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**THE MEDIA AND
SECURITY SECTOR
REFORM IN THE
WESTERN BALKANS**

Svetlana Djurdjevic-Lukic (Ed.)



The Geneva Centre for
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of Armed Forces

The Media and Security Sector Reform in the Western Balkans

Edited by
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PREFACE

The news media plays a special role in the monitoring of the security sector. As a result, DCAF gives special attention to capacity building for media workers and documenting good practice in the media's role in reporting on security sector decision-making, transparency and integrity building, conflict prevention and mitigation, and the general instruction of the public in matters dealing with security sector governance.

DCAF's cooperation programmes seek to offer capacity building for media workers. Encouraging results could be achieved in the Western Balkans, Ukraine, Georgia, Turkey, Nepal and especially Indonesia, where a comprehensive media programme could be implemented with the generous support of the Ministry of Foreign Affairs of the Federal Republic of Germany and the very active cooperation of two major local think tanks, Lesperssi and IDSPS.

Good practice in media reporting on the security sector has been the subject of numerous DCAF research projects. A first important building block in this series was *Media in Security and Governance: The Role of the News Media in Security* published in 2004 with Marina Caparini as its editor.

This fine publication by Ms. Djurdjevic-Lukic rounds off a series of 2010 publications with a study on good practice in media reporting on the security sector by Dr. Marina Caparini (NUPI) and a toolkit for journalists on security governance issues (Jakarta 2010).

Philipp Fluri
Deputy Director DCAF

Geneva, August 2010

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SSR as a Useful Framework for the Media Addressing Transition and Democracy Consolidation

Svetlana Djurdjevic-Lukic

Security Sector Reform (SSR) is concerned with the range of issues and activities related to elements of the public sector which are tasked with the provision of internal and external security. Its ultimate goal is the provision of efficient and effective security of the state and people within democratic governance.¹ Such reform is based on a holistic approach and geared toward enhancement of legitimacy and the institutional capacities for security and the rule of law. SSR is a useful approach to address security issues and simultaneously enhance democracy and development in a country. It supports budget transparency and sustainable development, as well as confidence-building within a society and with its neighbours. The concept is particularly relevant within the post-authoritarian and late post-conflict contexts, hence fully applicable in the Western Balkans. However, it still does not figure prominently in the public discourse or media coverage in this region. There are several reasons for this.

The first is that SSR is a new concept, which has been developing since the late 1990s. Its initial elaboration was made by the then established UK Department for International Development (DFID), with the UK White Paper on International Development of November 1997, when security was identified as central to sustained development and poverty reduction.² Hence, the concept itself is at what can now perhaps be called the formative years. As it is a new framework, SSR is sometimes termed slightly differently or put in different contexts by various international actors.³ At the same time, the countries in the Western Balkans in the 1990s and early 2000s were

¹ Heiner Hänngi, "Conceptualizing Security Sector Reform and Reconstruction," in *Reform and Reconstruction of the Security Sector*, ed. Alan Bryden and Heiner Hänngi (Geneva: DCAF-LIT, 2004), 3–20.

² In May 1998 the Secretary of State for International Development, Clare Short, announced the need for "a partnership between the development community and the military" in order to address the "inter-related issues of security, development and conflict prevention." Clare Short, "Security, Development and Conflict Prevention," speech at the Royal College of Defence Studies, 13 May 1998.

³ Security sector reform, security system reform, security sector governance; within the framework of the rule of law, and in parallel with justice reform, etc.

entangled in the dissolution of the former Yugoslavia; many were also involved in violent conflicts and experienced external intervention. Hence, the region was lagging behind in notifying, let alone adopting new concepts, focusing instead on survival and then on stabilisation.

Secondly, in recent years, the dominant paradigm within countries in the region has been accession to the North Atlantic Treaty Organisation (NATO) and the European Union (EU). However, preparations for NATO membership and accession itself are not related to all aspects of SSR. The Stabilization and Association Process (SAP) designed by the EU for Western Balkan countries, with political criteria for potential candidates, deals with many segments of SSR. However, SSR itself still does not figure prominently as a coherent EU approach to the Western Balkans.⁴ Furthermore, as some of its aspects pertain to national security, it is partly related to the basket of issues still reserved for member states. Hence, the fact that both organisations do not advocate all its aspects or SSR as a whole as the key priority contributes to its relatively low profile when it comes to media attention in the Western Balkans.

The third reason is related to the media situation in the region itself. There are still some big media outlets, mostly state-owned, with a strict division of labour i.e. specialised journalists who cover the army, police/crime or judiciary. However, they rarely cooperate. Their editors handle too many issues and in decision-making are frequently focused on pleasing owners, so that cross-cutting issues are somewhat lost. Or, more frequently, as the consequence of a period of media explosion, there are too many small media outlets with a big fluctuation of undertrained journalists. Such journalists are parachuted every day into a different area to cover various events. Hence, they are unable to provide the broader context of certain processes and quality analysis. At the same time, in many security-related areas there have not been enough independent experts who might be and/or are willing to be reliable context-providers for the public.⁵

The aim of this collection is to mitigate these unfavourable conditions when it comes to reporting on SSR in the Western Balkans by offering an overview and some professional 'lessons learned' from the region. It couples deeper albeit brief academic work on SSR and the media, with real life, first-hand experiences of senior journalists from the Balkans covering security-related issues under various difficult circumstances. It is meant first and foremost for journalists and editors within the region, but also for

⁴ The attempts to build a cross-pillar EU concept of security sector reform commencing with the Council Conclusions, General Affairs and External Relations Council, 21-22 November 2005; Communication from the Commission to the Council and the European Parliament: A concept for European Community Support for SSR, 24 May 2006, COM (2006) 253. More in: David Spence and Phillipp Fluri, eds., *European Union and Security Sector Reform* (Geneva: DCAF, 2008).

⁵ The situation has been improving – see the list of non-governmental organisations with expertise in security sector related areas in the region in the Appendix.

media-related professional, regulatory and legislative bodies, researchers and donors who are interested in the media in the Western Balkans, and hopefully even those from security structures who are in contact with journalists and media owners.

The publication is structured so that this and the second chapter will provide greater detail of SSR as a useful concept to support and assess progress in the consolidation of democracy, as well as an overview of the media's development during the transition period, specifically in the Balkans. These chapters are fully referenced and provide background on further reading on these subjects. The following chapters offer reflections from experienced journalists during a period of semi-authoritarianism (such as under Slobodan Milosevic in Serbia), as well as reporting during conflict, and war crimes reporting. Contributions on war and war crimes reporting, as well as on the training and professional development of journalists, provide concrete samples and advice for fellow journalists and editors. The final chapter deals with laws regulating the media scene and information dissemination in the context of European integration. Hence, the collection does not cover reporting on all issues within the SSR concept.⁶ Rather, it focuses on a specific context in the Western Balkans, the actual environment and pressing issues. Accordingly, the insights offered are particularly relevant for journalists in this region.

In the following sections within this chapter, the concept of SSR will be presented and followed by a brief overview of the subsequent chapters.

SSR as a Holistic Framework

The security sector includes armed forces, police forces, paramilitary formations, and intelligence services, as well as the ministries who direct them, the parliamentary committees who oversee them, and civil society actors with an interest in security issues. In a broader sense, its elements are also the judicial and penal systems, as well as customs and border management agencies. Or, in other words, the security sector comprises those bodies that are responsible for, or should be responsible for, protecting the state and people within it:

- Groups with mandates to wield instruments of violence, such as the military, paramilitaries and police forces;
- Institutions responsible for managing and monitoring the security sector, such as civilian ministries, parliaments and non-governmental organisations;

⁶ More details in Marina Caparini, ed., *Media in Security and Governance: The Role of the News Media in Security* (Nomos / Bonn International Center for Conversion / Geneva Centre for the Democratic Control of Armed Forces, 2004), and forthcoming toolkit for the media and security sector governance, also by Marina Caparini.

- Bodies responsible for guaranteeing the rule of law – the judiciary, the penal system, human rights ombudsmen; and
- The international community, when these bodies are particularly weak.⁷

Several major international organizations are developing their approach to SSR. Probably the most active is the Organisation for Economic Cooperation and Development (OECD). According to the OECD-Development Assistance Committee, which uses the term *security system*, its actors are law enforcement institutions, security management and oversight bodies, justice institutions and non-statutory security forces. Reforming the security system means enabling all these actors (their roles, responsibilities and actions) to work efficiently together, and manage the security system in a manner consistent with democratic norms and sound principles of good governance.⁸ The development of a holistic and coherent United Nations (UN) approach to SSR was discussed in early 2007, and the core principles that should guide a UN approach were set out in the Secretary-General report of January 2008. The goal is to support States and societies in developing effective, inclusive and accountable security institutions, on the basis of a national decision, a Security Council mandate and/or General Assembly resolution. It is underlined that SSR must be anchored in national ownership, while a UN approach must be flexible and tailored to specific environment.⁹

SSR represent the sum of changes in security thinking and practice, a series of parallel, but relatively separate reforms of all the security elements of a particular state.¹⁰ Namely, the SSR agenda adopts a holistic approach in two ways. Firstly by integrating all partial reforms in defence, intelligence, policing, and justice, which have generally in the past been understood and conducted separately. Secondly, by connecting measures aimed at increasing the efficiency and effectiveness of security forces with overarching concerns regarding democratic governance.¹¹ Central to the evaluation of SSR are concerns with the quality of its control; the clarity of frameworks of constitutional responsibilities; the existence of mechanisms for the effective, transparent

⁷ Dylan Hendrickson, *A Review of Security Sector Reform*, The Conflict, Security and Development Group Working Papers No. 1 (London: Centre for Defence Studies, King's College, September 1999), p. 29.

⁸ *Security System Reform and Governance: Policy and Practice*, DAC Guidelines and Reference Series (Paris: OECD, 2004).

⁹ *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, Report of the Secretary-General, 23 January 2008, A/62/659-S/2008/39.

¹⁰ Miroslav Hadzic, "The Concept of Security Sector Reform," in *Sourcebook on Security Sector Reform*, ed. Philipp Fluri and Miroslav Hadzic (Geneva/Belgrade: Geneva Centre for the Democratic Control of Armed Forces and Centre for Civil-Military Relations, 2004), 11–44.

¹¹ *UN Approaches to Security Sector Reform*, DCAF Background paper for the workshop on "Developing a SSR Concept for the United Nations," 7 July 2006, Bratislava.

and accountable implementation of policies and budgets; and the wider engagement of civil society in these matters.¹² It emphasises that the numerous changes within the security sector are interdependent and determined by the content, scope and direction of reforms of the society concerned.¹³

The concept of SSR comprises several different frameworks: post-authoritarian, post-conflict and developmental. For example, there is a Security Sector Reform Unit within the Department for Peacekeeping Operations, tasked with facilitating national SSR dialogues after conflict, providing support for processes leading to the reform of national security policies and architectures, providing specialist advice and strategic guidance on SSR programmes and projects. Simultaneously, there is a global program in strengthening the rule of law in conflict and post-conflict situations implemented by the United Nations Development Programme UNDP, which is focused on providing justice and security as the foundation for the achievement of the Millennium Development Goals.¹⁴ Security and development are mutually reinforcing.¹⁵ The developmental dimension of SSR relates also to balancing the budgets of security forces with other public expenditures, making the procurement process transparent, downsizing military and paramilitary forces, fighting the grey economy and corruption, and severing relationships between security forces and organized crime. Additionally, the implementation of SSR improves external perceptions of security within a country, enhancing foreign direct investments,¹⁶ and improving economic development.

In the context of post-authoritarian transition, the experiences of security reform in Latin America and Southern Europe have been studied for their relevance to post-communist reforms in Eastern Europe.¹⁷ The focus has primarily been on legislative and institutional reforms, in order to establish clear democratic, civilian control over the security sector, teamed with human rights training for members of various forces and the establishment of the rule of law.

¹² Timothy Edmunds, "Civil-Military Relations in Serbia-Montenegro: An Army in Search of a State," *European Security* 14:1 (March 2005): 115–135.

¹³ Hendricson, *A Review of Security Sector Reform*.

¹⁴ UNDP, Bureau for Crisis Prevention and Recovery, *Strengthening the Rule of Law in Conflict- and Post-Conflict Situations*, A Global UNDP Programme for Justice and Security 2008-2011.

¹⁵ See OECD work in this area, and Svetlana Djurdjevic-Lukic, "Povezanost Bezbednosti i Razvoja: Novi Koncepti i Praksa Medjunarodnih Organizacija," in *Ekonomija i Bezbednost*, ed. Miroslav Hadzic and Jelena Radoman (Beograd: Centar za Civilno-vojne Odnose, 2009), 17–30 (also available in English).

¹⁶ Natalia Maric, *SSR and Economic Recovery in Eastern and SE Europe: Formal Model and Serbia-Montenegro Case Study*, Draft for the USAID SSR Project NDI (Serbia, 22 February 2005).

¹⁷ Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: Johns Hopkins University Press, 1996).

The broader post-conflict SSR framework emphasises the abolishment, disarmament and demobilisation of fractional paramilitary units and their reintegration into civilian life, illegal arms collection, de-mining, the formation of multiethnic/ideologically mixed army and police units, (re)establishing the rule of law and promoting transitional justice.¹⁸ The prosecution of war crimes is not explicitly pinpointed under the SSR rubric; however this is inevitably part of the same process, given the centrality of military and security forces to post-conflict transition. The same can be said for targeted amnesty.

SSR in the Western Balkans

Keeping in mind that there has been a simultaneous triple transition in the Western Balkans, SSR is particularly useful in helping the region face post-authoritarian transition, development of a market economy, and post-conflict recovery. SSR provides a framework for strengthening the rule of law (institutional capacity), building economic sustainability and budgetary transparency (development and modernization), legitimacy (of security forces and the entire state), and confidence-building within the country and its neighbours. Successful SSR addresses all these areas, while strengthening socio-political cohesion, (symbolic) legitimacy, and the institutional capabilities needed to overcome structural state weakness.

Assessing the current status of SSR in the Western Balkans implies a difficult choice: whether to judge the achievements made to date in relation to a difficult starting point (a bloody conflict in the 1990s, and Slobodan Milosevic's rule by October 2000), or whether to analyse developments in the rule of law, transparency, accountability, domestic ownership, democratic parliamentary control, and regional integration according to more general good governance criteria.¹⁹ Judging the level of reform does not imply only whether one sees the glass half full or half empty, but to what extent certain exceptions will be taken into account in the Western Balkans when compared to other post-communist states. In general, other post-communist states that are now EU members faced the problem of post-authoritarian transition without other post-conflict and identity/social cohesion/legitimacy problems, which strongly affect perceptions of security and the functioning of the security sector. In the Western Balkans a rare

¹⁸ More in: Alan Bryden, Timothy Donais and Heiner Hänngi, *Shaping a Security Governance Agenda in Post-Conflict Peacebuilding*, DCAF Policy Paper No. 11 (Geneva: DCAF, November 2005).

¹⁹ For useful assessments of different areas within SSR in this region see: Anja H. Ebnöther, Philipp H. Fluri, and Predrag Jurekovic, eds., *Security Sector Governance in the Western Balkans: Self-Assessment Studies on Defence, Intelligence, Police and Border Management Reform* (Vienna and Geneva: National Defence Academy, Bureau for Security Policy at the Austrian Ministry of Defence and DCAF in co-operation with PfP-Consortium of Defence Academies and Security Studies Institutes, 2007).

simultaneous triple transition has been compounded by the fact that the great majority of countries in the region are new and hence fragile states, and that Kosovo and Serbia still suffer from unresolved statehood. Circumstances are additionally complicated by a history of tense relations, not only within the region but, in the case of Serbia, with the West as well.

As a holistic concept and a permanent process, SSR is a cluster of activities with ever-changing goals. It is hard, even for states that have undergone long democratic transitions, to claim full success in SSR, as problems faced in the “War on Terror” illustrate.²⁰ However, while established democracies can concern themselves with “second generation” reforms, many countries in the Western Balkans are only about to exit the “first generation” issues, such as introducing all relevant legislation and institutional structures and establishing civilian control over security actors.

Key common SSR challenges in the region included the reform and downsizing of bloated armed and paramilitary forces, which required effective disarmament, demobilisation and reintegration of former soldiers.²¹ The introduction of norms regarding democratic control of the armed forces, transparency and accountability require the adaptation of the legislative framework, clear national security policies, and a change in the mindset of both civilian and military actors. Police reforms face the legacy of highly politicized and (para)militarised forces. Inter-ethnic conflicts have affected their composition. Frequent scandals suggest the widespread collusion of state and political authorities—including police, border guards and custom officials—in organised crime. In addition to weakness in national laws, enforcement, and institutional infrastructure, cooperation between Western Balkan countries is also hampered by a lack of structure and networks for joint action of a transnational nature²² or, as the situation in that area has been improving, with insufficient trust for frank cooperation.²³ Finally, civil society is not strong enough to mitigate difficulties posed by weak local institutions and the external agenda setting.²⁴

²⁰ For several years after the 9/11 terrorist attacks, the US focused on direct bilateral co-operation in the fields of defence and intelligence, neglecting the significance of civil control in the complex structure of the security system and its democratic character.

²¹ The issue of war veterans and their influence is particularly relevant in Kosovo, Croatia and Bosnia and Herzegovina.

²² Marina Caparini, “SSR and Post-Conflict Stabilization: The Case of Western Balkans,” in *Reform and Reconstruction of the Security Sector*.

²³ Svetlana Djurdjevic-Lukic, “The Western Balkans Cooperation in Security-Related Areas: The Ghost at the Feast,” paper presented at ASN 15th Annual Convention, Columbia University, New York, 15-17 April 2010.

²⁴ On the role of civil society see: Marina Caparini, Philipp Fluri, Ferenc Molnar, eds., *Civil Society and the Security Sector: Concepts and Practices in New Democracies* (DCAF/LIT, 2006). For additional

Although the Western Balkans is a (sub)regional security complex, there are also important local differences (not to mention varying levels of good governance reflected in the EU accession status of states). In the 1990s, there was a widespread perception that macro-security in the region could be maintained by removing the “Serb threat” through military action and the defeat of the Yugoslav Army (VJ), later the Army of Serbia and Montenegro. However, many other issues have remained unresolved. Fragmentation and ethnicisation of security structures have created special challenges in Bosnia and Herzegovina, where SSR is made even more complicated by the plethora of external actors involved in the process.²⁵ Kosovo, for example, is burdened by poor infrastructure and poverty, with almost half of the population being unemployed. Such issues have not been seriously considered as threats to regional security.

Important local differences also relate to the time at which SSR, regional cooperation, and integration into Euro-Atlantic structures began, as well as regarding the existence of an internal consensus. In terms of the timeline, Croatia appealed to the United States to help modernise its armed forces as early as March 1994, and then signed a contract with Military Professional Resources Incorporated (MPRI) under the Democracy Transition Assistance Programme (DTAP).²⁶ The then-FR Yugoslavia was isolated and under sanctions while Bosnia was at war. At that point, other Eastern European countries rushed to apply for the NATO programme Partnership for Peace and, in the second half of the 1990s, started to adapt to the emerging new security architecture and changing security threats. At the same time, the end of the war in Bosnia and Herzegovina did little to encourage any reform processes in the VJ.²⁷ While the Croatian national army played an important role in state-building,²⁸ the Montenegrin government, after the split with Milosevic in 1997 until its independence remained suspicious of the Army as an institution, as it was governed from Belgrade, and has focused on building militarised police forces.

The reform is not only a technical undertaking that solely includes the creation of more efficient armed forces, but it is deeply political since it calls into question the current balance of power, rooted interests and dominant paradigms. To be effective, SSR

information specific to this region see Svetlana Djurdjevic-Lukic, “Security Sector Reform and the Role of Civil Society in the Western Balkans,” *Südosteuropa Mitteilungen*, 47:1 (2007): 50–61.

²⁵ Slobodan Perdan, “Security Sector Reform: The Building of Security in Bosnia and Herzegovina,” *Conflict, Security and Development* 6:2 (June 2006): 179–209.

²⁶ Mark Duffield, *Global Governance and the New Wars* (London: Zed Books, 2001), p. 67.

²⁷ With this in mind, the expectations that in post-Milosevic Serbia SSR and the process of its regional integration would catch up with the process in Croatia after the death of President Tudjman, was overly optimistic.

²⁸ Alex J. Bellamy and Timothy Edmunds, “Civil-Military Relations in Croatia: Politicisation and Politics of Reform,” *European Security* 14:1 (March 2005): 71–93.

should be performed at the same time and at the same pace within all the security organisations. It implies consensus within society on the basic assumption of the reform, the same security threat context, and different security forces' roles to be defined within the given state, and how these forces are controlled. For example, in the State Union of Serbia and Montenegro the opposite was the case: reforms began in three different political, security, economic and cultural spaces: the Republic of Serbia, Republic of Montenegro, and the third, more virtual one:²⁹ the State Union (in theory including Kosovo as well). The absence of clear consensus on some key issues related to security integration are still present in Serbia and Bosnia and Herzegovina, while NATO membership of Macedonia has been blocked due to the name dispute. Bosnia and Herzegovina is still an international protectorate, as well as Kosovo. Hence, there are some differences in terms of the perception of security threats, the status of reforms, and the prioritisation of various security-related issues and areas.

Local Context in the Western Balkans and the Media

The security sector is a highly complex field, which sometimes includes certain levels of secrecy. Furthermore, international security cooperation may affect transparency in that area. Hence, it is not unusual that in some regions there is a widespread belief that security-related policies are a "natural" task for the executive as they can act quickly and have sufficient knowledge. However, in a democracy, no sector should be excluded from the representatives of people.³⁰ Hence, not only is parliamentary oversight of the security sector regarded as an essential element of power-sharing, but SSR introduces a broader notion of democratic control of this sector. Alexandre Lambert listed as many as 13 actors who may or should participate in effective democratic civil control.³¹ These are: (1) the parliament and its defence and security committees and commissions; (2) the government (and prime minister); (3) the national defence council; (4) individual ministries (defence, finance, internal and external affairs); (5) General Staff (and its chief); (6) administration; (7) state president; (8) the judiciary; (9) the media; (10) interest groups and political parties; (11) ombudsman; (12) NGOs; and (13) academic and research institutions.

²⁹ Vankovska and Wiberg use term: *hyperreal* in Biljana Vankovska and Hakan Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans* (London: I.B. Tauris & Co Ltd., 2003), p. 246.

³⁰ See: Hans Born, Philipp Fluri, and Anders B. Johnsson, eds., *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, Handbook for Parliamentarians No. 5 (Geneva, Belgrade: IPU/DCAF, 2003).

³¹ Alexandre Lambert, "Implementation of Democratic Control of Armed Forces in the OSCE Region: Lessons Learned from the OSCE Code of Conduct on Politico-Military Aspects of Security," Occasional Paper No. 11 (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2006).

Obviously, alongside governmental structures and the judiciary, the media is a key actor in that process. Its role is not only to make information about security sector institutions, policies and practices widely available to the public.³² To cultivate the trust and confidence of local communities, the media should also contribute to incorporating the concerns, needs and views of citizens in a systematic way into the policy and practice of security institutions.³³ Taken together with civil society, the media has the capacity to raise public awareness about security issues, articulate needs and interests, provide specialised information and expertise to policymakers, and play a watchdog or monitoring role vis-à-vis the state.³⁴ By showing their audience what is actually happening, the media helps to subject the claims and actions of a government to public scrutiny and thus hold political and state actors accountable.³⁵

However, the security sector has been the most resistant to external oversight. Furthermore, there is an historical legacy of a lack of transparency and official suspicion of the role of the media within socialist systems, including in the former Yugoslavia. In the early 1990s, the media began to publicise military secrets within the movement for dismantling of Yugoslavia. Under conditions of a merging of the political elite, mafia and the security sector in substantial parts of the Balkans at that time, journalists, as forces of state propaganda or working with independent media, were in turmoil and intimidated by the country's security structures. Still, as it was pointed out by Pero Jurisin, during the 1990s almost all media in the region was under governmental control and questions about suspicious arms transactions, use of the military for non-military purposes, financing of defence, involvement of unreformed personnel in crime were labelled as treason. Even after the period of wars and stabilisation of states' borders, there are attempts to prevent full public discussion on various security-related issues by national leadership.³⁶ Simultaneously, the proliferation of media outlets and their strong dependence on various interests, even non-transparent ownership, jeopardised its importance and legitimacy.

³² Marina Caparini, "Civil Society and Democratic Oversight of the Security Sector: A Preliminary Investigation," in *Sourcebook on Security Sector Reform*, 171–192.

³³ Michael Small, "Peace Building in Post-Conflict Societies," in *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, ed. Rob McRae and Don Hubert (Montreal and Kingston, Canada: McGill-Queen's University Press, 2001), p. 86.

³⁴ Nicole Ball, *Spreading Good Practice in Security Sector Reform: Policy Options for the British Government* (London: Saferworld, 1998) and *Understanding and Supporting Security Sector Reform* (London: Department for International Development, 2002).

³⁵ Marina Caparini, "Media and the Security Sector: Oversight and Accountability," in *Media in Security and Governance: The Role of the News Media in Security*, 15–49.

³⁶ Pero Jurisin, "Security and Media," paper presented at Security Sector Reform and Media – a regional conference on defence and the freedom of information, Belgrade, 14-15 November 2003.

This last point is elaborated in the following chapter, which was written by a journalist who was under threat himself, Dušan Reljić. Reljić examines 20 years of transition, offering a sobering assessment that more time is needed for a supportive political culture and a media focused on the public interest. He proposes stronger emphasis within the EU integration on democratisation of the media in the Western Balkans. Reljić offers a cautious view about huge expectations from the media in the region to be strong agents for successful post-conflict reconciliation and transition. However, the following chapter reflects on how low the level of media freedom was only ten years ago in Serbia under Milosevic. Julijana Mojsilovic-Dezulovic provides powerful insights into reporting on security issues at that time, including under the Marshall Law. Her vivid account reminds us that substantial improvements have been made from the time when journalists were a target of the regime. Still, as demonstrated by excerpts from published contributions from two journalists dealing with certain aspects of SSR in post-Milosevic Serbia, there is still a long way to go.

Zoran Kusovac provides advice for journalists reporting on a conflict. A veteran in reporting on security issues, not only from the wars in the Balkans, but from the Middle East, Afghanistan and Iraq, Kusovac is primarily concerned with the safety of journalists and offers his vast experience in military-related issues. This is complemented by an article excerpt on civilian suffering in a conflict. Additionally, excerpts from a recent story about KLA-run prison camps in Albania and personal accounts on the ethical and professional dilemmas of its lead author are provided.

Reporting on war crimes and human rights abuses is a permanent challenge for journalists in the region. Katarina Subasic offers many practical tips on how to manage obstacles and improve reporting in this area, which is crucial for the establishment of the rule of law. She raises an important issue in the violation of the ICTY orders by journalists and provides advice from several other prominent reporters on war crimes trials.

Ana Petruseva, Managing Editor of the *Balkan Insight*, is frequently involved in training. Petruseva outlines the main challenges associated with training support including a lack of planning from donors, traps such as self-censorship, the constraints of a weak economy and violence toward reporters. When it comes to reporting on security and the judiciary, Petruseva provides many useful tips and underlines the importance of editors and owners in that process.

Finally, an overview of media legislation in the Western Balkans is provided by Mehmed Halilovic, a former journalist and long time Deputy Ombudsperson for Media in Bosnia and Herzegovina. Halilovic's impression is that media-related laws are improving under the strong influence of the European Union. However, the implementation of law is still an uneven process, while ethical issues are difficult to handle. To emphasise this, a part of a recent article related to ethnic divisions within the media in Bosnia is

provided. Nonetheless, the basic conclusion is that current media legislation leaves enough space for reporting on SSR and, hopefully, to ignite or at least provide informed input into public discussions related to the security sector in the region.

Every collection implies certain choices, leaves problems uncovered and questions unanswered. The complexities of developments in the Western Balkans over the last 20 years, as well as the scope of SSR (which also includes gender issues and problems related to the privatisation of security), make any attempt to cover all the issues in one volume impossible. The purpose of this publication is to offer basic insights into the concept of SSR and to link it with the local issues for the media in this region. Journalists, with their vast curiosity and persistence, will certainly make use of the experiences offered and, hopefully, be persuaded to consider SSR as a useful framework in addressing security-related issues in the process of transition and democracy consolidation in the Western Balkans.

Mass Media, Post-conflict Transformation and Transition: Why Is It Bodo and Not Katharine?

Dušan Reljić *

Journalists have been in the “eye of the hurricane” of regime change in post-communist countries over the last two decades. The mass media acted in Europe’s democratising countries as agents of transition, while at the same time also experiencing deep change. The transition from single-party rule and state-command economies, in some cases also involving the formation of new states, were dramatic and often conflict-laden processes. Mass media were among the driving forces of “soft” revolutions such as in Czechoslovakia, as well as among the protagonists of violent regime change, for instance in Romania. What journalists wrote did not only reflect the turmoil, it was also influenced by it and even responsible for it at times.

