I FREEDOM OF EXPRESSION

In the period covered by this Report there were several incidents pointing to possible violations of freedom of expression.

1. Threats and pressures

TV B92's Jovana Stetin and Dejan Goljevac, as well as TV Prva's Biljana Gavric and Lazar Vukadinovic were attacked on December 15 in front of the polling station in Backi Gracac, during the local elections in the Vojvodina municipality of Odzaci. The two television crews came to make a report about the allegedly interrupted vote in Gracac due to a brawl between local political activists. The police protected the reporters from direct physical attack at the polling station, but they had to leave since the police could not guarantee their protection from potential new attacks. TV B92 filed criminal charges against the attackers for a qualified form of the criminal offense of endangerment of safety. The attack was also condemned by the Association of Independent Electronic Media (ANEM), as well as by the Minister of Justice Nikola Selakovic, which both called on the competent authorities to urgently identify and prosecute the attackers.

Reporting about the electoral process is most certainly one of the most sensitive media tasks. For many years now, whenever elections are held, the media are accused, often without any grounds, of being biased and siding with one or the other political option. What makes the incident in Odzaci specific is the fact that the attackers tried to prevent the TV crews from reporting about the interrupted vote at the polling station. By doing so, they violated the provisions of the Law on Public Information banning all forms of censorship and influence on the work of public broadcasters, while guaranteeing their independence and the independence of their newsrooms and journalists. Furthermore, since it is an election-related incident (with elections being undoubtedly an event of public interest), there was a breach of the Law on Public Information which stipulates that ideas, information and opinions about phenomena, events and persons relevant for the public interest shall be freely released by media. The above described attack on television crews could constitute violent behavior, a criminal offense subject to six months up to five years in prison under the Criminal Code. The latter defines violent behavior as threatening the tranquility of citizens or severe breach of public order by harsh insults or harassment, violence, provoking a brawl or by rude or ruthless behavior. A qualified form of this criminal offense exists where violent behavior has taken place within a group or if it has caused a minor physical injury to an individual or severe humiliation of the citizens. In its press release, ANEM stressed that the

electoral process in a democratic society is inconceivable without creating a climate in which the media may freely report about that process and supply the citizens with all relevant information about the election as a fundament and essence of democracy. An attack of journalists covering the electoral process, especially a physical attack, is impermissible in a democratic society. The good news is that the Justice Minister condemned the thugs, but only a comprehensive investigation of the incident and the prosecution of the attackers will be the proof of the state's preparedness to secure freedom of expression.

1.2. The Radio Television of Serbia (RTS) crew tried to film a story about painted street lamps in Vojvode Stepe Street in Belgrade, but a group of unidentified young men tried to prevent it from doing so. They threatened the members of the RTS crew, took pictures of them on their mobile phones and encircled them. Shortly after the incident, a cameraman from the RTS crew received a telephone threat from an unknown number stating that none of the attackers is to be ever shown on television. The proof of their seriousness, he was told, was the fact they managed to find his mobile phone number in half an hour. RTS had sent the crew to film the story after many citizens complained about the street lamps that were obscured by paint, threatening the security of people and particularly that of the elderly and children.

Under the Law on Public Information, public information shall be free and in the interest of the public. Furthermore, it is forbidden to directly or indirectly restrict the freedom of public information in any manner suitable to restrict the free circulation of ideas, information and opinions. It is also forbidden to put physical or other pressure on a media outlet and its staff or exert influence that might obstruct their work. This is not the first time a TV crew is attacked in Belgrade while performing a routine assignment and filming public utilities-related stories. Less than two years ago, a TV Studio B crew was attacked while filming a piece about public transportation. That incident, however, involved a single attacker, who was quickly identified and detained, before being indicted of endangerment of safety and violent behavior. What makes the case of the RTS crew even more dangerous is the fact that they were attacked by a group of thugs, who continued to threaten them after the incident by finding the cameraman's private number and sending him threatening text messages.

