



**safejournalists.net**

# **Western Balkans Journalists' Safety Index**

**Bosnia and Herzegovina 2020 Narrative Report**

# CONTENTS

LEGAL AND ORGANISATIONAL ENVIRONMENT

6

DUE PREVENTION

16

DUE PROCESS

23

ACTUAL SAFETY

30

# Introduction

The Western Balkans' Journalists' Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the WB countries, that have direct or indirect impact on the safety of journalists and media actors while practicing their profession. The WB-JSI relies primarily on the research evidence collected and analysed by the partners of the [Safejournalists.net](https://www.safejournalists.net) Platform in compliance with a rigorous procedure of inquiry. The collected data on various dimensions of the complex concept of 'journalists' safety' is quantified and aggregated into a composite indicator – Journalists' Safety Index, to measure the changes across the seven Western Balkans' countries over time. Based on the research evidence, nine members of the Advisory Panel in each country<sup>1</sup> assess the situation and assign scores to each of the 19 indicators within the following dimensions:

- (1) **Legal and organisational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists;
- (2) **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety;
- (3) **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute<sup>2</sup> and partners of the [Safejournalists.net](https://www.safejournalists.net) Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media of Montenegro, Association of Journalists of

<sup>1</sup> In Bosnia and Herzegovina the Advisory Panel consisted of Dejan Lučka, Milkica Milojević, Aida Štilić, Enes Osmančević, Anida Sokol, Jesenko Krehić, Faruk Kajtaz, Siniša Vukelić, Zinaida Đelilović.

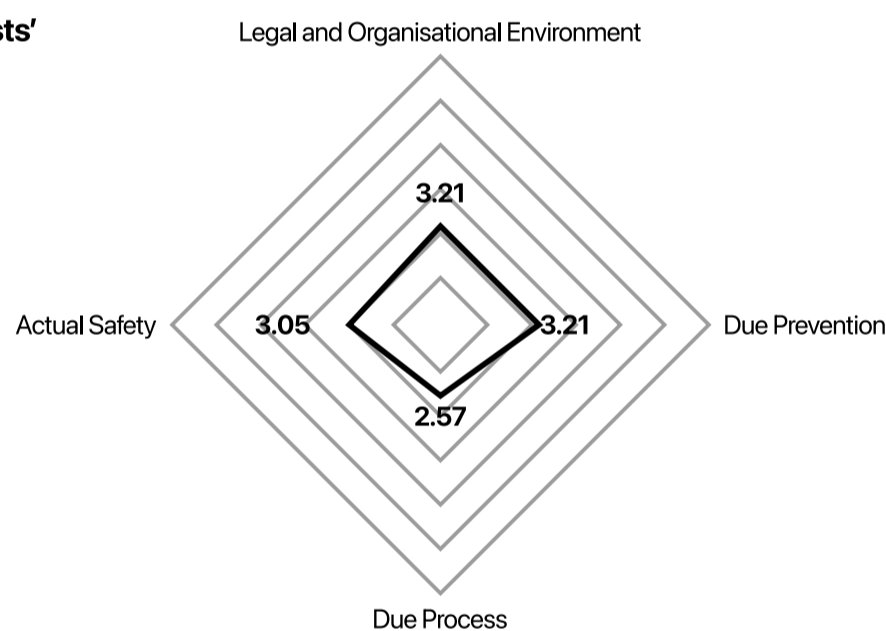
<sup>2</sup> The researchers of the RESIS Institute ([www.resis.mk](http://www.resis.mk)), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toševa have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Macedonia, Association of Journalists of Kosovo and Croatian Journalists' Association and independent researcher in Albania<sup>3</sup>. As such, the Index is a result of a joint effort of the Platform [Safejournalists.net](https://safejournalists.net) and covers all the specific issues that local partners identified as relevant for their country contexts.

This report refers to the situation in Albania in 2020 which was designated as the first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. In the upcoming years, the improvement or deterioration of the situation in all countries will be measured by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found at: <https://safejournalists.net/safety-index/>.

## — SUMMARY

**Journalists'  
Safety  
Index  
3.00**



### I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- Although the laws are generally good, uneven case law often leads to abuses, and the number of defamation lawsuits filed by politicians and other officials against the media remains very high. In July 2020, there were 289 active defamation lawsuits. Journalists generally perceive defamation lawsuits as pressure on their work and feel that certain court decisions are politically motivated.
- Although the protection of journalistic sources is guaranteed by law, some politicians and judicial

<sup>3</sup> Blerjana Bino as independent researcher in Albania for Safejournalists.net platform.

representatives often exert pressure on journalists reporting on corruption to reveal their sources. However, in 2020, there were no sanctions for journalists who refused to reveal the identity of the source nor court rulings ordering them to do so.

