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# Media News

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## • Journalism and Democracy

## • Media in Transition

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## A d e n a u e r – M e d i a a n d P o l i c y

### Failed Encounter

In Sarajevo, on 16 and 17 June, in the Congress Hall of the Holiday-Inn Hotel, a gathering of journalists was held under the sonorously solemn title “Regional Conference – Media and Policy”, organised by the German Foundation Konrad Adenauer. According to the organiser, the meeting was attended by almost 130 out of 150 invited journalists from the territories of former Yugoslavia. Indeed, a great number of distinguished journalists gathered that Friday and Saturday in Holiday-Inn, and they were undoubtedly capable of giving their contribution to better defining of relations in that ever slippery zone between the politics and media. The given topics were quite promising, and they were: “Journalists in BH as Instrument of Politicians”; “Obstacles and Problems of Independent Media in Totalitarian Societies – Croatian Example and Experience”; “Law on Information - Influence of Political Parties on Media in Macedonia”; “Europe – Politics – Media”; “Influence of Foreign Correspondents on Attitude of West in Regard to Situation in Former Yugoslavia”; “Repressive Laws on Media in Serbia”; “Montenegro between Serbia and Sovereignty” and “Application of the European Convention – Protecting Sources of Information”. Unfortunately, after having heard the speakers who for two days took their turns in front of the microphone, in a hall which saw many a glamorous political Sarajevo gathering, what remains is a somewhat vapid aftertaste, expressed in a statement overheard in the hotel lobby: “It has been a long time since such a glamorous and expensive journalist conference with so many brilliant participants has been organised with so little results in the end, and with so much energy spent in vain.” This qualification is quite near the truth. There are two key reasons for that. The enormous potential energy, knowledge, experience and expertise of the participants was simply annihilated by the misconceived idea upon which the whole gathering was based, and which, with the best of intentions, was created in some far-away place, from which neither the key political nor the key media problems of the territories of former Yugoslavia were discerned. As Borka Pavičević from Belgrade said: “The gathering lacks a central theme, because the theme at stake is neither the Serbian case nor the Bosnian case nor the Croatian case, etc. We are again being pushed to talk about Serbia, Bosnia, Croatia etc. which induces us to make war again, instead of trying to broach the subjects of politics, left, war-mongering, pacifism, and similar. We in Serbia have a government which is absolutely out of touch with reality, we have the opposition which is very little in touch with reality, and behold, now we have us who also are not much in touch with reality...”

Another problem of Sarajevo gathering was a fact that some of the outside participants, above all certain Karsten Knolle, a member of the European Parliament, and Gudrun Dometeit, editor of editorial board for foreign policy of a German weekly "Fokus", were people without much in common with the media reality here, and people, who in certain moments, during their presentations, were far below the elementary level necessary for communication with the domestic journalists and experts in media and political problems. The topic "Europe-Politics-Media" demanded from the organiser to bring in front of the domestic journalists, very well acquainted not only with what is happening to them around here, but with what is happening in Europe as well, a person which would inspire more credibility than a man who learned the ropes of journalist trade in the former East Germany. And who would, on top of that, reduce the relationship between journalism and politics to such qualification of journalism, as a job which, in his words, sometimes must be a job of a spy. Reacting to this and at the same time alluding to the completely superficial presentation of impressions of the said Gudrun Dometeit concerning the events in Serbia, Petar Luković from Belgrade cynically asked "not to be served the explanations from Germany on what is happening in Belgrade, because what is happening there is something that the fine folks from outside can not even imagine..."

Some of the participants undoubtedly did touch in their discussions upon some of the significant issues falling within the domain of the theme given, opening also some other issues, like for example Željko Cvijanović, who put forward a significant question of "political and every other form of corruption inside the media". The German organisers, however, apparently felt but a little affinity toward such "internal problems", insisting instead on retelling the old stories of media difficulties from state to state. So, the gathering under the resounding title of "Regional Conference" turned finally into a decently and successfully performed job that will probably make the organisers content, while the considerable sum of money spent for the occasion from the budget earmarked for support to media within the framework of the Stability Pact will probably be considered as usefully spent. Domestic participants, coming from the newly formed states from the territories of former Yugoslavia, are left with the satisfaction of having seen each other again, although it is mainly the same circle of people that see each other frequently at similar conferences. Those better knowing the situation in media in the Balkans are left with the bitter impression that everything could have turned out otherwise: either the gathering, in view of the composition of the participants, could have tackled in a much more constructive way some of the live and pressing issues from the dramatic political and media situation in these territories, or the money that was cashed in by the Holiday Inn hotel and all those around could have been used in a much more useful and purposeful way. If that was, considering the existing pattern of circulation of international money intended as support to free media, anyone's genuine purpose at all.

(Zlatko Dizdarević)



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## **BiH – Country with Partly Free Media**

The renowned American Association for Research in Human Rights, Freedom House, in its 2000 report on media, listed Bosnia and Herzegovina among the countries with partly free media in 1999. In view of the unsettled situation in BiH, characteristic for development of a society in the aftermath of the war, ownership transformation, ethnic divisions and existence of variety of political forces on the political scene – from pronounced extremist ones to moderate ones, such qualification of BiH media can not be taken as being off the mark.

The media scene in Bosnia and Herzegovina is subject to quite specific pressures, exerted both by international protagonists and domestic authorities. Lack of appropriate media laws apart, there are considerable political pressures in play, as well as other pressures that result from the difficult material situation the media are in and the inexistence of media market. In 1999, there was a bomb planted in one radio station, while the editorial board of a TV station was attacked by a group of demonstrators. After publishing an article about war crimes, a journalist was seriously injured by bomb planted in his car. One media outlet was suppressed by force on the part of the international community. We will say something more on this further on, but we will first present the basic methodological procedures and criteria which were applied by the Freedom House experts in classification of the data which serve as the basis for classifying the media situation in particular countries.

The first level of analysis is the structure of media system: laws and regulatory mechanisms and their impact on media content. Another focal point of analysis is political control over media content. The third point of interest in the analysis are the present economic pressures on media, exerted either by the government or private owners. And finally, the fourth subject of analysis is the intensity of actual violence against media, in forms of censorship, harassment, physical attacks and murder of media professionals.

