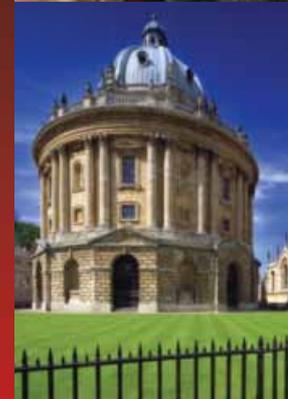


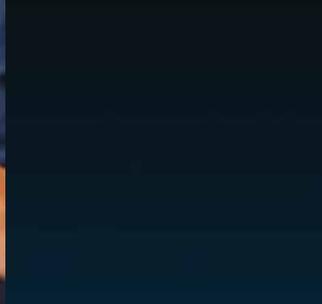
South East Europe Rounds

2012-13 Price Media Law Moot Court Competition

14 - 16 December 2012, Belgrade

The Programme in Comparative Media
Law and Policy, University of Oxford
in collaboration with the **University of Belgrade,**
Serbia





We are grateful for the continued support of our partners at the University of Pennsylvania's Annenberg School for Communication.

Sponsored by:



Price Media Law Moot Court Programme

The Price Media Law Moot Court Competition was founded in 2008 by the Programme in Comparative Media Law and Policy, University of Oxford. Over the past several years, the competition has grown significantly and has established itself as a high profile event on the media law and policy calendar. Every year outstanding students from diverse parts of the world come to Oxford to participate in the International Rounds of the Competition.



Though the Competition began only with Finals in Oxford, the Price Media Law Moot Court Programme now has regional rounds in South Asia, Middle East, the Balkans and the Americas.

The Price Media Law Moot Court Competition seeks to expand and stimulate an interest in freedom of expression and human rights by encouraging students to engage in comparative research of regional and international standards and cultivate their arguments in both written and oral forms.

South East Europe Rounds

The South East Europe Rounds of the Monroe E. Price International Media Law Moot Court Competition is organized in association with the University of Belgrade, Serbia. This year the competition will gather teams from Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Macedonia and Serbia.



The 2012 South East Europe Rounds will give participants the opportunity to interact with leading academics, policy makers and industry players from the region.

This year's moot problem deals with issues of social media, technology and content regulation to expose students to cutting-edge areas of media law and invites participants to apply international legal materials. The 2012 South East Europe Rounds will be the qualifying rounds for the 6th Monroe E. Price International Media Law Moot Court Competition to be held in Oxford in April 2013.