- In 2020, the authorities tried to restrict the right to freedom of expression for journalists and citizens by adopting regulation under the pretext of preventing the spread of panic during the pandemic; there have been several recent cases of SLAPP lawsuits with extremely high damages.
- There are no journalist licenses and there have been no attempts to deny journalists the right to report due to lack of valid accreditation. Journalists are free to form unions, but they feel that the existing unions are mostly influenced by politics and/or media owners. In BiH, there is no union that brings together exclusively journalists and fight for their rights.
- Journalists mostly do not have permanent employment contracts and their salaries are below average. Their labor rights are often respected only "on paper". In 2020, many journalists were either laid off or faced pay cuts. There are no collective agreements, and unions in the private media act mainly in the interests of media owners.

## **II. DUE PREVENTION**

- There are no special mechanisms or fast and efficient protective measures in the institutions aimed at the safety of journalists, except for the regular procedure of reporting the incident to the police authorities. During 2020, a large number of threats and intimidation were recorded. The police generally react quickly to reported cases, but the problem arises when the cases reach the prosecutors, i.e., the courts. Threats made through social media are rarely sanctioned.
- Under the law, journalists can receive police protection if the competent institutions deem it necessary, which happens very rarely.
- In cases of gender-based violence and discrimination, female journalists have several organizations that they can turn to, but they still most often turn to NGOs for help.
- Political officials rarely condemn attacks on journalists and are most often in the role of those who attack journalists and seek to restrict media freedom.
- Although they do not have officially adopted guidelines for work with journalists, members of the police are well acquainted with the rights of journalists, and journalists mostly have positive cooperation

with the police. In 2020, no journalist was illegally detained. Reported were two cases of police brutality against journalists and journalist teams.

### **III. DUE PROCESS**

- There are no special investigation teams for cases of attacks on journalists, and journalists are not satisfied with the efficiency of investigations.
- Investigations of physical attacks on journalists are often lengthy and ineffective, and in some cases investigations have been suspended despite evidence of the attack. Investigative bodies generally do not focus on the motives and identifying the possible sponsors of the attack.
- Online harassment is not recognized in BiH criminal codes, which makes it significantly more difficult to prosecute and sanction such cases.
- Institutions, especially prosecutors' offices and courts, are generally non-transparent and provide little information on individual cases of attacks. A communication strategy for journalists and citizens does not exist.
- No special statistics on attacks on journalists are kept within police and judicial institutions. The 2018 HJPC BiH Instruction on Special Classification of Cases Concerning Journalists has not yet been implemented.

### **IV. ACTUAL SAFETY**

- During 2020, a dozen cases of verbal attacks and threats to journalists unrelated to their physical security were registered. Worryingly, political pressures aimed at stifling investigative journalism and attempts to discredit journalists and media who write about corruption scandals are constant.
- The number of death threats during 2020 was 6, which is slightly less than in 2019, when 8 such threats were registered. It is worrying that none of the attackers has been sanctioned.
- Of the 3 reported physical attacks, only one case was referred to the Prosecution for further action. On the positive side, the number of physical attacks is lower than in 2019, when there were 9 such cases recorded.
- The number of attacks and threats to media outlets and organizations is on the rise, and none of the 7 registered cases have been sanctioned.

# Legal and Organisational Environment

3.21

Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

2.67

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

3.14

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

3.33

Journalists are free to pursue their profession and to establish, join and participate in their associations

3.97

Journalists' job position is stable and protected at the workplace

2.95

1.00  
2.00  
3.00  
4.00  
5.00  
6.00  
7.00



By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

By Law and in practice, there is a highest degree of protection of journalists' working position, their sources, and their organizations.

# Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

**Score (2.67) – Although the laws are generally good, uneven case law often leads to abuses, and the number of defamation lawsuits filed by politicians and other officials against the media remains very high. In July 2020, there were 289 active defamation lawsuits. Journalists generally perceive defamation lawsuits as pressure on their work and feel that certain court decisions are politically motivated.**

In 1999, the High Representative of the International Community in BiH made a decision on freedom of information, abolishing criminal sanctions for insults and defamation. Defamation is regulated by the Law on Protection against Defamation of the Federation of BiH, the Law on Protection against Defamation of the Republika Srpska and the Law on Protection against Defamation of the Brčko District. The provisions of the Law on Obligations, Civil Procedure and Enforcement Procedure apply to procedural issues. Legal and media experts believe that defamation laws in BiH are generally good and aligned with EU legislation, although internally some of their provisions are not harmonized. The major shortcoming is the uneven domestic case law and the insufficient application of the case law of the European Court of Human Rights in proving defamation. In 2020, Parliamentary Assembly of BiH approved an initiative to amend the defamation laws to provide for a “stricter” standard of admissibility, tolerance and proof of defamation in case of lawsuits of public figures relative to private individuals, which is a standard of the ECtHR. Journalists and their legal representatives are often dissatisfied with the sanctions imposed for defamation and consider them too severe, especially the fines. Journalists generally perceive defamation lawsuits as pressure on their work, especially when lodged by civil servants and people in positions of power. Also, they do not trust the work of the judiciary. According to the statistics of the Free Media Help Line, in July 2020 there were 289 active defamation lawsuits against journalists and the media, and in nearly 80% of the cases, they were lodged by politicians and other public officials. When defamation lawsuits are filed



