

2023

2023 Report on the Activities of the Permanent Working Group for Safety of Journalists

- Permanent Working Group for Safety of
Journalists -

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Note: The views herein expressed are solely those of the authors and contributors and do not necessarily reflect the official position of the OSCE Mission to Serbia.

I. Introduction

Another year of the activity of the Permanent Working Group for the Safety of Journalists (PWG) is behind us. This year was marked by new developments in achieved results; slightly better statistics regarding the number of assaults and processed cases; greater number of implemented activities and projects, and increased visibility of PWG in the professional and general public.

A particularly important step forward was made in the communication and co-operation of the PWG with journalists and representatives of the prosecution and the police force at the local level. During 2023, PWG representatives visited Niš, Novi Sad, Čačak, Novi Pazar, Subotica and Pančevo and they met with over 100 local journalists, prosecutors and police officers and discussed current cases and the general security in the environment where media professionals work.

Since the beginning of 2023, the PWG has implemented 15 activities with the support of the OSCE Mission to Serbia (OSCE), some of which required several months of preparation (such as the study visit to Norway), while in certain cases one activity is considered to be the facilitation of 6 different incidents (such as PWG visits to local communities).

The fact that the PWG conducted on average more than one activity per month clearly shows the sincere commitment and accountability of all parties participating in this process - the Supreme Public Prosecutor's Office (SPPO), the Ministry of Interiors of the Republic of Serbia (MoI), Journalists' Association of Serbia (UNS), Independent Journalists' Association of Serbia (NUNS), Independent Journalists' Association of Vojvodina (NDNV), Association of Media outlets (AM), Association of Independent Electronic Media (ANEM) and Association of Online Media (AOM). The OSCE Mission to Serbia has also been participating in the PWG work since its establishment in January 2017 and has so far enabled the realization of more than 40 activities during the implementation of three action plans (the first for the period 2018-2019, the second for 2021-2022 and finally the third from 2023 to 2025).

It seems that the PWG's efforts to improve the safety of journalists are starting to be recognized both locally and internationally. The European Commission's latest Report on Serbia for 2023 states that the police and prosecutor's office reacted swiftly in several cases of assaults and threats against journalists, while working within the PWG. Nevertheless, the report rightly concludes that cases of threats, intimidation, hate speech and violence against journalists remain a cause for concern.

This indicates that the PWG must continue to fulfil its important mandate, to find new creative ways to fight against impunity for assaults against journalists, to increase the intensity of its work, including crime prevention, and, certainly, to receive additional support from all relevant stakeholders, including the highest, political, instances. As before, the OSCE Mission to Serbia will continue to be an honest, accountable, objective,

and reliable partner to the PWG in its exceptionally important work and in the implementation of the Action Plan valid until 2025.

The support provided by the OSCE Mission to Serbia to the PWG for achieving that goal will be based on the consistent implementation of the Decision on the Safety of Journalists, adopted by the OSCE Ministerial Council in Milan in 2018 and agreed by all 57 participating States, including Serbia.

By agreeing to this document, the OSCE participating States undertook to take effective measures to end impunity for crimes against journalists. Primarily by ensuring that holding to account is a key element in preventing future assaults, but also by ensuring that law enforcement authorities conduct swift, effective, and impartial investigations into acts of violence and threats against journalists in order to bring those responsible to justice.

Also, at the last OSCE Ministerial Council held in Skopje at the beginning of December 2023, a Joint Declaration on the Safety of Women Journalists was adopted and signed by 45 participating States, including Serbia. In this document, they agreed to condemn all incidents against women journalists, including gender-based violence on the Internet and gender-based disinformation, which represent one of the most serious contemporary threats to their safety and media freedom in general.

The road ahead is not an easy one, as the issue of journalists' safety faces serious challenges worldwide. According to data of the International Federation of Journalists, the number of journalists killed while performing their job increased sharply in 2023. Compared to 2022, when 67 journalists were killed, 94 journalists were killed in 2023, or one every four days. This year, as many as 393 journalists were held in custody for doing their job.¹ International associations of journalists often point out that impunity for crimes against journalists is too high. Among the still unsolved cases are the murders of journalists that took place in Serbia - Slavko Ćuruvija, Milan Pantić and Dada Vujašinić.²

Media freedom and democracy cannot exist without each other. Only with joint forces and efforts can we create a society in which journalists can inform citizens on issues of public importance in a professional, objective, and ethical manner, without fear for their safety and that of their families. Everyone in this society should care about that. The first and most important step on that path is that every crime against journalists must be efficiently prosecuted and punished in accordance with the law.

¹ See: <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/ninety-four-journalists-killed-in-2023-says-ifj>

² See Op-ed by Ambassador Jan Braathu, Head of the OSCE Mission to Serbia, marking World Press Freedom Day: <https://www.osce.org/mission-to-serbia/542685>

II. Data on cases of assaults against journalists in 2023

When it comes to 2023, in the period from January to the end of December, in all public prosecutor's offices in Serbia, on the basis of filed criminal charges or reports, 75 cases were formed in connection with incidents harmful to journalists, namely: 4 in January, 3 in February, 7 in March, 8 in April, 12 in May, 9 in June, 8 in July, 6 in August, 5 in September, 8 in October, 3 in November and 2 in December.

In the same period, 23 cases (31.51%) were disposed, of which 9 cases by court decision (all were convictions) and 14 cases by the decision of the prosecutor's office (in 6 cases a decision was passed to dismiss the criminal charges, while in 8 cases an official note was pronounced that there are no grounds to initiate criminal proceedings due to the absence of elements of criminal acts).

The remaining 52 cases from the prosecution's records for 2023 are still active, of which 5 cases from this year are pending in court based on the public prosecutor's indictment.

These cases are in different stages of the prosecution investigation: in three cases evidence gathering procedure is underway, while in 38 cases a request to collect the necessary information has been submitted. In six cases even after taking measures in the pre-investigation procedure, the potential perpetrator was not identified.

When it comes to the structure of reported criminal acts against journalists, **this year too, mostly present are threats referred to in Article 138 of the Criminal Code of the Republic of Serbia³ - for the criminal offence of Endangerment of Safety (64 cases)**. Along with threats, there are Insult⁴ and Light bodily injury⁵, while other reported criminal acts include Violent Behaviour⁶ (2 cases), Mistreatment and Torture⁷, Stalking⁸ and the crime of Coercion⁹, once each. The records of the prosecutor's office state also the obstruction of recording, damage to a car, verbal assault, and surveillance.

When it comes to the competent prosecutor's offices - exactly one half of the cases are under the jurisdiction of the Prosecutor's Office for High-Tech Crime (VTK), a total of 37. This means that in most cases, threats to journalists are made via the Internet. There are 29 cases under the jurisdiction of the three basic public prosecutor's offices in Belgrade; seven cases are under the jurisdiction of the Appellate Public Prosecutor's Office in Niš, and one case is under the jurisdiction of the Appellate Public Prosecutor's Office in Novi Sad and the Appellate Public Prosecutor's Office in Kragujevac, respectively.

³Criminal Code of the Republic of Serbia, see: <https://www.paragraf.rs/propisi/krivichni-zakonik-2019.html>

⁴ Ibid, Article 170

⁵ Ibid, Article 122

⁶ Ibid, Article 344

⁷ Ibid, Article 137

⁸ Ibid, Article 138a

⁹ Ibid, Article 135

During 2023, nine convictions were delivered for ten aggrieved journalists. Given that the disputed incidents took place during this year, the aforementioned convictions were delivered exceptionally efficiently. Three plea bargaining agreements were concluded, one decision was adopted which pronounced a security measure of mandatory psychiatric treatment in a health facility and two court proceedings were conducted in which the first-instance convictions were confirmed. Two suspended sentences and two six-month prison sentences were pronounced, which the defendants will serve in the premises of their residence.

In this period, five court proceedings for acts reported during 2022 have also been finally concluded: two verdicts of effective prison terms of 14 and 18 months of imprisonment were pronounced, one acquittal was confirmed, one security measure of mandatory psychiatric treatment and custody in a health facility was imposed, and a repeated first-instance conviction was delivered.

