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REGURATORY
AUTHORITY FOR
ELECTRONIC MEDIA

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Belgrade

Report of the Monitoring and Analysis Service

Ex officio **procedure**, based on the complaint of the CRTA organisation, Francuska 6, Belgrade.

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

Complaint: 12. 12. 2024.

Order for footage submission: 16. 12. 2024

Footage: 23. 12. 2024

Subject of oversight: *Kolegijum* broadcast, 21. 11. 2024 starting at 14:30.

Summary: A large number of disparaging and insulting comments about judicial bodies regarding the prosecution of those responsible for the accident at the Novi Sad railway station, as well as about opposition politicians.

Report:

In the *Kolegijum* broadcast, as part of the news and current affairs programme content, in the content that can be qualified as a comment, Dragan Vukučević, broadcast host, made on several occasions a number of extremely disparaging allegations against judicial bodies, openly insulting and swearing (“judicial scum of the earth”, “vermin”, “prosecutor crooks”, “rotten yellow excuses for prosecution”, “effing thieves”, “bastards”, “yellow trash”, “lowlife”, “slobs”, etc.). In particular, on several occasions, Judge Stevan Pavlov was targeted, due to the fact that he had approved the motion of the Prosecutor’s Office to remand Goran Vesić and Jelena Tanasković to custody on the grounds of criminal liability for the collapse of part of the building of the railway station in Novi Sad, when a number of persons lost their lives. The allegations were made that there was no evidence against the said persons, that they had been remanded to custody “for political reasons”, and Judge Stevan Pavlov was specifically targeted, implying political motivation and collusion with political actors, which was not substantiated in any way.

The most important part of the disputed content, although not the whole, is quoted in the complaint; by reviewing the footage, it was determined that the transcript is credible. The complainant provided a CD with programme recording, as well as a link to the YouTube website where the disputed content could be seen.

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In acting as described previously, Informer TV acted contrary to the obligation referred to in Article 31, paragraph 1 of the **Rulebook on the Protection of Human Rights in the Area of Media Service Provision — Preserving Court Authority and Impartiality**: “It is not permitted during the course of criminal proceedings to present ideas, information or opinions pre-empting the outcome of the proceedings or which assess the procedural value of the evidence, adducted or to be adducted in those proceedings, in a manner that could influence the outcome of the criminal proceedings”.

With the described event, TV Informer created an atmosphere of media pressure in the public space that may affect the integrity of court proceedings. Assessment of the procedural value of evidence and the extremely insulting tone directed to the prosecutors and judges preclude the possibility of referring to the right to present ideas, information or opinions regarding the work of courts and other judicial bodies, which is guaranteed by paragraph 2 of the said article (“The prohibition referred to in paragraph 1 of this article is aimed at preventing the pressure, intentional or unintentional, on the court denying the defendant the right to a fair and impartial trial, but not at affecting the freedom of the media service provider to present ideas, information or opinions about the work of courts and other judicial bodies.”)

In addition to the insults and dismissive remarks against the judicial bodies, related to the specific court case, extremely disparaging views were also presented against politicians from the opposition and the media (specifically, Srdjan Milivojević, Dragan Djilas, Dragan Bujošević — “Yellow Bujke” and Zoran Stanojević — “Yellow Zozon”, as well as Dragan Šolak), placing the entire case in the political context that implies hostile actions against the government of Serbia, mentioning RTS, “Ustashoid” from Novi Sad, Nova S, Danas “and other anti-Serb gang”. Opposition politicians were labelled as “madmen who beat up police officers.” The overall tone of the content, which does not correspond to any journalistic genre, can be characterised as an outburst of anger by the programme host and consists of a rambling series of insults against what he recognises as one side in the social and political dispute, where, in addition to the protesters (“opposition anti-Serb haters”), he also classifies prosecutors, judges and a significant number of media.

The content in question is harmful because it leads to the degradation of the public news and current affairs space and deterioration of the achieved level of civilised discourse in media content broadcasting. News and current affairs content of this kind creates a harmful polarisation by characterising part of the public, as well as entire parts of the system (such as prosecutors) as anti-government and destructive (“Ustashoids”), thus producing an unhealthy social climate.

Due to all of the above, this programme violates the obligations under the **Rulebook**, namely Article 4, paragraphs 1 and 2, Article 5, paragraphs 1 and 2, and Article 7, paragraph 1.

Given that in the stated programme information was undoubtedly broadcast regarding which a certain person has a justified interest in replying, and allegations of incompetence, immoral or unlawful actions were presented, or it was a discussion that involves a confrontation of opinions or views, TV Informer had an obligation to enable

that person or group of persons to respond to the broadcast information, which was not done and which is in violation of Article 8, paragraph 1 of the **Rulebook**.

General obligation

Article 4, paragraphs 1 and 2

“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.”

Truthfulness, completeness and diversity of information

Article 5, paragraphs 1 and 2

“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 programmes with due care corresponding to circumstances and in accordance with the rules of the journalistic profession.

The media service provider shall provide information to media service users based on facts obtained from a number of different sources, as well as provide a variety of views, opinions and issues discussed in the public within its news and current affairs programme.“

Objective information

Article 7, paragraph 1

“When providing information to the public, the media service provider shall ensure objectivity in its information provision that is appropriate to the nature of the information, the area of social life to which it relates and the nature of the programme content in which the information is broadcast, with the highest degree of objectivity required when providing information about the issues referred to in the Article 6, paragraph 1 of this Rulebook.”

Hear the Other Side rule

Article 8, paragraph 1

“If information in connection with which a particular person has a justified interest in making a statement is aired in the programme, and especially if allegations of incompetence, immoral or unlawful actions are presented or 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.”

Preserving court authority and impartiality

Article 31, paragraph 1

“It is not permitted during the course of criminal proceedings to present ideas, information or opinions pre-empting the outcome of the proceedings or which assess the procedural value of the evidence, adducted or to be adducted in those proceedings, in a manner that could influence the outcome of the criminal proceedings.”

Conclusion:

Proposal to initiate an examination procedure, due to the content in breach of the **Rulebook on the Protection of Human Rights in the Area of Media Service Provision**.

- Article 4, paragraphs 1 and 2;
- Article 5, paragraphs 1 and 2;
- Article 7, paragraph 1;
- Article 8, paragraph 1;

in connection with Article 61, paragraph 1, items 1), 3) and 4) of the **Law on Electronic Media**; as well as

- Article 31, paragraph 1 of the **Rulebook**.
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Monitoring and Analysis Service

