

# **MONITORING OF THE MEDIA SCENE IN SERBIA FOR THE MONTH OF JANUARY 2023**

## **INTRODUCTION**

Monitoring of the media scene is carried out with the aim of continuous monitoring of events and processes affecting the state of media freedom in the Republic of Serbia. The authors of the monitoring deal with: freedom of expression; monitoring the implementation of existing regulations; adopting of new regulations, also by amending and supplementing the current ones - from the field of media as well as from other areas directly or indirectly affecting the freedom of the media; and also by analyzing SLAPP lawsuits (strategic lawsuits against public participation) directed against journalists and media.

Publicly available data, data obtained from journalists, editors and other media workers, journalist associations and media associations, as well as state and non-state bodies are used for monitoring.

## I FREEDOM OF SPEECH

In the period covered by this report, several cases were recorded that indicate (possible) violations of freedom of expression, as the freedom to inform and be informed was (potentially) threatened by an attack, threat or pressure to which the journalist was exposed.

The British non-governmental organization Index of Censorship (which, since its establishment in 1972, advocates for freedom of expression throughout the world) has published [a global index](#) that measures freedom of expression in the academic, digital and media spheres. According to the overall assessment of freedom of expression, Serbia is ranked in the sixth group of countries. This group includes countries where these freedoms are restricted. In addition to Serbia, when it comes to the countries of the Western Balkans, Bosnia and Herzegovina and North Macedonia are also in the same group. However, since media freedom in Bosnia and Herzegovina and North Macedonia is slightly greater than in Serbia, Serbia is in the seventh group of countries with partially limited media freedom, according to the criterion of media freedom.

### **The case of Marko Dragoslavić, FoNet reporter**

FoNet news agency reporter Marko Dragoslavić was attacked on the January 1<sup>st</sup> this year while trying to film the "Freestyler" raft, which was partially sunk on New Year's Eve due to the overload it was exposed to.<sup>1</sup>

As Dragoslavić stated, while he was filming the raft and the coast, he was attacked by two men dressed in black, not allowing him to continue filming. To persons who neither introduced themselves nor presented identification, the journalist showed the journalist's identification of FoNet and the Independent Association of Journalists of Serbia (NUNS). Not reacting to what was presented to them, one of the two men began to get in Dragoslavić's face, after which he grabbed

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<sup>1</sup> Šapić: [Na "Fristajleru" bilo dva do tri puta više ljudi od dozvoljenog, sledi krivična odgovornost](#), tekst objavljen 1. 1. 2023. god. na portalu RTS.

him by the neck and pushed him away, saying, the journalist stated: "Who are you, what are you filming, who approved it, it is forbidden to film".

The journalist then called the police and waited for the patrol, which arrived fifteen minutes later. The police officers identified all three persons, warning the persons who attacked Dragoslavić that they had no right to fence off the area in front of the raft with tape, which they had already done. At the same time, Dragoslavić was told that he should move away. Not feeling safe, the journalist did so.<sup>2</sup>

After Dragoslavić was interviewed at the prosecutor's office, a decision was made to dismiss the criminal complaint for the criminal offense of Endangering security from Art. 138.3 of the Criminal Code of the RS. There was no public information on whether misdemeanor proceedings were initiated against the two persons who participated in the incident.

### **The case of Nenad Paunović, editor-in-chief of the Pirot Plus Online portal**

Nenad Paunović, editor-in-chief of the Pirot Plus Online portal, was the first to report on the accident that occurred when the tank wagon slipped off the rails and ammonia began to leak from it. The accident happened in Sopotska Petlja near Pirot. Reporting from the scene, Paunović found one of the victims of the accident dead. A few days later, at a press conference, he asked the Minister of Environmental Protection, Irena Vujović, several questions regarding the accident and who was responsible for it. The minister did not have an answer to those questions, but she brazenly accused him of the fact that the questions he asked her were sent to him by others. In this regard, it is recalled that the Law on Public Information and Media (hereinafter referred to as the Law on PIM) stipulates that public information is free and not subject to censorship; that direct and indirect discrimination against media editors, journalists and other persons in the field of public information is prohibited; that the free flow of information through the media must not be endangered; that the freedom of public information must not be violated by abuse of official

