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Media News

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Our View

Why TV Affairs Make Headlines

Recent removals and resignations in the world of BiH media have stirred the public both in Sarajevo and Banjaluka so much so that a naive observer could have thought that these would result at least in the resolution of the overall Bosnian crisis, if not something even bigger. For days now, Sarajevo dailies filled their front pages with texts on either 'removal' or 'resignation' of Senad Hadzifejzovic, the Editor in Chief of TV BiH, and statements by members of the management considered responsible for either 'acceptance of the resignation' or 'removal'. Journalists, those affiliated as well as those opposed to the ex-Editor, write petitions while the editors of TV headlines, being confronted with contradicting requests of the parties in dispute whose press statements they 'can', 'may' or 'must not' release, act as headless chickens. Although the management of RTVBiH has not released any explanation of Hadzifejzovic's removal as they claim that he resigned, the unofficial version of their decision seems to be motivated by dissatisfactory record of Hadzifejzovic's willingness to cooperate in the process of TV reconstruction. In contrast, the Editor in Chief describes his removal as a consequence of suffocation of journalistic professionalism. The public has been made aware of all the possible details but the very factual account of developments within RTVBiH the reconstruction of which officially commenced upon the decision of international organisations from Sarajevo a year ago and has been proceeding at a pace of a snail ever since.

In the atmosphere of a bit less excitement but an equal share of press and TV coverage, the RS public has been flooded by arguments, counter-arguments, accusations and speculations concerning the removal from office of the former RTVRS Executive Board - followed by appointment of the new one - as well as the 'removal' or 'resignation' of Andjelko Kozomara, the Director General, the resignation of Dragan Gasic, the International Supervisor of RTVRS - currently in discord with the OHR, his superior that appointed the new Executive Board - and the

resignation of Rajko Vasic, the RS Minister of Information, 'motivated by inability to exercise legitimate powers of the Ministry of Information', or rather, as assumed in the media circles, due to his resistance to the reconstruction of RTVRS.

We shall not go into a number of other speculations arising in both cases. What is of significance for us in this moment is whether the public is really that interested in information on petty and not so petty frauds and chaos, characterising these TV stations. We believe that there are many reasons behind this (un)realistic publicity of affairs in the media.

Firstly, there does not seem to be one single person mentioned herein - and there are many more of those mentioned in the press releases - who is not an executor of someone's strategy, political option, interests or demands. *Ergo*, employees of these broadcasters are not media professionals, whose primary task is to write, make or edit programming, deal with the management or organisation of production. TV in our circumstances ceased to be a normal medium whose job it was to provide correct information, entertain and culturally develop long time ago. TV remains an arena of political struggles and influences, confirming the belief that one in control of television is the one in power. The struggle for power makes headlines and hence the current muddle within TV broadcasters occupies the front pages. Former - or new - tutors are rather pleased with the existing disarray.

Secondly, international community is deeply involved in anything that goes on within TV broadcasters. Thanks to incompetence of local authorities, international community has taken over the regulatory function but also a considerable share of operational duties not only in the field of supervision but also the very administration of these TV stations. Some of its acts were rather pragmatic and short term as well as insufficient and slow. Although international community has undertaken to resolve the problem of radio-diffusion, a strategy of development of this system in BiH has never been designed - or, at least, it has not been publicised. A number of people - who finally ended up either as failures or absolutely burnt-out - had been thrown into this seething caldron of TV broadcasting with the direction to get things sorted.

Thirdly, it appears that both TV broadcasters have lost their internal motor, capable of internally articulating ideas on transformation into public service. Mass resistance of journalists and other employees, frequent changes on the top, relaxation of discipline in the production and fear for one's own destiny - all of these factors are a fertile ground for clan conflicts that stimulate the hunger of other media for affairs and scandals.

What is now happening in these quasi-national radio and TV broadcasters is only a tip of the iceberg that is made of obstructive policy of local authorities in this important area, pragmatic and inconsistent strategy of international community and decline of professional ambitions and solidarity among those working in these broadcasters.



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(NOTE: In the next issue, *Media News* will publish a file on the overall reconstruction of public TV stations in BiH.)

TV Commentary (3)

In issue No. 62, *Media News* - prompted by the Croatian Government's proposal to ban commentary in Croatian Television (HRT) news programming - brought about an article entitled "A Compromised Genre in Journalism," dealing with the misuse of commentary in the countries effected by the Balkan conflicts and presenting an overview of the use of commentary by public TV stations in Southeast Europe. Assessing that this issue provokes different reactions in professional circles, we asked a number of prominent journalists in Bosnia and Herzegovina to comment.

In this issue, Zlatko Dizdarevic, formerly a columnist and editor of *Oslobodjenje* daily and *Svijet* weekly - nowadays a free lance journalist, gives his view of commentary.

Commentary Is Not A Problem - The Commentators Are!

There are two matters of fact concerning journalism that have been entrenched in our reality for a while now. One of those has been incorporated into theory of journalism as well: journalism as a profession is either a democratic control of the government or a mere transmission of the government. The other remains at the level of emotions and statements but is almost beyond any doubt: it is more important to inform promptly than to do it well - and one never learns the truth this way. Both of these matter of factly statements are tied to the issue of journalistic commentary and the question whether it has been compromised and, if yes, why; finally, the question is whether our public needs this genre and whether the genre has any future.

In the light of our reality where journalism is by and large a servant to politics, the genre of commentary seems doomed. Being pressurised, blackmailed, fearful, restricted, dictated - sometimes even virtually dictated word by word - the commentary seems to be deserting its natural habitat, i.e. the world of 'free opinion journalism'. Such a commentary is no longer a mirror of intellectual deliberation, scruples, spirit and beliefs but a surrogat contradicting its own nature. However, the fate of this genre can hardly be any different in the circumstances of overall politicisation of, and arbitrary interference with, not only free professional deliberation but even mere facts. Still, there should not be any confusion in this respect: it is not the journalistic genre that is 'compromised' but the comentators whose individual freedoms are reduced to the use of someone else's mind for thinking. This aspect of reality however does not require the renouncement of commentary as a genre that contradicts its own nature but a professional and audacious struggle to restore a proper role of commentary. The best professional way towards recuperation of morally and mentally ill commentary is a healthy, strong, intelligent and honourable - commentary. Both the readership and the viewership are in need of such a commentary, they understand and respect it even when they may not find all its nuances agreeable. Naturally, such a commentary builds on an accurate, correct and purposeful information that has not been distorted in any way. Thus the commentary is not a product of a false information; nor should distorted information help to accomplish any objectives directed from outside. Finally, this will devalue a misconstrued and false claim that the striving for truth is in discord with personal beliefs of the commentator.

