

## MEDIA FREEDOMS AND SAFETY OF JOURNALISTS IN SERBIA APRIL – MAY 2020

In the light of Covid-19 pandemic many fundamental human rights are being compromised under introduced states of emergency. This is why Independent Journalists Association of Serbia collated some of the recent developments in Serbia that influence levels of media freedoms, right to being informed and safety of journalists. Such developments add more pressure on society already recording further deterioration of rule of law and democracy. International organisations such as [Reporters Without Borders](#) and [Freedom House](#) recognised these trends Independent Journalists Association of Serbia and other civil society organisations have been warning about in the last six years.

- **Illegal REM Rulebook adopted ahead of the elections**

In December 2019 REM announced it is putting its *Draft Rulebook on realisation of Public Service Media obligations during the pre-election campaign* up for a public debate. Most relevant organisations provided analysis and suggested key changes (contributions are available online [here](#) – Serbian only). REM did not take into consideration most of the suggestions and recommendations and moved on to get assessment from the relevant Ministry. The Ministry of Culture and Information provided an assessment on January, 24 2020.

Since on February, 7 2020 REM adopted the [Rulebook on realisation of Public Service Media obligations during the pre-election campaign](#) IJAS requested information from the Ministry about its assessment. The Ministry forwarded to the Association the official response sent to REM (that can be provided upon request) which contain negative assessment, primarily related to two key problems: a) such Rulebook should be obligatory for all media service providers, not only PSM and b) all registered political parties, coalitions and candidates should have equal treatment as defined by the Law on Electronic Media, art. 47, point 1.5. The adopted Rulebook refers only to PSM and in article 5, states:

*When informing about the pre-election activities of the submitters of electoral lists and candidates, the public media service is obliged to ensure their representation in the program without discrimination, **having in mind the importance of political parties and candidates, i.e. the importance of events in which they participate.***

There is no further explanation regarding criteria of ‘importance of political parties and candidates’ or ‘importance of events in which they participate’.

*NB: Although REM denied producing the 2016 presidential elections report, it leaked and provided insight into how media served the ruling Serbian Progressive Party. See English article about it [here](#).*

- **Increase of pressures against professional journalists and media**

Within four days journalists Jovana Gligorijevic and Slobodan Georgijev and a humoristic talk show host Ivan Ivanovic received online death threats (8-12 May). Threats sent to [Georgijev and Ivanovic](#) came from the same Twitter account that targeted some opposition leaders as well. Ivanovic had previously been subjected to days of aggressive smear campaigns by the pro-government media that rallied against him for criticising the government. The persons behind the threats were quickly identified – one by the journalist herself, the other by the police - and arrested. Only days before, on May 5, KRIK portal has been [targeted](#) for a [report](#) detailing wars between organised crime clans. The report featured a photo of Aleksandar Vucic’s son with members of those clans and brief

information about his friendship with them. IJAS is facilitating communication between KRIK staff and ECPMF in order to secure more legal aid to the portal.

Regarding cases of threats against journalists, it is important to note that recent swift reaction by authorities was met with surprise given the number of threats that are yet to be resolved. IJAS has strongly requested that the demonstrated quick and professional approach must be taken when investigating all verbal and physical attacks against journalists. Georgijev announced that he would like to see other threats against him resolved and reacted publicly against continuous framing of media content that puts professional journalists in the same basket with opposition leaders (*Arrested for threatening Dragan Dilas, Boško Obradović, Janko Veselinović, Borko Stefanović, Ivan Ivanović i Slobodan Georgiev*, see [RTV](#)). This creates dangerous associations among citizens that lead to misperception that professional journalists, who report in public interest, are political opponents to the president. This, combined with smear campaigns in many ways endangers safety of journalists.

Ivan Ivanovic and another satirist, Zoran Kesic, received death threats by a singer, Aca Lukas via *Srpski Telegraf* daily published on April, 18. This represents a move out of social media environment and avatars and based on IJAS legal adviser the singer should be prosecuted *ex officio*.

- **Update on Ana Lalic case**

Journalist Ana Lalic was arrested and detained on April 1 under charges of *causing panic and unrest under Criminal Code Article 343*. Lalic had published an article featuring unnamed sources in Vojvodina Clinical Centre who stated that the medical staff at the Centre did not have enough protective gear. Although she was released the morning after, Lalic personal and work mobile phone and laptop were seized by the police. PM [Brnabic publicly accused](#) Lalic for 'fake news' and hating Serbia. Smear campaign against her in pro-government media followed as well as [paid online](#) advert calling her the *state enemy number 1* that appeared on different Google services. On April, 27 charges against Lalic were dropped, couple of days after the main epidemiologist in the crisis response unit admitted there was not [enough protection gear](#) at the start of the epidemic, but that he didn't reveal that earlier to avoid the spreading of panic. On May 1, tyre of Lalic car was punctured so her media Nova S provided her with security.