1.3. Radio 021 from Novi Sad reported on its website that the Health Insurance Fund (RFZO) has given a company car and a driver to Milena Tabakovic, the daughter of the Governor of the National Bank of Serbia (NBS) Jorgovanka Tabakovic, to take her to her university lectures from Novi Sad to Belgrade twice a week. Radio 021 also posted on its website the memo of the RFZO Director Momcilo Bacic, referring to his decision from October 31. The decision informed the

directors of the RFZO subsidiaries and the acting director of the Provincial Health Insurance Fund that employees from out-of-Belgrade branch offices attending healthcare management university studies at the Medical Faculty and the Faculty of Organizational Sciences in Belgrade may use company cars to travel to lectures in the capital. Numerous media outlets carried this information. However, for reasons unknown, the news was later withdrawn from the website of Radio 021 and a several other websites. The Independent Journalists' Association of Serbia (NUNS) and the Independent Journalists' Association of Vojvodina (NDNV) reacted by expressing concern over self-censorship that may result from political interference in public information matters. According to Momcilo Babic, the RFZO has sent off 22 persons for professional development, including the daughter of Jorgovanka Tabakovic. He noted that all these persons are entitled to use company cars and to have overnight stays in Belgrade paid by the RFZO. "We decided it would be cheaper to use a company car. They go to Belgrade for professional development purposes, but they also perform various coordination tasks and bring documentation to RFZO. People come by company car from Pirot, Novi Pazar and Kraljevo, why wouldn't they come from Novi Sad as well?", Babic said. He stressed that the RFZO regularly sends its employees to master or doctoral studies in the area of healthcare management and that the Institute bears half of the tuitions. The employees pay the other half, while the RFZO also pays for travel and accommodation costs. He explained that classes are held on Fridays and Saturdays on the Faculty of Medicine and the Faculty of Organizational Sciences in Belgrade and that the RFZO management estimated that the fuel costs related to the use of company cars are lesser than potential meal and accommodation expenses. The RFZO also explained that the right to use a company car for travelling to Belgrade for lectures may be enjoyed by those employees living less than 200 kilometers from Belgrade (including Novi Sad and Pozarevac), while those living at a greater distance (more than 200 kilometers away – Nis, Novi Pazar, Krusevac) have their hotel expenses paid by the RFZO. The Governor of the NBS Jorgovanka Tabakovic issued a press release demanding an "equal chance" for her children as for all other children in Serbia. To make things worse, the original news taken over from the Radio 021 website was removed in a hacking attack from the websites of the media that transmitted it and did not remove it themselves (including Autonomija.info). Moreover, a story about the withdrawal of aforementioned texts (about the Governor's daughter being entitled to a RFZO company car and a driver to attend lectures) from other websites was erased from the website of the Serbian Center for Investigative Reporting (CINS).

Under the Law on Public Information, public information shall be free and in the interest of the public. Furthermore, it is forbidden to directly or indirectly restrict the freedom of public information in any manner suitable to hamper free circulation of ideas, information and opinions. It shall also be forbidden to put physical or other pressure on a media outlet and its staff or exert influence that might obstruct their work. In the concrete case, the fact that certain benefits enjoyed

by persons sent by the RFZO for professional development are financed from the public budget is not at dispute. This is most definitely an issue of public interest. Under the Law on Public Information, ideas, information and opinions about phenomena, events and persons relevant for the public interest, shall be freely released by the media, unless proscribed differently by the law, regardless of how the particular piece of information was gathered. Putting an emphasis on the fact that one of the persons enjoys specific benefits (the daughter of the NBS Governor) is not questionable either, since under the Law on Public Information, the right to privacy of the holders of state and political functions are restricted, if the information in question is relevant for the public (since the person the information pertains to holds a public office), in proportion to the justified interest of the public in each concrete case. In this case, one gets the impression that pressure has caused an accurate piece of information to be withdrawn from the media even before it could have been reasonably estimated if the intrusion in the privacy of the Governor of the NBS was justified or not. A particular concern, however (an even greater one than the call to the editors to remove certain texts from their online portals), is the hacking of those websites that did not remove the text and even the hacking of the websites that merely analyzed the phenomenon of the withdrawal of the texts. Such practice is unheard of in Serbia. Hacking attacks in the past were typically aimed at denying access to certain websites and were never directed at individual, specific texts; the attacks were typically blamed on international hackers, most often Albanian ones. The hacking of the websites of CINS or Autonomija.info undoubtedly could constitute a criminal offense, probably that of computer sabotage, subject to up to five years in prison according to the provisions of the Criminal Code. This case also demonstrates that it is necessary to introduce, in some future amendments to the Criminal Code, a change in the definition of the criminal offense of obstruction of printing and disseminating printed items and obstruction of broadcasting contained in Article 149 of the Code. Namely, in its present text, this clause protects freedom of expression solely in relation to traditional media, by prohibiting the unauthorized obstruction of the printing, recording, sale or dissemination of books, magazines, newspapers, audio and video tapes and other similar print or recorded items and the unauthorized prevention or obstruction of television and radio broadcasting. This case has proven that the scope of protection provided by Article 149 of the Criminal Code should be extended to new media services, so as to include sanctioning of the unauthorized prevention or obstruction of the distribution of media content through all applicable platforms. In addition to the press and radio/television programs, such protection would involve Internet media portals.