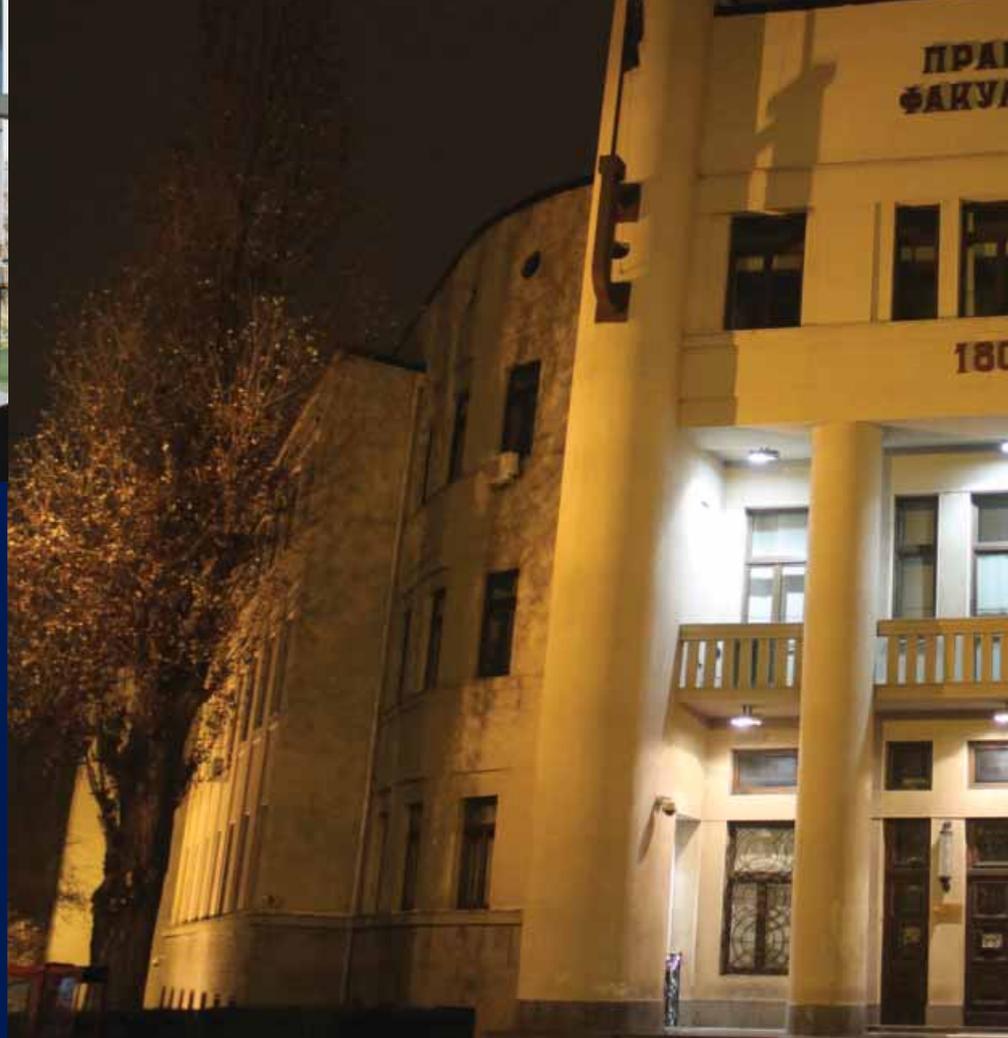


THE PROGRAMME IN COMPARATIVE MEDIA LAW AND POLICY (PCMLP)

is part of Oxford University Law Faculty's Centre for Socio-Legal Studies. PCMLP is a research and policy programme that brings together scholars, policymakers and practitioners to study contemporary issues in global media law and policy. The Programme has a particular interest in understanding media and governance in transitioning and fragile states.

PCMLP explores the vast changes in media policy across the world from multiple disciplines: law, politics, international relations, economics and anthropology, among others. We achieve our objectives through conducting academic and policy relevant research; supporting and developing our network; and offering academic training and support. More information on PCMLP can be found on our website:

<http://pcmlp.socleg.ox.ac.uk>

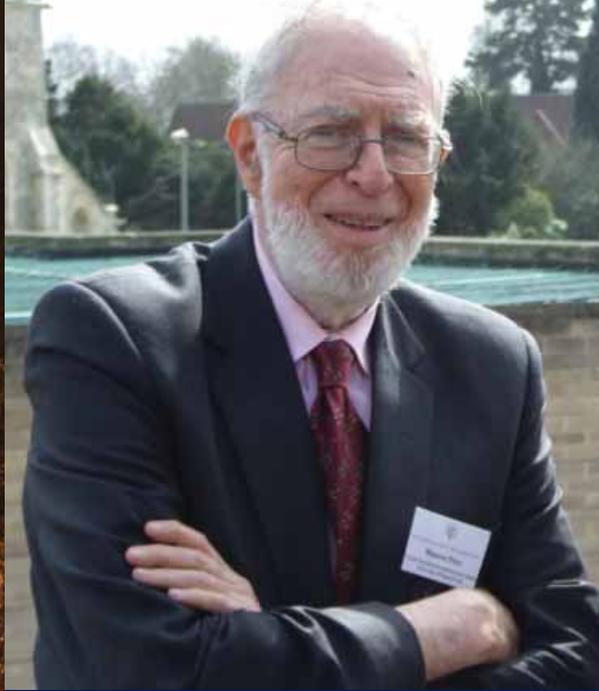


UNIVERSITY OF BELGRADE, SERBIA

The Faculty of Law, established in 1808 as part of the University of Belgrade, is one of the largest law faculties in the region, with a long tradition of being in the forefront of the country's legal education. The faculty has always rallied distinguished scholars and excellent lecturers. Since its founding, it has educated almost 50,000 law graduates, around 1,200 *magistri iuris* and 830

doctores iuris, as well as hundreds of specialists in various areas. A great many Faculty of Law alumni have become recognized experts and scholars in all branches of law, law professors and high ranking government officials.

