

Report on the Media Repression in Serbia over 1999¹

Parts of this ANEM report were used in the joint project coordinated by IPI Vienna concerning the media situation in general and the Kosovo conflict. The report was updated after the war as the general ANEM report on repression of journalists and the media in Serbia throughout 1999. The reports were updated in cooperation with other regional organisations for the freedom of expression within the framework of the FreeEx project whose aim is to observe freedom of expression violations in South-Eastern Europe.

I PREFACE

In Yugoslavia "... the media has absolute freedom ... that kind of freedom is, of course, much more than freedom... ", Yugoslav President Slobodan Milosevic in an interview for "Politika", December 31, 1999.

The independent media in Yugoslavia entered 1999 with the most restrictive media law in Europe, the Public Information Act, which allows any journalist or media to be punished for publishing or broadcasting any statement, fact, information or opinion expressed by anyone at any time. As a direct result of this new law several newspapers have closed down in a short period of time and some media have incurred such large fines that they are now struggling to survive. A considerable number of journalists have also lost their jobs.

In the past year almost everything bad which could happen to Yugoslav media and journalists has happened.

The media and journalists have been accused of being traitors, of not fulfilling the wishes of their sponsors during the bombardment, of supporting the bombing, of undermining the defence and reconstruction of the country, both during and after the bombing, and of working for NATO and it has been suggested that they should be denounced.

The opposition has accused the independent media of not giving it enough coverage. They have in many cases insisted that sponsors provide aid to the independent media via opposition parties in order to increase the influence of the opposition. Part of the opposition uses the independent media in the same way as the regime.

¹ This report deals primarily with cases of media freedom violations in the Republic of Serbia excluding the territory of Kosovo and Metohija. We must emphasise that media freedom violations after the launch of the NATO intervention in Kosovo and Metohija are not covered by this report since there were no conditions for adequate access to cases, nor any reliable method of confirming the facts relating to known cases. We hope that our colleagues from Kosovo will adequately report the numerous cases of repression in that province. Cases of repression in Montenegro were not dealt with in detail since the situation in that republic is more favourable than that in Serbia.

During the bombing the media was completely eliminated through the destruction of editorial offices and the murder of staff in Kosovo. After the bombing, the media recommenced its work but encountered the problems which always occur when a territory becomes the protectorate of the international community (as was the case in Bosnia and Herzegovina), along with very little funding from sponsors for the development of a contemporary information system which would successfully promote professional journalism.

Slavko Curuvija was murdered. What happened to RTV Pristina journalist Djura Slavuj and his driver, who were kidnapped in Kosovo in 1998, has not yet been discovered. Sixteen employees were killed during the bombing of the state Radio Television Serbia (RTS) building. Nebojsa Ristic is still serving a prison sentence. The material damage caused by the bombing of RTS and Television Novi Sad, as well as the destruction of 13 radio and television transmitters, 9 radio transmitters and 42 radio and television repeaters (some of which belonged to ANEM members) is, according to G17, estimated at around 98 million US dollars. Equipment belonging to foreign media which was either seized or destroyed comes to an additional several million dollars.

In addition to such repression, which this report will substantiate, it is clear that the soul of the independent media and professional journalism, which had taken ten years to build up, has experienced the worst year for freedom of expression in Yugoslavia ever. We hope that the next will be better: it could scarcely be worse. Nevertheless, at the end of last year President Milosevic stated that «the implementation of the Public Information Act has in recent times been so inadequate that the situation is again approaching the level of media irresponsibility which existed ten years ago... ».

Recommendations for the affirmation of the independent media in 2000

- An in-depth study into the situation faced by the independent media during the bombing of Yugoslavia. This was a unique situation and is crucial in understanding how to function in similar circumstances, in finding ways to avoid the censorship imposed by governments under such circumstances and providing journalists with physical protection.
- An analysis of the behaviour of world media and an attempt to find ways of avoiding censorship in areas where it is reported as well as overcoming limitations imposed by both sides in the conflict.
- The use of local journalism and media resources in territories under international control and the affirmation and professionalisation of their work instead of forcing media to work under international control.
- Assistance to the media in improving their research journalism and enabling them to research and uncover recent events , especially war crimes and other forms of oppression without encountering too many difficulties.
- Assistance to the media in resisting state repression through the production of high quality articles, radio programs, films and the development of internet media.
- Facilitation of infrastructure development. Without this the repressive regime is able to limit media freedom. Assistance in the establishment of independent printing firms and independent media distribution.
- Facilitation of more successful local radio and television station connections through the establishment of a television news production centre and the linking of local stations to a joint satellite program.

- Facilitation of the constant monitoring of repression and assistance with weekly regional reports on any freedom of expression violations. Facilitation of the establishment of a network of lawyers for the efficient legal representation of the independent media.
- The enabling of each of these projects to form part of a program which would eventually be implemented within the framework of the Pact for Stability in South Eastern Europe.

(facsimile signature)

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II INTRODUCTION

As we have already mentioned, 1999 was the most difficult year ever for the independent media in Serbia and Yugoslavia. Apart from this, 1999 was also a unique year because of the NATO attack on Yugoslavia. The whole year can be divided into three clearly distinct periods: the period prior to March 24 when NATO launched its campaign, the period during the war and the post-war period which began in the middle of June. Considering the fact that both the real and legal situation drastically changed over the three periods, this report has been divided into three separate parts which relate to each period in turn. After giving a short general introduction to each period with the aim of explaining the general situation, we have attempted to point out the typical form of repression imposed on the independent media and their journalists by citing the most flagrant cases. At the end of the report, there are charts showing a summary of all cases where the Public Information Act was applied during 1999. We must emphasise that cases of freedom of expression violations not connected to the independent media do not form part of this report. That, of course, does not mean that ANEM condones such repression. On the contrary, ANEM offers all the assistance and support within its power to bring an immediate end to all freedom of expression violations as well as any human rights violations and their consequences. However, considering that ANEM is an independent electronic media association, this report focuses primarily on violations connected with the work of the independent media.

III THE PRE-WAR PERIOD

A) *Introduction*

The period prior to the launch of the NATO attack on Yugoslavia was above all marked by an increase in the level of repression experienced in 1998. The repressive Public Information Act was applied more often and more strictly and what particularly marked the pre-war period was the very strict application of this act to the Kosovo Albanian media. In addition to the application of this Information Act, repression was intensified by criminal charges being brought against several independent journalists. During 1998 independent journalists were taken to court and threatened with criminal charges on several occasions, although no charges were actually brought. The beginning of 1999 saw the first journalists being tried and those trials initially lead to suspended sentences but later resulted in actual imprisonment. The intensity of media repression was one of the most reliable

indicators that Milosevic's regime had chosen open conflict with the international community and NATO. The regime was preparing Serbia for the forthcoming war which, given Milosevic's policies, was unavoidable.

B) *The Application of the Public Information Act*

The new Public Information Act serves only to damage Serbia. From the day it was passed on October 20, 1998, until March 24, 1999, the act was condemned by almost all international associations including the UN Security Council as contravening all freedom of expression regulations guaranteed by international conventions which regulate this area. The Serbian Public Information Act became a symbol of the isolation of the country and the lack of understanding between Yugoslavia and the international community and was seen as evidence that Serbia was a non-democratic country which had no place among the civilised nations of the twentieth century.

Reviewing the application of the regulations of this infamous act, those regulations which obviously contravene international standards for the protection of freedom of expression and the media, we come to the conclusion that, regardless of such intense repression, the majority of the independent media had managed to survive in Serbia until the launch of the NATO intervention (apart from the daily "Nasa borba") and that, thanks to their courage and professionalism, people increasingly believed them. The new act had undoubtedly «embittered the lives» of the owners, editors and journalists working in the independent media but it had not succeeded in silencing them. As a direct result of this act the problems facing the independent media in Serbia became well known internationally so it is easy to imagine that one of the conditions for the reintegration of Serbia into the international community would be its abolition.

The total sum incurred in fines resulting from the use of this act against the independent media from October 20, 1998, until the launch of the NATO bombing campaign on March 24, 1999, was thirteen million, five hundred and sixty one thousand and five hundred dinars (13,561,500 din). The major victim was undoubtedly Slavko Curuvija, along with his weekly magazine "Evropljanin" where it all started, and daily "Dnevni telegraf", which were fined a total of four million and fifty thousand dinars (4,050,000 din) in 1998. Apart from these publications, the most drastic fine was incurred by the Montenegrin weekly "Monitor", which was also fined 2,800,000 dinars in 1998, the largest single fine in the period from the introduction of the act until March 24, 1999. As far as we know, none of these fines have been paid, so they were obviously used to cover up attempts to prevent the distribution of the previously mentioned publications in Serbia. Belgrade daily "Glas javnosti" is also on the list of those fined: a total of 580,000 dinars during that period, with fines of 50,000 and 380,000 in 1998 and 150,000 dinars on March 13, 1999. According to statements made by "Glas javnosti", those fines have been paid. "Danas" and "Blic" were also fined, as were lesser known publications such as "Pancevac" (61,500 dinars on two separate charges on February 3 and 5, 1999), "Prava coveka" from Leskovac (220,000 on January 21, 1999), Somborske novine (40,000 dinars on March 10, 1999) and publications which do not have a news focus such as "Svet" from Novi Sad which was fined 150,000 dinars on January 5, 1999.

Among what are regarded as the regime media, "Politika" was fined the largest amounts, a total of 300,000 dinars in 1998 followed by "Vecernje novosti" with fines amounting to 260,000 at the end of February 1999. No announcements were made as to whether those fines were actually paid, but fines against these regime media account for 20% of all fines

incurred which shows that by fining them, the regime was attempting to legitimise the punishment of the independent media and bring their distribution to a halt. What happened to "Evropljanin", "Dnevni telegraf" and "Monitor" proves that the regime was not interested in the revenue from these heavy fines, (if that were the case, they would have allowed them to trade by selling their product and seized the proceeds in payment of the fines, rather than confiscate whole issues and assessing their value as recycled paper) but solely in preventing the citizens of Serbia from being informed from those publications.

The application of this act against the Albanian media in Kosovo deserves special attention. Firstly, "Kosova sot" was fined 800,000 dinars on March 12, 1999, followed by "Gazeta Siptare" for the same amount on March 21. Just before the launch of the NATO bombing campaign, daily "Koha Ditore" was fined 520,000 dinars and weekly "Kombi" 1,600,000 dinars. These fines were, of course, never paid because the war prevented all payments.

Finally, just before the bombing, Studio B Television was fined 150,000 on March 23, 1999.

The fight for the abolition of the Public Information Act in this period was often presented to the public as a purely political one in which Serbian Information Minister Aleksandar Vucic and the regime coalition praised the act as being «the best in the world», while the opposition criticised it. The political significance of media legislation in any country cannot be denied, the fight for the abolition of the Public Information Act was and still remains the fight of one profession for its rightful position in the society. An entire profession is at stake here because this act is against all journalists. The urgent abolition of this act as well as the establishment of new and better legislation remains the main priority of the media in Serbia.

C) *Cases of imprisonment*

a. The case of Nikola Djuric

ANEM member, and owner and editor of City Radio in Nis, Nikola Djuric became the first independent journalist to be given a prison sentence, albeit suspended on January 18. Nis Municipal Court Magistrate S. Milosevic found Djuric guilty of the criminal act of illegal possession and use of a radio station according to article 219, paragraph 1 of the Serbian Criminal Code and sentenced him to a two month suspended sentence. Thus, repression against the independent media in Serbia was for the first time focused on media heads. All this happened despite the fact that City Radio provided the Federal Ministry of Telecommunications with documentation to prove that they had applied for the relevant license in response to public announcements regarding the distribution of frequencies which clearly stated that all radio and television stations would be permitted to continue broadcasting until a final decision was reached. Nikola Djuric was taken to court on charges brought by the very same Federal Ministry of Telecommunications which, accompanied by police, broke into City Radio offices and banned them from broadcasting because of «the non-possession of a broadcasting license», repossessing parts of their main and back-up transmission equipment on August 18, 1998.

b. The case of "Dnevni telegraf" journalists

On 8th March 1999, the director and owner of "Dnevni telegraf" and "Evropljanin", Slavko Curuvija and two "Dnevni telegraf" journalists, Srdjan Jankovic and Zoran Lukovic, were sentenced by the First Belgrade Municipal Court to five months' imprisonment for libel under to article 218 of the Serbian Criminal Code. The charges were brought by the Deputy Serbian Prime Minister and Yugoslav Left official, Milovan Bojic. Judge Bobot found them guilty of libel in their article «Murder victim had criticised Milovan Bojic», published in "Dnevni telegraf" on December 5, 1998. The article alleged that the Deputy Serbian Prime Minister was indirectly responsible for the murder of Dr Aleksandar Popovic the managing director of the hospital of which Bojic was director. The controversial article stated that the murder was extremely professional and that the murdered man had belonged to a group of physicians who had criticised Bojic, accusing him of fraud (the sum mentioned was 20 million German marks). The high court rejected all appeals out of hand. Slavko Curuvija, however, never served his sentence because he was murdered on April 11, 1999. Srdjan Jankovic and Zoran Lukovic avoided imprisonment in the period after the NATO intervention by leaving Serbia.

IV THE WAR PERIOD

A) *Introduction*

The launch of the armed conflict between Yugoslavia and the multinational NATO forces signalled the beginning of the most difficult period in the history of the independent media in Serbia. By going to war with NATO, Slobodan Milosevic's regime was finally able to repress all areas of public life without the need to show any consideration for the international community or organisations devoted to defending freedom of expression. On the other side, all opposition voices were successfully silenced by the fact that the international community was bombing Yugoslavia, as well as by the successful propaganda which the regime initially used to focus all public attention exclusively on the war and later to identify itself with a certain degree of success with the state. Thanks to these circumstances, the independent media lost its main support, that of the international community, which would have been counterproductive in such conditions, as well as the support of the public at home whose only thought was for the bombing. Left to themselves, the independent media were in the unenviable position of being forced to choose different strategies in an attempt to survive. Apart from having a «free hand» which enabled the regime to act according to its own needs, under the Constitution the state of war also provided them with the opportunity to use executive authority and pass laws and regulations which are normally under parliamentary jurisdiction, including regulations which allow the restriction or temporary abolition of human rights guaranteed by the Constitution, among which is the freedom of the media. Thus this section of the report will begin with an analysis of some of what were described as «war regulations» in order to later present an arsenal of repressive methods and cases.

B) *Legal repression*

- **The Serbian Ministry of Information's instructions for the media in a state of war**

The instructions published by the Serbian Ministry of Information on March 24, 1999, when the NATO attack on Yugoslavia was launched, consisted of, among others, severe restrictions on the work of journalists. According to these instructions, in a state of war, news agencies and media houses were obliged to carry out the following duties:

1. Media operators are to be on 24 hour duty and to maintain constant contact with state bodies
2. Media operators are required to supply the Ministry of Information with the schedule of personnel on duty
3. Media operators are to supply the Ministry of Information with the correct telephone and fax numbers of the duty editors in their news rooms
4. Media operators are to establish a courier service between their newsrooms and the ministry in the event of telephone lines being disconnected.
5. Reports on losses and casualties of the Yugoslav Army and the Serbian Police are strictly prohibited (a form of censorship).
6. Every journalist in the field or in the newsroom must be at the service of the state's current interests and report anything of importance to the state.
7. Media operators are required to monitor reports by foreign media, particularly those radio stations which are easily received on Yugoslav territory.
8. Police and army actions must be described as defence activities or the struggle to preserve and defend the country.
9. Enemy losses should be described by terms such as neutralised, incapacitated, paralysed and liquidated.
10. No information which would spread defeatism and panic must slip through the hands of the editor-in-chief.
11. Commentaries must always refer to the violation of the UN Charter, the violation of human rights and the unilateral decision of one alliance which does not constitute a consensus of all nations etc.
12. Confidential material and reports must be protected and filed to be used later for analysis or as evidence of war crimes and crimes against humanity.
13. The so-called Kosovo Liberation Army must be referred to as a gang, terrorists and criminals.
14. NATO forces must be referred to as the aggressor.
15. Media operators are required to emphasise that army and police personnel are fighting for the freedom of the country.

