

I FREEDOM OF EXPRESSION

In the period covered by this monitoring report, there were several events suggesting possible infringement of the freedom of expression.

1. Threats and pressures

1.1. In the early morning of May 2, a Molotov cocktail was thrown at the house of Dragan Ilic, the Press correspondent from Krusevac. It set fire to the canopy covering the firewood in the courtyard. The fire was soon put out and two persons were apprehended. Ilic said that his daughter was a journalist too, and that in the course of past year she had been writing for „Svedok“ weekly about abusive practices of some political party leaders in Krusevac. The police, however, stated that some passers-by had a quarrel in front of Ilic's house and that at one moment Lidija A. (33) from Krusevac threw an incendiary device towards Aleksandar Đ. (22) but it “accidentally landed in Ilic's courtyard“. It was said in the police statement that suitable charges will be filed against Lidija A. The Press daily reported that their correspondent had doubts with regard to the statement of the police.

Good news is that the police has immediately apprehended the person who threw the incendiary device on the journalist's house. What raises concern, however, is the fact that, irrespective of the timely and efficient response of the police, the journalist whose house the Molotov cocktail was thrown at expressed doubts regarding the description of the event as presented by the police. “In their public statement they said that it was about a fallout between the passers-by who threw Molotov cocktail at each other and that the incendiary device only accidentally ended up under the window of my house; as if it is only natural for people to go round with Molotov cocktails and fling them at each other,” Ilic said. The court will have a final say about what has really happened. There is no doubt that there has been a large number of unresolved attacks against journalists, after which the truth was never revealed and the perpetrators were never brought to justice, which created distrust both in the police and the judiciary. In the situation when for years we do not have the answer to the question who has killed Dada Vujasinovic, Slavko Curuvija, Milan Pantic, or who activated the bomb on the window sill of Dejan Anastasijevic's bedroom, there is no wonder that there are suspicions in the police version of what happened, even when the police was superbly efficient.

1.2. Broadcasting equipment of Radio Pancevo on Milica brdo near the Belgrade settlement of Visnjica was damaged for the second time in the past two weeks. The damage was incurred on Monday, May 3. Even though the same site hosts transmitters and antennas belonging to several users, including Serbian Ministry of the Interior, it was only the Radio Pancevo cables that were cut. Tatjana Jelesic, Manager, said that they had an interview with Belgrade Police Administration inspectors on duty and that they will try to, together with other users of the antenna tower on Milica brdo, ensure 24/7 security or video surveillance.

Damaging of the radio station broadcasting equipment definitely constitutes an act of restricting of freedom of public information. To inhibit program broadcasting is a criminal offence defined in Article 149 of the Criminal Code; sanctions against this criminal act range from a fine to imprisonment of up to one year. In real life, however, even though there were many cases of damaging of broadcasting equipment, cutting or tearing of cables and breaking of antennas on transmitter locations, perpetrators were only rarely discovered. According to the information available to the authors of this report, the final ruling was made in one case only. Namely, a Perica Dimitrijevic from Nova Varos was convicted to 3-month imprisonment with one year suspended sentence because he had broken the antenna and cut cables of the B92 television transmitter on Cvjetnjak hill near Nova Varos. The first-instance ruling was passed in 2006 by the then Municipal Court in Nova Varos, and confirmed in 2007 in an appellation procedure by the then District Court in Uzice. Interestingly, the offence in this case was qualified as destruction and damaging of public equipment for which the law stipulates a prison sentence of three months to five years. In the end, Dimitrijevic was sentenced to suspended sentence.

1.3. The “24 sata” daily reported that on May 13 prison guards and security staff in the Belgrade Palace of Justice had physically attacked and inflicted head injuries to Masanorije Josida, “Alo” magazine photo-reporter, while he was taking photos of the apprehension of Velibor Dunjic, leader of a group of Red Star supporters, indicted for attempted murder. As the daily reported, the guards took by force the memory card from Josida’s camera and Judge Sladjana Markovic ordered that all previous photos be erased even though, only a day before, Josida had been granted regular accreditation and permit to take pictures in the court building by the President of the Higher Court, Judge Dragoljub Albijanic.

According to the court rules of procedure, any photos in the court building can be taken only subject to previous permission of the president of the court concerned. As reported by the media, this photo-reporter did have such permission. According to the provisions of the Law on Public Information, however, a photographic recording of a person cannot be published

without the consent of the person in question if he/she is identifiable from such a photograph. In this particular case, Velibor Dunjic was entitled to oppose publishing of his photograph regardless of the fact that the permit for making recordings in the court building was granted. What remains unclear, however, is the grounds on which Josida was seized the memory card from his camera and had its content erased. Moreover, there can be no dispute that a physical attack on a photo-reporter is a physical pressure against media workers applied to prevent them from doing their job, and that it constitutes an infringement of freedom of public information.

1.4. Milos Radisavljevic Kimi, leader of Partizan supporters, was arrested on May 21, on suspicion that he had committed a criminal offence of threatening against safety of B92 journalist Brankica Stankovic. The police stated that, upon consultations with the First Basic Public Prosecutor's Office in Belgrade, Radisavljevic was detained because of the presence of reasonable suspicion that on December 16, 2009, he had committed a criminal offence of threatening against safety referred to in Article 138 paragraph 3. On May 8, Radisavljevic was seen at the football match between Partizan and Red Star that took place at the Partizan stadium. Police director Milorad Veljovic said on that occasion that the police had noticed Radisavljevic at the stadium but did not have legal grounds to apprehend him due to a, as he explained, legal vacuum. Now Veljovic said for B92 that the decision on the arrest was made after a meeting with the Republic Prosecutor Miljko Radisavljevic, when an agreement about the new way of combating violence on football stadiums was made.

