



ASSEMBLY OF THE CITY OF BELGRADE

Dragoslava Jovanovica Street no 2

Belgrade

Belgrade, October 8th, 2008

Subject: Proposal for the modification of the Draft of the Statute of the City that Assembly of the City of Belgrade has adopted and referred to public debate on the session held on September 16th, 2008

Dear Sirs,

We refer to you on behalf of *Independent Association of Journalists of Serbia* (NUNS) and *Association of Independent Electronic Media* (ANEM), as associations that gather journalists and electronic media, with central offices in Belgrade and members all over Serbia including in Belgrade. We are concerned about the *Draft of*

the Statute that Assembly of the City of Belgrade has adopted and referred to public debate on its session held on September 16th, 2008.

Statute of the City in the *Draft* that you have referred to public debate represents serious limitation of the right of freedom of expression, that is freedom to hold opinions and to seek, receive and impart information and ideas without interference by the public authority, which is guaranteed by the *Constitution of Republic of Serbia* (“Official Herald of Republic of Serbia” no 98/2006) and international instruments, such as the *International Covenant on civil and political Rights* (“Official Herald of Socialist Federative Republic of Yugoslavia” no 7/71) and the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (“Official Herald of Serbia and Montenegro” - International contracts no 9/2003, 5/2005). This is in particular as the article 26 paragraph 1 item 5 of the *Draft Statute* enables the city to found television and radio stations, newspapers and other means of public information, thus establishes the mechanism for founding and functioning of state media. In addition, the disputable provision does not envisage any systematic mechanism for protection of editorial independence of such media from the government.

Article 195, paragraph 2 of the *Constitution of Republic of Serbia* explicitly proscribes that Statutes, decisions and all other general acts of the units of local self-government must be in accordance with the law.

In this particular case, provision of the Article 26 paragraph 1 item 5 of the *Draft Statute* according to which the city is authorized to establish television and radio stations, newspaper and other means of public information, is in direct contradiction to the regulation of the Article 14 paragraph 2 of the *Public Information Law* (“Official Herald of RS” no 43/2003, 61/2005) which stipulates that founders of media outlets (and pursuant to Article 11 of the same Law, media outlets are considered: newspapers, radio and television programs and other public information media that publish ideas, information and opinions intended for public distribution and to an unspecified number of users), cannot be, directly nor indirectly, the state or territorial autonomy, nor institution, enterprise or other legal body that is prevalently

state owned or which is fully or predominantly funded from public revenues unless such a possibility is envisaged by a separate broadcasting law.

For these reasons, the *Draft Statute of the City of Belgrade* that authorizes *Assembly* to establish media is in contradiction to the *Public Information Law* and the article 195, paragraph 2 of the *Constitution of Republic of Serbia*.

In the interest of member of NUNS and members of ANEM, and above all in the interest of the public and to protect freedom of expression, that is freedom to hold opinions and to seek, receive and impart information and ideas without interference by the public authority, which is guaranteed by the *Constitution* and ratified international instruments, we request the *Assembly of the City of Belgrade* to promptly withdraw disputable and unlawful provision of the Article 26, paragraph 1, item 5.

In case the *Assembly of the City of Belgrade* disregarded the request to delete the controversial clause from the *Draft Statute*, NUNS and ANEM would resort to all available legal means including initiation of the legal proceeding before the *Constitutional Court* on the constitutionality and legitimacy of the *Statute of the City*. We would also request from the *Constitutional Court* to suspend execution of any act or activity that would be taken pursuant to the disputable provision of the Article 26, paragraph 1, point 5 of the *Statute of the City* until the final decision of the *Constitutional Court*.

NUNS President, Nadezda Gace

ANEM Chairman, Sasa Mirkovic