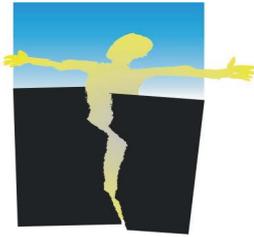


HELSINKI Bulletin



Helsinki Committee for Human Rights in Serbia

Rige od Fere str. #20, 11000 Belgrade, Serbia
tel./fax +381 11 30 32 408; e-mail office@helsinki.org.rs ;
www.helsinki.org.rs

Nº 37 • September 2009

REGULATION OF THE MEDIA SPHERE RESISTED



The character of the changes of October 2000 considerably influenced the character of Serbia's democratization as well. As the new government did not distance itself from Milosevic's policy, transition in Serbia has been burdened since not only by that policy but also by the same people. That was best mirrored in the media sphere. Given that media freedoms clearly indicate the state of democracy and the rule of law in a state, the media in Serbia have been reflecting an inconsequential social transformation.



5. oktobar 2001. – Ulaz u RTS

The Djindjic government's attempt to regulate the media sphere failed because all the media that used to be in Milosevic's service proclaimed themselves independent – the same as

other professions did, judicial in particular. By invoking freedom of expression and independent reporting, the media have placed Serbia in an absurd situation – for those who had to be lustrated were the ones to set criteria and standards in the post-Milosevic era.

So the media continued operating by the same matrix – in the first place due to the fact that they have been in the service of the same ideology. They have not turned into catalysts of changes and transition. They have not played the significant role of encouragers of critical re-examination of the recent past or of transitional problems.

Those few truly independent media and journalists have been called on the carpet constantly -- practically they have been denied the right to freely speak of social anomalies. It turned out that the reformist current was by far weaker at the political scene too -- reformers have been discredited with ample support from the media. The *Freedom House's* 2008 Report on Media Freedoms classifies Serbia as 83rd country on the list of 195.

Serbia's current Public Information Act is deficient and needs to be significantly corrected. Premier Cvetkovic pro-European cabinet's attempt to have necessary amendments passed in the parliament testified that the incumbent government would also like to have the control over the media. In July 2009 this attempt revealed not only tense relations between the media and the government but also the government's overall attitude towards free press.

Media-Government Relationship

Media people managed to hinder adoption of amendments to the Public Information Act by Serbia's parliament and to postpone, for a month at least, MPs vote. Namely, the government planned to have the amendments adopted before the summer break but the vote had to be postponed till August 31 under the pressure from the media. So by using their own weapons – print and broadcast media – journalists won the first round against the regime.

However, the hue and cry raised about the amendments created an atmosphere that totally blurred the sum and substance of media transformation: their turning into genuine promoters and protectors of public interest. As alleged threat to “press freedoms” and “freedom of expression” was imposed as the topic of the day, the much needed public dialogue about the situation of Serbia's media scene was successfully “closed.”

Serbia's delayed transition – launched only in late 2000 – failed to effectuate the much needed changes in the media sphere either. On the contrary, it further lowered professional standards and journalistic code of ethics. It also brought about confusion in the media's attitude towards the recent past and Serb nationalism, nontransparent media ownership and utter impoverishment of the great majority of journalists.

The mainstream nationalistic-conservative ideological matrix remained in almost all the media. The media and the most influential segment of Serbia's political and intellectual elite are in ideological cohabitation of sorts. Only few among the media interpret the sociopolitical scene from a critical distance and from the angle of the incumbent regime's objective capacity. Such rare views refer both to domestic transformation and to Serbia's attitude towards its neighborhood and strategy for Euro-Atlantic integration.

The Background of the Dispute

The government's plan to have amendments to the Public Information Act adopted by the parliament under summary procedure and without a wider public debate raised serious objections from some members of the ruling coalition itself. The government was intent to put an end to constant campaigning against some members of the cabinet and politicians, particularly those promoting reformist economic and pro-European policies. However, the cabinet's draft law was not nodded by all ministers – minor coalition partners assembled around the Socialist Party of Serbia /SPS/ refrained from voting. Securing of a parliamentary majority necessary for having the draft adopted was thus questioned. That was an unexpected gain for the opposition that, in principle, votes against any proposal submitted by the government: a gain that it swiftly instrumentalized and capitalized on.