In the case of Yugoslavia, transition took place amidst a series of violent ethno-political disputes leading to the disintegration of the federal state. The mass media, for the most part, became an integral part of the war effort under the command of the warring nationalistic political elites, much as they once were the “transmission belt of power” of the single-party regime during the period after the Second World War until the first multiparty elections.¹ To prevent such conflicts in the future and to establish durable stability in Europe, the European Union (EU) facilitated, at the beginning of the 21st century, the perspective for the countries of former Yugoslavia less Slovenia and including Albania (the region now called “Western Balkans”) to become its members once the regional conflicts were peacefully transformed and the societies had completed their political and economic transition. Similarly, the North Atlantic Treaty Organisation (NATO) invited these countries to apply for membership. Thus, a region of Europe that was non-aligned for many decades (or, as in the case of Albania, in self-chosen isolation) moved towards geopolitical and social “westernization.”

* The views expressed in this article are those of the author and do not represent the opinion of any institution.

¹ C.f. Nena Skopljanac Brunner, Stjepan Gredelj, Alija Hodžić, and Branimir Krištofić, eds., *Media & War* (Zagreb, Belgrade: Centre for Transition and Civil Society Research, Agency Argument, 2000).

One of the central targets in the process of democratization in the countries formerly under single-party rule was the creation of “Europeanised” media ecology.² The same delivery was expected from the post-conflict states once the process of reconstruction and modernisation could take off. Essentially, the EU and the West are transforming the institutional fabric of the rest of the continent according to their own model. They expect this transformation to produce lasting changes affecting all segments of the society, including the performance of journalists and the structure of the media.

The “*Matryoshka Principle*”

Western aid organizations invested opulent sums to support the transformation of the mass media in democratising countries in Europe. According to figures (which are conservative and probably imprecise) published by the Organisation for Economic Cooperation and Development (OECD), Western countries in 2007 disbursed worldwide almost 82 million USD in official development assistance for radio, television, and print media.³ In 2008, the European Commission alone spent 81 Million USD for media assistance funding and the United States 124 Million USD. Western Balkan countries receive millions of Euro for media development as part of the EU’s Instrument for Pre-Accession Assistance (IPA). Significant sums are also channelled via international organisations such as the United Nations Organisations for Education, Science and Communication (UNESCO), as well as the World Bank.

Democratising countries embarked on thorough changes: adopting new media legislation, fostering the privatisation of the print media and the broadcasting industry, and replacing state radio and television by public service channels; university journalism curricula were adapted to Western models, while external media assistance organisations financed a multitude of training courses for reporters and editors.⁴

The justification for international media assistance and other forms of external intervention into the media sector of post-conflict and democratising states was the assumption that media and communication can be used to achieve positive (peace-

² An erudite and succinct discussion of media transition is offered by Karol Jakubowicz and Miklós Sükösd, “Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies,” in *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, ed. Karol Jakubowicz and Miklós Sükösd, Intellect Books (Chicago, IL: The University of Chicago Press, 2008), 9–40.

³ C.f. Mary Myers, *Funding for Media Development by Major Donors Outside the United States* (Washington D.C.: National Endowment for Democracy, Center for International Media Assistance, 3 December 2009), p. 45, <http://cima.ned.org>.

⁴ The Media Centres in Sarajevo or the School of Journalism in Novi Sad are among the institutions with a high reputation in the field of journalism training in the Western Balkans.

building) outcomes and that they are a requirement for lasting good governance. Much as journalists and the mass media were perceived to have played a crucial role in sustaining authoritarian rule in the formerly socialist countries and to have been instrumental in forging conflict and war in ex-Yugoslavia, they are now expected to be among the most important agents for successful post-conflict reconciliation and transition in general.⁵

This expectation is based on two assumptions:

- The first one is that as part of the Europeanisation thrust, the system of political communication, with the mass media (now powered by democratic journalists and editors) being its pivotal component, will adapt and subsequently perform according to existing Western models;
- The second one is that in times of conflict and transition, which generate heightened uncertainty in society, people will turn to the media as the most important source of information to help them understand the ongoing political developments and to gain reassurance when anxiety rises. Increased exposure to reformed mass media will enhance liberal post-conflict and/or transition efforts.⁶

Starting from this conceptual basis in the democratisation discourse, a series of further expectations regarding the role of journalists and the mass media was generated.⁷ Attributions regarding the possible jobs of the media follow a sequence that can be called the “*democratization matryoshka principle*” (“nested doll principle”). In the imagined series of nested dolls, security sector reform is probably the last and most difficult area of reform to be “uncovered” by the mass media.

⁵ c.f. Dušan Reljić, “The News Media and the Transformation of Ethnopolitical Conflicts,” in *Berghof Handbook for Conflict Transformation*, edited version August 2004, ed. Martina Fischer, Hans J. Gießman, and Beatrix Schmelzle; http://www.berghof-handbook.net/documents/publications/relijc_handbook.pdf.

⁶ c.f. Dr. Matthew Loveless, “Media Dependency: Mass Media as Sources of Information in the Democratizing Countries of Central and Eastern Europe,” *Democratization* 15:1 (February 2008), p. 175 ff.

⁷ The Council of Europe produced a handbook, ostensibly broadly designed but meant for democratizing countries: *Media and Democracy* (Strasbourg: Council of Europe Publishing, 1998). UNESCO’s *Public Service Broadcasting. A Best Practices Sourcebook* (Paris, 2005) is also available on CD. *Media and Elections. An Elections Reporting Handbook*, by Ross Howard (Copenhagen, 2004), was produced by the Danish NGO International Media Support. The EU supported in 2009 a major project, led by the London-based Media Diversity Institute, to present best practices by and about the media, related to non-discrimination and the promotion of diversity, throughout 30 European countries. The number of such publications with instructions for journalists is impressive.

In this discourse, in accordance with the liberal theory of power division in the state, mass media are assigned to act as the “fourth power” in society. They are expected to monitor, on behalf of the public interest, the legislative, executive and judiciary power and to raise alarm if they detect abuse. Consequently, journalists are also expected to tackle the security sector. Its transformation belongs to the essence of democratisation: after all, authoritarian rule rests on the use and abuse of the “ministries of power,” by its heads and personnel, the “*siloviki*.”⁸ Democracy can only be achieved if security sector reform is undertaken and the “ministries of power” are placed under the control of the parliament and other political institutions. Yet, many old and non-transparent networks of “*siloviki*” still operate in the new political, social and economic environment, including the media, making democratic control over the security sector difficult to achieve.

Democratic consolidation means, to a great extent, overcoming the alienation and fear that ordinary citizens felt when dealing with the “ministries of power” in the old regimes. It means building trust in the political process which should guarantee democratic control over the security sector. Among the social institutions in democratising countries, it is the liberalised mass media that are thought to have the highest capacity to inform society about the progress of security sector reform, and to unveil and tackle the final “*matryoshka*” in the chain. By constantly scrutinising the progress of security sector reform, the mass media are actually providing an impetus to this process. This is because they are assumed to have “Europeanised” in the new system and also because people are increasingly turning to the media and other outlets with greater trust for information, context and interpretation.⁹

In a similar vein, in post-conflict and fragile states the mass media are considered to be capable of playing a vital role in “helping to rebuild social cohesion, to promote a culture of tolerance and to help prevent countries regressing into conflict.”¹⁰ The literature puts forward that in “fragile and post-conflict states....support for independent media is crucial both on its own and to shore up the development of democratic

⁸ A *silovik*, according to Wikipedia, (силови́к, plural: siloviks or siloviki, силовики́, from the Russian word *сила* for force) denotes politicians from the security or military services, often the officers of the KGB, the Soviet secret service, and military or other security services who came into power. In a broader sense, it refers to security-service personnel in general, and that is the meaning used within this text. A not fully adequate Serbo-Croat expression would be “*čizmaš*” (cf. the novel with this name by Dragoslav Mihailović, Belgrade, 1983).

⁹ For a detailed conceptual elaboration see: Marina Caparini, ed., *Media in Security and Governance: The Role of the News Media in Security* (Nomos / Bonn International Center for Conversion / Geneva Centre for the Democratic Control of Armed Forces, 2004).

¹⁰ C.f. *Press Freedom Post-Conflict: A Cause of Instability or Foundation of Democratic Development?* (Copenhagen: International Media Support / Danish National Commission for UNESCO, April 2007), p. 3.

institutions in the long term.”¹¹ Volumes filled with accounts of “best practices” and good advice to journalists and other participants in the process of political communication are at disposal. Once in place, editorially independent, pluralist, diverse, and financially sustainable media are expected to serve as critical components of long-term good governance. Most of them propose that the “international community” and domestic liberal political groups should advance media policy to simultaneously promote market democracy and peace.¹²

After 20 years of transition (and after spending many millions on media development), new realities are in place. It is therefore time to examine what came out of the huge expectations that were invested into journalists and the media as potent agents of post-conflict transformation and system transition.

Three Upshots of Media Transition

Roughly, it is possible to discern three types of media patterns that have emerged in democratising countries of Europe in the post-Soviet period:

- The Central European type,
- The Community of Independent States (CIS) type,
- The Southeast European type.¹³

In most Central European Countries, Western European models were quickly transplanted so that new media laws and ownership structures were soon in place during the transition period. Yet, media policy often followed old habits as demonstrated during the numerous “media wars” over the control over public service broadcasting in Poland, Hungary and other countries. There was an evident “discrepancy between the declared objectives of the laws, and the actual achievements during their implementation.”¹⁴

¹¹ Shanthi Kalathil with John Langlois and Adam Kaplan, *Towards a New Model. Media and Communication in Post-Conflict and Fragile States* (Washington: The World Bank, Development Communication Division, 2008), p. 10.

¹² For a scorching criticism of such concepts see: Tim Allen and Nicole Stremlau, *Media Policy, Peace and State Reconstruction*, Discussion Paper No. 8 (London: LSE, Crises States Development Research Centre, March 2005).

¹³ For a more elaborate analysis of this typology see: Dušan Reljić, “Proliferation or Pluralism? Mass Media in Post-communist Societies,” in *Media, Security and Governance: The Role of the News Media in Security Oversight and Accountability*, 65-78.

¹⁴ C.f. Miklós Sükösd and Péter Bajomi-Lázár, eds., *Reinventing Media: Media Policy Reform in East-Central Europe*, CPS Books (Budapest: Central European University Press, 2003), p. 14 ff.

On the territory of the former Soviet Union (with the exemption of the Baltic states) there was more a mimicry of liberal attitudes towards the media than a genuine democratisation effort.

A mixture of the Central European and the CIS type developed in most countries of South-East Europe: depending on the political and economic context in the individual countries at different times, mass media in this part of the continent zigzagged their way.¹⁵

Possibly the most unexpected development was that the dominant new pattern of private media ownership, often in combination with a strong influx of foreign investors in the media industry in former socialist countries, did not trigger the expected democratising effect.¹⁶ In literature, it is considered to be an established fact that higher inflow of foreign direct investment (FDI) to an economy has a positive spill-over effect on its media sector as one of the most important and sensitive institutions. U.S. researchers point out that FDI brings financial independence, bestows technological superiority and enhances quality which, in turn, paves the way for a free and potent media: "The higher the flow of FDI into an economy, the freer and more efficient is the media. Numerically, a 10 percentage point increase in FDI inflows leads to 4.4 unit rise in press freedom."¹⁷

State ownership over the media has indeed significantly diminished in most post-conflict and transition countries. Foreign investors are strongly present in the media industry in most of Central and South-Eastern Europe and particularly so in Croatia, Serbia, Montenegro and the Republic of Macedonia. Huge new private media empires run by "oligarchs" exist not only in the former Soviet Union, but also in Croatia (EPH) and Serbia (Pink TV). Nevertheless, overt political influence by the governments and the political parties is still evident.¹⁸ At the same time, "tabloidisation" in the print media, the "dumbing-down" of content in electronic media in order to attract audiences, scarce investigative journalism and a general lack of ambition to act as the "fourth power" are just some of criticisms directed at many of the media outlets in the post-socialist world.

¹⁵ C.f. Orlin Spassov, ed., *Quality Press in Southeast Europe* (Sofia: Südosteuropäisches Medienzentrum, 2004), p. 7 ff.

¹⁶ For a detailed analysis see: *Media Ownership and its Impact on Media Independence and Pluralism* (Ljubljana: Peace Institute and the South East European Network for Professionalisation of the Media, 2004).

¹⁷ C.f. Nabamita Dutta and Sanjukta Roy, "The Impact of Foreign Direct Investment on Press Freedom," *Kyklos* 62:2 (2009), p. 255.

¹⁸ Indeed, this criticism applies for much of Europe. For a comparative research in 20 European countries see Marius Dragomir and Dušan Reljić, eds., *Television across Europe: Regulation, Policy and Independence* (Budapest: Open Society Institute, 2005), p. 22 ff.

Quality journalism seems to be melting away just as if it was part of climate change, especially since the global financial crisis also struck transitional economies.

In 2009, advertising spending across all media in Central, Eastern and Southeastern Europe, decreased by a fifth.¹⁹ Less advertising spending means, as representatives from media organisations fear, that those media supportive of the government will receive more advertising money, especially at the local level where many media outlets still depend on state subsidies.²⁰ It also means that financially feeble media, avoiding tabloidisation and targeting up-market audiences, face the increasing risk of being crowded out in a packed market. “The pond is small and full of gators,” as one editor-in-chief in Belgrade hinted.

The political, social and economic environments in post-conflict and transition countries differ much from the textbook expectations for democracy building. After 20 years of psychological and economic stress, it is difficult to imagine that journalists in democratising countries are in the position to fulfil high-fledged expectations reflecting what professional journalism should be in an “advanced, market-driven society”:

It is the critical application of analytical knowledge of diverse relevant topics and discourses in research and editorial work in order to give the audience the opportunity to join in public discourse on whatever is relevant to society.²¹

So, what did actually happen to journalism and the mass media in most of the democratising countries of Europe?

Katharine and Bodo

Katharine Graham (1917-2001), who ran her family’s newspaper, the *Washington Post*, for more than two decades, impersonated the expectations of subscribers to the fast and simple democratisation dream in countries of transition. After all, her newspaper’s relentless coverage of the Watergate scandal exposed the misdoings of President Richard Nixon and led to his resignation. Volumes of books and some memorable films were produced celebrating the mass media’s democratic role exemplified in the figure of Katharine Graham and her valiant journalists and editors. Who else, if not this finest and best-known example of journalistic vigour was to be the role-model for

¹⁹ Marius Dragomir quoting data by the “ad behemoth ZenithOptimedia,” *Survival Year, Transitions Online*, 2 December 2009, www.tol.cz.

²⁰ This is the opinion of Dinko Gruhonjić, chairman of the Independent Association of Journalists of Vojvodina. “Politički pritisci i privatizacija najveća muka” (Political pressures and privatisation are the biggest problems.” In the Belgrade Daily *Danas*, 11 January 2010, www.danas.rs.

²¹ Thomas A. Bauer, “Understanding Journalism. Journalism is a Profession in Transition,” *deScripto. A Journal of Media in Southeastern Europe* 1:3 (Spring 2005), devoted to “Educating journalists.”

democratising countries? Instead of Graham, Bodo Hombach embodied the new media age in post-socialist Europe and particularly so in Southeast Europe.

Most people outside Germany and Central and Eastern Europe have probably never heard of this former high government official. After having to resign as chief of the German federal chancellery because of private transactions, Hombach became the first Co-ordinator of the Stability Pact for Southeast Europe in 1999. This institution was created by the EU, the US and other international actors with the purpose of becoming the driving force of post-conflict reconciliation and transition in the region. In 2002, after three years at the helm of the Stability Pact, Hombach was named general manager of the provincial, but prosperous publishing house WAZ in Essen. Hombach expanded the WAZ portfolio in post-communist Europe to the extent that today the company has assets in most countries in Southeast Europe, including the poorest, Albania (a TV station). In Croatia, Bulgaria, Macedonia and Montenegro, its position in the print media market is dominant.

Relatively strict anti-monopoly legislation in Western Europe makes new acquisitions and mergers a troublesome business so that media investors turn to less profitable but also less worrisome opportunities in the East.²² WAZ boasts its own investment model insisting that it does not interfere with the editorial side of the publishing business, but concentrates on increasing income through business optimisation. The outcome is that most of the mass media which are now part of the WAZ group outside Germany look much alike in their mediocrity. They also do not differ much from other press products in these countries or, indeed, from the majority of what is on the offer Europe-wide. A similar story can be told about television, the dominant source of information. Here, Bertelsmann (RTL), Murdoch (News Corporation), Central European Media Enterprises (CME) and some smaller western companies are strongly involved in the transition world. They are present throughout the Western Balkans as well.

On-line journalism products are gaining ground but user numbers are still a negligible quantity compared with television and radio audiences.²³ Moreover, with online media entering the advertising market, siphoning out journalistic capacities and drawing away audiences, especially from the print outlets, the media markets are breaking apart which increases the already grave problems associated with traditional media. Television audiences will fragment further once the countries scrap analogue TV signals and introduce digital broadcasting. Some of them (candidates for membership in the EU) are bound by EU legislation to do so by 2012, and those, who are not under

²² C.f. "Western Media Moguls Swallowing Up the Balkans," July 2003, <http://www.Balkan-Analysis.com>.

²³ For an analytical introduction see: Orlin Spassov and Christo Todorov, eds., *New Media in Southeast Europe* (Sofia: Südosteuropäisches Medienzentrum, 2003).

this obligation, would nevertheless like to abolish analogue TV in order not to lag behind the dominant trend.

The new media world in post-conflict and transition countries does not correspond to its normative attributions in the democratisation discourse. News and current affair reporting are on the retreat in many countries, and newscasts have often become markedly tabloid, particularly on commercial television channels.²⁴ There was a proliferation of mass media outlets, western-type media laws were imported and some regulation introduced into the chaotic media landscape. At present, private owners and western investors play a commanding role in the new context of market economies and party pluralism in the majority of the countries. Yet the sum has not produced “Europeanisation” and the powerful transformative social and political role of the mass media which was expected according to the democracy textbooks. Certainly, most of the mass media are no longer mouthpieces of political parties or economic interests. Hate-speech, verbal atrocities against political opponents, ethnic or sexual minorities or other forms of “non-European” behaviour occur less and less. The return to old times when there was no “*pravda*” (truth) in the “*izvestia*” (news) is difficult to imagine. However, in most cases “reformed” mass media do not offer “quality journalistic discourse” but an “eclectic mix of different stylistic registers.” A spreading category of “hybrid press” (a mix of “high” and “low” content) reports about “serious” matters (politics, the economy, etc.) has emerged which pays as much attention as possible to attracting a broad readership by staying “yellow” (tabloid).

The Albanian Media Institute described the “hybrid” or “tabloid” tendency in this way:

... traditional newspapers that so far have been covering mainly political or socio economic news have responded to this trend and have adapted to this increasing demand by providing more space and priority to tabloid news. It has now become a normality to see in the front pages of such traditional newspapers big titles dedicated to gossip or pictures of celebrities.

...

The tendency towards tabloids has become noticeable in television as well with the appearance of more programs or shows that are exclusively dedicated to celebrities. This tendency comes at a cost of other genres or types of journalism which have not been very solid in the past and are now getting further eclipsed by tabloids. Whilst the Albanian media is dominated by the coverage of political affairs and more recently by tabloids, it is suffering from inadequate coverage of economic, social or international affairs.²⁵

²⁴ C.f. Television Across Europe, p.40 ff.

²⁵ “The Albanian Press Overtaken by Tabloids,” Briefing paper series (The Albanian Media Institute, September 2007), <http://www.institutemedia.org/pages/MEDIA%20WATCH%20-%20Briefing%20Papers.html>.

The Dilemma: Soul or Job

For most “hybrid” or “tabloid” media, performing according to the initially described “*matryoshka principle*” is an unattainable task that many do not even want to fulfil. Mainstream media in Southeast Europe, just like everywhere else, tend to stick to the easier done, cheaper produced and politically less confronting topics. The government exerts informal and discreet but strict control over public service broadcasters, such as RTS in Serbia and HRT in Croatia, so that overly critical reporting is scarce.²⁶

Intrusive reports about the security sector or other sensitive subjects are expensive in every aspect: they are difficult to produce, cost time and money, and trained, experienced and skilful journalists have to be assigned to such tasks. Moreover, disclosing secrets about the heart of power usually provokes harsh retaliation. Governments and particularly members of the security sector, have many means at their disposal to deal with authors of unpleasant disclosures in the mass media. The easiest response is to cut off journalists from access to information. Other means span from frivolous libel cases to barely veiled physical threats and eventual execution.

In most political systems, the security sector, no matter under what degree of scrutiny, remains an enclave of secrecy with little transparency and public insight. This is even more so in the Western Balkans due to the region’s recent war history and the involvement of many members of the security sector in crime and corruption. Moreover, reporting about ongoing corruption and crime can be as dangerous as reporting about power abuse by officials, war crimes or ethnic conflict and violence. Already threats against journalists have chilling effects on their readiness to deal with the final “*matryoshka*” and the “*siloviki*.” A tradition of violence against journalists—and there is a long track-record of brutality and *ensorship by killing* (a phrase coined by the first OSCE Representative for the Media Freimut Duve) in Southeast Europe—obviously undermines the overall quality of journalism. There has almost not been a single year in the last two decades of transition without journalists being killed in Southeast Europe.²⁷

Some mass media, such as the private B92 television in Belgrade, Serbia, invest in the production of investigative reports such as “Insider”—a serial of revelations often targeting the security sector—and take huge risks by doing this.²⁸ Nonetheless, it is doubtful whether even this company could sustain high journalistic standards without supplementary funding from the EU and external donor organisations.

²⁶ cf. Television Across Europe, p.54ff.

²⁷ C.f. Bill Ristow, *Under Attack: Practicing Journalism in a Dangerous World*, a report for the Center for International Media Assistance, Washington, 22 December 2009, <http://cima.ned.org>.

²⁸ www.b92.net/insajder.

A disturbing example is the Split weekly *Feral Tribune* which in 2008 ceased publishing after 15 years during which it acted as the beacon of dissent against nationalistic populism in Croatia. Its systematic investigative reporting about war crimes and high-level corruption brought the paper many enemies in government and business. Few companies were interested or dared to advertise in this paper despite its popularity among readers. *Feral* collapsed due to overwhelming financial troubles.

These two probably best-known examples of journalism with stamina in Southeast Europe show that there is no winning combination for those writers and editors who rely only on their vigour to pursue transparency, accountability and other high ideals. Neither the market nor the political and social conditions have provided the ground for Katharine-Graham-like journalistic impersonations yet. It is evident that in the long run, foreign aid cannot replace sustainable business models. Up to now, quality journalism and financial success have been an oxymoron in Southeast Europe.

Admittedly, many mainstream papers (radio and television stations to a far lesser degree) occasionally manage to score a “scoop” by uncovering cases of corruption and even high-level crime involving the security sector. Often, journalists are deliberately supplied with compromising information about political opponents or economic adversaries. Thus they are used as proxies in the in-fighting between the various fractions in the government, the political class or business arena.

Gaining visibility in a crowded market is an important advantage so that the temptation for reporters and editors to pick up contentious stories, even if the sources are problematic, remains huge. Similarly, the balancing act between pressing for transparency and accountability and supporting political powers that stand for democracy is an everyday dilemma for many journalists, particularly so in post-conflict countries where the memories of the struggle against repression are still fresh.

There cannot be a recipe to this quandary because reporters and editors do not only follow political and other events – they are simultaneously always part of it and act according to their particular political and economic interests. On a general level, the expectation would be that it is pluralism in the media landscape which provides the readers/listeners/viewers with the chance to make an informed choice. In other words, the audience is in the position to detect bias in the mass media if there is a variety of reports and comments to be chosen from.

Economic dependency has replaced much of the previous political control. For a journalist, saving his job is a high priority. “They pay little, but they pay regularly” – this is what a young journalist, employed in a western-owned paper in Southeast Europe, told the author when she was explaining how she overcomes her frustrations. The di-

lemma of how to write “without losing job or soul” has lost little of its urgency for many journalists in this region after so many years of system change.

There can be no doubt that the main responsibility for post-conflict transformation, speedy transition and for democratic control over the security sector lies primarily with the parliament and other democratic political institutions. Particularly in vulnerable and traumatised post-conflict and transition societies, mass media can compensate only to an extent for the inadequate supervision of the security sector within the political process. Even this limited capability rests to a large extent on external backing, be it through financial donations or political protection vis-à-vis the domestic authorities.²⁹ Courageous journalism cannot replace functioning democratic institutions and due political processes, it can only supplement and enhance them. In this mutually beneficial relationship, journalism develops under improving political, economic and social conditions in democratising countries. In deteriorating situations, quality journalism retreats.

The “European Model” Revisited

In a recent assessment of the media situation in the so-called enlargement countries (those wishing to enter the EU, e.g. the so-called Western Balkan countries and Turkey), the European Commission warned at the end of 2009 that freedom of expression remains an issue of concern:

In general, while the main elements of the legal framework for protecting freedom of expression and the media are in place, undue political pressure on media and the rising number of threats and physical attacks against journalists as well as some remaining legal obstacles give rise to serious concern.³⁰

Taking a historical perspective, a sobering assessment is offered by scholars that “a few more decades may be needed ... for the development of supportive political culture and democratic media institutions, including public service media” in democratising Europe.³¹ However, there are also continuing concerns from the European Parliament, civil society organisations and other sources about the situation of the media in consolidated democracies in Europe. In particular, the worsening economic situation of the print and electronic media and the escalating consolidation in the media industry

²⁹ For an overview of external media assistance concepts see: Krishna Kumar, *One Size Does Not Fit All. Objectives and Priority Areas for Media Assistance in Different Societies* (Washington: National Endowment for Democracy, Center for International Media Assistance, 2008), <http://cima.ned.org>.

³⁰ Commission of the European Communities, *Enlargement Strategy and Main Challenges 2009-2010*, COM(2009)533 (Brussels, 14 October 2009), p. 7.

³¹ Jakubowicz and Sükösd, “Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies,” p. 33.

impact media pluralism and the freedom of expression. In the summer of 2009, the European Commission released the results of an *Independent Study on Indicators for Media Pluralism in the EU Member States*.³² The study, which is produced by the Media Pluralism Monitor, is designed as a diagnostic tool for obtaining a broad understanding of risks to media pluralism. One of the many parts of this tool is the indication of the range of investigative reporting disclosing hidden actions of various political actors – a journalistic genre often applied to the security sector. This, among other indicators in the Monitor, should specify whether there is:

- lack of legal protection for the freedom of speech;
- high ownership concentration or lack of transparency in ownership structures;
- political bias in the media;
- excessive politicisation of media ownership and/or control;
- insufficient representation of certain political topics (for instance, critical assessments of the security sector);
- high centralisation of the national media system; and
- dominance of a limited number of information sources, etc.

Professional media organisations, associations of journalists and international media assistance groups should consider a joint assessment of the Western Balkan mass media situation by applying the Media Pluralism Monitor in a comparative study. This would help formulate more realistic media policies, both in the monitored countries and at the European and international level.

One presently flagrantly unobserved aspect of media policy, that is highly relevant for further democratisation of the mass media in Southeast Europe, is the state of industrial relations in the media sector. A significant but little explored issue in this context is the application of disparate employment standards for journalists in different countries by the same media owners.³³

Industrial relations in the media sector are still mostly under national sovereignty although the media industry cares little about national borders. The legal, economic

³² This study was carried out by a consortium of European academic and consultancy organisations. It is available at http://ec.europa.eu/information_society/media_taskforce/pluralism/index_en.htm.

³³ A typical example, known personally to the author, is the case of a veteran news agency reporter in the Western Balkans. He was declared redundant and forced in 2010 into retirement by his employer from the EU without the same financial package at the end of the carrier as his colleagues in the same company in the EU. The explanation from the headquarters was that different rules apply to the agency staff working outside the EU. The correspondent had covered all the upheavals in the former Yugoslavia since 1992 taking enormous personal risks.

and political conditions for journalistic work are at present mostly not affected by European legislation.³⁴ The level of social protection offered to journalists by the same employer in different countries of the EU differs highly. The discrepancies are even greater in the case of media investments coming from the EU in third countries. Yet, good working conditions and functioning social protections are prerequisites for professional journalism. Few reporters will expose themselves to hazards (such as tackling sensitive issues in the “ministries of power”) if their pay, working conditions and social protection are inadequate.

A huge segment of the media sector in Southeast Europe is now owned by investors who have their business registered in Bermuda, New York, but also in Essen or other business centres in the EU. The work situation of journalists employed by external investors differs much from the working conditions offered by the same companies in their home countries or elsewhere in the EU. Domestic owners see no reason to improve their offer to journalists and other media workers if the external investors, particularly if they come from the EU, are not transferring EU (or in broader terms, Western) social standards to their businesses outside the EU.

Taking into account that transnational market integration is also progressing in the media field, the EU is hesitantly moving towards European transnational regulation – as in the case of the Audiovisual Media Service Directive.³⁵ However, the EU has created energy³⁶ and transport³⁷ communities with candidate countries and potential candidate countries for membership in the EU as part of their progressing participation in the integration process. It would provide a strong impetus for further “Europeanisation”—and democratization—of the mass media in Southeastern Europe, if the EU and countries in the region would also consider creating an information society and media community. If there is no need to wait in the fields of energy and transport until EU membership draws closer for the bulk of the Western Balkan countries in 10 or 15 years, why should the creation of a similar joint space for the mass media be further postponed?

