

MONITORING OF THE MEDIA SCENE IN SERBIA

FOR THE MONTH OF OCTOBER 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

The Permanent Working Group for the Safety of Journalists (PWG), which consists of representatives of the prosecutor's office, the police and six journalist and media associations (UNS, NUNS, NDNV, AM, ANEM and AOM) published its [first quarterly bulletin](#) containing data on attacks on journalists in the period from July to September 2023, and according to the updated data of the Higher Public Prosecutor's Office, from the beginning of 2023, ending with the month of October, seventy cases of threats and attacks on journalists were recorded.

A guilty verdict was handed down in six cases, five criminal charges were dismissed because it was determined that there were no elements of a criminal offense, in seven cases an official note was made that there was no place to initiate criminal proceedings, in five cases the proceedings before the court are ongoing according to the public indictment of the prosecutor, the implementation of evidentiary actions is ongoing in four cases, the request to collect the necessary information was submitted in thirty-eight cases, while in five cases, even after taking the necessary measures, the perpetrator was not identified. The first-instance or final decision was made in eighteen cases, which represents 25.71% of the total number of cases.

The case of the RTS editorial office

Radomir Lazović, deputy of the Green-Left Front, at the opposition protest held on September 30 in front of the building of the state public media service RTS, painted the board of the public service pink, saying the following:

"We have a small message for RTS - we want you to work in the interest of the citizens. We don't want you to be Pink. We see you've turned Pink, and we don't want that. Consider this a warning."

This action of the deputy was condemned by public opinion.

"ANEM has been consistently pointing out for years that Radio and Television of Serbia does not fulfill the provisions of the Law on Public Media Services, but that does not give anyone, not even MP Lazović, the right to paint the RTS board in pink, with the threatening sentence "Consider this a warning" - said Veran Matić, president of the ANEM Board of Directors and member of the Permanent Working Group for the Safety of Journalists. Matić further added that Lazović crossed the line that

separates political activism from potentially endangering the safety of media workers, and that inflammatory and warning words at a time of increased social tensions are not acceptable because they can lead to potential new threats and potential victims.¹

Apart from ANEM, the Ministry of Information and Telecommunications of Serbia also strongly condemned this procedure, and as the ministry stated, the words of the MP "Consider this as a warning" are particularly worrying.²

The Association of Journalists of Serbia (UNS) pointed out that citizens and MPs have the right to express dissatisfaction with the work of the media at protests and that no one can dispute that, but that such threatening messages to journalists and media workers are unacceptable, and that messages like Lazović's cannot contribute to the improvement of the quality of the media content published on RTS or to the freedom of expression.³

The case of the JUGPress editorial office

After the editorial office of JUGpress published an interview with Živojin Stefanović, once the first man of the Socialist Party of Serbia in Leskovac and Jablanički district on the topic of October 5, lawyer Zvezdan Knežević sent threats to this editorial office.

On October 5 2000, Stefanović's house was set on fire, which he talks about in the interview, sending a message that he is against any hate speech on the public stage and explaining that he sued the state of Serbia and has already collected damages for that act.

Attorney Knežević left a comment under the article stating that "the theses are mixed up and that the topic is not satisfaction or dissatisfaction with anyone, but that someone burned down a fellow citizen's home."

"The horror of what you write and comment on. So, I will be dissatisfied with some media and I will set fire to buildings and people, so are you even normal in reporting? What does this look like, investigative journalism, shame. Some portals really need to be shut down, that's democracy, not

¹ [ANEM osudio pretnju poslanika Radomira Lazovića RTS-u](#), article published on October 2, 2023 at Cenzolovka portal.

² [Ministarstvo osudilo postupak Lazovića: Niko nema pravo da napada i ponižava rad medijskih ustanova](#), article published on October 2, 2023 at Cenzolovka portal.

³ [UNS: Preteće upozorenje Lazovića novinarima RTS-a neprihvatljivo](#), announcement published on October 1, 2023 at UNS portal.

burning down homes in my city. It is better to prevent than to cure" - wrote Knežević.

