



**safejournalists.net**

# **Western Balkans Journalists' Safety Index**

**Narrative Report SERBIA 2020**

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# Introduction

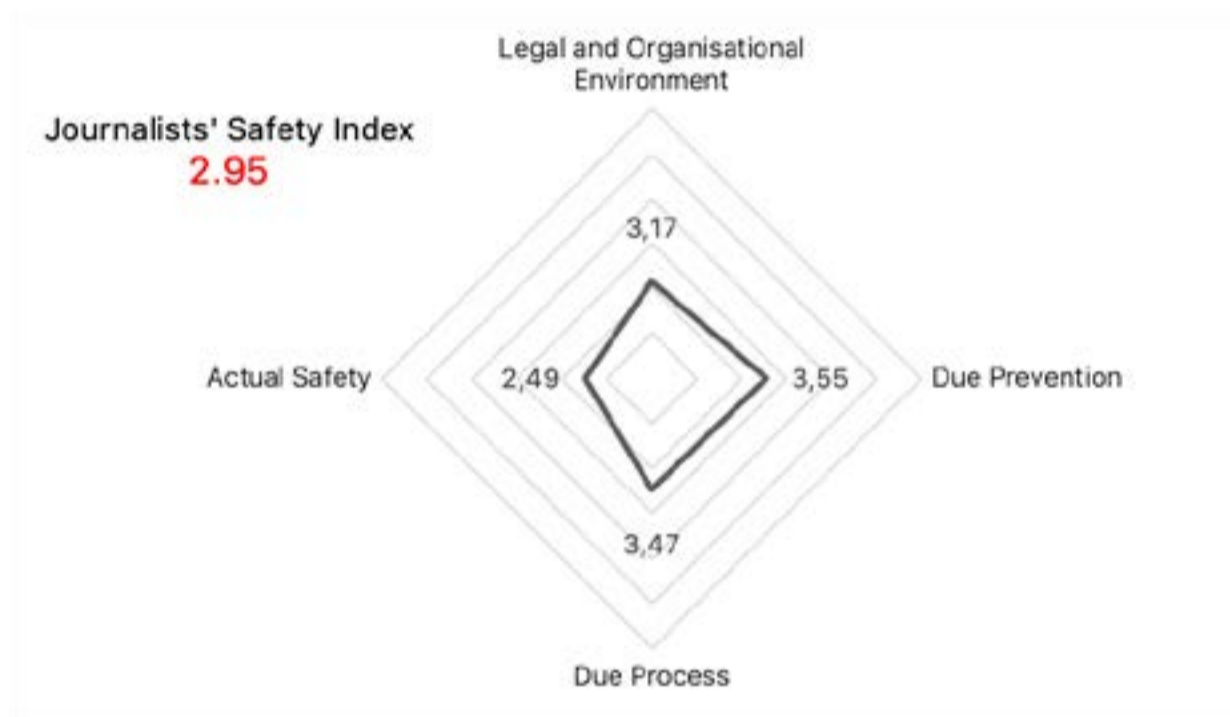
The Western Balkans' Journalists' Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the WB countries, that have direct or indirect impact on the safety of journalists and media actors while practicing their profession. The WB-JSI relies primarily on the research evidence collected and analysed by the partners of the Safejournalists.net Platform in compliance with a rigorous procedure of inquiry. The collected data on various dimensions of the complex concept of 'journalists' safety' is quantified and aggregated into a composite indicator – Journalists' Safety Index, to measure the changes across the seven Western Balkans' countries over time. Based on the research evidence, nine members of the Advisory Panel in each country assess the situation and assign scores to each of the 19 indicators within the following dimensions:

- (1) Legal and organisational environment – the existence and implementation of legal safeguards relevant for the safety of journalists;
- (2) Due Prevention – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety;
- (3) Due Process – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) Actual Safety – incidents and instances of various forms of threats and acts of violence against journalists and media.

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute and partners of the Safejournalists.net Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media of Montenegro, Association of Journalist of Macedonia, Association of Journalist of Kosovo and Croatian Journalists' Association. As such, the Index is a result of a joint effort of the Platform Safejournalists.net and covers all the specific issues that local partners identified as relevant for their country contexts.

This report refers to the situation in Serbia in 2020 which was designated as the first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. In the upcoming years, the improvement or deterioration of the situation in all countries will be measured by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found at:

## — SUMMARY



### I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- Although the legal provisions are fundamentally sound and do not protect civil servants and officials particularly, judgments adopted in the proceedings against journalists still differ depending on the court instances. This gives way to fear that journalists could be liable for articles they write. The most recent claims with enormous compensations for damage represent a huge pressure for journalists who fear the consequences of new claims from the other parties in the near and far future, making a significant impact on their work and the work of their colleagues too.
- The inappropriate level of information protection has been recognised in the strategically essential documents. Although the law guarantees the source's safety, certain forms of behaviour of government officials represent examples of direct attacks on sources, especially using internal proceedings against sources of information were recorded, while government representatives failed to condemn such actions. The authorities fail to respect principles of confidentiality in several ways, however, the public nature of such cases helped sources get through the process without more harm.

- Some laws are not applied consistently, followed by numerous omissions and arbitrary cases. Although regulations protect them, the journalists fear complaints, pressures and attacks. The behaviour of government representatives demonstrated the state's position that the facts should not be revealed on some issues. During the state of emergency in 2020, journalists had restricted access to press conferences and data on the health situation in Serbia. The July protests demonstrated lack of sensitivity for journalists' work and their problems while reporting by police, as severe forms of force were used against them.
- Journalists are free to join their associations, and their work does not require a permit or a licence. However, journalists without a licence often encounter basic problems related to journalist status, which automatically impacts the further protection of their rights. Many different forms of pressure on journalists, their media and associations were recorded. During 2020, authorities limited the journalists' rights to report from public events, particularly at the local level. The establishment and strengthening of parallel associations and unions have been noticeable, intending to lower the impact of existing professional associations.
- Labour rights are often violated, salaries are low, the number of journalists who do not have employment contracts increases, and uncertainty is enormous. Recession, a significant decrease in staff, small profit from media, increasing of a number of journalists engaged part-time and use of employment agencies (as in public broadcasters). Private interests of owners and the non-existence of internal regulations ensuring the independence of journalists put pressure on management and editors who often act as an extended arm of those owners, causing journalists to feel dependent and insecure.

## **II. DUE PREVENTION**

- The system of rapid reporting of attack cases and urgent actions of competent authorities has been to a large extent established in Serbia. However, journalists are still suspicious of the work of institutions. In practice, it was demonstrated that a rapid reporting system is functioning in some cases, but it is often not effective in further investigations, some cases are dropped quickly, so the level of established protection is only achieved on paper. Establishing of the rapid reporting mechanism indicates serious shortcomings of the existing system.
- The general system enabling the protection and safety of citizens in Serbia has been established. This special protection (organized by police and the security service) includes journalists and media players who similarly have access, just as the citizens, and requests

must be submitted in person. Journalists do not often experience safety assessments and do get escort only in challenging cases. The process is difficult because of access to journalists' personal data, less trust in responsible authorities, especially regarding the decision on the security check process due to the huge distrust in the authorities. In that sense, journalists who decide to do it, suffers serious victimization.

- Although some measures and some provisions were strengthened, the specific application is not satisfying. As the number of attacks on female journalists increased, particularly in the online sphere and as prosecution has not yielded any positive results for the majority of cases, there are no immediate improvements in the special protection of female journalists. Without specific measures and rules, female journalists only have access to the existing protection system. Very few reactions from prosecutors and police officers indicate the possible level of sensitisation and support.
- There is no real intention of the authorities to condemn threats and attacks on journalists since condemnation is rarely heard and becomes visible only in the event of grave, mostly physical attacks. On the other hand, representatives of the authorities quite often lash out at critically oriented journalists at press conferences or in TV shows, and a series of organised attacks and threats on social media against these journalists afterwards ensue. More data indicate that organised attacks are launched by those who at the same sometimes condemn them.
- Police officers have only a partial understanding of human rights and journalists' rights. In initial phases Police demonstrates a good response, however, a reaction towards journalists, while they are doing their job, is to a great extent very worrying. The problem is insufficient training and cooperation with journalists, especially in local communities. During the July 2020 protests, members of police demonstrated brutal reactions towards journalists. Lack of awareness and understanding for journalists' job by the police members and prosecution in SWG during protests is also worrying, especially liability for July attacks.

### **III. DUE PROCESS**

- The contact points for urgent procedures and manner of reporting were established within the framework of prosecution and police. In addition to contact points, a high number of officers still demonstrate a lack of understanding of the problems the journalists are encountering. Responsible authorities demonstrate a different level of understanding of violations committed to the journalists. As proof that establishing contact points is not the end of the problem, it is a negative reaction

because the system works rather poorly without working groups and responses from individuals in institutions.