1.4. The Editor-in-Chief of the Novi Sad-based weekly "NS reporter", Milorad Bojovic, received more than 30 threats by text messages sent from different telephone numbers. Bojovic claimed to have received the first threatening SMS on November 29. The Journalists' Association of Serbia (UNS) requested on December 4 from the Novi Sad police to establish who is threatening Bojovic

and put the latter under police protection. Several days later, on December 10, the media reported that the *South East Europe Media Organization (*SEEMO) called on the Serbian police to urgently start an investigation about this case. Milorad Bojovic believes the threats to be related to his texts published in "NS reporter". He says that in the last few months the weekly published a series of articles about "pre-arranged" tenders in the healthcare system of Vojvodina, as well as investigative texts about phony companies that have received money from various provincial funds.

Under the Law on Public Information, it is forbidden to restrict the freedom of public information in any manner suitable to restrict the free circulation of ideas, information and opinions. It shall also be forbidden to put physical or other pressure on a media outlet and its staff or exert influence that might obstruct their work. In the concrete case, the SMS threats to the editor may constitute threat against personal security, referred to in Article 138 of the Criminal Code of the Republic of Serbia. The qualified form of that criminal offense, when the threats have been made against a person holding an occupation in the domain of public information, which is considered to be of public interest (when the threat is related to this particular occupation and tasks), is subject to six months up to five years in prison.

2. Legal proceedings

2.1. The Appellate Court in Kragujevac delivered an acquittal sentence in the criminal trial against the former President of the Municipal Council of Prijepolje Dragoljub Zindovic, who is currently the Head of the Zlatibor District. Zindovic was on trial for the criminal offense of insult and endangerment of safety of the journalists of TV Forum. In that case, four reporters of TV Forum pressed criminal charges against Zindovic over the insults and threats he made in March 2011. According to the journalists, Zindovic entered the premises of TV Forum requesting to see the package aired the previous day in the news bulletin. The then present journalists allowed him to see the requested footage, after which Zindovic told them they were "worthless persons", while threatening the cameraman who filmed the footage that he personally or someone else will "beat the crap out of him" and that "he deserved a beating", warning that "this is not over, personally or business wise". The Basic Court in Prijepolje acquitted Zindovic of the charges for endangerment of safety, sentencing him for insult. According to the findings of the court of first instance, the trial stopped short of proving that Zindovic had actually uttered all the aforementioned threats. The Court nonetheless indicted Zindovic for insult, explaining that he had offended the journalists telling them, in a loud voice, that they were worthless persons. In the appeal procedure against the first-instance verdict, the Appellate Court in Kragujevac upheld the acquittal delivered by the Basic

Court in Prijepolje and went even further by acquitting Zindovic of the accountability for insult. The Court explained, "It is clear that the defendant made the incriminating statements with the aim to defend and protect his legitimate interests and not with the goal of humiliating the plaintiffs. He was merely reacting to the broadcasting of the informal part of the conversation with him after the television interview."

