





MONITORING OF THE MEDIA SCENE IN SERBIA FOR THE MONTH OF NOVEMBER 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

Compared to the previous months of the current year, November is the month with the highest number of attacks on media workers. Attacks on journalists most often occurred during protests, demonstrations and other public gatherings. Although the police were present, they did not react. Media workers were treated as political opponents, were hindered in their work, and exposed to physical attacks and injuries. Some political representatives and councilors of the ruling party also played the role of attackers.

International Day of Combating Impunity for Crimes against Journalists

In a statement on the occasion of November 2 - the International Day of Combating Impunity for Crimes against Journalists, the SafeJournalists network (which gathers associations of journalists from Serbia, Kosovo, Montenegro, Bosnia and Herzegovina, Croatia, Albania and North Macedonia) published data on impunity for attacks on journalists. According to their records, 211 cases were recorded until October 31, 2024. The number of cases reported to the police and prosecutor's offices is 89, of which 7 cases were dismissed, and only two were resolved.

The largest number of cases from this year and the previous two years are still in the investigation phase.

In most cases, the perpetrators of crimes committed against journalists — remain unknown. They remain in the records of unknown perpetrators until new evidence appears or criminal prosecution expires.

During the wars on the territory of the Western Balkans, 110 local journalists lost their lives. In the last 30 years of relative peace, five journalists lost their lives — three cases were resolved by final verdict.¹

The Association of Independent Electronic Media (ANEM) and the Independent Association of Journalists of Vojvodina (NDNV) organized a meeting dedicated to cases of murder and kidnapping of journalists in the past three decades, none of which received a judicial epilogue. Once again, the names of the five journalists who are missing in Kosovo and the names of the fourteen killed were

¹ <u>SafeJournalists upozorava: Najveći broj napada na novinare i novinarke (i dalje) u istražnoj fazi, article published on November 2, 2024 at NUNS portal.</u>







emphasized. It was also said that every case must be investigated, regardless of whether there is an acquittal (as in the case of Slavko Ćuruvija). It was underlined that it is necessary to form an international commission that would investigate cases of murders and kidnappings of journalists in Kosovo. The importance of reacting to threats to security with effective investigations and verdicts, but also with journalistic solidarity, was emphasized. The high degree of impunity, it must be borne in mind, encourages the violence.²

After the visit to Belgrade, the international organization Reporters Without Borders (RWB) published an article in which it called on the Government of the Republic of Serbia to fight for media freedom and against propaganda.³ The text states that at least four newsrooms (Euronews, TV N1, Radio 021 and FoNet) were attacked while reporting from the anti-government protest in Novi Sad. The text states, among other things:

These incidents add to a long history of uncontrolled violence, including the unsolved murder of Slavko Ćuruvija in 1999. As shown by lawsuits for damage to reputation and honor, which were previously filed by those accused of the murder of Slavko Ćuruvija due to the announcement of the Slavko Ćuruvija Foundation expressing dissatisfaction with the February acquittal, the lack of justice exacerbates the risks for media professionals.⁴

Reporters Without Borders have expressed concern about political attacks on journalists, as well as the number of SLAPP lawsuits filed by individuals or organizations linked to the government. In the article, the newsroom of the KRIK portal is apostrophized as the one with the most SLAPP lawsuits.⁵

During their stay in Belgrade, RWB representatives held talks with representatives of journalistic organizations, the international community, the Minister of Information and Telecommunications, Dejan Ristić, and the media advisor to the President of the Republic of Serbia, Suzana Vasiljević. Pavol Szalai, head of the RWB office for the European Union and the Balkans, expressed his point of view:⁶

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² <u>ANEM obeležio Međunarodni dan borbe protiv nekažnjivosti zločina nad novinarima</u>, article published on November 1, 2024 at Javni servis portal.

³ <u>Serbia, the weak link of Europe: in Belgrade, RSF urges the government to act for press freedom and against propaganda</u>, article published on November 8, 2024 at Reporters Without Borders portal.

