragan Janjić, the proceeding before the prosecution is still pending.

On 17 April 2018, journalist **Danilo Mašojević** and cameramen **Vladeta Urošević** from TV Prva were physically attacked in Leskovac, where they had an interview scheduled with the Mayor of Leskovac to be directly broadcast in the morning programme of this TV station. When they arrived and parked their car, a man from a nearby café started yelling and threatening them, and then blocked the vehicle of TV Prva with his car. When Mašojević and Urošević started unloading their equipment from the car, the man who had threatened them came close and beat cameraman Urošević, inflicting him light head injuries.

NUNS reacted and publicly condemned the attack, and informed the Prosecutor's office about this case. The Regional Platform also reacted, while the case is also included in the Council of Europe's Platform. On the same day, the police detained the suspect for reasonable doubt that he had performed the criminal offence of violent behaviour; the court issued a guilty verdict in this case.

Brutal threats of death were addressed to **Ivan Ivanović**, journalist of TV Prva. Namely, on **21 April 2018**, unknown persons sent him serious threats through social networks following the broadcast of his show. Some of the messages were as follows: "We shall slaughter you, c**t, should you once again mention Šešelji by that filthy mouth of yours", or "God forbid I run into you somewhere. I'll f*** all you treacherous, f*** your family, and your treacherous blood...there are a lot of radicals, you'll see what you've done to yourself!" The accounts from which these and some other threats were sent were "deleted" meanwhile.

NUNS reacted to these threats with condemnation and invited the competent prosecutor's office to take necessary actions. The case is still before the prosecutor's office.

On 9 May 2018, in the course of broadcasting of the show, journalist **Tatjana Vojtehovski**, author of the TV programme "Život priča: Tišina, one govore" posted tweets in relation to the content of the programme. The journalist was then sent serious death threats, while a person from the profile "rudolph mesarosh" published the journalists' posts on his Twitter account with threatening and offensive comments with the following content: "Well I'll kill you, you treacherous whore!", "My father was killed by Chetnik thugs,

and I still do not whine like you Chetniks, but I will kill you all!", and "Did I tell you to report me, you Chetnik whore, or I will cut off that double-faced treacherous pig head of yours!"

NUNS reported the case to the Prosecutor's office for high-tech crime, while the Regional Platform for advocacy of media freedoms and safety of journalists addressed a letter to the Prosecutor's Office and the police asking urgent investigation. The perpetrator was pronounced a security measure of compulsory psychiatric treatment.

This was not the end of threats addressed to **Tatjana Vojtehovski** in 2018. On **25 December 2018**, the journalist and her daughter were sent insults and death threats via social network Twitter. The threats were received from a number of accounts.

The case was reported to the Prosecutor's Office for High-Tech Crime, while NUNS informed the contact points at the Prosecutor's office and requested an urgent reaction, finding and adequately punishing the perpetrators. The Regional Platform started its mechanism, domestic and international institutions were also informed, while the case was recorded by the Council of Europe Platform. The police and prosecution reacted fast - on 28 December one person was arrested, while criminal charges have been filed in Bosnia and Herzegovina against another.

In the night between **13 and 14 June 2018** journalist **Stefan Cvetković** was reported missing in Bela Crkva. Soon after, local police reported that they had found Cvetković's car parked in a place with its door open and head lights on. Two days later, Cvetković was found in the broader area of Bela Crkva in early afternoon, without any visible injuries; he was brought to the police precinct for an interrogation. The journalist stated his story about kidnapping. However, Pančevo police administration filed criminal charges against Cvetković to the Basic public prosecutor's office in Vršac on suspicion that he had committed a criminal offence of fraudulent reporting. Shortly after, on **9 July**, Stefan Cvetković was beaten in a café in the centre of Bela Crkva. He published a photo from the local dispensary showing head wounds and blood on social networks at once. The attacker was soon arrested, and sentenced to three months of house arrest with electronic surveillance. Together with NDNV, NUNS reacted on several occasions, requesting these cases to be investigated. The Regional Platform reacted as well, while the case was also included on the Council of Europe's Platform. The Prosecutor's office established that there are no grounds to launch criminal proceedings for the case of disappearance.

In the end of August 2018, **Dino Jahić**, editor-in-chief of the Center for Investigative Journalism of Serbia

and his colleagues from the newsroom were continuously exposed to offences in the course of several days. It followed the address of Milorad Dodik, president of the Republic of Srpska, who attacked Jahić, accusing him of managing a centre which, with financial support of international organizations, wrecks political structures in the region. Dodik failed to present a single piece of evidence for his dangerous accusations. A range of insults addressed through social networks was followed by serious death threats. The messages also contained hate speech on the account of the name and origin of Dino Jahić, as well as explicit death threats, for instance, that “someone should air his skull”.

NUNS responded to the threats with condemnation and requested competent bodies to act in line with law and take all measures against the individuals who openly invite to lynch of Dino Jahić. National and international institutions, organizations, and embassies were informed about this case through the Regional Platform. The case is still in proceeding before the prosecution.

Another physical attack took place on **9 October 2018** when an unidentified young man attacked the editor of the portal “Naša Grocka” of Željko **Matorčević** in Vinča near Grocka. The young man first followed the journalist, and all of a sudden hit him at the nape of his head; when Matorčević fell on the ground, the man continued hitting him. In the course of the attack, Matorčević received grave bodily harm, and his cheekbone was broken.

Together with NDNV, NUNS condemned this attack requesting the police and other competent bodies to take all measures so as to identify the perpetrator as soon

as possible and determine the motives of such a violent act. The Regional Platform reacted, following which the case was included in the Council of Europe’s Platform for protection of journalism and safety of journalists. The case is in proceeding before the prosecution.

About 3 o’clock a.m. on **12 December 2018**, the family home of **Milan Jovanović**, journalist of “Žig info”, was set on fire. Unknown persons threw incendiary devices in his garage, an act recorded by the video camera from the neighbouring house. The fire soon spread to the whole house, which burned. Fortunately, the journalist and his wife left the house on time, without any serious injuries.

The Media Coalition (comprised of journalists and media associations NUNS, NDNV, ANEM, Local press, and AOM) most severely condemned the arson attack and requested from the police to investigate this criminal offence urgently. The Regional Platform reacted in relation to this attack; the case was included in the CoE Platform, while international organizations such as the European Federation of Journalists, Committee to protect journalists, and others reacted as well.

The incidents reported in the NUNS Chronicle for 2017, attacks against journalists that took place during the inauguration of Serbia’s president Aleksandar Vučić on 31 May 2017 was closed: the prosecutor’s office passed the decision on rejection of the criminal charges for the second time. Cases such as death threats journalist Marija Vučić, N1 journalist Marija Antić, “Magločistač” portal, Tatjana Vojtehovski, burgling of the flat of KRIK journalist Dragana Pećo, as well as some other cases, are still pending. Most of them is in proceedings before prosecution.

Political, economic, and other pressures on journalists and other media professionals

The number of pressures grows from year to year. In 2018, NUNS database of pressures and attacks against journalists recorded 72 pressures, compared 62 recorded in 2017. These include different forms of pressures – harassment, intimidation, labelling by public officials, from top state officials to the representatives of local authorities. Journalists were also prohibited from reporting from public events, while media outlets and journalists were discriminated by not being invited to events of public importance, and prohibited to attend sessions of government bodies, primarily at local level; pressures were also exerted through court proceedings.

Although in such cases there are no direct threats and physical jeopardy, some forms of pressures may seriously jeopardize journalists' safety. On the other hand, political and economic pressures result in self-censorship, thus limiting media freedoms.

The most frequently targeted are media outlets and journalists who don't serve the ruling regime, but work in the public interest. These are media outlets and journalists pursuing investigative journalism, independent media outlets and journalists who do their job professionally, responsibly, and objectively, in line with ethical standards, and who are critical of authorities on local and national level. In 2018, mostly journalists from TV N1, the Danas daily, KRIK, weeklies were targeted, as well as local media outlets and journalists. One of the most frequently targeted local media outlets was the Niš-based portal Južne vesti.