It is important to mention here that these restrictions were introduced on the basis of a constitutional provision according to which freedom of expression may be restricted in a state of war and under threat of war. However, the method used to restrict the aforementioned rights, namely, issuing internal instructions and holding subsequent internal briefings with the editors-in-chief of the media on a daily basis fails to comply with constitutional provisions, according to which a decree should be put into force which would specifically authorise the Ministry of Information to censor the media, and afterwards the Ministry should declare its own legal document determining ways of controlling the media.

One part of these instructions refers to the obligation of the media concerning the maintenance of constant contact with state bodies, which is the reason 24-hour duty was introduced in the media. Such instructions are understandable given the state of war, and the failure to comply with them, although there is no explicitly prescribed punitive measure contained within the instructions, entailed the closing down of the media in question, as in the case of ANEM stations which, according to the Ministry of Information, failed to comply with the instructions.

That part of the instructions which introduces censorship refers to the strictest ban on the reporting of any losses incurred by the army and the police, as well as additional instructions regarding the terminology to be used in reports (the army and the police must be referred to as defenders and freedom fighters, NATO as the aggressor, the KLA as a gang and terrorists, etc.). The responsibility of the editor-in-chief is also particularly emphasised with respect to any information which could have had an impact on the spread of defeatism and panic. The Ministry made all decisions regarding this issue, since, although there is no mention of any kind of punitive measure for publishing such information, the fact that Slavko Curuvija, the editor-in-chief of an influential daily newspaper and magazine was murdered, and Veran Matic, the editor-in-chief of Radio B92, as well as Stevan Niksic, the editor-in-chief of the weekly magazine "NIN" (one issue of "NIN" was actually banned), were arrested after the conflict had begun, proves the readiness of the authorities to apply the most brutal forms of repression against any journalist failing to comply with the instructions as well as with the everyday instructions of the authorities regarding reporting.

Particular importance should be given to article 6 of the Serbian Ministry of Information's instructions which obliges every journalist to serve the "current interests of the country" and to report anything of importance to the state as part of their military duties. This regulation also clearly demonstrates that journalists were unable to pursue their work with any sort of professionalism because if the authorities judged their activities to be against the "current interests of the country", which was up to the Ministry, i.e. the authorities, to decide, their lives would be placed in danger, criminal charges could be brought against them or they risked being exposed to other forms of police repression.

Finally, that article of the instructions in which Serbian media were ordered to constantly monitor reports from foreign media, especially from those radio stations whose signal could be received via short and medium waves in Yugoslavia, is of particular significance. The monitoring of foreign programs broadcast in the Serbian language such as The Voice of America, Radio Free Europe, Deutsche Welle and France International is at issue here. Although this was not explicitly stated, it is obvious that these media were considered the major propaganda outlets of the enemy and, because the citizens could not be prevented from listening to these programs, nor could the signal of these foreign media be jammed, it was essential to monitor their reports in order to undertake "propaganda countermeasures".

To conclude this short analysis, we should emphasise the fact that the instructions issued by the Ministry of Information were extremely vague, i.e. extremely general in their nature and thus did not provide a clear picture for the editors regarding which information they were allowed to publish and which information they were banned from publishing. This lack of clarity in the instructions was compensated for by daily briefings with the editors-in-chief of the media in the Ministry of Information, during which the way the media reported on recent developments was discussed and decisions were then taken regarding the information received on a daily basis from the field.

With respect to the possibility of journalists being in a position to carry out their work without obstruction and with any degree of freedom in such a state of war, it must be stressed that such activities were, not only literally but also in a legal sense, so dangerous that they could have cost a journalist or an editor his or her life. Above all, the disruption of communication lines by the NATO bombing, combined with the disruption of the electric power system, prevented all media-related-work relying on electrical equipment and made

it virtually impossible for any journalistic activities and the dissemination of news both in the country itself and abroad. Given the fact that foreign programs were being monitored, it was not even advisable to send reports by phone to these foreign media since the journalist providing the information was situated in Serbia, i.e. within the reach of repression by the local authorities. The increase in the legal risk was a direct result of the Decree on Criminal Proceedings during the State of War and the Decree on the Application of the Law on Internal Affairs during the State of War, both of which are analysed below. These two decrees increased the authority of the police and public prosecutors to such an extent that there was no guarantee whatsoever of the legality of the procedure. Any privacy of correspondence, of apartments, of individuals, any form of communication in fact, was virtually suspended by these decrees. Any policeman on duty was authorised to arrest any journalist and hold them in custody for a period of up to thirty days without explanation on the slightest suspicion of their being "engaged in activities against the current interests of the country". Criminal procedure was stripped of all legal procedural guarantees to such an extent that the individual could be sentenced without actually exercising his right to defend himself. We should, of course, bear in mind that repression in Serbia also exists outside the legal system (this often took place during the war) which means that any reputable journalist, whose trial may draw too much public attention, could lose their life under suspicious circumstances, as was the case with Slavko Curuvija. What was temporarily lost during the NATO intervention was the independent media. However, apart from the tragic murder of Slavko Curuvija, independent journalists have managed to survive.

* Decree on Internal Affairs during the state of war

This Decree provided the Ministry of Internal Affairs with increased authority during the state of war.

1. The Ministry had the authority to restrict movement, i.e. to detain a person for longer than 24 hours which was the maximum duration according to Article 11, paragraph 3 of the Serbian Internal Affairs Act if it was deemed necessary in order to maintain public order and in cases where the defence and security of the country were threatened should it prove impossible to press criminal charges. The Ministry has this authority over persons who violated public law and order, speculated on the market during wartime, disrupted the regular flow of basic foodstuffs and other articles under the special regime or in any other way jeopardised the safety of citizens or the defence and safety of the republic.
2. If the purposes of the defence of the republic required it, this decree gave the Minister for Internal Affairs the authority to detain any individual who threatened the safety of the Republic for as long as the reasons for the detention existed, or for a maximum period of 60 days. After such a time, the individual would be handed over to the courts.
3. The officers of the Ministry of Internal Affairs were authorised to search any individual without obtaining a search warrant for security purposes during the arrest procedure. The Ministry's officers had the authority to search people, their belongings, vehicles and premises without a search warrant in order to check for the illegal possession of weapons, ammunition, explosives or other articles which could be used in attacks or diversions, for the illegal possession of articles which were on the special regime during the state of war, as well as for any enemy propaganda material.

4. When the interests of the security and defence of the country required it, or when there were grounds to suspect the perpetration of a criminal offence, the Ministry's officers were authorised to open letters and other correspondence on the decision of their immediate senior officer. This regulation appends Article 13 of the Internal Affairs Act, which states that the principle of inviolability of the secret of a letter can be disregarded only on the decision of the Chairman of the Supreme Court of Serbia, or a judge designated by that chairman, and if criminal prosecution or the security and defence of the republic requires it.
5. If unable to prevent the escape of a person caught committing a misdemeanour, the Ministry's officers were authorised to use firearms. Previously, Article 23 of the Internal Affairs Act had authorised officers of the Ministry to use firearms only if there were suspicion that the person was in possession of a firearm and intended to use it.

This authority was given to all employees of the Ministry of Internal Affairs designated by the Minister of Internal Affairs or to any individual designated by him. These people were obliged to carry out all orders issued by their superiors in the line of duty, unless the enforcement of these orders would have constituted a criminal act.

If the interests of the services required it, the Minister of Internal Affairs or the person designated by him was able to relocate any employee of the Ministry or send them to some other Ministry department for as long a period as the interests of the service required.

As a counterbalance to the increased authority given to the Ministry's officers, the Decree imposed stricter disciplinary responsibilities on them. As well as those included in the Internal Affairs Act, the Decree also cites other new activities considered to be serious violations of the officers' professional duties and obligations. In addition to the disciplinary measures and sanctions in the Internal Affairs Act, the Decree also introduced new measures for serious violations of officers' professional duties and obligations which included detention for up to 60 days or demotion to a lower rank which could last for one to two years. Disciplinary measures for minor violations of officers' professional duties and obligations were also introduced such as a ban on leaving the barracks for a period of up to four days and a detention which could last for up to 30-days. The immediate superior officer was authorised to pass such disciplinary measures for minor violations of officers' professional duties and obligations. The Decree finally stated that students of the Internal Affairs School may be recruited into police units provided they were more than 16 years old.

- **Decree of the Federal Government regarding the application of the law on criminal proceedings during a state of war**

The Federal Government's decree was in accordance with article 99, paragraph 11 of the Constitution of Yugoslavia under which the Federal Government is authorised to pass decrees regarding issues under the jurisdiction of the Federal Assembly should the Federal Assembly itself be unable to convene during a state of war.

The changes in the Criminal Proceedings Act as determined by this decree are as follows:

1. *Extending the local jurisdiction of the court where the defendant has been arrested or turned himself in voluntarily.*

Article 2 of the decree authorises the court, when the accused was arrested or turned himself in voluntarily, to conduct criminal proceedings against an accused who has absconded or is beyond the jurisdiction of the local court which would otherwise be authorised to act as determined by the Criminal Proceedings Act.

This represents an extension of the jurisdiction of a local court where the accused has been arrested or turned himself in voluntarily as compared to its jurisdiction under article 29, paragraph 3 of the Criminal Proceedings Act, according to which the court has jurisdiction if neither the scene of the crime nor the residence of the accused is known, or if these are both located beyond the borders of Yugoslavia.

2. *Changes regarding the obligation to obtain authorisation to conduct criminal proceedings as well as to search an apartment, other premises and individuals.*

Article 3 of this decree determines that the regulations contained within the Criminal Proceedings Act regarding the obligation to obtain authorisation to conduct criminal proceedings shall not be applied to those who have committed crimes:

- against the constitutional order and security of Yugoslavia (Chapter 15, Criminal Code of Yugoslavia),
 - against humanity and international law (Chapter 16, Criminal Code of Yugoslavia),
 - against the Yugoslav Army (Chapter 20, Criminal Code of Yugoslavia);
- as well as in cases where the crime committed by the accused entails a minimum a 5-year prison sentence.

This effectively revokes, in this case, the regulation contained in article 139 of the Criminal Proceedings Act, under which the public prosecutor can neither demand an investigation nor press charges i.e. submit a proposal to bring charges unless presenting evidence beforehand that authorisation has been obtained from the competent state bodies (e.g. authorisation from the Federal Assembly to initiate criminal court action against MPs from the assembly itself as perpetrators of a criminal offence...).

Article 7 of the decree also authorises law enforcement officers to **search an apartment, other premises or individuals without a written court order and without the individual's consent** in cases where there is a reasonable doubt that the person has committed one of the criminal offences mentioned above.

Thus, in this case, the regulation contained within article 207, paragraph 1 of Criminal Proceedings Act, according to which the court orders a search by means of a search warrant, as well as the regulations contained in article 207, paragraph 2 of the Criminal Proceedings Act according to which the court order to make a search is to be delivered to the person to be searched or whose premises are to be searched before the search itself commences, are effectively revoked. This also includes the regulation according to which the person to whom such a court order refers is summonsed before the search is carried out and asked to voluntarily give information about the person in question or more specifically the objects which are being sought.

3. *Changes to the regulations regarding the disqualification of judges*

Article 4 of the Decree determines that the regulation contained in article 39, paragraph 6 of the Criminal Proceedings Act, according to which a judge or members of the jury may be disqualified if the circumstances indicate their possible prejudice, is **no longer to be applied**.

4. Changes to the jurisdiction and structure of the court

Article 5 of the Decree determines that a judge acting alone in the court of first instance is to conduct the proceedings for criminal offences for which fines or sentences of up to 5 years in prison are prescribed (thus changing the regulations according to which a council consisting of a judge and two jurors are required to conduct such proceedings, article 23, Criminal Proceedings Act).

5. Changes connected to the increase in the authority of certain state bodies

According to article 6 of the Decree, **increased authority** is given to:

- the **public prosecutor** in terms of **conducting an investigation** (According to article 16, paragraph 1, of the Criminal Proceedings Act , the investigation is to be conducted by an investigative judge from the competent court.)
- **the investigative judge** so that he or she may conduct an investigation and undertake certain investigative measures in the case of an emergency, even **without a prior request from the public prosecutor**, i.e. the state prosecutor (According to article 158, paragraph 1, of the Criminal Proceedings Act, the investigation is conducted at the public prosecutor's request.)
- Internal Affairs officers could conduct an investigation in the case of an emergency without a decision being made by the public, i.e. state prosecutor

The investigative judge and law enforcement officers were obliged to immediately notify the public prosecutor i.e. the state prosecutor after taking such measures.

6. Changes connected to those bodies which may impose temporary arrest and determine the duration of the confinement.

Article 8 of the Decree changes the regulations contained within the Criminal Proceedings Act regarding the authority of the relevant bodies to impose temporary confinement (which according to the Criminal Proceedings Act, only the investigative judge of the competent court was previously authorised to do - article 192, paragraph 1, Criminal Proceedings Act - in certain cases the investigative judge of the lower court – article 194, paragraph 1, Criminal Proceedings Act - and in special cases, this could be done by Internal Affairs officers before the investigation was initiated under conditions as determined by article 196, paragraphs 1 and 2 and article 191, paragraphs 1 and 2, items 1 and 3, of the Criminal Proceedings Act (imposing temporary confinement on individuals suspected of having committed a criminal offence punishable, according to the law, by capital punishment..).

The following organs **may now impose temporary arrest**:

- **the investigative judge**
- **the public prosecutor i.e. state prosecutor and**
- **officers from the Ministry of Internal Affairs**

The regulations of the Criminal Law concerning the **duration of temporary arrest** were also changed so that:

- temporary arrest **could last for up to 30 days** (according to article 196, paragraph 3 temporary arrest enforced by the officers of Internal Affairs could not last more than 3 days);
- temporary arrest carried out by the officers of Internal Affairs could be extended by the court of original jurisdiction (article 23, paragraph 6, Criminal Proceedings Act) for a **further three month period** (according to the regulations based on article 197, paragraph 2, temporary arrest could be extended by means of a court ruling from the court of original jurisdiction to a maximum of 2 months);
- the higher court council made all decisions regarding the extension of temporary arrests (according to article 197, paragraph 2, of the Criminal Proceedings Act, if the proceedings are conducted for a criminal offence which entails sentences of more than 5 years in prison or even harsher punishment, then the Council of the Supreme Court of the Republic of Serbia may further extend the temporary arrest for an additional 3 month period);
- article 8 of the Decree did not provide for the obligation of the Internal Affairs officers, in the case of temporary arrest, to notify the public prosecutor i.e. the investigative judge who could in turn demand that the Internal Affairs officers immediately bring the arrested person to the public prosecutor etc. (article 196, paragraph 4, Criminal Proceedings Act).