The Journalists' Association of Serbia /UNS/ -- a relict of Milosevic's era, now headed by the new, agile president, Ms. Ljiljana Smajlovic, a most influential actor at Serbia's media in the past fifteen years -- managed to raise a hue and cry about the draft amendments. Ms. Smajlovic was skillfully playing on fundamental criteria of independent journalism and for this obtained support from many who have themselves been demonized by tabloid press. Actually, by invoking the principles of free press UNS was speaking for the opposition and the nationalistic bloc to which a chaos in the media sphere suits perfectly.



Ljiljana Smajlović

Regardless of some objections, the Independent Journalists' Association of Serbia /NUNS/ backed the draft conditionally.

Just a hint at the government's intent to choke free flow of information, "discipline" the media and jeopardize their existence was a motive enough for most members of the Fourth Estate to stand up in defense. Almost all the media -- from the obscure *Kurir* to the pro-European and liberal *Borba* -- aligned themselves on a frontline. Namely, high fines for libel and untruths, as well as too large basic capital for starting and running a media outlet mobilized almost everyone against the draft.

The ensuing weeks-long campaign against the government associated the one at the time of Djindjic's cabinet. Newspapers were running stories under dramatic headlines such as "Saber for Newspapers" (*Press*)¹, "Media Put to Death" (*Pravda*)², "G17 Worse than JUL" (*Kurir*)³, etc. The stories called the draft unconstitutional and anti-European, meant to choke the media and protect the government from any criticism whatsoever and, finally, "a one man law" (Vice-Premier and G17 Plus President Mladjan Dinkic) against "one newspaper" (*Kurir*).

In her many interviews UNS President Ljiljana Smajlovic kept emphasizing, "What worries me is that those Draconian measures are taken at the moment when the ruling coalition reached a temporary agreement on a showdown against the publisher that bothers it the most. We in UNS are also bothered when some tabloids such as *Kurir* breach professional standards. But laws should not be tailored to one owner because under different circumstances a different political will may open the door to choking free press."⁴

The fiercest critics of the draft were those who used to hide behind Milosevic's 1998 Public Information Law. According to most cynical remarks, the draft was worse than

¹ *Press*, July 12, 2009.

² *Pravda*, July 11-12, 2009.

³ *Kurir*, July 11, 2009.

⁴ *Press*, July 12, 2009.

Milosevic's law. Only some ten years ago, Aleksandar Vucic -- once close associate of Vojislav Seselj and now the Vice-President of Tomislav Nikolic's Serb Progressive Party and strong critic of the draft -- was implementing the law under which the media had been "tried" under misdemeanor procedure, closed down within 24 hours and had all their property, including private property of editors and other chief staff, confiscated. On the other hand, the then ruling Socialists (in coalition with JUL and the Serb Radical Party) and now members of the ruling coalition, have announced well in advance that they would abstain from voting -- both at the governmental session and in the parliament.



Aleksandar Vučić

Issues Not Discussed

In Serbia, every government has been aspiring to control the media. Obviously, no government is capable of implementing its program without the support from the media, particularly when it comes to reformist moves. However, the incumbent government is neither reformist enough nor has a clear-cut stand towards the past. And yet, every attempt it makes to place the obligations deriving from the SAA on social agenda is regularly followed by media campaigns playing into the hands of anti-European forces. And still, the government as it is, is a maximum Serbia could reach to keep up a European course.