One of the indicators of media freedom in a democratic society, according to Resolution 1636/2008 of the Parliamentary Assembly of the Council of Europe, is the extent to which journalists are protected from physical threats or attacks related to their job, which involves the extent to which prosecutors and courts adequately and timely act in cases pertaining to threats received by journalists or attacks on them. The Zindovic case is yet another proof that the aforementioned indicator has unfortunately not been fulfilled in Serbia. The court of first instance found that "certain differences in the statement of the plaintiff and witness, who has, to a certain degree, mitigated his statement during the trial", were sufficient to deliver an acquittal for Dragoljub Zindovic. Meanwhile, the court of second instance found that what Zindovic told the journalists did not constitute insult, since he, according to the court, reacted in defense of his legitimate interests. Hence, it seems that Serbian courts do not find threatening a cameraman that someone will "beat the crap out of him" to be a serious threat against someone's life or body and that calling journalists "worthless persons" is not an insult, but a manner for politicians to protect their rights and legitimate interests. The worst thing in such cases is not the fact that the reporters of TV Forum were left unprotected from the attacks of the former President of the Municipal Council of Prijepolje and the actual the Head of the Zlatibor District. The worst outcome is that a precedent was created in the court practice by that incident conveying a message that there were circumstances, loosely defined as "defense of a right or protection of legitimate interests", which apparently allow grave insults to journalists without any consequence. This sends a message that politicians can get away with anything, including insulting and threatening journalists, while the latter may not even release authentic recordings in the media if the politicians assess (and the courts typically respect such assessment) that the released recording is an off-the-record chat and not an on-the-record interview. Moreover, it is unclear if either the court of first instance or the court of second instance has taken into account the provisions of the Law on Public Information which expressly state the circumstances under which it is allowed to broadcast audio/video recordings of a person without that person's express consent. One of these circumstances is that the recording in question may concern a person, phenomenon or event of public interest and particularly a holder of a state or political office and that the release of such recording is relevant in view of the fact that the said person holds such office. Unfortunately, in practice we have seen that the politicians in Serbia still believe, and the courts seem to support such belief, that they are the

ones to decide if a piece of information or recording about them may or may not be released by the media. There will be no respect for media freedoms in Serbia if such state of affairs persists.

2.2. At its 39th session, held on December 26, 2013, the Constitutional Court passed a decision determining that the provisions of Articles 13, 14 and 15 of the Law on the Security Information Agency ("Official Gazette of the Republic of Serbia" no. 42/02 and 111/09) are not in conformity with the Constitution. These provisions concern the authority to implement certain measures, including access to withheld communication data. It is perhaps the most controversial topic of our legal system in the past three years. We wish to remind here that the Constitutional Court has already passed decisions No. IUz 1218/2010 and No. IUz 1245/2010, declaring as unconstitutional certain provisions of the Law on the Military Intelligence Agency, the Law on the Military Security Agency and the Law on Electronic Communications. The same fate probably awaits certain provisions of the Criminal Code concerning access to withheld data based on a decision by the prosecutor and not that of the court. Under the Law on Electronic Communications, withheld data is data necessary for tracking and identifying the source of communication, determining the destination thereof, determining the beginning, duration and end of the communication, the type of communication, identifying the terminal equipment of the user and the location of the user's mobile terminal equipment.

The Constitutional Court has found that the provision (which was found unconstitutional) of Article 13 of the Law, which provision prescribes an exception from the principle of inviolability of letters and other means of communication, is insufficiently clearly and precisely formulated. The Constitutional Court presented a very pertinent interpretation of the authority of the Security Information Agency (BIA) saying that, irrespective of the fact that BIA performs highly confidential tasks, the provisions of the Law governing the manner in which the Agency performs its tasks must be predictable to a reasonable degree in the given circumstances. In the Court's opinion, Article 13 of the Law, prescribing that, if necessary for national security reasons, the Director of the Agency may enact a decision, based on a prior court decision, ordering certain natural and legal persons to be subject to certain measures diverging from the principle of inviolability of letters and other means of communication, is neither precise nor specific or definable. This makes it impossible for citizens and other legal entities to find out what rule will be applied in given circumstances, denying them therefore the possibility to protect themselves from unlawful restriction of rights or arbitrary meddling in the right to have their private life and correspondence respected. Such an interpretation could actually be considered a step forward in the protection of privacy and correspondence of all persons, since it was confirmed that even security services must be subject to a predictable legal framework in their work. On the other hand, the decision of the

