



tolerance
tolerance



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REPORT ON DISCRIMINATION IN MEDIA

PRODUCED WITHIN THE REALIZATION OF YUCOM'S PROJECT

CAMPAIGN TO PROMOTE TOLERANCE AND STOP RACISM

that will comprise promotion of measures and practices needed to be introduced by state organs in order to fight discrimination against ethnic minorities and refugees, discrimination based on the ground such of sex, race, colour, social origin, genetic features, language, religion or belief, political or any other opinion, property, birth, disability, age or sexual orientation.

Lawyers Committee for Human Rights has, during the period of 12 months, and within the realization of its' Campaign to promote tolerance and stop racism project, realized a research focused on the implementation of media laws (Public Information Law, adopted in 2003, and Broadcasting Law, adopted in 2002), in their parts that concern promotion of tolerance and ban discrimination and hate speech.

During the course of this research, YUCOM has consulted both Public Information and Broadcasting Law, as well as the Law on Criminal Procedures, in order to use their provisions that, even if incomplete, provide mechanisms that promote tolerance and sanction hate speech in public discourse. On the very beginning

of the project it was obvious that there exists a certain level of reluctance of state organs, public prosecutors, and even media associations, to try to implement above mentioned laws, primarily out of fear of misunderstanding the usage of these laws as single-mindedness, totalitarianism, and prohibition of the right to freedom of speech.

In addition, YUCOM has based this analysis on comparative research and usage of values and standards of European Court of Human Rights (ECHR), on relevant European recommendations and resolutions set in this area, and on Declaration of International Federation of Journalists (IFJ) on Principles of Conduct in Journalism.

The very beginning of this research was marked by identification of three basic problems that should be addressed during the course of its' realization: 1) obstruction and ignorance of courts; 2) negative media campaign and negative reactions to attempts of implementation of mechanisms for promotion of tolerance; 3) disregard of electronic media to act upon their legal obligations.

TWO EXAMPLES OF PROMPT REACTION OF RELEVANT INSTITUTIONS

The realization of YUCOM's research included sending a number of formal requests, initiating court procedures, and

broadly using all the other mechanisms available in order to promote tolerance and stop discrimination. In only two of these cases YUCOM has managed to provoke a prompt reaction:

1. In the case of a plea filed against Čedomir Šoškić, editor in chief of a daily BORBA, in relation to the article published in his newspaper that contains serious libel against human rights activists. Immediately after the intervention from YUCOM, daily BORBA published a public apology, explaining that the editor in chief failed to stop publishing of a text that spreads intolerance and hate speech in his paper. After the apology has been published, YUCOM stopped all its' actions, for we deemed that the purpose of



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the original intervention has been accomplished.

2. In the case of the press release and a petition sent to the Republican Broadcasting Agency (RRA), related to the broadcasting of an unknown large number of SMS messages on the (then existent) Third Channel of the National Broadcasting Corporation (RTS), with contents that, in various ways, spread intolerance and hate speech against non-heterosexual population. In this case the RRA has reacted rapidly¹,

¹ It is important to remark here that the RTS's Third Channel has been shut down during the period of realization of this research, which opens a question whether the RRA's prompt reaction has been motivated by reasons different from those stated in its decision on Third Channel's behavior. Namely, since RRA was, during this period, primarily occupied by the distribution of radio and TV frequencies, it is possible that YUCOM's intervention has served to a purpose different from originally intended. The reason for this doubt lies in the fact that this was the only time RRA has reacted promptly on YUCOM's request, although there were a number of similar petitions filed after this one, that concern both RTS and other broadcasters with national frequency, where RRA did not answer in the same, prompt

which also led directly to achievement of the goal of original intervention – the RTS Third Channel took care to stop broadcasting messages of offensive character towards various minority groups.

***PROBLEM No.1: obstruction
and
ignorance of courts***

According to the Public Information Law, hate speech is very precisely forbidden (Articles 38 and 39) as a ban on publishing or broadcasting of ideas, information, or opinions that spread discrimination, hatred, or violence against individuals or groups for the reason of their connection or lack of connection to particular race, religion, nation, ethnic group, gender, or for their sexual orientation; here, it is proscribed that it is irrelevant if by way of publication or broadcasting of this information any criminal action has been carried out. Furthermore, not only individuals, members of particular groups that are personally hurt by these kind of

and energetic was, or, in most of the cases, has not answered at all.

information are eligible to press charges against discrimination, but those are also all the organizations that have a goal to protect freedoms and rights of citizens. Any charge against authors of information and against editor in chief of publishing or broadcasting house can contain requests to ban republishing (or broadcasting) of this information, and to publish (or broadcast) court decision, when reached, with the costs covered by the accused. Here, it is prescribed that court procedures are to be carried out according to the Law on Civil Procedures. The experience of YUCOM's Legal Team, after the realization of this research, shows that the initiation of court procedures for acts of discrimination, intolerance and hate speech, has not yet become practice in Serbian courts. Namely, it is obvious that the courts do not adequately act upon charges for intolerance and hate speech, which can result from the lack of knowledge on the issue, or as a result of obstruction of some kind, that, on the other side, can be

motivated by illiteracy and bad administrative routine of the courts, or can be pure conscious and aimed for obstruction.

TABLE given below shows the statistics and overview of court cases initiated during the research period, by usage of Articles 38 and 39 of the Public Information Law.

This overview additionally confirms conclusions given above.



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Case name and/or Article title	Date of lifting charges, relevant courts' name, and description of the charges	Overview of the procedure No. of court hearings held Complaints	Procedures that followed complaints	Conclusion
<p>1. YUCOM vs. Željko Vuković and Manojlo Vukotić, VECERNJE NOVOSTI daily Procedure No. 1577/06 Article title: The boy and his puppy</p> <p>CHARGES FOR HATE SPEECH</p>	<p>06/12/2005</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The charge has been refused as legally inadequate, thus the merits have not even been discussed.</p>	<p>22/09/2006</p> <p>The complaint has been submitted.</p>	<p>No answer of court of second instance received.</p>
<p>2. YUCOM vs. Manojlo Vukotić, VECERNJE NOVOSTI daily Procedure No. 932/06 Article title: The movement of bold brains</p> <p>CHARGES FOR HATE SPEECH</p>	<p>16/12/2005</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The charge has been refused as legally inadequate, thus the merits have not even been discussed.</p>	<p>19/05/2006</p> <p>The complaint has been submitted.</p>	<p>No answer of court of second instance received.</p>



