

# **MONITORING OF THE MEDIA SCENE IN SERBIA**

## **FOR THE MONTH OF MAY 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 pressures on journalists were recorded. According to new data from the Public Prosecutor's Office, since the beginning of the year, 34 cases have been filed in the public prosecutor's office, which relate to persons who perform duties of public importance in the field of information. As of May 31, 2023, based on the submitted criminal charges, in 2 cases a guilty verdict was issued, in 4 cases a decision was made to dismiss the criminal charges, in 3 cases a decision was made that there was no place to initiate criminal proceedings, in 3 of the cases, evidentiary actions are being carried out, while in the remaining part, the collection of necessary information for the conduct of criminal proceedings is underway. The first-instance or final decision was made in 9 cases, which represents 26.47% of the total number of cases.

[Reporters Without Borders](#), an international organization that annually measures the index of media freedom in the world, was published in May. Serbia is the only country in the Balkans that did not advance on that list this year, but recorded a drop of 12 places compared to 2022, which now makes it the 91st country in the world according to the media freedom index.<sup>1</sup>

"Award-winning, high-quality journalism that investigates crime and corruption is trapped between rampant fake news and propaganda," reports Reporters Without Borders.<sup>2</sup>

The Report also stated that more than 2,500 media outlets are registered in Serbia, but that the market is much divided, and that award-winning investigative reports have a limited audience because they are published only on the Internet and on a few independent media outlets. In addition, although efforts to improve security and the prosecution of crimes against journalists are present, the Report states that journalists still do not feel safe. Media expert and president of the Association of Independent Electronic Media (ANEM), Veran Matić, commented on the downward trend compared to last year's ranking.

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<sup>1</sup> <https://rsf.org/en/country/serbia>

<sup>2</sup> [Reporteri bez granica: Srbija jedina u regionu pala po indeksu slobode medija, ostali na Balkanu napreduju](#) posted at BBC news portal on May 3, 2023.

"Regardless of the progress that exists when it comes to prosecuting crimes against journalists, media freedom in Serbia is in decline viewed globally. In everyday life, journalists are victims of political and attacks on social networks, as well as discrediting in pro-government media, which are usually followed by attacks in real life," said Matić.<sup>3</sup>

### **The case of RTS and PRVA journalists**

During the recording of a report on the celebration of International Labor Day, journalists from two television crews were victims of attacks on the streets of Belgrade. In Zemun, the crew of the Radio Television of Serbia was attacked, while a crew of TV Prva experienced a similar treatment in Ada Ciganlija.<sup>4</sup>

During the filming of a vox pop with citizens in Zemun, the unknown assailant loudly cursed and insulted the RTS team, threatening to "smash their heads" with a beer bottle he was swinging. Although the journalists moved away to avoid the incident, the assailant attacked the cameraman, managed to get hold of the camera and smashed it on the concrete.

None of the crew members were injured, and the police soon identified and detained the male suspect. Proceedings were initiated against him before the Third Basic Public Prosecutor's Office in Belgrade for the criminal offense of Endangering security from Art. 138 of the Criminal Code.

The second attack took place on Ada Ciganlija when a male person, while the journalist crew was recording a report, tried to stab a cameraman of TV Prva with a barbecue fork.

Members of the Ministry of Internal Affairs in Belgrade soon arrested the suspect against whom proceedings were initiated before the Second Basic Public Prosecutor's Office in Belgrade for the criminal offense Violent behavior from Art. 344 of the Criminal Code.<sup>5</sup>

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<sup>3</sup> [Veran Matić o padu Srbije na indeksu slobode medija: Potrebno odmah da prestane zapaljiva retorika vlasti](#), posted at Danas portal on May 3, 2023, author D.D.

<sup>4</sup> [UNS: Najstrože kazniti napadače na novinarske ekipe RTS-a i Prve u Beogradu](#), posted at Cenzolovka portal on May 2, 2023, source UNS.

<sup>5</sup> Krivični zakonik / Criminal Code ("Sl. glasnik RS", br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019).