Constitutional Court to delay the publication of that decision by four months appears completely unjustified; the Court namely invoked "legal consequences of the cessation of the contested provisions of the Law on the Security Information Agency, which consequences will take place after the publication of that decision" and which would give the possibility to the legislator to "regulate the contested matters in a manner that is in conformity with the Constitution" within the given deadline. The Constitutional Court resorted to the possibility offered in Article 58, paragraph 4 of the Law on the Constitutional Court, but it remains entirely unclear what the legal consequences are justifying the decision to give BIA four months to comply with the decision of the Constitutional Court. Moreover, what are the "contested matters" that must be regulated during that time to ensure compliance with the decision? Article 58 of the Law on the Constitutional Court stops short of expressly stating the criteria under which Constitutional Court may postpone the publication of a decision on the unconstitutionality of the provisions of a Law; it merely states that the delay may not last more than six months and that it requires a special decision. Furthermore, if the same delay was not granted for conforming the Law on the Military Intelligence Agency, the Law on the Military Security Agency and the Law on Electronic Communications with the Constitution (which also pertain to measures related to withheld data), what specific circumstances have compelled the Court to rule differently? Unfortunately, the public will not have access to that decision until it is published and hence will not know the reasons for the aforementioned delay. Interestingly enough, this possibility was introduced only with the amendments to the Law from 2012 and the formulation of the relevant clause makes it clear that it is an exception to be used in particularly sensitive situations. It seems that everything concerning BIA is considered "particularly sensitive", including delaying the publication of decisions without stating a valid reason. Paradoxically, the Constitutional Court rescinded the provisions of a Law invoking the absence of a minimum of legal security and predictability, only to ultimately postpone the publication of that same decision invoking a provision that is also questionable in terms of legal predictability.

2.3. At a session held on December 18, 2013, the Constitutional Court passed a ruling on launching a procedure for the assessment of the constitutionality of the provisions of Article 19, paragraph 1, subparagraphs 3 and 4 of the Law on the Film Industry. According to these provisions, the funds intended for the development of the national film industry shall be earmarked in the amount of 20% of the funds gained from the fees the broadcasters pay the Republic Broadcasting Agency (RBA), in accordance with the law regulating broadcasting. The fee is paid for the right to broadcast program, if the amount does not exceed the difference between the total revenues and total expenses of the RBA. Furthermore, the film industry in Serbia shall also be financed with 10% of the funds from the fee which public telecommunication operators pay to the Republic Agency for Electronic Communications (RATEL) for the obtained right to build,

possess or exploit the public telecommunication network and for the provision of public telecommunications services, for the funds gained from the fee for the use and allocation of radio frequencies, the funds gained from the fee for the issuance of certificates, as well as the funds from the fee charged for technical inspection and other costs related to license issuance.

Defending the interests of its members and all electronic media and convinced the adopted Law on the Film Industry may have serious consequences on their operations and the independence of regulatory bodies in the field of broadcasting, ANEM filed, back on May 30, 2012, an initiative with the Constitutional Court for the assessment of the constitutionality of the disputed provisions. ANEM proposed to the Constitutional Court to rule that these provisions are not in conformity with Articles 18, 20, 46, 50, 51 and 194, paragraph 1 and 3 of the Constitution of the Republic of Serbia. In the initiative, ANEM said that the aforementioned provisions undermine the unity of the legal system in the Republic of Serbia, which is in contravention of the Constitution. ANEM reminded that the Constitutional Court had repeatedly, in several prior decisions, insisted on the unity of the legal system and rejected the practice of special laws undermining the founding principles contained in systemic regulations governing other areas, such as the Broadcasting Law and the Law on Electronic Communications. In addition, the disputed provisions of the Law on the Film Industry are definitely noncompliant with the constitutional guarantees of freedom of opinion and expression, freedom of media and the right to be informed, and particularly with freedom of thought and expression through radio and television, media freedom in the field of broadcasting and the right to be informed through radio and television, since these provisions entail the undermining of the system of financing of regulatory bodies in charge of broadcasting. The latter, in turn, constitutes meddling in the independence of these regulatory bodies and renders the mechanism of financing of regulatory bodies dependent on *ad hoc* decisions of the public authorities. In the aforementioned initiative to the Constitutional Court, ANEM warned that the system of allocation of the fee the regulatory bodies charged from the broadcasters and operators is undermined by these provisions too. In the explanation of the ruling on initiating a procedure, the Constitutional Court stated that, from the standpoint of constitutionality, the following questions may be raised as controversial: have the controversial provisions of the Law on the Film Industry undermined the unity of the legal system? Has the prescription of mandatory allocation of a part of RBA's and RATEL's revenues undermined the constitutional and legal position of the holders of public authority, as special regulatory bodies, which typically enjoy functional and financial independence? Should the resources for the development of the film industry be earmarked from the budget? And finally, are the disputed provisions, in terms of legal security, sufficiently precise, clear and predictable for RATEL, which is supposed to implement them, bearing in mind that these provisions call for different fees than those provided by the Law on Electronic Communications? The answers to these questions will clarify the position of

independent regulatory bodies in our constitutional and legal system, particularly relative to the question whether it is possible, by the means of laws not directly related to the field of electronic communications and media, to regulate broadcasting fees and fees charged to operators, which fees, according to their "mother" laws, serve the purpose of covering "regulation costs". Another question is which regulations may regulate the manner of allocating the potential extra revenue relative to the expenses of the regulatory bodies.