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<sup>2</sup> [Napadnut reporter FoNeta](#), autor Velimir Ilić, tekst objavljen 1. 1. 2023. god. na portalu FoNet.

position and public authority.<sup>3</sup> Also, it is prescribed that information, ideas and opinions about phenomena, events and persons about which the public has a legitimate interest in knowing, regardless of the way in which the information was obtained, are to be published through the media, in accordance with the provisions of the said Law, because everyone has the right to be truthfully, completely and timely informed about issues of public importance, and the means of public information are obliged to respect that right.<sup>4</sup> When it comes to the behavior of civil servants, it is reminded that they are obliged to behave in a way that contributes to preserving and encouraging public trust in the integrity, impartiality and efficiency of the authorities.<sup>5</sup> It is obvious that the minister, ignoring the regulations, denied the public answers to questions of general importance.

On Orthodox Christmas (January 7), Paunović, together with another person, was taken to the police. The arrest occurred after they tried to record the scene of the accident with a drone. On that day, it was planned to raise the damaged tank from the railway. After interrogation and four-hour police detention, Paunović and the person with whom he was detained were released, but until the day when this report was written, neither Paunović nor his lawyer Srđan Mitić had received any information regarding whether Paunović would be prosecuted filed criminal charges, and if so, what criminal offense is involved.

Paunović's lawyer pointed out that the police officers, while his client and the person with whom he was detained gave statements, showed the most interest in their personal documents. The person with whom Paunović was detained did not have an identity card, Paunović did. It was an identity card that Paunović thought was lost, so he reported its disappearance to the competent state authorities, and later found that it was not lost after all. The lawyer stressed that the insistence on identification can be considered indicative, if it is taken into account that the drone was confiscated during the apprehension. Therefore, the drone was confiscated, although the

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<sup>3</sup> Article 4 of the Law on Public Information and Media ("Official Gazette of RS", no. 83/2014, 58/2015 and 12/2016 - authentic interpretation)

<sup>4</sup> Article 5 of the Law on Public Information and Media

<sup>5</sup> Article 3 of the Code of Conduct for Civil Servants ("Official Gazette Rs", No. 29/2008, 30/2015, 20/2018, 42/2018, 80/2019 and 32/2020)

official note on the notification received from the citizens does not show at all what the criminal offense is and why these two persons were detained.<sup>6</sup>

### **The case of Srđan Nonić, civil activist and editor-in-chief of the Niška Inicijativa portal**

Srđan Nonić, civil activist and editor-in-chief of the Niška Inicijativa portal, was attacked in Niš, on Trg kralja Milana, by Nikola Panić, editor-in-chief of City Portal 018. Nikola Panić is known to the public as a ruling party activist and employed in the Niš City Administration. The disputed event took place after Nonić filmed Panić visiting a casino during working hours. After Panić's insistence that Nonić delete the recording, a barrage of insults was poured out on Nonić, followed by a threat to break his phone, arms and legs. In the end, Panić physically attacked Nonić. After Nonić's refusal to delete the recording, Panić continued to physically attack him, trying to snatch the phone from his hand. This was followed by Panić's pursuit of Nonić through Niš streets, which did not end even after Nonić's entry into the police station, which was recorded by the surveillance cameras of the Niš Police Department. As he approached the police station, Nonić was addressed, and then followed by a man who, by all accounts, was in communication with Panić. Panić was then taken to the premises of the police, where he gave a statement regarding the said incident.<sup>7</sup>

Nonić was informed about Panić's working hours. In his statements to the media, Nonić informed the public about how he obtained this information:

*I sent the request to the City Administration on December 13 I asked them to tell me where, at what time and at what location he works. On December 26 I received a document where it is said that Nikola Panić works at a call center, his working hours are from 7:30 a.m. to 3:30 p.m., and then yesterday after the hearing they sent me a new paper that says that he has flexible working hours from 7:30 a.m. to 9 a.m. and from 2:30 p.m. to 7:30 p.m. and the document is different because the workplace is also different from the first document I received. The first*

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<sup>6</sup> [Novinar iz Pirota koji je izveštavao o nesreći sa amonijakom saslušan u policiji, njegov advokat kaže nejasno zašto](#), author M. Radenković, article published on January 8, 2023 at Danas portal.