At present there are about eight thousand students enrolled in the undergraduate studies at the Faculty of



MONROE E. PRICE founded the Programme in Comparative Media Law and Policy in 1998. He established the Programme as a place to encourage a network of practitioners and scholars from around the world, who would contribute to an understanding of the role of media in society.

A graduate of Yale College and Yale Law School, Professor Price is on the faculty of the Benjamin N. Cardozo School of Law and the Annenberg School for Communication, University of Pennsylvania, where he directs the Center for Global Communication Studies. Professor Price chairs the Center for Media and Communications Studies at Central European University and is the author of many books and articles on the subject of media and society.

Law, and hundreds more at various levels of post-graduate studies.

The University of Belgrade Faculty of Law continually modernises its curriculum, introducing new technologies, thus contemporising the learning facilities and enriching its highly qualified academic staff, which now encompasses over 110 professors and associate professors. Combining its

traditional values with the needs of the modern era as well as the demanding standards of the European Higher Education Area, the Faculty of Law has continued to strengthen its integrity, reputation, competitiveness and development capacities. The majority of the teaching staff is represented by young associates, a large number of whom have graduated from renowned international academic institutions.

Case summary 2012/13 Competition Year

Set in the coastal, mid-income country of Malamba, this year's case concerns liability for statements, transmitted via social networking sites, which are allegedly defamatory or seemingly injurious to public order. The social networking site in question, G8-Way, allows users to send SMS messages to other users within the network on a fairly large scale and has become an increasingly popular way to communicate. In January 2012, the Bregalian Times, a newspaper published in the neighboring Bregalian Republic, issued an article alleging that the President of the Bank of Langar (located in Malamba's capital) had been guilty of diverting the bank's assets for his personal use, as well as other allegations of corruption. The article was written by Torsom Bega, a Bregalian citizen who lives in Malamba's capital.

Following the article's publication, G8-Way users began discussing the article's content via SMS messages sent across the network. These messages included

invitations for fellow users to "Join at the Bank" and "Smash the Bank". By mid-afternoon, a large crowd gathered around the Bank's main branch and severely vandalized it. In response to this, the national mobile phone company was ordered to temporarily deactivate all mobile phone towers within one kilometer of a Bank of Langar location. This left users in these service areas unable to send or receive SMS messages or telephone calls.

Shortly after the riots, the Malamban Parliament passed a law authorizing any "financial institution" to request the immediate deactivation of any mobile phone tower within one kilometer if it foresees an imminent threat from unlawful mob action. The Malamban government also ordered G8-Way to turn over its complete records of its members along with all messages sent on the day of the riots.

The Bank of Langar President subsequently filed defamation lawsuits

against Torsom Bega and G8-Way regarding the corruption allegations which were published in the Bregalian Times and thereafter discussed across the G8-Way network. The Bank's President prevailed in all claims brought.

Torsom Bega and G8-Way, on its behalf and on behalf of its users, are now challenging the following under Articles 12, 19, and 20 of the Universal Declaration of Human Rights:

- a. The initial deactivation of the mobile phone towers and the threat of future deactivations.
- b. The requirement to disclose the messages sent by G8-Way users and the membership lists of the G8s.
- c. The prosecutions of G8-Way users for incitement to riot and knowing membership in a terrorist organization.
- d. The defamation lawsuit against G8-Way and Bega for the transmission of injurious falsehoods about the Bank's President.





Winning the International Rounds:

The experience of the University of Belgrade Faculty of Law

South European teams at the International Rounds in Oxford

The International Rounds of the 4th Monroe E. Price International Media Law Moot Court Competition in Oxford in March 2011 saw the victory of the team of the University of Belgrade, while University of Thessaloniki and University of Sarajevo have been participating in the last couple of years.

The strong performance of teams from the region in the International Rounds of the Price Moot Court has been a testament to the quality of moot court culture in the region. We hope to see more teams from the region in Belgrade and thus raise awareness and give greater significance to the Media Law in the region.

We took part in the 2011 Price Media Law Moot Court Competition for the first time. Given that Media Law is not a part of the regular curriculum at our Faculty, it was extremely difficult for the team to prepare for the competition. The team was preparing for the competition for six months. We had to undertake a deep and difficult research ourselves, starting basically from scratch. During the preparations the independent media association of Serbia and IREX/USAID helped a lot a team, both financial and educational.

