

TOXIC NARRATIVES

SILENCING EXPRESSION IN THE WESTERN BALKANS

pen
INTERNATIONAL

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FOREWORD

I would like to point out immediately that the present report is precise, well documented, lucidly interpreted in the historical context, and that its findings should worry us deeply.

Reading it, I was shocked by the fact that so many names of writers and intellectuals, who have been exposed to violence, threats, and denied their human rights, were familiar to me. Some were personal friends from the Yugoslav times as we fought together for freedom of expression and democracy; some from the tragic period of the Yugoslav wars when we cooperated closely to save lives, uphold human dignity, and achieve better prospects for the future.

I am personally closely connected to all the cultures that formed the former Yugoslavia. Born to Slovene parents in Belgrade where I finished elementary school, having relatives in Bosnia and Herzegovina, Croatia, and Serbia, and having travelled across Montenegro and Macedonia, I was a Yugoslav child. My father Ante Novak, a statistician, drafted the first demographical report on Kosovo in the early 1960's, clearly demonstrating that without a higher standard of living, education and respect for human rights Kosovo would descend into hell, which eventually happened in the last phase of the Yugoslav wars, in 1999.

In October 1991, as we witnessed with relief the withdrawal of the Yugoslav 'People's' Army from Slovenia just as the aggression on Croatia had tragically been unleashed, in my capacity of president of the Slovene PEN Centre I set in motion a humanitarian campaign for refugees who began to arrive in Slovenia from different parts of our former common state, because of the dangers brought by the war and political persecution. This aid was first organised in the name of Slovene PEN, and later, when it became clear that we would not be able to bear such a heavy financial burden, in the name of PEN International. From November 1992, our humanitarian help focused on the besieged Sarajevo, the city where the world's tragedy of the 20th century began and ended.

Let me evoke the memory of our humanitarian visit to the besieged city in 1994. The group included Bosnian poet Josip Osti, two Slovene colleagues, poet Niko Grafenauer and novelist Drago Jančar, and me. We had the status of a UNESCO delegation; the procuration was provided with a special letter signed by Federico Mayor, the then UNESCO Director-General. As it later transpired, this

document probably spared us many problems, perhaps even our lives, when we found ourselves surrounded by 150-200 Serbs led by a group of young men no older than 18 – still with child-like expressions on their faces – aiming Kalashnikovs at us. At the time, I was carrying 20,000 German marks for writers in Sarajevo; I hid them beneath my bullet-proof vest, though it involved a hefty bundle of sweat-suffused paper, in banknotes of 5, 10 and 20 marks, for larger denominations were useless in the Sarajevo black market.

The war in Bosnia and Herzegovina ended in 1995 with the Dayton agreement, which stopped the armed conflicts, but, unfortunately, failed to solve their causes; the post-war political system in Bosnia and Herzegovina is at a complete impasse. Now, let us compare Yugoslavia, Europe, and the world 28 years after WWII, in 1973, and the Balkans 28 years after the Dayton agreement, in 2023. The difference is shocking. 1973 was a year of great economic prosperity for Yugoslavia, overshadowed by ethnic conflicts that triggered the restoration of Tito's communist autocracy. Europe blossomed again, after its complacency was strongly shaken by the 1968 student demonstrations in Paris and the Soviet occupation of Czechoslovakia. And where are the Balkans 28 years after our last tragic wars from which we have learned nothing, nothing at all? Of course, it is partly a consequence of the wrong policy of the international community – but there is a burning question for the Balkans as well: aren't we, inhabitants of the Balkans, also responsible for our own Balkan misery? Isn't the bad eternity of the Balkans OUR own fault as well? So, are we going to lament and lament and lament as infantile eternal victims of History asking all the time for others to help and curse them at the same time for their help – or are we going TO DO something about it OURSELVES?

The brave fighters for freedom of expression and democracy named in this report are bright examples for all the citizens and communities in this troubled region. They are the real heroes!

They deserve our warm gratitude. Hvala!

BORIS A. NOVAK

Slovene poet
Vice president of PEN International



In the 1990s, the dismemberment of Yugoslavia brought deaths and destruction to the Western Balkans on an inconceivable scale. PEN International's Writers for Peace Committee expresses serious concern over growing challenges to freedom of expression in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia, and the threats they pose to peace and stability in the region.

This report details the myriad of challenges faced by independent writers and journalists in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia, including disinformation and smear campaigns, hate speech, intimidation and threats by state and non-state actors, abusive lawsuits, as well as continued stigmatisation and attempts to suppress critical opinions and reporting. The space for alternative voices is shrinking, especially for those who oppose dominant – often nationalistic – political narratives. These practices are particularly dangerous in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia – which continue to experience ethnic tensions – and directly threaten peace and stability.

This report sheds light on two key points: a) the urgent need to protect freedom of expression and b) that all actors – national and international – commit themselves to ensuring freedom of expression for all those who peacefully challenge official narratives.

With this report, we intend to hold governments to account. They must take all the necessary measures to prevent and protect against threats and violent acts perpetrated against writers and journalists. The denial of genocide and other atrocity crimes and the glorification of war criminals must end at once. Freedom of expression is the cornerstone of a democratic society. When the space for it is curtailed, abuses of other human rights follow.

We must not forget that without freedom of expression there is no sustainable peace.

GERMÁN ROJAS

Chair of PEN International's
Writers for Peace Committee

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EXECUTIVE SUMMARY

In the Western Balkans, the rise of hate speech, the denial of genocide and other atrocity crimes, and the glorification of war criminals highlight ongoing state failure to comprehensively address grave violations from the past. Independent writers and journalists as well as human rights defenders, have faced increasing pressure, intimidation, and threats by both state and non-state actors who aim to silence their opinion and critical reporting, particularly on past violations. The ongoing stigmatisation of independent voices by political leaders and the failure to prevent and sanction such acts, fuel a climate of anxiety, fear, and insecurity. This divisive rhetoric is particularly dangerous across Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia – which continue to experience ethnic tensions – and directly threatens stability in the region.

This report focuses on challenges faced by writers and journalists in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia and ways in which their participation in the public sphere is hindered by the deepening nexus between political figures and the media, and its impact on the rights to freedom of expression, opinion, and access to information. It seeks to identify the key issues faced by writers and journalists when expressing their views and ideas, and addresses two key questions:

- How to preserve freedom of expression in post-conflict and transitional societies.
- The role of national and international stakeholders in taking all the necessary measures to ensure more open public spaces for active individuals – mainly writers and journalists – as well as groups and organisations – including theatres, publishing houses, small artistic groups, and alternative media – that challenge dominant narratives.

The report is based on desk research and interviews with 20 writers in the Western Balkans. It further draws from PEN International's ongoing monitoring of freedom of expression in the region, including corroborated news releases and other public outputs.

Interviews were conducted between February and March 2023, both in person and online. In total, 20 writers, analysts and publishers were interviewed, after their contacts were obtained with the support of PEN Centres in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia (35 invitations were sent and 20 people responded positively).

PEN International extends its thanks to the individuals and organisations who agreed to provide information for this report. Unless specified otherwise, the names of those interviewed have been withheld at their request.

KEY FINDINGS

A clear pattern emerges when researching undue restrictions on the right to freedom of expression in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia. Not all writers, journalists and other engaged individuals and groups face such limitations. They apply mainly to the ones who question official narratives and criticise the authorities and those in power.

Overall, writers, as compared to journalists, are to a lesser extent exposed to violence and undue restrictions on their right to freedom of expression because of their literary writings. Our research established, that it is mainly their public engagement that provokes a reaction from the authorities or their 'extended hands' in the form of tabloids and right-wing groups online.

Legislation is in the most part well-conceived, but poorly implemented. The lack of transparency of media outlet ownership is a concern, which is important in this context as those sections of the media that spread hate speech or disinformation campaigns online against writers, journalists and civil society activists often lack accessible and tangible information to be able to hold them accountable.

Disinformation campaigns against writers, journalists, and other engaged individuals are usually the first step in their public discreditation, followed by smear campaigns and targeting online. The main goal is to expose engaged individuals to a frenzy of public anger, largely on social media, labelling them in an attempt to turn them into state enemies and thus create an 'atmosphere of lynching' in advance of any potential physical attacks against them. It is crucial to stress that cases of threats and violence are used not only to cause harm to such individuals, but also to send a message to all independent voices that they will experience the same if they dare oppose dominant narratives – in other words, to provoke self-censorship.

Another phenomenon present in the region is 'silence buying', or what acclaimed writer Danilo Kiš called 'friendly censorship'. In the current context, this occurs when writers and artists receive public funds for their work in exchange for promoting, or at least not criticising, the authorities or those in power. Typically, interviewed writers have stated that publishers do not ask writers to refrain from including certain ideas in their books as a requirement for publication. It is more about publishers asking writers not to be publicly critical of the authorities or dominant narratives in order to secure the funds to publish their literary work.

In summary, besides direct threats, and possible attacks, discouraging writers, journalists, civil society activists and other engaged individuals from speaking out is already a dominant trend. The pattern is to try to buy silence and prompt self-censorship within the writer and if that fails, to launch disinformation and smear campaigns online in order to make them the targets of radical groups and expose them to threats and violence. As a result, the space for freedom of expression in the region is shrinking, affecting the media, writers, and civil society alike.

PEN International calls on the authorities of Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia to fully uphold the right to freedom of expression and to create an environment in which free public debate can thrive. The very first steps towards this must include:

- **Publicly, unequivocally, and systematically condemn all acts of violence and targeted attacks against writers, journalists, and activists.**
- **Ensure impartial, prompt, thorough, independent, and effective police investigations into all alleged crimes against writers and hold those responsible to account. Dedicate the resources necessary to investigate and prosecute attacks.**
- **Establish an official Media Register with all the relevant media indicators to enhance transparency of media outlet ownership and ensure that those targeted have the necessary information for potential legal actions.**

For detailed recommendations see Chapter 4.

BACKGROUND

Freedom of expression in the Western Balkans region has mainly been studied and researched to date in the context of media freedom and pressure on journalists. A smaller portion of data and analysis deals with the question of open public space for engaged arts and activism. However, so far there has not been much data on undue restrictions on the right to freedom of expression for writers and other creatives involved in public debates.

This regional research project focuses on challenges faced by socially engaged writers and journalists in Bosnia and Herzegovina, Kosovo, Montenegro and Serbia and the ways in which their participation in the public sphere is obstructed by political, economic, and other powers.¹ The result is this comparative analytical study aimed at defining the main issues faced by such writers and journalists when expressing their views and ideas.

The situation for freedom of expression in the region is challenging and deteriorating. Bosnia and Herzegovina ranks 64, Kosovo 56, Serbia 91 and Montenegro 39 out of 180 countries in the 2023 Reporters Without Borders World Press Freedom Index.² Writers, journalists and other publicly engaged individuals, groups, and organisations face a ‘shrinking space’ for alternative voices, most commonly characterised by limiting opportunities and public engagement incentives for those who oppose dominant narratives.³ Another issue present throughout the region is that while freedom of speech is being unduly restrained, hate speech is on the rise, mainly as a tool for politically powerful actors – both those who are in power, but sometimes the opposition as well – to target all those who dare to think differently and express their thoughts openly.

