

MONITORING OF THE MEDIA SCENE IN SERBIA

FOR THE MONTH OF SEPTEMBER 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

According to the updated data of the Higher Public Prosecutor's Office, from the beginning of 2023, ending with the month of August, 56 cases of threats and attacks against journalists were recorded.

Conviction verdicts were handed down in 4 cases, 4 criminal reports were rejected because it was determined that there were no elements of a criminal offense, in 5 cases an official note was made that there is no place to start criminal proceedings, in 4 cases the proceedings before the court are ongoing according to the public indictment of the prosecutor, in 4 cases the implementation of evidentiary actions is in progress, the request to collect the necessary information was submitted in 31 cases, while in 4 cases, even after taking the necessary measures, the perpetrator was not identified. The first-instance or final decision was made in 13 cases, which represents 23.21% of the total number of cases.

The OSCE representative for freedom of the media, Teresa Ribeiro, published a statement in September in which she expressed her concern about the increasing number of journalists around the world who are being targeted by surveillance software. As she points out, the very fact that journalists are being monitored endangers their safety and causes serious concern about privacy violations, and the consequences for media freedom are terrifying.

Ribeiro stressed that in safe and democratic societies, journalists and other media actors must be able to do their work freely and independently, without interference, restrictions or fear for their own and others' safety, and that the use of digital surveillance technology represents a distinct threat to this fundamental principle. Therefore, when such technology is aimed at monitoring journalists, it is much more difficult for them to perform their basic work, and as an additional burden, journalists are forced to allocate greater resources to protect themselves from such threats, diverting valuable time and resources for protection instead of practicing their profession.

Although proponents of digital surveillance technology often defend its use by citing national security, Ribeiro stressed that digital surveillance technology must be used with great caution and that the bar for using digital surveillance technology on journalists and other media workers must be set extremely high. Therefore, it is particularly recommended that states refrain from using digital surveillance technology on journalists, unless there is a clear and immediate threat to public safety, in which case the use of such technology must be accompanied by the aforementioned strict

measures, be necessary in a democratic society, and proportionate to the achievement of a legitimate aim.¹

The Coalition for Women in Journalism (CWIJ), a global non-profit organization based in New York, has published a new report titled "The Status of Media Freedoms for Women Journalists" in which it regularly documents all cases of threats and attacks faced by women journalists around the world. According to the report, during the month of August, 53 cases of violations of media freedom were recorded, as well as an increase in threats, intimidation and bans on entering the country.

In the new Coalition report, Serbia was singled out among the three biggest cases due to the treatment of the Russian journalist Natasha Tishkevich, who was imprisoned for 40 hours at the Belgrade airport, and then returned to Malta. Tishkevich, who lives as a refugee in Germany, was arrested on August 7 at the airport in Belgrade and was refused entry to the country on that occasion. Tishkevich was convicted in Russia for critical reporting.

Cases of the Danas newsroom

The editorial staff of the daily Danas was exposed to multiple threats and attacks in September.

First, at the beginning of September, supporters of the conservative movement "Naši" once again inserted leaflets into the hall of the building where the Danas newsroom is located, which is not an isolated case in the past few months. The last leaflet shows the representatives of the opposition - Pavle Grbović, Zoran Lutovac, Radomir Lazović, Aleksandar Jovanović Ćuta, Nebojša Zelenović, Miroslav Aleksić and Zdravko Ponoš, as well as the Prime Minister of Kosovo - Aljbin Kurti, while all of them have white caps on their heads (which are associated with Albanian traditional cap keche), with the title "Kurti's opposition". The same leaflets were placed in the yard of the N1 television.

Apart from the newsroom, Danas editor-in-chief - Dragoljub Petrović - was also targeted by this ultra-right organization. On the leaflet, a traditional Albanian cap was added to Petrović, and next to him is Adem Jashari, the founder and leader of the terrorist "Kosovo Liberation Army". Through the leaflet, he was told: "You are not Draža, you are Adem", and next to the nickname of the editor-in-

¹ [Tereza Ribeiro: Porast digitalnog nadzora nad novinarima predstavlja ozbiljnu pretnju slobodi medija](#) article published on September 21, 2023 at Cenzolovka portal.

chief, there is also the image of Dragoljub Mihailović, the leader of the Yugoslav army in the homeland. Along with the logo of Danas, the logo of the Pristina media "Koha Ditore" was placed.²

Solidarity with Danas, which has been targeted by this organization for the umpteenth time, was expressed by the Demostat newsroom and called on the competent authorities to react urgently.