The Association of Journalists of Serbia (UNS) emphasized that threats and attacks against journalists and media workers are unacceptable and that those responsible for such acts must be severely punished.<sup>6</sup>

### **The case of Milan Šupica, Pančevac weekly journalist**

Milan Šupica, a photojournalist for the Pančevac newspaper, was the victim of an attack near his home. The event in question took place after he photographed flowers in a shop in Pančevo with the intention of publishing the photos in the next issue of the weekly papers. After the saleswoman asked him why he was taking photos, he showed her his press card and headed towards the house where he lives. As he stated, he was followed by three unknown men in a car, and when he stopped, they forcibly pulled him out of the car and threatened him verbally, then they tore open his bag containing the camera and hit him several times in the chest. During his attempt to call the police, they snatched the phone from his hand, threw it back into the car, and took out the camera card with the recorded material and took it with them.<sup>7</sup>

The event in question was reported to the police, a criminal complaint was filed for causing minor bodily injuries and theft of property while performing professional duties. The Basic Public Prosecutor's Office in Pančevo, in cooperation with the Police Department, arrested two persons for whom there are grounds to suspect that they attacked the reporter. They were detained and questioned as suspects.<sup>8</sup>

The Safe Journalists network and journalist associations issued statements regarding this attack, demanding immediate prosecution and punishment of the perpetrators.<sup>9</sup>

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<sup>6</sup> [UNS: Najstrože kazniti napadače na novinarske ekipe RTS-a i Prve u Beogradu](#), posted at Cenzolovka portal on May 2, 2023, source UNS.

<sup>7</sup> [UNS traži stroge kazne za napadače na fotoreportera nedeljnika Pančevac](#), posted at Danas portal on May 5, 2023.

<sup>8</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1307>

<sup>9</sup> [UNS: Stroge kazne za napadače na fotoreportera „Pančevca“](#), posted at UNS portal on May 5, 2023.

## The case of the Danas newsroom and Nova S and N1 television

The newsroom of the daily newspaper Danas faced a new threat when more than 20 leaflets were thrown in the entrance of the building Danas works from, containing the logos of Danas, Nova S and N1 along the photos of certain opposition leaders and former Croatian president Franjo Tuđman and former Bosnian president Alija Izetbegović. "Fifth Column" was written on the leaflets, while the leaflets were signed with "Ours Conservative Movement" (Konzervativni pokret Naši).<sup>10</sup>

However, this is not the first case that the Danas newsroom faces a threat in the form of inserting leaflets, and unfortunately threats that seriously threaten security of its employees - in November 2022, at the official email address of the editor-in-chief they received an email threatening journalists, editors and columnists of Danas with "barrages of bullets" because of the editorial policy.<sup>11</sup>

Additionally, N1 television was the target of an attack when posters of the Ours Conservative Movement were pasted on advertising spaces in the center of Kragujevac, with a picture of Joseph Goebbels and the logo of television N1 with the inscription: "If a lie is told enough times it becomes the truth. Jozef Goebbels (Hitler's Minister of Propaganda).<sup>12</sup>

In addition, the very end of the month was marked by a new attack on N1 television, when a group of about thirty people with a sound system and banners broke into the yard of the office building where the newsroom of this television is located. The assembled group presented itself as the "People's Headquarters" and held speeches for several hours and disrupted the work of employees, especially with the words that *N1 will receive the anger of the People* and calls for journalists to go outside.<sup>13</sup>

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<sup>10</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1336>

<sup>11</sup> [Leci sa slikama lidera opozicije, Franje Tuđmana, Alije Izetbegovića uz natpis „Peta kolona“ ubačeni u ulaz redakcije Danasa](#), posted at Danas portal on May 10, 2023, author K.Ž.

<sup>12</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1335>

<sup>13</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1345>

This case particularly alarmed all associations and other media having in mind that although it was immediately reported to the authorities, the police did not react to it. In addition to the above, even though there were several plainclothes police officers in front of the television building, they said that they did not receive an order to legitimize the crowd, nor to remove them from private property.