The first three categories of analysis (laws, politics and economics) are scored 0 to 15 and the fourth, the degree of actual violations, is scored 0 to 5. Note that the lower the number the freer the media. The broadcast and the print media were rated separately. The rating scale was formed in such a way as to represent the general level of media freedom in each analysed country. The countries rated 0 to 30 are deemed to have free media. Those rated 31 to 60 are classified as countries with partly free media and those rated 61 to 100 as countries which bar the freedom of media. Bosnia and Herzegovina scored 56.

It is difficult to draw reliable conclusions only on the basis of statistical and analytical surveys, however diligently performed, particularly because in many countries the journalists do not speak out in public about all kinds of pressures and interference they are exposed to. However, it is possible to give an overall assessment and it can serve as a good indicator of social developments in particular countries. At least on the basis of results compiled by the Freedom House, we can draw a conclusion that the journalistic freedoms are proportional to other freedoms in given societies. Finally, it is not just by chance that the journalists and media, of all the countries in Europe are mostly threatened precisely in Serbia, i.e. under the regime considered absolutely authoritarian and non-democratic.

## **South-East Europe in 1999 – Below European Average**

In the region of South-East Europe, which in our opinion includes Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania, Slovenia and Yugoslavia, the situation concerning the freedom of media is below the European average.

Within this group of countries, only Bulgaria and Slovenia were classified as countries with free press in the report of the Freedom House. Bulgaria made a progress, going from a group with partly free media into a free media group. In 1999, one Bulgarian journalist was under the government

investigation, and another one was attacked after discovering corruption in privatisation process. Under the Bulgarian criminal code, the defamation is punished by arrest and high fines, but such measures were not frequently applied during the last years. The case of Slovenia is the most positive one in the whole region. Restrictions of media freedom do not come from the government, but are more frequently manifested in form of self-censorship instead.

In the region of South-East Europe, the group made of countries with partly free media is the largest one. This group comprises five countries: Albania, Bosnia and Herzegovina, Macedonia and Romania. Among these countries, Macedonia and Romania got the best ratings (42 and 44). The Macedonian Constitution forbids censorship and guarantees the freedom of media and access to information, so that there were no major violations of freedom of media in this country during 1999 and at the beginning of 2000. The situation in Romania is somewhat more difficult. There the law forbids slander, libel, "denigration of authorities" and spreading of "false information" that might endanger national security. The journalists can be arrested if found guilty of such offences. According to Freedom House report on Romania, in 1999, six journalists were accused of libel and slander, one reporter was arrested for disclosing corruption, two were attacked while investigating a site, and manuscript was stolen from one journalist while he himself was pushed out of an express train.

According to Freedom House, the other two countries, with partly free media are Albania (rated 56) and Bosnia and Herzegovina (rated 56), which are actually very close to non-free media category (61-100). The Albanian Penal Code forbids defamation of public servants and symbols. The penalties vary from pecuniary fines to three years of prison. Albania is characterised by rather large number of media: one public RTV, 30 privately owned TV stations, 20 privately owned radio stations, and 250 registered printed media. In 1999, one Albanian journalist was murdered after publishing a story.

Two countries of SouthEast Europe which radically barred the freedom of media in 1999 and 2000 were Croatia and Yugoslavia, which were therefore listed into a not-free media group. From the present point of view it might seem surprising that Croatia is in the same group with Yugoslavia, but the report of Freedom House was made during the domination of HDZ, i.e. during the period when the pressures on media were intensive. Under the Croatian Criminal Code any one indicted of insulting the government could have been sentenced up to three years in prison. HDZ monopolised the printing and distribution of newspapers, which enabled the authorities to exert additional pressure over media in Croatia. Even more, until the end of 1999, the government controlled the principal state electronic media and effectively restricted frequency coverage of private media. During 1999, the journalists were intimidated, received death threats, were interrogated by the police and indicted for verbal attacks on government. After the HDZ lost power at the beginning of 2000, there are good grounds to believe that Croatia will be among the first countries in the region (next to Slovenia and Bulgaria) that will allow the freedom of press and freedom of information.

The country in the region which was rated the worst on the freedom of media scale was Yugoslavia, which scored 81. With such a high level of obstruction of freedom of expression and communication, Yugoslavia belongs to a group of 20 countries with worst dictatorships in the world, i.e. group of countries which scored 80 and more (like Belarus, scoring 80, Burundi, scoring 83, Afghanistan, scoring 90 or Cuba, scoring 94). With 1998 Law on Public Information serving as cover, the government authorities started a series of attacks against independent media and journalists, to intensify them during the mid-1999 NATO bombing campaign. This "media war" reached its peak in the last few months and weeks when the authorities started the real offensive against the remaining independent media, bringing the country to the brink of a civil war. The journalists and media professionals are constantly being tried at courts, and exposed to intimidation, death threats and assassination attempts.

## **Bombs Against Journalists**

The attacks upon journalists in BiH reached their tragic culmination on 22 October 1999 when there was an assassination attempt against the director and editor-in-chief of "Nezavisne novine" and "NES Radio" from Banja Luka, Željko Kopanja. A bomb was planted under his car, which was activated after he started the car. Kopanja survived the attack, but both his legs were amputated. This monstrous attack came after he had published a series of articles in "Nezavisne novine" about the financial abuses and other cases of malpractice on the part of persons in power in Republika Srpska. In

all probability, the wrath of Serb ultranationalists was particularly provoked by a series of texts in which, for the first time in one of the media of that entity, the method of research journalism was used to lay open the files of crimes committed by Serb extremists against Bosniaks, Croats and other non-Serbs during the recent war. The obvious intention behind the attack was to use the car bomb both to silence Kopanja and his media, and to intimidate media and journalists in Republika Srpska and BH in general as well. The assassination attempt against Kopanja was preceded by a series of threatening letters, attempts of blackmail and threats issued to him and the members of his family. Fifteen days before the assassination attempt, he was asked to pay 5,000 DEM in exchange for his and his family's safety. It is important to note that it was only due to a happy combination of circumstances that Kopanja's wife and son escaped the explosion in which Kopanja was injured. After he recovered, Kopanja continued with his journalistic and editorial work and it seems that the event did not change his editorial policy.

