

I FREEDOM OF EXPRESSION

Freedom of media and the right to freedom of expression through the right to public information are primarily regulated by Law on public information. This Law guarantees freedom of expression, and prohibits its limitations, and any influence and pressures exerted on media. In the period observed, various violations of freedom of expression were noted; the characteristic ones are presented here.

1. Threats and pressures

1.1. Aleksandrovac, August 2nd, 2009 - Dobrila Vukojevic, Head of Administration of the Municipality of Aleksandrovac, banned the correspondent of *Blic* Gvozden Zdravic from entering the conference room of the Municipal Assembly of Aleksandrovac, where a press conference was held on the occasion of the visit by the Slovenian and Dutch ambassadors, the above daily newspaper reported. Dobrila Vukojevic told journalists the ban was introduced for protocol reasons, namely at the request of the marketing department of the AD „Vino-Župa“ company, which was the organizer of the ambassadors' visit to that municipality. The marketing department of AD „Vino-Župa“ said that, on the contrary, they had insisted that the press conference of the said ambassadors be attended by as many journalists as possible.

1.2. Lazarevac, August 3rd, 2009 – The local television station *Kolubara RTL* from Lazarevac was removed from the offer of the cable distribution network *Kopernikus*, in Lazarevac, Lajkovac, Arandjelovac and Topola. The initial explanation said it was due to technical reasons. However, *Kolubara RTL* said they believed the real reason was their reporting on embezzlement in the mining basin *Kolubara*. The Manager of *Kopernikus* Srdjan Milovanovic confirmed, in a response to the protest of the Journalists' Association of Serbia (UNS), that the exclusion of *Kolubara RTL* was not due to technical reasons. He tried to justify that saying that station didn't have the licenses of the Broadcasting Agency and Telecommunications Agency (more detailed in analysis on page 3)

1.3. Kraljevo, August 6th, 2009 – Journalist Jovan Slijepcevic, the correspondent of the daily *Alo!* From Kraljevo, was threatened by an unknown person over his texts about the alleged sexual harassment suffered by gendarmes in the doctor's office in that city. Previously, the daily *Kurir* claimed that Slijepcevic's texts were planted by the Croatian and Albanian secret services.

1.4. Priboj, August 7th, 2009 - Dragomir Minic, Deputy President of the Priboj municipality, threatened Danica Guduric, the Editor-in-Chief of *Radio Lim* and correspondent of *Sandzak Danas*. After she having heard that there were problems at the city's swimming pool, Guduric called Misa Jecmenica, the Manager of the Sports Center. "Jecmenica was extremely fair in our discussion, but then Dragomir Minic, Deputy President of the Priboj municipality, took his phone and started swearing my mother and threatening he would close down *Radio Lim*", Danica Guduric said.

1.5. Guca, August 8th, 2009 – Reporters from the brass festival in Guca protested over the interrogation of the journalists of *Blic* and *Vecernje Novosti* by the police. The said journalists reported about the incident in which a French woman was thrown out of the House of Culture in Guca by the security personnel and was racially insulted by them. Petar Jeremic, JAS (UNS) Executive Board President, sent a letter of protest to the organizational committee of the Guca festival over the fact that the police have interrogated the reporters instead of the perpetrators of the incident.

1.6. Pristina, August 16th, 2009 – *Blic* journalist from Kosovo Nedeljko Zejak was assaulted by two members of the polling committee in Laplje Selo – one from the Socialist Party of Serbia (SPS) and the other from the Citizens' Group "Vidovdan", at the local elections held pursuant to the decision of the Government of Serbia. *Blic* wrote that the SPS polling committee member had physically attacked Zejak and tried to take his camera, while the "Vidovdan" member threatened him with "elimination" because of a critical text Zejak wrote about SPS policy in Kosovo.

1.7. Belgrade, August 17th, 2009 – After a hearing with the on-duty investigative judge, Sinisa Vucinic, the self-professed President of the Initiative Committee of the Serbian Chetnik Movement of Republika Srpska and former Yugoslav United Left (JUL) official, was sentenced to eight days in custody. Vucinic was interrogated at the proposal of the Third Municipal Public Prosecutor's Office in Belgrade on suspicion he has sent death threats to journalist Milos Vasic and Member of Parliament Zarko Korac. The investigative judge sentenced him to custody because of the risk that Vucinic could repeat that offense.

1.8. Belgrade, August 20th, 2009 – Member of Parliament Zarko Korac testified before the investigative judge of the Third Municipal Court in relation to

the threats against him in the media by the Sinisa Vucinic. The journalist of the *Vreme* weekly Milos Vasic, who was also threatened by Vucinic, will also be heard at a later date, after his return from holidays. Korac said after the hearing that he had taken Vucinic's threats seriously, "since this is a person which, according to media reports, has been taken into custody over attempted extortion in Novi Sad and which has been in possession of firearms without a license". Korac also said he expected that the Prosecutor's Office would bring criminal charges against Vucinic.

1.9. Belgrade, August 26th, 2009 – The spokesperson of the Third Municipal Court in Belgrade Dragan Milosevic confirmed to the media that the Third Municipal Public Prosecutor's Office had brought an indictment against Sinisa Vucinic for threats against MP Zarko Korac and journalist Milos Vasic voiced in the media in Republika Srpska.

The Constitution of the Republic of Serbia ("The Official Gazette of RS", No. 98/2006) guarantees the freedom of thought and expression, as well as the freedom of requesting, receiving and distributing information and ideas in speech, writing, picture or any other manner. Furthermore, the Constitution establishes that the freedom of expression may be limited by law, provided this is necessary for the purpose of protection of rights and reputation of others, preservation of authority and impartiality of courts and protection of public health, ethics of the democratic society and national security of the Republic of Serbia. Law on public information ("Official Gazette of RS", No. 43/2003, 61/2005) stipulates that no one shall, not even in an indirect way, limit the freedom of public information, in any manner suitable for restricting free flow of ideas, information and opinions. The Law especially stipulates that no one shall exert any physical or other pressure on a public media outlet and its employees, as well as influence aimed at obstructing their work.

