



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Freimut Duve

Current Situation of Media in the Federal Republic of Yugoslavia
The Report Covers Developments in 1998

Vienna, 19 November 1998

Introduction

1. The Constitution of the Federal Republic of Yugoslavia (FRY) guarantees the right of citizens to express and publish their opinions and freedom of the press. The Constitution explicitly prohibits censorship. Article 38 of the Constitution states that "No one may prevent the distribution of the press or dissemination of other publications unless it has been determined by a court decision that they call for the violent overthrow of the constitutional order or violation of the territorial integrity of the Federal Republic of Yugoslavia, violate the guaranteed rights and liberties of man and the citizen, or foment national, racial or religious intolerance and hatred." Basically, the constitutional guarantees are in line with relevant CSCE/OSCE commitments.

2. The Helsinki Charter of 1975 that had been signed by Yugoslavia contains in its "third basket" commitments of all Participating States to free flow of information and to improvement of working conditions for journalists including their access to States. Although FRY's membership in the OSCE is suspended, this basic commitment has never been revoked by the Belgrade authorities. Throughout this year, however, the authorities have ensured that the entry of various foreign journalists into the country was made almost impossible.

3. The current media landscape in FRY is quite diverse with hundreds of publications, radio and TV stations operating throughout the country. Most private stations broadcast without proper licences because of the arbitrary licensing system often used by the authorities to eliminate autonomous media. The only network that covers the whole country is Serbian State TV and Radio Network RTS. The independent print media does not play the same role as broadcast media in FRY because of the difficult economic situation and lack of funds on the part of most of the country's population. Cases of overt censorship were until the recent escalation of the conflict in Kosovo relatively rare and often well-documented, however the situation deteriorated drastically in October.

4. In early October, along with the latest developments in Kosovo and then the establishment of the OSCE Kosovo Verification Mission (KVM), the Serbian authorities intensified their attack against the independent media that was trying to provide its readers, listeners and viewers with a more objective picture of the conflict in Kosovo. References to 'traitors' and the 'fifth column' have now become more common and part of the lexicon of senior government officials. Recently, the Serbian Minister of Information stated that the re-broadcasting of foreign-produced programmes was a "direct attack on the constitutional system and legal order of the country" and qualified such re-broadcasting as "espionage". On 8 October the Serbian authorities banned the re-broadcasting of programmes by Voice of America, Radio Free Europe, BBC and Deutsche Welle. Also in October, a APTV cameraman was beaten in Pristina by the police and a photographer physically evicted from a FRY Embassy in Europe while trying to obtain a visa.

5. The FRY authorities also refused to issue visas to international participants of the Conference on Independent Broadcasting sponsored by the Council of Europe and organised by the Belgrade-based Association of Independent Electronic Media (ANEM). As a result, the conference initially scheduled for 2-3 October was postponed.

6. The biggest setback to free media in Serbia was the adoption by the Serbian parliament of the Law on Public Information on 20 October. The Law was widely condemned by international officials including Polish Foreign Minister Bronislaw Geremek, the OSCE Chairman-in-Office. The Law institutionalised the banning of foreign programmes, levied exuberant fees on offending media with a 24-hour deadline in which to pay and gave the authorities numerous powers to curtail free media. Prior to the adoption of the Law, the Belgrade authorities used a government decree to close three prominent independent newspapers: Danas, Nasa Borba and Dnevni Telegraph. After the new Law went into effect, the Serbian Government started prosecuting the owner and editor of the news magazine Evropljanin. Nasa Borba has decided not to publish while the Law was in effect. To bypass the Law, a number of media outlets registered their subsidiaries in Montenegro.

7. One of the other problems facing the independent media in FRY is that often it is unable to disseminate its message beyond the major cities. While the average individual in Belgrade has the option of tuning in to a number of independent TV and radio stations, his fellow citizens in many other parts of the country are often restricted to viewing RTS, the official mouthpiece of President Milosevic. An estimated one-third of the population of Serbia only receives RTS. Lack of choice outside Belgrade and major cities substantially hinders the right of citizens to receive unbiased information.

Print Media

Newspapers and magazines may reflect a history of political and literary writing in Serbia but today they do not play the same role in FRY as the broadcast media. The sheer number of registered newspapers does not really provide an accurate picture of its impact on everyday life. According to the Deputy Minister of Information, almost 2,500 newspapers are registered in Serbia alone. However, experts point out that Serbia has one of the lowest rates of newspaper circulation in Europe. Like in some other East European countries, newspaper print runs are exaggerated for the "benefit" of advertisers. A diminishing middle class and poverty have put a serious dent in the newspaper business. In Belgrade, where the media scene is the most diverse, eleven daily newspapers and three magazines are available to the public. Numerous entertainment magazines are also sold.