The drastic intimidation of those working in public information domain in Republika Srpska also resulted in a threat addressed to the Minister of Information of that entity, Rajko Vasić. His empty car was burned down. During one rally, the acting President of the Serb Radical Party, Mirko Blagojević, accused Vasić of "committing crime against Serb people", saying that "Chetnick court issued a summary judgement on Vasić". The judgements passed by such courts usually mean death penalties. Vasić received the threats because some of his statements were not to the liking of Serb extremists. The Serb ultranationalists also demolished the radio station "Osvit" in Zvornik, reputed for independence, causing great material damages.

Toward the middle of the year, in the territory under domination of HDZ there issued a fierce physical attack against the journalists of independent Novi list from Rijeka, journal which published critical articles about the then President of Croatia, Tudman, and the HDZ policy. Two unidentified persons took journalists Robert Franko and Ronald Brnalj out of a hotel in West Mostar and beat them black and blue, smashing the right fist of one of them "in order to prevent him from writing".

## **Traitors to National Interests**

There are frequent demands to editorial boards and journalists to publish or not to publish something. Particularly the municipal newspapers and broadcasters are exposed to such pressures. They are exerted by local officials, party leaders in power, members of boards of these media, and frequently also by the persons from political and financial underground. The journalist circles know of a multitude of such cases, but the journalists who are working in media that are not in the limelight of international community are afraid to bring these matters to the attention of public. The silence that covers such practices is also due to the customary view that the outside demands toward the editors of local media outlets, founded by the municipal authorities, are fully legitimate and lawful because the senior staff was nominated to their positions precisely by the local government strongmen.

The best illustration of such behavior is a dispute that broke out in April last year between the journalists from Zenica and Ferid Alić, the mayor of the city. At that time, the managing editor of TV Zenica, Medina Delibašić, the managing director of Radio-Zenica Spahija Kozlić and the head of the information and sales centre of Sarajevan "Večernje novine" from Zenica, Selvedin Avdić, addressed a letter to the High Representative regarding the pressures and unacceptable demands of the mayor of Zenica Ferid Alić. The immediate cause for the letter was a demand put by Alić to the director of RTV Zenica Remzija Hukeljčić to discharge Delibašić and Kozlić if he does not want himself to be discharged. The reason for the demand was the fact that RTV Zenica published a letter of a certain association, which was addressed to Alija Izetbegović and Carlos Westendorp and which spoke with criticism about the situation in Zenica, the city dominated by Izetbegović's party, SDA. The reason for mayor's threats was also the fact that these media informed the public of a refusal to return certain apartments to their pre-war Serb and Croat tenants.

After sharp warnings issued by the international community, the mayor Alić withdrew his threats, but the pressures continued, taking other forms. Thus, early this year, the Board of the Trade Union of RTV Zenica protested because the municipality had not fulfilled its financial obligations toward this broadcaster. It can be concluded from the release issued by the trade union that the municipal government was paying only one seventh of the money required. The prevailing opinion in Zenica is that this harsh treatment on the part of the Zenica authorities was in fact a punishment for this refractory media outlet for not giving the information in a form that suited the local coalition in power.

In April this year, a case of surveillance of two independent journalists from Livno came to light. The journalists in question were the owners and editors of the radio station Studio N, Željka Mihaljević and Frano Mioč. Pamphlets were circulated, written by anonymous authors, calling for a lynch of these journalists, and the local authorities, instead of providing protection, declared these journalists not to their taste either. Here is what appeared in these pamphlets in Livno one April morning:

“Croat brothers and sisters, for some time already there has been active in our town a radio station under the name of Studio N, allegedly an independent radio station. It is financed by the international backroom dealers and lead by “independent journalists” Frano Mioč, with undercover name of Caesar, the former Chairman of the Municipal Conference of the Socialist Union of Working People in Livno (semi-manufactured product of Chetnik Borko Arnaut) and Željka Mihaljević, nicknamed Jovanka (sometimes Serb, sometimes Croat, and most of the times nothing), the former leader of the Marxist Centre in Livno. (...) Not for a handful, but for plenty of laundered Dollars and Deutsch Marks, he and she became overnight “independent and democratically oriented journalists”. (...) In their anti-Croat activities, the two of them had quite an ample and long experience. (...) Brothers and sisters, recognise finally among yourselves these miserable mercenaries whose only interest lies in their fat wallet and the extreme denigration of everything Croat. (...) International officers, don’t pay any more our domestic traitors (their price has fallen) because their hatred against anything Croat is so enormous that they would be willing to perform their job for you for free.”

Upon the request of the Office of the High Representative in BiH to conduct an investigation concerning this invitation for lynch of journalists, the Prime Minister of the cantonal government, Mirko Mihaljević, replied:

“We are first of all obliged, for the sake of truth, to tell the public and to all those who make any link between this pamphlet and the government that they are looking in the wrong direction and that they are grossly misled, safe if this pamphlet were not designed for other purposes and higher aims. It should be said from the very start that the author of this pamphlet could have been anyone: the frustrated losers of the recent elections, certain representatives of the international community who are not satisfied with anything down here, sick individuals, envious colleagues, even the very journalists themselves referred to in the pamphlet. (...) Finally, we must say that no one has an exclusive right to call oneself independent or dependent if the public thinks otherwise. They are that what the public says they are, and we will not comment on anyone’s writing, independence and similar things – at least for the time being”, said Mihaljević who was discharged last month by the High Representative for good enough reasons, including his apparently hostile attitude toward the journalists.

In January this year, Hasan Handžić, a journalist of independent newspaper “Dani” from Tuzla, was exposed to serious threats. Handžić was threatened with death several times, and according to him, after a very serious threat issued by unidentified-armed persons, he was forced to leave the apartment together with his family and to find a safe shelter. Presumably, the reason for the threats was a series of articles published in “Dani”, dealing with the criminal activities of the removed and present ministers of Tuzla Canton.

In Tuzla, which otherwise has a reputation of being a democratic and liberal community, the newspaper “Front slobode” is exposed to permanent pressure. After a series of articles in which this paper presented arguments proving that Tuzla named one of its streets by the SS officer Muhamed Hadžiefendić, the editorial board constantly received phone threats. One morning, swastikas appeared at the entrance to the editorial room, and on another occasion a hit list with names of people to be shot was thrown under the door. The editor-in-chief, Sinan Alić, received an anonymous threat with a remark “Be careful, you have a nice son”. After a serial under the title “Right to Irresponsibility” which unmasked the behavior of the former Minister of Justice of Tuzla Canton, Šemso Softić, the author of the text Sinan Alić keeps receiving anonymous threats by phone and in writing.