³⁴ One important political exemption is the right to file complaints at the European Court of Human Rights (ECHR) to ask for remedy in cases dealing with the freedom of speech (Art. 10 of the European Convention of Human Rights). The ECHR can be called only after the national judicial system provides a definite judgement – in practice, many years after the case started.

³⁵ http://ec.europa.eu/commission_barroso/redoing/ataglance/policies/index_en.htm.

³⁶ http://www.energy-community.org/portal/page/portal/ENC_HOME.

³⁷ http://ec.europa.eu/transport/air/international_aviation/country_index/ecaa_en.htm.

Media Reporting on an Authoritarian Security Sector: The Serbian Experience

Julijana Mojsilovic Dezulovic

As the end of the Communist era in Eastern Europe approached, rulers in the Socialist Federative Republic of Yugoslavia (SFRY) were searching for a new tool to remain in power and nationalism seemed the easiest and the most effective one of all of them. While the waves of change spread throughout Eastern Europe, calling for meticulous reforms in political, social and cultural life, demanding lustration in all state services, mainly in the security and justice departments, in Yugoslavia they prompted an atmosphere of conflict. In that period, security sectors in all republics underwent some changes but only to better serve new bosses and help them to either prepare secession or defend what was declared 'our endangered nation.'

With large parts of them at his disposal, Slobodan Milosevic, who took power within the then Communist Party of Serbia (KPS) in 1987, followed step by step. Milosevic started by orchestrating the so-called anti-bureaucracy revolutions in the smallest of the six republics within the Yugoslav Federation, Montenegro, where there was a strong pro-Serb sentiment, and then in the northern Serbia's province of Vojvodina, where the Serbs created a majority among over 20 other nationalities.

After replacing local political opponents with friendly leaderships, Milosevic turned to constitutional changes which reduced the autonomy of Vojvodina and the southern province of Kosovo with its 90 percent-strong ethnic Albanian majority, and de facto returned those under direct Belgrade rule after 15 years of relatively broad independence from it.

Kosovo Albanians took to the streets to oppose the move, but Milosevic used police to crack down on them. The clash left dozens killed and almost a hundred wounded civilians and policemen.

With allies in power in both provinces and the Republic of Montenegro, Milosevic could switch his attention to Serb minorities in other two republics, Croatia and Bosnia and Herzegovina.¹ Milosevic waited until the end of 1990 to call the first multi-party

¹ In Slovenia, strongly pro-independent and ethnically the most homogeneous republic, the brief 1991 conflict with the Yugoslav Army was meant to prevent it not only from secession per se, but with the view to enable Croatia, with substantial Serbian minority, to follow suit. The sixth republic, Macedonia, which peacefully became independent in the autumn of 1991, seemed to have not been in Milosevic's

elections in Serbia since the Second World War and months later than in all other republics. His Socialist Party of Serbia (SPS), ex-Communists, overwhelmingly won the ballot and he became the undisputed ‘father’ of the re-born nation.

This chapter deals with the problems journalists faced during Milosevic’s regime, especially those which are related to security structures in Serbia, from the early 1990s until its end in late 2000.

“Merger” of Political Elite, Mafia and Security Sector

Securing political and social support, and emerging as “a savior of the Serbs,” Milosevic, a Montenegrin by origin, often reduced to as a Serb nationalist—while in fact he was a self-declared atheist and mainly an experienced power-seeking Communist apparatchik—could develop his policy of provoking conflicts on the basis of endangered Serb ethnicity and insufficient recognition of the Serb contribution to right causes throughout history, against the Turks and later during both world wars. His policies managed to breed enormous public support among Serbs all over Yugoslavia, and almost unquestionable loyalty among the Serb-dominated Yugoslav Peoples’ Army (JNA), or what remained of it after the Slovenes, Croats, Macedonians and later Bosniaks left in the wake of or amid the violent breakup of Yugoslavia. This was to great extent the result of a near-monopoly over information in the late 1980s and early 1990s, essentially state-owned media propaganda.²

Serbian police fidelity, due to its national composition, was then just a matter of time and much easier to attain than a military one. And it was the police Milosevic always tended to rely on as opposed to the army. Firstly, he knew that it would be more difficult to constitutionally engage the army against citizens in the case of popular revolt and secondly, the police force was made up of professionals, unlike the army whose main body consisted of recruits, or later volunteers and sometimes forcibly drafted men.

The situation had not changed even after the 9 March 1991 demonstration in Belgrade against Milosevic-controlled state television, dubbed TV Bastille, and in support of the right to free information. This was the first anti-Milosevic protest in Belgrade where up to 80,000 people demanded the resignation of the head of the state television. The only independent TV station, Studio B, at that point was stormed by the special police and its broadcast was interrupted. To curb the protest, Milosevic manipulated the rest of the then Yugoslav leadership in authorising the use of the army

particular interest. However, in the early 1990s, the UN deployed a US-led coalition of troops along the Serbia – Macedonia border to prevent the war from spilling into the republic.

² See: Mark Thompson, *Forging the War – The Media in Serbia, Croatia, and Bosnia and Herzegovina* (Luton, UK: University of Luton Press/Article XIX, 1999).

whose tanks rolled onto the streets of the capital after police failed to successfully deal with the demonstrators.³

Nevertheless, Milosevic's ultimate trust rested with police. He did all he could to make it stronger and more capable. The intelligence part of the security sector included a heavily armed unit, which, according to many, was made of the best trained and equipped men within both the military and police forces. The unit, originally known as The Red Berets, renamed The Special Operation Unit (JSO) in 1996, allowed criminals, war veterans and trained policemen into its ranks. Their members are believed to be responsible for many crimes committed during the wars in Croatia (1991-95), Bosnia (1992-1995) and Kosovo (1998-99).⁴

In light of the overall atmosphere of the 1990s, neither the media, opposition parties nor general public were in a position to challenge the regime more effectively. The proximity of battlefronts provided an excellent excuse for manipulating the nation in general. State propaganda did its best to convince people that the world was against Serbia. When the United Nations (UN) introduced a trade embargo in 1992 on the country to punish Milosevic, it in fact played into his hands for years.⁵ Shortages of petrol, cigarettes and even staples were blamed on "unprovoked and unjust economic sanctions" and it was relatively easy to lead ordinary people, the most severely hit by those measures, to believe in such slogans. One of the catchphrases at the time was that "we will eat roots" if need be, "rather than yielding to any pressure."

Accordingly, this lack of basic goods opened doors to smuggling, including arms deals, which resulted in enormous profits for everyone involved, from onetime petty criminals to senior politicians and security officers. In addition, paramilitaries and volunteers would bring money and goods stolen from war-stricken neighborhoods. And they were ready to do what it took to defend their position and assets. In addition to this, a number of Serb refugees from the region, some left without anything, would add to an overall feeling of jeopardy, which consequently gave both individuals and the nation the right to defend itself with all means.

Such an environment inevitably changed the overall perception of good and bad, making people believe that in hostile surroundings all values are rightly altered. The warriors became patriots, smugglers turned into saviors and criminals transformed into heroes. The majority of Serbia's population was therefore focused on everyday survival

³ The then leader of Serbia's opposition Vuk Draskovic, dubbed the Radio-Television of Serbia (RTS) TV Bastille—after the most notorious Paris prison the liberation of which marked the beginning of the French revolution—saying that when people liberate the state television Serbia will be free.

⁴ The unit's former commander Franko Simatovic stands a war crimes trial in The Hague, alongside his boss Jovica Stanisic, the longest serving head of the Serbian Security Service (RDB), from 1991 to 1998.

⁵ <http://www1.umn.edu/humanrts/peace/docs/scres757.html>.

aggravated by international sanctions and spiced with propaganda messages about the endangered brethren across the borders. Any steps towards democratisation, establishing institutions, passing and implementing laws and seriously reforming both the system and society, was their least concern.

The Rule of no Rules in Reporting

Under such circumstances, the position of the independent media was for the most part extremely difficult. Exposing ordinary perpetrators, let alone war criminals, was almost impossible because it was tricky to verify information and a report could put journalists at risk. The dilemma they faced was whether to take chances and report the facts they became aware of, or keep them buried or at least wait till better times. Some took the risk and faced consequences, others turned a blind eye. As far as the latter are concerned, it should be understood that sometimes it was mere fear that prevailed in deciding what to do, sometimes it was the inability to verify information, sometimes it was a personal conviction that in such troubled times, information that could be damaging to the country and its people should not be revealed.

“Your and my job is basically the same. The only difference is that I do not publish information I gather, while you do.” This is how, in early 1990s, during Slobodan Milosevic’s rule, a policeman explained to the author of this text why he could not share information he considered sensitive. And indeed, such attitudes marked all communications with the media, and consequently with the general public, that both police and military firmly stuck to in Milosevic’s authoritarian era.

Starting from the initial difficulty the media faced in reporting on even basic security-related issues, every additional step to obtain relevant information or comments on an event became more complicated, sometimes dangerous and often impossible. In an authoritarian system, even in the so-called “soft dictatorships,” total secrecy sometimes cultivates into a kind of mystery covering the security sector. Also, it is almost impossible to get information by trying to make contacts within either political or intelligence, security or criminal communities because they are all so intermingled that by “touching” one of them, the media might end up having all of them on the opposite side, none willing to cooperate in a way that is established in developed democracies.

In such an environment, journalists are usually left on their own to do their job. Typically, there are no rules on reporting political, economic and security-related issues, no protection of journalists or sources, and no law on free access to information. Accordingly, in Milosevic’s Serbia, all media-related regulations depended on the political situation and prevailing mood of the ruling elite. Both were highly influenced by the 1991-1995 wars Serbia waged across its borders in Croatia and Bosnia and Herzegovina and later in Kosovo (1998-99). This created an atmosphere in which it

was inevitable for political leaders to bond themselves to the criminal elite and security services. As a consequence, it became a common thing that virtually everything, from reporting on cigarette and petrol smuggling to unbiased war covering, could be and often was considered a hostile act by the media. Unless, of course, it was reported on as the rulers and their apparatchiks and mafia dictated. They were the only ones who were officially or behind the scenes entitled to decide what could be made public and in what way, and what could be declared top secret and/or classified information. No relevant description of such examples was ever given, apart from broad definitions within certain laws which enabled the authorities to read them as they liked. And, naturally, any disobedience had to be punished.

Nevertheless, the decisive power eventually rested with the editorial staff of the state-controlled media and their heartfelt loyalty to the regime, coupled with self-censorship of the carefully selected journalists. On the other hand, the independent media outlets that flourished during Milosevic's relatively soft dictatorship soon became the main concern of his government. Editors and reporters were not under direct control by the regime and the only way to curtail them was to discredit them by false claims of all kinds. The main tool was to finger point at their source of financing, which was "always abroad, among the well-known enemies of our state and people." This usually translated into accusations of spying and treason.

As one of Milosevic's intelligence bosses openly stated:

Every secret service in the world has at its disposal a number of means and methods to gather and spread adequate material. The only question is what can be considered compromising bearing in mind a concrete social situation, targeted individuals or their Western mentors. In the Yugoslav social environment, those materials included drug abuse and homosexuality; on a personal level it could be marriage infidelity; and towards the Western mentors, it would be the abuse of funds.⁶

Unanswered Calls for Transparency and the Marshall Law

But as time went by a short period of peace after 1995 diverted popular attention from war affairs to everyday life problems, and the general public became more and more dissatisfied and such methods proved less and less effective. This forced the government to introduce the notorious Law on Information in 1998, the so-called Vucic's Law, on the eve of the Kosovo conflict and the NATO 1999 intervention. It tended and,

⁶ Dragan M. Filipović, *Anatomija Globalistickog Smrada: Angazovanje Nevladinih Organizacija na Razbijanju Političkog, Vojnog i Bezbednosnog Sistema Srbije i Jugoslavije* (The Anatomy of the Globalisation Reek: The Engagement of Non-governmental Organizations in Destroying Political, Military and Security Systems in Yugoslavia and Serbia) (Belgrade: Printmedia, 2008) (in Serbian). Mr. Filipovic was a senior Serbian Secret Service official.

in some cases, succeeded to financially damage disobedient media to a point beyond salvation.

Furthermore, the regime, in close cooperation with its security services and top criminals under their protection, resorted to other techniques in order to reduce the influence of mostly local independent outlets. This incorporated different methods of harassment of editors and journalists, including threats, jamming television signals, temporarily banning some media, interrupting broadcasts, denying or withdrawing already issued frequency licenses, forcing workers at state-owned print shops to refuse to print defiant newspapers, causing an artificial shortage of printing paper, seizing the whole circulation of printed issues and finally suing “enemy” media at free will. The courts would then in no time rule in favour of the prosecutors and any appeal with the higher court could hardly be successful, while Vucic’s information law provided a kind of legality for the whole procedure.

A part of Serbia’s general public was not happy with any aspects of their lives, including the regime’s attitude towards independent media. They supported the media’s fight for freedom of expression and demanded transparency in the government, including control of police and military. However, their opinion could be heard only within non-governmental organisations (NGOs) or occasionally in independent media when they were not banned or financially destroyed. That meant that their call for transparency and government accountability went unanswered. In occasional mass protests against the suffocation of the free media and in anti-war campaigns, some participants were beaten or briefly detained in yet another attempt to spread fear and prevent any opposition from escalating.

During the anti-Milosevic demonstrations in those years, and particularly in the aftermath of the NATO campaign, police brutality reached its peak. Police used bats, tear gas, rubber bullets, water cannons and even firearms to scatter the resolute crowds. A number of reporters were also beaten while covering the protests alongside opposition politicians, and a number of TV crews had their equipment seized. Plainclothes police officers mixed with the crowd, provoked people and then reported on particular groups or individuals. There were agents principally in charge of reporters. With false IDs or even without them, some already known to journalists, they would mingle with reporters, carefully monitoring “hostile” media.

However, the more rigid the regime became, the more resistance it provoked. In turn, the authorities had to defend themselves by introducing even more stringent rules which culminated during the state of war declared after NATO started its bombing campaign over Milosevic’s Kosovo policies (March-June 1999). That meant that the military took over. During that period, censorship was officially introduced and a journalist’s every step was under the security services’ heaviest possible scrutiny. In a

slightly different way it continued in 1999 and 2000, long after the state of war was lifted.

During the bombing campaign, any breach of again not particularly specified rules, would be tantamount to national treason. For example, Nebojsa Ristic, the editor-in-chief of Soko television from the Serbian southeastern town of Sokobanja, was jailed for a month in March 1999 after displaying a placard reading “Free Press – Made in Serbia,” in protest against the closure of his station by the telecommunication inspectors. Ristic was charged with “provoking a bad mood or discontent of the citizens...” after his television retransmitted the CNN programme banned in Serbia during the NATO bombing campaign.

Such public accusations preceded the execution-style murder of Slavko Curuvija, the owner and editor-in-chief of the *Evropaljanin* weekly and *Dnevni telegraf* daily, on 11 April 1999 during an early stage of the NATO campaign. Prior to his murder, Curuvija was accused of “inviting NATO bombs” by Milosevic’s media.

In his book, Dragan M. Filipovic bluntly explained the reasoning behind such moves:

Liquidation of individuals. Though it is very unpopular, inhumane and a drastic form of state repression, physical elimination, as the way of dealing with political foes, is most widely used by the nations which are the champions in globalisation. Therefore, I see no reason why, in an extreme political environment, the secret services of the countries endangered by globalisation would be reluctant to do the same as the advanced Western world. Apart from my personal view on the issue, it is a fact that several liquidations of leaders of globalisation, in the Yugoslav example, fundamentally changed the Western political approach and forced them to suddenly rely on undependable personal choices by their standards. As one of the Yugoslav secret service veterans, whose advice immeasurably helped me in writing this book, said: ‘In the area of top politics, the sniper is the most effective defence of national interests.’⁷

NATO bombing put an end to Milosevic’s armed struggles, forcing him into an agreement which de facto ended his rule over ethnic-Albanian dominated Kosovo. After the end of the Alliance’s intervention, the regime, feeling vulnerable, with four lost wars, a poverty-stricken population, seriously damaged infrastructure, and an even more gravely devastated international image, lost its last touch with reality and normality and started reacting as a wounded animal.

But as politicians screamed hysterically and, backed by security services, started searching for enemies everywhere, their potential victims began organising their own ranks which included political opposition, NGOs, journalists and their unions, human

⁷ Filipović, *Anatomija Globalistickog Smrada*, op.cit.

rights groups and individuals and, the last but hardly the least, a youth grouping called Otpor (Resistance).⁸

The independent media, well connected with all these structures, had a chance to more straightforwardly and explicitly play a leading role in educating the entire population. Journalists made citizens aware of the regime's failures and the damage done to the nation and the country, primarily and precisely by the members of the security forces who mingled with criminals and resisted any legal responsibility, let alone democratic control. That in turn helped people understand and express the need for transparency of all institutions and desperately needed reforms which other former Communist countries in Eastern Europe had started to execute a decade earlier.

Closed Security and Intelligence Communities

For over a decade, the intelligence and security communities were mostly closed to independent and foreign media. Members of those communities in Serbia were not familiar with the meaning of terms "off the record" or "a deep background." One reason for this could be a lack of trust in journalists and fear of consequences if revealed as a source. Another explanation might be found in the habit developed during the 50 year-long one-party Communist regime in the former Yugoslavia, where the media, unlike in developed democracies, were a mere transmission of the regime. They were only either conveying the official statements without challenging them, or their editors and journalists were told what to say and even how to pass on that information. In such an environment, state-controlled media did not have any need for "off the record" communication with politicians, the military, the police or secret service officials. Sometimes, to make it more credible, they were allowed to cite "well informed sources" without defining them more closely.

In given circumstances, independent media could only rely on individual contacts within the authoritarian security sector. Those contacts could be useful, but at the same time potentially dangerous since intelligence and security officials could always abuse them to discredit journalists or editors. It was not a rare case that those officials, maintaining personal ties with journalists from different media would pass on false information about one colleague to another, potentially generating mistrust among them. In such a politically unstable and insecure environment it was relatively easy to spread rumours about people, and most often it would involve a claim that a particular journalist was in fact a State Security (DB) or military intelligence collaborator or even a

⁸ Otpor was formed in October 1998 in protest against the two Vucic's laws. Originally, it gathered mostly students and was officially not affiliated with any political party. Later it was joined by people from all social, age and professional backgrounds and recognised by the opposition as the broadest anti-Milosevic political grouping.

secret agent.⁹ The intelligence community called it “a special war,” the propaganda tool that was very difficult to recognise and almost impossible to prevent. First of all, such claims were not made in public but in private conversations which were inevitable for journalists to have with anyone who accepted to be a source within that community. Secondly, as previously mentioned, security services in authoritarian systems work hard to achieve an all knowing mystical aura that is impervious to injury. In such an atmosphere, it is not difficult to become paranoid and feel that Big Brother is watching you.

And that is exactly what such security services want to achieve. Their rule is based on people’s fear from them because of their assumed knowledge from phone tapping and tailing and from known methods, which include different kinds of harassment, blackmail, planting evidence, forging documents, etc.

Very few people, including journalists, even if aware of that “special war” conducted by the intelligence community, were ready to or could ignore information leaked from those circles. But this always caused another problem – how to deal with the information? One question would always hit the mind of a reporter – whether his/ her source is disclosing the truth, or whether he/she is just using the reporter to spin a story?

The answer to that crucial question for a genuine journalist could only be found by mere intuition if the event cannot be personally checked or confirmed by a trustworthy eyewitness or double-checked with another source. This point prompts another question – whether to report on anything based on one source. Usually, the answer is no. But, occasionally, in an authoritarian regime, where it is extremely difficult to find and uphold a source particularly within the intelligence community, a journalist has to rely on a hunch, unless somehow familiar with the source, and at the same time try to cross-check even if only comparing information with either opposition politicians or sources within the members of relevant international organisations and missions at home or abroad who might know something about the issue. In such cases, it is possible to somewhat safely use one source in reporting. However, that should not be a pattern.

In any case, a journalist must not reveal sources, either in a democratic or in an authoritarian regime. That sacred rule of journalism has exceptions and can be broken when a reporter is the only one who has crucial information from a source on murder, mass murder or war crimes. But in no circumstances should those exceptions be abused. There could be a very thin line between doing a good thing and ending one’s career as a journalist.

⁹ In an off-the-record conversation, a high-ranking officer of the DB whom the author of this text happened to have contact with, named several local journalists, most of whom reported on the security sector, as “working for us.” There is no doubt that he spread the same claim about everyone.

In addition, it takes certain knowledge, logic and lack of fear to understand the way the authoritarian security services are used to communicate with journalists, especially those considered unfriendly. It is also necessary to understand that though journalists, as well as their contacts, are of certain interest for the intelligence community, it is highly unlikely that everyone will be under strict surveillance.

But that does not mean that those who are aren't at risk. When authoritarian decision makers feel threatened, all those considered enemies are threatened, including journalists. That is where the security services step in, ordered to protect the regime, its leaders and themselves. And then the expression "the end justifies the means" is the only mantra in carrying out those orders.

The most tragic example of such policy was Curuvija's execution. Once a friend with Milosevic's wife Mirjana Markovic, Slavko Curuvija became a threat to the ruling family, as they understood it. In October 1998, Curuvija, together with Aleksandar Tijanac (currently the head of Serbian state television), wrote an open letter to Milosevic and his allies. Among other things they said:

It is your duty, your Excellency, to immediately oppose the atmosphere of lawlessness and despair. You will succeed if, and only if, you commit yourself to the following:

- regain inter-ethnic tolerance and include minorities into important political institutions;
- enable the withdrawal of the Law on University;
- stop the persecution of media and journalists;
- support an honest privatisation process, enhance market economy and a welfare state;
- initiate a resolute struggle against organised crime and display the results of such struggles;
- secure an independent judiciary, separation of power and a system of checks and balances.

Only six months later, on 5 April, two weeks into the NATO bombing campaign, *Politika Ekspres* daily, a Milosevic's mouthpiece, published an article in which Curuvija was accused of "inviting NATO bombs," with a message at the end saying:

Today when eagerly waited and called for bombs are killing Serbia, the traitors are silent. If they are waiting for Serbia and Serbs to be conquered they are waiting in vain. And if they hoped that their treason would be forgotten, they hoped in vain.

The article was read on the state television on the evening of 4 April, before readers could see it in the paper. On 11 April, during Orthodox Easter, Curuvija was gunned

down outside his central Belgrade flat while coming home from a walk with his wife. She suffered a serious blow to the head by the attackers.¹⁰

Between the accusation and the execution, Curuvija's two papers were financially destroyed, and following his open resistance to Milosevic's and Markovic's policies, state security put him under surveillance which included tailing, but all was aborted minutes before the shooting.¹¹

Ironically enough, Curuvija was believed to have had excellent sources within the Serbian intelligence community and Markovic even accused him of receiving information and protection from the then DB chief Jovica Stanisic.¹² Curuvija denied such links, but some of the articles he published contained information considered classified at the time. Those articles got him in trouble to begin with. Milosevic intelligence officers' spin was that Curuvija had been a wealthy man, involved in some shady businesses in Montenegro and that his murder was probably a business partners' show-down.¹³

The death of another reporter, Dada Vujasinovic, of the Belgrade *Duga* magazine, still unsolved, is also believed to be linked to her work. Vujasinovic was found dead in her flat in 1994. Her death was declared a suicide. After years of her family's legal and forensic battle to prove Vujasinovic was murdered, the case was reopened and is still in proceedings. Mostly because some of her notebooks and documents were missing from the flat, and certain official and unofficial circles in Serbia were not happy with her war reporting, her friends and family believe that she was killed.

¹⁰ <http://cpj.org/killed/1999/slavko-curuvija.php>.

¹¹ Mirjana Markovic was the founder and the head of the Yugoslav Left party during Milosevic's rule. The party closely cooperated with her husband's Socialist Party of Serbia, but was considered less nationalist as their rhetoric was more old style communist, and, paradoxically, more business-oriented, often referred to as "a common interest group."

¹² Jovica Stanisic was Milosevic's DB chief from 1991-1998. He is believed to have been at odds with Mirjana Markovic who considered him as too much of a nationalist and too soft on political opponents and forced Milosevic to sack him. By the end of Stanisic's time, the DB was split between those supporting Milosevic and those who switched loyalty to Markovic. That could explain the part of the DB's direct involvement into Curuvija's execution. In 2003, following the assassination of the then PM Zoran Djindjic Stanisic was arrested and extradited to the International Criminal Tribunal for Former Yugoslavia (ICTY) where he stands trial for war crimes special police forces under his command committed in Croatia and Bosnia and Herzegovina.

¹³ Almost 11 years later, Curuvija's murderers have not yet been arrested and tried. After Milošević's ouster, media and NGOs increased pressure on a newly-elected democratic government to solve the murder. The only results so far have been that no one doubts that Markovic in fact ordered Curuvija's killing, while her orders were carried out by a part of secret service loyal to her and the executors were mafia members under DB control.

Fining, Banning, Intimidating

Curuvija's weekly and daily were amongst other outlets severely punished under the Vucic's Law on Information. The list of the media fined from October 1998 to February 2000 includes: *Glas javnosti*; *Monitor*, a Montenegrin weekly; *Vecernje novosti*; *Danas*; *NIN* weekly newsmagazine, *Blic*; *Profil*; a number of local print and electronic media, as well as Kosovo papers in Albanian: *Koha Ditore*, *Gazeta Shqiptare* and *Kosova Sot*.

There were a few examples of fining pro-Milosevic media, like *Politika* and the Serbian state television, with the least lawful amount in an apparent attempt to create the image of an independent judiciary.

One of the judiciary officials at the time claimed that implementation of the Vucic's law was not that strict, adding that from October 1998 to March 2000 a total of 56, or some 20 percent, of all prosecuted media were fined, 315 charges were dismissed and in nine cases the procedure was suspended. According to a minister in the post-Milosevic government, the total amount the media was ordered to pay between 1998 and 2000 was roughly 30 million dinars, or approximately a million German marks.

In 1997 alone, some 300 mostly local television and radio stations were temporarily closed down and 70 transmitters were confiscated under the excuse they were working without a license. Consequently, they could not get a license and went back on air without it.

One of the most vivid examples of how the security sector in conjunction with mafia and authorities slammed independent media and their political foes is the case of Radio Boom 93 from Pozarevac, the hometown of Milosevic's family. In March 2000, telecommunication inspectors closed down the radio station and seized some vital equipment, saying the radio submitted invalid documents for its frequency license. They suspended the license, allocated the frequency to the local radio Pozarevac, while its old frequency was given to Milosevic's son Marko's Radio Madona. Marko was branded "the town's sheriff" and controlled everything, from amusement to smuggling cigarettes, to the private lives of his father's opponents.¹⁴ He had a group of friends working for him, but often he was involved in threatening, beating and harassing people, including journalists and Otpor activists at his free will. He was persecuted for one of the worst incidents he was involved in back in May 2000. He was tried *in absentia*, but cleared of all charges due to a lack of evidence.¹⁵ The former Otpor

¹⁴ After Milosevic's ouster, it became public that Marko enjoyed protection by both the police and the secret service.

¹⁵ Source: The Associate Press, June 2008: "The son of late Serbian strongman Slobodan Milosevic was acquitted Tuesday of charges that he had harassed and beaten his father's political opponents. The court in the family's hometown of Pozarevac cited insufficient evidence and what it said was a lack of intent when it decided to clear Marko Milosevic of all charges. Judge Gordana Vidjokovic said it was

members and their families launched an appeal with the higher court.¹⁶ The procedure was suspended due to technicalities.

However, the independent media gradually started finding ways to drill new and deeper holes into the already pierced authoritarian regime. The best example of such coordination was ANEM, the Association of Independent Electronic Media, initiated by B92 television. It was founded in 1993 and registered in 1997 to transmit the B92 radio programmes. The Association gathered 28 local radio and 20 television stations. In order to fight the regime in curtailing independent media, the ANEM signal was sent via Internet towards Amsterdam, then to London where the BBC satellite forwarded the signal back to Serbia, to ANEM associated local electronic media. However, such an action could not go on unpunished after a while. A day ahead of the NATO bombing in 1999, radio B92 plunged into silence after telecommunication inspectors escorted by police and a dozen men in black leader jackets seized the vital transmitting equipment. Veran Matic, the then B92 editor-in-chief, was detained for eight hours without explanation. The radio continued operating via Internet from a secret location in Belgrade.

While local journalists working with independent media were harassed and under permanent pressure by Milosevic's government, locals employed by the foreign media enjoyed a more secure working environment. Although they were under special scrutiny by security services, their phones tapped, their stories "spied on" electronically and from time to time warned or even unofficially threatened, they could not be subjected to the existing information law.

Milosevic obviously could not have afforded another blow to his already poor international image by persecuting foreign journalists, even if they were of Serbian nationality. That of course officially ceased to exist as a shield during the state of war in 1999, and almost all foreign nationals were ordered to stop reporting from Serbia and leave without delay. They were eventually allowed to return, but the authorities had to approve those who could return and report from Serbia. Locals were not banned from working, but were intimidated through a number of mostly security services' channels.

