

## **I FREEDOM OF EXPRESSION**

In the period covered by this monitoring report, the most serious cases of violation of freedom of expression were the attacks against the author of “Insider” on TV B92, Brankica Stankovic, and the television station itself over the series of investigative programs about the leaders of extreme football fan groups.

### **1. Threats and pressures**

1.1 On December 3, 2009, TV B92 aired the first episode of the new series of Insider, entitled “Impotence of the State”. The program dealt with the issue of how it was possible that certain leaders of football fan groups of Belgrade-based clubs such as Partizan, Red Star and Rad, who had been arrested several times on suspicion of severe criminal acts, were often released without ending up in court or prison. Immediately after the program was aired, its authors received threats on the internet, including death threats. The author of Insider Brankica Stankovic was assigned round the clock security.

1.2 In the night between December 5 and 6, TV B92 reporter and news presenter Roksanda Djordjevic, who read the information about the threats against the authors of Insider in B92’s news bulletin, was also threatened with insulting and threaten messages sprayed on the door of the building of her and her family’s residence, demanding to vacant the premises.

1.3 Actress Bojana Maljevic has written on her blog that she was attacked by two young men on the street near her home in Belgrade. The assailants shouted insults at her, asking if she was “Brankica’s friend”. Ms. Maljevic was targeted only because she was carrying an umbrella with the mark B92.

1.4 The President of the Partizan basketball club Predrag Danilovic branded the behavior of supporters, who shouted and sang insults against B92 and Ms. Stankovic during and after a basketball game on December 10, as mere euphoria over an important victory of Partizan. Danilovic told B92 that, in his view, it would be “pretentious” to interpret negatively the ambiance during the game with the Turkish club Efes Pilsen, stressing that in his belief, there was no need to issue an official statement. “We have all been insulted in various situations”, Danilovic said. “I don’t know if that young lady is what they [the supporters] say she is”. In their song, the supporters called Ms. Stankovic “a whore” and B92 “a station working for the police”.

1.5 On December 16, 2009, the supporters of Partizan chanted threats against Stankovic, before and during a game in the European League, saying she would end up like the assassinated journalist Slavko Curuvija, while kicking, punching in the head and stabbing a

plastic doll representing B92's reporter. According to media reports, this "performance" was carried out by the supporters' group "Alcatraz", whose ban has been requested by the State Prosecutor.

1.6 The lawyers of Uros Mistic, the Red Star supporter charged with attempted murder of a police officer on a football game on the December 2, 2007, requested from the court, on a retrial, to suspend the airing of Insider on B92 television. They said that the program contained references to the trial and claims that had not been proven in court. Mistic's lawyers claimed that TV B92 stated a prejudgment that their client had pushed a flare into the police officer's mouth "as an actual fact", although such action of their client has never been proven before the court. On an earlier trial, Mistic was sentenced to ten years in prison, but the Supreme Court overruled that sentence and ordered a retrial.

1.7 At a press conference after a regional league game on December 26, the coach of the Partizan basketball club accused B92 of leading a campaign against sports, with the aim of chasing sponsors away so that the latter would redirect their money from sport clubs into media companies.

Article 2 of the Law on Public Information stipulates that it is forbidden to directly or indirectly restrict freedom of public information or free flow of ideas, information or opinion in any manner whatsoever. The same article also provides that it is prohibited to exert any kind of physical or other type of pressure against a public media or its staff or exert any influence aimed at obstructing their work.

Threats made against a reporter, via the Internet or shouted from the stands of sport stadiums are a criminal offense, namely threat to personal security provided for by the Criminal Code, Article 138, paragraph 3. According to the Criminal Code, threats to personal security exist when a person's life or body, or life and body of an individual close to that person, is threatened with attack. The latest amendments to the said Code, which were adopted in September 2009, introduced more stringent sanctions in cases where threats are made against a person occupying a job of public interest in the area of information, when such threats are related to the professional activity of that person. Such threats to physical security are subject to a prison sentence ranging from one to eight years.