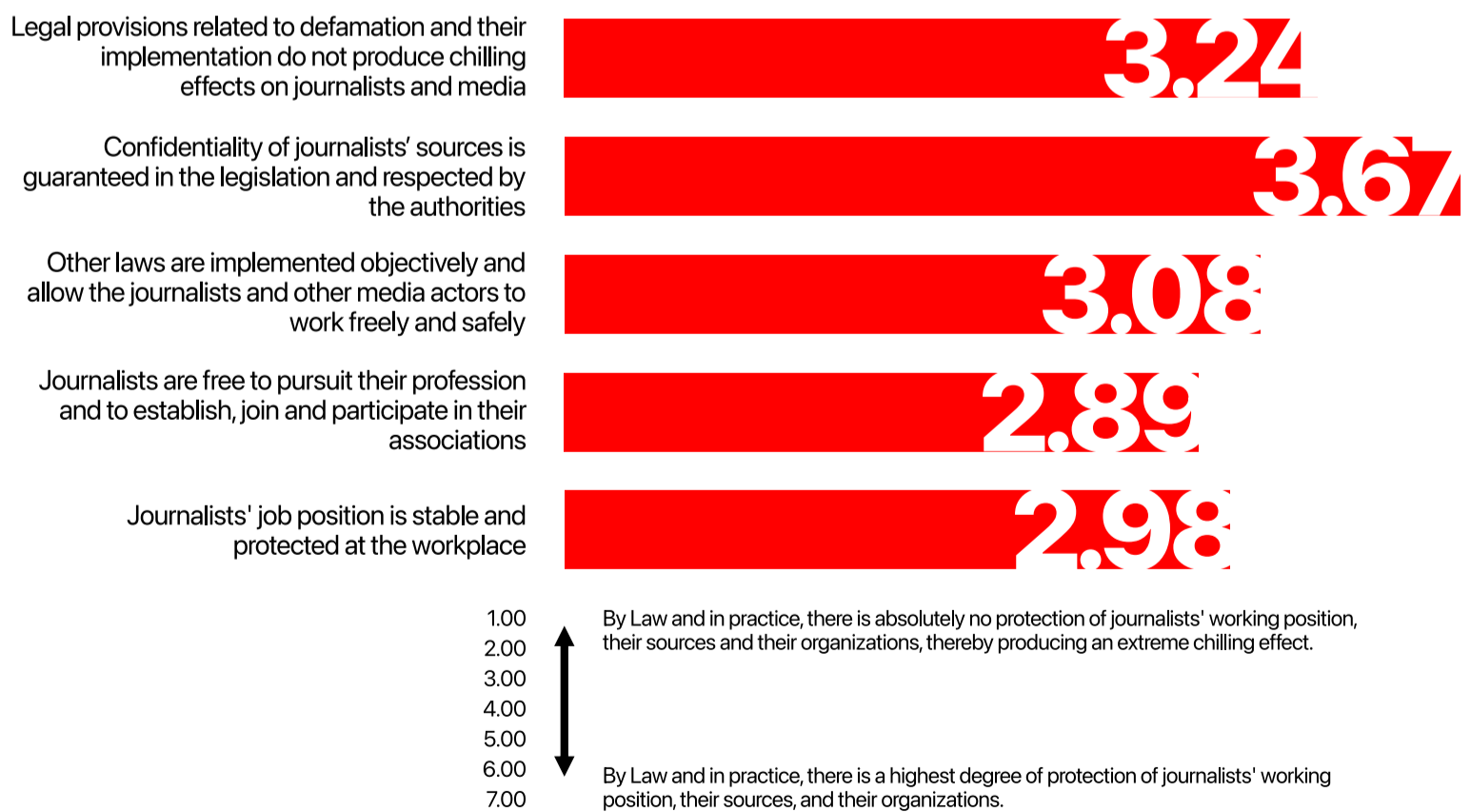
- Prosecution and police have improved internal provisions regulating the responsibility of prosecutors and police officers introducing enough contact points that keep the record and proceed the attacks on journalists. Still, lack of ex-officio proceeding, frequent inefficient cooperation, lack of capacities, political influence and sluggishness in their work impact the poor results. Therefore, contacts points and rapid reporting fall into second place. Despite urgent reporting, further investigations running relatively slow. For many cases, there is no sufficient evidence and information, especially online attacks. Numerous cases are stuck in investigation phases, perpetrators remain unknown.
- The legislation provides appropriate sanctions for threats and attacks on journalists on social media. Some criminal offences represent a trend, while the response is very poor for some offences despite great potential. The prosecutors demonstrate readiness to respond to received reports, but investigations last for a very long time. Regarding the difficulties to collect evidence about online attacks, many threats stay within investigation phases with unknown perpetrators. The additional problem is the constant increase in the number of threats and attacks online. Lack of trust in the institutions, journalists do not report sufficiently.
- Using the mechanism of SWG has contributed to greater transparency of proceedings, yet, still, due to very formal and strict rules of criminal proceedings, the majority of information from prosecutorial investigations or data remain inaccessible. There are still some specific procedures that are conducted in a highly non-transparent manner. Prosecution offices, police and courts allow access to very little information and the main reason is usually that such information could jeopardise evidence in the case. A negative example is the case of Bojana Pavlović, where the prosecutor made many mistakes.
- Prosecutors and police have established their databases on cases of incidents against journalists. The prosecutors are somewhat open to providing information while the police rarely provide information on proceedings and complaints. On the other hand, the prosecution fails to collect all data on attacks on journalists, only data referring to such reported cases and when some procedures were initiated in those cases. Courts fail to keep particular data that could be separated regarding attacks on journalists, but some information could be obtained through requests for access to information of public importance.

#### IV. ACTUAL SAFETY

- There is evidence indicating that some cases include surveillance of journalists or media, as their communication is intercepted. They receive threats or get targeted directly in social media by the members of the ruling political party, and those threats are constantly growing. Serbia is characterized with systematic pressures on journalists. Political representatives in the Parliament threaten, target and insult journalists and their respective media following the impression that actions are organised against journalists. Generally bad situation additionally caused state of emergency and general feeling of disappointment among citizens.
- Journalists often received death threats on social media, direct threats face-to-face, and even threats to their families, with huge level of primary and especially secondary victimisation. Several very severe cases were reported, fortunately remaining only threats that stopped before the execution. Although police and prosecutors initially reacted quickly, main problem lays in further procedure and collecting evidence and data.
- Although it is impossible to find a list of all attacks, brutal attacks against journalists should be emphasized here, especially made by police officers. There is considerable evidence indicating that the police consciously ignored journalists and that some attacks were made deliberately. Unfortunately, all efforts to raise the level of sensitivity of officers and prosecutors regarding the position of journalists and the importance of their reporting have failed. Prosecutors and Police failed to demonstrate the understanding of the role of a journalist and even the understanding for suffered attacks.
- Almost all types of attacks are reported. What is particularly worrying is the lack of authorities' response, as nearly all cases remain unresolved. There is a lot of evidence that targeting, threats and attacks originate or are related to government officials. Although at first, it seems that there are not so many attacks, such incidents are deeply connected with separate attacks on journalists, and there is an impression that many journalists are targeted or attacked precisely because of the media they work for.



# Legal and Organisational Environment



# Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

**Score (3.24) – Although the legal provisions are fundamentally sound and do not protect civil servants and officials particularly, judgments adopted in the proceedings against journalists still differ depending on the court instances. This gives way to fear that journalists could be liable for articles they write. The most recent claims with enormous compensations for damage represent a huge pressure for journalists who fear the consequences of new claims from the other parties in the near and far future, making a significant impact on their work and the work of their colleagues too.**

In 2012, defamation was decriminalised in amendments to the Criminal Code. The legal forms of protection of the harmed object provided in the Criminal Code are as follows: a) criminal offences against honour and reputation prosecuted through private action, and b) offences provided for by other, first of all, media laws allowing to the injured party the right to compensation for material and non-material damage. For the realisation of compensation for damage, criminal courts are referring cases to litigation. Media laws and laws regulating offences similar to defamation do not contain provisions protecting the honour and reputation of civil servants and other appointed persons, but the officials are obliged to demonstrate a higher degree of tolerance to criticism made on their account. However, in line with existing regulations, journalists could be held liable for damaging the reputation and honour of the official. Actions prescribed in media laws enable the injured party pecuniary compensation for material and non-material damage. In practice, it was demonstrated that such methods are the most efficient in remedying the effects of offences similar to defamation but are not strict enough. In the first 10 months of 2020, the Higher Court in Belgrade received 325 cases against journalists, editors and media owners, yet, there are no precise data on how public officials and politicians initiated many complaints against journalists. In the same period, 340 actions filed against journalists in the previous years

— INDICATOR 1.1

were settled. Out of the total number of settled cases, 118 complaints were partially adopted, actions were withdrawn in 89 cases, and charges were dropped in 60 cases. The remaining 73 cases were settled in another manner. The settlement of cases included 26 judges of this court who are assigned on average for almost 43 unresolved cases. There are still over 1100 unresolved pending cases.

Journalists prosecuted in 2020 indicate the difference between judge's impressions regarding complaints. They are primarily afraid of the demanded compensations since the actions represent a practical model of pressure and an attempt to diminish the power of journalists and media. The journalists are particularly concerned about the political impact and influence of the power that public officials are using. Irrelevant of the outcome of sentences, journalists mostly fear entering any form of the court process. The impression of the executive influence on the judiciary and lack of trust in the system even question the assumption that the law is sound and that its application is fair and efficient. In some cases, complaints and their consequences have an impact and interfere with the journalists' work, possibly causing fear which would lead to some form of self-censorship, and court proceedings against one media will automatically have an impact on the behaviour of other media.

# Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

**Score (3.67) – The inappropriate level of information protection has been recognised in the strategically essential documents. Although the law guarantees the source's safety, certain forms of behaviour of government officials represent examples of direct attacks on sources, especially using internal proceedings against sources of information were recorded, while government representatives failed to condemn such actions. The authorities fail to respect principles of confidentiality in several ways, however, the public nature of such cases helped sources get through the process without more harm.**

Journalists' sources are protected under Law on Public Information and Media and Criminal Code. Law on Public Information and Media stipulates that a journalist is not obliged to reveal the source of information. However, such a right is not determined in an unlimited way. On the other hand, the current Media Strategy in Serbia recognises an "inadequate level of information sources protection", indicating the increasing problems with the fact that national authorities often reached for the content of communications or withheld data through various forms of interception. Protection of journalists' sources is mostly respected. However, there were examples of indirect attempts to learn about information sources, which was particularly pronounced during the state of emergency in March and April 2020. The most challenging example was the case of journalist Ana Lalic, who had her working equipment and mobile phone seized after the arrest. In addition to the prosecutorial investigation against a journalist, which ended in the rejection of the criminal complaint, in the scope of the Clinical Centre Vojvodina, which was the topic of Ana Lalic' story, the internal disciplinary investigation was carried out with the aim to detect sources who had allegedly violated the disciplinary code and delivered confidential information to the journalist. In February 2020, there was a case of interception of communications of Nedeljnik weekly journalists. On 16 February, Tanjug news agency broadcast the statement made by Minister Vulin where he estimated that "Minister of Defence and President of Democratic Party Dragan Sutanovac

— INDICATOR 1.2

has always been using an opportunity to attack Serbia what Russian Defence Minister Sergey Shoygu is about to pay his visit to Serbia". This estimate was accompanied by statements that Minister Vulin said that "responding to the author's text of Dragan Sutanovac in Nedeljnik, where he criticized cooperation between Serbia and Russia", which was broadcast by almost all Serbian media and the news was also read in the National daily news on TV Pink. However, the Nedeljnik statement from the following day read that the text that the minister referred to had never been published. This situation opened the question regarding the way in which the minister had obtained the information and data and raised suspicion that there had probably been an interception of communication between the text writer and editor during the preparation of the material, including possible tapping of the editorial office of Nedeljnik weekly. The case was reported to the police and Special Prosecution Office for High Tech Crime in Belgrade, while the provision of data and investigating of all case circumstances is still ongoing. There were no direct sanctions against journalists who refused to reveal their sources, but they were exposed to pressures, which was, in particular, emphasised during the state of emergency, when due to their critical reporting, journalists were targeted and attacked from several sides. Government representatives, pro-government media, and various analysts' guests in TV shows accused the journalists of being traitors and foreign mercenaries working against the state. Such examples include cases of accusations against CINS, Juzne vesti and the absence of an invitation to press conference for JugPress portal from Leskovac and journalist Ljiljana Stojanovic. In some cases, government representatives announced complaints against journalists, particularly during the state of emergency, done mainly by the pro-government media. Journalists use sources as an alternative source of information since there is some degree of distrust and issue of credibility of the sources, as some information is often not accompanied by appropriate data. On the other hand, pressures on sources and examples of trying to get hold of the sources for journalists' stories impacted the insiders and sources who would often give up on communicating with journalists. Journalists have a specific dose of fear of the negative reaction of government representatives since they believe the authorities usually will not refrain from using all means to reach the source of information, and the sources are also afraid, although it is not that easy to find them.

# Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

**Score (3.08) – Some laws are not applied consistently, followed by numerous omissions and arbitrary cases. Although regulations protect them, the journalists fear complaints, pressures and attacks. The behaviour of government representatives demonstrated the state's position that the facts should not be revealed on some issues. During the state of emergency in 2020, journalists had restricted access to press conferences and data on the health situation in Serbia. The July protests demonstrated lack of sensitivity for journalists' work and their problems while reporting by police, as severe forms of force were used against them.**

In the Republic of Serbia, to prevent the spreading of disease and consequences caused by the virus SARS-CoV-2, in March 2020, the Decision on the declaration of a state of emergency was adopted, and shortly afterwards, a series of acts and decisions which have temporarily limited fundamental rights. The decision adopted had a direct impact on the work of journalists, primarily including the limitation of movement, ban of presence at important events, and/or preventing journalists from doing their job in a free and professional way. With Decision on the ban of the presence of journalists at press conferences organised by Crisis Response Team and Government Conclusion on informing the population on situation and consequences of infectious disease COVID-19 caused by SARS virus, adopted based on the Law on Protection of Population from Infectious Diseases, the Government of the Republic of Serbia foresaw that regular daily press conferences organised by Crisis Response Team would be held without the presence of journalists. The Office for cooperation with the media of the Government of the Republic of Serbia sent notification that journalists would not be able to participate in conferences. This notification provided that journalists were banned from press conferences, but they could ask questions online. This decision was contrary to the realisation of public interest in the area of public information requiring timely and complete information for

— INDICATOR 1.3

all citizens of the Republic of Serbia (Article 15, paragraph 1, point 1 of the Law on Public Information and Media).

In 2020, in Serbia, the Administration for the Prevention of Money Laundering launched the control proceedings against many non-governmental organisations and renowned individuals, including media and journalists' associations. The control was launched due to alleged suspicion of financing terrorism and money laundering. Following the reaction of the public and the associations, the Administration Office explained that this had been a regular check. Still, they did not provide clear answers on reasons and selection of associations and failed to publish information on the control results. The arrest of journalist Ana Lalic and another case, two KTV journalists from Zrenjanin, were examples of the attempts to silence the journalists who wrote on problems in the work of institutions during the state of emergency. On the other hand, there are numerous examples of pressure on local journalists who wrote about problems in the functioning of health care institutions during the COVID-19 crisis and state of emergency, who were labelled as enemies of the state, foreign mercenaries and persons speeding panic. In some way, the legal framework protects journalists from SLAPP complaints by regulating violations of honour and reputation. Still, practice and various decisions of different court instances represent a considerable concern. Most recent examples of SLAPP complaints, in particular at the beginning of 2021, demonstrated that financially influential people, in particular, were trying to censor and silence journalists. Huge compensations for damage in lawsuits against Jug Press and Voice newsrooms have jeopardised the journalists since due to a lack of trust in the court work, they are afraid they will have to stop doing their job due to high compensations adjudicated. In 2020, it was undeniable that the safety of journalists in protest was seriously at risk. They were beaten, attacked, arrested, their equipment and mobile phones were seized, and both protesters and police insulted them. The police attacks were particularly dangerous since they demonstrated a lack of understanding and unwillingness to understand the position of journalists reporting in such events. It is particularly worrying that the police failed to react, later on, justifying the reaction of the police officers in belief that their representatives were carrying out their duty.



# Journalists are free to pursue their profession and to establish, join and participate in their associations

**Score (2.89) – Journalists are free to join their associations, and their work does not require a permit or a licence. However, journalists without a licence often encounter basic problems related to journalist status, which automatically impacts the further protection of their rights. Many different forms of pressure on journalists, their media and associations were recorded. During 2020, authorities limited the journalists' rights to report from public events, particularly at the local level. The establishment and strengthening of parallel associations and unions have been noticeable, intending to lower the impact of existing professional associations.**

Journalists are not obliged to have a licence to perform their job. There have been no open and direct attempts of licencing journalists. Still, authorities have a tendency and have attempted several times to define the term journalist and placed their licencing on the agenda. In 2020, there were many cases – 16 recorded cases when journalists and media were not allowed to report from public events, had not received invitations for events and conferences or were refused accreditations for specific events. This has been a trend in Serbia for several years, and it became particularly pronounced in 2020, being quite noticeable in local communities. Journalists and some independent owners of portals have problems with providing proof of their journalistic profession and status of media, mainly in court proceedings. The most extreme example concerns Milan Jovanovic, a journalist whose house was set on fire. In the first instance proceedings, the defendant Simonovic attempted to prove that Jovanovic was not a journalist. In 14 SLAPP complaints, he tried to prove that the Zig Info portal that Jovanovic writes for is not a medium. Journalists are free to join professional associations, and on the other hand, the authorities do not demonstrate direct pressure on journalists to join associations. Establishing and strengthening the parallel associations and unions has been noticeable, as, through them, authorities are trying to reduce the impact of the already existing professional associations. Those organisations are becoming especially visible through government invitations or as



— INDICATOR 1.4

delegates and participants in various working groups and commissions, which gives them legitimacy, although in reality, they represent a far smaller number of journalists.