7. Changes regarding the authority of the public prosecutor to bring charges without prior investigation and consent of the investigative judge

Article 9 of the Decree provided for extending the authority of the public prosecutor i.e. the state prosecutor to bring charges without prior investigation and consent of the investigative judge if the evidence gathered provided sufficient grounds to bring charges in the case of a criminal offence which entails a prison sentence of up to 10 years.

Article 160, paragraph 6, provided for the authority of the public prosecutor to bring charges without prior investigation, if the evidence gathered concerning both the criminal offence and the offender was not sufficient grounds for prosecution, but this relates to criminal offences for which sentences of up to 5 years in prison are prescribed. Regarding the disagreement of the investigative judge with the indictment without prior investigation, article 160, paragraph 5, determined that the course of action must incorporate an investigation before the indictment was delivered.

8. The introduction of the shortest possible time limit for determining the date of the main hearing from the date of delivering the indictment

Article 10 of the Decree provided for a 48 hour time limit from the moment the indictment was delivered to the accused until the main hearing.

Article 279, paragraph 2, Criminal Proceedings Act, determined that the president of the judicial council must schedule the main hearing within a 2-month time limit from the date of receipt of the indictment in court. Consequently, article 10 of the Decree determined the

shortest possible time limit for scheduling the main hearing in order to expedite criminal proceedings.

9. Changes in the time limits within which the accused has the right to appeal against the indictment

Article 11, paragraph 1 of the Decree determined that the accused had the right to appeal against the indictment within 24 hours of the delivery of the indictment. Thus, the time limit under article 267, paragraph 1, of the Criminal Proceedings Act was changed to 8 days from the moment of the receipt of the indictment.

The same article, paragraph 2, of the Decree determined that the appeal did not affect the scheduling of the main hearing which would take place regardless within 48 hours according to paragraph 10, which practically meant that any appeal by the accused did not affect the indictment being put into effect in legal terms. Consequently, the indictment could come into effect despite an appeal being made against the indictment itself on the part of the accused, i.e. there was no major violation of the criminal proceedings' provisions in the case where the main hearing was scheduled and sentence brought according to an indictment which was never actually put into effect since the appeal made by the accused was submitted previously.

Article 271, paragraph 1, of the Criminal Proceedings Act provided for the possibility of presenting an appeal against the indictment by the public prosecutor, together with article 277, paragraph 1, determine that, if the appeal against the indictment was never submitted or was rejected, then, the council of the court of first instance (article 23, paragraph 6), at the request of the president of the council before which the main hearing is to take place, may reach a decision on any issue which is to be resolved on the basis of this law and with respect to this objection. However, since article 11, paragraph 1 of the Decree does not explicitly state that these objections do not affect the scheduled main hearing within the time limit as determined in article 10 of the Decree, one could presume that the provision from the article 11, paragraph 2 of the Decree does not refer to the cases from the articles 271, paragraph 1 and the article 277 of the Criminal Proceedings Act.

X Changes regarding the delivery of the appeal against the reply

Article 12 of the Decree effectively revokes the regulations of the Criminal Proceedings Act which refer to the delivery of the appeal against the reply of the court. This means that a major violation of the regulations of the criminal proceedings does not exist anymore when the court of second instance reaches a decision, thus accepting the appeal of the public prosecutor and altering the sentence of the court of first instance so as to pass a more severe punishment, even though the copy of the prosecutor's appeal has not been previously delivered by the court of first instance to the accused as determined by the article 369 of the Criminal Proceedings Act.

XI Changes regarding the adjournment of the main hearing and/or changes of the judicial council i.e. an individual judge

Article 13 of the Decree provides for the possibility that the Council, i.e. the judge, as an individual MAY DECIDE NOT TO INITIATE THE PROCESS OF HEARING AGAIN if the following conditions are met:

- if the main hearing was adjourned, and the adjournment lasted for more than a month, or

- if the adjourned main hearing takes place before the altered council or another judge. If that were the case, the court would proceed with the hearing and the president of the judicial council, i.e. the judge, as an individual gives the account of the first part of the hearing. This represents an alteration of the article 305, paragraph 3 of the Criminal Proceedings Act, according to which the main hearing has to be initiated and all the evidence presented once again if the adjournment of the main hearing has lasted for more than a month or if the main hearing is taking place before another president of the judicial council.

XII Changes regarding the delivery of the written copy of the verdict

Article 14 of the Decree determines that a written copy of the verdict is to be delivered **ONLY AT THE EXPLICIT REQUEST OF AN INTERESTED PARTY**. Thus, article 356, paragraph 3 and article 123 of the Criminal Proceedings Act concerning the delivery of the verdict which is in the authority of the judge as an individual have been altered so that the obligation to deliver copies of the verdict to both the defendant and his or her lawyer does not exist.

XIII Changes of time limits for appealing against the verdict

Article 15 of the Decree determines that the regulations of the Criminal Proceedings Act concerning the **PRESENCE OF THE PARTIES** during the process of the appeal are to be applied only when the president of the judicial council or the council itself rules that the presence of the parties, or one of the parties, or of the defendant's lawyer, **WOULD BE USEFUL TO EXPLAIN THE MATTER**. Consequently, the regulations from article 373, paragraph 2 and 3 of the Criminal Proceedings Act, in their part which determines the obligation to summon the defendant and his or her lawyer for the hearing before the court of second instance, shall not be applied if the court rules that their presence has no bearing on further clarifying the matter.

XIV Extending the application of the regulations of the Criminal Proceedings Act regarding the summary proceedings and temporary confinement in summary proceedings

Article 17, paragraph 1, of the Decree determines the application of the regulations of the Criminal Proceedings Act regarding **SUMMARY PROCEEDINGS** before the court of first instance for all criminal offences for which the major punishment that may be imposed is either a fine or a sentence of **UP TO FIVE YEARS** in prison, thus extending the number of criminal offences for which three-year prison sentences are prescribed according to the article 430 of the Criminal Law. Article 17, paragraph 2 of the Decree determines that temporary confinement in summary proceedings may **LAST FOR ONLY THE PERIOD NEEDED TO CONDUCT INVESTIGATION, BUT NOT MORE THAN THIRTY DAYS**. Thus, the regulations under article 433, paragraph 2, of the Criminal Proceedings Act are effectively revoked, and they determine that the temporary confinement in summary proceedings before indictment may last as long as needed to conduct the investigation, but not more than eight days, Also, article 433, paragraph 3 and article 199 concerning the imposition of temporary confinement in summary proceedings from the moment of submitting the indictment to the conclusion of the main hearing are no longer in force as one single regulation has been put into effect for the both phases of summary proceedings.

* Decree on Internal Affairs during the state of war

This Decree provided the Ministry of Internal Affairs with increased authority during the state of war.

6. The Ministry had the authority to restrict movement, i.e. to detain a person for longer than 24 hours which was the maximum length according to Article 11, paragraph 3 of the Serbian Internal Affairs Act, if it was deemed necessary in order to maintain public order and in cases where the defence and security of the country were threatened, should it prove impossible to press criminal charges. The Ministry had this authority over people who violated public law and order, speculated on the market during wartime, disrupted the regular flow of basic foodstuffs and other articles under the special regime or in any other way jeopardised the safety of citizens or the defence and safety of the republic.
7. If the purposes of the defence of the republic required it, this decree gave the Minister of Internal Affairs the authority to detain any individual who threatened the safety of the Republic for as long as the reasons for the detention existed, or for a maximum period of 60 days. After such a time, the individual would be handed over to the courts.
8. The officers of the Ministry of Internal Affairs were authorised to search any individual without obtaining a search warrant for security purposes during the arrest procedure. The Ministry's officers had the authority to search persons, their belongings, vehicles and premises without a search warrant in order to check for the illegal possession of weapons, ammunition, explosives and other articles which could be used in attacks or diversions, for the illegal possession of articles which were on the special regime during the state of war, as well as any enemy propaganda material.
9. When the interests of the security and defence of the country required it, or when there were grounds to suspect the perpetration of a criminal offence, the Ministry's officers were authorised to open letters and other correspondence on the decision of their immediate senior officer. This regulation appends Article 13 of the Internal Affairs Act, which states that the principle of inviolability of the secret of a letter can be disregarded only on the decision of the Chairman of the Supreme Court of Serbia, or a judge designated by that chairman, and if criminal prosecution or the security and defence of the republic requires it.
10. If unable to prevent the escape of a person caught committing a misdemeanour, the Ministry's officers were authorised to use firearms. Previously, Article 23 of the Internal Affairs Act had authorised officers of the Ministry to use fire arms if there was suspicion that the person was in possession of a firearm and intended to use it.

Such authority was given to all employees of the Ministry of Internal Affairs designated by the Minister of Internal Affairs or to any individual designated by him. These persons were obliged to carry out all orders issued by their superiors in the line of duty, unless the enforcement of these orders should constitute a criminal act.

If the interests of the services required it, the Minister of Internal Affairs or the person designated by him was able to relocate any employee of the Ministry or send him to some other Ministry department for as long a period as the interests of the service required.

As a counterbalance to the increased authority given to the Ministry's officers, the Decree imposed stricter disciplinary responsibilities on them. As well as those included in the Internal Affairs Act, the Decree also cited other new activities considered to be serious violations of officers' professional duties and obligations. In addition to the disciplinary

measures and sanctions in the Internal Affairs Act, the Decree also introduced new measures for serious violations of officers' professional duties and obligations which included detention for up to 60 days or demotion to a lower rank which could last for one to two years. Disciplinary measures for minor violations of officers' professional duties and obligations were also introduced such as a ban on leaving the barracks for a period of up to four days and a detention which could last for up to 30-days. The immediate superior officer was authorised to pass such disciplinary measures for minor violations of officers' professional duties and obligations. The Decree finally stated that students of the Internal Affairs School could be recruited into police units provided they were more than 16 years old.

- **Federal Government Decree regarding the application of Criminal Proceedings Act during a state of war**

The Federal Government's decree was in accordance with article 99, paragraph 11 of the Constitution of Yugoslavia according to which the Federal Government is authorised to pass decrees regarding those issues under the jurisdiction of the Federal Assembly should the Federal Assembly itself be unable to convene during a state of war.

The changes in the Criminal Proceedings Act as determined by this decree were as follows:

3. *Extending the local jurisdiction of the court where the defendant has been arrested or turned himself in voluntarily.*

Article 2 of the decree authorised the court where the accused was arrested or turned himself in voluntarily to conduct criminal proceedings against an accused who had absconded or was beyond the jurisdiction of the local court which would otherwise be authorised to act as determined by the Criminal Proceedings Act.

This represented an extension of the jurisdiction of a local court where the accused had been arrested or turned himself in voluntarily as compared to its jurisdiction under article 29, paragraph 3 of the Criminal Proceedings Act according to which the court has jurisdiction if neither the scene of the crime nor the residence of the accused is known, or if these are both located beyond the borders of Yugoslavia.

4. *Changes regarding the obligation to obtain authorisation to conduct criminal proceedings as well as to search apartments, other premises and individuals.*

Article 3 of this decree determined that the regulations contained within the Criminal Proceedings Act regarding the obligation to obtain authorisation to conduct criminal proceedings would not be applied to those who had committed the following crimes:

- crimes against the constitutional order and security of Yugoslavia (Chapter 15, Yugoslav Criminal Code),
 - crimes against humanity and international law (Chapter 16, Yugoslav Criminal Code),
 - crimes against the Yugoslav Army (Chapter 20, Yugoslav Criminal Code);
- as well as in cases when the crime perpetrated by the accused was punishable by a minimum 5-year prison sentence.

Thus, in this case, the regulation contained in article 139 of the Criminal Proceedings Act was effectively revoked. According to this regulation the public prosecutor could neither demand an investigation nor press charges i.e. submit a proposal to bring charges unless presenting evidence beforehand that authorisation had been obtained from the competent state bodies (e.g. authorisation from the Federal Assembly to initiate criminal court action against MPs from the assembly itself as perpetrators of a criminal offence...).

Article 7 of the decree also authorised law enforcement officers to **search apartments, other premises and individuals without a written court order and without the individual's consent** in cases where there was a reasonable doubt that the person had committed one of the above-mentioned criminal offences.

Thus, in this case, the regulation contained within article 207, paragraph 1 of the Criminal Proceedings Act, according to which the court orders a search by means of a search warrant, as well as the regulations contained in article 207, paragraph 2 of the Criminal Proceedings Act, according to which the court order to make a search was to be delivered to the person to be searched or whose premises were to be searched before the search itself commenced, were effectively revoked. This also included the regulation according to which the person to whom this court order refers is summoned before the search was carried out and asked to voluntarily give information about the person in question or more specifically the objects which were being sought.

3. Changes to the regulations regarding the disqualification of judges

Article 4 of the Decree determined that the regulation contained in article 39, paragraph 6 of the Criminal Proceedings Act, according to which a judge or members of the jury could be disqualified if the circumstances indicated his or her possible prejudice, was **no longer to be applied**.

4. Changes to the jurisdiction and structure of the court

Article 5 of the Decree determined that a judge acting alone in the court of original jurisdiction was to conduct proceedings for criminal offences for which fines or sentences of up to 5 years in prison were prescribed (thus changing the regulations according to which a council consisting of a judge and two jurors were intended to conduct such proceedings, article 23, Criminal Proceedings Act).

5. Changes regarding the increase in the authority of certain state bodies

According to article 6 of the Decree, **increased authority** was given to:

- the **public prosecutor** in terms of **conducting an investigation** (According to article 16, paragraph 1, of the Criminal Proceedings Act, the investigation was to be conducted by an investigative judge from the competent court.)
- **the investigative judge** so that he or she could conduct an investigation and undertake certain investigative measures in the case of an emergency even **without a prior request from the public prosecutor**, i.e. the state prosecutor (According to article 158, paragraph 1, of the Criminal Proceedings Act, the investigation is to be conducted at the public prosecutor's request.)
- Internal Affairs officers, i.e. the state prosecutor, could conduct an investigation in the case of an emergency without a decision being made by the public.

The investigative judge and law enforcement officers were obliged to immediately notify the public prosecutor, i.e. the state prosecutor, after taking such measures.

6. Changes regarding those bodies which may impose temporary detention and determine the duration of the confinement.

Article 8 of the Decree changed the regulations contained within the Criminal Proceedings Act regarding the authority of the relevant bodies to impose temporary confinement (which according to the Criminal Proceedings Act, only the investigative judge of the competent court was previously authorised to do - article 192, paragraph 1, Criminal Proceedings Act - in certain cases the investigative judge of the lower court – article 194, paragraph 1, Criminal Proceedings Act - and in special cases, this could be done by Internal Affairs officers before the investigation was initiated under conditions as determined by article 196, paragraphs 1 and 2 and article 191, paragraphs 1 and 2, items 1 and 3, of the Criminal Proceedings Act (imposing temporary confinement on individuals suspected of having committed a criminal offence punishable, according to the law, by capital punishment).

