

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders

Ref.: AL SRB 2/2024
(Please use this reference in your reply)

30 April 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 52/9 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning acts of intimidation and threats, including death threats, against journalists Ms. Ana Lalić Hegediš and Mr. Dinko Gruhonjić.

Ms. Lalić Hegediš and Mr. Gruhonjić are journalists and leaders of the Vojvodina Association of Independent Journalists (IJAV), a professional association dedicated to the improvement of the journalistic profession and the protection of journalists. The IJAV carries out various activities to promote the freedom of expression and information, including support for legislative reform in the media sector. In recent years, the IJAV has been outspoken and critical of the challenges faced by media workers as well as the insufficient enforcement of laws, issues related to journalist safety, censorship, media privatization processes, and the economic strain on media.

According to the information received:

Between 6-8 March 2024, Ms. Lalić Hegediš took part in the Rebedu Festival in Dubrovnik, a self-defined meeting of 'anti-nationalist and anti-fascist minds', which is known for its sarcasm and satire. During the event, Ms. Lalić Hegediš participated in a panel discussion called "In the jaws of nationalism", where she spoke about alleged persecution faced by people in Vojvodina and reported on the threats she had received after her arrest in 2020. She also spoke in a sarcastic way about the emerging nation in the Serbian province of Vojvodina.

After the event, the speech she made during the panel was manipulated and made into a video which was shared through various communication platforms. The video was cut and edited to only include the sequences where she talked about the emerging nation in Vojvodina. The video omitted the important context in the rest of her speech, her explanation of how she was persecuted on a national basis and the sarcastic tone.

Since this event, Ms. Lalić Hegediš has been receiving online insults and threats, some of a sexual nature, as well as death threats.

Since 14 March 2024, Mr. Dinko Gruhonjić has been subjected to a public smear campaign, and has also been receiving online threats, including threats

of physical violence. According to reports, the series of threats against and smear campaign against Mr. Gruhonjić stems from a manipulated video montage from Mr. Gruhonjić's participation in the Rebedu Festival in 2023, which falsely implicated him in expressing the approval of sharing a name with Dinko Šakić who was found guilty of war crimes and crimes against humanity in the Second World war.

According to the information received, the offensive and threatening messages sent to both Ms. Lalić Hegediš and Mr. Gruhonjić have come from social media profiles with fake names or nicknames.

On 15 March 2024, Mr. Aleksandar Vulin, a Serbian politician and member of the Movement of Socialists Party, made a statement in the daily newspaper Novosti in which he spread the misinformation about Mr. Gruhonjić identifying with the war criminal Dinko Šakić.

On 20 March 2024, Mr. Milenko Jovanov, Serbian politician and member of the Serbian Progressive Party, made a speech in parliament in which he made false accusations that Ms. Lalić Hegediš "opposes the construction of Serbian churches" and Mr. Gruhonjić identifies with the war criminal Dinko Šakić.

On 21 March, an unknown individual went to Mr. Gruhonjić's private residence and painted graffiti on the wall of the entrance of his building which had a threatening message "Dinko will soon have forever home" signed by "Serbian Vojvodina". The graffiti was removed by a group of citizens who were at Mr. Gruhonjić's residence to support him that day. However, between 22-24 March another graffiti was painted in the same place which read "You did it for nothing!" (which is understood to mean that the removal of the painting was useless) signed by Liman (Liman is part of the town where Mr. Gruhonjić's lives in Novi Sad). On 28 March, a group of people demonstrated at the Faculty of Philosophy in Novi Sad, demanding for Mr. Gruhonjić to be fired.

Between 10-15 March 2024, the IJAV filed a total of five complaints with the Special Prosecutor for High Tech Crime in response to the threats received by the journalists. On 20 March 2024, the IJAV filed another complaint with the Basic Prosecutor's Office in Novi Sad in response to the threatening graffiti incident at Mr. Gruhonjić's private residence. According to reports, the prosecution has formed cases in response to the complaints.

This is not the first time that Mr. Gruhonjić has been threatened as a result of his work as a journalist. Over the last three years, he has been violently threatened four times in addition to the recent spike of threats. None of the perpetrators have been identified or brought to justice.

On 1 April 2020, Ms. Lalić Hegediš was arrested and her apartment was searched by police. Her phone and laptop were confiscated during the search. She was detained for one night for allegedly "spreading panic" from her reporting on the situation in the Clinical Center of Vojvodina in Novi Sad at the outbreak of Covid-19. No charges were brought against her and she was released the next day.

Without wishing to prejudge the accuracy of the allegations above, we are concerned about the safety and well-being of Ms. Lalić Hegediš and Mr. Gruhonjić in light of the series of threatening and violent threats they are receiving. We are concerned that the threats appear to be directly related to their work as journalists and because of their critical views on government policies.

We are alarmed at the violent nature of the threats, which put the journalists at serious risk. Additionally, we are concerned at the sexual nature of some of the threats received by Ms. Lalić Hegediš. We are also concerned at the ease at which some of the perpetrators were able to locate the residence of Mr. Gruhonjić, which underscores the danger this puts him and his family in.

We wish to convey our profound concern regarding the widespread discrediting statements and smear campaigns against Ms. Lalić Hegediš and Mr. Gruhonjić, which reportedly have been shared by members of parliament and some media, allegedly progovernment. We are concerned that these smear campaigns severely undermine Ms. Lalić Hegediš and Mr. Gruhonjić's legitimate work and the exercise of their right to freedom of expression.

We reiterate our concern about the pervasive hateful and divisive rhetoric in public discourse in Serbia, which has contributed to the vilification of human rights defenders, independent media and others critical of the government, as reported by the Special Rapporteur on freedom of opinion and expression in her recent visit to Serbia in April 2023.

Finally, we raise our concern about the impunity of the alleged perpetrators. Despite the IJAV reporting the threats to the Special Prosecutor for High Tech Crime and Basic Prosecutor's Office in Novi Sad, reports indicate that no decisive action has been taken to conduct thorough investigation, arrest the perpetrators nor to provide the journalists with adequate protection.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the steps taken by your Excellency's Government to investigate the serious threats received by Ms. Lalić Hegediš and Mr. Gruhonjić in order to bring those responsible to justice.
3. Please outline whether any protection measures have been put in place to ensure the safety of Ms. Lalić Hegediš and Mr. Gruhonjić while they continue to receive the above-mentioned death threats.

4. Please provide information on measures taken to ensure that civil society, independent media outlets and journalists and human rights defenders are able to carry out their activities in an enabling environment, free from threats, intimidation and attacks.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In particular, the facts alleged, if proved correct, appear to be in contravention with articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), succeeded to by Serbia on 12 March 2001.

We would like to recall that article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism', subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. It is also the States' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23).

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.