<sup>7</sup> [Ko je Nebojša iz Niša koji će uredniku „Niške inicijative“ prebiti ruke i noge](#), author Milan Stojanović, article published on January 17, 2023 at N1 portal.

*document I received, the request for it went on December 13<sup>th</sup>, and the second one was supposedly created on December 6<sup>th</sup>, or seven days before the request. I have a legitimate suspicion that they forged this document.*<sup>8</sup>

Panić said about Nonić that, as quoted: "for more than a month, a man (Nonić) has been chasing him, following him, threatening him and his family." "It all started when I sued him for an insult, some competent institutions are doing their job, although I no longer feel safe for myself or my children."<sup>9</sup>

There is currently a court case between Nonić and Panić regarding the criminal complaint for insult, which Panić filed against Nonić because of the criticisms that the latter directed at him in several statements and through cartoons.<sup>10</sup> The caricature in question is based on a photo published on September 19, 2022, on the Facebook page of the Niška Inicijativa. The photo was taken in the Town Hall, at a reception attended by Panić and it shows a man offering Panić a snack. In Nonić's comic interpretation, the content of the photo is complemented by dialogue. A man with deacons: "Congratulations on the award in front of SNS", Panić: "I'll take a few, I've earned it with so many projects".

With a caricature, Nonić "congratulated" Panić on the award named after Paul Polanski, a humanist who spent the last days of his life in Niš. The award was given to Panić by the Association of Serbian-Czech Friendship "Beseda", and presented to him by Dr. Vladislav Stankov, dean of the European Institute from Prague. It was surprising to Nonić, as well as to other journalists in Niš, that Panić was able to win an award for outstanding contributions in journalism, bearing in mind that the media in which he is the editor is less journalistic and much more service-oriented, i.e. that it is much more concerned with the uncritical transmission of information than with its studious processing.

When it comes to caricature as a form of criticism in the form of art, or engaged art, the following is reminded: The provisions of the Law on PIM provide that the personal dignity (honor,

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<sup>8</sup> [Panić tvrdi da ga Nonić progoni, on kaže – neslaganja u njegovom radnom vremenu](#), author Milan Stojanović, article published on January, 17 2023 at N1 portal.

<sup>9</sup> [Ibid](#)

<sup>10</sup> [Naprednjak koji je jurio niškog aktivistu sad od njega traži 600.000 za uvredu?!](#), author Miljana Isailović, article published on January 19, 2023 at Niška inicijativa portal, source: Nova S portal.

reputation, or piety) of the person to whom the information refers is legally protected. However, the same Law stipulates that caricature, satirical, collage and other similar depictions of faces are not considered a violation of dignity, that is, the right to authenticity.<sup>11</sup>

The Criminal Code of the Republic of Serbia (hereinafter referred to as the Criminal Code) stipulates that the perpetrator will not be punished for insult if the statement was made in the context of serious criticism in a scientific, literary or artistic work, in the performance of official duties, a journalist's invitation, political activity, in defense of someone's rights or the protection of justified interests, if it can be seen from the way of expression or from other circumstances that he did not do so with the intention of disparagement.<sup>12</sup>

The trial scheduled for January, in the criminal proceedings initiated by Panić against Nonić, was postponed because Nonić requested an additional deadline to hire a defense attorney. The task of the court in this proceeding will be to determine whether Nonić's caricature and his statements are of an objectively offensive character, as well as whether they were given with the intention of belittling or criticizing.

According to the information available in the media, regarding the incident that took place when Nonić filmed Panić while he was in a casino during his working hours, both Nonić and Panić gave statements in the Basic Public Prosecutor's Office in Niš, in connection with the crime of coercion in try.<sup>13</sup>

### **The case of Gorica Nikolin, Radio 021 journalist**

Gorica Nikolin, a journalist of Radio 021, was sent a series of threats from an unknown Instagram profile to the Instagram profile of the newsroom, the quote being: "you will be fucked, Gorica whore", and "I will pee on you". An anonymous person told the journalist that he "knows her from university". An attempt was made to establish a video call from the same account.