The already mentioned Report of the European Commission also highlighted this issue, stating that political and economic pressure on media is still a reason for concern. The report clearly states: "Political and economic influences over media result in widespread self-censorship. Statements by high-ranking state officials on the investigative work of journalists have not been conducive to creating an environment where freedom of expression can be exercised without hindrance."¹²

In addition to political, there are frequent economic pressures reflected in distribution of advertising funds, and budget co-financing of media contents of public interest. This too was also emphasized by the EC report: "Serbian authorities should ensure that informal pressure on editorial policy is not exerted through the distribution of advertising funds, including from public companies, as well as project co-funding from local budgets."¹³

NUNS database recorded 80 cases of attacks, unjust criticism, offences, belittling, and discrimination of journalists, media, journalists' and media associations on part of state and local officials since 2016. Out of these, in the course of 2018 29 cases were recorded. The already mentioned Team for Dialogue recognized the issue and highlighted it, as one of its requests addressed to the Coordination Body of Serbian Government. It requested of the representatives of authorities to stop criticizing, offending, belittling, and discriminating against journalists, media, journalists' and media associations immediately, and to stop jeopardizing their safety.

On the one hand, in 2018 there is a dialogue with the state that declared its willingness to resolve the issues faced by media outlets and journalists highlighted by the journalists' and media associations in their requests. On the other, since the dialogue began several cases of labelling of journalists by representatives of highest state institutions was recorded.

In November 2018, Serbia's president and leader of Serbian Progressive Party Aleksandar Vučić publicly asked all party officials, both MPs and ministers, not to say anything against media and respond to their questions in a decent manner. However, Vučić used the occasion to divide media outlets and journalists to those who support the Government, and those who are against it: "... This is why I will do my best not to say anything bad about any media outlet, to help them in every manner

¹² European Commission, "Republic of Serbia, Report for 2018", Brussels, 2018, p. 29. http://www.pregovaraacka-grupa27.gov.rs/?wptfb_dl=140

¹³ Ibid.

to freely inform the public as they want, whether they support the Government or not.”¹⁴

In the text below we report about some cases of pressures exerted by top officials on journalists and media outlets.

On **8 October 2018**, Security Information Agency (BIA) official Marko Parezanović said that the greatest threats to Serbia are foreign agents who act in media, non-governmental organizations, and opposition parties. NUNS and NDNV publicly reacted stating that such statements are exceptionally dangerous and that they may be interpreted as a serious threat to freedom of expression and critical thinking.

Only two days later, on **10 October**, quoting the views of **Nedim Sejdinović**, journalist and President of NDNV expressed in an interview for Istinomer, Aleksandar Martinović, the head of the SNS Parliamentary group, said, among others, that “we are obviously dealing with persons who do not wish good for their state, who want to bring fear and unrest to citizens, who want to destroy everything that Serbia did well in recent years”, and that he hoped that “citizens understand who works in their interest every day, and who does nothing but spread panic, misinformation, and complains on daily basis having done nothing good for Serbia in their lives, not even for own profession”. Only a day later, on **11 October**, Marijan Rističević, MP from Peoples’ Peasants Party, talking about Sejdinović in the Parliament, showed his photo and a post on Twitter saying: “When it comes to environmental pollution, we must mention spiritual pollution. This man (showing the photo of Sejdinović) is notorious for a range of offences which he also said today,” said Rističević, stating that Sejdinović “offended Christians on social networks”, and “did not receive any public condemnation”. He also added that Sejdinović is an integral part of Djilas’ alliance of frauds and thieves” (referring to Dragan Djilas, the opposition leader). Reactions to the attack against Nedim Sejdinović were first published by NUNS and NDNV, followed by the Media Coalition. It harshly condemned such actions and emphasized that this act seriously jeopardizes Sejdinović’s safety, presenting at the same time a serious attack against media freedoms and freedom of expression.

Similar pressures also come from the highest state officials, even the president of the Republic. Thus, on **18 October 2018**, at a press conference at Belgrade Security Forum, Aleksandar Vučić first addressed the RTS journalist: “How many times did you, Miss Sto-

jisavljević, how many times did people from your TV station, RTS not to confuse people who are watching, went to cry in Vuk Jeremić’s offices, to cry because of one press release by Milenko Jovanov? Why didn’t you go and cry in the Informer newsroom when Dragan Djilas requested the editor-in-chief of the Informer to be arrested, shouldn’t you care about your colleague more?” Following this, a **journalist from TV N1** requested from the president to stop exerting pressure on colleagues from the public broadcasting service and to start calling TV N1 by its real name, not Šolak’s and Djilas’ TV station. The president replied that he had tried all the time to treat TV N1 professionally, and added: “Unlike you, who have never been professional. And this is the gravest word I’m addressing to you, that you have never been professional. You have already been a direct political front office of Dragan Djilas. Do you want to ban from thinking and having a different opinion? Who are you, and who has the right to tell me what I may and what I may not say? Or would you form a commission and hang me because I don’t think the same as you...”

Condemning this pressure, the Media Coalition stated that the president of Serbia jeopardized journalists’ safety by labelling and asked of journalists to express solidarity. In October 2018, the Media Coalition sent a letter to international organizations and institutions informing them about the current situation in the media sphere, issues faced by media outlets, as well as on the state of media freedoms in Serbia. The contained information about the mentioned cases of pressures exerted by officials.

On **30 October 2018**, once again at the National Parliament, when SNS MP Marko Atlagić first said that Serbian citizens are witness to slanted, malevolent, untrue media attacks against Serbia’s president, his family, and his closest associates; he then stated that such media attacks were conceived by various tycoon-mafia criminal and politicizing groups and individuals. He said: “Such media attacks involve presidents of political parties, some of whom are sitting in the Parliament, the alliance for the second pillaging of Serbia and individuals such as Velimir Ilić, Olja Bečković, Teofil Pančić, Matija Bečković, Amfilohije Radović, Goran Marković, Slaviša Lekić, Zoran Ivošević, Gordana Suša, Dušan Teodorović, Borka Pavičević, Cvijetin Milivojević, Božo Prelević, Miloš Vasić, and others through media outlets Vreme, NIN, Danas, BIRN, Vijesti, Nacional, Tabloid, B 92, Blic, Kurir, Radio Free Europe, and others.”

On **6 November 2018**, head of the SNS MP group Aleksandar Martinović accused the Danas daily in the Parliament of leading a “hunt against SNS and innocent people” which hasn’t been “experienced since the period of Goebbels and Adolf Hitler.” His deputy, Vladimir Orlić said that “the Danasoid daily” and its

¹⁴ Beta, “Vučić: SNS members need to respond to media in a decent manner”, N1, 20 November 2018 <http://rs.n1info.com/Vesti/a437210/Vucic-Cla-novi-SNS-da-pristojno-odgovaraju-medijima.html>

journalists are “a shame of the Serbian journalism”. Media Coalition condemned these pressures too, stating that they represent yet another strike against media freedoms and deliberate jeopardizing of safety of journalists.

Following this incident, on **9 November** a caricature of **Predrag Koraksić - Koraks** was published on the front page of the Danas daily. It depicted SNS MPs Aleksandar Martinović and Vladimir Orlić together with Hitler and Goebbels. Numerous institutions reacted, including the Provincial government, but also the Ministry of culture and information, stating that the front page and caricature are entirely inappropriate, as they, directly or indirectly, place Serbia’s President Aleksandar Vučić in an unacceptable and ethically insupportable context¹⁵. Only ten days before, the same Ministry refused to react in the case of a call for lynch of journalists and independent media outlets in Serbia in *Ilustrovana Politika*, while the State secretary for media Aleksandar Gajović stated that “the Ministry is not used to, nor it is authorized, to comment any authorial texts”¹⁶.

NUNS and NDNV publicly reacted and requested of the Minister of culture and information to resign; a day later, the Media Coalition reacted too, stating that this is yet another major defeat of the idea of media freedoms in Serbia, and that the authorities once again showed their hostility to freedom of expression and freedom of artistic expression.

In 2018, *Ilustrovana politika* launched a campaign against independent media outlets. First, on **30 October 2018**, this weekly published the front page with the headline “Dogs are unleashed” and the sub-heading “Why do RTS and the Politika keep silent?”. The cover page included a photo of an aggressive dog with front pages of weeklies *Vreme* and *NIN* and the *Danas* daily in the background. In the text, together with TV N1, these media outlets were accused of being foreign agents. NUNS and NDNV reacted stating that the front page with the headline “Dogs are unleashed” and the corresponding text in *Ilustrovana politika* is a classical call to lynch independent journalists and media, but also all others with critical viewpoint to authorities in Serbia.

On **13 November 2018**, *Ilustrovana politika*’s edition published on its front page an inappropriate overview of the journalistic career of a journalist Ljiljana Smajlović. Namely, in the text written by Goran Kozić “The

anti-war profiteer” among others states that thanks to the influence of Ljiljana Smajlović to the Washington Post, bombing of Serbia in 1999 lasted much longer than planned. On **11 December 2018**, *Ilustrovana politika* published on its front page a photo-edit of journalists Ljiljana Smajlović and Veran Matić, and the US Ambassador to Serbia Kyle Scott with the headline: “Veran, Veran, what are you doing, you mammographic device”.

