

# MONITORING OF THE MEDIA SCENE IN SERBIA

## FOR THE MONTH OF FEBRUARY 2024

### 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 mid-February, the Independent Journalists' Association of Serbia (IJAS) published the report [Freedom of Expression and Media Pluralism 2023, Alternative Report on the Implementation of the Revised Action Plan for Chapter 23](#). The conclusion of the report is that the situation regarding the media has not improved and that the evaluations from [the Report on the Implementation of the Revised Action Plan of the plan for Chapter 23](#), which activities are successfully implemented, do not actually reflect a realistic picture of the state of media freedom and safety of journalists. The research points to the fact that journalists are still victims of various types of pressure, targeting and slanderous campaigns, particularly led by public officials, which complicates the current situation in which journalists find themselves and encourages attacks on them. When it comes to the new media laws adopted in 2023 (the Law on Public Information and Media and the Law on Electronic Media), it was said that the laws (also) contain positive solutions, with the key question being asked: in which way the laws will be implemented, if it is known that the (consistent) application of regulations was the main problem with the previous one. In addition to (positive) changes, which can lead to better conditions for the realization of media freedom, certain provisions have been evaluated as those that are in conflict with the Media Strategy, international standards and the Directive on Audiovisual Media Services, noting that the impact of those provisions can be of key importance for the improvement of media freedom in Serbia. "The return of the state to the ownership of the media and the legalization of previous violations of the law by the state-owned company - Telekom Srbija, as well as the impact on the media market, are of particular concern," the report stated.<sup>1</sup>

### **A legally binding acquittal in the case of the murder of Slavko Ćuruvija**

On Friday, February 2, 2024, the Court of Appeal in Belgrade announced the decision of its Special Department for Organized Crime, made on April 19, 2023. By accepting the appeals of the defence and partially accepting the appeal of the prosecution, the first-instance (conviction) verdict for the murder of journalist Slavko Ćuruvija was changed. The defendant Radomir Marković was legally acquitted of having committed the criminal offense of aggravated murder in incitement, and the defendants Milan Radonjić, Miroslav Kurak and Ratko Romić of having committed the criminal

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<sup>1</sup> Author of the report: Marija Babić, publisher: Independent Journalists' Association of Serbia.

offense of aggravated murder as co-perpetrators. By the revised judgment of the High Court in Belgrade, the defendants Radomir Marković and Milan Radonjić were sentenced to a prison sentence of 30 years each, while the defendants Miroslav Kurak and Ratko Romić were sentenced to a prison sentence of 20 years each. It is not possible to declare a regular legal remedy against the decision of the Appellate Court, so a change in the outcome of the court proceedings cannot be expected. The Supreme Public Prosecutor's Office announced that it will submit an extraordinary legal remedy: Request for protection of legality, and for this purpose it requested the case files from the competent court. Although the status of those acquitted will not change, in the procedure for the request for the protection of legality, it will be examined whether there was a violation of the law.

After almost 25 years since the murder of Slavko Ćuruvija, and almost nine years of long court proceedings, it turns out that no one is responsible for the murder of the journalist.

The Court of Appeal said in its decision:

*The appellate court, in the absence of direct and indirect evidence that would reliably confirm that the accused Marković, Radonjić, Kurak and Romić are the perpetrators of this criminal act, finds that the allegations of the accusation have not been proven beyond a doubt, and by accepting the appeals of the defence and partially accepting the appeal of the Prosecutor's Office, changed the first-instance verdict by acquitting the accused Marković that he committed the crime of aggravated murder in incitement, and accused Radonjić, Kurak and Romić that, as co-perpetrators, they committed the criminal offense of aggravated murder, while the injured parties were referred to civil proceedings in order to achieve a property claim.*

The fact that the deceased Slavko Ćuruvija was a critic of the then current government is not disputed by this Court, but given that the acquittal verdict was passed in relation to the defendants, the Court could not even delve into the motives of the execution of this criminal act.