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<sup>11</sup> Article 79 of the Law on Public Information and Media

<sup>12</sup> Criminal Code ("Official Gazette of RS", no. 85/2005, 88/2005 - corrected, 107/2005 - corrected, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019)

<sup>13</sup> Article 135 Criminal Code

The threats came after Gorica Nikolin published the text "[Ateliers on the Petrovaradin fortress as private loot, only eight legal users](#)". That the threats came because of the text is based on the fact that, before the threats were sent, the editorial office was sent a link to the text. The author dealt with the question of how to use the atelier at the Petrovaradin fortress. In the text, she stated that only eight artists who live in the studios at the Petrovaradin fortress have concluded lease contracts, while others live there without a contract, do not pay rent, and there are those who earn money from the studios.

Journalists' associations demanded immediate processing of the threats addressed to journalist Nikolin.<sup>14</sup>

After a strong reaction from the public, the person who sent the threatening messages reported himself to the police and apologized to the victim. After that, the journalist stated that she no longer felt threatened.

According to Radio 021, the threats received by Gorica Nikolin are not the only ones for the newsroom. They decided to react to the threatening messages in question, because this time the threats were directed directly at female journalists.

### **Under verbal pressure from high state officials**

In the month of January, there was no lack of pressure on journalists directed from the position of the top of the state.

Prime Minister Ana Brnabić, calling certain media "tycoon media" (Danas, Nova S and N1), accused them of brutal fascism. The reason for the accusations was the Prime Minister's dissatisfaction with the way certain media reported on Danilo Vučić's, the son of President Aleksandar Vučić, participation in celebrations of the Republika Srpska Day.<sup>15</sup> The reporting of the

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<sup>14</sup> [NUNS: Procesuirati pretnje novinarki Gorici Nikolin](#), announcement published January 31, 2023; [NDNV: Pretnje novinarki Gorici Nikolin opasne, ćutanje institucija podstiče nasilje](#), announcement published January 31, 2023; [UNS: Više javno tužilaštvo u Novom Sadu hitno da pokrene postupak protiv osobe koja je pretila novinarki Nikolin](#), announcement published February 1, 2023;

<sup>15</sup> A recording of the statement was published at the [Novo jutro](#) YouTube channel (18:18) on January 11, 2023



mentioned event by the Prime Minister, as well as the President on his Instagram profile, was assessed as an attack on him, Aleksandar Vučić personally.

One of the "foundations" of the accusation of fascism was "built" by the Prime Minister by referring to a text published on the KRIK portal, a text in which the public is informed that their journalist Bojana Pavlović's phone was taken away during a journalistic assignment where she photographed the son of the President in the company of several men, among whom was one of the members of the "Janjičari" fan group, Aleksandar Vidojević aka Aca Rošavi. That member (Aleksandr Vidojević) is on trial for demolishing a night club in Belgrade with members of the aforementioned fan group. According to the data available to the journalists of the KRIK portal, in the database of the Ministry of Internal Affairs of the RS, that person is listed as a member of the Montenegrin Kavački clan. The Prime Minister showed the camera a printed page of text with a photo. The goal of the prime minister's showing of the page was to recontextualize the photographed event. The Prime Minister emphasized that the son of the President of the Republic of Serbia simply went to watch the game, and on that occasion ruled out the reason why the photo was taken. It wasn't going to the game that was problematic, but the company in which he was. Not only did she trivialize the journalistic activity of Bojana Pavlović, the Prime Minister also uploaded the "real reason" for which the photo was taken. According to her, the goal of Bojana Pavlović's journalistic activity was to deny basic human rights to the entire Vučić family, especially the son of Aleksandar Vučić. This denial of basic human rights, as the Prime Minister called the profession of journalism, represents, in her words, brutal fascism.

## II MONITORING OF THE IMPLEMENTATION OF EXISTING LAWS

### Project co-financing

At the session held on January 30, 2020, the Government of the Republic of Serbia adopted the [Strategy for the Development of the Public Information System in the Republic of Serbia for the period 2020-2025](#) (hereinafter referred to as: Media strategy).