The aggressive campaign of *Ilustrovana politika* in which the suspects in the murder of Slavko Ćuruvija are proclaimed innocent beforehand, at the same time jeopardizing safety of Ljiljana Smajlović and Veran Matić, members of the Commission for investigation of murders of journalists was strongly condemned by the Media Coalition (UNS, NUNS, NDNV, ANEM, LP, and AOM).

Last year, smear campaigns of media close to the ruling regime against other media and journalists continued. One of such cases was the harangue against a journalist Tamara Skrozza. On **24 January 2018**, on *TV Pink*, the editor-in-chief of tabloid *the Informer Dragan Vučićević* accused Tamara Skrozza and *Vreme* weekly where she works of writing in the interest of businessman Miroslav Mišković and causing the atmosphere of chaos before elections for the Assembly of the City of Belgrade so as to proclaim electoral theft after the elections. Pulling out of context half-sentences uttered in a satirical programme, *TV Pink* targeted the journalist as the “arch-enemy of Aleksandar Vučić”.

In the course of 2018 administrative pressures against media outlets continued. In certain cases they jeopardized media very existence such as the case *Vranjske* weekly which was closed in 2017 after 23 years of existence due to constant inspection pressures; when the weekly was closed, Tax administration stated that they had not found any irregularities.

In 2018, Niš-based *portal Južne vesti* was subjected to similar administrative harassment. In previous years, this media outlet was targeted by tax inspection several times, and never experienced any negative findings. The last tax inspection in the course of 2018 lasted for six months, also resulting in no found irregularities. However, the inspectors issued a warrant and made it obligatory for *Južne vesti* to pay almost a million dinars due to the fact that the editor-in-chief is not a fully-time employee at the media outlet. The decision of the inspection was based on the Decree on the job catalogue in public services and other organizations in the public sector which defines obligations of the editor-in-chief in the public media outlets. The problem is that this catalogue does not relate to private media outlets, which is exactly what *Južne vesti* has been since its establishment. Besides, no law pre-

15 Beta, “Ministry of culture condemned the caricature on the front page of the Danas”, N1, 9 November 2018. <http://rs.n1info.com/Vesti/a434592/Ministarstvo-kulture-osudilo-karikaturu-na-naslovnoj-Danasa.html>

16 Radio Free Europe, “Gajović on *Ilustrovana*: We are not siding with anyone”, N1, 21 October 2018. <http://rs.n1info.com/Vesti/a432320/Gajovic-o-tekstu-u-Ilustrovanoj-politici.html>

scribes the obligation of the editor-in-chief to be fully employed with the media outlet. Južne vesti launched proceedings before the Administrative Court. NUNS filed a letter to Prime Minister Ana Brnabić requesting of her to stand to defence of media and journalists' freedoms, and stop administrative pressures which jeopardize the existence of Južne vesti and other independent media outlets in Serbia.

Administrative pressures and the case of Južne vesti in particular was covered in the list of the requests Team for Dialogue passed to the Government. The associations requested that tax and other inspections stop jeopardizing work of independent media outlets at once, especially portal Južne vesti and other media outlets which experience similar administrative issues due to their editorial policies. They also requested an independent audit of the tax proceeding conducted against Južne vesti.

Pressures on journalists through court proceedings

Same as in previous years, in Serbia there is still a large number of claims against journalists in relation to information published in media. The number of lawsuits filed to the Higher Court in Belgrade in the period from September 2017 to the end of August 2018 is 650. In the same period, 552 cases were solved. On 30 August 2018, the number of pending cases amounted to 1011. In 2017 as many as 548 claims were filed, while in 2016 their number was 507.

In the recent years, the number of claims filed against media and journalists by public officials has increased. These claims are filed against media outlets which are critical of the work of the Serbian Government and its officials. This is of particular concern, as the Law on public information and media prescribes that officials are obliged to bear critical opinions. Article 8 prescribes: "Persons elected, appointed, i.e. nominated are obliged to bear expressions of critical opinions relating to the results of his/her work, i.e. policies he/she implements, in relation to his/her performing of function, regardless of whether he/she feels personally injured by such expressions of opinions". International legal norms and practices of the European Court of Human Rights also point to the fact that public officials must sustain a greater degree of criticism.

One of the most dramatic cases of pressures through courts comprises four claims filed by Minister Nenad Popović against the Crime and Corruption Investigating Network – KRIK, because of four texts stating almost identical information based on documents within the international project "Paradise Papers". In each of these claims, the Minister requested a million dinar damages for violation of his honour, reputation, and dignity. Having in mind that the Minister failed to attend hearings in all four cases, some of the judges warned him and announced rejection of the claims, following which he requested that the four proceedings are frozen while he is the minister¹⁷. KRIK newsroom announced they would request continuation of the proceedings¹⁸.

Believing that the frequent claims against journalists and unequal court practices are very important for freedom of media, the Team for Dialogue requested urgent suspension of court campaigns against media outlets with independent editorial policies.

In recent years, cases in which journalists and media sue other media outlets for violation of reputation and honour were especially prominent. This is a result of frequent campaigns and pressures by media outlasts close to authorities against individual journalists and media outlets which perform their job objectively and in line with professional standards. In the previous two years, NUNS followed trials in relation to a number of such cases. For instance, journalist Vukašin Obradović filed as many as three such claims. The first one is against Željko Mitrović, the owner of TV Pink and TV Pink because of Mitrović open letter (in which insulting and labeling Obradović) being published at that TV station. The Appellate Court in Belgrade annulled the verdict of the Higher Court by which the claim was originally rejected and returned the case to repeated trial. Obradović filed the second claim against the Informer and its editor-in-charge Dragan Vučićević, also in relation to the open letter of Mitrović. The first-instance verdict in this case was passed in favour of claimant Obradović. He filed the third claim against the Informer and its editor-in-chief Dragan Vučićević because of the texts entitled: "Fascism: they request the EU to ban the Informer" and "The case of the NUNS boss: scam, you mutt!" The Higher court in Belgrade passed the first-instance decision making it obligatory for the defendants to pay a certain amount as damages for violation of honour, reputation, and personal dignity, as well as the experienced distress¹⁹.

Court practices in Serbia are still unequal, although there are some developments in relation to harmonization with practices of the European Court of Human Rights. It happens that the fines are too high, which may jeopardize normal functioning of media, having in mind the difficult conditions in which media, especially local, functions.

¹⁷ Jelena Radivojević, "Judges threatened Popović with rejection of charges, he requested freezing of proceedings against KRIK", KRIK, 17. December 2018. <https://www.krik.rs/popovicu-sudije-zapretile-odbacivanjem-tuzbi-zatrazila-zamrzavanje-postupaka-protiv-krik/>

¹⁸ Bojana Jovanović, "Dojčinović: we will request trials with Popović are not disrupted", KRIK, 18. December 2018. <https://www.krik.rs/dojcinovic-trazice-mo-da-se-sudenja-sa-popovicem-ne-prekidaju/>

¹⁹ <http://www.bazenuns.rs/srpski/lzvestaji-sa-sudjenja>

As it was already mentioned, NUNS has been following and reported about 17 proceedings for claims against journalists in relation to information published in media. The most interesting cases include the trial after the claim of the Minister of interior Nebojša Stefanović against “Peščanik” and Vesna Pešić.

Nebojša Stefanović vs Vesna Pešić and “Peščanik”²⁰ – Minister of the interior Nebojša Stefanović filed charges against portal “Peščanik”, its editors Svetlana Lukić and Svetlana Vuković, and its associate Vesna Pešić. The reason for the lawsuit was Vesna Pešić column “Dosoljavanje” (Salting it) regarding the demolition of structures in Hercegovačka Street in Belgrade (the Savamala case) published on 14 May 2016. Vesna Pešić wrote that Stefanović’s statement to RTS that the police could not react to illegal demolition in Hercegovačka Street because the police officers would be endangered by torn electric cables was stupid. She wrote: “Only the stupidity of Minister of the interior Nebojša Stefanović is insurmountable and unforeseeable. So far, we have not discovered why it was he who was assigned the role of being the stupidest. Maybe because he always appears after Vučić to ‘cork’ the remaining holes. And what pearls did he spill this time? He said that the fact that demolition of three illegal objects in Savamala is the main news item in Serbia was a ‘spin’. Really, three objects only?”

Stefanović filed a lawsuit for violation of his reputation and honour and requested damages at the amount of 200,000 dinars. The hearing was postponed nine times, and the trial finally began in April 2018.

