A Difficult Profession

Media Freedom Under Attack in the Western Balkans

Copyright © 2015Human Rights Watch
All rights reserved.
Printed in the United States of America
ISBN: 978-1-6231-32576
Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: http://www.hrw.org

July 2015 978-1-6231-32576

A Difficult Profession

Media Freedom Under Attack in the Western Balkans

Summary 1
Findings 1
Impunity, Lack of Action 3
Political Interference and Financial Pressure 3
Obligations 5

Key Recommendations 6
To Authorities of Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia 6
To the European Union Institutions and Member States 6
To the Organization for Security and Cooperation in Europe (OSCE) 6
To the Council of Europe (CoE) 6

Methodology 7

I. Background 9
The case of Tomislav Kežarovski 11

II. Attacks and Threats against Journalists 13
Bosnia and Herzegovina (BiH) 14
Excessive use of force by police against journalists in Bosnia and Herzegovina (BiH) 18
Kosovo 18
Montenegro 24
Serbia 29

III. Interference with Media by Political Elites 35
Bosnia and Herzegovina (BiH) 35
Kosovo 38
Montenegro 39
Serbia 41

IV. Civil Defamation Lawsuits against Critical Media Outlets and Journalists 45
Bosnia and Herzegovina (BiH) 46
Montenegro 48
Serbia 49

V. Cyber-attacks against Critical Websites **51**
Bosnia and Herzegovina (BiH) 51
Serbia 52

VI. Smear Campaigns Against Journalists and Media Outlets **56**
Bosnia and Herzegovina (BiH) 56
Montenegro 58
Serbia 59

VII. International and Domestic Legal Obligations **62**

Recommendations **66**
To the Authorities of Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia 66
To Heads of State 66
To Ministries of Interior 66
To Public Prosecutors and the Judiciaries 66
To the European Union Institutions and Member States 67
To the Organization for Security and Cooperation in Europe (OSCE) 67
To the Council of Europe (CoE) 68

Acknowledgments **69**

Summary

Vladimir Mitrić, a Serbian journalist, has always been drawn towards unearthing the darker side of life: human and drug smuggling; war crimes; corrupt politicians, war profiteers, tycoons and murders shielded by state institutions—the kind of work that makes enemies.

In 2005, Mitrić was investigating drug trafficking along the Drina River, a 346 kilometer stretch of water that forms much of the border between Bosnia and Herzegovina and Serbia. On September 12, he was entering his home in Šabac, western Serbia, when a former policeman attacked him with a baseball bat on his doorstep, striking him more than 20 times on the head, shoulders, and back before calmly walking away. The incident took place just meters away from a coffee shop filled with patrons. Many were off-duty policemen; none responded to Mitrić's pleas for help.

When Mitrić approached the police in 2004 on how investigations into three previous incidents in which his car was damaged were going, the head of the police in his hometown responded: "What can you do, you have a difficult profession."

Since then, Mitrić—who had been the victim of several other attacks before the September incident—has lived with police protection, although it is limited to the police precinct in Šabac. His assailant received a one-year prison sentence: it was overturned before it reached appeal due to a general amnesty.

***

Findings

Based on 86 in-depth interviews with journalists, editors and media owners, this report documents the hostile environment in which journalists like Mitrić work in Bosnia and Herzegovina (BiH), Kosovo, Montenegro, and Serbia.

Journalists and editors interviewed for this report described a difficult media space in which they faced threats, attacks, and other types of intimidation and interference with their work. They described recurring veiled and direct threats against them and family members, physical attacks on themselves and their workplaces, and even death threats.

Many of the incidents of violence and intimidation documented in this report appeared to be particularly directed against journalists who write stories implicating powerful business or political elites, or report on war crimes, high-level corruption, and radical religious groups. Attacks and threats may result in increased self-censorship as well as creating a state of impunity for crimes against journalists.

Reliable, disaggregated government crime statistics on regular crimes and crimes against journalists are not available. However, in the past years nongovernmental organizations have been monitoring attacks and threats against journalists.

- BiH: 20 cases of attacks or threats on journalists in BiH, including five physical attacks, 14 cases of threats and intimidation and one death threat in the first seven months of 2014, according to the Association of BH Journalists. Human Rights Watch documented two cases of excessive use of force by police against journalists reporting on the February 2014 riots across BiH.
- Kosovo: 22 cases of physical violence and threats against journalists in Kosovo between January and November 2014, according to the Association of Professional Journalists of Kosovo (APJK)—up from 2013. One case involved a journalist stabbed in Pristina in late 2014 by a man whom he had satirized on his TV show on private broadcaster *Klan Kosova*.
- Serbia: 28 cases of physical attacks, threats, and other types of intimidation against journalists between January and August 2014, including five physical assaults and three death threats, according to the Independent Association of Journalists (NUNS)—about the same as 2013. A Serbian journalist was beaten in early July 2014 by three men twice in one night amid ethnic slurs.
- Montenegro: 20 cases of attacks and harassment against Montenegrin journalists between 2010 and early 2014, including explosions at media outlets, car bombs, attacks and death threats, according to Human Rights Action (HRA), a local nongovernmental human rights organization. For example, the Montenegrin daily *Vijesti* suffered an explosion outside its offices in late 2013.

In recent years, there has been a notable increase in cyberattacks on news websites in the aftermath of critical stories, particularly in Serbia and Republika Srpska in BiH. Journalists have reported an increasing number of threats made online and via social media, often in

relation to work on radical groups. For example, since 2012, when he started reporting on radical Islam, Artan Haraqija, a freelance journalist in Kosovo, has received hundreds of threats via Facebook. Although he did not report them to the police at first, he began to do so after receiving death threats via the site in September 2014.

Impunity, Lack of Action

Human Rights Watch's research has found that ineffective state response has resulted in de facto impunity for most crimes against journalists.

Journalists who reported threats and attacks to the police described cursory police investigations; downplaying of violent attacks and threats against journalists; and investigations that rarely lead to identifying perpetrators.

In several cases journalists said they have continued to experience physical violence and abuse after their initial attack, again, often with impunity for their assailants. Journalists reporting on war crimes or radical religious groups in BiH, Kosovo and Serbia said authorities downplayed the seriousness of online threats they had experienced.

In the few cases where perpetrators were identified, journalists said authorities failed to investigate potentially underlying motives to the attacks or threats or to pursue prosecutions. Cases leading to convictions generally resulted in low sentences.

Inefficiency and severe backlogs in the four justice systems impede timely adjudication of legal cases. Cases tend to drag on for years, creating an environment that can be used to the advantage of those who seek to stifle critical reporting through criminal acts of intimidation.

Political Interference and Financial Pressure

Political interference and financial pressure on media outlets and journalists, both at a national and local level, is a serious problem in the Western Balkans.

Journalists told Human Rights Watch that in some cases politicians pressured owners and editors to drop critical stories. More pervasive are efforts by public officials to muzzle

critical media through financial pressures, either by cutting (or threatening to cut) state subsidies or by limiting state advertising.

In addition, journalists in all four Western Balkans countries covered in this report described being sued on a regular basis, including by high-ranking local and national public officials, impeding their ability to spend time reporting, and being forced in some cases to pay legal fees and court-ordered damages. "Instead of hitting you on the head, they [the government] hit your wallet," one newspaper editor in Montenegro said.

Journalists in BiH and Serbia also described government officials conducting arbitrary financial inspections without prior warning and checks of administrative documents, such as fire protocols, to harass or intimidate them for critical reporting, such as a story or series of articles on a sensitive subject involving senior officials.

One editor-in-chief in Serbia described how, after 19 years without any fiscal issues with authorities, his newspaper had a surprise inspection two years ago, not long after the outlet started publishing a series of critical stories about political leaders of the local government in Niš, Serbia.

> The inspector showed up without any notification. He wanted to see documents on fire protection only necessary for companies with more than 10 employees although we only have three. He also wanted to check whether we had a no smoking sign.

Inspections can last several weeks, impeding journalists' ability to work. To Human Rights Watch's knowledge, no outlets have been fined for breaching relevant regulations.

Independent journalists and media outlets described being subjected to public smear campaigns by media close to the government, with articles depicting critical journalists as national traitors or through humiliating caricatures. In several cases articles about women journalists used vulgar imagery and sexually offensive language.

In some cases, high-ranking public officials actively participate in the smearing. Prime minister of Montenegro Milo Đukanović and prime minister of Serbia Aleksandar Vučić have publicly accused journalists of acting on behalf of foreign interests. A November 2013

regional Western Balkans journalism conference in Montenegro featured a public photo exhibition depicting three Montenegrin media outlets as enemies of the state.

Obligations

The situation for journalists and media in many parts of the Western Balkans is worrisome—a situation that has severe implications for media outlets and journalists, but also wider society as a whole.

A cornerstone of a democratic society, free and independent media facilitate the free flow of ideas, opinions and information necessary for political processes to function, and serve as a critical check on executive authorities.

Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia have clear obligations under international and regional human rights law to respect and safeguard freedom of expression, media freedom, and media pluralism. In addition, the Copenhagen criteria applicable to states negotiating European Union accession—to which all four countries aspire—include respect for press freedom.

The inadequate state response to attacks and threats against journalists and media outlets, political interference including through the courts and curbs on funding, and smear campaigns targeting critical media and journalists indicate that the Western Balkan countries featured in this report are falling short of meeting international and regional human rights obligations.

Relevant authorities in the four Western Balkan countries included in this report should take immediate steps to ensure that journalists can do their job safely and without improper government or third party interference. As part of this they should conduct prompt and effective investigations into crimes against journalists and bring those responsible to justice. High ranking government officials should also refrain from interfering with the media and instead publicly condemn crimes against journalists. They should also begin to track crimes against journalists since without official statistics, it is difficult for authorities to accurately determine the scope of the problem and act effectively.

Key Recommendations

To Authorities of Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia

- Publicly and unequivocally condemn all attacks against journalists and media outlets and ensure swift and thorough investigations into all such incidents;
- Ensure prompt, effective, impartial, and thorough investigations into all attacks and threats against journalists and media outlets, including cybercrimes, and bring prosecutions as appropriate.

To the European Union Institutions and Member States

- Use every opportunity to urge the relevant authorities in Bosnia and Herzegovina (BiH), Kosovo, Montenegro, and Serbia to immediately cease all intimidation of journalists and media outlets and to take necessary steps to improve investigations into attacks and threats against journalists and to bring perpetrators to justice.

To the Organization for Security and Cooperation in Europe (OSCE)

- The OSCE Representative on Media Freedom should continue to highlight violations of media freedoms and the plight of journalists in the Western Balkan region as part of her work, and make concrete recommendations for steps needed to address the problems identified.
- Other OSCE bodies and participating states should urge the relevant authorities in BiH, Kosovo, Montenegro, and Serbia to thoroughly investigate and prosecute all cases of attacks and threats, including online, against journalists and media outlets in order to bring perpetrators to justice;

To the Council of Europe (CoE)

- The Secretary General, the Commissioner for Human Rights, the Parliamentary Assembly and other relevant CoE bodies should urge the relevant authorities in BiH, Kosovo, Montenegro and Serbia to ensure thorough investigations and prosecutions of all cases of attacks and threats, including online, against journalists and media outlets in order to bring perpetrators to justice and make clear that violence and threats against journalists will not be tolerated.

Methodology

This report is based on field research conducted by a Human Rights Watch researcher in Bosnia and Herzegovina (BiH), Kosovo, Montenegro and Serbia between July 2014 and November 2014 as well as email and phone interviews. Human Rights Watch conducted 86 in-depth interviews with media workers (journalists, editors and media owners) who had been subjected to threats, attacks or political or financial interference with their work. Twenty-eight interviews were conducted in Serbia, 10 in Montenegro, 30 in BiH (13 in Republika Srpska and 17 in the BiH Federation), and 18 in Kosovo. Due to capacity and time constraints, Croatia, Albania, and the Former Yugoslav Republic of Macedonia (FYROM) do not feature in this report, with the exceptions of two interviews conducted via phone and Skype with Macedonian journalists. The media workers we interviewed work predominantly in capital cities with a few exceptions in BiH and Serbia. We interviewed 39 female and 47 male media workers.

In the majority of cases, interviews were carried out in local languages with the aid of interpreters. In a few cases interviews were conducted in English. All media workers were informed of the purpose of the interview, its voluntary nature and the goal and public nature of our reports. They were told that they could end the interview at any time or decline to answer any specific questions. All media workers gave their oral consent to participate in the interview. No interviewee received compensation for providing information. Pseudonyms have been used for some journalists and additional identifying details have sometimes been withheld.

Human Rights Watch also conducted interviews with public officials including prosecutors at the general public prosecutor's offices in BiH, Kosovo, Montenegro, and Serbia; officials at the Serbian Ministry of Justice, BiH Federation Ministry of Justice, Kosovo Ministry of Justice, and Montenegro Ministry of Justice; officials at the Serbian Ministry of Internal Affairs, Kosovo Ministry of Interior, BiH Federation Ministry of Interior, BiH Republika Srpska Ministry of Interior, and Montenegro Ministry of Interior; officials at the Serbian Ministry for Culture, Montenegro Ministry of Culture and Sports, BiH Republika Srpska Ministry of Culture and Education, and officials at the BiH Republika Srpska Police Directorate and Kosovo Police. We also conducted interviews with officials at the Ombudsman's Offices in BiH Federation, Kosovo, and Montenegro; the head of the Media

Council in Montenegro and the Regulatory Agency for Communication in BiH; and the heads of journalists associations, including the Association of Journalist Protection in Kosovo, the Vojvodina Association of Journalists in Serbia, the Independent Journalist Association of BiH, and the Journalist Association in BiH Republika Srpska. We also conducted interviews with nongovernmental media organizations doing investigative reporting and individual media experts.

I. Background

During the Yugoslav wars, the local media were largely used for disinformation and propaganda.

Journalists and media outlets critical of official government positions were often labelled as traitors or spies working on behalf of foreign interests and against the state. In some cases, independent journalists vilified as traitors were subsequently murdered though these murders remain unsolved to this day.

While much has changed in the Western Balkans since the end of the Yugoslav wars, old ways and government attitudes towards the media die hard. High ranking officials and pro-government media still target critical journalists with inflammatory rhetoric and equate critical reporting on war crimes and government corruption with treason, accusing journalists of being foreign agents and enemies of the state.

This type of rhetoric is particularly dangerous in a fragile region like the Western Balkans, which continues to experience ethnic tensions. Indeed, several journalists interviewed by Human Rights Watch stated that the situation for journalists and media in many parts of the Western Balkans, rather than improving as part of the region's democratic development, is turning for the worse.[1]

Consecutive EU progress reports over the past four years for all of the post-Yugoslav states aspiring to EU accession (candidate states Former Yugoslav Republic of Macedonia, Montenegro, and Serbia and potential candidates Bosnia and Herzegovina (BiH) and Kosovo) point to serious concerns in the area of media freedom.[2] The OSCE Representative on Media

---

[1] See, for example, Human Rights Watch Skype interview with Gordana Igric, BIRN director, June 26, 2015; Human Rights Watch Facebook interview with Artan Haraqija, freelance journalist, June 26, 2015 and Human Rights Watch Skype interview with Nidžara Ahmetašević, journalist, June 26, 2015.