The Media Strategy – in the section that deals with the review and analysis of the existing situation – found that a comprehensive analysis of the effects of project co-financing of content for the realization of public interest has not been done so far. Reports on various elements of project co-financing point to problems in this regard:

1. the manner in which tenders are advertised and the fact that some local governments refuse to tender;
2. how the committee is selected and formed;
3. that the tenders are non-transparent;
4. that discriminatory conditions are prescribed;
5. that the monitoring system is inadequate,
6. that there is a lack of evaluation of the quality of co-financed content.

The New Media Strategy detected that the dysfunctional media market, non-transparency and the absence of equal opportunities to access alternative streams of public funds directed towards the media (systemic, transparent, clear and non-discriminatory incentives) created expectations that co-financing of projects in the field of public information should be the way the survival of impoverished media will be ensured. Amendments to the Law on Public Information and Media should be guided by the goal of identifying inadequacies that should be eliminated, however, at this moment, the Draft Law on Public Information and Media has not yet been completed, and it is not known when it will be completed. For that reason, and bearing in mind the stated goal, it is necessary to follow the tendencies of project co-financing, so that, even though the trend can be assumed, the same is kept in the public's attention as a problem to which it is necessary to find a solution.

Another cycle of applications for tenders for project co-financing of media content of public importance began in January. Novi Pazar is one of the municipalities that allocates the most money for co-financing media projects. It was decided that the funds will be allocated so that the lowest amount of approved funds per project will be 200 thousand dinars, and the highest amount will be 45 million dinars. In previous years, almost 90% of those funds were allocated to RTV Novi Pazar. The expert public assessed the observed regularity in the allocation of funds, as well as the logic behind it, as arrogance:

*"The arrogance that emanates from such rules of the game tells us that the key actors in this process have relaxed to the extent that they have given themselves the right that, if they wish, they can literally support all that one media applied for with one (!) contract."<sup>16</sup>*

Immediately after Novi Pazar, tenders for project financing were [announced by other local governments](#).

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<sup>16</sup> [Ništa novo u Novom Pazaru](#), author Veran Matić, article published on January 23, 2023 at Javni servis portal.

### III ADOPTION OF NEW REGULATIONS AND CHANGES TO THE CURRENT ONES

#### Law on Public Information and Media

The action plan for the implementation of the Media Strategy, in the period from 2020 to 2022, predicted what the amendments to the umbrella media law – the Law on Public Information and Media – should consist of.<sup>17</sup> Changes to the Law on PIM, in accordance with the aforementioned Action Plan, were supposed to be completed in the fourth quarter of 2022. Although two working groups worked on the text of the Draft Law on Amendments and Amendments to the Law on PIM – [the first one](#) had the obligation to submit to the Ministry of Culture and Information by September 30, 2021 the text of the working version of the Draft Law on Amendments and Amendments to the Law on PIM. That working group ceased its work without any explanation and without a completed draft, and [another working group](#) had its deadline to submit the aforementioned law to the Ministry of Information and Telecommunications was extended from December 30, 2022, to February 10, 2023. Draft law is still not finished.

The working group for the drafting of the Law on Amendments to the Law on PIM consists of representatives of relevant ministries and state bodies, as well as representatives of nine media and journalist associations, in the format of associations that participated in the drafting of the Media Strategy and Action Plan.<sup>18</sup>

The documents that represent the starting point for drafting the law are the document containing the provisions on which the members of the first working group agreed, the document containing

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<sup>17</sup> The action plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period from 2020 to 2025, in the period from 2020 to 2022, is a public policy document that is adopted for the purpose of operationalizing and achieving the general goal and specific goals provided for in the Strategy of the development of the public information system in the Republic of Serbia for the period from 2020 to 2025 ("Official Gazette of the RS", number 11/20). Bearing in mind the fact that the Action Plan is valid until 2022, on December 23, 2022, a [Working Group was formed](#) for the development and monitoring of the Action Plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia for the period from 2020 to 2025. in the period from 2023 to 2025.