The Higher Court in Belgrade decided that the text violated reputation and honour of Minister of the interior Nebojša Stefanović. The Court decided that the quotes from the text: “Only the stupidity of Minister of the interior Nebojša Stefanović is insurmountable and unforeseeable”, and “So far, we have not discovered why it was he who was assigned the role of being the stupidest” violated Stefanović’s personal dignity and inflicted him an intangible damage in the form of violated personal and professional honour and dignity. The justification of the verdict states that in the course of the proceedings it was established that the text reported Stefanović’s statement about of illegal demolition in Savamala in a “malicious and incorrect manner”, that the text does not contribute to public debate on this event, and that it is not aimed at resolution of the issue, but at “offences and subjective categorization on part of the accusing party, and violation of the claimant’s dignity, reputation, and honour”. The court decided that the qualifications given in the text “exceed freedom of public information and freedom

of expression as they do not feature serious criticism to phenomena of interest to the public, but have a tendency of offending and belittling the claimant”.

Besides the aforementioned, the court justification also reads that it is doubtless that journalistic opinion may be expressed with a certain dose of exaggeration and provocation for the purpose of pointing to a certain social topic which is of public interest, but that “there needs to be proportionality between criticism and expression in relation to a topic, that is, the manner in which such criticism is communicated”. It was stated: “There needs to be balanced interest on both sides – the right to freedom of expression to inform about issues of public interest, and protection of reputation of a person”. The Court pointed that this was not observed in this particular case, as assigning the features of “stupid” and “the stupidest” to Stefanović directly violated reputation of the claimant.

The Appellate Court in Belgrade confirmed the verdict of the Higher Court; by the decision of this Court, the First-instance Court passed a correct decision that not all forms of communication of content of ideas and opinions are included in freedom of expression, because freedom of expression must not oppose its purpose. It was also stated that parts of the text do not contribute to public debate on events in Savamala and that they are not aimed at solution of the issue, but to offending of dignity, reputation, and honour as the claimant was characterized as someone who is “the stupidest”, whose “stupidity is insurmountable”; such qualifications violated dignity of the claimant.

Marijan Rističević vs B92 – we single out yet another case which was mentioned in NUNS 2017 Chronicle in the context of encouraging court practices. Marijan Rističević filed a claim for violation of honour and reputation in a TV package broadcast on TV B92 in Vesti (newscast). The package was based on information that “Rističević Company”, owned by the claimant’s wife, offered Directorate for Commodity Reserves a certain amount of corn for sale, and supplied the certificate of the Belgrade-based Company for technical testing and analyses SGS Beograd Ltd. The statement of Marinko Ukropina, manager of Company for technical testing and analyses, saying the company had never cooperated with “Rističević Company” and that the reports and certificates on the amounts and quality offered to the Directorate were fraudulent was also broadcast in the same package. It was stated that criminal charges were filed against the claimant’s wife, company owner, for suspicion that she had committed the criminal offence of fraud in combination with the criminal offence of document forging. The author of the package then reported the claimant’s statement, while he had also checked correctness of the given information with the Directorate for Commodity Reserves. There the journalist learned that the Directorate had

²⁰ Based on NUNS’ reports from the trial (author: Vera Barišić) <http://www.bazenuns.rs/srpski/izvestaji-sa-sudjenja>

requested authentication of the certificate and that they would not give any statements before the truth is established, and that “Rističević Company” was paid for the promised corn, as reported in the package.

In this case, the Higher court in Belgrade rejected Rističević’s claim as unfounded. The Court took the position that the media content contested by the claim comprised facts stated by the author of the package, other natural and legal entities, but the claimant as well. Primarily deciding whether the journalist – the author of the TV package acted in line with due journalistic attention, the Court established that all statements were reported in an authentic manner, i.e. as they were given. Likewise, the Court regarded the TV package broadcast within TV B92 newscast in the context that the claimant is a public person, which was treated as common knowledge.

However, the Appellate Court in Belgrade annulled the first-instance ruling and pointed to the fact that in repeated proceedings the Higher Court should bear in mind the fact that the disputable package starts with a photo of the claimant, statements that the claimant is famous for having come to Parliamentary sessions on a tractor, while his family company is currently threatened by serious accusations; it was also said that the TV package was about the work of the claimant’s wife, not a company owned by his family.

The repeated proceeding before the first-instance court from 2018 is still pending.

Marijan Rističević vs NIN – On 18 May 2017, MP from the ruling coalition and president of the People’s Peasant Party Marijan Rističević filed a claim because of the text “Rističević for ombudsman”, published in NIN on 22 December 2016. The claim was filed against NIN, its editor-in-chief Milan Čulibrk, and the then responsible editor Nikola Tomić. Rističević stated that he believed that in the text he was presented in “a highly offensive tone, full of sarcasm and cynicism, with a claim that he was involved in an ‘unsolved scandal’, and that he was the owner of the companies in which the corn from state reserves ended up”.

The case is still pending before the first-instance court. Two hearings have been held, some witnesses have been interviewed, and in February 2019 trial within this case will continue.

Nebojša Stefanović vs NIN – We shall also reflect on the case of the claim of Minister of the interior Nebojša Stefanović against NIN weekly because of the text “Chief phantom from Savamala”. Initially, the Higher Court in Belgrade adopted the claim and ordered NIN to compensate the minister for intangible damage, while the verdict, among other, reads that “by assessment of the court, NIN published untrue and inadmissible information in the headline and the text, suitable for damaging his honour and reputation”. However, the Appellate Court in Belgrade modified the first-instance ruling and rejected Minister’s claim, believing that the Higher Court incorrectly implemented the Law on public information in media when establishing that NIN had not observed the principle of due journalistic attention, i.e. checking correctness and completeness of data in relation to the claim that Stefanović was “the chief phantom from Savamala”.

The Minister filed an extraordinary legal remedy to the Supreme Court of Cassation, while in 2018 the Supreme Court annulled the ruling of the Appellate Court, deciding that the case is returned to the Appellate Court for repeated trial. The decision of the Supreme Court of Cassation states, among other, that the second-instance court “did not assess and measure vulnerability and the right to freedom of expression, and the right to honour and reputation, but only extended protection of media rights to the freedom of expression”. In the justification of its decision, the Supreme Court of Cassation stated that legal understanding of the second-instance court is not acceptable, as it is based on wrong application of material law, and that because of this not all important facts are correctly appraised. It was also stated that “boundaries of criticism in such cases are broad, but even then not absolute, which means that the right to criticism is not unlimited. It is generally determined that media freedom may be limited for the purpose of achieving, observance, and protection of rights and reputation of others”²¹.

21 *Insajder, “The supreme court annulled NIN’s acquittal: Stefanović’s rights were not protected”, 8. November 2018. <https://insajder.net/sr/sajt/vazno/12505/>*

Breaches of the Code of journalists

Disregarding of culture and ethics

The trend of disregarding of ethical rules prescribed by the Journalists' Code of Ethics continued in 2018. According to the Press Council data, the Complaint's Committee found that the Code was violated in 37 of reported, in 20 cases it was established that there was no violation, while seven cases were resolved in agreement. In three cases, Commission members could not pass a unanimous decision, while in two cases appeals were rejected; in two cases, the appellants gave up on their complaints²².

The Press Council has been performing regular annual monitoring of daily press for four consecutive years²³. According to the latest monitoring report on breaches of the Code in daily papers in the period from August to December 2018, one most frequently violated was the Chapter IV relating to responsibility of journalists - 2,213 times. Chapter I of the Code – truthfulness of reporting was violated 1,349 times, while Chapter VII – Observance of privacy was violated in 764. Chapter II – Independence from pressures was violated 405 times. Chapters V – Journalistic attention (321) and VI – Relation to the source of information (319) followed by their frequency. There were considerably fewer violations of Chapter IX – Observance of authorship (36) and VIII – Exploitation of honourable means (23), while there were no recorded violations of Chapter III – Prevention of corruption and conflict of interest²⁴.

The same monitoring presented the number of violations by chapters over four years. In the four-year period, Chapter IV of the code – responsibility of journalists was violated by far the most times. The graph indicates to the growing trend of violation of the Code, e.g. in September 2015 there was the total of 557 recorded violations in comparison to 2018, when this number was almost doubled.

The number of total violations in daily press was established as well. The largest number of violations

were recorded in the Alo – 929, followed by the Srpski telegraf with 769, Kurir with 701 violations, and the Informer with 600 violations. They are followed by the Blic with 307, the Večernje novosti with 216, while the Danas (57) and the Politika (36) had the fewest violations.

The total number of texts in which the Code was violated in the last five months of 2018 amounted to 3,615, with the tabloid Alo as the leader²⁵.