— INDICATOR 1.1

by politicians and other public servants, journalists often feel that certain court decisions are politically motivated and that the courts are siding with the complainants. In recent years, non-pecuniary damages exceeding 2,500 Euros have rarely been awarded, which is a positive development compared to an earlier period when the media and journalists often had to pay significantly higher amounts for defamation. In 2020, no cases of abuse by government officials during court proceedings against journalists were noted. Slobodna Bosna, one of the most famous political weeklies in BiH, was forced to shut down its print edition as a result of a large number of defamation lawsuits. Years of pressure and dozens of defamation lawsuits against journalists and editors, some of which were filed by top political officials in the country, were the reason to stop broadcasting the popular investigative TV magazine "60 Minutes" in 2011, despite large audience.

# Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

**Score (3.14) – Although the protection of journalistic sources is guaranteed by law, some politicians and judicial representatives often exert pressure on journalists reporting on corruption to reveal their sources. Journalists who have exposed several major corruption scandals have been summoned to prosecutor's offices for "informative interviews" during which the prosecutors tried to make them tell how did they obtain certain information. Certain politicians and representatives of the highest judicial institutions have challenged the publication of covert footages and photographs in the media, publicly accusing journalists of illegal activities. Also, there have been indicators that phone communications of some journalists are secretly tracked by the intelligence agency. In 2020 there were no sanctions for journalists who refused to reveal the identity of the source nor court rulings ordering them to do so.**

Criminal procedure codes and defamation laws in BiH guarantee the confidentiality and protection of journalistic sources, i.e., the right of journalists not to disclose the identity of their sources. At the same time, under the law, only a court decision can be established if a "secret recording" is a criminal offense or whether a journalist acted in public interest. Legislation in this area is well regulated, but some politicians and representatives of the highest judicial institutions have challenged the publication of covert audio and video recordings, footages and photographs in the media, publicly accusing journalists of illegal activities. Some journalists who have exposed several major corruption scandals in recent years have been summoned to prosecutor's offices for "informative interviews" during which the prosecutors – according to those journalists – tried to make them tell how did they obtain certain information.

In 2020, there were no sanctions for journalists who refused to reveal the identity of the source nor court rulings ordering them to do so. In April 2020, the Tuzla Police officers stopped the RTV Slon team, and seized their mobile phones and deleted the footages of the event they were reporting on, although the reporter team had valid press accreditations and permission to move during curfew. The police conducted an

— INDICATOR 1.2

investigation into this case and punished the police officer with a “written reprimand” for a minor violation of official duty. One of the most well-known cases of seizure of equipment dates back to 2014, when the editorial office of the Klix.ba portal was searched and the equipment confiscated due to the published audio recording of conversations of high-ranking RS politicians regarding the purchase of votes by opposition MPs. Although they mostly manage to protect their sources, many journalists witnessed the pressures exerted on them in this regard by authorities and judicial institutions.

# Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

**Score (3.33) – The authorities tried to restrict FoE by adopting regulation under the pretext of preventing the spread of panic during the pandemic. Recently there has been several cases of SLAPP lawsuits with extremely high damage claims. There are no regulations that would protect journalists and the media against a large number of unfounded lawsuits due to pressure and financial burden.**

In 2020, there were no examples of other laws being applied to the detriment of journalists and the media, but some of the measures imposed by the BiH authorities during the COVID-19 pandemic affected the work of journalists and restricted their right to freedom of expression. Explaining it as a fight against false news and preventing the spread of panic, the authorities in both BiH Entities and Brčko District rendered special decisions envisaging heavy fines not only for journalists but also for citizens who use social networks to spread the panic and disinformation. The disputed decisions, decrees and orders were eventually withdrawn under pressure from the media, journalist associations and the public.

The question of so-called SLAPP lawsuits is still not sufficiently discussed in BiH, despite a significant number of lawsuits filed by politicians and other public officials against the media. There are no regulations that would protect journalists and the media against a large number of unfounded lawsuits due to pressure and financial burden. Since the beginning of 2021, there were several cases of so-called SLAPP lawsuits. Based on defamation lawsuits, the court ordered two media outlets – Avaz roto-press and Žurnal – to pay approximately 100,000 Euros, thus bringing into question the financial survival of these media outlets. Given the extremely difficult financial situation of most of the media, almost every defamation lawsuit is essentially a SLAPP lawsuit. In 2020, there were no examples of endangering the safety of journalists who reported on the protests.