[2] For the most recent Progress Reports, see "European Commission, Bosnia and Herzegovina Progress Report 2014," COM(2014)700, October 8, 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-bosnia-and-herzegovina-progress-report_en.pdf, (accessed February 2, 2015); "European Commission, Kosovo Progress Report 2014," COM(2014)700, October 8, 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf (accessed February 2, 2015);" European Commission, Former Yugoslav Republic of Macedonia Progress Report 2014," COM(2014)700, October 8, 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf (accessed February 2, 2015); "European Commission, Montenegro Progress Report 2014," COM(2014)700, October 8, 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf (accessed February 2, 2015) and "European Commission, Serbia Progress Report 2014" COM(2014)700,

Freedom on several occasions expressed concerns about the state of press freedom in the Western Balkans.[3] The annual US Department of State Human Rights reports over the past four years consistently raise press freedom restrictions as a key concern in the region.[4]

The annual press index reports published by *Reporters Without Borders* also show a worrying decline in ranking for all countries featured in this report. BiH ranked 47 in 2010 while in the 2015 study it had dropped to 66 of 180 countries included in the study. Montenegro slipped from 104 in 2010 to 114 in 2015 while Serbia improved its ranking from 85 in 2010 to 53 in 2014, only to drop back down to 67 in 2015.[5] Kosovo is not included in the study. The last four annual Freedom House Press Freedom Reports show continued political interference with the media, an increase in violations of journalists' rights and biased and lengthy court proceedings in BiH;[6] continued attacks and threats against journalists, political interference, corruption and financial pressure in Kosovo;[7] increase in impunity for attacks and threats against journalists and political interference in Montenegro;[8] and continued political pressures, pervasive corruption and a climate of impunity for crimes against journalists in Serbia.[9]

October 8, 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf (accessed February 2, 2015).

[3] See for example on BiH, BIRN, "OSCE Condemns Attack on Bosnian Journalist," *Balkan Insight*, July 20, 2012, http://www.balkaninsight.com/en/article/osce-condems-attack-on-bosnian-journalist, (accessed February 22, 2015); on Kosovo, "OSCE condemns Death Threats against Journalist in Kosovo," September 18, 2014, OSCE press release, http://www.osce.org/kosovo/123729 (accessed February 22, 2015; on FYROM), "Detention of Macedonian Journalist Excessive, Says OSCE," OSCE press release, May 31, 2013, http://www.osce.org/node/102198, (accessed February 22, 2015); on Montenegro, "Media Freedom Situation in Montenegro Remains Complex, Impunity Still Key Obstacle, says OSCE Representative," OSCE press release, July 2, 2014 http://www.osce.org/fom/120703 (accessed February 22, 2015); on Serbia, "Government Online Censorship in Serbia Worrying Trend, says OSCE Media Freedom Representative," OSCE press release May 27, 2014 http://www.osce.org/fom/119173 (accessed February 22, 2015).

[4] See U.S. State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices," http://www.state.gov/j/drl/rls/hrrpt/ (accessed March 20, 2015).

[5] Reporters Without Borders, "2015 World Press Freedom Index," http://index.rsf.org/#!/ (accessed on February 22, 2015).

[6] Freedom House, "Freedom of the Press 2014," https://freedomhouse.org/report/freedom-press/2014/bosnia-and-herzegovina (accessed March 18, 2015); Freedom House, "Freedom of the Press 2013," https://freedomhouse.org/report/freedom-press/2013/bosnia-and-herzegovina (accessed March 18, 2015); Freedom House, "Freedom of the Press 2012," https://freedomhouse.org/report/freedom-press/2012/bosnia-and-herzegovina (accessed March 18, 2015) and Freedom House, "Freedom of the Press 2011," https://freedomhouse.org/report/freedom-press/2011/bosnia-and-herzegovina (accessed March 18, 2015).

[7] Freedom House, "Freedom of the Press 2014", https://freedomhouse.org/report/freedom-press/2014/kosovo (accessed March 18, 2015); Freedom House, "Freedom of the Press 2013," https://freedomhouse.org/report/freedom-press/2013/kosovo (accessed March 18, 2015); Freedom House, "Freedom of the Press 2012," https://freedomhouse.org/report/freedom-press/2012/kosovo (accessed March 18, 2015) and Freedom House, "Freedom of the Press 2011", https://freedomhouse.org/report/freedom-press/2011/kosovo (accessed March 18, 2015).

[8] Freedom House, "Freedom of the Press 2014," https://freedomhouse.org/report/freedom-press/2014/montenegro (accessed March 18, 2015); Freedom House, "Freedom of the Press 2013," https://freedomhouse.org/report/freedom-press/2013/montenegro (accessed March 18, 2015); Freedom House, "Freedom of the Press 2012,"

The Case of Tomislav Kežarovski

The most egregious example of government interference with an investigative journalist in the Western Balkans in recent years is that of Tomislav Kežarovski, a journalist in the Former Yugoslav Republic of Macedonia (FYROM). The case attracted international concern and condemnation. Kežarovski was arrested in late May 2013, spent five months in pre-trial detention, and was ultimately convicted of endangering a protected witness in an article he wrote in 2008. According to the protected witness himself, he only received witness protection in 2010, two years after Kežarovski's article was published.[10] Kežarovski stated that the court case against him is retribution for failing to reveal his sources during the investigation into the death of Macedonian journalist Nikola Mladenov, the founder and editor-in-chief of independent weekly magazine *Fokus* in March 2013. Indeed, in late March 2013 during this investigation, the same prosecutor who would be appointed to Kežarovski's case a few months later, called him to her office. Kežarovski told Human Rights Watch that what started as a friendly conversation soon turned hostile:

> She asked me to give her my sources, to explain how I get my information. Then she started yelling around the office, and she insulted me saying that she knows everything about me and how I spend my money, saying I was gambling and that I'm an alcoholic. I was very surprised as I can't even stand alcohol. When I told her that I won't speak she told me to go away and gave me a deadline at noon the next day to write on a paper who is doing what. She specifically told me that if I don't comply, I will spend many years in jail. She was threatening me openly. She said that she received information about what a tough guy I am and that she will break me. Afterwards I didn't go back and she never called me.[11]

---

https://freedomhouse.org/report/freedom-press/2012/montenegro (accessed March 18, 2015) and Freedom House, "Freedom of the Press 2011," https://freedomhouse.org/report/freedom-press/2011/montenegro (accessed March 18, 2015).

[9] Freedom House, "Freedom of the Press 2014", https://freedomhouse.org/report/freedom-press/2014/serbia, (accessed March 18, 2015); Freedom House, "Freedom of the Press 2013," https://freedomhouse.org/report/freedom-press/2013/serbia (accessed March 18, 2015); Freedom House, "Freedom of the Press 2012," https://freedomhouse.org/report/freedom-press/2012/serbia (accessed March 18, 2015) and Freedom House, "Freedom of the Press 2011," https://freedomhouse.org/report/freedom-press/2011/serbia (accessed March 18, 2015).

[10] Marušić, "Macedonian Journalists Seek Reporter's Release," *Balkan Insight*, June 5, 2013, http://www.balkaninsight.com/en/article/macedonian-journalists-push-for-release-of-their-colleague (accessed April 8, 2015).

[11] Human Rights Watch Skype interview with Tomislav Kežarovski, journalist, Skopje, FYROM, November 20-21, 2014.

On May 28, 2013, two months after the meeting with the prosecutor, 20 police officers broke into Kežarovski's home at 5:45 a.m. and arrested him. Kežarovski spent five months in pre-trial detention in overcrowded conditions in a nine square meter room with one window the size of an A4 sheet of paper five meters up. In October 2013, a first instance court found him guilty and sentenced him to four and a half years in prison, which he began to serve under house arrest. In January 2015 the appeals court upheld the first instance court verdict, lowering the sentence to two and a half years imprisonment, including time already served. Kežarovski obtained parole in February 2015.

On the day of the first instance judgment in October 2013, Dunja Mijatović, the OSCE Representative on Freedom of the Media, expressed concern that Kežarovski's conviction and jail sentence "sends a clear message of censorship to other journalists in the country."[12] In a 2014 report, the then UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, called Kežarovski's detention and conviction "another recent example of the intimidation of investigative media professionals through judicial action" in FYROM.[13] Reporters Without Borders (RSF), the Committee to Protect Journalists (CPJ), and the International and European Federations of Journalists (IFJ and EFJ) have repeatedly criticized Kežarovski's arrest and conviction.[14]

---

[12] "OSCE Media Freedom Representative Deeply Concerned Over Today's Conviction of Journalist in Skopje," OSCE press release, October 21, 2013, http://www.osce.org/fom/107265 (accessed February 19, 2015).

[13] Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression on his Mission to the Former Yugoslav Republic of Macedonia (18.21 June 2013), p. 9, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/128/55/PDF/G1412855.pdf?OpenElement (accessed February 19, 2015).

[14] " RSF Condemns Sentence for Macedonian Journalists Tomislav Kezarovski," Reporters Without Borders press release, January 16, 2015, http://en.rsf.org/macedoine-rsf-condemns-sentence-for-16-01-2015,47490.html (accessed March 19, 2015); " Investigate Journalist Imprisoned in Macedonia," CPJ press release, October 24, 2013, https://cpj.org/2013/10/investigative-journalist-imprisoned-in-macedonia.php (accessed March 19, 2015); "International and European Federation of Journalists, EFJ and IFJ Demand the Review of Macedonian Journalists Kezarovski's Trial," EFJ and IFJ joint press release, January 23, 2015, http://europeanjournalists.org/blog/2015/01/23/efj-and-ifj-together-demand-the-review-of-macedonian-journalist-kezarovskis-trial/ (accessed March 19, 2015).

II. Attacks and Threats against Journalists

Eighty-four journalists in Bosnia and Herzegovina (BiH), Kosovo, Montenegro, and Serbia told Human Rights Watch they have been subjected to threats, intimidation, and in 18 cases attacks on their persons or their property. Most of these journalists focus their journalism on corruption, war crimes or mismanagement of public funds and believed they were targeted because of their work.

Several journalists working in the Western Balkans told Human Rights Watch that this is "part of the job" and that they develop a knack for distinguishing "real" threats and intimidation from ones they deem harmless, thereby accepting a certain level of harassment as an inevitable consequence of their work.

In BiH, Human Rights Watch documented two cases of excessive use of force by police against journalists reporting on the February 2014 riots across BiH. Human Rights Watch did not document other cases of attacks by police on journalists elsewhere in the Western Balkan countries featured in this report.

Journalists interviewed by Human Rights Watch stated that in their experience authorities generally either fail to investigate threats and attacks against them or if they do investigate fail to do so thoroughly.

Human Rights Watch research suggests that even in cases where prosecutions have been brought for threats and attacks targeting journalists prosecutors and courts do not consider that the fact that the aggrieved party is a journalist who may have been targeted because of their work, as an aggravating or even relevant factor in determining motivation or sentencing. Such cases that do lead to convictions tend to attract lenient sentences. The poor state response to threats and violence against journalists sends a message to future perpetrators that attacking and threatening journalists will usually carry no consequences.

Criminal investigations carried out by prosecutors and judicial processes in the Western Balkans are in general characterized by inefficiency and the courts retain substantial case backlogs which have an equally deleterious effect on all victims, journalists and non-journalists alike. Cases tend to drag on for a long period creating an environment which

can be used to the advantage of those who seek to stifle critical reporting through criminal acts of intimidation.

However, the important role played by the media as public watchdog with journalists investigating wrongdoings by authorities and others can expose journalists to particular risk. This imposes a corresponding responsibility on the authorities to provide effective protection. Without such protection, journalists may refrain from investigating and reporting on powerful interests and violence or threat of violence may be used by some to deter journalists from investigating and reporting on sensitive stories on government wrongdoings.

Bosnia and Herzegovina (BiH)

In the first seven months of 2014, the Association of BH Journalists registered 20 cases of attacks or threats on journalists in BiH, including five physical attacks, 14 cases of threats and editorial pressures and one death threat.[15] In 2013, the Association had also registered 20 cases, involving four physical attacks and 16 cases of threats.[16] This was slightly down from the 22 cases registered in 2012 consisting of five physical attacks and 17 cases of threats.[17]

Human Rights Watch's research indicates a decidedly mixed record with respect to state response to attacks on media professionals, and a climate of fear among journalists. As Amer Bahtijar, a reporter, told Human Rights Watch:

> I have tried to report criminal acts [threats] on numerous occasions but it would only mean that the police have to investigate themselves. They basically didn't do anything. I mean, what can they do? [...] Every day we just manage to survive makes me happy. You constantly think someone may kill you. I feel about as safe as if I was in Kabul.[18]

---

[15] Human Rights Watch interview with Borka Rudić, president of the Journalist Association of Bosnia and Herzegovina, Sarajevo, BiH, July 29, 2014. Statistics on file with Human Rights Watch. Remaining cases involve three civil defamation lawsuits, one labor law dispute, two cases of smearing journalists and one unspecified complaint.

[16] "Registered Cases of Media Freedom and Journalist Rights Violations in Bosnia and Herzegovina in 2013," Journalist Association of Bosnia and Herzegovina, Free Media Helpline. On file with Human Rights Watch. Remaining cases related to defamation lawsuits, labor disputes, smearing of journalists, legal advice, denying access to information and unspecified complaints.

[17] "Registered Cases of Media Freedom and Journalist Rights Violations in Bosnia and Herzegovina in 2012," Journalist Association of Bosnia and Herzegovina, Free Media Helpline. On file with Human Rights Watch. Remaining cases similarly involved defamation lawsuits, labor disputes, smearing of journalists and unspecified complaints.

[18] Human Rights Watch interview with Amer Bahtijar, reporter, Sarajevo, BiH, July 31, 2014.

Slobodan Vasković from Republika Srpska in BiH, who reports on corruption and war crimes, also told Human Rights Watch that police failed to investigate when he reported a serious threat. He was at a court hearing in Sarajevo court in September 2013 as a defendant in a defamation lawsuit filed against him by Republika Srpska President Milorad Dodik. On that same day, he accompanied a relative to the East Sarajevo hospital in Republika Srpska when a private security guard outside the hospital threatened to shoot him for smearing the Serb people. "I reported the incident to the police but they never even got back to me," the journalist told us.[19]

In other cases where alleged perpetrators were ultimately identified and prosecuted, journalists said they had to overcome initial police reluctance and delays.

In July 2012, Štefica Galić, a Mostar-based Bosnian journalist, was violently attacked by a woman in her hometown, Ljubuški, in connection with the screening of a documentary film Galić made about her late husband, Nedeljko Galić, a photojournalist. The film documents how she and her husband saved Bosniaks (Muslims in BiH), from deportation to concentration camps during the war in BiH.

Two days after the screening Galić told Human Rights Watch that she was ambushed by a woman she recognized who had organized protests against the documentary screening:

> She started calling me names, saying that I am against Croat people, that I should leave and that my husband was a traitor during the war. It was all lies and I got so mad that I spat at her. She jumped on me and started beating me up. She bit me on my face and took her shoes off and hit me with them. She also took a plastic water bottle and hit me on my head and back and as I fell to the ground she broke my glasses and started kicking me. She told me, 'If you report you know what will happen, just you dare.' I was scared, I thought she would kill me.[20]

Galić told Human Rights Watch she had sought help and protection from the police before the attack because she had received death threats.

---

[19] Human Rights Watch interview with Slobodan Vasković, independent blogger, Banja Luka, BiH, October 7, 2014.
[20] Human Rights Watch interview with Štefica Galić, editor-in-chief, Tacno.net website, Sarajevo, BiH, July 31, 2014.

> In the days preceding the attack, I went to the police twice and reported internet sites calling for my lynching. Each time the police said, 'This is nothing, don't be afraid, they are only barking, nothing is going to happen.' When I asked police to find those responsible for these threats they just told me that it's too hard.

According to Galić, the authorities did not respond adequately to the attack on her, classifying it as 'disturbing public order.'

Finally, after interventions by international organizations, including the OSCE, and after months of waiting, Galić was called to the prosecutor to give a statement.[21] In October 2013, the first instance court convicted the perpetrator of the attack against Galić and handed down a three-month suspended sentence for assault, which Galić appealed as overly lenient. The case is pending at the appeals court as of March 2015.

The case has had severe personal consequences for Galić:

> After the attack, I never walked through Ljubuški alone again. People there and in Mostar still spit at me. After the first instance verdict, I had to leave Ljubuški. My son and I locked everything up and just moved to Mostar.[22]

In another case in October 2011, two security guards at a mine in Milići attacked three members of the TV crew working for *Radio and Television of Bosnia and Herzegovina (BHRT)* including reporter Svjetlana Vučetić.[23] Vučetić was doing a story on the privatization of the mine which was suspected of being used as a mass grave for Bosniaks during the war.