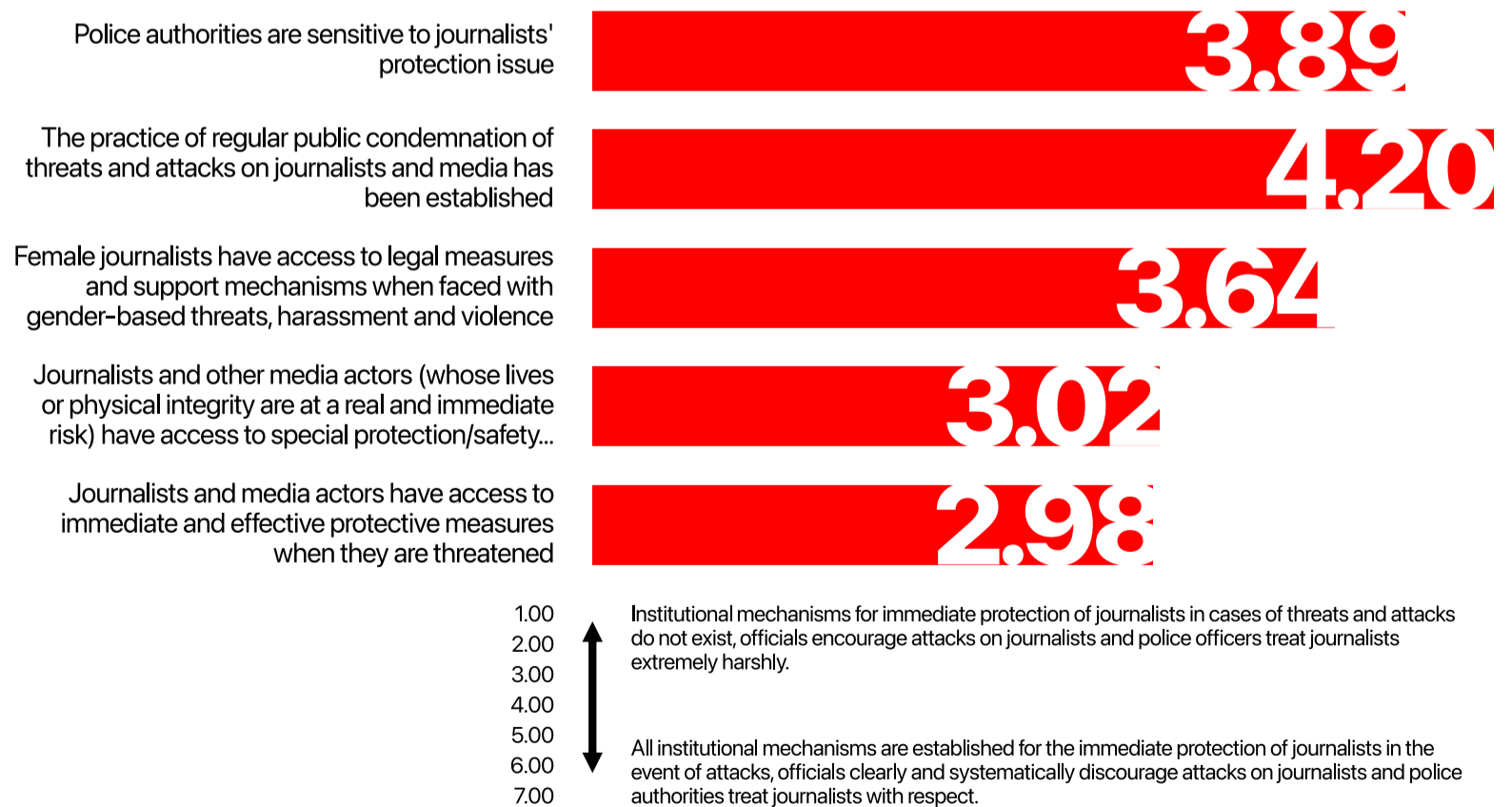
# Journalists' job position is stable and protected at the workplace

**Score (2.98) – Labour rights are often violated, salaries are low, the number of journalists who do not have employment contracts increases, and uncertainty is enormous. Recession, a significant decrease in staff, small profit from media, increasing of a number of journalists engaged part-time and use of employment agencies (as in public broadcasters). Private interests of owners and the non-existence of internal regulations ensuring the independence of journalists put pressure on management and editors who often act as an extended arm of those owners, causing journalists to feel dependent and insecure.**

Journalists are mostly hired based on employment contracts, but more and more journalists are being employed for less than full-time hours, and work without special employment contracts is increasing (so-called grey market). It is estimated that there are more than 11,000 journalists and media workers, but about 39% of them has a permanent job and social insurance. On the other hand, the number of permanently employed journalists decreasing is largely caused by a difficult financial situation. Through different forms of hiring journalists, the owners are protecting themselves from additional losses. Such jobs with uncertain statuses create problems for journalists about social insurance and health care, so they often have to do other jobs to prevent losses, employment uncertainty, and low salaries. The average salary is significantly lower than the national average of about EUR 300, but it varies depending on the media. Average pay in public broadcasters is of a similar range to average salaries in the Republic of Serbia. Journalists work in a very unfavourable working environment, and their position is aggravating more and more. As their biggest problems, journalists point out low salaries, uncertainty, and precariousness of their existence in their job and media in general, indicating that they have to work for several newsrooms to provide basic means of living. In private media, union organisations of journalists are fairly weak, and media owners are not willing to support unions or employees' membership in those. The private media do not keep data on collective agreements. On the other hand, some media management and legal teams demonstrated support for representation, particularly when it comes to criminal proceedings. On the other hand, smaller media and portals, in particular, investigative portals that are mostly financed from donations, are being on their own, and the support they get from journalists and media associations.



# Due Prevention



# Journalists and media actors have access to immediate and effective protective measures when they are threatened

**Score (3.89) – The system of rapid reporting of attack cases and urgent actions of competent authorities has been to a large extent established in Serbia. However, journalists are still suspicious of the work of institutions. In practice, it was demonstrated that a rapid reporting system is functioning in some cases, but it is often not effective in further investigations, some cases are dropped quickly, so the level of established protection is only achieved on paper. Establishing of the rapid reporting mechanism indicates serious shortcomings of the existing system.**

In the Standing Working Group for Journalists' Safety framework, the mechanism for rapid reporting and monitoring of cases endangering journalists has been established. The system works through contact points in prosecutor offices, police administrations and journalists and media associations that are activated on case reporting. Contact points missions with the journalists and media associations are to report the cases quickly and notify contact persons in public prosecutor offices and police. The Standing Working Group – SRG considers such cases that do not meet the expectations for procedures. Cases are reported to the police and prosecutor's office, with the note that journalists were attacked because of their work and the contact persons in the corresponding prosecution office and police were notified. Moreover, the SOS phone line for notifying contact persons who are urgently passing over cases to the police and prosecution has been established, organised by ANEM with support of the new Working Group for Safety under the auspices of the Government of Republic Serbia and the OSCE support. So far, through this line, over 120 cases have been reported. On the other hand, in previous years, most serious cases were reported through contact points from journalists' associations, media associations, and foundations. In line with provided rules, competent authorities react quickly to the reports; however, collecting evidence and finding perpetrators in some cases takes a very long time. In line with their competences, the police respond rather quickly, but there are still numerous cases that are delayed along with serious omissions.

— INDICATOR 2.1

According to the police, the prosecution is the problem along with their prosecutorial investigation since most police actions are carried out exclusively on the order of the prosecutor. In cases of attacks on journalists, the prosecution should take its first action within 24 hours, order police to take necessary measures to collect evidence, find and arrest perpetrators, and notify the injured parties to collect further evidence. The assigned prosecutors are also obliged to notify the contact points in the public prosecution offices. The reporting system proved to be good, however, the most frequent problems occurred during the investigation unfolding. In almost all cases, prosecution and police would receive the complaint and process it, but there had been several examples when the prosecution believed that a particular case did not concern persons who carry out activities of public importance in the domain of information and that attacks were not committed because of their journalistic profession.

# Journalists and other media actors (whose lives or physical integrity are at a real and immediate risk) have access to special protection/safety mechanisms

**Score (4.20) – The general system enabling the protection and safety of citizens in Serbia has been established. This special protection (organized by police and the security service) includes journalists and media players who similarly have access, just as the citizens, and requests must be submitted in person. Journalists do not often experience safety assessments and do get escort only in challenging cases. The process is difficult because of access to journalists' personal data, less trust in responsible authorities, especially regarding the decide on the security check process due to the huge distrust in the authorities. In that sense, journalists who decide to do it, suffers serious victimization.**

There is a protection mechanism for providing physical safety to citizens being in danger at the national level. This form of support includes journalists and media actors too. On the other hand, there are no systemic risk assessments, and requests for risk assessment are submitted with the injured party's consent. It is necessary for each case to launch the safety assessment procedure to establish the potential danger for journalists or their families and environment. Citizens' support is provided for by the Law on the Program to Protect Parties to Criminal Proceedings and Law on Criminal Procedure, and the procedure is initiated before the Ministry of Interior as their representatives protect the citizens.