The Associated Press office in Belgrade and some of its reporters received several telephone threats at the beginning of the 1991-1995 wars. Secret agents stormed Reuters' bureau in Belgrade on the first night of the NATO 1999 bombing, looking for CNN correspondent Christiane Amanpour. The next day, a plainclothes policeman stood behind a reporter's back and read her daily reports. Asked if he had a warrant or anything else allowing him to do that, he replied he needed nothing and asked why she was worried if she

not clear who was responsible for the beatings of the activists from the student group Otpor, which challenged Slobodan Milosevic's presidency at the time."

¹⁶ www.b92.net/eng/news/crimes-article.php?yyyy=2008&mm=08&dd=06&nav_id=52491.

reported correctly and truthfully. After a while he left to return the next day and did the same. The reporter switched screens and started to read local agencies' reports. After a while the policeman left and never came back. Then later into the bombing, a close Milosevic's ally called Reuters to warn the agency about the stories sent to London. Describing the call as a friendly one, he said that "we can close down Reuters' office if you do not follow the rules." Asked about the rules, he replied that "there are no rules, think of some yourselves," and then added that, among other things—which he did not specify—Reuters should not identify and locate the targets hit by NATO bombs! Similar cases of harassment also happened to other locals working for foreign media, but an actual ban, closure or lawsuit never took place.

However devastating the fines were for already poor independent media, they were not the worst thing that happened when politicians used the security sector to discipline them. Milosevic's end could be felt in the air in 2000, and as the media became increasingly "rebellious," the regime was less subtle about the counter-measures. In May 2000, 28 journalists were detained and released after 48 hours without charges; special police stormed the premises of Belgrade Studio B television, B 92 and Index radio stations, preventing employees from leaving the buildings for hours; *Blic* and *Glas javnosti* daily papers were banned from increasing their prices though all other relevant costs went up 40 percent; the main printing paper factory was forced to stop production leading to an artificial shortage which jeopardised the mere existence of the newspapers. All these actions were conducted by either uniformed or plainclothes policemen who escorted civil authorities like telecommunication inspectors. The regime used them both to penalise certain independent media and to discourage others to report freely.

In such atmosphere it was difficult for media to establish and maintain links with the security services. Even when journalists managed to establish insights into the intelligence community, the information was either not substantial or, as was more often the case, could not be verified by a second source. As previously mentioned, that obstacle was occasionally overcome by cross-checking with opposition leaders, NGO representatives, international monitors and analysts and even diplomats. But then the intelligence community would use loyal media to react by either denying such reports or intimidating and disabling independent media.

In 2000, more fiercely than ever, the media confronted the regime with all means at their disposal. Financially and otherwise helped from abroad in the fight for their freedom, independence and the right to inform the public, the independent media gradually started to find ways to reach a broader audience.

In order to help people understand the difference between real patriotism and the meaning of that word imposed on them by Milosevic's regime, the media had to get

closer to the intelligence community's sources. At the same time, but for different reasons, Milosevic's former allies amongst ultranationalist politicians, the military and the police force along with criminals under their protection, began to abandon him. Unhappy with his war and peace achievements and anticipating his downfall, they tried to secure position within a future order by getting closer to opposition leaders and therefore to the independent anti-Milosevic media. This played into the hands of the independent media, but bore risks at the same time.

Those risks continue – former officers write books, reveal confidential information to the media and even create public opinion to a certain extent through tabloids with large circulation.¹⁷ Their editorial policy is based on sensational information about the past, present and predicted future, all coming from the same cuisine and all meant to set scores with their arch enemies in power.

Box 1: What's Wrong with Serbia?

By Dejan Anastasijevic

European Stability Initiative, March 2008

[...] One needs to look into the darkest shadows of Milosevic's legacy: his secret police, powerful and unaccountable, which outlived not only Milosevic's downfall but also three consecutive democratic governments, and is likely to outlive the fourth.

In order to understand the role of Serbia's security agencies in Serbian political life, it has to be noted that Milosevic's regime was not only aggressive, undemocratic and corrupt. It was in its essence a criminal regime, whose whole security sector was deeply involved not just in war crimes, but also in classic forms of organised crime: drug trafficking, extortion, kidnappings and targeted assassinations. As Sasa Jankovic notes in his paper "The Status of Serbia's Intelligence Reform and its Challenges": "in fact it is hard to find a significant crime scene in Serbia of the nineties which was left without the fingerprints of at least one of the various secret services, or 'at least' the police, and which does not link to the political or economic interests of the corrupted 'elite.' To mention just a few: the murder of the former Serbian President, once a boss and rival of Slobodan Milosevic, Mr. Ivan Stambolic; the two unsuccessful murder attempts against Vuk Draskovic, at the time the most prominent opposition leader; the assassination of the owner of an opposition-leaning newspaper and former state security employee, Slavko Curuvija; the murder of the infamous 'king' of the Serbian underground Zeljko Raznatovic ('Arkan'), and hopefully the last stroke of the dying beast, the murder of the Serbian Prime Minister Zoran Djindjic in 2003."¹⁸

¹⁷ The bold example was the assassination of Prime Minister Zoran Djindjic, almost three years after Milosevic's ouster – the killer and his aides were mostly members of the State Security elite paramilitary force Special Operation Unit (JSO).

¹⁸ Saša Jankovic, "The Status of Serbia's Intelligence Reform and its Challenges," in *The Status of Serbia's Intelligence Reform and its Challenges*, ed. Anja H. Ebnöther and Ernst M. Felberbauer (Geneva: DCAF, 2007), 149–150.

During the wars in Croatia and Bosnia, the main Serbian security service (Resor državne bezbednosti, or RDB) recruited, armed, and controlled Serbian paramilitary “volunteer” units such as Arkan’s Tigers and Scorpions. The RDB also had a small but elite clandestine combat force called Special Operations Unit, also known as ‘The Red Berets,’ under the direct control of Milosevic’s security tsar, Jovica Stanisic (chief of RDB from 1991-98) and his deputy Franko Simatovic. Apart from being part of a clandestine war effort, the Red Berets were also escorting convoys of smuggled goods—cigarettes, petrol and weapons—during the 1992-1996 UN sanctions against Yugoslavia. After the war, the Red Berets switched to drug trafficking, kidnapping and extortion, until the unit was finally disbanded in 2003. An excellent and very detailed account of the history of the Red Berets, their role in the security sector and their connection to other paramilitary units can be found in Filip Schwarm’s documentary “The Unit” (VREME Film, 1996).

It is important to note, however, that formidable as they were, the Red Berets were just an instrument of the RDB, which supplied the logistics and covered for their crimes. It can be assumed, although it is hard to prove, that at least a portion of the illicit profits went to the RDB’s secret bank accounts.

After Milosevic’s downfall in October 2000, no serious cleansing or reform of these agencies occurred. Radomir Markovic, Stanisic’s successor as the RDB chief, quickly pledged his loyalty to Vojislav Kostunica, and kept his job for a full three months after Milosevic’s downfall. During this time, much of the RDB’s precious archive was systematically burned and shredded, especially the files containing information on the agency’s criminal activities (see “The Bonfire of Secrets”, VREME issue 725, 18 November 2004). Almost a year later, an internal RDB investigation revealed the extent of the damage and the names of all officers implicated in the destruction of documents. However, no action was ever taken to punish the culprits.

In early 2001, Markovic was succeeded by Goran Petrovic, a young RDB analyst, who promised thorough reform. Instead, Petrovic appointed Zoran Mijatovic, a long-time assistant to Stanisic, as his deputy and RDB’s Chief of Operations. Not surprisingly, there were no reforms, nor any investigations of the RDB’s activities during the Milosevic era. But even talk of reforms caused alarm in the most criminalized RDB circles. In November 2001, the Red Berets launched a protest aimed at replacing the RDB leadership with a more conservative one. After the regular police refused to take any action against the Red Berets, and in view of Kostunica’s public support of the protest, Prime Minister Zoran Djindjic backed down and replaced Petrovic with Andrija Savic, an elderly academic. Savic was merely a figurehead, but the real force in the new leadership was Milorad Bracanovic, the new Chief of Operations. As a former security officer of the Red Berets and close friend of the unit’s commander Milorad Ulemek Legija, Bracanovic practically ensured the continuity of the agency’s criminal activities.

In 2002, the RDB was officially renamed BIA (Bezbenosno informativna agencija, or Security Intelligence Agency) and removed from the auspices of the Ministry of Interior. Although this was advertised as an improvement, the effect was exactly the opposite: as an independent agency, BIA was effectively placed outside of the government’s control. Simultaneously, some 300 officers, mostly young and reform-minded, were sacked and replaced with old cadre, some of whom were pulled out of retirement. By the end of 2002, Djindjic attempted to regain control over the agency and sacked Savic and Bracanovic, replacing them with Milan Milicevic and Goran Zivaljevic, two young and uncompromised officers. However, it was too late: in March of 2003, Djindjic was assassinated in a plot organized by Legija and Dusan Spasojevic, a notorious drug lord. Not even after the assassination of Djindjic, when it turned out that the bulk of conspirators were actually active-duty BIA officers (Zvezdan Jovanovic, who fired the fatal bullet, was a Lt. Colonel), nobody bothered to investigate the security agencies. Aco Tomic, a close associate of Kostunica and the head of military counter-intelligence (KOS) from 2000 until 2003, was arrested, but then released for lack of evidence after three months in custody.

In 2004, after Kostunica was elected Prime Minister, BIA got a new boss – Rade Bulatovic, a former diplomat and Kostunica's security adviser from 2000 to 2002. Just like Tomic, Bulatovic was suspected of being a part of a plot to kill Djindjic and in 2003, during the state of emergency, he was detained for two months and questioned about his association with Legija. However, he was never charged. During his tenure, hundreds of new young officers were employed by the agency. Again, this was advertised as "rejuvenation" and "reform." In fact, most of the new cadre has affiliations with Kostunica's Democratic Party of Serbia or family ties with retired Agency officers from the Milosevic era.

The only real step towards reforming the security systems was placing the two military agencies (KOS, now renamed as VBA or Military Security Agency, and VOA, the Military Intelligence Agency) under the auspices of the Ministry of Defence and, indirectly, under the control of the President. Also, in 2007, two small security agencies attached to the Ministry of Foreign affairs (SB and SID) were disbanded, simplifying the system. Serbia now has only three security agencies: BIA, VBA and VOA.

In December 2007, after much delay, the new Law on Oversight of Security Services passed through Parliament, giving more authority to the Parliamentary Security Board, which can now exert some control over the agencies (until recently, the Board was a toothless body without authority to investigate or request detailed reports on agency activities). Also, the law established a new state body—The National Security Council (NSC)—for coordination and control of the agencies. The NSC consists of the Serbian President, the Prime Minister, the Ministers of Interior and Defence and the Chiefs of Agencies, under the chairmanship of the President. Although most experts agree that the law is a step forward, it remains an empty frame until new laws on the security agencies are passed. Given the present political situation in Serbia, this will not happen in the near future. And as for the National Security Council, it meets rarely, such as in the aftermath of the February 19 riots when several Western embassies were attacked by hooligans and the US Embassy was burned.

Despite these feeble attempts to establish some oversight, the three main security agencies still control parts of the media, economy and political life in Serbia. Any politician who dares to confront them risks finding incriminating details about his private life published in one or more of several tabloids known to be affiliated with the agencies (Kurir, Press and Pravda, who frequently attack pro-Western politicians and often publish information which clearly comes from intelligence or police sources). Also, BIA is suspected of regularly supplying the Serbian Radical Party with incriminating details about their political rivals. In most countries, even in the Balkans, security agencies take orders from their political masters, but in Serbia this is reversed. [...]

Why are Serbian politicians so reluctant to deal with this viper's nest? One answer is simple: they are afraid. Some members of the "democratic bloc" worked secretly as informers in the Milosevic era, and going up against their former handlers would ruin their careers; others have skeletons of different kinds in their closet. BIA keeps files on all of them. And finally, they all learned their lesson when Djindjic was killed. Nobody wants to be next, least of all Kostunica, who is all too aware to whom he owes his present job.

In fact, what needs to happen to bring these services under control is the following: an urgent and radical reform of the agencies, which involves drafting new laws aimed at reducing their present powers (among others, the power to arrest) and introducing strict judicial control of surveillance of citizens; selecting a strong Investigation Committee, appointed by the state and composed of security and legal experts of good public standing to investigate past activities and crimes; and opening up the files on informants and collaborators, as was done in most Central European countries after the fall of communism. Until these reforms are undertaken, Serbia will remain a hostage of its own watchdogs.

Box 2: President's Army

By Svetlana Djurdjevic-Lukic
Transition Online, March 2002

Divisions inside Belgrade's governing coalition, coupled with unresolved relations between Serbia and Montenegro, account for inadequate changes in Yugoslav Army.

BELGRADE, Yugoslavia – At midnight on 28 February, the commands of the Army of Yugoslavia's (VJ) first, second and third armies, as well as those of the Yugoslav Airforce and the Yugoslav Navy, were abolished. The development followed a decision on 26 December taken by the Yugoslav president, Vojislav Kostunica, on the rationalization and partial reorganization of the army. Six army corps are being set up, as well as two corps of air force and anti-aircraft defense and one naval corps. The VJ personnel will be reduced from 105,000 to some 80,000 servicemen and compulsory military service has recently been reduced from twelve months to nine.

At the same time, Yugoslavia ceased providing the Army of Republika Srpska (VRS) with financial support. After the Dayton Peace Accords (DPA) in 1995, the VRS received funds from the Yugoslav defence budget for more than five years, but the Yugoslav public was rarely informed of this. Therefore, many citizens were surprised when Yugoslav Deputy Prime Minister Miroslav Labus recently announced that the scheme would be terminated as of 1 March.

These two developments represent just a small part of the reforms required in Yugoslavia's security sector, in particular for the VJ. The Yugoslav army is still burdened by heavy communist baggage, by its role in the wars of the 1990s and by its support for former President Slobodan Milosevic, especially in the final years of his reign. But the VJ avoided a serious shake-up of its ranks by its command's timely declaration of loyalty to the new Yugoslav President, Vojislav Kostunica.

Contrary to the expectations and demands of his partners from the governing Democratic Opposition of Serbia (DOS), Kostunica has kept General Nebojsa Pavkovic as chief of general staff. The president insisted that such a large and sensitive organization needed stability and continuity, especially in the context of the armed rebellion by ethnic Albanians in the south of Serbia.

In addition, Kostunica has adopted Milosevic's approach to the rather loosely defined laws regulating the command of the VJ. According to the Yugoslav constitution, a body called the Supreme Defense Council plays the role of commander in chief. Along with the Yugoslav president, the presidents of Serbia and Montenegro are members of this council, while the Yugoslav defense minister and the chief of general staff are often invited to attend VSO sessions in a non-voting capacity. But just like Milosevic before him, Kostunica rarely calls VSO meetings and in practice decides on VJ matters alone. More worrying is the president's unwillingness to initiate reforms in the army.

It is somewhat paradoxical that the situation is tolerated by those who should be most concerned. Serbian President Milan Milutinovic, who was among Milosevic's closest aides, was indicted by The Hague-based war crimes tribunal together with Milosevic in May 1999. Even though the Serbian constitution grants vast executive powers to the Serbian president, Milutinovic has no political weight and has kept a low profile ever since Milosevic was deposed on 5 October 2000.

Montenegrin President Milo Djukanovic, who advocates Montenegro's independence, does not seem particularly unhappy with an unreformed army for it reinforces his pro-independence case inasmuch as it enables Djukanovic to point his finger at what he claims is the continuity between the new Belgrade authorities and the Milosevic regime. On the other hand, since Milosevic's demise, Djukanovic has no longer felt threatened by the VJ, so his government has maintained a rather relaxed attitude toward the VJ units in Montenegro.

The Montenegrin opposition coalition for Yugoslavia, DOS's partner in the federal government, is led by the Socialist People's Party (SNP). The party remained loyal to Milosevic until 5 October 2000 and can hardly be expected to initiate reforms in the army. [...]

Kostunica's coalition partner and main rival Zoran Djindjic, the Serbian prime minister, is reluctant to address the problem of army control. A pragmatist, Djindjic is avoiding opening yet another battlefield with Kostunica, with whom Djindjic has clashed before on a number of other key issues. In fact, the control of the VJ is just about the only concrete power that Kostunica is able to exercise. His doing so does not directly affect the areas which Djindjic and his allies have taken hold of, such as fiscal and Serbian domestic affairs. It is also believed that Djindjic has little against Kostunica's links with General Pavkovic, because he believes they compromise Kostunica in the eyes of the liberal part of the electorate. Therefore, only international institutions and a few smaller DOS parties and NGOs are insisting on the need to reform the VJ and subject it to parliamentary and wider democratic control. [...]

The official line is that the VJ as such did not commit crimes, while those VJ members who committed individual crimes are being prosecuted by Yugoslav military courts. Kostunica considers The Hague tribunal a political court and opposes the adoption of legislation that would seek the extradition of Yugoslav citizens to the tribunal. He has also made clear his opposition to handing over sensitive military documents to the tribunal. [...]

Late last year, experts from the East-West Institute and DCAF delivered to Kostunica a comprehensive analysis of the Yugoslav security sector, with a number of recommendations for changes. The report's basic conclusion is that the army cannot be allowed to carry out reforms on its own. Political consensus and civilian leadership are needed, the experts said. But Kostunica and the VJ commanders insist that the army has, in fact, changed more than any other part of society and that it is perfectly capable of carrying out reforms on its own. Pavkovic's deputy, General Branko Krga, explained that the recent reorganization "hasn't been carried out because of pressure from within the country and abroad," but that the reforms "came as an effort to modernize the VJ."

VJ commanders regularly present the current reorganization of the command structure as a great achievement, but a number of independent experts, such as the head of the Center for Civilian-Military Relations, Miroslav Hadzic, warn that the new structure may cause problems in the chain of command, given that as many as nine corps as well as the existing directorates are now directly subordinated to the General Staff.

The General Staff has often declared itself in favor of civilian control of the army, but considers the matter to have been resolved given that the commander in chief they obey, President Kostunica, is a civilian. The federal parliament hardly discussed the defense budget last December. It was delivered late to the deputies and on only two pages, lacking any detailed explanation, even though the 43.7 billion dinars (\$700 million) defense budget amounts to two thirds of the entire federal budget. At the same time, the General Staff was not required to submit a report to the parliament on last year's expenditure. Current regulations do not oblige the army to hold public tenders for its purchases, nor is the Chief of General Staff obliged to appear before the parliamentary defense committee to explain VJ purchasing.[..]

War Reporting – The Balkans and Beyond

Zoran Kusovac

Some journalists go to wars to become war correspondents; others have wars come to them.

Most wars fought after Vietnam involved the local media only to a limited degree. Some because the disproportion in media power between the “civilised” side and the local one was simply too overwhelming, others because they simply happened to be in far-off places where the world did not really care and the local media were too poorly developed. It all changed with the first war on European soil, the wars of succession of former Yugoslavia.

Several centuries of war reporting tended to glorify the “dedicated” war correspondent as a daring and knowledgeable type enduring every sort of danger to bring the truth, often from far-away and exotic places. The reality of ex-Yugoslavia and beyond should have done much more to dispel this myth; sadly it failed to do so for a number of reasons. The fact is that today’s war reporters are by and large members of communities affected by wars, rebellions, coups, civil disturbances, terrorism and a number of other forms of violence that affect large numbers of individuals.

According to data collected by the Committee to Protect Journalists 1,160 journalists and media workers were killed between 1 January 1992 and 10 January 2010.¹ Of the 802 described as “journalists killed,” 87% were listed as *local* and only 13% as *foreign*.² Although there is no reliable method to quantify casualty rates among local and foreign journalists in dangerous environments, it can be demonstrated that casualty rates are significantly higher among the local journalists caught up in conflicts. I attribute those to three major dangers:

- Ignorance,
- Allegiance, and
- Indigence.

¹ The number includes all deaths, including those that are not attributable to wars and large-scale violence.

² <http://cpj.org/killed/>.

While the division is not always easy and clear-cut and there is a significant degree of overlap, it will be helpful for any prospective journalist covering most types of armed conflict and disturbances to examine each of these separately.

The Dangers of Ignorance

I am deliberately using the somewhat harsh term *ignorance* in this context as it describes not only the *lack of knowledge* but also, often more importantly, the *lack of awareness*.

A traditional *foreign war correspondent* will have had some training before going to his/her first war or will at least be taken under the wing of a senior and more experienced colleague during his/her first assignment(s).³ Training in this field is nowadays becoming more common but it is by no means a professional or legal requirement. Even in highly safety-conscious Western societies it is, sadly, most often driven by fear of liability rather than by genuine concern for the well-being and safety of journalists.

Formal training, usually under the name of *War Reporting* or *Surviving Hostile Environments* is most often conducted by a mix of experienced correspondents and former military or law-enforcement personnel.⁴ While it cannot prepare the aspiring war reporters for all dangers they will encounter, it is undoubtedly extremely useful in raising awareness of the scope and extent of dangers associated with field work in extreme situations. Unfortunately, such training courses are prohibitively expensive for most but the biggest Western media outlets and are not within the scope of local media in countries torn by violence.

While some non-governmental organisations and registered charities can contribute to the costs of such training for freelance journalists⁵ or even those from smaller and less well-off media, they are usually out of the reach of local organizations and it is in this field where serious improvement is needed. Yet, it is very difficult to envisage

³ Traditional solidarity among foreign correspondents and concern for *greenhorns* undoubtedly saved many lives, including my own on more than one occasion. However, the pressures of modern reporting are making this form of learning increasingly rare.

⁴ In the last decade, the dangers of reporting on armed conflicts have prompted many media organisations to employ security personnel to accompany their reporters. Such security personnel is usually recruited from the ranks of former members of the military. With their experience and understanding of *both worlds*, those security officers can be of immense value in the training of prospective war correspondents.

⁵ Among the most formidable is The Rory Peck Trust which offers training assistance to those who would otherwise not be able to afford it; www.rorypecktrust.org/page/3032/The+Rory+Peck+Training+Fund.

how it could be organised bearing in mind the dynamics of “small wars” and the high costs involved.

Wars often erupt unexpectedly and quickly, civil wars and rebellions even more so, and even with the best of intentions it would be difficult to organise training in war reporting for the press corps of the countries involved. Experience has shown time and again that ignorance costs lives and while it is true that the learning curve is very steep,⁶ the overall cost in terms of lives lost is unacceptably high. High casualty rates among journalists in wars in Slovenia, Croatia and Bosnia-Herzegovina (1991-1995) and the follow-on war in Kosovo (1998-99) point to several fields where ignorance took a heavy toll and where improvement is possible:

Awareness of Weapons, Their Operation and Effects

Modern societies, at least in the Western world, are mostly based on professional military service. The result is that the number of journalists with basic awareness of how weapons operate and what effects they cause is quite limited. A significant number of press casualties, particularly among first-timers, have been caused by failure to understand how certain weapons systems operate, to what range and how extensive are their respective danger zones at the receiving end. One obvious remedy would be to include these topics in the formal journalistic training. While it would not eliminate all the dangers inherent to war reporting it would, without any doubt, enable journalists to take better safety precautions.

Awareness of Military Tactics and Operations

The military, particularly in an operational environment, differs in many aspects from the rules and habits of civilian life. Ignorance of what the military *can*, *may* or *will* do and basing one's behaviour in a wartime environment on assumptions inherent to civilian thinking has caused a high number of press casualties. Again, journalistic training could help improve civilian awareness by involving them in “peacetime embeds” with military organisations, especially in *as-real* situations (military manoeuvres, advanced training courses, etc.). Particular emphasis should be given to the actual ability of the members of the armed forces to focus on anything that is not directly within their assigned task, such as taking care of civilians in an operational environment.⁷

⁶ The dynamics of press casualties in wars in Slovenia, Croatia and Bosnia-Herzegovina clearly demonstrated that the ratio of loss is by far the highest at the very beginning of the conflict.

⁷ One obvious way to make improvements would be to demonstrate to journalists the level of concentration required of the forces in operating military equipment or commanding a military unit. Peacetime embeds seem to offer a ready solution.

Awareness of Military Rules

Civilians, including members of the press corps, often operate on the wrong assumption that the military conforms to the same logic as civilian organisations.⁸ This has led to many instances of journalists endangering themselves, other civilians or even members of the military.⁹ Journalists need to be made aware that militaries are extremely hierarchical and compartmentalised organisations with strict requirements to enforce numerous strict rules whose logic may be beyond the grasp of the general public, especially the “unruly” press. It would be fairly simple and relatively cheap to improve civilian understanding of the rules that the military have to follow. Apart from the general introduction to the military environment and mindset, easily achievable through interaction with experienced journalists and military professionals. A publicly available compendium of basic military rules,¹⁰ printed in locally and internationally relevant languages, would be most useful. However, this is one area where traditional military resistance to revealing rules and standard operating procedures is often a hindrance to better mutual understanding. It would also be useful to make members of the armed forces at all levels of seniority aware of the true purpose of this requirement.

Awareness of Non-traditional Dangers

In the past two decades large scale armed violence has largely moved from clear-cut wars towards *all-out conflicts* where many distinctions (combatant vs. non-combatant; military vs. civilian, etc.) are being lost. As a result members of the media are increasingly being treated as *targets* or at least *high-value subjects*.

While general experience in operating in dangerous environments is certainly helpful, it is by no means sufficient. Croatia, Bosnia-Herzegovina and Kosovo exposed the press to dealing not only with official military forces, but also with a number of paramilitary forces, some adhering to extreme ideologies, others being of a purely

⁸ By and large the lack of awareness of military rules also applies to many international organisations that are increasingly being run *strictly by the book* without real regard for the purpose and scope of their engagement in a conflict zone. This is particularly true of multi-national bureaucracies operating under the aegis of the United Nations. Most of the recommendations made in regard to the military hold true for these international organisations as well.

⁹ The military is always hyper-sensitive to their own fear of civilians—including journalists—endangering the safety of their operations and personnel. That attitude is mostly unjustified, but it cannot be denied that there have been occasions in which *ignorant journalists* have put the lives of soldiers at risk and even caused military casualties, much more often due to lack of awareness than to malice. Every military commander is, naturally, protective of his troops and journalists will be the first to be sacrificed to achieve that safety, hopefully not in the literal sense.

¹⁰ This is particularly relevant with regard to rules on the travel of civilians on military vehicles or as part of military convoys, access to military facilities, providing overnight accommodation, communications security, etc.

criminal nature. Experience in dealing with a structured and hierarchical body of the state such as the official army, that may not always adhere to *all* rules but at least behaves in a known and expected way did nothing to prepare journalists in dealing with these warlords often not bound—nor bothered—by any laws or regulations. On a number of occasions in Croatia and Bosnia-Herzegovina, journalists were unlawfully detained by paramilitary forces, on many more they were simply robbed, however kidnappings for ransom were not the norm. In several of those robberies journalists lost their lives because non-traditional forces were after their money, cars or equipment.¹¹

Many journalists do not understand the dangers of operating in a non-traditional war environment. It seems that awareness of these non-traditional dangers is filtering too slowly to those organisations who should urgently get involved: schools of journalism, specialised training organizations, journalistic unions and the higher echelons of media organisations themselves.

Awareness of Cultural, Historical and Political Issues

The safest policy for a media worker in a conflict zone is to avoid as much as possible any potentially confrontational topic. This will not always be possible, especially when crossing lines. One should be prepared to engage in a conversation involving one's own culture, history or politics. This must be done with utmost caution and prudence, without challenging the opinions or beliefs of the other side or even of their *own* side. Having a good background in general topics makes it easier to avoid the confrontational ones.

The Dangers of Allegiance

With but a few notable exceptions,¹² most wars and other intensive armed conflicts in the past two decades have included non-major countries as participants. Major international news organizations¹³ operate in smaller conflicts as indirectly involved parties and are as such usually not necessarily seen as *the enemy*.¹⁴ On the other hand, *smaller conflicts*

¹¹ Recent experiences in Iraq and Afghanistan confirm that to this day many journalists do not understand the dangers of operating in a non-traditional war environment. Several journalists kidnapped in Iraq believed that their “neutral” nationality (Italian, French) and “anti-war” position of their media would stand them in good stead against many dangers, yet they were kidnapped for failing to observe basic operational precautions, such as not spending long periods in the same place or developing predictable and repeatable patterns of behaviour.

¹² First and Second Gulf War, Afghanistan, Somalia, Kosovo and to a much smaller extent conflicts in the former Yugoslavia.

¹³ International and national media organisations in English, French, Spanish, Russian, German, Italian and Chinese languages.

¹⁴ There is always a degree of suspicion towards foreigners, especially as “their” countries (either those where media organisations originate from or the home countries of particular members of the

involve opposing nations, religions, ethnic, linguistic or political groups and the mere belonging to *the enemy* in the eyes of the combatants makes journalists *enemies* as well.