*"We believe that the comparison of colleague Petrović with the Kosovo terrorist Adem Jašari is extremely inappropriate, inappropriate and harmful for the Serbian media scene. All this looks like the nineties, and the result of such a policy is well known to us," announced Demostat.*³

As a reminder, the "Naši" movement has been following the same pattern of behavior for months - in March of this year, it sent insulting emails to the address of the Independent Association of Journalists of Vojvodina (NDNV), accusing that organization, as well as the Autonomija portal, of which NDNV is the publisher, of are "foreign mercenaries" to wage a "media war against Russia and Serbia" and "promote Ukrainian neo-Nazism". There were more words about this case in the [Monitoring of the media scene for the month of March 2023](#). In May, more than 20 leaflets were inserted into the entrance of the Danas editorial building, with photos of certain opposition leaders, then Franjo Tuđman, Alija Izetbegović, with the logo of Danas, N1 and Nova S and the inscription "Fifth column". More was said about the case from May in the [Monitoring of the media scene for the month of May 2023](#). In [August's Monitoring of the Media Scene](#), a case was covered in more detail when an unknown man threw posters in front of the entrance to the premises of the NDNV, which, in addition to the NDNV, targeted several other persons "who work against the interests of Vojvodina". In addition to their pictures, there was also a picture of the former Ustasha leader Ante Pavelić, in which way, without any basis, they brought the NDNV into connection with the Ustasha movement.

The third and most serious attack of this month is the case when threats of burning were sent to the newsroom via the social network Facebook, as a comment on the text entitled "What is the role of the SPC in the tragic events in Kosovo", which dealt with the current events in Kosovo when in in the

² [Urednik Danasa Dragoljub Petrović na meti pokreta „Naši“: Nisi ti Draža ti si Adem](#) article published on September 29, 2023 at NUNS portal.

³ [Demostat izrazio solidarnost sa Danasom nakon targetiranja glavnog urednika Dragoljuba Petrovića na plakatima pokreta „Naši“](#) article published on September 28, 2023 at Cenzolovka portal.

confrontation between armed persons and the Kosovo police, three persons of Serbian nationality and one police officer of Albanian origin were killed.⁴

Although the mentioned text caused a barrage of offensive messages, one of the comments stood out for its seriousness. "After the burning, there will be no mention of them" - the newsroom was told.

The Association of Journalists of Serbia reacted strongly, and the suspect for the arson threats was quickly identified by the prosecutor's office.⁵ After the search of the apartment he was using, he was ordered to be detained for up to 48 hours by the prosecution, during which time he was interrogated. He is charged with the crime of endangering security from Article 138 paragraph 3 in connection with paragraph 1 of the Criminal Code, and the aforementioned information was confirmed for UNS by public prosecutor Branko Stamenković.⁶

The case of Maja Đurić, journalist N1

The journalist of N1, Maja Đurić, was attacked first verbally and then physically by a security worker of the Mitros factory in Sremska Mitrovica, when she tried to prevent him from filming her with a mobile phone.

The journalist was on public ground in front of the factory, when a security guard tried to remove the N1 crew, asking, "on whose behalf are you filming?" After the journalist introduced herself, he asked the other present journalist to identify himself, which was followed by threats: "Now you will see what will happen to you." The security guard then filmed the journalist with his mobile phone and followed her. Đurić tried to prevent further filming by covering the phone screen with her hand, and on that occasion the worker pushed her away and continued filming.

The case was reported to the police, a report was made and the company Mitros distanced itself from the actions of its employee.⁷

⁴ [„Posle spaljivanja neće ni pomena biti od njih“: Redakciji Danasa upućene pretnje na Fejsbuku](#) article published on September 27, 2023 at Cenzolovka portal.

⁵ [UNS: Tužilaštvo za VTK da otkrije ko je pretio redakciji „Danasa“](#) announcement published on September 27, 2023 at UNS portal.

