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Introduction

Why is mapping of assaults and attacks on journalist within the institutions important to us?



Why is mapping of assaults and attacks on journalist within the institutions important to us?

Most recent report provided by the European Commission clearly outlined that governing authorities in Bosnia and Herzegovina have made no progress, as far as solving the key priority in guarantee of freedom of expression and media and journalists' protection is concerned, particularly through providing and ensuring appropriate monitoring system of cases that have included threats and violence against journalists and media freedoms

Political pressures, intimidations and disturbing of journalists have continued, including physical and verbal assaults and attacks against journalists, without adequate institutional measures that should follow.

Expression of serious concerns still remains highlighted, due to political pressures, intimidations and threats directed against journalists. Highly ranked politicians publically assault, degrade and discredit journalists by imposing humiliating critics, including analysts and media staff (particularly female staff). Governing authorities continue to diminish this issues and public institutions fail to collect data (information) regarding threats, assaults and attack on journalists and media staff – according to claims outlined by the official in the European Commission Report.

During 2020, BH Journalists recorded 69 cases of assaults and attacks on journalists in total, as well as other forms of violations of journalists' rights, freedoms and liberties.



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02.09.2021

Journalists' union and better education on media rights and freedoms are necessary

02.09.2021.

A workshop on media literacy was held for marginalized categories of women

18.09.2021.

Female Journalists Network in BiH: Safe and strong female journalists are needed in BiH society

23.09.2021.

<u>Legal framework necessary: Online</u> <u>violence has frightening and long-last</u> <u>consequences on journalists</u>

11.10.2021.

EFJ: Local media funding must be transparent and independent of politics

26.10.2021.

Monitoring local media in BiH: Politicians must understand that the media is not their "service"

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15.09.2021.

SJ: The brutal campaign against Lejla Turčilo and Borka Rudić from Sarajevo must stop

27.09.2021.

BH Journalists: Politicians must send a clear message that attacks on media workers are unacceptable

01.10.2021.

BH Journalists: Representatives of the RS authorities must stop targeting journalists!!

15.10.2021.

BH Journalists: Financing local media must be transparent and in the interest of all citizens

Media on media

16.09.2021.

EFJ condemned hate speech against Borka Rudic and Lejla Turcilo

16.09.2021.

A court in Mostar fined a man who damaged the equipment of journalist Oručević

20.10.2021.

European Commission Report: Serious concern over political pressure and intimidation of journalists in BiH

Free Media Help Line, as part of BH Journalists Association, at the moment is the only services that take comprehensive records regarding the assaults and attack on journalists, including the cases of violations against journalists' rights in the entire territory of former Yugoslavia. However, this particular job is severely obstructed due to fact that official institutions would still refuse and reject to establish case registry concerning journalists and media. So far, MUP of Republic of Srpska (Ministry of interior – Police) has been the only institution that have been following this particular issue'

These kinds of data bases, especially within those concerning judiciary framework, have been necessary and required in order to obtain a realistic view and picture, regarding the issue of violations of media liberties and freedoms in Bosnia and Herzegovina, followed by required evidence which again would relate to most severe types of assaults and attacks, court practices in such cases and also including requested sanctions imposed against the perpetrators. This would, at the same time, enable and encourage local courts to make mutual comparisons and procedures, including sanctions imposed against perpetrators and finally, it would compare all of the above listed elements and conform them to practice implemented by the European Court for Human Rights. Furthermore, local courts would additionally become more familiar with media staff and journalists' rights and at the end; they would eventually be able to meet and fulfil one more condition required during EU joining process.

The 78th edition of E-journalist shall cover this particular issue with the following interviews: Mirna Miljanović, Head of Public Relations Department with MUP of the Republic of Srpska ((Ministry of interior – Police), Edin Ibrahimefendić, special adviser with the Institution of Human Rights Ombudsman/Ombudsmen of BiH, Admir Muslimović, BIRN BiH journalist, Amir Kapetanović, judge with the Court of BiH, Arben Murtezić, director of Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Vildana Džekman, coordinator with the BH Journalists Free Media Help Line.

Maja Radević, E-journalist editor

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The Registry recording assaults and attacks on journalists would develop particular system of supervision and monitoring over multiple crime returnees in cases of assaults and attacks on journalists, including obstruction in performing their professional duties and including professional tasks by other media staff. However, this would not resolve the fundamental and core problem as far as protection of journalists is concerned.

Journalists and media staff are still on a priority list of protection of state institutions

By: Admir MUSLIMOVIĆ

Frequent endangering of media freedoms, liberties, pressures, threats and open assaults and attacks on journalists and other media staff have been existing in Bosnia and Herzegovina on daily basis, and concrete progress, in terms of appropriate and adequate processing, sanctions or prevention of these occurrences have not been made.

Although journalists, media staff and professional associations have been urging for adequate solutions within legislative framework that would make processing of those held responsible for threats, assaults and attacks on journalists more effective, the reaction of competent legislative bodies had once again failed. At the same time, they emphasized omissions in obeying the existing laws, and therefore numerous threats, assaults and attacks remained unpunished.

