

## I FREEDOM OF EXPRESSION

In the period covered by this Monitoring Report there were several cases pointing to potential violations of freedom of expression.

### 1. Threats and pressures

1.1. According to the daily "Blic", its correspondent Gvozden Zdravic was fired from the public company "Poslovni centar" in Aleksandrovac, where he had been employed since last April, as an IT Technician. In the explanation of the decision, his employers said the reason he was fired was the fact he had been writing for "Blic" while on sick leave. Zdravic says he is the victim of revenge by local power players for having written about embezzlement in Zupa. The decision on his dismissal was signed by the Director of "Poslovni centar" Milutin Radicevic, who is said to be (according to Zdravic) an associate of Jugoslav Stajkovac, the Mayor of Aleksandrovac, in "immoral doings". Gvozden Zdravic informed the labor inspectorate about his case. In the last 15 days, Zdravic sought protection several times from the local police in Aleksandrovac for himself and his family, from the threats he has been receiving on regular basis, as confirmed by Miljan Petrovic, the Head of the Police Administration. According to reports by "Blic", on the day he was handed over the decision on his dismissal, Zdravic was prohibited from attending the session of the Local Assembly. Speaking about the incident, Zdravic said he came to the building of the Municipality to attend the session, where was stopped by security. He was told they were keeping him away at the orders of Tomislav Savkovic, the President of the Council, over his writing about the frauds in Zupa. After that, Zdravic met Mihajlo Milic, the councilor of "Pokret za Zupu", who advised him to watch his back and that of his children. According to "Blic", a week prior to this incident, Zdravic was told the same by an acquaintance, who had heard "Zdravic would be eliminated over his writing about the local government". The Club of Journalists of Zupa issued a press release over this incident, saying that their town has been the victim of a media blackout and torture for the last ten years, enforced by Jugoslav Stajkovac and his associates, and stressing that Gvozden Zdravic was targeted in several physical assaults for pointing the finger at embezzlement.

In accordance with the provisions of the Labor Law, the employer may terminate an employee's employment contract for a justified reason pertaining to the employee's working ability, his/her conduct and the needs of the employer, including the employee misusing the right to a leave over a temporary incapacity to work. On the other hand, the Law on Public Information says that

public information shall be free, in the interest of the public and not subject to censorship. It shall be forbidden to directly or indirectly restrict the freedom of public information, especially by abuse of public or private authority or rights, or in any manner suitable to restrict the free circulation of ideas, information and opinions. It shall also be forbidden to put physical or other pressure on a public media and its staff or influence that might obstruct their work. Regarding the above mentioned case, two questions arise: first, has Zdravkovic misused his right to a leave due to temporary incapacity to work and second – has the employer, even if there are grounds for terminating the employment contract, abused his right to terminate the employee’s contract in order to restrict freedom of public information and thereby the free flow of ideas, information and opinions? The second scenario is more likely, if we take into account the statements made by Zdravic, as well as the press release of the Club of Journalists of Zupa. What’s not questionable, however, is the fact that the topics Zdravic has been reporting about – embezzlement in the public sector in Aleksandrovac – most definitely constitute, under the Law on Public Information, ideas, information and opinions about occurrences and events of relevance for the public interest, which shall be freely reported in the public media. Related to the information that Gvozden Zdravic was prohibited from attending the session of the Local Council, the Law on Public Information stipulates that the local self-government authorities must make information about their work available to the public, under equal conditions for all journalists and media. Hence, such prohibition is in direct contravention with an explicit legal provision. Furthermore, the threats Zdravic was subject to could be qualified as the most severe form of threats to security, since he is a person performing an occupation of public interest in the field of the media and the threats against him were related to his job. This criminal offense is subject to a prison term ranging from 6 months to five years.

