

## **Online violence and hate speech against journalists**

***By: Nikola Vucic***

*The culture of violence, which is strongly felt in Bosnia and Herzegovina, found an ideal soil to manifest itself through digital violence and hate speech, regardless of whether these are individual or organised incidents, partisan-motivated or lobbied assaults against the reputation and honour of journalists. N1 reporter and producer Nikola Vucic, a member of BH Journalists Association and the International Federation of Journalists discusses the matter in an analysis of violence and hate speech against journalists.*

### **Introduction**

One of the most frequent questions in the conferences with a thematic focus on media, violence and hate speech is “what is the difference between freedom of speech and hate speech.” This analysis will, however, focus on the increasing presence of hate speech on the Internet and online violence that journalists in Bosnia and Herzegovina are faced with, especially the ones who often use their visibility in the public discourse to articulate argumentative criticism towards the nationalist policies or informal and formal groups that incite intolerance and discrimination. Comprehended in this way, journalism is becoming a profession that has a strong corrective potential and socially-responsible capacity, which is why it is becoming a target of online violence, hate speech, orchestrated attacks and attempts of systemic discrediting, backed by interest lobbies with political background as a rule. We are aware that day by day, at the lightning speed, the world of the Internet is offering new opportunities – the positive ones, which can contribute to the improvement of the quality of life for the benefit of mankind, but also the negative ones that open the door to radical and anonymous groups to act by a covert political order and put a target on journalists, intellectuals, activists because of their public speech. It is, however, necessary to draw attention to the fact that such development of technology, digital tools and possibilities is not followed by adequate law regulations on the open network, which is why the “grey zone” is becoming larger and more dangerous for the integrity of professionals in journalism and their human rights. The term “hate speech” is not even mentioned in laws of Bosnia and Herzegovina,

but related processes are instead treated by articles that deal with the religious and national hatred and intolerance, within the Criminal Code of BiH (Article 145.a), the Criminal Code of the FBiH (Article 163), the Criminal Code of the RS (Article 390), and the Criminal Code of the Brcko District (Article 160). In addition to laws, the OSCE provided guidelines for the development of Strategic Framework for Cyber Security in Bosnia and Herzegovina, while the Press Council is acting as a permanent body monitoring and regulating the content and security. It is exactly this “grey zone” between the opportunities provided by the Internet and the lack of the legal framework that enabled the digital violence to head towards two key directions: individual and organised violence, inciting the hate speech against and demonising of - primarily and relevant to our analysis – journalists.

No doubt that abovementioned conditions contributed to the spread of social intolerance from societies onto the network, without any adequate sanction or protection available. In other words, the culture of violence which is strongly felt in Bosnia and Herzegovina found a perfect soil to manifest itself through digital violence and hate speech, regardless of whether this is about individual or organised incidents, partisan-motivated or lobbied assaults against the reputation and honour of journalists. The current practice means that an author, i.e. a journalist, is fully responsible for the written content and its accuracy and is subject to the defamation law, while no regulation obliges anonymous commentator to write a comment that is not defamatory. In more serious cases that include calls for murder or death threats, journalists can file a criminal complaint, which they usually do, but competent authorities will not act in these cases *ex officio*. Statistic data on attacks on journalists are not up to date and are compiled by non-governmental organisations, so the number of those that have been recorded is far lower than real number of those incidents. In 2019, the BH Journalists Association recorded 56 cases of violation of journalists’ rights, of which nine cases included physical assaults and 21 included threats. Eight of those were death threats and nine involved political pressures. However, the number of defamatory comments is significantly higher. Organised assaults of groups on individuals with an aim to intimidate, harm the reputation and discredit journalists is a new type of online violence. Such activities are particularly popular among ethnonationalists and pro-right activists. Ethnonationalist groups lead the way in Bosnia and Herzegovina and they are either openly or indirectly linked to nationalist political parties, which

use the lack of the legislation to repeatedly distribute defamatory information about journalists who investigate social deviations, and to create the ‘atmosphere of lynching’.

### **Hate speech: Towards law regulations?**

We identified a problem that could possibly be regulated by law only at the local level and that concerns the law (non)-regulation of hate speech, which is defined as the verbal or written speech boiled down to public inciting or triggering of hatred towards a group (or an individual) because of their beliefs, for the purpose of intolerance, discord, discrimination and violence, as well as heating up already existing hatred which only increases, gets stronger and deeper in public discourse. We also identified that current legislation in Bosnia and Herzegovina does not treat hate speech in adequate way, which makes this practice a real social and cultural issue. Let’s draw the attention to some very indicative data here. Namely, according to the Free Media Help Line, 35 cases of violation of journalists’ rights have been recorded in the period January-June 2021, including threats, online assaults, pressures, censorship, banned access to information, defamation lawsuits, labour disputes and other forms of pressure on media. Online hate speech and violence against journalists has been increasing significantly. [Gender-based violence online](#) amounts to 53%, and only two-thirds of female journalists report online violence to its management. [Over the past three years](#) more than 40% of journalists were exposed to attacks or threats, while 75% of them experienced it with a politician or an official.

