

MONITORING OF THE MEDIA SCENE IN SERBIA

FOR THE MONTH OF APRIL 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 of attacks, threats and pressure on journalists were recorded. The data of the Public Prosecutor's Office of the Republic show that during 2023, 14 cases related to persons who perform tasks of public importance in the field of information were established in public prosecutor's offices.¹ According to the latest data published by the Independent Association of Journalists of Serbia, 37 attacks on journalists have been recorded since the beginning of 2023 (three physical attacks, 26 cases of pressure and 8 verbal threats).²

According to the statistics of the Public Prosecutor's Office of the Republic, in the period from 2016 (since this type of statistics has been kept) until the end of March 2023, a total of 460 cases were established on the basis of submitted criminal reports, of which 267 were found to have a well-founded suspicion that criminal offense to the detriment of the safety of media workers was committed. Of the mentioned cases, criminal sanctions were imposed in 28.46% of them, while in 4.87% of the cases the court acquitted the accused or rejected/dismissed the indictment. In 31.09% of the mentioned cases, the potential perpetrator has not been identified even after all investigative actions have been taken, while in the remaining percentage: evidentiary actions, investigation, international legal assistance procedure or the main trial before the competent court are ongoing.

At the end of April, after a visit to Belgrade on the occasion of the anniversary of the murder of journalist Slavko Ćuruvija, eight international organizations that advocate for media freedom and safety of journalists issued a strong warning regarding the state of media freedom and safety of journalists in Serbia. The signatories of the warning are ARTICLE 19 Europe, European Center for Press and Media Freedom (ECPMF), European Federation of Journalists (EFJ), International Federation of Journalists (IFJ), International Press Institute (IPI), OBC Transeuropa (OBCT), Reporters Without Borders (RSF), The Daphne Caruana Galizia Foundation.

¹ [RJT statistika napada na novinare od 2016 do kraja marta 2023. god.](#), article published on April 14, 2023at Bezbedni novinari portal.

² <https://www.bazenuns.rs/srpski/napadi-na-novinare>

The warning conclusions stated joint announcement were reached after several meetings held with independent journalists, editors, media associations and trade unions, the Permanent Working Group for the Safety of Journalists (in which the Ministry of Internal Affairs had its representative). It was assessed that insults and attempts to discredit the media and journalists in a large number of cases come from leading politicians, among whom the President of the Republic and the Prime Minister of the Republic of Serbia, as well as members of the ruling party, are in the forefront. The role of the tabloid media, which undermines trust in certain journalists and incites hatred towards them, while indiscriminately transmitting untrue information that politicians place, was particularly pointed out. More than others, as has been said, journalists engaged in investigative journalism are at risk.

The warning also stated that media pluralism in Serbia is particularly weak; that Regulatory Body for Electronic Media (REM) continues to show a lack of independence – it allocated all four national frequencies to pro-government television channels (while ignoring applications from independent media houses and leaving the fifth frequency unallocated) and avoided sanctioning violations of the law by private channels close to the government; that the reforms of the Law on Public Information and Media and the Law on Electronic Media are delayed; that the Public Service still does not inform objectively, but biasedly, in favor of the government; that tabloid media, although they regularly violate the Code of Ethics of Serbian journalists, still receive large amounts of public money; that independent media, in addition to physical threats, also face numerous legal challenges (the investigative portal KRIK is listed as a media that faces a large number of lawsuits), one of the increasing "challenges" is represented by SLAPP lawsuits (as an example of these two lawsuits filed by the Mayor of Belgrade against the journalists of the editorial office of the BIRN portal – there was more talk about them in the March report).

Among the positive developments are the steps taken with the aim of building mechanisms to protect the safety of journalists, at the same time it was pointed out that the effectiveness of established mechanisms is being undermined by political attacks on journalists. The following were singled out as important initiatives for raising the level of protection of the safety of journalists: Permanent working group for the safety of journalists; a free 24-hour [SOS line](#) available to journalists who feel that their safety is threatened; a network of contact points whose

duty it is to react as soon as possible in the event of a security threat; The Commission for Investigating Murders of Journalists, which was an important factor in achieving justice in the case of the murder of Slavko Ćuruvija, and in the case of the murder of Milan Pantić, where the police (within the Commission) made significant progress in identifying possible killers (although progress was made in the investigation, it was pointed out that the Prosecutor's Office for organized crime hesitates in undertaking an investigation). The Commission also focused on the death of Dada Vujasinović, but her death, unfortunately, has remained unexplained to this day.

In addition to the above, the results of the proceedings conducted in the case of the burning of the house of journalist Milan Jovanović, the threats addressed to the owners and employees of OK Radio from Vranje, and the death threats to Jelena Obućina, a journalist from TV Nova S, were positively evaluated. It was stated that it seems that proceedings directly depends on the political will, which implies that the perpetrators do not have political "protection".