In August 2018 the number of recorded breaches of the Code was 718, while in September it was 722; however, the last monitoring indicated that the largest number of Code breaches was recorded in daily papers in November - 756²⁶.

Same as in the previous year, 2018 was marked by frequent breaches of the Code, violations of law, presumption of innocence, and right to privacy. In texts, especially those in tabloid papers, there is an increasing amount of rudeness, inobservance of culture, and use of derogatory words and insults. Although the Code prescribes that the journalist should cherish culture and ethics of the public word, these rules were frequently not observed in 2018.

In her authorial text: "2018: The rising level of media immorality"²⁷, published at the Regional on-line platform safejournalist.net, Tamara Skrozza points to the fact that in recent years, especially in 2018, "the vulgar language from the streets and reality programmes migrated to 'serious' news pages and 'serious media content'".

"Inobservance of culture and ethics of the public word (as defined in the Journalists' Code of Ethics in Chapter 4, item 6) was thus recorded not only in entertainment columns, but in political rows, open letters which have been exceptionally "in" this year, and texts dedicated to current political rows. Words such as 'lowlife', 'madman', 'fool', and 'whore' occurred traditionally, but now different bodily liquids have also entered into circulation (blood, spittle, and, for the moment being only on entertainment pages, sperm), fasses, urine, pubes, etc. Various derogatory words have become a

22 The data was taken over from the web-site <http://www.savetzastampu.rs/latinica/zalbeni-postupci>

23 The Blic, Večernje novosti, Danas, Politika, Alo, Srpski telegraf, Informer, and Kurir.

24 Press Council, "Report on monitoring of observance of the Code of journalists of Serbia in daily papers (August – December 2018)", January 2019. http://www.savetzastampu.rs/cirilica/uploaded/szs_monitoring_avg-dec_2018.pdf

25 Ibid.

26 Ibid.

27 Tamara Skrozza, "2018: Raising the ladder of media immorality", SafeJournalists, 2 December 2018. <http://safejournalists.net/rs/2018-dizanje-lestvice-medijiskog-nemorala/>

part of everyday life and are frequently used in political conflicts with those of different opinion.”

Skrozza states a last year’s case of the kind from Vranje, when a judge from this town was on the front page news of tabloid papers for days, portrayed as an immoral person prone to different vices, with illustrations which were obviously pulled from her mobile phone and private archives. Several months later, it transpired that the defamed judge had had a conflict with a man who presented himself as an advisor to Aleksandar Vučić thus defrauding people. When the “advisor” was discovered, it transpired that it was he who had supplied tabloids with the compromising photos. In this case, media breached several items of the Code: right to privacy, the obligation to use only honourable means in work, not stolen private photos, and the obligation to be especially cautious towards sources who have their more or less hidden agendas²⁸.

One of the cases which marked the previous year in relation to breaches of ethical standards in electronic media took place on 3 May when TV Pink aired a direct broadcast of funeral of Miloš Kockar, who became ‘known’ to the broader public only by the fact that at the moment of his death, his daughter was a part of the reality programme “Zadruga” which is broadcast on the same TV station. Pink viewers were able to see the coffin, listen to moaning and eulogies at the funeral of a totally unknown man, while the daughter of the deceased and her husband were interviewed in front of the graveyard gates. This media content violated the European Convention on Human Rights, Journalists’ Code of Ethics, and the REM Rulebook on protection of human rights in the area of provision of media services. However, Olivera Zekić, REM Council member, stated there had been no breaches²⁹.

In 2018, the attention of Serbian media was still attracted by black chronicle cases, murders, and suicides. Numerous such cases were recorded, one of them being the suicide of TV presenter and model Marija Ćurčić, when details were provided on her personal, love, and family life, as well as the description of the very act, and then the coffin and those attending the funeral. There is also the illustrative case of tragic death of the eight-year girl A. B. who drowned in the Danube. Media reported every detail not only from her life, but lives of her family and relatives, all guess-

work and pieces of gossip on their financial state, while everything was illustrated with photos of the child and comments on her physical appearance³⁰.

Besides numerous breaches of the Code, in 2018 a growth in fake news was recorded as well.

The portal of the Crime and Corruption Reporting Network (KRIK) raskrikavanje.rs conducted a research based on an overview of all front pages of tabloids the Informer, Alo, and Srpski telegraf published 2018. Data indicates that at the total of 306 front pages, the Informer published 351 fake, i.e. unfounded news items. On 223 front pages of the Srpski telegraf there were as many as 230 untrue of unfounded news items, while tabloid the Alo published 358 items featuring 149 fake news items, i.e. news items without any clear sources and evidence³¹.

In 2018, the portal Fake News Tragač investigated 116 manipulative contents and caught 123 media outlets in lies; in total, they published misinformation 485 times. According to their data, the Alo, which published as much as 33.6% of fraudulent information occupies the first position, followed by the Informer with 32.8% and the Kurir which published 30.2% of misinformation³².

Journalist Skrozza believes that “it is practically impossible to decidedly say whether the media scene in Serbia was damaged because of the political atmosphere and the condition in which media is generally, or whether its demise and plummeting of all professional standards known so far is but a segment of the overall media disaster”. She assesses that devastated professional and ethical standards are “not something which may be ‘cured’ by itself, by mere change of the political atmosphere”. Because, “if and when freedom of speech and media ever re-emerge in Serbia, we will have the whole generations of journalists who do not know how to report in line with the Code and standards anymore, readers who do not find any ‘thrill’ they got used to in ethically correct media contents, and a larger part of the society rendered ‘media illiterate’. This is something journalists and their professional association, as well as their media experts, should treat seriously. Otherwise, we will be living in the world in which only Pink, Alo, Srpski telegraf, Informer, and the likes of them report”.

²⁸ *Ibid.*
²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ Jelena Đorđević and Vesna Radojević, “More than 700 lies at front pages of three tabloid papers in 2018”, Raskrikavanje, 9 January 2019. <https://www.raskrikavanje.rs/page.php?id=346>

³² Fake News Tragač, gold Pinocchio for the “Alo”, silver for the “Informer”, while the bronze one to the “Kurir”, 24 December 2018 <http://fakenews.rs/2018/12/24/zlatni-pinokio-za-alo-srebrni-informeru-a-bronzani-kuriru/>

Media reform

Co-financing of public interest in public information

General data for 2018

According to the NUNS database on project-based co-financing, from 1 January to 31 December 2018 at all state levels in Serbia there were 151 public calls (competitions) published for co-financing of projects in the area of public information. The amount allocated at all competitions was 1,343,893,680 dinars (somewhat more than 1.1 million EUR), which is by about 51 million more than in 2017 (1,292,548,388 dinars).

Competitions in 2018	Number	Total value in RSD
Republic	9	262,000,000
Provincial	6	68,700,000
Towns and municipalities	136	1,013,193,680
Total	151	1,343,893,680

The Ministry of culture and information published 9 competitions implemented till the end of 2018 at the value of 262,000,000 dinars. The ninth competition was actually published additionally and unplanned, as some journalists' and media associations (NUNS, NDNV, ANEM, LP) gave up co-financing of their projects in protest against illegal and irregular procedures (more about this in the text below).

The provincial Secretariat for culture and information of AP Vojvodina published 6 competitions realized till the end of 2018 at the total value of 68,700,000 dinars.

Local self-government units (towns and municipalities - LSG) published 136 competitions at the total value of 1,013,193,680 dinars in 2018. Due to lack of LSG transparency, this data is certainly not final.

Amounts allocated at local competitions in 2018	
The largest amount – the City of Belgrade	90,000,000
The smallest amount – the Municipality of Knić	200,000
Average amount	8,000,000
No of LSG units with competition amounts above average	38
No of LSG units with competition amounts below average	91

The largest amount was allocated at the competition of the City of Belgrade – 90 million dinars, while the smallest amount for the purpose was allocated by the municipality of Knić – only 200,000 dinars.

Municipalities of Alibunar, Čajetina, Kovačica, Kula, Novi Sad, Paraćin, Raška, Sremska Mitrovica, Vranje, and the City municipality of Mladenovac published two competitions each.

Town Požarevac and Zaječar and municipalities Dimitrovgrad, Odžaci, Titel, Bački Petrovac, and Malo Crniće annulled their public calls following the warning of the Coalition of journalists' and media associations (hereinafter: Coalition) about irregularities. All the mentioned LSG units later published correct calls. However, a larger number of incorrect calls was not corrected even after the warning of the Coalition.