⁴ <u>Reporteri bez granica u Beogradu: Tražimo od Vlade Srbije da se bori za slobodu medija i protiv propagande</u>, article published on November 8, 2024 at Cenzolovka portal.

⁵ Ibid. ⁶ Ibid.







The right to propaganda replaces the right to information. Attackers of journalists are presented as victims. Freedom of the enemies of the media instead of freedom of the media. Serbia is the weak link in Europe when it comes to information. At meetings with the authorities in Belgrade, I urged them to take measures against Russian propaganda, abusive lawsuits and impunity for crimes against journalists. In conversations with representatives of the international community in Serbia, I asked for their support for such an action.⁷

Attacks on journalists while reporting on protests, parliamentary sessions...

During the demonstrations that took place in front of the Novi Sad City Hall at the beginning of November due to the death of 15 people and the serious injury of two others after canopy on the recently renovated Novi Sad Railway station collapsed – the journalist of Television N1 Žaklina Tatalović and the cameraman Nikola Popović were severely hindered in their work. They were insulted, and for almost an hour, an unknown man obstructed their live coverage with rude gesticulations and loud banter. Cameraman Popović was hit, after which his camera was knocked down and damaged.⁸

During the same protests, Euronews cameraman Mirko Todorović was also attacked. In front of the premises of the Serbian Progressive Party, a person knocked him to the ground with a rough grip. Since the cameraman of another TV station managed to record both the attack and the attacker, that video, together with the criminal complaint, was forwarded to the competent prosecutor's office.⁹

The SafeJournalists network reacted to the attack, pointing out that the police did nothing to prevent the violence.¹⁰ Apart from them, the attacks were also condemned by the European Federation of Journalists.¹¹

The Radio 021 team was also attacked by attackers with tear gas, pepper spray, and more.¹²

7 Ibid.

 ⁸ Maskirani muškarci razbili kameru TV N1, napadnut snimatelj u Novom Sadu, article published on November 5, 2024 at N1 portal.
⁹ Napadnut snimatelj Euronews Srbija tokom izveštavanja sa protesta u Novom Sadu, article published on November 5, 2024 at

Euronews portal. ¹⁰ SafeJournalists: Policija nije učinila ništa da spreči nasilje u Novom Sadu, odgovorni moraju da snose posledice, article published on

November 6, 2024 at NUNS portal.

¹¹ EFJ osudila napade na novinare N1 i Juronjuz tokom protesta u Novom Sadu, article published on November 6, 2024 at N1 portal.

¹² <u>Novinari na protestu: Između besnih građana i naprednjaka, policije, suzavca i kamenica</u>, author: Danica Đokić, article published on November 7, 2024 at Cenzolovka portal.







During the protest held due to the announced removal of the Sava bridge, the cameraman and journalist of FoNet agency Marko Dragoslavić was attacked.¹³

The member of the SNS in the Kovin Municipal Assembly attacked the journalist Miloš Ljiljanić and tried to snatch from his hand the mobile phone that the journalist was using to broadcast the assembly session. Ljiljanić reported the case to the competent police station.¹⁴

During the reporting from the protest in Bečej, journalist Kristina Demeter Filipčev of the Bečej mosaic was insulted and roughly pushed away.¹⁵

Ana Marković, a journalist from the Nova.rs portal, was physically attacked while reporting from the protest in front of the Faculty of Dramatic Arts in Belgrade.¹⁶

TV N1 journalist Jelena Mirković was attacked by unknown men in hoods while she was reporting from the protest that took place in the part of the city known as Belgrade Waterfront. The attack was filmed, and the journalist suffered minor injuries. After the help, her neck was immobilized for several days. The attackers repeatedly hit the camera that Aleksandar Cvrkotić was using to film.

The UNS also noted the threats addressed to the journalist of the daily newspaper Danas, Vojin Radovanović. Slobodan Šolević, a member of the Belgrade City Council, insulted him. The journalist of the Čaglavica Media Center and member of the UNS administration, Katarina Marinković, was insulted by the chairman of the Gračanica Municipal Assembly, Milan Dimitrijević.

