

## **I FREEDOM OF EXPRESSION**

Freedom of the Media and Freedom of Expression, through the Right on Public Information, are foremost regulated by the Law on Public Information. This Law guarantees the Freedom of Expression, bans FOE restriction and any kind of pressure or influence on media. However, media in Serbia did not yet reach the satisfying level of freedom. According to survey of American NGO “Freedom House”, media in Serbia are “partly free” and country takes 83rd place out of 195 states on the list, which this NGO made public on occasion of World Press Freedom Day, May 3<sup>rd</sup>.

In the observed period, numerous and various kinds of FOE infringement are recorded, but the characteristic ones are pointed out here:

### **1. Threats and pressure**

- 1.1. Gornji Milanovac, May 5, 2009** - Vlastimir Zlatic, priest of the St. Nicholas Church in the village of Silopaj, has threatened Zoran Marjanovic, correspondent of “Glas Javnosti” and “Kurir” to kill him, after several Belgrade newspapers reported that Zlatic had beaten up the woman whom he had an extramarital relation with. The priest was apprehended and taken before the judge of investigation and ultimately released after questioning.
- 1.2. Belgrade, May 7, 2009** – “Vecernje Novosti” have published a text in which, based on the interpretation of Attorney at Law Nenad Popovic, Chairman of the Shareholders’ Assembly of the Port of Belgrade, the author contests the right of B92 to a national frequency, due to an alleged majority foreign ownership. This text ensued after an episode of B92’s “Insider” series had dealt with the land that is the subject of a dispute between the City of Belgrade and the Port of Belgrade – the land on which the owners of the Port, businessmen Miroslav Miskovic and Milan Beko plan on building a residential-office complex. The majority share in “Novosti” is owned by largely unknown foreign companies and there has been speculation in the public that these companies are, in fact, owned by Milan Beko.

- 1.3. Kursumlija, May 8, 2009** – President of the Municipality of Kursumlija, Zoran Vuckovic, has sent a letter to the Republic Broadcasting Agency (RBA) accusing the owner of the local station RTV Kursumlija Slavko Savic of „misusing his TV station“ by calling the employees of the Kopaonik company from Kursumlija, who are on strike, to occupy the building of the Municipality. Vuckovic requested that the said TV station be fined.
- 1.4. Belgrade, May 8, 2009** – Sports reporter Nebojsa Viskovic has left RTS because the father of top Serbian tennis player Novak Djokovic threatened RTS to deny them the right to live broadcasts from the Serbian Open tournament – organized by the Djokovic family – if Viskovic remains the commentator of Novak’s matches, which condition RTS ultimately accepted.
- 1.5. Belgrade, May 8, 2009** - The Democratic Party and G17 Plus Party have forbidden their ministers and MPs to give statements to “Kurir”, claimed this daily newspaper.
- 1.6. Belgrade, May 11, 2009** - Businessman Stanko Subotic Cane claimed in an interview to the Zagreb-based daily “Jutarnji List” that the „Tobacco Affair“ for which he had been accused of was „invented by people from the cabinet of former Prime Minister Vojislav Kostunica“, namely Secret Service Chief, Rade Bulatovic, Head of Kostunica’s cabinet, Aleksandar Nikitovic, Police Minister, Dragan Jovic, with the „media support“ of RTS GM, Aleksandar Tijanic. RTS General Manager Aleksandar Tijanic rejected Subotic’s allegations, saying he considered them a direct threat.
- 1.7. Loznica, May 11, 2009** – According to judge of investigation of the Municipal Court in Loznica, Zivadin Lazic, a police inquiry has concluded that there was an attempted burglary of the apartment of journalist Vladimir Mitric, correspondent of “Vecernje Novosti” from Loznica, in which the door of Mitric’s apartment was damaged. The journalist is under 24/7 police protection more than three and a half years due to various threats.
- 1.8. Sabac, May 21, 2009** – Journalists of local media from Sabac Hanibal Kovac and Mirjana Cvoric accused Democratic Party of Serbia (DSS) members of having insulted them after the assembly of that party’s City

Committee. The newly elected President of the DSS City Committee in Sabac has publicly apologized to Hanibal Kovac for the insults and announced the proper disciplinary measures against the perpetrators of the misconduct.