The key questions to be addressed in this context are:

- How to preserve freedom of expression in post-conflict and transitional societies.
- The role of national and international stakeholders in taking all the necessary measures to ensure more open public spaces for active individuals – mainly writers and journalists – as well as groups and organisations – including theatres, publishing houses, small artistic groups, and alternative media – that challenge dominant narratives.

1 In many cases writers are also columnists, so although they are not journalists in the traditional meaning of the word, they are part of the media scene and public sphere as engaged individuals.

2 Reporters Without Borders, 2023 World Press Freedom Index, Europe and Central Asia, available at: <https://rsf.org/en/classement/2023/europe-central-asia>

3 On Shrinking Space: A Framing Paper, 2017, available at: https://www.tni.org/files/publication-downloads/on_shrinking_space_2.pdf

METHODOLOGY

This report is based on desk research and interviews with 20 writers in the region. Desk research mainly aimed at gathering information about the situation for freedom of expression in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia, while interviews were used to learn from the direct experiences of writers in the region and their perception of the main obstacles to freedom of expression.

Interviews were conducted between February and March 2023, both in person and online. In total, 20 writers, publishers and civil society activists were interviewed, after their contacts were obtained with the support of PEN Centres in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia (35 invitations were sent and 20 people responded positively). All interviewees signed a statement of consent, declaring whether or not they agreed to be quoted in the report with their full credentials. Unless specified otherwise, the names of those interviewed have been withheld at their request.

All interviewees and key interlocutors were asked the same set of questions, to allow for a comparative analysis. These questions referred to:

- **Direct threats and pressure (political, economic and others) aimed at writers and other engaged individuals whose messages oppose dominant narratives.**
- **Smear campaigns through tabloid media and social networks.⁴**
- **Censorship and self-censorship.⁵**
- **Possible solutions to address undue restrictions on the right of freedom of expression in the Western Balkans region and the potential role of international stakeholders, including PEN International.**

Desk research analysis describes the legal frameworks and their implementation, and details two important aspects of undue restrictions on the right of freedom of expression, which are related to:

- **Distorting the past and building dominant populist narratives regarding the events of the 1990s which, when challenged, become the basis for defaming and discrediting writers, journalists, and other engaged individuals.**
- **Disinformation as a tool for destabilising the region; ethno-national mobilisation and fear as means to maintain the status quo in society.**

This descriptive comparative analysis aims to identify identical or similar patterns of behaviour by the authorities towards independent writers and journalists, and to discuss potential means to address them.

The empirical part of the report, based on interviews, uses key interlocutors as witnesses of events and trends in the environment in which they work, and relies on their experiences and observations. This part of the report uses a two-layer method of analysis:

- **Case studies: personal experiences of interviewees with threats, smear campaigns, censorship, and self-censorship.**
- **Generalisation: thoughts and impressions of interviewees on general trends regarding undue restrictions on the right to freedom of expression.**

In both the desk-based research and empirical components of the report, a comparative method is used for data analysis, to identify trends and similarities in the approach of the authorities in the region towards writers, journalists, and other publicly engaged individuals and their right to freedom of expression.

4 For more information, see Samolienko S. A., Icks M., Keohane J., Shiraev E. Routledge Handbook of Character Assassination and Reputation Management, 2021 and Torrenzano R., Davis M.W. Digital Assassination: Protecting Your Reputation, Brand or Business Against Online Attacks, 2011.

5 Day J. What is self-censorship and how does it kill media freedom? 2021, available at: <https://www.liberties.eu/en/stories/self-censorship/43569>

FREEDOM OF
EXPRESSION IN
THE WESTERN
BALKANS REGION:
AN OVERVIEW



Protesters and activists in in Banja Ljuka denouncing draft amendments to the Criminal Code of Republika Srpska, introducing high penalties for defamation (July 2023). Credit: Radio Free Europe/Radio Liberty.

BOSNIA AND HERZEGOVINA

The right to freedom of expression in Bosnia and Herzegovina is enshrined in Article II of the Constitution.⁶ However, since the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) was signed in 1995, most studies and data have pointed to undue restrictions on the right to freedom of expression. This is particularly the case when it comes to media freedom, digital freedom as well as academic freedom. According to a 2022 Report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the safety of journalists

and access to information in Bosnia and Herzegovina, ‘violations of the right to freedom of expression and threats or use of violence, harassment and intimidation targeting journalists call for a comprehensive response to address structural and emerging issues affecting the independence of the media and the safety of journalists.’⁷ In 2022, the Association of Journalists BH Novinari reported a total of 79 cases of attacks against journalists, including one physical attack and seven death threats.⁸ Milorad Dodik, President of Republika Srpska – one of two federal entities of Bosnia and Herzegovina – routinely harasses and smears outspoken journalists in public fora, contributing to an atmosphere of fear and impunity for verbal and physical attacks. In March 2023, shortly after Dodik criticised journalists who had opposed his proposal to re-criminalise defamation, calling them

6 Constitution of Bosnia and Herzegovina, available at: https://www.ustavnisud.ba/public/download/USTAV_BOSNE_I_HERCEGOVINE_bos.pdf

7 OHCHR, the safety of journalists and access to information in Bosnia and Herzegovina, 2022, available at: <https://bosniaherzegovina.un.org/sites/default/files/2022-09/Report%20-%20Safety%20of%20journalists%20and%20access%20to%20information%20in%20Bosnia%20and%20Herzegovina%20-%20ENG.pdf>

8 Sarajevo Times, Physical Attacks and Death Threats against Journalists in BiH, 12 January 2023, available at: <https://sarajevotimes.com/physical-attacks-and-death-threats-against-journalists-in-bih/>

'freaks/spodobe'⁹, the cars of two journalists in Banja Luka were damaged by unknown individuals.¹⁰ Several rights activists and journalists were verbally and physically assaulted in Banja Luka that same month after the Republika Srpska police banned a Pride parade event over security concerns.¹¹ No arrests have been made at the time of writing.

On 20 July 2023, the Republika Srpska National Assembly adopted amendments to the Republika Srpska Criminal Code reintroducing criminal penalties for defamation, despite a national and international outcry.¹² While a draft amendment aimed at criminalising insult was eventually withdrawn, vaguely worded provisions will punish defamation and other privacy-related offences with harsh fines of up to 6,000 BAM (approximately € 3000), up to three times the average monthly salary. The law allows for subjective interpretation and enables arbitrary decision-making to initiate politically motivated prosecutions against writers and journalists. The proposed amendments pose a significant threat not only to those in Republika Srpska but to all writers, journalists and citizens of Bosnia and Herzegovina, regardless of borders. Those unable to pay the fine may be subject to imprisonment. Anyone found guilty will have a criminal record, which could make it more difficult to exercise a series of fundamental rights and freedoms, including the right to work.¹³ PEN International opposes criminal defamation in all cases. Criminalising defamation, whether of public figures or private individuals, is a disproportionate and unnecessary response to the need to protect reputation. Issues of reputation should be addressed as civil law matters and must be defined in line with international human rights standards.

Harassment, intimidation, and smear campaigns often take place online and on social media platforms and are aimed at silencing not only journalists but other prominent individuals who are active in the public sphere in Bosnia and Herzegovina. Smear campaigns online are conducted by anonymous trolls and frequently supported by public officials, who officially

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deny any responsibility or connection to persons and groups who attack journalists and prominent individuals online. Hate speech is reportedly on the rise, especially on social media platforms.¹⁴

Writers Dragan Markovina and Marko Tomaš, as well as one of the editors on the web portal Prometej.ba, are among those who have been exposed to such smear campaigns by former journalist Adisa Busulađić. The monitoring of her social media accounts has demonstrated a continued effort to defame, libel and spread hateful narratives.¹⁵ Acts of solidarity with writers and journalists who have found themselves in a similar situation are however encouraging. In 2018, for instance, a group of intellectuals issued an open letter in support of Professor Enver Kazaz, who had been verbally and physically attacked by the editor of a right-wing magazine in the hall of his faculty who also threatened him stating that 'his throat would be cut'.

9 Srpskainfo, 8 March 2023, available at: <https://srpskainfo.com/onaj-vukelic-i-neke-druge-spodobe-dodik-ovako-naziva-novinare-i-istovremeno-uredjuje-oblast-klevete-u-srpskoj-video-foto/>

10 Mediacentar, 9 March 2023, available at: <https://media.ba/bs/vijesti-i-dogadaji-vijesti/osteceni-automobili-novinara-morace-i-trifunovica>

11 AP News, Bosnia: rights activists assaulted following LGBT event ban, 19 March 2023, available at: <https://apnews.com/article/bosnia-serb-lgbt-assault-2bd5a4836f047fe88ff039ee2f190af7>

12 PEN International, Bosnia and Herzegovina (Republika Srpska): Drop criminal defamation bill, 22 May 2023: <https://www.pen-international.org/news/bosnia-and-herzegovina-republika-srpska-drop-criminal-defamation-bill>; Radio Free Europe/Radio Liberty, Defamation Law Adopted By National Assembly Of Bosnia's Republika Srpska Despite Criticism From Rights Activists, 21 July 2023, available at: <https://www.rferl.org/a/bosnia-srpska-defamation-law-criminalization-criticism/32512853.html>

13 Osservatorio Balcani e Caucaso Transeuropa, BiH: Republika Srpska reintroduces the crime of defamation, 24 July 2023, available at: <https://www.balcanicaucaso.org/eng/Areas/Bosnia-Herzegovina/BiH-Republica-Srpska-reintroduces-the-crime-of-defamation-226384>

14 One of the most prominent cases of online trolling is that of Jasmin Mulahusić, whom the Prosecutor's Office of Bosnia and Herzegovina is investigating on suspicion of having committed the criminal offense of inciting national, racial and religious hatred, discord and intolerance. Mulahusić routinely insults journalists from Bosnia and Herzegovina on his Facebook account. The targets of his posts are journalists from Al Jazeera Balkans, Television N1, Face TV, RFE/RL and freelance journalists, who either speak critically of the Democratic Action Party (SDA) or report on opposition political parties. For more information, see Safe Journalists, BH Journalists: Jasmin Mulahusić must be sanctioned for spreading hatred towards journalists!, 18 October 2022, available at: <https://safejournalists.net/bh-journalists-jasmin-mulahusic-must-be-sanctioned-for-spreading-hatred-towards-journalists/>. The authors of this report were also harassed online by Mulahusić in 2021 and 2023.

15 Prometej, 31 January 2023, available at: <http://www.prometej.ba/clanak/osvrti/franjo-sarcevic/lice-mrznje-5551>



At least 50 protesters and more than a dozen NATO peacekeepers were injured in Zvečan, northern Kosovo on 29 May 2023. Clashes erupted after ethnic Albanian mayors took office in northern Kosovo's Serb-majority area following local elections that the Serbs boycotted. Credit: Shkodrane Dakaj.