2.4. The Appellate Court in Kragujevac upheld the verdict of the Higher Court in the same city, ordering "Svetlost AD" and Miroslav Jovanovic, who was the responsible editor of "Svetlost" twenty years ago, to pay almost one million dinars to the plaintiffs Mirjana and Stevan Josimovic, who at the time ran the private pharmacy "Planta medika". This verdict ended a trial that lasted 19 years, five months and 26 days from the publication of a controversial text in the "Svetlost" newspaper. The text "Robbery" was published On June 9, 1994 in a short forms section which featured sketches, notes and reviews. Two years and three months later, on September 4, 1996, the Josimovics sued "Svetlost" and its responsible editor over the material and non-material damages they had suffered due to the aforementioned text. Their claim amounted to a total of 22.274.160,00 dinars. On June 11, 2013, the Judge of the Higher Court in Kragujevac Marija Petkovic ordered "Svetlost" and the responsible editor of the newspaper in 1994 to pay the plaintiffs 789.051,19 dinars with default interest as of December 14, 2012, as well as the legal costs of the trial. The defendants appealed, but the Appellate Court upheld the verdict of the Higher Court in Kragujevac. The defendants received the verdict of the Appellate Court on December 5, 2013. The trial was thus finished after 19 years, five months and 26 days from the publication of the above-mentioned text. After receiving the verdict, the defendants said they would resort to all legal remedies at their disposal, but voiced their doubts as to the fairness of the trial since "Svetlost" was a pro-opposition newspaper in the 1990s. In their opinion, the final verdict was "payback time" since the plaintiffs are, to the best knowledge of the defendants, employed in the Ministry of Health.

Trials that last for years, and even decades, are nothing new for the Serbian judiciary. Although the right to a fair trial within a reasonable time is guaranteed by the European Convention of Human Rights as one of the fundamental human rights, as well as by the Constitution of the Republic of Serbia, it is often violated in practice. The vast majority of the 14 thousand constitutional complaints to the Constitutional Court have been filed for that very reason. Meanwhile, Serbia is also the top country in terms of the number of appeals submitted by its citizens to the European Court of Human Rights (ECHR) in Strasbourg. Although "reasonable time" is a legal standard where "time" is appraised on a case-to-case basis, the mere fact that a trial lasts several years leads to the conclusion that the right to a trial within a reasonable time has been breached. The ECHR estimates

that the average time in which a dispute must be completed is about two years. Bearing in mind the specificity of media-related disputes, these proceedings should take less time. The Law on Public Information expressly provides for the urgency of damages proceedings. Multi-year and even multi-decade trials, as in the above mentioned case, apart from constituting a significant burden for the parties, especially for the defendant, lead to legal uncertainty since untimely "justice" often does not yield the same effects as justice delivered on time. This is particularly true for media-related cases. It should also be stressed that the very merits of the verdict passed after 20 years are questionable, since dramatic changes have happened in the meantime affecting the laws governing the field of information, but also changes to legal standards and practice. In order to avoid such violations of rights, the new Law on the Court System, which came into effect on January 1, 2014, provides for the possibility to lodge a petition with the superior court for a violation of the right to fair trial within a reasonable time. The superior court will rule about such petition in urgent extra-judicial proceedings. Apart from setting the deadline for the completion of the proceedings, the superior court will also be able, at the request of the petitioner, to award damages for violated right to a fair trial within a reasonable time. It should particularly be emphasized that the new Law stipulates that the said damages will be paid from the portion of the budget earmarked for the operation of courts of law, which means that they will indirectly affect the salaries of court employees. The legislator has attempted in this way to compel the judges to pay more attention to the right to trials within a reasonable time in order to avoid future violations.