1.2. The Independent Journalists’ Association of Vojvodina (NDNV) has expressed “concern over the attitude of the President of the Serbian Progressive Party (SNS) and the First Deputy Prime Minister Aleksandar Vucic towards Radio-Television Vojvodina (RTV), especially in the light of the start of the public debate about the Draft Law on Public Service Broadcasting”. NDNV claims that, after the victory of the SNS on the municipal elections in Vrbas, Vucic told in a live interview for the RTV news bulletin that “people in RTV didn’t expect his party to win”. He then cynically apologized to RTV for SNS’ election victory. Told by the reporter that she understands it is a “very emotional evening for him”, Vucic replied that it was indeed an emotional evening, particularly for RTV, accusing in that way the television station for bias in its reports about the local elections in Vrbas. In its press release, NDNV reminded that Vucic had called on multiple occasions the citizens of Vojvodina not to pay the subscription fee for PSB’s, which resulted in

the plummeting of the collection rate, causing the financial difficulties RTS and RTV are presently facing.

Under the Law on Public Information, public information shall be free, in the interest of the public and not subject to censorship. The Law especially provides that it is forbidden to directly or indirectly restrict the freedom of public information in any manner suitable to restrict the free circulation of ideas, information and opinions. The Broadcasting Law provides that the programs produced and aired by PSB's must ensure diversity and impartiality of the content promoting democratic values. The same Law stipulates that the PSB must ensure that programs produced and aired, especially news programs, are protected from any influence of the government, political organizations or centers of economic power. In the concrete case, the allegations that the program of the PSB is not impartial or even worse, that it is biased – especially coming from the First Deputy Prime Minister and the leader of the strongest political party in the Serbian ruling coalition – definitely constitute pressure aimed at altering the editorial policy of the PSB and threatening to obstruct the PSB in realizing its statutory obligation to remain free of government interference.

1.3. The Mayor of Smederevo Jasna Avramovic announced on a press conference held on October 2, that the City Council would take legal action against all journalists that reported about an epidemic in Smederevo during the “Smederevska jesen” festival. Avramovic claims to have received a report by the Public Health Institute Pozarevac, which refuted the existence of an epidemic caused by food poisoning. She also said that the developments in that town on September 9 and 10 might not be connected to “Smederevska jesen”. The daily “Novosti” reported that the Public Health Institute Pozarevac announced that microbiological analysis of stool samples belonging to two patients has shown the presence of Rota virus, which could be a cause of the epidemics. However, the report noted, due to a small number of samples sent for virological analysis, it was impossible to determine the source and the course of the epidemic. Furthermore, the epidemiologists were unable to group the patients by place of consumption and type of foodstuffs in order to connect them to the festival. The epidemic was called off on October 1, with officially 68 registered patients. We remind that the media reported on September 9 and 10 that more than 400 people reported to health centers in Smederevo, complaining about nausea, vomiting, diarrhea and dehydration. The Mayor of Smederevo now claims that the headlines in the media were “excessive in describing what was actually happening”, as well as that many people did not come to the festival due to wrong information in the media (30% less visitors than expected). She said that damage was caused for city and the festival and that responsibility for that damage will be determined in a court of law. The Mayor

also said that the “avalanche” was set in motion after statements made by the Director of the General Hospital Goran Kuljanin and the Head of the Children’s Ward Slavica Andjelkovic (a member of the United Regions of Serbia, an opposition party at the city level). However, she noted that she didn’t know if the whole case was politically motivated.

Under the Law on Public Information, ideas, information and opinions about phenomena, events and persons relevant for the public interest, shall be freely released by the public media, regardless of how the information was gathered. In the concrete case, the interest of the public to be informed about the epidemic that was incontestably declared in Smederevo should not be questioned. Furthermore, the report of the Public Health Institute Pozarevac does not provide a definitive answer as to the source and course of the epidemic, due to too few samples. In this context, the threat by the Mayor of Smederevo that the city will take legal action against all journalists that reported about the epidemic may not be interpreted as other than overt intimidation and plain restriction of freedom of public information. The threats of lawsuits in Smederevo constitute yet another example of intolerable behavior by many local governments in Serbia, which, instead of complying with their statutory obligation to make information about their work available to the public and under equal conditions for all journalists and all public media, resort to various mechanisms and means, including unscrupulous intimidation, in order to control media reports and curb the free flow of ideas, information and opinions.