KOSOVO

According to Freedom House's annual report for 2023, 'media freedom is increasingly challenged in Kosovo as outlets continue to move away from government-critical coverage, and officials respond to journalists with more regulatory measures or smear campaigns.'¹⁶ Article 40 of the Constitution of Kosovo, adopted in 2008, guarantees freedom of expression.¹⁷ Significant progress has been made in strengthening the legislative framework in recent years. A 2013 law on the protection of journalists' sources was praised by media experts and professionals alike, while the 2018 law on the protection of whistleblowers sets rules for whistleblowing and determining the rights of undercover informants in the media. Defamation is decriminalised, though Strategic Lawsuits Against Public Participation (SLAPPs) against media and journalists remain a concern.¹⁸

According to the International Research & Exchanges Board (IREX) 'Kosovo has freedom of speech, but public discussion of more sensitive issues remains problematic.'¹⁹ The European Commission in 2022

concluded that 'as regards freedom of expression, Kosovo has some level of preparation and benefits from a pluralistic and lively media environment. However, concerns remain regarding public smear campaigns, threats, and physical attacks on journalists. The lack of financial self-sustainability leaves the media, including the public broadcaster, vulnerable to political and business interests.'²⁰

The position of writers, in an existential sense, is challenging. Writer Shpetim Selmani explains it in the following way: *'In Kosovo, the book market is extremely small. Let's not talk about the issue of whether books are read or not, because I have the impression that reading is now in crisis everywhere. But small countries always suffer more from the crisis. (...) As an author, you realize that literature is also a kind of industry. In this industry, your book is then one of the products that is introduced to the market. It is very difficult to make a living from literature. In Kosovo, this is almost unimaginable.'*²¹

Smear campaigns and harsh rhetoric against the media and journalists by some politicians and public officials

16 Freedom House, Nations in Transit 2023, Kosovo, available at: <https://freedomhouse.org/country/kosovo/nations-transit/2023>

17 Kosovo's Constitution of 2008 with Amendments through 2016, available at: https://www.constituteproject.org/constitution/Kosovo_2016.pdf?lang=en

18 Balkan Media, Media freedom in Kosovo, available at: <https://www.kas.de/en/web/balkanmedia/media-freedom4>

19 IREX, Vibrant Barometer Information 2021, available at: <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

20 European Commission, Key findings of the 2022 Report on Kosovo, available at: https://ec.europa.eu/commission/presscorner/detail/en/country_22_6090

21 Kosovo 2.0, Shpëtim Selmani: all my life I have been in search of another world, available at: <https://kosovotwopointzero.com/en/shpetim-selmani-all-my-life-i-have-been-in-search-of-another-world/>

also contribute to uncertainty in an attempt to limit media freedom.²² Blerim Vela, Chief of Staff of President Osmani's office, criticised the media on Twitter in March 2023, after it reported on a pending decision by Kosovo's Constitutional Court that could annul the election of President Osmani. In a series of tweets, Vela wrote that Kosovo media reports are 'part of a special war conducted according to Belgrade's scenario and carried on through criminals from the North of Kosovo and their middlemen, who are blacklisted by the USA'.²³ International actors, including SafeJournalists Network, subsequently asked the authorities to stop intimidating journalists in Kosovo.²⁴

Tensions between Serbia and Kosovo result in growing insecurity for journalists and other engaged individuals particularly those reporting on political developments. Six attacks on journalists were recorded in northern Kosovo in December 2022; journalist Leonita Bajrami was notably targeted by pyrotechnic explosives.²⁵ In May 2023, a wave of attacks on journalists and media erupted after ethnic Albanian mayors taking office in northern Kosovo's Serb-majority area spurred violent unrest and protests. Scores of journalists were reportedly targeted deliberately, with attacks including physical assault and vandalism of professional equipment. Press freedom groups called on the authorities to put in place the necessary measures to guarantee the safety of journalists.²⁶

Tensions between Serbia and Kosovo result in growing insecurity for journalists and other engaged individuals, particularly those reporting on political developments.

MONTENEGRO

According to Reporters Without Borders, 'Montenegro's constitution and laws guarantee freedom of speech and expression, but press freedom continues to be threatened by political interference, unpunished attacks on journalists and economic pressures.'²⁷ Overall, the situation regarding media freedom is problematic and 'Montenegro is one of the most hostile environments for investigative reporting among the Southeast European countries.'²⁸

Hate speech, particularly online, is used to threaten, scare, and silence independent journalists and activists in Montenegro. Since 2020, the public authorities have undertaken many attempts to curb freedom of expression. According to the Center for Democracy and Human Rights (CEDEM), hate speech has increased in recent years. 'During 2020, freedom of expression was threatened by the authorities in connection with the COVID-19 crisis and election campaigns. Namely, several steps were taken that seriously violated the right to privacy and freedom of expression. In the first wave of COVID-19, the government took repressive steps to punish 'misinformation' about the virus, adopting measures to combat a pandemic they considered 'fake news'. Due to the growing power of right-wing political parties, ethnic tensions are rising, especially among young people, while hate speech has reached its highest levels in Montenegrin society. On the other hand, there is still a lack of adequate reaction from the competent institutions in responding to incidents of reported hate speech and false news in the media or on social networks.'²⁹

Public officials in Montenegro have also smeared and verbally attacked prominent individuals, writers, and journalists. On 19 August 2022, Montenegro's Prime Minister Dritan Abazović, publicly attacked the Montenegrin PEN Centre in Parliament, accusing it of spreading 'extremism and nationalism'. Abazović notably showed a picture of the award-winning Montenegrin writer and member of the Montenegrin PEN Centre, Milorad Popović, labelling him an agent of nationalist politics who 'serves the

22 ECPMF, Political pressure on journalists risks undermining media freedom progress in Kosovo, 17 November 2022, available at: <https://www.ecpmf.eu/political-pressure-on-journalists-risks-undermining-media-freedom-progress-in-kosovo/>

23 SafeJournalists: High Ranking Official Targets Journalists in Kosovo, 31 March 2023, available at: <https://safejournalists.net/portfolios/safejournalists-high-ranking-official-targets-journalists-in-kosovo/>

24 SafeJournalists: Stop the Intimidation of Journalists in Kosovo, 18 March 2023, available at: <https://bhnovinari.ba/en/2023/03/18/safejournalists-stop-the-intimidation-of-journalists-in-kosovo/>

25 GlobalVoices, Kosovo: Six attacks against journalists in December following escalating tensions, 6 January 2023, available at: <https://globalvoices.org/2023/01/06/kosovo-six-attacks-against-journalists-in-december-following-escalating-tensions/>

26 ECPMF, Law enforcement must protect journalists amidst escalating tensions in northern Kosovo, 2 June 2023, available at: <https://www.ecpmf.eu/law-enforcement-must-protect-journalists-amidst-escalating-tensions-in-northern-kosovo/>

27 Reporters Without Borders, Montenegro, available at: <https://rsf.org/en/country/montenegro>

28 Balkan Media, Media freedom in Montenegro, available at: <https://www.kas.de/en/web/balkanmedia/media-freedom6>

29 Centre for Democracy and Human Rights, Diagnosis and therapy of freedom of expression, hate speech and ethnic tensions, available at: <https://www.cedem.me/en/case-categories/diagnosis-and-therapy-of-freedom-of-expression-hate-speech-and-ethnic-tensions/>



Award-winning Montenegrin writer and member of the Montenegrin PEN Centre, Milorad Popović, was labelled an agent of nationalist politics who ‘serves the interests of crime’ by Montenegro’s Prime Minister Dritan Abazović in August 2022.

interests of crime.’ This was not the first time Abazović has publicly targeted members of the Montenegrin PEN Centre, having repeatedly smeared prominent Montenegrin writer and member of the Montenegrin PEN Centre, Andrej Nikolaidis.³⁰ Both Popović and Nikolaidis are vocal opponents of Russian and Serbian attempts to interfere in Montenegrin internal affairs.

In 2022, 19 attacks on journalists and media houses were recorded. Of these, eight were physical attacks on journalists, seven threats to journalists via the internet, three physical attacks on media houses and one threat addressed to a media house.³¹ Full justice for the 2004 murder of journalist Duško Jovanović has yet to be achieved.

The Russian Federation’s influence over Montenegrin society is of great concern when considering freedom of expression and media freedom in Montenegro. Its grip is exercised through pro-Russian political parties, organisations, media outlets and the Serbian Orthodox Church. The latter was notably identified in a 2022 European Parliament’s Resolution on foreign interference as a means to spread Russian influence in the Western Balkans region with a view to inflame conflicts and divide communities.³² Pro-Russian media in Montenegro regularly spread hate speech, inflame ethno-nationalist tensions, and often publicly target critics, independent intellectuals and pro-Western activists and politicians.³³

In August 2022, Montenegro’s Prime Minister publicly attacked the Montenegrin PEN Centre in Parliament, accusing it of spreading ‘extremism and nationalism’.

30 PEN International, Montenegro: Authorities must stop harassment and intimidation of the Montenegrin PEN Centre, 10 October 2022, available at: <https://www.pen-international.org/news/montenegro-authorities-must-stop-harassment-and-intimidation-of-the-montenegrin-pen-centre>

31 Mina News, 23 January 2023, available at: <https://mina.news/glavna/dan-novinara-crne-gore-2/>

32 European Parliament resolution of 9 March 2022 on foreign interference in all democratic processes in the European Union, including disinformation (2020/2268(INI)), available at: https://www.europarl.europa.eu/doceo/document/TA-9-2022-0064_EN.html

33 Montenegrin PEN Centre, Montenegro on the eve of the presidential elections: A Russian governorate or NATO member? February 2023.



Writer and journalist Marko Vidojković was forced to leave Serbia in February 2023 following persisting threats to his personal safety. Credit: Miroslav Dragojević.