What brought this entire matter into the focus was the fact that, regardless of the search warrant issued against him, Radisavljevic was not arrested on May 8, when he was seen at the football game and when TV cameras recorded him walking along the athletic track, only a couple of meters from a police officer who showed no reaction whatsoever. The police director made a connection between the fact that Radisavljevic was not arrested and the rejection of the indictment against six other persons charged with a criminal offence of threatening against safety with regard to that same incident. What remained undisputed, however, is that the search warrant for Radisavljevic was in place before May 8, when he freely strolled in front of the police and that in this case, the failure of the police to act, put a question mark over their decision to have persons suspected of threatening safety of journalists seriously punished.

2. Legal proceedings

2.1. The First basic public prosecutor's office in Belgrade lodged an appeal with the Appellate court against the decision by which the indictment against six supporters of Partizan who threatened journalist Brankica Stankovic was rejected "because of a major infringement of the provisions of criminal proceedings, because of an infringement of the Criminal Code, and because the facts of the case were established wrongly and incompletely". The prosecutor stated in his appeal that the disposition of the decision was perplexing and controversial.

The decision by which the indictment against six Partizan supporters, who had threatened journalist Brankica Stankovic, was discussed in more detail in our April Report. The prosecutor's office had already announced lodging of an appeal at that time, and the media reported that the Ministry of Justice had submitted an initiative, supported by the Ministry of Youth and Sports, for the High Judicial Council to review the actions taken by the judicial panel which took the decision in question. The announcement of the initiative submission was seen by many as a pressure made by executive authorities on the appellate court which was to decide on the appeal.

2.2. The RTS management will file criminal charges against Aleksandar Vlajkovic, President of the Managing Board of the UTE (Association of TV Experts), and members of this Association "for tarnishing of business reputation of RTS and its management". "Because of repeated fabrications about RTS business which are tarnishing business reputation of the Company, false statements about the program, the work of the management and the Managing Board, unauthorized provision and publishing of official documentation, grave untruths, libels, and filing of criminal charges with false allegations, seven RTS directors and editors in chief are now filing criminal charges against Mr. Vlajkovic and his associates from the so-called Association of TV Experts with the competent prosecutor's office" – this was said in the statement forwarded to the media from the RTS Manager's office. The undersigned of this statement are Nebojsa Nedeljkovic, Branka Ruzic-Hinic, Vladan Ckrkic, Stanislav Veljkovic, Sandra Susa, Nenad LJ. Stefanovic, and Aleksandar Tijanic, the RTS General Manager. On May 19, UTE professional association said that criminal charges that the managers of Radio-TV Serbia had filed against the representatives of this Association could help establish the truth about the situation in that media house. On May 31, UTE protested with the RTS Program Board because the program was abused to protect personal interests and because of the unfounded attacks against those who had taken a well-supported action to draw attention to the irregularities in the work of the Public Broadcasting Service.

At the same time, UTE submitted to Ms. Slavica Djukic-Dejanovic, Speaker of the National Parliament, their Study of the Situation in RTS. The same study had already been submitted to the National Parliament's Committee for Culture and Information but this Committee never discussed it. UTE maintains that the situation in RTS gives rise to serious concern, that RTS fails to perform the main tasks of a public broadcasting service, that cooperation with independent production houses is absolutely non-transparent, that there are some abusive practices in the HRM and staff awarding policies, that malpractice is present in the social program implementation, that the Law on Advertising was drastically violated, etc.

Without going into whether the two criminal charges exchanged between the current management of RTS and members of the professional association, gathering some of this media house's former editors in chief, are founded or not, the authors of this Report can only express their regret for the fact that the focus of the debate on the functioning of the public broadcasting service and the level to which it is successful in its role has shifted to the criminal-legal sphere, considering that this debate can by itself contribute to improvement of the public broadcasting service and promotion of the quality of service intended for citizens. The charges can lead to cessation of any supported debate on discharge of the public broadcasting service function in Serbia and maintenance of the inherited situation which almost everyone describes as unsatisfactory.

2.3. On May 2, trial was postponed before of the Basic Court in Loznica against former policemen Lj. T. who is prosecuted for having incurred severe bodily injury to Vladimir Mitric, Vecernje novosti correspondent, on September 12, 2005. Since none of the witnesses appeared before the court, the following hearing was scheduled for June 30. Nino Brajovic, Secretary General of the Journalist Association of Serbia, said that it was Mitric who was punished instead of his tormentors, since he had been living constantly guarded by the police for a long time.

Namely, when he was attacked in 2005, Vladimir Mitric was broken his left arm and inflicted two dozen of head and body injuries. At the moment, proceedings against the person suspected of having committed this attack are under way, but it was never discovered who was really behind it. Instead, Mitric has been under police protection for more than three years. Earlier, a conviction in the first instance was cancelled, and the proceedings were to begin anew. Now these new proceedings are being postponed because the summoned witnesses did not appear before the court. Media did not report the reasons for their absence or what measures the court ordered to ensure their presence at the following hearing

scheduled for June 30. However, there can be no doubt that cases like this contribute to further deterioration of the status of journalists and increase of self-censorship in media.