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On the basis of Article 25 paragraph 1 of the Law on the Public Prosecution Office of the Republic of Serbia, I issue

## GENERAL MANDATORY INSTRUCTIONS

I In order to achieve legality, effectiveness and uniformity in the actions of public prosecutions in cases of criminal offenses in which the safety of journalists and media workers is threatened, starting from the elements of the criminal offense Endangering security from Art. 138 st. 3 of the Criminal Code of the Republic of Serbia, which envisages the criminal law protection of persons who perform tasks of public importance in the field of information and in connection with the tasks they perform, criminal acts are determined which can be considered as suitable for endangering the safety of the mentioned persons:

### *Chapter XIII – criminal acts against life and body*

- Murder under Art. 113;
- Felony murder under Art. 114 para. 1 point 1, 2, 3, 5, 11 with the note that paragraph 1 point 8 criminalizes the deprivation of life of a person who performs tasks of public importance in connection with the tasks performed by that person (Article 112 of the CC prescribes that performing a profession or duties of public importance is considered a task that have an increased risk for the safety of the person performing it, and refer to professions that are important for public information, people's health, education, public transport, legal and professional assistance before courts and other state bodies);
- Serious bodily injury from Art. 121 para. 6 - incriminated infliction of serious bodily injury or serious damage to health to a person who performs tasks of public importance;
- Light bodily injury under Art. 122 para. 2;
- Participation in a fight from Art. 123 CC - if the participants in the fight were aware that the victim was a journalist;
- Threatening with a dangerous weapon during a fight or quarrel from Art. 124 CC - if the participants in the fight or quarrel were aware that the victim was a journalist.

### *Chapter XIV – criminal acts against the freedoms and rights of man and citizen*

- Unlawful deprivation of liberty under Art. 132;
- Abduction under Art. 134;
- Coercion under Art. 135;
- Extortion of confession under Art. 136;
- Abuse and torture under Art. 137;
- Endangerment of safety under Art. 138 para. 3 - incriminating endangering the safety of a person who performs tasks of public importance in the field of information related to the tasks performed;
- Stalking under Art. 138a;
- Violation of the inviolability of home under Art. 139 para. 2;
- Illegal search under Art. 140;
- Violation of privacy of letters and other mail under Art. 142 para. 3;
- Unauthorized wiretapping and recording under Art. 143 para. 3;
- Unauthorized photographing under Art. 144 para. 2;

- Unauthorized publication and presentation of another's texts, portraits and recordings under Art. 145 para. 2;
- Unauthorized collection of personal data under Art. 146 para. 3;
- Violation of freedom of speech and public appearance under Art. 148;
- Prevention of printing and distribution of printed material and broadcasting under Art. 149 para. 3;
- Preventing a public assembly under Art. 151 para. 2;
- Prevention of political, trade union and other alliance and activities under Art. 152 para. 2;

*Chapter XXV – criminal acts against the general safety of people and property*

- Causing a general danger under Article 278 of the CC;
- Failure to eliminate danger under Article 285 of the CC - if the defendant knew that the criminal offense from Article 278 of the CC was committed against journalists;
- Serious crimes against general security under Article 288 of the CC.

*Chapter XXX – criminal acts against the judiciary*

- Assistance to the perpetrator after the committed criminal offense under Article 333 of the CC - if the primary criminal offense was committed against journalist;
- Violation of the prohibition established by the security measure under Article 340a of the CC - if the security measure Prohibition of approaching and communicating with the victim is imposed on the defendant due to a committed criminal act against journalist, in connection with the work he/she performs.

*Chapter XXXI – criminal acts against public order and peace*

- Violent behavior under Article 344 of the CC;
- Violent behavior during sports event or public gathering under Article 344a of the CC;
- Criminal Alliance under Article 346 of the CC - if it is related to some of the criminal acts that threaten the safety of journalists;
- Making and obtaining weapons and tools intended for commission of criminal act under Article 347 of the CC;
- Participation in a group that commits a criminal offense under Article 349 of the CC.

II Public prosecutors are OBLIGED to act immediately on criminal complaints/reports for the aforementioned criminal acts when they were committed against persons who perform tasks of public importance in the field of information, in connection with the tasks they perform.

Public prosecutors are obliged to form a case and assign it to the deputy public prosecutor within 24 hours of receiving a criminal report or notification of a committed criminal act.

The deputy public prosecutor is obliged to take actions in accordance with the law within 48 hours of taking over the case, which must include inviting the victim to approach the public prosecution in order to provide additional information regarding the event in question.

It is necessary to inform the head public prosecutor in that public prosecution and the contact point in the immediately higher public prosecution about every prosecutorial and court decision made in every case from this area.

III. The appellate, higher and basic public prosecutions are OBLIGED to appoint a deputy public prosecutor as the contact point and primary prosecutor in charge for case in which the victim of criminal act is a person who performs tasks of public interest in the field of

information, in connection with the tasks he/she performs. Due to the volume of work, the public prosecutor can appoint deputy public prosecutors who will act as secondary prosecutors in charge for these cases.

The deputy public prosecutor who is the contact point is on constant alert during which he performs urgent work in the aforementioned cases, as well as during coordination with the contact points in this area designated by the Ministry of Internal Affairs and other competent state authorities.

Deputy public prosecutors who is the contact points in accordance with the law and the Agreement on cooperation between the Republic Public prosecution and journalist and media associations in connection with raising the level of safety of journalists, cooperate with the authorized contact points of the parties to the Agreement.

Contact information for deputy public prosecutor who is contact point is submitted directly to the immediately higher public prosecution, which forms a list of contact points in the territory of its local and substantive jurisdiction. The Republic Public prosecution keeps records of all contact points and their data.

IV The appellate, higher and basic public prosecutions are OBLIGED to keep special records in relation to the above-mentioned criminal acts when they were committed against person who performs tasks of public interest in the field of information, in connection with the tasks he/she performs.

Special records are managed by the deputy public prosecutor appointed for the primary contact point. The deputy public prosecutor and the public prosecutor are responsible for the accuracy of the data in the records.

Special records should contain information about the victim, media in which he/she is engaged, the criminal act, the time and place of execution, the actions taken and the prosecutorial and court decisions.

Appellate public prosecutions are obliged to submit to the Republic Public prosecution summary monthly reports on the conducted activities in the aforementioned cases of all public prosecutions within their area no later than on the seventh day of the following month for the month for which the report is submitted.

V Prosecutors ARE OBLIGED on the case file and on the first sheet of the case file (accompanying document with the criminal report or criminal report, etc.) to issue an order in red to register the case in a special record, after which the case is immediately delivered to the administrative staff for its recording and display in the report for the period in question.

VI In the case of non-compliance with the provisions of the mandatory instruction, the competent public prosecutor is obliged to examine the basis for initiating disciplinary proceedings due to the commission of a disciplinary offense under Art. 104 st. 1 pt. 4 and 5 of the Law on Public Prosecution.

The competent public prosecutor is obliged to inform the Republic Public Prosecution about the submission of a disciplinary report.

VII With the issuance of this Mandatory Instruction, the Instruction of the Republic Public Prosecutor A no. 802/15 of 22<sup>nd</sup> December 2015 cease to be applicable in the part related to keeping special records in relation to criminal acts committed against persons who perform tasks of public importance in the field of information, in connection with the tasks they perform and attacks on media websites.

Republic Public Prosecutor

Zagorka Dolovac