

AT RISK:

**POLITICAL INTIMIDATION OF JOURNALISTS
AND THEIR MEDIA
IN BOSNIA AND HERZEGOVINA**

Sources, Effects and Remedies

Draft Discussion Paper by IREX ProMedia

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I. Introduction:

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 the whole of Bosnia'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 Bosnia over the past 18 months, have given new visibility within the international community to the long-standing problem of the protection of journalists.

In Bosnia, 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 Bosnia'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 Mandic, 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—perhaps one in ten—of the country's roughly 300 newspapers, news magazines, radio and television stations. Given the relatively low profile of authentic journalism in Bosnia, it should be not be surprising that so few understand how the intimidation of

journalists weakens the processes of democracy and erodes the freedom of every citizen.

This report summarizes a five-month study by IREX ProMedia of 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.

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. 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.

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 distances itself from the SDA party—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.

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 Bosnia 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 Bosnia. 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 Bosnia (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 Bosnia—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.

We offer 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.

We appreciate the assistance of the Independent Media Commission (IMC) and Organization for Security and Cooperation in Europe (OSCE) as well as the cooperation of the Committee to Protect Journalists in New York, whose European coordinator, Emma Gray, took part in interviews in Sarajevo, Mostar and Banja Luka. This report was written by Robert Gillette, the director of IREX ProMedia in Bosnia and Herzegovina. Research was conducted by Isabella Eisenberg, Elena Drozdik and Robert Gillette.

II. Overview

Politically motivated pressure on journalists—the use of threats, harassing lawsuits, economic intimidation and occasionally violence to limit the information that media convey to the public—is pervasive in Bosnia and Herzegovina. It hinders international and indigenous efforts to build a democratic civil society and a free-market economy on the post-communist wreckage of the 1992-95 war.

The exercise of pressure on individual journalists and their news media by Bosnian political organizations, elected officials, the managers of some state enterprises—and in specific instances by Yugoslav government officials across an international border—has a direct, negative effect on the pace and quality of the development of democracy and a market economy in this country.

This pressure stifles journalistic inquiry and the publication of information primarily relating to official corruption, human rights violations and war crimes. It emanates mainly from the nationalist political movements that prosecuted the war and that by and large continue to dominate Bosnia. By stimulating deeply rooted instincts of self-censorship among journalists, the nationalist parties insulate themselves from reporting that might call into question their legitimacy in the eyes of their constituents. For these parties, intimidation of media is a method of survival.

Data gathered over the past two years by the Independent Media Commission and the OSCE, the Helsinki Committees in Sarajevo and Bijeljina and in interviews by IREX researchers since February, indicate that media in Bosnia are subject to nearly the full range of methods of intimidation monitored by international organizations such as the U.S. based Committee to Protect Journalists, Freedom House, France's Reporters Sans Frontiers, and the International Federation of Journalists in Brussels.

These methods include:

- Anonymous phone calls to journalists or members of their families, suggesting violence or eviction from one's apartment, loss of a spouse's job, problems for children in school or other oppressive action.
- Threatening encounters on the street:
- Beatings and attempted murder;
- Exclusion from public buildings, meetings or news events;
- Multiple harassing libel suits filed in politicized courts;
- Economic pressures on media considered by dominant political parties as unfriendly or working against their interests.

These pressures are, of course, not unique to Bosnia. They are a worldwide problem mainly in authoritarian states and in varying degree in the emerging democracies, not least of them Russia. The global scope of murder, beatings, imprisonment and political intimidation of journalists is catalogued annually by the Committee to Protect Journalists, Freedom House—both U.S. organizations devoted to free and independent media—and by the International Federation of Journalists in Brussels.

Over the past 10 years the CPJ has counted 458 journalists killed in the line of duty worldwide, 134 of them in Europe and the former Soviet Union. Of these journalists, the CPJ counts 26 dead in Croatia and 21 in Bosnia and Herzegovina.

In 1999 the CPJ counted 34 journalists killed around the world as a result of their work; the circumstances in 19 other deaths were still under investigation at the end of the year. A total of 87 journalists were known to be in prison at the end of last year. The CPJ did not, however, include in its 1999 death toll those killed by the NATO attack on RTS facilities in Belgrade.

“Some will question CPJ’s decision not to include on this list some or all of the 16 employees of Radio and Television Serbia (RTS) who were killed in April when NATO bombers hit RTS headquarters in Belgrade,” the Committee said in its annual report, published in book form earlier this year.

“CPJ defends all journalists, regardless of the views they express, and we have an extremely broad definition of who is a journalist. This encompasses both state and private broadcasters. But when a state broadcaster becomes an integral part of an ethnic cleansing campaign, as RTS was during the decade of nationalist wars in the Balkans, it falls outside our extremely broad definition of journalism.”

The CPJ noted, however, that it had condemned the attack on RTS on humanitarian grounds, citing the absence of evidence that RTS was a legitimate military target, in a 23 April 1999 letter to NATO Secretary General Javier Solana.

III. Illustrative Cases:

The following, in addition to the attack on Zeljko Kopanja, are some of the most serious pressures and attacks that journalists have faced throughout Bosnia and Herzegovina during the past 18 months:

- Radio N, the only multi-ethnic station in Western Herzegovina, a region covering more than a fifth of Bosnian territory, works under constant pressure from the hard-line nationalist HDZ party that controls the region and runs it as a *de facto* part of Croatia. The climate of fear in the region is such that a third of the people who telephone the station during call-in shows ask that their comments and questions be written down and read on the air so their voices cannot be identified.

Set up in August, 1998 with help from the Soros Foundation and USAID, Radio N's key staff are Franjo Mioc, a Croat, Zeljka Mihaljevic, of Serb and Croat lineage, and Jasmin Velic, a Bosniak.

In March, 1999 Mrs. Mihaljevic's husband was brutally beaten by unknown assailants in an attack the OSCE has said was politically motivated. This April, abusive leaflets circulated through Livno, calling Mioc and Mrs. Mihaljevic "miserable mercenaries" acting only out of financial interest, "spitting and vomiting on everything that represents Croat legal authority in Livno."

OSCE said in a statement on 18 April that the leaflet, which appeared aimed at provoking further attacks on Radio N and its staff, "represents a continuation of the threats directed to obstruct the establishment of free and independent media" in the region. "Like other media in politically hard-line areas, [Radio N] must often stand alone against serious and persistent forms of intimidation and threat."

On 23 May, the High Representative, Wolfgang Petrisch, and Ambassador Robert Barry, chief of the OSCE Mission, jointly acted to remove from office the Governor and the Prime Minister of Canton 10, which encompasses Livno and much of Western Herzegovina. In a statement, they said the two officials "played a central role in creating a climate of hostility and intolerance" in the region and in particular had failed to condemn the leaflet attacking Radio N.

- In what should have been friendly territory, two journalists from the Croatian newspaper *Novi List* in Rijeka, Robert Frank and Ronald Brmalj, were abducted in May, 1999 from the Hotel Ero in West Mostar, the half of the city controlled by the Croat nationalist party HDZ.

Unknown assailants took the two journalists to a nearby wooded area and beat them, smashing Frank's hand with a heavy rock. He later told reporters that his assailants made clear to him that his writing showed he had "listened to the wrong people," among them Croat opponents of the HDZ.

In Croatia itself, the HDZ—the late president Franjo Tudjman’s party—went down to resounding defeat earlier this year, but in its traditionally nationalist bastion of Bosnian Herzegovina it remains a formidable power with a tight grip on the local economy.

- In Zvornik, a city on the Drina River across from Serbia, dominated by radical Serb nationalists, an organized mob ransacked the studios of Radio Osvit in March, 1999, destroying much of the equipment of a station dedicated, like Radio N, to independent journalism and helping to heal the wounds of Bosnia’s war. In the following weeks local advertising on the station dropped sharply, and a number of the traumatized staff quit the station.