# Journalists are free to pursue their profession and to establish, join and participate in their associations

**Score (3.97) – There are no licenses for journalists, although there is a discussion to introduce a register of journalists and media. There have been no attempts to deny journalists the right to report due to lack of valid accreditation. In 2020, there was no pressure on journalists by the government, media owners or persons in positions of power to join their associations, although the existing unions are mostly influenced by politics and/or media owners. The main problem is that there is no union at the entity or state level that would gather exclusively journalists and fight for their rights. Media workers do not have much confidence in existing unions. There is no evidence of parallel or fake media organizations supported by political actors.**

Journalists in BiH need not to be licensed by the State and in 2020 there have been no attempts to introduce such licenses. However, in the last two years, there has been increasing discussion about establishing a register of media and journalists. This initiative in itself is not bad, especially considering the large number of anonymous web portals without Publisher's Page. In the segment of journalist registration it raises the issue of their protection, but in one part it also conflicts with the term "citizen journalist". No attempts have been made in the past year to deny journalists the right to report on events on the ground of not having a valid accreditation. Journalists have no problem being recognized as such within public institutions, i.e., the government. Under the law, the journalists are free to organize themselves in trade unions and professional associations. Freedom of work and association in the media industry is defined by the existing Entity labor laws, as well as by a number of other laws (BiH criminal legislation, strike laws, laws on public order and peace, defamation laws ...). However, the major problem is that in BiH there is no union at the Entity or state level that would gather exclusively journalists and fight for their rights. For journalists, this is a big handicap. Although there have been some informal initiatives to establish such a union, there is still not enough unity and solidarity in the media community to make it happen. Media workers do not have much confidence in existing unions. Studies have shown that journalists most

— INDICATOR 1.4

often turn to the Association of BH novinari to protect their rights (23.7%), then the Communications Regulatory Agency (11.1%), and the Press and Online Media Council of BiH and the Institution of the Human Rights Ombudsman (each 10.1%). In 2020, there was no pressure on journalists by the government, media owners or persons in positions of power to join their associations or establish parallel or false media associations backed by politicians<sup>7</sup>government representatives.

# Journalists' job position is stable and protected at the workplace

**Score (2.95) – Journalists mostly do not have permanent employment contracts and their salaries are below average. Their labor rights are often respected only “on paper”. In 2020, many journalists were either laid off or faced pay cuts. Since the beginning of the pandemic, about a quarter of journalists have been dismissed or suffered a pay cut in their media outlets. There are no collective agreements and unions in the private media act mainly in the interests of media owners.**

A large number of journalists do not have employment contracts for an indefinite period of time, and their salaries are mostly below the national average (the average net salary in BiH in July 2020 was BAM 965). According to a survey of BH novinari (sample: 200 journalists from public and private media), 57% of journalists are full-time employed, while 19.3% of them have the status of a part-time associate. The income of journalists usually ranges between BAM 500 and 1,000 (29%) and BAM 1,000 and 1,500 (20.8%). Every tenth journalist (7.2%) has a monthly income of up to BAM 500, and only 4.9% receive over BAM 1,500. A journalist's salary often depends on the ownership structure of the media, so it can be said that journalists in public broadcasting services are better paid and have better working conditions compared to those working in private media. In addition to having small salaries, journalists are often faced with late and irregular payment of their pensions and health insurance contributions. In 2020, noted were 6 incidents of violation of labor rights and mobbing. Since the outbreak of the pandemic, the position of journalists in newsrooms is directly affected by the reduced media revenues and increased workload. Fearing of job loss, journalists rarely report violations of their labor rights. More than 10 percent of women journalists in BiH have lost their jobs and income since the beginning of the COVID-19 pandemic. In a survey conducted by BH novinari, more than 77% of female journalists stated that the crisis situations caused by the pandemic disrupted their mental stability and mental health, and 25% said that their physical health was affected. Many media outlets terminated contracts to part-time associates and freelancers. It is estimated that since the beginning of the pandemic, about a quarter of journalists (both female and male) have been dismissed or suffered a pay cut in the media outlet in which they work. Freelance journalists most often complain about poorly defined legal provisions on the work of freelancers, high taxes levied by the state and the lack of

— INDICATOR 1.5

health insurance. Among the members of the Association BH novinari there are more than 80 freelance journalists and bloggers. They address the Association mostly about the exercise of their labor rights and in case of physical and verbal attacks and threats. Some private media outlets have their own unions, but most journalists believe that these unions are under the control of media owners and act more in the interests of the owners rather than the employees. There are no collective agreements in the private media to protect the labor rights of journalists. In cases of lawsuits against journalists for their reporting, most media outlets hire lawyers to represent them at the expense of the media outlet and are jointly and severally liable with the journalists for what is published. One of the reasons for that is that in most defamation lawsuits, not only journalists are sued, but also editors, i.e., media owners.