SERBIA

Article 46 of the Constitution of Serbia guarantees freedom of expression and several mechanisms have been established to respond to growing concerns over journalists' safety. A Commission for the Investigation of Murders of Journalists was set up in 2012 to investigate the killings of journalists that took place during the 1990s. The Standing Working Group for Safety of Journalists, established in 2016, constitutes an effective platform for the exchange of information between law enforcement officials and the media, although its work is undermined by a lack of political will. The separate Working Group for Security and Protection of Journalists, established in December 2020 with the backing of Prime Minister Ana Brnabić, has been branded a 'failure' by press freedom and journalists' organisations for lack of political will.³⁴

In Serbia, opposition and independent journalists, writers, civil society activists, as well as other prominent individuals frequently face direct attacks and threats by private parties and representatives of public authorities as a result of their activism and public engagement. In November 2022, the Editor of the daily newspaper *Danas* received a threatening email drawing a comparison between *Danas*' staff and the murdered journalists of the French satirical paper *Charlie Hebdo*. The email contained a list of individuals whose writing 'should be punished'.³⁵

In 2022, Journalist Jelena Obućina received anonymous death threats on Twitter, stating she 'would be burned'.³⁶ One of the most prominent cases is that of writer and journalist Marko Vidojković, who was forced to leave Serbia and relocate abroad with the assistance of PEN International in February 2023 following persisting threats to his safety.³⁷ Writer and academic Jovo

34 IPI, Serbia: Independent journalism faces biggest crisis in years, 26 April 2023, available at: <https://ipi.media/serbia-independent-journalism-faces-biggest-crisis-in-years/>

35 Žurnal, THREATS, INSULTS AND MEDIA LYNCH: The suppression of freedom of speech in Vučić's Serbia, 10 November 2022, available at: <https://www.zurnal.info/clanak/the-suppression-of-freedom-of-speech-in-vucic-s-serbia/25477>

36 ARTICLE 19, Serbia: Multiple journalists threatened and harassed, authorities must take urgent action, 5 December 2022, available at: <https://www.article19.org/resources/serbia-harassment-journalists-action-needed/>

37 PEN International, Serbia: Investigate death threats against writer Marko Vidojković and hold those responsible to account, 12 February 2023, available at: <https://www.pen-international.org/news/serbia-investigate-death-threats-against-writer>; Slavko Ćuruvija Foundation, Marko Vidojković was compelled to leave Serbia due to threats to his safety, 16 March 2023, available at: <https://www.slavkocuruvijafondacija.rs/en/marko-vidojkovic-was-compelled-to-leave-serbia-due-to-threats-to-his-safety/>

Bakić, has been the target of the Serbian authorities and pro-government trolls since June 2019, after he denounced in an interview the nationalistic stance of the Serbian authorities and connections between criminal organisations and government representatives. On 7 May 2023, following two mass shootings in the country within days, pro-government Pink TV broadcast a short film quoting Jovo Bakić out of context, accusing him of stoking violence. A smear campaign by government officials and pro-government outlets and trolls ensued, with Prime Minister Ana Brnabić notably urging the University of Belgrade to take a stand against Bakić and an SNS MP initiating a petition calling for his dismissal. Pro-government tabloids quoted Bakić as calling for ‘blood’ to be spilled in the streets of Belgrade – words he never used. PEN International has seen several anonymous messages sent to Bakić, threatening him and his family with rape. Alarmingly, his home address was disclosed on Pink TV. Bakić also reported being approached twice by an unknown individual who threatened and insulted him.

Twenty-four years since the murder of editor and publisher Slavko Ćuruvija, justice for historic cases of murdered journalists remains elusive. In April 2023, following an in-country mission, international press freedom and journalists’ organisations deemed Serbia to be one of the most dangerous places in Europe, outside of Ukraine, to work as a journalist.³⁸

Vandalism and public threats are not uncommon in Serbia. In November 2020 in Novi Sad, northern Serbia, unknown individuals drew graffiti on the residence of professor and journalist Dinko Gruhonjić, cursing him and including messages such as ‘Ratko Mladić, Serbian hero’.³⁹ Gruhonjić works for the Independent Journalists’ Association of Vojvodina and has publicly spoken out against the authorities.⁴⁰ He received multiple threats of violence and intimidation in the past because of his journalistic work. In December 2022, vandals damaged the mural of Ukrainian poet Lesia Ukrainka in Central Belgrade by throwing black paint over it and writing the letter Z, which is used by the Russian authorities in their war against Ukraine as a pro-war propaganda motif. Once the mural was restored, graffiti stating ‘this is Serbia’, ‘no to Nazism’, and ‘no place for this’ was painted over. The mural is located near the Krokodil Center for Literature (NGO Krokodil Engaging Words), whose president is writer Vladimir Arsenijević.⁴¹ In March 2023,

new graffiti was written on the walls of Krokodil Center, including one stating ‘death to traitors’.⁴² In March 2023, three professors from the Faculty of Political Science of the University of Belgrade Jelena Lončar, Stefan Surlić and Marko Veković were targeted by offensive posters libelling them as ‘traitors/izdajnici’. The professors were part of an academic exchange involving colleagues from the Faculty of Philosophy in Pristina, Kosovo. Two days before the meeting was due to take place, the faculty announced, without explanation, that the event had been cancelled. After the posters were erected near the faculty, professors and students of the faculty organised a public protest.⁴³

Threats and online smear campaigns in Serbia are often provoked by pro-government tabloid media outlets, owned by allies of the government who follow its agenda. In an interview in May 2023 for Insajder TV, dr. Jelena Vasiljević from the Institute for Philosophy and Social Theory in Belgrade stated that the *‘atmosphere of lynching and the lack of tolerance are some of the consequences of diminishing dialogue, entrenched inequalities in society and frustrations caused by the unsolved recent past.’*⁴⁴

In April 2023, following an in-country mission, international press freedom and journalists’ organisations deemed Serbia to be one of the most dangerous places in Europe, outside of Ukraine, to work as a journalist.

38 IPI, Serbia: Independent journalism faces biggest crisis in years, 26 April 2023, available at: <https://ipi.media/serbia-independent-journalism-faces-biggest-crisis-in-years/>

39 Ratko Mladić led the Army of Republika Srpska during the Yugoslav Wars. In 2017, the International Criminal Tribunal for the former Yugoslavia found him guilty of committing war crimes, crimes against humanity, and genocide.

40 Danas, 26 November 2020, available at: <https://www.danas.rs/vesti/drustvo/dinko-gruhonjic-o-pretecim-grafitima-slicne-poruke-sam-dobijao-i-od-vlasti/>

41 SEECult, 28 December 2022, available at: <http://www.seecult.org/vest/ociscen-mural-ukrajinskoj-pesnikinji>

42 Krokodil Engaging Words, 13 March 2023, available at: <https://www.facebook.com/photo/?fbid=547253687508510&set=pcb.547253857508493>

43 Peaceful Change Initiative, Condemning attacks on academic freedom, 23 March 2023, available at: <https://peacefulchange.org/news/condemning-attacks-on-academic-freedom/>

44 Insajder TV, 24 March 2023, available at: <https://insajder.net/emisije/debata/debatas03/insajder-debata-zarobljeno-drustvo>

COMPARATIVE ANALYSIS

Legal frameworks and implementation

Until 2023, most studies argued that the legal frameworks in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia were adequate on paper yet poorly implemented. However, the situation in Bosnia and Herzegovina worsened after the Republika Srpska National Assembly voted in favour of amendments to the Republika Srpska Criminal Code re-introducing criminal penalties for defamation.⁴⁵ Already in 2020, at the height of the COVID-19 pandemic, the government of Republika Srpska adopted the Decision on Prohibition of Causing Panic and Riots During the State of Emergency on the Territory of the Republika Srpska at the initiative of the entity's Ministry of Internal Affairs.⁴⁶ It aimed to prevent criticism and debate, with penalties for media of up to € 5000 for publishing articles that 'prevent or significantly hinder the implementation of decisions and measures of state bodies and organisations that exercise public authority.' Although the measure was revoked shortly after being adopted following an international outcry, it remains an example of how the authorities misused the COVID-19 pandemic to curb freedom of expression. In May 2023, the Government of the Canton of Sarajevo notably drafted a Law on offences against public order and peace, which similarly punishes those who 'prevent or significantly hinder the implementation of decisions and measures of state bodies and organisations that exercise public authority.'⁴⁷ The proposal faces strong criticism from journalists and media organisations in Bosnia and Herzegovina. Of particular concern is a proposal by Republika Srpska President Milorad Dodik to introduce a so-called 'foreign agents' law, which would further stifle civil society and independent media by requiring NGOs receiving funds from abroad and active in the Bosnian Serb entity to register and report on their work. The draft law was **approved** by the government on 23 March 2023. Dodik said the

legislation would require such organisations to report on 'everything they are doing' and predicted it would pass.⁴⁸

In Serbia, Kosovo, and Montenegro – as well as in the Federation of Bosnia-Herzegovina – defamation is not criminalised. However, the use of SLAPPs poses an increasing threat to independent media. SLAPPs are abusive lawsuits filed by powerful individuals and companies as a means of silencing critical expression. They typically entail long and costly legal procedures, or the threat thereof, to intimidate and harass critics into silence. PEN International is a member of CASE – the Coalition against SLAPPs in Europe – and campaigns against the use of SLAPPs, which have become a significant threat to media freedom and advocacy rights in several countries. At least 40 civil lawsuits were identified as SLAPPs in Bosnia and Herzegovina between 2016 and 2021⁴⁹; at least 26 in Serbia between 2010 and 2020.⁵⁰ Although detailed information on the situation in Kosovo and Montenegro was missing at the time of writing, analysis showed they are a growing problem in Kosovo.⁵¹

Independent writers, journalists, and civil society activists are often harassed by tabloid media outlets and media that are mostly web portals, which do not have any kind of identification. Adopting laws on transparency of media ownership would help identify patterns that, according to previous research, involve interrelations between public officials, non-transparent media, and those economically powerful.

Overall, when it comes to the legal framework, the following key issues have been identified:

- **Some lack of regulation, mainly regarding transparency of media ownership and prevention of harmful and hate speech.**
- **Poor implementation of laws meant to protect freedom of expression and misuse of defamation laws.**
- **Growing use of SLAPPs as a means of exerting pressure.**⁵²

45 EEAS, Bosnia and Herzegovina: Statement by the Spokesperson on the defamation law in Republika Srpska, 23 March 2023, available at: https://www.eeas.europa.eu/eeas/bosnia-and-herzegovina-statement-spokesperson-defamation-law-republika-srpska_en?s=51

46 RFE/RL, 12 April 2020, available at: <https://www.slobodnaevropa.org/a/doktore-i-novinare-po-u-%C5%A1ima-i-nov%C4%8Daniku/30546070.html>

47 Skupština Kantona Sarajevo, available at: <http://skupstina.ks.gov.ba/nactr-zakona-o-prekrsajima-protiv-javnog-reda-i-mira-na-podrucju-kantona-sarajevo>

48 RFE/RL, Bosnian Serbs Approve Measure On 'Foreign Agents' Mirroring Controversial Russian Law, 23 March 2023, available at: <https://www.rferl.org/a/republika-srpska-foreign-agents-russian-law/32331676.html>

49 OBCT, SLAPPs in Bosnia and Herzegovina, 23 February 2023, available at: <https://www.balcanicaucaso.org/eng/Areas/Bosnia-Herzegovina/SLAPPs-in-Bosnia-and-Herzegovina-223589>

50 ARTICLE 19, State of SLAPPs in Serbia, December 2021, available at: https://www.article19.org/wp-content/uploads/2022/02/A19-Serbia-SLAPPs-report_Final_16Feb22.pdf

51 Viola von Cramon, Increasing SLAPP lawsuits in Kosovo, 24 July 2020, available at: <https://violavoncramon.eu/en/news/content/increasing-slapp-lawsuits-in-kosovo/>

52 The president of the European Federation of Journalists (EFJ) Maja Sever deemed SLAPPs to be the biggest threat to media freedom in the region at the time of writing: <https://safejournalists.net/maja-sever-slapps-are-the-most-serious-threat-to-media-freedom-in-the-region/>

