

## II MONITORING OF THE IMPLEMENTATION OF EXISTING REGULATIONS

### 1. *Public Information Law*

1.1. The implementation of the Public Information Law has been partly elaborated on in the section about freedom of expression.

1.2. On a session of the Bureau for the Coordination of Intelligence Services Operations held on September 20 and run by Aleksandar Vucic, the Government of Serbia passed a decision to establish an international commission that would investigate the assassinations of journalists Dada Vujasinovic, Slavko Curuvija and Milan Pantic. This was announced on an OSCE conference on media freedom in Southeast Europe by the Director of the B92 Fund and Editor-in-Chief of RTV B92 Veran Matic. Matic was also the initiator of the idea to establish that commission. In addition to representatives of Serbian intelligence services, the prosecutor's office and the media, renowned international investigators will take part in the commission's work, Matic said. The goal of the commission will be to "analyze all hitherto investigations so as to establish why those investigations have failed, as well as laying the foundations for new investigations". The members of the commission will be made known in the next few weeks and the work thereof will involve at least two police investigators with international experience and two representatives of Serbian media. OSCE media freedom officer Dunja Mijatovic said that her office would support the activities of the commission. "Continuance of an investigation of murders of journalist, if done in a serious and decisive manner, will send a strong message that Serbia will not tolerate impunity in these cases. I salute the setting up of that commission and I hope it will yield results soon. The families and friends of the slain journalists and society as a whole must be satisfied that justice has been done. Until the journalists stop fearing for their lives and for the lives of their families, we will not be able to say that we live in a free society", Mijatovic said.

The deaths of journalists Dada Vujasinovic, Slavko Curuvija and Milan Pantic have been a painful burden for the media landscape in Serbia for years. Vujasinovic, a journalist of the "Duga" magazine, was found dead on April 8, 1994. Her death was initially branded suicide and it took years and new investigations to prove what Dada's parents and the media community had claimed all along – that she was actually murdered. More than 18 years after her death, nobody has been held accountable. Slavko Curuvija, a journalist and publisher, was killed on April 11, 1999. In the meantime, it was established that State Security Service agents had been following

him until right before the killing, when they were ordered to retire. Uncorroborated information repeatedly emerged in the public as to the identity of the killers, but nobody had been brought to trial for killing Curuvija. Milan Pantic, the correspondent of "Vecernje Novosti" from Jagodina, was killed on June 11, 2001 as he was entering the apartment building where he lived. The perpetrators were never identified. When war reporters writing about crimes, or when critics of the government or investigative reporters, uncovering embezzlement and corruption, are brutally slain without anyone being held accountable for more than a decade, the constitutionally guaranteed right to freedom of expression or the provisions of the Public Information Law, guaranteeing the same, remain a dead letter on paper. Bearing that in mind, the decision of the current government to set up an international commission to investigate murders of journalists and the causes of the failure of prior investigations constitutes an admission that the government is powerless to address that painful legacy. At the same time, it also shows the authorities' readiness to lead an open investigation. Before this report was closed, the members of the commission had still not been made public.

## **2. Broadcasting Law**

2.1. The media have continued to deal with the issue of the financing of RTS. The citizens had the opportunity to learn about the estimates of the collectability of the TV subscription fee. The daily "Politika" wrote that the highest collection rate was recorded in 2008, when it ranged between 62% and 64%, which helped RTS secure a 100 million Euro budget. With the advent of the economic crisis, the collection rate started falling. According to "Politika", the average collection rate fell to 30% last month. In Belgrade, the rate is 67%; Novi Sad is also above the average, although the collection rate in that city fell from 66% to 52%. In poor regions, the situation is abysmal. In Presevo, for example, the collection rate plummeted to almost zero, while in Kragujevac it is merely 30%, namely equal to the overall Serbian average. The Deputy-Prime Minister Aleksandar Vucic told the daily "Danas" that the government would have to address the issue of financing of the public service broadcaster. He said that funds would be allocated in the revised budget, which did not mean, however, that these funds would actually be spent for that purpose. Four employee trade unions in RTS have requested that the uncollected difference be made up from the budget. There were also suggestions that the fee be given the status of a tax, namely that the non-paying citizens should be punished as if they failed to pay their taxes. The Minister of Culture Bratislav Petkovic said at the opening of the regional conference on media freedoms in Southeast Europe that a "set of necessary media laws" would be adopted. He stressed the priorities were boosting and consolidating the existing public service broadcasters RTS and RTV and addressing the question of their sustainable and durable

financing. According to Petkovic, the issue of financing of the public service broadcaster must be dealt with by spring next year. He also announced "RTS will initially need support from the budget".

According to the Broadcasting Law, the activities of public service broadcasters pertaining to the realization of the general interest, as provided for by the Law, shall be financed from the TV subscription fee. The fee shall be paid by the owners of radio and TV sets. The Law says that the fee shall be collected by the public electricity company (EPS), according to an agreement entered into between that company and the public service broadcaster. In practice, however, if the citizens fail to pay the full amount of the debt, it shall be considered that the payment was made only for electricity, namely the amount paid is not proportionately divided into the outstanding debt for electricity and the outstanding debt for the TV fee. A considerable percentage of citizens deliberately reduce their payments by the amount on the bill stated as the TV fee. Meanwhile, according to media reports, the RTS is unable to claim all these debts in court, since it cannot afford to pay all the related court fees. This is not a new problem and many countries have faced the same issues. The Chairman of the Executive Board of the Journalists' Association of Serbia (UNS) Predrag Jeremic told B92 that Turkey was the example to follow, which solved the same problem by prescribing that the TV subscription fee shall constitute a proportionate percentage of the electricity bill and not an extra to the same. The percentage is considered paid only when the entire electricity bill is paid. However, all the texts dealing with the issue of how to find a sustainable financing mode for public service broadcasters have stopped short of discussing the need to define more precisely the activities of general interest financed from the fee, as well as the issue of the savings the public service broadcaster could generate by streamlining its operations or controlling its finances more effectively.

### **3. *Law on Free Access to Information of Public Importance***

On the occasion of, the International Right to Know Day September 28, the Commissioner for Information of Public Importance Rodoljub Sabic said that Serbia had made progress in the area of access to information, but that more still needed to be done in order to enable citizens to realize that right more effectively. Sabic told the Beta news agency that the authorities should recognize better, as their uncontested duty, the obligation to communicate and to make available information of public importance, especially information concerning the expenditure of public money. Sabic stressed that the right to access information of public importance was increasingly being used by journalists. "Some media have been using that right in a systemic



way, in order to collect an important quantity of information, thus contributing to fighting corruption and other social anomalies”, Sabic said. On the other hand, he criticized the fact that certain media were enjoying special treatment by some political structures, which fed them „scoops“ inaccessible to other media, or could get hold of such exclusive information only after addressing the Commissioner or at the latter’s intervention.