According to the newsroom of this portal, after the inappropriate comment, Knežević called Ivan Spirić, the journalist who was conducting the interview, on the phone and gave him advice on what subjects JUGpress should cover and what he can and cannot write about.

The editorial office of JUGpress reported this threat both to the Permanent Working Group for the Safety of Journalists and to the competent prosecutor's office.

The case of Miljko Stojanović, the Danas newsroom journalist

The case of journalist Miljko Stojanović, correspondent of the daily Danas from Zaječar, who received death threats last year via the Facebook social network after writing about a Ukrainian who escaped from Lviv - has had its epilogue.

The Higher Court in Zaječar found the defendant Petar Stojković guilty of the criminal offense of Endangering security from Article 138 paragraph 3 in connection with paragraph 1 of the Criminal Code, and sentenced him to a prison sentence of 6 months, which will be served in the premises where the defendant lives with the application of the measure of electronic supervision.

Also, the defendant Petar Stojković was issued a security measure - prohibition of approaching and communicating with the injured party, and he is prohibited from approaching the injured party at a distance of 100 meters, the area of residence of the injured party, as well as any further communication for a period of three years from the date of finality of the verdict.

The High Court took the position that, despite the indisputable fact that the injured party is a journalist by profession, the specific actions of the defendant cannot be linked to the work he performs in the field of information, given that the defendant addressed the injured party on his private profile on the social network.⁴

⁴ [Šest meseci kućnog pritvora i tri godine zabrane prilaska: Epilog suđenja za pretnje smrću dopisniku Danasa iz Zaječara](#), article published on October 10, 2023 at Cenzolovka portal.

The case of the KRIK editorial office

After the investigative portal KRIK published an article about the connections of gendarme Nenad Vučković Vučko with the criminal groups of Aleksandar Stanković and Veljko Belivuk, and KRIK editor Stevan Dojčinović asked former Police State Secretary Dijana Hrkalović for a comment via the social network X (Twitter), she replied that the journalists of this portal are "ordinary fraudsters and part of a criminal gang".

"I have. You are common frauds and part of a criminal gang with the sole purpose of serving the political goals of the CIA. The only thing is, they seem to have a low budget, when they chose you for that job" - said Hrkalović.

A series of documents, videos and audio recordings obtained by KRIK journalists during a months-long investigation show that high-ranking police officer Nenad Vučković Vučko was the head of a hooligan-criminal group led first by Aleksandar Stanković Sale Mutavi, and then by Veljko Belivuk. In an audio recording obtained by KRIK, Vučković claims that his group had "the entire police in their hands", while a wealth of other information shows that Vučković's colleagues from the police and prosecutors knew about his connection with crime, but that they ignored it.⁵

In its statement, the Association of Journalists of Serbia (UNS) expressed its concern over the accusations and insults that former State Secretary of the Ministry of Internal Affairs Dijana Hrkalović sent to KRIK journalists and pointed out that this is not the first time that a former high-ranking official in the police has accused or threatened journalists who report on crime and corruption. UNS believes that this kind of speech creates an atmosphere in which journalistic work is difficult, the fear for security increases and the freedom of information is endangered, and they reminded that Hrkalović was accused before the court of organized crime due to abuse of official position.⁶

⁵ [Hrkalović novinarima KRIK-a: Vi ste obični prevaranti i deo kriminalne družine](#), article published on October 10, 2023 at Cenzolovka portal.

⁶ [UNS: Hrkalović ponovo napada novinare koji izveštavaju o kriminalu i korupciji](#), announcement published on October 11, 2023 at UNS portal.

II MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS

The month of October began with the stormy conclusion of the debate on media laws, which were finally adopted during this month, after numerous consultations and meetings of government representatives, international partners and the professional public.

Despite the fact that two media laws have been adopted, divisions of opinion still exist. On the one hand, there are praises from representatives of the state government, highlighting how European partners and the public were involved in the process of passing laws, and how they guarantee freedom of opinion, expression and the media. On the other hand, the professional public expressed criticism, stating that certain provisions were added "overnight", without the knowledge and participation of the public, as well as that certain solutions are not aligned with the adopted Media Strategy.