# Due Prevention

**3.21**



# Journalists and media actors have access to immediate and effective protective measures when they are threatened

**Score (3.16) – There are no special mechanisms or fast and efficient protective measures in the institutions aimed at the safety of journalists, except for the regular procedure of reporting the incident to the police authorities. During 2020, a large number of threats and intimidation were recorded. The police generally react quickly to reported cases, but the problem arises when the cases reach the prosecutors, i.e., the courts. Threats made through social media are rarely sanctioned.**

BiH government institutions have not established any special mechanisms to take urgent protection measures in response to the reported hate speech or death threats addressed to either journalists or ordinary citizens. All such cases are reported to the competent police in accordance with the regular procedure, and then the police further investigate them in accordance with their competencies. The Free Media Help Line (FMHL), which operates within the non-governmental association BH novinari is the only mechanism through which journalists can directly report threats, attacks and hate speech and receive free legal advice and legal representation. During 2020, the FMHL recorded 69 reported cases of violations of journalistic rights and media freedoms. Most of the cases were about threats and intimidation of journalists, as well as various forms of pressure, often exerted by representatives of government institutions. The number of threats to journalists made through social networks is on the rise. In most of these cases, the attackers have not been sanctioned. When it comes to cooperation with the police, journalists are mostly satisfied with the quick response of the police in such cases. Each reported case of threat is investigated by the police in accordance with their powers. However, the problem arises when cases reach prosecutors or courts. In 2020, there was an example of an explicit death threat to a journalist made via Facebook. The perpetrator was identified, but the competent Prosecutor's Office, despite the evidence, concluded that "there were no grounds to conduct an investigation".

# Journalists and other media actors (whose lives or physical integrity are at a real and immediate risk) have access to special protection/safety mechanisms

**Score (2.99)– Under the law, journalists can receive police protection if the competent institutions deem it necessary, which happens very rarely. The procedure of assessing the risk for receiving police protection is not clear and defined enough. There is no special mechanism to provide physical protection to journalists and other individuals working on corruption and organized crime. When they are attacked or threatened, journalists mostly turn to the Free Media Help Line (FMHL) service for help.**

Apart from standard legal and security procedures, there is no special protection/safety mechanism to provide physical protection to journalists and other individuals working on corruption and organized crime. If police and security agencies and the competent prosecutor's offices deem it necessary, the journalist may be granted police protection. The Laws on Internal Affairs stipulate that police protection shall be granted in cases when a vulnerable person reports threats, after which members of the Ministry of the Interior shall inform the competent Prosecutor's Office, which ultimately decides on police measures and actions to be taken to protect the life of the vulnerable person.

There have been no examples of granted protection in recent times. The last such case was recorded in 2009, when the then editor of the TV magazine "60 Minutes", Bakir Hadžimerović, received death threats, after which he was granted a long-term police protection.

# Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment and violence

**Score (3.13) – In cases of gender-based violence and discrimination, female journalists have several organizations that they can turn to (Gender Equality Agency of BiH, Entity Gender Centers, the Institution of the Ombudsman in BiH...), but they still most often turn to NGOs for help. The Istanbul Convention entered into force in BiH in 2014 and parts of it have been incorporated into Entity laws, but none of these laws specifically address gender-based violence. Female journalists most often turn to the Free Media Help Line, through which they can receive free legal aid.**

Albania signed the Istanbul Convention on December 2011. The Istanbul Convention entered into force in BiH in 2014 and parts of it have been incorporated into Entity laws, which has brought significant improvements although they are not yet fully incorporated into the legal framework. The BiH Constitution guarantees the exercise of human rights and fundamental freedoms without discrimination, but does not take account of the gender perspective. Article 40 of the RS Constitution states that "youth, women and the disabled need special protection." The FBiH Constitution and the Brčko District Statute do not mention a gender perspective nor do they name vulnerable groups. BiH has adopted several strategic documents for the prevention and fight against violence against women and domestic violence, as well as the BiH Gender Action Plan (GAP) for the period 2018-2022. At the Entity level, there are laws on protection from domestic violence, but none of these laws specifically address gender-based violence. Female journalists who are victims of threats and violence go through the same legal procedures as all other citizens.

In case of gender-based violence, female journalists can turn to the Gender Equality Agency of BiH, Entity Gender Centers, the Institution of the Ombudsman in BiH, non-governmental organizations dealing with gender-based violence ... When it comes to attacks, threats and discrimination they experience within their newsrooms, female journalists most often turn to

— INDICATOR 2.3

the BH novinari's Helpline, through which they can receive free legal aid. Two years ago, BH novinari initiated the establishment of a Network of Female Journalists in BiH with the aim of protecting the rights of female journalists in solidarity and with better efficiency, ensuring dignified and paid work, and advocating equal access to leading positions in the media.