This involuntary identification of journalists as enemies is one of the most serious problems in today's war reporting environment and there seems to be no ready solution to alleviate the dangers arising from such perceptions. While it is true that under normal circumstances no armed organisation, be it a disciplined army of a highly organised state or paramilitaries of all sorts, would readily accept members of the press corps from their directly opposed side, many journalists suffer from being caught in the grey area between *alien* (or at least *non-ally*) and *enemy*. This grey area is very wide and arbitrary – reporters are often perceived as potential or real enemies on the basis of their skin colour, religion or ethnicity. In their work, such reporters are often not afforded the same level of cooperation by the military. Being non-welcoming or reserved will usually not directly inflict bodily harm on journalists, but when discrimination includes refusal of equal treatment in security matters, such as providing direct protection, shelter, transportation and the like, they become endangered without having given any direct or justifiable reason for such treatment.

International organisations are not immune from these discriminatory practices. For example, in Bosnia, the United Nations Protection Force (UNPROFOR) stubbornly maintained a two-class media pass policy. Journalists with *international* UN accreditation¹⁵ enjoyed much better access, billeting and travel privileges than those who only held a *local* accreditation.¹⁶ Initially, this discriminatory practice was based on the journalist's passport. It was only after much persuasion that citizens of former Yugoslav states working for the international media became entitled to *international* passes but the practice remained arbitrary, discriminatory and extremely dangerous.

Journalists themselves cannot be fully absolved from responsibility in this field. In any society an armed conflict becomes an issue of *us* and *them* and it is society as a whole that sets the tone of media frenzy, not necessarily the field reporters themselves. The problems are further compounded by a lack of understanding on the part of three crucial segments of the societies in conflict: politicians, military and media owners, publishers and editors. All *demand* patriotism and compliance with *common goals* and, paradoxically but inevitably, members of the press within their own societies who try to act with reason and common sense are often accused of *unpatriotic behaviour* or even of favouring or aiding the enemy. Although it is assumed that “developed” societies are less prone to these dangerous practices, it does not necessarily mean that they act responsibly. Experience

press corps, or both) are perceived, rightly or wrongly, to be biased towards one of the sides in conflict.

¹⁵ Blue.

¹⁶ Orange.

clearly demonstrates that while it is easier for a news organisation in a country that is not directly involved to maintain a degree of impartiality, commercial considerations and the desire to grab a larger share of the market almost inevitably create undesirable effects in those societies as well. The picture tends to be painted more in *black-and-white* than in at least *shades of grey* and in no time one side is declared *good* and the other *evil*. Media organisations participate in this oversimplification and vilification willingly and it is usually not within the scope of the parties to conflict to substantially influence this shallow reporting which, more often than not, borders on the unethical.

While there is little that the media of the involved parties can do to change international perceptions, they should strive to lessen the danger to their own personnel in the field. Sadly, this is easier said than done. The ruling elites often use hate speech and inflammatory monikers when referring to the other party; they also expect the media to comply and inflate the hatred and warmongering.¹⁷ Media executives often have little experience in dealing with these situations, especially at the early stages of conflict, and even more often they have little choice but to participate.

Thus the main responsibility lies with those tucked away in safety but the dangers are borne by first-line reporters. They are caught between a rock and a hard place: under pressures of fact-finding, deadlines and patriotism they can very rarely do much to avoid endangering themselves. Yet some guidelines may be formulated, albeit not universally applicable in all situations that might help the journalist in the field.

Avoiding Inflammatory Language

While a journalist of the warring party might not be able to entirely avoid the use of *us* and *them*, he or she would be well advised to use ethically justifiable descriptions of the enemy military forces and civilians. Referring to the other side by inflammatory terms such as *beasts*, *savages*, *animals*, *traitors*, *servants*, *criminals*, *rapists* etc. should be avoided at all costs. The reporter is best leaving those terms to politicians and making clear that a proper quote is used.

Modern communications make it possible for *the other side* to watch, hear and read their opponent's media output and a reporter captured or caught within the sights of a weapon might be judged on his/her individual performance. The judgement might easily mean the difference between life and death.

¹⁷ In Bosnia-Herzegovina the politicians of the three warring sides used derisive terms for their opponents such as *chetnik*, *ustashi*, *mujahideen*, etc. The terms quoted here have their place in historical and political context and there have indeed been units of the respective sides calling *themselves* by those names. However, politicians never tried to use any discretion in attaching those monikers to *all* military units and even the entire civilian population of their respective adversaries. The only safe policy in such an environment is to use any potentially derogatory or inflammatory terms only if they are used by some individual or organisation to denote themselves.

Avoiding Making the First Claim

The desire to be the first to report the news goes with the territory. The only exception in war reporting is that, understandably, reporters try to avoid being the first to report losses of *their own* side. This is a wise policy. Announcements of military defeats (and even successes) are best left to the military. Politicians and the media behave responsibly when they limit themselves to carrying official announcements. This may be an official requirement and, in such cases, the media should always make it clear that they are *required* to report a particular fact or refrain from reporting on it.

Understandably, even politicians and soldiers try to avoid openly admitting defeat; often they will resort to a covert approach, such as playing patriotic music after a defeat. To avoid a situation where calls to *kill the messenger* are made, the media would be wise to limit themselves to announcing that the opposite side or, even better, international press, has made a claim, thus putting the ball of responsibility for making the unpopular admission into the political and/or military court.

Avoiding More Association with Warriors than Necessary

This is arguably the easiest to achieve for the media in a conflict situation. It includes avoiding the use of any items associated with direct combatants. Naturally, it includes an absolute refusal to carry weapons of any sort. Even if weapons are offered by someone in a position of authority they should be politely refused. If the opposing side has any understanding of the role of the media, or at least the inclination to give reporters the benefit of the doubt, their willingness to honour the journalists' non-combatant status will be challenged by the presence of any kind of weapon. Wearing military uniforms or even similar items of clothing should also be avoided.¹⁸ This also applies for any symbols that a conflicting side uses: national, religious,¹⁹ political,²⁰ military,²¹ ethnic or otherwise. On the other hand, professional affiliation cards may be a mixed blessing: often a particular media organisation is—justly or unjustly—per-

¹⁸ Sometimes the military require the donning of uniforms for operational reasons. If this is the official requirement, all badges, insignia and other items should be removed. If permitted, it might also be good policy to carry a press identification openly.

¹⁹ Personal religious items, carried in a non-provocative way, will often be honoured. I have witnessed a number of occasions in Bosnia where a religious symbol worn on a necklace was simply understood as a sign of personal devotion and the wearer was not deemed offensive. On the other hand, symbols displayed in a prominent or intrusive way (such as engraved on a weapon or embroidered prominently on a uniform) were often treated as a sign of extremism, with sometimes serious consequence for the bearer.

²⁰ Party membership cards should be absolutely avoided, regardless of the nature of the political organisation. They contradict the claim of impartiality.

²¹ Any reference to a bearer's affiliation with arms-bearing forces, with the exception of the official press passes issued by such organisations, should be strictly avoided.

ceived as vile. It is therefore advisable to carry generic press passes.²² Experience suggests that being in possession of more than one such document, particularly when they extend over a period of time to document continuity, can be helpful.

Being taken prisoner or hostage is a situation of extreme danger. No cover-all advice can be given, but journalists should understand that prudence, caution and commonsense are the best, if not only, safeguards.²³

Avoiding the Perception of Being a Traitor

Many participants in armed conflicts are better with guns than with words. For paramilitary forces this is usually almost self-explanatory but it holds true for many properly trained professional soldiers too. The nature of their position demands almost blind obedience to orders and they also often expect it from media workers. Journalists often encounter situations where local commanders in their zeal issue orders that run contrary to those issued at higher levels and the media worker has to confront those challenges. It is in the nature of a man with a gun to distrust those among his superiors he perceives as leading a comfortable and safe life somewhere far from the dangers of a frontline. A reporter trying to make sure that orders issued at headquarters are honoured in the combat zone might have a challenging task, particularly when it comes to three situations: reporting one's own side's losses and claims; reporting on enemy prisoners and/or interviewing them, and revealing the forces' position.

This is a problem associated with the combatants' rather than the journalists' ignorance. Nonetheless, the media has to confront the same problem in the field. While it would be best to educate soldiers that openness minimises rumours and speculation, this is not realistically possible, especially with non-regular forces. To succeed in reporting these situations reporters have to convince combatants that they are not doing it to betray them but to help them appear more honest and credible. While there is no recipe for success, frankness usually helps.

²² Opinions differ on the ethics of making false claims as to media affiliation. In a situation of extreme danger, such as capture or interception by a hostile force, the necessity of making a claim of belonging to a media organisation not perceived as *the enemy* or even a non-existing one outweighs any ethical considerations. This, of course, does not hold true where the media worker is personally recognised. Television reporters run a particular risk.

²³ Members of the media should be prepared to talk their way out of danger. Except with the most radical captors time assists as a human bond of sorts can be established. Journalists captured in most conflicts over the past two decades agree that possibly the most useful survival items to have are family photographs. Provided those are otherwise non-controversial (not associated with anything that is at the core of the conflict such as national, religious or political symbolism) photographs of partners and especially children help establish the bearer as an ordinary person, not much different from the captor. This communication can even cut across language barriers. It is imperative to avoid confrontational subjects at all costs and present oneself as a fellow human being trying to do a job.

Avoiding Extensive Identification with Foreigners

In most conflicts international media organisations have to engage local staff to help them in their newsgathering and analysis. The reliance on *locals* has grown exponentially since the turn of the century but misunderstandings between them and *internationals* persist. Despite their awareness that they are almost entirely dependent on local reporters for basic newsgathering, foreign journalists have a difficult task in deciding how much they can and want to trust their co-workers.²⁴

Far more dangerous for life and limb of the local members of international media organisations is the perception of the parties to conflict, most often their own co-nationals, that they are doing something untoward. This is not limited to the most obvious – accusations of *betrayal* or *working against their own group's interest*. Very often reasons of mistrust of and hostility towards *locals* employed by *internationals* are much more mundane: the perception that they are better paid than their co-nationals, that they have better access to worldly goods and services: food, fuel, better and safer transportation for themselves and their family members (including the use of armoured cars), safer housing, possibility of leaving the war zone through international organisations such as the United Nations (UN), etc. In addition, they are often accused of falling under *alien influence* and acting as *alien agents*, even when this does not technically include betrayal in the legal sense.

Most relevant experience in this field suggests that there is a set of precautions that may be necessary to protect *locals* and their families. Those include: not revealing the true nature of their work to more people than necessary,²⁵ conducting journalistic business where needed under an alias,²⁶ accepting the need for elaborate arrangements for seemingly simple tasks like changing vehicles on a trip from one place to another, helping provide visas and even financial guarantees where appro-

²⁴ Uninitiated in the intricacies of the local society, they often suspect that local journalists may be pushing someone's agenda – that of their own national, ethnic, religious or political group. This is not an entirely unfounded fear, for experience shows that apart from individual weaknesses and almost natural desires to "help" their own group, a number of *locals* are *planted* by governmental or other organisations. It is almost impossible to quantify how often this happens or to what degree an individual *local* may have hidden agendas. It is only fair to say that a large majority of *locals* are individuals with considerable integrity and some human weaknesses, but they themselves have to be aware that their perceptions that they are not fully trusted are not necessarily the result of their actions – *internationals* are taught to be cautious, sometimes even against their own best judgement.

²⁵ Journalists often claim to be interpreters, drivers, cleaners, cooks, etc.

²⁶ This is especially the case where a name easily gives away ethnic, national or religious affiliation. Foreign media organisations must be made aware that the issuing of an alternative identity (a much more appropriate term than *false identity*) is necessary for personal safety and not aimed at achieving any illegal or unethical ends. The need to understand and support this particularly applies to executives of international organisations at the headquarters.

appropriate for family members of local staff, and arranging the expatriation of *locals* and finding them means of subsistence should their personal safety be endangered to such a degree that they need to be taken out of the country involved.

Dangers of Indigence

Throughout the 19th century and for most of the 20th century, war correspondents acquired a reputation of being *bon-vivants* compensating the risks of their jobs with fat expense accounts. It was an exclusive job for a select few and it was considered logical that it had to be expensive. New wars, perceptions and technologies created more demand but also made war reporting more affordable, to the degree that it was considered extremely cheap and affordable to cover armed conflicts.²⁷ So much so that wars suddenly seemed to be the bonanzas of young, inexperienced freelancers operating so cheaply that most media wanting to claim professional competence had to use them.

This downward cost trend hit rock bottom and at the same time demonstrated its huge risks in the wars in the former Yugoslavia. Ill-prepared and ill-equipped freelancers were killed at an alarming rate.²⁸ The severity of fighting, particularly in the protracted war in Bosnia-Herzegovina, general disregard for civilian casualties caused at least partly by the high proportion of untrained and irregular forces and the fact that the presence of the would-be United Nations Protection Force²⁹ created great media interest yet little protection for the general population and journalists alike, served as an awakening.

One of the main contributing factors to the carnage suffered by the press corps in the wars in the former Yugoslavia was technology. Affordable and portable satellite uplinks made TV crews quite independent from cumbersome fixed infrastructure and able to go live on the new and popular 24-hour news channels³⁰ around the clock; satellite telephones, modem-equipped notebook computers and portable telephoto equipment made true field reporting possible and the demand kept growing. Yet the number of news gatherers with previous wartime experience was limited and a number of young inexperienced media workers were killed and severely injured.

Part of the blame for the startling casualty rate rested with the media organisations that failed to prepare their staff for the dangers. Employers still believed that the re-

²⁷ The changing perceptions seem to have coincided with the fall of colonialism and the creation of newly independent states that engaged in many *small wars*.

²⁸ I can personally recollect over half a dozen cases in Slovenia, Croatia and Bosnia-Herzegovina of journalists (or *would-be* journalists) killed before they filed their first report.

²⁹ In all fairness, UNPROFOR, initially naively and short-sightedly headquartered in Sarajevo in order to prevent the resurgence of fighting in nearby Croatia, was caught up in the Bosnian war unprepared.

³⁰ Initially, the US-based CNN and UK-based Sky News. Many others followed.

porters' status afforded them some sort of respect or protection and initially very few considered it necessary to equip their journalists with any form of personal protection.³¹ The media quickly learned that they were being targeted by all sides, sometimes deliberately. On other occasions, they were simply caught in the indiscriminate fire. Following several high-profile media casualties, news organisations quickly moved to issue some form of protection to their personnel. The most immediately available were helmets and bulletproof vests; armoured vehicles soon followed.³²

Journalists working for the powerful and financially resourceful Western media appreciated the reaction of their organisations, fully aware of the high costs involved both for newsgathering and protective equipment.³³ Yet they reached only a tiny portion of the press corps, leaving two groups extremely vulnerable: freelancers and the local press.

These developments made the rift between the *haves* and *have nots* drastic, obvious and seemingly insurmountable. In an apparent paradox, while the development of technology such as mobile telephones, portable and affordable satellite telephones and videophones, and the advent of the Internet reduced the cost of basic news-gathering, the costs of providing basic security for the media skyrocketed.

While it may be an oversimplification to say that the big and established media organisations have found ways of providing a working environment for their crews as safe as realistically possible, the situation for less established media organisations leaves much to be desired. This does not include just the traditionally disadvantaged *locals* and *freelancers* but also smaller, less affluent media from many Western countries.³⁴ All three need help in order to be able to continue working while providing a degree of safety and security for their employees. This seems to be a challenge that has to be met by the military forces, national governments and international organisations.

³¹ Based on the then most recent experience in covering wars in Lebanon and Central America only very few journalists were issued with protective vests that were intended only to stop loose fragments rather than high-velocity bullets.

³² Such was the overall ignorance of the dangers involved by all the parties that initially authorities of certain countries restricted the sale of protective equipment to media organisations and their delivery to war zones considering them *military items*.

³³ A typical bulletproof vest costs over € 500. The price of an armoured all-terrain vehicle was in excess of € 100,000.

³⁴ Long deployments to war zones of military units have created a demand by the local communities for more *human interest* rather than *strategic* or *political* reporting from war zones. Simply put, families, friends and neighbours of military personnel want to know more about their life on long deployments. This niche cannot be served by mainstream national and international media; it is left to the struggling local and regional media organisations.

The Role of Military Forces

Modern militaries are hard pressed between shrinking budgets and personnel cuts on one side and the need to show what they are doing on the other. It is understandable that they are more than reluctant to be burdened with additional tasks, particularly when they are perceived to be of a non-military nature.

However, it is in the interest of the military to do more, within their operational and financial limitations, to provide the media with more opportunities to operate safely in dangerous environments. Journalists embedded with the military have become a reality and although this particular method has often come under criticism, much of it justified, the media must understand that, save for the very few big and mighty media outlets, it seems to be almost the only way for the smaller media to cover many conflicts.

The form of the military embed has pretty much been defined and, save for some technical improvements such as making it accessible at shorter notice, for longer or shorter periods, as the needs of a particular media organisation may be, in general it appears to be a compromise acceptable to both sides involved. The main shortcomings of military embeds fall under two categories: *what* and *who*.

The *What*: currently a military embed almost invariably means that journalists join a unit on operations in a foreign country.³⁵ This does serve for the purpose of reporting on the military in a conflict but is ideally only suited to experienced journalists with a past record in a war zone. Military forces should consider organising embeds at training facilities *at home* (or in countries not at war) as part of journalistic training. This would also help officers and enlisted soldiers learn and understand more about the media and their interests, operational methods and requirements.

The *Who*: most embeds are currently made available to national media organisations of the home country of the military in question, followed by a much smaller percentage available to those from *friendly countries*. The local press of the country where foreign forces operate have very rare and limited access to operational embeds. Even when they are given access there is mistrust and often attempts to limit their freedom more than in the case of *friendlies*. The reluctance of the armed forces to accept potentially hostile *locals* is understandable but improvement is needed in this field. One way forward might be to make *training embeds* available to them, even if that entails picking up the tab to take them to the military's home country. I firmly believe that the trust and confidence built would justify the expense. The issue of embedding with forces that do not fall under the traditional military command structure—paramilitaries, local militias and the like—is extremely challenging. They are inevitably

³⁵ There are a few cases of journalists embedding with the military units of the *home nation* in a country where there is a conflict, but those are an exception rather than the rule.

present in all wars although, as Croatia, Bosnia-Herzegovina and Kosovo demonstrate, they tend to be most active and prominent in the most chaotic and lawless early stages of war. Depending on the inclination of their leaders they may prove more than willing to take reporters along. Apart from the obvious dangers of war, a potentially greater danger is that of their *lack of sophistication* – they usually expect the reporter to glorify their deeds, even purely criminal ones, to refrain from reporting whatever they would like to hide and employ the hate speech they use. Failure to satisfy their usually very quirky demands will put the reporter at risk possibly to a much greater degree than with any organised force.

The Role of National Governments

Leaving aside the issue of possible disputed legitimacy of national governments, these are in most cases in charge of their armed forces. Their responsibilities in this field have already been covered in the section on the role of the military. In addition to this, they should engage better in creating possibilities for their media to cover conflicts and large-scale disturbances as securely and safely as possible.

National governments might be able to provide funding, tax incentives or other forms of financial assistance for the training of journalists to operate in dangerous environments and the purchase of associated safety equipment. While the formulation of the curricula might be better left to specialised domestic and international media and security organisations, governments could facilitate the dissemination of such knowledge by at least some of the following ways:

- *Legislation*: establishing formal requirements for media executives to provide their employees with at least some form of recognised training for dangerous environments before sending them on assignments to war zones;
- *Facilitation*: encouraging military, paramilitary and other security forces to develop awareness of media requirements and expectations; create formal conditions for select members of such forces to be seconded to media organisations if appropriate and/or undertake journalistic training; encouraging the security forces to develop dedicated training programmes for the media; raising the awareness of the nation's foreign service and its members assigned to foreign posts of media requirements for safe operation in dangerous zones and issuing them with clear guidelines for assisting members of the media.
- *Raising international awareness*: lobby various international organisations, particularly those within the UN system and others with a presence in war zones to recognise the specific situation of the media in war zones and offer assistance where possible.

The Role of International Organisations

Three types of international organizations can help in overcoming the dangers of indigence: media organisations, security organisations, and the UN and its associated organisations:

- *Media organisations*: help create a set of minimum training requirements and standards for prospective war reporters; create safeguards against such courses being used to discriminate against the media and journalists in any way; and create guidelines aimed at preventing the denial of access to war zones. Media organisations should also lead the effort to provide specialised dangerous environment training to non-institutionally affiliated members of the press (free lancers) and help fundraising for such training; international media organisations should also spearhead efforts to provide such training *in situ* for the members of media organisations of countries caught up in wars or other large-scale armed conflicts.
- *Security organisations*: formulate strategies aimed at bringing together and sharing the experience and know-how of military and para-military organisations at the national and international level on one side with national and international media organisations on the other side; issue guidelines to governments and military organisations on their role in providing the required training to the military and the media; help commercial manufacturers and retailers design safe and affordable basic security equipment for media operating in war zones.
- *United Nations*: lead efforts to raise awareness of the security of the media operating in war zones and other major armed conflicts; facilitate the exchange of information, experience and know-how among member states; formulate a set of rules of engagement of UN forces towards the media in war zones or other dangerous environments where UN forces are deployed; ensure that those rules are applied indiscriminately and consistently.

Conclusion

As demonstrated from the beginning of the *Satellite TV wars*, particularly in protracted conflicts such as those in the former Yugoslavia, the safety of members of the media operating in some of the world's most unsafe environments can be achieved only to a limited degree. Of all the elements needed to achieve improved safety only awareness and information sharing, both among the military, civilian government, international organisations and the media, comes without a high price. Most other factors that could improve safety will remain accessible to a minority, mainly belonging to big and resourceful media organisations. Training the media to operate more safely in dangerous situations improves their chances of survival; it is, however, unlikely that with the present level of involvement from non-media organisations such training can be made available to a significant degree to journalists from countries that become involved in armed conflicts.

Box 3: Kosovo Serbs: Little Protection and Less Aid

By Gordana Igric in Kosovo

Institute for War and Peace Reporting, Balkan Crisis Report No. 5, 04 March 1999

Most Kosovo Serbs living in Kosovo today are preoccupied with their own fears, losses and fury, and cannot understand Albanian suffering. As the societies separate further, misery on both sides only grows.

“Be it Rugova, be it Milosevic, I don’t care,” insists 70-year-old Novica Vostic, a Serb from Kosovo. “I want my house back – and those of my brothers, too.” Compelled late last June to leave his native village of Jelovac, Novica now lives together with his wife and two sons as refugees in a rented room in Klina to the west of Pristina. From late April until the end of June last year, the Kosovo Liberation Army (KLA) undertook a series of offensives and took control of nearly 40 per cent of Kosovo. Serbs who lived in the villages under KLA control left their homes – sometimes on their own free will and sometimes forcibly, after their closest kin had been abducted and their houses surrounded and attacked with small arms fire. Novica’s two brothers, both of them elderly men, were abducted in the fields near his house. That evening, from the hills surrounding Jelovac, KLA soldiers launched an attack on a dozen Serbian families from the neighbourhood. By the next afternoon, the families had left Jelovac, fleeing on tractors and still under fire. A few days later their houses were burnt down.

Nearly two months later, Serbian police entered Jelovac and burned nearly all the Albanian-owned homes. Thus, this village, just like Opterusa near Orahovac or Pantina near Vucitirn, became a symbol of this war: abandoned with plundered houses, burnt-out shells with only chimney stacks left standing.

Novica is a typical Serb from Kosovo. He is fluent in Albanian, has friends among his Albanian neighbours, and has no one in Serbia proper with whom he could seek shelter. Yet, he admits how uncomfortable he felt when his good neighbour, an Albanian, arrived after the Serb offensive in Jelovac and started to cry over the burnt remnants of his house.

The majority of Serbs living in Kosovo today are preoccupied with their own fears, losses and fury. This prevents them from having insight into the suffering of Albanians. The Serbs from the villages have fared the worst. They have found temporary shelter in rundown hotels and guesthouses. The Serbian regime will not publicly admit that it has failed to protect them; consequently it does not support them. They have been left to oblivion. An estimated 15,000 Serbs have fled villages for towns in Kosovo since the beginning of open conflict in spring 1998. They have received no state aid. [...]

Since Milosevic abolished Kosovo’s autonomy in 1990, Serbs have continued to leave – and the authorities have largely ignored their departure. Belgrade seemed more concerned with “sorting out” the Albanians in Kosovo – through beats in prisons, searches of Albanian houses, expulsion of Albanian children from school buildings and the sacking of Albanians from their jobs. Serbs close to the ruling Socialist Party of Serbia took over all offices in the state institutions, leading to a kind of apartheid.

By the outbreak of fighting last spring, it is commonly assumed, there were some 180,000 Serbs in Kosovo, less than 10 per cent of the population of the province. Having taken all the places in the state institutions, they stole from influential Albanian businessmen and used the proceeds to build houses in Serbia in readiness for their eventual departure from Kosovo. Many of the more skilful co-nationals have already moved into the newly built houses across the border. Those Serbs who were left outside this “redistribution” of capital and political power now have nowhere to go. But they also do not feel they can stay in Kosovo.

Serbs in Kosovo fear the KLA if they stay. But they also fear that they will share the fate of those Serbs from Croatia, or Sarajevo, who found that Serbia proper offered them no welcome when they went “home” – as refugees. For the moment, they are thus relying on the Serbian police – who exercise terror over the Albanians and from whom they expect protection.

There is hardly a Serbian household in Kosovo that did not rush to send one of its members to join the ranks of the Serbian police. The police in turn armed Serb civilians in Kosovo. Their Albanian neighbours know this. They also know that some of these people have taken part in the plundering and burning of Albanian houses. The longer Serbian police violence lasts, the more difficult it is for Albanians to have a Serb friend or to ask after the fate of any abducted Serb neighbour. The amount of misery, insofar as it can be measured at all, is disproportionately greater on the Albanian side. But the level of individual misery is the same.

Box 4: Exclusive: KLA Ran Torture Camps in Albania

Balkan Investigative Reporting Network (BIRN), April 2009
 Kukes, Bajram Curri, Tropoja, Kruma, Prizren, Pristina and Tirana
 By Altin Raxhimi, Michael Montgomery and Vladimir Karaj

The Kosovo Liberation Army maintained a network of prisons in their bases in Albania and Kosovo during and after the conflict of 1999, eyewitnesses allege. Only now are the details of what occurred there emerging.

In a run-down industrial compound with shattered windows and peeling plaster in Kukes, Albania, chickens rummage for food and two trucks sit idle in a courtyard surrounded by rusted warehouses and a crumbling two-story supply building. In the middle of the compound stands a cinderblock shack that was once the office of a mechanical plant that produced everything from manhole covers to elevator cages.

But, during the NATO bombing of the former Yugoslavia, from March to June 1999, this facility took on another purpose. It was occupied by a guerrilla force, the Kosovo Liberation Army, KLA, as a support base for their operations across the border in Serbian-ruled Kosovo. But the factory was not merely the headquarters for guerrillas fighting the regime of Slobodan Milosevic to secure the independence of Kosovo from Serbia. It assumed more sinister purposes: dozens of civilians, mainly Kosovo Albanians suspected of collaboration, but also Serbs and Roma were held captive there, beaten and tortured. Some were killed, their remains never recovered. The men who allegedly directed the abuses were officers of the KLA. At least 25 people were imprisoned in Kukes, witnesses say. Amongst them were three Kosovo Albanian women. In the camp at least 18 people were killed, while others were later rescued by NATO troops. It appears that Kukes housed one of a number of secret detention centres in Albania and Kosovo, and that prisoners were transferred from one facility to another. Even after the NATO interventions, a camp was maintained in Baballoq/Babaloc in Kosovo, holding around 30 Serb and Roma prisoners, whose current whereabouts are unknown. Other camps in Albania may have held Serbs kidnapped in Kosovo after the war, according to four sources.

The names of several alleged perpetrators have been known to UNMIK for some time. One of them is still holding a high position in the Kosovo judiciary, Balkan Insight understands. Bislim Zyrap, an official of the Kosovo Interior Ministry, who was responsible for KLA operations in Kukes, told Balkan Insight that there were no people killed, either at the base or outside of it.

Two of the KLA's former top leaders rejected the allegations in separate interviews with the BBC. Kosovo's Prime Minister, Hashim Thaci, who was then the political director of the KLA, and Agim Ceku, former Prime Minister and former chief of the KLA headquarters, told the BBC they were not aware of any KLA prisons where captives were abused or where civilians were held. Thaci said he was aware that individuals had "abused KLA uniforms" after the war, but said the KLA had distanced itself from such acts. He added that such abuse was "minimal." Ceku said that the KLA fought a "clean war."

However, Jose Pablo Baraybar, the chief of the Office of Missing Persons and Forensics within UNMIK for five years, says: "There were people that are certainly alive that were in Kukes, in that camp, as prisoners. Those people saw other people there, both Albanians and non-Albanians. There were members of the KLA leadership going through that camp. Many names were mentioned, and I would say that that is an established fact." Baraybar tracked missing citizens in Kosovo and across the border in Albania. [...]

These grave allegations about the Kukes camp, in the north west of Albania, are based on interviews with several sources: two eyewitnesses – one former inmate and one member of the KLA, records from a cemetery in Albania and UN documents that we have gained access to, which detail the testimonies of people ill-treated in Kukes. Together, they paint a portrait of a brutal prison regime that is at odds with the claims of former KLA leaders, who say they adhered to international human rights conventions and never detained civilians.