Journalists' status within the law

Journalists' association in Bosnia and Herzegovina have pointlessly been trying to establish special media ombudsmen, as well as to tailor a registry of assaults and attacks on media staff, which should produce an independent mechanism aimed to protect freedom of expression. However, their ideas, efforts, attempts and fights have so far been useless. "Assaults and attacks on journalists mostly come from highly ranked governing official authorities, including political party officials, their close acquaintances and also criminals with whom they have close connections and ties. These assaults display arrogance and totalitarian character of governing officials. Government that have impact over judiciary bodies, disallow investigations, oppose filing appeals and verdicts against perpetrators. This is why it is important to register every single assault and attack and it is also



important to make a list of all attackers on journalists. It is a minimum of what can be done and this also represents first step in order to protect journalists. The Registry may encourage the pressure upon governing officials thus forcing them to pass necessary and required set of laws and legal solutions with the purpose of providing systematic protection of

journalists", claimed Professor Enes Osmancevic, communication expert and university professor from Tuzla.

Amendments to criminal laws in BiH, Federation of BiH, Republic of Srpska and Brcko district that BH Journalists had forwarded to official authorities and members of parliament, recommended that the existing laws should be amended in terms of adding provisions that would protect journalists under identical terms as the protection of official servants performing their professional duties. Amendments that comprehend priority - based assaults and attacks on journalists were also initiated.

After the House of Representatives of the Parliament of FBiH passed the initiative in 2019, regarding the amendments on Criminal Law of FBiH,

Free Media Help Line

Current cases:

- 1. Attack on cameraman of Insajder. in:
- 2. Milorad Dodik verbally attacked Tanja Topić
- 3. Elmedin Konaković verbally attacked Avdo Avdić
- 4. Attack on prof. Lejla Turčilo and Borka Rudić
- 5. Ban of access to information

including the provisions that would protect journalists while performing professional tasks, we are all still waiting for their response and passing of recommended amendments (two years after the initiative had been proposed).

With amendments to this law, journalists should basically be identified

and recognized as persons that require special protection while performing their professional duties and tasks, so assaults and attacks would be treated as assaults and attack against official servants, which would additionally imply more severe sanctions against the perpetrators.. Countries like Croatia and Serbia have already passed the laws that recognized journalists as official servants.



"As far as the status of journalists, as official servants is concerned, I personally reckon that we must occasionally question journalists' responsibility in this particular case. Free information flow burdens responsibility to numerous parties involved in social processes. If we were to speak about public right to information access and speak about journalists statuses (as public servants) and legal framework for their work, we must then refer to their professionalism conduct as well. Frankly speaking, the implementation of most recent technologies, multiple online platforms required for news distribution and even irregularities of media market, have altogether enabled the public to refer to journalists as to persons with no fundamental literacy level and journalists that do not dispose of required educational level or even those that unconsciously work for wide interests of particular political ideologies. Therefore, these could not be comprised and embraced with legal provisions that would eventually provide them with required protection", stated Mirza Mehmedovic, part – time professor at the Department of Journalism in University of Tuzla.

The existing Criminal Law does not recognize journalism as professional occupation that requires special protection and therefore it is necessary to introduce criminal and legal protection of journalists. Assigning the status of official servant in the field brings certain obscurities, caused by discrepancies in legislative system itself, claimed experts.

"Assigning the status of official servants to journalists would, on one hand, provide and ensure some kind of protection from assaults and attacks, but only in cases where we have efficient police force, including prosecutors' offices and courts that would be able to document assaults and attacks on journalists; that would file indictments and pass court verdicts brought against perpetrators. Unlike this, it might have no effect in reality. On the other hand, journalism, as professional occupation would imply a large number of freelance journalists, including bloggers, civil – journalists and activists that all take part in public communication at different platforms or participate in social media where they could express their views. How can they be provided with protection; how to assign them with status of journalists or official servants?" wandered professor Osmancevic.

The Registry of assaults and attacks on journalists would partially establish and develop certain system of monitoring over the persons that have been considered as multiple crime returnees, in cases of assaults and attacks on journalists, thus disabling them from performing free work in media houses. However, this, on the other hand, would not solve the crucial problem in regard with journalists' protection, unless the Registry itself directly can define court verdicts brought against persons that had previously and in several occasions been identified as attackers on journalists.

People's Assembly of the Republic of Srpska (NSRS) did not accept last – year initiative where, with criminal law, endangering safety would embrace journalists or other media staff or to add new criminal deed to the existing criminal law "Preventing journalists from performing their professional duties". The exposition stated that it had been claimed that the legislative defined criminal deeds of physical injuries, severe physical in-

juries, as well as endangering safety, which equally treats and protects all citizens and professional occupations from assaults and attacks, including doctors, professors, teachers and many others that, in their own scope of work are exposed to various possible assaults and attacks while performing their duties.