Vučetić told Human Rights Watch she was verbally abused and witnessed the physical attack on her fellow crew members. She called the police and her editor in Sarajevo who called the police in Bijelina, a close-by town, who exercise authority over the local Milići police and whom he believed would be more effective than the local police. Vučetić said

---

[21] "Attack on editor in Bosnia and Herzegovina unacceptable, says OSCE media freedom representative," OSCE press release, July 20, 2012, http://www.osce.org/fom/92318 (accessed February 1, 2015).

[22] Human Rights Watch interview with Štefica Galić, editor-in-chief, Tacno.net website, Sarajevo, BiH, July 31, 2014.

[23] Video footage of the attack on Vučetić's TV crew: https://www.youtube.com/watch?v=LZWr-YwMj_g (accessed December 29, 2014).

that until the call came from the chief of security police in Bijelina local Milići police were reluctant to even let Vučetić and her crew into the station to file a report. Vučetić did manage to file a report and roughly eight months later proceedings began. The district prosecutor in Vlasenica indicted the two men although after the initial hearing in September 2012, Vučetić had learned of no developments in the case.[24]

The Republika Srpska's general prosecutor in BiH told Human Rights Watch that there are not many cases of crimes against journalists and provided written statistics of five pending cases of crimes against journalists.[25] He also stated that prosecutors and courts do not take into consideration the fact that a victim is a journalist during investigations and added that it is not needed.[26] At the same time, the general prosecutor told Human Rights Watch that in his view journalists overreact to threats and make unsubstantiated claims only to withdraw them at a later stage. He added that journalists "also withdraw [claims] because the procedure is lengthy, so they lose interest because it [the procedure] takes too long and the result is not worth the trouble.[27]

In the Federation of BiH, deputy chief federal prosecutor Tihomir Jurko told Human Rights Watch that crimes against journalists most often end up classified as minor offenses, and that there was no system to track the number of crimes against journalists dealt with at prosecutorial level.[28] With no official statistics on crimes against journalists it is difficult for authorities in BiH's two entities to accurately determine the scope of the problem, which in turn impacts the effectiveness of the state response to tackle crimes against journalists.

---

[24] Human Rights Watch interview with Svjetlana Vučetić, reporter at BHRT, Sarajevo, BiH, August 1, 2014. In an email to Human Rights Watch on May 31, 2015, Vučetić confirmed that there had been no developments in her case.

[25] Human Rights Watch interview with Mahmut Švraka, general prosecutor in Republika Srpska, Banja Luka, BiH, October 8, 2014. Statistics on cases on file with Human Rights Watch.

[26] Ibid.

[27] Ibid.

[28] Human Rights Watch interview with Tihimor Jurko, Deputy Chief Federal Prosecutor of FBiH, Sarajevo, BiH, August 1, 2014.

Excessive use of force by police against journalists in Bosnia and Herzegovina (BiH)

During anti-government protests in February 2014 in Tuzla two journalists alleged police used excessive force against them. Edin Selvić, a freelance journalist, told Human Rights Watch:

> I asked what looked like two civilians why they were carrying a boy away. At that point, they released the youngster, grabbed me forcefully, and dragged me to the police station. I kept telling them 'I'm a journalist and have the right to document.' Once the [plain-clothes] police handed me over to uniformed police at the station, they started beating me immediately all over my body. They handcuffed me to a pole in the station courtyard, put a canvas bag on my head, and kept beating me for about 25 minutes. During this time, they kept cursing me and accusing me of being the cause of everything. They broke my camera and threatened to beat me to death.[29]

In May 2014, Federation police authorities told Human Rights Watch that they had taken steps to investigate reports of police violence, but at this writing Human Rights Watch is not aware of any progress made in investigating alleged excessive use of force against protestors and the two journalists during the February protests.[30]

Kosovo

Attacks and threats against journalists are a persistent feature in Kosovo. While police appear to investigate reports brought to their attention, cases languish with prosecutors and in the courts because of large court case backlogs and the well-documented flaws of the Kosovo judiciary in processing cases in a timely manner. Online threats against journalists appear to be a serious problem.

---

[29] Human Rights Watch interview with Edin Selvić, freelance journalist and cameraman, February 8, 2014, Tuzla, BiH.

[30] Human Rights Watch interview with Halid Ganija, chief of sector of uniformed police and deputy commissioner of the police at Ministry of Interior of Canton Sarajevo; Željko Mijatović, chief of the professional standards unit and Munit Ganija, chief of the division for internal control of the Ministry of Interior in Canton Sarajevo, May 22, 2014, Sarajevo, BiH.

The Association of Professional Journalists of Kosovo (APJK) registered 22 cases of physical violence and threats against journalists in Kosovo between January and November 2014. According to Zekirja Shabani, the president of APJK, the number is larger compared to previous years:

> We usually get 15 to 17 cases annually. Police and prosecutors are not doing their job. All 22 cases in 2014 were reported to the police but neither victims nor we [APJK] received feedback on the cases from police and prosecutors. In most cases, police are provided with the exact identity of the perpetrator so it's all known, yet investigations take years and journalists lose patience and trust in the system.[31]

Kosovo Police statistics differ significantly from cases reported to the APJK. Between January 2013 and September 30, 2014, Kosovo Police registered a total of seven attacks and 14 cases of threats against journalists.[32] The cases are still under investigation.

Shabani told Human Rights Watch that since 2012, only one case concerning an attack on a journalist has been resolved:

> The attacker was fined €400 (approximately US$450) for attacking a journalist. All that says is that there is a low price to pay for attacking journalists and sends a message that it's okay to continue attacking journalists.[33]

In one high profile case in November 2014, TV journalist Milot Hasimja, known for his satirical comedy show aired on *Klan Kosova*, was stabbed in the TV station where he works. Hasimja was stabbed several times in the head from behind. The assailant, who Hasimja said had been featured on his show three years earlier and who through social media had informed Hasimja that he was unhappy with how he was presented, was apprehended and taken into custody. Human Rights Watch spoke with Hasimja days after the attack and in a follow up interview in April 2015. He told Human Rights Watch that the prosecutor filed

---

[31] Human Rights Watch interview with Zekirja Shabani, president of Association of Professional Journalists of Kosovo (APJK), Pristina, Kosovo, November 3, 2014.

[32] Human Rights Watch email correspondence with Kosovo Police, November 27, 2014. On file with Human Rights Watch.

[33] Human Rights Watch interview with Zekirja Shabani, president of APJK, Pristina, Kosovo, November 3, 2014.

charges against the alleged attacker for attempted murder in mid-March 2015. At the time of writing the case was pending at a first instance court in Pristina.[34]

Shabani told Human Rights Watch that the owner of the *Tribuna* newspaper where Shabani worked physically attacked him in December 2014.[35] Shabani said that he was attacked as punishment for his activities at the journalist association. He reported the attack to the police the day it occurred but has not heard back since.[36]

In Kosovo, journalists reporting on radical religious groups complained of online threats and told Human Rights Watch that authorities often did not investigate threats issued via social media. The Deputy General of Police Operations in Kosovo, Naim Rexha, told Human Rights Watch that Kosovo Police has seen an increase in cybercrimes and that they are trying to monitor them via a cybercrimes unit established in late 2012.[37]

Nonetheless, several cases of online threats documented by Human Rights Watch are not resolved. For example, since 2012, when he started reporting on radical Islam, Artan Haraqija, who works as a freelance journalist in Kosovo, has received hundreds of threats via Facebook, which he initially did not report to the police. That changed when Haraqija received death threats via Facebook in September 2014:

> The day after I appeared on a TV show, I received death threats to my Facebook account and websites such as 'Muslims against Artan Haraqija'. I went to the police station and printed everything, all Facebook posts, messages and links to the websites and gave it all to the police. I brought evidence for 10 [Facebook] accounts.[38]

Haraqija said police arrested one suspect, who was released by the prosecutor after 24 hours, and that he has not heard since about any developments in his case. The police detectives reassured Haraqija that he had nothing to worry about, as others who received

---

[34] Human Rights Watch Facebook correspondence with Milot Hasimja, reporter at *Klan Kosova*, April 1, 2015.

[35] Human Rights Watch interview with Zekirja Shabani, president of APJK, Pristina, Kosovo, February 10, 2015.

[36] Ibid.

[37] Human Rights Watch interview with Naim Rexha, deputy general of police operations in Kosovo, Pristina, Kosovo, November 6, 2014.

[38] Human Rights Watch interview with Artan Haraqija, freelance journalist, Pristina, Kosovo, November 4, 2014.

similar threats had not been harmed, but he wondered "How am I supposed to feel comfortable with that?"[39]

Arbana Xharra, editor-in-chief of daily newspaper *Zeri*, is another Kosovar journalist who has received multiple death threats due to reporting on radical Islam in Kosovo. She told Human Rights Watch that she started receiving threats in 2012, including threat against her son. She said that she reported the threats to the police but "nothing has happened."[40] Xharra continued:

> These people [the perpetrators] have publicly issued death threats and have statements on their Facebook sites and websites [against me]. You don't need a lot of details and investigation to find out who these guys are.[41]

Human Rights Watch examined 63 cases in which journalists said they had received threats and reported them to the police. Of those, only one case led to a prosecution, which ultimately ended in the acquittal of the defendants (*Life in Kosovo* case). In two other cases indictments have been issued, but they have yet to reach trial stage. One other case is pending at the prosecutor level and in two other cases prosecutors closed the files without issuing any indictment.

Inefficient prosecutions and long court backlogs in Kosovo severely impede the timely administration of justice. This problem, which has been raised in EU reports and by Freedom House, impacts on investigations and adjudication of cases concerning crimes against journalists.[42]

For example, Jeta Xharra, editor-in-chief at the TV-show *Life in Kosovo* in Kosovo, told Human Rights Watch that it took the prosecutorial authorities three years before they acted on her police complaint in 2009 for death threats by the mayor of Skenderaj. When a

---

[39] Ibid.

[40] Human Rights Watch interview with Arbana Xharra, editor-in-chief *Zeri*, Pristina, Kosovo, November 4, 2014.

[41] Ibid.

[42] "Kosovo 2014 Progress Report," Commission Staff Working Document, p. 14, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf; "Kosovo 2013 Progress Report," Commission Staff Working Document, pp. 12 and 17; Freedom House, "Freedom in the World – Kosovo – 2014", https://freedomhouse.org/report/freedom-world/2014/kosovo (accessed April 10, 2015). http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/ks_rapport_2013.pdf (accessed March 19, 2015).

prosecutor with the EU Rule of Law Mission (EULEX) finally picked up her case, the first instance court in 2013 ruled against her and the appeals court in 2014 threw the case out, ruling that the statute of limitation on prosecution for threats had passed.[43]

Xharra's colleague, Jeta Abazi was a reporter who was investigating how local governments, including the Skenderaj local government, implemented their election promises for the TV show. She told Human Rights Watch that after her report was broadcast the daily paper *Infopress* (no longer in existence) called her a Serbian spy. Abazi attended university while working on the *Life in Kosovo* show and one of her university lecturers asked her in front of all other students whether he should address her in Serbian.[44] She added:

> I quit the show in March 2010 and I haven't worked elsewhere [as a journalist] since. I felt that I didn't have the support of fellow journalists and hated the [social] pressure that I was subjected to [because of her story].[45]

Xharra was also subjected to a 12-day public smear campaign in *Infopress* in 2009:

> On a daily basis *Infopress* referred to me as a Serbian spy, that somebody needs to punish me, that all *Life in Kosovo*'s reporting was made in Belgrade … that I had shortened my life with this program and that somebody should teach us a lesson, me and my crew. To call someone a "Serbian spy" in Kosovo is really risking that person's well-being.[46]

As a result of the smear campaign, Xharra and others on her staff started receiving threats, mainly via email. Although prosecutions ensued, no one was ever convicted. Xharra told us:

> In the end, four years later, all five columnists who wrote threats, including the founder and the owner of the newspaper as well as Sami Lushtaku, the

---

[43] EULEX is an EU mission staffed by civilians and police tasked with strengthening the capacity of local police, prosecutors, and the judiciary.

[44] Human Rights Watch interview with Jeta Abazi, former reporter at Life in Kosovo, Pristina, Kosovo, November 7, 2014.

[45] Ibid.

[46] Human Rights Watch interview with Jeta Xharra, editor-in-chief Life in Kosovo, Pristina, Kosovo, November 3, 2014.

> mayor of Skenderaj, were acquitted... The court decision in 2013 said that a written word is not a threat.[47]

In another case, Vehbi Kajtazi, a journalist at independent daily *Koha Ditore*, told Human Rights Watch that in 2011 he had received a death threat from an advisor to the Kosovo government and former dean of Prizren university:

> He came up to me in Rings restaurant [*Koha Ditore*'s office is located above the restaurant] and I just about avoided a physical incident. He threatened to kill me because I had published an article about how [retracted] had taken bribes. I ran upstairs to my office and reported the threat to the police the same day. It took until November 2013 for the prosecution to produce an indictment but since then I haven't received any notification to show up in court.[48]

Kajtazi said that he has reported about 15 cases of threats to the police and that he has concluded that it is useless to do so. All the police say, according to Kajtazi, is that he should not worry and that nothing will happen to him.[49]

Authorities in Kosovo stressed to Human Rights Watch that they take crimes against journalists seriously. Bajram Rexhepi, the Kosovo minister of internal affairs, told Human Rights Watch that the police is doing a good job investigating crimes against journalists, that there is a need to give priority to threats to journalists, but that the problems with holding perpetrators to account rest with the prosecutors and judiciary.[50] Rexhepi also appeared to suggest that the journalists share the blame, saying that while journalists are free to report whatever they want, "not all journalists respect the ethical code."[51]

Syle Hoxha, the general prosecutor in Kosovo, complained about the high workload and that proceedings take too long but claimed that crimes against journalists are treated as a priority by requesting and compiling information from local prosecutors on cases involving

---

[47] Ibid.

[48] Human Rights Watch interview with Vehbi Kajtazi, reporter at *Koha Ditore*, Pristina, Kosovo, November 5, 2014.

[49] Human Rights Watch interview with Vehbi Kajtazi, reporter at *Koha Ditore*, Pristina, Kosovo, November 5, 2014.

[50] Human Rights Watch interview with Minister Bajram Rexhepi, Ministry of Internal Affairs, Pristina, Kosovo, November 6, 2014.

[51] Ibid.

journalists.[52] Naim Rexha, deputy general director for operations at the Kosovo Police, told Human Rights Watch that the police do not differentiate between groups of victims but added also that certain vulnerable groups, based on a case-by-case security assessment, are considered a priority, such as journalists, children, women and minorities.[53]

Montenegro

Attacks and threats targeting journalists remain a concern in Montenegro, even though the government has made limited efforts to address unresolved cases. Official data is lacking, but Human Rights Action (HRA), a local nongovernmental human rights organization, recorded 20 cases of attacks and harassment against Montenegrin journalists between 2010 and early 2014, including explosions at media outlets, car bombs, attacks and death threats.[54] According to HRA, all these cases of attacks and harassment were reported to the police.[55]

The 2004 killing of a journalist and the failure of authorities to effectively investigate and identify a perpetrator led to the establishment of a government commission, in 2012, to look into failed investigations into this and other unresolved cases of attacks against journalists. The Ministry of Justice Office provided Human Rights Watch with a list of 14 high profile cases of crimes against journalists that occurred between 2004 and 2014 assigned to the commission.[56]

The establishment of the government commission is a positive step, and it has proven effective in certain cases in ensuring progress in investigations. Nikola Marković, the head of the commission, noted however that the commission would not be needed had authorities done a proper job in investigating and prosecuting the crimes when they

---

[52] Human Rights Watch interview with Syle Hoxha, general prosecutor, Pristina, Kosovo, November 6, 2014.

[53] Human Rights Watch interview with Naim Rexha, deputy general director for operations at Kosovo Police, Pristina, Kosovo, November 6, 2014.

[54] Human Rights Action, "Prosecution of Attacks on Journalists in Montenegro," January 31, 2014. http://www.hraction.org/wp-content/uploads/Report-Prosecution-of-Attacks-on-Journalists-in-Montenegro.pdf (accessed March 17, 2015).