The attack occurred during demonstrations protesting the High Representative’s removal from office of the radical nationalist President of Republika Srpska, Nikola Poplasen, for systematically obstructing implementation of the Dayton peace accords. The mob was also protesting a separate international decision to turn the disputed district and city of Brcko, in a narrow strategic corridor between two halves of Republika Srpska, into an autonomous “special district” rather than awarding it to the RS.

A year later, Radio Osvit has rebuilt with help from international donors and hired young new staff, but advertisers continue to steer away from the station even though audience research data ranks it as the favorite radio of nearly half of the Zvornik area population.

The wheels of justice turn slowly in Zvornik, a city renowned for its politically biased courts. Under pressure from the international community, the local prosecutor months later indicted 14 people for taking part in the attack, though charges were later dropped against two of them. A trial has been set and postponed at least five times since last November.

- A little more than two weeks after the violence in Zvornik, violent street protests broke out across Republika Srpska as NATO began its attack last March against Yugoslavia in response to Belgrade’s campaign of ethnic cleansing in Kosovo. In the RS capital of Banja Luka, mobs damaged U.S. and British offices and singled out a camera crew from ATV, the most professional and independent television in the northern half of Bosnia and Herzegovina. Rioters smashed a television camera and seriously injured an ATV cameraman.

Undeterred by this attack, ATV was the only television station in Republika Srpska with the courage to defy Belgrade’s propaganda and travel to Macedonia to film the hundreds of thousands of Albanian refugees streaming out of Kosovo in the spring of 1999.

- In Milici, a Republika Srpska town not far from Srebrenica, Rajko Dukic, the director of a local aluminum-ore processing plant, Boksit d.d.I. Milici, has posted personally signed public notices banning the director and two journalists from Radio Magic from entering company-owned premises.

These include not only the aluminum plant itself, but a local sports complex, cultural center, motel, movie theater, restaurants, bowling alley and buses owned by the company. Eleven names appear on the posted ban, a copy of which was obtained by IREX. Others include a local resident who allowed Radio Magic to set up its studio in his house and several who have had open contacts with the station.

Dukic is said to enforce his ban with an armed unit of “industrial police.”

“We’re the only institution in Milici which is not controlled by Rajko Dukic,” says Radio Magic director Zoran Saranac. His two staff members who share the honor of the public ban, Vlado Peric and Jugoslav Kaldesic, were beaten last year in separate incidents in local coffee houses.

Once an associate and reputed financier of the former Bosnian Serb president, now indicted war criminal Radovan Karadzic, Dukic is now close to the government of RS Prime Minister Milorad Dodik. The RS government is part owner of the plant along with an undisclosed number of private shareholders.

- Until recently, filing multiple libel suits against troublesome journalists was a favored tactic of public officials and wealthy, politically connected businessmen who were the prime targets of corruption investigations by a small number of determined journalists.

By late last year, Senad Avdic, chief editor of the weekly *Slobodna Bosna*, faced 12 criminal libel suits and a suspended jail sentence while the chief editor of the rival magazine *Dani*, Senad Pecanin, was fighting five libel suits of his own. Both journalists are admired for their aggressiveness and their care in gathering evidence for their stories—a daunting challenge in a culture of secrecy, where ministry officials routinely refuse to disclose such basic facts as their operating budgets.

The abusive use of libel laws has dropped sharply since the High Representative suspended criminal penalties in July, 1999.

IV. The Bosnian Political Context:

Bosnia is undergoing a dual transition. Neither is going well.

Like other countries of Central and Eastern Europe (Belarus and the Federal Republic of Yugoslavia are leading exceptions)—it is struggling to make the transition from an authoritarian political system and a loose command economy to a democratic, free-market state.

Simultaneously, Bosnia is struggling to heal the divisions of a war in which politicized media (primarily Serb and Croatian) played a central role in fomenting and sustaining interethnic suspicion, hatred and violence. The healing process is slow largely because the three nationalist political groups that prosecuted the war from 1992 through 1995, or their immediate successors, are still in power. (A weak ruling Bosnian Serb coalition is led by a comparatively moderate spinoff of the wartime SDS party founded by Radovan Karadzic.)

With nationalists still largely in place, peace in Bosnia has in many ways meant a continuation of war by other means. Media remain a strategic political asset to the nationalist parties—one the Serb SDS, the Bosniak SDA and the Croat HDZ exploit to preserve themselves by preserving the myth of threat from other ethnic groups and by extension the myth of their own irreplaceability.

While the main nationalist parties may not actually conspire together, they do share common strategic aims and interests that conflict with the Dayton Accords of 1995 and the international community's vision of a multi-ethnic country founded on a market economy.

The dominant parties continue to profit from state enterprises they control, skimming revenues and awarding patronage. They have succeeded in obstructing privatization—which would separate them from their assets—and in delaying the creation of a transparent, regulated banking and financial system over the whole of Bosnia which might reveal how lucrative these assets are and where the money goes.

Local elections in Bosnia in April saw a marked erosion in the vote-gathering power of the nationalist parties, particularly of the SDA. The collapse of the HDZ in Croatian elections clearly dealt a blow to the Bosnian HDZ's heroic myth (as well as to its covert finances), but independent media are also helping to erode the nationalists' popularity simply by presenting a more truthful and balanced view of life in Bosnia.

As the nationalist parties in Bosnia weaken, and crucial parliamentary elections approach this November, the risks to independent news media are likely to grow. More aggressive media among them will smell the blood of wounded authoritarians. Like any wounded animal, weakening nationalist movements—or extremist factions within them—can be expected to lash out at their tormentors.

The limits of “acceptable” journalism—with war-crimes and corruption clearly out of bounds—have followed ethnic lines in Bosnia since the end of the war.

In general these limits may be defined as any substantive allegation of corruption, war-crimes or incompetence that would call into question the legitimacy of the dominant nationalist parties or their leading figures at any level. In practice, this means that a predominately Bosniak news outlet’s allegations of corruption or war-crimes on the part of Serbs or Croats will attract little concern from its targets as it can easily be dismissed as Muslim propaganda. Similarly, Bosniaks attach little credibility to allegations by “other” media.

But for a predominately Serb, Bosniak or Croat news organization to allege corruption or war-crimes within its “own” ethnic community is a very different matter. Allegations of this kind are likely to carry greater credibility and thus touch directly on the legitimacy of ethnic political forces. The very publication of such charges would be seen as a sign that hard-line nationalists were losing their grip on power.

Thus a newspaper based in Sarajevo may report fully and freely (if it can obtain any information) on war-crimes and corruption of Serb or Croat officials, with little or no fear of harassment. A news outlet in Banja Luka will feel no constraining pressures if it reports on the misdeeds of Bosniak or Croat officials. Croat-centered media may do so in regard to Bosniak and Serb officials.

But for Serb media to report on Serb war-crimes or Serb corruption as Kopanja did (or for any media on the malfeasance of their “own” political leadership) is something else again. What nationalist politicians can no longer define as propaganda from another—implicitly enemy—ethnic group, they must define as treason from within their own clan.

This may explain the attack on Kopanja, and also the attack on the two Croatian journalists in Croat-dominated West Mostar last year, Robert Frank and Ronald Brmalj. In this tribal political environment, beset with nationalist paranoia, treason is the highest crime.

Nearly five years after the end of the war, Bosnia’s media remain largely divided along ethnic lines into three separate media communities. The multiplicity of associations claiming to represent the professional interests reflects the Balkanization of media: With the appearance in recent months of a second Croat association clearly linked to the HDZ, there are now six journalists’ associations altogether, only two of which can claim real independence from government and party politics.