Regarding the issue that has been the subject of numerous criticisms - enabling the state to indirectly own the media, which was adopted by the new amendments to the law, the Minister of Information and Telecommunications, Mihailo Jovanović, pointed out that in agreement with the European Commission, amendments will be adopted regarding additional protection measures when it comes to Telekom Srbija, that is the establishment of media by the state.⁷ The president of the European Federation of Journalists, Maja Sever, also spoke about the controversial issue, stating that ownership in the media in Serbia was officially legalized in this way. She pointed out that 'captured media' is strongly emphasized in our society, the influence of ruling structures on mainstream media and state advertising, which resulted in a major blow to media pluralism and media independence. He believes that what is happening now is just a step further, that is, the legalization of state control and pressure that already exists in Serbia.⁸

An important amendment to the Law on Electronic Media is the establishment of new regulatory bodies (Regulatory Body for Electronic Media - REM), namely the Council - the decision-making body and the Director - the acting body, as well as precise and demanding criteria for the selection of Council members. The meeting held on October 17, 2023, which was attended by representatives of

⁷ [Ministar informisanja: Usvojićemo amndmane koje smo dogovorili sa Evropskom Komisijom](#), article published on October 26, 2023 at NUNS portal.

⁸ [Predsednica EFJ o medijskim zakonima: Državna kontrola nad medijima ionako postoji u Srbiji, ovo je samo korak dalje](#), article published on October 27, 2023 at NUNS portal.

the OSCE, the Delegation of the European Union, the Government of Serbia, the Ministry, as well as representatives of working groups and journalist and media associations, was particularly important for the improvement of the articles of law related to REM. The product of this meeting was the abandonment of the article of the law which stipulated that REM would determine the price that cable operators would pay for the redistribution of national television programs. The participants of the meeting agreed that the Regulatory Body will not be elected as before, so although there is time for certain REM members to complete their mandates or resign, new members will be elected after that.⁹

Amendments to the Law on Public Information and Media included a proposal by the Union of Journalists of Serbia (SINOS), which adopts the right of journalists and media workers not to have to answer the employer's calls during their annual and weekly vacation. In this regard, SINOS stated in its announcement that the new Law has for the first time included provisions regulating the rights of journalists at work and on the occasion of work. They also pointed out the duty of the employer to determine the working time schedule for all employees in the media, in accordance with the law regulating the employment relationship, as well as that in case of urgent need, the employer can change the working time schedule during the working day at the latest. The Law on Public Information and Media stipulates that an editor cannot be fired, nor suffer adverse consequences, if he or she refuses to carry out an order that violates professional and ethical standards, and this provision previously only applied to journalists, as well as the provision regulating readiness for work.¹⁰

⁹ [Šta je dogovor o spornim stavovima u predlogu Zakona o medijima: Jedan izbačen, o drugom kompromis](#), article published on October 17, 2023 at N1 portal.

¹⁰ [SINOS: Usvojeno pravo novinara da ne moraju komunicirati s poslodavcima kada su na odmoru](#), article published on October 30, 2023 at Cenzolovka portal.

III IMPLEMENTATION OF EXISTING LAWS

In 2024, 352 million dinars will be available to the Ministry of Information and Telecommunications for the realization of public interest in the field of information, according to the budget proposal adopted by the Government of Serbia. That is 27 million, i.e. 8% more than was allocated for this purpose in the budget for 2023, since 325 million dinars were set aside for the realization of public interest in the field of information, of which 310 million were allocated for nine tenders for co-financing of media projects in the field of public information announced by the Ministry.

In the coming year, according to budget lines related to project co-financing, 230 million dinars will be allocated for media content production projects. 20 million dinars have been earmarked for projects of informing citizens in the territory of the AP Kosovo and Metohija in the Serbian language, 34.8 million dinars for informing members of the Serbian people in the countries of the region in the Serbian language, 49.2 million dinars for informing national minorities in their own language, and 18 million dinars for informing persons with disability.