# The practice of regular public condemnation of threats and attacks on journalists and media has been established

**Score (3.10) – Political officials rarely condemn attacks on journalists and are most often in the role of those who openly attack journalists and seek to restrict media freedom. The representatives of the political parties are often trying even to justify the attacks on journalists, instead of condemning them. The political influence on the media is more evident by every year. Many media owners are directly linked to political and economic centers of power, public broadcasting services are perceived as politically biased and certain politicians have media outlets in their ownership.**

State institutions do not usually condemn threats and attacks on journalists and other media professionals. Political and other officials very rarely condemn threats and attacks on journalists, and are more often in the role of those who attack journalists and seek to restrict media freedom. The condemnations usually come only when it suits certain politicians to gain the favor of certain media, journalists or the public. Journalists, especially those involved in investigative journalism, are often labeled by politicians and public officials as “foreign goons”, “intelligence agents”, “regime journalists” and the like. The political influence on the media is still evident. It is particularly manifested in the increased number of online portals that emerge before and during the election campaign, which are funded by individual political structures. Many media owners are directly linked to political and economic centers of power, and public broadcasting service boards are perceived as party i.e., politically biased.

# Police authorities are sensitive to journalists' protection issue

**Score (3.65) – Although they do not have officially adopted guidelines for work with journalists, members of the police are well acquainted with the rights of journalists and journalists mostly have positive cooperation with the police. The cooperation of the police with the journalists associations is satisfying. Police institutions do not have special protocols prohibiting harassment, intimidation and attacks on journalists. In 2020, no journalist was illegally detained. There were two cases of police violating the rights of journalists.**

Police officers are generally well acquainted with the rights of journalists and their role in a democratic society. Police institutions do not have special protocols prohibiting harassment, intimidation and attacks on journalists. Based on international documents and the domestic legal framework, the OSCE Mission to BiH has published Guidelines for Police and Media Cooperation, stating, inter alia, the rights and obligations of journalists in interaction with police officers and vice versa. These Guidelines are not binding on police institutions, but are currently the only document of this kind to help the police become better acquainted with the rights of journalists in the field. Media professionals and journalists' associations are generally satisfied with the cooperation with the police, which in most cases responds in a timely and efficient manner to cases of attacks and threats against journalists. In 2020, a verbal attack by a police officer on a journalist in Sarajevo was reported, as well as the temporary confiscation of equipment from the RTV Tuzla team during curfew. No cases of illegal detention of journalists have been reported recently.



# Due Process

2.57

Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists



Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)



Journalists and other media actors are efficiently protected from various forms of online harassment



Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently



Quality statistics collection systems established by state authorities to stem impunity.



1.00  
2.00  
3.00  
4.00  
5.00  
6.00  
7.00



Institutions do not investigate and do not sanction attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.

Institutions are fully effective and transparent in investigating and sanctioning attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.



# Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

**Score (2.73) – There are no special investigation teams for cases of attacks on journalists, and journalists are not satisfied with the efficiency of investigations. In general, journalists' associations are not satisfied with the efficiency of the public prosecution.**

Police and prosecutor's offices have no special departments/ teams dedicated to investigating and prosecuting attacks on journalists. Given that there are no special provisions in criminal procedure codes relating to attacks on journalists, the understanding of such attacks by the police and prosecutors depends on the case, i.e., the person to whom a particular case has been assigned. Apart from the OSCE Guidelines for Police and Media Cooperation mentioned in Indicator 2.5, there are no other types of documents in the police and prosecutor's offices to ensure the protection of journalists, nor to conduct effective and detailed investigations into violence against journalists and violations of media rights and freedoms. Most of the competent institutions believe that they have sufficient capacities and good mutual cooperation when it comes to investigating attacks and threats to journalists. Journalists, however, are not satisfied with the efficiency of investigations, especially the competent prosecutor's offices.

# Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)

**Score (2.61) – Investigations of physical attacks on journalists are often lengthy and ineffective, and in some cases investigations have been suspended despite evidence of the attack. Investigative bodies generally do not focus on the motives and identifying the possible sponsors of the attack. The attacks against journalists are not recognized within the criminal code and this cause problems for further investigation of those cases.**

Investigations of physical attacks on journalists are neither efficient enough nor are such cases given priority over other similar crimes in which the victims are not journalists. The police usually quickly identify the perpetrators of the attack, but the problem arises when the case reaches the prosecutor's office or the court. In some cases, prosecutors rendered decisions suspending investigations even when physical attacks were recorded on camera, and the recordings published in the media (as in the case of the attack on the photographer of Žurnal Adi Kebo, who was physically attacked in March 2019 by a prominent member of SDA Party who tried to knock his camera off). In cases where the attackers are prosecuted and punished, the investigating authorities do not deal with the motives and identification of possible sponsors of the attack. An example that illustrates this is the attempted murder of journalist Vladimir Kovačević. The attackers on Kovačević were sentenced to four years in prison each, but the sponsors of the attack have not yet been identified. When it comes to prosecuting attacks and threats, the current case law does not bring a sense of security and protection among journalists and media workers in BiH. Online violence and hate speech are becoming more common, and the perpetrators generally go unpunished. According to the European Commission Report for BiH published in October 2020, the BiH authorities have made no progress on guaranteeing freedom of expression and of the media

— INDICATOR 3.2

and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers. It takes several years from the beginning of the investigation to the court epilogue. There are no set legal deadlines for completing an investigation or trial involving journalists. Attacks on journalists are not particularly recognized within criminal codes. In 2019, the Association BH novinari made an initiative to amend criminal codes to nominally introduce journalists into these laws as a profession that needs special and more effective protection against attacks and other criminal offenses. So far, there has been no adequate response from the competent authorities of the Entities and the Brčko District to the proposed amendments.