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<p>3. YUCOM vs. Slobodan Reljić, NIN weekly Procedure No. 1575/06 Article title: The Other Serbia and victims of Serbian people</p> <p>CHARGES FOR HATE SPEECH</p>	<p>25/01/2006</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The court of first instance has concluded that YUCOM has dropped the charges since YUCOM's representatives never appeared in front of the court. YUCOM has never received any court appeal. The same court additionally decides that YUCOM should refund the costs of trial to the accused Slobodan Reljić.</p>	<p>21/09/2006</p> <p>The complaint has been submitted.</p>	<p>No answer of court of second instance received.</p>
<p>4. YUCOM vs. Dragan J. Vučićević and Đoko Kesić, KURIR daily Procedure No. 2075/06 Article title: Heil Vučo, Heil Čanak, Heil Kandić, Heil Matić</p> <p>CHARGES FOR HATE SPEECH</p>	<p>16/12/2005</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The charge has been refused as legally inadequate, thus the merits have not even been discussed.</p>	<p>22/03/2006</p> <p>The complaint has been submitted.</p>	<p>No answer of court of second instance received.</p>
<p>5. YUCOM vs. Čedomir Šoškić, BORBA daily Procedure No. 1071/05 Publishing of a statement of Dragan Marković Palma</p> <p>CHARGES FOR HATE SPEECH</p>	<p>27/12/2005</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The case ended with the public apology of an author, published in BORBA daily.</p>		<p>The charge has been removed after the apology published in BORBA daily.</p>



<p>6. YUCOM vs. Ivan Čorbić, GLAS JAVNOSTY daily Procedure No. 1221/06 Publishing of a statement of Dragan Marković Palma</p> <p>CHARGES FOR HATE SPEECH</p>	<p>10/12/2005</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The charge has been refused by the court of first instance as legally inadequate, thus the merits have not even been discussed. The court of second instance has confirmed this ruling.</p>	<p>21/03/2006</p> <p>The complaint has been submitted.</p>	<p>Since the court of second instance has confirmed the ruling on refusal of the case for the reason of legal inadequacy, and since no other prescribed mechanisms exist which could be used in such kind of cases, the ruling of the court of second instance becomes valid and final.</p>
<p>7. YUCOM vs. Tanja Kovačević, SRPSKI NACIONAL daily Procedure No. 2047/06 Article title: Kandić, Vučo and Biserko are women with a problem.</p> <p>CHARGES FOR HATE SPEECH</p>	<p>06/02/2006</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The charge has been refused as legally inadequate, thus the merits have not even been discussed.</p>	<p>16/06/2006</p> <p>The complaint has been submitted.</p>	<p>No answer of court of second instance received.</p>
<p>8. YUCOM vs. Đoko Kasić, KURIR daily Procedure No. 931/06 Article title: The Circus continues</p> <p>CHARGES FOR HATE SPEECH</p>	<p>16/12/2005</p> <p>Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The complaint has been accepted. There were 5 court hearings held until now.</p>		



<p>9. YUCOM vs. Antonije Kovačević, KURIR daily Procedure No. 1574/06 Article title: Four women riders of Apocalypse</p> <p>CHARGES FOR HATE SPEECH</p>	<p>06/02/2006 Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>	<p>The complaint has been accepted. There were 2 court hearings held until now.</p>		
<p>10. YUCOM vs. Antonije Kovačević, KURIR daily Procedure No. 1574/06 Article title: Ceda's treason</p> <p>CHARGES FOR HATE SPEECH</p>	<p>06/10/2006 Charges submitted to the District Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech. The court has declared its' lack of authority in relation to the place of transgression (publishing of an article). The charge was re-submitted to the First Municipality Court in Belgrade.</p>			
<p>11. YUCOM vs. Ljiljana Smajlović, POLITIKA daily Procedure No. 6724/06 Article title: Looks like NATO</p> <p>CHARGES FOR HATE SPEECH</p>	<p>11/09/2006 The charge was submitted to the First Municipality Court in Belgrade. Charges request ban of republishing of stated article and obligation of publishing of the verdict. The charges are filled according to the provisions in Public Information Law, for hate speech.</p>			<p>It is disturbing that three months after the submission of charges nothing has happened, and the court has not acted in any way.</p>



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YUCOM's experience from the cases shown in the Table is that the courts clearly try to find different ways to avoid processing charges for hate speech. In most of the cases the courts are refusing to even discuss the merits of charges, opting to turn them down using mostly unclear procedural arguments. This practice represents a problem in its essence, on one side, but also points to the additional problem that ordinary citizens might have if trying to protect their rights. Namely, all the cases listed have been processed by a team of highly specialized lawyers and attorneys at law, well trained in dealing with different legal obstacles in protection of human rights. Having that in mind, it is unclear how big are the chances of ordinary citizens and groups of citizens to protect their rights in a same way, when it was hard, almost impossible for YUCOM lawyers to do so.

It is interesting that one of our cases have already ended, since all the prescribed legal instruments have been used, and we were not able to even come to a hearing that would decide about the merits of a

charge in case – whether the information published in the media has really violated the principle of prohibition for spreading and supporting intolerance of any kind. It is a case against the editor in chief of daily GLAS JAVNOSTI, Ivan Čorbić, related to the article “Be your own and respect others” (published January 16, 2006). In this article, a statement made by Dragan Marković Palma has been published, in which he calls human rights activists Sonja Biserko, Nataša Kandić, Sonja Liht and Biljana Kovačević-Vučo “women riders of Apocalypse”, and qualifies them as persons “troubled with hatred for Serbs”.

The final conclusion whether the obstruction noticed is deliberate, and is realized by way of misuse of procedural arguments, or is caused by initial confusion of courts for the lack of developed practice in the area YUCOM will be able to give only when all the cases initiated are finished and decisions reviewed.

PROBLEM No.2: negative media campaign and negative reactions to attempts of implementation of mechanisms for promotion of tolerance

The cases for hate speech initiated before Belgrade courts have provoked mainly negative media reaction, that is, most of the media have reacted negatively on the information that YUCOM is conducting such actions, which has furthermore resulted in additional spreading of intolerance towards YUCOM and/or individuals and groups that were meant to be protected from violence and discrimination in YUCOM's suits. It came out, almost as a rule of conduct, in a series of articles and covers that, as the end result, aimed at discouraging anyone to initiate similar actions, at to further discredit YUCOM and other human right advocates that would think of using these tools in the future. This media coverage, finally, unquestionably discourages potential individuals and groups in their attempt to use available legal mechanisms in order to protect their rights.

To give an example for the conclusion given above, the case against journalist Željko Vuković and editor in chief of daily VECERNJE NOVOSTI Manojlo Vukotić (see case YUCOM vs. Željko Vuković and Manojlo Vukotić, VECERNJE NOVOSTI daily), that was aimed at banning spread of intolerance toward NGOs for their activities who, among other, struggle for the equality of Albanian minority in Serbia, widely included in the article titled “The boy and his puppy”², has

² In the article titled “The boy and his puppy”, the author, Zeljko Vukovic, describes a brutal murder of 11-year-old Serbian boy by Albanina woman Elfeta Veseli, in 1992. After the depiction of this tragic atrocious act, the author has tried to, by manipulating the emotions of readers, re-rute the article toward direct attacas on NGOs in Serbia, blaming them for being silent when faced with troubles of Serbian victims, which is a classical stereotype, frequently used to assault NGO activists, especially the so-called “NGO women”. Namely, the author insists on the inverse scenario where, in his opinion, completely different reaction will be produced if the victim was the Albanian boy, and his murderer a Serb (then, as was written in the text “the voice of NGO women and media in Belgrade will rise skyhigh, for they are



resulted in a genuine campaign of hatred and violence in articles printed in VECERNJE NOVOSTI in a period of two months following the submission of charges by YUCOM. The articles titled “Slobodan and Biljana”, “Nothing is sacred to them”, “Hate speech on “hate speech””, “The boy in an army uniform” have been published during this period, along with the article titled “When the whore Vuco weeps for Schiptar Nefreta!”, published in the weekly PRST in Republika Srpska where the most vulgar language was used to attack YUCOM team of attorneys at law, Biljana Kovacevic-Vuco, YUCOM chairperson, Mirna Kosanovic and Natalija Solic, who, incidentally, all signed the charges against Željko Vuković and Manojlo Vukotić from VECERNJE NOVOSTI daily.