In connection with the above, N1 immediately asked the Ministry of Internal Affairs to investigate who made the decision that the police should not react, appealing to the competent authorities to take all necessary steps to ensure that similar incidents do not recur in the future, and to all public officials to choose their words carefully so that tensions and divisions in society would not increase further and indicated that:

"The non-response of the police to our calls for help only further fuels the atmosphere of fear and insecurity in which we find ourselves. For weeks now, we have been pointing out that the targeting and campaign against N1 by the highest state officials can lead to a serious threat to the safety of journalists, reporters, videographers and other employees of the N1 production."<sup>14</sup>

After all, a report on this event was submitted by the police by order of the Contact Point for Public Order and Peace in the Higher Public Prosecutor's Office in Belgrade, and it was forwarded to the competent Third Basic Prosecutor's Office in Belgrade for further action.<sup>15</sup>

### **The case of Nikola Krstić, a freelance journalist**

Nikola Krstić, an independent journalist, in his author's text criticized the statement of the patriarch of the Serbian Orthodox Church, Porfirije regarding a woman. The text was published in Danas daily newspaper, and immediately after its publication numerous threats followed on social networks. Krstić was told that he should "hang on a pole" and that people like him "should be exterminated".

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<sup>14</sup> [N1 pita MUP: Ko je odlučio da policija ne reaguje na upad u dvorište redakcije?](#), posted at N1 portal on May 31, 2023.

<sup>15</sup> [VJT o upadu na posed N1: Izveštaj policije prosleđen Trećem osnovnom tužilaštvu](#), posted at N1 portal on May 31, 2023, author M.S.

The threats escalated after the Serbian tabloids started a campaign in which they spun the facts from Krstić's text, falsely stating that Krstić was a member of "Đilas's party" and that he called on citizens to block the Gazela Bridge. Apart from this, the tabloids asked questions about how it is possible for someone like Nikola Krstić to "eat Serbian bread" while accusing him of hating the Serbian Orthodox Church.<sup>16</sup>

The Independent Association of Journalists of Serbia (NUNS) reported the case to the Special Prosecutor's Office for High-Tech Crime, and NUNS president Željko Bodrožić stated that the threats and insults received by Krstić clearly indicate the dangerous environment in which journalists work in Serbia, but also problems they encounter when they write critically.

The condemnations were joined by the Safe Journalists network, which called on the competent authorities to find and punish the perpetrators.

### **The case of Marko Vidojković and Nenad Kulačin, journalists and authors of the "Good, Bad, Evil" podcast**

The authors of the "Good, Bad, Evil" podcast have been the target of attacks and threats for a long period of time, which seriously threaten the safety of both themselves and their family members. Thus, a private message with threatening content was sent to Nenad Kulačin, via the social network "Facebook", in which the journalist was told to be careful<sup>17</sup>, as well as a message in which the person addressed him and his family members in a very offensive and vulgar manner with the words "I dare you to report me".<sup>18</sup>

On the same day, a message with threats and offensive content was sent to Marko Vidojković via the same social network<sup>19</sup>, which continued to threaten the safety of journalists, even though it is already known that due to the assessment that his life was seriously threatened he was relocated from Serbia to another country.

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<sup>16</sup> [Safejournalist: Pretnje prema novinaru Krstiću pokazuju stepen nekritičnosti društva](#), posted at NUNS portal on May 18, 2023.

<sup>17</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1360>

<sup>18</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1361>

<sup>19</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1365>

In addition, during the month of May, the threats were also aimed collectively at the authors, i.e. their work, and they contained following: "We will make the presenter's next hairstyle with a hand grenade instead of what he does with a firecracker, and we are preparing an old Turkish recipe for Marko".<sup>20</sup> There were also comments on their podcast "Facebook" page that stated that "there is hardly any other country with such fools and cowards. God forbid I meet him somewhere in the city. Such pussies cry and whine after one slap",<sup>21</sup> as well as "this short one, who spits on the church, has escaped... Beware, the fat one".<sup>22</sup>

Although the threats directed to Kulačin and Vidojković almost did not receive the expected procedural and legal epilogue, the mentioned threats were reported to the Special Public Prosecutor's Office for high-tech crime, but they have not yet been prosecuted.