The following organs **may now impose temporary arrest:**

- **the investigative judge**
- **the public prosecutor i.e. state prosecutor and**
- **officers from the Ministry of Internal Affairs**

The regulations of the Criminal Law concerning the **duration of temporary arrest** were also changed so that:

- temporary arrest **could last for up to 30 days** (according to article 196, paragraph 3 temporary arrest enforced by the officers of Internal Affairs could not last more than 3 days);
- temporary arrest carried out by the officers of Internal Affairs could be extended by the court of original jurisdiction (article 23, paragraph 6, Criminal Proceedings Act) for a **further three month period** (according to the regulations based on article 197, paragraph 2, temporary arrest could be extended by means of a court ruling from the court of original jurisdiction to a maximum of 2 months);
- the higher court council made all decisions regarding the extension of temporary arrests (according to article 197, paragraph 2, of the Criminal Proceedings Act, if the proceedings were conducted for a criminal offence punishable by prison sentences of more than 5 years or even harsher punishment, then the Council of the Supreme Court of the Republic of Serbia could further extend the temporary arrest for an additional 3 month period);
- article 8 of the Decree did not provide for the obligation of Internal Affairs officers, in the case of temporary arrest, to notify the public prosecutor, i.e. the investigative judge, who could in turn demand that the Internal Affairs officers immediately bring the arrested person to the public prosecutor etc. (article 196, paragraph 4, Criminal Proceedings Act).

10. Changes regarding the authority of the public prosecutor to bring charges without prior investigation and the consent of the investigative judge

Article 9 of the Decree provided for extending the authority of the public prosecutor i.e. the state prosecutor **to bring charges without prior investigation and the consent of the investigative judge** if the evidence gathered provided sufficient grounds to bring charges in the case of a criminal offence punishable by a prison sentence of up to 10 years.

Article 160, paragraph 6, provided for the authority of the public prosecutor to **bring charges without prior investigation**, if the evidence gathered concerning both the criminal offence and the offender did not constitute sufficient grounds for prosecution, but this related to criminal offences for which sentences **of up to 5 years** in prison are prescribed. Regarding the **disagreement of the investigative judge** with the indictment without prior investigation, article 160, paragraph 5 determines that the course of action must incorporate an investigation prior to delivery of the indictment.

11. The introduction of the shortest possible time limit for determining the date of the main hearing from the date of delivering the indictment

Article 10 of the Decree provided for a **48-hour** time limit from the moment the indictment was delivered to the accused until the main hearing.

Article 279, paragraph 2, Criminal Proceedings Act determined that the president of the judicial council must schedule the main hearing within the 2-month time limit from the date of receipt of the indictment in court. Consequently, article 10 of the Decree determined the **shortest possible time limit** for scheduling the main hearing **so as to expedite the criminal proceedings**.

12. Changes in the time limits within which the accused has the right to appeal against the indictment

Article 11, paragraph 1 of the Decree determined that the accused had the right to appeal against the indictment within **24 hours** of the delivery of the indictment. Thus, the time limit under article 267, paragraph 1, of the Criminal Proceedings Act was changed to 8 days from the moment of the receipt of the indictment.

The same article, paragraph 2, of the Decree determined that the **appeal did not affect the scheduling of the main hearing which would take place regardless within 48 hours according to paragraph 10**, which meant in practical terms that any appeal by the accused did not affect the indictment being put into effect in legal terms. Consequently, the indictment could come into effect despite an appeal being made against the indictment itself on the part of the accused, i.e. there was no major violation of the criminal proceedings provisions in a case where the main hearing was scheduled and sentence brought according to an indictment which was never actually put into effect as the appeal made by the accused had been submitted previously.

Article 271, paragraph 1, of the Criminal Proceedings Act provided for the possibility of presenting an appeal against the indictment issued by the public prosecutor, and article 277, paragraph 1 determined that if the appeal against the indictment was never submitted or was rejected, then, the council of the court of original jurisdiction (article 23, paragraph 6), at the request of the president of the council before which the main hearing

was to take place, could reach a decision on any issue which was resolved on the basis of this law and with respect to this objection. However, since article 11, paragraph 1 of the Decree did not explicitly state that these objections did not affect the scheduled main hearing within the time limit as determined in article 10 of the Decree, one could presume that the provision from article 11, paragraph 2 of the Decree did not refer to the cases from articles 271, paragraph 1 and article 277 of the Criminal Proceedings Act.

13. Changes to appeals made against sentencing

Article 12 of the Decree effectively **revoked** the regulations of the Criminal Proceedings Act which referred **to appeals made against sentencing**. This meant that a major violation of the regulations of the criminal proceedings no longer existed in cases where the appellate court had reached a decision, thus accepting the appeal of the public prosecutor and had consequently altered the sentence passed by the court of original jurisdiction and passed a more severe sentence, even though the prosecutor's appeal had not been previously delivered by the court of original jurisdiction to the accused as determined by article 369 of the Criminal Proceedings Act.

14. Changes regarding the adjournment of the main hearing and/or changes to the judicial council i.e. an individual judge

Article 13 of the Decree provided for the possibility that the Council i.e. the judge working alone **could decide not to reconvene the hearing** if the following conditions were met:

- if the main hearing was adjourned, and the adjournment lasted for more than a month, or
- if the adjourned main hearing had taken place before the replaced council or another judge.

If that were the case, the court would proceed with the hearing and the president of the judicial council i.e. the judge working alone would give an account of the first part of the hearing.

This represented a change to article 305, paragraph 3 of the Criminal Proceedings Act, according to which the main hearing had to be reinitiated and all the evidence presented again if the main hearing had been adjourned for more than a month or if the main hearing had taken place before another president of the judicial council.

15. Changes to the delivery of the verdict

Article 14 of the Decree determined that a written copy of the verdict was to be delivered only **at the explicit request of the interested party**.

Thus, article 356, paragraph 3 and article 123 of the Criminal Proceedings Act concerning the delivery of the verdict which is the authority of the judge working alone was altered so that the obligation to deliver copies of the verdict to both the defendant and his or her lawyer no longer existed.

16. Changes to time limits for appeals made against the verdict

Article 15 of the Decree determined that the new time limit for making an appeal against the verdict was **three days** instead of the previous time limit of fifteen days according to article 359, paragraph 1 of the Criminal Proceedings Act.

14. Changes to the regulations regarding the presence of the relevant parties during the appeal process

Article 16 of the Decree determined that the regulations regarding the **presence of the relevant parties** during the appeal process were to be applied **only when the president of the judicial council or the council** itself ruled that the presence of all parties, or of one of the parties, or of the defendant's lawyer would be useful to resolve the matter in question.

Consequently, the regulations determined in article 373, paragraphs 2 and 3 of the Criminal Proceedings Act, in the part which determine the obligation to summon the defendant and his or her lawyer for the hearing before the court of appeal would not be applied if the court ruled that their presence had no bearing on a further clarification of the matter in question.

15. Extending the application of the regulations of the Criminal Proceedings Act regarding summary proceedings and temporary confinement in summary proceedings

Article 17, paragraph 1, of the Decree determined the application of the regulations of the Criminal Law regarding summary proceedings before the court of original jurisdiction for all criminal offences for which the major punishment that could be imposed was either a fine or a sentence of up to five years imprisonment, thus extending the number of criminal offences for which three-year prison sentences were prescribed (as determined by article 430 of the Criminal Proceedings Act).

Article 17, paragraph 2 of the Decree determined that temporary confinement in a summary proceeding could last for only as long as was required to conduct an investigation, but **not more than thirty days**. Thus, the regulations under article 433, paragraph 2, of the Criminal Proceedings Act were effectively revoked. Those regulations determined that temporary confinement in summary proceedings prior to indictment could last as long as was required to conduct an investigation, but not more than eight days. Article 433, paragraph 3 and article 199 concerning the imposing of temporary confinement in a summary proceeding from the moment of submitting the indictment to the conclusion of the main hearing were no longer in force as one single regulation had been put into effect for both phases of the summary proceeding.

C) Cases of repression

Through the adoption in 1998 of the Serbian Public Information Act, which had destroyed several independent media and attempted to discipline those remaining, an atmosphere of fear was created six months prior to the launch of the NATO attack. It should be emphasised that even as early as October 1998, the most fanatical nationalistic-chauvinistic leaders (as well as key government officials) such as Radical Party leader Vojislav Seselj and Yugoslav Left official Milovan Bojic, both deputy prime ministers in the Serbian government, issued threats not only to Kosovo Albanians, that they would be swept from Kosovo «in whatever way was needed» when the first bombs fell on Yugoslavia, but also to local non-governmental organisations and the independent media

in particular, which they publicly referred to as the NATO Alliance in Yugoslavia. On one occasion in the Serbian Parliament, Seselj said that in the case of a NATO attack «we might not be able to shoot down any of their planes, but we will certainly be able to attack their domestic allies who are to be found in various opposition parties, so called non-governmental organisations and in the independent media in particular». In the same speech made by the Serbian Deputy Prime Minister, the editor-in-chief of B92, Veran Matic was referred to as «a NATO Lieutenant-General» and the local department of the Helsinki Committee for Human Rights was declared to be «an organisation of traitors». By insisting on the danger imposed on everyone by war and bombing, the regime succeeded in curbing public opinion to such an extent that the public no longer reacted to any other subject than that of war and bombing. Public opinion, which had at one time protected the position of the independent media on several occasions, had, in the days before the bombing, lost all interest in anything but the bombing. The closing down of Radio B92, the most influential independent media outlet in Belgrade, along with the arrest of B92 head and ANEM chairman, Veran Matic, only a few hours after NATO Secretary-General Javier Solana's announcement that he had given the order to launch the NATO air attack during the night between March 23 and 24, was used by the regime as a litmus test for public opinion. We believe that, by closing down B92 and arresting Veran Matic without any legal grounds, the regime wanted to send a clear message to the independent media and the electronic media in particular. By closing down the largest independent broadcaster and arresting «the NATO general», the regime wanted to let it be known that there was no hope of smaller independent media surviving unless they «cooperated». The only time the regime has been in a position to act in such a way was when NATO launched their attack on Yugoslavia.

Considering the atmosphere in Serbia at the end of March, 1999, and the means of repression in the hands of the regime at that time, repression which was imposed at all levels, it is not difficult to draw the conclusion that the independent media in Serbia had no chance of carrying out any professional reporting. Since it is impossible to provide details of all the cases of repression which took place during this time on the part of the regime, we will attempt to demonstrate the most significant methods of repression used against journalists and the independent media by illustrating them with certain specific cases. Without intending to rank these methods of repression, we will begin with those we consider to be the most brutal and go on to describe the most sophisticated ones.

- ***The murder of Slavko Curuvija***

The liquidation of «dangerous» independent journalists remains the most brutal method of repression used by the regime in their transition to open dictatorship.

Sadly, the owner and director of "*Dnevni telegraf*" and *Evropljanin*, Slavko Curuvija, was professionally murdered in front of the building where he lived, after his regular afternoon walk with his wife through the centre of Belgrade on April 11, 1999, at Orthodox Easter during the war. Two assassins dressed in black shot Curuvija in the back of the head as he was entering his home. His wife was knocked unconscious and the assassins made a quick getaway. A few days before his murder, Curuvija said that he had been warned by circles close to the ruling family to go somewhere «out of their reach» for a time because his life was in danger. Failing to take such threats seriously and believing this to be just another method of intimidation used by the regime, Curuvija decided to remain in Belgrade. He also failed to make use of the security at his disposal because, during the bombing, the possession of weapons was strictly forbidden and it was senseless to have

unarmed security guards. The comments made in the regime-controlled daily "Ekspres Politika", which were also broadcast on the main news on state television, falsely accusing Curuvija of inviting the NATO attack on Yugoslavia, were in fact an open invitation to lynch him. State television never broadcast any information regarding the murder of Curuvija. The only Belgrade media to do so was Studio B Television which is controlled by Mr Draskovic and his party who openly condemned the murder. The independent media made hesitant reports about the murder using the official statement (only one headline described Curuvija as having been liquidated). Since this information was kept from the public, and in an attempt to bring an end to the widely held opinion that the regime had caused this murder, the regime initiated rumours to the effect that Curuvija was in considerable debt to certain unknown persons in Montenegro. The answer to the question of who killed Mr. Curuvija may be revealed when the Serbian police archives are one day opened to the public. Regardless of who ordered the murder of Mr Curuvija, this case is without precedent as an act against the freedom of expression in Serbia. Those who fight for the right to freedom of expression in Serbia must always be on their guard even when only verbal attacks on the independent media and professional journalists take place, because such verbal attacks could represent the go ahead for further liquidations.

- *Prison sentences for journalists*

On March 24, by means of the War Decree, the regime began imprisoning, some of whom are still in prison at the time of writing this report. The case of Nebojsa Ristic, the editor in chief of TV Soko from Sokobanja, a small town in eastern Serbia, clearly illustrates the regime's new method of repression. The regime closed down TV Soko on March 27, their official explanation being non-possession of the relevant broadcasting license, but in reality this was done because of TV Soko's criticism of Milosevic and his regime and the rebroadcasting of news programs from Montenegro and foreign countries. Employees of TV Soko expressed their anger at being closed down by putting a poster with the slogan «Free Press – Made in Serbia» on the window of their premises (this poster was a B92 and ANEM production made during the public campaign against the Public Information Act in October 1998). Shortly after this, Nebojsa Ristic was charged with the criminal act of «spreading libel» according to article 218 of the Serbian Criminal Code and was consequently sentenced to a year's imprisonment. He began to serve his sentence immediately, prior to the end of the appeal procedure as determined by the special War Decree. Putting a poster on a window, regardless of its content hardly constitutes «spreading libel» – this is nonsense and it does not take a lawyer to reach such a conclusion. Nevertheless, Milosevic's court ruled that such an act did indeed constitute a criminal act because among other things it «caused public suspicion of the government's activities» which is a criminal act as determined by article 218 of the Serbian Criminal Statute. Thus, the Sokobanja Municipal Court disgraced itself along with the entire judiciary especially given the fact that the explanation of how the verdict was reached cited article 218 of the Serbian Criminal Code, part of which had been revoked by the Serbian Constitutional Court in 1991 (the words «cause public suspicion of the government's activities» had been ruled unconstitutional and deleted from article 218). All the circumstances in Ristic's case prove that this trial bore no resemblance to a legal procedure, however, this did not stop the district court in Zajecar from confirming the verdict in June despite its obvious illegality. Nebojsa Ristic is still serving his prison sentence in Zajecar prison. After the war, during the campaign for his release, a delegation from the Independent Association of Serbian Journalists (NUNS) visited Ristic in prison on December 17, after the head of VIN TV production company Gordana Susa was elected the new president of NUNS. On December 18, NUNS demanded that the

Federal Minister of Information, Goran Matic, release Ristic in keeping with a promise he made at a press conference which took place after their prison visit.

Apart from this case, some journalists were sentenced to thirty days imprisonment on minor charges such as failing to report change of residence within a 24-hour time limit as determined in the War Decree. That happened to the Vranje correspondent of Belgrade daily "Danas", Vojkan Ristic, who was officially registered as living in Belgrade but often worked in Vranje, a town in southern Serbia. Vojkan Ristic is a severe critic of corruption and manipulation in southern Serbia, traditionally a stronghold of the regime in Serbia.

Finally, we should mention the prosecution of Zoran Milesevic the director of two ANEM stations, VK Radio from Kikinda and Radio Senta from Senta, two towns in Vojvodina, which were closed down during the war for non-possession of a broadcast license. Milesevic managed to survive two charges for the possession of a transmitter without a license and was not given a prison sentence (the main reason for that being that he was tried by a judge who had maintained both his personal and professional integrity).