It is stated how the possibility of passing recommended criminal deeds amendments shall be taken into consideration as soon as the presumptions that would add criminal deeds against honour and reputation to the existing Criminal law thus becoming constituent parts of this particular law. In this way, journalists in BiH have been left in an awkward position in comparison with media representatives in Croatia and Serbia whose criminal laws had already incorporated these specific provisions.

Pre requisite to EU admission

The role of media is crucial for European integration process, but political structures in BiH failed to resolve this problem in most appropriate way within legal framework.

Media community representatives believe that improved position of journalists and protection of freedom of expression could not only help in democratization process of entire society in Bosnia and Herzegovina, but the state itself would accordingly meet and fulfil conditions required for European Union joining process in most quality way.

According to information provided by BH Journalists Association, from the beginning of 2018 to October this year, there were 143 cases of violations of journalists' rights, including physical attacks and death threats.

There were 58 cases of violation of journalists' rights in 2018, registered through Free Media Help Line as part of BH Journalists (association), including six cases of physical attacks, 17 cases of threats and nine cases of political pressures. In 2019, BH Journalists (association) recorded 6 cases of violations of journalists' rights, including nine cases of physical attacks and 21 threats with eight cases of death threats and ten cases of political pressures. During 2020, 69 new cases of attacks on journalists in BiH were recorded, including violations of journalists' rights and media freedoms and liberties. In 2019, the Institution of Human Rights Ombudsmen in Bosnia and Herzegovina received 18 appeals filed in by local journalists, comparing to nine appeals registered in 2018.



Present court practice, as far as processing of assaults and attacks is concerned, resulted in general unsafe feeling and insecurity with journalists and media staff in BiH.



Judiciary community is aware of the problem with media freedoms and liberties being endangered

By: Amir KAPETANOVIĆ

At the beginning of this article (text) I'd immediately like to point out that I shall be referring to mapping of assaults and attacks on journalists within judiciary institutions whose member I have been and accordingly I have been very familiar with emerging problems.

Namely, it is the fact that Bosnia and Herzegovina, according to most relevant international and local reports, has deteriorated and regressed in terms of protection of journalists' safety. This fact is not unknown either. Therefore, the report conducted by Reporters without borders which, among other things, comprehended all types of direct assaults and attacks on media freedoms and liberties, starting from murders, physical attacks all the way to imprisoning journalists, as well as all types of censorship, bans and disturbing, displayed and showed a rapid fall and decline. In 2007, which was quite a while ago, Bosnia and Herzegovina took 34th position in this report' scale which back then, also represented a significant fall and decline (drop by 15 positions on this scale) comparing to the position it had held in previous report. However, the most recent report, conducted by Reporters without borders for 2020 year, outlined that Bosnia and Herzegovina holds 58th position.

Safety situation, as far as journalists are concerned, thoroughly highlighted the report conducted by BH Journalists, and this report outlined that "during 2020, there were 26 registered cases of assaults, attacks, threats and pressures imposed against journalists and media houses in Bosnia and Herzegovina, including 3 physical attacks, 6 death threats and 7 assaults and attacks directed against media houses. "Therefore, it was no surprise that the idea among journalists themselves (and their associations in BiH) had emerged, in sense that journalists should be officially treated as state officials, pursuant to provisions of the Criminal Law of BiH, that is, assaults and attacks against journalists should be officially regarded as assaults and attacks on official authorities.

Most recent such attempt, as it was well known, did take place in Republic of Srpska, where this idea and proposal was not supported by the majority officials. In fact, certain ministers in Republic of Srpska government suggested that defamation and libelling criminalization process should be revised, demanding thus again that criminal deeds, such as offences, insults, defamation and libelling should be restored and once again, reintegrated into criminal laws, since these had been erased and eliminated from criminal laws in BiH in 1999. This would have undoubtedly represented a vast step back, as far as protection of freedom of expression was concerned.

It is known that criminal laws of neighbouring countries define special criminal deeds that treat and regard endangering journalists' safety. Additionally, Article 138, item 3 of the Criminal Law of Republic of Serbia had long time ago defined qualified criminal deed of safety endangering committed against a person performing tasks, duties and/or assignments that have been regarded as work of public interest in the field of informing and in relation with work this person performs. However, if we once again refer to referent reports conducted by international organizations that have been tailored and created according to this criteria and developed in regard with assaults and attacks on journalists, we could see that the outgoing results are squelching and slashing. Furthermore, Republic of Serbia is behind Bosnia and Herzegovina taking 93rd position in the report executed by Reporters without borders for the 2020 period. Naturally, the reasons for worse position of Republic of Serbia, in comparison with results in Bosnia and Herzegovina, according to criteria concerning media freedoms and liberties, would require further analysis of determining and defining causes that overcome the frame of journalist's articles.