Marko Vidojković was the target of both verbal attack and pressure from the Serbian Progressive Party MP Milimir Vujdinović, who accused him in the National assembly of "satanic speech" calling the podcast "Good, Bad, Evil" a "satanic temple that is a continuation of darkness and evil which contributed to the tragedy and suffering that happened", alluding to the tragedies that happened in the Belgrade elementary school "Vladislav Ribnikar" and the villages around Mladenovac and Smederevo beginning of May.<sup>23</sup>

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

Željko Matorčević, editor-in-chief of the Žig Info portal, has been the victim of threats and attacks twice since the beginning of the year. Both cases received their epilogue in May.

The first case happened in February, when he reported Milan Marčeta (a person who presents himself as a friend of Dragoljub Simonović, the former Grocka Municipality president) to the police because of the threats that he made to him in front of the courtroom.<sup>24</sup> The case in

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<sup>20</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1362>

<sup>21</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1364>

<sup>22</sup> <https://www.bazenuns.rs/srpski/detalji-napada-na-novinara/1363>

<sup>23</sup> [Vidojković opet targetiran, poslanik SNS podkast DLZ nazvao satanističkim hramom](#), posted at N1 portal on May 24, 2023, author B.N.

<sup>24</sup> [ANEM Monitoring za mesec februar](#) posted at Bezbedni novinari portal.



question took place immediately after the trial where the closing arguments were presented in the criminal proceedings for the burning of the house of Milan Jovanović, also a Žig Info journalist. Marčeta insulted Matorčević in front of the courtroom, asked him what he was doing there, and then told him to go outside because he would get hurt. The procedure was conducted for the criminal offense of Endangering security from Art. 138 paragraph 3 of the Criminal Code and in May the case received a final outcome. An agreement was concluded with the defendant on the recognition of the criminal offense and a guilty verdict was passed - a prison sentence of 6 months, which he will serve in the premises where he lives, and a ban on communicating with and approaching the injured party for a period of one year.<sup>25</sup>

The second case refers to disturbing phone calls from a hidden number to which Matorčević was exposed in April.<sup>26</sup> During the first call, the person, feigning an intoxicated state, asked if he got a boiler making company, and as Matorčević successfully avoided trying to be provoked, a threat was sent that he should be careful, after which the phone call ended. The next day, the same person called him again from a hidden number, cursing.<sup>27</sup>

According to available information, the person who sent the threats was identified as a fifteen-year-old boy.

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

Srđan Nonić, civil activist and editor-in-chief of the Niška initiative portal, was the target of an attack on the social network "Facebook" when he received a message on the "Niška initiative" page from a user with the account Mitrović Dušan. Threatening messages were sent to him saying: "I will beat you up; If I see you at my place in the park; I personally; Because you are boring; You bore God and the people; I'm going to beat you up with a shovel."

Due to such threats, Nonić immediately went to the Niš Police Department, and informed the authorities about the contents of the messages he received, which the prosecution immediately

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<sup>25</sup> [Matorčević: Simonovićev prijatelj mi je ispred sudnice rekao da izađem jer ću nastradati](#), posted at UNS portal on February 22, 2023, author A.N..

<sup>26</sup> [ANEM Monitoring za mesec april](#) posted at Bezbedni novinari portal.

<sup>27</sup> [UNS: Policija da pronađe ko preti telefonom Željku Matorčeviću](#) posted at Cenzolovka portal on April 19, 2023.

reacted to. On the same day, in the afternoon, a person who is the user of the mentioned account was found, and information was collected from him and forensic photography of the mobile phone was carried out. The suspect immediately admitted the commission of the crime, and the case files were forwarded to the deputy of the Basic Public Prosecutor's Office in Niš for further processing and completion of this case.

Also, the case that took place in September of the previous year, and regarding which Nikola Panić, an employee of the city administration and editor-in-chief of the City Portal 018, filed a private criminal complaint for the criminal offense of insult in January of this year against Nonić - has now received an epilogue.