When it comes to the number of cases related to the assaults against journalists that are in the official database of the SPPO, there were no significant differences compared to the previous year. During 2022, 83 cases were formed in connection with incidents harmful to journalists, while in 2023 that number is 75, as already mentioned.

Of the 83 cases formed during 2022, final decision was passed in 41 cases (49.4%), of which 10 were court decisions and 31 were prosecutorial decisions, according to the data of SPPO as of 31 December 2023. Seven convictions and two acquittals were pronounced and in one case the indictment of the prosecution was dismissed by the court's decision. 31 cases were resolved by the prosecutor's decision - in 10 cases a decision was passed to dismiss the criminal charges, while in 21 cases an official note was pronounced that there are no grounds to initiate criminal proceedings.

Data from the NUNS database of assaults against journalists show that a total of 183 incidents against journalists were recorded in 2023. Mostly recorded among them are pressures (123) and verbal threats (46), followed by physical assaults (11), and attacks on property (3). During 2023, no threats to property were recorded, which have occurred in smaller numbers in previous years.¹⁰

On the other hand, the UNS database of assaults against journalists is not available in a way that it can be accessed at any time. According to the report published by UNS, in 2022 this association recorded twice as many threats, pressures and assaults against journalists than in 2021 (140 in total), while 111 cases were recorded in the first 11 months of 2023. According to the UNS database, the most common type of endangerment of journalists' freedoms were pressures, 42 of them, almost twice as many as last year. On the other hand, the number of recorded threats in the UNS database is significantly lower than before. While 29 threats to journalists were recorded in the first

¹⁰ See: <https://www.bazenuns.rs/srpski/napadi-na-novinare>

11 months of this year, 43 threats were recorded in the same period last year. As for physical assaults, a total of 13 were recorded - three more than last year.¹¹

When looking at the data of the associations, there is still a big difference in the number of cases they record compared to the number of cases from the prosecutor's records. Forms of assaults recorded by associations, which cannot be considered criminal acts according to the currently valid Criminal Code (pressure, threat to property, etc.), speak to many cases being in the grey zone of impunity. The issue remains open how to legally regulate and sanction such behaviours that can certainly have a deterrent effect on freedom of media and expression.

Data for the period from 2016 to 2023:

In December 2020, SPPO adopted a new General Mandatory Instruction¹² regulating in more detail the actions of public prosecutions in cases of reported criminal acts committed against journalists and other media workers. Among other things, the Instruction introduced certain novelties to improve record keeping on these cases. The prosecutor's office database of cases created for endangering the safety of journalists is supplemented monthly with data from all basic and appellate public prosecutor's offices. Appellate public prosecutor's offices are obliged to submit summary monthly reports to the SPPO on all procedures in the mentioned cases. The summary report of the SPPO is then delivered to all PWG members in the form of a so-called Bulletin.

The practice of delivering the prosecutor's office Bulletin, together with statistics and information on conducted investigative actions, to PWG members on a monthly basis enables better monitoring and comparison of cases between journalists and media associations and SPPO records. Information from the prosecutor's office database, on the status of each individual case, also serves as a basis for reviewing actions taken in individual cases at regular and extraordinary meetings of the PWG.

From the opening of the database of the prosecutor's office in 2016 until the end of December 2023, a total of **522 cases were formed** in all prosecutor's offices in Serbia based on pressed charges for criminal acts against journalists. According to the statistical data of the SPPO for this period, **a total of 308 cases, or 59%, were resolved**, while 214 cases (41%) are still active, i.e., pending, and are in various stages of the proceedings.

Among the active cases are 15 for which the proceedings are pending before the court. In 93 cases, even after taking measures in the pre-investigation procedure, the potential perpetrator was not identified (John Doe - a term used when the perpetrator of a criminal

¹¹ See: <https://www.uns.org.rs/sr/desk/UNS-news/153302/uns-ova-baza-pritisaka-i-napada-na-novinare-u-2023-godini-isti-broj-zabelezenih-slucajeva-kao-lane-manje-pretnji-ali-dvostruko-vise-pritisaka.html>
<https://www.uns.org.rs/sr/desk/UNS-news/153302/uns-ova-baza-pritisaka-i-napada-na-novinare-u-2023-godini-isti-broj-zabelezenih-slucajeva-kao-lane-manje-pretnji-ali-dvostruko-vise-pritisaka.html>

¹² See: <https://bezbedni-novinari.mpanel.app/storage/files/documents/obavezno-uputstvo-o-10-20-zashtita-novinara.pdf>

act is still unknown to the prosecuting authorities). Although the total number of unknown perpetrators is still high (about 43% of pending cases), it should be noted that the largest number of unidentified perpetrators of criminal acts is from the earlier period of record keeping, as can be seen from the following table.

Year	Active/pending cases	Perpetrators - John Does	% of John Does in active cases
2016	17	16	94%
2017	10	10	100%
2018	18	16	89%
2019	13	10	77%
2020	21	9	43%
2021	40	17	42.5%
2022	42	9	21.4%
2023	52	5	9.6%
Total	213	92	43.2%

When it comes to the cases that were resolved in the mentioned period - 81 cases were resolved by the court's decision, 223 cases by the prosecutor's decision, while four cases were resolved in another way.¹³

Of the 81 cases that were resolved by the court's decision - in 63 cases a conviction was delivered; in 12 cases there was an acquittal; while in 6 cases the prosecution's indictment was dismissed or rejected.

On the other hand, 223 cases were resolved by prosecutor's decision. In 106 cases (48%) a decision was made to dismiss the criminal charges, while in 97 cases (44%) an official note was made that there is no basis for initiating criminal proceedings, i.e., there are no elements of a criminal act for which prosecution is undertaken ex officio. In 20 cases (8%), the prosecutor's decision sanctioned the perpetrator by imposing the obligation prescribed by the Criminal Procedure Code regarding delayed criminal prosecution (so-called opportunity). After fulfilling the obligations in full, the criminal charges were dismissed in these cases. As this principle nevertheless imposes certain obligations on the perpetrators of criminal acts, it can be said that it represents a form of sanction. In most cases it is an imposed financial liability that is paid for humanitarian purposes or to the opportunity account of the Government of the Republic of Serbia.

¹³Transfer of the criminal prosecution to the competent authorities of another state; an educational order against a minor offender; and in two cases a decision was rendered that there are no grounds to initiate preparatory proceedings against a minor offender.

III. Case studies from PWG practice in 2023

Of all the cases of endangering the safety of journalists recorded this year, namely 75 according to the data of the SPPO, a few were chosen and explained in detail to illustrate the role of the PWG in their processing.

- Threats to Marko Vidojković and Nenad Kulačin

Marko Vidojković and Nenad Kulačin, authors of the "Dobar, loš, zao" podcast on the Nova.rs portal, received a large number of direct threats over a long period of time. According to SPPO records, in the period from 2019 to 2023, a total of 11 cases were filed in connection with these two journalists, with some cases containing several perpetrators and threats. Of this number, in two cases convictions were delivered, while in four cases criminal charges were dismissed.

In 2023, the trend of threats to Vidojković and Kulačin continued. There were five in total recorded, and information is currently being collected, while in some cases a request was issued to the court to locate the place of communication, and in one case criminal charges were dismissed. Since Marko Vidojković is also a writer, the International PEN Center, considering the frequent threats and Vidojković's feeling of insecurity, decided to relocate him to a safe location in March of this year.

In a letter to Veran Matić, as a member of the PWG, PEN presented information about Vidojković's endangered status and requested that the relevant institutions be informed about it and that all relevant actors be involved to identify and punish the perpetrators and to stop the threats. Matić reported all aspects of this case to the competent authorities participating in the work of the PWG - the prosecutor's office and the police force. The MoI assessed the security status of Vidojković and Kulačin and found that at this moment their security is not gravely threatened. According to Vidojković, the security assessment in his case was done in a way that caused his mother's anxiety because the visit to the place of residence was not announced in advance.

Nenad Kulačin could not be relocated to a safe location for, as he explained, family reasons. According to his wish and in order to increase his security level, NUNS and ANEM enabled video surveillance of his place of residence as well as the parking lot he uses for his car.