The Oxford experience was exciting and extremely important for us. We learned a lot about media law through exchange of ideas with people from various countries and had the opportunity to see media law from their perspective. Also, we felt very welcomed in Oxford and met a lot of

interesting people, with whom we befriended easily.

When we were pronounced to be the overall winners and got best memorial prize, we were not able to understand that that was really happening. However, what amazed us even more, was the fact that this result was a huge news in our country and we were promoted as role-models for young people. This victory had a far reaching impact on the Media Law at our University and our country in general. The Belgrade Law Faculty established a tradition of sending teams since to the competition and even went on to co-organize the SEE regional rounds of the Price Moot. We would like to believe that this was not just a great result for us personally, but also a motivation for development of Media Law in Serbia.



Participants

University of Belgrade

Adriana Minovic
Igor Radovanović
Aleksandar Besarović
Nina Talić
Boško Vojkić
Stefan Ignjatović
Aleksandra Dubak

University of National and World Economy, Sofia

Ivan Dimitrov
Velislava Hristova
Polina Hristova
Stoyan Lazarov
Alexander Nanov

University of Nis

Dejan Vucetic
Ivana Stankovic
Milica Nikolic
Milica Andrejevic
Teodora Velickovic
Stevan Stanojevic
Sasa Markota

University of Sarajevo

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Feđa Bajraktarević
Elma Bešlić
Ena Mesihović
Kenad Osmanović

University of Skopje

Petar Dimitrov
Sara Kaevikj
Teodora Stolevska
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Gratsiela Georgieva
Vladislav Datsov
Simona Veleva
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Viktor Pápai
Dorina Ivanics

University of Zagreb

Branka Marusic
Kristina Mandic
Dina Salapic
Dora Stulic
Antonija Ivancan
Filip Kufrin
Ivana Cvitanovic

University of Zenica

Enis Omerovic
Dino Ahmetović
Dino Ćurić
Džejna Suljević
Vedran Bijelić
Lejla Zilić
Haris Mahir





Judges profiles

JADRANKA VOJVODIC is the Deputy Director & the Head of the Legal and Finance Department at the Agency for Electronic Media of Montenegro. She has extensive experience in the development and implementation of the media legal framework. She has been involved in the cases before the Administrative Court of Montenegro related to the broadcasters' and cable operators' rights and obligations in the field of copyrights and licensing. She has been member of the Standing Committee on Transfrontier Television and a member of the Executive Council of the European Audiovisual Observatory.

DR KRISZTINA ROZGONYI has been a senior regulator and legal adviser for a number of governments, regulators, and companies. Dr. Rozgonyi used to be Chairperson of the Telecoms Authority in Hungary, acts as adviser to the Serbian Government in digital switchover, works in Kirgызistan, Armenia, and Georgia as director for the World Bank CAS InfoDev project. She also works for the Rwandan regulator RURA as an ITU expert. Her special areas are media and telecommunications regulation, digital switchover legal strategies, media law focusing on digital age issues and copyright law focusing on digital archives. Dr. Rozgonyi is member of the editorial board of International Journal of Digital Television.

MILENA DJORDJEVIC is an Assistant Professor in International Commercial Law and Arbitration Law at the University of Belgrade Faculty of Law. She also does consulting work for domestic companies, institutions and international organizations including the USAID, GTZ and IFC and is listed as arbitrator on the List of arbitrators of the Foreign Trade Arbitration attached to the Serbian Chamber of Commerce and Foreign Trade Arbitration Court attached to Chamber of Commerce of Montenegro. As a visiting professor at the

University of Pittsburgh she taught a course on International Commercial Arbitration in fall 2010.

DR SAŠA GAJIN, teaches human rights, media law and equality law at the Faculty of Law, Union University in Belgrade. He co-drafted the Law on Public Information (2003), the Law on Free Access to Information of Public Importance (2004), and the Law on Advertising (2005).

SLOBODAN KREMENJAK is a head of IP, media and telecommunications practice group at Zivkovic Samaradzic Law Office in Belgrade. He is a media law adviser for major association of Serbian broadcasters since 1998 and was a member of the several expert groups founded by the Serbian Government for drafting of the media and telecoms related legislation. Slobodan is 2005 ANEM Lighthouse Award laureate for his personal contribution in development of the media sector in Serbia.

