

III MONITORING OF THE PROCESS OF ADOPTION OF NEW LAWS

In the period covered by this Report, no media relevant laws were adopted. However, the Amnesty Law has been adopted, which has furthered slashed the already ridiculously low penalties delivered in criminal proceedings for attacks against journalists. Hence, as we have already pointed out in this Report, the former police officer Ljubinko Todorovic had had his one-year sentence diminished by a quarter under the Amnesty Law and was released in early December. Todorovic was convicted for having savagely beaten up journalist Vladimir Mitric back in September 2005, inflicting him multiple severe injuries. Under the aforementioned legislation, persons indicted for the first time to less than three months in prison shall be relieved of 50% of their penalty, while all other persons shall benefit a 25% “reduction”. As an exception, persons convicted of murder, manslaughter and aggravated robbery and robbery shall be relieved of 10% of their sentence, while the amnesty does not apply to persons sentenced to between 30 and 40 years in prison, as well as to those convicted of crimes against humanity and other values protected by international law, crimes against sexual liberty, domestic violence, illicit production and sale of illegal drugs, crimes against the constitutional order and security of the Republic of Serbia, as well as for giving and receiving bribes. The amnesty shall also not apply to multiple recidivists. Although it is difficult to say if the legislator had that intention (the argument in favor of the amnesty was the issue of overcrowded jails and poor conditions for serving the prison terms), it has undoubtedly sent the message that one can get away with attacking journalists, since the state does not consider such attacks to be a serious social problem (such as corruption, drug trafficking or domestic violence for instance).

Another notable thing that happened in November is the Government’s decision to adopt, without a public discussion, the Proposed Law on Amendments to the Copyright and Related Rights and send it for parliamentary ratification. The Proposed Law on Amendments to the Copyright and Related Rights is putting certain beneficiaries of copyright and related rights in a privileged position – more specifically the small craft shops and importers of technical equipment that may be used for the author’s work and objects of related rights. These two categories of beneficiaries have had their highest fee amounts limited, namely in some cases they are completely relieved from paying the fee. ANEM pointed to the Government back in July that the media industry had been facing the decline of the advertising market by at least one sixth since 2008 and that the Law, which had resulted in the enormous hike in fees for copyright and related rights charged to the media, simultaneously with the decline of the market, was not good and needed to be changed. The Proposed Law on Amendments to the Law on Copyright and Related Rights that was nevertheless sent to Parliament for adoption, completely ignored demands for a more favorable treatment of the media, as beneficiaries of copyright and related rights.