The Association of Croat Disabled Veterans (HVIDRA) issued threats to three journalists of Croat ethnic origin - Pejo Gašparević (news agency HINA, based in Zagreb), Marija Topić - Crnoja (EROTEL) and Blažica Krišto (HRTV Oscar C) – accusing them of betraying the Croat interests in BiH because they had been attending a seminar for professional journalists, organised by the Independent Media Commission in Mostar.

And finally, quite a specific case. The religious leader of Muslims in BiH, reisu-l-ulema Mustafa efendi Cerić, publicly denounced the BH TV editor and news announcer Midheta Kusrsahić, among Media News, No61, Vol I

else, for using during the Ramadan and on the occasion of the Catholic Christmas, the name of Jesus Christ instead of the name of Issa – as she should have done in accordance with the Qur'an, to the opinion of Cerić. He blamed Kurspahić for not behaving as a good Bosniak Muslim woman, accusing her and the house she worked for of “catholicising the Muslims”.

## **Law as Instrument of Pressure**

The pressure of government authorities upon the media and journalists is also expressed in the form of lawsuits instituted over the writings of journalists. The editor-in-chief of independent weekly “Slobodna Bosna”, Senad Avdić, was sentenced two times to suspended sentences and found not guilty in one case. Had he been sentenced for the third time, he would have inevitably ended up in prison. But even in that case, the authorities put up a show of force, sending on 20 August last year, in early morning hours, the judicial police to look for Avdić in the editorial office at the time when the paper was just going to press. The police officers did not allow him to communicate with anyone. After that he was brought to court by force just to hear the releasing sentence. There are fifteen criminal suits filed against Avdić. The editor-in-chief of another Sarajevan weekly, Senad Pećanin, as well as the editors and journalists of the editorial crew of that weekly, are in similar situation, being exposed to verbal, physical and judicial pressures. The case of the judicial police coming to take Avdić to the court and the releasing sentence itself took place after the High Representative Carlos Westendorp on 30 July 1999, among other his interventions relating to judiciary system, had suspended the provision qualifying defamation as a criminal act and demanded that it be treated within the civil proceedings. One of the arguments in favour was that it was necessary to protect the research journalism.

The journalists of Bosnia and Herzegovina approved of the decision of the High Representative Carlos Westendorp concerning the striking out of the prison sentence for defamation and libel from the criminal laws of the BH Federation and Republika Srpska. The surprise, however, came from the part of the Federation Government, which proposed a law on compensation of damage caused by defamation and libel instead of the prison sentence. Under this law, if a court found that a journalist was guilty of defamation and libel, draconian fines were provided which were so high that the journalists could not afford to pay them and therefore would have to go to prison anyway. The federal Ombudsmen reacted to this, proposing that in such cases the journalists or media be only symbolically fined (for example, with fines amounting to 1 KM) with the obligation to publicise the judgement in the same media outlet where the defamation had been made.

Media Plan made a phone poll on this issue among 150 citizens of Sarajevo and 100 citizens of Zenica and Tuzla respectively. The poll was conducted from 14 to 17 January. The citizens do not accept prison sentences and high fines for journalists: 44,7 % of the interviewed Sarajevo citizens, 62 % of Tuzla citizens and 68 % of Zenica citizens deem that in case of defamation or libel the journalists should be fined only symbolically, under condition that the judgement proclaiming them guilty of such an act be published in the papers.

The Ombudsmen of the Federation of Bosnia and Herzegovina, Vera Jovanović, Esad Muhibić and Branka Raguž, published on 16 May 2000 a report on freedom of media as it appears in legal provisions in the cantons of the Federation of Bosnia and Herzegovina. According to the Dayton Constitution of BH (and, prior to that, according to the Washington Agreement on the Establishment of the BH Federation), the responsibility for legal regulation of media was placed under the jurisdiction of the cantons of the Federation. The report particularly highlights the legal provisions, which prescribe the mandatory registering of media with the cantonal ministries for education, which, according to Ombudsmen, might create a basis for political pressures on media.

The basic shortcomings of the laws already in force and of the laws under preparation are common to all the cantons of the Federation of Bosnia and Herzegovina. This particularly refers to provisions concerning the keeping of media registers, which were transformed from a purely technical measure (registration) into an instrument of substantial importance, for if media fail to apply for registration or for a change in the data required for registering, they fall under the threat of corresponding financial sanctions.

The keeping of the register of media is a very doubtful category because the provisions in regard to this, even if containing certain legal limitations, give certain jurisdiction to executive

authority over the media. The “entering into the registry book” according to these laws, is to be performed with the ministries of the cantons (in some cantons they are called the Ministries for Information, and in other cantons – Ministries for Information Affairs).

That this measure does not have only a formal character of “keeping of records” can be seen from the following fact: these ministries are actually vested with power of “controlling the legality of work of media within the canton”. What does “the control over legality” precisely mean is not defined in any of these laws, so that it could serve as additional grounds for abuse. Probably, however, the legislator implied by this more a control of work which is of formal legal nature (because all the laws speak have separate provisions dealing with the control over the editorial policy of media, which is “given over” to the editorial boards and professional associations), but even the control over the formal legal aspects of the work of media could be taken as grounds for restraining the freedom of media by the executive authorities.

The essential question is who needs this kind of keeping of records, especially if it is done by the “ministries in charge of information”, since media are, like all other firms, required to pass through a procedure of registration with the courts and the procedure of registering with the Statistics Bureaus (this being a precondition for establishment of any firm whatsoever). Practically, the media must be registered three times – once with the Statistic Bureaus, which in fact should be the right place for registration if all this is only about keeping the records, then with the ministries “in charge of information” i.e. with executive authorities, and for third time, in the case of electronic media, with the Independent Media Commission, which is under the control of international community.

This measure of “entering into register” was taken over from the Socialist System, where it served as basis for additional control of media, even only a formal one. The present executive authorities obviously also do not want to deny themselves the opportunity to exercise such “control” over the media, even if only by using a measure which only on the outward appears as an innocuous one, but which in essence provides them with a disguised instrument for control over media.