For nearly two years now, the associations have met regularly through the mediation of the international community’s broadcast regulator, the Independent Media Commission. They have agreed on a country-wide press code and—after months of wrangling—on the basic structure voluntary press council to implement the press code (but not yet on its operating rules.)

These contacts symbolize a fragile and tentative start toward professional solidarity. It remains to be seen whether politicized journalism associations can find common

ground to confront the range of political pressures media now experience and begin at last to separate themselves from partisan politics. This is likely to happen only if the nationalist parties themselves slip from power.

V. Pressure on Media in BiH: Dimensions of the Problem

A. Measuring the Pressure

The Helsinki Committee for Human Rights of Bosnia and Herzegovina was among the first organizations to draw attention to the growing breadth and seriousness of physical, judicial and economic attacks on journalists. In a December, 1999 report the Committee noted that media found themselves in a “very difficult” situation in which threats were becoming “an everyday appearance in media life in BiH.”

The Helsinki Committee noted that a number of media had achieved, or were approaching, professional journalistic standards, and that their work is of “extraordinary importance for the implementation of the Dayton Peace Agreement and [the] overall democratic transformation of the country.”

The Federation Ombudsman has also called attention to the abuse of outmoded libel law to harass independent journalists, and to a growing maze of contradictory and often restrictive media legislation being adopted by Federation cantons, the equivalent of counties.

Like the Helsinki Committee, however, the Federation Ombudsman—there is no comparable institution in Republika Srpska—can only advise and publicize. The office has no legal powers to address the problems it identifies.

As of April, the OSCE, the international community’s primary monitor of freedom of expression, had logged 56 verified cases or allegations of pressures on journalists throughout Bosnia, most of which originated in 1999. OSCE considered half of these cases still active and unresolved. Among them are the attempted murder of the editor of Zeljko Kopanja, last October; the abduction and beating of the two Croatian journalists in Mostar; and the destruction of Radio Osvit studios in Zvornik by an organized mob.

The cases logged by OSCE, however, represent only a sampling of the incidents of intimidation experienced by Bosnian media and do not appear to indicate the full scope of the problem. As a largely self-selected sample, based mainly reports to a telephone Hotline, the OSCE list probably is not fully representative either the scale or the character of journalists’ problems; on the other hand, it benefits from a high degree of follow-up inquiry and verification.

In May, the BiH office of Internews, a media support organization working under a subcontract to IREX, surveyed 116 radio and television stations that belonged to the Association of Electronic Media in BiH to determine which among them had experienced any of 10 categories of intimidation. A total of 86 stations responded, of which 30 said they had experienced no such problems.

The other 56 stations reported a total of 1,102 separate incidents between January and June of this year including 840 threatening phone calls and letters to 45 stations, as well as lawsuits, attacks on equipment or staff, denial of advertising on political grounds and financial inspections by local authorities.

Thirty-one stations reported 49 financial inspections in the first five months of this year. Four of the 31 reported three separate audits, or roughly one every seven weeks. All but five of the 31 stations, including those experiencing multiple inspections, are located in the Federation/BiH.

This sample, while more random and thus potentially more representative than the OSCE list, suffers from an absence of verification. One Sarajevo station—radio and TV Studio 99—accounts for more than half (460) of the claims of threatening calls and letters. The station attracts only a small audience, is not taken seriously by political powers, but is engaged in a long-running series of disputes with former employees claiming back pay.

Subtracting this anomaly, the Internews list appears genuinely to reflect a significantly larger scale of harassment than does the formal OSCE case list, amounting to some 600 incidents in five months from a sample that covered less than half of Bosnia's approximately 280 radio and television stations.

There was almost no overlap between the OSCE and Internews lists of stations reporting harassment: Only six of Internews' 56 stations appears on OSCE's list of media that reported harassment of any kind as of the end of April. Others may be recorded in OSCE's confidential files, but it appears likely that many of the incidents claimed in the Internews survey have never been reported to the international community.

It is possible—even likely—that some stations have exaggerated or invented some of their complaints. But it is also certain that some stations—as several made clear to IREX in interviews—prefer not to disclose or discuss their problems with international organizations for fear of only making matters worse with local political authorities or extremist groups.

For these reasons, it is not possible to compile a fully accurate statistical picture of the intimidation of media in Bosnia and Herzegovina. Yet there may be no need for an encyclopedic record. The available indicators, including interviews that IREX has conducted with media around the country since February, point to a problem of great dimension, and of great consequence for democracy in Bosnia and Herzegovina:

Whatever the precise scale of incidents—be it dozens or hundreds—it is clear that the breadth and frequency of intimidating pressures on journalists and the media that employ them have been sufficient to create an expectation of threat in the minds of

nearly all journalists, should they venture into politically sensitive areas—chiefly corruption and war-crimes. Even if a journalist has not personally experienced intimidation, the expectation of threat is stimulus enough for the self-censorship that continues to characterize the great majority of media in BiH.

Among those Bosnian media that value independence, and are not merely the willing voices of political parties, the climate of fear makes it hard, and even unwise, to try to distinguish between jokes, harmless emotional outbursts and deadly threats.

In the hard-line SDA town of Kalesija, in the Federation/BiH, Fuad Halilovic reports that his station, Radio Feral, has been exposed to a steady barrage of threats by telephone and to its staff on the street since the station first went on the air in May, 1998 with help from the Soros Foundation and USAID. Labeled “Chetnik Radio” and “spy radio” because the station cooperates with Radio Osvit in Zvornik, a half-hour drive away, and with other civic-minded stations in Republika Srpska, its staff say they have heard abusive remarks even from local police officers.

The bomb attack on Kopanja last October triggered a fresh wave of taunts and threats, and it was not easy to tell the difference in a town where the trauma of war remains painfully visible in the form of young men in wheelchairs along the sidewalks. “Tell Fuad to buy a new car—an armored one,” became a standard greeting to Radio Feral staff.

In circumstances like these, only the strongest, most exceptional journalists, those who thrive on risk and whose news organizations are financially secure—an extreme rarity in Bosnia—are able to rise above the climate of fear.

OSCE and other international officials believe the pressure, and conceivably the threat to some journalists’ lives, will only grow as nationalist parties fight to preserve their hold on power in crucial parliamentary elections now scheduled for 11 November.

B. Perspective: Not All Anger is Intimidation

To establish credibility in the public mind and to effectively address the real problems of political pressure, the international community and journalists themselves need to distinguish carefully, difficult as that may be, between real and presumed acts of intimidation.

Not every complaint or expression of anger by a Bosnian politician is necessarily meant as a threat, although the example of Radio Feral underscores the difficulty of telling the difference. Public figures do have a right to complain, and sometimes—possibly often—their complaints are justified. When media fail to check their facts, or even seek them, or fail to provide an adequate right of reply, or publish corrections, politicians and businessmen find an easy recourse in flawed laws on defamation and unsophisticated or politically compliant courts.

Not all threatening phone calls and letters to media outlets, and not all libel suits, necessarily reflect the deliberate or systematic effort of a political group to intimidate journalists. It should be recognized that readers, listeners and viewers—including

government officials—in all countries do get angry at journalists and express themselves emotionally, sometimes by phone or mail, sometimes through the courts, sometimes physically. In the world at large, there is nothing novel about politicians trying to pressure news media to ward off unfavorable reporting. At a certain irreducible level, threats and pressures are a universal occupational hazard of the news business.

Adversarial relations between government and at least some media is a defining feature of most developed democracies. In the United States, Presidents Kennedy, Johnson and Nixon famously tried—and generally failed—each in his own way to pressure troublesome journalists by intervening directly with their publishers or network news directors.