[55] Human Rights Watch email correspondence with Tea Gorjanc-Prelević, executive director Human Rights Action, April 8, 2015. On file with Human Rights Watch.

[56] Human Rights Watch email correspondence with Svetlana Rajković, Ministry of Justice, Montenegro, July 22, 2014.

occurred.[57] The commission was established with a one-year renewable mandate and is still functioning three years after its creation.[58]

Marijana Buljan, then deputy director of HRA, told Human Rights Watch that HRA research demonstrated that as a rule prosecutors will choose to prosecute perpetrators for lesser crimes, that court proceedings are slow and that judges tend to hand out sentences at the lower end of the scale for crimes against journalists.[59] She said that police and prosecutors repeatedly fail to investigate possible underlying motives to attacks against journalists.[60]

In the case of journalist Olivera Lakić who was physically attacked on March 7, 2012, while unlocking the front door of her home, authorities identified, prosecuted and convicted the perpetrator, who was sentenced to nine months in prison for violent assault.[61] However throughout the investigation and prosecution, the authorities did not inquire into motives for the attack against Lakić, and whether the motives could be an aggravating factor. Lakic had received several threats linked to her reporting on allegations of illegal cigarette manufacturing in a factory in Mojkovac before the March 2012 attack.

On December 26, 2013, there was an explosion outside the offices of the daily newspaper *Vijesti*.[62] Court proceedings started in July 2014 against two suspects for illegal possession of firearms and explosive materials and causing general danger.

Earlier attacks on the newspaper remain unresolved. Željko Ivanović, *Vijesti*'s CEO, told Human Rights Watch that a car owned by *Vijesti* was set on fire in February 2014. It was the fifth attack on *Vijesti* in three years. Three other cars owned by the newspaper were set on

---

[57] Human Rights Watch interview with Nikola Marković, head of Montenegro government commission, Podgorica, Montenegro, July 22, 2014.

[58] Human Rights Watch interview with Milos Vukčević, assistant to the minister of interior. Podgorica, Montenegro, July 25, 2014.

[59] Human Rights Action, "Prosecution of Attacks on Journalists in Montenegro," January 31, 2014, p. 3, http://www.hraction.org/wp-content/uploads/Report-Prosecution-of-Attacks-on-Journalists-in-Montenegro.pdf (accessed March 17, 2015).

[60] Human Rights Watch interview with Marijana Buljan, deputy director of Human Rights Action, Podgorica, Montenegro, July 21, 2014.

[61] Human Rights Action, "Prosecution of Attacks on Journalists in Montenegro," January 31, 2014, p. 30. http://www.hraction.org/wp-content/uploads/Report-Prosecution-of-Attacks-on-Journalists-in-Montenegro.pdf (accessed March 17, 2015).

[62] Human Rights Watch interview with Željko Ivanović, CEO of *Vijesti* newspaper, Podgorica, Montenegro, July 23, 2014

fire in two separate attacks in July 2011 and another in August 2011. According to Mihailo Jovović, editor-in-chef at *Vijesti* there has been no progress in these cases to date.[63]

The OSCE Freedom of Media Representative, Dunja Mijatović, condemned the December 2013 bomb explosion against *Vijesti* and noted the lack of progress in investigations into previous attacks targeting the newspaper, including two instances of vandalism of *Vijesti*'s offices in October and November 2013 and an August 2013 bomb detonation outside *Vijesti* journalist Tufik Softić's house. She expressed concern that "[t]he fact that no one has been prosecuted for any of these attacks sends a message of impunity. Only a swift prosecution of all those responsible for these criminal acts can help to ensure that similar attacks will not be repeated."[64]

Threats are another common form of intimidation of journalists in Montenegro. Given the constant threats via phone, SMS, email and social media, some journalists try themselves to assess the threats and intimidation and determine which to take seriously and which to dismiss. Nikola Marković, editor-in-chief at the daily newspaper *Dan*, explained:

> People call me all the time saying that they will beat me and kill me but I don't report these [threats] because I don't take them seriously, it's just angry people.[65]

Human Rights Watch's research suggests that the state response to threats against journalists in Montenegro is mixed, at best. Journalist Darko Ivanović, who runs an independent TV show on the state-controlled public broadcaster, told Human Rights Watch that the authorities' response to serious threats against him and his family was inadequate. Ivanović said the threats started after he did a story in December 2013 on privatizations:

> The guy featured in the story called me and said, 'Listen, don't fuck with me.' This guy is a war criminal and very dangerous. I managed to record the

---

[63] Human Rights Watch email correspondence with Mihailo Jovović, editor-in-chief of Vijesti newspaper, April 1, 2015. On file with Human Rights Watch.

[64] "OSCE media freedom representative condemns bomb attack against Montenegrin newspaper, calls for swift investigation," OSCE press release, December 27, 2013, http://www.osce.org/fom/110042 (accessed December 28, 2014).

[65] Human Rights Watch interview with Nikola Marković, editor-in-chief of DAN newspaper, Podgorica, Montenegro, July 22, 2014.

> whole thing on my phone and went to the police [to report it]... After that, my car was damaged and the screwdriver they used to damage the car was jammed into the driver's seat and the same night my family got threatening phone calls.[66]

The police assigned Ivanović a bodyguard for three months, and authorities eventually charged a man for the attack on his car, which they categorized as a robbery although nothing, including expensive camera equipment, had been stolen. Ivanović later obtained a letter written by the man who had been charged and presented it on his TV show:

> The guy said that police had given him €5 [approximately US$ 7] and a hamburger to admit to the crime. That show led to the prosecution dropping charges against the [man].[67]

In addition to the concern that an innocent person may have been induced to confess to a crime he did not commit, the case suggests a lack of interest on part of the authorities to seriously investigate the case and identify the actual perpetrators.

Representatives of the Montenegrin government told Human Rights Watch that they take media freedom and freedom of speech seriously and investigate all reports of attacks and threats against journalists. General Prosecutor Veselin Vučković told Human Rights Watch that Montenegro's legislation guarantees the best media freedom.[68]

However the cases described above indicate shortcomings in investigating crimes against journalists related to their work. The Ministry of Justice in Montenegro provided Human Rights Watch with a list of 14 cases of attacks against journalists at different stages of investigation between 2004 and 2014. This is lower than 20 cases that HRA registered between in just four years between 2010 and 2014.

Vučković told Human Rights Watch that authorities looked into potential motives behind criminal acts but failed to specify how. A representative from the Ministry of

---

[66] Human Rights Watch interview with Darko Ivanović, journalist, Podgorica, Montenegro, July 24, 2014.
[67] Ibid.
[68] Human Rights Watch interview with Veselin Vučković, general prosecutor, Podgorica, Montenegro, July 21, 2014.

Interior told Human Rights Watch that it is not a black and white situation and that not all attacks on journalists are motivated by their journalistic work.[69] When asked by Human Rights Watch whether criticism of the authorities' response was unfounded, the Montenegrin general prosecutor replied that there is a lack of professional journalists and that relations between the general prosecutor and the media more generally need to improve.[70]

Milos Vukčević, assistant to the minister of interior, told Human Rights Watch that a police working group was established to conduct a risk analysis of attacks and threats against journalists and that a confidential report had been drawn up to serve as a protection mechanism for journalists.[71] Vukčević declined to share the report with Human Rights Watch citing confidentiality.

Progress in investigations into two cases highlights some positive impact of the government commission, created in 2012, on authorities to take crimes against journalists more seriously and work diligently to resolve them. In addition to the start in July 2014 of the prosecution of the two accused of plantings explosives outside daily *Vijesti*, in December 2014, a first instance court sentenced five people to prison terms ranging between 11 and 15 months, and acquitted one, for an attack in January 2014 on a female journalist in Nikšić.

However, HRA, which follows the work of the commission, expressed concerns about the fact that there has been no progress to date in the investigations into a 2013 bomb attack on *Vijesti* reporter Tufik Softić's house or into the 2004 killing of *Dan* editor-in-chief Duško Jovanović.[72] The fact that several serious cases are still outstanding where authorities have not made progress in identifying the perpetrators helps maintain an environment in which journalists are yet to feel confident that authorities will respond forcefully to crimes committed against media workers.

---

[69] Human Rights Watch interviews with Milos Vukčević, assistant to the Ministry of Interior of Montenegro, Podgorica, Montenegro, July 25, 2014 and General Prosecutor Veselin Vučković, Podgorica Montenegro, July 22, 2014.

[70] Human Rights Watch interview with Veselin Vučković, general prosecutor, Podgorica, Montenegro, July 21, 2014.

[71] Human Rights Watch interview with Milos Vukčević, assistant to the Ministry of Interior of Montenegro, Podgorica, Montenegro, July 25, 2014.

[72] Human Rights Watch email correspondence with Tea Gorjanc-Prelević, executive director of Human Rights Action, March 20, 2015. On file with Human Rights Watch.

Serbia

The Independent Association of Journalists (NUNS) in Serbia registered 28 cases of physical attacks, threats and other types of intimidation against journalists between January and August 2014 including five physical assault and three death threats.[73] In 2013 NUNS had registered a total of 23 cases, including 6 physical attacks on journalists and 15 threats; in 2012, a total of 33 cases, including 13 physical attacks on journalists and 18 threats.[74] The remaining cases reported to NUNS concerned property damage.

In cases examined by Human Rights Watch when journalists and editors reported threats and attacks to authorities, the response was weak at best, negligent at worst.

Journalist Vladimir Mitrić has lived with police protection since 2005 as a result of his attempted murder linked to investigative reporting about drug trafficking along the Drina river. On his way home in October 2005 Mitrić was attacked from behind and beaten with a baseball bat on his head, shoulders and back. In the course of the investigation, the attacker was identified as a former police officer. The investigation into the attack that followed was seriously flawed. Mitrić explained:

> The case was constantly obstructed by the police. For example, local police didn't request a [search] warrant against the attacker because they wanted to cover for their own colleague and during the trial [other] police testified in favor of my attacker. Despite expert evidence stating that the attack on me was attempted murder, the prosecutor brought charges for grave bodily injury. The sentence against the former police officer was low; after six years in the court system, he received a one-year prison sentence which was overturned before it reached appeal due to a general amnesty.[75]

While police protection may be a sign of commitment to protect journalists on part of authorities, Mitrić said he cannot perform his work as an investigative journalist constantly having police around.

---

[73] Human Rights Watch email correspondence with Maja Vasić-Nikolić, NUNS, February 18, 2015. On file with Human Rights Watch.
[74] Ibid.
[75] Human Rights Watch interview with Vladimir Mitrić, journalist, Belgrade, Serbia, October 2, 2014.

Human Rights Watch interviewed Predrag Blagojević, a journalist from Niš in southern Serbia, who received a death threat in late March 2013 linked to a story about alleged corruption in the city heating company. He explained what happened:

> The director of the company called me. He was mad. I asked him if he was threatening me, to which he said that I shouldn't expect him to be nice with me. I recorded the whole conversation, published an article [that day] about it but didn't go to the police immediately.[76]

The next day Blagojević received additional threatening phone calls from a retired military colonel stating that Blagojević was causing problems for the state. He decided to report the threats to the authorities:

> I gave the police the phone numbers and recordings I had made of the phone conversations. They checked the numbers and arrested them [the colonel and the director of the city heating company] and they got charged for threatening a journalist. [77]

An indictment was issued in July 2013. In June 2014, the first instance court acquitted the director and colonel concluding that they had merely tried to explain the sensitivity of the situation to Blagojević. However, the acquittal was overturned on appeal in November 2014 and sent back to first instance court for retrial due to procedural errors.[78]

In another case in March 2014, Blagojević stated that he received phone threats from the owner of a football club linked to a story he was working on involving a close friend of the owner:

> The football club owner told me that I shouldn't even think about writing about the director and that if I did, I would have to deal with him. He also told me to make my tongue shorter or it will be too late for me...[He] called

---

[76] Human Rights Watch interview with Predrag Blagojević, editor-in-chief of Južne Vesti, Niš, Serbia, October 3, 2014.
[77] ibid.
[78] Human Rights Watch Facebook correspondence with Predrag Blagojević, editor-in-chief of Južne Vesti, March 17, 2015.

> [my editor]… and repeated the threats against me. I got the recording of the call and went straight to the police. [79]

The same prosecutor in Blagojević's previous case brought charges against the football club owner for threats against a journalist in September 2014. The first hearing, slated for end of March 2015, was postponed as the accused did not appear in court. It eventually took place in late June.

Blagojević's colleague, Dragan Marinković, a reporter in Leskovac, told Human Rights Watch that police and prosecutors in Leskovac failed to adequately investigate and prosecute a December 30, 2014, threat made against him on social media relating to an article he wrote about how the ambulance services allegedly failed to respond to an emergency call from an elderly woman, who later died. Marinković provided the police with a screen shot of the message saying "I will put a bullet in your head," and they forwarded the complaint to the prosecutor. The prosecutor's office decided to treat Marinković as a private citizen and not a journalist although there is a provision in the criminal code that specifically addresses threats and attacks against journalists. Offenses against private persons require private prosecution, whereas offenses under the provision on journalists are subject to public prosecution (discussed below). Marinković and his outlet *Južne Vesti* appealed to the appellate prosecutor who, in late January 2014, accepted that Marinković should be identified as a journalist under the criminal code, but nevertheless concluded that "I will put a bullet in your head" was not a threat and dismissed the case.[80]

Marinković told Human Rights Watch that based on *Južne Vesti's* own investigations the evidence indicates the perpetrator is politically connected in Leskovac. Marinković said he believed this was a central factor in the prosecutor's decisions, and added:

> It's tragic how the prosecutors dealt with my case..... If the threat I received is not enough to prosecute for endangering a journalist then I don't know what is. I feel like a sitting duck.[81]

---

[79] Human Rights Watch interview with Predrag Blagojević, editor-in-chief of Južne Vesti, Niš, Serbia, October 3, 2014.
[80] Human Rights Watch Skype interview with Dragan Marinković, journalist at Televizija Leskovac, March 17, 2015.
[81] Ibid.

Belgrade-based journalist Davor Pasalić was beaten twice in one night by three assailants in early July 2014:

> They wanted money from me and said they had a gun. When I refused, one guy called me "Ustaša" [Croatian Secret Service] and started beating me, hitting and kicking me wherever they reached. Then they disappeared. I continued home and the same guys showed up again and jumped me, kicking and hitting me, calling me Ustaša. I shouted at them and suddenly, they left.[82]

Pasalić told Human Rights Watch that he is not sure whether he was attacked because of his journalist work. Authorities, however, have a duty to investigate thoroughly all aspects of a case, including possible motives. During the September 2014 interview with Human Rights Watch, Pasalić said the police had not checked CCTV footage from the night of the attacks or questioned anyone. [83]

In November 2014, Pasalić told Human Rights Watch that the Serbian police director had pledged to form a special investigation team for his case, indicating to him that it was still a priority for the Ministry of Interior Affairs.[84] In a follow up email in March 2015, Pasalić told Human Rights Watch that he had a meeting with the special investigation team on December 30 but has not heard anything since.[85] The OSCE media freedom representative has publicly condemned the attack on Pasalić.[86]

Serbian authorities stressed to Human Rights Watch their commitment to provide a safe work environment for journalists.

In 2012 the Serbian government established a commission to monitor the investigation of the murders of three prominent journalists in Serbia more than a decade ago. The

---

[82] Human Rights Watch interview with Davor Pasalić, foreign desk editor at FoNet News Agency, Belgrade, Serbia, September 29, 2014.
[83] Human Rights Watch interview with Davor Pasalić, foreign desk editor at FoNet News Agency, Belgrade, Serbia, September 29, 2014.
[84] Human Rights Watch email correspondence with Davor Pasalić, foreign desk editor at FoNet News Agency November 21, 2014.
[85] Human Rights Watch email correspondence with Davor Pasalić, foreign desk editor at FoNet News Agency, March 19, 2015.
[86] "OSCE media freedom representative condemns attack on editor in Serbia," OSCE press release, July 3, 2014, http://www.osce.org/fom/120786 (accessed March 17, 2015).

commission is tasked with analyzing all prior investigations, ascertaining why they failed, and creating the basis for future investigations. During a Human Rights Watch research mission to Serbia in October 2014, the head of the commission declined to meet with us and we were unable to interview other members of the commission. In March 2015, the Court of Appeal in Belgrade confirmed the indictment against four members of the former State Security agency charged with murdering Slavko Ćuruvija, one of the journalists whose murder the government commission was dealing with.[87] To Human Rights Watch's knowledge, there has been no progress in prosecutions pertaining to the other two killings.