Nevertheless, taking this negative media campaign aside, it is YUCOM has noticed that the reduction of the level of intolerance toward groups and individuals that were the object of our

well paid to educate Serbian people and confront them with their ugly past “).

interventions, which was our main goal. As such, our goal has been achieved, in a (strange) way that the campaign of intolerance was redirected from the victims of discrimination toward NGOs that protect their rights.

PROBLEM No.3: disregard of electronic media to act upon their legal obligations

The Public Information Law prescribes the obligation of electronic media to provide video-copy of the TV program that contains elements of intolerant and discriminatory behavior. This legal obligation is almost entirely disregarded by electronic media, which hampers the process of initiation of legal procedures, since no video material exists as the evidence to back charges for discrimination in media.

Thus, only in one case, and after YUCOM’s requests and further intervention of the Republican Information Officer Rodoljub Šabić, YUCOM has managed to come into a possession of the video material. This was in a case against discrimination of Albanian

minority, where YUCOM has contacted the state authorities and the Republican Broadcasting Agency (RRA), for one of the participants in an open debate where the hate speech occurred was a high representative of the ruling coalition’s ruling Democratic Party of Serbia (DSS)³.

NEW PROBLEMS: Lack of implementation of the Public Information Law by the Ministry of Culture and Media

During the course of this research, the new problems emerged, along with those detected at the beginning, which are the

³ During the TV debate “Signali (Signals)”, broadcasted by TV Novi Sad in May 2006, Miloš Aligrudić, head of the parliamentary group of DSS, has calmly listened to the viewers’ question, asking “When is the point in time where, in Montenegro, the voice of one Albanian will cease to be worth the same as the voice of one Serb?”. Instead of adequate reaction, in which he would warn the viewer on the language of discrimination used here, Mr. Aligrudić continued with discussion opened by this question, thus suggesting to the viewers that this kind of speech is quite tolerable.

result of high level of inertia of relevant state organs. Namely, YUCOM’s legal team has intervened against discrimination and hate speech by way of initiating court procedures, on one side, and by intervening with the relevant state organs (according to the Public Information Law), on the other. The relevant organ in this case is the Ministry for Culture and Media, which has the authority of supervision of the implementation of Public Information Law. In our research, Ministry of Culture has never answered to any of YUCOM’s petition to react, in accordance with its’ authority, on various acts of intolerance and discrimination in media. According to the Law, the Ministry of Culture and Media has also the authority to supervise another law aimed at increasing the transparency of information in a society – the Law on Free Access to Information (FOIA). Since the adoption of this law in October 2004, another republican body, the Information Officer, constantly informs on lack of functioning of supervising role of the Ministry of Culture, and pleads for the re-



appointment of supervising ministry. The Republican Information Officer thus states: “Ministry of Culture, at this moment, have neither personal, organizational, logistical, nor other requirements, as it doesn’t have an inspection service formed in order to perform supervision prescribed by the law.”⁴. Finally, even the representatives of parliamentary board that were active in drafting and adoption of FOIA confess, in private discussion, that the Ministry of Culture does not have capacities for performing its’ authority.

YUCOM’s research confirms that the Ministry of Culture and Media has no capacity to perform its’ obligations, but is also not showing signs of good will to establish any kind of communication with interested individuals and groups, even if must be stated that this ministry was the only state organ that was openly against some not clearly motivated conducts of RRA (related to distribution of national

frequencies), after which the Ministry has also become the victim of media lynch, mainly led by the RRA.

NEW PROBLEMS: Lack of respect for the Broadcasting Law by the Republican Broadcasting Agency (RRA)

The RRA has, by the Broadcasting Law, the highest authority in relation to questions of national broadcasting. Namely, the RRA, by the Broadcasting Law, has the power to ban spreading of hatred, discrimination, and calls on violence in the media. It has been shown, however, that RRA has not used these provisions at all, that is, has not responded to any petitions for discrimination in media, in the period of allocating the rights to national frequencies that has corresponded to the period of YUCOM’s research.

According to the provisions given in the Broadcasting Law, RRA has very broad authority in supervision of work of broadcasting companies, related to the circumstances under which the company has acquired permission

to broadcast, and especially related to the type, structure, and contents of emitted programs. According to the Law, this supervision can be carried out by RRA, or by some independent agency, engaged by RRA. In its’ Strategy for Development of Broadcasting in Serbia, RRA states that “special care will be taken regarding respect and implementation of legislature that bans broadcasting of contents that spread racial, national and religious hatred, hatred for particular gender or for sexual orientation, handicap, refugee or other social status or profession, as well as on protection of minors from contents of damaging character”, as well as that “the Ethical Committee will assist RRA in cases where the difference between hampering the freedom of speech and violation of these conditions is unclear of legally imprecise”. Finally, as a part of supervision of work of broadcasting companies, the development of an efficient system for responding on petitions of citizens or broadcasting companies

has been envisaged⁵. However, according to YUCOM’s communication, this strategy has not yet become practice.

In total, YUCOM has filled 27 petitions to RRA during the course of this research. Of all these cases (accept the one given at the beginning of this report), RRA has responded only in those where, for the reason of lack of material evidence (video-recordings submitted to YUCOM by broadcasting companies), RRA was not able to react. This is how, in the case of TV debate “Signal” (see PROBLEM No.3: disregard of electronic media to act upon their legal obligations), after the Broadcasting Corporation of Vojvodina (TV Novi Sad) did not respond to YUCOM’s request for video-copy of the debate, YUCOM has addressed both RRA and Republican Information Officer with the request to, in accordance with their legal authority, intervene in the case. The RRA has answered this request claiming that it is impossible for them to react, since

⁵ Strategy for Development of Broadcasting in Serbia until year 2013, page 42 (see at www.rra.org.yu).

⁴ Report on implementation of the Law on Free Access to Public Information (see at www.poverenik.org.yu).



TV Novi Sad does not possess the copy of the debate in question. On the other side, Republican Information Officer has indeed contacted TV Novi Sad, after which YUCOM has acquired the requested video-copy, and submitted it to RRA. After the submission of the video material RRA has failed to further react to YUCOM's petition in any way.

NEW PROBLEMS: Political exploitation of RRA

In the case of Dušan Savić, former football player, member of the Executive Board of National Public Broadcaster RTS, appointed there by the Advisory Board of RRA, YUCOM has reacted on his blatant discriminatory speech toward non-heterosexual population in TV program "Sabornik", broadcasted on Second Channel of RTS in July 2006. In its' petition related to this case, YUCOM has requested efficient and adequate reaction of RRA.