As a member of judiciary institution, I reckon that it would be rather important to work on education and trainings for prosecutors, but also judges and journalists, in order to acquire and accomplish a fundamental

"Working on additional education and training of prosecutors, judges, but also journalists is particularly necessary, in order to understand fundamental fact that all three parties are on the same quest aimed to build and develop free and prosperous society, without criminal and corruption. "

facts outlining clearly that they all are on the same side and have same

assignment of building free and prosperous society and community without criminal and corruption and without freedom of expression there can be no basic terms for the development of democratic society. I believe that unfolded mind about such fundamental facts would contribute more in regard with protection of media freedoms and liberties in Bosnia and Herzegovina, rather than criminal law provisions.



On the other hand, that fact that judicial community is more aware of media freedom and liberties and journalists' safety in Bosnia and Herzegovina being endangered, is perhaps best seen through yet another fact where High Judicial and Prosecutorial Council of BiH (responding to initiative submitted by BH Journalists) did what they had been authorised and competent to do, namely, automatic case management system in both courts and prosecutorial offices (CMS/TSMC), enabled the third parties to have access to information and search throughout cases by indicating journalist as key searching word. With this kind of option, it is possible to attain, based on 2020 level, the information on total number of criminal charges that directly relate to criminal deed (felony) of endangering safety where journalists appear as damaged parties and also information regarding how prosecutorial office treat the cases, that is, information in regard with decisions that had been made. It is possible to get same information for cases that relate to freedom of expression, that is, the cases of defamation where court protection is ensure through civil, not criminal procedure.

Everything that has been said above does confirm the fact that the problem does exist in reality and that something must be done immediately, should we want to live in minimum – level democratic society and if we seek European Union integration. Without adequate protection of media staff, particularly without journalists' protection, as so called "fourth governing branch", Bosnia and Herzegovina shall have to wait for a long period of time on its journey to Brussels.



Lack of systematic approach as a reflection of journalists' position in society

By: Arben MURTEZIĆ

Some two years ago, the Council of Ministers of Bosnia and Herzegovina passed a plan regarding the implementation of priorities based on Analytic Report issued by the European Commission, The plan consisted of 60 pages and they mostly included tables, comprising of conformed measures. Generally, in documents that concerned EU integration process, tables have been used more often than tables used on sport news pages, and almost equally used as in accounting reports.

These measures contain evidence keeping, regarding assaults and attacks on journalists in BiH and duly proceeding, according to all discoveries and cognitions related to assaults, pursuant to competences, that is, pursuant to investigations and processes of every recorded case.

Managing the evidence, regarding assaults and attacks on journalists in BiH is a constituent part of these measures and also adequate and duly proceedings based on all cognitions and knowledge regarding the assaults and attacks in accordance with the competences, that is, investigation and processing of every single registered case.

Different practices

Second part of the conclusion seems expletive and undesired, taking into consideration that the duty of investigating, exposing and legally processing perpetrators of criminal deeds has been outlined as crucial priority of prosecutors in all laws on criminal procedures that have been implemented in Bosnia and Herzegovina. However, it is interesting to see what about the first and initial part of neither the conclusion that has appeared particularly ambitious, nor it has been hardly conductive and implemented.

According to Final Report regarding the implementation of Action plan from July 2020 (new 200 pages of tables), the High Judiciary and Prosecutorial Council of Bosnia and Herzegovina, as the institution responsible for the implementation and execution of this conclusion, has reported that the Case Managing System enabled labelling and indicating the occupation of "journalist" in its data base system, based upon which interested and authorised parties may get the report information, regarding all cases where journalists appear in any role. There is no information whether the possibility of receiving this particular report could ever be used.

Federal Police Administration reported that they have legally guided and ran certain evidences where, in most appropriate way, they managed to note cases related to assaults and attacks on journalists in BiH. Ministry of Interior of the Republic of Srpska (Police officials) reported evidences regarding assaults and attacks on journalists that have regularly been executed and implemented from 2016, so all assaults and attacks have been registered and these reports have accordingly been forwarded to local prosecutors' office for further proceedings or simply the police authorities have issued misdemeanour warrant.

Different practices appear on different cantonal levels; from those that the information and data have regularly been collected, to excuses by certain bodies that special evidence recording would and does require special legal amendments. Essentially, according to the above mentioned, we could say that evidence and information that all state governing bodies (at all levels) dispose of, in terms of this particular problem, are not sufficient more than those that BH Journalists (Association) have in their possession. Frankly speaking, the only institution that could be considered and regarded as different to other state bodies is the Institution of Human Rights Ombudsmen in Bosnia and Herzegovina, as far as the comprehension, understanding, significance and approach to this problem is concerned. The fact that, in terms of journalists' protection, most notable effort is done by the institution that (by its own nature) deals with most vulnerable and most discriminatory groups, does speak for itself.