<sup>18</sup> Association of Journalists of Serbia (UNS), Independent Association of Journalists of Serbia (NUNS), Independent Association of Journalists of Vojvodina (NDNV), Association of Independent Electronic Media (ANEM), Association of Radio Stations (RAB-Serbia), Media Association, Local Press, Union of Serbian Journalists (SINOS) and the Association of Online Media (AOM).

the solutions on which the members of the first working group did not reach agreement, and the third document prepared by the Coalition for Media Freedom.

According to the Action Plan, some of the most important changes to the Law on PIM should be changes that will guarantee the rights of journalists in relation to the owner and management of the media; which will guarantee the editor's rights in relation to the orders of the owners and management of the media; which will precisely define the scope of data to be entered in the respective registers; which will establish adequate sanctions for non-compliance with legal provisions; which will regulate the creation of the Register of Productions and ensure that data on the funds allocated to legal entities, that is, entrepreneurs engaged in the production of media content – are visible; which will prescribe the obligation to perform an analysis of the needs for missing media contents; which will prescribe, as an additional criterion in tenders for project co-financing, the results of public hearings where citizens expressed their views on missing media content; which will prescribe the criteria for the selection of committee members in the project co-financing procedure, their way of working and decision-making, as well as foresee that through training, the capacity of persons who can be proposed for committee members will be raised and equalized; which will prescribe the obligation of independent evaluation of implemented projects; which will prescribe effective sanctions for failure to comply with obligations regarding project co-financing; which will prescribe, as a mandatory criterion, compliance with the Code of Journalists of Serbia, for the purpose of using funds through project co-financing, in such a way that print and online media that apply for public funds must accept the jurisdiction of the Press Council; which will provide that priority in the project co-financing of the production of media content under equal conditions is given to media that respect the legal regulations and the Code of Journalists of Serbia, i.e. that have fewer pronounced measures by the REM and adopted decisions and public warnings by the Press Council; which will foresee the obligation of independent external audit of the financial reports of the media that received funds at the public tender for co-financing of media content above a certain amount and the mandatory publication of the results of such an audit.

The media strategy determined what needs to be changed. However, as the Strategy is not a legally binding document, what will be the result of the changes may not be equivalent to what has been determined to be changed.

### **Law on Electronic Media**

At the end of January 2023 a working group was formed to amend the Law on Electronic Media.<sup>19</sup> On this occasion, the Ministry of Information and Telecommunications formed a special expert Working Group, which included representatives of the Ministry, experts in the field of media law, as well as lawyers.

The law in question should implement the EU Directive on audio-visual media services, as well as the solutions from the Media Strategy concerning the Regulatory Body for Electronic Media (REM), which are expected to be amended and amendments to the Law on Electronic Media ensure greater independence of REM.<sup>20</sup>

According to the Action Plan, Amendments to the Law on Electronic Media (hereinafter referred to as LEM) were to be completed in the second quarter of 2022. Drafting of the Law on Amendments to the LEM is expected by the end of March this year.

The focus of the amendments to the Law on Electronic Media is the work of the Regulatory Body for Electronic Media (REM). Among the aforementioned, it is foreseen "the exclusion of the competent committee of the National Assembly from the process of electing members of the REM Council, the exclusion of the National Assembly and executive authorities from the process of adopting the Statute of REM and by-laws, with a prior public hearing, prescribing the possibility of imposing fines in case of violation of regulations in the field of electronic media and advertising".

The intention is to achieve, which is one of the most important amendments to the LEM, the "independence" of REM, by excluding the competent parliamentary committee from the process

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<sup>19</sup> "Official Gazette of RS", no. 83/2014, 6/2016 - Ph.D. law and 129/2021

<sup>20</sup> <https://www.mit.gov.rs/vest/sr/443/odrzan-prvi-sastanak-radne-grupe-za-izradu-radne-verzije-nacrta-zakona-o-izmenama-i-dopunama-zakona-o-elektronskim-medijima.php>

of nominating candidates for Council members. Also, the National Assembly and executive authorities are expected to be excluded from the process of adopting the by-laws of the Regulator.