The Serbian government also amended, in 2013, the Serbian Criminal Code to include a specific reference in Article 138(3) to endangerment of "persons discharging duties of public importance in the area of public information related to his/her duties."[88]

Aleksandar Vasilijević, member of the Ministry of Interior's team leading Serbia's negotiations with the EU concerning Serbia's implementation of the EU acquis, assured Human Rights Watch that this includes journalists.[89] Vasilijević said the fact that Serbia established a government commission to look into the murders of three journalists is evidence of Serbia's commitment to media freedom and that in certain cases police have provided protection to journalists under threat.[90]

He was, however, unable to explain to Human Rights Watch the reason for lengthy investigations or respond to complaints about inefficient investigations into threats and attacks against journalists.[91]

The Public Prosecution Office provided Human Rights Watch with statistics on how many criminal complaints, indictments, and convictions related to Article 138(3) for endangerment of safety between January 1 and December 31, 2014. Of a total of 4,080

---

[87] B92, "Indictment for Murder of Journalist Curuvija Legally Valid,", *B92*, March 23, 2015, http://www.b92.net/eng/news/in_focus.php?id=1287 (accessed April 10, 2015).

[88] Criminal Code Official Gazette of RS BiiH, no 85/05, 88/05, art. 138(3) http://www.seio.gov.rs/upload/documents/ekspertske%20misije/ccaditions_amendments.pdf (accessed January 23, 2014).

[89] Human Rights Watch interview with Aleksandar Vasiljević, Ministry of Interior, Belgrade, Serbia, October 3, 2014.

[90] Ibid.

[91] Ibid.

criminal offenses recorded in 2014, 10 cases pertained to Article 138(3). Of those 10 cases, two led to indictments and one resulted in a conviction.[92]

[92] Human Rights Watch email correspondence with Tatjana Vasiljević-Veljković, "Criminal Offence Endangerment of Safety – Article 138 CC, January 1 to December 31, 2014," February 11, 2015. On file with Human Rights Watch. In 2011, the Public Prosecutor registered two criminal complaints filed by journalists but opened no investigations and issued no indictments; there were no convictions. In 2012, the public prosecutor registered eight criminal complaints by journalists with four cases resulting in convictions. In 2013, the public prosecutor registered six criminal complaints by journalists with three cases ending in convictions. In comparison, NUNS registered 23 attacks and threats on journalists between January and August 2013.

III. Interference with Media by Political Elites

Journalists told Human Rights Watch that political elites on both local and national levels sought to interfere with their work through pressure on media outlets to curb critical reporting. Many journalists in BiH, Kosovo, Montenegro, and Serbia work on temporary or no contracts and often earn less than the minimum wage, leaving them exposed to outside pressure.[93] State and local government advertising is not transparent and its allocation can be abused in order to put pressure on media.

Journalists also complained to Human Rights Watch of unannounced inspections targeting media outlets. Human Rights Watch also documented a police raid on a *Klix.ba* in Bosnia and Herzegovina.

Bosnia and Herzegovina (BiH)

Twenty-eight journalists interviewed by Human Rights Watch in both BiH entities described political interference with their work as commonplace.

Former *Dani* journalist, Paulina Janusz, told Human Rights Watch that Sadik Ahmetović, the vice president of the biggest Bosniak party in Srebrenica, had made various efforts to prevent some of her articles being published and has frequently said in public (though not in published media) that if he were still the minister of security he would deport her from the country (Janusz is originally from Poland):

> He [Ahmetović] constantly tried to stop my articles particularly because of the June 2014 [local] elections. He calls me and tells me to drop the story or if I don't that he will have to intervene. He says he can call my editor and effectively 'kill' my story. [94]

According to Janusz, her former editor withstood the pressure and ran her stories, but a change of editor in August 2014 resulted in greater interference with stories she wanted to write about Ahmetović and this led to her leaving *Dani.*[95]

---

[93] See footnotes 5-8 above.

[94] Human Rights Watch interview with Paulina Janusz, journalist, Sarajevo, BiH, July 30, 2014.

[95] Human Rights Watch Facebook correspondence with Paulina Janusz, journalist, March 19, 2015. .

Željko Rajlić, owner of web-based *Istinito* in Banja Luka, BiH, told Human Rights Watch that in August 2013 his website published a story about local students who had put posters up showing Republika Srpska President Milorad Dodik's face in a criminal line-up:

> I was called to the police immediately and they made it clear that if I didn't come they would arrest me. They claimed that I was intimidating the people on the poster and went on to further claim that I was endangering their safety. The high tech crime unit requested that I surrender the IP addresses of those who sent emails that contained the lead for the story, which I refused to do because I have the right to protect my sources... The only reason I was summoned by the police was to intimidate me and to try and find my source and to scare me to quit my job.[96]

Bosnian journalists told Human Rights Watch that some media outlets have been subject to financial and other government inspections after critical reporting. For example, on December 29, 2014, BiH police from both entities conducted a joint raid on the offices of *Klix.ba*, an independent Sarajevo-based news website following a search warrant issued by the Cantonal Court in Sarajevo on the suspicion that *Klix.ba* undertook unauthorized wiretapping and audio recording of a top ruling politician in Republika Srpska.[97]

During the raid police seized computers, documents, notes and other items from the offices of *Klix.ba*. Editor Jasmin Hadžiahmetović, directors Dario Šimić and Mario Šimić as well as journalist Edita Gorjanac were detained for questioning on the premises but were released after eight hours. Hadžiahmetović told Human Rights Watch that more than 10 police officers arrived at 8:30 a.m. and demanded to know the source who had provided *Klix.ba* a recording of a phone conversations during which Željka Cvijanović, a top Alliance of Independent Social Democrats (SNSD) official in Republika Srpska, allegedly said that her party had paid two opposition lawmakers to ensure the majority of SNSD in the October 2014 elections:

> They [police] kept asking me to surrender my source, they [police] raised their voices and we were not allowed to go to the toilet alone but had to

---

[96] Human Rights Watch interview with Žjelko Raljić, owner of Istinito website, October 8, 2014, Banja Luka, BiH.

[97] Copy of court order on file with Human Rights Watch.

> have open toilet doors. They [police] could see what we did at all times. It was just constant pressure about knowing how we came across the audio tape. The leader of the police raid said that we are going to be sent to prison for a year for this.[98]

Hadžiahmetović told Human Rights Watch that the raid was preceded by a November 15 police meeting in Banja Luka:

> We spent about two hours in the police station with five officers, I think a prosecutor was there too, and they kept asking us to reveal the source who provided the audio tape. They kept pressuring us, saying that we will go to jail if we didn't tell them and that withholding this information from police is a criminal act and that we will be fined KM50,000 (approximately US$29,353). At this point I said that I wanted a lawyer to which they said that there was no need. In the end, we walked out and they said that we hadn't heard the last from them.[99]

Hadžiahmetović said that what happened to *Klix.ba* sends a strong message to other journalists in BiH that if they report on politicians allegedly engaged in questionable activities they risk being raided by police.

Authoritative observers such as the European Parliament and Freedom House have asserted that the editorial independence of the three public broadcasters in BiH is compromised due to close affiliations with political parties.[100] The decisions about how to allocate state and local government advertising are not transparent, with pro-government media outlets benefitting from disproportionate government purchasing of advertising space and even direct budget transfers through funding projects that have not been submitted to any public bidding process and lack defined criteria.[101]

---

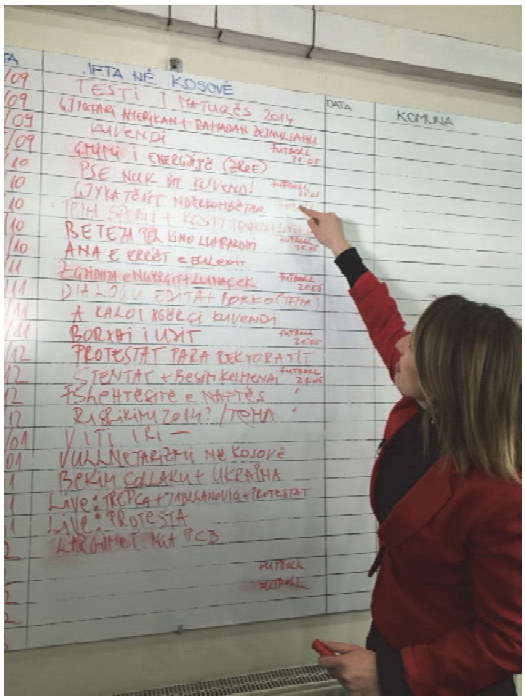
[98] Human Rights Watch Skype interview with Jasmin Hadžiahmetović, Klix.ba editor-in-chief, Sarajevo, BiH, February 3, 2015.

[99] Ibid.

[100] Directorate-General for External Policies, Policy Department, *Freedom of Media in the Western Balkans*, October 2014, p. 29, http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO_STU%282014%29534982_EN.pdf (accessed June 1, 2015).

[101] Freedom House, "Freedom of Press 2014 BiH," https://freedomhouse.org/report/freedom-press/2014/bosnia-and-herzegovina (accessed March 18, 2015).

Kosovo



Jeta Xharra shows that Kosovo's state owned public broadcaster *RTK* has assigned minor league football games to be broadcast during the original time slot for her TV-show *Life in Kosovo*. February 10, 2015. Copyright: Lydia Gall, Human Rights Watch.

A June 2014 OSCE report on the situation of media freedom in Kosovo based on an anonymous survey of Kosovar journalists concluded that the small size of Kosovo and dependency on public employment in general has created an environment where "political intimidation can thrive."[102] The report highlighted advertising and government funding as main forms of direct and indirect financial pressure aimed at media outlets.[103]

Jeta Xharra, the editor-in-chief of the current affairs TV show *Life in Kosovo,* which airs on the government controlled public broadcaster *RTK*, argued that her show's air time has been cut for political reasons. Xharra's show, which has been running since 2005, is known for critical questioning of public officials; for unveiling corruption and demanding accountability for power abuse which, according to Xharra, would explain the pressure her show has been subjected during its existence:

> My show is on between 8:20 and 10 p.m. but now *RTK* bought lower league football [soccer] games that no one watches and that air at 9 pm just to shorten and interfere with my show. *RTK* told me that it was the only way to buy the games and that it would boost advertising revenues. There is a clause in my contract with *RTK* that says that the contract is subject to changes related to tragedies, big events or unforeseen incidents so *RTK* must have managed somehow to get the football games to fit either of those categories.[104]

---

[102] "Freedom of Media and Safety of Journalists in Kosovo," OSCE Mission in Kosovo, June 2014, p. 15.

[103] Ibid.

[104] Human Rights Watch interview with Jeta Xharra, editor-in-chief of Life in Kosovo, November 3, 2014, Pristina, Kosovo.

In 2009, there was an attempt by the *RTK* management at the time to cut the budgets of independent informative news shows like *Life in Kosovo*. Xharra explained, "My show was the only informative show so I saw this as a threat to take us off air."[105] The budget cut proposals, which needed parliamentary approval, were ultimately rejected by the Kosovo Assembly. According to Xharra, the *Life in Kosovo* show has not received the contractually agreed payment from *RTK* since late 2013, making financial survival difficult. "Public TV is exercising pressure by not paying for the programs containing our production," Xharra told Human Rights Watch. [106]

Montenegro

Prime Minister Milo Đukanović has a history of engaging in verbal attacks against independent journalists and government critical media outlets claiming they are part of a "media mafia," involved in organized crime and he has described journalists working for these outlets as "monsters," "rats," and "enemies of the state."[107]

The "Words, Pictures and the Enemy" exhibition at the November 2013 regional Western Balkans media conference inaugurated by Montenegrin Prime Minister Milo Đukanović displaying front pages of three newspapers in Montenegro as examples of "bad" journalism. November 13, 2013. Copyright: "Riječ, slika i neprijatelj."

In November 2013, a regional journalism conference was organized in Montenegro by an organization affiliated with Prime Minister Đukanović. Nidžara Ahmetašević, a Bosnian journalist who participated in the conference, attended by Prime Minister Đukanović

---

[105] Ibid.

[106] Human Rights Watch email correspondence with Jeta Xharra, editor-in-chief of Life in Kosovo, February 2, 2015.

[107] Freedom House, "As Press Freedom Declines, Montenegro Coasts toward EU Accession," https://freedomhouse.org/blog/as-press-freedom-declines-montenegro-coasts-toward-eu-accession (accessed December 28, 2014).

himself, told Human Rights Watch that the closing ceremony was an exhibition showing the front pages of "enemy" media spread across several walls. The exhibition presented the media outlets as enemies of the state, attempting to undermine the rule of law and manipulate the public.[108]

Ahmetašević told Human Rights Watch that after she published a critical article about the conference she was threatened and smeared in pro-government media in Montenegro.[109] According to Ahmetašević, her former office director told her that Montenegrin participants living in BiH with links to the conference organizers showed up at her former office in Sarajevo to complain to her director about her article and that she is biased. Finally, during another conference in Sarajevo, Ahmetašević said she felt threatened by a fellow Bosnian journalist who had also attended the conference in Montenegro:

> He [the fellow journalist] told me that I'm all alone and that no one is protecting me. He said that people from Montenegro kept asking him who protected me and that his response to them was that no one is protecting me. It felt like a threat, he was sitting close to me and put his arm around me and we are not even friends. I immediately left the conference.[110]

The 2013 European Union Progress report on Montenegro raised concerns about the fact that state aid and advertising funding allocated to print media were unlawful and could endanger media market competition.[111] A 2013 Swedish Bar Association and New York City Bar Association study on press freedom in Montenegro showed that 91 percent of all government advertising in local print media was allocated to then government owned daily *Pobjeda*.[112]

---

[108] Human Rights Watch interview with Nidžara Ahmetašević, journalist, Sarajevo, BiH, July 31, 2014.

[109] Ibid.

[110] Ibid.

[111] "European Commission, Montenegro Progress Report 2013," p. 42, ," COM(2013)700, October 16, 2013, http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mn_rapport_2013.pdf (accessed December 18, 2014).

[112] Swedish Bar Association and the New York City Bar Association, "Independent legal mission to study press freedom in Montenegro," May 10. 2013, p. 17, http://www2.nycbar.org/pdf/report/uploads/Montenegro.pdf (accessed December 18. 2014).

Serbia

Political interference with the work of journalists in Serbia remains a problem. The European Commission has stated since 2012 in its annual progress reports that political and financial interference in Serbia has detrimental effects on independent media outlets.[113]

A particularly striking example is the case of a renowned TV talk show, hosted by Olja Bećković, on the TV station *B92* which was taken off the air after what Bećković said was political interference involving Serbian Prime Minister Aleksandar Vučić. The TV show had run for 24 years and was known for its critical scrutiny of government, including the current one of Prime Minister Vučić. Bećković explained to Human Rights Watch that Vučić would regularly contact the station manager after upcoming guests were announced to express his unhappiness with the choice of guests. The manager relayed to Bećković that the prime minister had said he had contacted the station's owner and threatened to cut all links to the show.[114]

Bećković recounted an incident to Human Rights Watch when the prime minister appeared on her show at the end of 2013. Bećković pressed him on topics:

> It was the first time a journalist had knocked him down. He [the prime minister] was very angry. On Monday morning, he called me and said, 'Congratulations, we had two million viewers and you humiliated me in front of millions.' After that he never called me again and forbade others from his party to appear on my show.[115]

In October 2014 following intense discussions with TV station *B92* about the terms of her yearly contract that runs from March to March, Bećković's show was cancelled. *B92* management claimed that Bećković wanted a significant raise while Bećković told Human Rights Watch that she was given an ultimatum:

---

[113] "Serbia 2012 Progress Report," European Commission Staff Working Document, COM(2012)600, p. 14, October 10, 2012, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf (accessed February 17, 2015); "Serbia 2013 Progress Report," European Commission Staff Working Document, COM(2013700,)p. 10, October 16, 2013, http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf (accessed February 17, 2015) and "Serbia 2014 Progress Report" European Commission Staff Working Document, COM(2014)700, p. 13, October 8, 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf (accessed February 17, 2015).