At the end of November, members of the Kosovo police deprived the owner of the Kosovo online portal publisher, Dušan Milanović, of his freedom, who was detained by the police for 48 hours. His lawyer announced that Milanović is charged with the management of the Corridor Telegram group, as well as its administration. Milanović's lawyer denied the allegations against Milanović, which point to terrorist aspirations.¹⁷

¹³ <u>Napad na Dragoslavića</u>, article published on November 6, 2024 at FoNet portal.

¹⁴ <u>Napad odbornika Skupštine Kovin na novinara portala Kovinske info ne sme ostati nekažnjen</u>, article published on November 7, 2024 at NUNS portal.

 ¹⁵ Lokal pres: Vredjanje i onemogućavanje novinara da obavlja svoj posao u Bečeju je nedopustivo, article published on November
26, 2024 at JUGpress portal.

¹⁶ <u>Pronaći i kazniti odgovornog za napad na novinarku sajta Nova.rs Anu Marković</u>, article published on November 22, 2024 at UNS portal.

¹⁷ Kosovska policija uhapsila Dušana Milanovića, određeno mu zadržavanje od 48 sati, article published on November 30, 2024 at NIN portal.







The largest number of attacks on journalists is still in the investigation phase.

The threats keep coming

The threats to Ana Lalić Hegediš (death threats sent via Facebook),¹⁸ Dinko Gruhonjić (death threats sent from the same account from which they were sent to Ana Lalić Hegediš),¹⁹ Nenad Kulačin (the threat arrived after a text published in Informer in which Kulačin is mentioned in a negative context),²⁰ TV N1 (the threat sent in the form of a comment left under the text published on their website).²¹ All threats were reported to the competent prosecutor's office.

Conviction verdict in the repeated proceedings conducted for endangering the safety of Vladimir Mitrić, a journalist of Večernje novosti

In the repeated proceedings, the Basic Court in Loznica found former policeman Dragić Filipović guilty of the criminal offense of Endangering the safety of Večernje Novosti correspondent Vladimir Mitrić. Filipović was sentenced to six months in prison and at the same time it was determined that the sentence will not be carried out if the accused does not commit a new criminal offense within one year from the date of finality of the verdict. The court also ordered a ban on approaching and communicating with Mitrić for a period of three years. The verdict is not legally binding, and both the public prosecutor and Dragić Filipović have the right to appeal it.

In February 2023, the Basic Court in Loznica sentenced Filipović to a prison sentence of eight months and at the same time determined that the sentence will not be carried out if the defendant does not commit a new criminal offense within two years from the date of finality of the verdict. Filipović was convicted of the criminal offense of Insult (it is a criminal complaint filed by Mitrić personally, and that proceeding was combined with the proceeding for endangering security), for which he was sentenced to a fine of 40,000 dinars. The higher court in Šabac annulled the verdict in the part in which Flipović was convicted of endangering the safety of Mitrić. The decision concerning the criminal offense of Insult - has become final. The basic public prosecution accused Filipović of endangering Mitrić's safety by telling him that he would be beaten again by the person who had done it already,

¹⁸ <u>https://bazenuns.rs/srpski/detalji-napada-na-novinara/1601</u>

¹⁹ <u>https://bazenuns.rs/srpski/detalji-napada-na-novinara/1603</u>

²⁰ <u>https://bazenuns.rs/srpski/detalji-napada-na-novinara/1597</u>

²¹ <u>https://bazenuns.rs/srpski/detalji-napada-na-novinara/1606</u>







in 2005, inflicted serious bodily injuries on him.²²

Final verdict due to threats against Matija Gačić, photographer of Južne vesti

The High Court in Niš confirmed the verdict of the Basic Court, which sentenced Boban Stanković to six months in prison for the threats he sent to Matija Gačić, the photographer of Južne vesti, on election day 2020. The verdict will not be executed if the convicted person does not commit a new criminal offense within the next two years.²³