## **2. Legal proceedings**

2.1. The first hearing in the case of the Vice-Speaker of the Parliament of Vojvodina Milivoje Vrebalov against the journalist and editor-in-chief of “Novobecejski informator” Nevena Subotic, will be held in late October before the Higher Court in Zrenjanin. Vrebalov’s lawsuit says that Subotic has injured his honor and reputation, by releasing a text entitled “The Former Speaker Earns Ten Times More than the Average Salary”. Subotic has allegedly published “many baseless accusations” about Vrebalov’s earnings, which had been paid to him in accordance with the Law and in the amount of about 100 thousand dinars. The controversial text claimed that Vrebalov earned 240 thousand dinars in average during the year 2012, while his per diems amounted to 60 thousand dinars, in average also. Subotic, who is employed in the Novi Becej Municipality as a PR officer, wrote that, as the President of the Municipality, Vrebalov had 48 domestic and 15 international per diems in 85 business days. In addition, she revealed that his phone bills in 2012 amounted to 274.568 dinars and 236.984 dinars, respectively, in 2011. Nevena Subotic told the Tanjug news agency that she had published the data the earnings of Vrebalov, the

former President of the Novi Becej municipality and provincial MP, on the basis of official information obtained from the municipal accounting department.

Under the Law on Public Information, the journalist, responsible editor and the legal person that is the founder of the public media, which prior to releasing the information, were able, with due care appropriate for the given context, to determine the inaccuracy or the incompleteness of the information, shall be solidarily responsible for material and non-material damages resulting from the releasing of the said information. In the concrete case, the court would have to establish if the information in question was accurate or not. However, even if it is determined that the information in question is inaccurate, as claimed by Vrebalov, there are grounds for excluding the responsibility of the journalist, since the data was obtained from the municipal accounting department. Namely, in accordance with the provisions of the Law on Public Information, the journalist, responsible editor and the legal person that is the founder of the public media shall not be held accountable for the damage if the inaccurate or incomplete information has been faithfully conveyed from a document issued by a competent state body. The latter especially since, in keeping with the Law on Public Information, the rights to privacy of persons occupying government and political office are restricted compared to those of the persons the information pertains to, if the information is relevant for the public, in view of the fact that the person the information pertains to performs a certain function.

2.2. The Appellate Court in Belgrade has sentenced three supporters of the Partizan football club to several months in prison for threatening the security of investigative reporter and editor of "Insider" Branka Stankovic. The threats were made during the football match between Partizan and Shakhtyor on December 16, 2009. The final court verdict sentenced Goran Kljestan and Aleksandar Perisic to 10 months in prison, suspended for four years, for the criminal offense of threats against security. For the same felony, Milan Guduric's sentence of one year in prison, suspended for five years was upheld. The said individuals were convicted for chanting "You are poisonous like a snake, you will end up like Curuvija!". The first-instance verdict was revoked in the part where the three football fans were convicted of violent behavior and this trial will be repeated. The sentence against Dragan Djurdjevic was revoked. He was sentenced to 10 months in prison, suspended for four years, as well that against Nemanja Odalovic (10 months in prison, suspended for three years) and Nemanja Bogdanovic (six months in prison, suspended for five years). The Appellate Court found that the court of first instance failed to clearly and accurately determine the actions of these three persons and the related consequence, which is a breach of the provisions of the criminal proceedings.

The author of Insider, investigative journalist Brankica Stankovic, has been under 24/7 police guard ever since the incident happened almost four years ago, after it was determined her security was threatened. Bearing that in mind, as well as the fact that attacks against journalists have been on the rise lately, it seems that the Appellate Court in Belgrade could have sent a clearer message about the unacceptability of threats against the security of journalists. Unfortunately, after almost four years, Stankovic remains under round-the-clock police surveillance, while those that threatened her are being sentenced to suspended jail terms or have their sentences revoked. Meanwhile, the episode of Insider dissecting the incapacity of the state to deal with extremist fan groups remains topical as ever. At the same time, the claims of the highest state officials that Serbia will crack down on criminals in the fans' ranks remain hot air.