Another point in favour of commentary concerns the contemporary intoxication with rapidity of information that is frequently increased at the expense of accuracy. For some time now, gigantic broadcasters have preferred to produce a rapid effect using visual means rather than to explain or at least describe the event. A logical aftermath of this bare information would be a critical, perhaps even purely educative, commentary, involving even a degree of personal passion, accumulated knowledge and experience, and beliefs of those journalists who have proven themselves trustworthy. In the modern world, there are modes of exact and daily measuring of the

viewers' and readers' trust in this respect. There must not be any frauds in the business involving truth and trust. Except in the societies such as ours where - for the time being - fraud itself remains a profitable business and frauds, including those among journalists, have thus been promoted into - successful businessmen.

Commentary is an outstanding journalistic product to be cherished and strictly differentiated from the news and amateurish 'packaging' of the news, recurring in our TV programming on a daily basis. The problem is clearly that an outstanding journalistic genre simply requires outstanding professionals who do not earn their living by serving daily politics.

(Zlatko Dizdarevic)

Political Intimidation of Journalists

Sources, Effects And Remedies

IREX ProMedia, a US non-governmental organisation most actively involved in the support of free and professional journalism in Bosnia and Herzegovina, produced a comprehensive report on political intimidation of journalists and the media in BiH, containing also recommendations of remedies. The report was a subject of discussion among prominent BiH journalists at the round table held in Sarajevo on the 27th and the 28th of July. The report was done by Robert Gillette, the Director of IREX. 'Media News' are bringing a summary of the report, compounded by the overview of discussion at the round table.

An Attack on Journalists is an Attack on All People

On the morning of 22 October 1999, a car-bomb in Banja Luka shattered the legs of Zeljko Kopanja, the editor in chief of one of Bosnia and Herzegovina's leading independent publications, *Nezavisne Novine*. The bomb very nearly killed Mr. Kopanja.

Had it done so, it would probably have ended the effective life of his newspaper as well, and thus would have measurably diminished freedom of expression in the country as a whole. In the event, the bombing sent a chill through BiH's three still largely separate media communities, underscoring the shared vulnerability of all journalists here to politically motivated attack.

Half a year later, a remarkably tenacious Zeljko Kopanja is walking on prostheses and still in full command of his newspaper, his determination undiminished. His assailants and their motive remain unidentified, though the bombing is widely presumed to have been in retaliation for one of the first detailed exposures in a Bosnian Serb newspaper of Bosnian Serb war crimes.

This attack, and a mounting list of other acts of violence, threats and official pressures directed against journalists and their news organizations in BiH over the past 18 months, have given new visibility to the long-standing problem of the protection of journalists, within BiH and worldwide, thanks to the work of the Committee to Protect Journalists in the United States and other organizations.

In BiH, as in Russia and other semi-authoritarian states, the purpose of political pressure on media is to deny citizens information about corruption, mismanagement of government, war-crimes and other wrong-doing that would enable citizens to act as informed voters at the polls. In short, the single purpose of a multiplicity of pressures which emanate from BiH's dominant nationalist political parties is to keep alive the old journalistic habit of self-censorship—and in doing so to preserve themselves.

Yet there continues to be little comprehension among the Bosnian public, police and other local officials that an attack on a journalist is in reality an attack on all people and their right to uncensored news and information about the society in which they live.

Bosnian officials and the public in general continue to perceive journalists and their media as little more than players in a rough game of nationalist politics, whose troubles are of no special consequence to society. As Nesib Mandzic, the mayor of Srebrenica told an OSCE-sponsored meeting of journalists and municipal officials last February, “I cannot accept [the idea] that an attack on a journalist is an attack on everyone.”

Such attitudes are regrettably reinforced by partisan media whose work more resembles political propaganda than journalism aimed at producing an informed electorate. Genuinely independent news media represent only a small fraction—but a growing fraction—of the country’s roughly 300 newspapers, news magazines, radio and television stations. Given the relatively low profile of independent journalism in BiH, it should not be surprising that so few understand how the intimidation of journalists weakens the processes of democracy and erodes the freedom of every citizen.

IREX ProMedia—assisted by the Committee to Protect Journalists, in New York—has done a research on the nature and sources of pressures experienced by journalists in BiH, the impact of these pressures on news and information available to the Bosnian public, and the remedies open to the international community, civil society and to the journalism profession itself.

Economic Pressures: An Effective Form of Intimidation

While all forms of pressure on media, most especially physical attacks on journalists, are to be deplored, they are not all of equal significance. We conclude that one of the most insidious and effective forms of intimidation is one that has so far attracted the least attention from the international community in BiH - i.e. economic pressure. It is also the one most amenable to remedy through the combined efforts of the international community, authentic democrats among public officials in BiH and journalists themselves.

Media leaders in BiH increasingly believe that the single greatest threat to the independence and professionalism of journalism is a crushing burden of excessive taxation, compounded by a variety of other economic pressures directed against them by the dominant nationalist political parties. These pressures include political control of advertising to favored outlets and away from independent media—often but not exclusively from state enterprises such as PTTs and electric utilities—and the abuse of the power of taxation and financial inspection.

By selectively applying economic pressures to media enterprises that are already weakened by excessive employee taxes, the nationalist parties threaten the livelihood of journalists and the welfare of their families by threatening the very existence of the media for which they work.