The real character of the attitude of the governmental authorities toward the media shows mostly in the penal provisions contained in all these laws, according to which the failure of the publishers and media editors to timely apply for “registration” or to “supplement the registration data” is more rigorously sanctioned than, for example, the “failure” of the governmental authorities to allow the journalists the access to information. Such an attitude is the logical consequence of the non-transparent way of work of governmental bodies, which in this way also protect their inaccessibility and their right to give preference only to certain media and certain journalists inclined to government. Such practice is found in a pronounced form at almost all the levels of power in the Federation of Bosnia and Herzegovina and represents one of the basic forms of restraining the freedom of media.

Such objections are also addressed to the Independent Media Commission, under the competence of which falls the issue of licenses and allocation of frequencies to radio and TV broadcasters. All electronic media are required to register with this Commission and to apply for their work permits. Such permits can be denied to them, or subsequently taken away from them, in case they do not act in keeping with the Media Code, which was also formulated by the Independent Media Commission itself. This concerns, for example, truthful reporting, adherence to the basic postulates of the Dayton Accords, provisions against inciting ethnic or religious hatred... Practically, it is about the respect for universal values. On the other hand, however, some among those who criticise this Commission, which was founded by the international community, say that under the cover of the Code of Conduct the Independent Media Commission might refuse to issue the broadcasting license to those media which are not to the measure of the international community.

The most radical act of the international community in regard to media occurred when the Independent Media Commission, backed up by the security units of SFOR, undertook on 17 February the action of closing down of “EROTEL”, Croat TV in Bosnia and Herzegovina. The action in the framework of which the broadcasting of EROTEL’s signal from Mostar studio was

stopped, took place in Mikuljača, several kilometers north of Mostar, whereby any transmitting of programmes of this TV was prevented. Also, on several locations in the so-called Croat part of Bosnia there were technical interventions undertaken, whereby the transmitters of now already extinguished EROTEL, were put to function within the Federal TV. The Independent Media Commission, founded by the international community, which has a regulatory role in the work of electronic media of both BH entities, on 15 November last year put a ban on the work of EROTEL because of its unlawful transmission of the programmes of the Croat TV in Bosnia and Herzegovina and its non-acceptance of temporary license for broadcasting. But, the action of suppression of EROTEL was carried out three months later, following the unsuccessful negotiations, and after a change in the government authorities in Croatia, whereby EROTEL lost the support of the central government in Croatia. The Croat side in BH qualified this action as a political one, intended to restrict the informing of Croats in BH. However, the Independent Media Commission deems that this action was a lawful one, because EROTEL did not comply with the principles of radio diffusion in BH and regulations of Independent Media Commission, which derives its competence from the international decisions concerning Bosnia and Herzegovina.

### **Special Kind of Pressure on Media – Refusal of Information**

One of the fundamental principles of government in the western democratic societies is the accountability of the governmental authorities toward the citizens who elected them. The ideal of democratic society is to have the citizens informed about the decisions passed by their government, about the ways these decisions are passed and about those who made those decisions. However, those possessing the information also possess the power, so that information is frequently hidden from the public because this ensures a more authoritative rule.

In Bosnia and Herzegovina there exists, contained in Entity Constitutions, a declarative right to freedom of media and to free access of information. However, the general provisions were far from being able to improve the situation in the field. The BH journalists know best how difficult it is to gain access to the relevant information if they have no personal relations with the individuals from the government. Apart from the arrogant ministers and their deputies, the access to the information was also frequently barred by their secretaries, and even by the doormen in state services. The international community, aware that there is no democratic transformation in BH without full transparency of the work of the state bodies, decided for this reason to impose the Law on Freedom of Information. The OHR and OSCE undertook to prepare the Law on Freedom of Information, which would be similar to the laws presently existing in the western countries. For the moment, a special advisory group, composed of foreign and domestic experts considers the drafts proposed by OHR and OSCE. After passing through the stage of commentaries this law will be given for public consideration. The final draft, which will be considered by the Parliament, is expected to appear soon.

This draft law foresees that both the journalists and common citizens would be given the right to access the documents or records, which are in possession of the government authorities. This refers not only to the ministries and parliaments at all levels of power, and courts, but also to the big state companies, like the Power Management Company, PTT, Waterworks which are at the moment criticised by the public precisely for their lack of transparency. The Law also entitles the individual persons to access the documentation that relates to them, entitling them also to correct the information containing the facts which are not true.

The Chairman of the Independent Media Commission, Krister Thelin said that that he suggested to the advisory group in charge of the preparation of the BH law to include three postulates in the future law. The postulates are the following: 1. The request for obtaining the information should be of informal character. This is particularly significant because many state authorities and law enforcement agencies require that the requests from media be made in form of official letters in order for them to give any information. 2. Prompt delivery of information. The journalists in BH wait sometimes even for several days to obtain some information that was available the very day they asked for it. Therefore, Thelin suggests that, like in Sweden, the

information should be served the same day. 3. Information should be given totally free of charge, including the costs of copying and delivery, which should be borne by the state bodies. 4. The possibility to obtain the information through the court, if it is otherwise denied, and to examine in courts the responsibility of those who refused to give the information.

## **Great Role of International Community**

The overview of the characteristic cases of violation of freedom of press shows that the pressure upon journalists in BH is exerted in various ways and with varying intensity. It is obvious, especially if comparing the situation with one in Serbia, that the state does not use the traditional ways of pressure upon media in the sense that it suppresses the refractory ones or that it denies or restrains the freedom of work in some other way. However, there can be seen numerous forms of pressures and threats coming from individual persons in the government – mainly local officials, certain nationalistic extremists, entrepreneurs or corrupt public servants. As we have shown, such threats were very serious in several cases, ending up in blood and with grave consequences, like in the case of Željko Kopanja and the journalists from “Novi list” from Rijeka. As backstage machinery for these attacks serve the accusations, now already customary in Bosnia, that someone is working or writing against the interests of some particular ethnic group. Thus, Kopanja was almost killed because he wrote, inter alia, about the war crimes committed by the individuals coming from the ranks of his own people. Robert Frank and Ronald Brnalj were beaten up severely because they criticised President Tuđman and the Croatian State, the newspaper “Front slobode” from Tuzla is subject to continuous threats because it keeps highlighting the negative phenomena inside the Bosniak government and criticises the Bosniak nationalism, etc. A general conclusion that might be drawn is that the various extremists have taken “the matter” into their hands, behaving towards the media relatively without restraint, often indolently watched by the authorities.