In the early 1970s, when American media began probing corruption in the Nixon administration, Vice President Spiro Agnew famously dismissed critical media as “nattering nabobs of negativism” and aroused a wave of public disgust at the journalism profession at large. (The phrase was coined by White House speechwriter William Safire, now one of the *New York Times*’ most acerbic and popular nabobs.)

American public views of journalists shifted from condemnation to virtual romance with investigative journalism after Agnew’s conviction and removal from office on bribery charges, and the resignation of President Nixon one step ahead of impeachment in 1974.

Even in established democracies, journalists are sometimes killed as a consequence of their work. The danger emanates from extremist groups, not governments.

On 28 June 1999, for example, a Swedish journalist and his young son were injured in car-bomb attack near Stockholm, probably carried out by the neo-fascist groups the journalist specialized in covering. (The attack occurred despite the fact that the journalist worked under a pseudonym and he and his family had protected identities under Swedish law, which meant that their names and social security numbers were excluded from public registers.)

Such attacks sometimes prove spectacularly counterproductive, by rallying the victim’s professional colleagues and galvanizing media to pursue the very issues that the attack was meant to suppress.

In 1976, when reporter Don Bolles was killed by a car-bombing in the U.S. state of Arizona while investigating organized crime, news media from around the country—many of them normally competitors with one another—converged on Arizona to continue his work. In doing so, they turned a local corruption scandal into a country-wide story that led eventually to conviction of the killers.

Journalists from across the country “were out to show organized crime leaders that killing a journalist would not stop reportage about them; it would increase 100-fold,” the U.S. journalists’ organization Investigative Reporters and Editors (IRE) says in its history of the incident. (Bolles had helped to found the organization, whose initials are an English-language synonym for “anger.”)

The collective response of leading U.S. media propelled IRE into the forefront of American journalism organizations, where it remains 25 years later.

The profession's response to this long-ago bombing is a lesson in the value of professional solidarity among diverse and competitive journalists and their news organizations.

American media, of course, suffer none of the ethnic divisions, the financial weakness, the politicized judiciary and the climate of intimidation that so burden the media of Bosnia and Herzegovina. Media in BiH not only face a much greater frequency of politically motivated pressures; for a variety of reasons they are much more vulnerable to these pressures than media operating in established, rule-of-law democracies and healthy market economies.

C. Threat and Vulnerability: Two Sides of the Same Problem

Strengthening the independence and resilience of media in an environment of intimidation requires an understanding of the nature and sources of intimidation, and also the reasons why media are as vulnerable as they are to pressure.

The international community has recognized several contributing factors to the weakness of media in Bosnia:

- **The general lack of transparency** in government, political party funding and the management of state enterprises is a major factor that increases the difficulty of accurate, credible, explanatory and investigative journalism.

The broad lack of documentary information of a kind normally open to the public in democratic societies hinders the development of credible, fact-based journalism and leaves media dependent on rumor and anonymous sources for its investigative reporting. This in turn magnifies the vulnerability of journalists to harassing attack through libel laws, which are in themselves deficient and subject to easy abuse.

OSCE and OHR are attacking this source of vulnerability by drafting Freedom of Information and modernized libel laws in the expectation that BiH parliaments will adopt these measures or that the High Representative will impose them.

- **Criminal Penalties for Libel:** The Committee to Protect Journalists observes in its annual report for 1999 that, although a variety of laws are used against journalists in Bosnia and elsewhere, “criminal libel statutes remain the most worrisome threat to independent journalism” worldwide.

“The CPJ opposes such laws; we believe that civil penalties provide adequate remedy in cases of genuine libel, and that the threat of jail has a chilling effect on independent, investigative journalism. This is particularly true in countries where the judiciary has little of not independence from the public officials who are most likely to bring a libel suit—generally because they want to suppress

uncomfortable news about themselves.”

The use of harassing libel suits to pressure media in BiH appears to have fallen sharply since the High Representative suspended criminal penalties last July. Yet officials continue to threaten libel suits as a diversionary tactic to avoid uncomfortable news about themselves. On 1 June, Rajko Vasic, the RS Minister of Information—a position not found in democratic countries—drew sharp criticism from the international community recently when he suggested that journalists should be prosecuted for allegedly inaccurate stories.

Ignoring the reaction to Vasic, the intelligence service (OBS) of Republika Srpska announced a week later that it would “ask for a legal proceeding to be opened” against the chief editor of *Reporter* magazine, Perica Vucinic, for printing allegations that the OBS was tapping the telephones of people linked to the Belgrade government. The OBS did not explicitly deny the allegation.

- **Bosnia’s politicized courts** are quick to act on libel cases filed by prominent local power figures and notably slow to pursue cases of physical attacks on journalists. Judicial reform and training, as well as modern libel law, could eliminate a major source of media intimidation.

“The truth is that support for journalists’ security in the whole of Bosnia and Herzegovina does not exist as it does in other countries,” Zeljko Kopanja said in an interview. “The whole judiciary system is at fault. It does not protect journalists in their work from the kinds of things that happen to us. But it is very quick to act against journalists if their work touches some official.”

- **Police-media relations remain poor.** There is a general lack of constructive, professional dialogue between police and media. There is certainly ample basis for mutual distrust. But until there is some measure of professional interaction, police will continue to be at a disadvantage in understanding when and how to respond to reported threats of violence against news media.

Not every angry phone call or letter deserves to be taken seriously, but police in Banja Luka, for example, showed little inclination to respond to patently serious threats that preceded the attack on Kopanja last October. In the aftermath, senior Interior Ministry officials in both entities told IREX interviewers of their eagerness to develop working contacts with media, but expressed uncertainty as to how they should proceed.

In separate interviews with IREX researchers, Izmet Dahic, the Interior Minister of Sarajevo Canton in the Federation/BiH and Sinisa Karan, a department head of the Criminal Police in Republika Srpska, stated their desire for better professional relations with journalists. Bosnian media should test these promises.

- **Skill levels remain low** in a journalistic community where most of its current practitioners began their work in wartime with little or no formal training, and the most experienced and skilled veterans have by and large have left the profession or left the country. Few journalists understand concepts of standards of evidence

in critical reporting, and few have had training in techniques of minimizing their exposure to libel action, not an impossibility even with the current deficient laws.

- **Readership of print media—by tradition and nature in most countries the main locus of journalistic skill—is very low** in BiH, even for Central and Eastern Europe. Although there are no audited circulation figures, sales of the country’s five daily newspapers probably do not exceed 60,000 per day. The combined circulation of six weekly or bi-weekly independent magazines and newspapers is not much larger.
- **Politically manipulated economic pressures:** While all these factors undermine the credibility, public standing, security and ultimately the effectiveness of media, none contributes so directly and catastrophically to the weakness of news media—and their vulnerability to political pressures—as the economic environment in which they work. This is discussed in the following section.

D. Taxation and Advertising: Strategic Political Weapons

The international community has largely overlooked economic factors as a part of the problem of protection of journalists. Media leaders in BiH are themselves only beginning to understand how important the systemic failure of economic reform in BiH has been to independent, professional journalism and the development of democracy.

It is widely recognized that in nearly five years since the end of the war, state and entity-level governments have failed to carry out fundamental economic reforms—notably tax reform, privatization and business law reform—and that this failure has discouraged nearly all foreign investment and stunted the development of a market economy.

In purely economic terms, this failure of governance afflicts media businesses neither more nor less than other sectors of the economy. It has not been widely recognized, however, that independent, professional media are not merely businesses that employ people and serve consumer needs. They are an essential component of a functioning democracy.