⁶ [Tužilaštvo zatražilo pritvor za osumnjičenog za pretnje spaljivanja redakcije Danasa](#) article published on September 29, 2023 at Cenzolovka portal, author D.K.

⁷ [Radnik obezbeđenja u Sremskoj Mitrovici odgurnuo novinarku N1](#) article published on September 27, 2023 at Cenzolovka portal.

The case of the VranjeNews portal

The City Committee of the Serbian Progressive Party (SNS) in Vranje has issued a press release on its website in which the VranjeNews portal is labeled as terrorist and treasonous. In the statement, religious, national and racial hatred is spreading, and the portal accused that "it is the media of the terrorist and war criminal Aljbin Kurti", that it "justifies the provocateur, war instigator and order giver, the murderer of Serbs from Kosovo and Metohija with the open confession of the so-called of Kosovo and the Kosovo Police". The reason for this announcement is the text that was published on the portal under the title "Kurti published the list of seized weapons, vehicles and money near Banjska".

In its statement, NUNS emphasized that it considers this kind of narrative of the City Committee of the Serbian Progressive Party in Vranje unacceptable, and condemned the rhetoric of the ruling party in the strongest terms. As they further state, they consider this kind of behavior unacceptable because this type of verbal attack on the media directly threatens the safety of journalists and makes them targets of further attacks, since the hostile atmosphere towards journalists and the media is also transmitted to citizens. Also, the fact that this is not the first announcement of this kind by the SNS board in Vranje is particularly worrying. A similar speech was addressed to the Info-Vranjske portal newsroom, which was discussed in more detail in [the Monitoring of the Media Scene for the month of June](#).⁸

UNS emphasized that attacks like this represent a danger for journalists. They also used the opportunity to recall the joint statement of the Serbian members of the European Federation of Journalists (EFJ), supported at the EFJ's annual assembly, when representatives of the executive power, members of the National Assembly and other state and local officials were asked to stop targeting journalists and using offensive narrative.⁹

Regarding the numerous attacks that marked the month of September, a prominent media expert, Veran Matić issued a special statement.

Matić pointed out that attacks on journalists during the performance of their work have become a regular occurrence and that they are not only related to certain newsrooms or journalists, and that,

⁸ NUNS: [Institucije hitno da reaguju na neprimeren govor Gradskog odbora SNS-a u Vranju](#) announcement published on September 27, 2023 at NUNS portal.

⁹ [UNS osuđuje napad GO SNS-a u Vranju na redakciju Vranje news](#) announcement published on September 28, 2023 at UNS portal.

although the prosecution and the police often respond successfully and quickly, it is necessary to respond even more strongly and efficiently to noticeable trend of naked force directed against journalists who are exposed to a wide range of threats and attacks. As he further states, quick and efficient processing is the only way to prevent the escalation of new attacks on journalists, especially in times of heightened tensions caused by events that media workers and the media have to report on in public interest.¹⁰

The reaction to the events in September was also followed by NUNS, which called on the President of Serbia, Aleksandar Vučić, and all political actors to stop targeting journalists, because the way they do it represents a direct threat to security. The reaction of NUNS came after President Vučić, due to the situation in Kosovo, on several occasions during his address to the nation targeted the daily newspaper "Danas", accusing them of wanting "Serbia to be destroyed", and the journalist of N1, Sanja Sovrlić, was earlier, in another address to the nation, accused of insinuating that Serbia gave weapons to the attackers in Kosovo.¹¹

The case of Vojin Radovanović, journalist of the daily newspaper Danas

The case of endangering the safety of journalist Vojin Radovanović due to a death threat sent via the Instagram social network in July, received its epilogue - the defendant admitted to committing the crime and a plea agreement was concluded.

At the hearing in the Higher Public Prosecutor's Office, the defendant admitted that he threatened the safety of journalist with a death threat via the Instagram social network, explaining that he sent the threatening message to Radovanović out of anger over his posts on the Instagram social network.¹²

The agreement concluded between the prosecution and the defendant is not legally binding and the decision of the court is awaited, which may accept or reject it in further proceedings. There were more words about this case in [the Monitoring of the media scene for the month of August](#).

¹⁰ [Pretnje proterivanjem Brankice Stanković, paljenjem redakcije Danasa i fizički napad na Maju Đurić iz N1 u samo dvadesetak sati](#) announcement published on September 27, 2023 at Javni servis portal.