More precisely, the Basic Court in Niš issued a first-instance verdict declaring that Nonić was not guilty of the criminal offense of insult due to the caricature and criticism he made in several statements regarding the awarding of the "Paul Polanski" award by the Serbian-Czech Friendship Association "Sermon" („Beseda“) for "exceptional professionalism, journalism and humanity". The award surprised Nonić, as well as other journalists, since it was not expected that a media editor who is less journalistic and more service-oriented would receive such award.<sup>28</sup>

In the judgment, it was assessed that the statements, publications and content that were the subject of this procedure were not of an offensive nature and that it was not proven that Nonić committed this criminal act.<sup>29</sup> However, the aforementioned verdict is still not legally binding, since Panić has filed an appeal against it, and in the future it is expected that the Court of Appeal will also confirm this first-instance verdict and that this case will receive a final epilogue.

### **The case of OK radio from Vranje**

OK Radio, a local media from Vranje, has become an example of a drastic form of pressure that aims to undermine the very survival of the media. OK Radio newsroom members, as well as the employees of the Internet cafe "No comment", which operates within OK Radio as part of the

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<sup>28</sup> [ANEM Monitoring za mesec januar](#) posted at Bezbedni novinari portal.

<sup>29</sup> [Osnovni sud u Nišu: Srđan Nonić nije kriv za uvredu radnika gradske uprave koji vodi provladin portal](#), posted at Danas portal on May 4, 2023, author Zorica Miladinović.

business model that enables the radio to be financed, became the target of the local strongman from Vranje, Dejan Nikolić, better known as Kantar, after they opposed his intention to expand one of his owned gambling shops in the place where the premises of the radio and internet cafe are located.

Such opposition resulted in numerous pressures, one of which ended in May with a verdict rejecting as unfounded the requests for legal protection of the defenders, which ended this procedure quickly and efficiently.

More precisely, we are talking about a case that took place in June of the previous year, when, first, the defendant Bojan Tanasković entered the premises of the cafe carrying on his back a bucket for spraying fruit, which contained white paint, and sprayed the entire inventory of the cafe with it, and then left the facility. After a few minutes, the defendant Slaviša Kocić entered the aforementioned cafe and, holding a mobile phone in his hand with the speakerphone turned on, addressed the employees present with the words: "Listen, Dejan wants to tell you something." This was followed by the address of the defendant Dejan Nikolić through the speakerphone on the mobile phone with the words: "Listen, this is Dejan speaking, this is the answer to your lawsuit, this is just the beginning, the cafe will never work, you will have problems, this is the answer to the lawsuit and for Belgrade".

The described event led, within a period of one year, to the verdict of the Basic Court in Vranje Dejan Nikolić being declared guilty of the criminal offense of violent behavior and sentenced to a prison sentence of one year and two months, while the other defendants Bojan Tanasković and Slaviša Kocić were found guilty and sentenced to imprisonment for eight months each, which verdict was later confirmed by the verdict of the High Court in Vranje.

Although Nikolić's defense attorneys submitted requests for the protection of legality and pointed out that in this particular case there was no consequence of the criminal act of violent behavior in the form of a serious disturbance of public order and peace, and that the sentence did not state or describe any active action that would represent action of the defendant Dejan Nikolić, the Supreme Court of Cassation assessed such allegations as unfounded and pointed out that:

"The described action of the defendant Dejan Nikolić - addressing by phone those present in the cafe with the aim of intimidating the victim Olivera Vladković (who owns the aforementioned cafe), which was undertaken in a previous agreement with the defendants Bojan Tanasković and Slaviša Kocić, who had previously agreed with him to take the aforementioned actions viewed as a whole with the actions of these defendants, with which they form a whole, has the character of brazen and reckless behavior directed towards people and property, which deviates to a considerable extent from the adopted rules of conduct, that is, it represents the act of committing the criminal act of violent behavior from Article 344. paragraph 1 of the Criminal Code."

## **II MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS**

### **Law on Electronic Media**

As it was predicted, the comments and proposals of the media associations regarding the presented working version of the Draft Law on Electronic Media were submitted to the Ministry of Information and Telecommunications.