- 1.9.** **Belgrade, May 23, 2009** - The staff meeting of the Radio Television of Serbia announced that it has informed the European Broadcasting Union that the Liberal Democratic Party „has recognized to have made cooperation with the ruling coalition conditional on certain personal and programme changes“ in RTS.
- 1.10.** **Belgrade, May 25, 2009** – Attorneys of the Port of Belgrade have been, for two days, sending warnings to TV B92 ahead of the airing of the “Insider” program, requesting from that station, under the threat of legal action, to refrain from airing information about the land that is subject to a dispute between the Port and the City of Belgrade, namely that B92 may present only the position of the Port of Belgrade, claimed by the attorneys to represent the sole truth.
- 1.11.** **Belgrade, May 26, 2009** – The Journalists Association of Serbia (UNS) condemned the behaviour of the coach of the Partizan basketball club, Dusko Vujosevic. After the game against Red Star, Vujosevic insulted and swore on longstanding “Vecernje Novosti” sports journalist Vlada Preradovic.
- 1.12.** **Belgrade, May 26, 2009** - Liberal Democratic Party (LDP) deputy Ivan Andric accused, while addressing the Parliament, the RTS General Manager Aleksandar Tijanic of being a „war criminal“ and „warmonger“. Aleksandar Tijanic requested protection from the Speaker of the Parliament.
- 1.13.** **Belgrade, May 27, 2009** – Commenting Aleksandar Tijanic’s address to the parliamentary speaker, Liberal Democratic Party (LDP) leader Cedomir Jovanovic said „the conditions were met for setting up an investigation committee that would, amongst other things, establish the responsibility for the situation in RTS“.
- 1.14.** **Belgrade, May 30, 2009** - Rapper Dalibor Andonov Gru (36) was taken in by the police for an interview for having threatened the journalist

of the daily “Kurir”, which has published photographs of Andonov with an unknown girl on a Belgrade boat restaurant.

- 1.15. Belgrade, June 5, 2009** – The “Futura plus” distribution company, of which the majority share is owned by businessman Stanko Subotic Cane, informed the “Novosti” Company that it was stopping the sale of all magazines of the said company. “Futura Plus” has also reduced the volume of the daily “Vecernje Novosti” from 54.000 to merely 2.240 copies, which is the legal minimum. Futura made that decision after Novosti issued it a 53 million RSD bill in order to collect all outstanding and unpaid liabilities of Future towards Novosti.
- 1.16. Belgrade, June 17, 2009** – Numerous media organizations, including Association of Independent Electronic Media (ANEM), strongly protested against the publication of the article titled "Olja's son, a drug dealer" in the Belgrade daily “Kurir”, on Tuesday 16th of June this year. In that article, making a minor absolutely recognizable, the daily arbitrary found him guilty of a criminal act. Thus, „Kurir“ roughly violated minor rights, which is against the basic civilization standards, news and media codes and existing laws in the country. [See here](#)
- 1.17. Belgrade, June 19, 2009.** - In the night between June 17 and 18, unknown persons threw the fire torch on the B92 building, and tires of the Olja Beckovic car, parked in front on her building, where she lives with her son, were slashed. ANEM and B92 characterized the mentioned attacks as a continuance of the chase against this media outlet and Olja Beckovic, which for four days now, is lead by daily „Kurir“. “Kurir” accused the fifteen-years-old son of journalist Olja Beckovic to be a drug dealer and also attacked media outlet B92, trying to present the marketing contracts of this outlet with Petroleum Industry of Serbia (NIS) as a donations which provided bias reporting of TV B92 regarding the alleged malversations in this company. [See here](#)

The Public Information Law stipulates that no one shall be entitled to apply any kind of physical or other kind of pressure on a public media outlet or its staff, or any influence aimed at preventing them from performing their activities. A person engaged in the distribution of newspaper outlets must not refuse to distribute someone's newspaper without justified commercial reason. Endangering someone's security by making threats

of bodily injury or death is a criminal offence according to the Criminal Code, subject to a 1-3 year prison sentence.