Among the independent-minded publications, the newspapers Nasa Borba, Danas and Dnevni Telegraph and the magazine Vreme stand out. After the government took over the leading quality broadsheet Borba in 1994, most of its journalists participated in the founding of Nasa Borba and since day one it has been under constant pressure from the authorities. This August because of financial difficulties Nasa Borba temporarily seized publication. It has then re-launched but in October was closed down by the Belgrade authorities.

After the adoption of the Law on Public Information, the authorities started taking legal action against media deemed "offensive" to the current government. For example, on 8 November Dnevni Telegraph, recently re-opened after being closed down in October, was fined the equivalent of 120,000 USD by a local court for publishing an advertisement by a Belgrade University student group that called for the abolishment of the current government. The advertisement was ruled to be "inciting destruction of the constitutional order." Under the new Law, the publisher has only 24 hours to pay the fine. "This is a staged trial, a farce...what we are dealing with is a judicial outrage," the owner of Dnevni Telegraph told journalists after the court verdict.

The two main state-controlled newspapers, Politika and Borba, pledge allegiance to the government on a daily basis publishing information accordingly. The commentary is usually geared against the current "enemy" - be it the opposition, the independent media or the West. Tanjug, the state-run news agency, often provides information used by state-controlled newspapers. The two agencies that tend to take a more objective view of internal and external developments are Beta and VIP. Both are frequently quoted by the independent media.

The Yugoslav print media is in urgent need of a new legal framework that will protect journalists from government abuse and will allow them to objectively cover developments

in its own country as well as throughout the world. Public and diplomatic pressure should continue to ensure the abolishment of the current Serbian Law on Public Information.

Broadcast Media

Approximately 400 public and private radio and television stations broadcast throughout FRY, although the exact number is almost impossible to verify. The financial state of many of these stations is very difficult with journalists being paid minuscule salaries. The situation among the government-controlled broadcasters is better, although the overall economic crisis has hit all enterprises, the media as well.

The only network that covers the whole country is the state-controlled RTS. The independent broadcast media is grouped around ANEM whose membership is close to forty stations. The Association's most well-known member is the independent radio-station B92, broadcasting out of Belgrade. According to ANEM's own estimates, its members cover more than two-thirds of the territory of Serbia with their daily news and current affairs programming. On 10 October ANEM started producing TV reports from Belgrade on the new Serbian Information Law. According to ANEM, these reports are currently the only independent source of information on the Law available outside Belgrade.

Because of a lack of a coherent legal framework, many private radio and TV stations broadcast without a licence making themselves prone to closures if the government deems their programming to be in contravention with its current policies. This already difficult situation was exacerbated by a public tender announced on 7 February this year by the government for radio and television stations to obtain temporary broadcast licences. The terms of this tender were vague and the criteria applied not clear. The results were announced on 16 May. 247 stations out of 425 applicants were granted licenses. The vast majority of independent radio and television stations that applied for licences were denied, while numerous stations with close business or political ties to the ruling Socialist Party were granted permission to broadcast. Radio B92 applied for four licenses and was granted only one. In contrast, all four members of the Milosevic family now control at least one media outlet. Initially, extremely high licensing fees were levied on those broadcasters that did receive a licence, later, however, the fees were reduced. Some examples suggest that the tender was politically biased:

- In Nova Sad, Radio 021, an ANEM affiliate, was refused both a radio and television license;

- In Pozarevac, Boom 93, another ANEM member, was denied a license, while Radio Fan, owned by Milosevic's son, Marko, had its application approved;

- In Kosovo, Radio 21 and Radio Koha, both independent broadcasters, failed to obtain their licenses.

The Government maintains that licenses were denied for technical reasons and that broadcasters can re-apply. However, no new licenses were further granted. On the contrary, a number of radio and TV stations were closed down: Radio Kontakt in Pristina (1 July), Radio City in Nis (18 August), STV Negotin (17 September, the formal reason was a lack of a building permit for a new transmitter).