On the other hand, there are problems in realising such support as journalists are often not aware that their safety is at risk. Many journalists seriously suspect the privacy of data that are obtained when safety assessment is carried out. Journalists are provided support and assistance by journalistic associations that work with journalists on several levels, such as providing legal aid, advocacy and monitoring cases and even other forms of support for journalists who are

— INDICATOR 2.2

attacked. The sole researches and analyses regarding the assessment need for the protection and safety of journalists are carried out by journalists' associations. Moreover, the exclusive establishment and operation of working groups for journalists' safety demonstrate that the state somehow recognises the existence of journalists' safety problems. Protection measures provided to journalists are often not proportionate to the threats they receive. Specific cases, such as putting Milan Jovanovic house on fire, show how the protection should be done; however, there are numerous cases of inappropriate protection, long-term consequences and serious forms of secondary victimisation. Journalists are seriously affected by the consequences of victimization, starting with the attitude of the competent authorities to additional minor pressures and attacks that are indirectly related to the primary attack. On the other hand, it is difficult for journalists to decide on the security check process due to the huge distrust in the authorities, and in that sense, those who decide to do so suffer serious victimization.

The case of Bojana Pavlovic and various forms of safety risks, threats of physical attacks against body and property demonstrate the inadequate response of competent authorities and a serious lack of understanding problems and consequences, which can indicate significant political influence on competent authorities. Institutions' responses are selective, wide-ranging, from complete understanding to absolute vagueness, omissions or ignorance, without a clear methodological approach. In the previous year, journalist Milan Jovanovic still kept the police protection which was assigned in 2019. However, this protection ceased in 2021, when the Administration for Personal Protection of the Ministry of Interior assessed there was no more danger to his safety.

# Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment and violence.

**Score (3.64) – Although some measures and some provisions were strengthened, the specific application is not satisfying. As the number of attacks on female journalists increased, particularly in the online sphere and as prosecution has not yielded any positive results for the majority of cases, there are no immediate improvements in the special protection of female journalists. Without specific measures and rules, female journalists only have access to the existing protection system. Very few reactions from prosecutors and police officers indicate the possible level of sensitisation and support.**

The Istanbul Convention has been partially integrated into Serbian legislation through several provisions. The non-governmental sector exhibited great dissatisfaction with how it has been done, so it has been concluded that, besides some parts of specific provisions, strategic documents and separate criminal offences, not much has been done for the real integration of documents. Based on the report that Serbia has sent to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), it could be seen that serious measures were taken, but it has been done through cooperation with female journalists who are victims of violence, collaboration with the association of Female Journalists against Violence and reports of other associations who work with cases of violence against women, so measures taken do not suffice. Through practical examination of the results of the work of competent authorities and the situation in the domain of female journalists' safety, one gets an entirely different picture of the positions of female journalists in Serbia.

Under the Criminal Code, the preventive measures refer to criminal offences of stalking, sexual harassment, forced marriage and mutilation of female genitals. Since female journalists are more often victims of online attacks, the criminal offence of stalking is significantly more vital for them,



— INDICATOR 2.3

as it has been included in the group of 27 criminal offences related to incidents harming journalists, and prosecution and police pay special attention to these offences. Stalking was among the most frequent initial qualifications of threats to female journalists in the online sphere.

Law on free legal aid recognises women as victims of family violence and beneficiaries of free legal aid, who can use this assistance without legally prescribed means test. However, the circle of free legal aid beneficiaries is very narrow. It refers to women whose income is below the minimum, which is also, considering high lawyer fees, an alarming factor for a woman who seeks protection from violence. In that respect, it is very hard for female journalists to become beneficiaries of free legal aid. Considering that a woman with income lower than RSD 8,283 meets the criteria for financial and social assistance, and that lawyer's fee for a criminal complaint is RSD 45,000, the number of women failing to meet the requirements for free legal aid is huge so that they will give up on criminal prosecution of the perpetrator due to financial reasons. Since the Law on free legal aid has significantly restricted the work of non-governmental organisations, stipulating the provision of free legal aid only through lawyers exclusively in cases provided for in Law on Asylum and Law on Prohibition of Discrimination, as in other cases, only so-called legal support could be provided, this solution additionally complicates the provision of aid for a large number of victims of gender-based violence, that non-governmental organisations had actively provided for years in the absence of systemic solution. Under this law, a woman who fails to meet legal requirements for free legal aid can only receive general legal information and assistance from civil society organisations when filling in the form, which directly contradicts Article 9 of the Istanbul Convention. This is a problem for journalists, media and other associations that provide legal aid for female journalists.

Relevant institutions have failed to establish regular services for providing information on safety measures and legal aid for female journalists, who are mainly addressing institutions through journalists and other associations. The organisation of Female journalists against violence is particularly prominent; they organise periodic meetings with journalists associations and cooperate with journalists' contact points when preparing and submitting reports on attacks of their members. International organisations also provide support for female journalist.

Until now, the information to what extent journalists could have contacted competent institutions had not been available. On the other hand, individual prosecutors and police officers show huge interest in female journalists' safety, but such separate efforts only facilitate processing a certain number of cases.

# The practice of regular public condemnation of threats and attacks on journalists and media has been established

**Score (3.02) – There is no real intention of the authorities to condemn threats and attacks on journalists since condemnation is rarely heard and becomes visible only in the event of grave, mostly physical attacks. On the other hand, representatives of the authorities quite often lash out at critically oriented journalists at press conferences or in TV shows, and a series of organised attacks and threats on social media against these journalists afterwards ensue. More data indicate that organised attacks are launched by those who at the same sometimes condemn them.**

There are no clear, sound and uniform opinions regarding all cases of attacks on journalists. The authorities react selectively and periodically and very often remain silent to severe forms of pressure, targeting and accusations on account of journalists. On the other hand, it seems that those officials who occasionally react, previously publically incite or attack journalists and act as organisers or instigators of verbal threats or series of insults, in particular on social media. Attacks most often originate from pro-government media; for example, not only journalists and media owners but also representatives of government very often make attacks during TV shows on pro-government TV stations. This creates a hostile atmosphere which the public officials incite. There is no real intention to condemn the attacks and insults, as those are even incited through pro-government media. The best example would be Prime Minister of Serbia, Ana Brnabic, who established Working Group for Protection and Journalists' Safety, and only a few months before that, in April 2020, she had a leading role in media attacking and condemning journalist Ana Lalic for writing an article on the situation in Clinical Centre of Vojvodina, which was the reason for the police to arrest the journalist. Daily, the President of Serbia targets critically oriented independent media and their journalists. At the same time, Assembly MPs often insult and attack journalists, particularly investigative journalists, media such as N1, Nova S, NIN and their journalists. In this way, the officials, at the same time, create an atmosphere of uncertainty for journalists. In relation to expressed threats, it

— INDICATOR 2.4

is clear that representatives of the authorities take the side of those expressing threats, insults and invitations for attacks on journalists instead of condemning the very attacks. The only cases high officials regularly condemn are some serious threats and severe physical attacks. It could be concluded that the state lacks serious intention to cooperate and solve problems but to solve some other tasks; this is a way to show a particular image of understanding and resolving matters of journalists' safety to international players.

# Police authorities are sensitive to journalists' protection issue

**Score (2.98) – Police officers have only a partial understanding of human rights and journalists' rights. In initial phases Police demonstrates a good response, however, a reaction towards journalists, while they are doing their job, is to a great extent very worrying. The problem is insufficient training and cooperation with journalists, especially in local communities. During the July 2020 protests, members of police demonstrated brutal reactions towards journalists. Lack of awareness and understanding for journalists' job by the police members and prosecution in SWG during protests is also worrying, especially liability for July attacks.**

Police officers are only partially familiar with fundamental standards of human rights and journalist's role in society. During 2019, three consultative meetings between police officers, prosecutors and representatives of journalists' association were held (in Kragujevac, Nis and Novi Sad), and participants established direct contacts for future cooperation, exchanged opinions and experience on cases. Ministry of Interior (Mol) internal instruction, adopted according to Agreement, shall mean the urgent reaction of police officers in attacks on journalists, liaising assigned officers with contact points, improved internal control of procedures and reporting of attacks. In 2019, the Ministry of Interior determined minimum 93 contact points in regional, city and municipal police administrations that are in charge of monitoring the activities in cases of journalists being the injured parties. In particular, a problem for police officers at the local level is the lack of information and knowledge among assigned officers on problems the journalists are facing. Thus the capacity of Mol representatives remains non-functioning unless it is accompanied by appropriate training and raising of the level of knowledge and awareness regarding the importance of journalists work.