Overall, the assessment presented is that media freedom in Serbia is in a bad state – no one has been found guilty of murdering a journalist, the multi-year practice of threatening journalists and exerting pressure on them has reached its peak. The pending judgment of the Court of Appeal in the case of the murder of Slavko Ćuruvija will be significant for media freedom and journalism. It will clearly indicate the direction in which freedom will go - towards liberation or deeper media darkness, the joint statement stresses.

The case of Ivan Ivanović, host of the show on Nova S

Ivan Ivanović, host and author of the satirical show "Four and a Half Men with Ivan Ivanović", which is broadcast on Nova S television, published on his Twitter account threatening text messages sent to him by Simo Spasić, president of the Association of Families of Kidnapped, Murdered and disappeared from Kosovo and Metohija, but also a person who was legally sentenced to four and a half years in prison for raping his ex-wife.³ Spasić sent threatening messages to Ivanović after he was mentioned on his show. Spasić told Ivanović that he would

³ „Hodajući Informer“: [Ko je Simo Spasić, aktivista koji novinarima šalje preteće poruke?](#), author V. Jeremić, article published on April 11 2023 at Danas portal.

"break his back", along with numerous other vulgar threats aimed at Ivanović's daughters and wife. Regarding the threatening messages he sent, Spasić testified in mid-April. According to media reports, his mobile phone was temporarily confiscated.⁴

Simo Spasić is known to the public as someone who is no stranger to sending threatening messages. After Ivan Ivanović published the messages he received from him, Olja Bečković also received threatening messages. The journalist confirmed that it was not the first time that Spasić addressed her in such a way.

In February of this year, Spasić was sentenced at first instance to six months in prison for the crime of persecution. The injured party in that procedure is Aleksandar Stankov, a journalist from the Južne vesti portal.⁵ On that occasion, Spasić was also issued a security measure prohibiting approaching and communicating with the injured party, so that he was forbidden to approach the injured party at a distance of less than 50 meters, he was prohibited from accessing the injured party's work area at a distance of less than 50 meters from the headquarters of the internet portal Južne vesti, he is forbidden to communicate with the injured party in person, through third parties, on the phone and in any other way, and all this for a period of one year from the finality of the verdict.⁶

Regarding the threatening messages sent to Ivanović, the SafeJournalists network⁷ and journalistic associations⁸ spoke out, demanding immediate prosecution and punishment of Spasić. The mentioned organizations called on the state authorities to stand in the way of such treatment of journalists.

⁴ „[Simo Spasić saslušan u policiji danas zbog uvredljivih poruka Ivanu Ivanoviću](#)”, article published on April 13, 2023 at Danas portal.

⁵ [SafeJournalists: Pretnje TV voditelju Ivanu Ivanoviću u Srbiji](#), source: SafeJournalists, article published on April 10, 2023 at NUNS portal.

⁶ [Simo Spasić prvostepeno osuđen na 6 meseci zatvora zbog pretnji novinaru „Južnih vesti”](#), author T. Todorović, article published on February 23, 2023 at Južne vesti portal.

⁷ [SafeJournalists: Threats to TV Host Ivan Ivanovic in Serbia](#)

⁸ [UNS: Simo Spasić da odgovara zbog pretnji Ivanu Ivanoviću](#)

The case of Jelena Obućina, Nova S journalist

Jelena Obućina, a journalist and news anchor from Nova S television, was the victim of an attack on the Twitter social network at the end of last year. Nenad Paunović from Veliko Gradište sent her a large number of brutal threats (including threats of impaling and burning). Paunović was soon deprived of his liberty. In April, the case received an epilogue. Paunović was sentenced for the crime of Endangering Security. He was sentenced to one year in prison, with the decision to serve it in the premises where he lives, with the application of electronic surveillance. Also, he was prohibited from approaching the journalist and her place of residence at a distance of less than 200 m. At the same time, he was forbidden to communicate with Obućina.⁹

During the court proceedings, Paunović admitted to committing the crime, expressed remorse and said that he would not repeat the crime again. He stated that he sent the messages because he was outraged by the fact that, according to him, Obućina insulted the President of Serbia, laughing cynically. As he said, he did not think about the consequences of his actions.

The case of Željko Matorčević, the Žig Info portal editor-in-chief

Željko Matorčević, editor-in-chief of the Žig info portal, was exposed to disturbing phone calls from a hidden number. The first call was made by a person who, pretending to be in an intoxicated state, asked if they got a company for making boilers. As he successfully avoided the attempt to be provoked, Matorčević was threatened that he should be careful, after which the phone call ended.¹⁰ The next day, from a hidden number, the same person called him, this time swearing.