The Coalition for Media Freedom, consisting of the Association of Media (AM), the Association of Online Media (AOM), the Independent Journalists' Association of Vojvodina (NDNV), the Independent Association of Journalists of Serbia (NUNS), the Business Association of the Association of Local and Independent Media "Local Press" and the Slavko Ćuruvija Foundation, as well as the Association of Independent Electronic Media (ANEM) submitted its comments indicating that the revision of this law must be the subject of the widest consultations with the representatives of the aforementioned media and journalistic associations since they participated in the drafting of the Media Strategy for the period from 2020 to 2025, and which formulated specific guidelines in the drafting of this law.

In addition, it was indicated that during the drafting of this law, the aforementioned Media Strategy was selectively applied, which is particularly evident in the parts related to ensuring the independence of the Regulatory Body for Electronic Media (REM) and its responsibility before the public, as well as the selective implementation of the 2018 Directive on audiovisual media services.

It was especially pointed out that media and journalist associations cannot support the strengthening of the measures available to REM if the legal mechanisms of REM's independence are not established and legal solutions for strengthening responsibility are not proposed, since only such a determination would be in accordance with the Media strategy and Directive which explicitly confirms the functional independence of the regulatory body and legal separation from the government and other public bodies.

It was also noted that there are no rules that would regulate in detail the field of political advertising and general obligations regarding reporting during the pre-election campaigns, bearing in mind that the current provisions on media monitoring of the pre-election campaign, as well as those related to political advertising, do not adequately solve all the problems that were observed during the application.

Although the proposed Draft recognizes natural and legal persons right to submit applications to the REM in connection with the program contents of media service providers, a comment was made that this type of regulation concludes that it is only an initiative to start an investigation procedure without any possibility for the applicant to represent their personal or general interest in that procedure. This practically prevents both civil and judicial control of the Regulator's work, while it expressly provides that the applicant does not have the status of a party in the procedure he or she initiates.

Shortcomings of such solutions was pointed out, as well as the shortcomings of the provision which limits the deadline for REM's decision to 72 hours from the moment of reaching a conclusion on the initiation of the procedure without specifying the deadline in which the REM will, upon receipt of the application, make a conclusion on the initiation of the procedure, i.e. decide if there is a place to start the procedure, as well as the provision which foresees that no appeal is allowed nor the possibility of starting an administrative dispute against the conclusion estimating that there is no place to impose a measure.

Due to all of the above, solutions were proposed that would be adequate and would achieve compliance with the Media Strategy, as well as the implementation of the Directive on Audiovisual Media Services from 2018, and it is expected that the Ministry of Information and Telecommunications will consider them in the coming period, and then refer to the upcoming public debate.

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

17 international journalistic and press freedom organizations, signed a statement in which they provide support to KRIK journalists due to the numerous court proceedings they are facing in the last two years, since 12 lawsuits were filed against the editorial office during that period. The signatories of the release are: Blueprint for Free Speech, Civic Initiatives, Civil Rights Defenders, Coalition For Women In Journalism (CFWIJ), European Federation of Journalists (EFJ), Free Press Unlimited (FPU), Index on Censorship, Institute for Mass Media Cyprus, International Press Institute (IPI), Justice for Journalists Foundation, OBC Transeuropa (OBCT), Organized Crime and Corruption Reporting Project (OCCRP), Reporters Without Borders (RSF), PEN International, SafeJournalists Network, South East Europe Media Organization (SEEMO), Solomon.

As stated in the announcement, the legal hunt against KRIK continued with the last conviction as well as with the new lawsuit that arrived at the newsroom. In addition, the signatories stated that they consider the verdict of the High Court in Belgrade to be alarming, by which KRIK was condemned for the text in which it named all those who filed a lawsuit against the editorial office.

"We once again support KRIK journalists and call on the judicial authorities of Serbia to finally recognize SLAPP as a tool to silence voices and suppress information of public interest." Serbia continues to be one of the most fertile grounds in Europe for lawsuits by journalists, as a sign of retaliation for their work. By failing to recognize the threat posed by SLAPP lawsuits, the court's latest decision sends a troubling signal to all Serbian journalists investigating sensitive political and economic issues. We hope that the serious impact of SLAPP on journalists will be considered in the appeal process and that it will finally support the public interest and international standards on freedom of expression," the statement said.