The abuses in Kukes may not have been isolated events. According to former KLA fighters who talked to us, as well as independent testimony provided to UN investigators, the KLA maintained a loose network of at least six secret jails in the dozen or so bases they operated in Albania and the two they had in Kosovo during and after the 1999 war. Those jails were used for interrogations that routinely included torture, according to sources interviewed for this story. [...]

An eyewitness, a Kosovo Albanian, says he was held at the KLA base in Kukes on the pretext of being a Serbian spy, an allegation he vehemently denies. This man, who did not wish to be named, described witnessing KLA soldiers abusing and torturing prisoners at the base for weeks, often under the supervision of KLA officers.

"I saw people being beaten, stabbed, hit with batons," he said. "I saw people left without food for five or six days. I saw coffins being thrown in graves. I've seen people killed." This man claimed most of the captives held at Kukes were non-combatant civilians, mainly Albanians accused of working for the regime, and some Roma. There were also some KLA soldiers, imprisoned for disciplinary measures.

According to both sources, three prisoners were Kosovo Albanian women. Two were Roma from Prizren. The rest were young Kosovo Albanian males, aged between 20 and 27, all accused of collaborating with Serbian forces. The inmate said he also heard shouts in Serbian from prisoners who were being tortured a short distance away from the compound. The inmate said that he heard "people crying and yelling at being tortured, and I could specifically distinguish native Serbian being spoken there." He said some Kosovo Albanian prisoners were shot or beaten to death on the base, while others were driven off in a yellow Mercedes. One Kosovo Albanian prisoner died in front of him and five other inmates, after being shot in the calf by his interrogators and then left untreated.

The records of the cemetery in Kukes shed light on the man who died after being shot in the calf. According to cemetery records, he was buried on June 6th 1999, four days before Serbian forces pulled out of Kosovo, in a plot reserved for Kosovo Albanians who died in Albania during the conflict.

The same former inmate said he believed the people had been taken captive for various reasons, which included revenge and greed, as well as allegations that they were Serbian spies. One prisoner had worked as a policeman in the western town of Gjakova/Djakovica under the Milosevic regime. He was taken away in the yellow Mercedes and has not been seen since. Another had been a teacher, whose apparent offence was to have a license to carry a gun issued by the Serbian authorities. The inmate said he believed that more than 25 people were held there from March to June 1999, from the start of the NATO bombing of the former Yugoslavia until NATO forces moved into Kosovo. [...]

Kukes was an important strategic location for the KLA. Weapons, uniforms, cash and fresh recruits all flowed through the warehouses and storage buildings at the site. The base was also important for the KLA military police, which reportedly rounded up suspects from among the mass of civilians who fled to Albania, or were expelled by Serbian forces. A unit of the Albanian army, stationed at the base in Kukes, assisted the KLA to set up its military police operations, according to several policemen we interviewed. It appears that Kukes was one of many detention centres in Albania and Kosovo, and prisoners would be transferred from one to another. [...]

The KLA had intelligence units and military police in most bases they maintained in Albania. Halil Katana, a military journalist from Tirana, in his authorised biography of Kudusi Lama, the commander of the Kukes division, 'Kudusi Lama: War General', writes: "Those units [of the KLA military police] played an important role in establishing the discipline in KLA groups trained in the Kukes area, and in seizing Serb agents who entered the country amongst refugees from Kosovo." [...]

Some men involved in the abuses at Kukes were also involved in abducting Kosovo citizens after the war, according to former KLA soldiers we interviewed. Their targets were not Albanian 'traitors', but Serbs or Roma who had remained in Kosovo after NATO troops entered the territory. One Kosovo Albanian who returned to fight in Kosovo after spending many years abroad, told us he saw nearly 30 Serbs and Roma held in a KLA camp in Baballoq/Babaloc, near Decan in western Kosovo, after the war, in summer 1999. He said he heard screams from the location and assumed the inmates were being tortured. When NATO patrols passed through the area, the prisoners were hidden in a warehouse, the same source added.

This former KLA fighter said he suspects the group was taken over the border to Albania and killed. "I never saw them again, never read anything about them in the newspaper," he said. "So they probably disappeared into the mountains."

Box 5: Factual Reporting is Not Unpatriotic

Tirana | 28 April 2009 | By Altin Raxhimi
BIRN Blog

How my colleague Vladimir Karaj and I struggled with nightmares while investigating the KLA camps story.

We sniffed the story last summer, and we were sitting on it by November. We engaged in wide-ranging research about Albania and Kosovo Albanians since the early 90s, including the political support Albania gave to different Kosovo Albanian political factions, the military training it provided in the 90s, in the run-up to the war. That required studying other facets as well. We researched the anarchy that befell Albania during the collapse of the pyramid scheme, the looting of the weapons that ensued, and the effect that this had in the emerging guerrilla war in Kosovo. We spoke to dozens of Albanians who were involved in the run-up to the war and the war itself.

Two things pushed us to this story: the 10th anniversary of the Kosovo war, which had been a formative period for all Albanians, and the allegations that Carla Del Ponte made about abducted Serbs and organ harvesting in Albania. The first required us to understand what went on in the previous decade. The second was to look into how solid was the evidence on the famous yellow house in Burrel. On the latter case, we did not find any indication that would convincingly connect what Carla Del Ponte wrote with what the family and the many members of that community we spoke to were saying.

There was also the speculation that Kosovo Serbs were brought into Albania after the war to either be killed or buried. Though we pursued that trail doggedly, we were not able to find any evidence and, in a way, we were subconsciously relieved. As human beings belonging to one community, the Albanians, we wished that our kin, so to speak, did not commit such atrocities. We forgot. We did discover how one man from Albania, Xhevahir Selmani, had beheaded two Serbian soldiers during an operation that the KLA had conducted from the Albanian border into one garrison, three kilometres into Kosovo. [...] We did not report this story back then, because we thought this did not fit with the story we wanted to tell: the story of what abuse civilians suffered during and after the war in Albania.

During the research, we ran into what had happened at the main KLA base in Kukës. It had a small office building serving as a makeshift prison, where dozens had been detained during the period of the NATO bombing. This was part of an effort that the KLA made in Albania to organise itself as a regular army, including its intelligence branch, its army 'regulars', the military police and the medical sector. Similar facilities existed in most areas of Albania where the KLA maintained temporary garrisons during that NATO bombing.

There was corroborating information from several sources that people were killed or abducted from there. There was a connection between the same makeshift prison in Kukës, Burrel and elsewhere during the war, and others in Kosovo after the war. This made us feel uneasy about reporting it. We felt that the Albanian side of our identity was suffering a blow, while our reporting side was scavenging for leads. Countless times, we asked the question: "Does this make us unpatriotic?" Each of us suffered nightmares and doubts from last summer.

We had no doubt that if we were convinced that this story happened we would have to publish it. The evidence was piling up, and we can't thank enough Jovo Martinovic, who was on contract with American RadioWorks, a documentary unit of the US National Public Radio, and Michael Montgomery, one of the best investigative reporters we came to know, for agreeing to work with us at a crucial moment.

Of course, we cannot control how we are judged, but we do not believe that our reporting made us look unpatriotic. Solid and factual reporting is a call, just like any other call a human has in life, like humanity, nation and family. We believe that we answered that call well. We also do not believe, just like our sources did not, that those kind of facts discredit the effort, at many times heroic, that the Kosovo Albanians made to have establish their independent state, or that we do not sympathise or connect with the cruel oppression by the Milosevic regime, or with their position in former Yugoslavia. [...]

But this story, as well as articles that are now coming in the Kosovo press, are looking at what happened with all its complexities. Without that, and forgive us for the pontification, we cannot have the well-informed, healthy and just societies we want to build.

Reporting on War Crimes and Human Rights Abuses Trials

Katarina Subasic

Wars that broke out during the disintegration of the former Yugoslavia in the early 1990s found both the international community and Yugoslav public unprepared. Shortly after the fall of the Berlin Wall and communism in Eastern Europe nobody really expected that the most open communist country would experience a series of brutal conflicts that produced some of the worst atrocities in Europe since the World War II.

Reports on horrific war crimes and human rights abuses emerged quickly through international media reports and were received with disbelief throughout the world – from Europe, the United States and the United Nations.

However, the public in the former Yugoslavia seemed to have the least information on the atrocities, as local media, strictly controlled by nationalist regimes in the newly formed states, took part in state-sponsored propaganda and reported only on war crimes committed from the “other” side, while “our” side was presented exclusively as a victim. Therefore, news of the worst war crimes was known only to the public of the victim nation: few people in Serbia were aware of the massacre of more than 200 Croatian civilians and prisoners of war (PoW) near the Croatian eastern town of Vukovar in November 1991, the 44-month long siege of the Bosnian capital Sarajevo from the beginning of the war in spring 1992, the mass murder of some 8,000 Muslim men and boys in Srebrenica in 1995, and the mass persecution and killings of ethnic Albanians in Kosovo, all committed by Belgrade-backed Serb forces. On the other side, Croats, for example, had only general information on the tens of thousands of Serbs fleeing their homes in Croatia following the military operation Storm which was aimed at gaining back the Serb rebels’ held territory, but knew nothing about the murder of those who had stayed, the setting of thousands of Serb houses on fire and the systematic persecution of those fleeing. Nor did they know about the Zagreb-backed Croatian army’s atrocities against Muslims in Bosnia. Kosovo Albanians had no or little knowledge on missing or killed Serbs in the province.

Such unawareness has led to continuing support of local nationalist leadership throughout the former federation, as well as to a deepening hatred towards other nations and a rising fear of national jeopardy. Even when the conflicts were over (in Bosnia and Croatia in 1995, and in Kosovo in 1999) the majority of people remained convinced that only their nation was a victim, while others were aggressors.

Why It Is Important to Report on War Crimes and Human Rights Abuses Trials

Not only have political elites been responsible for such a situation. Journalists and the media have played a significant role: most media outlets in Serbia, Croatia and Bosnia were under the strict control of their governments and turned into pure propaganda tools. Therefore professional reporting was reduced to a few independent media outlets, whose influence was small as they could not reach the wider public and were systematically obstructed by the regimes. In addition, unlike for foreign reporters, the movement of journalists from the region was strictly limited to the territory held by their own nation, while sources from “other” side were unwilling to talk to “enemy” side. However, since the conflict, journalists have slowly begun travelling throughout the region and reporting on the devastating consequences of the war. The first reports on the discovery of a number of mass graves raised questions as to whose remains had been buried there, who had killed those people and why. The truth on the mass war crimes came to light in such a step-by-step way. However painful, this development was beneficial for the entire region. Without organised awareness raising on the war crimes committed during the wars it was impossible to support democratic development and recovery. True reconciliation among nations would be impossible unless all sides faced the crimes committed and brought to justice those responsible. In addition, the voice of victims had to be heard and their story told so a fresh start could be possible in building relations among former enemies.

The details of many of the war crimes and human abuse cases started emerging and becoming known to a wider public in the former Yugoslavia only after the UN Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and the first indictments were issued in the mid-1990s. But even at that time, each side had insisted only on their own victims. It was not before the first trials started in the late 1990s that the truth about crimes on all sides was told to a wider public.

The mission of the ICTY was to bring to justice those most responsible, mostly high and mid-level political and military officials, for the war crimes committed during the wars. The idea was to contribute to reconciliation in the region by clearing up the cases of war crimes and human rights abuses, showing that no official, irrespective of his/her position, was free from accountability. Having indicted and tried more than 160 people, including the former Yugoslav and Serbian presidents Slobodan Milosevic and Milan Milutinovic, Bosnian Serb presidents Biljana Plavsic and Radovan Karadzic, and top military officials in Serbia, Croatia and Bosnia, the court established a context for people living in the region to face the reality of their recent past and acknowledge what happened. This was unachievable without media reporting from the courtroom. The international community, through government and non-governmental programs and

financial aid, ensured that the ICTY trials were reported in the countries of the former Yugoslavia.

Reporting from the Hague-based court therefore became regular and began to reveal details on the crimes completely unknown to the public in the region. It was not before the guilty plead of a Bosnian Serb soldier that the wider public in Serbia found out about the systematic killings in Srebrenica and the way they had been organised. The news was received with the same disbelief as had been the rare independent media reports on the crimes at the time they were committed. Political changes and democratisation in the region have created a more favourable atmosphere for the media to report on the trials before the ICTY but national divisions seemed to be hard to overcome.

In addition, journalists, most of whom come from once or still state-controlled media have been under the strong influence of nationalist ideology. Therefore they mostly covered the trials not for the public, but for their nation. They reported in accordance with their nation's expectations as opposed to professional rules and public interest. A short comparative analysis of reporting on the ICTY's war crime trials by the Croatian and Serbian media will show the differences inspired by nationalist ideology.

Ljubica Gojic, who has been reporting on the ICTY trials for years for Serbian radio-television B92, considers that the media have the same relation towards war crimes as their societies. Gojic said, "My experience from the ICTY shows that almost without exception the media treats the war crimes they report on from the position of the majority in their countries. And this is not only the case with state-owned media but most of mainstream media." That concretely means that as long as the Serbian public predominantly believes that Serbs have not committed war crimes in a systematic way organised from the very top level down, most of the media would present their reports in such a manner and all reporting from the trials would pass through that filter. Similar reporting styles could be expected in Croatia, Bosnia and Kosovo.

Tatjana Tagirov, a Croatian journalist reporting from Belgrade, believes that national identity has remained the most important criteria for reporting on war crimes trials: "It is most obvious in the reports from the ICTY. Everybody reports only about his own defendants, while others are treated as short news most often at the moment when the verdict is announced. In those reports, instead of facts, reporters mostly look for failures in the indictments and try to deny witnesses' testimonies. It could be seen in Serbian media's reports on trial to Vojislav Seselj or Croatian media reports on trial to Ante Gotovina and other Croatian generals."

In addition, both politicians and media have created an image of the ICTY as an anti-nation court. According to many surveys, most political parties and people in Serbia and the Serb-held territory of Bosnia consider the ICTY as an anti-Serb court, while those in Croatia and the areas of Bosnia populated by Croats – as an anti-Croat one.

Almost a decade after the ICTY was established, local judiciaries have established special departments within the court system and begun processing lower level perpetrators. In July 2003, Serbia established a special War Crimes Prosecutor's Office and War Crimes Chamber within the District Court in Belgrade aimed at trying exclusively those indicted for war crimes. Several months later, in October 2003, Croatia launched a judiciary reform process including the establishment of four new chambers in Zagreb, Rijeka, Osijek and Split to address war crimes and wartime human right abuses. A similar department in Bosnia became operational in 2005. In Kosovo, such trials have been held by an international panel of judges.¹

Reporting on war crimes trials at home was a completely new challenge for the local media, as defendants belonged mostly to the home nation and were accused of having committed crimes against civilians of an "enemy" nation. Therefore reporting on these cases seemed to be equally nationally sensitive.

With trials before local courts the situation was somewhat different in comparison with those before the ICTY. It was difficult in the mainstream media to present the court in Belgrade as anti-Serb, or the court in Split as anti-Croat, so both politicians and nationalists refrained from doing so. However, the nationalist ideology continued to play a key role in media reporting on war crimes trials. For example, in cases when Serb paramilitaries were accused of mass murder of more than 200 PoWs and civilians in Ovcara near Vukovar, their defence was reported in detail, while only a few voices of the victims' families could be heard or background provided on the circumstances. The media reported the Supreme Court's decision to reduce the sentence of the perpetrators to a two-year prison term as a normal fact. But in Croatia, the media mostly focused on testimonies of victims and their families, briefly reporting defence arguments, while such a reduced sentence was presented as a first-grade scandal.

At first glance, the relationship of the media towards defendants and victims seemed to be equal, but reporting on crimes was more passionate if the victims were "our nationals." Also, their defence would be reported in greater detail if they were "ours." When two police officers in Serbia were acquitted from charges involving the brutal murder of three ethnic Albanian brothers, there was almost no reaction in the Serbian media and no reporting on how the verdict was received in Kosovo. The Serbian media rarely questioned the decision of the judges or showed any solidarity with the victims' family. When the same court sentenced a Bosnian Croat to 12 years in prison for his alleged role in an attack against Yugoslav soldiers withdrawing from Bosnia, the event was described in detail with extensive reporting on the statements of the victims' relatives and comments by the prosecution. The outcry in Bosnia that the verdict was biased went almost unreported in the Serbian media. Croatian generals who were tried and sen-

¹ Source: ICTY, www.icty.org/sections/Outreach/CapacityBuilding.

tenced for war crimes against Serbs during the war have preserved their hero status among the local public, mostly thanks to the way the media reported on the case. When someone from “our” side is found guilty by “our” court, the reporting is limited with an apparent distance towards the defendants and no attempt to support the voice of the victims.

Background on the wars in general still differs from side to side. The Serbian media consider the Ovchara massacre as an isolated crime committed by a group of paramilitaries out of the army’s control. In Croatia, the same crime has been seen as cornerstone evidence of Serbia’s systematic aggression and mass killings of all non-Serbs in order to conquer Croatian territory. Despite the fact that the massacre in Srebrenica was considered as genocide in the verdicts of both the ICTY and the International Court of Justice, in Serbia a debate has been underway as to what really happened there. Therefore when Serbia’s war crimes court sentenced several Serb paramilitaries for murdering Srebrenica’s Muslims, for the Serbian media the sentences were appropriate, much like the sentences delivered to “ordinary murderers.” But for the Bosnian media, the verdict was too weak for those taking part in the genocide which was aimed at destroying Bosnian Muslims.

Apart from their different backgrounds, journalists used different sources when reporting on war crime trials. Most reporters and editors in the former Yugoslavia who began working in early 1990s (when the need for more journalists rose dramatically and most professional and experienced reporters joined the foreign media) were forced to learn on the job without proper professional training (with the exception of independent media reporters). The lack of professional skills led to the usage of unreliable sources, as well as a failure to verify sources or obtain confirmation from other independent sources. Official sources were often denied and unreachable which opened the space for huge manipulation by the media. Very often journalists were grateful for any information given by any source that seemed well-informed, whereby they were used without a possibility to further check or investigate their reliability. Such information was usually intentionally chosen and given selectively and partially, so its use led to great confusion or even misled the public.

Security services, in particular, used this method of manipulation, revealing only some parts of a story, and covering up others. Such abuse lasted not only before and during the wars, but also afterwards in order to help fugitives from the ICTY evade justice. For example, until Serbian reformist Prime Minister Zoran Djindjic was assassinated in 2003, the Red Berets, a security service’s special police unit were presented in the media as an elite unit, composed of Serbia’s greatest heroes and patriots. It turned out that they worked with the media as a part of their activities linked with organised crime and attempts to evade justice despite the notorious war crimes that the unit’s members had committed during the wars. The unit was disbanded after it was

discovered that some of its members plotted and murdered the prime minister. Professionalism among the media has remained low and they often grab information from any source that offers it. Such a practice has been very dangerous in all fields of coverage, but especially in the judiciary where information is additionally sensitive. It was not uncommon that the lawyers of those indicted received greater attention in the media, using it to ensure public opinion was favourable to their clients. To prevent this, the ICTY outreach program and international organisations supporting local judiciary attempts to build capacity to try war crime cases have trained prosecution and court officials on basic public relations, which has ameliorated the situation. Prosecution offices throughout the region are now open to the media and provide reporters with information, from the earliest stages of investigations, through to the trial and appeal processes. Spokespersons from prosecution offices provide journalists with an understanding of legal procedures, the position of the prosecutor, etc. Courts and chambers, in whose nature it is to be the most distant from the media, have also tried to expose themselves as much as possible. Special press rooms were established in war crimes courts and, in some countries (Croatia), cameras were even allowed to be in the courtroom to record the trial (a similar change of regulation is about to be implemented in Serbia), while spokespersons prepare media packages with all the relevant information on the trial, including background, legal provisions, participants, etc.

Last but not least, editors, who mediate between owners and reporters, and are exposed to political and other kind of pressures, often try to reconcile the need to report a story on a war crime trial that brings bad news to “our nation” with what their viewers, listeners or readers want to hear and pay for. They attempt to ensure that, on the one hand, editorial policy complements daily political purposes and, on the other, adjust it in response to a prevailing national ideology. This often leads to superficial and unsubstantial reporting, causing further resistance from the public.

Tips on How to Cope with Obstacles and Improve Reporting on War Crimes Trials

Improving professional skills has proven to be the best tool in overcoming key problems in reporting, whereby writing about war crimes trials is not an exception. By learning and applying the basic rules of the profession and keeping in mind that the public interest must come first, a journalist will find him/herself more confident in approaching the job.

Background. In order to establish the relevant background on the circumstances of an event, the indicted and the victims, journalists should use several tools. Firstly, research personal archives as well as other relevant media from all sides and collect reports on the event at the time it occurred. That means to crosscheck reports from both interested and at least one neutral side on the event. Furthermore, a number of non-

governmental organisations (NGOs) were present during or right after the event whose reports could also be used. Activists are often willing to talk to a reporter. Talking to colleagues who have covered the event at the time might also be useful. In addition, ICTY verdicts could provide a court-established version of the event. Reading material and talking to various people involved in the event prior to the trial is necessary in order to be able to follow the trial and precisely report on it. This would also help a reporter to make a relevant selection of information during the trial, establish the difference between what is important and what is not. Being informed about the case before the beginning of the trial is a key to fair and precise reporting which is crucial for the reconciliation process.

Sources that a journalist could use for a report usually come from the courtroom where the trial is being held. Prosecution and defence attorneys are valuable in helping reporters clarify details and establish what is relevant for his/her reporting. It is necessary, however, that reporters remain extremely careful with those sources as each side usually tries to present their own view.

Local media in Serbia, Croatia, Bosnia or Kosovo have rarely been so well staffed that they could task a reporter with a single trial or let him/her follow that one trial from the beginning to the end. That makes sources even more important as they could point out to a reporter significant phases of the trial, so journalists could make a good choice as to which part of the trial to cover and which aspects could be followed through news agency reports. Journalists could also verify the validity of various statements heard in the courtroom by witnesses or defendants by cross-checking with the prosecution office.

The prosecution office is a valuable source of information for reporters. Maintaining good connections with a spokesperson in the prosecutor's office and carefully following statements released by his/her office can provide critical insights at an early stage of an important case. If, at any moment, a reporter is not sure about the terms used in statements or indictments, he/she should check with prosecution officials in order not to mistake interpretation. Even more important, if a journalist obtains off-the-record information on a certain probe conducted by a prosecutor, he/she should try to get confirmation on-the-record or at least an unofficial statement from the prosecutor's office, to ensure that no false news will be published. War crime probes are extremely sensitive due to the circumstances under which they have been committed and perpetrators might often still be employed in an official state institution, such as the police or army, so all pre-trial information should be double-checked before publishing. Most of the prosecutor offices in the region have appointed a spokesperson who is also a lawyer, so he/she could provide background on legal procedures, relevant law provisions, appeal process, etc.

However, a journalist should always keep in mind that the prosecutor is just one side of the trial and should be careful to avoid bias. Since both public prosecutor's office and the

media work in the public interest, reporters could be misused by the defending side, but nevertheless should keep a critical approach towards the prosecutor as well and always raise discerning questions. A very important aspect in dealing with these kind of sources is confidentiality and not to misuse the trust of a source. Therefore, it is crucial that reporters always make perfectly clear with the prosecutor's office what information or name might be published in order not to spoil the process or even jeopardise a witness. At the same time, a reporter must be aware of the public's right to know.

Defence attorneys are usually more open to the media and try to use them to gain public sympathy. Therefore they provide more details on the case, on occasion revealing more than they are legally allowed. Very often defence attorneys try to redirect the attention of the media to irrelevant parts of the process in order to steer attention away from more important aspects that could discredit their clients. All information obtained from the defence should be crosschecked with other sources in order to avoid being misused in a case. For example, reporting on the case of the Croatian general Ante Gotovina was more preoccupied with the way he was hidden, what he was eating at the time of his arrest, what he wore, etc. than on the case itself. Similarly, when Radovan Karadzic was arrested in Belgrade, the local media was preoccupied with his physical appearance, and claims by the defence lawyers that his laptop computer had been stolen by security forces, etc. Lawyers have managed for some time to turn public attention to completely irrelevant information which has allowed them to buy some time and avoid talking about indictment. Therefore, dealing with legal sources in and outside the courtroom is crucial for reporting on war crimes trials, but also very sensitive and requires special care.

Judges of the war crimes chambers in the region, including international ones working in Bosnia and Kosovo, have rarely been available to the media. There are various reasons for this. Firstly, judges themselves are often not in favour of publicly explaining their work and commenting on cases, particularly as their work is open to the public during the trial period. It goes without saying that they are not even allowed to comment on ongoing cases. Contact with judges is not legally forbidden, but is rare in practice.

Victims or their families could be an additional source, but only to add a part in the puzzle through their own testimony. In light of their high emotional involvement, their statements should be taken with great precaution and clearly marked as such.

Useful sources for reporting on war crimes trials in Serbia, Croatia, Bosnia and Kosovo also include *NGO representatives and international observers* who follow the trial to ensure procedures are in accordance with international standards and that the rights of both the defendants and victims are respected. Comparisons with practices in democratically developed countries should also be examined to provide a broader picture of the trial. Most observers are legal experts capable of providing relevant comments on trial procedures and verdicts.

All listed sources could at some point appear as *anonymous* and provide unofficial information that may reveal a crucial breakthrough in the case, but this bears high risk of unreliability and might spoil reporters' efforts to bring the fair and impartial story to the public. Therefore, anonymous sources, from whichever side they derive, should only be used as a trail to information that should be officially verified before being published. Reporting on a war crimes trial is a public event by definition; it is rarely investigative reporting in terms of revealing completely new facts and events, so there is no need to use anonymous sources that could not appear publicly for security or reasons of confidentiality. This, of course, should not be mixed with protected witnesses, whose identities are known to the court, but should not be revealed to the public for security reasons. Their testimony is public information as is every other statement given at the trial. But experience from the ICTY showed that journalists do not always respect protective measures ordered by the court. They do so either looking for sensations or trying to "help" a defendant from their nation, who they personally consider innocent.

Several journalists from the region have violated the ICTY order not to reveal the identity of protected witnesses or testimonies given at closed sessions and were sentenced for contempt of the court.

In 2007, prominent Kosovo Albanian journalist and editor, Baton Haxhiu, obtained information about a witness whose identity was protected by the ICTY in the case against Ramush Haradinaj. He revealed it in an article he wrote and published, according to the indictment. In July 2008, he was fined 7,000 Euros.

Editor-in-chief of the Croatian daily *Slobodna Dalmacija*, Josip Jovic, disclosed the identity and testimony of a protected witness, Stjepan Mesic (at the time the President of Croatia), who testified in the Tihomir Blaskic case. Jovic continued to do so even after a specific order by the court. In August 2006, he was fined 20,000 Euros.

In 2007, Croatian journalist Domagoj Margetic was sentenced to a three-month imprisonment and a fine of 10,000 Euros for having published the complete confidential witness list from the case *Prosecutor v. Tihomir Blaškić* on his website. According to the indictment, he also published three articles: in one article he acknowledged that the witness identities he disclosed were protected; in another article he revealed the identities of two protected (international) witnesses who testified in non-public proceedings in the Tihomir Blaškić case, the date of the testimony, the pseudonym of one of the two witnesses and the fact that the witness testified in closed session; the third article revealed the identity, pseudonym and date of testimony of the other protected witness and, among other things, the fact that the witness testified in closed session.

Journalist and editor-in-chief of the Zagreb-based weekly publication *Hrvatski List* Ivica Marijacic was sentenced in March 2006 to pay a fine of 15,000 Euros for having published an article in which the identity of a protected witness, the statement of the witness and the fact that the witness had testified in non-public proceedings before the Tribunal were revealed. Former head of Croatia's Security Information Service, Markica

Rebic, was fined the same amount for having provided Marijacic with the identity of the protected witness, copies of the statement the witness gave to the Office of The Prosecutor, and the transcript of the testimony the witness gave before the trial chamber in the closed session of the court proceedings.²

Finally, a crucial issue is how to maintain a critical attitude towards sources in the judiciary. NGOs could serve as a key corrective and remind the media not to take all information as granted. Very often NGOs undertake their own research on war crimes and have additional information that could help a journalist to raise the reliability of information given by his/her sources. Crosschecking with NGO representatives who investigate war crimes and human rights abuses and follow up judicial procedures on the matter could be extremely valuable for the media. The Belgrade-based Humanitarian Law Centre (HLC), the Sarajevo-based Research and Documentation Centre and the international watchdog Human Rights Watch serve as excellent examples of this kind.

While reporting on war crimes trials a journalist often faces difficulties determining if a source is relevant and its information useful. The best possible answer to this dilemma lies in improving one's professional skills and fully respecting professional standards. Only a well prepared story, with thoroughly studied background, balanced sources and information crosschecked as many times as a reporter feels is necessary will enable the media to fulfil its task to serve the public interest.