The largest amount per projects was allocated at the competition of the City of Niš – 9 million dinars

The smallest amount per project was defined at the competition of the municipality of Bela Crkva – only 10,000 dinars, which is a nonsensical amount for implementation of any media project, and absurd in view of the fact that the same competition defined the largest amount – as much as 6 million, out of the total allocated amount of 9.5 million dinars.

Most projects, as many as 70, were approved and financially supported by municipalities of Čajetina and Ivanjica, where the total allocated amount was 24.5 million dinars.

Competition irregularities

Irregularities mostly related to the fact that the largest and smallest amounts of funds which may be allocated for individual projects were not defined, and that old, invalid competition forms were published for the competitions. In most cases, LSG units corrected formal deficiencies of their competitions following the warning of the Coalition, while individual LSG units turned a blind eye to the warnings, which was followed by public releases of the Coalition on illegal features of the competitions, and decisions not to propose candidates for competition commissions for this reason.

The key reason for the disastrous media co-financing lies in incomplete legal regulations, insufficient trans-

parency of competition procedures of the very process and approved projects, and absence of sanctions for bodies competent in public information in the case of law violation.

Amounts per individual projects in 2018	
The largest amount at the Republic competition	4,900,000
The smallest amount at the Republic competition	300,000
The largest amount at the Provincial competition	4,950,000
The smallest amount at the Provincial competition	100,000
The largest amount at the local competition Niš	8,500,000
The smallest amount at the local competition Red Cross - Niš	30,000

The problem is also in the fact that numerous LSG units do not allocate sufficient funds. Thus, it is totally illogical that Požarevac allocated 3.4 million dinars for co-financing of media content, the municipality of Bor allocated 5 million, the town of Valjevo allocated 6.6 million, while considerably smaller LSG units allocate much more funds – Čajetina 24.5 million, Paraćin 19 million, and Knjaževac 11.4 million.

“Expert” commissions and criminal allocations

The largest journalists’ and media associations in Serbia have protested a number of times, jointly or individually, because of the manner in which money from budgets of towns and municipalities is allocated for co-financing of media content of public interest.

A general observation is that funds from LSG budgets are allocated almost exclusively to media outlets which are “propaganda machinery of authorities”, while commissions comprise representatives of unknown associations, who share citizens’ money among themselves, revoking “organized criminal venture”.

Obvious favouring of media outlets inclined to authorities with coverage by so-called expert commissions is almost becoming a rule. Here, competence of some associations the representatives of which are almost regular members of competition commissions who pass troublesome decisions on media financing is very disputable.

In the previous year, appointed members of competition commissions also comprised representatives of the largest journalists’ and media associations (UNS, NUNS, ANEM, NDNV, and LP). However, candidates

from such renowned associations, even from those with the most credible reputation, are undesirable for most LSG units. On the other hand, independent media experts” and “media professionals” who are not known within the media community are increasingly appointed in the commissions. They are nominated by similarly unknown or totally unknown associations such as PROUNS, Association of journalists from Niš, Association of sport journalists from Belgrade, Club of journalists of Pomoravlje, association ComNet, Association of electronic media of Vojvodina, association New networks of Serbia, etc. These are organizations for which no data of mission and work can be found on the Internet, as they do not have any websites as a rule. The common feature of almost all representatives of such associations in competition commission is that their “professional” and “independent” evaluations were obviously inclined towards media outlets in service of political propaganda. At the same time, the same decisions damaged professional media outlets, especially those critical of authorities on local and national level.

Last year, one of the record holders by the number of positions in local commissions was Miodrag Miljković from Niš, who evaluated media projects at least 10 times, as a representative of the Association of journalists of Niš (5), upon proposal of PROUNS (3), as an independent media expert (1) and as a journalist from Niš (1). Interestingly, despite being relatively unknown in the media community, Miljković was also one of the members of commissions of the Ministry of culture and information, while he was also appointed as a “media expert” for the Belgrade commission. When googled, it is only possible to learn the Miljković is the owner of private production agency “Sinopsis”. It is also possible to find criticism of the work of the commissions in which he participated.

Another popular member was Miloš Lazić who was appointed in commissions as many as six times – as the candidate of Subotica-based association ComNet (3), upon RAB proposal (2), and as an independent media expert (1).

The City of Belgrade appointed in its competition commission Aleksandar Simić, who was in direct conflict of interest, because, although employed with Studio B, he evaluated media projects and participated in allocation of than more than a third of the total amount to the media outlet he worked at and companies related to it.

Representatives of the Club of journalists of Pomoravlje Dušan Aničić, Tanjug correspondent, Dragan Marković, head of the RTS correspondents’ office in Jagodina, and journalist Stanimir Stanković have been indispensable members of the commission of Jagodina. In each of the three years their decision was unan-

amous – the whole amount for co-financing of public interest was allocated to RTV Kopernikus. They were not bothered by the report of the State auditing institution on operations of the town of Jagodina in 2016 which states that RTV Kopernikus failed to use as much as 3.2 million out of the total of 7.2 million dinars allocated at the competition that year for “project activities”. Together with Emil Milojević, Aničić and Marković were appointed in the commission in Arandjelovac upon whose proposal financing was approved for a media company whose account has been blocked.

Certain municipalities illegally appointed members of their commissions whose profession and proponent is not known (Majdanpek, Bačka Palanka, Sečanj...), while clerks from LSG administrations (Petrovac na Mlavi, Kladovo, Priboj...) are, also illegally, proclaimed media experts.

NUNS and other renowned journalists' and media associations proposed amendments of the Rulebook on so-financing of projects to achieve public interest in the area of public information to, among others, clearly define responsibility for publication and implementation of competitions, and promote competition procedures, manner of project evaluation, and others. Also, one of the requests is to precisely define criteria for independent media experts. Before the publication of this report, the Ministry of culture and information had not amended the Rulebook yet, but it is almost certain that key requests of journalists' and media associations will not be accepted.

Disputable decision of the Ministry of culture and information

The greatest deal of dissatisfaction because of disputable criteria was quite understandably caused by the competition of the Ministry of culture and information, which was in previous years mostly praised as an example of good practices, with the exception of 2017, when the then Minister of culture and information Ivan Tasovac modified the proposal of the expert commission without any justification.

In their joint release, journalists' and media associations (NUNS, NDNV, ANEM, and Local pres) assessed that “the Ministry of culture and information rendered the process of competition-based co-financing of public interest in the area of public information meaningless by appointing a large number of compromised media and para-media workers, from phantom associations or associations close to authorities as members of competition commissions”. The associations pointed to the fact that the commissions of the Ministry featured “individuals who, in past, allocated funds at local competitions solely to media outlets close to au-

thorities, including those which violate the Journalists' Code of Ethics on everyday basis, at the same time discriminating against professional and quality media working in public interest”. Besides, “the Ministry appointed in their commissions as media expert individuals who were totally unknown to the public, whose credentials and good intentions we doubt with good reason”. Four organizations assessed that “the only way out of this situation is to repeat the competition process from appointment of commissions on”, pointing to the fact that “commissions must comprise representatives of relevant and recognized associations, uncompromised individuals with high professional and ethical standards, also including representatives of independent institutions and citizen associations”.

On this occasion, NUNS, NDNV, ANEM, and Local press decided to withdraw their representatives from the commissions of the Ministry; following the decision on allocation, the same associations refused the funds allocated for co-financing of their projects.

The Ministry did not annul the competition, while upon completion of work of eight competition commissions and publishing of the results and decisions on allocation, NUNS, NDNV, ANEM, and Local press publicly assessed that “the results of the competition for media projects and the manner in which it was implemented are opposed to the claim of the Government of Serbia that it is willing to resolve numerous compiled issues at the media scene in cooperation with relevant journalists' and media associations”. The said associations appealed to the Government to “take the only logical move” and replace Minister Vladan Vukosavljević and State Secretary Aleksandar Gajović for the scandalous competition at which media was allocated somewhat more than 260 million dinars from the budget.

After the decision on distribution was published, Boško Savković, director and manager of agency Alternativa, published that G.F.C. Production, which received 3.7 million dinars at the competition for projects, “had used the reference films and film awards” of the agency the manager of which he was.

At the same competition, projects of two unknown “media” companies were awarded by the highest million amounts. The largest amount of 4.9 million dinars was allocated to company Essentis, registered for media content a day before the closing of the competition; the second in order is the amount of 4 million dinars which was allocated to agency RayDream Production registered for advertising and marketing. These two quasi-media companies received as much as 12% of the totally allocated 72 million dinars, in competition with 225 projects of TV stations, citizen associations, and agencies throughout Serbia.