Distortion of the recent past fuelling divisive political agendas and nationalistic rhetoric

Distortion of the past in the region, particularly the 1990s, is a tool commonly used by political actors for manipulation and propaganda. The situation differs from country to country, according to each political context, so the means of manipulation may be different.⁵³ However, goals, methods and outcomes are quite similar. As far as writers and journalists are concerned, at least three groups with three different approaches towards the past and, consequently, three types of relations with public officials, can be identified:

- **Media, writers, and journalists close to political officials, who help them articulate and spread division in society and (mis) use the past for that purpose.**
- **Media, writers, and journalists strongly opposed to such dominant narratives of manipulation, who write about the recent past based on facts, come under pressure as a result, and are often labelled as ‘traitors’, and ‘enemies of the people.’**
- **Media, writers, and journalists shying away from such issues and dealing with ‘light’ topics with negligible or no interference in current societal issues and activism.**

When it comes to the media, writers and journalists following the political agenda of misusing the recent past for the purpose of manipulation, dominant trends, and behaviours regarding the events prior to and from the 1990s can be identified:

- **Harmful and hate speech.**⁵⁴
- **Glorification of convicted criminals who are portrayed as national heroes and saviours of the nations.**⁵⁵
- **Denial of genocide and court verdicts, insisting they are plots against the nation to which the journalist/editor belongs.**⁵⁶
- **Relativisation and selective contextualisation of past events.**
- **Rehabilitation of World War II criminals.**⁵⁷
- **Giving a media platform to academics who actively promoted hate speech narratives in the 1990s and selectively draw arguments in support of those convicted of war crimes, trying to bring their stories closer to the audience and to portray them as ordinary people.**⁵⁸
- **Hiding the anniversaries of the suffering of other nations or placing these events in a highly relativistic context.**
- **So-called ‘light’ revisionism, which is carefully served to the audience with far-reaching consequences, as some believe what is published in the media to be true.**

53 In Bosnia and Herzegovina, for instance, there is no consensus of any kind about the past, not even with regards to decisions by the International Criminal Tribunal for the Former Yugoslavia concluding that the killings at Srebrenica amounted to genocide. In Serbia, focus remains on Kosovo as well as the glorification of convicted war criminals and denial of their crimes. See Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Fabian Salvioli, Preliminary Observations from the Official Visit to Serbia and Kosovo1 (22 November to 2 December 2022), available at: <https://www.ohchr.org/sites/default/files/documents/issues/truth/statements/2022-12-02/20121202-eom-statement-serbia-kosovo-sr-truth.pdf>

54 Reporting Diversity Network 2.0, Monitoring report on hate speech in Serbia, July 2022, available at: https://www.reportingdiversity.org/wp-content/uploads/2022/07/MRHS_Serbia.pdf

55 Euronews, In Belgrade, a mural of war criminal Ratko Mladić has a city divided, 26 November 2021, available at: <https://www.euronews.com/my-europe/2021/11/26/in-belgrade-a-mural-of-war-criminal-ratko-mladic-has-a-city-divided>

56 Srebrenica Genocide Denial Report 2022: 693 acts of genocide denial were identified in the public and media space in Bosnia and Herzegovina and neighbouring countries in 2022. Most instances occurred in Serbia (476), followed by Bosnia and Herzegovina (176, of which 175 occurred in the entity of the Republika Srpska), and then Montenegro (27). For more information, see: <https://srebrenicamemorial.org/en/news/srebrenica-genocide-denial-report-2022/97>

57 Sladjana Lazić, The Re-evaluation of Milan Nedić and Draža Mihailović in Serbia, 2011, available at: https://link.springer.com/chapter/10.1057/9780230347816_13

58 In 2018, the Communication Regulatory Agency in Bosnia and Herzegovina opened a case against the Republika Srpska TV station ATV, after it aired a Serbian TV broadcast featuring convicted war criminal Vojislav Šešelji. For more information, see: <https://6yka.com/kolumne/rak-ce-provjeriti-atv-zbog-emisije-u-kojoj-su-ratni-zlocinci-govorili-o-srebrenici>

The media, writers and journalists strongly opposed to the political agenda of misusing the recent past for the purpose of manipulation are targeted by the above-mentioned pro-government media, as well as by trolls and bots on social media. The following trends can be identified:

- Targeting writers, journalists, and other engaged individuals in tabloid media outlets close to the government (in Serbia) or right-wing media (in Bosnia and Herzegovina) or online platforms close to certain political parties (in Montenegro).⁵⁹
- Targeting writers, journalists, and other engaged individuals on social media platforms not only by bots and trolls, but also by politicians, their family members, and supporters.⁶⁰
- Labelling writers, journalists, and other engaged individuals as ‘traitors’ and ‘enemies’ – of their nation, of their country, of their faith – to stir anger among radical groups, especially if such individuals are involved in activities of reconciliation and peacebuilding.⁶¹

Overall, the recent past is widely used in the region for the purpose of political manipulation, sowing tension and divisions within and between societies, but also to target and libel opponents of dominant political powers and their narratives, including writers and journalists. Smear campaigns portraying them as traitors and enemies often result in direct threats and jeopardise their physical safety and mental health.

Disinformation campaigns as sources of instability

Overall, political manipulation, hate speech and disinformation campaigns are inter-connected and aimed at spreading fear and uncertainty amongst people, to make them more prone to accept and follow existing political players and their narratives.

Public service media also spread disinformation in the region, as in the case of Republika Srpska in Bosnia and Herzegovina. ‘The fact-checking portal Raskrinkavanje labelled Radio Televizija Republike Srpske (RTRS – the public broadcaster in Republika Srpska) as a high-risk medium for publishing questionable content. It identified RTRS, together with the Republika Srpska public news agency ‘Srna’, as the single most prolific source of political disinformation in Bosnia and Herzegovina.’⁶²

The Russian Federation’s full-scale military invasion of Ukraine on 24 February 2022 has shown how different international media impact the spread of disinformation throughout the region. The influence of Russian media was present long before the full-scale invasion, mostly through the work of Sputnik news agency, which has an office in Serbia and whose articles are reproduced in the media in Serbia and Republika Srpska without any critical analysis.⁶³ A 2021 disinformation study by the European Parliament notably dubbed Serbia a ‘launchpad for the Kremlin’s disinformation operations in the Western Balkans’.⁶⁴

With propaganda widely used in the media, the spread of disinformation contributes to political manipulation to maintain the *status quo* in society. Quite often, especially in pre-election times, the combination of disinformation and hate speech feeds the fear of other ethnic groups, nationalities, or neighbouring countries, which contributes to ethnonational mobilisation and abstention from voting.⁶⁵

Disinformation campaigns against writers, journalists, and other engaged individuals are usually the first step in their public discreditation, followed by smear campaigns and targeting online. The main goal is to expose engaged individuals to a frenzy of public anger, mainly on social media, labelling them in an attempt to turn them into

59 Media Freedom Rapid Response, MFRR partners raise concerns about smear campaign directed at journalists in Montenegro, 28 August 2020, available at: <https://www.mfrr.eu/mfrr-partners-raise-concerns-about-smear-campaign-directed-at-journalists-in-montenegro/>

60 In Bosnia and Herzegovina, Gorica Dodik, the daughter of Milorad Dodik, President of Republika Srpska, targets journalists and activists on her social media accounts.

61 Reporting Diversity Network 2.0, Monitoring report on hate speech in Serbia, July 2022, available at: https://www.reportingdiversity.org/wp-content/uploads/2022/07/MRHS_Serbia.pdf

62 Cvijetićanin T., et al. (2019). Disinformation in the Online Sphere. The Case of BiH. Sarajevo: Association of Citizens ‘Why not’.

63 EU vs Disinfo, How Serbian Sputnik infiltrated a disinformation HUB IN Bosnia and Herzegovina, 14 June 2019, available at: <https://euvsdisinfo.eu/how-serbian-sputnik-infiltrated-a-disinformation-hub-in-bosnia-and-herzegovina/>

64 European Parliament, Mapping Fake News and Disinformation in the Western Balkans and Identifying Ways to Effectively Counter Them, February 2021, available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU\(2020\)653621_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU(2020)653621_EN.pdf)

65 Anida Sokol and Denisa Sarajlić, Harmful narratives during elections: smear campaigns, gender stereotypes and hate narratives. 2022 general elections in Bosnia and Herzegovina, 2023, available at: https://media.ba/sites/default/files/stetni_narativi_eng_-_web_1.pdf

state enemies and thus create an ‘atmosphere of lynching’ in advance of any potential physical attacks against them. It is particularly important to stress that disinformation campaigns about current affairs are most often used to intentionally involve some of the engaged individuals. For example, to falsely report that someone is supporting one side in the Russian Federation’s war against Ukraine, exposing that individual to the anger of the opposing side.

KEY FINDINGS

A clear pattern emerges when researching undue restrictions on the right to freedom of expression in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia. Not all writers, journalists and other engaged individuals and groups face such limitations. They apply mainly to those who question official narratives and criticise the authorities and those in power.

Overall, writers, as compared to journalists, are to a lesser extent exposed to violence and undue restrictions on their right to freedom of expression because of their literary writings. Our research established that it is mainly their public engagement that provokes a reaction from the authorities or their ‘extended hands’ in the form of tabloids and right-wing groups online.

Legislation is for the most part well-conceived, but poorly implemented. The lack of transparency of media outlet ownership is a concern, which is important in this context as those sections of the media that spread hate speech or disinformation campaigns online against writers, journalists and civil society activists often lack accessible and tangible information to be able to hold them accountable.

Disinformation campaigns against writers, journalists, and other engaged individuals are usually the first step in their public discreditation, followed by smear campaigns and targeting online. The main goal is to expose engaged individuals to a frenzy of public anger, mainly on social media, labelling them in an attempt to turn them into state enemies and thus create an ‘atmosphere of lynching’ in advance of any potential physical attacks against them. It is crucial to stress that cases of threats and violence are used not only to cause harm to such individuals but also to send a message to all independent voices that they will experience the same if they dare oppose dominant narratives – in other words, to provoke self-censorship.

Another phenomenon present in the region is ‘silence buying’, or what acclaimed writer Danilo Kiš called ‘friendly censorship’. In the current context, this happens when writers and artists receive public funds for their work in exchange for promoting, or at least not criticising, the authorities or those in power. Typically, interviewed writers have stated that publishers do not ask writers to refrain from including certain ideas

in their books as a requirement for publication. It is more about publishers asking writers not to be publicly critical of the authorities or dominant narratives in order to secure the funds to publish their literary work.

In summary, besides direct threats, and possible attacks, discouraging writers, journalists, civil society activists and other engaged individuals from speaking out is already a dominant trend. The pattern is to try to buy silence and prompt self-censorship within the writer and if that fails, to start disinformation and smear campaigns online in order to make them the targets of radical groups, exposing them to threats and violence. As a result, the space for freedom of expression in the region is shrinking, affecting the media, writers, and civil society alike.