According to the Law on Public Information and Media, a maximum of 5 percent of the total funds for the realization of public interest through public tenders can be used for individual grants. It is interesting that more than 20 million dinars have been allocated for the project financing of public services for the next year, while the budget for 2023 has allocated as much as 130 million dinars for these purposes.¹¹

¹¹ [Za projektno sufinansiranje medija u 2024. godini 8 odsto više novca nego ove godine](#), article published on October 12, 2023 at Cenzolovka portal.

IV SLAPP LAWSUITS DIRECTED AGAINST JOURNALISTS AND THE MEDIA

In the recently published Council of Europe Report on Serbia, Human Rights Commissioner Dunja Mijatović pointed out that she is seriously concerned about the frequency of SLAPP lawsuits, that media workers in Serbia perceive their environment as toxic, and that independent journalists are constantly labeled as traitors and enemies of the state.

"Such qualifications come from public officials, and then such messages are multiplied through tabloids or on fake profiles on social networks. These are orchestrated campaigns, the aim of which is to intimidate journalists," according to the report of the Council of Europe in the part dealing with media freedom. As an illustration, the report also deals with random attacks on the editorial office of the newspaper Danas, including the one from November last year when the editorial office was assigned police security. Also mentioned are death threats to journalists Jelena Obućina and Brankica Stanković, a physical attack on Fonet reporter Marko Dragoslavić, intimidation of N1 correspondent Milan Nikić, as well as threats to the authors of the "Good, Bad, Evil" podcast, Marko Vidojković and Nenad Kulačin. The report also reminds that the three murders of journalists are still without an epilogue, and that only in the case of the murder of Slavko Ćuruvija is the Appellate Court expected to issue a final verdict.

Additionally, the report states that official data from the competent institutions in Serbia registered 32 physical and 41 verbal attacks on journalists in the period from 2020 to 2022. The indictment was filed in 23 cases, and the order to initiate misdemeanor proceedings was issued in 13 cases. In the same period, the Independent Association of Journalists of Serbia recognized 47 cases of physical and 129 cases of verbal attacks, as well as 276 cases of pressure on journalists. The commissioner also noted that after the tragic mass murders in Serbia, the pressure on independent media intensified.

As positive examples of the reaction of competent institutions to attacks on journalists, the first-instance verdict for burning down the house of journalist Milan Jovanović, as well as the final verdict against a local businessman for threatening the editorial staff of Vranje's OK radio, were noted.¹²

Commenting on the report's allegations, Ivana Stevanović, executive director of the Slavko Ćuruvija Foundation, points out that it is important to re-evaluate the state of affairs in the media sphere,

¹² [Bezbednost novinara ozbiljan razlog za brigu: Šta piše u novom izveštaju Saveta Evrope o stanju u medijima u Srbiji?](#) author V. Jeremić, article published on September 30, 2023 at Danas portal.

despite the fact that the effects of those reports are not what we would like.

"The report of the UN special rapporteur for freedom of speech is expected soon. In any case, the more "international eyes" are focused on our country and the situation with the media, the greater are the chances that some tangible changes will occur in this area. The more reports state a similar state of affairs, the more the pressure on government representatives to change something increases," said Stevanović.

The official and deputy of the Serbian Progressive Party, Vladimir Đukanović, filed a lawsuit against NIN journalist Vuk Cvijić, because in the edition of September 7, 2023, NIN published the content of an official note in which police inspector Slobodan Milenković, who has since been dismissed the head of the Fourth department of the Belgrade police for the fight against illegal drugs, who discovered the affair with the production of marijuana on the Jovanjica estate, stated that Đukanović and businessman Aleksandar Papić, through an intermediary, offered him a bribe of 100,000 euros to cover up the entire case, which is still awaiting a court epilogue. Đukanović requested an amount of 1.1 million dinars as compensation for the mental pain he suffered.¹³

He also filed the lawsuit because of Cvijić's television appearances in which he talked about the contents of the official note. As stated in the publication of the collegium of NIN, after the publication of the article, Đukanović himself confirmed the existence of that note in his public appearances.

