



REGULATORY
AUTHORITY FOR
ELECTRONIC
MEDIA

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Belgrade

Report of the Monitoring and Analysis Service

Ex officio **procedure**, based on the complaint of Adria News S.a.r.l. United Media S.a.r.l. and Igor Božić, through a duly authorised representative.

MSP: Radiodifuzno preuzeće STUDIO B d.o.o. - TV Studio B, Cara Dušana 208, Zemun, Belgrade.

Complaint: 04/09/2025

Subject of oversight: The entire programme

Summary: Labelling the television stations N1 and NovaS as "NDH1" and "NovaSS".

Report:

The complainants state that in certain programmes of TV Studio B (a recording of the programmes was submitted by the complainant), *inappropriate hate speech directed at TV N1 and Nova S and all the journalists, employees and associates of these television stations is tolerated and encouraged, particularly by pejoratively labelling them as 'NDH1' and 'NovaSS'. The complaint states that these expressions "carry extremely negative and traumatic symbolism because they are directly tied to the regimes that during the Second World War committed genocide and the worst forms of crimes against humanity", citing additional known historical facts about the criminal character of Croatia, Italy, and Germany in the period of the Second World War. The use of the aforementioned labels, according to the complaint, has a clear purpose and consequence: these media to be presented as enemy criminal organisations, on par with structures that, historically, have stood for genocide, ethnic cleansing and totalitarian terror. All of that is especially dangerous because it evokes deeply rooted historical traumas, fuels intolerance and creates a social climate in which the television stations N1 and Nova S are viewed as criminal organisations that are destabilising the country.*

Having conducted the review, the REM technical service notes that the labelling of the televisions in question as *NDH1 and NovaSS* was done in the context of a current political situation and represents a form of criticism and assessment of the editorial activities of TV N1 and Nova S, made by an actor on the opposing side of the political spectrum. These are televisions that, in relation to the current political moment, have essentially conflicting approaches and the Regulator has no possibility of delving into

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the issue of validity of either approach, and cannot influence the editorial right of media to voice critical views about another media outlet.

With regard to applying labels to the television stations that have a clear Nazi connotation, the technical service takes into account that they are legal entities. The provision relating to protection from hate speech includes a wide range of potentially vulnerable groups to which protection from hate speech protection may apply and does not stipulate that regulatory protection may apply to legal persons. The complaint states that the *abovementioned labels applied to N1 and Nova S represent hate speech that antagonises and endangers all persons employed with these televisions*; the technical service deems that the labels in question were not aimed at causing nor have they caused violence against the complainant, and also the argument cannot be accepted according to which severe labels against a media outlet as such are automatically projected onto the employees at the media outlet and pose a threat in whole or in part. Such a broad understanding of hate speech would call into question freedom of expression for which, in European case law, there is an established rule embodied in the judgments of the ECHR in Strasbourg which states that freedom of expression is applicable not only to "information" or "ideas" that are considered inoffensive, but also to those that *offend, shock or disturb (Handyside v. the United Kingdom, 1976)*, and also that *journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation (Dalban v. Romania, 1999)*.

In formulating its position, the technical service also relied particularly on the judgment of the ECHR (*Bodrožić v. Serbia* 2009), which took into account the aforementioned cases and has similarities to the situation in question insofar as it is also about allegations labelling (a private individual) J.P. as a fascist (and as an "idiot"), in a newspaper headline, but the Court nevertheless, taking into account the need to protect freedom of expression, ruled in favour of the plaintiff who complained about the previously rendered decision of the competent authorities of Serbia (including the then RBA - *Republic Broadcasting Agency*), which designated him as an offender. Compared to the case in question, this is a situation in which a person who is the subject of a media appearance is affected in a more far-reaching manner, because they were directly accused of being a fascist and even a member of a fascist organisation (completely unsubstantiated, which is also noted by the ECHR in its judgment) and who is a private individual and, as such, undoubtedly protected in relation to hate speech. Despite all this, the ECHR gave precedence to the protection of freedom of expression over protection from hate speech, deeming that a conviction is *not necessary in a democratic society*.

Having in mind the above, the technical service deems that there is no basis for initiating an examination procedure based on the complaint in question.

Conclusion: There is no basis for initiating an examination procedure.
