

Interview with Ambassador Brian Aggeler Head of the OSCE Mission to Bosnia and Herzegovina

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How do you see the state of media freedom in BiH and what are the biggest problems you have noticed?

My greatest concern pertains to the personal security of journalists and media practitioners in Bosnia and Herzegovina. Our human rights team has already documented 45 instances of attacks and incidents involving journalists since the beginning of this year. This is a substantial increase compared to the previous three years, signifying an alarming trend. Not only has the frequency of these incidents risen, their severity has also escalated. We saw a series of attacks, including against the property and equipment of journalists, coercive attempts to unveil confidential sources, explicit expressions of hostility and clear calls for violent actions by public officials.

In the midst of security challenges, journalists are also increasingly challenged legally. Public officials are using something called Strategic Lawsuits Against Public Participation to silence journalists. This means they make journalists fight long legal battles with high costs with an aim to stop them from doing investigative journalism and incur financial burden upon their media outlet. Our analysis from 2020 found that more than 80% of defamation cases against journalists and media between 2016 and 2019 were instigated by public officials.

We expect that the reinstatement of defamation as a criminal offense in Republika Srpska will adversely impact journalistic endeavors and the principles of freedom of expression and media. This regressive step threatens to impede the daily work of journalists. It will constrain their ability to incorporate documentary evidence or visual materials in investigative reports, and restrict coverage of political figures' familial improprieties, among other topics. Unfortunately, our arguments against this move did not resonate with the leadership of Republika Srpska. On the contrary, such opposition seems to have spurred the pursuit of additional restrictive legislation exemplified by the introduction of the so-called Foreign Agents Law and announcement of the Media Law in RS, which is something my team will be following closely.

What do you think and what do you recommend to be done to eliminate these problems?

The Mission, along with the OSCE Representative on Freedom of the Media, is committed to helping BiH improve its media scene. This commitment extends to all tiers of media and encompasses journalists across the spectrum, with a particular emphasis on independent and investigative outlets that address issues of public concern, such as corruption, transitional justice, and human rights.

To confront the persistent safety challenges that impede media freedom in BiH, we believe a comprehensive approach involving the judiciary and law enforcement is imperative. It is

crucial to bolster the capabilities of these institutions. We are actively supporting BiH authorities in fulfilling their obligations as noted in the [OSCE Ministerial Council Decision on Safety of Journalists](#). This includes the implementation of an effective protection mechanism designed to address attacks and threats against journalists with greater efficiency. In cooperation with the [Sarajevo Canton Prosecutor's Office](#), we already managed to establish a contact point for safety of journalists, which has already yielded positive outcomes. Recently, we have further strengthened our collaboration with the [European Union Special Representative in BiH](#), and in alignment with recommendations from the High Judicial Prosecutorial Council of BiH, we are now collectively aiding BiH in achieving full compliance with EU Key Priority 12, pertaining to journalists' safety.

We will always support civil society organizations and independent media in their advocacy efforts aimed at amending criminal legislation. The goal here is to categorize attacks on journalists as attacks on official persons and this new definition will enable prosecutors to more effectively address these attacks, as numerous cases do not align precisely with the current stringent legal limits of endangering safety.

In the context of formulating new laws or amending existing ones, we believe a robust, honest and inclusive public discourse is needed. Such a process should encompass the participation of all relevant stakeholders including civil society, media and academic community, thus accommodating a diverse range of perspectives and experiences.

Lastly, I would like to emphasize the importance of provision of free legal aid to journalists as it offers them access to legal expertise that can help them with the legal challenges they encounter, such as Strategic Lawsuits Against Public Participation, etc. This assistance safeguards press freedom by empowering journalists to uphold their rights and navigate the intricate legal landscape.

To what extent does the deterioration of media freedom stem from the worsening state of the rule of law?

The decline in media freedom in BiH is closely linked to the weakening of the rule of law. As the strength of the rule of law diminishes, the protections for media freedom are put at risk. This weakening of legal institutions often means that there is no one held responsible for attacks on journalists or for actions that undermine media independence. This creates a situation where people can act without consequences.

Moreover, when the rule of law is weakened, it becomes easier to misuse legal processes like defamation lawsuits or introduction of restrictive laws that stop critical journalism – something we are seeing happening in BiH right now, in particular in the Republika Srpska. Additionally, as the principles of the rule of law are weakened, it becomes possible for political and economic interests to gain too much power over media outlets. This can lead to self-censorship and less media and information pluralism.

To address the problem of deteriorating media freedom in BiH, we need to work on making the rule of law stronger at the same time. This means making sure people are accountable for their actions, being transparent about what is happening, and creating an environment where independent journalism can thrive. By strengthening the rule of law, we are creating a solid base that can support media freedom and help create a strong democratic society.

Whether and to what extent the media themselves are also to blame for the deteriorating state of media freedom?

In the midst of the issues affecting media freedom in BiH, it is not just external factors like government actions or the weakening of rule of law that are playing a role. It is important to acknowledge that some media outlets themselves are also contributing to these problems. Sensationalism in reporting, failure to follow ethical standards, showing bias, and spreading false information are some of the main reasons behind the loss of public trust in the media.

In our 2022 [Media Sector Needs Assessment](#), we highlighted how unhappy citizens are with the media in BiH. They often feel that news is biased, not objective, and perceive media as unprofessional. They believe fake news and hate speech are omnipresent. Many believe that the media is influenced by politics and money, which is seen as the main reason for the current media situation in BiH. Limited financial sustainability of media outlets is also a factor in this current situation, creating an environment where many outlets are owned, controlled or favoured by and for specific target groups and political parties.

Adding to these challenges, there is an escalating trend of media spreading messages that deny genocide, glorify war criminals, and promote hate-related propaganda. Particularly prominent on television, the most widely consumed media form in BiH, these deliberate and often-sensationalized reports contribute to fostering fear, animosity, and societal divisions.

Can BiH alone (with the state and non-governmental sector) cope with the challenges of media freedom? Or is the help of the international community needed?

BiH's state and non-governmental sectors bear a significant responsibility in addressing the challenges of media freedom. Through its membership in the OSCE, BiH has committed itself to uphold OSCE standards in the field of fundamental freedoms. Unfortunately, the translation of these commitments into action, policies and political behaviour is not at a satisfactory level. Collaborative efforts that encompass local expertise and international support have the potential to create a more conducive environment for media freedom, ensuring that the principles of freedom of expression are upheld for the betterment of the society as a whole. As part of the international community in BiH, we can offer technical assistance, build capacities, and share best practices. Additionally, our involvement can provide impartial oversight, helping to ensure that the measures taken align with international standards as well as principles of media freedom and human rights, in line with our robust freedom of media portfolio at the OSCE in general, and especially through the office of the Representative on the Freedom of Media.