

REPORT HATE CRIMES

IT IS IMPORTANT TO **KNOW!**

WHAT IS A HATE
CRIME?

A **hate crime** is any crime where the perpetrator is driven by prejudice or bias.

CRIMINAL OFFENCE
+
BIAS MOTIVE

= **HATE CRIME**

When a hate crime is committed, one or more perpetrators target the victim, which can be one or more people or property, because of a protected aspect of the victim's identity, such as *religion or ethnicity, race, sexual orientation or disability*. Similarly, a **hate incident** is an act of hostility motivated by prejudice or bias that does not necessarily reach the threshold of a criminal offence, or the criminal nature of which is yet to be determined.

Prejudice or bias is a pre-formed, unfounded negative opinion toward a group of people because of a **protected characteristic**, which can include:

Religion or belief, for example:

Islam, Catholicism, Orthodox Christianity, Judaism, Protestantism, Buddhism, atheism or agnosticism

Ethnicity or nationality, for example:

Croats, Bosniaks, Serbs, Chinese, Roma, Jews, Albanians, Russians, or Syrians



Examples from BiH:

On Christmas Eve, a Catholic religious holiday, an armed perpetrator, seeing a traditionally decorated Christmas tree in front of the home of a family celebrating, entered the house and killed and injured several people. The attacker chose his victims because of their religion and he claimed to be trying to get revenge for what he saw as injustices done to Muslims all over the world.

In front of a mosque, a perpetrator physically attacked and injured a Muslim worshipper who was on his way to a service on Eid, a religious holiday. The attacker, who was of a different ethnicity, insulted the victim's religion and ethnicity, told him that he should not use the religious greeting of Asalamualaikum, and threatened other worshippers for the same reasons.

A perpetrator vandalized an Orthodox Church, setting objects used in religious services on fire, spraying insulting graffiti on the walls, and breaking the windows. The perpetrator was of a different ethnicity.

A man, who was of a different ethnicity to the victim's, physically assaulted a Muslim woman wearing a hijab. Before attacking her on the street, he verbally threatened her on ethnic and religious grounds, told her that she should not use the greeting Allahimanet, and that she should get lost. He also attempted to assault her daughter who was also wearing a hijab.

Gender or gender identity, for example: female, male, or transgender

Sex, for example: man, woman, or intersex person

Age

Mental disability, physical disability, or health status

Language, for example: Serbian, Croatian, Bosnian, Romani, or English; or script, for example, Cyrillic, Latin, or Arabic



Examples from BiH:

A man raped and robbed an elderly woman of Croat ethnicity - a different ethnicity to his own. During the attack, he insulted and humiliated her with ethnic and religious slurs. At the same time he explicitly said that he would not rob anyone who shared his own ethnicity.

Attackers attempted to burn down a café owned by a person belonging to the Albanian national minority. The attackers claimed they were retaliating against ethnically-motivated events at a football match between the Serbian and Swiss national teams that drew public attention.

A man verbally threatened a group of people of Serb ethnicity in a café owned by a Serb. He used ethnic slurs and threatened to kill and injure the customers. He returned twice to the café to vandalize it. The perpetrator was of another ethnicity.

"Race", for example: "white", "black", or "Asian"

Sexual orientation, for example: gay, lesbian, heterosexual, or bisexual



Example from BiH:

Several perpetrators attacked customers of a café where members of sexual minorities gather, damaging the venue. The attackers insulted the customers present, using derogatory names in reference to their presumed sexual orientation.

In BiH, specific provisions of the criminal codes in Brčko District of BiH, the Federation of BiH and Republika Srpska address hate crimes. According to such provisions, courts should punish perpetrators of such crimes more severely than in similar crimes that lack a bias motive. Criminal procedure codes oblige authorities to investigate possible bias motives behind criminal actions.

WHO ARE THE VICTIMS OF HATE CRIMES?

Anyone can be the victim of a hate crime because everyone has several protected characteristics. Victims can be of any religion, ethnicity or nationality, "race", sexual orientation, gender identity, sex, age, or disability. Victims may be refugees, asylum seekers, or migrants. Victims may speak any language.

An attacker may target a person, a group, or their property. Attackers also often target places associated with a certain group, such as places of worship, cultural centres, businesses, schools, or monuments. Hate crimes and incidents are frequently accompanied by hate speech. Rather than targeting a specific individual, perpetrators may choose their targets as members of a certain group based on their appearance, behaviour, signs of their faith, speech, clothes, or other visible or identifying characteristics. Victims are also often faced with social stigmatization, marginalization, and discrimination.