It is necessary to emphasise that the international community takes a great interest in the BH media. The general opinion that prevails is that a significant number of media of former Yugoslavia were the generators of war and were used throughout the conflict in BH as strong instruments of propaganda by the three warring sides, while immediately after the war, many media interfered with the process of inter-ethnic reconciliation. The international community, by investing enormous amounts in independent and open media succeeded somewhat in changing the media pattern in these parts. A number of media was created, which, by showing tolerance in their programmes and by broadcasting objective information, inaugurated the process of ethnic and political co-operation in Bosnia and Herzegovina. Also, first, the interim media commission of OSCE, and later on the Independent Media Commission, sanctioned the occurrences of the “language of hatred” in media and dissemination of all other untrue or utterly non-objective information. At this moment already, we can state as a fact that about 500 of the existing media in BH do not use any more the language of propaganda or ethnically inflammable vocabulary, adhering to a considerably degree to journalistic standards regarding the professional reporting. This is a success of immeasurable value. Also, on the initiative of the international community, the prison sentence for libel was abolished, and there is a Law on Freedom of Information under preparation, which is to pave the way to journalists being able to access the information from the domain of work of the government authorities. On several occasions, the representatives of the international community (OHR) took very firm steps in protecting the journalists. The mayor of Zenica received sharp warning because of his threats to Radio Zenica, while the leading persons in Livno Canton were removed, among else, because of the threats they issued to the journalists of Studio N. Apart from this, the OSCE Mission to BH opened a Help-line for the protection of journalists. In full confidentiality, the journalists have the opportunity to report the threats through the Internet Web page [www.oscebih.org](http://www.oscebih.org). There is no doubt that the OSCE will investigate all the reported cases and undertake measures against those who harass the people working on public information.

And finally, an interesting fact. The OSCE survey, carried out among the representatives of 50 media outlets, conducted in March this year, depicted a rather gloomy picture of media environment in our country – ninety two percent of the surveyed journalists considered the status of journalists’ rights unsatisfactory. Asked about current trends, fifty percent replied that the journalists’ rights are

increasingly encroached upon, while thirty eight percent stated that the number of violations would stagnate.

Seventy four percent of the interviewed journalists feel that their freedom of expression and movement is being impeded, while 61% of the journalists have personally experienced intimidation and interference with their work, including direct and indirect pressure applied by both political parties and elected or appointed governmental officials.

The survey also indicates that the journalists in BH do not report many of the incidents. If they decide to do so, they prefer to report the cases to international organisations or journalists' associations, rather than to the police.

When asked how to improve the journalists' rights situation in BH, 40% of the journalists emphasised that public awareness needs to be increased. On the other hand, 49% think that court proceedings and police actions need to be monitored more closely. Only one third surveyed thinks that their rights are guaranteed by the domestic judicial system. (SAFAX)

The sources used for this report:

Archive documentation of Media Plan Institute and SAFAX Agency

News on Media

Report of the Helsinki Committee on Pressure on Journalists in BH during 1999

2000 Report of Freedom House on the Media Situation in the World

Official releases of OSCE and IMC

BH Federation Ombudsmen's Report, May, 2000

## **T r a n s i t i o n   i n   I M C**

### **Domestic Staff Takes Over a Large Part of Senior Positions**

Within the Independent Media Commission (IMC) there is now in course a process of transfer of powers to domestic people. They did constitute the major part of the staff up to now, but, formally at least, they did not hold the senior positions. There were 70 people employed in IMC up to now, of whom two thirds were Bosnian citizens. After this process of transition, there will be only four foreigners remaining in IMC. The General Manager is still Krister Thelin, a Swede, and his Deputy is also a foreigner. However, the Heads of the departments that constitute the Commission will from now on be domestic people. Thus, the Head of the Legal department is now Helena Mandić, Čedomir Marković is the Head of the Engineering Department while Emir Povelakić is the Head of Licensing Department. The former monitoring section, which was in charge of monitoring the implementation of IMC rules in electronic media and complaints, is now divided into two parts – Department for Monitoring the Adherence to the Rules, headed by Jasmin Mušović, and Department for Standards and Complaints, headed from now on by Dunja Mijatović. Nataša Kahler is at the head of Administrative Department, Amela Mandić is the head of Financial Department, while Public Affairs Department is headed by Zinaida Babović.

This was an expected transition in IMC. From its very establishment on 1 August 1998, the Office of the High Representative (OHR), as the main founder, stressed that the Commission would be headed by foreigners only in the beginning, with the domestic staff gradually taking over the senior positions. "From the very beginning we had domestic human resources who knew that gradually a transition of powers would be effected", said Zinaida Babović, the Head of the Public Affairs Department. According to her, during this two-year period the domestic staff underwent continuous training, so that now all the conditions are set for their full involvement in running the Commission.

The final document of the 1998 Madrid Declaration reads that the Independent Media Commission shall manage the allocation of spectrum frequencies until the moment of adoption of the Law on

Telecommunication, that is, until the Agency for Telecommunications be formed at the state level. Since this law was adopted last year (although the Agency did not become operative in the full meaning of the term), the conditions were created for the domain of allocation of licenses and frequencies to radio and TV broadcasters to pass from foreign into domestic hands. However, partly from political and partly from practical reasons, it has been decided that this function remain in the hands of the IMC. "There is a tendency in the world that regulation of the work of electronic media and telecommunications be unified. It is true that two years ago it was anticipated that the responsibilities would be divided between the Agency for Telecommunications and the IMC. However, we are now applying the option, characteristic for the majority of European countries, to bring the whole domain of broadcasting and telecommunications under a common banner", said Zinaida Babović.

However, regardless of the step forward in regard to making the Commission a domestic one, it will still remain under the supervision of international actors. At this moment, political conditions in BiH are not set to enable a domestic institution at the level of the entire state to hold authoritatively under control such a significant area as the electronic media broadcasting. Would "Erotel" ever have given the frequencies and transmitters over to the Federation TV, had the IMC not been backed by the SFOR and the whole international community? Would the radio and TV stations in Republika Srpska ever pay the fines for non-compliance with media rules imposed by a domestic institution from Sarajevo?