[114] Human Rights Watch interview with Olja Bećković, B92 TV show host, Belgrade, Serbia, October 9, 2014.

[115] ibid.

> The management called me to a meeting on September 15 to say that I have to sign a new contract, accept that my show was going to be taken from *B92*, to *B92Info*, a commercial channel with no viewers and that I had 24 hours to decide [...] I told them I wanted to finish my contract until March 2015, but they told me it's impossible [...]I'm still in shock and feel like I had a traffic accident.[116]

In a follow up email to Human Rights Watch, Bećković said she has still not managed to get another job as "nobody has the courage to hire me to report on big problems."[117]

A cartoon in Serbian Blic satirizing Olja Bećković's weekly TV show Utisak Nedelje (Impressions of the Week). The show was on air for 24 years in Serbia. Every show started with Bećković greeting the audience by saying "Dobro veče [Good evening]". Each segment of the cartoon shows a Serbian prime minister watching the show until current prime minister, Aleksandar Vučić, turns off his TV in the middle of Bećković's audience greeting saying "Laku Noć [Good night]" on September 30, 2014. Copyright: Marko Somborac.

In January 2015, Prime Minister Vučić publicly criticized the work of renowned independent media outlet *Balkan Investigate Reporting Network* (*BIRN*) following their investigation into possible corruption at the state-owned energy company *Elektroprivreda Srbije*. He was quoted in media as calling *BIRN* "liars" and that "they [*BIRN*] got the money from Mr. Davenport [head of the EU delegation in Belgrade, Michael Davenport] and the EU to speak against the Serbian government".[118] In late January, Prime Minister Vučić repeated his allegation that *BIRN* was "telling lies" and that he has "protected Serbia from falsehood" and that if he had not done it "no one would have."[119]

---

[116] ibid.

[117] Human Rights Watch email correspondence with Olja Bećković, B92 TV show host, April 9, 2015.

[118] BIRN, "Serbia PM Slams EU Alleging Lies," *Balkan Insight,* January 26, 2015, http://www.balkaninsight.com/en/article/serbia-pm-slams-eu-alleging-birn-lies (accessed on May 4, 2015).

[119] Ibid.

Political interference occurs outside the capital city as well. Predrag Blagojević, the journalist from Niš in southern Serbia, told Human Rights Watch how the deputy mayor in Niš during a press conference accused him of being a foreign agent in March 2014:

> He said that he knows how often I travel and that I take instructions from abroad. Nobody made any public apology from the mayor's office. Two days after the press conference I received lots of threats via Facebook saying I should be beaten and that I should be forced out of the country. I reported the Facebook threats to the police in Niš and the case is now under investigation.[120]

Human Rights Watch interviewed the editor- in-chief at *Radio Niš*, Ivana Petrović, who said the station had not had any inspections for 19 years when suddenly in late 2012 a surprise inspection took place, after they had published a series of critical stories about political leaders. Petrović explained:

> The inspector showed up without any prior notification and returned the next day. I asked him what he wanted and he told me that he needed to see a mandatory document on fire protection. This paper is only necessary for companies with more than 10 employees and he knew we are only three employees. He also checked to see if we have a no smoking sign and bogged us down with paper work for days. Even the smallest fine is a huge amount for a local outlet.[121]

Danica Vučenić, the former TV host of the political talk show *Jedan na Jedan* on RTV Vojvodina, a regional public broadcaster, told Human Rights Watch that she quit her show in late March 2015 due to what she described as political pressure:

> After I had Olja Bečković as a guest on my show in October 2014 talking about how her TV show had been banned, from that moment on SNS

---

[120] Human Rights Watch interview with Predrag Blagojević, editor-in-chief of Juzne Vesti, Niš, Serbia, October 3, 2014. Deputy mayor's statement: "Slavkovic ponovo vredao 'Južne Vesti,'" *Južne Vesti*, http://www.juznevesti.com/Drushtvo/Slavkovic-ponovo-vredjao-Juzne-vesti.sr.html, (accessed May 4, 2015) and audio clip: https://soundcloud.com/juznevesti/ljubivoje-slakovic-o-juznim-vestima-1 (accessed April 9, 2015).

[121] Human Rights Watch interview with Ivana Petrović, editor-in-chief of Radio City, October 4, 2014, Niš, Serbia.

officials [ruling Serbian party] boycotted my show. Officially, they didn't tell me why but I was told by sources in SNS that they [regional SNS officials] had been instructed to boycott my show… I understood it as political pressure that I was pushed into a corner and I would have been forced to be one-sided in my reporting. As a result I decided to leave journalism because there is no space for independent journalists. [122]

Interior of Radio 021 studio in Novi Sad, Serbia. October 4, 2014. Copyright: Lydia Gall, Human Rights Watch.

Many Serbian news outlets depend heavily on government subsidies and advertising purchases that are allocated through opaque and politicized processes.

According to a 2013 World Association of Newspapers and News Publishers and Center for International Media Assistance study on the Serbian media, state funding comprised 23 to 40 percent of the value of Serbia's overall advertising market.[123] The 2013 United States State Department Human Rights Report on Serbia notes that heavy media dependency on state advertising and state subsidies via government friendly advertising agencies lead media outlets to practice self-censorship.[124] Serbia lacks a regulatory body supervising public spending on advertising.[125]

---

[122] Human Rights Watch phone interview with Danica Vučenić, former talk show host of *Jedan na Jedan*, April 23, 2015.

[123] World Association of Newspapers and News Publishers, "Soft Censorship: Strangling Serbia's Media," 2013 WAN-IFRA, p. 6. http://www.wan-ifra.org/system/files/field_article_file/WAN-IFRA%20Soft%20Censorship%20Serbia%20Report_0.pdf., (accessed May 4, 2015).

[124] U.S. State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 2013: Serbia," p. 10, http://www.state.gov/documents/organization/220539.pdf (accessed February 17, 2015).

[125] Freedom House, "Freedom of the Press 2014 Serbia," https://freedomhouse.org/report/freedom-press/2014/serbia (accessed March 18. 2015).

IV. Civil Defamation Lawsuits against Critical Media Outlets and Journalists

The countries featured in this report have decriminalized defamation (BiH in 2001, Kosovo in 2013, Montenegro in 2011, and Serbia in 2013). However, Human Rights Watch research indicates that civil defamation lawsuits are a problem for journalists in BiH, Montenegro, and to a certain extent in Serbia. We did not document civil defamation lawsuits against journalists in Kosovo. While laws governing protection against libel in the four countries on paper appear satisfactory, public officials and powerful businesses (often linked to the political elites) attempt to silence critical media and journalists by repeatedly suing them for defamation, often seeking high damages in cases that end up being dragged through the courts for years, financially choking outlets and journalists. Suing journalists and outlets has had a chilling effect on independent media in the Western Balkans and contributes to self-censorship among journalists.

Freedom House has expressed concern about the use of civil defamation lawsuits in BiH, Serbia, and Kosovo.[126] Former UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, stated in his 2014 report on Montenegro that civil defamation lawsuits disproportionally target government critical media.[127]

Freedom of expression does not mean that journalists are immune from lawsuits or cannot be held accountable, for example, for deliberate distortion or knowingly false reporting on facts. However respect for freedom of expression, and the importance of a free media in a

---

[126] Press Freedom reports on BiH state that journalists may face civil damages from libel complaints. The 2014 Freedom House Press Freedom report on Kosovo said that there has been an increase in libel suits against journalists, particularly online journalists. According to Freedom House, there is a backlog of libel cases in courts and the 2014 Press Freedom Report states that the three main independent media outlets *Vijesti, DAN* and *Monitor*, have paid thousands of euros in damages for insulting Prime Minister Đukanović and his family. See Freedom House, "Press Freedom 2014 Kosovo," https://freedomhouse.org/report/freedom-press/2014/kosovo (accessed April 7, 2015) and Freedom House, "Press Freedom 2014 Montenegro," https://freedomhouse.org/report/freedom-press/2014/montenegro (accessed April 7, 2015).

[127] UN Commission on Human Rights, Report of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Mission to Montenegro, A/HRC/26/30/Add.1, para. 17, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-30-Add1_en.doc (accessed April 7, 2015). Freedom House Press Freedom Reports on Serbia from 2012-2014 say that journalists and outlets face lawsuits or threats of lawsuits for extortionate amount. Freedom House, Press Freedom 2012-2014 Serbia, https://freedomhouse.org/report/freedom-press/2014/serbia (accessed April 7, 2015).

democratic society, does mean that the justice system should not be used as an avenue for political elites and powerful businesses to persecute or take revenge on journalists for reporting critically.

Bosnia and Herzegovina (BiH)

The laws in the Federation of BiH and in Republika Srpska governing protection against libel and defamation stipulate liability for defamation for the willful or negligent dissemination of a false fact that causes harm to a natural or legal person, and establish appropriate exemptions from liability.[128] Borka Rudić, president of the BiH Journalist Association told Human Rights Watch the problem relates primarily to implementation, while noting her view that the wording on how to assess non-material damages suffered by the plaintiff constituting the basis for court rulings on damages is vague.[129] Rudić told Human Rights Watch that there are about 100 defamation lawsuits against journalists annually in BiH.[130]

Human Rights Watch spoke with several journalists and editors in BiH who described having to fend off numerous defamation lawsuits filed by politicians and government officials. They attributed these legal actions to their reporting on sensitive issues, and spoke of the impact of their ability to do their jobs.

Slobodan Vasković, an independent blogger in Republika Srpska who reports on war crimes and corruption told Human Rights Watch that he has had over 40 defamation lawsuits filed against him, several of them by Republika Srpska entity President Milorad Dodik:

> I would say that 98 percent of those are filed by high government officials [...] Twelve or 13 lawsuits were filed by Dodik, the last one in 2011. The three first lawsuits filed by Dodik against me I won as they were filed in Sarajevo [Federation of Bosnia and Herzegovina Entity] but the rest were filed in Banja Luka [Republika Sprska Entity] where I lost them all. I have also been

---

[128] Law on Protection Against Defamation of the Federation of Bosnia and Herzegovina, November 1, 2002, arts. 5-6 and 10 , http://www.ohr.int/decisions/mo-hncantdec/default.asp?content_id=28423 (accessed April 7, 2014) and The Law on Defamation in Republika Srpska, August 1, 2001, arts. 5 and 11, http://srpski.vzs.ba/index.php?option=com_content&view=article&id=210%3Azakon-o-zatiti-od-klevete-rs&catid=9%3Anovinarski-zakoni&Itemid=12&lang=bs (accessed April 7, 2015).

[129] Human Rights Watch interview with Borka Rudić, president of the Journalist Association of Bosnia and Herzegovina, Sarajevo, BiH, July 29, 2014.

[130] Ibid.

> sued by the former prime minister, the former minister of the police, members of parliament and various tycoons [...] Only this morning, I had two other lawsuits filed against me.[131]

The journalist said he refuses to pay the fines imposed by courts in Republika Sprska because he asserts that all of the decisions against him are politically motivated, citing the judiciary's lack of independence from the government. The lawsuits against him prevent him from being able to do his work as a journalist:

> I don't even have money to hire a lawyer so I defend myself in court and in this way, they have achieved that they make me spend most of my time in court and don't have time to do my work. If I do work and get paid, the authorities take my money towards the fines I owe.[132]

Ljiljana Kovačević, a journalist working for *Beta News Agency*, told Human Rights Watch that President Dodik sued her for civil defamation in 2011 shortly after a press conference where President Dodik told her to leave the building because he claimed that she published fake news. In October 2013, a lower court in Banja Luka convicted her of defamation, saying that she had violated the presumption of innocence while acknowledging that the information she had published was correct and true. An appeals court overturned the conviction—and the 5,000 Konvertible Mark (KM) (approximately US$3,115) fine—in August 2014. "But if they are ready to find you guilty for information that is true and has been known for years, just imagine what else they can do," Kovačević said.[133]

In her article Kovačević had reported the news that the BiH State Investigation and Protection Agency had submitted a report against Dodik and others on suspected criminal activity in relation to questionable construction tenders.

Slobodna Bosna, an independent weekly in BiH, has been sued repeatedly, mainly by public officials, as a result of its reporting. Editor-in-chief Suzana Mijatović told Human Rights Watch that *Slobodna Bosna* currently has 50 outstanding civil lawsuits against it,

---

[131] Human Rights Watch interview with Slobodan Vasković, independent blogger, Banja Luka, BiH, October 7, 2014.

[132] Ibid.

[133] Human Rights Watch interview with Ljiljana Kovačević, journalist at Beta News Agency, Banja Luka, BiH, October 7, 2014. Court documents are on file with Human Rights Watch.

the latest lawsuit in mid-January 2015 triggered by an article about the Serb Democratic Party (SDS) politician Milovan Cicko and his past support for former Serbian Prime Minister Slobodan Milosevic.[134] Mijatović said that Cicko sued *Slobodna Bosna* for 8,000 KM (approximately US$4,600). Mijatović told Human Rights Watch in a follow-up email that as a result of court decisions between March 2014 and January 2015 *Slobodna Bosna* was ordered to pay €15,000 (approximately US$16,890) in fines to plaintiffs.[135]

Human Rights Watch interviewed a reporter at *Slobodna Bosna* who said that continuous lawsuits against critical media has resulted in a situation where outlets and journalists will sooner or later be forced to choose between self-censorship or closing down.[136]

Montenegro

Protection against defamation and libel are outlined in article 20 of the 2002 Media Law and in articles 205 and 206 of the Montenegrin Law on Obligations. These laws create liability for the knowing or reckless publication of untrue facts.[137] Journalists interviewed by Human Rights Watch in Montenegro reported that the authorities use civil defamation lawsuits to interfere with their work.

Milka Tadić-Mijović, executive director at weekly *Monitor*, is all too familiar with defamation lawsuits. Six lawsuits are currently pending against the outlet, including one filed by Prime Minister Đukanović's sister, Ana Kolarević:

> We investigated the prime minister's sister's role in the [alleged corruption during the privatization of] Telekom… and she [Ana Kolarević] sued us together with *DAN* and *Vijesti*. She is suing us for €100,000 while others normally sue for about €10,000. We won the case at first instance but the second instance court sent the case back to the first court for retrial.[138]

---

[134] Human Rights Watch phone interview with Suzana Mijatović, editor-in-chief of Slobodna Bosna, January 20, 2015.

[135] Human Rights Watch email correspondence with Suzana Mijatović, editor-in-chief of Slobodna Bosna, January 26, 2015.

[136] Human Rights Watch interview with Nidžara Ahmetašević, journalist, Sarajevo, BiH, July 31, 2014.

[137] Republic of Montenegro, Broadcasting Agency, Media Law, November 13, Podgorica, Montenegro, art. 20, http://minoritycentre.org/sites/default/files/law-media-me.pdf. (accessed April 7, 2015) and The Law on Obligations, MNE 47/2008, August 7, 2008, art. 20. http://ano.me/en/index.php?option=com_phocadownload&view=category&download=25&id=7 (accessed April 7, 2015).

[138] Human Rights Watch interview with Milka Tadić-Mijović, executive director of Monitor, July 22, 2014, Podgorica, Montenegro.