There is no stronger incentive for practicing self-censorship than the threat of poverty. With few individual exceptions, independent newspapers, news magazines, radio and television stations in BiH live constantly on the edge of financial extinction. The current political forces have worked effectively to keep them there.

The absence of structural economic reform in BiH thus far is partly responsible for the precarious condition of media, as well as other businesses. Living on the margin, often unable to pay staff salaries, independent media remain highly vulnerable to political pressures on advertisers and to the selective deployment of tax police. Abuse of tax and financial inspectors appears to be a particular problem in the Federation of BiH.

By the same token, controlled, partisan media—which at least until recently included the Sarajevo newspaper *Dnevni Avaz*, now under threat from tax authorities as the newspaper now quarrels with the SDA party that supported it—benefit from advertising, investment and other forms of subsidy directed their way by political powers. They also appear to enjoy immunity from tax authorities as long as they follow the prescribed political line.

Structural Reforms: A Form of Support to Free Journalism

Although “protection of journalists” has become a high priority of the international community over the past year, this term obscures the larger problem of protection of media as business organizations. Moreover, there are two distinct and complimentary parts of this larger problem: The pressures applied to journalists and their media and the vulnerability of media to these pressures.

Harassment, intimidation, physical attacks and even economic pressures are not unique to BiH or other emerging democracies. They can be found in the United States and other mature democracies. These pressures are generally far less frequent and intense than in BiH. More important, media in strong democracies and enormously diverse market economies are far less vulnerable to such pressures.

By contrast, the fragility of democracy and the weakness of the economy in BiH (and in similar transition states in Eastern Europe and the former Soviet Union) combine to greatly magnify the vulnerability of media to politically motivated pressures. Weak or politicized institutions in BiH—courts and tax authorities, to name two—render journalists exceptionally vulnerable to intimidation. It follows that free journalism would be an important collateral beneficiary of the major institution-building and economic reforms that are already high on the international community’s priority list, including tax and judicial reform and privatization of state enterprises.

Measures and Remedies

We offer a number of detailed recommendations to address the dual problem of political pressures on media and the vulnerability of media to those pressures. Some steps, we believe, could improve the current situation almost literally overnight. These recommendations—subject to comment obtained from a two-day roundtable discussion with independent media houses, associations, lawyers and representatives of international organizations on 27-28 July—fall into the following six broad categories:

1. Monitor, rigorously investigate and publicize authentic examples of intimidation whenever possible and penalize officials who can be identified as responsible.
2. Attack the main instruments of pressure: Abuse of libel law, political manipulation of advertising by state enterprises and abuse of tax enforcement and the financial police.
3. Reduce the institutional vulnerability of journalists through judicial reform and training, and the privatization of state enterprises. Privatization of media outlets poses special implications for the quality of democracy. Media privatization will not in all cases lead to greater media independence.
4. Self-regulation by the journalism profession (not self-censorship) can raise professional standards, reduce vulnerability to libel charges even under existing law and provide out-of-court safety valves for voicing and arbitrating complaints.
5. Reduce the physical vulnerability of journalists to violent attack through training in basic techniques of personal security and by developing working professional relations between media and police.
6. Raise public awareness of the crucial importance of media to the development of democracy and a successful market economy and educate public officials in their rights and obligations with regard to media. (Robert Gillette)

(NOTE: *Titles and subtitles were subsequently added to the summary of the Report by the Media News bureau.*)

Inefficient Police and Judiciary

Journalists gathered at the round table held in Sarajevo on the 27th and the 28th of July, where the IREX report was presented, approached the report rather critically. In the course of an open discussion, BiH journalists raised their criticisms and suggestions to the report but also provided certain new information, indicating that pressure laid upon journalists and the media is not diminishing. Even the statistical records testify to the rise of pressures on journalists that can be interpreted as a consequence of stormy political changes initiated by the local elections this spring. Thus the so-called Free Line, an OSCE help phone for journalists, recorded some 95 instances of either violations of journalists' rights or pressuring in the time period from last November till the present day. It is particularly interesting that 50 of these instances were reported in the last three months. OSCE believes that this increase mirrors growing willingness of journalists to report instances of pressurising while not denying the fact that it may in fact be caused by the forthcoming general elections in November.

Zeljko Kopanja, a man who experienced attacks on journalists in the most drastic manner, stated at the round table in Sarajevo that 'poor police and judiciary' bear the largest proportion of responsibility for insufficient protection of journalists. Kopanja wonders when someone in BiH was sentenced on the charge of an attack to a journalist. (NOTE: The only person declared guilty on this charge was Ismet Bajramovic Celo, a character of Sarajevo underground, who was fined with 60 DEM for a violent intrusion into the offices of *Dani* magazine and a threat with toy water pistol.) He adds that his assailant's identity is known to police but his name has not been released into public as the assailant is residing on the territory of a neighbouring country: Kopanja finds such conduct of investigators unacceptable.

Zorana Petkovic, an editor of Radio Osvit from Zvornik, shares Kopanja's views. She reported that, a year ago, charges were raised against 14 people who took part in the demolition of equipment at her radio station. However, the trial has not yet commenced as the court seems to be unable to gather the accused although they are all residing in the town of Zvornik. At the only hearing held, she was exposed to mockery of not only those present in the court room but even some court officials: this clearly indicates partiality of the court proceedings.

Alija Lizde, the director of Radio Hayat from Mostar on whose desk a bomb was recently left as a warning, believes the police to be truly inefficient and even incorrect regarding attacks on journalists. He stated that, having asked police officers if he should have reported the bomb incident to IPTF, he got the following reply: 'Why to them? They will only give us hard time!'

Criticism of International Community

However, Lizde also believes the international community to be hypocritical quite frequently in the matter of pressures on journalists. He founded his argument on his own experience, pointing out that international organisations have remained absolutely disinterested although the incident could have had a tragic ending. Enver Causevic, the Secretary General of the Association of Journalists, seems to share Lizde's views in this respect: Causevic accused international organisations of uncritical support to, and consequently protection of, solely their own protégés. In addition, Causevic reproached international community for 'preaching on democracy' and for rather superficial approach to the events in BiH.