Reacting to public statements by the PM Brnabic stating that her article is 'fake news', Ana Lalic announced that she will raise charges against the Prime Minister. Lalic's lawyers have submitted a criminal complaint to the Special Prosecution Office for High Tech Crime for paid online campaign and it was, seemingly, taken on immediately and is being processed. Lalic is preparing a case against the tabloids as well.

- **Sources under threat**

One of the negative projections IJAS made came true – as the state of emergency exposed many weaknesses in Serbia health system, many employees and citizens provided information about the true state of medical centres. Ana Lalic relied on such sources in the Clinical Centre of Vojvodina when preparing her article. As her communication equipment was seized sources became exposed. It was reported the same Centre has [formed a commission](#) with an aim to identify the source of information for Lalic report. These claims have since been denied by the Provincial Secretary for Healthcare but the chilling effect on potential sources has been made.

The Law on Public Information and Media explicitly prohibits endangering the free flow of information through the media, especially by putting pressure on editors, journalists and on the *source of information*. Investigation of the journalistic source is inconsistent with the Law on Protection of Whistle-blowers, which states that the public can be alerted *without prior notification of the employer or authorized body in case of imminent danger to life or public health*, which is the case here.

The case of Aleksandar Obradovic, the whistle-blower whose arrest and detention in September 2019, were kept secret for some 20 days, before the media learned about it is still ongoing. Eight months after criminal investigation against Obradovic was initiated for effectively disclosing that Serbia's Interior Minister Stefanovic's father was involved in the arms trade, and five months after he was released from the house arrest, there has been no progress in the case. The situation lingered due to state of emergency and [Obradovic is still under suspension](#) living of a quarter of his salary and with no prospect of employment.

These are prominent and publicly known cases. It is expected that similar intimidation and pressures are exerted on many potential sources with an aim to discourage them from talking to journalists. Some journalists have publicly stated that they would rather go to prison than disclose the name of the sources, but with seizure of equipment and surveillance of electronic devices sources are endangered.

- **General statistics**

In 2019 database [safejournalists.net](http://safejournalists.net) recorded 134 incidents in the Western Balkans – 67 in Serbia, followed by BH (36). Such trends accelerated with Covid-19: by May 18, Serbia recorded 31 incidents, 17 during the state of emergency. IJAS also recorded 42 cases of pressures against journalists. Out of 42, more than 30 were by the state officials and 31 case took place during the state of emergency. It is important to highlight that this is just the tip of the iceberg as it takes into account only the ones IJAS recorded.

- **Ombudsman initiative: online database of attacks on journalists**

Ombudsman Zoran Pasalic initiated an agreement among journalist and media association and unions to create a platform that records attacks, pressures, insults and discrimination against journalists, as well as any other act that could influence their work, security and freedom of expression. Relevant organisations signed the agreement on May, 22. The platform, as it was agreed, will replicate the Council of Europe [Platform for the Protection of Journalism and Safety of Journalists](#). IJAS has been recording such incidents since 2010 in a national online database and since 2015 in a regional, so it will be happy to share its experience. While the agreement is signed, the concept is yet to developed by the Ombudsman office and shared with all partners.

- **Attempts of legalising censorship during the state of emergency**

On March, 31 a decree that put crisis response team, i.e. the Prime Minister, exclusively in charge of releasing the information about the pandemic came into effect. It left space for prosecution of journalists who publish independent expert's comments about the Covid-19 related measures under charges of spreading disinformation. The measure was in force three days and attracted strong public criticism from journalists and media associations and a wider CSO sector in Serbia, as well as from different international institutions and organisations. On April, 4 [PM Brnabic announced](#) that the decree was being withdrawn at the *request of President*

*Aleksandar Vucic to avoid casting a shadow on everything that has been done so far and not to give an excuse to Tanja Fajon or OSCE to criticise us.*