# Journalists and other media actors are efficiently protected from various forms of online harassment

**Score (2.36) – Online harassment is not recognized in BiH criminal codes, which makes it significantly more difficult to prosecute and sanction such cases. In 2020, there was a total of 10 online attacks on journalists and media outlets registered. Those who make threats to journalists through social networks and in a comment section of online portals generally go unpunished. Many journalists don't want to report certain cases because they don't believe in the efficiency of the institutions.**

Online harassment as such is not explicitly regulated and defined by criminal codes in BiH. Such cases are most often qualified as hate speech and can be reported to the police or prosecution, and the investigation and prosecution is standard as for any other crime. Currently, there are several proposals to adopt a law banning hate speech at all levels of government in BiH, but there is still no concrete progress in this regard. In 2020, journalists most often reported threatening messages they received via social media. The police investigates the threats and intimidation of journalists, and in most cases the attackers are quickly identified, but prosecutors do not consider these cases serious enough and thus pay no enough attention to investigating them. Those who make threats to journalists through social networks and in a comment section of online portals generally go unpunished.

# Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently

**Score (2.73) – Institutions, especially prosecutors' offices and courts, are generally non-transparent and provide little information on individual cases of attacks. A communication strategy for journalists and citizens does not exist. Prosecutors and courts do not provide information on the status of a case in timely manner or in details.**

Those who make reports i.e., victims of attack usually do not have adequate access to the investigation procedure, except in certain cases when they put pressure on institutions and make specific requests i.e., official inquiries of journalists' associations or the victims themselves. Prosecutors and courts usually do not provide information on the status of a case in timely manner, and when they do, they usually provide short answers under the pretext that in the interest of investigation they cannot disclose more information." When it comes to cooperation with representatives of the institutions, journalists and the media most often complain about judicial institutions not being transparent, especially the Prosecutor's Office of BiH, about whose work they mostly complain. Some institutions, such as the Sarajevo Canton Prosecutor's Office, insist that requests for access to information be submitted to them in person or by mail "due to the authorization or non-existence of the Law on Electronic Seal." There is no common communication strategy that would unify the practice of police and judicial institutions in accessing information on certain stages of the investigation, i.e., prosecution of attacks on journalists.

# Quality statistics collection systems established by state authorities to stem impunity

**Score (2.42) – No special statistics on attacks on journalists are kept within police and judicial institutions. The 2018 HJPC BiH Instruction on Special Classification of Cases Concerning Journalists has not yet been implemented within the judiciary. Only about 27% of attacks on journalists presented to BiH courts has been resolved in favor of journalists.**

These types of statistical databases do not exist within state institutions. In October 2018, the High Judicial and Prosecutorial Council (HJPC) of BiH adopted a conclusion under which the codes of the case management system in courts and prosecutor's offices (CMS/TCMS) should be amended to include journalists as a profession. This conclusion also aimed to highlight to all courts and prosecutor's offices in BiH the importance of recording journalists as profession in the cases they handle. Despite the instruction of the HJPC, these statistics have not yet taken root in judicial institutions. Given that there is no special database for recording cases related to journalists within police and judicial institutions, and the large number of these institutions at all levels of government (cantonal, entity, state), it is difficult to say the exact ratio of reported and prosecuted cases. According to statistics of Association BH novinari, only about 27% of attacks on journalists presented to BiH courts has been resolved in favor of journalists. Statistics disaggregated by gender, nationality, or other socio-demographic criteria are not available.

# IV

## Actual Safety

**3.05**



1.00  
2.00  
3.00  
4.00  
5.00  
6.00  
7.00



There are severe cases of threats and actual attacks against journalists and media organisations, including killings.

There have been no cases of actual attacks, no threats against the lives and physical safety of journalists, nor there have been non-physical threats and harassment against the journalists and media.

# Non-physical threats and harassments

These may include: surveillance or trailing; harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure that can jeopardize the safety of journalists while performing their job. These types of threats do not include mobbing and bullying in the workplace.