Although the country's Constitution guarantees freedom of the press, the absence of a coherent legal framework nullifies this constitutional right. Two federal laws, three Serbian laws and numerous government bodies at different levels regulate the media. Many of the currently applied rules and regulations are contradictory and make it virtually impossible for a broadcaster to comply with all of them. One example: the Yugoslav Ministry of Telecommunications requires applicants for a broadcast license to prove that the station has been registered as a media company at the Ministry of Information and at the appropriate commercial court. However, these documents cannot be obtained without first having a license from the Ministry of Telecommunications.

While independent broadcasters are in serious dire straits, RTS, the official State TV, is spewing out propaganda in the old communist traditions. "News stories" are often

fabricated in line with the policies of President Milosevic. Historical references propagating the Serbian cause are in abundance. Student protesters are often referred to as "vandals" and Kosovo Albanians as "terrorists." Different groups are being targeted depending on the current political situation. The internal opposition, independent-minded journalists, most neighbouring countries and many Western nations have fallen pray to this tactic. In early October RTS singled out the independent media as the country's main "enemy." In a commentary broadcast on 4 October, RTS has gone as far as to equate independent reporting with "high treason."

The Government's direct control of the state media is clearly illustrated by the revolving door many individuals use between government posts and top jobs in the state-run radio or television. For example, the current RTS Technical Director was formerly the Director of the Federal Directorate for Transport and Communications (later renamed the Federal Ministry of Telecommunications.) This Directorate was responsible for the 1998 frequency tender.

In April 1998, RTS leased a frequency to a newly established Yugoslav-wide television station headed by Ljubisa Ristic from the Yugoslav United Left party (JUL). This party is run by President Milosevic's wife. Although the federal government denies any involvement, many media observers believe the station is secretly funded by taxpayers' money, and was intended to support Milosevic's favoured candidate, Momir Bulatovic, before the May 1998 elections in Montenegro. However, Radio Television Montenegro refuses to broadcast this station's programmes.

The Independent Media Commission (IMC), recently established in Bosnia and Herzegovina, has informed the public that it is presently investigating the re-broadcasting of RTS programmes from Belgrade through SRT, the state-run television network in the Bosnian entity Republika Srpska, and through other stations to evaluate possible violations of the IMC's Code of Practice.

The established situation makes it difficult for independent broadcasters to survive long-term unless they are supported locally or internationally. Their financial well-being is near catastrophic and by utilising the licensing tender and exuberantly high fees basically any independent broadcaster can be forced out of business. The government-controlled media, on the other hand, has the needed financial and political support and can easily manipulate public opinion with impunity.

To insure the provisions of its own Constitution, the Yugoslav authorities must streamline the current legislation in broadcast media, making it more coherent and clear. Contradictory rules and regulations should be abolished and the implementation of the results of the tender frozen. Through close co-operation with independent broadcasters, especially those belonging to ANEM, a new legal framework should be established by the government that would encourage rather than discourage independent public and private broadcasters and protect their professional integrity.

Media Coverage in FRY of the Conflict in Kosovo

The latest escalation of the government attack against the independent media was as a direct result of the fighting in Kosovo. In October, the FRY authorities basically declared a state of war against media that tried to objectively cover the developments in that province. Among those targeted were local and foreign journalists. The methods are not in any way compatible with OSCE standards: journalists were harassed, sometimes beaten by security personnel, as mentioned above, re-broadcasting of foreign programmes was banned and many reporters working for reputed foreign media outlets were denied entry visas. The policy of denying visas continued in November. Newspapers were either closed or fined.

Senior government officials went on record denouncing those journalists who tried to cover the developments in Kosovo in a professional manner. Vojislav Seselj, the Serbian paramilitary leader and current Deputy Prime Minister of Serbia, in a number of interviews in October called the independent media "the American fifth column", "spies" helping Western countries' "anti-Serb efforts". In an interview with B92 he characterised

that radio station as being "anti-Serb." Lawmaker Zeljko Simic accused journalists of high treason and of abating the Kosovo Albanians by reporting on the war in that province.

In October, the Serbian Ministry of Interior advised Vreme, a widely respected independent weekly magazine, to provide it with information regarding one of its journalists Dejan Anastasijevic. According to the magazine, this request was forwarded in less than 24 hours after the Serbian Minister of Information denounced Vreme and Mr. Anastasijevic at the Federal Assembly session for reporting on the massacre in Gornja Obrinja in Kosovo. Vreme considered this request to be part of a witch-hunt against the independent media.