According to the answer received, RRA has, acting upon YUCOM's petition, asked the program editor of RTS to clarify

this case. RTS's program editor has admitted that an error had occurred and promised that the programs of similar contents will be removed from future program scheme. Even if this explanation proved to be meaningless, since the quoted "programs of similar contents" have not been removed since then, while the program in question has been even re-emitted, RRA has come to conclusion that the hate speech does not exist in the program in question, so that no ground exists for imposing penalties of any kind. The only satisfaction after the petition thus comes from the program editor of RTS who admits that this kind of attitude is not tolerable for media, while the question of RRA's responsibility remains open, for its' conclusion that the attitudes of famous football player, even if being intolerant and conservative, can not be qualified as hate speech. Dusan Savic is, as a representative of RRA, still member of the Executive Board of National Public Broadcaster RTS.

LIST OF CHARACTERISTIC CASES

1. Djoko Kesić and Dragan Vučićević KURIR daily case (article "Heil Vučo, Heil Kandić, Heil Čanak, Heil Matić")

The article "Heil Vučo, Heil Kandić, Heil Čanak, Heil Matić" published in daily KURIR is entirely shaped to disqualify various human rights activists, who also work on confronting the past, by way of comparison of personalities and work of this individuals with nazis in Hitler Germany. YUCOM has submitted charges against Djoko Kesić, editor in chief of daily KURIR, and journalist Dragan Vučićević, for hate speech, to the First Municipality Court in Belgrade. Since this court has refused the charge as legally inadequate, YUCOM has filled a complaint to District Court in Belgrade, as a court of second instance, which has, in June 2006, reject prior decision and sent a case back to trial. Thus the court of first instance has given another chance to at least

decide on merits of the case, and not hide behind procedural reasons.

2. Miroslav Toholj GLAS JAVNOSTI daily case (article "The season of lowing")

The article "The season of lowing", published in daily GLAS JAVNOSTI in July 2006, reminds readers on anniversary of Srebrenica massacre, in a way that negates crime committed and spreads xenophobia and intolerance toward those in Serbia who condemn crimes committed in Srebrenica. The author Miroslav Toholj writes: "Do you remember last years Petrovdan (Peter's day)? Do you remember the lousy pomp that followed, here and in the Euro-Atlantic integrated western world, 10 year anniversary of the "adversity of Srebrenica", and the terrible silence that once again murdered Serbs from Bratunac and surrounding, and once again prepared the retreat from refugee Krajina?"

YUCOM has intervened with the Ministry of Culture and Media in this case, choosing to appeal for prompt reaction, instead of



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initiating what would probably be a lengthy court case. Unfortunately, the Ministry of Culture has never responded to our pleas.

3. Ljiljana Smajlović, editor in chief of POLITIKA daily case (article “Looks like NATO”)

Article titled “Looks like NATO” appeared as a column of the editor in chief Ljiljana Smajlovic in daily POLITIKA in July 2006. This article was related to then ongoing war in Lebanon, but was designed and written in such a way that it uses the main topic in order to strengthen animosity toward and attack credibility of human rights NGOs in Serbia. According to this article, local human rights-oriented NGOs are troubled with attitude towards the article’s subject (war in Lebanon and Israeli intervention in this country), because they are financially dependent on donations from foreign countries, particularly the United States, so that their opinions are also directed and modified by the interests of these countries. The text even uses clear untruth that the author (Ljiljana

Smajlovic) was not able to find any human rights-oriented NGO activist who would be ready to give a statement on this issue. The author clearly uses this fabrication in order to strengthen the main idea of her article, but the truth is that Ljiljana Smajlovic has never called anyone from YUCOM, or our partner human rights organizations, and asked for a statement on Lebanon.

YUCOM has reacted on this article by submitting charges for spread of intolerance and hate speech toward human rights-oriented NGOs and their representatives. YUCOM’s team engaged in this research has come up with the decision to intervene in this way taking into consideration the long tradition of daily POLITIKA, its high impact and large readership, traditional closeness to governments, the fact that it is considered to be one of the rare “serious” dailies in the country, and the fact that the author of the article is at the same time the editor in chief of the media.

In addition, this article has further influenced the writing of other newspapers, especially the

so-called tabloids in Serbia, which started publishing texts of similar contents, using far more severe, straight and receptive language, where not only intolerance was spread against human rights NGOs, but POLITIKA article was quoted to confirm these statements and negative stereotypes toward NGOs. Having in mind that these articles have appeared in newspapers that were already in some kind of trial with YUCOM (that is, YUCOM has already pressed charges against them), YUCOM’s expert team has decided that charges against POLITIKA will produce best effects in this case. The procedure thus started in August 2006.

Instead of any kind of apology or explanation on how this attack on NGOs happened or, even if this was necessary, why some of the fabricated facts (negative stereotypes on NGOs existing from the period of Milosevic’s regime, used then by Serbian Radical Party – SRS, Milosevic’s party – SPS, and Yugoslav United Left – JUL, and now mainly by DSS, New Serbia – NS and parties from the so-called national block) were

used, the author, editor in chief of daily POLITIKA, writes another article on September 3, 2006, giving it a title “Silence, the Committee is listening!”.



Moreover, the article was published in a day (Sunday) when the circulation of POLITIKA is highest, in a highly visible column called “The word of the editor”. The entire text, as the title of it, aims at YUCOM, and describes it as an organization of Stalinist type, which has taken upon itself the role of censor who educates the society and especially the part of society which has the ideological views different than YUCOM’s. As a confirmation of her views, the



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author uses a campaign against YUCOM that is already ongoing in weekly NIN. The text further disqualifies YUCOM by usage of half-truths, trying to realize a reaction after which every future YUCOM's reaction will become meaningless.

Using prescriptions given in the Public Information Law, YUCOM files petition for the correction of information, to be published the same day, at the same place as this article. The editor in chief of POLITIKA, however, misuses her position and publishes her answer on Thursday (low circulation), September 12, on page 28 of the newspaper in the column reserved for readers letters and opinions (low visibility). According to the Public Information Law this kind of behavior is punishable; YUCOM's expert team has, however, decided not to start any new actions here, for it was obvious that new actions will only ignite new campaigns against YUCOM and other NGOs, without a prospect of reaching any kind of satisfaction (written apology or court order) in a near future. YUCOM's team has decided to

inform numerous local and international organizations on this case instead.

None of the addressed organizations or institutions have replied to YUCOM, or reacted in any visible way.

4. Dušan Savić RTS case (TV program "Sabornik")

In TV program "Sabornik", broadcasted at RTS on July 23, 2006, Dušan Savić has stated his aggressive opinion and has spread intolerance against non-heterosexual population. On July 28, YUCOM has requested a video-copy of this program from the RTS, in order to be able to use available legal measures against hate speech.

Even if broadcasting corporation is obliged by the law to provide video-copies of such kind on request, RTS has not provided this to YUCOM, obstructing thus possible initiation of legal procedures.

This has prompted YUCOM to file a petition to the Republican Broadcasting Agency (RRA), asking the Agency to use its'

authority and intervene in this case. At the same time, YUCOM has filled a request with the Republican Information Officer as well, for he has the same authority in this case as RRA. Finally, YUCOM has addressed the Ministry of Culture and Media regarding this case, asking for the initiation of penal procedure against RTS, having in mind that the RTS disregards proscribed ban on spreading intolerance and, at the same time, obstructs the use of prescribed legal mechanisms for protection.