The manner in which the government tried to allegedly put in order the "media chaos" overnight and with the helping hand from a parliamentary majority just mirrored a constant tendency of domestic politicians -- including the highest officials -- to arrogantly, ignorantly and brutally

control and influence editorial policies.⁵ Such tendency provokes a similar reaction from the media: “to arrogant attempts at control they respond by even more arrogant acts of resistance.”⁶

The anti-European bloc has skillfully used the media to generate the atmosphere of “defense from an authoritarian regime” rather associating the conflict characteristic of the aftermath of Slobodan Milosevic’s ouster (2001-02). The media used to claim at the time that they were defending “the freedom of expression” which was allegedly threatened by Zoran Djindjic’s cabinet, notably by the then head of the Bureau of Information, Vladimir Popovic. Main “advocates” of media freedoms were then and are now Ljiljana Smajlovic and Aleksandar Tijanic. Actually, a strategic “war” for Serbia’s future was waged then against the opaque background of the conflict – a “war” for Serbia’s clean break with Milosevic’s policy and a breakthrough in Euro-Atlantic integration.



Aleksandar Tijanic

Brutal assassination of Premier Zoran Djindjic put an end to the breakthrough. And, judging by the portrait of Zoran Djindjic the media had created, in 2003 he was murdered as a “mafioso” rather than as a victim of a political assassination motivated by his modernization policies and

⁵ Annual report by the Helsinki Committee for Human Rights in Serbia for the year 2008, „Human Rights, Democracy and – Violence.“

⁶ Ibid.

European vision. After his assassination the nationalistic-conservative policies of 1990s were resumed by other means – policies symbolized by Vojislav Kostunica till May 2008.



Vojislav Kostunica

In the meantime, the “freedom” the media had “won” has almost turned into its opposite. Having ignored elementary standards of moral and ethics, the trade has degraded itself and boiled down to “paper torturers, camera tortures, self-proclaimed geniuses and professional wailers.”⁷ Various and not always transparent interests – informal centers of power (intelligence services at all levels), influential lobbies (mostly nationalistic-conservative circles), individual parties and their leaders – crucially influence editorial policies of most tabloid press the owners of which are usually unknown not only to the public but also to most people working for those newspapers. Editorial policies are tailored to those interests – as a rule, those policies are ruthless towards their marked targets and prone to lies, libel, insinuation and discredit.

In the article titled “Mladja’s Cord” published in the *Danas* daily, Slavisa Lekic, editor-in-chief of the *Status* magazine, reminds that after Premier Djindjic’s assassination “various Kurirs, Presses, Pravdas, etc.” have demonized, in turns, “Zoran Zivkovic, Nenad Bogdanovic, Vladimir Popovic, Radovan Jelasic, Dragan Sutanovac, Boris Tadic...But unlike Cedomir Jovanovic and Mladjan Dinkic none of them has gone through the arrogant practice by various specimen of Serb caste of destruction, demolition, disembodiment and mudding. And mostly by the epithets and labels that make a normal person, let alone a victim, feel like throwing up.”⁸

⁷ Svetislav Basara, „The Rule of Kitsch,“ *Danas*, August 12, 2009.

⁸ *Danas*, July 17, 2009.

Slavisa Lekic concludes that all those “raising their voices” against the draft -- from Dragan /Palma/ Markovic, through the Ombudsman for Free Access to Information of Public Importance, to the Radicals, Serbian Resistance Movement, UNS and even NUNS -- together provide “support but also legitimacy to the advocates of having deranged ideas published on front pages and equalize those ideas with freedom of expression on which the contemporary world rests.”⁹



Dragan Marković Palma

All that degraded the dignity of the trade, additionally impaired by “voluntary slave labor” for (un)known media owners unscrupulously exploiting journalists, paying them meagerly and irregularly and restricting their social rights. To what degree such humiliating and insulting status of the great majority of journalists affects “the freedom of thought and expression” is the question no one posed on this occasion, let alone tried to answer.

The fierce and clamorous debate totally omitted a topic that is of crucial importance for the media in Serbia -- editorial policies of most print and broadcast media. The ideological matrix imposed on Serbia’s public discourse more than 20 years ago to justify the wars to come is now placed in the service of relativizing Serbia’s responsibility through reinterpretation of the recent past. And the media are the best allies in such an enterprise. This refers to all media without exception, rather than to tabloids only. The most influential and significant media such as *Politika*, *Radio and Television of Serbia*, *Vecernje Novosti*, *NIN*, etc., are doing the job.

