



REGULATORY
AUTHORITY FOR
ELECTRONIC
MEDIA

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Belgrade

Report of Monitoring and Analysis Service

Procedure based on the complaint of XXXXXXXXXX from XXXX through a lawyer.

MSP: TV Informer - Insajder tim d.o.o., Bulevar Peke Dapčevića 17, Belgrade

Complaint: 27/10/2025

Order to respond: 04/11/2025

Urgent order to respond: 12/11/2025

Response: 19/11/2025

Subject of oversight: *Kolegijum* programme, 25/09/2025, from 11:35 to 11:45

Summary: Denigrating and insulting the complainant in a news and current affairs programme

Report: The complaint refers to a part of the programme broadcast in the show titled *Kolegijum*, it is a segment of a discussion of Informer journalists on the subject of content posted on that television's online portal. The subject of discussion was a post by the complainant on the X network: "10-year professional ban", which refers to the Red Star Football Club, because the club posted a comment on the social network that reads "A pillar of Serbian freedom" in response to its fans' banner put up during a football game, glorifying the event of 24/09/2023 in Banjska, Kosovo, when, in an ambush, a member of the Kosovo police and three members of a group led by Milan Radojičić (who was also mentioned in the contentious part of the programme) died.

The contentious content, although nominally in the part of the programme considered to fall under news and current affairs, did not contain information in the narrow sense of the word; rather, it was an outpouring of insults, including swearing, at the expense of the complainant, and indirectly those who think alike. The insults made against the complainant were: *lowlife, degenerate, traitor, trash, piece of shit, crap, effing bastard, rotten bunch*. The insults were directed in the second person, that is, directly addressing the complainant, mentioning Marinika Tepić as well, who had nothing to do with the case. A more extensive transcript of the contentious part of the programme is attached to the complaint, a review of the programme found that the transcript is accurate.

The complainant requested the protection of their right on the basis of the violation of the prohibition of hate speech, and the violation of personal dignity and of the right to authenticity.

In its Response, TV Informer invoked a ruling also upheld in domestic case law, according to which the complainant is a public figure ("with nearly 34,000 followers on Twitter") and as such must accept "not

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not only to information or ideas that are favourably received or regarded as inoffensive, but also those that offend, shock or disturb, with the limits of acceptable criticism being broader for public figures than private individuals....".

The cited quotation refers to the rationale of the ECHR judgment (*Handyside v. the United Kingdom* 1976). The Response also presented other views from the ECHR judgments justifying shocking, rude, provocative and exaggerated statements taken by that court in order to protect freedom of expression, such as that "Journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation" (*Dichand and Others v. Austria* 2002). Setting broad limits on freedom of expression, the cited judgments clearly talk about the existence of "limits of acceptable criticism" and "a degree of exaggeration."

Without delving into assessing whether the complainant is a public figure (for which there is no clear criterion in domestic legislation), the Technical Service deems that the remarks made cannot in any case be considered *acceptable criticism* however broadly those limits may be set. In the present case, it is not only about protecting a specific person from media insults, but it is about protecting the public space from the abuse of the media for the purpose of confrontation with a political opponent and protecting against clearly unacceptable language and media discourse that is outside the framework of applicable standards in media communication and public communication in general.

In the present case, it is clear that the essence of the dispute is differing political views of the events that occurred in the armed attack in Banjska in 2023. Not disputing the right of editors and journalists to have their own opinion about this, including those different from other publicly released opinions, it is unacceptable to use the television programme, as was done in this example, to challenge views whose reach is limited to the X network. Additionally, the person whose opinion was being challenged was not given any opportunity to explain his or her point of view. This violates Article 8, Paragraph 2 of the **Rulebook on the Protection of Human Rights in the Area of Media Service Provision – Hear the Other Side rule** (*In case of a dispute involving a conflict of opinions or views, the media service provider shall provide an opportunity for such person to respond to the released information, or participate in the discussion in an equal manner*).

The absence of a possibility for the other side to present its opinion is an aggravating circumstance, especially because it was coupled with the violation of the obligation to provide the media service *in a manner that respects the personal dignity of media service users, participants in the programme and persons to whom the broadcast information relates* (Article 20 of the **Rulebook: Respect for personal dignity - General obligation**).

In addition, although, as stated (Article 9, Paragraph 3 of the **Rulebook: Special obligations related to news and current affairs programmes**), *the current affairs programme host may present, during the programme, his or her opinion on the issue that is the topic of the said programme, but the media service provider must not allow the host to use such an opportunity to promote personal beliefs in a manner that violates the obligation of the media service provider to provide objective information to the public*. By the behaviour described, the programme host deviated from the stated obligation.

Broadcasting the content in question also deviated from the obligation of the current affairs programme to encourage free formation of political and critical thinking (Article 4, Paragraphs 1 and 2 of the **Rulebook – The right to true, complete, timely and diverse information - General obligation**): *The media service provider shall ensure the provision of free, true, objective, complete and timely information, and in particular that news and current affairs programmes truly and objectively present facts and events and encourage free formation of opinions.*

The media service provider shall ensure the diversity of information content for the purpose of ensuring the exercise of the right to free expression, as well as encourage the free formation of political and critical thinking.).

The obligation of the MSP is to approach current affairs programmes in accordance with the rules of the journalistic profession (Article 5, Paragraph 1 of the **Rulebook – Truthfulness, completeness and diversity of information**): *The media service provider shall ensure the truthfulness and completeness of information, as well as the veracity and completeness of the ideas and opinions it broadcasts, especially in the news and current affairs programs with due care corresponding to circumstances and in accordance with the rules of the journalistic profession.*) Broadcasting the content in question cannot be considered as fulfilling the stated obligation.

Regarding the allegations of hate speech, the Technical Service deems that there is no basis for establishing that such a violation was committed. Although, contrary to the claims made in the Response, the complainant may be classified as belonging to a potentially vulnerable group based on the attack on his or her political beliefs (Article 27 of the **Rulebook**), the contentious content did not contain a call for any form of violence against the complainant and, although offensive, the content itself did not pose a real threat.

Conclusion: Proposal to initiate an examination procedure, due to content inconsistent with the **Rulebook on the Protection of Human Rights in the Area of Media Service Provision**

- Article 4, Paragraph 1;
- Article 5, Paragraph 1;
- Article 8, Paragraph 2;
- Article 9, Paragraph 3;
- Article 20;

in connection with the **Law on Electronic Media**, Article 61, Paragraph 1, Item 1.