Acquittal for Dejan Petar Zlatanović, editor of the Srbin info portal

The High Court in Belgrade acquitted Dejan Petar Zlatanović, the editor of the Srbin info portal, of the accusation that he called for a violent change of the constitutional order at a meeting against the French-German plan for solving the Kosovo issue, held in February last year. The court is of the opinion that, as Zlatanović and one of his lawyers Luka Bralić said, there is no element on the basis of which it could be claimed that Zlatanović called for a violent change of the constitutional order.²⁴

The case of the murder of journalist Slavko Ćuruvija

The Supreme Court confirmed that it had received from the Supreme Public Prosecutor's Office a request for the protection of legality in the case of the judgment of the Court of Appeal in the case of the murder of Slavko Ćuruvija.²⁵

[...] The request for the protection of legality was submitted because the second-instance court violated or incorrectly applied the provisions of the Criminal Procedure Law on the questioning of witnesses, especially the statements of those who pointed to the defendants, and later in the proceedings did not repeat the statement, because they were worried about their own and safety of their families, but they only stated that they stand by the given statement incriminating the defendants at the time. Also, the second-instance court incorrectly interpreted the statements of certain witnesses in favor of the defendants.

²² <u>UGROZIO SIGURNOST NAŠEM DOPISNIKU: Ponovo osuđen penzionisani policajac u Loznici</u>, author: V. C. S., article published on November 19, 2024 at Večernje novosti portal.

²³ <u>Viši sud potvrdio kaznu napadaču na ekipu "Južnih vesti" tokom izbornog dana 2020</u>, author: Sonja Vidojković, article published on November 5, 2024 at Južne vesti portal.

²⁴ <u>Zlatanoviću izrečena oslobađajuća presuda</u>, author: A. N, article published on November 28, 2024 at UNS portal.

²⁵ <u>Vrhovni sud potvrdio za Insajder: Pokrenut postupak za zaštitu zakonitosti povodom presude za ubistvo novinara Slavka Ćuruvije</u>, author: Maja Repić, article published on November 8, 2024 at Insajder TV portal.







In addition, the second-instance court rejected the report on dubbing, forensic analysis and review of the stored data on the realized telephone traffic, and without going into its essence, wrongly stating in the Judgment that the stored data on the DLG tapes were read only in 2005, although in the aforementioned report decisively stated who, when, using which software and hardware read the data based on the order of the investigating judge in 2011 and what the said data indicates, especially their by comparing it with witness statements. They simply did not deal with the report that brings the suspects to the scene and did not trust the report even though it was made by two state authorities [...].

Anniversaries of murders of journalists from Kosovo

November marked the 24th anniversary of the murder of Mustafa Xhemail, a journalist from the Bota sot newspaper.²⁶ The journalist was killed on November 23, 2000, in Pristina, at the entrance to the apartment. According to information available in the media, he was shot by two attackers.²⁷

II MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS

In the period from October 1 to November 1, 2024, a public hearing was held on the Draft Law on Amendments to the Criminal Procedure Law and the Draft Law on Amendments to the Criminal Code.²⁸

The draft laws caused stormy reactions from the professional public.²⁹ Journalists' associations and media organizations sent comments and proposals for changes to said laws, despite the fact that the period left for public discussion was assessed as unreasonably short.

Representatives of journalist associations and media associations in the Permanent Working Group for the Safety of Journalists, in addition to individual ones, sent joint proposals for changes to the Criminal Code. The proposals were prepared based on the legal opinions of three experts in the field of criminal legislation – the opinions of Zoran Stojanović, former professor of Criminal Law at the

²⁶ Ubistva novinara na Kosovu – zločini bez kazne, author: Jelena L. Petković, article published on February 6, 2024 at Bezbedni novinari portal.

²⁷ <u>Zeka o ubistvu Džemajla Mustafe: Počelo je da se odmotava klupko zločina</u>, article published on February 20, 2021 at Kosovo Online portal.

²⁸ Radne verzije propisa

²⁹ Šta sve do sada znamo o – izmenama Krivičnog zakonika?, article published on October 28, 2024 at Istinomer portal.