Following the adverse reaction, beating and arresting of journalists during the July 2020 protests, on the initiative of representatives of journalists and media associations in Standing Working Group for Journalists Safety, the Ministry of Interior also instituted internal procedures in all cases of incidents within the July protests were members of the police physically and verbally injured journalists. These proceedings are still ongoing. The lack of sensitivity and understanding of the role and mission of the journalists is

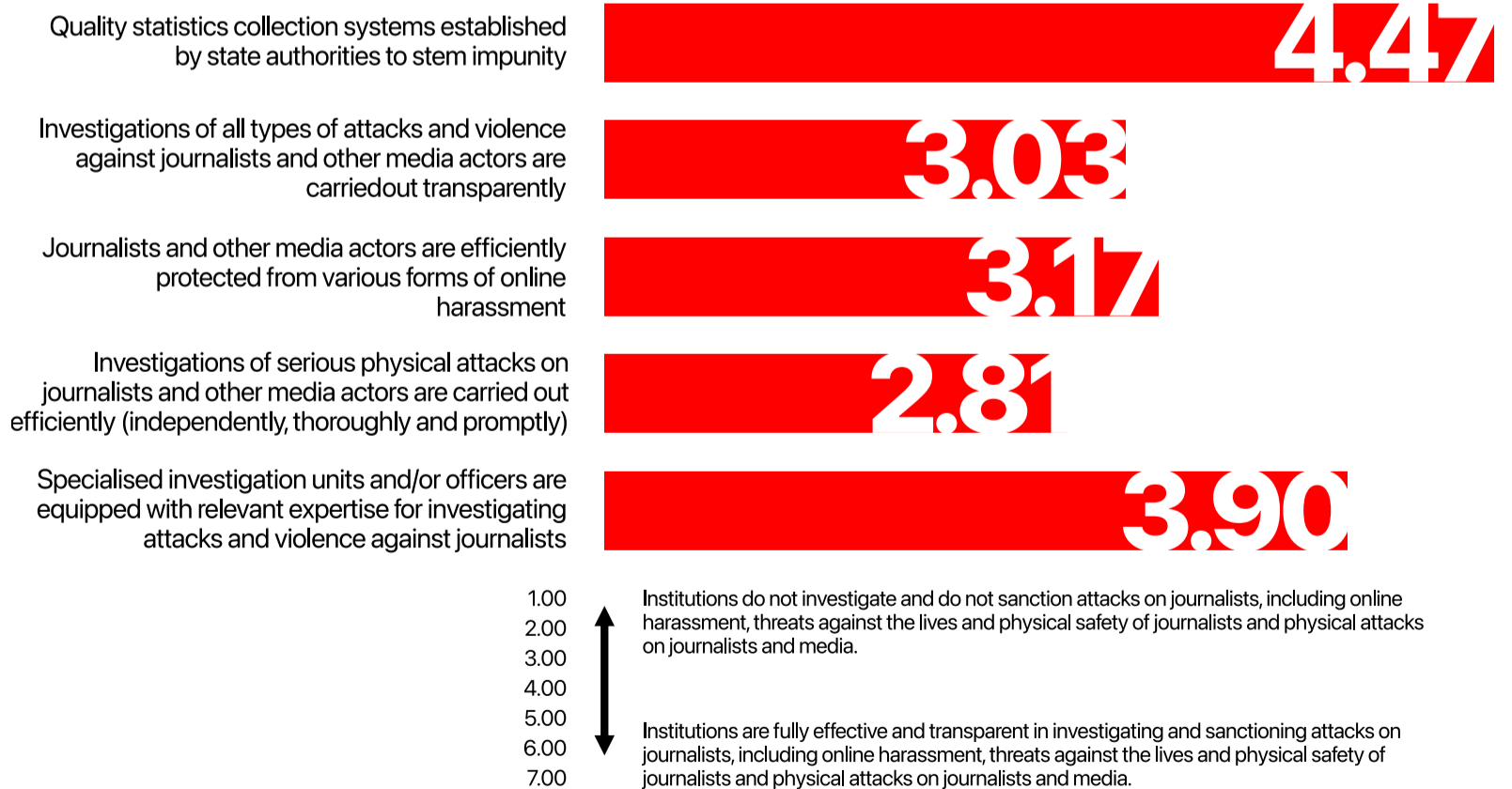
— INDICATOR 2.5

particularly worrying, initial approval of the behaviour of their members who had attacked journalists and seized their equipment. On the other hand, it is particularly worrying to witness the lack of sensitivity among the members of SRG, who unfortunately have very negatively reacted to journalists' requests. There is a positive attitude of the police representatives in working groups for safety, readiness to cooperate and engage according to requests of associations' representatives, yet, there is an impression that their willingness will end only a few steps ahead. In 2020, Ana Lalic was arrested and released pending trial, after she had spent a night in prison, journalists Daniel Radic and Robert Bajtaj were arrested, and journalist Igor Stanojevic was arrested during the July protests. It is typical for such cases to have an obvious non-appropriate reaction to the authorities since the criminal complaints against the arrested were later rejected. Also, there is an example of Marko Somborac and his colleagues after the unknown perpetrators broken into the gallery in Stara Kapetanija in Zemun, where the exhibition was held. Before the attack happened, the gallery had reported about the threats that the police had never adequately responded to, and following that Ombudsman had established the irregularities in the work of MoI.

On the other hand, there are good examples of police actions and quick responses in individual cases, in particular following the reaction of some of the working groups for safety. However, it is particularly worrying to witness this selective reaction, lack of understanding among the majority of police members and obvious lack of sensitivity although the journalists believed that the police finally showed understanding for their position and job in those cases.



## Due Process



# Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

**Score (4.47) – The contact points for urgent procedures and manner of reporting were established within the framework of prosecution and police. In addition to contact points, a high number of officers still demonstrate a lack of understanding of the problems the journalists are encountering. Responsible authorities demonstrate a different level of understanding of violations committed to the journalists. As proof that establishing contact points is not the end of the problem, it is a negative reaction because the system works rather poorly without working groups and responses from individuals in institutions.**

In the Standing Working Group for Journalists' Safety framework, the mechanism for rapid reporting and monitoring of cases endangering journalists has been established. The system works through contact points in prosecutor offices, police administrations and journalists and media associations that are activated on case reporting. Contact points missions with the journalists and media associations are to report the cases quickly and notify contact persons in public prosecutor offices and police. The Standing Working Group – SRG considers such cases that do not meet the expectations for procedures. Cases are reported to the police and prosecutor's office, with the note that journalists were attacked because of their work and the contact persons in the corresponding prosecution office and police were notified. Moreover, the SOS phone line for notifying contact persons who are urgently passing over cases to the police and prosecution has been established, organised by ANEM with support of the new Working Group for Safety under the auspices of the Government of Republic Serbia and the OSCE support. So far, through this line, over 120 cases have been reported. On the other hand, in previous years, most serious cases were reported through contact points from journalists' associations, media associations, and foundations. In line with provided rules, competent authorities react quickly to the reports; however, collecting evidence and finding perpetrators in some cases takes a very long time. In line with their competences, the police respond rather quickly, but there are still numerous cases that are delayed along with serious omissions.



# Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)

**Score (3.03) – Prosecution and police have improved internal provisions regulating the responsibility of prosecutors and police officers introducing enough contact points that keep the record and proceed the attacks on journalists. Still, lack of ex-officio proceeding, frequent inefficient cooperation, lack of capacities, political influence and sluggishness in their work impact the poor results. Therefore, contacts points and rapid reporting fall into second place. Despite urgent reporting, further investigations running relatively slow. For many cases, there is no sufficient evidence and information, especially online attacks. Numerous cases are stuck in investigation phases, perpetrators remain unknown.**

The investigations of cases of attacks against journalists showed several good things but also numerous problems. The procedure of reporting and speed of reaction of prosecution and the police are impressive. In such a phase, the competent authorities and professional audience do not hide their satisfaction and emphasise progress. However, the evidence collection phase, cooperation between police and prosecution, raising of indictments, position of prosecutors on certain issues and further action cause dissatisfaction with the damaged journalists and professional audiences. Selective application and inefficiency in certain cases reveal numerous problems with understanding criminal offences against journalists. Regardless of efficiency and effectiveness in certain cases, unclear decisions in strategically important cases indicate the problems occurring in the medium and later stages of investigations. The executive representatives often interfere with the work of competent authorities by placing them into a subordinate position. The investigations are not comprehensive in all cases (for example, in the case of Bojana Pavlovic and Marko Somborac), neglecting the



— INDICATOR 3.2

political backdrop of the acts of attacks against journalists. Opportunities are often lost or missed to collect and present the key evidence. There are different reasons for that, from negligence and sloppiness of those gathering evidence to suspecting in the intentional and conscious action in this direction. Journalism is mostly treated as a profession of public interest, however, there is an impression that representatives of the authorities and competent bodies have to be constantly reminded of that, in particular regarding the offences to the damage of journalists. Right-wing attacks on journalists do not constitute a particular criminal offence. Such offences are prosecuted as the existing criminal offences when journalists are injured parties, the primary criminal offence of endangering safety under Article 138, para. 3 of the Criminal Code and other regular criminal offences. According to the information established by the Republic Public Prosecution, from 1 January to 30 June 2021, the prosecution offices formed 46 cases. Out of this number, another 15 cases (32.61% of the total number of cases) were resolved with the final judgment, in one case, the conviction was adopted, and 14 cases had been closed by the decision of the public prosecution – either by the decision on the rejection of the criminal complaint or official note that initiating criminal procedure was unfounded. In 2020, the prosecution formed 56 cases based on submitted criminal complaints/reports on criminal offences. Out of the numbers mentioned, the final decision was adopted for 27 cases, and in other 3 cases, the conviction was adopted, while 24 cases were closed by the decision of the public prosecution – either a decision on the rejection of the criminal complaint or an official note that initiating criminal procedure was unfounded.