The case of the editor in chief of weekly "NIN", Stevan Niksic, and a columnist from the same publication, Dragoslav Rancic, is yet another example of the atmosphere created by repression at the launch of the NATO attack which might serve to enable colleagues who have not experienced such events to come to a closer understanding of the mood of the day. When it became clear that armed conflict was inevitable, the editors-in-chief of all leading dailies and magazines were invited to attend a meeting at the Serbian Ministry of Information on March 24. It was explained at that meeting that «a state of war would be declared soon» and that in such circumstances some basic constitutional freedoms would be consequently restricted. It was in fact stated that censorship would be applied effective from that moment, that internal political life would be suspended and that the media were banned from reporting any issues relating to domestic politics. It was also ordered that all publications were to be brought to the Ministry for inspection and approval. The problem with "NIN" was that its latest issue, which was already ready for printing, contained numerous articles which were forbidden in the new circumstances. Consequently, Niksic, as editor-in-chief, was forced to make changes in a very short time by dropping some problematic articles from that particular issue. After handing over the issue (the March 23 issue) to the Ministry on March 24, when the bombing had already begun, the issue was approved – the Ministry censors were not very careful at the beginning and after a rather hasty inspection, the issue was approved for publication. The issue was thus printed and distributed, but on March 26, Niksic was summoned to the Ministry where he was informed that one article had annoyed «some very influential people». This referred to an article written by Dragoslav Rancic and the controversial part was a quote from a statement made by Montenegrin President Milo Djukanovic who said that Milosevic would start a war with NATO but, after a short period of bombing, would give in and accept all demands made by the international community (which did in fact happen 11 weeks later). Niksic explained that the article had been approved by the Ministry and that the issue was already in distribution, so that if the Ministry now wanted to ban the issue, they would have to confiscate the issue from all news-stands. Realising the danger he and the whole news staff were now in, Niksic suggested that the Ministry carry out an inspection of the "NIN" premises if they did not believe that the entire issue had been put into distribution. Niksic told us that given the circumstances, he would have stopped any further sales of the issue if he had been in a position to do so. The issue was not in fact banned and it seemed that this was the end of the matter. However, in the early hours of March 28, literally between two NATO strikes on Belgrade, at around 2.30 in the morning, five

policemen (in plain clothes, looking like a typical death squad) came to Niksic's flat without a search warrant, checked the identity documents of everyone in the flat and informed Mr. Niksic that he was under arrest and was to accompany them to the police station in 29th November street (this is the same police station where ANEM President Veran Matic had been taken four days earlier). Mr. Niksic, who at the time had a foreign journalist staying in his flat and who was aware that nobody could help him, especially not international community representatives, got dressed and asked everyone in his flat not to report his arrest. He was put in a cell in solitary confinement for thirty hours, he was not questioned nor did he have any contact with anyone and was later released without any explanation. All he was told was to return to the police station at 10 o'clock that morning to report to a certain policeman (he was released at 6 o'clock in the morning on 29th March), but since he was unable to reach the policeman in question by phone by 9.30, Niksic decided not to go. He later found out that one of his colleagues, Rancic, had been in the next cell at the same time and had been treated in exactly the same way. The case was thus closed. Neither Mr. Rancic, nor Mr. Niksic were ever formally arrested or charged, so their story and the fact that they disappeared was the only proof that they were ever actually taken into custody. Mr. Niksic later received an unofficial apology from Ministry of Information officials who explained that they had had nothing to do with this arrest and that they had attempted to find out the reasons for it while he was in custody but with no success. The last detail regarding this case was a statement made by Seselj when a "NIN" journalist met him on the street in the centre of Belgrade on March 28. When the journalist asked him why the "NIN" editor-in-chief had been arrested, Seselj replied, «we are at war, and during wars traitors are shot».

One of Radio B92's freelance journalists, A. O. (we have, at his request, only published his initials and not his full name) was arrested by the regime on 25th April on charges of spying for the NATO Alliance. He was arrested publicly in the main square in the centre of Belgrade and taken to the police station. During the night, he was threatened with death and conscription into units responsible for clearing mine fields in Kosovo, as well as with reprisals against members of his family if he refused to cooperate. His arm was broken and he suffered about fifty injuries to his body and face.

He was released the following morning with the explanation that this had been a case of mistaken identity. He was warned not to inform anyone of what had happened, neither his family, colleagues, nor the public. He was transferred to Belgrade's Emergency Centre in order to receive medical attention and also to keep the reason for his injuries from the duty officers. The doctors on duty at the Emergency Centre concluded that the injuries he had sustained constituted aggravated assault and battery and there is a medical report confirming this. After a full examination, Mr. A.O. was released, but he was also ordered to keep to the official version of this event, according to which, he had been robbed and beaten by unknown assailants.

On 30th June, the day after his visit to the Finnish Embassy in connection with a documentary which was supposed to be financed by the Helsinki Government, Mr. A.O. was attacked again. Two unidentified young males followed him and assaulted him in front of his home. He was threatened with a gun, his mobile phone stolen and he was hit in the mouth. The assailants were not interested in his money and the telephone was second-hand and not of any real value. This Radio B92 freelance journalist was taken to the Emergency Centre where his wound was sutured and he underwent plastic surgery several days later. Mr. A.O. then left Yugoslavia.

The Federal Government Decree regarding the application of the law on criminal procedures during a state of war made it possible for those under suspicion to be kept in custody for 30 days instead of 72 hours. This was fully applied in the case of the magazine "Republika" journalist, Miroslav Hadzica who was held in custody from April 9 until May 7, 1999, without his family's knowledge. "Republika" is the only magazine which was not censored during the bombing, which can be explained by the fact that it is a monthly magazine with a readership not considered to pose a serious threat to the regime. Nevertheless, this magazine deserves praise for the way it bravely continued its work ignoring the restrictions imposed by the regime.

- *The draft of journalists into the Yugoslav Army*

The next method of repression was the drafting of independent journalists into the army. Since Yugoslavia does not have a professional army, all males can be conscripted if required by the military authorities. We cannot confirm that all independent media journalists were drafted simply because they were journalists, but in some cases there is no doubt that this was the case. The best proof of this was the fact that regime journalists were rarely drafted because they were, «serving their country through their profession». This method of silencing the independent media was slightly more sophisticated than others, especially during a state of war, because it is very difficult to prove that any individual was drafted simply because he was working for the independent media and it was widely used in Montenegro due to the fact that other methods could not be applied there. Failure to respond when drafted in Serbia meant almost certain imprisonment (years, not months) if and when the conscript was arrested and only after serving in the military, i.e. the war. On the other hand, avoiding conscription would have provided the state with ammunition for propaganda, a powerful weapon used to slander independent media journalists. Consequently, many journalists accepted the draft which meant that some stations were left without staff. The number of those drafted varied from station to station, but an average of 30% of independent media journalists were drafted (some small stations have 10 full-time employees at the most). Thirty employees were drafted from TV Nis, 11 from RTV Kraljevo, 8 from Radio Uzice, 6 from TV5 from Uzice, 6 from RTV Pirot, including the editor-in-chief, Momcilo Djurdjic, 5 from RTV Cacak, including the General Director Stojan Markovic, 4 from RTV Trstenik, 3 from RTV Bajina Basta, 2 from RTV Pancevo and Radio Pozega, 1 from TV Zajecar F Kanal as well as the owner of Radio Globus from Kraljevo. The regime did not succeed in closing down any station in Serbia through conscription (as they did with some stations in Montenegro) since even those stations whose owners, directors and chief editors were drafted continued to broadcast. However, on the other hand, the regime did not have to rely on this method in Serbia as much as it did in Montenegro because other, more direct methods of repression were available in Serbia.

- *Bans imposed by the Federal Ministry of Telecommunications*

The most frequently used method to silence the independent electronic media was to close down stations on the orders of Federal Ministry of Telecommunications officers. This method originated in the period when the regime needed to present its repression as «purely technical», not in any way political, since it is not easy to prove that political motives are hidden behind technical ones. Reports from the international association for the protection of the freedom of the media in Yugoslavia, the Free2000 Committee, as well as reports and statements made by ANEM, prove that political reasons were and remain the only ones for decisions made by the regime to close down certain stations on

the pretext of « telecommunications regulations». During the war, the regime felt strong enough to exert pressure on any media they considered to be dangerous and consequently did not need to hide behind such technical pretexts. Instead of using typical reasons for banning some stations from carrying out their work, such as the non-possession of a suitable transmission license, the Ministry of Telecommunications used article 9 of the Federal Telecommunications Act which determines that any station using a transmitter «against the interests of the country's defence» will be immediately closed down. The Ministry's legal department could not easily explain its politically motivated bans by any other means without risking appearing ridiculous (some decisions were in fact ridiculous especially when looked at in retrospect). Some stations were closed down for the non-possession of relevant licenses, others for non-payment of frequency charges (the fact that some stations did not hold frequency licenses, did not stop the Ministry from demanding payment for the use of those frequencies) and the rest for «the use of equipment against the interests of the country's defence». It goes without saying that the majority of those stations which were closed down were ANEM members and ANEM appealed against all cases but one during the war. Decisions made by the appeal courts show that the position of the Ministry of Telecommunications was that broadcasting without a relevant license was in effect broadcasting «against the interests of national security» (as though there is no legal difference between these two types of ban) and that the non-payment of frequency charges for a «pirate» station was also considered to be the same as broadcasting without a license. Even a superficial legal analysis of the bans imposed by the Ministry of Telecommunications clearly demonstrates that these decisions bore no relation to the Federal Telecommunications Act, but were forms of repression carried out by the regime under a transparent veil of telecommunication regulations. Despite the clumsiness of such methods of repression, the consequences were very serious: equipment was confiscated, staff lost their jobs or income in a very difficult period (also financial) and, after the NATO strike on the regime media, equipment belonging to the independent media was handed over to RTS. The regime closed down all those stations which refused to compromise and continued to produce independent reports, informing the public about the tragedy of the ethnic Albanians in Kosovo, rebroadcasting foreign programs and using news from foreign news agencies (Reuters, AP, France Press etc.). Such closures took place, with one or two exceptions, within the first days of the war.

Radio B92 is a special case here since it was closed (or more precisely, banned in Belgrade) even before the launch of the NATO attack and taken over one week later in an attempt to destroy the free soul of B92 and ANEM forever.

The following stations were closed down during the war: Radio 021 from Novi Sad, VKI and VKII Radio from Kikinda, Radio Senta from Senta, TV Soko from Sokobanja, (March 27), TV Cacak from Cacak (April 3), Radio Jasenica from Smederevska Palanka, RTV Devic from Smederevska Palanka, RTL from Lisovic and Radio B92 (March 24).

Some stations decided to stop broadcasting because there was no chance of independent reporting and experience had shown that equipment repossessed from banned media (illegally) was being handed over to RTS and used to spread state propaganda. Radio Ozon from Cacak (April 2), STV Negotin (April 18), TV Glas Obiliceva (March 22) were among those stations which decided to stop broadcasting in order to protect their equipment. The news agency Fonet also decided to stop working on June 2 because of «intolerable conditions under which no professional work is possible». Slavko Curuvija made the same decision on March 24.

- **The case of B92**

The action taken by the regime which resulted in the take-over of Belgrade's most well-known independent radio station, B92, started on 24th March 1999 with the decision made by the Federal Ministry of Telecommunications ordering B92 to stop broadcasting immediately. The decision also ordered the removal and repossession of part of the radio's transmission equipment. The explanation given for the Ministry's decision was that Radio B92 had exceeded its maximum permitted transmission power of 300 W. This explanation has no basis in truth since it had in fact been broadcasting at 190 W. It is obvious that such a decision was made with the aim of preventing B92 from broadcasting during the war and to prepare the ground for a take-over of the station.

B92 editor-in-chief, Veran Matic, arrived on the premises while the order from the Ministry of Telecommunications was being carried out and was arrested and taken to the police station in 29th November Street. All demands made by Mr. Matic's lawyers to see and talk to their client were refused. Officials from the Ministry of Internal Affairs refused to provide his lawyers with any explanation for his arrest. Some eight hours later, Mr. Matic was released without being questioned or given any explanation concerning his arrest.

On the same day, 24th March 1999, Radio B92 legal representatives appealed against the Ministry of Telecommunication's decision and at the same time the Radio B92 management decided to continue broadcasting via satellite and the internet. The following day, 25th March, the police entered B92 premises on several occasions in an attempt to intimidate both the journalists and management.

On the morning of 2nd April, Belgrade's Commercial Court sheriff, accompanied by police officers and ten suspicious looking individuals in black leather jackets and short cropped hair, entered the premises of B92 and delivered the Commercial Court's ruling to the radio's director, Sasa Mirkovic. The decision reached by the president of Belgrade's Commercial Court, Milena Arezina, determined that the new director – the person authorised to represent the Public Radio Diffusion Company «Radio B92» - was now Aleksandar Nikacevic. The court sheriff and his escorts occupied the studio and ordered the radio staff to leave the premises. The ANEM premises, which were at that time on the tenth and eleventh floors of the same building, were also occupied and staff were even forbidden to take their personal belongings away with them.

The Belgrade Commercial Court ruling to take over Radio B92 was totally illegal. It was made on the basis of the new Public Radio Diffusion Company Radio B92 Statute adopted by the Belgrade Youth Council, a phantom organisation controlled by the regime, which determined that they were the founders of Radio B92. Even if that had been true, and given that Radio B92 is a public company, the founder of this type of company is still not authorised by law to make such a statute, only the employees of that company have that exclusive right.

The implementation of the Commercial Court's illegal ruling to appoint a new director resulted in more law violations. The premises of ANEM, an entirely separate company, were also seized and all staff told to leave, their personal belongings kept, even though the court ruling strictly related to B92 only and did not even mention ANEM.

The following day, 5th April, the legal director of Radio B92, Sasa Mirkovic appealed against this unprecedented Commercial Court ruling. ANEM also appealed against the court's ruling, demanding that the president of Belgrade's Commercial Court, Milena

Arezina, urgently return the use of their premises. ANEM also pressed charges for trespassing in Belgrade's First Municipal Court.

The first hearing in the First Municipal Court and an on the spot search of the ANEM premises regarding the trespassing charges, took place as early as 7th April. The accused, Aleksandar Nikacevic, and ANEM radio network coordinator Dusan Masic both attended the hearing.

The following day, the president of the Commercial Court, Milena Arezina, received Radio B92 legal representatives and requested that they give her a few extra days to familiarise herself more thoroughly with the case and their appeal. A new meeting took place on 12th April when Mrs. Arezina informed Radio B92 legal representatives that she had decided not to proceed any further until the High Court ruling regarding their appeal had been made, mentioning that due to the current state of war in Yugoslavia, this procedure would take longer than usual. On the same day, in spite of the Federal Ministry of Telecommunications' ruling from 24th March ordering B92 to stop broadcasting, the new, usurping Radio B92 management started broadcasting without any reaction from the Ministry.

On 14th April, Belgrade's First Municipal Court rejected ANEM's proposal for implementing temporary measures which would enable ANEM to use their premises, citing the untrue and unclear explanation that the premises had been seized on the basis of the Commercial Court ruling and that only the Commercial Court had the authority to deal with this case. On 20th April ANEM appealed against this decision.