DJORDJE KRIVOKAPIC is associate lecturer at the Faculty of Organizational Sciences at the University of Belgrade, where he teaches courses on Business Law and IT Law. Djordje graduated with a degree in law from the University of Bečgrade, received an LL.M. from the University of Pittsburgh School of Law. During 2010 and 2012, Djordje spent summers as a visiting researcher at the Berkman Center for Internet and Society at the University of Harvard Law School where we researched intersection of law and technology as well as impact of the emerging information technologies to the society. At the moment, Djordje is finishing his PHD thesis at the University of Belgrade focusing on private international law aspects of violations of privacy and personality rights, particularly implications of these violations performed via Internet on jurisdictional, choice of law and recognition & enforcement issues.

Judges profiles

MILOS STOJKOVIC is employed at Zivkovic Samardzic Law Office, dealing with Telecom and media related cases. Before that he was employed at Ministry of Culture, Media and Information Society at position Head of the regulatory department in the Sector for electronic communications. He has been involved in the process of drafting the Law on electronic communications and the Law on electronic media as member of the working groups. He was also participant of Annenberg-Oxford summer Institute and Internews fellow.

ASJA ROKŠA ZUBČEVIĆ works at the Communications Regulatory Agency of Bosnia and Herzegovina for a number of years, dealing with all aspects of regulatory issues for audiovisual media sector, including the defense of freedom of expression case before the human rights court. She holds M.A. in human rights and democracy (University of Bologna and University of Sarajevo), and a bachelor's degree from the University of Illinois at Chicago, USA.

JELENA OLOFSSON is Legal Manager of IREX Serbia Media Assistance Program. Previously, she served as Staff Attorney at the American Bar Association Rule of Law Initiative and Norwegian Refugee Council Civil Rights Project.

PROF. DR. DRAGOLJUB POPOVIC was a tenured professor of Law in Belgrade University until 1998, further on a practising lawyer, a guest researcher at the Institute of Federalism in Fribourg University in Switzerland and ambassador of his country to Switzerland. Since April 2005 he has been a judge at the European Court of Human Rights in Strasbourg.

ARMER JUKA is a State Advocate representing the Republic of Albania before foreign jurisdictions, especially international arbitration. He was a lawyer from 2009 to 2012 at Haxhia & Hajdari, a leading law firm established in Tirana. He has a special interest in moot court competitions, having participated himself as a student in the European Law Moot Court competition and having been a judge at the first edition of the Euro-Albanian Moot Court competition on Human Rights.

PAOLO CAVALIERE received his PhD in International Law and Economics at Bocconi University, Milan, Italy. He is currently a Research Fellow of the Center for Media and Communications Studies of the Central European University in Budapest where he taught Fundamentals of Media and Communications Policies in the MA in Public Policy. Prior to this, he was a Joint Visiting Researcher at University of Pennsylvania Law School and Centre for Global Communication Studies, Annenberg School for Communication in Philadelphia, and a Teaching Fellow at Bocconi University.

MR DUŠAN STOJKOVIĆ is Media and Intellectual Property lawyer at Stojković & Prekajski law office in Belgrade. His achievements are: leading the working group on Advertising Law 2003, New Domain Names Policy in Serbia, Guest Lecturer professor in Internet Law at Law Faculty University of Belgrade, Active member of Domain Names Arbitration in Serbia (RNIDS), member of Working Group for Law on Electronic Communication 2009, member of Working Group for Law on Public Information.

Acknowledgements

We are grateful for the support from our network of colleagues and sponsors.

A special thank you to all the judges, who took the time out to judge the moot and especially to three memorial judges, Vesna Alaburic, Slobodan Kremenjak and Meghan Campbell, who invested huge amounts of time and effort in evaluating and commenting on each of the

memorials. Some of the judges have come from outside Serbia and we appreciate their commitment to developing and supporting the moot.

The South East Europe Rounds of the Monroe E. Price International Media Law

Moot Court Competition would never have been possible without the support of key sponsors, Internews, Serbian Ministry of Culture and Information, Delegation of the EU to the Republic of Serbia and OSCE Mission to Serbia.





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