The amendments to the regulations aim at the professionalization of REM, by dividing the administrative function into the Council and the director, who will be elected in a public competition, and by improving the publicity of the Regulator's work. In addition to the existing measures, the possibility of imposing financial sanctions in case of violation of regulations in the field of electronic media and advertising is foreseen.

Since the adoption of the changes to the LEM did not happen until the end of 2022, Serbia faces the serious problem of being excluded from the funds of the Creative Europe program due to exceeding the deadlines regarding the transposition of the provisions of the Directive on Audiovisual Media Services into the Law on Electronic Media.<sup>21</sup>

### **Law on copyright and related rights**

According to the Action Plan for the Implementation of the Media Strategy, the deadline for changes to the current Law on Copyright and Related Rights was the fourth quarter of 2021.<sup>22</sup>

As the department responsible for the field of intellectual property, the Ministry of Economy of the Republic of Serbia made, on October 7, 2021, a decision on the formation of a Special Working Group for the drafting of the new Law on Copyright and Related Rights. The working group consisted of representatives of the Intellectual Property Office, the Ministry of Economy and the Ministry of Justice, the Serbian Chamber of Commerce, the Digital Serbia Initiative, the National Library of Serbia, lawyers as legal advisors, but also directors of collective organizations for the exercise of copyright and related rights: OFPS, SOKOJ and PI.

The reason for the adoption of the new law is the need to harmonize the domestic law with the regulations of the European Union, namely with EU Directive 2012/28 on certain permitted uses of copyrighted works whose author is unknown, and EU Directive 2014/26 on the collective

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<sup>21</sup> [Kašnjenje s izmenama medijskih zakona: Novi ministar, nove radne grupe...](#), author Ivana Predić, article published on November 23, 2022 at Cenzolovka portal.

<sup>22</sup> "Official Gazette of RS", no. 104/2009, 99/2011, 119/2012, 29/2016 - US decision and 66/2019

exercise of copyright and related rights and on assignment of Internet rights to musical works for several national territories in the internal market. When it comes to those two directives, it is noted that their implementation requires a large number of new normative solutions and interventions, which concern more than half of the articles of the current Law, and therefore it was decided to approach the drafting of a new Law on Copyright and Related Rights.<sup>23</sup>

The Media Strategy envisages changes to the regulations that will enable a more flexible model when it comes to providing data on the use of copyright and related rights, which will result in simpler use and the elimination of unnecessary generation of additional costs; that model will be harmonized with the Regulation on the manner of keeping electronic records broadcasting and rebroadcasting of author's works; prescribing the basic elements of the minimum tariff for the use of copyright and related rights, which will not be in a higher nominal amount than the basic tariff; defining the system of collective bargaining, so that the interests of users and holders of copyright and related rights are equally taken into account; redefining the position of organizations for the collective protection of copyright and related rights and enabling the free organization of holders of copyright and related rights; predicting a benefited tariff for the use of copyright and related rights in order to encourage the development of the civil sector.

The draft Law on Copyright and Related Rights was published on January 30, 2023, and the public hearing is scheduled for the period from January 30 to February 19, 2023.

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<sup>23</sup> [Explanation of the Draft Law on Copyright and Related Rights](#)



#### IV SLAPP LAWSUITS DIRECTED AGAINST JOURNALISTS AND THE MEDIA

The European Parliament's rapporteur for Serbia, Vladimir Bilčík, published [a draft report](#) on Serbia. One of the topics he dealt with was the state of the media in Serbia. In this regard, Bilčík expressed his regret for the stagnation of their freedom. He underlined that pressures and attacks on journalists are repeated, that hate speech is increasing, as well as campaigns aimed at defamation. He reminded how important it is to create an environment in Serbia that will ensure that "freedom of expression can honestly flourish".

Bilčík directed the public's attention to another major problem facing the media in Serbia. These are SLAPP lawsuits – lawsuits whose goal is not to satisfy justice, but to exhaust, intimidate and silence the media. Therefore, in his report, Bilčík appealed to the competent institutions to investigate said actions and to sanction all those who filed SLAPP lawsuits, referring to the SLAPP lawsuits filed against the investigative media KRIK and the daily newspaper Danas.