On 27 October Freimut Duve, the OSCE Representative on Freedom of the Media, met in Budapest with journalists from Serbia/Vojvodina. Nenad Canak, the President of the League of Social-Democrats of Vojvodina, accompanied them. He and four other members of the Serbian Parliament had strongly criticised and then voted against the newly adopted Law on Public Information. The journalists and Mr. Canak underlined the repressive character of the Law. The journalists stressed that these new steps against free and pluralistic media has led to virtual ignorance on the part of most citizens in Serbia of the actual state of affairs in Kosovo and with the role of international organisations.

The threats of physical violence against journalists by Vojislav Seselj, the Deputy Prime Minister of Serbia, are at the extreme end of government harassment against the independent media. These threats have insured that there is almost no public debate concerning Kosovo and its future. In the view of many independent-minded journalists, this current situation is dangerous for their well-being and is extremely counterproductive to the political solution of the Kosovo crisis. The Government of Serbia should immediately distance itself from any threats of violence against journalists.

Serbian Parliament member Nenad Canak explained in detail the reasons for his opposition towards the Law and called upon the OSCE Representative on Freedom of the Media to use all possible means to ensure that this Law is revoked. He stressed that the opposition to this Law is very strong among the media community which will seek its own means to counter the effects of the Law.

RTS is seen to be among those instigating hatred through propaganda. On 8 October, this TV channel carried a programme referring to the bombing of Belgrade during World War II and to the Nato bombing campaign against the Bosnian Serb Army in 1995. The programme alleged that during the Second World War the Americans were bombing Belgrade targeting "maternity wards and kindergartens" and not Germans. "Did they really want to kill Germans, or were they actually trying to Kill Serbs," asked the presenter.

The "spin doctors" representing the Kosovo Albanians, and especially, the Kosovo Liberation Army have also taken on board some of the methods used by FRY state media. "Spin doctors" on both sides try to convince the news media to report on atrocities and massacres allegedly committed by the "other side." Numerous obstacles hamper the free collection of information in Kosovo and their fair presentation in the media. Local journalists risk their life if they attempt to enter the combat areas. They are threatened not only by the police and the army or the KLA gunmen, but also by armed civilians. In October two journalists, Nebojsa Radosevic and Vladimir Dobricic from the Yugoslav news agency Tanjug went missing. The KLA later informed the public that they both have been sentenced to two months imprisonment by a 'military court'.

Free journalism is especially important for an open debate on the future of the country in which government critics are not labelled as traitors as they are now under the Serbian Law on Public Information. There will be no peaceful settlement in Kosovo without a public debate and it is imperative that a free media become the basis for such a debate. It goes without saying that equal access to all journalists, foreign and local, to Kosovo must be ensured in the current international efforts for a peaceful settlement of the conflict in Kosovo.

Observations and Recommendations

An open public debate to ensure the basic elements of a free democratic society is impossible without freedom of the media. This issue should be one of the top priorities during discussions with the FRY and Serbian authorities. Sanctions can not be eased and the government has little chance of re-entering the international organisations it is either suspended from or its application is on hold until it can prove its commitment to freedom of expression and free, independent and pluralistic media. Freedom of expression should be guaranteed to all media outlets throughout the country. The OSCE Representative on Freedom of the Media then recommends the following :

1. The Government of FRY should be encouraged to adopt a clear set of laws dealing with the media with an emphasis on the protection of the rights of journalists against censorship of any kind. The draft media law prepared in June 1998 by the Centre for Human Rights in Belgrade could be used as a basis for all further legislative actions. The current Serbian Law on Public Information should be abolished.
2. The Government of FRY should ensure that all programmes on state-controlled media instigating hatred cease immediately.
3. Radio and television stations that are currently broadcasting without a license should be allowed to continue until new laws are in place.
4. The 1998 frequency tender and its results should be revised with an eye on clarifying its rules and offering all applicants a fair chance in participating in the tender. Those whose applications were refused should be allowed to re-apply. Until then the implementation of the results of the tender should be frozen.
5. Any important decisions made by the Government concerning the media should be initially also discussed with those organisations that represent the independent media.
6. All bans on re-broadcasting of foreign programmes should be lifted immediately and all journalists applying for an entry visa to FRY provided with one in the shortest possible time. Unhindered access should be guaranteed for all journalists to areas of conflict, especially in Kosovo.
7. The international community should provide independent media in FRY with political, material and financial support. E.g.: Training programmes should be initiated for journalists from FRY, especially in advertising and marketing so as to allow the independent media to become self-sufficient in the future.