The information we have come in the possession of in the course of monitoring reveal that pressure/ intimidation against the media, with the purpose of preventing them to do their job, are a daily occurrence and that the public often fails to react to such attempts to intimidate the media. On the other hand, although the Public Information Law stipulates that the courts are to deal with breaches of public information freedom in a summary procedure, the court proceedings are way too lengthy. For example, in the observed period, eight years have passed since the correspondent of “Vecernje Novosti” from Jagodina Milan Pantic was killed. His killer was never found or tried. Before he was murdered, Pantic has written about corruption in the Jagodina brewery and the Popovac cement plant, as well as about the death of journalist Dada Vujasinovic, which remain unsolved after 15 years.

What has particularly marked the in the observed period are organized and systemically managed campaigns of certain media against other media. A case in point is the campaign against B92, which “Vecernje Novosti” has joined. Namely, “Vecernje Novosti” as a media outlet with a utterly non-transparent ownership structure – which has been speculated in the public to be controlled by Milan Beko – have taken part in a campaign against B92, after an episode of B92’s “Insider” series had dealt with the land that is the subject of a dispute between the City of Belgrade and the Port of Belgrade – the land on which the owners, one of them being businessman Milan Beko plan on building a residential-office complex.

Such cases are also pointing to the necessity to have regulations governing media ownership transparency adopted as soon as possible.

## **2. Court proceedings**

- 2.1. Bujanovac, May 4, 2009** – At the order of the District Prosecutor, the police is investigating the film about Ridvan Qazimi, the leader of the Liberation Army of Presevo, Medvedja and Bujanovac, broadcasted two years ago on the Bujanovac television. The aim is to find out whether that film contained elements of the criminal offence of stirring ethnic, racial and religious hatred and animosity. Deputy District Prosecutor, Slobodan Trajkovic, told “Vecernje Novosti” he did not know how information from the investigation had leaked into the public.

- 2.2. Belgrade, May 8, 2009** – The District Court in Belgrade ordered the “Press” daily newspaper to pay 300.000 RSD to the spouse and son of Liberal Democratic Party (LDP) leader Cedomir Jovanovic, for a breach of the right to privacy. Believing the verdict to be unsustainable, because the trial failed to prove that Jovanovic’s juvenile son was on the disputed photo “Press” has published, the daily announced it would lodge an appeal with the Supreme Court.
- 2.3. Belgrade, May 13, 2009** – Sports reporter Milojko Pantic was ordered by the First Municipal Court of Belgrade to pay the former President of the Serbian Olympic Committee (SOC), Ivan Curkovic, and former Secretary General of that organization, Predrag Manojlovic, a total of 600.000 RSD of damages for “psychic pain sustained over stained honour and reputation” caused by the allegations of embezzlement while they were at the helm of SOC.
- 2.4. Belgrade, May 16, 2009** – The Third Municipal Court in Belgrade has indicted Kurir’s reporter Ljiljana Kekovic for slander against LDP leader Cedomir Jovanovic. However, she was not fined and the court only ordered the newspaper to publish the verdict.
- 2.5. Belgrade, May 16, 2009** – The first Municipal Court in Belgrade fined Predrag Popovic 250.000 RSD for slander against B92 and its reporter Brankica Stankovic, published on July 6<sup>th</sup>, 2005 in the daily newspaper “Srpski nacional”, the publishing of which in the meantime has ceased.
- 2.6. Loznica, May 19, 2009** – In the case against a former police officer accused of assaulting “Vecernje Novosti” journalist Vladimir Mitric in 2005, the then Police Commander in Loznica, Slavisa Mitrovic, testified before the Municipal Court in Loznica that “the police did not want to go out on the crime scene, although he has ordered it personally to the on-duty unit”.
- 2.7. Belgrade, June 2, 2009** – The First Municipal Court in Belgrade ruled that the responsible person and the “Kurir” daily newspaper ought to pay solidary to Aleksandar Tijanic 900.000 RSD of damages for breach of honour and reputation in several texts about the alleged sacking of Tijanic from the office of RTS General Manager, embezzlement in the purchase of broadcasting rights for the World Football Championship, voting

manipulation on a musical festival, as well as a text about “Tijanac’s made-up stay in Spain in Stanko Subotic’s villa”.