The threats to Matorčević were condemned by the journalists' associations Independent Journalists of Serbia (NUNS) and the Journalists' Association of Serbia (UNS). They demanded an urgent response from the competent state authorities and called on the police and the

⁹ [Zbog pretnji na Tviteru Jeleni Obućini osuđen na godinu dana kućnog zatvora uz nanogicu](#), source: Nova.rs, article published on April 11, 2023 at Danas portal.

¹⁰ [UNS: Policija da pronađe ko preti telefonom Željku Matorčeviću](#), article published on April 19, 2023 at Cenzolovka portal.

prosecutor's office to take them seriously as a case of intimidation, which also shows the elements of the criminal offense of persecution.

In order to shed light on the context from which this case should be understood, we remind that Matorčević is the editor-in-chief of the portal whose journalist Milan Jovanović's house was burned down; that in February, Matorčević reported to the police a person who presented himself as a friend of Dragoljub Simonović (former president of the Municipality of Grocka), because he threatened him in front of the courtroom, and after the search in the criminal proceedings conducted for the burning of the house of Milan Jovanović; that Matorčević was beaten on the street before fire was set to Milan Jovanović's house, and that, according to Matorčević, that attack was connected with Dragoljub Simonović, then the president of the Grocka Municipality, and today the first-instance convict for setting fire to Milan Jovanović's house.

II MONITORING OF THE IMPLEMENTATION OF EXISTING LAWS

Project co-financing

The commission in charge of evaluating projects in the municipality of Tutin proposed that 10 media projects receive money from the budget, out of 21 that applied. 4 million dinars were received for the project to be implemented by the Bosnian Information Center, media publisher Behar TV, 1.5 million dinars were set aside for Pešter TV, while Sandžak TV received one million dinars. Those three media received more than half of the budget funds allocated for that purpose, more precisely 6.5 million dinars out of 10 million dinars that were available. Among the other media that received money from the budget are Tutin Press (500,000 dinars), Tutinske Novine (500,000 dinars), SNews (500,000 dinars), Info Leader Media (300,000 dinars), Radio Sto Plus (250,000 dinars), A1 Info (250,000 dinars), 020 media (250,000 dinars).¹¹

The Head of the Valjevo City Administration, Nebojša Petronić, based on the proposal of the Project Evaluation Commission, signed the Decision on the distribution of funds for co-financing projects in the field of public information. Of the 22 projects whose implementation was supported, the largest amount (more than half of the funds intended for that purpose) was received by two Valjevo televisions - Television V5 (3.5 million dinars) and Television Valjevo Plus (2 million dinars) - as well as two Belgrade companies. The information company Radio Valjevo d.o.o. will be supported in the amount of 800,000 dinars, while 400,000 dinars have been earmarked for the project on the Kolubarski Info portal. The projects that will be realized by "Slavica Savić Vujanac PR web portal Vamedia" and RTV Marš will be supported in the amount of 500,000 dinars each, while the internet newspaper Kolubarske.rs will receive 300,000 dinars. Among the other media that received money from the budget are: Radio 014 (250,000 dinars), Va014.info (250,000 dinars), "Bojan Jovanović PR Agency for creating web portal Titan web design" (250,000 dinars), Valjevska posla (250,000 dinars), Radio Istočnik (200,000 dinars), "Nebojša Bojanić PR news agency nebo boja Valjevo" (200,000 dinars), Valjevo na dlanu (200,000

¹¹ [Sufinansiranje medija u Tutinu: Ko bliže vlasti njemu pare](#), author Slađana Novosel, article published on April 24, 2023 at Cenzolovka portal.

dinars), “Slađana Stevanović PR portal Patak online” (150,000 dinars), “Ljubiša Milutinović entrepreneur Studio for dance and entertainment” (150,000 dinars) and “Snežana Lazarević entrepreneur of the web portal Lagrande Valjevo” (150,000 dinars), Association of Srbijanka Businessmen and Farmers (100,000 dinars), web services agency Cyber Team (100,000 dinars). The Belgrade company Adria media group received 200,000 dinars for the project "Capital investments in Valjevo and their importance for the local community". The Belgrade companies Sams group and Brainz received 100,000 dinars each for the implementation of their projects.¹²

¹² [Najviše novca za dve valjevske televizije i za dve beogradske firme iz Makenzijeve](#), author Darija Ranković, article published on April 25, 2023 at Cenzolovka portal.

