

## I FREEDOM OF EXPRESSION

In the period covered by this monitoring report, several cases of potential violations of freedom of expression have been recorded.

### 1. Threats and pressures

1.1. In the night between the October 3<sup>rd</sup> and 4<sup>th</sup>, unknown attackers threw a bomb on the main entrance of the *RTV Pink* building. The entrance door of the station was completely destroyed, but fortunately there were no casualties. The police confirmed that the bomb was thrown from the motorcycle on the move. The attack was recorded by RTV Pink's security cameras, as well as by the nearby cameras of the traffic police. In cooperation with the Prosecutor's Office, the police arrested Milan S. (24) and Goran P. (32) under suspicion of committing the criminal offenses of: attempted murder; illicit holding, carrying and trade in firearms and explosive materials, as well as violent behavior. These individuals are believed to have participated, together with several other persons, in the events on the October 2<sup>nd</sup>, when the security staff of RTV Pink were attacked, as well as in the events on the following day, when a bomb was thrown on this station's building in the Nezmanog Junaka Street in Belgrade. On raiding the apartment and other premises of the suspects in Nis, the police recovered two illegally held handguns. After charges were pressed against them, the suspects were sent before the investigative judge of the District Court in Belgrade. The investigative judge determined 30-day custody until October 10, 2009, due to the risk of escape, possible intimidation of witnesses, repeating the criminal offense, as well as due to the circumstances under which the said offense was committed.

Although it was later established that the bomb was thrown over a row of a group of youth with the RTV Pink security a day earlier, it has contributed to an additional sense of insecurity among the media and their employees, fitting to prevent them in performing their work, and as such was a factor of limiting freedoms of public information and expression. It was due to the fact that the incident followed the wave of violence that had swept Belgrade in September (the cancellation of Gay Pride Parade, the murder of French citizen Brice Taton and several attacks on foreign citizens in Belgrade), as well as in view of the still unresolved bomb attacks on journalists and media from previous years (the attempted assassination of Dejan Anastasijevic, the bomb put under the broadcasting van of B92 in Raska Street). On the other hand, one may commend the swift reaction of the police and the fact that the judiciary took this attack quite seriously, sentencing the attackers to custody due to the circumstances of the attacks and the risk that they might repeat it.

The same day when it was announced that the attackers on RTV Pink were put into custody, the Radio Television of Serbia received an anonymous call about an alleged bomb placed on the parking lot in front of their building. The police have established that the bomb claim was false.

1.2. The memorial plaque placed at the site of the murder (on April 11, 1999) of Slavko Curuvija, the journalist, editor and owner of the Dnevni Telegraph daily and the Evropljanin weekly, was stolen on October 5<sup>th</sup>.

In the light of the fact that Curuvija's assassins remain at large for more than 10 years, as well as that the plaque was stolen on the 9<sup>th</sup> anniversary of the fall of the regime that Curuvija dared to criticize, for which he was subsequently murdered, this theft was symbolic and recognized as a serious threat to media freedoms and freedom of expression in Serbia.

1.3. The daily *Press* reported on October 10, 2009, that sports journalists in Valjevo refused to be accredited for reporting from the games of the local basketball team "Metalac" in the new season, because they were told by the team officials that they should "do their reporting taking into account the interest of the club" and "in accordance with the established business policy of the club".

The behavior of the Metalac management is in direct breach of the provisions of the Law on Public Information, which stipulate that nobody may restrict freedom of public information, in particular by abuse of power and abuse of right or in any other way that may restrict free flow of ideas, information and opinions.

1.4. The daily *Kurir* reported on October 10, 2009, that the security at the wedding of singer Leontina Vukomanovic threatened the daily's photographer Zoran Budjic that they will destroy his equipment and "beat him up to death" if he doesn't remain 500 meters away from the premises and delete the pictures he had previously taken. *Kurir* claims that, before she ordered security to throw the photographer out, Leontina Vukomanovic did not object to photographing and since she knew that Budjic was a photographer, she was fully aware she was being photographed.

The Law on Public Information stipulates that pictures from one's private life may be published without the consent of the photographed person, if that person did not protest while the pictures were taken, although it knew that pictures will be published.

1.5. On October 19, 2009, at the request of the management, the security of the Trepca mining company in Zvecan, Kosovo, prevented the reporters of "*Kontakt plus*" radio station

from entering the premises of that radio in the North Kosovska Mitrovica. Thereby they have obstructed the activity of the highest rated radio station broadcasting in Serbian language in Kosovo and Metohija. The above action was justified by the delay in payment of the rent for the premises that "*Kontakt plus*" radio hires from Trepca. Instead of exercising the legal remedies at their disposal for collecting the unpaid rent, the management of Trepca decided to arbitrarily restrain the movement of journalists and thereby prevent the radio from airing its program. According to the available information, the rental conditions for the Radio "*Kontakt plus*" are discriminative comparing with other media that also rent their premises from Trepca. On October 21, 2009, it was reported that Kontakt Plus had resumed broadcasting after the radio management reached an agreement with the Trepca management on repaying the debt.