Interestingly, company Essentis was registered for production of media content on 7 March 2018, only a day before the closing of the competition of the Ministry. The fact that until the last day of the competition company Essentis had been providing consulting services in relation to business operations and management did not prevent the expert commission to assign it absolute priority in the competition of TV projects. On contrary, the commission assessed that “the project proponent has high professional references, which correspond to the proposed objectives and project activities”.

Members of the same commission also did not mind the fact that the second-rated entrepreneurial company RayDream Production was not registered for production of media services, but advertising and marketing services. The justification of the commission was that “the project comprises production and broadcasting of a series on characteristic sights of Serbia”, and that it is “highly professionally devised”. Not a single concrete “sight” is mentioned, while the estimated “high professionalism” is even less explicable.

Zaječar-based media outlet “Za media” also launched a negative public reaction because of the disputable results of the Republic competition, pointing to the fact that “only after a day of investigation” it established that, according to the data from the Agency for business registers, in 2014 company Essentis Ltd. had the status of an inactive company, that in 2015 its turnover amounted to 2,000 dinars only, while in 2016 it amounted to even less – merely 1,000 dinars. Beside this, Za media established that Essentis Ltd. has no employees, i.e. that not even the founder and manager is employed with this company.

Suspicion as to objectivity of the commissions which evaluated projects at the competition of the Ministry of culture and information is also triggered by some other decisions. For instance, as many as four projects were approved for Radio-television Vranje the majority owner and manager of which Zoran Veličković is at the same time president of association PROUNS, and who was also a member of several commissions of LSG units which financially awarded media outlets close to authorities, rejecting projects of independent media outlets. Support was also extended to projects of Niš-based TV station Zona Plus, owned by son of Bratislav Gašić, highly positioned official of Serbian Progressive Party, as well as Niš-based media outlets TV Bella Amie and the Narodne novine, owned by family Radomirović, also close to the ruling party SNS.

New scandal at the competition of the City of Belgrade

Last year, at the competition of the City of Belgrade, the largest amount of money was also allocated to media outlets openly close to the authorities, unknown consulting and PR agencies, but only-just established companies as well. The greatest portion of the total amount of 89.8 million dinar was allocated to Studio B (16.1 million), as well as companies (20 million) for which the anticorruption portal Pištaljka established to be related to Studio B back in 2017.

Significant amounts were also allocated for tabloids, notorious for breaches of the Code of ethics of journalists of Serbia. According to investigation of Pištaljka, since June last year, Studio B has been owned by Saša Blagojević, school mate of former Mayor of Belgrade and current Minister of finance in Serbian Government Siniša Mali. Blagojević is also the owner of tabloid the Alo, which was allocated 6 million dinars at the same competition for the “Belgrade column in the Alo daily”, which is practically not a project, but a regular newspaper column.

Same as with the two previous competitions, city authorities did not include in the commission a single member of representative journalists’ and media associations, or any renowned media experts. The members of the commission were: Katarina Filipović (upon proposal of RAB), Petar Kočić (Association of journalists of Vojvodina), Miodrag Miljković (independent media expert), Marko Ivanić (association ComNet), and Aleksandar Simić (Association of sports journalists of Belgrade), who was in evident conflict of interest, being a Studio B employee.

After the proposal of the commission, the Srpski telegraf and the Informer were allocated six million dinars respectively; the Press Council had established on several occasions that these media outlets had violated the Journalists’ Code of Ethics, which is why they were not even supposed to be competing for co-financing from public money.

Large amounts were also allocated for companies unknown to a wider public. Entrepreneurial company of Ivana Savić, Mis produkcija, received as much as 5 million dinars. Company Glas nacije, established in April 2018, was allocated 1.8 million dinars. Interestingly, as established by Pištaljka, the application for company registration was filed by lawyer Igor Isailović, who used to represent Siniša Mali, and who, together with Prime Minister Ana Brnabić, is the co-owner of company Energy & Innovation which is in the process of liquidation.

This year, the approved projects also featured the same companies related to Studio B which had received huge amounts in 2017. Company Zofin has so far received 5 million dinars regardless of the fact that Pištaljka discovered, and wrote about it, that in 2017 the company received money for a plagiarized project. Company Zofin happens to have been founded five days after the publishing of the 2017 competition, and had received 4 million dinars at the competition.

At the 2018 Belgrade competition, five million dinars were allocated to company Folim. This company was founded after the publishing of the 2017 competition, and also won five million dinars at the competition.

Companies who received funds in 2018 include company VI production which was allocated 4.4 million dinars. Two years ago, this production company paid as much as one third of 1.5 million dinars, which was the amount allocated to it at the competition of the City of Belgrade, to Studio B for its services.

Company Video calibration, which had, before the 2017 competition, been in sale of machines (then Metalon calibration) and which was then registered for sale of cinema, audio-visual, and TV content and allocated two million dinars, received as much as six million dinars at last year's competition.

Last year, same as before, renowned and serious media outlets such as the Danas, Novi Magazin, portal Pištaljka, Media Centre, and approved associations Eutopia and Association for protection of consumers did not get any financial support from the budget of the capital.

Traditional abuses of Niš authorities

The already traditionally disputable competition procedures of the city of Niš continued this year by the manner of appointment of the professional commission. Head of City administration Ljubiša Janić appointed three members who had already decided on media projects the previous year, when representative journalists' and media associations assessed the results of the competition as scandalous. The first of them, Zoran Veličković, last year's president of the commission, was appointed member once again, this time upon motion of PROUNS, while in 2017 he was the candidate of the Association of journalists of Niš. Independent media expert Vladimir Veljković from Pirot is a member of the commission again, same as Dušan Stojanović, who has been an indispensable member of Niš commission for years. New members of this year's commission were Marina Dimitrić, upon motion of RAB, and Aleksandar Simić, upon motion of the Association of journalists of Niš.

The City administration did not reply to the concrete questions of Niš City radio on the criteria based on which the commission was established. The same media outlet reminded that RAB and Association of journalists of Niš had their representatives in last year's commission, when most funds allocated through the competition were distributed to media outlets close to authorities.

Prior to the appointment of the disputable expert commission, which City radio characterized as an "insult to common sense", the competition was inexplicably changed, and the maximum amount for co-financing of media projects was increased from the original 4 million to as much as 9 million dinars. On this occasion, the Coalition of journalists' and media associations (NUNS, NDNV, ANEM, AOM, and LP) protested pointing to the fact that "the upper limit of the Competition for project-based co-financing of the Ministry of culture and information for production of TV content amounted to 5 million", and that it is in excess to allocate 9 million dinars for an individual project which should be realized in 7 months most. "Such acting raises suspicions that terms of competition are subjected to interests of individuals who own media outlets in Niš, rather than in public interest of citizens of Niš", assessed the Coalition.

Suspicions as to objectivity of the "independent commission" from Niš turned out to be true. The same media outlets recently received the most funds at the local competition in Niš, which is why portal Južne vesti decided not to accept the funds the city approved for its project.

Južne vesti stated that almost 70% of funds from the budget of the city of Niš was allocated to TV stations known by affirmative reporting and close connections to the ruling Serbian Progressive Party. Out of the amount of 54 million dinars for distribution at the competition, as much as 37.4 million, or 70% was allocated to TV stations Zona plus and Belami, Niška TV, the Narodne novine and related PR agencies. The largest amount – 8.5 million dinars respectively – was allocated to the Narodne novine and TV Belami. Somewhat slightly less, 8.4 million, was allocated to Niška TV, while Zona plus received 7.5 million dinars. Belami TV received additional 2.7 million dinars for the second project, and 800,000 more for the third one. PR agency of Danijela Vuković, connected to TV Belami, received one million dinars. These media outlets are known for affirmative reporting and close connections to the ruling Serbian Progressive Party, and owned by two "media families" – those of Bratislav Gašić and Vidosav Radomirović.

Dissatisfaction with such distribution of money of Niš taxpayers was most clearly expressed by the renowned news portal Južne vesti who decided not to

accept the allocated funds, so as “not to legitimize corruption thus”.

From discrimination to loyalty rewarding

In its competition, the municipality of Lajkovac published the list of “priority media outlets” from the municipality, but also from the territories of Lazarevac and Valjevo, which represents media discrimination prohibited by law.

The town of Vranje published two competitions, one for TV stations and the other for other media; at the first competition, the allocated amount was almost 13.5 million dinars or 80% of the total amount of 17 million dinars for co-financing of media content. Such a discriminatory decision of local authorities mostly benefitted two local TV stations – RTV Vranje, which received 5.6 million, and TV Vranjska plus, which received 5 million dinars, or somewhat more than 60% of the total amount allocated for all media projects. For the second year in a row, members of the competition commission in Vranje mostly supported projects of media outlets said to be “loyal to authorities”, while projects of media outlets known by their critical reporting on work of local self-government, such as portals “Info Vranjske” and Južne vesti were rejected. Members of the competition commission were Danijela Ivanović,

deputy editor-in-chief of Niš-based TV Zona plus, owned by the family of BIA director Bratislav Gašić; Emil Ivanović from the Citizen association “Nova mreža Srbije”, unknown to the public; and Đorđe Kovačević as an independent media expert, unknown even in circles of journalists with several decades of experience.