The trial for the murder of Slavko Ćuruvija began seventeen years after his murder. Radomir Marković, former head of the State Security Directorate (RDB), Milan Radonjić, former head of the Belgrade center of the RDB, Miroslav Kurak and Ratko Romić, former members of the RDB, were twice (the first time in 2019, and the second time in 2021) declared guilty in the first degree of the murder of Slavko Ćuruvija. Both times they were sentenced to a total of 100 years in prison (Radomir Marković and Milan Radonjić were sentenced to a prison sentence of 30 years each, and Miroslav

Kurak and Ratko Romić to a prison sentence of 20 years each). An unknown person was identified as the immediate perpetrator of the murder. Although information appeared in the public that the outcome of the proceedings would be an acquittal - which was pointed out by Veran Matić, the president of the Commission for Investigating the Murders of Journalists, and police inspector Dragan Kecman, a member of the Commission for Investigating the Murders of Journalists<sup>2</sup> - the announcement of the verdict came ten months after it was made. The verdict acquitting those accused of the murder of Slavko Ćuruvija caused stormy reactions both locally and internationally. Journalists' and media associations, as well as trade unions invited the public and colleagues to protest: "For Slavko. For those of us who are knocked out of our breath".<sup>3</sup>

In its announcement, the Slavko Ćuruvija Foundation stated, among other things:

*This verdict is deeply disturbing for the family, friends, colleagues and admirers of the journalist and publisher who was killed because he publicly criticized the criminal regime of Slobodan Milošević. It is a clear sign that the state is not able to deal with the darkest parts of its own services from the nineties and that they still have a huge influence on both the judiciary and the political processes in Serbia.*

The President of the Commission for Investigating Murders of Journalists, Veran Matić, said:

*After almost 25 years since the murder of Slavko Ćuruvija, ten years since the start of the trial, two first-instance convictions for a total of 100 years in prison for the accused, the acquittal has arrived, which is final when it comes to the accused persons. Since April last year, information has been circulating that after the open session of the Appellate Council, an acquittal was handed down. It is inexplicable that it took nine months to write the verdict. I do not have answers to the many questions that may be asked about this final judgment.*<sup>4</sup>

The Coalition for Media Freedom and the Safejournalist Network said in a joint statement:

*The Coalition for Media Freedom and the Safejournalist network are disappointed with the decision of the Court of Appeal to acquit the accused for the murder of Slavko Ćuruvija. The*

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<sup>2</sup> [Marker: O presudi Apelacionog suda u Beogradu u slučaju Slavka Ćuruvije \(2.2.2024.\)](#)

<sup>3</sup> [Protest ispred Apelacionog suda zbog presude za ubistvo Slavka Ćuruvije: "Ubili ste pravdu, ali istina živi"](#), article published on February 5, 2024 at Insajder portal.

<sup>4</sup> [Oslobađajuća presuda za ubistvo Ćuruvije: "Veliki poraz za društvo u Srbiji"](#), article published on February 4, 2024 at Voice of America portal

*only case of the murder of a journalist in Serbia that reached the court did not end with a final conviction. With this verdict, the state shows that it is not capable or does not want to solve cases of murders of journalists. Also, a message is sent to journalists that the state will not protect them.*<sup>5</sup>

The OSCE Mission to Serbia stated in their announcement:

*The fact that this case still remains unresolved, almost 25 years after this courageous journalist was murdered, is very disturbing. Impunity for this heinous crime is not only extremely painful for Ćuruvija's family and colleagues, but also deeply disappointing for the whole of Serbian society. The true test of a rule-of-law based society is how it delivers justice, especially to those who put themselves at risk to uphold the values of a free press.*<sup>6</sup>

### **Decision of the Prosecutor's Office for Organized Crime in the case of the murder of Milan Pantić**

At the beginning of February, the Journalists' Association of Serbia (UNS) published information that the Prosecutor's Office for Organized Crime (TOK), 16 months after the documentation from the Higher Public Prosecutor's Office in Jagodina was forwarded to it, determined that there is no legal basis for that prosecutor's office to establish jurisdiction in the case of Milan Pantić's murder. It is the second time in four years that TOK makes the same decision. In the TOK's response, it is stated that on November 9, 2023, the prosecution returned the case files to the Higher Prosecutor's Office in Jagodina for further processing.<sup>7</sup> UNS assessed the decision of the prosecution as shameful and inadmissible, and reminded that the Association, together with the Commission for Investigating Murders of Journalists, repeatedly pointed out the circumstances under which journalist Milan Pantić was killed, which are such that they exceed the capacities of the Higher Prosecutor's Office in Jagodina, and that there are sufficient reasons for TOK to take over the proceedings in this case. UNS also reminded of the fact that the International Federation of Journalists, on the initiative of UNS, adopted the Resolution on Milan Pantić. That resolution insists on efficiency in handling the case of

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<sup>5</sup>[Koalicija za slobodu medija i SafeJournalists mreža: 25 godina kasnije i dalje bez pravde za Slavka Ćuruviju](#), announcement published on February 2, 2024 at Cenzolovka portal.