The case of threats to Kulačin and Vidojković was commented on by all relevant international bodies, including diplomatic missions, and the case of Vidojković is high on the list of endangered writers formed by the International PEN. Vidojković himself claims that he no longer reports threats.

The pending cases of threats to journalists, not solely related to these two journalists but also to others, require a constant status revision and repeated efforts for more efficient detection and appropriate punishment of the perpetrators.

- Threats to Željko Matorčević, a journalist of Žig Info portal from Grocka

At the penultimate hearing, before the pronouncement of the (repeated) first-instance verdict for setting on fire of the house of Žig Info journalist Milan Jovanović, held on 20 February, one of the people in the audience, a supporter of the accused Dragoljub Simonović, threatened Željko Matorčević, the editor of this portal, while leaving the courtroom " *What are you doing here, you f..., come outside, you are doomed* ". Although the majority of those present had already left the courtroom, the incident had several witnesses, including the judge and the competent public prosecutor in the ongoing case, who insisted that the threat be entered into the minutes of this hearing.

After two days, at the proposal of the prosecution, the court prescribed a restraining order against the suspect prohibiting him from approaching, meeting, and communicating with the injured Matorčević. The indictment was filed a month later and based on the plea-bargaining agreement with the defendant, a conviction was delivered on 25 May, sentencing the defendant to 6 months in prison, which he will serve in the premises of his residence without electronic monitoring. A security measure was also pronounced - a restraining order against communicating with and approaching the injured party within 50 meters and a prohibition of further harassment of the injured party for a period of one year. If the defendant arbitrarily leaves the premises where he resides once for more than 6 hours or twice for less than 6 hours, the verdict stipulates that he will continue to serve the remainder of his sentence in a penitentiary.

The case that was resolved in such an efficient manner (only three months after the incident) is primarily a consequence of the threats uttered in the courtroom in front of the witnesses, as well as the plea-bargaining agreement concluded with the prosecution.

During April, on several occasions, Matorčević reported to media associations harassments via telephone. The incident was not entered into the records of the prosecution, since the perpetrator was discovered soon after raising the attention of PWG members, by the effective intervention of the MoI. However, we should not forget that as of 2018 there is still an active (pending) case of serious bodily injury in the records of the prosecution,¹⁴ inflicted on the same injured journalist. After the criminal charges against one suspect were dismissed, the case was entered in the register of unknown perpetrators. In order to prevent the criminal prosecution of this case to be subject to the statute of limitations, it is necessary for the prosecution to undertake further investigative actions to identify the perpetrator.

During all that time, the proceedings before the court for setting on fire the house of Milan Jovanović, a journalist of the same editorial office, have been ongoing. A repeated first-instance conviction against four persons, including the alleged instigator, former mayor of Grocka, was delivered on 20 March, but a repeated second-instance trial had

¹⁴Criminal Code of the Republic of Serbia, Article 121

not yet been scheduled until the end of November. The long-awaited written copy of the verdict could not be delivered to one of the convicted persons who changed his address and did not inform the court about it, even though he has a lawyer. The verdict was delivered to this defendant by posting it on the court notice board. Apparently, the case will enter its sixth year of trial.

According to the SPPO's records, kept since 2016, criminal acts against the journalists of the Žig Info editorial staff fall within the gravest in terms of the act of execution and consequences (serious physical injuries, endangering the general safety, property, and lives of journalists). Although the case of a threat uttered in the courtroom from the 2023 prosecution's records, as well as the threats via telephone that did not enter the prosecution's records, were efficiently resolved, earlier incidents, more serious in terms of consequences, are still in the impunity zone.

- Milan Šupica photojournalist of Pančevac - conviction

The legally binding verdict against the attacker on Milan Šupica from Pančevo is an example of efficient detection and prosecution of perpetrator of the crime of endangering the safety of journalists. The first-instance verdict was delivered less than two months after the assault which took place in May, and without a plea-bargaining agreement. The verdict was confirmed by the Higher Court in early September, only four months after the incident, which is surprisingly effective in the circumstances of our justice system when the defendant denies guilt.

The photojournalist of the Pančevac newspaper, Milan Šupica, was physically assaulted on 4 May in Pančevo, after taking photos of flowers in an improvised shop against the objection of the shopkeeper/owner, even though he had identified himself as a journalist. Three attackers subsequently followed him in a car and when he stopped, they pulled him out of the car, threatened him verbally and tore up the bag with the camera. Šupica was punched several times in the chest by the attackers, because of which he suffered severe physical injuries, i.e., fracture of two ribs without dislocation, determined by a medical examination.

The incident was reported to the police and criminal charges were filed. The following day two persons were arrested and detained for 48 hours, and subsequently, at the proposal of the prosecution, the court ordered detention of up to 30 days. The indictment for the criminal act of endangering safety (threats) was filed against one person already on 1 June, while in relation to the other person who was reported for the criminal act of grievous bodily harm, a decision was made on the same day to dismiss the criminal charges.

The conviction for endangering safety was delivered only 20 days after the indictment was filed, sentencing the defendant to 6 months in prison, which he will serve in the premises of his residence. A security measure was also pronounced - a restraining order against communicating with and approaching the injured party within 50 meters for a

period of one year. After both parties filed appeals, the conviction was confirmed at the beginning of September, i.e., only four months after the assault.

However, it should not be forgotten that the injured party was followed and attacked by three persons, and that the conviction was delivered against only one person. That is because one person did not directly participate in the assault (stood aside), so he was neither arrested nor detained. The third perpetrator was accused of grievous bodily harm, which is in every sense a grave crime compared to the threats made. There were medical records indicating two broken ribs. An expert examination of the medical documentation established the existence of a minor bruise on one rib, which, according to the expert, should have been qualified as a minor physical injury, for which a fine or imprisonment of up to one year is stipulated. As this criminal act is prosecuted in a private lawsuit, the criminal charges against this perpetrator were dismissed, with the explanation that it is not a criminal act that is prosecuted ex officio, and the injured party was directed to initiate the appropriate proceedings privately.

The case resolved in this way shows the paradox of the judicial system - the perpetrator who used physical violence and caused a fracture (or a bruise) of a rib for which there is a medical documentation was not convicted, while on the other hand a person who uttered the threats but did not physically assault the media worker was convicted in an efficient procedure. In this way, justice was partially, although efficiently, satisfied. The fact that the two defendants spent some time in custody (from 5 May to 1 June) also represents a partial satisfaction of justice.

- Threats to the OK Radio from Vranje, development during 2023

In 2022, Dejan Nikolić Kantar was convicted to 14 months in prison for violent behaviour towards OK Radio, its owner Olivera Vladković and employee Svetlana Ivanov. During the trial, he directed new threats to the injured parties, for which he was convicted to 18 months in prison at the second trial. Appeals were filed against the court's first-instance decision, and the case was forwarded to the Higher Court in Vranje for a decision rendering. On 18 July officials in the court noticed that the case files of the Basic Court in Vranje were missing from the case files created based on the lodged appeals. ANEM issued a statement that it was an obstruction to delay the decision of the Higher Court and demanded liability for all those involved in this attempt to obstruct the trial.¹⁵ According to the order of the higher court, the basic court reconstructed the files and submitted them to the new appointed acting judge, who scheduled a new session of the panel in a short period of time. The Higher Court then confirmed the Basic Court's conviction of 18 months in prison for Dejan Nikolić.

In addition, the posters displaying the face of Veran Matić, president of president of ANEM and member of PWG, have appeared all over the city of Vranje in June 2022. The posters state that Matić is “demolishing” around the city.

¹⁵ See: <https://www.danas.rs/vesti/drustvo/anem-iz-viseg-suda-u-vranju-nestala-presuda-za-ugrozavanje-bezbednosti-novinara-ok-radija/>

Meanwhile, ANEM demanded from the Ministry of Justice to take measures to supervise the Higher Court in Vranje. In addition, it was proposed that the trial for threats to the former Head of Vranje Police Department, directed by Dejan Nikolić, be moved from this city, because of constant obstruction in that case. This trial, as well as the trial based on charges of M.V. (former partner of Dejan Nikolić) for endangering the safety were transferred from Vranje, and the third trial for the threats made by the same defendant to the District Prison officer is being held, along with obstruction attempts, in the Second Municipal Court in Belgrade.