A degree of criticism towards international community was voiced by some journalists from Republic of Srpska as well. Igor Gajic, the Editor in Chief of the Reporter magazine, stated that his magazine had been under constant pressure of Milorad Dodik, the Prime Minister, and those loyal to him. However, as Gajic points out, international community strongly supports Dodik, thus arresting the efforts aimed at the protection of journalists in RS. Milos Solaja, the Director of International Press Centre from Banjaluka, adds that the so-called democratic coup took place in

Republic of Srpska three years ago but failed to bring about any relief of pressure upon the media. He reminded of Dodik's police action right at the beginning of his mandate when managements of 16 radio-stations got removed: international community partly supported this act.

The address of Nail Kurtic, Professor at the Department of Journalism at the University of Tuzla, ran along the similar lines: Kurtic reproaches international community for the belief that 'all will be real easy once the nationalists have been removed from office.' According to Kurtic, a genuine shift in power centre would be only the removal of those that pressurise the media as it is vividly illustrated by continued pressures on the media even in those local communities where SDP (Social Democratic Party) won the elections. Kurtic's argument was confirmed by Sinan Alic, the Editor in Chief of *Front slobode* from Tuzla, who pointed out that Tuzla officials, widely considered as democrats, denounced a journalist Vitomir Pavlovic as a 'cetnik' without any reason whatsoever but his critical observations concerning the authorities. As a consequence, a group of hooligans beat up Pavlovic's son: Alic holds the authorities of Tuzla fully responsible for this incident.

Emir Habul, the editor of *Oslobodjenje* daily, however detected a certain improvement in the situation since journalists were no longer intimidated by 'either Alija or Zlatko' but by criminals. 'If Celo can freely slap a police officer in the police, why would a journalist risk his life for mere 300 DEM?', asks Habul. However, he salutes magazines such as 'Slobodna Bosna and *Dani* who courageously wrote about underground in Sarajevo. Still, Habul notes that these magazines perceive the public as their ally - a belief only partly true, according to him.

Some other journalists were similarly sceptical towards the belief that the public is always an ally of journalists. Zorana Petkovic from *Osvit* stated that many citizens had expressed their support to those who demolished the equipment of her radio station, communicating the following message to the journalists: 'Serves you right.' Alija Lizde of *Hayat* agreed, finding the public absolutely disinterested in many essential issues in the country, including pressures on journalists.

Can Media Taxation Be Reformed?

A considerable segment of discussion at the round table in Sarajevo dealt with the taxation that, according to international representatives, allowed for pressures on media and often presented a 'hang rope around the neck' of any normal operation of the media. Enver Causevic criticised IREX for only superficially covering the aspect of media taxation in BiH and found it essential to differentiate between unnecessary taxes and those that would be inappropriate to modify. According to Causevic, it is not possible to decrease the taxation of salaries of the media employees, amounting to 85% of the net salary in Bosnia, since this would place coal miners for example into an unequal position. However, he believes tax exemption of donations vital as well as exemption of 10% tax on advertising that would enormously help the media. Causevic also holds that it would be rather counter-productive to lift the income tax, enforced upon the media as well. 'If one is making profit, one should pay as well.', says Causevic.

Zvonimir Ribicic, the Director of *Kiseljak Radio and TV*, demanded media services to be exempted from 10% tax. He argued that his station had to pay 3,000 DEM worth taxes on 30,000 DEM worth invoices that had never been paid off. Given rather poor record of regular payment in BiH, they will most certainly be unable to get hold of at least half of the debt - hence the tax was paid in vain. Therefore, the taxation provision applicable in this case - and not solely to the media - should be amended so that the taxes are paid only on the sum of payments made.

Senka Nozica, a successful lawyer renown for her defence of the media in the court proceedings, stressed out that the media could not be exempted from the national taxation system. Yet, she supports the idea of a detailed review of media taxation with the view of modifying certain taxes specific to the media.

A suggestion to set up a legal office that would defend the rights of journalists was also voiced on this occasion. Robert Gillette reported that representatives of international community had been considering this option for some time. However, this cannot be done over night. 'It is

essential to train lawyers in media legislation. At the moment, there are no experts in this field in BiH. Following this, it would be necessary to identify the cases when these lawyers would get involved in order not to waste time on instances that fall outside the specifically media framework.', specified Gillette. He pointed out the example of Ukraine where a similar project had initially involved only 6 lawyers specialised in media law but evolved into an organisation numbering 40 lawyers, all experts in media law. According to Gillette, Ukrainian model should be implemented in Bosnia as well.

A Low Degree of Solidarity among the Media

The journalists in attendance were in an almost perfect unison regarding the degree of solidarity among journalists in BiH that was found extremely low and thus in line with the wishes of those that either pressurise or attack journalists. 'In the circumstances as they are in BiH at the moment, there should be wolves' solidarity among journalists and yet there is none. In certain cases, some media are actually delighted at the sight of others' ill fortune.', said Boro Kontic, the Director of Media Centre. Senka Nozica, a lawyer, pointed out that the largest number of court proceedings involving the media was initiated by journalists themselves against their fellow professionals - a consequence of hurt egos but also envy generated by the struggle for donations. Gillette agreed that the degree of mutual solidarity was low but noted that it would be extremely difficult to achieve much more, given that journalists were organised into 6 different associations and divided by traditional national and political lines of separation in Bosnia.

Zoran Udovicic, the President of Media Plan, suggested a more active involvement of local organisations into protection of the rights of journalists with the support on the part of international community. According to him, the first step to be taken should be for associations of journalists to set up a Committee for the Protection of Journalists, thus indicating to the journalists of BiH that there are also certain local factors concerned with the problems of journalists. He added that Departments of Journalism in the country should introduce courses in ethics of journalism and communication culture while broadening the segment of syllabus covering journalistic deontology. This way the students would have their understanding of professional reporting improved. Also, University Departments and schools of journalism should teach on rights and freedoms of journalists as a segment of human rights, and discuss possible protection mechanisms.

