



PRAVNI MONITORING MEDIJSKE SCENE U SRBIJI LEGAL MONITORING OF THE SERBIAN MEDIA SCENE

Monitoring novosti 62 / Monitoring Newsletter 62



ŠEZDESET DRUGI MONITORING IZVEŠTAJ (za jul 2015.) NA WEB SAJTU ANEM-a

Navodimo šta je obrađeno u ovom izveštaju:

- **Sloboda izražavanja** – 2 slučaja pretnji i pritisaka na novinara i medije: još jedan hakerski napad na informativni portal Titulli.com; preteća poruka koju je funkcioner SNS-a Dejan Kovačević uputio medijima (ili medijskim izvorima, kako su ga „pravdale” stranačke kolege) za skupštinskom govornicom u Gornjem Milanovcu; 2 slučaja napada na novinare – incident u kojem je novinar Milan Đokić uboden nožem na pres konferenciji u Gradskoj kući u Užicu; fizički napad na Milorada Komrakova, poslednjeg Miloševićevog urednika informativnog programa RTS-a; sudski postupci – 2 sporne presude koje su, prema oceni autorskog tima, korak nazad u srpskoj sudskoj praksi u medijskim sporovima: presuda Prvog osnovnog suda u Beogradu u postupku za naknadu nematerijalne štete po tužbi bivših novinara „Večernjih novosti” Stojića, Nenkovića i Bošnjaka protiv Nezavisnog udruženja novinara Srbije; presuda Apelacionog suda u Nišu kojom je potvrđena presuda Višeg suda u Zaječaru u sporu za naknadu nematerijalne štete po tužbi Živorada Nikolića, policajca u penziji iz Bora, protiv izvesnog Petra Guševca i Vladimira Novakovića, svojevremeno urednika internet sajta b92.net; Izveštaj Komesara za ljudska prava Saveta Evrope Nilsa Muižnieksa, nakon martovske posete Srbiji, koji sadrži i njegovu ocenu šta su pomaci napred, a šta problemi u medijskom sektoru Srbije, preporuke i zaključke;
- **Implementacija postojećih zakona** – Zakon o javnom informisanju i medijima: pitanje zaštite novinara i medija od diskriminacije (u regulativi i u praksi); upis u Registar medija - zašto mediji treba da se upišu, iako upis nije obavezan, šta od podataka ne treba mediji da dostave već organi javne vlasti, šta je izostalo u propisima a može da stvori problem u praksi. Zakon o elektronskim medijima: nedostaci u regulativi koji dovode u pitanje pravo i osnov za reagovanje Regulatornog tela u slučaju bitne promene koncepcije licenciranih medija, posebno kada su u pitanju dozvole izdate po ranije važećem Zakonu o radiodifuziji; kratka analiza pet pravilnika REM-a koji su u ovom periodu stupili na snagu, a regulišu obaveze elektronskih medija tokom predizborne kampanje, obaveze u vezi sa zaštitom ljudskih prava i obaveze u vezi sa sprovođenjem nagradnih takmičenja, kao i postupak izdavanja dozvole za pružanje medijske usluge na osnovu zahteva i dozvole na osnovu sprovedenog javnog konkursa – autori Izveštaja ukazuju na nedostatke pojedinih pravilnika. Zakon o javnim medijskim servisima: taksa za javni medijski servis, obaveza i svrha njenog plaćanja; netransparentno uvođenje nove medijske usluge RTS-a (kanal RTS 3), mimo zakonske procedure;
- **Usvajanje novih zakona** – Nacrt Zakona o informacionoj bezbednosti – zašto i šta u tom zakonu može biti važno za medijske portale;
- **Rad nadležnih organa** – gde su u Izveštaju obrađene najvažnije aktivnosti nadležnih organa;
- **Proces privatizacije medija** – aktuelna faza u procesu privatizacije medija;
- **Zaključak Izveštaja** – šta se dešavalo na medijskoj sceni u julu 2015. i šta je bilo najupečatljivije.

Šezdeset drugi Monitoring Izveštaj uradio je stručni monitoring tim ANEM-a iz advokatske kancelarije „Živković&Samardžić“, u saradnji sa ANEM-om. Pročitajte ga u celosti ili u delovima, [ovde](#).

