

VII CONCLUSION

The period covered by this report was marked by two first instance judgments of Serbian courts. The first is the decision by the First Court of General Jurisdiction in Belgrade from April 22 to reject the charges against six persons accused to have threatened B92 journalist Brankica Stankovic, on a football match played on December 16, 2009, between Partizan Belgrade and the Ukrainian team of Shakhtar, shouting from the stands that she would fare like the assassinated journalist Slavko Curuvija, while piercing with a knife and kicking in the head a plastic doll representing Stankovic. The chamber of Judge Jelena Milinovic found that this threat to Stankovic did not contain a qualified and serious threat against to physical security. At that, the evidence that could point to the seriousness of the threat was not presented at the main hearing. What is even more peculiar is the fact that in two cases of similar threats, posted on the Internet against the same reporter, the Serbian courts have already sentenced the perpetrators – albeit not finally – to prison sentences. One may wonder why a threat shouted from the stands of a football stadium, on a match broadcast live in country and abroad, is less qualified and less serious than a threat posted on the Internet. It may be expected that in the appeal proceedings, announced by the Prosecutor's Office, the case law of the courts will be aligned. Diametrically opposite court decisions in essentially the same or similar cases will definitely have a harmful effect on freedom of expression boost self-censorship. Similar consequences will most definitely arise due to the first instance judgment of the District Court in Nis, sentencing the Editor-in-Chief of Cacanske novine Stojan Markovic to pay immaterial damages to MP, politician and former minister Velimir Ilic, over a humoresque.

If we disregard the positive effect of the Government's proposal of Amendments to the Law on Free Access to Information of Public Interest, there was no major breakthrough in the area of systemic changes and legal framework. The delayed fulfilling of obligations concerning digitalization under the Action Plan accompanying the Digitalization Strategy is becoming increasingly evident. The position of non-privatized media or failed privatizations thereof is still being resolved on a case-by-case basis and under provisions regulating privatization and bankruptcy, all while insufficiently taking into consideration the particular nature of media activities and the specific functions that the media should be carrying out in a democratic society.

A positive development in the area of free access to information of public interest – which development is indisputably the outcome of the meeting of the Commissioner with Prime Minister Mirko Cvetkovic held in March, where the two officials discussed the problems in

implementing the law and agreed that the Government would take steps so as to further facilitate the enjoyment of the right to free access to information – represents yet another proof of the general feeling in the media sector that the key problem hindering the improvement of the legal framework and a better environment for the media is the lack of political will of the authorities to address these problems. When such will is there, the government is capable of making quantum leaps forward. It remains to be seen whether it will muster the political will for making the necessary changes in other areas of significance for improving the position of the media in Serbia.