On 18th April, ANEM suspended Radio B92 membership of their association until the end of the war and until all legal proceedings connected with the status of the company had been concluded.

On 10th June, the Radio B92 Worker's Assembly started legal proceedings to revoke the new Public Radio Diffusion Company Radio B92 Statute brought in by Belgrade's Youth Council and all connected decisions. These legal proceedings were based on the fact that this controversial statute was brought in by an unauthorised body. In the meantime, several hearings regarding this case took place, but due to the failure of the accused's lawyer to follow the courts demands and the judge's apathy in this matter, this case is no closer to being concluded at the beginning of 2000 than it was when it started.

In the middle of June, the staff of Radio B92 started receiving notices of dismissal, explained by their non-appearance at work for five consecutive days. The new usurping management had initially told staff not to come to work because of the state of war, informing them that they would be notified when to return to work. None of the staff received any notification that they should return to work, and those who had attempted to do so on their own initiative had not been allowed to enter the premises, having been turned away by the new usurping management's security guards. Instead of receiving notification to return to work, the staff received their notice for «unexcused absence» from work. All 43 members of staff, from the director and editor-in-chief to the coffee lady, were dismissed.

Those dismissed were:

Sasa Mirkovic

| Manuela Nikolic

Veran Matic
Zeljko Draskovic
Milivoje Calija
Dragan Velikic
Vladimir Janjic
Marija Milosavljevic
Jasmina Djurdjevic
Bojana Lekic
Tatjana Petrovic
Srdjan Andjelic
Gordan Paunovic
Antonela Riha
Aleksandar Timofejev
Sanda Kosanovic
Dusan Masic
Milica Kuburovic
Aleksandar Vasovic
Tomislav Grujic
Tamara Pupovac
Zivana Saponja
Svetlana Lukic

Olivera Todorovic
Biljana Vujasinovic
Boris Husovic
Igor Brakus
Miomir Bilbija
Robert Klajn
Bozidar Podunavac
Vladimir Jankovic
Darko Borovic
Ratko Ristic
Petar Savic
Milivoje Eric
Lidija Kusovac
Zoran Ivanovic
Nikola Petrovic
Jovana Krstanovic
Sonja Radenkovic
Katarina Zivanovic
Darka Radosavljevic
Biljana Popovic

All members of staff took up joint legal action for unfair dismissal with Belgrade's First Municipal Court.

Apart from those already mentioned, there is a further case currently before Belgrade's Commercial Court whose aim is to revoke the appointment of the new Radio B92 director. This case began in August, since it was only then that the legal representatives of the illegally dismissed director Sasa Mirkovic finally managed to obtain access to the relevant case files and ascertain exactly how B92 was taken over. This case is still in process.

- **The enforced renting of frequencies and rebroadcasting**

Another method of repression used by the regime during the war was the enforced renting of frequencies and equipment for the broadcasting of RTS programmes and the rebroadcasting of RTS news programmes by every electronic media in Serbia. Both of these restrictive measures were consequences of the NATO bombing of the State television transmitters and, sadly, the bombing of the RTS building in Aberdareva street in Belgrade when sixteen, mostly young, RTS members of staff tragically lost their lives. These measures were illegal and did not appear in the regulations cited in the War Decree (the order to rebroadcast came either from the Army or the Federal Government). Before the war, RTS was the only electronic media able to cover 100% of Serbian territory with its signal. As we have already established in previous reports, as the national electronic media, RTS was the key weapon for Milosevic's propaganda, not only during the war, but in peacetime as well. Consequently, after NATO's direct hit on RTS, which reduced the territory covered by their signal to Belgrade, that being restricted to certain times of the day only, the regime had to react quickly in order to re-establish its powerful «weapon». Since it was impossible to repair the destroyed aerials and transmitters during the bombing campaign (there was neither the money nor the equipment to do so, nor would there have been any sense in making such repairs since NATO could have destroyed them again), the regime turned to the independent media and their transmitters.

The electronic media were forced to choose between closing their stations down and having their equipment seized, or handing over their frequencies and equipment to RTS. RTS key targets were AM transmitters, but some FM transmitters were also «rented». Some stations decided to close down due to the unwillingness of their owners to broadcast RTS programmes using their equipment and frequencies, however, the majority compromised by handing over some of their frequencies and restricting their critical programming to their remaining frequencies. That was the case with RTV Pancevo which was forced to hand over its AM frequency to Radio Belgrade (a part of RTS) in order to keep its FM frequency which covers Belgrade and its local television channel. Radio Television Cacak, whose television department was banned, was forced to hand over its only FM frequency to RTS and later to rent another local FM frequency from a private station. For some independent electronic media this type of compromise with the regime was hard to bear, but this period was a difficult one and many independent electronic media were forced to make considerable compromises in order to survive and see better days.

Orders regarding the enforced rebroadcasting of RTS news programmes were given when the war was coming to an end. However, since the very beginning of the war, some powerful regime media personalities had proposed that all stations constantly rebroadcast all RTS programmes. Their proposal was rejected by the Ministry of Information, but according to the same rationale, at a meeting held in the Ministry at the end of April 1999 (after the bombing of RTS), the owners and editors in chief of all major Belgrade TV stations «agreed» (we have placed inverted commas here because agreement means the free will of all those involved in making an agreement, and we believe this «agreement» to have been the result of threats and fear) to rebroadcast RTS news programmes «to demonstrate their solidarity with those who were shamelessly bombed in Aberdareva street». At that time, the formal obligation to rebroadcast RTS news did not exist, so the majority of ANEM stations did not do so, choosing to demonstrate their solidarity with their murdered colleagues and their families in a different way. However, as the war was drawing to an end, and it became increasingly obvious that Milosevic would give in and allow NATO troops to enter Kosovo (something he could have done at the start without risking the destruction of the country), the regime became more afraid of public opinion, the very public opinion they had created through their war propaganda and the rhetoric of hatred. Such a sudden political turnaround, typical of Milosevic's regime, could, considering the fact that a large part of the country was no longer covered by the RTS signal due to destroyed transmitters, have been fatal for the regime had they lost the RTS propaganda monopoly to back up such a move in public. As peace negotiations seemed inevitable, the independent media increased their criticism of Milosevic, fearing him less in the belief that he had again been beaten in the field of foreign politics. The only solution for the regime was, on the one hand, to somehow force the independent media to rebroadcast RTS news programmes thereby increasing the territory covered by the RTS signal, and on the other, to prevent the independent media from broadcasting their own news at the same time as RTS. Relying on the state of war which was not declared until four weeks after NATO stopped its air campaign, the military authorities and the Federal Government began issuing orders to those stations which had failed to rebroadcast RTS news programmes, to start doing so or «certain measures would be taken». At that moment, almost all independent media began broadcasting RTS news programmes on radio and television, but the majority broadcast statements to the effect that this had been ordered and was not carried out willingly just before broadcasting the RTS news (e.g. RTV Pancevo). Some stations, including RTV Studio B from Belgrade and RTV Trstenik, had stopped rebroadcasting RTS news programmes at the end of the

bombing, but they received warnings soon after that the obligation to rebroadcast RTS news programmes remained in force until the state of war in the country was officially declared over. Studio B editor-in-chief Dragan Kojadinovic, told his television audience that he had received a warning to continue the rebroadcasting of RTS news (Studio B was also present at the meeting when the previously mentioned «agreement» was reached») from the Federal Ministry of Telecommunications. He also said that Studio B would not obey this order, but would, nevertheless, continue to rebroadcast RTS news programmes because «Studio B had been asked by RTS colleagues to do so to show professional solidarity». The enforced rebroadcasting of RTS programmes came to an end when the Federal Government revoked the state of war.

- **Other cases**

One of the atypical methods of repression used by the regime to violate freedom of expression and the independent media was an extremely strange form of censorship which, because of its peculiarity, deserves to be mentioned in this report. Apart from being ordered to rebroadcast RTS news programmes on all their cable television channels, cable television station TV Senta from the town of Senta in Vojvodina, was also ordered to «cover» foreign news programs. This order caused considerable problems for their TV operators who had to watch all foreign programs in order to turn off the sound every time the news was broadcast – this meant working around the clock and was an extremely unusual «turn on, turn off» type of censorship.

V THE POST-WAR PERIOD

- **Introduction**

The NATO air campaign ended in the middle of June 1999 and a few weeks later the regime finally revoked the state of war along with many of its repressive war regulations (only those regulations which enabled the regime to keep a strict control on tax collection were transformed into «peace time regulations»). Psychological changes as well as a fall in the number of legal possibilities for repression brought significant changes to the position of the independent media.

We dare to conclude that strategies used by the independent media to survive during the war were not a sign of weakness, but rather an intelligent move to protect themselves. Stations which had decided to stop broadcasting, others which had compromised with the regime during the war, and even those stations which had been banned, all started rebroadcasting their usual programmes soon after. Even the ANEM radio network, crippled by the take-over of Radio B92, managed to find an alternative way to work. The B2-92 project was agreed with Studio B in Belgrade and the real Radio B92 team started broadcasting their programmes on 2nd August 1999. Soon after on 4th August, the ANEM radio network was re-established. TV Soko was reopened, along with Radio Jasenica from Smederevska Palanka, Radio 021 from Novi Sad and Radio VK from Kikinda. TV Cacak, RTV Devic and even TV Pirot the first ANEM station to be banned (in April 1998) also recommenced broadcasting. Radio City from Nis plans to start broadcasting again soon. Independent dailies have now caught up with their pre-war circulation and once again have a strong independent editorial policy. The ANEM television network has improved the quality of its reports and programmes which, in contrast to the pre-war situation, are currently also being broadcast on Studio B in Belgrade.

Sadly, all these positive events are the result of the deep dissatisfaction of the public with the whole situation, the weakened position of the regime, and a restructuring of the opposition, rather than the result of decisions made by relevant political factors to back up the freedom of the media in Serbia. This can clearly be seen in the last few months of 1999 which, given the strength of repression, is a rather ominous reminder of the period before 24th March. The independent media and journalists continue to be referred to as traitors and NATO slaves by senior regime officials. Journalists are threatened with court action and imprisonment, and during the autumn opposition street protests, some of them were beaten by police. All independent media, dailies in particular, still frequently bear the brunt of the restrictive Public Information Act, which the regime makes abundant use of in its fight against freedom of expression. Foreign journalists are thrown out of the country and many are denied entry visas. The Federal Ministry of Telecommunications still has the authority to close down any independent electronic media (although this has not happened since the war), not to mention the fact that debts for frequency fees are threatening to financially destroy all independent stations and all temporary radio frequency licenses given in February 1998 have now expired, with the result that all stations are currently working without licenses. Apart from the repression of the media and journalists during the war, it was also used against civic initiatives and the spontaneous action of the citizens. Finally, TV Soko editor, Nebojsa Ristic is still in prison and Radio B92 is still in other hands.

- **Cases of journalist beatings**

During the dramatic police intervention against the demonstrators in Belgrade on the evening of 29th September at protests organised by the Alliance for Change, at least six journalists were beaten and two cameras destroyed.

During the police intervention, i.e. the beating of Belgrade students who were demonstrating on 9th November, several journalists among the crowd of students were beaten, even though they were wearing their PRESS badges. Luckily, none of the journalists were seriously injured, but, unfortunately, several students were. B2-92 journalist, Danijel Bukumirovic was among those injured.

The greatest single post-war attack on the physical integrity of a journalist took place in the Republic of Srpska on 22nd October, when the owner and editor of Banjaluka's "Nezavisne novine", Zeljko Kopanja was seriously injured when a bomb exploded under his car. Kopanja lost both his legs in the explosion. The Republic of Srpska police have still not solved this case and one of the possible motives for this terrorist attack could be a number of articles regarding war crimes committed by Serbs in Bosnia – the first time such events were mentioned in the Bosnian Serb media, which upset powerful circles in both the Republic of Srpska and Serbia. The second possible motive which has been put forward could be the uncompromising exposure of Milosevic's regime in an article published in "Nezavisne novine".

- **The application of the Public Information Act**

The Cases of "Cacanski glas" and "Kikindske novine"

Two dailies - "Cacanski glas" and "Kikindske novine" – were charged with violating the Public Information Act on 11th September. "Cacanski glas" was fined 200,000 dinars, but the charges against "Kikindske novine" were dropped (on this occasion). Kikindske novine

reported that all charges against them had been dropped, but after the prosecutor's appeal to a higher court, this case was passed on to another judge, and "Kikindske novine" was fined on 8th October for the original charge as well as for publication of the article stating that the initial charge had been dropped! The controversial article was entitled «The unbearable lightness of spreading lies», and the regime, it seemed, could not allow something like this to go unpunished. The total fine amounted to 200,000 dinars. This case demonstrates that one determined individual, in this case, Rajko Popovic, the person who brought the charges, could manage to destroy a publisher even though he had not succeeded on two previous occasions. In other words, even though the charges were dropped on two occasions, they eventually managed to find a judge who would fine the daily.

The cases against ABC Grafika and "Glas javnosti"

Belgrade daily "Glas javnosti" was fined 200,000 dinars on 29th September for violating the Public Information Act. The following day, because this daily was in a position to be able to pay this fine, the financial police closed the daily down for a period of fifteen days in order to carry out an investigation of its business practices, during which nothing illegal was discovered. Along with this daily, the printing shop which prints "Glas javnosti", was also closed down for fifteen days with the same senseless explanation. As ABC Grafika general director Slavoljub Kacarevic stated, the real reason for closing down "Glas javnosti" and its printing shop, was the fact that Alliance for Change protest bulletins were also printed by ABC Grafika. The print shop was reopened and distribution of "Glas javnosti" recommenced on 3rd October, after the director of both companies, Slavoljub Kacarevic, signed a previously prepared document in which, according to him, «he admitted that he had killed Kennedy».

"Glas javnosti" was fined for the second time on 12th October, this time the fine amounted to 270,000 dinars. Senior ruling Socialist Party official, Zoran Lilic, pressed charges for Public Information Act violations. Mr. Lilic objected to an article published on 15th September which stated that he had met with US special envoy Robert Gelbard in Herceg Novi in Montenegro. What is interesting about this case, is that Mr. Lilic had already reacted to this article with his letter dated 22nd September denying his having met Gelbard, which "Glas javnosti" had published. Suddenly, almost a month after the publication of this article, Mr. Lilic decided to take legal action against "Glas javnosti" for breach of the Public Information Act, thus proving that something much more sophisticated was at work here and that "Glas javnosti" and ABC Grafika, i.e. their owner and director Slavoljub were being singled out for some form of special pressure. The ABC Grafika printing firm is of particular importance because they print other independent publications such as weeklies NIN and Vreme.