Taking into consideration that there is lees unpredictability, as far as the admission of Bosnia and Herzegovina in European Union is concerned, that is, the fact that we shall not join the EU in the forthcoming period of "our lives", and also the fact that adherence of democratic standards and rule of law, which is necessary for all of us, rather than necessary for EU, does gain in its core significance. Also, it is legitimate to analyse different EU reports in terms of being objective or critical, particularly if we bear in mind the questionable methodology and non-transparent sources have been used in order to create, develop and tailor these kinds of special documents. However, if the Analytic Report contains undoubted and indisputable part; it is the part that relates to journalists' statuses in Bosnia and Herzegovina. Besides, notorious facts that "generally speaking", journalists' working status is, among other things, labelled and tagged with uncertainty and lack of institutional protection. Because of this, verbal assaults and physical attacks directed against journalists are merely noticed manifest of poor and inadequate status of this particular occupation or trade.

"If one measure, such as evidence record, has not been implemented until its end, how can we expect to take much more complex and demanding activities aimed and directed to improve journalist' statuses? "

Duty on European path

If one measure, such as keeping evidence records, concerning assaults or

attacks, has not been recorded properly until the end, how can we expect from anybody to take more complex and demanding activities aimed to improve and advance journalists' statutes? For instance, this is how, in the above mentioned Activity plan, there is a part that refers to passing the provision and accepting the legislation, in regard with the transparency of ownership over media houses and criteria for pubic commercial advertising, where in the above mentioned report says that only that competent and authorised institutions failed to reach mutual understanding and agreement.

Naturally, not even such short text about this issue could pass through without referring to European Convention on Human Rights. Convention for states (countries) most frequently anticipate negative obligations, that is, it prevents limitations of various rights by state governing official bodies, unless it becomes necessary for democratic societies. However, when we refer to journalism and due to significant importance of journalism (for any society), the state (country) shall be obliged to protect journalists from itself, but would also be obliged to protect them from all other parties involved in this process.

If we already feel sorry for not being admitted to EU, than we should at least, as member of Council of Europe (which, at least for the time being is unquestioned), meet, fulfil and obey this positive obligations.



Mapping must provide vast and recognized information, not only evidence excerpts and information

By: Edin IBRAHIMEFENDIĆ

One of many questions that often appears, during discussions and regarding journalists' position and media freedoms and liberties in Bosnia and Herzegovina, is the number of assaults and attacks on journalists and cases of violations of media freedoms and liberties, with particular focus on evidence and data bases that special police official bodies dispose of, including the Institution of Human Rights Ombudsman in Bosnia and Herzegovina. Information data that the above listed institutions dispose of are different due to various functions and competences by the above mentioned bodies and institutions and, as far as both, the purpose of acquiring clear picture in these events and taking other measures are concerned, mapping consequently does emerge as necessary and required tool, regarding this specific issue.

In this process, mapping would represent the process of consolidating and unifying different information and data, processing and graphic views, categorizing and separating, so we could have more thorough analytic review, because every single above mentioned governing body would normally implement assaults, attacks and violations processes in accordance with legislation that directly relate to their own work only. Also, mapping would represent a mechanism that could be used to follow chain of cases where we could identify certain models of perpetrators' behaviour and conduct, particularly profiles that would include victims (woman, freelancers and other), as well as the way and manners that governing authorities would respond and react to, including the speed and pace of reactions to scope of measures and eventually, imposed sanctions.

Complex process

An assault or attack, in its widest possible sense, could be defined as aggressive act aimed and targeted to destroy or hurt (harm) someone's psychical or mental integrity. Public perception, as far the issue of assaults or attacks is concerned, is almost always strictly related to physical attack or a threat directed to journalists. On the other hand, this is often not the case. Certainly, particular views and types of defamation and libelling ex-

pressions, unprofessional conduct and insulting and offensive statement do not represent attacks, however, if these keep re-appearing and have specific models, special attention should be paid there.

Police official bodies begin with investigation process upon receiving submitted appeals and during the investigation, they determine legal grounds and only after these actions are completed, they decide to launch criminal procedures or submit the cases further to prosecutor's office. Prosecutor's office, pursuant to their competences and eventually implemented additional investigation actions, would then bring decisions on investigation terminating, procedures ceasing or would simply press charges against the perpetrators. After court procedures, that is, after first-instance verdicts, the court would decide and determine whether the case could legally be considered or treated as criminal deed, including those held responsible and level and degree of their responsibility.

The advantage of collecting the information through this particular procedure, from police work to prosecutor's office, that is, through court decision, represents a complete objective determining of perpetrators responsibility, perpetrators numbers, level and degree of their responsibility, as well as sanctions already imposed against them. Lack of such approach is that the entire chain of procedures, where investigations are terminated due to lack of evidence, cannot clearly be designated into the evidence protocol, including the cases of eventual obsolescence, cases with parties involved being unavailable to judicial system and similar.

Perhaps, this could best be seen through many samples of threats directed against journalists. The threat, that during investigation process, becomes considered and treated as not credible enough, which may consequently result in lack of legal grounds for further legal processing against the person that had forward it or had sent it, may additionally result in a large number of mental disturbance towards the person to whom it had originally being directed to.