**Score (3.10) – During 2020, a dozen cases of verbal attacks and threats to journalists unrelated to their physical security were registered. Worryingly, political pressures aimed at stifling investigative journalism and attempts to discredit journalists and media who write about corruption scandals are constant. The number of cases of online threats to journalists has increased.**

In 2020, registered were 10 cases of verbal attacks and other forms of threats to journalists, which is 3 less than in the previous year. Political pressures and online campaigns aimed at discrediting journalists and investigative media that exposed several major corruption scandals were almost constant. The most numerous were cases of threats and intimidation of journalists, as well as various forms of pressure, which often came from representatives of government institutions. When it comes to threats and harassment, the number of cases of threats to journalists through social networks, i.e., online violence, has increased. Here are only some of the cases reported in 2020:

- A photojournalist Muhidin Živojević was verbally assaulted in Sarajevo by an unknown man while photographing the arrival of a member of the Sarajevo Canton Assembly at a session;
- Political pressure from BiH Presidency member Milorad Dodik on BNTV and Klix journalists, labeling the media as “traitors” and “enemies”;
- Members of the BiH Border Police put pressure on and threatened journalist Ajdin Kamber; Political pressure on the journalists of the Fokus and Raport portals after exposing the affair “Ventilators”;
- Journalist Nidžara Ahmetašević was verbally assaulted by a police officer;



- Former Reis-ul-ulema of the Islamic Community in BiH, Mustafa Cerić, called Faktor journalist Nedim Pobrić a “KOS agent”;
- Columnists and bloggers Dragan Bursać and Srđan Puhalo reported threats they received via social networks during the election campaign in BiH to the FMHL

# Threats against the lives and physical safety of journalists

These may include: incitement to murder of journalists, journalists' friends, family or sources; incitement to inflicting physical injuries to journalists, journalists' friends, family or sources. These threats may be: made directly or via third parties; conveyed via electronic or in-person communications; implicit as well as explicit.

**Score (2.85) – The number of death threats during 2020 was 6, which is slightly less than in 2019, when 8 such threats were registered. It is worrying that none of the attackers has been sanctioned.**

In 2020, registered were 6 death threats and physical safety threats to journalists.

- Journalist Vanja Stokić was threatened by a man via Facebook with "decapitation". After receiving an explicit death threat, Stokić filed a criminal complaint against the attacker, but the Banja Luka District Public Prosecutor's Office concluded that there were no grounds for an investigation.
- N1 TV journalist Nikola Vučić was threatened with death via social networks, as were columnists Dragan Bursać and journalist Jelena Dešić.
- A man was arrested for sending disturbing messages to RTRS journalists.
- The editorial office of "Nezavisne novine" received a call from a man who told them that "they will all be dead today".

In all these cases, the police conducted an investigation, but the attackers have not yet been sanctioned.

# Actual attacks

These may include: actual physical or mental harm, kidnapping, home/office burglary, equipment confiscation, arbitrary detention, failed assassination attempts, etc.

**Score (3.63) – Of the 3 reported physical attacks, only one case was referred to the Prosecution for further action. On the positive side, the number of physical attacks is lower than in 2019, when there were 9 such cases recorded.**

In 2020, registered were 3 attacks on journalists, which is a smaller number compared to 2019, when a total of 9 such attacks were recorded.

- In April, the Tuzla Police officers stopped the RTV Slon team, and seized their mobile phones and deleted the footages of the event they were reporting on, although the reporter team had valid press accreditations and permission to move during curfew. The police conducted an investigation into this case, and punished the police officer with a “written reprimand” for a minor violation of official duty.
- Sinan Gluhić, a journalist of RTV Zenica, was physically attacked in early June by Sulejman Spahić, a member of the A-SDA party. The attack was preceded by days of verbal threats and insults addressed at Gluhić by A-SDA leader over the phone and social media. The case was referred to the Prosecution for further action.
- The target of the physical attack was also a BNTV journalist Ljiljana Faladžić-Jekić, who was physically and verbally attacked by the head of the Public Relations Department of the City of Bijeljina, Predrag Lopandić. Despite the fact that the incident was recorded on video and took place in front of numerous witnesses, Lopandić has not been held accountable for the attack on the journalist until today.

# Threats and attacks on media outlets and journalists' associations

Threats may refer to the following: harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure (inscriptions, threatening posts, etc.). Real attacks may include: offices burglary, equipment confiscation, broken equipment, vehicles, etc.

**core (2.63) – The number of attacks and threats to media outlets and organizations is on the rise, and none of the 7 registered cases have been sanctioned.**

In 2020, there were 7 attacks on media outlets and organizations.

- Attacked were journalists of the portal Fokus.ba and Raport.ba, who were exposed to protracted online violence for investigating corruption scandals.
- On April 14, two women entered the editorial office of the Faktor.ba portal, threatening and cursing their employees, and demanding that an article be removed from the black chronicle.
- The Patria news agency was the target of strong hacker attacks, and the employees of the Association "BH novinari" were publicly insulted and threatened by the Mayor of Zenica, Fuad Kasumović.

In these cases, no one was prosecuted. The number of threats and attacks on media outlets and organizations has increased compared to 2019, when only 3 such cases were reported.

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