Of course they wouldn't. Finally, the Independent Media Commission shares in common the fate of all other spheres of life in partitioned Bosnia, in which the international actions, however rightfully they might be criticised at times, provide the driving force for the functioning of the state. (Radenko Udovičić)

## **R e g i o n**

### **Economic Situation in Media in FRY**

Media in FRY operate in situation of devastated economy, very low living standard, economic instability, legal insecurity and complete impossibility to plan any development— reads the economic analysis of Serbian media, made by Media Centre from Belgrade.

The average salaries of journalists in Serbia amount to about 100 DEM and are irregularly paid. In order to survive and sustain their families, many journalists are forced to engage in additional jobs outside their profession. Media are mainly government-controlled, and this year they are subject to a strong campaign, manifested mainly through a continuation of drastic sanctioning under the Law on Information. Apart from the imposed penalties, which are draconian for Yugoslav conditions, the media are also exposed to other more "subtle" methods of pressure, including suppression.

#### **Miserable Prices of Newspapers**

At the end of January, bankruptcy proceedings were instituted against the printing house «ABC Grafika», which prints several influential dailies and periodicals («NIN», «Vreme»), while at the end of April the ownership of «ABC Produkt», the founder of «Glas», was contested. Mid-May, the state-owned printing house «Borba» refused to print «Blic», the highest-circulation journal, in spite of the valid contract they had signed, thus forcing the journal to cut its circulation by one half. Prior to that, the privatisation of the highest-circulation daily «Večernje novosti» was annulled, and the daily was amalgamated with the state company «Borba».

The key problem of the print media is the unrealistically low price of the papers, conditioned by the extremely low living standard in FRY. In order to reach the European standards, according to which the price of a daily newspaper equals the price of one kilogram of the newsprint paper, the price of the dailies should be 28 instead of the present 7 Dinars, and the price of the weeklies should be 70 instead of the present 30 Dinars.

The extremely low standard of living radically reduced the number of people buying the newspapers, and this was one of the reasons why the publishers maintained the low prices. According to one of the surveys, one copy of the newspapers is read by five to ten people. With the existing prices, the print media are practically operating with losses. Only the paper itself participates in the newspaper price with 55 to 60 percent, and with printing, transportation and distribution network costs and various taxes added one could speak only of bare survival. The attempt of «Blic» and «Glas javnosti» to increase at a certain moment the price from six to eight Dinars was blocked by the government, with an explanation that these papers acted monopolistically, causing “disturbance on the market”. These two papers decided again in April to raise the price to eight Dinars, and the move was this time met with silence on the part of the government. However, such minimum increase in the selling price has only a symbolic meaning.

### **Paper Available Only to Politically Acceptable**

The paper supply is a big problem of the print media. The only paper factory in FRY is «Matroz», which can produce 100 tons of paper daily and thus fully meet the market demand, but it often interrupts its manufacturing process due to «shortage of gas», «shortage of wood pulp», «strikes of workers» etc. Although the factory does have an obsolete technology, and faces objective difficulties in its manufacture, the non-governmental media deem that the interruptions in delivery of paper are manipulated from above with the purpose to destabilise the media and to make them additionally lose their already very limited market. Such an opinion is substantiated by the fact that the state media have no problems in procuring the paper. An additional obstacle for print media is the decision of the government according to which the paper can not be imported without the approval of the competent ministry and this approval is never given in practice.

The major part of the non-governmental print media generate as much as 90 percent of their revenues by selling newspapers, with only 10 percent of revenues coming from the sales marketing (advertisements, commercials). Apart from a general low economic standing of the potential advertisers, what makes the advertisement space stay vacant is also the (unofficial) ban imposed on the state-owned companies to place their advertisements in media which do not belong to the state-owned stock. Beside this, in FRY there does not exist an equitable distribution of means for advertising between the electronic and print media, and thus the marketing is mainly oriented to TV stations.

The distribution network, which participates only with about seven percent in the price of one newspaper copy, mainly pays the dues to the newspapers with a delay of 15 to 30 days, which imposes additional difficulties under inflation circumstances. The media that were not state-owned were also faced with the problem of transport, because either the state network used to refuse to transport the non-governmental papers or the copies would disappear somewhere on the way. In order somehow to resolve this problem, the Association of Private Media founded its own APM-Trans Press, after which the distribution considerably improved.

The news agencies in Serbia particularly face the problem of collection of money for their services. The majority of clients of the non-governmental agencies are in extremely bad economic situation and are mainly dependent on donations, and therefore under a constant threat of disappearance. In addition, due to high financial fines, which under the Serbian Law on Information affect mainly the non-governmental media, the latter postpone the payments for agency services. The prices of agencies' services are also a limiting factor, since the majority of clients can not afford to pay the real price of the main product, i.e. daily service.

### **Electronic Media in Legal and Political Vacuum**

The greatest problem of electronic media are the work permits and charges for frequencies, put into effect on 15 March by the Minister for Telecommunications, Ivan Marković. On that day, he announced that more than 250 radio and TV stations in Serbia would be closed down because they did not possess the work permits. The electronic media were given 31 March this year as deadline for payment of more than 120 million Dinars as compensation fees for temporary utilisation of frequencies, as foreseen by the decision of the Federal Government from 1998. In March same year, there was a public invitation for application for frequencies to which the electronic media

responded, however, the permit was given only to B92, the station which was taken over from the famous non-governmental station under the same name by the Youth Council of Belgrade. For two years already, other stations are not getting any decision, either positive or negative, except for being occasionally asked for some additional papers. Until the end of April, more than 100 members of the Association of Independent Electronic Media (ANEM) and the Association for Development of Private Radio Diffusion, «Spektar», have not received from the Federal Ministry for Telecommunications any precise information concerning the amount of compensation fees charged for temporary utilisation of frequencies. The majority of media took the position not to pay the debt until they be informed of the exactly defined amounts. The permanent permits of the public companies were transformed at the end of 1998 into a temporary ones and these temporary permits fixed the financial charges in accordance with the criteria such as the number of listeners or the level of development of particular municipalities, and, as a rule, these were far greater than media and municipalities could afford.