Democracy is not seriously imperiled by a weak manufacturing or consumer economy. It does suffer when newspapers, magazines and broadcasters are unable to meet even minimum payrolls on a regular basis and are unable afford the most basic technical equipment and information resources they need to ensure that the country has an informed electorate.

A detailed economic analysis of media businesses in BiH is beyond the scope of this report. However, we underscore three economic factors that Bosnian media themselves are beginning to recognize as undermining their ability to serve the public:

- **Unreformed, communist-era tax laws:** Three aspects of tax law, discussed in greater detail below, together create a crushing burden on media businesses with damaging effects on the quality of journalism available to the public. These are:

1. Current rules that treat money owed to any business—accounts receivable—as fully taxable, as if the money had already been paid to the business. This conflicts with generally accepted Western accounting practice, which permits companies to declare income, and requires them to pay taxes on it, only when they actually receive it.
 2. A value-added tax on sales of newspapers and other media products of 10% in the Federation and 12% in Republika Srpska;
 3. Social and income taxes on employees, payable by businesses, that add approximately 85% to the cost of an employee.
- **Cross-entity registration of businesses:** The inability to register a business in one entity so that it may operate legally throughout BiH is detrimental to the economy as whole. Businesses that choose to register in both entities must operate essentially as two different businesses in two separate countries and still risk double-taxation. Besides reinforcing social and economic divisions along ethnic lines, this legal gap results in two almost entirely separate and disconnected media markets in BiH, neither of which is economically viable in a total population of only about 3.5 million.
 - **Failure of privatization:** The slow progress of privatization has left much of the economy in the hands of the nationalist political parties that run the country’s local, regional and state-level governments. In Bosnia, state enterprises remain a major factor in a weak advertising market. Political forces are thus free to direct advertising funds from state enterprises to their own controlled media and away from independent newspapers and magazines and radio and television stations whose very independence marks them as hostile.

OHR and OSCE have only recently begun forcing elected officials either to give up their elected posts or the management positions they still occupy in state enterprises. Party influence over the appointment of enterprise managers, however, is far from broken.

One of the country’s most respected media managers summarizes the business situation of private, independent news organizations this way:

“The entire legal and economic environment in which we work is designed to permit the authorities to put pressures on us whenever they wish.”

The interplay between an outmoded, communist-era tax structure, partisan politics and media is illustrated in the following two cases. The identity of the media outlets involved has been withheld at the request of their directors:

“Media A” faces a tax bill of more than KM 200,000 (\$100,000) due in July to cover the company’s estimated income for all of year 2000. Federation tax authorities have

based this sum on the company's taxable income in 1999—half of which still consisted of accounts receivable, or money owed to the company, at the end of last year.

“It is absurd,” says the director of Media A. “No normal business can operate this way.” His company breaks even, and he is able to pay his staff their modest monthly salaries of a few hundred KM regularly (a comparative rarity among Bosnian media), with help from international donors.

An equally bizarre tax problem arose when Media A donated about KM 13,000 last year to children's sports and educational organizations. Federation tax authorities sent him a tax bill equal to 33% of the donation. In most Western countries, donations to children's organizations and other charities are tax-deductible. In Bosnia, it seems, they are taxable—unless the donation is directed to one of the major professional sports clubs such as the Fudbalski Klub “Sarajevo,” the Sarajevo Football Club. Then it is tax-free.

More than just a game, football is also high politics in Bosnia, and politics and money are never far apart. Some journalists believe that the major sports clubs provide cover for money-laundering between state enterprises and political parties but they lack hard evidence to prove it.

“Media B” has a more complicated problem that also touches on the Sarajevo Football Club. It owes Federation tax authorities more than KM 18,000 (\$9,000) in taxes for advertising it has carried. According to its director of Media B has invoiced the company that contracted for the advertising, but that company has not paid its bill and shows no sign that it will ever pay.

“My lawyer tells me I have no choice but to pay the tax. It's the law,” the director says. In effect his business and all others like it are doubly penalized by a customer's failure to pay its bills: They are denied income owed to them, yet they have to pay taxes on money they may never see.

In Bosnia's depressed economy, it is common for businesses to contract with newspapers and broadcasters for advertising and then to fail to pay for it. Accounts receivable at media outlets often equal three months or more of total expected revenue. When advertisers do finally pay up, they sometimes do so in the form of bartered goods. (One major television station late last year accepted 5,000 pairs of panty hose from one advertiser and a truck-load of salt from another in lieu of payment, although the station had no means of turning either commodity into cash.)

It might seem as if Media B's natural recourse would be to sue the company that owes it the money for which it is being taxed. But that, says the director, would be a bad idea: “The director [of that company] is a member of the presidency of the Sarajevo Football Club.”

According to a variety of respected journalists, Federation Prime Minister Edhem Bicakcic controls appointments to the Sarajevo club. Its president is Meho Obradovic, director of the monopoly state electric utility, Elektroprivreda BiH. Obradovic was

formerly a senior deputy to Bicakcic when he ran the electric company before becoming Prime Minister.

Other members of the football club's leadership include Sefik Lojo, director of the state-owned Tobacco Factory Sarajevo, Kemal Hujic, director of the state Textile Company Alhos and Sabahudin Resic, owner of a private advertising firm Euromedia that dominates the booming new billboard business in the Federation/BiH.

The football club's 18-member governing board consists of an equally stellar array of political figures and government officials, including Zufer Dervisevic, head of the Federation Financial Police, separate from but closely related to the tax inspectorate.

"Through Bicakcic, all these people are very close to the tax authorities," the director of Media B says. "It's bad enough when the club asks businesses for donations. If you fail to pay, you can expect a visit from the tax police. If I sue one of these people I'll have even bigger problems."

There is a near-certain solution to Media B's tax problem that would probably bring other benefits as well, such as a surge in advertising from state enterprises. "I know that these problems can all be handled," Media B's director says. "It's only a question of whether I choose to move closer to the party [the SDA.] I will not do it. I'll take a bank loan to pay this bill, or sell my car. But I will not move closer to the party."

"All of these rules," the director says, "are constructed and enforced so that they can reach out and put pressure on you when and where they choose."

The peculiarities of a tax system designed for a centralized, command economy, and in part to discourage private enterprise, readily lend themselves to exploitation by party controlled tax and financial authorities. Allegations of abusive enforcement of tax laws and other financial rules are concentrated in areas of the Federation controlled by the SDA party.

The most spectacular recent example of political tax enforcement was a pre-dawn, Russian-style raid on 6 June by a squad of tax police on *Dnevni Avaz* in Sarajevo, the Federation's largest-circulating daily. Ten days later, tax authorities froze the newspaper's bank accounts amid sharp protests from the OSCE, OHR and several other Sarajevo media that rallied to its side in a gesture of professional solidarity.

In a statement on 23 June, Ambassador Robert Barry, chief of the OSCE, castigated what he called "midnight raids on printing houses under the excuse of tax inspection" and said the raid on *Dnevni Avaz* "can only be considered as pressure and abuse of the rule of law by the Sarajevo authorities."

The newspaper's tax troubles followed its swift and remarkable transformation from a heavily subsidized and totally partisan voice of the nationalist SDA party to a position of studied journalistic neutrality, edging toward the opposition Social Democratic Party (SDP), the SDA's archenemy and the strongest of Bosnia's liberal, anti-nationalist political forces.

The transformation of *Dnevni Avaz* began shortly before local elections throughout BiH in April in which the SDA fared poorly and the SDP won in key areas, including Sarajevo municipalities. According to the OSCE, a number of SDA officials including Prime Minister Bicakcic publicly attributed the party's losses to "losing control of *Dnevni Avaz*."

Other media have experienced similar problems but have suffered in silence for fear of making matters worse.