This year, authorities in Nova Varoš appointed a member of the Municipal administration as one of the three-member commission for evaluation of media projects, which is opposed to the Law on public information and media, and corresponding by-laws.

The municipal administration of Koceljeva changed the proposal of for distribution of funds of the competition commission without any justification or consultations with commission members, thus rendering the public competition and independence of work of the independent commission meaningless, as publicly pointed by the Coalition of journalists’ and media associations (UNS, NUNS, ANEM, NDNV, Local pres, and AOM) in their unsuccessful attempt to annul the illegal decision.

Authorities in the municipality of Topola also wilfully changed the proposal of the independent commission, but did not annul the illegal decision even after the public request addressed by the Coalition of representative journalists’ and media associations.

Regulatory Body for Electronic Media

Same as in previous years, inadequate functioning of the Regulatory Body for Electronic Media (REM), primarily the REM Council, presents one of the major issues in the media sphere. The key piece of criticism addressed to REM is that it functions under evident political pressure. It is believed that this is why REM does not sufficiently exercise its authority prescribed by law and why the REM Council has been working in incomplete composition for a long time. Likewise, because of political influence, REM has not performed monitoring of election campaigns in recent years.

REM is the body which supervises work of broadcasters; it is obliged to control work of providers of media services and ensure consequent implementation of provisions of the Law on electronic media, pronounce measures against providers of media services, and perform other activities as prescribed by law.

The Law on electronic media prescribes the measures which REM may pronounce to broadcasters. Statistical data indicates that the regulator does not exercise its competences as provided by the law to a sufficient extent. There were numerous cases of breaches of rights of children and minors and victims of violence, defamation campaigns and hate speech, physical and verbal violence, and leaking of information from police investigations recorded in programmes of electronic broadcasters, as well as other situations in which REM fails to react despite its obligations prescribed by law.

In 2018 REM pronounced 7 measures – 1 reprimand and 6 warnings (in 2017, only one reprimand and two measures of warning). Since the beginning of implementation of the Law on electronic media, REM has not prescribed a single measure of revocation of license, while it temporarily prohibited broadcasting of TV programme only once (TV Happy, 2015).

Also, REM has the legal possibility to file motions for launching misdemeanour or criminal proceedings, or other proceedings before competent state bodies. Here one of the issues is that the court does not react to its motions. According to the REM report for 2017, it filed 42 motions for launching of misdemeanour proceedings to the competent court, as well as 5 appeals against decisions of the Misdemeanour court, for violation of provisions of the Law on advertising on part of providers of media services (PMU)³³.

This issue was also stated in the research enabled by the Council of Europe. An independent audit of REM

work indicated that there are clear deficiencies in the possibility to impose and use different sanctions. It was stated that “on the one hand, the supervisory body does not have the authority to impose financial sanctions which are certainly more efficient than warnings and reprimands. On the other, REM does not sufficiently use its most effective sanction, i.e. temporary prohibition of programme broadcasting.”³⁴ The research emphasized that the procedure of appointment and nomination of Council members comprises best practices; however, commenting the question of whether majority political structures or political competences have impact on the composition of the supreme decision-making body, the research states that this may not be established, although there are indications that this could be done, and that: “this is a result of very strong political influence on all levels and the process of nomination and appointment which is not protected from political appointments by the Parliament”³⁵.

As it was already said, REM is obliged to supervise work of broadcasters³⁶. The Law on electronic media envisages the obligation of REM to protect media pluralism during elections³⁷. The law also prescribes prohibition of political advertising other than in election campaigns, and that in the course of an election campaign all political parties, coalitions, and candidates are ensured coverage without discrimination.³⁸

The regulator also passed a separate rulebook to regulate behaviour of broadcasters in election campaigns – Rulebook on obligations of providers of media services in the course of election campaigns.

Same as in previous years, in 2018 REM did not monitor election campaigns for local elections in Belgrade, but worked upon citizen complaints only. As before, the monitoring was performed by different non-governmental organization whose reports indicated that the candidates did not have fair and equal access to media during the election campaign.

33 *Regulatory Body for Electronic Media. Report on work for 2017, Belgrade, 2017, p. 26.* <http://rem.rs/uploads/files/PDF/Izvestaj%20o%20radu%20REM%202017.pdf>

34 *Council of Europe, Independence and work of the Regulatory Body for Electronic Media in the Republic of Serbia, October 2017, p. 62.* <http://rem.rs/uploads/files/PDF/REM%20Report%20Indireg.pdf>

35 *Ibid.* p. 40.

36 *Articles of Association of the Republic Broadcasting Agency, Article 5, paragraph, item 6.*

37 *Law on electronic media, Article 103.*

38 *Ibid Article 47, paragraph 1, item 5.*

In 2017, NUNS filed criminal charges against members of the REM Council based on reasonable doubt that they had committed the criminal offence of negligent work. The justification of the charges read that members of the REM Council failed to perform supervision over the work of media service providers in the course of the election campaign for presidential elections held that year, that they acted obviously negligently in performing their function, although they were aware that this could result in grave violation of basic human rights as guaranteed by the Constitution and laws. In March 2018, the First Basic Prosecutor's Office in Belgrade ceded the case to the Higher Public Prosecutor's Office in Belgrade, i.e. Special department for curbing of corruption, while the proceeding is still pending.

NUNS also reacted to the behaviour and work of REM on several occasions in 2018. At the end of January 2018, NUNS and CRTA organized a joint action "**Podnesi prijavu, probudi REM**" ("**File a report, wake REM up**"), so that citizens would report the media outlets which report objectively contrary to public interest. The reason for this was reporting of TV Pink following the event at which CRTA presented the results of monitoring related to the campaign, which indicated that political protagonists are not equally covered in media, and that a so-called "functionaries' campaign" occurred. In the TV package, journalist Tamara Skrozza, who worked on the report and CRTA are presented as state enemies. More than 200 reports were filed within the action.

Following this, on 18 May 2018, NUNS publicly protested for irresponsible and illegal acting of the REM Council which rejected several citizen complaints against TV Pink. In the replies to citizen complaints filed within the said action, the REM Council states that "it was established there were no legal and formal grounds for launching of the proceeding for violation

of personal interest, as the person whose interests could have been violated did not file a complaint". It is also stated that it was established that "on the occasion of broadcasting of disputable content there was no violation of general interest".

NUNS stated that it was unacceptable that in its reply to citizen complaints REM did not provide any explanation for the very disputable conclusion that general interest was not violated by the media content of TV Pink in question. NUNS believes that by such acting members of the REM Council once again demonstrated their political dependence, and absence of any sentiment and responsibility for public interest and rights of citizens.

On 27 September 2018, NUNS filed REM a claim for law violation against TV Pink, which aired a direct broadcast of a party session – session of the Steering Committee of the Serbian Progressive Party on 24 September, which is explicitly prohibited by the Law on electronic media. This Law (Article 47, item 5) defines that "the provider of media services is obliged, in relation to its programme content, in line with its programme concept, to: ... 5) observe prohibition of political advertising other than in election campaigns...". NUNS expressed its expectation that the REM Council will decide on the case of the claim against TV Pink as soon as possible, and inform the public about its decision.

The Team for Dialogue recognized REM as an issue, and filed the request to the Coordination Body of the Republic of Serbia to that effect. The associations requested that the poor work of the REM Council is urgently reconsidered, and that this regulatory body is demanded to perform its work in line with law, and to de-block the process of appointment of the deficient members of the REM Council.

Free legal advice service

Same as in previous years, NUNS provided free legal advice to journalists and other media professional within the project “Free legal helpline”. Legal advice was focused on professional and labour rights of journalists, but was also extended in other areas, such as, for instance, criminal law.

In 2018 there were numerous issues relating to professional rights of employees and other media workers, due journalistic attention, and issues relating to lawsuits launched against journalists and media

outlets for violation of reputation and honour. Also, numerous issues related to the Journalists’ Code of Ethics, authorization, and establishment of media outlets, as well as in relation to irregularities in the procedures for the co-financing of media projects of public interest.

This year, there were also numerous issues in relation to labour law, primarily relating to outstanding taxes and contributions for pension insurance, contributions for years of experience, and copyrights.

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