The outcome of this debate among journalists in Sarajevo was a recommendation to complement the IREX report about pressures on media with some new suggestions. Firstly, the report should appeal to journalists to invest in fundamental mutual solidarity. In this sense, there was a suggestion heard that magazines should bring about articles that triggered off attacks and pressures on certain journalists. This way, 'controversial' articles would be more widely circulated while solidarity among journalists would be proven more concretely. Journalists also called for a detailed exploration of the impact of taxation policy on the media and prescription of optimal remedies. It was concluded that it would be essential to foster legal protection of media as a totality and not only in the cases of encroachment upon their rights. It is also necessary to take under consideration the suggestion to set up a local Committee for the Protection of Journalists as well as a legal office, and develop an optimal model. Finally, it is absolutely vital to improve education in the field of the rights of journalists.

What follows in the aftermath is consideration and elaboration of these lines of action as well as those pursued by IREX that were agreed upon at this round table. The first steps towards efficient protection of journalists in Bosnia and Herzegovina are expected to be taken this fall.

(Radenko Udovicic)

The Media Arena in the Light of New Legislation

The long awaited Information Law, although still in the draft form, attracted a considerable degree of attention in the Macedonian public. For long enough, expansive media development in this country has been in need of modern media legislation that would regulate the sphere of media while not imposing an iron framework on freedom of media. In this issue, we bring about two texts concerning this issue.

A Collapse of Democracy or A More Orderly Media Sphere

One can hardly tell what would be better: either to adopt an Information Law or to leave this entire sphere 'free', that is - regulated merely within the general Constitutional provisions regarding the issue of freedom and pluralism of expression. It seems that both the state and journalists remain extremely cautious. The overall media arena has remained 'unregulated' as late as one decade upon Macedonian self-determination. The old legislation designed by the previous regime presents a partly invalidated legal framework, reintroduced only when either the state or the media or journalists are in need of a point of reference. The former Ministry of Information - recently abolished in the course of the last Government reform and replaced with Agency for Information whose position and purpose remain unclear - produced several 'working' drafts of the new Information Law. These drafts have never been seen by anyone and their content was disclosed mainly through press statements by the Minister. In addition, drafts were constantly being 'elaborated'. Proposals were sent to the Council of Europe and its media experts for their expertise.

Interestingly enough, European experts do not seem to mind that the legislation of such vital importance for the public remains veiled in the circumstances of information and Internet boom. The lack of transparency in the matter of a future guarantor of a free and liberated public is absolutely unbelievable. This very secrecy in relations to the public and media raises doubts - those of journalists in particular.

The very last draft of the Law has experienced a similar destiny: the draft is being subjected to European expertise while being discussed 'in the dark' back in Macedonia itself. A debate on pros et cons of the Information Law has been arranged over the last couple of days. Two antithetical streams of thought can again be identified in this respect: on the one hand, there is a majority of journalists considering the Law unnecessary in the belief that such move on the part of the Government is nothing but 'an attempt to control the work of the media and journalists.' On the other, there is a view that 'the Law would merely codify necessary components of the information sphere.' According to Anton Milososki, the Governmental spokesman, 'purpose of the Law is to fill the void in this sphere.' He denied any intention on the part of the Government to establish control over the media. 'The Government does not aspire to restrict freedom of media. In the absence of legislation, the Government merely intends to contribute to the regulation of public information sphere in accordance with European standards and criteria. This intention has been found agreeable by the Council of Europe as well.', says Milososki.

In addition, we have indirectly learnt that this legal framework encompasses provisions regulating relations among journalists themselves while stipulating obligations to establish both a Media Council and a Union of Journalists. The journalists attending the debate criticised the 'working draft' for restricting access to information and most especially unclear definition of 'secrecy', i.e. the 'secrecy of public and private interests'. One of the concerns was raised over the obligation to issue IDs to journalists as a precondition for practising journalism; also, blurred differentiation between the two terms - reply and correction - was criticised. Journalists were eager to learn what it really meant that the Council of Europe had found the draft agreeable.

Namely, European experts were primarily involved in comparative analysis of harmonisation of legal acts with respective international acts. Hence this assessment by the Council does not appear as the most relevant concerning justifiable adoption of the Law - nor does it provide any guarantee that the Law will not be restrictive.

The Helsinki Committee for Human Rights of the Republic of Macedonia commented to the draft as well. The Committee supported journalists in their concern over the restrictive nature of the draft Law. 'The fact that the authors of the draft overlooked international standards of freedom of expression is rather worrying given that Macedonia is obligated to observe those as a signatory of acts regulating the issue. Not for a second should it be forgotten that the media practise freedom of expression and thus have a bearing on both democracy and position of each and every citizen. In effect, it is not freedom of expression of the government that should be protected - it is freedom of expression of the public that is to be protected from any restrictions.'

The debate involved lawyers, political scientists, sociologists and communicologists as well. Their views largely differed. Dr Djordje Marjanovic, a Law School Professor and the leader of League for Democracy, thus believes that 'all spheres of the state should be legally codified'. He advised the journalists to review the draft in search for 'any legal provisions that would restrict them in their work.' According to Professor Marjanovic, 'the draft is merely codifying existing legal norms and thus journalists have no reason to get agitated over it.'

All in all, a remark brought about in the editorial of Monitor, published by Macedonian Press Centre, may cast a bit more light on Macedonian media landscape. The author writes: '... a cocktail of fear, audacity, hope and acute lack of money in the situation of media economy raises the issue of a conscious collapse of democracy and impossibility of sustaining pluralism on air - a situation rather worrying in itself for a country that is striving to implement Western democratic principles.' (Mirce Tomovski, the Editor in Chief of Puls magazine, for Media News)

Storm Over Macedonian Media Law

The Macedonian government is being accused of planning to impose 'draconian' censorship on the unruly local press.