The illegally built wall that enclosed part of OK Radio has not yet been demolished, although there are decisions ordering its demolition by the competent authorities passed in June 2023.

The court proceedings against the responsible person of Koloseum game, the company that ordered the walling, are also not completed, because the same obstruction model used earlier in the cases against Dejan Nikolić Kantar is being applied.

During the attempted main trial in the case of threats to the Head of Vranje Police Department, in the courtroom of the Second Municipal Court in the District Prison, Veran Matić, a member of the PWG properly accredited as a journalist to monitor this trial, was removed from the courtroom at the request of Dejan Nikolić. The accused allegedly had a health reaction to the presence of Matić, so the judge decided to remove him so that the main trial could continue. However, at the recommendation of the health worker, this trial was also postponed.

- Three assaults against Marko Dragoslavić, journalist of Fonet agency

The name of Fonet journalist, Marko Dragoslavić, is repeated three times in the records of SPPO for the year 2023. At the beginning of the year, on 1 January, Dragoslavić was assaulted while filming a raft that partially sank during New Year's Eve. During his journalistic assignment, he was assaulted by two persons who did not allow him to continue filming. According to the statements he gave to the media, even though he showed his journalistic ID, one of the attackers got into his face, grabbed him by the neck and, squeezing him, pushed him away.

Although the police and the prosecutor's office initiated proceedings, the injured party stated that he did not want to prosecute anyone, that he believed that his safety was not threatened and that he did not suffer any physical injuries. As there are no elements of the criminal act of endangering safety without a subjective feeling of being endangered, the competent public prosecutor's office passed a decision to dismiss the criminal charges, thus entering the case into the records of resolved cases.

After only three months, on 7 March, during the students' protest in Belgrade, the same reporter was physically assaulted by a participant of the protest who approached him

from behind, pulled a hood over his head and hit him twice in the head, causing minor injuries. As PWG members learnt about this case from the media, the founder, owner, and editor of the Fonet agency was called, and he stated that they did not plan to report the case. After the intervention of PWG, the case was nevertheless reported and processed very swiftly. The perpetrator was soon identified, and at the proposal of the prosecution, the court prescribed a restraining order prohibiting approaching, meeting, and communicating with the injured, on 29 March. The indictment was filed on 25 April, and already on 1 June 1 a conviction was delivered, pronouncing a suspended sentence against the defendant - a prison sentence of 8 months, which will not be carried out if the defendant does not commit a new criminal act within a period of three years. As both the defendant and the injured party waived their right to appeal, the judgement became final on the same day.

This case also represents one of the examples of efficient actions of the competent authorities, because the final conviction was delivered less than three months after the violent incident and only one month and five days after the indictment was filed. The attacker was convicted of the crime of violent behaviour¹⁶ for which the injured party's subjective feeling of being endangered is not an essential feature of the act, so there was a possibility for prosecution regardless of the statement of the injured party.

The third case related to the same journalist occurred on 25 October when he was attacked while photographing workers performing street works. One worker chased him, and another hit him on the arm. The injured party did not visit a doctor, no physical injuries were found, and he did not want to participate in further proceedings. When invited by the prosecutor's office due to gathering of additional information, the journalist refused to come and stuck to everything he told the police officers, when he said he did not want anyone to be prosecuted. After a few days, on 31 October, an official note was issued that there are no grounds to initiate criminal proceedings, thus concluding this case and entering it into the record of disposed cases.

All the three cases with the same injured media worker point to the need to educate journalists about the need to play an active role of the injured party in the prosecution of the perpetrators, and have a subjective feeling of endangerment, because otherwise the criminal charges will be dismissed due to the absence of essential features of the criminal act of endangering safety.

- The case of journalist Srđan Nonić from Niš

The beginning of 2023 was marked by the case of endangering the safety of a journalist of Niška inicijativa portal, Srđan Nonić, by an employee of the city administration - Nikola Panić. While performing his journalistic assignment, Nonić filmed Panić during working hours in a betting shop. Panić saw Nonić and started chasing him, while Nonić was filming all the way towards the police station, where he ran into. Although the entire assault was

¹⁶Article 344, paragraph 2 of the Criminal Code

recorded, several months passed before the indictment was filed and the trial is still ongoing. The prosecution requests a suspended prison sentence of 6 months, which will not be carried out if the defendant does not repeat the crime within two years.

The court case for insult, brought by the already mentioned Nikola Panić against the journalist Nonić, was concluded during August. The dispute ended with the rejection of the claim.

During the year, Nonić received messages with threatening content on several occasions via the Facebook. Nonić reported these threats, and the person who sent the threats was found. That person admitted to committing the crime and the case was forwarded to the deputy in the Basic Public Prosecutor's Office in Niš for further action.

IV. PWG activities during 2023

With the support of the OSCE Mission to Serbia the PWG adopted a new Action Plan for the period from 2023 to 2025, in December 2022, with the aim of conceiving new activities for that period that will further improve its work and efficiency.

The mentioned Action Plan contains 11 activities, 10 of which were successfully implemented in 2023. It is especially important to emphasize that all institutions, organizations, and associations that signed the Agreement establishing the PWG in December 2016, participated in the implementation of the Action Plan, which speaks of their active approach and the significance they assign to this process. The following activities were carried out:

Activity 1: *Regular annual training of police and prosecution contact points on the implementation of the Binding Instructions of the Republic Public Prosecutor regarding criminal cases of endangering the safety of journalists, monitoring the development of trends in the commission of these criminal acts, and other topics from the sphere of importance of public information in democratic societies (implemented in December 2023).*

In the 2022 PWG Annual Report, it was established that in cases of endangering the safety of journalists there are certain differences in the quality of actions and commitment among individual prosecutor's offices and police administrations. Representatives of journalistic and media associations pointed out that it is necessary to establish more uniform practices at all levels and in the work of all contact points, which should entail even more efficient other stages of the procedure, such as gathering evidence, writing more grounded indictments, and general detection and prosecution of perpetrators.

Consequently, the OSCE Mission to Serbia in co-operation with the PWG organized on 21 December an annual training session on the safety of journalists and the role of law enforcement authorities in prosecuting those responsible for crimes against media workers. The training was attended by 52 participants, 25 prosecutors and 27 police officers (25 women), and the key topics were: (1) the importance of professional journalism in democratic societies, (2) security risks for journalists while reporting from mass gatherings, (3) digital forensic investigation in criminal acts against journalists, (4) interpretation of a threat in the criminal act of endangering safety referred to in Article 138 of the Criminal Code, and (5) SPPO General Mandatory Instructions on the safety of journalists from 2020, with examples from practice of the co-operation between contact points from the police force, prosecution and journalists.

In addition, representatives of the German and Italian police, Hendrik Schlike and Stefano Delfini, participated in the training as lecturers, speaking about the safety of journalists during protests in Germany, i.e., about the system for preventing crimes against media workers in Italy.

Activity 2: *Trainings for journalists on security, including general binding instructions of the prosecution and enhancing the knowledge of media workers about legal procedures, criminal acts, the rights of the injured party, the importance of reporting every assault, preparing journalists for hearings at the prosecutor's office, etc.*

In the first half of 2023, NDNV, as a leading partner in the implementation of this activity, organized workshops in Subotica, Pančevo, Sombor, Senta, Inđija, Bački Petrovac, Bačka Topola, Kragujevac, Novi Pazar and Dimitrovgrad on the topic of recognizing discrimination, exercising legal rights, sensitization in a multicultural context, with a special emphasis on the safety of journalists. Besides the journalists from local communities, the workshops were also attended by local contact points for the safety of journalists, from public prosecutor's offices and the police. After the held workshops, NDNV appointed commissioners in these places, who have been recording cases of assaults and discrimination against journalists since 1 August and compiling quarterly reports about that.