According to the aforementioned verdict, KRIK is obliged to pay the amount of 374,200 dinars in the name of compensation for mental pain and the costs of the procedure, due to the text it published in the face of an avalanche of lawsuits, pointing out who sued the newsroom and that

these so-called SLAPP lawsuits were mostly filed by people close to the regime in Serbia, which leads to the conclusion that their goal is to silence journalists.<sup>30</sup>

All of the above was characterized by the verdicts as suitable to injure honor and reputation, with the indication that:

"The labeling of prosecutors as people close to the regime has a negative connotation, prosecutors are labeled as supporters of a certain political option that is in power, thus suggesting to citizens who disagree with or oppose the "regime" that they should not trust the prosecutors as members of the police who should be at the service of all citizens", as well as that "This created a potential possibility that in the event of a change of government, prosecutors will be characterized as members of the former government and that they will suffer the consequences."

Finally, this decision of the court actually negates the existence of SLAPP lawsuits, which especially stems from the fact that in the verdict claims that "anyone can sue", and numerous journalist associations expressed concern for such ruling.

Since it is a first-instance court decision, KRIK has filed an appeal against it, and the decision and position of the Court of Appeal in Belgrade is expected.

On the other hand, in the procedure that was first conducted following the lawsuit of police commander Goran Živković and two of his associates from the police Witness Protection Unit, whose mention in the article initiated the above-mentioned procedure, the Court of Appeal in Belgrade issued a verdict rejecting the plaintiff's appeals as unfounded and confirming the first-instance judgment of the High Court in Belgrade, which established that the claim was completely unfounded.<sup>31</sup>

When making this decision, the Appeal Court established that the first-instance court correctly assessed that the content of the published text, that is, the information published in it, *represents a topic that the public has a legitimate interest in knowing*. More precisely, the following was confirmed:

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<sup>30</sup> [KRIK osuđen jer je objavio ko je tužio redakciju, presudu doneo sudija Keranović poznat po procesu protiv NIN-a](#), posted at KRIK portal on May 18, 2023, author Bojana Jovanović.

<sup>31</sup> [ANEM Monitoring za mesec januar](#) posted at Bezbedni novinari portal.



"In the specific case, the first-instance court correctly assessed that the publication of the above-mentioned information serves the achievement of the public interest, which prevails over the plaintiffs' interest in protecting their honor and reputation and the rights of the individual, which interest could not be realized without publishing the above-mentioned information in a way that would less violate the right of the subject of the information. In the aforementioned sense, the publication of the aforementioned information represents a proportionate means of achieving the justified goal of acquainting the public with the regularity of the work of the state body that deals with the protection of the safety of protected witnesses in criminal proceedings. The stated claims were not aimed at the personality, nor did they represent an attack on the personality of the prosecutors, but on what they said or did within the framework of their work in a state body."

Additionally, the second-instance court also took the stance that the defendants acted in accordance with due journalistic care when publishing the text, i.e. that they paid due journalistic care in checking the veracity of the allegations, and that they had reason to believe that what they published was true.

An encouraging decision was made by the Appellate Court in Belgrade and in the proceedings that were conducted following the lawsuit of Bratislava Gašić, the former director of the Security and Information Agency, which in May 2021 sued KRIK, Stevan Dojčinović as editor-in-chief and Milica Vojinović as the author of the text entitled "Political connections of the Kruševac criminal group: "Gašić at Jotka's cauldron".

Namely, the article in question is a report from the trial of the defendant Zoran Jotić Jotka, i.e. the so-called "Jotka's group", in the criminal proceedings being conducted before the High Court in Belgrade, from which the author of the article reported and faithfully transmitted the information originating from the tapped conversation between Saša Zoraja and Igor Nešković, which the prosecution presented as evidence.