By Tom Hughes in Skopje

The last decade has seen the media in Macedonia multiply. Radio, TV and newspapers have all mushroomed and daily newspaper circulation is now estimated at between 170,000 and 200,000 compared with 70,000 to 80,000 seven years ago. There are eleven daily newspapers, including two in Albanian, one in Turkish and two devoted to sport. The latest addition, a new daily called Vest, started publication a few weeks ago.

All good news, but media expansion has brought a steep rise in the number of journalists in Macedonia, many of whom lack adequate training or experience and have no real grasp of the issues on which they report. Nor is there any institutional commitment to promoting the kind of independent journalism desirable in a democratic society. The media is often manipulated and although much of it is nominally independent, most sections are affiliated to political parties or groups. The result is often poor quality, nationalistic and provocative reporting.

For example, in recent weeks the opposition-affiliated newspaper, *Utrinski Vesnik*, published inflammatory and xenophobic articles claiming that alleged government concessions to ethnic Albanians and the international community threaten the integrity and security of the state.

For its part, the government-controlled newspaper, *Nova Makedonja*, has insinuated that an opposition leader is in league with notorious drug dealers. Meanwhile, the Albanian language daily *Fakti* has published unsubstantiated reports alleging that Serbian agents staged recent incidents along the Kosovo border to try to provoke conflict between Macedonia and Kosovo. In each case, professional standards are sacrificed in favour of political agendas.

Prior to 1993, the media was regulated through the government administered *Nova Makedonja* printing house and Macedonian State Television. Now the Ministry of Information is

finally drafting a long-awaited 'Law on Information', which will probably be adopted by parliament in the coming months. Its supposed aim is to establish a legal framework to make journalists accountable, while guaranteeing their freedom and independence - including fines and other penalties for unprofessional reporting.

Although a draft of the legislation has yet to be unveiled, it is said to be based on Slovenian and Dutch models. International organisations such as the Council of Europe have also been asked to comment on the production of the text. This has not stopped the Macedonian media from accusing high-ranking government officials of preparing draconian regulation and censorship. Some articles have even compared the proposed law with the kind of censorship recently imposed by the Milosevic regime in Belgrade.

The legislation certainly does fail to address what many feel is the real issue, namely lack of government transparency and insufficient public access to information. The secrecy concerning the draft text of the law is a case in point. It has only fuelled media speculation. Although the concerns of the journalists may be exaggerated, they should not be ignored. The Macedonian media is sometimes subject to political interference and this new law could conceivably be used by a government to silence the opposition in times of political strife.

The media also argues that the legislation duplicates existing criminal legislation by allowing the government to move faster to impose financial penalties for unprofessional reporting. This may be true, but it should be seen partly as a response to serious problems in the Macedonian judicial system. It presently takes not months but years to pursue a criminal case through the courts.

Both government and media have legitimate concerns which should be addressed. Proper regulation to improve professional media standards is certainly needed, however further legislation is probably not the best way to proceed. Rather, some form of enforceable and realistic self-regulation - if properly implemented and monitored - could enhance the credibility of the media and stem current excesses without handing increased control to the government.

(By Tom Hughes, Skoplje. Source: IWPR's Balkan Crisis Report, No. 159, July 25, 2000)

The *Dita* Case

Investigative Journalism or Verdict outside the Courtroom

The news that issue of *Dita* Daily has been banned in Prishtina has just been broken. In his farewell editorial, Behlul Becaj, the Editor in Chief, writes that *Dita* has decided to comply with the decision of Douglas Davidson, the Kosovo Provisional Media Commissioner, directing the daily to pay the fine of 25,000 DEM for violating the codex of journalism or else cease the issue instantly. For the time being, this seems to be the outcome of a fierce dispute arisen between international administration in Kosovo and this daily paper supported by the majority of Albanian-speaking media.

But let us go back to the beginning of this story.

On the 3rd of June, Bernard Couchner, the UN Administrator based in Prishtina, suspended circulation of *Dita* for seven days due to the text brought about on the 27th of April, criticising international organisations for employing suspicious and criminal persons as well as criminals, i.e. murderers of Albanians. A photo of certain Petar Topoljski, a UN mission employee at the time, was incorporated in the text as well as his personal details including his address. A couple of days later, Topoljski was found strangled. Bernard Couchner's administration based its decision in the provisional media codex, 'strictly prohibiting disclosure of personal names and surnames, addresses and work positions if such disclosure could threaten personal safety of the person in concern.' The codex is effectively a substitute for any media legislation in Kosovo and presents a similar yet much more rigorous framework than the one enforced in Bosnia and Herzegovina,

defining powers of international community in the media sphere, and particularly with regard to propagandist journalism and rhetoric of hatred. In this specific instance, Couchner assessed that the disclosure of details of this potential criminal - yet to be found guilty - could be perceived as a call to lynch or a vengeful text on special order.

Having 'served the punishment', issue of the newspaper was resumed while the Editor announced that his paper would continue to search for Serb criminals. The paper also sued the UN administration, demanding 489 thousand USD worth compensation for seven-day suspension. Shortly afterwards, a list of 15 Serbs - all residing in Kosovo and accused by the newspaper of war crimes - was released, including their photographs. One of the persons in question responded to the newspaper allegedly denying the accusations but the Editor refused to publish the letter; this was followed by the decision of Media Commissioner Douglas Davidson, facing the paper with the choice between a fine amounting to 25 thousand DEM or the overall ban. At first, the Editorial Bureau of the paper had defied both options but subsequently changed their mind and chose the ban, as reported by *Glas* magazine dated the 29th/30th of July. Editor Becaj wrote: 'We shall insist at any cost on invalidation of this codex since the source of crisis does not rest with the disclosure of facts and testimonies concerning war criminals, but their concealment.'

International community has been repeatedly warning certain journalists and the media in Kosovo of the rhetoric of hatred they use, thus aggravating already complex situation in Kosovo. The *Botu Sot* magazine used to publish editorials reading that 'the Serb children are born as murderers and they remain murderers for the rest of their lives' and that 'all the Serbs living in Kosovo nowadays are criminals'. However, international journalists' organisations were explicitly opposed to any bans, insisting that the codex of behaviour should have been adopted by the journalists themselves or at least by international administration together with the journalists.