On August 24, RRA answers to YUCOM, stating that this Agency has considered (viewed) the video-copy of the program in question and has asked the program director of RTS for an explanation. Since the program director of RTS has explained to RRA that a mistake has been made, and that care will be taken to remove all the similar programs from RTS's scheme, RRA has decided that no base exists for initiation of court procedures. In addition, RRA has qualified opinions of Dušan Savić as intolerant and conservative, but has, even if the program director has stated that the TV program in

question is not allowed for broadcasting, decided that hate speech can not be detected there.

Received contradictory estimations of RTS's representative, on one side, and RRA, on the other, has prompted YUCOM to again ask the RRA for the video-copy of this program. No answer, or material, has been delivered to YUCOM yet. This brings concern that Dušan Savić, being a member of an Executive Board of RTS, could be in a position to influence the policies of national broadcasting company.

5. Miloš Aligrudić TV NOVI SAD case (TV program "Signali")

TV program "Signali", a political debate open to contact with viewers, broadcasted on TV NOVI SAD (public service – Broadcasting Corporation of Vojvodina), dealt with the issue of then upcoming referendum for sovereignty in Montenegro. The whole debate was full of hate speech and discriminatory talk that was encouraged by present representatives of ruling parties and high representatives of Serbian



government. This is how, during the debate, Miloš Aligrudić, head of the MPs of ruling party of the ruling coalition DSS, after being asked by one of the viewers “When will the voice of one Albanian cease to be worth the same as the voice of one Serb in Montenegro?”, failed to react adequately and worn the viewer on his discriminatory and intolerant speech, and, moreover, continued the discussion opened by this question, and even added his opinion that the question of suzerainty of Montenegro is Serbian most important internal question. By doing this, by accepting and continuing the discussion opened in this way, Milos Aligrudic has sent a direct message of chauvinism out to the viewers, having no one, not even the journalist present, who will react in appropriate way. This case, and this kind of practice points to the fact that the ruling coalition or its’ representatives are not ready to react in order to assist rejection of hate speech, and are, on the other hand, even consciously contributing to the creation of public opinion that would embrace

and tolerate discrimination toward different minority or ethnical groups.

In this case, YUCOM has filled a request to TV NOVI SAD, in order to receive the copy of the debate “Signali“, and be able to initiate other legal measures available according to the Public Information Law and Broadcasting Law. TV NOVI SAD has not responded to this request (ant its’ legal obligation), which prompted YUCOM to react with the Republican Information Officer, having in mind that TV NOVI SAD is a public service, and thus obliged to provide requested information. At the same time, YUCOM has filled a petition to RRA and Ministry of Culture and Media, governmental bodies with authority in this case.

Only after the intervention of Information Officer has TV NOVI SAD provided the video material to YUCOM. This was after YUCOM has received the answer from RRA, stating that it is impossible for them to react in this case, since TV NOVI SAD does not have a copy of the debate in question. Having a material in our

possession, contrary to claims of RRA, YUCOM has given this material to RRA, in order to enable RRA to react in this case.

YUCOM has received no answer from RRA after this, not on the petition, nor on measures initiated or even opinions held. No answer came from the Ministry of Culture, either.

6. Krasic and Cvetanović - Ivana Dulić-Marković case (spread of intolerance toward government’s vice-president)

Promoting the idea of restriction of intolerance in public speech, YUCOM has reacted in the case of hate speech of Krasić and Cvetanović, MPs of Serbian Radical Party – SRS, who were openly, during July 2006, in Serbian Parliament, and after that, in local parliament of city of Leskovac, arguing hatred and intolerance against governments vice-president Ivana Dulić-Marković and members of her family, for her and her families nationality. Namely, SRS members are well known for the ability to misuse political speech in a way

that opens space for spread of discrimination and promotion of violence – SRS members, namely, never attack the whole nation, as a group, but use stereotypes connected to that nation on, mostly well-known, individuals. This is how, then Minister for Agriculture, and later government’s vice-president, Ivana Dulić Marković, was accused of being an “ustasha” (member of pro-fascist government in Croatia, ruling during WWII), of her family being the same, quite the contrary of the other representatives of “sincere Croatian nation”.

YUCOM has decided to react in an authorized text in daily BLIC, where a concern has been stated that the relevant institutions will fail to react in this case and use available measures to fight this deviant behavior, as well as an attitude that this kind of debate can not be perceived as the “right to an opinion”. In this article, YUCOM’s chairperson has claimed it necessary that “the citizens of this state understand that violence, both verbal and physical, is not the Serbian ethnical identity, but a criminal category, under the



authority of public prosecutor“, as well as that it is „necessary that Government and ruling parties should stop practicing violence themselves. Those who have power finally have to start using measures that are not only legitimate but also legal, and are needed if Serbia is to become a pleasant place for living.“

Attacks on Ivana Dulić-Marković continued in the period after the publication of YUCOM's article. Since this problem has thus been widely recognized, since many representatives of political parties, NGOs and media have more or less adequately reacted, and since both Ivana Dulić-Marković and her party G17+, member of the ruling coalition, have reacted and initiated a number of measures and charges against responsible persons, YUCOM had find it unnecessary and redundant to start legal initiative of any kind. Instead, YUCOM has continued monitoring statements that spread intolerance toward members of Croatian minority, on the account of government's vice-president, and has concluded, at the end of this campaign, that major part of

this campaign of intolerance was covered by tabloids PRESS, KURIR, and daily GLAS JAVNOSTI. These newspapers have not just published discriminatory statements of politicians, but have broadened the spread of intolerance by journalists' contributions in various printed texts.

7. Hate speech against Mirjana Karanović KURIR daily case (article "Multi – Mira")

The actress Mirjana Karanović has played a leading role of Bosnian women in awarded movie "Grbavica“, produced in Bosnia and Herzegovina, and has thus triggered a campaign of negative reactions in Serbia. In the article authored by R.S, titled "Multi – Mira“, and published in daily KURIR in August 2006, a number of inappropriate xenophobic discriminatory comments were written against the actress, for playing a Bosnian and for participating in productions of other former-Yugoslav states, and finally against members of other

nations of countries of other former-Yugoslav states.

YUCOM's team has sent a petition to the Ministry of Culture and Media, pointing to indications of intolerance and discrimination, and has asked for Ministry's reaction in this case, since the Ministry has the authority to react here.

The Ministry of Culture and Media has never answered YUCOM's requests.