III ADOPTION OF NEW REGULATIONS AND CHANGES TO THE CURRENT ONES

Law on Electronic Media

The working version of the Draft Law on Electronic Media was presented to the Government of the Republic of Serbia.¹³

Although it was expected that changes would be made to the existing Law on Electronic Media, a draft of a completely new law was presented. A number of new items were included in the draft, which, among other things, overlook the existence of the Director of Regulatory Body for Electronic Media (REM), who is appointed by the Council, based on a public competition, for five years, can be re-appointed twice more; who is responsible for his/her work to the Council, to which he/she submits an annual report and periodic work reports, as well as financial report. Also, the changes refer to the election of members of the REM Council. Previously a member of the Council was elected for five years and could be re-elected no more than once. According to the draft, a member of the Council is elected for six years and cannot be re-elected. The novelty is also the Supervision Plan that the Regulator prepares and adopts with the aim of publicly determining the program contents, types of media services or problems in the field of media services, on which resources will primarily be directed in a given calendar year in order to supervise the media and the goals that are more difficult to achieve through supervision. The draft envisages more measures (five instead of the former four) when it comes to the supervision of the work of media service providers, as well as a greater number of sanctions for non-compliance with the decisions of the REM Council (along with warnings and temporary bans on the publication of program content, draft introduces temporary and permanent license revocation). If the broadcaster does not comply with the stated measures, the Regulator may impose a fine in order to comply with them. The Regulator can also determine measures to prevent the recurrence of the same or similar violations of the law, as well as to determine the

¹³ [Predstavljena radna verzija Nacrta zakona o elektronskim medijima](#), news item published on April 5, 2023 at Ministry of Information and Telecommunication web site.

elimination of the determined violation, by giving an order to the media service provider to undertake certain behavior or to stop certain behavior.¹⁴

Although they are included in the Media Strategy and the Action Plan, the new draft lacked the provisions that would determine the election of new members of the REM Council at the moment of the adoption of the Law, as well as the provisions that would exclude state bodies - the Parliament of Serbia and Vojvodina - from the list of authorized proposers who can propose members of the REM Council.

Associations are expected to submit comments and proposals to the Ministry of Information and Telecommunications by April 25, which will be followed by a public hearing.

¹⁴ [Nacrt Zakona o elektronskim medijima: Država zadržava uticaj na izbor članova Saveta REM, aktuelni sastav Saveta REM-a ostaje](#), author Ivana Predić, article published on April 24, 2023 at Cenzolovka portal.

IV SLAPP LAWSUITS DIRECTED AGAINST JOURNALISTS AND THE MEDIA

The Court of Appeal in Belgrade confirmed the first-instance verdict of the Higher Court in Belgrade, which rejected the claim of the company Milenijum tim d.o.o. Belgrade, engaged in some of the largest construction projects in the country.¹⁵ The lawsuit demanded that the publisher and responsible editor of the media JUGpress compensate the Milenijum tim for material damage due to the (alleged) injury to the plaintiff's business reputation.^{16, 17} It is one of the three lawsuits that the mentioned business company, i.e., its owners, filed against the editor and publisher of JUGpress, in connection with the reporting of press conferences organized by opposition politicians in February 2021, in Vranjska Banja and Leskovac. On that occasion, a number of media outlets were sued by the same company, even though they quoted statements of politicians. According to the data of the analysis "[Freedom of expression, the second regular report on the protection of freedom of expression in the judicial system of Serbia before the court](#)", carried out by the Slavko Ćuruvija Foundation and the Center for Judicial Research (CEPRIS), the company Milenijum tim, in the period from March to May 2021, submitted a total of 27 lawsuits against the media to the High Court in Belgrade.

In the article "Jeremić: The top of the regime via the Milenijum tim also hijacks Vranjska Banja", published on February 6, 2021, the article for which it was sued, the JUGpress media reported literally what could be heard about the purchase of one of the hotels in Vranjska Banja at the press conference.

Before filing the lawsuit, Milenijum tim did not send a request to the editorial office of JUGpress to publish a response to the information, nor did it request the publication of a reaction to the allegations that were made during the conference.

¹⁵ <https://www.krik.rs/drzava-milenijum-timu-prosle-godine-dala-poslove-vredne-gotovo-12-miliona-evra/>

¹⁶ [Apelacioni sud odbacio žalbu Milenijum tima, JUGpress oslobođen](#), article published on April 5, 2023 at JUGpress portal.

¹⁷ [Sud odbio prvu tužbu Milenijum tima protiv osnivača i glavne i odgovorne urednice JUGpressa](#), article published on December 5, 2022 at JUGpress portal.

Given that this is a very delicate phenomenon that most directly concerns media freedom in Serbia, a phenomenon that could be a type of SLAPP pressure on the media, the good news is that the court rejected the claim in the first of a series of initiated proceedings. However, as each case is a separate procedure, it will be important to pay full attention to each one individually. Analysis of trends in court decisions could pave the way for both understanding of and the future of freedom of expression.

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