A regional newspaper the Federation/BiH told IREX interviewers that in the fall of 1999 tax inspectors spent days combing the paper's financial records (maintained for the newspaper by an outside accounting firm) from the previous three years. Inspectors eventually found several ads on which taxes had not been paid. Tax officials then blocked the newspaper's bank account for six months while they conducted repeated audits of the tax filings of several of the newspaper's advertisers.

Some of them, according to the paper's managers, have stopped buying ads for fear of further tax trouble.

"If they like you as a firm, they'll check you through the last two or three months and then let go," the newspaper's editor-in-chief said. "If they don't like you, they'll go through years and years of accounting—sometimes up to ten years. And then they always find something. This is how things are done here."

Politically controlled advertising, as noted above, is another potent and largely unnoticed economic weapon in the hands of the dominant parties. The general failure to carry out large-scale privatization in either entity has enabled the parties to retain control of state enterprises, preserving for themselves a major source of illegal funds and patronage.

For media, this has meant continued political control over advertising budgets of state monopoly enterprises such as PTTs, the electric utility Electroprivreda, the state tobacco enterprise in the Federation/BiH and others. As detailed below, state enterprises direct advertising and other subsidies to controlled or preferred media and away from those deemed unfriendly to the party in power or to the enterprise itself.

Municipal and cantonal radio and TV stations licensed to city and regional governments—half of Bosnia's 280 broadcasters—often enjoy favored relations with the state electric utility and the PTT (Bosnia has three monopoly state PTTs, each controlled by Serb, Bosniak or Croat nationalist party forces.)

The utilities provide free or discounted services in exchange for advertising to these special customers. Thus the PTTs and utilities in divided Mostar advertise on the SDA-controlled RTV Mostar on the Bosniak east side of the city, and Radio Herceg-Bosna and HTV Mostar on the Croat west side, controlled by the HDZ party.

But when upstart Radio 88, the only multi-ethnic broadcaster in Mostar committed to a reunified city, tries to sell advertising time to these state firms, "They say they don't have any money for Radio 88," says station manager Amna Popovac.

Radio 88 has other problems with the electric company. While it allows some businesses to go months without paying their bills, it has on several occasions in recent months turned off Radio 88's electricity within 24 hours of sending the station its bill. The utility times the cutoffs to coincide with the station's main afternoon newscast.

Beginning in late 1998 and early 1999, the PTT BiH in Sarajevo, the electric utility, the state tobacco enterprise and a state-owned chain of pharmacies pulled all their advertising from TV Hayat in Sarajevo—arguably one of the most professional and independent of Bosnia's commercial stations—apparently in response to critical reporting by TV Hayat. All four enterprises diverted a combined total of more than \$20,000 a month in advertising from TV Hayat to RTVBiH, the main public broadcaster, triggering a financial crisis at TV Hayat and the loss of some of its most skilled staff.

Not long after the station aired critical reports about the PTT's poor Internet service, TV Hayat's own Internet account was interrupted and more than 2,000 e-mail messages were lost.

The large scale of advertising by the state utilities calls into question its real purpose. Much of this advertising is content-free, lacking any public service or informational purpose and resembling instead advertising that is meant to build name recognition. Why a state monopoly would want to do that is not obvious, unless it simply wants to cover the flow of hidden subsidies to favored media.

In a number of areas in both entities, usually in smaller cities dominated by nationalists, there is also evidence of political control over local private advertising. Few if any small businesses want to risk offending the local authorities, so businessmen tend to advertise only where it is politically correct to do so.

In Mostar, where hard-line Bosniak forces control one part of the city and hard-line Croat forces control the other, businesses are reluctant to advertise on Radio 88 which airs critical reporting about both sides.

Throughout eastern areas of Republika Srpska, dominated by hard-line Serb forces, a handful of independent newspapers and radio stations saw their modest revenue fall off sharply during and after NATO attacks on Yugoslavia last year. Some media that refused to conform with Belgrade's propaganda a year ago are still finding it hard to attract advertising.

In the Federation, *Prezent*, a feisty local newspaper in Cazin, near Bihac, described by the Helsinki Committee as the only independent weekly in Una-Sana canton, was forced to cease publication for several months last year following an advertising boycott inspired, if not actually led, by local SDA forces. "Under the influence of the authorities [SDA], all firms from this area stopped advertising in *Prezent* and even refused to pay for services already done," the Helsinki Committee reported last December.

According to an OSCE field report from 4 March 1999, "Harassment seems to emanate from SDA supporters although no direct tie can be traced to the SDA."

“As an independent weekly in a politically contentious area, *Prezent* needs to be protected from discriminatory acts and nurtured according to journalistic standards,” the OSCE field report said. “Otherwise, this needed voice will disappear due to the dire financial situation which works under.”

Prezent did disappear, but it revived early this year with help from the international community.

E. The ultimate vulnerability: Poor job security

Bosnian journalists themselves frequently cite the absence of normal, contract-based labor relations with their employers as a leading contributor to their sense of vulnerability to political pressures.

With no contract, a journalist has no job security, no health care, no pension, and thus little incentive to practice the kind of probing reporting that risks the arousing the anger of political forces who can respond with pressures on their employer.

The widespread absence of employment contracts in media may partly result from the general failure to update labor law from the days of a command economy. But the main reason is an unbearably high burden of social and employer-paid income taxes—equal to about 85% of an employee’s base salary—compounded by a weak economy, politically manipulated tax enforcement and the other forms of economic pressure noted above.

With few exceptions, Bosnia’s most professional, independent media are private companies (though by no means all private media are independent) living the same hand-to-mouth existence as other private businesses. [INSERT ROBERT BARRY QUOTE.]

Few businesses here, including media, could survive if they operated completely legally—reporting to tax authorities all their income and all their employment and all the pay of the employees they do claim. Operating partly underground or “off the books,” independent media, like other private businesses, are often reluctant to establish normal contractual relations with employees who, as far as tax filings are concerned, do not exist.

Lack of a contract may not be of great importance to an employee of a restaurant or small private factory. Many people would prefer working illegally but tax-free rather than having to pay confiscatory taxes. But restaurants and factories need not worry that their employees will bring the anger of political forces down upon them. Not so with media. When a newspaper, radio or television story makes local officials unhappy, sacrificing the journalist who wrote the story is a quick and easy remedy when the journalist is technically not employed in the first place.

The bottom line is that tax relief, besides almost certainly increasing Bosnia’s overall tax revenues, would allow media businesses (among all others) to operate legally and with a greater chance of profitability. With nothing to hide, media outlets would be

free to establish normal contractual relationships with staff. In this environment, trade unions could play a constructive role in pressing for modern labor law, including normal safeguards against unfair dismissal. With greater confidence in their job security, journalists would feel freer to be journalists and less vulnerable to the spectrum of threats they now endure.

Short of sweeping tax reform, media—and the quality of journalism and the democracy it is meant to support—would benefit from specific, limited measures of tax relief.

Pending tax relief and other structural reforms required to stimulate a market economy, the continued survival of the relatively small number of independent, professional print and broadcast media in Bosnia and Herzegovina will continue to depend on international aid.

VI. The Net Effect on Journalism in Bosnia and Herzegovina

The boldest, most independent and professional journalism is practiced in the two cities under the closest scrutiny of the international community—Sarajevo and Banja Luka.

Elsewhere, particularly in eastern Republika Srpska, the Bihac region and Herzegovina, one encounters a deep sense of isolation, vulnerability and discouragement among journalists who want nothing more than the freedom to practice their profession.

We feel alone here,” says a journalists in Herzegovina, where hard-line nationalist parties, chiefly the Croat HDZ, prevail over all aspects of life, including most media. “I am too weak to confront the forces of darkness myself. All I can do is make jokes.”