Speaking in a seminar on the role of media and journalists in preventing and reducing hate speech in media content, Council of Europe’s international expert, attorney Jonathan Price, analysed several specific examples involving female journalists who were exposed to hate speech in different situations, with special focus on negative trend of the increasing gender-based hate speech:

**“Hate speech is the enemy of freedom of speech and the old norms and values related to freedom of speech will disappear, not only because governments apply inadequate solutions, but also because of a barrage of fire that aims to silence the voice of journalists. There is a huge**

**problem related to hate speech towards journalists in situations where hate speech is directed towards a particular person. Investigative journalists around the world are exposed to massive online attacks. Most importantly, all cases of hate speech must be investigated and prosecuted. If that does not happen, the escalation of hate speech can lead to extreme situations, even deaths.”** ([Jonathan Price, 2021](#))

Sarajevo Canton Assembly member, university professor Damir Marjanovic, filed a proposal of Law on Prohibiting the Hate Speech, which was preceded by Marjanovic’s draft law that was discussed in public debates. If adopted, the law proposal will define the hate speech ban in Sarajevo Canton. The document defines hate speech as the use of speech for the purpose of attacking, as well as derogatory, insulting, intimidating or disturbing expression, which incites violence, hatred and discrimination. Article 3 of the proposal stipulates the ban of hate speech towards a group or a group member on the ground of racial, religious, national or ethnic affiliation, origin, skin colour, sex, sexual orientation, gender identity, disability or any other feature.

**“Whoever encourages or makes available in public through newspaper, radio, television, computer system or network, in a public gathering or any other way, the leaflets, images or other materials calling for violence or hatred against a group or a group member because of their racial, religious, national or ethnic affiliation, origin, skin colour, sex, sexual orientation, gender identity, disability or any other feature, will be punished with prison for a period not exceeding three years.”** ([Damir Marjanovic, a part of the law proposal](#))

When it comes to the legislation that is currently in force, the law proponent has noticed that the focus mostly rests on ethnic, racial or religious hatred, i.e. intolerance among constituent peoples, which is a very small portion of protected categories compared to the European Union member states. It was also noted: “Evidently, the current legal framework (...) focuses on limited categories it protects. The draft law offers a broader protection and is in line with the best solutions in the EU member states, which concern the protection of vulnerable categories. The European Union’s legislation today also recognises hate speech as a form of discriminatory behaviour and

incriminates and prohibits it as such. The Charter of Fundamental Rights of the European Union forbids in its Article 21 discrimination on the grounds of nationality, sex, race, skin colour, ethnic or social origin, genetic attributes, political or other beliefs, membership of a national minority, property, birth, disability, age or sexual orientation.” Applying the proposed law regulations, argues Marjanovic, does not require any additional budget funding. Based on this document, BiH Parliament member Denis Zvizdic sent to parliamentary procedure a [proposal of changes to the Criminal Code of BiH](#) with an aim to expand the scope of the hate speech ban in a way that it does not concern only national, racial or religious hatred or intolerance, but to include every form of hatred that has been for years contaminating the public discourse of Bosnia and Herzegovina.

### **‘Loopholes’ at the expense of journalists in BiH**

Journalists in BiH are expressing concern over the numerous instances of online violence and hate speech that were never prosecuted, which is why many fear that extremist individuals and groups could move ‘from talk to walk’, i.e. jeopardise their lives because of the journalists’ socially-responsible engagement. Editor of the Mostar-based Tacno.net web portal Stefica Galic answered a few questions for the purpose of this analysis, as she herself was exposed to assaults on numerous occasions, both verbal and physical ones, as well as orchestrated attacks on social networks. Stefica Galic, who is a member of the BH Journalists Association, was asked what is the trigger for orchestrated online attacks and hate speech. She replied that it is usually because of her public engagement where she openly criticise nationalist policies and authorities, criminal strongmen in system, or when she speaks about the necessity of facing the war past and the crimes committed in the 1990s in Bosnia and Herzegovina: **“Sometimes the organised attacks by veteran organisations and extreme rightists on social networks, in media, in the street, or at the police would last for days, and sometimes certain individuals in the system would threaten in their own way. I don’t get frustrated by that anymore. I believe that what irritates them the most is that I am a woman who dared to speak out contrary to already defined ‘official truths’, plus run a web portal that is a left-leaning activist story in an extremely rightist environment,”** explains Galic. Radical groups see Galic as an obstacle also because she is a BiH Croat who, among other things, speaks about the crimes committed by the Croat military units in the 1990s,

which is why she is labelled as a traitor. Attacks that she experiences are often gender-based. She sought justice many times, relying on the rule of law, but mostly with negative outcomes.