¹¹ [NUNS: Predsednik Vučić i drugi politički akteri da prestanu sa targetiranjem novinara jer time ugrožavaju njihovu bezbednost](#) announcement published on September 27, 2023 at NUNS portal.

¹² [Priznala krivicu osoba koja je preko Instagrama pretila smrću novinaru Vojinu Radovanoviću, tužilaštvo čeka odluku suda](#) article published on September 29, 2023 at Cenzolovka portal.

II MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS

The month of September was marked by the long-awaited public debate on the Law on Media and Public Information, which lasts for a month, with four events in Belgrade, Novi Sad, Niš and Kragujevac (September 13, September 20, September 27 and October 4 in 2023).¹³

The drafts of the two media laws have been completed, and experts from the media field have finally had the opportunity to present their suggestions and objections, with the aim of improving them. They used this opportunity in the best possible way, so that by actively participating in the discussion, they expressed the views of the professional public. The first round of public discussion was a great indicator of which solutions are disputed, but it also showed deep differences between the state and the profession.

Numerous criticisms from disgruntled media associations referred to the worrying fact that the possibility of the state once again indirectly owning the media was left open. Although the old law unequivocally regulated the disputed issue in such a way that the state cannot directly or indirectly be a media publisher by setting certain alternative conditions, the new draft sets those criteria cumulatively. Such a solution, if adopted, would mean that the state could establish a company, to establish a Ltd., which could later establish the media, so that the state could indirectly own the media.¹⁴

Also controversial is the decision that stipulates that information on whether they violated the Code of Journalists of Serbia is requested only for print and online media that have accepted the jurisdiction of the Press Council. As media experts point out, such a solution would be disastrous for the Serbian media scene because it is discriminatory and would lead to the legalization of rewarding media that continuously violate media standards (and which do not accept jurisdiction of the Press Council). It is emphasized that this solution is contrary to the Media Strategy, that it does not protect the right to information of citizens in accordance with the public interest and that it enables the irresponsible spending of money from the budget.¹⁵

¹³ Uz naknadno pomeranje zbog proglašenja dana žalosti - [Novi termin okruglog stola za medijske zakone](#) article published on September 27, 2023 at NUNS portal.

¹⁴ [NOVA REŠENJA : Država se vraća u vlasništvo nad medijima](#) article published on September 15, 2023 at NUNS portal.

¹⁵ [Može li medijska slika biti još gora? Novi predlozi zakona kažu da može](#) article published on September 19, 2023 at NUNS portal.

Almost half of the draft articles of the Law on Electronic Media refer to the Regulatory Body for Electronic Media (REM), which once again confirms the importance of this body for the entire system. The issue of electing a new REM Council is open¹⁶ in accordance with the Media Strategy, then the method of election and the duration of the members' mandate, as well as the issue of imposing sanctions on the media, given that until now REM has had a hard time imposing a ban on the media. The former State Secretary for Information Aleksandar Gajović also contributed to the discussion, who pointed out that it is necessary to define what a journalist is and who is a journalist in Serbia by a legal act, since there is currently no definition and anyone can be a journalist.¹⁷

III IMPLEMENTATION OF EXISTING LAWS

The Association of Journalists of Serbia (UNS) announced that the Minister of Information and Telecommunications, Mihailo Jovanović, in five of the nine competitions this year, "in accordance with the Law on Public Information and Media, on the basis of discretionary authority", changed the amounts proposed by the commission for co-financing. The minister reduced the funds proposed by the commission for some media projects, and increased the proposed funds for some projects.

UNS asked Jovanovic to answer the question of whether he consulted the commissions that decided on the distribution of funds before changing the amounts proposed by them and whether he determined that the commissions acted contrary to the law. In his explanation, the minister referred to a legal article that reads: "The decision on the allocation of funds is made by the head of the body that announced the competition, based on the reasoned proposal of the commission", and in which article it is not stated that the minister has the discretion to change the reasoned proposal of the commission at his discretion .