The fact that Đukanović did not sue NIN, in which the article was published, but only the journalist who wrote the article, as well as the unrealistically high claim, can lead to the conclusion that this is another in a series of SLAPP lawsuits that put pressure not only on the specific journalist, but also to investigative journalism in general. In addition, the lawsuit was preceded by numerous insults via accounts on social networks.

"In the last ten years, especially after 2014, the pressure on my colleagues who want to do this work has been professionally organized and, unfortunately, constant. There were terrible things in the nineties, when some people from the current government still exercised power, such as the then Minister of Information, who now represents the leader and commander-in-chief, as his associates and subordinates like to call him. Back then there was pressure, there were horrible things like murders of journalists,

¹³ [Funkcioner SNS-a Vladimir Đukanović tužio novinara NIN-a Vuka Cvijića](#), article published on October 27, 2023 at Cenzolovka portal.

but I don't think there was such organized propaganda and constant attacks on journalists. I was also working at that time," Cvijić pointed out.¹⁴

The High Court in Belgrade rejected as unfounded the lawsuit filed against Danas by Dejan Đorđević, the alleged buyer of Megatrend University. With the lawsuit, he demanded compensation for the mental pain he suffered as a result of the injury to his honor and reputation due to two articles published on the subject in 2019.

Đorđević sued journalist Zorica Miladinović, editor-in-chief Dragoljub Petrović and company Dan Graf, the founder of Danas, and in his claim he demanded damages in the amount of 500,000 dinars due to the alleged "untrue information and harsh and offensive claims" made in the articles. "Who is businessman Dejan Đorđević, whose consortium bought Megatrend" and "The businessman who bought Megatrend: The state is behind me", published on the Danas portal.

The court did not give credence to Đorđević's claims that he did not communicate with the journalist Miladinović before the publication of the controversial articles, since the journalist Miladinović proved that in the article she conveyed his answers to the questions she asked him via text message.

"The court fully believed the testimony of the defendant Zorica Miladinović regarding the way in which she checked the information contained in the disputed articles before publication, as well as the way in which she communicated with the plaintiff Dejan Đorđević and how she obtained his phone number (...) The court did not believe the testimony of the plaintiff Dejan Đorđević in the part where it contradicts the testimony of the defendant and the witness, finding that it is not convincing, and especially bearing in mind that the statements of the defendant and the witness were not challenged by any of the attached and presented evidence, that is, that the plaintiff did not offer any evidence during the proceedings that the defendant during the publication of the disputed articles dated 30.11.2019. and 2.12.2019. did not act with due journalistic attention" - it is stated in the first-instance verdict.

The judgment also states that the articles contain information related to the change in the ownership structure of Megatrend and the role of Đorđević in it, and which the public has a legitimate interest

¹⁴ [Vuk Cvijić: Ovako profesionalno organizovana propaganda i konstantan pritisak na novinare nisu bili ni devedesetih](#), article published on October 30, 2023 Cenzolovka portal.

in knowing, because it is a higher education institution with a large number of students and professors. At the same time, Đorđević is also politically active, so his position in the Conservative Reformist Party (KRST) is also discussed in the articles.

In an "open letter" dated December 4 last year, Đorđević accused journalist Miladinović of "falsifying" his statement, which she used to write the article, by "acquiring a phone and a card falsely writing the name Dejan Đorđević on the purchased phone and then corresponded from that phone with her own phone, in order to deceive the newspaper's editors that she had contacted the person she was writing about."

Two days earlier, Megatrend University, on behalf of Đorđević, who was presented as acting rector, denied the "disputed" Danas article stating that he "did not make any statement to the media". Zorica Miladinović publicly denied such allegations by attaching their SMS correspondence, which was done on the official phone number of Danas on November 29 and 30, 2019.

As Đorđević's attorney filed an appeal against this verdict, the final decision will be made by the Appellate Court in Belgrade.¹⁵

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¹⁵ [Viši sud u Beogradu odbio tužbu "kupca" Megatrenda Dejana Đorđevića protiv Danasa zbog tekstova od pre četiri godine](#) article published on October 21, 2023 at Cenzolovka portal.