The media codex has been received with almost unanimous disapproval on the part of journalists and their institutions as it stipulates high fines in event of violation. Sanctions incorporated in the codex include warning, correction, apology, fine amounting to 500,000 DEM, equipment confiscation, ban, etc. Journalists believe that the daily was banned by a decree and not through any common procedure. In this sense, Veton Surroi, a renown publisher and journalist, asks whether *Dita* daily is indeed the gravest of Kosovo problems, adding that local institutional void allows the heads of UMNİK to act as law, judges and executors at the same time. The Kosovo Association of Journalists responded to the ban of *Dita* rather harshly, accusing the international administration of adopting the media codex without any consultations with either journalists or their associations.

At the seminar on ethical dilemmas in journalism, held at Neum (BiH) in June, the views of Albanian journalists from Kosovo attending the seminar differed widely as to the moral justifiability of disclosing personal details of persons towards whom erratic retaliatory acts could be directed. However, a majority of them believes that war criminals in Kosovo should be pursued by the means of investigative journalism. In his interview to TVBiH on the 31st of July, Hashim Taçi, an Albanian leader believed to be in control of *Dita* or at least exerting considerable influence upon the daily, stated that the case should have been considered as part of the struggle for active and independent journalism. In contrast, Bernard Couchner states the following for Radio Prishtina in a rather frustrated tone: 'Despite criticism on the part of international organisations, I do not regret my decision concerning *Dita*. I was horrified and shocked having witnessed their persecution of people absolutely unfounded in any evidence.' (based on the information of Media News correspondent in Kosovo and Media Centre Belgrade)

Many Write to Milosevic

On July the 26th, 2000, Miroslav Filipovic, a journalist of Danas daily from Kraljevo and an Associate of AFP and IWPR, was sentenced to seven years in prison by the Council of Court-Martial in Nis.

Colonel Radenko Miladinovic, the Head of the Council numbering five members, stated that the Council sentenced Filipovic to five years on the charges of espionage under the Criminal Law of FRY and to three years on the charge of dissemination of false information under the Criminal Law of Republic of Serbia but decided to pass a single verdict sentencing him to the total of seven years.

'The Council attested beyond any doubt that Filipovic committed the criminal act of espionage by gathering and publishing correct data considered to be classified military information on military units and their composition on the territory of Sandzak. He also gathered classified military information on the units in the territory of Montenegro that he did not publish but saved on the hard disc of his computer confiscated by the police.', said Colonel Miladinovic, the Head of the Council. He added that the military data published did not fall into the category of top secret information that could have had enormously harmful consequences for the state and the Army and thus the 'verdict was the most lenient one under the respective Law'.

Colonel Miladinovic also states that Filipovic disseminated misinformation by forwarding false data to the Institute of War and Peace Reporting (IWPR), AFP and Danas daily, and by placing them on the Internet.

Zoran Ateljevic, Filipovic's lawyer, stated immediately upon the verdict that Filipovic's defence would lodge a complaint on the verdict passed by the Court-Martial of First Instance in Nis:

'Filipovic took the verdict rather calmly and in our conversation with him - allowed to us in the courtroom - we informed him of our intention to lodge a complaint, pointing out that the Supreme Court-Martial in Belgrade would be obliged to take a decision on it in 90 days time.'

Numerous international organisations such as European Union, AFP, IWPR, Reporters without Frontiers, International Federation of Journalists (IFJ), International Press Institute (IP) and others reacted to this case and lodged a strong protest, denouncing the trial as politicised and as the best indicator how far Slobodan Milosevic could go in his persecution of independent journalists and media.

The verdict was followed by numerous protests of Serbian organisations as well. Serbian Independent Association of Journalists, Democratic Party of Serbia, Civil Union of Serbia, Association of Independent Broadcasters and many others publicly voiced their disapproval of the verdict.

116 journalists from FRY wrote the following open letter to Slobodan Milosevic, President of FRY, on the 27th of July:

'The verdict passed by the Court-Martial in Nis sentenced our colleague, Miroslav Filipovic, the correspondent of Belgrade Daily Danas and French AFP Agency, to seven years of imprisonment on the charge of alleged espionage of Yugoslav Army. This severe punishment without any legitimate legal ground does not effect only a conscientious and professional journalist. We strongly believe that it also aggravates our already unbearable isolation from the democratic world as it humiliates our people, our state and our Army. It is in your power as the supreme political, state and military authority in FRY to neutralise such a mean strike at

fundamental civil and human freedom. Hoping that you will understand and recognise our professional and human motivation for this letter, we urge you to do so as soon as possible.'

(Media Centre/Safax)

NEWS

A New Executive Board of RTVRS

Wolfgang Petritsch, the High Representative, decided to terminate the mandate of the existing Executive Board of RS Radio and TV and to appoint a new board at the same time. As stated, the decision was motivated by the failures of RS authorities to adopt new legislation on RTVRS within several time frames set.

The new Executive Board is composed of: Goran Bubic, a lawyer from Banjaluka, Zeljko Kopanja, the owner and editor of *Nezavisne Novine*, Sunita Sukalo, the Media Plan representative in Banjaluka, and Danko Ruzicic, Head of the RS Trade Union of the Textile Industry Workers. Milos Babic, a Professor at the Law School in Banjaluka, retains the position of Chairman of the Board. The sixth member of the Board will be from the OHR, appointed by the High Representative himself. Immediately upon the appointment, the Executive Board removed Andjelko Kozomara, the Director of RTVRS, from office, replacing him temporarily with his Deputy, Jelena Davidovic. Drasko Ignjatic was appointed the Editor in Chief of informative and political programming.

Ex-Director Kozomara denounced the decision of the High Representative as illegal, describing it as submission to Milorad Dodik, the RS Prime Minister, who had attempted to remove Kozomara on several occasions. Dragan Gasic, up until now the international supervisor of RSRTV whose position has now been abolished, seems to share Kozomara's views. He reiterated that the RTVRS evolved into a professional and independent medium in the course of his and Kozomara's mandate.