# Journalists and other media actors are efficiently protected from various forms of online harassment

**Score (3.17) – The legislation provides appropriate sanctions for threats and attacks on journalists on social media. Some criminal offences represent a trend, while the response is very poor for some offences despite great potential. The prosecutors demonstrate readiness to respond to received reports, but investigations last for a very long time. Regarding the difficulties to collect evidences about online attacks, many threats stay within investigation phases with unknown perpetrators. The additional problem is the constant increase in the number of threats and attacks online. Lacking of trust in the institutions, journalists do not report sufficiently.**

The Criminal Code provides for criminal offences in relation to threats or attacks on social media. The most important provision for journalists is the endangerment of safety from Article 138, paragraph 3. This offence is stipulated separately in paragraph 3 regulating attacks on persons who perform public interest tasks in the domain of public information, which is interpreted as a journalist job. In relation to social media, computer sabotage is also important, concerning a person performing tasks of public importance in the domain of public information regarding the job they do (Article 299 of Criminal Code); unauthorised access to a protected computer, computer network and electronic processing of data pertaining to a person performing tasks of public importance in the domain of information regarding the job they do (Article 302 of Criminal Code). Racial and other discrimination (Article 387 of CC, para. 4 and 6, pertaining to para. 1), unauthorised collection of personal data, pertaining to a person performing tasks of public importance in the domain of information regarding the job they do and stalking (Article 138a of CC). These offences could be highly relevant for cases of harassing journalists via social media, which often happens in practice.

In the past period, journalists experienced verbal threats on social media, threats of rape and murder, grievous bodily harm, various insults and severe pressure. The majority of incidents refers to verbal threats of physical violence. In 2021, the public prosecution offices have

— INDICATOR 3.3

noted 22 cases of various forms of online incidents in their records. In 2020, there were 12 such cases recorded. It was specific 'cause we had much more physical attacks

Institutions very rarely react ex-officio, so journalists associations believe this is one of the problems in responding to attacks. Journalists are often not aware of the dangers and threats, so they do not regularly report severe forms of threats. Competent authorities mostly react to submitted complaints or notifications, and the majority of threats refers to the endangerment of the safety of journalists from Article 138 para. 3, and many cases contain elements of stalking. Competent authorities proceed on submitted reports; however, it is a very favourable thing that Special Prosecution Office for High Tech Crime promptly reacts to complaints submitted by journalists or contact persons from journalists' associations. On the other hand, it is emphasised that there were numerous shortcomings in investigating and collecting data on specific profiles making threats, so a large number of cases suffers from slowdown as companies such as Facebook, Instagram, and Twitter companies must be contacted at the beginning.

# Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently

**Score (2.81) – Using the mechanism of SWG has contributed to greater transparency of proceedings, yet, still, due to very formal and strict rules of criminal proceedings, the majority of information from prosecutorial investigations or data remain inaccessible. There are still some specific procedures that are conducted in a highly non-transparent manner. Prosecution offices, police and courts allow access to very little information and the main reason is usually that such information could jeopardise evidence in the case. A negative example is the case of Bojana Pavlović, where the prosecutor made many mistakes.**

The investigations of cases of attacks against journalists showed several good things but also numerous problems. The procedure of reporting and speed of reaction of prosecution and the police are impressive. In such a phase, the competent authorities and professional audience do not hide their satisfaction and emphasise progress. However, the evidence collection phase, cooperation between police and prosecution, raising of indictments, position of prosecutors on specific issues and further action of competent authorities' cause dissatisfaction with the damaged journalists and professional audiences. Damaged journalists check the information on the cases of their attacks through contact points and often want to raise those questions at the SWG meetings. Representatives of the association through SWG have the opportunity to obtain information from the prosecutor's investigation.

On the other hand, journalists have access to contact points in authorities (prosecutor and police), but they do not communicate with them sufficiently in practice. Also, prosecutors recommend that journalists use the regular procedure of accessing the files, but journalists know very little about such a procedure and do not use it properly. In the scope of investigation phases, journalists receive

— INDICATOR 3.4

certain information, but they often do not receive complete information and do not know the actual status of cases. The last such case was a series of criminal offences (threats, actual breaking into the gallery where the exhibition was held and endangering of safety by the representatives of the government) in the case of Marko Somborac and his satirist colleagues. In other cases, journalists primarily receive the information, but they often have to refer to contact persons from journalists' associations and Standing Working Group to receive information, and especially Bojana Pavlovic case where prosecutor refuse to investigate important data in prosecution process.

In general, prosecution offices, police and courts allow access to very little information even to the injured parties. The main reason is that such information could jeopardise evidence in the case. Also, the majority of courts and judges do not approve of commenting on the course of proceedings and procedural actions thereof.

# Quality statistics collection systems established by state authorities to stem impunity

**Score (3.90) – Prosecutors and police have established their databases on cases of incidents against journalists. The prosecutors are somewhat open to providing information while the police rarely provide information on proceedings and complaints. On the other hand, the prosecution fails to collect all data on attacks on journalists, only data referring to such reported cases and when some procedures were initiated in those cases. Courts fail to keep particular data that could be separated regarding attacks on journalists, but some information could be obtained through requests for access to information of public importance.**

In addition to the statistics kept by some journalists' associations, the records of the attacks on journalists have been kept since 2016 by the Republic Public Prosecution (RPP) and the Ministry of Interior. The records maintained by the RPP are submitted in the updated form to representatives of the Standing working group quarterly. A working group, established for developing a Platform for recording attacks, in cooperation with the Ombudsman, also plans to record all cases and respond to pressures. Still, due to its phase, it is currently only seen as a potential. This working group was created to consider pressures and record attacks and pressures to the particular platform that is to be established according to the Agreement between nine journalists and media associations, unions and Ombudsman in April 2020. Special mechanisms for monitoring and reporting are included in Standing Working Group for Journalists Safety and its system of contact points, with particular emphasis on contacts within journalists' associations. Their mission is to report cases and notify the contact points within public prosecution and police, but also the Standing Working Group considering cases that do not meet the satisfying level of investigation.

Databases kept by the Republic Public Prosecution are the most comprehensive, recorded by the type of the criminal offence, basic information of the injured party and phases in proceedings. The personal data are recorded, location of the attack, date of submitting the case and current stage of the proceedings, meaning the procedural actions

— INDICATOR 3.5

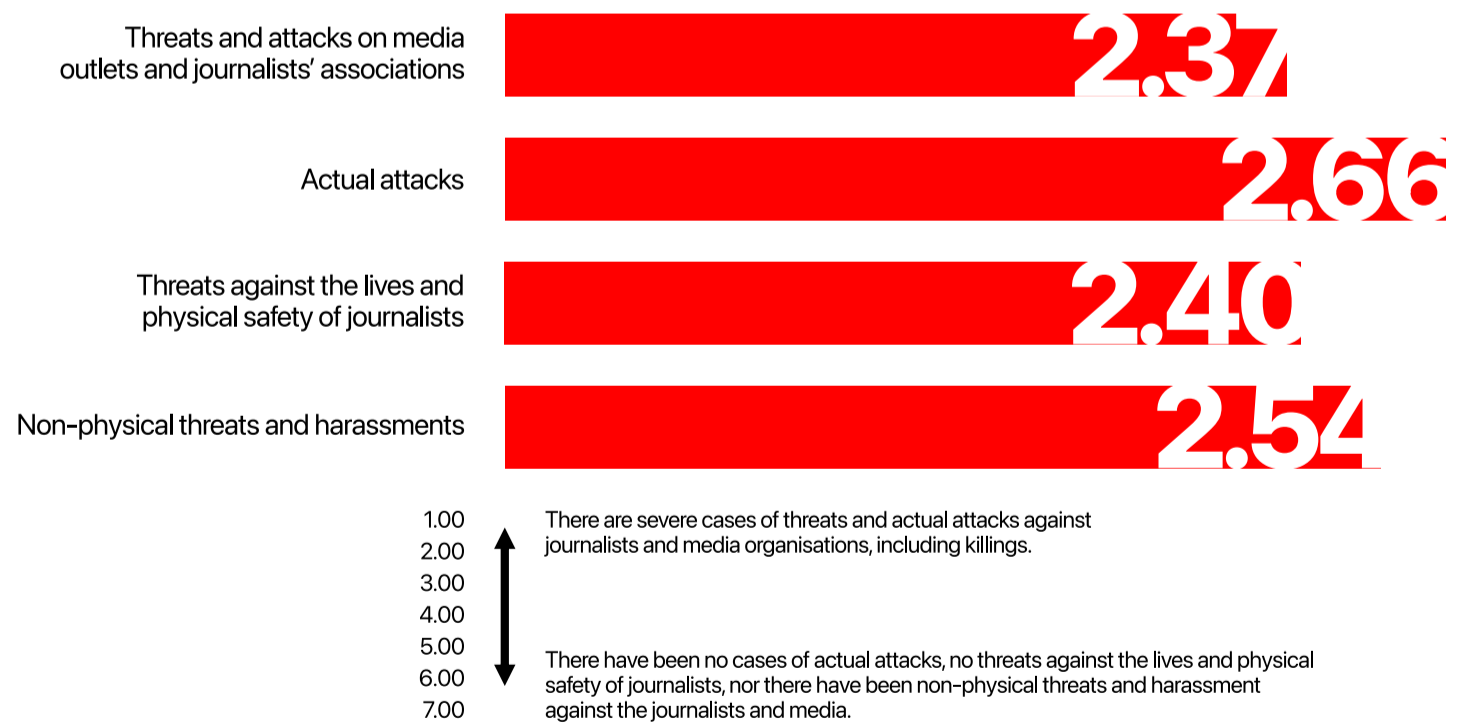
taken. They are not classified per gender, ethnic origin and other socio-demographic criteria. Due to specific standards and rules of prosecution, particular cases are often removed from databases depending on various reasons (cases were closed, actions not initially linked with attacks on journalists, lack of evidence indicating the attack or threats to journalists because of their job, etc.). The Republic Public Prosecution notifies the Standing Working Group members on cases and real information from the database quarterly. Also, RPP notifies the members of the new Working group for journalists' safety.