## **2. Court proceedings**

2.1. On October 7, 2009, Sinisa Vucinic, the President of the Initiative Committee of the Serbian Chetnik Movement of Republika Srpska, was sentenced to six months in prison before the Third Municipal Court in Belgrade, namely to a two-year suspended sentence, for threats against the personal safety of Member of Parliament Zarko Korac and journalist of the Vreme weekly Milos Vasic. Vucinic was charged for having threatened Korac and Vasic, in the media in Republika Srpska, that "they would suffer the same fate as their friend Zoran Djindjic". Vucinic also sent to Vreme a condolences telegram "over the premature death of journalist Vasic". He was arrested in mid-August and was released after 17 days in custody pending trial. The President of the Chamber, Judge Aleksandar Stepanovic, told Vucinic in explaining the verdict that the court took into account the fact he was a family man and that he was convicted only once and that the sentence in question from 1991 had been deleted from the register. Zarko Korac branded the sentence "scandalous" and said that it was illogical that Damir Dokic had been sentenced to 15 months in prison for threatening the Australian Ambassador in Belgrade, while at the same time individuals making threats against Serbian citizens were punished only by suspended sentences. Milos Vasic said he was completely indifferent and that he would prefer to forget the entire case. The Spokesman of the Republic Public Prosecutor's Office Tomo Zoric said that the sentence against Sinisa Vucinic was "yet another proof of the soft penal policy". He said the Prosecutor's Office would appeal the sentence.

The Penal Code incriminates threats against the physical security of a person made by threatening to attack the life or body of that person or a person closely related to him/her by a one-year prison sentence; threats against the physical security of multiple persons or threats against security causing public concern or other serious consequences. According to

the Code, these criminal offences shall be subject to a sentence of between three months to three years. Hence, Vucinic was in fact sentenced below the legal minimum. The latter is made possible by the Penal Code where the court establishes the existence of particularly extenuating circumstances and that a reduced sentence could, in the opinion of the court, help accomplish the purpose of the punishment. The court did precisely that, highlighting the fact that Vucinic was a family man, with only one prior conviction, eighteen years ago. The fact that the court has been, in its verdict that is, truth be told, not final, lenient in establishing the existence of extenuating circumstances, shows the lack of concern for the right to security of journalists and public figures in general.

2.2. The Municipal Court in Novi Pazar sentenced brothers Hasan and Faruk Lekic from that city to 30 days in prison for the criminal offence of violent behavior and attack against the then journalist and the cameraman of the local station *TV Jedinstvo*, Ivana Milic and Edis Klimenta. Milic and Klimenta were attacked on July 27, 2008 in downtown Novi Pazar, while they were filming reportage about the illegal construction of the house of the Lekic family. The Lekic brothers threatened Milic that they would cut her throat if she published the story, while they at the same time harassed and insulted the cameraman.

According to the Penal Code, violent behavior is defined as harsh insults against or harassing of another person, violence, provoking fights or insolent or ruthless behavior threatening the tranquility of citizens or substantially disrupting the public order. Violent behavior entails a prison sentence of up to three years and between six months to five years for its more severe form, if the perpetrator has committed the offense as part of a group or if the offense involved a minor bodily injury or severe humiliation. The 30-day prison sentence against Hasan and Faruk Lekic is in fact the shortest possible prison sentence that may be delivered pursuant to the Serbian Penal Code, which only confirms the unacceptably soft penal policy in the cases where the victims are journalists.

2.3. The District Prosecutor's Office in Belgrade lodged on October 29<sup>th</sup> a request for investigation against Radisav Rodic, the owner of the dailies „Kurir”, „Glas javnosti” and Slavoljub Kacarevic, the former Editor in Chief of „Glas javnosti” and member of the Executive Board of the Association of Journalists of Serbia (UNS), for having allegedly committed the criminal offense of abuse of office. The request for an investigation was lodged against Rodic in his capacity of owner and Chairman of the Managing Board of the “Manami” company; Kacarevic is under investigation as the Director of this company and he is believed to have assigned the printing press purchased with the loan of Komercijalna bank to NIP “Glas”, thereby leaving the Manami company without assets, while Komercijalna bank was therefore unable to collect the debt. Rodic is under the suspicion of having illicitly earned

more than one million of the then Deutsch Marks. A day later, the investigative judge of the District Court in Belgrade sentenced both Rodic and Kacarevic to 30 days in custody. The District Prosecutor's Office in Belgrade is conducting an investigation against Rodic and two other persons over the suspicion that they have abused office by taking a 20-million euro loan with Komercijalna bank, which has never been repaid. The First Municipal Prosecutor's Office is conducting an investigation against Rodic for an alleged 200 million dinar tax evasion.

According to the information of the District Prosecutor's Office and the court, the investigation is being conducted about the business of the company in which Rodic is the Chairman of the Managing Board and Kacarevic is the Director and is therefore not necessarily related to their newspapers. What is nevertheless disturbing is the explanation of the investigative judge of the District Prosecutor's Office for sentencing Kacarevic to custody, namely that he could attempt to intimidate witnesses, which is another testimony of the mistrust of the institutions – including the courts – in even the most renown Serbian journalists and editors.