Activity 3: *Quarterly visits of the PWG representatives to the local communities.*

In 2022, PWG regularly monitored events related to the threats to the safety of employees at OK Radio in Vranje. Attending trials and debates with local journalists and media outlets, as well as regular communication with contact points, had a positive and encouraging effect not only on local journalists but also on institutions. Two final verdicts in record time are the best proof of that.

Thanks to the support of the Delegation of the European Union to Serbia and the OSCE Mission to Serbia, a practice of regular meetings was introduced in 2023. They are held in different places, attended also by local contact points from basic and higher public prosecutor's offices and Mol, along with local journalists whose safety is endangered. Resolved and pending cases are discussed at these meetings, as well as other problems that local journalists, media, and institutions face in their efforts to enable the safe work of media professionals. The PWG manner of working and experience proved to be useful for all participants at these meetings. Also, these events promote the work and existence of the 24/7 SOS safety hotline, where vulnerable journalists can obtain free legal advice in cases when their safety is threatened.

At these meetings, through concrete examples from practice, journalists, and editors, as well as prosecutors and representatives of the police force, gain the knowledge necessary for a more efficient response in cases of threats to journalists' safety. On the other hand, journalists gain knowledge in the field of criminal practice and the actions of the police and prosecutor's office.

So far, during 2023, six meetings have been held: in Niš, Novi Sad, Pančevo, Subotica, Novi Pazar and Čačak. In addition to imparting knowledge and experience, it is very important for PWG members to gain insight into the local media scene, peculiarities, and problems,

which are often invisible from Belgrade. Over 100 representatives of local media communities and institutions participated in this form of communication.

In each of the cities visited by the PWG, training programmes for safe reporting were held in parallel, led by journalist Branko Čečen.

In addition, ANEM organized special thematic training seminars for journalists. One was held right before the Belgrade Pride, with the idea that before events with a high degree of security risk journalists need to be informed about the key rules and principles of working in such conditions. There were also specialized training seminars for members of the Insider TV editorial staff who were not involved in similar programmes before, as well as for journalism students from the Faculty of Political Sciences, University of Belgrade. The training seminar for safe reporting was attended by 150 journalists, editors, journalism students and representatives of the NGO sector involved in reporting.

Activity 4: *The beginning of the process of establishing 24/7 psychological assistance for journalists who are traumatized after the commission of criminal acts against them.*

Through the work of the PWG and the SOS line for reporting threats or other cases that journalists feel as endangerment, at the initiative of the OSCE Mission to Serbia, a survey on the mental health of journalists was conducted in 2022.¹⁷ The research was conducted by a professor of psychology from the Faculty of Philosophy and the president of the Association of Psychologists, Tamara Džamonja Ignjatović, with journalists Jovana Gligorijević, Branko Čečen, Veran Matić and Miroslav Janković from the OSCE Mission to Serbia.

Although it was indicative that there were challenges related to the mental health of journalists even before the survey, the results of this analysis pointed to a serious dramatic situation. A third of over 200 journalists who participated in the survey stated that they have mental difficulties, which is twice as much as the prevalence of mental disorders in the general population. A third of the surveyed journalists emphasized that they experience a very high level of stress. 60% of respondents have a physical chronic illness. The vast majority of about 90% believe that the stress related to the journalistic profession or the threats to their safety contributed significantly to their physical illness. Almost a fifth of those surveyed suffer from post-traumatic stress disorder, which directly points to the specific risks of this profession in Serbia, because it exceeds almost 20 times the prevalence of this disorder in the general population.

As many as 79 % of journalists feel a moderate to high level of stress, while almost 15 % suffer a high level of stress. The most common causes are short deadlines, underpayment, and financial uncertainty, followed by external pressures and threats. Almost half of the surveyed experienced mobbing in a milder form and 12.8 % in a more

¹⁷ See: <https://www.osce.org/mission-to-serbia/545761>

severe form, which means that 62 % of the surveyed journalists experienced some form of mobbing during their career.

The authors of the research prepared a series of proposals and suggestions for journalists, editors, media owners and associations.

ANEM, coordinator of the SOS line for reporting threats, established co-operation with the Hemofarm Foundation as part of the Nesalomivi (*Unbreakable*) project in order to use the capacities of the SOS line for support to the mental health of Serbian citizens. The line is staffed by over 40 volunteer psychologists, psychiatrists, and therapists from four hospitals that specialize in mental health.

At the workshop, organized in November with the support of the OSCE Mission to Serbia and the Delegation of the European Union to Serbia, media representatives spoke with all the volunteers about the specific challenges of the journalistic profession, and the authors of the Analysis presented the results on the mental health of journalists. Co-operation between these two SOS lines was agreed upon, and it should be implemented in 2024, when journalists facing mental difficulties would have the opportunity to obtain free counselling, help and support.

Activity 5: *Panel discussion on the rights of journalists as the injured parties, with a focus on secondary victimization of journalists during investigative proceedings.*

On the International Day of Combating Impunity for Crimes Against Journalists, the Slavko Ćuruvija Foundation, the Independent Journalist Association of Serbia (NUNS) and the OSCE Mission to Serbia organized a conference under the title "Journalist is not a target - impunity and consequences of crimes against journalists" in Belgrade on 2 November, attended by more than 50 participants (23 women) from the domestic and international community.

At the conference, the third report on the state of freedom of expression before judicial authorities in Serbia was presented,¹⁸ as well as the results of research on hate speech against journalists and the consequences that such assaults cause, and on the safety of journalists in the digital environment.¹⁹

One of the panels was organized by PWG and it discussed the results of its work, the security situation in which journalists work in Serbia, as well as the rights of media professionals as injured parties in criminal proceedings. With Miroslav Janković (OSCE Mission to Serbia) as moderator, members of PWG - Branko Stamenković (SPPO), Veran Matić (ANEM) and Rade Đurić (NUNS) spoke on the panel.

¹⁸ <https://www.slavkocuruvijafondacija.rs/ima-li-pravde-za-slobodu-izrazavanja/>

¹⁹ <https://nuns.rs/nuns-i-birn-objavili-izvestaj-bezbednost-novinara-u-digitalnom-okruzenju/>

Activity 6: *Continuation of engagement (primarily media and journalists' associations) on defining possibilities for amendments to the Criminal Code of the Republic of Serbia that would enable more comprehensive and efficient criminal justice protection of journalists.*

One of the conclusions of the panel discussion on the working groups for the safety of journalists (the PWG and the Government's working group that has not been active since May 2022), organized by the OSCE Mission to Serbia and held in November 2022, was that the existing criminal justice framework and the way in which the criminal act endangerment of safety is understood are no longer sufficient for the efficient processing of assaults and threats against journalists.

Based on this, the OSCE Mission to Serbia engaged Igor Vuković, a Full Professor of Criminal Law at the Faculty of Law of the University of Belgrade, to draft an Opinion on the opportunities for amendments to the Criminal Code for the needs of the PWG that would enable more comprehensive legal protection of journalists and other media workers. Professor Vuković wrote the aforementioned Opinion in September 2023, and it will be discussed in more detail during 2024.

Activity 7: *Preparation of a quarterly PWG newsletter with information on cases and the work of the Group, disseminated via the mailing lists of journalist and media associations.*

According to the results of the research on the transparency of state authorities in cases of safety of journalists, conducted in 2022, only 37.5% of surveyed journalists stated that they receive information about the work of the PWG from their associations. 25% of them stated that they do not receive it, while 37.55% believe that they have some information, but that they are not sufficiently familiar with the details.

In order to improve the visibility of its work results in the public, especially among journalists and members of journalist and media associations, PWG produced four newsletters during 2023. The first one for the period January - March, the second for April to June, the third for July to September and the last for the period from October to December.

These quarterly reports contain detailed information on all ongoing cases and on the activities carried out within the PWG. The reports were forwarded to the media outlets, international organizations, and partners, and to journalists in order to improve their awareness about the achieved results and the destiny of cases of endangering the safety of journalists that the PWG dealt with during 2023.

Activity 8: *Preparation of the Annual Report on the activities of the Permanent Working Group for Safety of Journalists.*

This activity was also realized in December by the working group for writing the Annual Report, comprising Nataša Jovanović and Veran Matić as members of the PWG, and

Miroslav Janković from the OSCE Mission to Serbia, participating in the work of the Group as an observer.