⁹ Ibid.

Premier Mirko Cvetkovic’s cabinet - formed thanks to the vote of pro-Europe oriented citizens -- has done little for the media sphere, even in the segment under its authority. The state’s majority share in the main political daily, *Politika* (which is in itself anachronous), enabled the incumbent government to depose the editor-in-chief, Ljiljana Smajlovic (ideologically close to Vojislav Kostunica). However, the new editorial staff has not yet tailored the paper to a more visible anti-nationalistic and anti-conservative option. *Politika*¹⁰ actually mainstreams a “general agreement” on key issues of the Serb society -- from Euro-Atlantic integrations, attitude towards the warring past, relations with neighboring countries, through antifascism, to minority communities and Kosovo, Albanians in particular.



Slobodan Milošević

The same refers to the unquestionably most influential broadcast media outlet, the *Radio and Television of Serbia*, which has been only formally transformed into a public broadcasting service. Besides, unlike in *Politika*, new authorities (Democratic Party) have not deposed RTS Director Aleksandar Tijanic. He will remain in office till the end of his 5-year term, as he himself claims, despite the fact that was the Minister of Information in Milošević’s regime and then media adviser to Vojislav Kostunica during his presidency. It was Kostunica who later appointed him the Director of the RTS.

¹⁰ *Politika*, as the country’s major political daily, has played a crucial role in promotion of Serb national project. The balance of powers behind the paper is still such makes any substantive change in editorial policy impossible.

Though Kostunica lost the election the structure and editorial policy of the public information service have not changed. The RTS' reporting on major political developments had not been evaluated as substantively more objective than that of other media outlets. Its program scheme still hinges on the shows that are impermissible for a public broadcasting service. Its record ratings are mostly to be attributed to production of domestic serials of disputable quality.¹¹

The fact that the debate -- in which those perceiving themselves as threatened, including the Journalists' Association of Serbia, were the loudest of all -- has been exclusively focused on the media-government relationship is probably the main reason why the public treated the whole issue as "a minor skirmish in the family." Non-governmental organizations and, more importantly, representatives of international organizations dealing with the media (OSCE, Council of Europe) have also failed to react loudly and decisively. According to the editor-in-chief of the *Vreme* weekly, Dragoljub Zarkovic, such indifference on the part of the public and "two powerful influence groups" (civil sector and international factor) derives from their mutual feeling that this is all about "a strife between two morally dubious groups -- journalists and politicians -- which is why they do not feel like meddling into this small, dirty war in which, to tell the truth, the guilty exceed the innocent."¹²



Dragoljub Žarković

¹¹ Annual report of the Helsinki Committee for Human Rights in Serbia for the year 2008, „Human Rights, Democracy and – Violence.“

¹² *Blic*, July 27, 2009.

The media are among the weakest links in the chain of the Serbian society's supposed transformation towards modern, democratic and European values. They are many, but the "quantity" has not resulted in "quality." Ten-odd dailies are published in Belgrade only, and as many as five television stations have been accorded national frequencies. Instead of influential media upgrading professional standards and influence "easy reading matters" in this regard, the processes in Serbia are quite reverse – tabloids are setting "standards," which even serious media endorse, allegedly in the name of market competition.

Regardless of the fate of the amendments to the Public Information Act, what Serbia needs is a set of media laws and the laws that have an indirect impact on the media. For instance, a law on cross ownership and ownership transparency is imperative for normal functioning of the media.

In addition, the acts providing functioning of the public broadcasting service and the media in which the state has a certain share call for amendment.

Obviously, a media council -- a body to supervise the respect for media laws and ethic standards of the trade -- needs to be formed. The Journalistic Code of Serbia, along with its recommendations and guidelines (publicized in 2008), would be most helpful to the council's functioning and could contribute to a well-arranged media scene. The media council -- if formed -- should be authorized to take certain measures against the media breaching the law and ethic standards.