The law also specified the obligation of government authorities and organizations, territorial autonomy and local self-government authorities, public agencies and public companies, as well as MPs and councilors, to make the information about their activities publicly available under equal conditions for all journalists and all media outlets. Unfortunately, contrary to this legal provision, it is often the case, particularly with local self-governments, as it was the case in Aleksandrovac during the period observed, that certain journalists are denied the right to information about the activities of the authorities or access to certain events and press conferences (point 1.1.).

A case in point is the one of the local television Kolubara RTL from Lazarevac, which was denied cable broadcasting of its program on the territories of Lazarevac, Lajkovac, Arandjelovac and Topola municipalities (point 1.2.) The Law on Public Information stipulates that a person engaging in distribution of public media must not refuse to distribute someone's public media without a valid commercial reason, or to impose conditions for distribution that are contrary to market principles. The provision primarily pertains to the distribution of print media, since there are technical limitations of the distribution networks' capacity in regard to cable distribution of television program. In the above case, the editorial team of Kolubara RTL from Lazarevac accused the cable distributor Kopernikus of removing their program from the network in the attempt to prevent reporting about embezzlement in the energy giant Kolubara Mining Basin. In a response to the protest of the Journalists' Association of Serbia (UNS), the Manager of *Kopernikus* Srdjan Milovanovic confirmed that the exclusion of *Kolubara RTL* was not due to technical reasons, as it was initially stated. Milovanovic said that the problem was in the Kolubara RTL, which didn't have the licenses of RRA and RATEL. Such explanation of the Manager of *Kopernikus* doesn't hold ground. Namely, the RRA issues a unified broadcasting license, which also includes a license or licenses for RATEL transmitters, only in case of terrestrial broadcasting. In the case of cable broadcasting, when a station does not have a license for terrestrial broadcasting under the Broadcasting Law, the license may be issued without a public competition and at the request of the cable operator itself. An additional problem is the fact that, although the current Broadcasting Law was adopted back in 2003, the RRA has not yet started issuing licenses for cable broadcasting, nor adopted the Rule books to which such licenses would be issued. The consequence of this is that in Serbia almost all cable channels that do not hold terrestrial licenses (because they do not intend to broadcast terrestrially or because they have failed to receive such licenses on public competitions) are practically distributed over cable networks without a license. The fact that Kolubara RTL didn't have a terrestrial license – the issuance of which is impossible to apply for due to the lack of the appropriate RRA by-laws – wasn't an obstacle for *Kopernikus* to distribute Kolubara RTL's program for the previous three years.

Finally, although in the month of August – due to the holiday season – there are, as a rule, fewer cases of threats and pressure on journalists and the media, this year this was not the case. The swift reaction of the Prosecutor's Office and the police in the case of threats by Sinisa Vucinic to journalist Milos Vasic and MP Zarko Korac is commendable. An indictment against Vucinic was brought as early as in late August and the court is

expected to schedule the main hearing soon. Bearing in mind that in other similar cases proceedings are not launched at all or at least not that fast, one could ask whether the same would have happened if Vucinic had not threatened a member of parliament and President of the Social Democratic Union Zarko Korac, in addition to menacing a journalist, Milos Vasic.

2. Court Proceedings

2.1. Nis, August 11th, 2009 – The Municipal Court in Nis has declined jurisdiction for conducting proceedings against the daily “Press”, which has been sued by the former Head of the Army Directorate for Property and Legal Affairs Zarko Surbatovic. At the request of the said plaintiff, because of the same information by the same author (Dragana Kocic), but for a different newspaper - the Nis daily “Dnevne novine” - the Court has sentenced the journalist and the Editor-in-Chief of that paper to pay one million dinars of intangible damages to Surbatovic and his wife. In reports in Press and Narodne novine, the journalist Dragana Kocic cited excerpts from the indictment filed against Surbatovic and his wife by the District Prosecutor’s Office. In the meantime, Surbatovic and his wife have been convicted for the criminal offense stated in the criminal charges before the court of first instance.

2.2. Sid, August 11th, 2009 – The District Court in Sremska Mitrovica ordered that Tatjana Pejic, the former Director of Radio Sid, be readmitted to the full-time journalist position. After the elections in the fall of 2004, Pejic was dismissed and offered the position of journalist, but with a part-time contract, which she had refused. Radio Sid has been ordered to pay Tatjana Pejic about 3,5 million dinars for salaries lost and unpaid contributions, as well as court expenses.

We have written about the first-instance verdict of the Municipal Court in Nis dating from April 2009 as an example of the unacceptable practice of domestic courts in the first edition of the specialized publication “Monitoring of the Media Scene in Serbia”, available at:

<http://www.anem.org.yu/admin/article/download/files/Publikacija%201%20%20FV%2031.08.2009..pdf?id=188>.

In that verdict, Judge Jasmina Andrejevic ordered journalist Dragan Kocic and the Editor-in-Chief of “Narodne novine” from Nis, Timosenko Milosavljevic, to pay one million dinars of damages to Major Zarko Surbatovic, the former Head of the Army Directorate for Property and Legal Affairs and his wife Gordana Surbatovic. It is interesting to point out that in the new case, despite the fact that the details are identical, the Municipal Court in Nis has declined jurisdiction and sent the case for further procedure to the District Court. Pursuant to the current provisions of the Law on Public Information, the District Court is competent for conducting proceedings for breach of the right to privacy.