Mapping must provide vast and recognized information, not only evidence excerpts and information.

The Institution of Human Rights Ombudsman in Bosnia and Herzegovina, as part of its duties and competences, collects relevant information that relate to its work, that is, information that relate to cases concerning the violations of human rights and freedoms by the organizations that submit and forward the appeals. Of course, the work of the Institution of Human Rights Ombudsman in Bosnia and Herzegovina is aimed and directed towards the violations of rights committed by the governing bodies, including assaults and attacks on journalists and violations of media freedoms and liberties,

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it mostly takes into consideration, through analysing and monitoring process of governing bodies and their actions. Due to various ways and methods collecting of and gathering data and information, including legal framework that relates to their work, the

information they dispose of shall most certainly vary and therefore the process of mapping should accordingly be more flexible.

Why is flexibility required and necessary, including another ways of mapping of such information and data, besides strict information and data receiving from evidence protocol? Most simple answer to this question would be that assaults, attacks and influence and impact on media free-

"Working on additional education and training of prosecutors, judges, but also journalists is particularly necessary, in order to understand fundamental fact that all three parties are on the same quest aimed to build and develop free and prosperous society, without criminal and corruption. "

doms and liberties is more complex during current situation and they may (assaults, attacks and influence and impact on media freedoms and liberties) combine different forms as well.

Campaign of online disturbing, disinformation through internet, web sites and social media that may be guided by the individuals or some smaller groups, may never have a form of assaults, attacks and directed threats, but for the person against whom the campaign is aimed or targeted, this may have harmful consequences. These consequences may reflect in terms of fear, disturbance, and loss of personal trust after a long period on professional and personal discrediting. Such assaults and attacks and their qualification shall never be under the classification through which investigations and criminal procedures have been ran. This is why mapping should, on one hand, become more objective, but should also highlight this, another dimension.

Mapping process, for this reason, should not consist of temporarily and most simple information disturbing, nor should consist of simple compilation, but instead, it should demand and request more complex analysis and categorization as well.

Do we need media ombudsman?

Next imposed question is who should be in charge with mapping process? Governing official bodies have to large extent, been limited with their legal competences and would therefore be unable to implement necessary and required flexibility.

Non – governmental sector that, couple of years back, made significant contribution in fighting all those harmful effects and consequences, without additional financial means, could not take the above indicated role and would thus face particular legal obstacles (access to information) and it would therefore be more productive if certain governing body would take this role accordingly.

How can this issue then be resolved? Should there be a certain agreement between all parties involved in the process or should media ombudsmen (which should be established) take over this, rather sensitive issue, still remains open question in the forthcoming period.

During certain number of discussions about this issue, non - governmental sector often outlines and indicates that media ombudsmen should improve and advance journalists' protection and media freedom and liberties.

Media ombudsmen could not only take over this particular function, but could also follow other types of pressure imposed against journalists and media, identify them and point out to those responsible to respond and react.

Media ombudsmen could act as governing official body and could represent journalists' protections and media staff, as well as to follow the situation, as far as media freedoms and liberties are concerned. Media ombudsmen could also, through encouraging professionalism and non-biased reporting, protect general public interests.



Threats, assaults and attacks on journalists have moved to online sphere

By: Mirna MILJANOVIĆ

Registry of assaults, attacks and other incidents that relate to assaults and attacks on journalists and other media staff, managed by the Republic of Srpska Ministry of Interior (Police officials), has indicated that vast and significant number on assaults and attacks have moved to an online sphere. This particular evidence has outlined constantly growing appearance of online violation, followed by the increased number of threats that journalists receive throughout social media sources and threats they get in comments on internet web sites and portals.

Having in mind that Republic of Srpska Ministry of Interior (Police officials) established and developed this evidence protocol in April 2016, during the period of last two years, it has become obvious that clear changes in ratio of appeals and events (and in regard with threats, assaults and attacks on journalists), have emerged during this particular period, with even 70% of assaults and attacks on journalists relating directly to online violation and threats.

Threats on social media

The nature and expediency of this Registry does not only appear so we could, in colloquial terms, "follow present – day trends", but it also appears so we could follow the process from its initial stages, that is, follow the appeal (submitted complaint) flows, measures, precautions and actions taken, or in other words, its aim is to see the final outcome.

For instance, based to Registry information, we could clearly see whether the application has been received by the police officials; who had submitted the appeal; what actions had been taken based on the appeal; whether the prosecutor has given appropriate qualification based on the appeal; when has local prosecutors' office received the report on committed crime or report on measures and actions taken as a response and weather, after this has been done pursuant to prosecutors' orders.

What this evidence does show is the fact that largest numbers of submitted appeals to prosecutors' offices by the police officials were in fact official reports on measures and actions taken, rather than reports on committed crimes, since prosecutors could not qualify and determine committed criminal deed. According to our knowledge, most of these reports terminate on this particular stage.