We were told by the Association «Spektar» which gathers 58 owners of the private radio stations in Serbia that the charge for utilisation of frequency was foreseen under the decision of the Federal Government only for those stations that have signed the contracts with the Ministry on the basis of the permit obtained after the tendering. However, also those stations that did not obtain the permit were informed by letter in October 1998 that they were required to pay a monthly amount for the utilisation of frequencies as well. Two production groups «Mreža» and «Vin» work under almost intolerable political and economic conditions. The first independent TV production group in FRY, «Vin» (founded in 1992), now produces only two broadcasts a week, while «Mreža» (founded toward the end of 1997) produces four broadcasts a week, which are regularly broadcast and frequently re-broadcast by more than 20 stations in Serbia, Montenegro and Bosnia and Herzegovina. In Belgrade however, the broadcasts of this network can be seen only during the public projections in the Media Centre.

## **500 Local Radio and TV Stations**

The status of the local media, both print and electronic ones, in essence does not differ from the status of the “central” media. The non-governmental media in Serbia could be divided into two groups – those owned by local governments in those cities where opposition is in power, and those which have no political organisation to back them up. The overall circulation of the newspaper houses, gathered around the Association of the Local Independent Media “Local Press” (22 papers of informative-and-political nature, 7 weeklies, 11 bi-weeklies and 4 monthly journals) according to the data given by the Association, amounts to 269,000 copies.

At this moment, there are about 350 private radio and TV stations in Serbia, plus additional 150 ones which were founded by the municipal assemblies (previously by Socialist Alliance). However, the majority of these media outlets are located in some adapted business or housing premises in the high-rise apartment buildings on the roofs of which the aeriels were simply planted. It was the cheapest solution at the time. The first phase of capitalism, which came after the dissolution of SFRY, was a time of semi-professional standards (Super VHS was mostly used), so that 100,000 DEM sufficed to open a TV station, and five times less to open a radio station. From 1994 to 1996, one new radio or TV station would appear on the air every week.

In urban areas, there are about 10 percent of such stations and they are obliged to pay a charge for radio and TV signals which is several times higher than the one paid in rural areas, where broadcasters mainly broadcast advertisements and “music wishes”. Practically, there is no difference been made between a socially necessary and a commercial programme orientation. To the contrary, the dues imposed on stations which broadcast information programmes are much higher and their business operation is frequently the target of inspection and auditing services.

In TV business, the own private production is the most expensive one, and such stations always have problems with accumulation, but today they are practically continuously on the edge of existence. The majority of stations in Serbia broadcast only music over the air and they use frequencies at prices which are ridiculous for European standards, amounting to 500 – 1000 Dinars (25 to 50 DEM). Such stations, especially if located in politically unimportant areas, serve mainly to provide arguments to the

regime when speaking about the “freedom of media in Serbia” (From the report of Media Centre Belgrade)

## **N e w s**

### **Assailants on Željko Kopanja Arrested**

The UNMIBH Spokesman, Alan Roberts stated that the officers of the Public Security Centre in Banja Luka arrested on 15 June at 5 a.m. in the morning five persons from Skender Vakuf (Kneževo) under reasonable suspicion that they had been involved in the attack against Željko Kopanja, the editor-in-chief of "Nezavisne novine" from Banja Luka.

Kopanja was seriously injured last year when the car he was in was blown up.

According to Roberts, the arrest took place after two business people from Kneževo reported that they had received the threatening letters and that money had been extorted from them. A detailed analysis of finger-prints established that they corresponded to those found on the letters addressed to Kopanja immediately before the assassination attempt. The UN Spokesman stated that a detailed investigation would show whether the suspects were responsible for the attack.

### **Attack on the Journalist of “Slobodna Bosna”**

The editor of the cultural column of “Slobodna Bosna”, Edin Avdić, was physically attacked on 11 June at 4 in the morning in front of his apartment in the Sarajevo residential area of Ciglane. Avdić stated that he recognised the attackers and that the person who issued the order for the attack was Muhamed Hamo Korda, a director of the recording company «Bosnia production» and show-business impresario from Sarajevo.

According to Avdić, this came as a result of the persecution campaign of the governmental authorities against the journalists of independent media. The attack came after Korda’s name was mentioned in the stories of “Slobodna Bosna”. According to Avdić, immediately prior to the attack by unknown persons, Korda threatened him in a coffee shop that he would “pay for his writing against the SDA, Timur Numić (high official of this party) and Korda himself”. The police promptly responded, offering protection to the Sarajevo journalist, while the OSCE and IPTF announced undertaking appropriate measures.

### **Meeting of Journalists in Neum**

The “Media Summer School” organised by Media Plan from Sarajevo was held in Neum from 17 to 26 June. This gathering of journalists involved the training of trainers of the Media Plan School of Journalists, and the basic preparation of journalists from Kosovo who are soon to begin with the project of education of young Kosovo journalists in Đakovica. There were also seminars on the issue of threatened rights of journalists and on the code of journalist ethics, with journalists from throughout Bosnia and Herzegovina participating. A special interest was aroused by a meeting of the former war correspondents from BH. It was for the first time that a debate dedicated to war reporting and compliance with the Geneva Conventions gathered the front-line reporters who had been on the opposite sides during the BH conflict. This meeting was organised jointly with the ICRC Delegation.

The Media Summer School was designed with a view to becoming a traditional forum for gathering of journalists from BH and the region of Southeast Europe, where journalists would exchange their experiences.

## **21 New Incidents Reported Since OSCE Launched FreeMedia Help-Line**

Twenty-one new incidents have been reported since the OSCE Mission to BiH launched its FreeMedia Help Line for Journalists on May 3, 2000. Out of these 21 cases, mostly involving explicit threats against journalists, twelve were reported in the BiH Federation whereas nine cases were reported in the Republika Srpska. "The twenty-one new cases represent a disturbing trend that threatens to chill free media in Bosnia," said Dr. Regan McCarthy, OSCE's Senior Advisor for Media Affairs. "Particularly in the pre-election period, we will continue to systematically monitor and follow-up with cases of interference and intimidation of journalists by authorities who abuse their offices." Between November 1999 and April 2000, the OSCE Mission to BiH had registered 65 cases involving journalists' rights or freedom of the media. Out of these, 21 cases were registered in the RS and 44 in the Federation. OSCE's FreeMedia Help Line was established in November 1999, with the aim to help protection of journalists' rights and promotion of the freedom of media. Since its establishment, 86 journalists contacted the Help Line seeking help or just reporting the incidents in which their rights were allegedly violated. (OSCE - Sarajevo, June 22, 2000)

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