The bias motivations of a perpetrator qualify an action as a hate crime, not the actual or perceived identity of the victim. Even when perpetrators target particular victims in error, wrongly believing the victims have certain characteristics they do not actually have, the action still qualifies as a hate crime. The same applies to victims chosen because the perpetrators associate them with a certain identity or group, even though the perpetrators know the victims do not actually have those characteristics themselves, for example activists supporting Roma or LGBTI rights. Victims can also be targeted for more than one bias motive (e.g. ethnicity and religion) or for mixed motives (e.g. bias and property gain).

WHAT ARE THE CONSEQUENCES FOR VICTIMS OF HATE CRIMES?

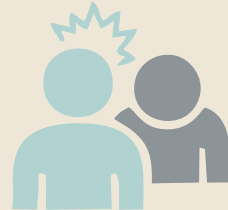


The intensity of an attack can vary, from verbal insults and threats to property damage to severe crimes committed against multiple persons or even crimes resulting in death. Regardless of the severity of the crime itself, hate crimes tend to **cause serious and unique psychological trauma and harm to the victims and to their wider community**. Victims may live in fear of further attacks and feel alienated and unsafe.

Failure by authorities to respond to hate crimes properly further compounds such trauma, leaving victims and their communities unprotected, damaging trust in the legal system.



WHO ARE THE PERPETRATORS OF HATE CRIMES?



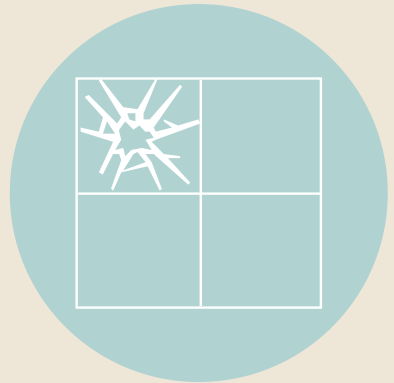
Perpetrators of hate crimes are driven by bias and may not have ever even met their victims. Additional factors, such as **drugs or alcohol, the age of the perpetrators, or whether the perpetrators have a previous criminal record, do not automatically exclude** bias as a motive for a criminal offence. Importantly, not all perpetrators of hate crimes are “extremists”. In fact, “ordinary” citizens commit most hate crimes.



IT IS IMPORTANT TO RECOGNIZE, REPORT AND REACT TO HATE CRIMES

The consequences of hate crimes go beyond the perpetrators and victims themselves, and the victims in fact often serve as representatives of a community sharing certain joint characteristics. These attacks, sometimes called “message crimes”, are meant to send a wider message that the victims and their community do not belong to a society, are not worthy, or are somehow a threat that should be eliminated. Such attacks can also be used by the perpetrators to gain further support or approval for these biased beliefs and actions among their own social groups.

Perpetrators may see the state's failure to respond adequately to hate crimes as a licence to escalate violence and to target additional victims. Victims and their communities may see this failure as evidence of the state's indifference and may refuse to co-operate with the police and other authorities in the future. They may also adopt harmful coping strategies such as retaliation, self-imposed isolation or ghettoization, or even relocation. When not treated seriously, hate crimes can divide a society by normalizing intolerance and violence.



WHAT YOU CAN EXPECT AFTER REPORTING A HATE CRIME OR INCIDENT?

All victims and witnesses are encouraged to report any crime, including any hate crime or incident.

Even if the case or investigation might not move forward or the crime is qualified as a regular crime due to lack of evidence of the motivation or because the perpetrator did not, in fact, act out of bias, or could not be found, it is essential that all incidents and crimes are reported.

Upon receiving a report of a hate crime or incident, the police, along with the prosecutor, begin their pre-investigation work. They must take several steps before court proceedings can begin. The chart below provides basic guidance on what someone reporting a hate crime or incident might expect:

From the Police:

- To conduct a preliminary investigation, which mean they talk to the victims and possible witnesses, and collect different types of evidence, including evidence on bias motives.
- To question the suspect, victims, and witnesses.
- To notify the prosecutor, either immediately or within seven days, depending on the seriousness of the reported incident.
- To follow orders and guidance provided by the prosecutor on how to continue the investigation.
- To impose minor offence sanctions or participate in minor offence proceedings against the accused upon confirmation that the incident was a minor offence and not a crime.

From Prosecutor's Office:

- To lead thorough investigation of the crime, which should shed light on what happened and aim to identify the perpetrator(s) and their motive(s).
- To decide what kind of offence has been committed, including hate crime, clearly reflecting the motive behind it, including bias motive.
- To conduct additional investigation when needed.
- To begin criminal proceedings against the accused, including explaining to the accused and the court the charges.
- To suggest to the court whether the suspect or accused should be detained or imposed other measures.
- To include the victims' compensation claim in the indictment and gather the evidence necessary to support it.
- To file appeals when disagreeing with a decision made by the court.
- If the investigation has not been initiated or has been stopped, issue a written decision explaining why and provide this decision to the victim and to the person who reported the event.
- To inform the victim of his/her right to take over prosecution and represents indictment when prosecutor drops it after it has been confirmed by the court. This is possible in Republika Srpska.