<sup>6</sup> [OSCE Media Freedom Representative and OSCE Head of Mission to Serbia dismayed by acquittals in Ćuruvija murder case](#) announcement published on February 2, 2024 at the OSCE portal.

<sup>7</sup> [Tužilaštvo za organizovani kriminal odlučilo da nije nadležno u slučaju Milana Pantića](#)

the Pantić's murder, and TOK is requested to establish jurisdiction in this case.<sup>8</sup>

### The case of Radio Goraždevac

Radio Goraždevac informed the public that the Kosovo police, during the raid in the premises of the Provisional Authority of the Municipality of Peć in Goraždevac, searched the car of the radio's team on a journalistic assignment. The editor-in-chief of Radio Goraždevac Darko Dimitrijević explained that the commander of the police station for the Peć region informed him that it was necessary to search the car, demanding that he hand over the key in the presence of two witnesses. After 20 minutes of waiting, as Dimitrijević explained, more members of the Kosovo police arrived and the search began. Although during the search they did not find anything that could be problematic, according to Dimitrijević, the police treated the journalistic team very rudely. Dimitrijević also mentioned that a part of the Kosovo police, after breaking into the building of the Provisional Authority of the Municipality of Peć, also broke into the premises of Radio Goraždevac, which was recorded. The editorial staff of Radio Goraždevac has announced the submission of a complaint to the Police Inspectorate of Kosovo.<sup>9</sup>

### The case of OK Radio

The basic court in Vranje accepted the plea agreement that Stefan Ilić, director of the company "Colosseum gest doo" Vranje, concluded with the prosecution. Stefan Ilić was sentenced to one year in prison, which he will serve in home conditions, without electronic monitoring, and to a fine in the amount of 400,000 dinars for illegal construction, as a result of which the window of the OK Radio newsroom was bricked up. The legal entity of which Ilić is the director is obliged to pay a fine in the amount of five million dinars. You can read more about that case in [the Monitoring of the media scene for the month of January 2024](#).

Bearing in mind the fact that the city administration has not yet demolished the illegal building within

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<sup>8</sup> [UNS: Nedopustiva i sramna odluka Tužilaštva za organizovani kriminal da ne preuzme istragu ubistva Milana Pantića](#), announcement published on February 2, 2024 at UNS portal.

<sup>9</sup> [Policija maltretirala ekipu Radio Goraždevca, pokušala da zapleni auto sa produkcijском opremom](#), article published on February 2, 2024 at Radio Goraždevac portal.

the casino, with which OK Radio's offices were walled up (although the competent inspection passed a decision for demolition), the chairman of the board of directors of the Association of Independent Electronic Media (ANEM) and a member of the Permanent Working Group for Safety of Journalists Veran Matić sent [an open letter](#) to the mayor of City of Vranje, Dr. Slobodan Milenković, and the head of the Vranje City Administration, Dušan Artonović. An open letter requested the immediate demolition of the illegally built building, which was also one of the conclusions reached at the meeting of the Permanent Working Group for the Safety of Journalists (PWG) held in the second half of February. In addition to PWG representatives, the meeting was attended by a large number of journalists and contact points in the prosecutor's offices and the police from the Pčinj and Jablanica districts.<sup>10</sup>

### **The case of "RTV M" from Knjaževac**

The owner of "RTV M" Milan Petrović informed the public that on the night between February 7<sup>th</sup> and 8<sup>th</sup>, the cables on the roof of the building from which the "RTV M" program is broadcast were cut. According to him, only a certain number of people have access to the roof. He reminded that this is not the first attack on that media. In May 2023, windows were broken in the same building, and the perpetrators of that attack have not yet been identified. According to data from the IJAS database on attacks on journalists, the police arrived at the scene as soon as possible and informed the competent public prosecutor on duty, who then ordered an investigation.

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

During February 2024, there were no significant news in the segment covered by this chapter of the Monitoring.