I shall remind once again, that prosecutorial investigation is still legally in force in Republic of Srpska. Law on Criminal Procedure of Republic of Srpska clearly defines that it is the prosecutor that orders an investigation and she/he decides, through strategy and investigation plans, what measure and actions she/he may require in order to collect most appropriate evidence.

With this, my intention is not to relief the police from their roles during the process of appeal submitting and in regard with assaults and attacks on journalists. Instead, I'd like to outline and emphasize that we are not alone in this process of providing evidence and processing.

Republic of Srpska Ministry of Interior (Police officials) had, during previous period, been significantly working on sensibility and professionalism displayed by the local police officers in terms of their conduct and relationship with journalists, including field conduct and receiving the appeals and I strongly believe that this process shall continue in the forthcoming period.

Threats on social media concerning the endangering of safety are processed by the police officials and support to our colleagues during these processes is provided by inspectors from the Department of High – Technology Criminal that have sufficient experience, knowledge and skills to

"During the period of last two years a clear changes in terms of ratio of appeals and events regarding threats, assaults and attacks on journalists have become obvious and visible, with even 70% of those that relate to online violations and threats."

process these appeals until the end, that is, they are capable of identifying perpetrators that have been posting threats on social media.

As an example, I shall refer to threats directed against Dragan Bursac on social media. Responding to one of many appeals, local police officers managed to identify and locate the person that had been forwarding threats. Consequently, they addressed local prosecutor's office enquiring for international legal aid because the perpetrator was at the time in Serbia. Unfortunately, until present day, no step further has been seen regarding this case.

On the other hand, in case of another appeal and in regard with threats directed against Dragan Bursac, police officers, once again, managed to identify the person that had been sending threats and located this person in Montenegro. Prosecutor's Office was suggested to send a letter requesting international legal aid which was done. Montenegro police did reply and respond according to letter of request and the perpetrator was processed in Montenegro for committing criminal deed legally qualified as "Safety Endangering" all in accordance with Montenegrin judiciary bodies.

These two cases showed in what direction certain investigations may go and what could possibly derive as an epilogue. Adequate and appropriate sanction are surely best possible message for every person sending and forwarding death threats to another person or persons through social media, particularly death threats sent to professional journalists. It is only the sanctions imposed against all those responsible that shall contribute in reducing the online violations

Small, but significant steps

Naturally, all of the above mentioned does relate to threats, assaults and attacks that journalists keep receiving in real life. A step forward, comparing to previous period, has been made so the majority of journalists usually decide to report threats to nearest police station immediately upon receiving them. Unfortunately, earlier cases proved that the police officials found out about threats from either BH Journalists (Association) or throughout other media announcements or posts.

All these small, but still significant steps have been created and made with continual cooperation between the Republic of Srpska Ministry of Interior (Police officials) and journalists, including BH Journalists (Association) and Association of Journalists of Republic of Srpska. Certainly, this communication and cooperation chain shall include judiciary bodies, namely, prosecutors' office and courts and particular attention should be paid to their engagement in our common and mutual session, conferences, educations and trainings.

Police, media, but also judiciary bodies, in doing and performing their professional tasks and duties, and, as general public interest, should acquire and accomplish responsible, professional, and partnership based practices based and founded on mutual understanding, trust and proactive approach.



Vildana Džekman, a female coordinator at FMHL: We must have a system based and official statistics

Interviewed by: Maja RADEVIĆ

Why do you consider mapping of assaults and attacks on journalists important, particularly within police and judiciary institutions of RiH?

- On one hand, mapping of assaults and attacks on journalists has been important within police and judiciary systems because of guarantees required for media rights, and, on the other hand, it has been important in order to provide and enable the work by professionals as well as to ensure the prevention of violation of media freedoms and liberties in future. Every country (state) should have established and developed its own data base, regarding the assaults and attacks on journalists, including other media staff, because it would serve as state response and readiness (will) to obey one of the most fundamental human rights; namely freedom of expression and guarantee of rights for all media professionals, which has not been the case in BiH which still lacks a universal and single Registry within the CMS system in judiciary institutions. The only exception is that this mapping system has been implemented in Republic of Srpska Ministry of Interior (Police authorities) and this practice should exist and become standard in Federation of BiH. Free Media Help Line has been running its own data base as far as assaults and attacks on journalists and media staff is concerned, and these information are available to everyone upon request. However, we still do believe that institutional mapping is necessary and required.

To what extent does lack of universal and single Registry, regarding assaults and attacks on journalists and media staff in the above outlined institutions, aggravate the work of Free Media Help Line, as well as embitter the work of all journalists that have been subject to assaults and attacks?