Activity 9: *PWG study visit to Norway with the aim of establishing international co-operation and exchange of experiences in the fight to improve the safety of journalists.*

The Permanent Working Group for Safety of Journalists (PWG) visited Norway from 16 to 18 October 2023, which was organized by the OSCE Mission to Serbia and the Norwegian Embassy.²⁰ It met there with representatives of numerous institutions and organizations dealing with media freedom and safety of media workers.

The aim of the visit was to exchange knowledge and experiences with Norwegian partners on the prevention of criminal acts and more efficient processing of assaults and threats against journalists in the digital environment.

At a meeting in the Norwegian Ministry of Justice and Public Security, the PWG representatives were presented with the 2022 Report of the Norwegian Commission for Freedom of Expression, the results of which showed that only 10% of surveyed journalists were subjected to assaults and/or threats. This percentage is more than 5 times lower compared to a similar survey conducted in Serbia in the same year, for the purposes of PWG, and according to which 55% of the surveyed journalists confirmed that they were the target of assault or pressure.

The representatives of the police and the prosecutor's office spoke about the importance of preventive measures and co-operation since, in their experience, an efficient strategy to prevent criminal acts requires coordinated action and an active approach of all relevant stakeholders.

Moreover, representatives of the Norwegian police emphasized that their prevention strategy is largely based on a permanent presence on all digital platforms and networks, where through communication with citizens they receive information about crimes that are being prepared or are happening in real life, which they would never find out otherwise.

In discussions about the legal framework for the protection of journalists' safety, the PWG learned that the Norwegian Criminal Code provides for the criminal act of "Interfering with the work of important social institutions", which includes the media outlets, and which stipulates a prison sentence of up to 6 years for obstruction, violence, threats, and other illegal behaviour towards the media. Apart from this criminal act, which is very rarely applied in practice, the Norwegian legal system does not provide special legal protection to journalists or other media workers.

²⁰ See: <https://n1info.rs/vesti/stalna-radna-grupa-za-bezbednost-novinaru-u-poseti-norveskoj/>

At the meeting with the Norwegian Media Regulatory Authority, the PWG delegation got acquainted with the structure, organization, and powers of this body, as well as with the legal solutions related to the financing of the media and their responsibility for compliance with the law and professional standards of the journalistic profession. The PWG also received information on the activities of the Norwegian Regulatory Authority within the European Platform of Regulatory Authorities (EPRA), which consists of 56 regulatory authorities from 47 European countries.

Representatives of the Norwegian Journalists' Union, with 8,700 members, representing more than 90% of the total number of journalists in this country, pointed out that the key reason for the safe work of journalists is the good quality organization of the environment in which media professionals work. They emphasized the excellent co-operation with Norwegian state institutions which understand the importance of free media and respect the important role of journalists and media in democratic societies. The Supreme Court of Norway, according to them, has a standpoint that violence against journalists must result in strict punishment. They also pointed out that the biggest problem in Norway is violence against Norwegian journalists who work abroad and report in crisis situations.

The PWG discussed the protection of journalistic sources and compliance with the Code of Ethics with representatives of the Norwegian Association of Editors, which has 800 members - 350 are editors-in-chief and around 450 are deputies, and the Press Council. The Norwegian editors particularly emphasized the importance of the Agreement on the Rights and Duties of Editors that they concluded with the Association of Media Owners, according to which no authority, media owner, commercial actor, or any other interest group may interfere in the freedom and editorial policy of a media outlet.

Consideration of the opportunities for establishing co-operation and possibly reaching a similar agreement in Serbia will be one of the potential future initiatives, in addition to others related to the prevention of criminal acts and greater safety of journalists in the digital environment.

In the end, the Norwegian partners reacted very positively to the previous work of the PWG, which was presented to them through reports covering the period from 2017 to 2022. They particularly emphasized the value of building an institution that deals with the protection of the safety of journalists, the need for constant education of members of law enforcement authorities and journalists, the importance of keeping a database on assaults against journalists and, for them, surprisingly operational work of the Permanent Working Group and the good co-operation between journalists and institutions.

The project covering the PWG study visit to Norway was implemented with the support of the Delegation of the European Union to Serbia.

Activity 10: *Regional consultations of the representatives of prosecutor's offices, police, judges, and journalists with the aim of promoting mechanisms for improving the safety of journalists in the countries of the region.*

This activity is the only one that was not implemented during 2023 due to administrative reasons. It was transferred to the Action Plan for 2024 and, according to current estimates, it will be held in February or March next year.

Activity 11: *Participation of the PWG members in international forums and conferences in order to improve knowledge related to international standards and best practices in the field of protection of journalists' safety.*

During 2023, PWG members participated in several international events dealing with the safety of journalists. They had the opportunity to inform various actors about the activities and results of the Group's work.

Two PWG representatives participated in the first meeting of contact points for the safety of journalists within the OSCE region, organized by the office of the OSCE Representative on Freedom of the Media (RFoM), which took place on 17 March in Vienna.

From 16 to 17 May, six representatives of the PWG participated in the international conference on the safety of journalists organized by the office of the OSCE Representative on Freedom of the Media in Skopje, North Macedonia.

Three PWG representatives participated in the World Congress of the International Press Institute (IPI), which took place on 25 May in Vienna.

Two PWG representatives also participated in the conference dedicated to the future of media freedom in the OSCE region, which was organized on 22 November in Vienna by the RFoM.

Activities not foreseen by the Action Plan

In addition to the activities provided for in the Action Plan, the PWG also implemented several additional activities, including regular quarterly and extraordinary meetings, the holding of which is regulated by the PWG Rules of Procedure.

Activity 12: *Regular quarterly and extraordinary meetings of the PWG*

The PWG Rules of Procedure provides for the holding of regular quarterly meetings, and in case of need, extraordinary ones as well. In addition to four regular meetings, held in March, June and two in December, where information was exchanged about cases from the records of the prosecution offices, actions taken by competent institutions and current cases and events, two extraordinary meetings were held in 2023 at the initiative of journalist and media associations due to specific events.

The first extraordinary meeting was scheduled when the relocation of Marko Vidojković from Serbia took place in March due to the threats and pressures he was exposed to, and

after the letter sent by the PEN Centre to Veran Matić, a member of the PWG. The MoI ordered a security assessment and announced that in the months preceding the relocation of the journalist, there were no changes in terms of risks and threats to his safety. A representative of the SPPO in the PWG insisted that M.V. was not relocated based on a realistic security assessment of the competent institutions, but because of a subjective feeling of endangerment. The fact that this case is given greater importance compared to other cases represented in the records was also raised as a problem.

After the exchange of information on the number of reported cases related to Marko Vidojković and Nenad Kulačin and the procedural stages of the cases, it was agreed that the PEN Centre should be sent the data of the prosecution and NUNS on the number and status of charges and the outcomes of the proceedings. At that moment, there were 11 filed criminal charges in the records of NUNS, while in the records of SPPO there were nine cases - three with Vidojković as a sole injured party and six where he was one of the injured parties, beside his colleague Nenad Kulačin. It was established that in six of the nine recorded cases there are elements of criminal acts for which prosecution is undertaken ex officio. Two cases had been adjudicated at that moment (convictions), while four cases were still pending.

At the beginning of June, a second extraordinary meeting was held at the initiative of representatives of journalist and media associations regarding the trespassing of the supporters of movement "Dostojni Srbije" (Deserving of Serbia) on the yard of N1 television (30 May 2023). The intrusion, harassment and disruption of journalists took place amid citizen demonstrations due to the tragic events from the beginning of May in "Vladislav Ribnikar" Elementary School, Malo Orašje and Dubona.

Although the demonstrations mostly passed without major incidents, the trespassing on the private television property caused a reaction since the police did not respond to multiple reports by this media company. The SPPO did not participate in the meeting convened by the PWG members from journalist and media associations regarding the event and the need to act preventively, because it considered it premature, as there was no assessment of a possible criminal act. The meeting was held nevertheless, and the representative of the MoI reported that the plainclothes police officers were present at the venue and that the assessment was that public order and peace were not threatened, and that therefore there was no police reaction. A report on the incident was sent to the prosecution but was not filed in the prosecution's records.