8. Kosta Čavoški, Žarko Puhovski and Sonja Biserko RTS case (TV program "Ključ - The key")

The TV debate "Ključ“, hosting Sonja Biserko, president of the Helsinki Committee for Human Rights in Serbia, Žarko Puhovski, president of the Croatian Helsinki Committee for Human Rights, and Kosta Čavoški, Belgrade Law School professor, was emitted on August 1, 2006, during the period of summer holidays, and has not caused any significant interest of viewers, even if it was full of statements based on stereotypes on NGOs as foreign workforce, and attacks on Sonja Biserko as a

present representative of this sector. In this debate, Žarko Puhovski, president of the Croatian Helsinki Committee for Human Rights, who have not taken part in attacks against Sonja Biserko, and have done all that he can in order to protect her from various attacks, have, however, served as an antipode to the Helsinki Committee for Human Rights, run by Sonja Biserko in Serbia. Namely, the concept of this debate apparently was to wage human rights activists and their principal attitude in Croatia against those in Serbia, who are employees of foreign countries, are traitors and anti-Serbs. Since this debate was broadcasted during summer holidays and have not attracted much public attention, RTS has decided to re-run it in September 2006. Since this was a period of intensified campaign against NGOs in Serbia, and since the contents of this debate includes spreading of stereotypes against local NGOs and hatred toward human rights activists in Serbia, in a way that aims to disqualify their efforts to establish value system that would support equality and



human rights, re-running of this show must be viewed in this context as a contribution to spread of hate speech. Especially if having in mind that professor Čavoški has insisted, during the whole duration of this debate, solely on attacks on Sonja Biserko and her “treacherous, paid for activities”.

YUCOM has requested a video-copy of this debate from the RTS in September 2006. No answer has received yet, which points to RTS’s desire to conceal the content of it, as well as on RTS’s unwillingness to act upon its’ legal obligations.

9. Tomislav Nikolić RTS case

Tomislav Nikolić, vice-president of the Serbian Radical Party (SRS) and SRS’s MP in Serbian Parliament gave an interview to the Second Channel of RTS on July 27, 2006, in which he has largely spread hate speech. YUCOM has requested a video-copy of this interview from RTS, and has received requested material. This, however, has not prompted further reaction, for cases involving representatives of SRS

have proven to be a specific problem for processing. Namely, Serbian Radicals are usually skillfully presenting their campaigns of discrimination as a form of legitimate political speech and campaign, so that initiating legal actions against SRS members and their hate speech usually ends with effects opposite of those initially aimed, while members and supporters of SRS use all such initiatives for further attacks against censorship and suppression of freedom of speech. This is how one ends up in a situation similar to the one caused by intervention on the “Looks like NATO” case (see Ljijana Smajlović, editor in chief of POLITIKA daily case). In such a situation, having in mind that SRS members still elicit massive media attention, YUCOM has decided it too hazardous to initiate legal measures, for the possibility that public opinion could turn toward support to SRS, which further broadens the problem instead of assisting in its’ solution.

10. Marko Kljajević case

After Marko Kljajevića, president of trial chamber in the process for assassination of prime-minister Zoran Djindjic, has resigned from this post, a series of articles had appeared in daily PRESS (articles “Marko Kljajević – culpable or saint?”, September 9, 2006; “Shameful” September 24, 2006; “Marko, stop violating Serbia...”, September 30, 2006) that were aimed at disqualification of judge Kljajevic, and, at the same time, the whole trial process that was carried out under his presidency.



Since the jury chamber in the process for assassination of prime-minister Zoran Djindjic, its’ individual members, and other

persons involved in this process on the prosecution side, were constantly under attack of dailies KURIR AND PRESS, since the very beginning of this process, the attacks on Marko Kljajevića could be seen as a continuation of this campaign.

YUCOM has thus contacted the District Court in Belgrade, Association of Judges in Serbia and Ministry of Justice, so that these institutions, in accordance to the authority given to them, their codes and statutes, protect the public image of Serbian judiciary and stop campaign of disqualifications against persons involved in the process for assassination of prime-minister Zoran Djindjic.

None of the addressed institutions have answered to YUCOM requests, and has done nothing to protect judge Kljajevic from this disgraceful campaign.

11. Slučaj Siniša Vučinić KURIR daily case (article “Woman on target”)

Siniša Vučinić, President of Serbian Party of Socialists (one of



the virtual satellite parties of SPS, created during Milosevic's period in order to give weight to frequent media staggers of their "leaders"), has informed the Ministry of Interior (MUP) of the Republic of Serbia and other relevant state organs that, in what he claims, one foreign intelligence service prepares kidnapping and liquidation of YUCOM's chairperson, Biljana Kovačević-Vučo, president of Helsinki Committee for Human Rights, Sonja Biserko, and president of Humanitarian Law Fund, Nataša Kandić. At the same time, this "information" has appeared in public, in a form of press release, sent to all the media, and to a number of local NGOs, inviting these human rights activists to temporarily stop their activities and hide in an unknown safe location.

In his press release, Siniša Vučinić has also explained the motive behind this fabricated kidnapping: „The goal of this foreign intelligence service is to create the impression in local and international community that the state organs of Serbia have, through their security services,

assassinated Biljana Kovačević-Vučo, Nataša Kandić and Sonja Biserko, for the three of them had actively supported statements of Marti Ahtisari that Serbs bear collective guilt for their past, so that the whole world would see media picture of Serbia as fascist state, while its' governing structures will be depicted as fascistic, and thus the path toward Kosovo as independent state will be wide open and accelerated, while the international and local public will more easily agree with this reality as necessary, which is the key interest of this intelligence service.“.

Thus has the daily KURIR published an article titled "Woman on target", in which it has printed press release of Siniša Vučinić.

At the end of the same day, while Nataša Kandić was leaving the building of TV B92, after her appearance it TV debate "Utišak nedelje – The impression of the week", where status of Kosovo was discussed, gunshots were heard in the vicinity of the building. Nataša Kandić was not hurt in this incident, after which the police was invited to investigate

the scene. As it happened, police was already stationed in front of the building of TV B92, for they have regarded the debate "Utišak nedelje" a "TV program of high potential risk". The investigation was carried out with the results that gunshots heard were actually – fire crackers. Such a police reaction has contributed to inverting the general atmosphere of lynch into a comical scene, and has lessened the seriousness of the ongoing campaign against human rights-oriented NGOs.

The attack in front of TV B92 was a subject of numerous articles in tabloids KURIR and GLAS JAVNOSTI, where, through further diminishing of the seriousness of this incident, more disqualifications against NGO activists and their opinion were written.

Since physical attacks, treats over the phone, attacks coming from various politicians and political parties, government or persons close to ruling coalition, attacks and disqualifications in grey, controlled media (KURIR, PRESS, VECERNJE NOVOSTI, and alike), attacks in esteemed

newspapers and weeklies (POLITIKA and NIN), and frequent initiation of court procedures against NGO activists for their activities represent many faces of the same process – harangue against NGOs and their activists – and since the synchronization of these attacks has culminated in press release of Siniša Vučinić and attack on Nataša Kandić, YUCOM was prompted to react in this case, and file a petition to state attorney Slobodan Janković to investigate the case, and gather information from Siniša Vučinić, related to the information released by him. The state attorney has issued a mandatory request to the prosecutor of the Third Municipality Court in Belgrade to hear Siniša Vučinić. According to the unofficial information YUCOM has acquired, Siniša Vučinić has stated during this hearing that the assassination of the three human rights activists is prepared by the German agency BND, and that he has been given this information from a member of French intelligence.



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After this informal information, no other, formal or informal, was provided to YUCOM, or the other two NGOs. We have come to information that the case has been given back to the state attorney, but we don't know if anything else has happened after that.