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<sup>10</sup> [Zid mora biti srušen](#), article published February 21, 2024 at Bezbedni novinari portal.

### III IMPLEMENTATION OF EXISTING LAWS

#### Project co-financing

In mid-February, the Police Department of the City of Subotica invited Branko Žujović, a journalist from the same city, to provide the information he obtained during the preparation of a series of investigative articles dealing with the misuse of money intended for project co-financing. Žujović published investigative articles within the project "[Millionaires from competition mud](#)" in the middle of 2022. According to the [statement](#) he gave to the UNS, the Special Department of the Higher Public Prosecutor's Office in Novi Sad announced the investigation of the allegations in the fall of 2022. However, of all the irregularities he pointed out in his investigation, the prosecution was only interested in those in the Municipality of Odžaci. "The Monday before last, I gave a statement in Subotica to a very kind inspector from the Police Department in Sombor. I learned from her that only the case of non-existent stage design, paid for 900,000 dinars as part of a media project in the Municipality of Odžaci, will be investigated in detail", Žujović told UNS.<sup>11</sup>

#### Announced calls for project co-financing

The call for co-financing projects in the field of public information was announced in mid-February by the temporary authority of the City of Novi Pazar. Compared to last year, the budget is seven million dinars smaller. The total amount of funds for the co-financing of content intended for television, radio, internet portals, print media and news agencies is 39 million dinars. The lowest amount of funds that can be approved for the project is 200,000 dinars, while the highest amount is 30 million dinars.<sup>12</sup>

On the last day of February, the Ministry of Information and Telecommunications of the Government of the Republic of Serbia announced nine public calls for co-financing projects for the production of media content in the field of public information for the year 2024. 337 million dinars have been earmarked for the implementation of the competition from the budget of the Republic of Serbia. Compared to the previous year, the amount of allocated funds is 27 million dinars higher. The

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<sup>11</sup> [Branko Žujović dao izjavu u policiji povodom svojih istraživanja o zloupotrebama novca za projektno sufinansiranje medija u Odžacima](#), author K. Kovač Nastasić, article published on February 13, 2024 at UNS portal.

<sup>12</sup> [Novi Pazar raspisao konkurs za sufinansiranje medijskih projekata](#), article published on February 13, 2024 at UNS portal.

following calls were announced:

- for co-financing projects of professional education, improvement of professional and ethical standards and research in the field of public information;
- for co-financing of media content production projects for internet media;
- for co-financing of media content production projects;
- for co-financing of media content production projects for print media and news agency services;
- for co-financing of media content production projects realized through electronic media whose publishers are based in the territory of AP Kosovo and Metohija;
- for co-financing projects for the production of media content intended for members of the Serbian people in the countries of the region;
- for co-financing of media content production projects for television in 2024;
- for co-financing of media content production projects in the languages of national minorities;
- for co-financing projects for the production of media content intended for people with disabilities.

### **Cancelled competition for co-financing of projects in the field of public information**

In the second half of February, members of the City of Leskovac's Council cancelled the tender for co-financing projects in the field of public information announced on January 24, 2024. As the reason for their decision, they cited the necessity of harmonizing with the new [Rulebook on co-financing of projects for the realization of public interest in the field of public information](#), which the Ministry of Information and Telecommunications had adopted in the meantime. It has been announced that a new competition will be announced, which will last from February 19<sup>th</sup> to March 11<sup>th</sup>.<sup>13</sup>

### **Reduction of the budget for project co-financing after the adoption of the new Law on Public Information and Media**

According to research by the author Ivana Predić published on the Cenzolovka portal, the adoption

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<sup>13</sup> [Poništen konkurs za medijske projekte i raspisan novi](#), article published on February 13, 2024 at Jugpress portal.

of the new Law on Public Information and Media (ZJIM) had the effect that the cities of Pančevo and Novi Sad significantly reduced the funds intended for project co-financing of the production of media content in the field of public information. There were no answers to the questions why is that so, will the funds be increased by rebalancing the budget, and for what purpose will the money that was used in previous years to co-finance media content be used? This is indicative of the fact that during past years the mentioned cities have supported media that regularly violated the Code of Journalists of Serbia, and that the new ZJIM (Art. 24) provides a new criteria – extent to which the media through which the project will be implemented adheres to professional and ethical standards. The research showed that allocations in the cities of Niš and Novi Pazar did not deviate significantly from last year's amounts, and that in some cities such as Leskovac and Subotica, allocations on the aforementioned basis increased. A similar situation, sometimes a smaller increase, sometimes a smaller decrease in allocations, it is stated in the Cenzolovka article, was also recorded in other cities in Serbia (Vranje, Pirot, Zrenjanin and Čačak).<sup>14</sup>