On the other hand, the ruling party rally was organized (26 May) at the time of the demonstrations, which led to increased attention of the MoI and protection of journalists who reported on this event, at the written request of TV N1. Although the journalists under protection were not satisfied with this solution, at the PWG extraordinary meeting it was assessed that it is an example of good practice in the prevention of violence against journalists that should be put in practice for future as well.

The standpoint of the present PWG members was that it is necessary to insist on the actions of the competent institutions when a violent incident is recorded during demonstrations, especially in relation to cases where the violent people on the videos are recognizable as those who repeat the incidents.

After the meeting, the PWG issued a press release on the increased attention of all actors in tense situations and during demonstrations regarding the safety of journalists.²¹

Activity 13: *SOS 24/7 hotline for providing free legal assistance to journalists who believe their safety is threatened*

The SOS hotline is open 24 hours a day, seven days a week with operators who are also members of PWG, as well as lawyers who represent journalists and editorial staff. This line averages between twenty to thirty calls per month. One part of the calls is related to reporting cases that journalists recognize as a possible safety endangerment or threat. The second part are questions about various problems that journalists face, mostly about their rights in certain situations. The SOS line is a part of the application and portal bezbedninovinari.rs, which contains numerous important texts related to the safety of journalists, cases, SPPO reports, monthly monitoring reports, etc.

Activity 14: *Consultations between the PWG and representatives of the Supreme Court of Serbia*

In co-operation with the OSCE Mission to Serbia, the PWG organized a consultative meeting with representatives of the Supreme Court in Belgrade on 11 October, to introduce its work to them and draw attention to certain challenges registered in judicial practice regarding the interpretation of the threat in the criminal act of endangering the safety. The Supreme Court was represented by Biljana Sinanović, Judge of the Criminal Division, and Katarina Manojlović Andrić, Special Advisor to the President of the Supreme Court. It was agreed at the meeting that this type of consultation become a regular manner of exchanging opinions and information, and it will be held once or twice a year.

Activity 15: *Marking the anniversary of the murder of journalist Slavko Ćuruvija*

On 11 April, representatives of the PWG from ANEM, UNS and NUNS took part in a protest march with the Slavko Ćuruvija Foundation, marking the anniversary of the murder of Slavko Ćuruvija. The PWG and the OSCE Mission to Serbia representatives led by the Head of Mission, Ambassador Jan Braathu, participated in this event with the presence of representatives of the most important European and international associations and organizations dealing with the protection of journalists' safety.

The protest march was preceded by the international conference "Defence of Truth" organized by the Slavko Ćuruvija Foundation, which was attended by the representatives

²¹ See: <https://www.danas.rs/vesti/drustvo/stalna-radna-grupa-za-bezbednost-novinarara-apeluje-da-se-novinarima-obezbedi-nesmetan-rad-na-protestu/>

of nine international organizations: International Federation of Journalists, European Federation of Journalists, International Press Institute, Safe Journalists Network, Daphne Caruana Galizia Foundation, Reporters Without Borders, Osservatorio Balcani Caucaso Transeuropa, ECPMF and Article 19.

V. PWG Action plan for 2024

The new PWG Action Plan, adopted in December 2022, covers a three-year period ending in 2025. The activities planned for the next year (2024) coincide to large extent with the activities of the previous year, which is understandable given that the PWG wants to maintain continuity in activities like training seminars for representatives of the police, prosecutor's office and journalists, and visits to local communities in order to receive information about ongoing cases and the general security situation in which media professionals from smaller communities work. Bearing that in mind, the PWG Action Plan for 2024 foresees the following activities (there is a possibility that new activities may be added during the year):

Activity 1: Regular quarterly and extraordinary meetings of the PWG

As already mentioned, regular meetings of the PWG are held, according to the Rules of Procedure, once every three months, and extraordinary meetings are held whenever there is a need for it. For the year 2024, regular meetings are scheduled for March, June, September, and December.

Partner in the implementation of this activity:	SPPO, MoI, NUNS, UNS, NDNV, ANEM, AM, AOM and OSCE Mission to Serbia
Time frame:	March, June, September, and December 2024

Activity 2: Regular annual training of contact points in the police and prosecutor's office on the safety of journalists

Until the expiry of the 2023-2025 Action Plan, PWG plans to organize annual training seminars of contact points from the prosecution and the police on important issues in the field of journalists' safety and the importance of public information in democratic societies. In 2024, the training will be held at the same time as this year - in December.

Partner in the implementation of this activity:	SPPO, MoI and OSCE Mission to Serbia
Time frame:	December 2024

Activity 3: Training on the safety of journalists during public gatherings

In co-operation with journalist associations that participate in the work of the PWG, the OSCE will organize a training seminar on the safety of journalists during public gatherings in Belgrade. The training seminar will be attended by at least 80 journalists and will be used to collect information from the participants about the situation in which they operate, the dangers they face, the means of protection they use and the experience of working with relevant institutions on their protection during public gatherings. This information will be used for further development of subsequent trainings and educational materials, subject to the consent of the training participants.

Partner in the implementation of this activity:	UNS, NUNS, NDNV, OSCE Mission to Serbia
Time frame:	May 2024

Activity 4: Quarterly visits of the PWG representatives to the local communities.

The visits of the PWG delegation to local communities were one of the most important and effective activities in 2023, which is why they will be continued next year as well. The cities planned for the next year are: Kragujevac, Šabac, Dimitrovgrad and Kikinda.

Partner in the implementation of this activity:	SPPO, MoI, NUNS, UNS, NDNV, ANEM, AM, AOM and OSCE Mission to Serbia
Time frame:	February, May, September, and November 2024.

Activity 5: Establishment of 24/7 psychological assistance for journalists who are traumatized after the commission of criminal acts against them

Additional forms and models of co-operation were often discussed at the PWG meetings, and whether new tasks should be added to the existing mandate of the Group. When it comes to the PWG, it seems that this particularly refers to the measures aimed at preventing future assaults, but also to providing support after an assault in the form of referral to health institutions, support in overcoming trauma, as well as possible compensation in the form of aid funds. At the end of 2022, the OSCE Mission to Serbia formed a team that prepared an Analysis of Journalists' Mental Health and provided recommendations for multi-annual activities and projects aimed at improving the working environment for journalists. During 2023, training was held for psychiatrists and psychologists, future operators of 24/7 free psychological assistance to journalists, the specific implementation of which is planned for 2024.

Partner in the implementation of this activity:	Association of Independent Electronic Media
Time frame:	June - December 2024

Activity 6: Preparation of a quarterly PWG newsletter with information on cases and the work of the Group, which would be disseminated to journalists via the mailing lists of journalist and media associations

During 2024, the PWG will continue to produce and distribute quarterly newsletters with the aim of informing journalists and the public about its activities, individual cases and operational results.

Partner in the implementation of this activity:	SPPO, AOM, ANEM and OSCE Mission to Serbia
Time frame:	March, June, September, and December 2024

Activity 7: Preparation of the Annual Report on the activities of the Permanent Working Group for Safety of Journalists.

The PWG Rules of Procedure provides for the mandatory publication of semi-annual reports on the Group's activities, which was not done until the end of 2021. At the end of that year, the first four-year report on the activities of the PWG was published, followed by the reports for 2022 and 2023. In order to comply with this important obligation and continue with the good practice of publishing annual reports, which significantly contributes to better public awareness of the activities of the Group and its credibility, in 2024 two members of the PWG will also work on the preparation of annual report, with the help of the OSCE Mission to Serbia representatives.

Partner in the implementation of this activity:	AM, NUNS, NDNV, OSCE Mission to Serbia
Time frame:	November - December 2024

Activity 8: PWG study visit to Italy with the aim of establishing international co-operation and exchange of experiences in the fight to improve the safety of journalists.

In May 2022, PWG representatives had a study visit to the Dutch Working Group for Safety of Journalists, while in October 2023 they visited Norway. According to the participants, these activities were very successful and greatly contributed to improving the coherence of the Group and gaining new knowledge that can be used for more efficient work locally. A study visit to Italy is planned for September 2024, and special attention will be paid to familiarization with the Italian system of preventing crimes against journalists.