Prosecution and police have established their databases on cases (as mentioned above). The police have information that is almost secret at disposal since it is unknown whether some persons have received such information. Among the reliable information, it is known that these cases were recorded as incidents against journalists, but no other data. Police only notify on general information in databases, but not on cases' details.

There is often a lot of discussion on databases and information all three parties have at their disposal both in the Standing Working Group for Safety of Journalists and among the public.

# IV

## Actual Safety





# Non-physical threats and harassments

These may include: surveillance or trailing; harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure that can jeopardise the safety of journalists in pursuing their work. These types of threats do not include mobbing and bullying in the working environment.

**Score (2.37) – There is evidence indicating that some cases include surveillance of journalists or media, as their communication is intercepted. They receive threats or get targeted directly in social media by the members of the ruling political party, and those threats are constantly growing. Serbia is characterized with systematic pressures on journalists. Political representatives in the Parliament threaten, target and insult journalists and their respective media following the impression that actions are organised against journalists. Generally bad situation additionally caused state of emergency and general feeling of disappointment among citizens.**

The events that happened in 2020 influenced the increased number of cases of incidents against journalists. There were 25 cases of threats, stalking, harassment of journalists and aggressive statements by government representatives. We have recorded various forms of threats such as direct threats in social media, e-mail threats, and text messages, hate speech graffiti, breaking into an exhibition and announcements of such attacks, insults and threats of police officers in the street, misogynistic insults, threats and omissions in reacting to threats. In the first half of the year, there was an interception of communications of Nedeljnik weekly journalists. On 16 February, Tanjug news agency broadcast the statement made by Minister Vulin where he estimated that "Minister of Defence and President of Democratic Party Dragan Sutanovac has always been using an opportunity to attack Serbia what Russian Defence Minister Sergey Shoygu is about to pay his visit to Serbia". This estimate was accompanied by statements that Minister Vulin said that "responding to the author's text of Dragan Sutanovac in Nedeljnik, where he criticized cooperation between Serbia and Russia", which was broadcast by almost all Serbian media and the news was also read in the National daily news on TV Pink. However, the Nedeljnik statement from the following day read that the text that the minister referred to had never been published. This situation opened the question

— INDICATOR 4.1

regarding how the minister had obtained the information and data and raised suspicion that there had probably been an interception of communication between the text writer and editor during the material preparation, including possible tapping of the weekly Nedeljnik editorial office. The case was reported to the police and Special Prosecution Office for High Tech Crime in Belgrade, while the provision of data and investigating of all case circumstances are still ongoing.

# Threats against the lives and physical safety of journalists

These may include: references to killing journalists, journalists' friends, family or sources; references to making physical harm against journalists, journalists' friends, family or sources. These threats may be: made directly or via third-parties; conveyed via electronic or face-to-face communications; may be implicit as well as explicit.

**Score (2.66) – Journalists often received death threats on social media, direct threats face-to-face, and even threats to their families, with huge level of primary and especially secondary victimisation. Several very severe cases were reported, fortunately remaining only threats that stopped before the execution. Although police and prosecutors initially reacted quickly, main problem lays in further procedure and collecting evidence and data.**

In the previous year, there were 16 cases of various forms of verbal threats against journalists. They often received death threats on social media, direct threats face-to-face, and threats to their families, usually made online and via social media. Many female journalists received such threats. However, the gravest forms of threats are made directly, face-to-face. Such were the threats against Jeton Ismaili, a journalist from Bujanovac, and his family. They live in Veliki Trnovac and have received threats because of an article on a difficult situation and suffering due to coronavirus pandemic. It is particularly serious how the threats were made since the suspects did that directly, in the backyard of the journalists' family home. Jeton Ismaili was not there at the moment, so those persons were sending death threats to his wife, who had been there with their daughter. These persons made horrible threats, saying what Jeton and his family might be expecting. Police and prosecution reacted quickly, however, several months after the investigation was conducted, the criminal complaint was rejected at the beginning of 2021. Portal Direktno.rs newsroom has received a direct threat of murder via e-mail. The threat was immediately reported to the competent Special Prosecution Office for High Tech Crime.

# Actual attacks

These may include: actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.

**Score (2.40) – Although it is impossible to find a list of all attacks, brutal attacks against journalists should be emphasised here, especially made by police officers. There is considerable evidence indicating that the police consciously ignored journalists and that some attacks were made deliberately. Unfortunately, all efforts to raise the level of sensitivity of officers and prosecutors regarding the position of journalists and the importance of their reporting have failed. Prosecutors and Police failed to demonstrate the understanding of the role of a journalist and even the understanding for suffered attacks.**

In 2020, the number of physical assaults literally escalated, hence there were 30 such cases, including several seriously injured journalists, arrested journalists and those whose movement was most harshly restricted or equipment physically seized. One of the reasons for the enormous rise in the number of physical assaults lies in a specific situation caused by the state of emergency and great dissatisfaction of citizens with the measures that have been introduced, the violent protests from July 2020. Seriously aggressive physical assaults happened in July last year, conducted both by protesters and police. Attacks by the police were going on for several days, demonstrating the actual situation among police members and the lack of understanding of the position and role of journalists in this type of reporting. A particularly aggressive case was the beating of journalist Zikica Stevanovic from BETA agency, who police officers brutally beat on 8 July while he reported from the protest against the measures imposed by the Crisis Response Team. In an exchange of attacks between demonstrators and police, Stevanovic found himself surrounded by police at one moment. The journalist held his press ID all the time, and when the policemen approached him, he clearly said: "don't, I'm a journalist!", however a series of blows followed. The officers did not react in the way the journalist had expected. Instead, they were even more brutal once they observed press marks. Even after he had felt to the ground against the received blows, the policemen did not stop hitting him. The final act of the event is particularly brutal when one policeman returned and, despite Stevanovic's shouts that he was a journalist, hit him several more times

— INDICATOR 4.3

with a nightstick. After he was assisted by colleague journalists with whom he reported that night, he checked in the health care clinic where he had received medical assistance. The following day Stevanovic reported the case to the responsible police station. All circumstances of the particular case are still being investigated. The Ministry of Interior also instituted internal procedures in all incidents within the July protests where members of the police physically and verbally injured journalists. The perpetrator of the attack against our colleague Stevanovic still belongs to the records of unknown perpetrators.

# Threats and attacks on media outlets and journalists' associations

Threats may include: harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure (inscriptions, threatening posts etc.). Actual attacks may include: invasion of offices, seized equipment, broken equipment, vehicles etc.

**Score (2.54) – Almost all types of attacks are reported. What is particularly worrying is the lack of authorities' response, as nearly all cases remain unresolved. There is a lot of evidence that targeting, threats and attacks originate or are related to government officials. Although at first, it seems that there are not so many attacks, such incidents are deeply connected with separate attacks on journalists, and there is an impression that many journalists are targeted or attacked precisely because of the media they work for.**

At first, the number of attacks and threats to media companies was not that high compared to other forms of threats and attacks. Yet, it is a fact that specific direct threats to journalists are threats to media companies. Only four threats and attacks directly on media have been recorded, but many incidents harming individual journalists are imbued with messages for media themselves. This shows that the primary target of attacks is media companies, so intimidations and severe attacks represent a model for silencing the independent and critical media. Large and local media experienced hackers' DDOS attacks, precisely after reporting on specific topics or when certain topics were to be necessarily reported. Vehicles of media companies and individual journalists were damaged on numerous occasions, while some media companies were even prohibited from attending certain events.

Journalists were insulted and attacked on social media, but the indirect targets of attacks were often the media companies such journalists worked for. For instance, N1 journalist Zaklina Tatalovic was threatened as many as four times, while former N1 editor Jugoslav Cosic was threatened twice last year, however, the backdrop of almost every threat and numerous insults were also direct messages to the TV N1. Similarly, the representatives of the authorities have fought

— INDICATOR 4.4

with other critical media, and there is an impression that the majority of those attacks are organised and originated from the highest government representatives. By 2020, former N1 journalist Jelena Zoric received specific threats from a lawyer defending Predrag Kolvija. Svetislav Bojic, a lawyer, following the main hearing in the case of Jovanjica, had said to Jelena Zoric that his client, the defendant, was a wonderful person and highly religious, so he was praying for her health, but also for the assigned deputy prosecutor and the police officer who had arrested him. Bojic emphasised that his client believed in God strongly and that whoever meant harm to him did not do well later. A day later, at the same place, Bojic approached journalist Zoric again and said: "Pedja was almost released from custody today, and he had told me to tell you he sends big regards."

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