The scope of war crimes committed during the decade-long conflicts and the limited capacity of the newsroom very often put media outlets, editors and reporters in a difficult position in terms of determining what case to report on briefly and which to devote time and human resources: in other words, how to decide *which cases are relevant* for the public interest. It is not easy to respond to this dilemma, as there have been atrocities that the media has to report on even if public interest is low. Facing the truth is a painful process and resistance to it has been strong and widespread in all post-war societies in the former Yugoslavia. It is not only about what the public would like to hear or read about, but very often what it should learn about in order to face the past. Therefore media responsibility is extremely high to report on cases and trials that are in the interest of the public. Besides the well-known cases that have attracted public interest in the past, reporters should investigate and cover those cases which have had severe consequences, a strong impact on the relations of both sides and whose judicial outcome could contribute to reconciliation in the region.

Reporters should be informed on the legal procedures and the details of a trial so as to bring it closer to a wider and less educated public through their reporting. They need to learn how to make the difference between the pre-trial phase and an investigation, how to read and report on indictment, the role of a magistrate and the investigative

² www.icty.org/contemptcases/party/841/27.

judge in the process, the rights of suspects and the appeal phase. Being able to convey messages using simple vocabulary could also be enormously helpful and useful for accurate reporting on war crimes trials. Editors need to invest in the education and training of reporters tasked to cover war crimes and human abuse trials.

After all, reporting on war crimes trials is one of the toughest tasks for a reporter and he/she should be well prepared for it, not only in professional terms, but also personally, to go through self-examination on how to maintain a distance and avoid any bias on national, religious, or any other terms.

Such reporting could (and it has done so to a certain extent in the past) significantly contribute to the process of reconciliation in the region, enabling nations of the former Yugoslavia, from Croatia, through to Serbia, Bosnia, Montenegro, Kosovo and Macedonia, to move forward and improve their relations for the sake of the stability of the entire region.

Example of Reporting on War Crimes Trials under the Influence of National Ideology

The following is a brief comparison of reporting on war crimes trials before the ICTY and those before local courts in the region, including an example of foreign media reporting on the same trials.

A massacre of more than 200 PoWs and civilians at Ovcara farm near Vukovar in November 1991 has already been mentioned as a significant war crimes trial case both before the ICTY and the Special War Crimes Chamber in Serbia. The ICTY tried three former Yugoslav army officers – Mile Mrksic, Veselin Slijivancanin and Miroslav Radic and initially sentenced the first two to 20 years and five years in prison respectively, while Radic was acquitted.

In Zagreb, the verdicts caused an outcry by politicians and the public alike. One of the daily papers with the largest circulation in Croatia, *Vecernji list*, started its report with a clear comment: “The trial of the three most responsible military officers from the elite 1st motor brigade of the JNA (Yugoslav People’s Army) that occupied and evacuated Vukovar’s hospital ended in a scandalous way.”

So, before the news is reported, the daily made its position clear. “Miroslav Radic, commander of the special troops, was acquitted and released from detention. He is a free man because apart from being in front of the hospital, nothing criminal has been proven. Veselin Slijivancanin, in charge of ‘security,’ was given only five years in prison because he had failed to prevent the brutal and inhuman treatment of imprisoned Croats,” the daily said.

Serbia's *Vecernje Novosti* reported the events in a completely opposite tone: "First Serb to win against the Hague"-based court, was the title of a report that outlined Radic's disbelief when he heard of his acquittal. The daily then pointed out the importance of such an outcome for "our side": "Over 14 years the tribunal has indicted 161 people. The trials against 108 of them ended and Radic is the first and so far the only Serb to be declared innocent!"

Further, the daily emphasised that "the judges unanimously decided that the prosecution had failed to prove that there had been a joint criminal enterprise as well as that Radic was responsible (for the crime) at all. All this shed a completely different light on the nature of ... what happened in Croatia in early 1990s."

Part of the report on Slijivancanin's sentence underlines his lawyer's claim that "he said he was innocent" as well as that the defendant "reached a condition to demand temporary release having spent four years in detention."

Not a single word in the report was devoted to the background or the crime committed, nor how many people were killed or who they were, etc. A few reactions from Croatia were reported.

However, when the appeals chamber of the ICTY increased Slijivancanin's sentence to 17 years two years later, the respective media reacted in the opposite way. *Vecernji list* rejoiced at the verdict: "A year and a half after the unbelievably small sentence to the Vukovar three ... Slijivancanin will not go back to a free life in Belgrade for at least a dozen years. In its final verdict, the appeals chamber revoked the de facto acquittal to Slijivancanin (five-year jail term) and concluded" that he was "guilty for the massacre" in Ovcar. "He was sentenced to 17 years in prison."

Vecernje Novosti in Serbia reported in a neutral tone about the appeals chamber's decision, but added a more detailed story titled "Three votes for Golgotha" implying that the chamber had not brought the verdict unanimously and what would the 17-year jail term mean for the defendant. Not a single word could be found in the story on the victims, the crime itself or any other explanation than the one related to "our" guy convicted by "anti-Serb" court. "In addition, they (judges) did not make the decision based on undisputed evidence, but 'reasonable conclusions' and claims that the defendants should have been clear or known that the prisoners would be killed," the daily wrote. The only sources for this story were Serb lawyers, Slijivancanin's and Radic's ones, while the defendant himself was depicted as a victim, clearly ignoring the fact that he had been found guilty at the first trial too.

Unlike the local media which has "a national interest" in the report, the foreign media principally tried to provide the news: "Serb's sentence tripled over Vukovar killings," is a title of the AFP's report from The Hague. "A UN court on Tuesday added murder to the

convictions of a Serb officer for the 1991 massacre of people seeking refuge at a Croatian hospital, and more than tripled his sentence to 17 years.”

“The appeals chamber ... imposes by majority a sentence of 17 years,” Judge Theodor Meron ruled in response to Veselin Slijivancanin’s appeal against his five-year conviction for torture. The report included the following:

Slijivancanin, 56, was a major in the former Yugoslav People’s Army (JNA). In September 2007, he was convicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) with 62-year-old former JNA colonel Mile Mrksic for torturing and executing nearly 200 Croat prisoners of war ... Slijivancanin, who had already served most of his initial sentence, stood stone-faced as the judges Tuesday added a charge of having aided and abetted murder to his existing conviction and sent him back to jail ... The judges found that Slijivancanin had been ordered by Mrksic to evacuate the hospital, and had thus been entrusted with a legal duty to protect the prisoners.

The media held a similar—clearly nationally determined—attitude towards the trial of 16 paramilitaries indicted for the execution of the crime in Ovcar. The trial was the first held before the Belgrade-based Serbian war crimes court. It was reported in a neutral tone by the Serbian media in order to show that “Serbia and Serbs have nothing to do with it.” On the other hand, the defence of those accused was described in detail. *Vecernje Novosti* titled their report by quoting the first defendant: “I haven’t executed anybody.” Again no background was provided nor any voice of the victims supported.

In contrast, the Croatian media underlined the connection between the defendants and the crime with the army officers tried before the ICTY on the case, so as to show a clear chain of command and imply that there was a state-sponsored strategy behind the crime.

The AFP’s Belgrade-based correspondent simply reported that “Serbs plead innocence over 1991 Croat farm massacre,” explaining that “a group of Serbs charged over the massacre of at least 200 prisoners during the 1991 siege of the Croatian town of Vukovar pleaded not guilty as their retrial opened here Tuesday.” The report further underlined that “the defendants in the Ovcar massacre case were all members of local territorial defence units, as well as volunteer units, fighting along with soldiers.” The report provided background to make a broader picture of the case: “Vukovar was captured by the Yugoslav army and Serb rebels in November 1991, at the end of the siege, in some of the most brutal fighting of Croatia’s 1991-1995 war of independence from the former communist federation. The town was razed and more than 1,000 civilians were killed, including those at Ovcar, 192 of whom have been identified. The Hague-based UN war crimes tribunal has been trying three Serb officers—Veselin Slijivancanin, Miroslav Radic and Mile Mrksic—for suspected war crimes committed in Vukovar.”

Training Journalists for Democracy – Local Context and International Agendas

Ana Petrusева

After the bloody break up of the former Yugoslavia, and the role that the media played in the different conflicts, donors rushed to support different training programmes for journalists in the Balkans. Since the mid-1990s hundreds of millions of dollars poured into the Balkans for media support, aiming to increase the level of professionalism, support the media and thus contribute to the overall process of democratisation and reconciliation in post-conflict societies. Security Sector Reform (SSR) has not been a priority, but specialised training on security-related issues has become more frequent.

Before the wars, there was barely an international media development sector in the former Yugoslavia. This was one reason for the overall lack of strategy among donors – foundations, foreign governments, and individuals that offered media support. In Bosnia, money was given directly to the media as humanitarian aid. The first media assistance to Bosnia came in the form of food packages for media staff and the *Oslobodjenje*, the only daily paper that was published throughout the war. Until 1994, donors only gave occasional grants to the media in Serbia. Press Now, the Swedish Helsinki Committee and the Soros Foundation were the main donors present, rather than the big government agencies.

The big policy shift came in 1995 during the preparations for the Dayton Peace Agreement, when an understanding developed about the need for a regional approach to secure the free flow of information across the borders of the countries at war. At that time, USAID, the European Union, Western governments and their agencies all came on the scene. Their presence helped make way for the creation of the news agency BETA in Serbia, as well as the Bosnian ONASA news agency. Private foundations and big governmental agencies started coordinating their approach to media support.

While American donors wanted to boost the private media, the European priority was the transformation of the public media. After Dayton, there was also a strategy to cast the net as widely as possible. A wide range of initiatives won support such as the creation of new media, professional associations, self-regulatory procedures and ethical codes.

For example in Bosnia, donors funded the opening of a state wide radio (Free Radio Election Network) FERN and TV station, Open Broadcast Network, OBN, aiming to increase the quality of media and establish media that would not be influenced by local

political factors and would be able to provide objective information to people ahead of the first post-war elections in the country.

In the past decade, journalists in the Balkans were presented with numerous opportunities to gain experience and improve their skills: from media ethics, diversity reporting to war coverage, investigative reporting and war crimes trial reporting. But it has not been an easy task, nor did it have groundbreaking impacts. Partly, because the training aimed to boost professionalism was often poorly prepared, without knowledge of the societies and the needs of the media it targeted, as donors rarely analysed the local scene properly beforehand nor did contact local media players to identify their training needs. This could be partly attributed to the history of journalism in the region and the fact that media owners and editors were not targeted in the training process.

Patriotism vs. Professionalism

The media in the Balkans today, almost a decade since the last conflict (in Macedonia), seem to be plagued with the same illnesses as a decade ago and influenced by the difficulties associated with economic and political transition. Ten years ago a main issue of debate among journalists was the dilemma of “patriotism versus professionalism.” If one looks today at Serbian and Kosovo reports regarding the Kosovo issue, or Macedonian reporting on Greece, Bosnia’s Federation versus the Republika Srpska, not much has changed. Nationalistic messages are conveyed in a more subtle way but the essence is the same – the majority of media disregard basic professional standards, accuracy and balance.

Many journalists still include their opinion in news and analysis, rely heavily on anonymous sources and publish one-sided, biased stories. That can be seen on a daily basis, from benign examples when in different reports a person’s name varies (i.e. “Bozidar Dimitrov said,” “Bozidar Dimitrovski said,” “Bosko Dimitrov said”), to stories accusing people of committing crimes without evidence or giving the accused the right to respond to the allegations.

“I can publish that Mr. X has stolen millions because everybody knows it,” or, “We can write that Mrs. X is a murderer because the daily X has already published she is” is unfortunately still very much the way many journalists defend their stories. Libel is not taken seriously and is often defended as freedom of speech or public interest.

At the same time a large number of media organisations in the Balkans are heavily tied to and dependent on politicians or businesses and often serve as a tool for their interests rather than the public interest.

In-depth reporting and investigative journalism are limited to the media that have managed to resist sensationalism and the trivia trend that has dominated most mainstream media. The arrest of one of the most wanted fugitives, Radovan Karadzic, is a

good example as it was completely overshadowed by trivia about his life in hiding. The indictment, the victims of the war in Bosnia and Karadzic's role in the war were confined to footnotes.

Main Challenges of Training Support

According to some estimates dozens of donors poured over 200 million US dollars into training and media support in the Balkans between 1996 and 2006 (Press Now assessment), in what some experts have called the biggest media experiment in modern history.

According to the assessment the Ten Years of Media Support to the Balkans:

Too much funding, too little analysis and planning, and lack of attention to quality have resulted in waste. This form of donor engagement reveals a general absence of strategic refinement, evaluation, and success in establishing value. As other evaluations have found, donors have often seen training as a sinecure – a politically uncomplicated form of assistance that would demonstrate commitment without raising questions or creating obligations. Some have embarked on training projects without adequate knowledge and analysis of the needs of target groups, and have often failed to work together with other donors to provide a rational and relevant set of opportunities. Implementing organisations, both foreign and domestic, have exploited the oversized donor market for media education, continuing to market training to donors on the basis of distorted evaluations of the needs of target groups, even as target groups have shown higher training levels and donors have planned exit strategies.

There have been different forms of media development: one-off courses on specific topics, *ad hoc* conferences and debates, long-term training with local partners, development of media centres and regulatory bodies, direct support to the media, as well as support for legislation in respective countries and reform of public broadcasters.

One-off courses and *conference debates* have been the least successful for numerous reasons. Understaffed media outlets would almost always send young journalists to attend workshops as they could not afford their best journalists not to file stories. Many journalists have attended training to get a *per diem*. Specialised training for journalists who are experts in a certain field is rare.

Another problem has been that sometimes foreign experts, lecturers (journalists and professors) do not grasp the reality of the situation in the country where the training is held, and thus are perceived as ill-prepared or condescending. Lectures about the tools and techniques the *New York Times* would use while covering a major story would mean little to journalists struggling to obtain basic information from state institutions, for example. Though laws on public access to information have been passed, in reality few institutions respond to journalistic requests for information on time, if at all.

Journalists who have attended a one-off training that did not result in a story or TV/radio package are less likely to implement what they have learned in their daily line of work. Experience has shown positive results in most cases where journalists experienced every step of the research and writing process with a trainer. Overall, courses that have been focused, well-prepared, and incorporated on-the-job training, often with local trainers, have been much more efficient.

Most successful has been on-the-job training which involves working closely with journalists, step-by-step throughout the entire process of preparing an article. For example, in BIRN training editors/trainers and journalists initially brainstorm about potential topics that could be researched. During the commissioning session, journalists answer numerous questions, such as:

- What is the initial premise of the story?
- Has it been covered already and, if so, what fresh elements/angle can be added, and what is the significance for the public?
- Who are the potential sources to be interviewed?
- What facts/data/research can they obtain and?
- How can they find additional evidence to support the story?

Once journalists and trainers decide which angle of the story to pursue, it is time for the drawing board as journalists, with assistance of editors, build the outline, skeleton of the story (trail – one line telling us what the story is about, news – the latest developments, summary – all the findings in the story, background and finally arguments that elaborate the findings in the summary, supported by interviews, facts and data).

Once the commissioning brief is completed journalists start with their research and interviews. Editors/trainers keep in contact with the journalists during the process, get regular updates about the progress, provide advice on how to find additional sources, how to apply pressure to non-responsive institutions, and take a closer look at use of anonymous sources (used too often in the Balkans). After the journalist has gathered all data he/she again consults with the editor before drafting the story so they can decide on the structure of the story and which material and quotes should be used.

Although this model has repeatedly proven to be successful and one would expect that journalists would also implement it in their own organizations, a problem arises in the newsroom.

Many journalists who have attempted to follow professional standards in the newsroom have not been able to do so because of the pressure of deadlines and editors keen to have the story published before the competition, regardless whether the article covers all bases. As a result journalists who have been through extensive training at

home or abroad have found it difficult to adjust and have left the local media or journalism all together.

Improving Inter-ethnic Relations?

The political and social agendas of the media and the donors have not always corresponded. After the conflict, training was often designed to accommodate current political topics rather than as a part of a long-term strategy.

During and after the conflict in Macedonia, donors focused on inter-ethnic relations, training Macedonian and Albanian journalists to bring together the two communities, abandon divisive stereotypes and move towards reconciliation. In Macedonia, training was effective in preventing hate speech and raising awareness about diversity reporting. Similar training courses were held in all post-conflict societies.

Ethics, diversity reporting and war reporting training were all on the menu in Macedonia. However, in the aftermath of the conflict, there has not been enough quality training for other burning issues of the transition period. A recent study has shown that corruption for example is covered mostly in short news, and based on one source alone without any documents or evidence to support different claims.

In Kosovo, media reports fuelled the riots in March 2004 which ended with several people dead. Many houses and churches were burned in the attacks on the Serbian enclaves. During the violence very few media outlets that had reporters both in the Serbian and Albanian community in Kosovo could provide a full story of the events. After the riots, various training courses were held for the Kosovo media, particularly on professional standards and media ethics. However, the training has had little effect on the prevailing culture among the media which largely ignores issues that in any way pose questions about the conflict in 1998 and the drive for independence. As a result, recent reports about secret Kosovo Liberation Army prison camps in Albania during the conflict were dismissed as false by the local media which, along with politicians, labeled the journalists who produced the report as pro-Serbian.¹

What about Editors and Owners?

It has to be said that journalists are not the main culprits for training failures. One of the main problems with journalism training is that it has never really targeted the key players in the profession – editors and owners. Instead, it is often limited to journalists who typically have no say in decision-making processes and are often unable to influence the editorial policy of the media.

¹ The story is partially reprinted in this collection, as well as the additional comment by the lead author.

While donors rushed to support the media during the conflicts in the Balkans, business management of the media was neglected, particularly in the early stages. The media lacked appropriate business skills to meet the demand for sustainability to survive when the donor communities left.

The Press Now assessment report states,

While journalists themselves have most often been the target of training seminars and other activities, editors, managers, and publishers have been less involved. The objectives of training and education have not been met, in part because those who have had access to training have not been able to put it to practical use. Publishers and editors tend to dictate decisions about content on political and economic grounds, and prevent specialised reporting on topics, often at odds with journalistic values transmitted in donor-organised training.

Generally, trained journalists cannot put what they have learned—particularly about topics that are important to the public, and which can help media become “public service”-oriented—in practice. Observers report that “editors do not like trained journalists.” The stories about human rights, minorities, consumer awareness, and corruption that may result from donor-financed training are often killed by editors and disallowed by owners and publishers.

Specialised Reporting on Judiciary and Security

Specialised reporting, especially on corruption, court reporting, war crimes trials, the police and army has been a major issue for most media in the Balkans. Training has not been sufficient when it comes to reporting on the police or army-related matters. Despite the fact that the new democracies in the former Yugoslav republics still struggle with basic issues in the human rights department and have a history of using the state institutions as a mechanism to settle scores with their political opponents, what the police says is taken as the ultimate truth in 90 percent of cases.

Presumption of innocence is not respected. Arrest is treated as conviction. Charges for murder result in headlines “Murderer arrested.” The accused, or their lawyers are rarely consulted and what the state institutions publicise is never questioned despite numerous cases where an individual’s reputation is irreparably tarnished with a spectacular arrest in front of TV cameras, and convictions in the media that never result in an indictment.

For example, once Serbia launched operation Sabre, after the killing of prime minister Zoran Djindjic, few questioned police methods as thousands were arrested. The first public detailed allegations of the torture of detainees who were arrested during “Operation Sabre” were published by the London-based Institute for War and Peace Reporting (IWPR) on 4 June 2003. The IWPR reported that many only talked on the condition of anonymity due to fear of being arrested again or being subjected to other forms of official pressure. However,

some have made public statements, while others who remain in detention have had their allegations publicised by lawyers or family members. Following the publication of the IWPR report, an Amnesty International delegate visited Serbia in July and gathered information which confirmed the IWPR's report as well as information on numerous other cases of torture and ill-treatment.

Though there has not been much training in the security sector area, successful examples involve journalists that are covering this beat only, have many contacts and sources but also have the necessary distance (too often in the Balkans journalists trade off with their sources) to question why they are receiving certain information and make sure they are not manipulated.

One successful example is a story of the police in Macedonia arresting defence and army officials and preventing arms trafficking to Bulgaria. The journalist who broke the story was tipped off by the police about the arrest and immediately found defence ministry sources to confirm the story and expose details about the trade. Seven officials are still on trial for the case.

Another example was that of a workshop for journalists and spokesmen from police stations in seven towns in Macedonia on human trafficking. The workshop covered the basic rules about human trafficking cases, rules about publishing the names of victims, what information can be available to the public, what resources journalists can use to obtain information, what cannot be published, leaked information and the legal implications and consequences for the prosecutors case.

The New York Times rule for using anonymous sources states that two basic questions should be answered: 1) How much direct knowledge does the source have of the event?, and 2) What, if any, motive might the source have for misleading us, "spinning" the story or hiding important facts that might alter our impression of the information?

When the big international story about the US renditions was opened, *The New York Times* published an interview with a German man who claimed he was held by Macedonian authorities before he was handed over to the CIA and transferred to an Afghan prison where he was held and tortured for months. While the story was published, intelligence officials in Macedonia briefed a local journalist in Macedonia, who published a front page story about the great success of the Macedonian intelligence services which, with the CIA, had apprehended a terrorist wanted for his involvement in 9/11. Only a few days later, a BIRN investigation, that included interviews with a range of anonymous officials from different police and intelligence structures and checks of airport data, confirmed the abduction story. Although local media republished the BIRN findings there was no significant follow up by the local media, partly due to the perception of the US as a strategic partner and supporter of Macedonia in the name row

with Greece. The case has put Macedonia on the list of countries involved in extraordinary renditions investigated by the Council of Europe.

War crimes reporting training was organised somewhat late in the Balkans, at a time when politicians had already established their view of the events in question. As a result the tribunal in The Hague was seen in some countries as designed to punish certain societies and by the time journalistic training commenced, most journalists just followed the same popular sentiment. Regular reporting of war crimes trials is extremely rare. Media usually cover the opening and closing of a trial with regular comments on verdicts. For example, it would be scandalous for the media in Serbia when a Bosnian is acquitted, while Bosnian media would scream injustice when Biljana Plavsic is released early. When Ramush Haradinaj went to The Hague to stand trial, a one-day event with top tribunal officials and international journalists covering war crimes was staged in Pristina to offer journalists an opportunity to gain insights into the work of the International Criminal Tribunal for former Yugoslavia, as well as learn about the tools journalists could use for quality coverage of the trial. However, there was little interest in what was said as journalists—and prevailing public opinion—had few doubts about the innocence of the war time hero.

The same atmosphere was evident in Macedonia where the majority of ethnic Macedonians had decided that the processing of cases against only Macedonian officials had been a political decision by a political court. Journalists echoed that sentiment. Training on how to cover the trial of the former interior minister Ljube Boskoski and police officer Johan Tarculovski was viewed solely through the ethnic prism.

Violence, Economy and Self-censorship

Another challenge for journalists dealing with sensitive topics, such as war crimes, organised crime and corruption, has been the rise in violent incidents. The past year has not been easy for journalists in the Balkans with many beaten, threatened and even killed.

Those who venture into controversial and sensitive topics have become used to living under threat in the region. In December 2009, Brankica Stankovic, who is author of the show *Insider* on B92 Television, received death threats posted on Internet sites after the airing of a show which listed a number of unpunished offences allegedly committed by football hooligans, including drug trafficking, attacks and murder. The assault was one of many incidents of violence against journalists in the Balkans reported over the last year. The gravest case in recent times was the assassination of the editor of the Croatian magazine *Nacional*, Ivo Pukanic. Pukanic and his colleague, Ivo Franjic, were killed by an explosive device in Zagreb in October 2008. Pukanic was known for his reporting on organised crime in the region.

Journalists and media experts say that in a situation when the media is already struggling to resist political and business influence, violence against journalists contributes to the increasing culture of self-censorship.

The political and business interests of media owners also contribute to a culture of self-censorship among journalists. The average salary of journalists in the Balkans is about 300-500 Euro (except in Croatia, where it is higher), most journalists associations are divided and do not have the credibility nor power to resist the pressures from politics or businesses.

The media boom after the fall of communism and the large numbers of media crammed into an advertising market that cannot sustain its needs has left many owners vulnerable to different kinds of pressures. Moreover, in societies struggling with high levels of unemployment journalists are easily replaceable. Overall, the trend towards low quality journalism has worsened since the 1990s, leaving newsrooms without experienced journalists needed to fight corruption and counter public relations spin. Therefore, journalists often decide to turn a blind eye: sign stories they didn't write, prepare slandering biased reports or simply avoid certain topics rather than risk their jobs.

"Why would I risk my job or my life exposing corruption for the 400 Euro a month I receive? I would get on my back the government, different businesses and a phone-call to the owner could leave me on the street. There is no point," says one Macedonian disgruntled journalist.

The Ten Years of Media Support to the Balkans Assessment reads.

Media quality often does not reflect the standards that could be upheld by journalists, standards that have been positively affected by exposure to training. Training has not solved serious "ideological issues" that continue to retard development toward operational standards and practices comparable with Western Europe.

Media retain a highly hierarchical and autocratic management style, with important decisions made by editors to please owners and publishers, who are often powerful political and business figures with more than media-centred agendas.

There has been an influx into the profession of dilettante journalists who have responded to the demand created by a media explosion, many of whom have not even attended a university. Such journalists are often opportunistic and not committed to the profession; they tend not to challenge the system by confronting the structures that stand in the way of quality media.

Public Confidence in the Role of Governments

The decay in the profession has in turn resulted in low public confidence in the media. In situations when prominent journalists and editors have been attacked or sacked

because they were trying to maintain their professional integrity, there has been little response from the public.

In addition, there have not been enough efforts devoted to strengthening the media and securing their independence through legislature and self-regulation. While development of media centres in the region has been quite successful, millions invested in the reform of public broadcasters have failed to yield results and, in most countries, the public service remains very much controlled by governments.

The private media on the other hand are often owned either by political party members or businesses close to political parties. Since donors started to pull back from the Balkans, there are numerous examples of the media, created by donors and financially covered for years, unable to survive on the market that have shifted allegiances and traded their independence for financial support.

At the same time, governments have emerged as one of the main players in the advertising business. According to the Broadcasting Council, the Macedonian government in 2008 was the second biggest advertiser in the country, after the main mobile and phone network.

The government's lion share in advertising has significantly contributed to the culture of self-censorship as journalists, but mainly editors and owners steer clear of stories that could potentially bring into question their income. Editors that have failed to comply with new editorial rules have been replaced as have journalists who have refused to sign an editorial they did not write.

Governments also pay for news reporting abroad, and a number of journalists accompanying officials on visits to other countries get paid travel and accommodation expenses, which is also form of pressure on journalists.

Journalist unions have not overcome divisions nor gained enough support to serve the profession and protect journalists from such pressures. Self-regulatory bodies have hardly developed in the region, and have not significantly impacted the media.

Media in the Balkans are very much still in need of quality training, well-prepared training on specific topics with a thorough analysis of the needs of the media not as a one-off event but in a format that would include practical work and would not only target journalists but also involve editors and owners to ensure commitment on all levels.

Main tips for reporting are as follows:

- Develop a wide network of sources in different institutions and at different levels: lower level officials are often more available for contact and can have access to crucial information and documents.
- Always question the motive of your sources – why would they give you certain information or data.

- Always check the information you have received with at the minimum another independent source. Make sure that your sources do not come from the same institution. The minister of interior and the interior ministry spokesman are not two independent sources as they come from the same institution.
- Contact all institutions relevant to your story, NGOs, watchdogs and international organisations.
- If you are researching a sensitive story and are faced with a wall of silence from the respective institution, try to find sources that might have an incentive to talk, disgruntled former or demoted employees, field operatives, former officials, employees from opposition parties, etc. And again, data from all sources should be verified.
- The same rules apply with documents. All documents should be checked and verified. Journalists should never rush to publish a document received by a source without double checking.
- File a request for documents according the law on public access to information.
- Search the Internet for potential reports/ documents on the topic you are researching for secondary reports – books, newspaper articles, annual reports of state agencies, private organisations, theses and dissertations, etc.
- Never use other media reports as a primary source.
- Get all the background about the topic you are researching, i.e. if you are writing about the conflict between the counter-intelligence agency and the interior ministry ensure that you know the institutional structure, mandate according to law, jurisdiction and hierarchy before you start interviews.
- If your story is sensitive and libel ensure that it is reviewed by a lawyer before publication.

Media Legislation and Ethical Issues in New Democracies – the Western Balkans

Mehmed Halilovic

The social position and role of media in the countries of the Western Balkans is a reliable indicator of democratic processes which have been taking place in the region over the past two decades. Although the rule that free media cannot generally develop in controlled societies has been confirmed in this region as well, independent media, even if few in numbers, were nevertheless an initiator and bulwark of democratic changes even in countries in which one-party dictatorships were in place until recently.

The ambitions of countries in the Western Balkans to find their place in the European Union (EU) as soon as possible, as well as the unstoppable internal democratic processes, even if not well-balanced, have inspired these countries to reject, without exception, the old legislation which was characterised by formal recognition and real or concealed restriction of media freedoms. There is not a single country which has not taken such steps in the last decade, although the results of these attempts, as expected, are not equal.