Faculty of Law at the University of Belgrade, Igor Vuković, full professor of Criminal Law at the Faculty of Law at the University of Belgrade, and Slobodan Beljanski, a lawyer. The experts were hired by the OSCE Mission to Serbia, with the aim of developing a proposal that would improve the safety of media workers. In the comments, it was suggested, among other things, that for the criminal offense of Slight Bodily Injury³⁰ committed against a media worker, criminal prosecution is undertaken ex officio. In that case, the prescribed punishment would be more severe. The criminal offense of Coercion³¹, according to experts, should be amended to include media workers. In this way, stricter punishment would be achieved for those who commit a criminal offense to the detriment of journalists.

Amendments to the criminal offense Endangering security were also proposed.³² The new wording of that criminal offense foresees that the threat can be expressed in an *indirect* or *immediate* way. In the explanation of the amendment proposal, it is stated that in the said way, the aim is to achieve punishment for those threats that are expressed in the conditional or conditionally. In addition to threats to the life and body of a person or a person close to them, there are also threats to physical freedom or property of greater value. The said proposal was not unanimously supported, but was submitted as a proposal of UNS, NDNV and ANEM.

More about the proposals can be read in the Report of the Permanent Working Group on the Safety of Journalists for 2024. The report will be published in early 2025.

At the session of the National Assembly of the Republic of Serbia held on November 27, only amendments to the Criminal Code that refer to the tightening of penalties for offenses committed against traffic safety were adopted. At the same time, new criminal offenses were introduced for attacks on persons employed in education, healthcare and social welfare institutions.³³

At the end of November (November 29, 2024), the Ministry of Justice announced that, after consultation with the European Commission, it was decided that the public debate on the proposed amendments to the two aforementioned laws will continue in 2025.³⁴

³⁰ Article 122 of the 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, 35/2019)

³¹ Article 135 of the CC

³² Article 138 of the CC

³³ <u>Advokati u Beogradu i Šapcu u trodnevnoj obustavi rada: Koji su razlozi i kakav je stav o izmenama zakona</u>, article published on December 2, 2024 at Euronews portal.

³⁴ Nastavak javne rasprave o izmenama i dopunama KZ-a i ZKP-a, announcement published on November 29, 2024 at the Ministry of







III IMPLEMENTATION OF EXISTING LAWS

Regulatory body for electronic media

At the beginning of November (November 4, 2024), the Slavko Ćuruvija Foundation, the Independent Journalists' Association of Serbia (NUNS), NDNV and the organization Crta — filed a criminal complaint against the president of the Parliamentary Committee for Culture and Information, Nevena Đurić. The criminal report charged her with the crime of Abuse of Official Position from Article 359, Paragraph 1 of the Criminal Code.³⁵

In the explanation, the petitioners stated that the criminal complaint was filed because the president of the parliamentary Committee for Culture and Information failed to comply with the provisions of the Law on Electronic Media, which entered into force on November 4, 2023, and according to whom she was obliged to no later than August 4, 2024 publish a public call for nominations of REM Council members. According to the provisions of the Law, the mandate of the current REM Council members expired on November 4, 2024, on the day the application was submitted. The application states³⁶:

By failing to perform her official duty, i.e. by failing to initiate the legal procedure for the election of new members of the REM Council, the President of the Board grossly violated the imperative provisions of the Law on Electronic Media, thus abusing the entire state apparatus in order for individuals (former members of the REM Council) to obtain monetary and non-monetary benefits that do not belong to them, given that by force of law on 4 November 2024 their term ends. In this way, Nevena Đurić caused damage to other persons, seriously violated the rights of others and led to the violation of public interest in the Republic of Serbia.³⁷

The day after the criminal complaint was handed over to the competent prosecutor's office, REM also spoke out confirming that the regulator, taking into account the fact that the mandate of the members of the Council has expired, currently does not have a body that makes decisions about

Justice portal.

³⁵ Article 359 of the 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, 35/2019)

³⁶ <u>Slavko Ćuruvija fondacija, NUNS, NDNV i Crta podnele krivičnu prijavu protiv predsednice parlamentarnog odbora za kulturu i informisanje</u>, article published on November 4, 2024 at NUNS portal.