Journalists throughout the country—including those who may not have personally experienced any of the constellation of intimidating pressures—clearly understand its purpose: To stake out limits to reporting beyond which journalists’ livelihood, and in some instances their lives, stand in jeopardy.

They are meant to equate self-censorship with self-preservation. Most of them do.

Those who seek to intimidate journalists rarely if ever make the limits of the permissible explicit to publishers or broadcast directors. Media managers rarely are explicit with their staff. As in former times across the former communist world, journalists were expected to understand the limits of political correctness and censor themselves.

This is still true in Bosnia today, in both entities:

- In Banja Luka, more than a month before local elections in April, a journalist at NTV Banja Luka said, “We are already feeling the pre-election pressures in subtle ways. No one says what we cannot do. But everyone is busy working on stories that no one, including themselves, will be interested in watching.”
- In an SDA-dominated town on the Federation side of the Inter-Entity Boundary Line, the editor-in-chief of a local radio station frankly acknowledged that he and his staff practice self-censorship as a matter of personal necessity. “We never give names when we write about people. Otherwise we would face libel charges or, worse, death threats,” the journalist said in an interview in March. “If I could, I’d write about, and against, the abuse of religion for political purposes, the local [Islamic leader], the local government and the SDA.”

- In Zenica, a senior journalist at RTV Zenica, a municipal station that has clashed with the SDA mayor, said the station's news staff have no choice but to restrict the topics they pursue: "They fear eviction from their apartments, dismissal from their jobs, all kinds of other things."

With a few singular exceptions embodied in a few singularly determined journalists and the media outlets they lead, pressure on journalists and their media achieve their desired effect on Bosnia's two dozen newspapers and news magazines and its 280 radio and television stations.

Many of these media face no risk at all of intimidation. A significant number are already controlled and financed by nationalist political organizations. As noted earlier, half of radio and television stations are licensed to municipal or cantonal governments, and almost none of them have gained a reputation for bold journalism. Arguably the many politicized media are not actually engaged in journalism. Their staffs know their employer's political line and accept it, either out of ideological commitment or need of a job.

Many journalists at other news outlets, however, would engage in more active inquiry into the competence and honesty of elected officials and the immense social problems that surround them if they felt safe and secure in doing so. But they do not. So they swallow their pride and collect a meager income in the familiar spirit of the what is supposed to be the bygone communist world—"you pretend to pay us, and we pretend to work." And they wait for better times.

The residuum of journalists and their news organizations that consistently and aggressively pursue stories in the "no-go" areas of war-crimes and official corruption, abuse of power and government mismanagement is small—altogether perhaps no more than a dozen low-circulation newspapers and magazines and local or regional radio and television stations. Collectively they form a small target of large importance to nationalists set on clinging to power.

Apart from the work of these determined and courageous media, the net effect of self-censorship in Bosnia is that the great majority of the Bosnian population—the electorate—is denied access to substantive information by which it might judge the honesty, competence and overall quality of governance by their elected officials and the managers of state enterprises at all levels.

Except for the handful of bold, even aggressive media, the great majority display a depressive passivity.

The Sarajevo-based research organization Media Plan has astutely noted that government and international community press releases and press conferences have come to almost wholly dominate what passes for news in Bosnia. While both are legitimate starting points for news stories, they are also the end point of reporting by most news media.

Press conferences tend to be one-way events, with officials speaking to journalists, and journalists taking notes but asking few if any productive questions. Newspapers

commonly publish press releases verbatim, without follow-up questions, without essential background information and without letting readers know how little work they are doing.

A general lack of transparency in government and ingrained habits of working as the conveyors of messages from government to the people are certainly part of the explanation for this passivity. Another part would appear to be an extreme state of caution—of automatic sensitivity to the preferences of any authority figure (including the international community.)

Reporters are not entirely responsible for the absence of inquiring, explanatory, useful journalism. Editors—often older, steeped in older ways—are the gatekeepers of journalism. Many editors actively discourage inquiry or have little idea how to do it. Editors routinely instruct their reporters not to ask questions at press conferences or make follow-up inquiries, lest it appear that they have an independent political agenda. If questions are to be asked at all, editors often specify what the questions are to be. The end result is something less than journalism.

With all its problems, Bosnia been denied the foreign investment and the sharp competition in a booming media market that has energized and transformed journalism from Prague to Warsaw to Moscow and beyond.

In the development of media, as in so many other areas, by standing still Bosnia is falling rapidly behind the rest of Europe.

VII. Remedies

Where the rule of law and a market economy are weak and the risk of intimidation is high, as in Bosnia, there are no easy remedies to political intimidation. But a number of avenues are open to dissuade public officials from the worst forms of abuse and to reduce journalists' vulnerability to pressure:

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.

These avenues are explored in more detail below:

- 1. Monitor, rigorously investigate and publicize authentic examples of intimidation whenever possible and penalize officials who can be identified as responsible.**

A. *The OSCE:*

The OSCE is the principal international agency that monitors freedom of expression. A "hotline" established by the IMC and now operated by the OSCE is available for journalists to report incidents of intimidation. In recent months, OSCE and OHR have been more aggressive in identifying and verifying incidents of harassment of journalists and publicizing them through statements and press releases. There may be further room for improvement, however.

- OSCE's April tabulation of 56 cases contains a number that were rejected as unverifiable or as trivial personal grievances that the complaining journalist sought to magnify as a human rights violation. Authentic protection-of-journalist cases could be more effectively winnowed out of this data base and publicized in periodic reports, with their resolution.
- The OSCE case list demonstrates the drawbacks of relying on a system of self-reporting: Some journalists exaggerate incidents in an attempt to use the international community to resolve personal grievances, thus trivializing the protection of journalists, while others, genuinely intimidated, are afraid to escalate their troubles by calling on an international agency in the first place. It may be possible for OSCE to use its two dozen field offices more systematically and proactively to identify and remedy the more serious "silent" cases of intimidation.
- Experience in Zenica indicates that concerted counter-pressure by the international community can be effective in defending the independence of local media. In March 1999 the OHR and other agencies publicly criticized Mayor Ferid Alic for his attempts to dismiss editors at the municipal station, RTV Zenica. Senior editors now credit High Representative Carlos Westendorp with saving their jobs.

The removal in May of two public officials in Livno by OHR and OSCE in May, partly in response to the officials' implicit support of attacks on Radio N in Livno, was a positive step. Similar coordinated responses by the international community to verified instances of pressure may help public officials understand that there is a price to be paid for interference in the editorial policies and staffing of local media.

- The international community should identify and address economic threats to media more systematically than in the past.

B. The Helsinki Committee:

The Helsinki Committees based in Sarajevo and Bijeljina have made commendable efforts to compile reports of harassment of journalists. The Committees, however, lack the skills and resources to carry out the kind of critical inquiry and analysis that are crucial to establishing credibility and achieving impact.

- Given the common parentage of the international Helsinki Committee network and the OSCE, the OSCE and other international organizations should consider helping the Helsinki Committees to develop the staff and skills to enable them to take on a greater role in the protection of journalists. The same could be said of the office of media adviser to the Federation Ombudsman.

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.

A. OSCE and OHR have established an international advisory committee to draft Freedom of Information law and a new libel law for Bosnia.

- Having completed the draft FOI law, OSCE should now accelerate drafting of the libel law.
- New legislation should not only decriminalize libel law, shifting it to the civil code, but cap potential penalties at reasonable levels; put the burden of proof on plaintiffs; make clear that public officials have less recourse than private citizens under libel law, not more; and require that all reasonable avenues of redress—such as a letter to the editor or complaints to the IMC or a voluntary press council—be exhausted before courts will accept a libel suit. In line with recommendations by the Federation Ombudsman, the law should shift the burden of responsibility for genuine instances of libel from individual journalists to their media organizations. This would increase the incentive for media outlets to verify and document allegations before publishing or broadcasting them.
- Judicial reform programs should include elements of training for judges and prosecutors in media law, emphasizing the standards of Freedom of Information and libel law.
- Legal reforms should include disincentives for filing abusive or frivolous nuisance suits, including the awarding of legal costs and penalties to targeted defendants when intent to harass can be shown.