Nikola Marković, editor-in-chief at opposition daily newspaper *DAN* in Montenegro, said his outlet is also struggling with lawsuits. He told Human Rights Watch that *DAN* gets sued frequently:

> We have paid more than €200,000 [approximately US$226,570] so far in fines. Most of the cases related to Prime Minister Đukanović or his friends, such as former and current ministers and their family. The latest lawsuit was the prime minister's sister who sued us in a case which we lost.[139]

At the end of 2012, there were 23 lawsuits pending against daily newspaper *Vijesti* amounting to €2 million including a 2007 lawsuit by Prime Minister Đukanović for a total of €1 million in damages.[140]

Serbia

The head of the Independent Association of Journalists (NUNS) in northeastern Serbia, told Human Rights Watch that lawsuits against journalists in Vojvodina and in Serbia in general are common.[141] Human Rights Watch was unable to independently verify cases of such interference. According to NUNS, the only available statistics are from 2011. Out of 242 civil defamation lawsuits against journalists and media outlets filed before the High Court in Belgrade, 40 percent were filed by public officials, celebrities, powerful business leaders, city mayors, members of parliament, and ministers.[142]

Miodrag Sovilj, an investigative journalist reporting on local and regional issues in Vojvodina at *N1TV* in Novi Sad, said that the primary way to try and obstruct media from reporting on sensitive issues is by suing outlets and journalists:

> The number one method is defamation lawsuits…They [businesses and political elites] can manage to close down outlets and keep journalists in

---

[139] Human Rights Watch interview with Nikola Marković, editor-in-chief of DAN daily, July 22, 2014, Podgorica, Montenegro.

[140] Network for Affirmation of NGO Sector (MANS), "How much does it cost for a journalist to be critical in Montenegro?," p. 5, http://www.mans.co.me/en/wp-content/uploads/fai/FreedomOfExpression-Internship.pdf (accessed February 19, 2015).

[141] Human Rights Watch interview with Nedim Sejdinović, head of the Independent Association of Journalists in Vojvodina, Novi Sad, Serbia, October 5, 2014.

[142] Human Rights Watch email correspondence with Maja Vasić-Nikolić, NUNS, March 24, 2015.

> court and it costs a lot of money. I had three lawsuits against me at one point...the only three lawsuits I ever had against me.[143]

Although Sovilj never lost any of his cases in court, he claims that the regular court proceedings kept him from working.

Another Novi Sad based journalist told Human Rights Watch that her outlet was sued in April 2014 by a public company for having published an article revealing alleged threats by a former employee in regards to local elections in Novi Sad:

> They [the public company] announced during a press conference in early April that they had sued us [her media outlet].[144]

[143] Human Rights Watch interview with Miodrag Sovilj, reporter at N1TV, Novi Sad, Serbia, October 5, 2014.

[144] Human Rights Watch interview with Vanja Đuric, journalist, Novi Sad, Serbia, October 5, 2014.

V. Cyber-attacks against Critical Websites

Journalists reported cyber-attacks against online news websites or blogs conducting investigative and critical reporting. According to Human Rights Watch research, this problem appears to be more prevalent in BiH and Serbia than Kosovo or Montenegro. Journalists interviewed by Human Rights Watch said the response of the authorities was inadequate.

The attacks are typically so called Distributed Denial of Service (DDoS) attacks and aim to make an online service unavailable by overwhelming it with traffic from multiple sources.

Bosnia and Herzegovina (BiH)

In BiH, since the 2014 May Balkan flood disaster when several news sites started looking into how authorities had managed the humanitarian relief response, the number of cyber-attacks against critical outlets appear to have increased.

In Banja Luka, Human Rights Watch interviewed Žjelko Raljić, the owner of *Istinito* news website, who stated that in the first week of October 2014, the website suffered three DDoS cyber-attacks bringing the site down for a full day in each instance. As a result of the attacks, it took the *Istinito* team several days to restore the full capacity of the website, during which the team was unable to publish news. The response of authorities has been weak, according to Raljić:

> I have reported all cyber-attacks to the police. They asked me to provide them with data so I directed them to the internet provider and that's it. It's difficult to identify the source of these attacks but whenever I have articles about [President] Dodik where I criticize him or the government, there is an attack on the website.[145]

Later that day, following a Human Rights Watch interview with editor-in-chief Maja Bjelajac at *Istinito*, she informed Human Rights Watch that a cyber-attack had occurred during our

[145] Human Rights Watch interview with Žjelko Raljić, owner of Istinito website, October 8, 2014, Banja Luka, BiH.

interview.[146] In subsequent communication, Bjelajac told Human Rights Watch that police had reacted and called her and the owner of *Istinito* in for details of the attack, but the owner declined to hand over certain IP addresses that he feared might give police access to information not related to the investigation and which might reveal the identity of site visitors. As a result, police suspended the investigation.[147]

The general prosecutor in Republika Srpska, Mahmut Švraka, told Human Rights Watch that they had not received any reports about cyber-attacks against news sites. He said that the general prosecutor's office has a department for cyber-crimes but that the department has not had any cases that involve crimes against journalists.[148]

Serbia

In 2014, reports emerged of cyber-attacks targeting websites publishing reports on alleged plagiarism involving the police minister of Serbia as well as against outlets reporting critically on how authorities dealt with the humanitarian relief effort during the 2014 May Balkan floods.

In June 2014, the online news site *Peščanik* published a story about allegations of plagiarism at Megatrend University by a minister, who denied the allegations. Hours after publication, the site was subject to cyber-attacks, according to the editor in chief Svetlana Lukić:

> Five or six hours after we published the article, our website crashed. Our web administrator identified the attack as being launched from the Megatrend server. Our site was down all afternoon and night. The Ministry of Culture's reaction was that it was probably due to heavy traffic, which makes no sense as I wrote a text on the floods [Balkan flood disaster in spring 2014] a week before which had 60,000 visitors and the website worked fine. For the next two or three days, the website went on and off.[149]

---

[146] Human Rights Watch interview with Maja Bjelajac, editor-in-chief of Istinito, October 9, 2014, Banja Luka, BiH.
[147] Human Rights Watch Facebook correspondence with Maja Bjelajac, editor-in-chief of Istinito, January 16, 2015.
[148] Human Rights Watch interview with Mahmut Švraka, general prosecutor in Republika Srpska, October 8, Banja Luka, BiH,.
[149] Human Rights Watch interview with Svetlana Lukić, editor-in-chief of Peščanik, September 30, 2014, Belgrade, Serbia.

According to Lukić, two days after the attack, the head of the high tech crime unit called and asked her to bring *Peščanik*'s web administrator and information about the attack to the police station, and allegedly threatened her with arrest if she failed to come immediately. She continued:

> We brought a USB [stick] with records of the attack. Before he saw any data we brought, the head of the unit said that there is no way anybody from Megatrend University could have done this and that someone must have hacked the Megatrend server. He then called Megatrend's service provider and asked if there was unusual traffic from Megatrend to *Peščanik*. The call was on loudspeaker and the service provider informed us that there was zero traffic from that server. I have received absolutely no information about the investigation.[150]

Peščanik suffered a second barrage of cyber-attacks in August 2014 when, according to Lukić, 35 to 40 articles were suddenly deleted from the website and headlines replaced by texts saying "Stop the lies" in Serbian. Despite being able to replace all the deleted materials through back-up copies, there were 20 attacks over a two to three day period. Lukić said police investigators were "thrilled" with evidence she provided of three locations from which the attacks had been launched, but that the police attitude changed when she and her team told the police the name of a group they thought might be behind the attacks based on their own research:

> [The] police said it's impossible to investigate the case because it would require police to physically storm facilities where hackers are at the moment of the attack. We haven't heard back since. [151]

Dinko Gruhonjić, deputy president of the Independent Association of Vojvodina Journalists in north Serbia and editor-in-chief of the independent news portal *Autonomija*, says that the reason that social media sites and news portals are prime targets of attack is because that is where free journalism still exists. *Autonomija* also came under attack in March 2014:

---

[150] Ibid.

[151] Ibid.

> Before the national elections, we ran a series of critical stories of Prime Minister Vučić. Soon after, our website kept repeatedly crashing and we reported it to the local Novi Sad police but they just kept saying the same thing, that it's too sophisticated and that they can't solve it but had to send the case file to the special high tech crimes unit in Belgrade. Since then it's apparently under investigation.[152]

According to Gruhonjić, there is a sense of solidarity between social media, online media portals and even traditional media:

> When traditional media can't publish something, they will send their stories to us and then we disseminate them on social media or like earlier this year [early 2014], when Vojvodina was hit by lots of snow, Vučić [the prime minister of Serbia] was shown on TV airlifted in, in a chopper...Some guys ran a satire clip on YouTube about this news item … We [*Autonomija*] put it on our website and we had problems with the website breaking down constantly for five days after that. We reported the incident to the Belgrade high tech crimes unit who say they are investigating the case.[153]

A specialized unit for high tech crimes established in 2006 in the General Prosecutor's Office works on cybercrimes, including attacks on online press freedom. Branko Stamenković, the head of the unit, told Human Rights Watch that the unit can open an investigation based on police reports or reports by journalists or other private individuals as well as on their own initiative based on knowledge obtained through media reports.[154] In some cases, Stamenković said, local prosecution offices may decide to start an investigation into cyber-crimes, informing the high tech crimes unit they are doing so. According to Stamenković, his office did not receive any direct complaint or police report on the *Peščanik* attacks but launched an investigation after learning of the incident from media reports.[155] At the time of writing, the investigation is pending.

---

[152] Human Rights Watch interview with Dinko Gruhonjić, editor-in-chief of web portal Autonomija, October 5, 2014, Novi Sad, Serbia.

[153] Ibid. In a January 17 Facebook correspondence Gruhonjić told Human Rights Watch that there was no development in the cases he reported to the police.

[154] Human Rights Watch interview with Branko Stamenković, head of specialized unit for high tech crimes, October 3, 2014, Belgrade, Serbia.

[155] Ibid.

When Human Rights Watch mentioned other websites, such as *Teleprompter* and *Druga Strana*, that had complained about cyber-attacks after reporting on sensitive issues, Stamenković responded that he had never heard of these blogs and that it is "a high probability that the authors [bloggers] tried to advertise themselves under the shadow of censorship."[156] Human Rights Watch was unable to interview representatives of the two websites.

[156] Ibid.

VI. Smear Campaigns Against Journalists and Media Outlets

In March 2015, OSCE Representative on Freedom of the Media Dunja Mijatović declared that "freedom of the media in the Balkans is worse than after the wars in the '90s."[157] Mijatovćc highlighted online hate speech and smear campaigns against journalists, particularly women, as especially problematic.[158]

Human Rights Watch found that government-owned or friendly media outlets, including tabloids, in Bosnia and Herzegovina (BiH), Serbia, and Montenegro discredit oppositional media outlets and outspoken journalists. They do so for example by using caricatures accusing critical media outlets and journalists of being part of a so-called "media mafia" who work to topple the governments or by using explicit sexual references in offensive stories about the private lives of journalists, most of them women.

Bosnia and Herzegovina (BiH)

Human Rights Watch spoke with several Bosnian journalists who have experienced smear campaigns that have had negative consequences on their ability to work and on their career as media professionals.

For example, Slobodan Vasković, an independent blogger in Banja Luka was subjected to a 58-day long smear campaign by pro-government outlets including *RTRS* (Public Service Radio and Television in Republika Srpska), *SRNA* (Republika Srpska news agency), and *Nezavisne Novine* (daily newspaper) in 2011:

> The public broadcaster… said the most unimaginable things about me. For example, they found people who 'testified' that I took dirty money but there was no shred of evidence of any of it. I was accused of working for the US and accused of being responsible for the murder of Zoran Đinđić [prime minister of Serbia from 2001 until 2003 when he was assassinated]. The

[157] Media Diversity institute, "Media in the Balkans Worse than After the Wars," March 11, 2015, http://www.media-diversity.org/en/index.php?option=com_content&view=article&id=2925:media-in-the-balkans-discussed-at-columbia-university&catid=15:mdi-news&Itemid=33 (accessed April 9, 2015).
[158] Ibid.

> language used, the sheer hostility… it was all to pave the way for someone to kill me.[159]

Vasković has been unable to find work with established media outlets since then, a situation he attributes to the smear campaign.

Ljiljana Kovačević, reporter at *BETA* news agency in Banja Luka, told Human Rights Watch that during a press conference in 2011 Republika Srpska President Milorad Dodik told her to leave the presidential building in Banja Luka and barred her from future entry to the building, in effect at this writing. Because President Dodik uses the presidential building for his press conferences, Kovačević claims that she is unable to conduct her job properly and added that "last year [2013] Dodik said publicly that *BETA* [news agency] is a fake news agency publishing false news" attempting to discredit the reporter and the agency.[160]

In the BiH Federation, journalist Paulina Janusz was subjected to a smear campaign by the commercial station *Face TV* in late May 2014 due to an article she wrote criticizing the media coverage during the spring 2014 flood disaster in BiH:

> During the Saturday evening show they made a 5-minute segment about me which was full of sexism, lies and nationalism. They referred to me as "it" in the media report. The piece claimed that I am always in Sarajevo and that I was always writing badly about journalists. Radical Muslims took this information and wrote an article in Caff magazine saying that I'm a spy and working against BiH [Janusz is originally from Poland].[161]

Human Rights Watch was unable to prove any links between the TV station and political parties or powerful elites with close links to political parties. The smear campaign had serious personal consequences for Janusz. She said she suffered a breakdown and kept receiving threatening messages on Facebook saying "we'll send you back in a body bag." The day after the show she decided that she was not safe and left Sarajevo without

---

[159] Human Rights Watch interview with Slobodan Vasković, independent blogger, Banja Luka, BiH, October 7, 2014.
[160] Human Rights Watch interview with Ljiljana Kovačević, journalist at Beta News Agency, Banja Luka, BiH, October 7, 2014.
[161] Human Rights Watch interview with Paulina Janusz, journalist, Sarajevo, BiH, July 30, 2014.

reporting the threats to the police.[162] Since then, Janusz told Human Rights Watch that she left the media outlet and started working for an NGO.[163]

Montenegro

Three media outlets in Montenegro, *Monitor*, *DAN* and *Vijesti*, appear to be under a constant barrage of criticism in then government-owned or government-friendly media. The former special rapporteur on the promotion and the protection of the right to freedom of opinion and expression, Frank La Rue, noted in 2014 that there is a perception that daily newspaper *Pobjeda* (at that time government-owned) promotes the work of the government and discredits media outlets critical of the government.[164] Council of Europe Commissioner for Human Rights Nils Muiznieks, in his 2014 report on Montenegro, considered "unacceptable the public use by certain leading politicians of inflammatory remarks, including personal insults, against journalists and their work."[165]

Three journalists and four editors complained to Human Rights Watch that they have been subjected to smear campaigns by pro-government media for several years with damaging public accusations of corruption and organized crimes and attacks on their personal lives.

Milka Tadić -Mijović, executive director at weekly *Monitor*, told Human Rights Watch that *Pobjeda* daily newspaper—which the government sold to a private owner in November 2014—used to regularly called her a prostitute:

> They [*Pobjeda*] called me a prostitute and use other horrible words in their articles. They [*Pobjeda*] called *Monitor* a bordello, saying that our editor has 10 women. They are trying to destroy our personal lives. In November 2013,

---

[162] Human Rights Watch interview with Paulina Janusz, journalist, Sarajevo, BiH, July 30, 2014.

[163] Human Rights Watch Facebook correspondence with Paulina Janusz, journalist, March 19, 2015.

[164] UN Commission on Human Rights, Report of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Mission to Montenegro, A/HRC/26/30/Add.1, para., 46, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-30-Add1_en.doc (accessed April 9, 2015).

[165] Council of Europe Commissioner for Human Rights of the Council of Europe, "Report by Nils Muiznieks,Council of Europe Commissioner for Human Rights, following his visit to Montenegro, from 17 to 20 March 2014," CommDH(2014)13, June 23, 2014, para. 129, https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2562940&SecMode=1&DocId=2156564&Usage=2 (accessed April 10, 2015).