Domestic and international journalistic organizations have expressed concern over the significant increase in the number of SLAPP lawsuits against the research portal KRIK.<sup>24</sup>

At the end of January of this year, the editorial office of the KRIK portal received a first-instance verdict in the case before the High Court in Belgrade – against the editor of this media, Stevan Dojčinović, journalist Bojana Jovanović, and the Association Network for the Investigation of Crime and Corruption (the founder of the KRIK portal) – led by one of the commanders of police unit for the protection of witnesses, collaborators and two other managers of that unit. The plaintiffs claimed in the lawsuit that the defendants, by publishing the two texts for which the lawsuit was filed ("Problems in the police: protected and unprotected witnesses" and "Key witness against Šarić under attack for ten years"), violated their honor, reputation and personal rights. With the lawsuit, they demanded a total amount of RSD 750,000. In addition to the request for damages, the plaintiffs also requested the removal of the texts, as well as the ban on

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<sup>24</sup> [Serbia: Wave of lawsuits against investigative portal KRIK chills media freedom](https://nuns.rs/media/2022/02/A19-Serbia-SLAPPs-report_Final_Serbian-18Feb22.pdf)  
[https://nuns.rs/media/2022/02/A19-Serbia-SLAPPs-report\\_Final\\_Serbian-18Feb22.pdf](https://nuns.rs/media/2022/02/A19-Serbia-SLAPPs-report_Final_Serbian-18Feb22.pdf)

republishing them. Apart from the aforementioned demands, they proposed that the public be excluded from the proceedings.

The texts for which the lawsuit was filed talk about problems within the said police unit. The aforementioned police department, among other things, is responsible for the security of cooperating witnesses, some of whom are very well-known – such as Dejan Milenković Bagzi, who was a key witness at the trial of the Zemun clan, and Nebojša Joksović, the main witness in the proceedings against Darko Šarić for international smuggling of cocaine. The text is based on information from official notes, compiled by individual members of that unit, in which they complained about the work of their superiors. They sent those notes to the Department of Internal Control.<sup>25</sup>

In the verdict, the court states the following:

*However, the court judged that writing about the contents of the official notes of police officers employed in the Unit for the Protection of Witness Associates is a topic that the public has a legitimate interest in knowing, because it is information of public interest, informing the public about issues related to work persons employed in the Ministry of Internal Affairs, and not about information related to their private life. According to the court's opinion, the public has a legitimate interest in knowing the information stated in the official notes, because they relate to the actions of competent persons and services, related to the protection of cooperating witnesses, whose safety was called into question, because there were several attacks on their property and family members, for a long period of time.*

When it comes to the way in which KRIK journalists checked the information they presented, the judgment states that the court determined that they were checked with care appropriate to the circumstances:

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<sup>25</sup> [KRIK zatrpan tužbama ljudi bliskih režimu](#), author Bojana Jovanović, article published on December 8, 2022 at KRIK portal.

*Namely, before publishing the contents of parts of the official notes, the journalist first turned to the Department of Internal Control of the Ministry of Internal Affairs, but they refused to provide the information. She also turned to the prosecutors, who informed her that they did not have the consent of the minister to give statements. She also asked for the approval of the Ministry of the Interior for giving statements, but she did not receive it. She could not officially check the information from the official notes, but she checked all the facts stated in the notes, which she could check, based on conversations with the people who made the notes, with people who did not work in the Ministry of Internal Affairs, based on data from criminal records, procedures, and based on the facts reported by the media.*

With regard to the proposal presented by the plaintiffs regarding the exclusion of the public, the court took the following position:

Namely, at the hearings for the main hearing, facts related to the protection of national security, public order and morality were not discussed, there was no discussion of facts that required the protection of the privacy of plaintiffs and defendants, nor was there a discussion of confidential information and data protected by law. At the hearings, the facts related to the content of the publicly published texts and the consequences of these publications in relation to the plaintiffs were discussed.

The plaintiffs filed an appeal to the Court of Appeal in Belgrade against the aforementioned verdict.

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