**“I was reporting hate speech and threats to police or prosecutors many times, and it would all for years either be kept in drawers or processed in courts for years, trivialised, mocked, and in the end nobody would be punished or the punishments would be insignificant or symbolic. (...) The only case that ended in my favour was the judgement for the woman who physically attacked me, and she got three months probation – insignificant but something at least. The hatred is also spread by right-leaning web portals with no impressum and with no responsibility at all. I will not report anything again because I don’t believe that justice exists in such system, and I don’t trust police because they attacked me several times. The threats I get now I solve by myself. I publish them on my Facebook page and ask if anyone knows that person. People immediately get back to me with information and I always find them, report to their employer and in a few days I get an apology and a promise it will not happen again. I am certain that this is more efficient than reporting it to the police or prosecutors who take no action. For a few years I have been included in the Bundestag protection programme and I have been experiencing less attacks since then.” (Stefica Galic, 2021)**

### **‘Halal Croat’, personal experience**

In unarranged conditions of legal protection of journalists and citizens of Bosnia and Herzegovina from hate speech and online violence, which can even provoke physical violence, I gained a personal experience in spring 2020 when I was exposed to orchestrated attacks that were even recorded on the Council of Europe platforms. The orchestrated attacks by pro-rightist activists on social networks over my critical and sarcastic post about the necessity to declare a part of Bosnia and Herzegovina “a fascist-free zone” had culminated into a public call for violence. That was, unfortunately, expected, given the fact that pro-rightist activists labelled me as a ‘halal’ Croat, traitor, persona non grata, writing in their posts that my father was a war prisoner as a Croat in a

camp run by the Army of the Republic of Bosnia and Herzegovina in 1993 and 1994, thus implying my betrayal of the Croat people in Bosnia and Herzegovina. Following the threats, the Council of Europe's Platform for the Protection and Safety of Journalists also reported on the case. The threats were qualified on the platform as "Attacks on physical safety and integrity of journalists" and it was noted that the source of threat was "non-state".

**“Reacting to the news on the self-declared “corona-free zone” in West Herzegovina Canton, Nikola Vučić, sarcastically asked on his Twitter account “if the ‘fascism-free zone’ would be declared soon”. The comment was followed by threats and calls for violence against him, including statements that Vučić, should end up “in Neretva river or put on a stake. He (...) received numerous other insulting messages against him and his family. Vučić, has since closed his Twitter account while some media reported details of his life that bear no public interest.” [\(2020\)](#)**

More than a year after reporting the male person who called for violence by “putting on a stake and throwing into the Neretva river”, the author of the message of evidently threatening content has not been sanctioned, while competent bodies failed to inform me as the person who filed the complaint or the public about specific prosecutorial decision regarding the complaint over jeopardised safety. The OSCE, the Safe Journalists Network, Reporters without Borders, as well as many public figures, and academic community condemned the attacks, threats and hate speech. The BH Journalists Association's Steering Board drew attention to “unacceptable launching of media chase after Nikola Vucic, as well as political manipulations, factually ungrounded headlines and generalisations regarding his comment in some media outlets based in Herzegovina. Particularly unacceptable was the violation of rights to privacy as well as unnecessary exposing of Vucic's parents, especially his father, in public, for which there was no reasonable ground or justified public interest.” [\(BN, 2020\)](#)