From Court:

- To conduct the criminal case against the accused.
- To tell the victims if the prosecutor and accused decide on a plea bargain, which is when the accused admits guilt and receives a reduced punishment.
- To invite the victims to attend the questioning of witnesses or the reconstruction of the event.
- To decide to place, keep or release the suspect or accused in/from custody and about other measures proposed by the prosecutor.
- To invite the victims to speak at the end of the trial, which is a chance for the victims to explain how the crime has impacted them.
- To decide if the accused is guilty or innocent based on the evidence, and to thoroughly justify its decision.
- To punish perpetrator of hate crime more severely.
- To tell the victims what verdict has been reached and what else they might be able to do, for example, regarding the compensation claim.
- To inform the victim of his/her right to take over prosecution and represents indictment when prosecutor drops it after it has been confirmed by the court. This is possible in Republika Srpska.
- To conduct minor offence proceedings against the accused, when relevant.

Victims:

- To be interviewed and questioned about what happened throughout the investigation and during the court trial.
- Never to be questioned about their sex lives prior (and after) the commission of the crime, especially if the crime is related to sex, sexual orientation, or gender identity.
- To be informed if the prosecutor decides not to take the investigation or the case further and be provided with an opportunity to file a complaint against such a decision.
- To decide whether to file a compensation claim and receive support to do so.
- To be informed of the possibility to take over prosecution and represent indictment when prosecutor drops it after it has been confirmed by the court. This is possible in Republika Srpska.
- To receive information about the proceedings and how to participate as an injured party.

From Witnesses:

- To be interviewed and questioned about what happened throughout the investigation and during the proceedings.
- Never to be questioned about their sex lives prior (and after) the commission of the crime, especially if the crime is related to sex, sexual orientation, or gender identity.
- To receive protection under specific circumstances in the course and after the proceedings.

Even if this does not lead to prosecution, the information can help in other investigations or cases, demonstrate a pattern of unacceptable or dangerous behaviour, or can help prevent other crimes.

Shame, disbelief, and fear – of retaliation, of another incident, that other members of the community might be targeted – often stop victims from reporting hate crimes or incidents to the police. Sometimes victims do not trust that the authorities will do anything to help, and sometimes a victim or witness does not understand the importance of reporting.

You can report hate crime anonymously. Reporting anonymously is better than not reporting at all. The police and prosecutors have to investigate all reports of hate crimes, even if made anonymously, if there is reliable information and evidence.

REPORTING HATE CRIMES OR INCIDENTS

Everyone has the right, and even sometimes an obligation, to report a crime. All crimes should be reported whether you are a victim or a witness. The report should be submitted to the police and/or prosecutor and can be done verbally (in person or by phone) or in writing.

If you are unhappy with how your report to the police or prosecutor was handled, please contact the Institution of Human Rights Ombudsmen of BiH at 051 303 992 or info@ombudsmen.gov.ba. Full contact information and information on the types of assistance offered by the Ombudsmen can be found at <https://ombudsmen.gov.ba>

General phone number for the police in BiH:

122

Address book of judicial institutions in BiH:
<https://vstv.pravosudje.ba/>

Crimes can also be reported anonymously
via the Krimolovci hot line



or via the online form available here
<http://www.sipa.gov.ba/hr/kontakt>

Hate Crime or Incident Report

The person you are reporting to should take **detailed notes of what you say**. You have the right to read them and agree with their contents.

If you have been physically injured, seek **medical help** and make sure a medical report is made. This report, together with medical records of any other treatment you receive and of your physical and mental injuries, may be used as evidence in court.

Things to focus on when reporting a hate crime or incident:

! **Describe** in your own words exactly **what happened**, as well as **where** and **when** it happened. Provide a description of the attacker and any vehicles, objects or weapons involved.

! Be clear about the **circumstances**, context, and people involved.

! Tell the police if you believe **hate or bias** was a factor in the crime.

! Tell the police exactly what words the attacker used, including **threats**, **profanities** and **insults**, before, during, or after the attack. Insist that the police write down the exact words used.

! Did something similar happen **before**? Tell the police this, even if the earlier incident was not reported.

! Give the police any **recordings** or **photos** of the attack, or other material evidence and tell them if you believe someone else might have taken a video or photos of the attack.

No Report = Dead End