Since the Rulebook on the co-financing of projects for the realization of public interest in the field of public information prescribes that, "If the head of the body that announced the competition notices that the commission has made a proposal contrary to the provisions of the law, this rulebook and the conditions established in the public invitation to participate in the competition, or contains another

¹⁶ [Veljanovski: Ako se ne izabere novi Savet REM-a uz novi zakon, sve druge izmene neće imati važnost](#) article published on September 8, 2023 at NUNS portal.

¹⁷ [Aleksandar Gajović: Zakonskim aktom treba definisati šta je to novinar i ko je novinar u Srbiji](#) article published on September 19, 2023 at NUNS portal.

obvious error, will request in writing from the commission to correct irregularities or errors and correct the proposal within a certain period", UNS requests an answer to the question whether the minister noticed errors in the commission's work before making the decision, and whether he before making the decision, he called on them to correct those mistakes or irregularities, because otherwise, neither the minister nor anyone from the ministry has the right to change the commission's decisions.¹⁸

After the Commissioner for Information of Public Importance and Protection of Personal Data annulled the decision by which the Ministry of Information and Telecommunications refused to submit to the Association of Journalists of Serbia (UNS) the professional biographies of persons who applied or were proposed as members of commissions for evaluating media projects in competitions which the Ministry announced this year - the Ministry of Information and Telecommunications again refused to submit to UNS the professional biographies of candidates for members of commissions for media competitions. More was said about this case in the Monitoring of the media scene for the month of August.

In the new explanation, the Ministry took the position that decisions on the appointment of committee members already contain relevant information, and that the public's interest in knowing who applied for participation in the commissions that decide on the distribution of funds does not prevail over the right to privacy of those persons.

According to UNS, the explanation is paradoxical if you take into account the fact that Article 25 of the new Draft Law on Public Information and Media prescribes that the biographies of all registered candidates for committee members should be published on the Ministry's website and on the web portal of the Unified Information system for implementing and monitoring the co-financing of projects in the field of public information.¹⁹

¹⁸ [UNS traži objašnjenje ministra informisanja o izmeni predloga komisija o medijskim konkursima](#) article published on September 3, 2023 at Cenzolovka portal.

¹⁹ [Ministarstvo ponovo odbilo da dostavi UNS-u biografije kandidata za medijske komisije](#) article published on September 26, 2023 at Cenzolovka portal.

IV SLAPP LAWSUITS DIRECTED AGAINST JOURNALISTS AND THE MEDIA

The case initiated by Zorica Pavlović, the former assistant to the Minister of Health, against B92, due to the information published in the Insider series broadcast on B92 television in 2011 and concerning abuses in the procurement of swine flu vaccines, has had its epilogue after twelve years - The European Court of Human Rights ruled in favor of B92. The European Court of Human Rights found that B92 did not violate the rules of the profession by reporting on abuses and pressures when procuring swine flu vaccines. As stated in the decision, the domestic courts threatened the freedom of speech and media reporting in the interest of the public by ruling against the then B92 television.

In the 2011 Insider series "Buying and Selling Health", it was revealed, among other things, that Serbia ended up paying more for the swine flu vaccine due to three middlemen than, for example, Switzerland paid for the vaccine. The specific information for which the lawsuit was filed concerns a police report obtained by Insider journalists, which showed that the police suspected 14 people of abuses during the procurement of vaccines, but in the end only three people were arrested. Then the names of the persons who disappeared from the list of suspects were published, and among them was the Assistant Minister of Health Zorica Pavlović, who also filed a lawsuit against B92.²⁰

The domestic courts took the position that her honor and reputation were harmed by the reporting, and the European Court decided the opposite - in favor of B92 and the reporting of Insider journalists. The European Court concluded that domestic courts violated Article 10 of the European Convention on Human Rights, which guarantees freedom of reporting.

"The court found that the Serbian courts recognized that the information published by the applicant contributed to the public debate and that someone who holds the position of assistant minister of health should have shown a greater degree of tolerance.

The courts, however, went too far in their criticisms, judging the way B92 checked the facts. That company based its reporting on a memo it received from law enforcement officials, and there was no doubt about the memo's

²⁰ [Evropski sud posle 12 godina presudio u korist Insajdera](#) tekst objavljen 06. 09. 2023. godine na portalu NUNS-a.

authenticity. The language used in the reporting was precise, there was no exaggeration and all parties were invited to present their version of events" it is stated in the judgment of the European Court for Human Rights.

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