A Bomb in Radio Hayat in Mostar

In the morning of July the 24th, a bomb was found on the desk of Alija Lizde, the Director of Mostar Radio Hayat. 'An unidentified perpetrator broke into the premises of the radio station, rummaged through it and left a bomb - an act that could be interpreted as a sign of warning.', stated for the public Lizde, also the Head of the BiH Associations of Journalists.

The motivation remains unclear although a number of people from East Mostar believes this 'warning' to have been sent by Croat extremists, agitated by a series of programmes on Croat concentration camps during the war in BiH broadcast by this radio station. Lizde however does not want to comment on the possible motivation until he has gathered enough relevant information.

Alija Lizde is dissatisfied with a rather indolent attitude of authorities and police forces towards this case but also with the conduct of international community that, according to him, shows only disinterest for a case that could have had a tragic outcome.

Vucinic Summoned by the Police for an Informative Interrogation

Perica Vucinic, the Editor in Chief of *The Reporter* magazine from Banjaluka, was summoned for an informative interrogation by the police on the 28th of July. He was interrogated by two police inspectors on the charge raised against *The Reporter* by the RS Department of Intelligence and Security in relation to the texts on illegal tapping of RS citizens by this Department.

The Reporter reads that the inspectors asked Vucinic who the authors, signed as the 'Investigative Team of the *Reporter*', of two texts on tapping were, what the source of information and the purpose of these texts were, and whether he, as the Editor in Chief, consented to publishing them. According to *The Reporter*, Vucinic answered only the last two questions.

'The texts were published on the basis of my consent and for the sake of informing the public as well as democratising the RS authorities. I shall never disclose the names of journalists who wrote these texts; not shall I reveal either our sources of information or names of the persons tapped.', said Vucinic.

SUPPLEMENT

STABILITY PACT

Charter for Media Freedom

The participating States of the Stability Pact for South Eastern Europe, drawing on the valuable reparatory work done within the framework of the Royaumont Process for the elaboration of this Charter for Media Freedom;

hoping that the whole area, including the FRY, will soon be included in the Stability Pact and will implement the principles of this Charter; recognizing that lasting peace in the region based on stable democracies is crucial for peace in Europe in the 21st century;

acknowledge that freedom of the media, free flow of information and ideas and open discussion, without the interference of public authorities, play a fundamental role in the development of free, stable and democratic societies; are prerequisites for the establishment of mutual understanding and good relations among states and their peoples; and deserve the full support of interested governments and organizations;

reaffirm their adherence to the principles of freedom of expression, the media and free flow of information as laid down in Article 19 of the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, OSCE principles and commitments and, as applicable, Article 10 of the European Convention on Human Rights and Fundamental Freedoms and case law related thereto, and other international conventions and agreements including those of UNESCO and the Council of Europe;

emphasize that the promotion of mutual respect, cooperation, stability and democracy requires respect for the interests, values and cultures of all communities in the region and for international commitments relating to democracy, human rights, fundamental freedoms and the rule of law; consider that there is a need for a more active and better informed public debate in order to achieve the objectives of peace, stability and mutual understanding that underpin the Stability Pact; believe that cooperation among media professionals from the region contributes to enhancing mutual confidence and reducing the risk of tension in South Eastern Europe;

The Participating States of the Stability Pact, and the interested parties and organizations associated with the Pact, will endeavor to cooperate to protect freedom of expression and encourage observation and implementation of the following principles in the region.

The Governments in the region will:

1. defend and promote freedom of expression, information and comment and act in accordance with the rule of law and international commitments relating to the above freedoms;
2. keep under review media and other relevant laws, including defamation laws, and take steps to identify and remove obstacles to media freedom and to the exercise of independent journalism, consistent with international standards and commitments, including removal of powers of censorship or suppression of the press or radio and TV programs;
3. encourage and actively support the development of pluralistic and accessible electronic and printed media which are professional and independent, and encourage the development of regional cooperation schemes to facilitate the flow of information;
4. facilitate the ability of media organizations to control their own means of production and distribution; recognizing that economic independence has a central role to play in the development and maintenance of free and pluralistic media;

5. remove by democratic process obstacles to free access to sources of information and facilitate the unimpeded flow of information;
6. recognize that the public interest is served by the right of journalists to protect their sources of information; any restrictions to this right must serve a legitimate interest in a democratic society and must be narrowly defined by law;
7. support the development of media networks which facilitate the free flow of information between neighboring states and which bring journalists together, in particular through the exchange of young journalists;
8. ensure an appropriate legal framework for Public Service Broadcasters and state news agencies, which should serve the interests of the public and not the parties in power or special interest groups;
9. facilitate the establishment of independent broadcasting regulatory bodies, where they do not already exist, charged with implementing the internationally recognized standards of transparency and accountable administration of broadcasting;
10. recognize the key role of media professionals in matters of media ethics and support self regulation and the establishment of appropriate structures independent of government in order to encourage professionalism, high quality and diversity in broadcasting and publishing. These structures should inter alia set standards and deal with complaints;
11. promote tolerance by facilitating access to the media for persons belonging to minorities;
12. apply, or where necessary enact, laws relating to the use of the media to incite unlawful acts of racism, xenophobia or violence. Such laws should be narrowly and clearly defined, requiring a direct connection between the incitement and an unlawful act;
13. give every encouragement to the media to promote the highest standards of professional journalism and to facilitate sources of independent and diverse information and opinion;
14. encourage media professionals in the region to develop their own code of ethics, taking into account standards developed by independent media organizations of democratic societies and principles and norms enshrined in international law and practice. These codes should take into consideration the special circumstances of the region and the need to respect human rights and minority rights.
15. encourage the independent media bodies referred to above to develop and apply standards appropriate to open and democratic societies, respecting fair business practices and political impartiality as well as international agreements on intellectual property rights.

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The next issue of Media news will come out on the 31st of August, 2000.

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