All countries in this region simultaneously went through or are still going through a transformation of media ownership – from state to private ownership, and in the case of the leading electronic media, through the process of creating so-called public services and establishing new relations between the authorities and the media. The most significant social change, however, is taking place in the media world itself. At stake is not just the transformation of ownership, but also the process of their genuine transformation from state propaganda outlets to a growing information industry which operates on the basis of market principles.

Although progress can be measured separately from country to country, some common characteristics exist for the region and groups of countries. Based on results in the application of modern standards in media legislation and their progress in the process of transformation of the media, the countries of the region can be divided into three groups: those which have passed through their own transition by peaceful means, followed by a group of countries which were engulfed by war, and finally a group of countries which were governed until recently by undemocratic regimes.

Understandably, the most favourable position and best results have been achieved by the first group of countries. However, among them there are, of course, certain differences in the degree of progress in democratic processes. Slovenia, on the one hand, is already an EU

member and practically not even counted as a country of the western Balkans, and Macedonia on the other. The media transition, however, did not bypass the other two groups of countries – those which suffered catastrophic destruction (Bosnia and Herzegovina – B-H, firstly), as well as those which were governed until recently by undemocratic regimes (Serbia and Croatia). Some countries have also been scarred by wars in and around the region (Montenegro, Croatia, Kosovo and Serbia).

The two latter groups of countries have a complex media scene characterised by a high degree of political and economic dependence on the ruling parties, ruling regimes or foreign donors, ethnic divisions and intolerance, exposure to various forms of pressure, underdevelopment of a real media market, and a relatively low degree of professionalism among the majority of journalists.

The media picture in Croatia is characterised by the dominant position and influence of the state radio and television (HRT), while the majority of publications sold by the numerous news stands are for children and mostly on entertainment. Serious political publications enjoy limited circulation. Much like Croatia, the media scene in Serbia has been characterised for over a decade by a sharp division between pro and anti-regime newspapers, radio and television stations, which offered two opposing pictures of the same reality. The process of democratisation in both countries over the last decade has however contributed to changes in the media scene and the acceptance of new laws.

The media picture in B-H is still encumbered by its political and legal organisation and adverse political relations and conflicts. B-H is a union with a very complex state structure, consisting of two entities (the Federation of B-H and Republika Srpska), whose important characteristics are the total territorial and political fragmentation of the Federation, which consists of ten cantons, and a marked centralisation in Republika Srpska. Overall, the media scene in B-H in the post-war period still reflects the ethnic, religious and political division of the country. One consequence of this is that the media is still exposed to the more or less strong pressure of the ruling elite, suffers from blackmailing and threats, and is often fully dependent on financiers. Nevertheless, B-H maintains the best media regulations, especially when it comes to basic laws on freedom of access to information and libel. This is largely because of the influence, active presence and decisive role of the international community.

Free or Restricted Access to Information

In 2000, Bosnia and Herzegovina was the first among the countries of the Western Balkans to establish its own *Law on the Freedom of Access to Information*, which other countries in the region have now received. Due to its characteristics, however, B-H does not have one but three such laws – one at the state level, which applies to the state authorities, and two other laws, of more or less equal content, for both entities. Although none of these laws mention the

media, they are the cornerstone of the basic freedoms of expression and access to information, and provide the foundation of free media.

The main characteristic of all three laws in B-H is the rule on the publication of all information that is in the possession of public authorities and the very limited exceptions specified in these laws. The laws make no difference among the public authorities and prescribe this obligation to virtually all those who are financed in any way by public funds (budgets, subscriptions, contributions, etc.).

Exceptions to the publication of information may be made only pursuant to the Law on the Freedom of Access to Information (in this respect it is a *lex specialis*), which means that exceptions which had existed beforehand in other laws should no longer apply, with the exception—as specified—of the Law on Court Proceedings. In reality, however, there are many other laws (in addition to the Law on the Protection of Confidential Information, also laws on the tax administration, on the police, on criminal proceedings, etc.) which restrict the right of access to specific information, imposing additional restrictions to this law.

Similar laws have also been adopted in other countries – in Croatia and Kosovo in 2003, in Serbia in 2004, in Montenegro in 2005, and in Macedonia in 2006. These laws differ in several important ways. In Serbia it is called the Law on Free Access to Information of Public Significance, and in Kosovo – the Law on Access to Official Documents. Differences in name are not just formal. In the first case (Serbia), they can restrict the character of information (of public significance), implying an information restriction which, according to the authorities, is not of “public significance.” In the case of the law in Kosovo, the name itself does not restrict the right of access to information, because all information in the possession of the authorities has an official character.

In laws on the freedom of access to information in B-H, journalists are not mentioned, which does not mean that they do not enjoy any special privileges pursuant to this law in comparison to other citizens. The laws in Croatia, Montenegro, Macedonia and Kosovo do not mention journalists and the media either. Only the Law on Free Access to Information of Public Significance in Serbia mentions the media and journalists, but it does not give them any special privileges and only forbids discrimination among journalists and media.

A more important difference among these laws refers to sanctions and control over its application. None of the three laws in Bosnia and Herzegovina contain criminal provisions in the case of non-compliance (although they indirectly refer to other laws which envisage sanctions for illegal conduct). The laws in Croatia, Montenegro and Serbia contain sections on sanctions in the case of non-compliance with legal obligations. Moreover, only the law in Serbia has established a special institution with a public commissioner who has the power to receive and process complaints and to issue official rulings. The law in Croatia envisages that the Government itself is to do this through a

special administrative inspectorate, and the law in Montenegro has left this to “the Ministry responsible for the media.” In Bosnia and Herzegovina, supervision over the application of the law rests with the ombudsmen for information who can only issue recommendations and cannot pass binding decisions.

Journalists are not frequent beneficiaries of these laws, but they have used them in investigative reports, especially in illegal and covert conduct by the authorities. Although many reporters in all of these countries have discovered major scandals in this way (in Serbia, for instance, on secret contracts on highway construction and tolls), the reporters of the Centre for Investigative Reporting (CIN) in Sarajevo, who have received a number of international awards for their reports and investigative articles, deserve the most praise. CIN’s website www.cin.ba provides insights into the truly numerous stories of these reporters.

Advantages of Decriminalising Libel

Libel and insult are not part of criminal law and are not criminal offences only in Bosnia and Herzegovina. In other countries in the western Balkans, libel has remained a criminal offence within criminal law, but has been partly decriminalised in so much that prison sentences and suspended prison sentences have been abolished while fines remain. Civil suits for damages are also possible. In B-H there are two libel laws in the two entities, but they are very similar with no major differences between them.

Insult is not mentioned in these laws and it is handled pursuant to the Law on Obligations. In the new libel laws, protection of national symbols, the state and national and international high officials has been abolished. Protection of the state, state symbols and state institutions was present while criminal responsibility for libel and insult was still part of the criminal law in B-H.

In general, libel laws in B-H established a good balance between the right to freedom of expression and the protection of personal reputation and dignity. Libel is defined as “intentional or unintentional presentation of untrue facts.” Responsibility for the presentation of opinions is excluded. In the libel law in the Federation of B-H, Article 7 explicitly states that “there is no responsibility for libel – if a statement presents an opinion.” There is also no responsibility for a statement “which is essentially true, and untrue only in unimportant elements,” as well as if something expressed in parliamentary, court or administrative proceedings is conveyed and if a statement is “reasonable.” Politicians and public figures are not specially protected by this law. On the contrary, the degree of their protection is lower than for ordinary citizens. In addition, public bodies (authorities such as the government, parliament, court, etc.) are not permitted to sue for damages because of libel. State officials can submit such suits only privately and in a personal capacity.

This law also prescribes that any compensation in libel cases “should be proportional to the damage done to the reputation of the injured party,” and that it must not lead “to grave material hardship or bankruptcy of the injured part (medium).” The amount of compensation is not defined in absolute terms, and in this way the *law protects the media from excessive compensation* amounts and possible bankruptcy.

In B-H, journalists can also defend themselves when they publish untrue information which may be libelous against a person if two conditions are met – that *the journalist acted with good intentions and “in accordance with the highest professional standards.”* Based on analysis of several dozen court decisions in libel cases, it is possible to conclude that journalists have not referred frequently to this part of the law and that only in several cases did courts acknowledge evidence on the good intentions and professional conduct of journalists. It is noteworthy that in all of these rulings the courts referred to the Press Code of B-H journalists and evaluated “good intentions and professionalism” in accordance with this Code.

The application of the two libel laws in B-H has indirectly *contributed to a greater professionalism of the media*, which may be one of its positive effects. Among other things, this has become evident especially in newspapers and television stations which have started to publish more professionally prepared stories—probably also in order to avoid possible libel suits—as well as corrections, reactions and even apologies, which they had not done earlier.

The application of this law is also significant for the courts, which have started to rely to a greater extent, especially in these cases, on the European Convention on Human Rights and Fundamental Freedoms and the decisions of the European Court on the Protection of Human Rights. In some decisions, in sections discussing whether the media acted professionally, it is even possible to find quotes from the local Press Code.

Criminal Responsibility and Fines

In other countries in the Western Balkans criminal and civil cases against journalists and the media are still taking place in parallel. High fines and compensation amounts have been imposed. Two decisions by Montenegrin courts have drawn the most public attention in the last several years. In the first case, damages were awarded to the Montenegrin Prime Minister, Milo Đukanović, and in the second case to the film director Emir Kusturica.

Box 6: Criminal Responsibility and Fines – Case 1

The journalist and owner of *Vijesti* Željko Ivanović was sued because he had caused “irreparable mental anguish” to Montenegrin Prime Minister Milo Đukanović to the value of one million Euro (!) as requested in his claim for damages. How did he cause such great anguish? After Ivanović was beaten

up by thugs in the centre of Podgorica, he immediately claimed that Milo Đukanović was responsible for the attack. The court in the first instance in Podgorica ruled in favour of Đukanović and awarded him a “modest” 20,000 Euro, with an explanation that “the amount is not and cannot be equivalent to the damage caused to the plaintiff, nor is that the purpose of the decision to award damages, because the honour and reputation of a person are values which cannot be expressed in financial terms. But the ruling provides an opportunity for the plaintiff to experience the awarded compensation as a pleasant event which will contribute to remedying the damage caused by an unpleasant event.”

Source: www.seebiz.eu/cg/kompanije/mediji/dnevnik-vijesti-kaznjen-s-20.000-eura,15822.html.

Box 7: Criminal Responsibility and Fines – Case 2

A second-instance decision of the Supreme Court of Montenegro in a case brought by the prominent film director Emir Kusturica against journalist and writer Andrej Nikolaidis according to which he had to pay 12,000 Euros in damages to the director for his mental anguish because of an article published five years earlier (“The Butchers Apprentice”). According to the decision of the court, Nikolaidis was ordered to pay 100,000 Euros. The Supreme Court lowered the amount to 12,000.

On the decision of the Supreme Court see: www.tportal.hr/kultura/knjizevnost/35016/Nikolaidis-Kusturici-mora-platiti-12-tisuca-eura-za-dusevne-boli.html.

Partial decriminalisation has not, however, fully removed the threat of a prison sentence for journalists. One noteworthy case is that of a Croatian journalist who refused to pay a fine in 2005, because he thought that it was “legally and morally unjustified.” The then Minister of Justice Vesna Škare Ožbolt paid the fine herself so that “Croatia would not disgrace itself internationally,” as she said at the time. In the meantime, the competent court had already issued an order to jail the journalist until he paid the fine (the length of the prison sentence depends on the fine). For more on this case and on suits by judges and lawyers against journalists in Croatia see: <http://www.nacional.hr/clanak/21792/mediji-na-udaru-sudacke-klike>.

Overall, the *criminal responsibility of journalists and the media is an important form of restriction of media freedoms*, which has been demonstrated in the cases of Montenegro, Croatia and Serbia, and earlier in B-H. The criminal law in Croatia has restricted the work of journalists and formed the basis for the submission of countless suits against journalists, representing an open form of pressure on the media. The influence of the state is also reflected in the fact that some media have been in debt for years, without any revenues, but have not been liquidated. So some media operated in accordance with market principles, and some with non-market principles. Of course, this penalised the independent media, which had to adapt its editorial policies to an impoverished and rather politicised market. Serious and analytical journalism thus mostly collapsed (several such newspapers, among which the Split-based *Feral Tribune* was the most prominent, disappeared that way), while the market has been conquered by

tabloids and semi-tabloids. One consequence of this situation is the fact that even today it is very difficult for independent and serious journalism to develop, because media with such ambitions are in an unfavourable economic position. Similar processes in Serbia led to a real explosion of tabloids and the withdrawal of serious newspapers.

Partial decriminalisation has not, therefore, removed the threat of a prison sentence for journalists (if they do not pay fines), nor has it eliminated the possibility of an additional (civil) suit for the compensation of material or nonmaterial damage to an injured party or organisation after conviction.

Laws on Information

Laws on information in most countries in the region are usually modified pre-war laws of the former Yugoslavia. They are the surviving remains of the Communist media legislation, only partially supplemented by the international standards of democratic countries. This is most visible in the Law on Public Information in Serbia and partly in the laws in B-H, since it has as many as nine such laws (one in the entity of Republika Srpska and eight in eight cantons in the other entity. In two cantons, they have not even been passed). These local laws in B-H still prescribe the obligation to register print media with governmental bodies, which is a concealed form of control of the press by politicians. However some of these cantonal laws have been modified in the meantime.

During the previous regime, regulations governing the media in Serbia were an example of an undisguised violation of the *European Convention on Human Rights* and negation of press freedoms. *The Law on Public Information* of 1998, as well as the previous law, greatly contributed to Serbia being categorised among a group of only a few countries in which the freedom of the press was under the greatest threat in the world. This law imposed a ban on the rebroadcasting of certain foreign information programs, introduced fast-track court rulings and increased fines by as much as 80 times.

That law in Serbia was amended on 31 August 2009, but even the amended law has not been left without very rigid provisions. The new law imposed stricter obligations on the media, their founders, journalists and editors, and conspicuously failed to impose any obligations on the authorities. Some general provisions similar to those of a decade ago remained as if nothing had changed in the meantime. The amended law also imposed an obligation to register public media with a Register of Public Media and prescribed heavy fines for publishers and founders if they failed to comply, and also heavy fines if the media violated the principle of the presumption of innocence and the rights of minors. If a media outlet is not registered in the public register, the public prosecutor will initiate proceedings and within 12 hours the competent court will temporarily halt the publication of the media outlet. If the founder fails to comply with the ban and continues to publish, he will be fined one to 20 million dinars (up to 200,000

Euro), and the person responsible – up to two million dinars, with the possibility of imposing a permanent ban.

The new law envisages very strict sanctions for violations of the presumption of innocence and the publication of information which “may threaten the development of a minor if the minor is identifiable from a piece of information which may violate his rights or interests.” The extent of the fine depends on the circulation and revenues from ads in the issue in which the article is published, and if it is published on the front page or in a news bulletin – it depends on the weekly revenue. Such a fine may be 25-100% of the value of total sales on the day of publication of the information and the value of ad revenues in that issue, and in the case of an electronic media outlet, as much as 25-100% of the value of ads on the day when the information is published (or it is tied to weekly revenues). The responsible person in the founding body and the editor may be fined an additional 200,000 to two million dinars.

Strict sanctions are also envisaged for journalists and editors (for instance, for failure to publish a list of editors), as well as for distributors who stop distribution for non-economic reasons. As the Belgrade Committee of Lawyers for Human Rights (YUCOM) stated in its analysis, “the law has less to do with public information and media and more with sanctions and financial obligations.”

Such provisions and ways of treating innocence are not just a serious threat to irresponsible journalism, but also a *death sentence to all investigative journalism*. The hypocrisy of the law can also be observed in a second example noticed by YUCOM legal experts: the same chapter of the previous law also included provisions prohibiting hate speech, but only declaratively, without any sanctions. These provisions remain, but again without sanctions. This could lead to the conclusion that *hate speech is not a sufficiently dangerous threat to society*, in contrast with violations of the presumption of innocence.

Electronic Media and Regulatory Agencies

The abolition of state ownership and state control over electronic media is no doubt one of the most significant achievements of the media reforms so far, although their transformation into public service is not proceeding rapidly or smoothly. The extent to which this process is protracted and painful can be seen by the examples of all successor countries of the former Yugoslavia. The Croatian Radio Television still has a monopoly inherited from the previous regime, the Radio Television of B-H is still not accepted throughout the whole country for political reasons, while the Radio Television of Serbia was the media outlet of the ruling political elite until recently, and the process of creating a public service has only just begun in recent years. All governments, even the first democratically elected governments in these countries, are using the transition

process to hold on to at least some degree of control over the leading media in order to maintain control over public opinion.

Commercialisation of the media has led to a real explosion in the number of new privately-held radio and television stations – close to 300 electronic media in B-H, 350 in Serbia, 250 in Macedonia and over 120 in Croatia. Such a large number of stations only partly reflects the growing need for pluralisation in the media scene, and to a much larger extent the *fragmentation* of these societies as a consequence of the destructive effects of war. The majority of these media are not capable of ensuring high professional standards, reliable sources of funding and the necessary technical capabilities.

The slow transformation of earlier state radio televisions into public services on the one hand and a rather disorganized development of commercial media on the other, have created a number of new problems. State media which is now turning into a public service, however, wants to maintain a monopolistic position on the market, which also means the possibility of offering commercial services in addition to securing permanent sources of funding, mostly through subscription. Commercial media on the other hand believes that this threatens its existence, because the market is the only source of funding it can count on. Since the market in these countries is rather underdeveloped and is often guided by non-market, mostly political motives, conflicts are unavoidable.

Attempts by regulatory agencies to establish order in this area, such as in the example of B-H, have met resistance. The withdrawal of licenses for the operation of some radio and television stations, which do not meet even a minimum of programming, financial or technical conditions, is often interpreted as a blow against media freedoms and the right to expression, and the withdrawal of journalists' right to work.

The B-H Communications Regulatory Agency (CRA) has achieved the greatest renown in the region. It is the only body responsible for issuing licenses for the work of radio and television stations, both public and private/commercial. In accordance with the Law on Communications, the CRA acts as a functionally independent and non-profit agency which regulates the radio and television sector, public telecommunication networks and the issuing of licenses, and defines the conditions for the work of joint and international communication structures. At the same time, the CRA supervises the way in which broadcasting licenses are used and in cases of violation—regardless of whether the violations refer to the technical conditions of the license or editorial rules—it has the possibility to impose sanctions. The process of issuing licenses to radio and television broadcasters is transparent, independent and competitive.

The independence of the CRA ensures to a large extent the independence of the electronic media sector. The mechanisms by which the independence of the CRA is guaranteed are built into the *Law on Communications* and the *Law on the Funding of B-H Institutions*, which prescribe that the Council of Ministers (the Government), or individual ministers cannot interfere with the decision-making process of the CRA. Moreover, officials

from legislative and executive institutions at all levels of government, as well as members of the organs of political parties and persons who have financial relationships with telecommunication operators or electronic media, cannot be appointed to the position of director general or function as members of the CRA Council.

However, apart from formal preconditions, a key pillar for the overall independence of public radio and television services, and all other media, is their *financial independence*. Public broadcasters have major problems in collecting the mandatory monthly radio and television subscription, bringing them into a grave financial position. In addition, the existing collection system (subscription is paid together with invoices for fixed lines) has not proved to be ideal and is often used as a tool for applying pressure on radio and television broadcasters. *Political and religious leaders from various groups also often call for a boycott of radio and television subscription fees when they disagree with the editorial policy of public broadcasters.*

The Rules of the Regulatory Agency on Media Concentration and Ownership of Electronic and Print Media have been in force since 2004, clearly defining the criteria for preventing a concentration of ownership in the media market. According to these rules, a physical or legal person cannot own two or more radio stations or two or more TV stations covering the same population. Furthermore, mixed ownership over electronic and print media is restricted in the sense that an owner of a print outlet is allowed to be the owner of just one electronic outlet (television or radio station) at the same time.

Box 8: Apartheid Redux

Transition Online, 11 February 2010

by Tihomir Loza

Laws notwithstanding, many Bosnians shouldn't expect to rise too far if they don't stay among "their own kind."

Fahrudin Radoncic, the owner of the biggest Bosniak (Bosnian Muslim) daily, *Dnevni Avaz*, and a number of other media outlets, made news late last month with a suggestion that an ethnic Serb journalist, who until recently edited news for the country's biggest broadcaster, should never have been allowed to do so because of her ethnicity. Federal Television, where Duska Jurisic is one of the most recognizable faces, is part of the country's public broadcasting service. FTV is largely watched in the Bosniak-majority regions.

Apart from being one of Bosnia's wealthiest men, Radoncic, who has been both mocked and admired as "Bosnia's Berlusconi," has since September led a new political party, the Union for a Better Future for Bosnia and Herzegovina. Radoncic objected in particular to FTV's coverage of Bosnia's Islamic Community, whose head, Mustafa Ceric, is an ally. "We cannot allow that [Jurisic], who is not Muslim, edits [coverage] of our Islamic Community," he said. In subsequent interviews, Radoncic repeated this and, for good measure, added a few personal insults, describing Jurisic as a frustrated journalist and ignoramus. At the same time, an article in one of his publications portraying Jurisic and three other female journalists is best described as an exercise in misogyny and hate speech.

Everything else aside, Radoncic's statement almost certainly breaches Bosnia's laws, which prohibit public expressions of ethnic or religious prejudice; discrimination on ethnic, religious, or gender grounds; and hate speech. This being Bosnia, though, prosecutors will almost certainly mind their own business.

As Ivan Lovrenovic, probably Bosnia's most lucid thinker on political and social affairs, noted in an article for *Dani* magazine, there were few reactions to Radoncic's statement. But those who reacted, did so in strong terms. The BH Journalists Association described Radoncic's statements as nationalist and racist and qualified them as "hate speech," calling on prosecutors to charge Radoncic and the Electoral Commission to sanction his party. The president of Bosnia's Helsinki Committee for Human Rights, Srdjan Dizdarevic, said Radoncic's was "an unacceptable, neo-Nazi statement, extremely dangerous for a multiethnic society as well as any free society." A few public figures also protested. But most other actors of public life, including those whose job is to defend freedom of speech, remained silent. Why?

There may be obvious and rather prosaic reasons in some cases. The chairman of Bosnia's PEN Center, who refused to comment on Radoncic's attack on Jurisic, writes a column for one of Radoncic's publications, which have for 15 years been among the most vulgar in the region in addition to being nationalist. Others may be shying away from a conflict with a reputedly ruthless man who controls a major share of Bosnia's public space and may acquire formal political power in the October general elections. Other independent figures could have simply been weary of public engagement in general, viewing Radoncic's latest nationalist outburst as just another sorry but minor episode in what, after all, is a warmup for an election campaign that promises to be dirtier than ever.

Indeed, we have heard similar calls for ethnic and religious exclusivity many times before in Bosnia. Last year, when an imam was found guilty of sexually abusing a 10-year-old girl, Ceric condemned the girl's family's decision to hire a lawyer, who happened to be a Serb, to represent them in court. According to Ceric, as a non-Muslim, the lawyer was incapable of comprehending the case and Bosnian Muslims in general. When in 2008, state-level prosecutors ordered an investigation into financial dealings of his government, Milorad Dodik, the prime minister of Bosnia's semi-autonomous Republika Srpska entity, said it was unacceptable for ethnic Serbs to be prosecuted by "Muslim judges." Very few civil society actors in Republika Srpska and no Serb political party condemned Dodik's statement. But the fact that we have been here before does not necessarily render the issue any less important. [...]

Appendix

Selected Local Organisations with Expertise in SSR

Albanian Institute for International Studies
www.aiis-albania.org

Analytica, Skopje
www.analyticamk.org

Belgrade Centre for Security Policy (previously Centre for Civil-Military Relations) – Beogradski centar za bezbednosnu politiku
www.ccmr-bg.org

Centre for Democracy and Human Rights – Centar za demokratiju i ljudska prava, Podgorica
www.cedem.me

Centre for Security Studies – Centar za bezbednosne studije, Belgrade
www.cbs-css.org

Centre for Security Studies – Centar za sigurnosne studije, Sarajevo
www.css.ba

Center for Security and Democracy, Euro Balkan, Skopje
www.euba.edu.mk

Institute for Democracy and Mediation, Tirana
www.idmalbania.org

Institute for International Relations – Institut za medjunarodne odnose, Zagreb
www.imo.hr

Institute for Security, Defence and Peace Studies – Институтот за безбедност, одбрана и мир, Skopje
<http://fzf.ukim.edu.mk>

Kosovar Center for Security Studies, Pristina
www.qkss.org

Useful Links

Bonn International Center for Conversion (BICC)
www.bicc.de

Organization for Economic Co-operation and Development (OECD)
Development Co-operation Directorate, Peacebuilding, Statebuilding and Security
www.oecd.org/dac/incaf/sps

Organization for Security and Co-operation in Europe (OSCE)
Politico-military Dimension
www.osce.org/activities/18803.html

Centre for Security Cooperation, formerly Regional Arms Control Verification and
Implementation Assistance Centre (RACVIAC)
www.racviac.org

Saferworld
www.saferworld.org.uk

South East Europe Clearinghouse for the Control of Small Arms and Light Weapons
www.seesac.org

The Geneva Centre for the Democratic Control of Armed Forces
www.dcaf.ch

The Global Facilitation Network on Security Sector Reform
www.ssrnetwork.net/document_library/index.php

United Nations Development Programme
www.undp.org/cpr/we_do/security_reform.shtml

United Nations Interregional Crime and Justice Research Institute (UNICRI)
www.unicri.it

United Nations SSR Unit
www.un.org/en/peacekeeping/orolsi.shtml

Contributors

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Julijana Mojsilović Dežulović is a freelance journalist currently living in Split, Croatia. She worked for the *Balkan Insight*, covering news and events across the region. Earlier, for over 15 years, she worked as an Associated Press and Reuters' Balkan correspondent and war reporter. She covered the conflicts in the Balkans from the 1989 Romanian revolution to the 1999 NATO bombing of Serbia and Montenegro. She also covered domestic and international political events related to the conflicts in ex-Yugoslavia and political changes in the region. She has experience in the public relations field as the media advisor to the then Mayor of Belgrade, Zoran Djindjic, and as the Director of Public Relations for U.S. Steel, Serbia. She lived in London in the late 1980s where she translated Robert Conquest's "The Harvest of Sorrow" into Serbian.

Zoran Kusovac first reported on the Iraq-Iran war in the mid-1980s. He covered numerous wars and conflicts in the Middle East, Asia, Europe and Africa. From 1991 he worked for News Corporation organising Sky News' coverage of the Balkans Wars. As Middle East Bureau Chief he directed the efforts of numerous Fox News media teams in the 2003 Iraq war. He is also a security expert with *Jane's*, a London-based security organisation. Zoran Kusovac studied in Italy, Yugoslavia, Malta and Czechoslovakia. He also lectures on security issues and war reporting and is a trainer and consultant in media survival and safety in dangerous

environments. He considers the fact that he never had a journalist under his responsibility killed or seriously injured as his greatest professional achievement.

Katarina Subašić is a Belgrade-based journalist working with Agence France-Presse, covering breaking news from the Balkans. She has been researching the role of the media and accountability of journalists in conflicts (Nuremberg, Rwanda, ex-Yugoslavia), as well as the media's role in strengthening democracy in post-war countries in transition. She is interested in how the development of the media has been undermined by autocratic regimes in former Yugoslavia during 1990s. She is the author of the "Role of the Media and the Internet as Tools for Creating Accountability to Poor and Disadvantaged Groups," a background paper for the UNDP's Human Development Report 2002. She holds a Masters Degree in Communication and a Bachelor of Arts Degree in Journalism. In 1999 she was a Freedom Forum Journalist-in-Residence Fellow, an honour awarded to outstanding journalists.

Ana Petruševa is Macedonia Country Director and Balkan Insight Managing Editor. Ana has been working as a journalist since 1997. She was a staff writer for the Skopje based *Forum magazine* and *Dnevnik* daily. During the 1999 Kosovo conflict she also worked with the television stations Arte, Spiegel TV and Rai Uno. In 2000 she won a scholarship at Indiana University's School of Journalism. She covered the Macedonian conflict and its aftermath for Reuters (2001-2003). In 2002 she was Associate Producer of the Institute of War and Peace's documentary titled "Ohrid and beyond." She was IWPR Country Director for Macedonia (2003-2005). In 2005 she established the Balkan Investigative Reporting Network in Macedonia, a local NGO which is part of the wider regional network. In 2006 she produced BIRN's documentary on Kosovo titled "Does Anyone Have a Plan?"

Mehmed Halilović spent ten years working as an ombudsman for the media in the Federation in Bosnia and Herzegovina. Previously, he was the editor-in-chief of the daily *Oslobođenje* (1994-1999). Before this, he worked as the editor of the international news section. From 1978-83, he was based in Cairo as a Middle East correspondent. He has published articles in Switzerland, Sweden, Germany, Saudi Arabia and the UAE. Mehmed was the president of the Independent Union of Professional Journalists from its establishment in 1994 until 1997. He is a trainer in numerous courses and workshops for journalists and public officials in BH and the region. Mehmed Halilovic is the recipient of several professional awards, including the Bob Baker award granted by the International Federation of Journalists for successful leadership of *Oslobođenje* during the war.

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