B. Private, independent media are in urgent need of tax relief and protection from discriminatory, abusive enforcement of tax laws and other financial regulation.

- OHR and OSCE should consider an urgent, short-term review of taxes on media business and in particular consider specific, focused actions that could provide immediate tax relief to private media without complicating or pre-empting broader tax reform.

These specific actions should be considered: (1) Suspending tax rules that require payment of taxes on the accounts receivable as they pertain to all private media businesses; (2) suspending the value-added tax of 10% in the Federation/BiH and 12% in Republika Srpska as it applies to media, including news distribution agencies; (3) exploring the possibility of requiring reductions in social taxes on employees of private media businesses.

- To deter abusive enforcement practices, relevant agencies of the international community should (1) act swiftly to penalize any identified abuse of tax enforcement or the financial police; (2) consider establishing an independent, prior review process before any future tax raid, financial inspection or blockage of media accounts; and (3) consider suspending all tax and other financial audits of private media by domestic authorities before the November parliamentary elections.

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.

- A. Advertising by major state enterprises is a favorite instrument in authoritarian post-communist states for funneling money to politically friendly or controlled media and denying resources to independent commercial media. Where privatization has not yet occurred, and state enterprises dominate the advertising market, political manipulation of advertising funds can kill independent media.
- Pending the privatization of major state enterprises in Bosnia such as PTTs, electric utilities, petrochemical suppliers and tobacco companies, the international community should consider requiring such agencies to publish regularly the amounts they spend on advertising and where they spend it.
 - OHR and OSCE should consider establishing standards for the fair, balanced and non-discriminatory distribution of advertising by state enterprises. Consider also appointing an arbiter such as the Federation Ombudsman or the IMC to assess fairness in distribution of state advertising funds and advise OSCE/OHR as to any finding of discriminatory practices.
- B. Privatizing major state enterprises may eventually contribute to a genuine advertising market, but probably not before foreign investment begins to bring new business management skills to Bosnia. In the absence of foreign participation in the Bosnian privatization process, the international community should be wary of privatizing media. Nationalist parties and their business agents are in a position to take direct financial control over media they have previously been able to influence only by indirect pressures.

Roughly half the country's 280 broadcasters are publicly owned municipal and cantonal stations. Many are interested in privatization, some in hopes of escaping local government control, others almost certainly to escape new IMC regulations requiring financial transparency and a representative community editorial advisory board for public stations.

- The international community should carefully assess the political implications of media privatization and encourage only those privatizations that are likely to enhance media independence and freedom of expression.
- C. Judicial reform should be coupled with efforts to encourage development of a small, effective media law bar to defend the journalistic and business interests of media.
- International media assistance and judicial reform programs in Bosnia should jointly design a media law training and development program for selected lawyers, with modest but sufficient funding to ensure that the legal interests of independent media and their freedom from political restraint are protected.

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.

A. Media that engage in investigative reporting need to be encouraged to carry out legal reviews of potentially libelous reports before publishing or airing them.

- OSCE, IREX and other media support organizations should jointly consult on formulating training program for journalists in standards of evidence in investigative reporting that minimize libel risk. Key media should receive grants to cover the cost of such legal services.
- Media support organizations in BiH should cooperate to study the feasibility of a joint media defense fund to support the legal defense of media in cases that clearly involve political pressure or abuse of the rule of law.

B. It should be recognized that not all expressions of anger at media from public officials and private citizens are unjustified. The public needs alternatives to the courts. Bosnia's journalism associations put aside political differences a year ago to adopt a European-standard press code, mediated by the IMC. The IMC, OSCE and IREX have spent the subsequent year talking with the associations about a voluntary means to enforce this code. One association in particular has obstructed discussions.

Concerns that a press council might be subject to partisan political control and attacks on independent media should be ameliorated by the fact that the council will depend on international funding. This funding can be withdrawn if the council fails in its professional responsibilities.

- The international organizations should consider a firm deadline—perhaps 90 days—for the journalism associations to reach full agreement on an acceptable design of a press council, then turn exclusively to the publishers to complete the task, nearly all of whom have now publicly committed themselves to observe the press code.

C. The Association of Electronic Media in BiH—the year-old broadcasters' association—has emerged as a serious, professional, cross-entity organization with balanced representation in its leadership among Bosniaks, Serbs and Croats. It now represents some 140 stations, or half the country's total. But it remains a virtual organization, not yet registered, with no full-time staff or budget and dependent on IREX and its subcontractor Internews for support of its activities.

- The broadcasters' association needs to be put on a legal footing, funded, and should then develop basic legal services and advice for its members, with an emphasis on normalizing labor relations, protection of journalists and pursuit of

key regulatory issues with the IMC such as license fees. IREX expects to support these steps with training, advice and operational aid.

D. Of the 56 allegations of harassment, threats, violence and libel suits recorded by the OSCE, half a dozen of these reports involved journalists accusing other journalists of wrongdoing. This conduct only undermines the professional solidarity that media urgently need to confront political pressures. Journalists suing journalists or public officials for libel only serves to legitimize the abuse of libel law by others.

- International agencies and media assistance groups should firmly discourage journalists from using libel law as a weapon. The appropriate instrument in a dispute between journalists or news organizations—if professional associations are unable to mediate—is a well-argued, fact-based commentary.

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.

A. Basic security training should be provided for the staff of media outlets facing a significant potential risk or a demonstrated risk of physical attack because of their work. Media that pursue investigations of corruption, war-crimes and the political manipulation of religion for nationalist purposes should be trained in basic techniques of recognizing surveillance, avoidance of street attack and abduction and detection of explosives.

- IREX has begun basic security training at selected media in the Federation and Republika Srpska. We welcome advice from the international community in expanding it.

B. OSCE committed itself in December 1998 to working with the IPTF to develop guidelines for police-media relations. In May, the two agencies released the guidelines aimed at both police and media, but without formal or public consultation with media organizations.

- OSCE and the IPTF should build on these guidelines by working with international and local media organizations to encourage an active, professional dialogue between police and media that includes access to information issues and greater police transparency.

6. Raise public awareness of the crucial importance of media to the development of democracy and a successful market economy.

A. Public officials and the public at large tend to view threats and attacks on media as merely part of a rough political game, with no particular consequences for the development of democracy. Such attitudes are regrettably reinforced by partisan media whose work more resembles political propaganda than journalism aimed at producing an informed electorate. Thus it is not widely understood that the

intimidation of journalists and their news organizations—at least, those practicing authentic journalism—weakens the processes of democracy and erodes the freedom of every citizen.

- **IREX and the Committee to Protect Journalists [CPJ: Please verify]** would welcome the opportunity to work with the international community and the journalism profession in BiH to develop a public education program to help the public understand the role of journalism in a democracy and the threats it faces in this country. Any such public education program should work with and through professional journalism organizations here and abroad to the fullest extent possible. Public television would be the most effective medium.
- We suggest a parallel, proactive campaign by OSCE, OHR, IMC and other relevant agencies aimed at advising public officials at all levels of their obligations (and rights) in regard to media. They need to understand appropriate ways of registering complaints about unfair or inaccurate coverage, and to understand the consequences of inappropriate actions.
- IMC and a future press council could help reinforce the message in a series of regional meetings with public officials and local media.

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