- 2.8. Belgrade, June 2, 2009** – The trial against the three attackers on TV B92’s cameraman Bosko Brankovic during the protest over the arrest of former Bosnian Serb leader, accused before Hague Tribunal, Radovan Karadzic, was postponed before the Third Municipal Court in Belgrade for June 17<sup>th</sup>, due to the no show of the attorney of first defendant Milan Savatovic and the witness – the reporter who was with Brankovic when he was hurt.
- 2.9. Belgrade, June 3, 2009** – The District Court in Belgrade upheld the ruling of the First Municipal Court finding Editor-in-Chief of the “NIN” weekly, Slobodan Reljic, guilty for slander against the former Head of the Communications Bureau Vladimir Popovic, for having associated the latter in a “NIN” article to allegations of tobacco smuggling. Reljic was issued an admonition.
- 2.10. Cacak, June 6, 2009** – The Nova Serbia Party President Velimir Ilic sued the Director and Editor-in-Chief of the “Cacanske novine” weekly Stojan Markovic for slander in two texts, claimed to be “humoresques” by Markovic.
- 2.11. Nis, June 8, 2009** – The Third Municipal Court in Belgrade found guilty for the criminal offence of slander the former Editor-in-Chief of the daily “Kurir” Dragan Vucicevic. Vucicevic was ordered to pay 100.000 RSD to the former Serbian PM Zoran Zivkovic, who sued Vucicevic in the fall of 2004.
- 2.12. Belgrade, June 9, 2009** – The Ministry of Culture filed a request for misdemeanour proceedings and sent a letter to the Public Prosecutor’s Office requesting the investigation of potential criminal elements and the launching of criminal proceedings against the Editor-in-Chief of “Pravda” Predrag Popovic, over the texts entitled “Dinkic is the Evil – He is the Main Target” and “Dinkic Has Been with one Foot in the Grave a Long Time Ago for his Decisions”.
- 2.13. Belgrade, June 17, 2009** – The Ministry of Culture has filed misdemeanour charges against “Kurir” Editor-in-Chief Rade Jerinic, over

the text entitled “Olja’s Son – the Drug Dealer”, for revealing the identity of a minor in the information which may harm his rights and interests.

- 2.14. Belgrade, June 18, 2009** – On the trial against the three attackers on TV B92’s cameraman Bosko Brankovic during the protest over the arrest of former Bosnian Serb leader and Hague indictee, Radovan Karadzic, the eyewitness of the event, journalist Vanja Lazin, confirmed that the first defendant Milan Savatic, had attacked and beaten up Brankovic.

The information learned in the course of monitoring point to the majority of cases against journalists being criminal proceedings for slander, namely damages litigations for slandering texts. Charges are most often pressed by former or current politicians, public figures, but also the journalists themselves against their colleagues.

In accordance with its authority pursuant to the Public Information Law, the Ministry of Culture has also pressed several charges for breach of the presumption of innocence and violation of a minor’s rights.

In the in the observed period, in several proceedings, typically the ones against journalists, not only first-instance rulings, but also final verdicts have been reached. On the other hand, there has not been a single ruling, not even a first-instance one, in proceedings against persons accused of physically assaulting journalists. There is even overt obstruction when proceedings need to be undertaken when assault on journalists are reported, as evidenced by the testimony of the commander of the police station in Loznica in a court case in that city (see 2.6 above). Namely, when interrogated as a witness in the proceedings against a former police officer for assaulting a journalist, the commander confirmed that the police officers did not want to intervene against their colleague who assaulted the journalist, until the commander finally explicitly ordered them to do so.

As an exception to the rule that the proceedings are mainly conducted for slander and privacy breach, is the pre-criminal proceedings against a Bujanovac journalist for the criminal offence of causing or stirring ethnic, racial or religious hatred or animosity, which is according to the Serbian Criminal Code punishable by a 5-year prison sentence and even 10 years in the most serious cases.