## **Challenges and Perspectives**

Introducing the sanctions for hate speech in public discourse, which includes hate speech towards journalists in Bosnia and Herzegovina, has to be regulated by law as soon as possible, because this will contribute in the long run to the democracy building in Bosnia and Herzegovina, which is a whole process. This will, eventually, increase the degree of communication culture in public discourse, which will encourage journalists in their criticism and reporting, and will also prevent political pressures and politically motivated attacks against journalists. Researcher and lecturer at the Sarajevo University Faculty of Political Sciences, Belma Buljubasic, deems that digital violence and hate speech are often politically motivated in Bosnia and Herzegovina, and this political motivation is evident in the cases such as the ‘Ventilators’ affair, which occurred during the pandemic in BiH, but also through hate speech directed towards Sarajevo-based FACE TV owner Senad Hadzifejzovic<sup>1</sup>. Buljubasic argues that “partisan bots are spreading hate speech on social networks, acting through numerous pages and accounts to abuse and lynch journalists.” (2021) The ways in which this is carried out in Bosnia and Herzegovina are similar, as a rule: Photoshopped images of public figures, addressing disgusting insults and curses, and when these are reported to social media, the most often response is that the content does not violate any standards. “Seems like the only reactions are those to open curses and death threats, while the rest goes unnoticed,” said Buljubasic. In her opinion, the law regulations are necessary, while the legislation that is currently in force is problematic because of its ambiguity and inadequate definitions, which creates the room for arbitrary interpretations. According to her, the strong relation between judiciary and political actors, which already poses a problem, is opening many other issues. Some researchers, including Buljubasic, advocate banning of open and free commenting on web portals, arguing that many people in BiH fail to understand the distinction between freedom of speech and hate speech, i.e. that “the freedom of speech does not mean we are free to write rubbish and insult other people.” (2021)

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1 In the case of Senad Hadzifejzovic, the threats that he received and hate speech against him were politically motivated. The journalist insisted on more transparency in work of the persons directly linked with the Party of Democratic Action (SDA). The Prosecutor’s Office of Bosnia and Herzegovina launched an investigation involving Jasmin Mulahusic, place of residence Luxembourg, for stirring up ethnic, religious or racial hatred and intolerance through various online posts, in public and on social networks. Competent police agencies carried out checks and collected information, while journalist Senad Hadzifejzovic was interrogated in the capacity of a witness and injured party. The Border Police of Bosnia and Herzegovina was ordered to deliver Mulahusic to competent judicial bodies, if he attempted to enter Bosnia and Herzegovina.



**“Also, I believe that as a society we are elementary illiterate, and it would be pointless to speak about political literacy. Therefore, I think, the best solution would be a total ban on commenting because incredible amount of hatred is being spread through digital media. It often ends in threats and potentially means a jeopardy for the person to whom the comments refer. So, it would be more humane and simple to ban the comments, although the many will say this is opposite to democratic principles.” (2021)**

BH Journalists Association Secretary General Borka Rudic notes that news websites’ editors in Bosnia and Herzegovina should use more the options of editing or deleting the comments on published articles, which spark numerous reactions, especially incitement, threats and hate speech. That is, argues Rudic, “their responsibility and they must spend more time working on those duties as a part of their editorial responsibility.” (2021) She reminds of the European Court of Human Rights’ judgment in the case *Delfi AS vs. Estonia*<sup>2</sup>, which ruled that the media outlet must remove inappropriate content containing hate speech, stressing that “such obligation for editors in BiH became even clearer and more necessary” after that. Speaking for the purpose of this analysis, Borka Rudic further notes:

**“I also think that editors here are not using enough the option of locking up the comments section for the articles that they expect might spark heated reactions including hate speech. That is the professional and human responsibility that editors have in our post-war and quite radical society, marked with various sorts of trauma. Media should never call into question their role in preventing every sort of violence, especially the one in online sphere. In addition to that, it is important to improve legislation, particularly criminal legislation, and to define hate speech as an act of crime, and to adopt the Law on Transparency of Media Ownership as soon as possible, to put into order the chaos in**

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2 A court in Estonia ruled that a local internet news portal Delfi was liable for the defamatory comments posted on this website in the user comments section. In 2013, the European Court of Human Rights also determined that Delfi was responsible for the users’ comments. Following the trial, Delfi filed an appeal to the ECHR ruling, hoping that the judgment would be rejected. But, the court decided that the news portal was liable for the content of anonymous and defamatory comments posted by its users.

**establishing and work of web portals in BiH, with very problematic ownership and political structures behind them.” (2021)**

**Conclusion**

Compared to the analysis that was published in 2013 by Sevima Sali-Terzic, which treats the issue of hate speech and compares international standards in human rights with the legal framework in Bosnia and Herzegovina, not much has changed. As Sali-Terzic concludes, “(...) hate speech is still, in various ways, present on BiH’s social and political stage. Unfortunately, one of the main problems is the lack of the will to consistently implement the rule of law principle, i.e. to consistently apply laws and affirm the standards concerning human rights, and to combat every form of discrimination and in every possible way.” (2013) So, in addition to much needed law regulations, it is also necessary to resume educative activities and to advocate the reform of education systems at all levels, with accent on communication culture, understanding democracy in its plurality, and to encourage the youth to communicate a potential disagreement with certain content in a way that will respect others and will not be fueled by hatred and calls for violence. This will serve as additional incentive to journalists in Bosnia and Herzegovina to more actively investigate corruption, violation of human rights, political abuses and non-transparency of different formats.

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