³⁷<u>https://nuns.rs/media/2024/11/Krivicna-prijava-protiv-predsednice-parlamentarnog-odbora-za-kulturu-i-informisanje-SCF-NDNV-NUNS-CRTA.pdf</u>







electronic media.38

At the end of November (November 25, 2024), the Committee for Culture and Information of the National Assembly of the Republic of Serbia published a Public Call for nominations for the election of members of the Council of the Regulatory Body for Electronic Media.³⁹

Project co-financing

At the session of the Government of the Republic of Serbia held on November 7, the Draft Law on the Budget of the Republic of Serbia for 2025 was adopted. The proposal increased the funds allocated to the Ministry of Information and Telecommunications by 405,072,000.00 dinars (16.53%) compared to the budget for 2024. The Ministry announced that the most significant increase concerns the Sector for Public Information and Media; the funds were increased by more than 255,000,000.00 dinars compared to the previous annual budget. The increase includes the program activity "Support for the realization of public interest in the field of information", which refers to the implementation of public tenders for co-financing projects in the field of public information.⁴⁰

Based on the analysis of data on advertising contracts published on the public procurement portal, BIRN has compiled the report "Transparency under scrutiny: Public procurement for media services", which shows that media outlets with tabloid editorial policies and frequent violations of the ethical code of journalists — were awarded over 268 million dinars from the budget. The sample includes 307 contracts concluded in 2023 and the first half of 2024, with a total value of almost one billion dinars. The report states that the analysis of spending raises the question of the expediency of public procurement of advertising and marketing services and their real social effect, taking into account the way in which funds are directed.⁴¹

Co-financing of projects in the field of public information at the level of the City of Belgrade was analyzed by the Independent Association of Journalists of Serbia (NUNS). According to that analysis, the City of Belgrade co-financed 33 projects in 2024, for which a total of RSD 75,000,000 was

³⁸ Saopštenje | REM

³⁹ <u>Narodna skupština Republike Srbije | Javni poziv za predlaganje kandidata za izbor članova Saveta Regulatornog tela za elektronske</u> medije

⁴⁰ ZNAČAJNO UVEĆAN BUDŽET MINISTARSTVA ZA 2025. GODINU

⁴¹ <u>Transparentnost pod lupom: Javne nabavke za medijske usluge</u>, analysis author: Tanja Maksić, editor: Dragana Žarković Obradović, collaborators: Radmilo Marković, Miodrag Marković, Tijana Uzelac, Milica Milić. Publishers: BIRN Srbija, Partneri Srbija i SHARE fondacija, November 2024.







allocated. Continuing the previous practice, the largest part of the funds was allocated to the proregime media.⁴²

The Association of Journalists of Serbia (UNS) repeated the question it had already sent to the Ministry of Information and Telecommunications: Did it react in any way to the fact that more than 50 local governments in 2024 announced tenders for the co-financing of media content production projects after the expiration of the legal term on March 1, 2024. The Ministry still has no answer to that question.⁴³

IV SLAPP LAWSUITS DIRECTED AGAINST JOURNALISTS AND THE MEDIA

In mid-November, the European Center for Press and Media Freedom (ECPMF) and the Coalition Against SLAPP in Europe (CASE) held the European Anti-SLAPP Conference, organized under the auspices of the European Parliament, with the support of the Council of Europe. The conference was attended by representatives of European institutions, national authorities and civil society, policy makers, journalists and activists. The conference was held to examine European and national political and other anti-SLAPP initiatives, to shed light on their impact on journalism and to discuss available financial and practical support for journalists affected by SLAPP.⁴⁴

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⁴² <u>Grad Beograd nastavlja da (su)finansira prorežimske medije</u>, author: Ivana Kragulj, article published on November 20, 2024 at NUNS portal.

⁴³<u>Više od 50 lokalnih samouprava medijske konkurse raspisalo nakon zakonskog roka, da li je Ministarstvo nešto preduzelo?</u>, article published on November 4, 2024 at UNS portal.

⁴⁴ Protecting public participation