> *Pobjeda* wrote that my husband is on heroin [...] My daughter is 13 years old and tells me that her school mates ask her if I am a prostitute.[166]

Reporter Marko Vešović at daily *Dan* told Human Rights Watch that criticizing the Montenegrin government leads to outlets and journalists getting "trashed" in pro government media:

> For example, this Monday, an article I wrote was discredited in [then government owned] *Pobjeda* which said that *DAN* had interfered with political negotiations with the EU.[167]

Darko Ivanović, who runs the independent *Robin Hood* talk show on publicly-funded *RTK* told Human Rights Watch that as a result of discussing how police had paid a man to take the fall for property damage to his car, he was smeared in tabloids and government-friendly TV:

> After my show aired I was immediately featured on *TV Pink*'s two-minute news on an hourly basis where they called me a liar and said that I attacked innocent journalists. It's a whole system of parallel realities set up to discredit journalists.[168]

Serbia

In Serbia, several government-leaning tabloids, such as *Informer* and *Kurir*, as well as commercial TV station *Pink TV* frequently engage in personalized and derogatory articles and features to discredit journalists, labeling them as traitors, informers, thieves and prostitutes.

For example, Serbian TV personality Olja Bećković told Human Rights Watch that on the day we interviewed her an *Informer* journalist had called her asking her to confirm that she had been seen having dinner with a key member of the Serbian political opposition.

---

[166] Human Rights Watch interview with Milka Tadić-Mijović, executive director of Monitor, Podgorica, Montenegro, July 22, 2014,

[167] Human Rights watch interview with Marko Vešović, journalist, Podgorica, Montenegro, July 24, 2014.

[168] Human Rights Watch interview with Darko Ivanović, journalist, Podgorica, Montenegro, July 24, 2014.

Bećković answered that she had never met privately with the politician. According to Bećković, this was part of the efforts by tabloids and government-friendly newspapers to discredit her as the story of the transfer of Bećković's TV program (as discussed in Chapter IV) was unfolding in Serbian media:

> I bet you that I will be on tomorrow's cover being accused of heading the opposition against [Prime Minister] Vučić. Just wait and see.[169]

As Bećković predicted, the following day, *Informer* ran a story with Bećković on the cover, accusing her of leading the political opposition against Vučić.

Serbian pro-government *Informer* daily displaying a front page suggesting that TV-show host Olja Bećković is leading the political opposition. The front cover says: "Olja- leader of the opposition?" October 10

Gordana Igrić, director at *BIRN*, told Human Rights watch that *BIRN* had been subjected to a smear campaign:

> It was a very skillfully organized campaign aimed at discrediting *BIRN* and accusing us of being spies, paid foreign agents lobbying on behalf of the EU and endangering the life of the prime minister…State institutions are hesitant to give statements to *BIRN* as a result…[170]

The late 2014 and early 2015 campaign against *BIRN* and its director Gordana Igrić turned particularly nasty when the tabloid newspaper *Informer*, the online daily *E-novine* and *TV Pink* ran pieces insulting and discrediting *BIRN* and Igrić personally. In an article in late January

[169] Human Rights Watch interview with Olja Bećković, B92 TV show host, Belgrade, Serbia, October 9, 2014.

[170] Human Rights Watch Skype interview with Gordana Igrić, *BIRN* director, February 13, 2015.

2015, *E-novine* referred to Igrić as a "pole dancer for Michael Davenport" (head of EU delegation to Serbia), echoing criticism made by the Serbian prime minister (see chapter on political interference above).[171]

As a result, *BIRN* started the blog "BIRN under fire" providing live updates on statements by officials and pro-government news outlets aiming to discredit *BIRN*, including a comprehensive analysis outlining each incident.[172]

Journalists outside Belgrade are not immune to smear campaigns. Predrag Blagojević, editor-in-chief at *Južne Vesti* in Niš, a town in southern Serbia, told Human Rights Watch how he has also been smeared by *E-novine*, most recently in connection to a media conference organized by NUNS, where Blagojević is a member of the board. Blagojević is described as a "transgender fool" in a feature that also smears OSCE Media Freedom Representative, Dunja Mijatović, and *BIRN* director, Gordana Igrić.[173]

---

[171] E-Novine, "Evropske Pare Za Srpske Jajare," *E-novine*, January 23, 2015, http://www.e-novine.com/entertainment/entertainment-tema/115507-Evropske-pare-srpske-jajare.html (accessed February 19, 2015).

[172] "BIRN under Fire" http://birn.eu.com/en/page/birn-under-fire (accessed on February 19, 2015. "Kampanja Protiv BIRN-a: Uticai Vlasti na Medije," http://birnsrbija.rs/wp-content/uploads/2015/02/Kampanja-protiv-BIRN-a_uticaj-vlasti-na-medije.pdf (accessed February 19, 2015).

[173] E-novine, "Cenzurom Nam Guse Silikonsku Misao," *E-novine*,, February 13, 2015, http://www.e-novine.com/kolumna/petar-lukovic/116496-Cenzurom-nam-gue-silikonsku-misao.html (accessed April 13, 2015).

VII. International and Domestic Legal Obligations

Freedom of expression constitutes one of the essential foundations of a democratic society and it extends not only to "information" or "ideas" that are favorably received, but also to those that offend, shock or disturb. Media freedom, plurality and the protection of journalists are a central part of the effective exercise of freedom of expression. While the media may be subject to some restrictions necessary for the protection of certain vital interests of the state, such as national security or public health, the media has a role and responsibility to convey information and ideas on political issues, even divisive ones and the public has a right to receive them. The ability to practice journalism free from undue interference, to peacefully criticize government, and to express critical views are crucial to the exercise of many other rights and freedoms.

Bosnia and Herzegovina (BiH), Montenegro and Serbia are parties to the European Convention on Human Rights (ECHR) [174] and the International Covenant on Civil and Political Rights (ICCPR).[175] Both impose legal obligations on states to protect freedom of expression and information. Kosovo's status under international law means that it is not yet a party to the ICCPR or the ECHR but under its constitution it is bound by the standards in both treaties as a matter of domestic law.[176]

On a domestic level BiH guarantees freedom of expression in the constitution.[177] On entity levels, article 1(l) in the Federation constitution safeguards media freedom while the Republika Srpska constitution guarantees media freedom under articles 25 and 26.[178] In

---

[174] European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 2, 1953, as amended by Protocols Nos 3, 5, 8, and 11 which entered into force no September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, art. 10.

[175] Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N.

GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Bosnia and Herzegovina ratified the ICCPR in 1993, Montenegro in 2006and Serbia in2001. Kosovo, due to its lack of statehood, has not ratified the ICCPR.

[176] Constitution of the Republic of Kosovo, art. 22, http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf (accessed February 19, 2015).

[177] Constitution of Bosnia and Herzegovina, adopted March 26, 2009, art. 3(h) of the http://www1.umn.edu/humanrts/icty/dayton/daytonannex4.html (accessed May 4, 2015).

[178] Constitution of the Federation of Bosnia and Herzegovina, adopted June 24, 1994, http://www.legislationline.org/download/action/download/id/1577/file/cf85ae3b01c1adcd1b6eed4a3b84.htm/preview (accessed February 19, 2015); Constitution of Republika Srpska, adopted April 18, 2002, http://www.legislationline.org/download/action/download/id/1580/file/c8ea79bc0db11c11f49f19525f43.htm/preview (accessed February 19, 2015).

Kosovo, freedom of expression and press freedom are guaranteed under articles 40 and 42 in the constitution.[179] In Montenegro, freedom of expression and the freedom of press are guaranteed under articles 47 and 49 of the constitution.[180] Articles 46 and 50 in the Serbian constitution guarantee the right of the press to operate freely without censorship.[181]

Both the ICCPR and ECHR impose negative and positive obligations on governments with respect to freedom of expression: obligations to refrain from non-permissible interference with the right, to protect the right from harm including by private persons and entities and to facilitate the exercise of the right.

Article 19 of the ICCPR provides:

> Everyone shall have the right to hold opinions without interference; [...] Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.[182]

The UN Human Rights Committee, the independent expert body that monitors state compliance with the ICCPR, in its General Comment No. 34 on the right to freedom of expression, states with respect to criticism of government officials, that in circumstances of public debate concerning public figures, "the value placed by the Covenant upon uninhibited expression is particularly high." The "mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties." Thus "all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition."[183]

---

[179] Constitution of the Republic of Kosovo, entered into force June 15, 2008, http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf (accessed February 19, 2015).

[180] Constitution of Montenegro, adopted October 19, 2007, https://www.constituteproject.org/constitution/Montenegro_2007.pdf (accessed February 19, 2015).

[181] Constitution of the Republic of Serbia, adopted September 30, 2006, http://www.legislationline.org/documents/action/popup/id/8851/preview (accessed February 19, 2015).

[182] Ibid.

[183] UN Human Rights Committee, General Comment No. 34, Article 19, Freedom of Opinion and Expression, CCPR/C/GC/34 (2011), para. 38.

In addition, the Human Rights Committee has said that "defamation laws must be crafted with care to ensure that they [...] do not serve, in practice, to stifle freedom of expression [...] State parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.[184]

The European Court of Human Rights has also made clear that with respect to public figures, in particular politicians and others in governmental roles, that the limits of acceptable criticism are wider than as regards a private individual.[185] In respect of political speech, the Court has observed that "political invective often spills over into the personal sphere, such are the hazards of politics and the free debate of ideas, which are the guarantees of a democratic society"[186] and that "journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation."[187] The media has a vital role to play as "public watchdog" in imparting information of serious public concern and should not be inhibited or intimidated from playing that role. [188]

While defamation proceedings may be compatible with freedom of expression under the ECHR if they are to protect the reputation of others, defamation offences must be prescribed by law, necessary in a democratic society and proportionate including the potential penalties. The European Court of Human Rights has found multiple violations of the ECHR as a result of improper defamation convictions or penalties imposed. The Court has also upheld some sanctions on journalists as interferences which did not constitute violations of freedom of expression, making clear that journalists can be legitimate subjects of public debate and criticism and do not enjoy absolute immunity from sanction for speech related offences but such offences must be properly provided for by law and compatible with robust free speech and media.

---

[184] Ibid.

[185] See for the original case Lingens v. Austria, Application No. 9815/82, Judgment July 8, 1986, Series A no. 103.

[186] Lopes Gomes da Silva v. Portugal, Application No. 37698/97, Judgment September 28, 2000, Reports of Judgments and Decisions 2000-X, para. 34.

[187] See among other cases Oberschlick v. Austria (No. 2), Application No. 20834/92, Reports of Judgments and Decisions 1997-IV; Dalban v. Romania, Application No. 28114/95, Reports of Judgments and Decisions1999-VI; Arslan v. Turkey, Application No. 23462/94, judgment of July 8, 1999.

[188] See e.g. *Bladet Tromsø and Stensaas v. Norway*, Application No. 21980/93, May 20, 1999.

Any country seeking membership of the European Union (EU) must satisfy the Copenhagen criteria in order to become a member state. The political criteria include respect for human rights and the rule of law. The body of EU laws (known as the EU acquis) that candidate countries are required to incorporate before joining says little on media freedom. However, media freedom is covered by Chapter 23 of the conditions for EU membership which address how member states must ensure respect for fundamental rights and EU citizens' rights as guaranteed by the acquis and by the Charter of Fundamental Rights of the EU. The European Commission is also obliged by the Copenhagen criteria to determine whether there is a respect and commitment in promoting freedom of expression in a given aspiring country and any shortcomings should be addressed "even if there is no EU regulation to align with and implement."[189] Where there is impunity for attacks and threats against journalists, states are obliged to put in place legal, institutional and political structures enabling a safer working environment for journalists.

[189] European Neighbourhood Policy and Enlargement Negotiations, Freedom of Expression and Media, "DG Enlargement Guidelines for EU Support to Media Freedom and Media Integrity in Enlargement Countries," 2014-2020, p.1, http://ec.europa.eu/enlargement/pdf/press_corner/elarg-guidelines-for-media-freedom-and-integrity_210214.pdf (accessed February 20, 2015).

Recommendations

To the Authorities of Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia

To Heads of State

- Publicly and unequivocally condemn all attacks against journalists and media outlets and ensure swift and thorough investigations into all such incidents;
- Ensure an environment in which media professionals are free from intimidation, including accusations of being foreign agents or otherwise disloyal to the country;
- Ensure that politicians and government officials on all levels refrain from abusing civil defamation lawsuits against journalists.

To Ministries of Interior

- Publicly and unequivocally condemn all attacks against journalists and media outlets;
- Ensure that the police promptly investigate all attacks and credible threats against journalists and media outlets, and ensure that any officials, police officers or others found responsible for obstructing, abusing, or assaulting journalists are disciplined or prosecuted;
- Provide needed financial and technical assistance to ensure adequate trainings for police on investigating crimes against journalists;
- Ensure that journalists facing specific threats and who seek protection are given it.

To Public Prosecutors and the Judiciaries

- Conduct prompt, effective, impartial, and thorough investigations into all attacks and threats against journalists and media outlets, including cybercrimes, and bring prosecutions as appropriate.

To the European Union Institutions and Member States

- As part of monitoring compliance of the EU accession acquis in general, and Chapter 23 in particular, the European Commission should ensure that respect for press freedom is a key precondition for EU membership and stress the importance of improving the situation for journalists and the climate for media freedom in dialogues with Western Balkan states in various stages of EU membership negotiations;
- Use every opportunity to urge the relevant authorities in Bosnia and Herzegovina (BiH), Kosovo, Montenegro, and Serbia to immediately cease all intimidation of journalists and media outlets and to take necessary steps to improve investigations into attacks and threats against journalists and to bring perpetrators to justice.

To the Organization for Security and Cooperation in Europe (OSCE)

- The OSCE representative on media freedom should continue to highlight violations of media freedoms and the plight of journalists in the Western Balkan region as part of her work, and make concrete recommendations for steps needed to address the problems identified;
- Other OSCE bodies and participating states should urge the relevant authorities in BiH, Kosovo, Montenegro, and Serbia to thoroughly investigate and prosecute all cases of attacks and threats, including online, against journalists and media outlets in order to bring perpetrators to justice;
- Provide technical assistance and other support to relevant authorities in BiH, Kosovo, Montenegro, and Serbia in promoting media freedom and protection of journalists' rights;
- Urge relevant authorities in BiH, Kosovo, Montenegro, and Serbia to ensure transparency of media outlet ownership to combat increase risks of undue pressures on editors and journalists.

To the Council of Europe (CoE)

- The Secretary General, the Commissioner for Human Rights, the Parliamentary Assembly and other relevant CoE bodies should make media freedom a priority area of concern in their work on the Western Balkans, highlighting the problems documented in this report and urging concrete steps to address the shortcomings identified;
- In particular, the CoE bodies should urge the relevant authorities in BiH, Kosovo, Montenegro and Serbia to ensure thorough investigations and prosecutions of all cases of attacks and threats, including online, against journalists and media outlets in order to bring perpetrators to justice and make clear that violence and threats against journalists will not be tolerated;
- Stress that sanctions for crimes against journalists reflect the seriousness of the offence with relevant authorities in BiH, Kosovo, Montenegro, and Serbia;
- Underscore with relevant authorities in BiH, Kosovo, Montenegro, and Serbia that politicians and government officials must accept a higher degree of public criticism and scrutiny, including from journalists;
- Conduct monitoring missions when needed specifically looking at media freedom in the Western Balkans.

Acknowledgments

This report was written and researched by Lydia Gall, researcher on Balkans/Eastern Europe in the Europe and Central Asia Division, based on research she conducted in Bosnia and Herzegovina (BiH), Kosovo, Montenegro and Serbia. The report was reviewed by Benjamin Ward, deputy director in the Europe and Central Asia Division, Judith Sunderland, associate director in the Europe and Central Asia Division, Veronika Szente Goldston, advocacy director in the Europe and Central Asia Division, Aisling Reidy, senior legal counsel, Danielle Haas, senior editor, and Tom Porteous, deputy program director. Annkatrin Tritschoks, Erica Lally, and Anže Močilnik, associates in the Europe and Central Asia Division, provided valuable practical support and production assistance. Additional production assistance was provided by Kathy Mills, publications specialist and Fitzroy Hepkins, production manager.

We are grateful to the journalists and editors who agreed to share their experiences with us despite concerns of government and other reprisals and we admire their courage and commitment in providing independent and critical news of public interest.