What is positive in the reaction to the above mentioned attacks is that the police immediately assigned round the clock security to the threatened reporter. Also, the attacks were condemned by the Serbian President Boris Tadic, who said that "the state will not tolerate the violence of hooligans and criminals threatening reporters who are doing their job". Tadic's remarks were echoed by the Police Minister, the Justice Minister and other high ranking officials. According to reports from December 8, the Belgrade Police, in cooperation with their colleagues from Novi Sad, Pancevo, Sremska Mitrovica and Kraljevo, arrested

seven young men, including three minors, for the threats made against the authors of Insider. They were charged with the criminal offence of threats against physical security. Several persons have been arrested for making death threats from the stands of Partizan's stadium on December 16. However, although the media reported that the threats had been orchestrated by Alcatraz, the supporter group's leaders were not among the arrested persons. After having reviewed the security tapes from the stadium, the police established that one of the leaders of the said group, Nikola Dedovic "Johnny", was actually sitting in the VIP Box while the supporters sang that Brankica Stankovic would end up like Curuvija and while they kicked, punched and stabbed the plastic doll. Another leader of the hooligans, Milos Radisavljevic "Kimi", was on the stands and the media reported that at the end he personally punctured the plastic doll, while the fans cheered and sang. Neither Dedovic nor Radisavljevic were arrested.

It is also worrying that the clubs themselves did not find the courage to distance themselves from extremist fan groups and their leaders. As a rule, the clubs' managements failed short of admitting that death threats had been made, condemning the fans' insults merely in principle and saying that public figures, including journalists, ought to be more tolerant when being subject to insults. What's more, leading football club officials accused B92 of leading a campaign against sports in general and putting pressure on sponsors to redirect their money from sports into media. Of particular concern is that part of the media shunned the calls of media associations for solidarity with the authors of Insider and supported the accusation that the program, which referred to specific leaders of supporter groups and specific criminal offenses the said leaders have allegedly committed, was in fact part of a campaign against sports.

## **2. Legal proceedings**

2.1 As reported by the Blic daily on December 18, 2009, the District Court in Valjevo sentenced retired physics Professor of the Valjevo Grammar School Milan Sreckovic to a fine of 100.000 dinars to be paid to reporter Branko Vicentijevic as damages for injury to honor and reputation. Vicentijevic, a journalist of the Valjevo based magazine "Kolubara" and correspondent of the Beta news agency, had sued the Professor over a text published in the local weekly, in which he claimed that the journalist did not have any formal education.

2.2 In late December 2009, the District Court in Belgrade decided that the founder of the dailies Kurir and Glas Javnosti Radoslav Rodic will remain in custody for another month. The Court explained that, if released, Rodic could put pressure on the witnesses that have yet to be interrogated in the investigation. Rodic was arrested on October 27 and the Prosecutor recently proposed that two more witnesses be interrogated. During his two-month stay in

custody, Rodic underwent a surgery and his newspapers had reported on daily basis of Rodic's life being in danger because of his poor health.

In the concrete case, Rodic is being investigated over the transactions of a company where he was Chairman of the Managing Board and not because of the reporting of the newspapers he has established. He is under suspicion of abuse of office, resulting in a Serbian Bank (Komerrijalna banka) not being able to collect a loan to the said company. According to the Law on Criminal Proceedings, custody may be extended where there is reasonable doubt that the person in custody might destroy, hide, tamper with or forge evidence or traces of the criminal offence, or particular circumstances pointing to the possibility that the said person might obstruct the proceedings by influencing witnesses, court experts or accomplices. The Law also stipulates that the District Court may extend custody for another two months at the most, after the expiry of a maximum one-month custody period determined by the investigative judge. Healthcare of persons in custody is regulated in more detail by the House Rules for the Application of Custody (Official Gazette of the Republic of Serbia, no. 35/99). There is no information that Rodic has been denied any of his rights under the Law and the said Rules.