As of **April 11**, citing concerns of media professionals, crisis response team press conferences were closed for press (decision brought on April, 10). A new model was introduced whereas questions are sent via emails in advance, chosen and answered in a live broadcast. Hours after this announcement, PM Brnabic described journalistic question posed on a press conference a day earlier to president Vucic as a 'confrontation'. The question was regarding president's intention to be tested for Covid-19 since his son had been tested positive and admitted to the hospital. What followed was by an attack on N1 journalist by pro-government media. Such statement and attacks contributed to an agreement among media experts and professionals that the real reason behind banning journalists from the press conferences was the fact that, for the first time, viewers across Serbia could hear journalists from the independent media, usually branded as 'enemies', ask various questions of public interest on national TV: about protective gear, number of respirators, number of health professionals tested positive, number of elderly in care homes, number of infected and deceased etc. all of which was perceived as an attack on the government and often portrayed as attack on the crisis response team and health workers.

New approach to informing the public lead to a decision of some media not to send any questions (Beta and FoNet news agency, Danas daily, Vreme weekly, Insider production). To find out what journalists think about this IJAS developed a survey and, together with the Independent Journalists Association of Vojvodina, distributed it to media professionals. The aim was to find out if the information provided by the crisis response team under new measure is sufficient enough to secure information of public interest to the citizens. The survey was open for 24 hours and had 153 respondents coming from 89 media. The results showed that:

- 95.4% of respondents think that new format of press conferences does not allows journalists to inform citizens in public interest - the information provided is general and doesn't contain all data journalists need in their work;
- 47% of respondents confirmed that they had sent a total of 187 questions to the crisis response team.
- based on data provided by respondents only 30 questions were answered and
- 7.7% respondents stated that those answers contained the key information they had requested.

On April, 21, after increased pressure from Serbia and, especially, from abroad the decision was changed allowing different types of media access on different days withdrawn. The health measures applied to press conferences of the crisis response unit did not apply to other public events organised by the press office of the President.

- **Some conclusions regarding upcoming elections**

Current state of media freedoms, reported about not only by national organisations like IJAS, but also already mentioned international organisations, implies that there is **no precondition for free and fair elections in Serbia**. The function of media in a society is to make the government accountable for its action and provide objective, timely and correct information so citizens can make informed choices. Currently there is no precondition to secure access to information - quite the contrary: lack of media pluralism, absence of alternative views on national TV stations and newspapers, smear campaigns, intimidation and pressures exerted against critical voices, including journalists, by the same media makes true information difficult to find. It is these media that violate the Code of Ethics that are receiving significant funds from the state budget.

Media monitoring covering 16 -31 March by BIRODI showed that, for the first time, the [Government was more present](#) than the president on TV stations with national frequency. Even so, the president Vucic featured 63 times more than the most presented opposition leader (237 s in 14 days compared to 15,050 s).

Media monitoring by CRTA that covered the state of emergency (March 15 – May 6) showed that the [ruling majority dominated](#) on TV stations with national frequency by taking 91% of time dedicated to political actors in prime time programs on RTS 1, Prva, Pink, Happy and B92. The reporting tone was mostly positive or neutral. Remaining 9% was dedicated to opposition – 5% to parties boycotting the elections, mostly in negative tone and 4% to those who are not, in neutral tone.

Regular [IJAS monitoring](#) in 2019 showed that 155 calls for applications were published at republic, province and local level and that about 14,1 million EUR (1,656,906.180 RSD). In the first 6 months of 2019, media newspapers and portals *Alo*, *Srpski Telegraf*, *Kurir*, *Informer* and *Srbija danas* were [awarded 233,000 EUR](#) for projects despite Press Councils' [Aug-Dec 2018 monitoring report](#) which found 2,999 violations of the Code of Journalists of Serbia in these media (without *Srbija danas*). In the [second half of 2019](#) these media violated the Ethical code 3,903 times (*Alo* - 1,266, *Kurir* - 1,106, *Srpski telegraf* - 886 and *Informer* - 667, as Press Council reported). At the same time, these media are major producers of 'fake news' – [www.raskrikavanje.rs](http://www.raskrikavanje.rs) that monitors media content for fake news reported that [in 2018](#), they produced 730 fake news, and [945 in 2019](#). Cross referencing of data implies that the state, using tax payers' money through calls for production of content of public interest, effectively finances champions of violations of Code of Journalists and fake news producers. Information from 2020 implies that the same practice continued, although a more comprehensive study is yet to be made.

*NB: Number of violations of the Code of Journalists and fake news reported here are only the ones organisations registered as a part of limited monitoring. The real number is higher.*