What is particularly worrying in this case is that it follows the scenario already seen before some political assassinations. In a country burdened by violence and violent communication, these kind of newspaper articles represents a general treat to anyone who thinks different, in relation to what is perceived as general opinion. These articles are thus preparation of public for the possibility of incidents happening to "that kind of people", because of their activity, and their connection to foreign intelligence.

The three cases that follow are a direct continuation of Siniša Vučinić case:

a) Case "Legitimate right to clean environment" or disqualification of NGO representatives, daily KURIR, author Dušan Prelević

Daily KURIR has published an article on September 9, 2006, titled "Legitimate right to clean environment", authored by Dušan Prelević, who, in a most vulgar language discriminates against Sonja Biserko, Nataša Kandić and Biljana Kovačević-Vučo, both on political and on grounds of gender. This text is largely based on humoring the incident with gunshots in front of TV B92, after Natasa Kandic's appearance in its TV program.

YUCOM has reacted on this text and has filed a petition to the Ministry of Culture and Media. No answer was ever received.

b) Case "Time of lunacy", daily GLAS JAVNOSTI

An article titled "SS minister and fire crackers" appeared on September 12 in a column called "Time of lunacy" of daily GLAS JAVNOSTI. This article has also humored the incident in front of the TV B92, and gone further in disqualifying political standings of NGO representatives, especially on the issue of status of Kosovo (which was the theme of the TV

debate Natasa Kandic was attending).

YUCOM has decided to address the public attorney in this case, in order to request a hearing about the incident in front of the TV B92 building, and stop attempts to diminish the importance and seriousness of this case.

c) Case "Serious words", TV JESENJIN

Siniša Vučinić was a guest in TV program "Serious words" on TV JESENJIN, on September 13, 2006, and has used this opportunity to attack against NGOs, spreading disinformation and supporting thus violence against NGO representatives.

YUCOM has addressed TV JESENJIN in this case, requesting a video-copy of the program in question, in order to enable further legal measures against spread of intolerance and violence. TV JESENJIN has never answered these requests. YUCOM is to address RRA and Republican Information Officer in this matter, following the same legal procedure as in the cases before.

12) GLAS JAVNOSTI daily case

During the course of research it became obvious that the daily GLAS JAVNOSTI requires special attention, for it is normally not being viewed as one of the "tabloids" that were opened and closed frequently after the October 2000, and particularly after March 2003, but it rather has a long, relatively good tradition. On the other side, our research has proven that this newspaper is publishing articles containing hate speech, spreading intolerance and discrimination on almost daily basis. This is mainly being realized in columns, authored by Brana Crnčević, Miroslav Toholj, Vjekoslav Radović, and Dusko Celic, special issues, and readers' letters and contributions. Thus, YUCOM team deems it necessary to react, in the case of daily GLAS JAVNOSTI, against the whole editorial policy of this paper, rather than on individual cases, for it is our opinion that this newspaper systematically spreads hatred and supports discrimination. This is



especially because of the fact that the articles published in GLAS JAVNOSTI do not have a vulgar character of those found in dailies KURIR or PRESS, but have rather hidden messages, wrapped in metaphors and figures of speech, and a form of cynism that always calls on alert. Namely, the authors of articles and texts in GLAS JAVNOSTI do take care about the possible reaction of “political correctness”, so that hate speech is not so obvious, but is far more essential than the one one can see in other tabloids.

The cases that follow are just the illustration of this standing:

a) Case of saluting to a poster of Ratko Mladić

On September 17, 2006, daily GLAS JAVNOSTI publishes a head page with a report on parade of Serbian Army that happened a day before, with official presence of President Boris Tadić and Prime-Minister Vojislav Koštunica, as well as the numerous other representatives of state and state institutions, illustrated by a photograph of a young soldier from

the rows of parade who salutes the poster of Ratko Mladić, held by one of the viewers in the public.



YUCOM has reacted on publishing of this photograph as a head line immediately, thinking that the photograph, unfortunately, clearly depicts the state of our society; we have sent a letter to President Tadić and Prime-Minister Kostunica on September 17, estimating that their will to assist the development of European Serbia should also be confirmed by public refusal of this kind of depiction of Serbian Army and its' manifestation in which both President and Prime-Minister have participated, so that the citizens would not be left to believe that this kind of behavior is socially acceptable, and, moreover,

supported by countries president and prime-minister. YUCOM has thus requested that President and Prime-Minister publicly denounce celebration of crimes as a behavior that opposes proclaimed national and state interests. President and Prime-Minister have never answer to YUCOM's requests, nor have shown by any gesture their interest for this incident.

In addition, as it happened numerous times before, instead of official reaction of state or stet representatives, another campaign against YUCOM, as an initiator of this request, started in media, through discreditation of YUCOM's work and activities and its' chairperson. As before, the whole campaign was again meant to re-route the public interest from the incident that celebrates war crimes and a person whose arrest represents a conditio sine qua non for Serbian integration into European Union, to hatred toward human rights NGOs that insist on rejecting this kind of behavior and distancing of the society from our infamous past. This is how GALS JAVNOSTI has printed, again on a head page, on September 21, a

photograph of beaten old lady from Serbian village of Klina in Kosovo, followed by a text that denounces Biljana Kovačević-Vučo as a person who cares about saluting the poster of Ratko Mladić, but is not interested in Serbian victims and their problems, and is thus, as a person without any moral sense, uninterested for the sufferings of an old lady from Klina. Not even this campaign of hatred did provoke any reactions, with President and Prime-Minister resolved to stay silent on the issue.

A week after this, editorial board of GLAS JAVNOSTI announced that this newspaper will, due to the enormous interest of readers, re-print the photograph, this time as a poster, of a young soldier who salutes Ratko Mladić. The problem, at this point of development of this case, was not in the gesture of young soldier (by this time it was known that he is a hired officer in Serbian Army), nor in a writing of GLAS JAVNOSTI, but solely in a lack of any reaction of state organs and representatives. At the time of publication of this announcement (September 24, with a poster published on



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September 25), no sign existed that would warn editor in chief of GLAS JAVNOSTI that publication of announced poster would meet any official reprisal. This is not clearing the newspaper from responsibility, but, after 10 days of testing the public and state officials, it was possible for its' editorial board to conclude that publishing of a poster of this kind would be tolerated.

However, the publication of a poster with a picture of Ratko Mladić has caused prompt reaction of numerous state and governmental officials – Ministry of Defense, various political parties - while former federal (Serbia and Montenegro) Minister of Minority and Human Rights Rasim Ljajić and Serbian Special Prosecutor for War Crimes Vladimir Vukcevic have given statements promising the prompt legal actions against daily GLAS JAVNOSTI and the Army officer caught saluting the poster, openly explaining that this is a reaction on direct requests from international community. Thus even this reaction was bound to be understood as a forced response caused by the “policies of constant

blackmailing by the international community“. Namely, all the newspapers have published the information that the embassies of foreign countries came out surprised by this poster and demanded a reaction. This is how the reaction of state officials that came out at the end of this campaign remained un-authentic, which leaves the public space open for the continuation of “accomplices’ solidarity” and creation of ambient in which fighters for Serbian national interests are persons who celebrate war crimes, while those who support standards and European system of values are still just servants of international community.

b) Case “Discussion: How to reach the solution for Kosovo and Metohija?”