The main goal is to expose engaged individuals to a frenzy of public anger, mainly on social media, labelling them in an attempt to turn them into state enemies and thus create an ‘atmosphere of lynching’ in advance of any potential physical attacks against them.

From: threateningaccount <threateningaccount@proton.me>

Date: Sun, 06 Nov 2022 08:45:51 +0100

Subject: Београдски Шарли Ебдо

Господине [REDACTED]

Као главном и одговорном уреднику дневног листа "Данас", осећам потребу да вас обавестим да се ви и ваши новинари и колумнисти налазите у смртној опасности од стране појединих крајње десно оријентисаних структура које обитавају из сенке, и ту притом не мислим на "мејнстрим" десничаре под контролом СНС-а или оне десничаре који су вас недавно пресрели на улици код фонтане на Славији приликом давања интервјуа за хрватски одељак Н1. Ти људи су махом бенигни, и најгора ствар коју би од њих добили је наносење лакших телесних повреда.

Елем, имајући у виду растуће тензије на окупираној територији Аутономне Покрајине Косова и Метохије, ви и ваше колеге из Н1 и Нова С сте се начином на који извештавате јавност под плаштом "објективног и непристрасног информисања", јасно и отворено ставили на страну албанских сепаратиста, подржавајући Аљбина Куртија и остале сепаратисте албанске националности из Општина Прешево и Бујановац о којима говорите у суперлативима, а понајвише ваша колумнисткиња [REDACTED] за коју се стиче утисак да то ради страствено. Да не напоменем и вређање српског становништва из Републике Српске које називате "геноцидним народом", а саму Републику Српску геноцидном творевином". Србе у Црној Гори називате крзубим четницима, а Србе православне вероисповести који су организовали литије уочи такозваног "Еуропрајда" називали "православним талибанима". То су радили колумнисти којима дајете медијски простор од којих су у вређању свега српског најекстремнији горепоменути индивидуа, затим [REDACTED] и остали колумнисти који не пишу за Данас попут [REDACTED] и радијског водитеља [REDACTED] који су ваши истомишљеници вредни помена. Стављајући се тако на страну непријатеља српског народа, ви (уредништво Данаса) сте себи лупили етикету домаћих издајника на које већина срба неће гледати са одушевљењем. И не, ово није шешељевско-радикалска реторика, њихово време је одавно прошло. Из сенке обитава нова генерација српских националиста која не непоткупљива, некорумпирана и надасве часна. Дobar део неименованих десно оријентисаних заједница нису повезани ни са једном десничарском организацијом из Србије и Европе, што их чини невидљивим за органе реда и обавештајне службе, јер су по природи децентрализоване.

Ви ћете и даље наставити са вашим начином рада и уређивачком политиком, и никакве претње смрћу од стране анонимних појединаца вас неће спречити да објективно извештавате грађане о актуелним дешавањима у Србији, региону и свету, јер сте храбри новинари који не посустају под претњама и знате како да се опходите са индивидуама које вам прете јер сте жртве прогона од самог оснивања.

Само, када једног јутра будете кренули на посао упутивши се ка вашој редакцији, и док себи правите јутарњу кафицу, и док nonchalantly ћаскате са вашим колегама о вашим породицама, спорту, времену, или пак неком трачу, и када наједном салво метака крене да ломи прозоре и рикочетира изнад ваших глава кренуће одмотавање у вашим главама где ћете се сетити свега, од ваших првих корака, поласка у први разред основне, првог пољупца, првог секса, прве плате, венчања, рађања ваше деце, па све до ових речи које се налазе у овом мејлу које ће бити последња ствар коју ћете видети пре него што ће неки метак проћи кроз ваше лобање и послати вас у лимбо. А потенцијални починиоци никада неће изаћи пред лице правде, јер и они неће преживети тако што ће сами себи пресудити или пак погинути у размени ватре са органима реда.

In November 2022, the Editor of the daily newspaper Danas received a threatening email drawing a comparison between Danas' staff and killed journalists of the French satirical paper Charlie Hebdo.

WRITERS SILENCED: SOURCES OF CENSORSHIP AND SELF-CENSORSHIP

This report is based on 20 interviews carried out in March and April 2023 with writers, columnists, university professors and intellectuals from Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia. Seven women and 13 men agreed to take part.

This gender imbalance reflected in our interview sample, is in many ways an indication of the structural barriers that women face in pursuing a writing career in the Western Balkans. There are many more men than women in the public sphere. Women writers also disproportionately face specific violations relating to their gender, with anonymous insults online replete with sexism, most commonly including criticisms of their physical appearance and doxing in which details of their private lives are revealed, which are both distressing and aimed at silencing them.⁶⁶

Censorship and self-censorship are rife in post-Yugoslav societies. This is notably visible in the type of content published in print and online media, as well as in the public appearances of public figures such as writers, intellectuals, experts in various fields, columnists, and opposition politicians. As a result, the diversity of views, perspectives, and opinions available in the public sphere has over time become limited.

The lack of legal protection is inhibitive. Many intellectuals and experts do not wish to speak or write publicly, for fear of being targeted by pro-government activists, their trolls, and audiences.

66 UNESCO, Safety of women journalists, available at: <https://www.unesco.org/en/safety-journalists/safety-women-journalists>

Interviewees identified the following sources of censorship and self-censorship and ways of silencing voices and shrinking space in the media and public sphere:

- **Various threats – verbal and physical – endangering their safety.**
- **Loss of income – should their writings not toe the line of the media they work for.**
- **Attacks (smear campaigns, harassment, and abuse) by bots on social media platforms and by political party activists.**
- **Fear of judgment and misunderstanding of the audience.**
- **Libelling writers and columnists as traitors of their own nation and state should they write against the authorities.**
- **Media lynching, mainly initiated on social media platforms. Writings are presented selectively and often altered, thus acquiring a completely different meaning.**
- **Spreading hate speech – threats that writers receive on social media platforms, including direct messages, public comments under posts or tweets.**
- **Writers avoid writing about certain topics – religious, national, events from the war/wars as they know they might become targets.**
- **Libelling the media and writers as ‘foreign mercenaries’, i.e., mercenaries of foreign embassies, particularly the British and US embassies.⁶⁷**
- **Cancellation of financial support to the media from public funds.**
- **Distrust in the work of judicial bodies.**
- **Perpetrators emboldened by stigmatising statements by public officials.**
- **A large number of anonymous and politically aligned portals targeting writers.**
- **Lack of regulation of the online sphere allowing violence to spread without consequences.**
- **Discrediting of writers by tabloids and pro-government media, spreading lies about their private and public lives.**
- **Ineffective and insufficient protection mechanisms and institutional support, which affect the ways of writing and reporting.**

All these reasons were listed by writers in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia as ways to silence the voices of those who dare speak out against dominant narratives. Writers are often exposed to censorship from media owners or editors who refuse to publish articles that could create problems and provoke public outrage.

DIRECT ATTACKS, POLITICAL PRESSURE AND THREATS

Verbal threats and physical attacks against writers, journalists, columnists and engaged intellectuals in the region are frequent. Although freedom of expression is guaranteed by the Constitutions of Bosnia and Herzegovina, Kosovo, Montenegro and Serbia, most sections of the media are under direct and indirect forms of domestic political control, affecting published content and resulting in open support for specific political parties, a selective representation of political events, and unequal treatment of actors in the political sphere.

Writers operate in an increasingly toxic and suffocating atmosphere, with serious consequences for freedom of expression. Journalists who are reportedly close to certain political parties have become their mouthpiece. Those who do not want anyone to restrict their writings face numerous problems – existential, they work under pressure and are exposed to various verbal threats and insults.

Interviewees shared personal experiences and those of their colleagues. They explained that they received the largest number of threats on social media platforms. These consisted mostly of anonymous messages, describing how they would be injured or killed, or most commonly insulting them with derogatory nicknames such as traitors, servants of foreign embassies, non-patriots, or destroyers of the state.

Interviewees stressed how political leaders and public officials often contacted media editors about the content they have published – sometimes through intermediaries, sometimes by calling personally – as they sought to directly interfere in editorial policies and encourage censorship. Hate speech and smear campaigns against writers and journalists typically start on social media platforms. Political leaders and public officials, their advisers and various public figures who are close to certain political parties are reported to be involved in such campaigns. Online harassment and threats are frequent and usually not investigated, leaving writers feeling deeply unsafe.

⁶⁷ Statements and actions by the British and US embassies in the region generate negative comments from supporters of nationalistic policies, who believe that these embassies represent so-called pro-Western values and destroy ‘tradition’. They specifically condemn the British and US embassies’ support for LGBTI rights and persecuted journalists, considered as traitors.

Some interviewees emphasised that threats to writers mostly stem from their public appearances and columns, and not from their literary writings.

Bojan Krivokapić, a writer from Serbia said: ***‘I think that literature, especially in recent years, is so marginalised that it does not represent a potential danger to the dominant ideology. I am talking about the kind of literature that does not belong to the field of dominant ideology.’***

Lejla Kalamujić, award-winning writer from Bosnia and Herzegovina, shared a similar opinion, saying she believed that people followed the public engagement and performances of writers more than they read their books. ***‘I believe that writers are exposed to pressure more because of their social engagement than their own literary work. I think writers are more under pressure if they publish something in the form of a column or interview, and not because of the same content published in a novel, poetry, drama. However, there are exceptions. Recently it happened that the director Selma Spahić and the National Theatre from Sarajevo were ‘attacked’ because content of the theatre play “Idiot” - due to the adaptation of the text.’***⁶⁸

Professor, activist, and writer Igor Štiks, based in Belgrade, Serbia, at the time of writing, said: ***‘Books do not have the impact they used to have. The audience is not a literary audience anymore, but rather a general and media-oriented audience. In that context, the public work of writers is more problematic than their writings and books.’***

Interviews with engaged writers, professors, intellectuals, and columnists identified the most common types of direct attacks used to silence them as follows:

- Publicly defaming writers, selecting sentences they wrote and using them out of context.
- Posting details from their private lives online and in pro-government tabloids.
- Calling them by derogatory names.
- Abusive lawsuits by politicians or public officials who accuse them of damaging their reputation with their articles, columns, etc.
- Anonymous threats in direct messages on social media platforms.