**Na web sajtu ANEM-a, u rubrici [Monitoring medijske scene](#),
potražite i ostale Monitoring Izveštaje, Publikacije i izveštaje sa monitoring okruglih stolova!**

Izradu ovog Izveštaja podržala je Švajcarska kancelarija za saradnju kroz Fond Malih projekata, ali stavovi izneti u njemu nisu nužno i stavovi Švajcarske kancelarije za saradnju, već pripadaju isključivo autorima Izveštaja.



PRAVNI MONITORING MEDIJSKE SCENE U SRBIJI LEGAL MONITORING OF THE SERBIAN MEDIA SCENE

Monitoring novosti 62 / Monitoring Newsletter 62



SIXTY-SECOND MONITORING REPORT (for July 2015) IS AVAILABLE ON ANEM WEBSITE!

- **Freedom of expression** – two cases of threats and pressure against journalists and media: yet another hacking of the Titulli.com news portal; a threatening message voiced by SNS official Dejan Kovacevic to the media (or media sources, as it was later indicated by his party colleagues trying to justify him) at the stand of the municipal council in Gornji Milanovac; two cases of attacks against journalists – the incident in which Milan Djokic was stabbed on the press conference in the City Hall in Uzice; the physical attack on Milorad Komrakov, Milosevic's last editor of the RTS news program in 2000. Legal proceedings – two questionable judgments deemed by the authors to be a step backwards in the Serbian jurisprudence in media cases: the judgment issued by the First Basic Court in Belgrade in the procedure on non-pecuniary damages claimed by former journalists of "Vecernje Novosti" Stojic, Nenkovic and Bosnjak against the Independent Association of Journalists of Serbia; the verdict of the Appellate Court in Nis sustaining the judgment of the Higher Court in Zajecar in the dispute for the compensation of non-pecuniary damages claimed by Zivorad Nikolic, retired police officer from Bor, against a certain Petar Gusevac and Vladimir Novakovic, formerly the Editor of the B92.net website; the Report of the Human Rights Commissioner of the Council of Europe Nils Muiznieks, after his visit to Serbia last March, containing his assessment of the progress and the problems on the Serbian media scene, recommendations and conclusions.
- **Implementation of existing laws** – The Law on Public Information and Media: the issue of protection of journalists and media from discrimination (in the regulatory field and in practice); registration with the Media Registry – why the media should register, although registration is not mandatory; what data the media are not required to furnish, but the public authorities; what the regulations failed to regulate, which could create problems in practice. Law on Electronic Media: regulatory shortcomings undermining the right and the grounds for the Regulatory Body to react to potential programming changes of licensed broadcasters, especially in the case of licenses issued under the previous Broadcasting Law. A short analysis of the five REM rulebooks that came into force in this period, regulating the obligations of electronic media during election campaigns, obligations related to the protection of human rights and obligations related to the protection of human rights and obligations related to the prize competitions, as well as the procedure of issuance of the license for providing media services at request and the license on the basis of an open competition – the authors of the Report point to the shortcomings of certain rulebooks. The Law on Public Service Broadcasters: the subscription fee for the public service broadcaster, the obligation and purpose of payment; the non-transparent introduction of the new media service by RTS (RTS 3 channel) outside of the statutory procedure;
- **Adoption of new laws** – Draft Law on Information Security – which provisions of this Law may be relevant for media portals and why;
- **Work of the competent bodies** – where you may find an analysis of the principal activities of the competent authorities in the Report;
- **Media privatization** – the current phase in the process of media privatization;
- **Conclusion of the report** – what was happening on the media scene in July 2015 and what was the most noticeable.

The Sixty-second Monitoring Report was prepared by the ANEM expert monitoring team from the law office „Živković&Samardžić“, in cooperation with ANEM.

The Summary and Conclusion of the Report in English are available [here](#).

The full report and its sections in Serbian are available for download [here](#).

Look for other Monitoring Reports, Publications and reports on the monitoring round tables on ANEM website, in the section [Monitoring of the Media Scene!](#)

The creation of this Report is supported by the Swiss Cooperation Office Serbia within the Small Projects Fund, but the views presented in this Report are the sole responsibility of its authors and do not necessarily reflect the views of the Swiss Cooperation Office Serbia.