Soon after, in the middle of October, it became clear that Mr. Kacarevic was being pressurised because of the fact that his printing shop printed Alliance for Change bulletins. Fifty two separate charges were filed against ABC Grafika as a result of its printing an «unregistered publication». Those charges were brought by the Deputy Serbian Minister of Information and Socialist Party member, Radmila Visic, who was obviously very uneasy as a result of accusations that her son was a NATO pilot who had taken an active part in the NATO attack on Yugoslavia last spring (this accusation was printed in one of the Alliance for Change bulletins). The first hearing was scheduled for 20th and 21st October, the first anniversary of the day the Public Information Act was put into effect. The case against Cedomir Jovanovic, one of the Alliance for Change's young

leaders, which began in September and which the public believed to be connected with his political activities, was actually due to his being the editor of the Alliance for Change bulletins. ABC Grafika was fined an astounding total of 1.65 million dinars (on 21 charges made between 22nd and 31st October) and Cedomir Jovanovic 320,000 dinars (on 28th October). ABC Grafika lawyers were only present at the first hearing. Their first line of defence was, that since the Alliance for Change bulletin did not constitute a «printed medium», the Public Information Act could not be applied – the bulletin was given out on the streets free and not distributed like an ordinary daily. Their second line of defence was that the printing of fifty issues of the bulletin did not constitute fifty separate violations, but one violation «in continuo», thus only one charge should be brought and one fine imposed. Although the first defence might be considered controversial, the second certainly could not, but this did not prevent the judge from imposing such enormous fines. When it became clear that there was no effective defence, ABC Grafika lawyers no longer attended the hearings and Cedomir Jovanovic was consequently fined in absentia. We should also mention that a company car belonging to ABC Grafika director Slavoljub Kacarevic was destroyed – burned (ostensibly accidentally) in the early hours of 28th November. The car was parked in the ABC Grafika car park and it was either set on fire deliberately by unknown individuals or it caught fire. On 28th October, the police seized 36,000 copies of the Alliance for Change bulletin, almost the entire circulation, without any court order for the seizure, which is of course against the constitution. On 30th October, Mr. Kacarevic stated that ABC Grafika would have to stop printing the bulletins due to a lack of funds for the payment of fines (this was when the protests were obviously waning).

On 10th November, a further nine sentences were passed by the Belgrade Magistrate Court in connection with the printing of Alliance for Change bulletins amounting to fines of 808,000 dinars. On the same day, the Novi Sad Magistrate Court fined "Glas javnosti" 200,000 dinars for an article published as far back as January 1999, in which their only mistake had been to confuse the driver of a car with the passenger.

On 12th November, Serbian Prime Minister Mirko Marjanovic and Deputy Prime Minister Vojislav Seselj accused "Glas javnosti" and the Beta news agency of «fascism», publicly declaring this daily to be «a fascistic medium». Mirko Marjanovic refused to make a statement to this daily and the Beta news agency, and in doing so openly violated article 6 of the Public Information Act which determines that all state officials are obliged to give information to all media (enough about the articles in the Act which are not repressive – they are simply not applied).

On 17th November, the Belgrade police called owner and editor of "Glas javnosti" Slavoljub Kacarevic in for questioning in connection with the printing of Alliance for Change posters. In an article published on 27th November, "Glas javnosti" announced that since the implementation of the Public Information Act, they had been fined a total of 4.3 million dinars and presented the absurdity of every single charge brought against them.

Naturally, the legal representatives of "Glas javnosti" and ABC Grafika appealed against all court rulings connected to the printing of Alliance for Change bulletins (52 in total) so court proceedings were adjourned (because in this case the express procedure for fining the media was not applied). Thus, the cases of "Glas javnosti" and ABC Grafika were not concluded until December. Firstly, on 10th December, the financial police blocked ABC Grafika's bank account without any explanation for such action. Soon after, on 12th December, the financial police confiscated printing equipment for non-payment of fines. It

turned out that the Belgrade Magistrate Court Council had ruled that the fine imposed on 10th December should be paid (this was the real reason why their account was blocked). The enforced payment of fines did not only jeopardise "Glas javnosti", but also a number of independent dailies and weeklies also printed by ABC Grafika. On 13th December, ABC Grafika took extraordinary legal measures and demanded the re-examination of all court rulings – all rulings which had led to ABC Grafika being fined over 3.5 million dinars. The problem was that such extraordinary measures do not stay sentencing. On 16th December, the Inland Revenue withdrew its decision to block the ABC Grafika account, explaining that ABC Grafika had no tax or parafiscal debts (but the obligation to pay the court's fines remained). More ironically still, the 300,000 dinars which the inland revenue had taken from its account on 10th December (in order to cover assumed fiscal debts!) was not returned to ABC Grafika with the explanation that that money was being kept «for payment of future fines»! On 18th December, the Inland Revenue carried out a further repossession of ABC Grafika printing equipment, this time repossessing essential equipment to the value of over 100,000 dollars from two separate locations in Belgrade. Along with the repossession of this equipment, the final court ruling was also delivered to ABC Grafika, threatening to totally destroy this company financially. However, despite this, "Glas javnosti" and ABC Grafika were still working at that time. Finally, on 29th December, the Belgrade Commercial Court, whose president is notorious Yugoslav Left member, Milena Arezina, responsible for numerous illegal court rulings resulting in the repossession of many companies (among others, Arezina ruled in favour of the take over of Radio B92 and that of the pharmaceutical company ICN Galenika), initiated bankruptcy proceedings against ABC Grafika after notification from the National Bank that ABC Grafika had not been financially liquid for 60 consecutive days, a condition determined by the Yugoslav Bankruptcy Law. Judge Arezina also banned journalists from covering this case, thus flagrantly violating the constitutional principle of the court being open to the public, justifying her decision with the words, «Not one journalist asked permission!» According to Mrs. Arezina's interpretation of the concept of the court's work being open to the public, only those given permission could be present during legal proceedings – that is an obviously illegal and repressive interpretation which demonstrates the desperate need of the regime to do keep its work hidden from the public, in darkness and in silence. The trial was adjourned until January 2000.

The case against daily "Danas"

On 27th October, as a result of charges brought by Serbian Deputy Prime Minister and Radical Leader Vojislav Seselj, "Danas" was fined 280,000 dinars. In this case, "Danas" was fined for publishing a true statement made by Montenegrin Deputy Prime Minister Novak Kilibarda who said that Seselj was issuing threats to Montenegrins living in Serbia to the effect that they would all be extradited to Montenegro should this republic become independent. Mr. Kilibarda confirmed his statement in writing and that document was handed over to the judge, but it did not help. In this case, a daily incurred drastic fines for publishing a true statement made by a senior official which is public business par excellence, i.e. in the public's interests. All this goes to prove the genuine repression caused by the Public Information Act. "Danas" also experienced problems with the payment of this fine. After paying the fine, a second payment was made «accidentally». The state later explained that they had «borrowed» the money from "Danas" (!?) and did not return it for several days until the next fine was due to be paid.

The case against dailies "Danas", "Blic" and RTV Studio B.

"Danas" was also fined along with "Blic" and TV Studio B in a case which presented the first, rapid implementation of the Yugoslav Left statement regarding the «decontamination of the media» on charges brought by Serbian Deputy Prime Minister and Radical Leader, Vojislav Seselj and the Serbian Minister of Information and senior Radical official, Aleksandar Vucic. On 8th December, these three media were fined a total of 970,000 dinars for broadcasting and publishing a statement made by the Serbian Renewal Movement, the largest parliamentary opposition party, in which senior officials were accused of being involved in terrorist acts. This case clearly demonstrates the incompatibility of the Public Information Act with democracy as a concept of social structure. Fining the media for publishing statements made by a large opposition party was obviously meant to force all media to ignore the activities of the opposition and thus block all information about them. The peculiarity of this case lies in the fact that each media involved was fined in different amounts for the same offence – "Danas" was fined 360,000 dinars, "Blic", 310,000 and Studio B 300,000. This reveals an attempt by the regime to divide the media and cause disagreement by imposing high but different fines. Fortunately, this repression served to unify the independent media as oppose to dividing it.

The case of weekly Novine Vranske

The case of Novine Vranske is significant for several reasons. It was the first case in which charges were brought by the Yugoslav Army, the first case in which the incriminated article was part of the Serbian Helsinki Committee official annual report and also the first case where the judge refused to accept the testimony of Albanian intellectuals, expressing his disgust and revulsion that anyone from Serbia would dare to propose the testimony of Albanians «in these circumstances in which the Serbian nation has been satanised». The case was tried on 22nd December when a military unit from Nis brought charges against "Novine Vranske" for publication of part of the Serbian Helsinki Committee official annual report which referred to crimes committed against Albanians during the NATO campaign, emphasising that this article «incited national, racial and religious hatred». Judge Goran Trajkovic fined "Novine Vranske" 800,000 dinars (the maximum fine determined by law), thus jeopardising the survival of this weekly in the year 2000. All proposals put forward by the defence were rejected and an incredible explanation given for the decision not to accept testimony from the Albanian intellectuals. In his interview for daily "Danas" on 29th December, "Novine Vranske" editor-in-chief, Vukasin Obradovic, explained the real reason for the fine. He claims that the report referring to crimes in Kosovo was not the real reason because they had published similar reports before without any consequences (apart from a case in which they were questioned by the Secret Police regarding their publication of the testimony of a Serbian volunteer soldier, Slobodan Misic, nicknamed Top, who admitted to killing more than 80 people during the war). Obradovic believes that the real reason for the fine was actually numerous articles regarding the misuse of funds and abuse of power on the part of local regime officials. He also thinks that the army was used to bring charges in order to present "Novine Vranske" as traitors and fifth columnists because if any local regime official had taken legal action, the public would have realised that the facts published in these articles were in fact true. This is the first case in which the regime used the army, which had maintained its public credibility, in its fight against the independent media and the non-government sector. Nevertheless, 'Novine Vranske' will probably be forced to declare bankruptcy to meet payment of this fine; we shall see the outcome of this in 2000.

The case of "Niske Novine"

On 20th October, "Niske Novine" was fined 200,000 dinars for an article in which it published the salaries of managers of the Tobacco Company, DIN (all members of regime parties). DIN director-general and senior ruling Socialist Party official, Zoran Arandjelovic, brought criminal charges. This case demonstrates that members of the regime fear public reaction to the fact that while they have good incomes, the majority of the population in Serbia continues to live in poverty.

The case of "Nedeljni telegraf"

In November 1999, Belgrade weekly "Nedeljni telegraf" was also fined for breach of the Public Information Act. On 23rd November, this weekly was fined 160,000 dinars for the publication of an article relating to the crisis of Serbia's largest shipping company. Some analysts link this case to the publication of a report in "Nedeljni telegraf" on 10th November that the regime was compiling «a list of 800» Yugoslavian citizens who would be banned from travelling abroad as a counter measure to the American and European lists of personae non gratae banned from travelling to the West.

Other cases

In some other cases charges were dropped – on 11th November, charges against daily "Danas" were dropped as were charges against daily "Ibarske novosti" from Kraljevo, and on 24th November, charges brought by the Democratic Party against TV Knjazevac (under regime control) were also dropped. The case against "Nezavisna svetlost" from Kragujevac was dropped on 10th December after it was revealed that it had been accused of publishing true information. Unfortunately, "Ibarske novosti" could still be fined since the High Court rejected the first court ruling (to drop the charges) and ordered that the case be reopened.

A case in which the regime propaganda machinery was fined for breach of the Public Information Act took place on 3rd December when the Kikinda Magistrate's Court fined a local regime controlled-publication 80,000 dinars, not for the publication of information or libel, but for a technical error. This fine was later withdrawn by the Novi Sad High Magistrate's Court at the beginning of 2000.

Cases against daily "Politika", RTS and the Tanjug news agency, three of the major mainstays of the regime propaganda, were dropped on several occasions. On 3rd December, in Jagodina, when the Democratic Party brought charges, on 17th December when the former Yugoslav Army Chief of Staff, General Perisic (currently the leader of one of the Serbian opposition parties) brought libel charges against "Politika" and on 18th December, when Momcilo Trajkovic appealed against the court ruling to drop his charges against the state media. Various explanations were given for dropping those charges such as the fact that the information published was taken from other media, proving that different standards were applied to the independent media which were fined in almost all cases whereas the state media were fined in very few. The need to fine some regime media in order to justify the fining of the independent media which existed just after the Public Information Act was brought in, seems no longer to exist.

Finally, on 21st December, the Serbian Parliament refused to revoke the Public Information Act, rejecting a proposal put forward by Vojvodina Coalition MPs.

- ***The rhetoric of hatred – statements made by senior regime officials***

On 17th November, in an interview for state-controlled daily "Borba", Federal Minister of Information and senior Yugoslav Left official, Goran Matic accused the deputy director of the Committee for the Protection of Journalists, Mr. Joel Simon, of being an instrument in the hands of NATO and condemned the International Federation of Journalists for not protesting against the NATO bombing of the media in Serbia during the war (a total fabrication). This interview was a reaction to an open letter sent by Mr. Simon to Mr. Matic, in which the Committee for the Protection of Journalists protested against the beating of journalists which took place during the opposition protests in Belgrade at the end of September.

The most worrying case is the statement made by the Yugoslav Left (JUL), a political party led by the wife of Yugoslav President Slobodan Milosevic, Mira Markovic, published on 24th November. In this statement, the Yugoslav Left stated that Yugoslavia «needed a decontamination of the media and journalists». Since it is well known that JUL is very influential in the media sphere – the majority of senior officials responsible for the media are members of JUL – and that similar statements were made prior to the bringing in of the Public Information Act in 1998, there are grounds for the current fear that repression against the independent media will be intensified in the near future. Even before this statement was made, Milosevic's wife referred to the independent media as «the greatest enemy», but now JUL is openly critical of their fair and honest reporting. Even the constitutional right to criticise state officials was contested in the JUL statement, since «in such difficult times, the right to criticism of any kind does not exist». Time will show what this type of policy will lead to, but there is no doubt that nothing good for the independent media in Serbia will come of it.

The end of the year was marked by threatening statements made by regime officials against the independent media. On 21st December, the local ruling Socialist Party in Pirot sharply criticised local RTV Pirot for broadcasting ANEM programmes and rebroadcasting Montenegrin TV news programmes. On the same day, after a number of international organisations had stated their intention of providing the independent media with equipment, the Federal Minister for Telecommunications, Ivan Markovic, retaliated by stating that his Ministry «would not permit Yugoslavian sovereignty to be violated». Without providing any explanation of how the legal import of modern broadcasting equipment could lead to a violation of Yugoslavian sovereignty, nor of the reasons his Ministry was involved with dealings beyond its jurisdiction, Markovic openly threatened the independent media by announcing that in the year 2000, «order would finally be established within the realm of frequencies». However, the most dangerous statements remain those made by the Serbian Minister of Information and senior Radical official, Aleksandar Vucic. Firstly, on 11th December, Vucic stated that «in the future NATO media slaves would not be allowed to poison the Serbian people» and obviously in line with the notorious JUL statement made in November, Vucic openly rejected the concept of freedom of expression «when it concerns patriotism and the defence of the country». After the realisation that he had gone too far in making such a statement, Vucic corrected himself the following day saying that the state would defend herself by means of «the truth», not «repression». However, at a press conference on 25th December, Vucic openly accused ANEM, daily "Danas" and the Beta news agency of being «media slaves» and «the extended arm of NATO», focusing his attack on ANEM president, Veran Matic, referring to him as the greatest enemy, and on B2-92 editor-in-chief, Sasa Mirkovic. The

personal attack on Matic and Mirkovic should be taken seriously since it resembles that made on Slavko Curuvije only a few days before his murder.

Finally, in an interview for state-controlled daily "Politika" on 30th December, President Milosevic said that the media in Serbia were free, but that there were some traitors amongst the media which the state would deal with the following year. Thus, the decontamination of the media, inspired by JUL and carried out by the ruling Socialists and Radicals has been confirmed as being the concept of the year 2000 by the head of the third ruling coalition party and still indisputably the most powerful man in Serbia, Slobodan Milosevic. Bearing that in mind, nobody should expect a better year for the independent media, which, at the end of 1999, find themselves in a very difficult situation.