Overall, across the region, distrust in the police and the justice system prevails, which dissuades writers and journalists from reporting attacks and threats. The judicial process in criminal and civil cases remains slow. Substantial case backlogs have had a deterrent effect in reporting crimes. When cases do reach courts, proceedings are systematically lengthy, and the charges against perpetrators minimal.⁶⁹ Impunity persists, encouraging further threats and attacks. Selvedin Avdić is an editor and journalist for *Žurnal* magazine in Sarajevo, Bosnia and Herzegovina. He is also a writer, whose books have been translated into several languages and turned into plays. ***‘I work at the online magazine Žurnal and our team is under constant pressure. There was everything - from threats, physical attacks, attempts to discredit, and currently the most frequent are lawsuits. Because of allegations in one text, we receive several lawsuits. These lawsuits are decided in different courts. Some of them have completely unrealistic claims for compensation and some are comical in their explanations of the mental anguish we have caused. The media experts we consulted characterised a number of these lawsuits as classic examples of SLAPPs. The largest number of lawsuits comes from politicians or tycoons close to them. Lawsuits by ‘ordinary’ citizens are very rare.’***

Writer, poet, and columnist Ferida Duraković emphasises that national divisions are very dominant in Bosnian society and impacted on the PEN Center of Bosnia and Herzegovina itself. Duraković is one of the founders of the Center, established during the war in 1992. ***‘After the end of the war in Bosnia and Herzegovina, political pressures on the PEN Center began. We were requested to become a Bosniak PEN Center. This was opposed by PEN International (it seems to me that it was in 1999) by declaring that they would only accept a multinational Centre in Bosnia and Herzegovina. There was also pressure to form a branch office of the PEN Center of Bosnia and Herzegovina in the Republic of Srpska.’*** She further added: ***“These political pressures started with ideological division and disunity among the members of the PEN Center in Bosnia and Herzegovina, as well as individual conflicts within the membership caused by different political positions, but also due to the desire to put the Center under the political control of the ruling party. It was hard to resist those pressures.’***

68 Selma Spahić is a theatre director who directed the play *Idiot*, an adaptation of Dostoyevsky’s novel, which premiered in February 2023. Through the play, Spahić criticized the current Russian government and the Russian Federation’s war against Ukraine. The Russian Embassy in Bosnia and Herzegovina issued a statement criticizing the play as poorly done and anti-Russian.

69 OHCHR, the safety of journalists and access to information in Bosnia and Herzegovina, 2022, available at: <https://bosniaherzegovina.un.org/sites/default/files/2022-09/Report%20-%20Safety%20of%20journalists%20and%20access%20to%20information%20in%20Bosnia%20and%20Herzegovina%20-%20ENG.pdf>; Media Freedom and Safety of Journalists in Serbia Media Freedom Rapid Response Mission Report 26 April 2021, available at: <https://www.article19.org/wp-content/uploads/2021/04/MFRR-Serbia-mission-report.pdf>; Human Rights Council Working Group on the Universal Periodic Review Forty-third session 1–12 May 2023, Montenegro, Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights, available at: <https://www.ohchr.org/en/hr-bodies/upr/me-index>; ECPMF, Political pressure on journalists risks undermining media freedom progress in Kosovo, 17 November 2022, available at: <https://www.ecpmf.eu/political-pressure-on-journalists-risks-undermining-media-freedom-progress-in-kosovo/>

Gojko Božović, editor-in-chief and director of the publishing house Arhipelag in Serbia, and Vice-President of Serbian PEN, identified several types of direct pressure on writers in the country:

- Denying social and artistic recognitions.
- Denying or restricting project funding.
- Denying or restricting media platforms.
- Smear campaigns in pro-government tabloids.
- Lack of political will to investigate threats.

Writer, journalist, and columnist from Montenegro, Đorđe Šćepović shared his personal experience and that of his work colleagues: *'I work as a TV author and columnist at the Gradska Television in Podgorica, so I can talk about pressures and threats. Since its foundation, Gradska TV has been exposed to continuous threats and pressure. Those threats also came from the Prime Minister Dritan Abazović. He threatened that Gradska TV would not continue its work. Journalists were threatened. Criminal charges were filed against several of them. The goal was intimidation and censorship. It is clear that each threat is encouraged by the statements of the highest representatives of the government. The institutions in Montenegro did nothing, because they are under the complete control of the current regime.'*

Aleksandar Radoman is a professor at the Faculty of Montenegrin Language and Literature and a columnist. He explained being the regular target of hate speech. *'As a columnist for Montenegrin portals, I am often exposed to negative comments in the media and on social networks. It is mostly by the same group of people who are right-wing, and their political activity consists of promoting xenophobia, cultural racism, islamophobia, etc. And these are often the topics of the columns I publish.'*

Aleksandra Krstić, a professor at the Faculty of Political Sciences at the University of Belgrade, Serbia, explained that journalists and editors sometimes decided to alter reporting as a result of threats, insults and intimidation. They did not wish to continue to be exposed to attacks, as the existing mechanisms of protection and institutional support were weak.

An editor-in-chief of a publishing house from Belgrade, Serbia, said that a distinction should be made between writers who are socially engaged and those who are not. *'I think it is necessary to make a distinction between a writer and an activist or columnist, journalists who are also writers, or TV commentators and show hosts who are writers. They are not only writers, they also engage in other public activities. There is a degree of resistance towards public figures who work*

intensively in the media. It depends on the amount and strength of public influence. The media scene is divided, and each side has its own media.'

Some interviewees emphasised one significant type of pressure: the impossibility of promoting their new books. They said that cultural centres, libraries, and other outlets refrained from organising book promotions as they feared the views of independent writers could cause great divisions in the public sphere. Writer and journalist from Serbia Marko Vidojković said that it was impossible for an outspoken independent figure like himself to give an interview to a media that is read or watched by many. Such writers promote their books on social media platforms, which hinders their ability to sell their work.

HATE SPEECH AND SMEAR CAMPAIGNS

Writer and journalist Marko Vidojković relocated from Serbia in February 2023 out of concern for his safety and that of his family. Death threats intensified following the publication of best-selling novel *Djubre* (Trash), in September 2020. Vidojković reported receiving over 50 death threats in 2021 and 2022, resulting in only two prosecutions and convictions. Vidojković, known for his critical stance towards the Serbian authorities, reported being publicly smeared on several occasions by politicians from Serbia's ruling party, including Serbian President Aleksandar Vučić and Prime Minister Ana Brnabić, and being routinely smeared by pro-government outlets. The continuing threats against Vidojković came in the wake of sustained attacks against writers and journalists in Serbia, orchestrated by both state and non-state actors, who aim to silence their work and critical reporting. *'I received a lot of threats and insults. I will only talk about the last three years – from the 1 in 5 million protests, where I gave speeches in about twenty towns.⁷⁰ At that time, I was one of the presenters of the show Dobar loš zao (The Good, the Bad and the Evil) with my colleague Nenad Kulačin, writer and columnist for BUKA – an online portal from Banja Luka',* said Vidojković.

'It started in 2019. Every little thing and every detail provoked reactions and attacks against me. In one episode of Dobar loš zao I said that Doctors of Science and intellectuals (except Vojislav Šešelj) did not go to the battlefields, but ordinary people did. Tabloid Srpski telegraf (Serbian telegraph) announced that I had insulted Serbian veterans. Journalists from this media invited convicted war criminals to comment on my statement. At that time, I was the host of a show on TV Šabac. It is a local television and does not have a large reach. At a protest in Belgrade, I spoke about the legal system, and everyone attacked me over mainstream media. Serbian President

70 'One in five million' is an association that organised anti-government protests in Serbia in 2020.

Aleksandar Vučić joined the attack. He said that I just passed by the Faculty of Law, possibly just to eat a burger. When he realised that I have bachelor's degree in law, he said that I was a much worse student than him. From the moment President Vučić mentioned me personally, everything worsened.'

Veran Matic also remembered an incident involving writer Dragan Velikić, who experienced a smear campaign launched by pro-government tabloids. His son, a doctor in Austria, was falsely accused of poisoning his colleagues. The story was used in the tabloids against Dragan Velikić. After his son's acquittal, Velikić intended to sue the tabloids, but renounced as the court fees would have been too high and the legal proceedings long and uncertain.

Igor Štiks said: **'Writers become targets of hate speech if they question one (or all) of the following: national myths, events from the recent past and those in power. The main goal of targeting people with hate speech and character assassination is to depersonalise active individuals, so that violence against them becomes normalised.'**

Selvedin Avdić from *Žurnal* magazine in Bosnia and Herzegovina is often the target of pro-government tabloid journalists and on social media platform, who disagree with *Žurnal's* content and editorial policy. **'I am afraid I have been repeating the same things and writing the same texts for decades. They have always attacked me, declared me an agent of the Soros Foundation, a traitor, and currently I am called a member of the Joint Criminal Enterprise. Previously, campaigns against me were launched by the magazine Ljiljan and the daily newspaper Dnevni avaz. Recently, journalists from the magazines Stav and Saff have started campaigns against me. People who are close to certain party centres insult me on social media. I do not think I am attacked because of the content of my books, although they also contain criticism of society. I guess they did not read them.'** Stav and Saff magazines are Bosniak nationalist media that are close to right-wing Bosniak parties, which routinely launch smear campaigns against those with dissenting views. Both magazines have a significant number of followers, so smear campaigns spread to social media platforms.

Professor and columnist Aleksandar Radoman from Montenegro shared an example of politicians and public officials targeting writers. **'Prime Minister Dritan Abazović mentioned the Montenegrin PEN Center in the Parliament of Montenegro in a negative context. He showed a photo of writer Milorad Popović and linked him to the criminal milieu, accusing him of extremism and divisions in society. He had no evidence for that. Abazović also stigmatised the writer Andrej Nikolaidis and said that he "has something fascist in him".'** Đorđe Šćepović also remembered the incident. **'Abazović then also listed the names of journalists and writers who are disobedient and not under his control.'**

Marko Vidojković says that in the second half of 2020 he left TV Šabac and started working with the Nova RS portal. **'At that time my novel *Đubre (Trash)* was published. In the novel, I write about the regime and these terrible times. Then the attacks intensified. They called us horrible names – they called us tycoon poodles etc.'** Vidojković stressed that no one in United media, the parent company of Nova RS Portal, put pressure on him and Nenad Kulašin because of the content of the show and the guests they invited. **'In November 2020, we started broadcasting *Dobar loš zao (The Good, the Bad and the Ugly)* on TV and it caused attacks by the regime media for everything we published – literally every little thing. In the spring of 2021, my novel sold 20,000 copies. And my wife and I were victims of an attack by the tabloid *Objektiv*.'** Vidojković and his wife sued the pro-government tabloid *Objektiv* and won damages in court but were not satisfied with the outcome, so they appealed. **'It had a great impact on my wife and me. It was the first time she had been directly attacked. In June 2021, the attacks escalated. The verdict against the criminal Ratko Mladić was confirmed and we supported it on the show. I got a message on Instagram – "I know where you live, I will slaughter you, I will cut you into pieces". There were reactions from the OSCE, Reporters Without Borders, Serbian PEN, but it was an open witch-hunt for me. Aleksandar Šapić sent a public threat to me and Nenad Kulašin. He said that he would tear out our hearts if he met us on the street, because of something we did not even say. He said that on Pink TV. It is television with a national frequency. We filed a criminal complaint against Šapić, which was immediately dismissed by the prosecution. They told us that it was not serious, that it was said in the conditional and that he was only joking. After that, Šapić filed three lawsuits because of the *The Good, the Bad and the Ugly* and the content of our columns - two against Nenad Kulašin and one against me. Currently, I have three lawsuits from him – two from the time he became the vice president of the SNS party, and the third is from the time he became the mayor of Belgrade. He abuses his position to generate conflicts with journalists and activists.'**

Aleksandar Šapić is not the only politician who threatened Marko Vidojković. **'The former Minister of Police of Serbia, Aleksandar Vulin, threatened me through Pink TV and other pro-regime media. He threatened me with arrest for criticising the authorities and said that I deserve every threat I received. Prime Minister Ana Brnabić wrote an open letter against me. Since September 2021, our show is no longer televised. The pressure on United media was enormous. They told us that our show was not in accordance with the new programming concept. Now, TV production records our show, but we broadcast on the portal and YouTube channel. We are guerilla television, and this is the only way to say what we think. The attacks did not stop, they became even more intense.'** Considering that Marko Vidojković's life was under serious threat, PEN International assisted his prompt evacuation and relocation in 2023.