- In data bases, required for work in cases in judiciary (CMS) system, there is no possibility of recording and registering criminal deeds and felonies committed against journalists, because, during the process of electronic registration of court cases, there is no information regarding the occupation of victims. Criminal laws of Bosnia and Herzegovina do not identify and recognize "assaults and attacks on journalists" as such and accordingly, they do not treat these assaults and attacks as specific criminal deeds. The only data base, covering the assaults and attacks on journalists is the one ran and managed by the BH Journalists (Association). The existence of system – based, legal, official and institutional statistics, regarding the violation of media freedoms and liberties, as well assaults and attacks on journalists and other media staff, should be obligatory for state and judiciary institutions, which would additionally enable and allow other parties to have access to these information, including the review about the situation about media freedoms and free expression in one country (state).

Having universal and single Registry would ease access to information regarding the status of certain cases, including the monitoring of court procedures as well. On the other hand, it would also provide us with an opportunity to learn about the period of investigative procedures implemented by the police and judiciary official authority bodies during the procedure and processes concerning assaults and attacks on journalists. BH Journalists have for years been encouraging and upholding the official authorities to establish and develop a special Registry (within the CMS data base system), that would furthermore cover assaults and attacks on journalists and other media professionals, based on data base established and developed by the Republic of Srpska Ministry of

Interior (Police authorities); however no progress has been made as far as this recommendation was concerned. Lack of the above mentioned Registry additionally and severely makes the work of Free Media Help Line more difficult and hard, since we have constantly been "wandering around" in our attempts and efforts to discover and find out in what, legal procedure, stage has certain case been (the case that we receive and register), that is, weather the case has been under process with the official police authorities or weather it has been under process with the court officials. On the other hand, we usually wait for about a fortnight for a feedback, because the period of fifteen days is the official response and reply time, as far as the Law on Access to Information is concerned (original abbreviation ZOSPI).

In 2019, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), in its annual report, made a recommendation for judiciary institutions requiring from them to establish CMS data base of cases that had been related to journalists, but this recommendation has not yet been implemented? According to your opinion, what is the reason for this?

I personally believe that there has been no interest to, within the CMS data base, add and monitor the cases, in regard with assaults and attacks on journalists, because, technically speaking, creating such data base would be feasible and can implement this into the existing and operating CMS system. From January to September 2021, Free Media Help Line recorded 58 cases of assaults and attacks on journalists which was significant number of cases, indicating that freedom of expression and media freedoms have been targeted in large scale proportion. One such data base should be considered credible and encourage state official authorities to take care of journalists and provide them with guaranteed freedom of expression and protection of media freedoms and liberties. There must be more noted and visible pressure on judiciary bodies that would make them complete this particular data base with relevant information.

Dou you consider that, within the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, there should be special ombudsmen in charge with media and how would this improve and advance the position of journalists, their safety and media freedoms and liberties in general?

My opinion is that a special department, endorsing the guaranties of rights and media freedoms and liberties, protection of journalists (as part as the Institution of Human Rights Ombudsman of Bosnia and Herzegovina) or a special person that would be in charge with protection of freedom of expression, would make significant contribution in terms of having journalists and media professionals an outlined level of institutional support, particularly in front of judiciary bodies. Recommendations issues by the Institution of Human Rights Ombudsman of Bosnia and Herzegovina in the field of freedom of expression have been highlighted, but special department or an ombudsman that would be in charge with these particular issues, media rights and protection of personal information would additionally provide many civil society organizations, including general wide public, with an opportunity to follow the situation, as far as media rights and liberties are concerned. Also, journalists would have guaranteed institutional support in acquiring and accomplishing violated rights, freedoms and liberties.

To what extent are you generally satisfied with the cooperation with the police and judiciary institutions in terms of investigations and processing the assaults and attacks on journalists and enabling and allowing access to information in such cases?

Free Media Help Line have continually been cooperating with official police authorities, Federal Police Administration and police administrative units on cantonal levels and they have all expressed their good will to reply and respond to our enquiries, every time when we have requested access to information regarding the statuses of cases that we had been forwarding to them. Also, police officials have proved to be very quick in receiving our enquiries and also quick in implementing investigations. However, we do face certain difficulties whit investigations conducted by judiciary bodies, because some investigations do take a very long period of time, particularly when it comes to cases comprising of threats, assaults and attacks in the field of online journalism. Free Media Help Line managed to solve nine cases to the benefit of journalist, starting from January 2021 to October 2021 (the cases from 2019, 2020 and 2021). It is significant to emphasize that cases began to solve in positive ways to the benefit of journalists and media representatives, but however, the satisfaction that journalists have when, after being threatened, assaulted, attacked or after being exposed to hate speech, usually lasts for a while, since it takes three to four years for courts to solve the case and the outcome cannot compensate mental pain, fear and assault on someone's dignity and physical integrity

Impressum

BH Journalists Association

Kralja Tvrtka 5/5, Sarajevo, BiH

Tel: +387 33 223 818; Fax: +387 33 255 600

E-mail: bhnovinari@bhnovinari.ba;

Web: www.bhnovinari.ba

Bulletin Board of Editors

Faruk Kajtaz Siniša Vukelić Borislav Vukojević Bedrana Kaletović Amer Tikveša

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