Partner in the implementation of this activity:	Logistics and organization – OSCE Mission to Serbia
Time frame:	September 2024

Activity 9: Participation of the PWG members in international forums and conferences in order to improve knowledge related to international standards and best practices in the field of protection of journalists' safety.

An exact time frame cannot be foreseen for this activity at the moment, but it is important that the PWG has the possibility to send its members to international conferences, such as those organized by the office of the OSCE Representative on Freedom of the Media, or the Council of Europe, or for example the International Journalism Festival in Perugia, as well as other professional meetings and consultations organized by international civil society organizations such as: Article 19, the Committee for Protection of Journalists, the International Press Institute and other similar projects of co-operation between institutions and the non-governmental sector in Europe.

Partner in the implementation of this activity:	OSCE Mission to Serbia
Time frame:	During 2024, depending on the circumstances

Activity 10: Consultations between the PWG and representatives of the Supreme Court of Serbia

At the meeting that PWG held in 2023 with the representatives of the Supreme Court, it was agreed that such meetings become regular once a year, so this practice will continue in 2024.

Partner in the implementation of this activity:	OSCE Mission to Serbia
Time frame:	October 2024

Activity 11: Regional consultations of the representatives of prosecutor's offices, police, judges, and journalists with the aim of promoting mechanisms for improving the safety of journalists in the countries of the region.

Regional consultations will aim to exchange and promote best practices and experiences when introducing national mechanisms to improve the safety of journalists. This event will gather up to eight participants from every country in the region, representing the prosecution, police, judiciary and journalists' and media associations, and a significant number of local experts, journalists, and representatives of academia and government institutions.

Partner in the implementation of this activity:	Logistics and organization - OSCE Mission to Serbia and OSCE RFOM
Time frame:	March 2024

Timetable of activities

2024												
Title	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Activity 1			x			x			x			x
Activity 2												x
Activity 3					x							
Activity 4		x			x				x	x		
Activity 5						x	x	x	x	x	x	x
Activity 6			x			x			x			x
Activity 7											x	x
Activity 8									x			
Activity 9	x	x	x	x	x	x	x	x	x	x	x	x

Activity 10											X		
Activity 11			X										

VI. Conclusions and recommendations

- **When it comes to 2023**, in the period from January to the end of December, in all public prosecutor's offices in Serbia, on the basis of filed criminal charges or reports, **75 cases were formed in connection with incidents harmful to journalists**, namely: 4 in January, 3 in February, 7 in March, 8 in April, 12 in May, 9 in June, 8 in July, 6 in August, 5 in September, 8 in October, 3 in November and 2 in December.
- Of the total number of formed cases related to the safety of journalists, during 2023 **23 cases (31.51% of the total number) were resolved**, of which 9 cases by court decision (all were convictions) and 14 cases by the decision of the prosecutor's office (in 6 cases a decision was passed to dismiss the criminal charges, while in 8 cases an official note was pronounced that there are no grounds to initiate criminal proceedings due to the absence of elements of criminal acts).
- When it comes to the structure of reported criminal acts against journalists, this year too, **mostly present are the threats referred to in Article 138 of the Criminal Code of the Republic of Serbia - for the criminal act of Endangerment of Safety (64 cases)**. Along with threats, there are Insult and Light bodily injury, while other reported criminal acts include Violent Behaviour (2 cases), Mistreatment and Torture, Stalking and the crime of Coercion, once each.
- When it comes to the competent prosecutor's offices - exactly one half of the cases are under the jurisdiction of the Prosecutor's Office for High-Tech Crime (VTK), a total of 37. This means that **in most cases, threats to journalists are made via the Internet**.
- From the opening of the database of the prosecutor's office **in 2016 until the end of December 2023, a total of 522 cases were formed in all prosecutor's offices in Serbia based on pressed charges for criminal acts against journalists**. According to the statistical data of the SPPO for this period, **a total of 308 cases, or 59%, were resolved, while 214 cases (41%) are still active**, i.e., pending, and are in various stages of the proceedings.
- Although the total number of unknown perpetrators of assaults against journalists, as a reason for not solving those cases, is still high (about 43% of total pending cases), it should be noted nonetheless that the largest number of unidentified perpetrators of criminal acts is from the earlier period of record keeping, as can be seen clearly in the table presented above. **The number of unidentified perpetrators in 2016 was 94% in 17 pending cases, while the %age dropped to only 9.6% in 2023 (5 unidentified perpetrators in 52 active cases)**.

- **Of the 81 cases that were resolved by the court's decision from 2016 to 2023 - in 63 cases a conviction was delivered;** in 12 cases there was an acquittal; while in 6 cases the prosecution's indictment was dismissed or rejected.
- On the other hand, in the same period, **223 cases were resolved by prosecutor's decision.** In 106 cases a decision was made to dismiss the criminal charges, while in 97 cases an official note was made that there is no basis for initiating criminal proceedings, i.e., there are no elements of a criminal act for which prosecution is undertaken ex officio.
- In 2023, the trend of threats to Marko Vidojković and Nenad Kulačin continued. There were five in total recorded, and information is currently being collected, while in some cases a request was issued to the court to locate the place of communication, and in one case criminal charges were dismissed. **The pending cases of threats to journalists,** not solely related to these two journalists but to the others as well, **require a constant status revision and repeated efforts for more efficient detection and appropriate punishment of the perpetrators.**
- In order to prevent the statute of limitations for the criminal prosecution in the case of a grave physical assault against a journalist of the Žig Info portal, **Željko Matorčević, it is necessary for the prosecution and the police to continue to undertake further investigative actions to identify the perpetrator** of the crime that occurred in 2018.
- **The legally binding verdict against the attacker on photojournalist Milan Šupica from Pančevo is an example of efficient detection and prosecution of the crime of endangering the safety of journalists.** The first-instance verdict was delivered less than two months after the assault, and without a plea-bargaining agreement.
- The case of assault against FONET journalist Marko Dragoslavić is also one of the examples of efficient actions of the competent authorities, because the final conviction was delivered less than three months after the violent incident and only one month and five days after the indictment was filed. However, considering that the journalist did not want to report and prosecute the perpetrators in connection with the other two assaults, it seems that **there is a need to educate journalists about the necessity to play an active role of the injured party in the prosecution of the perpetrators, and have a subjective feeling of endangerment,** because otherwise the criminal charges will be dismissed due to the absence of essential features of the criminal act of endangering safety.
- **The PWG Action Plan for 2023 contains 11 activities, 10 of which were successfully implemented.** It is especially important to emphasize that all institutions, organizations, and associations that signed the Agreement

establishing the PWG in December 2016 and are still active in the PWG work, participated in the implementation of the Action Plan, which speaks of their active approach and the significance they assign to this process.

- The work of PWG is becoming increasingly recognizable among local and foreign actors. **The European Commission's latest Report on Serbia for 2023 states that the police and prosecutor's office reacted swiftly in several cases of assaults and threats against journalists, while working within the PWG.** The Norwegian partners, with whom the PWG met during the study visit, reacted very positively to the previous work that was presented to them through the annual reports. They particularly emphasized the value of building an institution that deals with the protection of the safety of journalists, the need for constant education of members of law enforcement authorities and journalists, the importance of keeping a database on assaults against journalists and, for them, surprisingly operational work of the Permanent Working Group reflected in the good co-operation between journalists and institutions.
- **The 11 activities that the PWG plans to implement during 2024,** coincide to large extent with the activities of the previous year, which is understandable given that the PWG wants to maintain continuity in activities like trainings for representatives of the police, prosecutor's office and journalists, and visits to local communities in order to receive information about ongoing cases and the general security situation in which media professionals in smaller communities work.
- **The PWG must continue to fulfil its important mandate,** to find new creative ways to fight against impunity for assaults against journalists, to increase the intensity of its work, including crime prevention, and, certainly, to receive additional support from all relevant stakeholders, including the highest, political, instances. As before, the OSCE Mission to Serbia will continue to support the PWG in the implementation of the Action Plan valid until 2025.