VERBAL ATTACKS AND ONLINE THREATS: A TRIGGER FOR PHYSICAL VIOLENCE?

Verbal attacks against writers and journalists are common in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia, especially online. Although physical attacks happen rarely, those who are exposed to verbal threats, harassment and intimidation live in constant fear that violence might escalate.

Andrea Lešić-Thomas, a professor at the Faculty of Philosophy in Sarajevo, Bosnia and Herzegovina, said that online harassment and smear campaigns also constitute a serious form of violence and that their effects should not be reduced to the possibility of physical escalation. Those targeted can often feel almost as if they have been physically beaten, and psychological effects last for a long time.

Selvedin Avdić said of those branded ‘traitors’ or ‘foreign agents’: *‘There are nervous people. The latest events in Banja Luka, when journalists and activists were attacked and the premises of non-governmental organisations were demolished, show us that the situation will become even more complex.’⁷¹ The announcement of new and restrictive laws for the media and non-governmental organisations in Republika Srpska will result in the silencing of all those who criticise the government and the regime.’*

Sanja Orlandić, a member of the Montenegrin PEN Center, pointed to the problem of violence in public spaces. *‘Harassment on social networks and biased media is an extremely big problem. The authors of numerous meme pages that launch such campaigns are under the protection of political parties. Although they spread hate speech, the authors of those pages are protected, there are no sanctions against them and no adequate reactions of competent state authorities.’*

Writer Bojan Krivokapić from Serbia argued that the gravity of online violence is understated. *‘Social media campaigns can be much more dangerous than we think. One of their consequences can be physical violence. But there are also consequences on the psychological state of the person who was attacked.’*

Veran Matić said: *‘Beside the killing of journalists in the recent past, we had an assassination attempt on Dejan Anastasijević, a journalist from the Vreme weekly. They planted a bomb in his window because he was investigating war crimes and was a witness in The Hague. Recently, the house of one journalist was set on fire, before that his editor was beaten. It is very clear that there is a connection between threats through the media and social networks, and violence.’*

Ferida Duraković added: *‘All these campaigns have a direct impact on the material condition of the attacked writers. We are aware, especially us in these societies, that this kind of verbal violence can easily lead to physical violence. Condemnation of hate speech and legal sanctioning of hate speech are very important steps to prevent possible violence.’*

71 RFE/RL, Rights Activists Injured In Attack In Banja Luka Following LGBT Event Ban, 19 March 2023, available at: <https://www.rferl.org/a/bosnia-rights-activist-injured-banja-luka-lgbt-ban/32325055.html>

SOCIO-ECONOMIC FACTORS CORRODING EXPRESSION

All the writers and experts interviewed for the report argued that writers could not make a living exclusively from writing books. They had to take on other roles to make ends meet. Writers tend to work for several media outlets at one time. As many media outlets face financial problems, columnists are regularly underpaid. The lack of adequate monetary compensation for work, as well as the irregularity by which writers receive fees, mean that the impact of these threats is more pernicious and disproportionately impacts their ability to continue writing.

Igor Štikš argued that writers and columnists were in a difficult socio-economic position. *‘Writers are not just writers anymore. Most of them, in order to survive, do other jobs in the public sphere, mostly writing columns on web portals. That is precisely where the socio-economic status becomes important as once writers become publicly engaged, they become the targets of violence if they jeopardise certain dominant ideological positions and/or private interests in their societies.’*

Ferida Duraković said that writers were in a particularly unfavourable position. *‘As a poet I paid a lot for my freedom. And when I was young in the former Yugoslavia, then during the war, and especially after the war, when I realised (perhaps too late) that artists serve for political polarisation and not for the affirmation of their countries.’ She emphasised that she wrote newspaper articles, essays and columns, books of poetry and prose. Now she writes a column for an online portal. ‘Nobody changed my content or prevented me from publishing certain content. Sometimes they did not want to publish my essays or columns. But I found other media to publish them, as I am a persistent person.’*

Lejla Kalamujić is not employed as a columnist and does not write for the media. She believed that the biggest problem in domestic literature for most writers is that they cannot make a living from their literary work. *‘Writers have other jobs or are involved in various projects outside the country. For the past few years, I have spent a lot of time in different residential programmes financed by the EU. We cannot cover living expenses from our literary work in Bosnia and Herzegovina. I think that those authors who write for newspapers or portals are under the greatest pressure. They are probably exposed to various blackmails, refusals of cooperation, problems with fees.’*

Selvedin Avdić said that the situation in Bosnia and Herzegovina was extremely complex and people who did not live there would find it difficult to understand. *‘Sometimes, I think that even well-intentioned people do not understand what is happening in Bosnia and Herzegovina. Most people look at things through a black and white lens. Some writers from Bosnia and Herzegovina who are very close to the political structures have been declared dissidents and critics of society in other countries. There is a lot of hypocrisy, lies and abuse.’*

The president of the PEN Center in Kosovo, Ibrahim Berisha, said that state institutions in Kosovo did not provide enough funds for culture. He further explained that writers tended to be in a difficult financial position. *‘The social position of writers is very bad. Some writers, members of the PEN Centre have a monthly pension of € 100. These people worked for 40 years as writers and journalists.’*

CHILLING EFFECTS: DRIVEN TO SELF-CENSORED

Nearly all the writers and experts interviewed agreed that the challenging media and political situation in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia strongly influenced the work of writers and columnists.

Engaged writers are aware that their activities are visible to everyone, and that one vaguely worded sentence can trigger harassment, threats, and intimidation. Writers who focus on issues related to politics, wars, war crimes, corruption, social injustice and inequality, human rights, and minority rights, reported being exposed to media smears, online abuse, and insidious, persistent and vast lies and insinuations. Previous chapters highlighted the lack of legal protection and inadequate reactions of institutions and stressed how anyone can spread hate speech with impunity.

Censorship is very pronounced in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia. Media owners and editors often do not want to publish texts for fear they could generate problems. They mostly justify their position to writers and journalists with some benign explanations, arguing that readers would not be interested in such topics.

All this strengthens self-censorship, which many writers said was most harmful to their work and greatly limited their freedom to write.

Igor Štikis said: *'In general, in the whole region, there is a tendency to create an atmosphere in which there is a clear message to everyone who goes public with some dissenting ideas and voices that he/she can expect repercussions. The situation is getting worse in comparison to previous years, in Serbia especially. For example, my play "Elijahova Stolica", which in 2010 was in theatres and questioned events from the recent past, would hardly have its place in theatres now. Oliver Frljić, for instance, would no longer be accepted in theatres in Serbia.'*⁷²

Gojko Božovic argued that in populist and hybrid systems, writers are in a particularly difficult position. This suggests that the more pragmatic choice is the absence of engagement instead of critical stances and opinions, thus reducing the number of engaged writers and intellectuals. *'Critical thinking is possible on the margins of the public, in a very small number of media, most often those that do not have much influence and are not accessible to a large number of people. It sends a message that critical thinking is not desirable and popular, that public engagement can be the cause of tabloid campaigns or direct pressure.'*

Some interlocutors added that some writers decided to toe the official line as a safe way of earning money and leading a comfortable life. Bojan Krivokapić stressed that some writers yielded to blackmail and censorship. *'When we are talking about agreeing to censorship or self-censorship, we must also be aware of the class position of the person who agrees to it. Many writers and other authors do not have the privilege and psychophysical strength to remain consistent with their views. As I get older, I can understand that someone simply cannot. I used to think you have to be radical! Now I think evaluate your possibilities and do the best you can.'*

72 Oliver Frljić is a theatre director who currently lives in Croatia. His plays deal with numerous taboo topics of post-Yugoslav societies.

CONCLUSIONS AND RECOMMENDATIONS

As documented in this report, independent writers, journalists, civil society activists and other engaged individuals in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia face a range of direct threats and attacks, aimed at silencing them. As a result, the space for freedom of expression is shrinking, affecting the media, writers, and civil society alike.

PEN International calls on the authorities of Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia to fully uphold the right to freedom of expression and to create an environment in which free public debate can thrive. In particular, PEN International calls on the authorities to:

- Immediately end the glorification of war criminals, revisionist narratives and use of hate speech, and the denial of war crimes and genocide.
- Publicly, unequivocally, and systematically condemn all acts of violence and targeted attacks against writers, journalists, and activists.
- Ensure impartial, prompt, thorough, independent, and effective police investigations into all alleged crimes against writers and hold those responsible to account. Dedicate the resources necessary to investigate and prosecute attacks.
- Strengthen national data collection, analysis, and reporting on attacks against writers and journalists.
- Establish mechanisms for journalists' protection where needed and ensure that existing mechanisms are effective in practice.
- Bring laws, policies, and practices pertaining to freedom of expression and media freedom fully in line with their international obligations and commitments.
- All attempts to regulate hate speech or other incitement to discrimination or violence must fully protect the right to freedom of expression and not be used to repress peaceful dissent.
- Establish a Media Register with all the relevant media indicators to enhance transparency of media outlet ownership and ensure that those targeted have the necessary information for potential legal actions.

Recommendations to writers, journalists and other publicly engaged individuals and groups in Bosnia and Herzegovina, Kosovo, Montenegro, and Serbia:

- Increase solidarity between writers and journalists and strengthen cooperation between journalists and writers' associations, including protection and outreach activities. Inter-sectoral cooperation is necessary, as writers often work as journalists.
- Raise public awareness of the range of challenges faced, including through interviews, book promotions and other public events, and dedicated campaigns on behalf of persecuted writers. Journalists and writers' associations to lobby international stakeholders at the national and global levels.
- Establish or strengthen communication with online platforms, to report more efficiently cases of online harassment and smear campaigns.

Recommendations to international organisations and stakeholders:

- In all bilateral and multilateral talks, remind the relevant national authorities of their national and international obligation to uphold the right to freedom of expression, and send a clear message that pressure and violence against writers, journalists, activists, and other engaged individuals will not be tolerated.
- International media and writers' associations should seek to highlight the plight of specific writers and journalists, since personal stories have particular resonance.
- Increase support to independent media and writers and journalists, by systematically and publicly condemning all incidents of harassment and intimidation and dedicating the necessary resources to support their work.
- Strengthen regional and international cooperation in cases of violence against writers and journalists, as those responsible for disinformation and smears often reside abroad.
- Provide writers, journalists, and NGOs with support and assistance, so that they can afford to take legal action when necessary or defend themselves when faced with SLAPPs.



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