### **Public competition of the Regulatory Body for Electronic Media**

At the beginning of February, the Regulatory Body for Electronic Media (REM) announced a [Public Tender for the issuance of licenses for the provision of free access television media services via terrestrial digital transmission for the distribution zone](#) (Allotment). The deadline for applications to the competition expires on April 9, 2024 (30 days from the date of the announcement).

Dealing with that issue, UNS pointed out two problems - the first one in the fact that REM is late in announcing the tender (which is not the first time)<sup>15</sup>, while the second problem is in the fact that more than 40 regional television stations (which broadcast the program in the coverage areas for which the tender has been announced) will be forced to broadcast the program without a license for a period, bearing in mind that the licenses currently held by regional television stations expire on March 7, 2024, and that they should broadcast the program until the tender procedure is completed. The Law on Public Information and Media stipulates that the authority that announces the

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<sup>14</sup> [Milioni opredeljeni za medije nestali iz budžeta Novog Sada i Pančeva, gradova koji su bili među najvećim finansijerima prorežimskih tabloida i televizija](#), author Ivana Predić, article published on February 27, 2024 at Cenzolovka portal.

<sup>15</sup> [REM kasni sa sprovođenjem konkursa, televizije i radio stanice emituju program bez dozvole](#), author K. Kovač Nastasić, article published on January 31, 2024 at UNS portal.

competition is obliged to announce it no later than March 1<sup>st</sup> of the current year for that calendar year.

UNS requested answers from REM, however, they were missing. The Ministry of Information and Telecommunications (MIT) did not provide answers either. UNS asked the Ministry if they have any proposal for solving the disputed situation, as well as whether television stations will have the right to participate in tenders for project co-financing of the production of media content in the field of public information.<sup>16</sup>

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

At the end of February, the European Parliament adopted the [Anti-SLAPP Directive](#). It represents the minimum standards adopted to protect public interest defenders in the fight against (judicial) procedures that are misused to prevent public participation in matters of public interest. Two key protective measures introduced by the Directive refer to the "early" dismissal of the lawsuit (at a stage when the proceedings have not yet progressed) and the introduction of the possibility for the plaintiff to pay the defendant compensation for damages, in addition to paying the costs of the proceedings. If the initiator of a SLAPP proceeding chooses to start the proceeding in the country where it has the greatest chance of success (a non-EU country that does not have adopted anti-SLAPP legislation), the new rules ensure that the decision made in obviously unfounded proceedings conducted before the courts of non-EU countries will not be recognized. EU member states will ensure that potential victims of malicious claims can access in one place information on procedural safeguards and remedies, including legal aid, financial and psychological support. Member states are obliged to provide legal assistance in cross-border civil proceedings. The duty to publish all final judgments in SLAPP cases has also been established.<sup>17</sup>

Although the Directive will not be applied in Serbia, it represents an important document for our country, bearing in mind that the trend of SLAPP lawsuits is growing here as well, as noted by relevant

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<sup>16</sup> [REM ponovo kasni, više od 40 televizija od 7. marta ostaje bez dozvole](#), author K. Kovač Nastasić, article published on February 21, 2024 at UNS portal.

<sup>17</sup> <https://europa.rs/evropski-parlament-usvojio-direktivu-protiv-slapp-tuzbi/>

domestic and international reports.<sup>18</sup> Also, a number of domestic non-governmental organizations that are already dealing with the SLAPP phenomenon in Serbia are advocating the introduction of changes in our legislation.<sup>19</sup>

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<sup>18</sup> In the [EU Commission's Annual Report on Serbia for 2023](#) it was stated, among other things, that such lawsuits are particularly filed by members of national and local authorities, that they can produce a deterrent effect, including self-censorship, and that in this way pressure is exerted on both the financial and personnel capacities of the media.

<sup>19</sup> [EU usvojila direktivu protiv SLAPP tužbi, u Srbiji - ništa](#), author M. Vučić, article published on February 29, 2024 at Raskrikavanje portal.