Although the verdict did not call into question the veracity of the wiretapped conversation, it was stated that the content of these conversations that were taped as part of the evidentiary proceedings at the main trial was *faithfully transmitted*, it was assessed that the information thus transmitted was capable of injuring the "*honor and reputation of the prosecutor, having in mind*

*the function he performs, which includes the fight against organized crime".* With this, the position performed by Gašić was taken as an aggravating circumstance for the defendants,<sup>32</sup> even though, in accordance with the legal provisions, it leads to the fact that a person who is an official must bear the expression of critical opinions, which relate to the results of his work, that is, the policy he implements, which are in connection with the performance of his office, regardless of whether he feels personally aggrieved by the expression of those opinions.<sup>33</sup>

Deciding on the appeal of the defendants against the verdict thus rendered, the Court of Appeal in Belgrade indicated that it is not clear whether it is disputed or undisputed that it was heard at the trial that Gašić was "at Jotka's cauldron" and whether what is written in the article matches what was presented at the trial, as well as that it was in accordance with the principles of the profession if KRIK published content that was *in accordance with what was presented at the main trial*, i.e. if the *media published what those present in the courtroom could see or hear*.<sup>34</sup>

As the Court determined that due to unclear reasons regarding the essential facts, as well as unclear conclusions of the first instance court on the admissibility of disputed information, even the very regularity of the decision made in this way cannot be examined, it decided to cancel such judgment/[decision](#) in disputed parts and return it to the first instance court for a new decision.

The last in a series of lawsuits filed against the KRIK newsroom, and in connection with which international organizations reacted, arrived at their address by Nikola Petrović, the best man of the President of the Republic of Serbia and the former director of state company "Electrical Network of Serbia" (Elektromreža Srbije). He filed a lawsuit against the editor-in-chief of KRIK, Stevan Dojčinović, and journalists Bojana Jovanović and Dragana Pećo, due to the article related to the business connection between Petrović and Dejan Stanimirović - Markos in the period from 2004 to 2010 in a company that dealt with telecommunications. Markos is known to the public as a criminal who was involved in international drug trafficking and who was killed in Colombia in

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<sup>32</sup> [Detalji presude KRIK-u: privilegovani funkcioneri](#), posted at KRIK portal on November 11, 2022, author Stevan Dojčinović.

<sup>33</sup> Article 8 of the Law on Public Information and Media („Sl. glasnik RS", br. 83/2014, 58/2015 i 12/2016 - autentično tumačenje).

<sup>34</sup> [Ukinuta presuda protiv KRIK-a zbog teksta o Gašiću](#), posted at KRIK portal on May 30, 2023, author Bojana Pavlović.

2020 ("[The president's best man had a business with Markos - a criminal involved in international cocaine trafficking](#)"). With the lawsuit, Petrović demanded that the report be deleted from the KRIK website, as well as a ban on further writing on this topic. In addition to the above, he demanded that the journalists pay him 200,000 dinars for the non-material damage caused.

In the lawsuit, Petrović claimed that journalists falsely stated that he had business cooperation with a criminal involved in international narcotics smuggling, because at the time of the cooperation, Stanimirović was not accused or convicted of any criminal offense. As further written in the lawsuit, Petrović was not aware of Stanimirović's business ventures even after the termination of business cooperation, and especially that he was involved in illegal activities.<sup>35</sup>

In reaction to this lawsuit against them, the journalists pointed out that Petrović did not deny a single statement from the text and that he confirmed that, as it is written in the disputed text, he had a company with Stanimirović during the mentioned period. Additionally, they stated that nowhere in the report was it mentioned that Stanimirović was involved in illegal business at the time when he had a company with Petrović, and that they contacted Petrović before publishing the text and published his response in the text.

This is Petrović's third lawsuit against KRIK journalists, who consider it to be another in a series of SLAPP lawsuits aimed at extorting, intimidating and preventing them from further reporting on corruption to the public.

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<sup>35</sup> [Dvanaesta tužba protiv KRIK-a: stigla od Vučićevog kuma](#), posted at KRIK portal on May 10, 2023, author Bojana Pavlović.