- ***The disruption of electronic media broadcasts***

A further method of repression used by the regime against the independent media was the illegal disruption of electronic media signals. Interference with the Studio B signal began in September, i.e. any time a political program was broadcast at prime viewing time, the Studio B signal was disrupted from an unknown location. This interference was worse during the broadcast of ANEM political interviews and the Studio B news. After Studio B appealed to the Federal Ministry of Telecommunications to carry out an investigation and bring an end to this interference, the Ministry told Studio B that the centre of this electronic interference was «beyond the Yugoslavian border», thus insinuating that NATO were causing the interference to the Studio B and ANEM signals. However, in an official statement, Studio B announced that its technical team had discovered that the centre of this electronic interference was in fact located in the Kosutnjak forest on the outskirts of Belgrade and in a building belonging to the state security department. Since the Ministry has refused to take any kind of action, the Studio B signal is still being disrupted and the area covered by its programs is considerably reduced whenever a political program is being broadcast. The interference with Studio B and B2-92 programs continued throughout October until the end of the year causing a very interesting debate between the Federal Minister of Telecommunications (who is also the JUL official responsible for information), Ivan Markovic and Studio B director, Dragan Kojadinovic. Radio Indeks from Belgrade has also suffered from such interference.

Studio B began campaigning against the disruption of its signal, which intensified in November and December. The problem regarding this campaign is that whenever a video clip advertising the campaign is broadcast on Studio B, the signal is interrupted. Nevertheless, the majority of the citizens of Belgrade are aware of this problem.

- ***The dismissal of journalists***

There have been several cases where journalists were dismissed or suspended due to their political opinions or statements. On 5th October, Danka Milosavljevic from the ruling Socialist controlled local radio in Jagodina, was suspended for being the local Alliance for Change spokesperson. Two eminent journalists from the regime-controlled Novi Sad daily "Dnevnik" were fined for publishing information regarding a concert organised by the anti-regime student organisation, Otpor which took place in Novi Sad in the middle of October. Another "Dnevnik" journalist, Snezana Miletic was dismissed and the well-known theatre critic and editor of "Dnevnik", Darinka Nikolic was sent on «enforced leave». This case demonstrates that even culture was not excluded from politics in Serbia.

On 11th December, the regime-controlled TV Leskovac's disciplinary commission initiated the case against their former news editor, Zoran Rakic, which culminated in his dismissal. Rakic was accused of writing several articles for an independent local daily while in the employ of TV Leskovac, an act considered by the local regime media to be «unforgivable». Zoran Rakic, who also worked freelance for Radio B2-92 and Radio Free Europe, explained that the reasons for his dismissal were that «during the conflict between my conscience and my employer's demands to lie in the interests of the local (Socialist) authorities, I fell into a state of anxiety and depression. My specialist suggested that I turn to more relaxing activities for a change, so following his advice I started working for the independent media and I am now well on the way to ridding myself of the causes of my depression. I can see an improvement in both my psychological and material condition».

We will now consider the case of a former employee of the regime-controlled TV Leskovac in the south of Serbia, Ivan Novkovic. Leskovac suffered a great deal during the war and many conscripts from this region were killed or seriously injured in Kosovo during the NATO bombing. Public dissatisfaction rose considerably when it became clear that all this sacrifice had been needless since the war in Yugoslavia had been lost even before it began. Ivan Novkovic worked as a television technician and during half time in a basketball game (Yugoslavia versus Germany during the European Championship in France), he broadcast a previously recorded statement in which he said what he thought about the catastrophic situation in Leskovac and whom he considered to be responsible for it. He also invited the citizens of Leskovac to join a protest meeting several days later. Twenty thousand people attended, a crowd previously never seen in Leskovac. The most dangerous aspect of this protest meeting was the fact that it was not organised by any political party, but was a spontaneous response to a public call for action made anonymously by Ivan Novkovic on local television, resulting in 20,000 citizens taking to the streets. Novkovic was dismissed by TV Leskovac even before the meeting took place and local regime officials publicly labelled him as «a NATO mercenary». Despite this, a great number of people attended the protest meeting, cheering him on throughout the speech he made in which he said, «I am not a mercenary, I am only a tenant!». Protest meetings continued in Leskovac and the police arrested Novkovic the following day. The Magistrate's Court sentenced Novkovic to 30 days imprisonment on the charge of «organising an unapproved public meeting». Novkovic served his sentence and rejoined the protests thirty days later, but at the end of 1999, the Leskovac public prosecutor brought charges against him for the criminal act of «abuse of his position». In spite of the fact that every lawyer in Serbia knows that he did not commit the crimes he has been accused of, this prosecution may lead to a longer prison sentence for Mr. Novkovic, because when it comes to politically motivated cases, the accused is always convicted, regardless of his guilt or innocence. The first hearing of this case was scheduled to take place in Leskovac Municipal Court on 23rd December but was postponed due to Novkovic's illness.

• ***Theft of equipment***

The theft of equipment from ANEM member Radio Globus from Kraljevo on 11th September is a further example of the methods of repression used by the regime against the independent media. Unknown persons broke into Radio Globus premises during the night stealing all their equipment. The robbery was obviously politically motivated because not a single item was taken from Radio Plus, the station which shares the Radio Globus premises. Radio Plus is not an ANEM member and it does not broadcast current

affairs programs. Radio Globus was robbed again in exactly the same way on 25th September.

Radio Kontakt, the only multiethnic radio station in Kosovo was also robbed of its equipment. Radio Contact protested against the constant threats and problems which had begun the moment they reopened on 19th November last autumn. Their company car was stolen along with a large amount of new equipment, the journalists were threatened, and requests by the radio to rent a telephone line were constantly rejected. Radio Kontakt is the only radio station in Kosovo without a telephone line. In July 1998, Radio Kontakt was banned by Milosevic's regime and is currently facing difficulties which not even the international forces nor international administration in Kosovo have been able to solve. This ANEM member station broadcasts programmes in Albanian, Turkish and Serbian and is attempting to maintain an independent, professional editorial policy. However, it is obvious that Kosovo is far from being a tolerant society and problems connected with the freedom of the media are only to be expected there. Radio Kontakt also demanded that the international authorities provide them with relevant protection as well as normal working conditions.

- ***The expulsion of foreign journalists, the non-issue of visas and the ban on imports***

During November there were numerous cases involving foreign journalists. On 2nd November, the living legend of Belgrade journalism, Desa Trevisan, currently working for the London Times, was sentenced to 10 days imprisonment for entering Yugoslavia «without a visa». Mrs. Trevisan had entered Montenegro where a visa was not required by the Montenegrin authorities. She used this opportunity to visit Belgrade where she was subsequently arrested. Mrs. Trevisan was expelled from Yugoslavia in 1994 because of her criticism of Milosevic's regime, but nobody expected her to be arrested considering her age and poor state of health. After pressure from both domestic and international organisations, and after going on hunger strike, Mrs. Trevisan was released on the afternoon of 2nd November.

Hungarian state radio journalist, Janos Deze, was expelled from Yugoslavia along with his family on 24th November. Mr. Deze had been a Yugoslav citizen until 1991 when he accepted Hungarian citizenship. He was working as a Belgrade correspondent until 1996. The Yugoslav police informed him that if he remained in Yugoslavia, he would be treated like a Yugoslavian citizen without any identification documents which would in all probability lead to his arrest. He was given only twelve hours to leave the country which he did on 30th November. The Hungarian government made an official protest regarding this case to the Yugoslavian Embassy in Budapest.

Another Hungarian journalist, Mr. Miklos Dordi Ladanji, was expelled from Yugoslavia on 6th December. The «decontamination of the journalist profession», as declared by JUL, obviously also applied to foreign journalists.

The non-issue of visas and credentials, or the issue of short-term visas was also a common practice used by the regime against foreign journalists. On 18th November, the Vienna International Press Institute (IPI) sent a protest to Serbian President Milan Milutinovic regarding the non-issue of visas to IPI employees. During their intended visit to Yugoslavia, IPI had planned to present their publication, «The Kosovo News and Propaganda War», visit the imprisoned TV Soko editor Nebojsa Ristic and carry out their

mission of establishing the facts regarding the freedom of the press in Serbia. However, the Yugoslav Embassy in Vienna refused to issue their staff with visas and their visit was consequently cancelled.

Banjaluka weekly "Reporter" also suffered from the regime's repression. On 22nd September, on the border between Serbia and Bosnia, all copies of one issue of this publication were confiscated. The reason given by the authorities was that this issue contained «libel» against senior Serbian officials. This action contravened the constitutions of both Serbia and Yugoslavia, according to which the issue of any publication could only be confiscated on the basis of a court order, whereas the confiscation of "Reporter" was carried out by special police without any court order or public prosecutor demand. After this confiscation, it was only to be expected that the regime would attempt to prevent the distribution of "Reporter" in the future. A number of articles regarding regime tycoons and the nouveau riche in Serbia and the Republic of Srpska who had become wealthy through war and sanctions were too unpleasant for certain powerful individuals in Serbia to tolerate, and "Reporter" was banned on 16th October. Since "Reporter" is a foreign magazine (from the Republic of Srpska), it required a permit to be distributed in Serbia. This was issued a year ago. Since the Public Information Act cannot be applied to foreign publications, the Serbian authorities simply decided to revoke the permit for the distribution of "Reporter" in Serbia. Thus, the magazine's access to the Serbian market was blocked with little chance of its return. "Reporter" then published its next issue, which it registered in Montenegro. However, on 18th December, the police began the confiscation of this magazine throughout Serbia, and, since they were interested in how "Reporter" managed to make its way onto the market, the carriers in Vranje were taken to the police station for questioning. This police action was obviously illegal.

- ***The Free B92 project and attempts to crush it***

The ANEM radio network, crippled by the take-over of B92, managed to find alternative ways of working – the B2-92 programme was agreed on with Belgrade's Studio B as part of the Free B92 project and the real B92 team started broadcasting on 2nd August 1999. The B2-92 project began as part of the Free B92 campaign whose aim is to return Radio B92 to its rightful owners. The regime has attempted to hamper this campaign in many ways.

On 28th September, the police banned the Free B92 Peace Parade, a demonstration organised within the framework of the Free B92 campaign. Although the parade was reported to the police and local authorities well in advance, it was later banned.

There followed a further case of «attempted repression». On 23rd November, Radio B2-92, a radio programme produced by the former employees of Radio B92 who left B92 after it was illegally taken over by the regime, received an official warning from the Serbian Deputy Minister of Information, Miljkan Karlicic. Karlicic claimed that B2-92 was an unregistered radio station and said that it must apply for registration otherwise it would be banned. Since B2-92 is not a separate radio station, but formally part of Studio B, Studio B editor-in-chief, Dragan Kojadinovic sent an immediate reply to the Ministry in which he explained that Radio B2-92 was not a separate radio station, but part of the special program on the third frequency of Radio Studio B, which frequency, 99.10 MHz FM, is registered. A similar attack took place during August, this time from the Federal Ministry of Telecommunications, which ordered B2-92 to «deal with their identification sign»

otherwise «measures would be taken». This attack was also defended in a similar way when Studio B director, Dragan Kojadinovic, informed the Federal Ministry of Telecommunications that the sign had not been changed, but remained Studio B's third radio program.

On 24th November, ANEM began its «Silence is not for Serbia» campaign. The campaign consisted of a number of open debates and concerts throughout Serbia with the aim of drawing the public's attention to the problems facing the independent media in their daily work. The campaign lasted from 24th November until 24th December and an incident took place right at the start.

On 27th November, the police stopped a concert organised by ANEM in the east Serbian mining town of Bor. After an hour break, the concert was allowed to continue.

Appendix:

A summary of the fines imposed by the application of the Public Information Act in 1999:

No.	Media	Complainant	Date	Total fine
1.	Svet	P.G. B&H citizen	05.01.1999.	150,000,00
2.	Prava coveka	Zivko Ljubisavljevic, Radio Leskovac Director	21.01.1999.	220,000,00
3.	Pancevac	Local authorities from Pancevo	03- 05.02.1999.	61,500,00
4.	Vecernje novosti	Director «Elektrotehna»	26.02.1999.	260,000,00
5.	Somborske novine	Stevan Vasiljevic, Sombor IC strike committee President	10.03.1999.	40,000,00
6.	Kosova sot	Serbian Ministry of Information	12.03.1999.	1,600,000,00
7.	"Glas javnosti"	Ljiljana Blagojevic,	13.03.1999.	150,000,00
8.	"Blic"	Belgrade Cultural Secretary	13.03.1999.	220,000,00
9.	"Danas"		13.03.1999.	400,000,00
10.	Gazeta Shqiptare	Serbian Ministry of Information	16.03.1999.	1,600,000,00
11.	Kombi	Serbian Ministry of Information	21.03.1999.	1,600,000,00
12.	Koha ditore	Serbian Ministry of Information	21.03.1999.	520,000,00
13.	Studio B	Brana Miljus	23.03.1999.	150,000,00
14.	"Glas javnosti"	?	24.03.1999.	10,000,00
15.	Parlament Sandzak	?	05.07.1999.	65,000,00

16.	Profil	?	15.08.1999.	150,000,00
17.	Cacanski glas	Nikola Pavicevic, Head of the financial police and Milos Terzic, director of the Inland Revenue	11.09.1999.	350,000,00
18.	"Politika"	?	17.09.1999.	70,000,00
19.	"Glas javnosti"	?	29.09.1999.	200,000,00
20.	"Kikindske novine"	Rajko Popovic, editor of RTV Komuna from Kikinda	09.10.1999.	200,000,00
21.	"Glas javnosti"	Zoran Lilic, FRY President adviser and former FRY President	12.10.1999.	270,000,00
22.	Narodne novine	Zoran Arandelovic, DIN Director	19.10.1999.	150,000,00
No.	Media	Complainant	Date	Total fine
23.	"Danas"	Vojislav Seselj,	26.10.1999.	280,000,00
24.	ABC Grafika	Serbian Ministry of Information	27-29.10.1999.	1,650,000,00*
25.	«Promene» bulletin (Cedomir Jovanovic)	Radmila Visic, Serbian Deputy Minister of Information	28.10.1999.	320,000,00
26.	ABC Grafika	Serbian Ministry of Information	10.11.1999.	808,000,00*
27.	"Glas javnosti"	?	10.11.1999.	200.000,00
28.	Nedeljni telegraf	Dusan Strugar JRB Director	23.11.1999.	160,000,00
29.	Komuna & RTS	Local Kikinda authorities	03.12.1999.	80,000,00**
30.	"Danas"	Vojislav Seselj and Aleksandar Vucic	08.12.1999.	360,000,00
31.	"Blic"		08.12.1999.	310,000,00
32.	Studio B		Serbian Radical Party official	08.12.1999.
33.	"Kikindske novine"	Rajko Popovic, editor of Komuna from Kikinda	December	200,000,00
34.	Novine vranjske	Military unit 3755 from Nis	22.12.1999.	800,000,00
Total:				13,904,500,0

* Information regarding the total fine imposed on ABC Grafika for the printing of the Promena bulletin is not accessible. According to data from ABC Grafika and "Glas javnosti", the total amount exceeds 3 million dinars.

** Fine withdrawn on appeal in January 2000