The discussion titled “How to reach the solution for Kosovo and Metohija?“ was published daily over the period during August and September 2006, inviting various intellectuals and public persons to discuss the issue. On September

14, the text titled “All to the streets to fight for Kosmet”, authored by Snezana Celic, was published here. This text is one of the many published as a part of this discussion that contains even elements of racism, for, in it, author Snezana Celic states that the “Albanians are numerous, uneducated nation, and, as such, easy manipulated by others.”, thus discriminating the entire group on national and ethnical basis.

In addition, rasistic opinions that come from public persons or intellectuals are affecting public opinion more than the statements of ordinary citizens. It was obvious in GLAS JAVNOSTI, for this contribution to “expert discussion” resulted in various readers’ letters, where Albanians have been, in one place, called “nomad half-wild tribe settled here by Turks, in order to help control of the Serb population and ruin the original inhabitants of Kosovo.“.

c) Case “On the verge of monstrosity”

During September 2006, daily GLAS JAVNOSTI has published a

number of readers’ letters that attack NGOs and their activists and qualify them as anti-Serb and servants of foreigners and United States. One of those is a text titled “On the verge of monstrosity”, published on September 25, 2006. Here the foreign countries are qualified as enemies of state, which just shows the level of xenophobia and claustrophobia in public opinion in Serbia.

14) „Čeda’s treason“KURIR daily case

The Article “Ceda’s treason” appeared in daily KURIR on September 16, 2006, along with a photograph of the president of Liberal democratic Party (LDP), Cedomir Jovanovic, montaged with a cap that represents Albanian national symbol (keçe), stating, among other, that Cedomir Jovanovic has announced LDP’s campaign for elimination of Kosovo from Serbian Constitution.

The attack on Cedomir Jovanovic has continued the next day, when the article “Unique is Schiptar” was published, where the author uses the statement of



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Čedomir Jovanović that the Kosovo, as an integral part of Serbia, should not be specially mentioned in the preamble of the new Constitutions, and calls him “Schiptar” because of that. In the same context, author states that “Ceda already knows one Schiptar”, a well-known nickname of Dušan Spasojević, killed leader of Zemun clan, accused for preparing and realization of assassination of Zoran Djindjic, thus publishing once more the old fabrication that Jovanović was in close friendly contact with Dusan Spasojevic. This is how this newspaper continues to manipulate the fact that Jovanović and his party insist on different solution of the Kosovo problem from the one advocated by the state officials, and uses the cheap game of words to disqualify Jovanović as a criminal and traitor, who is „deeply concerned by the fact that another two million Schiptars live in Serbia, which he has not met yet“.

This case represents a typical example of use of national and ethnic stereotypes in order to discriminate against persons of different political opinion, some

way of double discrimination, for the whole Albanian nation, in this case, is used as a symbol of evil, and then equaled with one person and his political opinion. This is how violence is supported both against persons with different political opinions and members of one nation, minority in Serbia, while the photo that illustrates this attack is only encouraging these kinds of sentiment. Thus both the article and illustration have a character of hate speech.

On October 10, 2006, YUCOM has submitted charges against daily KURIR, in order to start investigation in this case.

15. FOKUS radio case

It is important to clarify first that Radio FOKUS is one of the five radio stations that were granted national frequencies by the RRA, as well as that giving the frequency to Radio FOKUS was commented as a clear favor to Serbian Radical Party (SRS), which unofficially stands behind the editorial policy of this media. Radio FOKUS broadcasts programs full of what at

least can be called hate speech, on everyday basis.

In this case, YUCOM has decided to react after interventions of citizens coming to our office, who were informing on irregularities in Radio FOKUS’s program, since this media was not a subject of our research. In October 2006, YUCOM has thus intervened with RRA, informing them on concrete examples of hate speech broadcasted by the Radio FOKUS. No answer from RRA has been received yet.

INSTEAD OF CONCLUSIONS AND RECOMMENDATIONS

The experience gathered during the course of this research has shown that the sole initiation of measures available and starting of legal procedures can not eliminate hate speech nor stop further discrimination and violence, but that these measures and procedures can, if been realized professionally, represent a good cause for discussion on the problem of

intolerance and discrimination, and can open many other questions related to violations of human rights.

It is currently impossible to form any definite conclusion or attitude toward the success of legal procedures started, for they are all in a procedural stage. It is obvious that in majority of these cases not even merits of the charges submitted were discussed, which still does not provides ways to change the system of values without accusations that these moves are merely attacks on freedom of speech. We believe that the current legislature, particularly the Public Information Law, should be amended in this aspect, while, on the other side, judges should be educated not to refuse charges just for lack of recognition of their substance.

The other relevant authority, the Ministry of Culture and Media, proves to have clear enough problem – the Ministry does not have a capacity and is not acting in accordance to its’ authority for supervision, prescribed by the law. It is our opinion that pressure should be increased when dealing



with this Ministry, in order to make sure that they will not fail to react in the future, and that those reactions will not be politically influenced in any way.

The biggest problem of our research proved to be dealing with the RRA, which was formed so as to have a complete independence from ruling policies, but obviously functions under the influence of political power, and is not showing any willingness to independently accomplish its' authority. This problem stays completely open to be solved in the future.

Finally, this research has pointed to the problem of ordinary citizens who, in our opinion, will not be able to protect their rights, violated by discrimination or use of hate speech, using the available instruments and measures, and not to be accused for attacking freedom of speech at the same time. Here, YUCOM also insists on education, of journalists, and of citizens, in order to overcome this obstacle.

YUCOM's Team:

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Methodology

Expert team of YUCOM has been formed first, in order to enable realization of this research, harmonize and define the methodology to be used, and consult and communicate with YUCOM's partner organizations in the project – Center for Cultural Decontamination and Helsinki Committee for Human Rights, and with representatives of Law School in Belgrade and journalists and other representatives of media.

Team has firstly analyzed various international documents and standards of journalist ethics that are addressing the issue of supporting of culture of tolerance. This analysis included the following documents:

1) UN: *International Covenant on Civil and Political Rights (1966); Convention on the Elimination of All Forms of Racial Discrimination (1965);*

2) Council of Europe: *European Convention for Protection of Human Rights and Freedoms (1950); Recommendation R (97) 20 to Member States on Hate Speech; Recommendation R (97) 21 on Media and Promotion of Culture of Tolerance* as well as other relevant recommendations and resolutions of the CoE;

3) *International Federation of Journalists: Declaration of Principles on the Conduct of Journalists;*

4) *Codes of Professional Ethics in Journalism of:* France, Bulgaria, Rumania, Netherlands, and national professional associations of journalists.

The material to be included in YUCOM's *Guide for detection of intolerant speech* was prepared.

The evaluation list was prepared for the evaluation of cases initiated before the courts and evaluation of other measures used during the research, based on the documents and laws analyzed. This material also contains model charge for hate speech, model petition to relevant authorities (RRA and Ministry of Culture and Media), created following the available legal prescriptions. These models can easily be used by future petitioners, in order to assist their success, and help them avoid possible procedural troubles.



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