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The Charlie Hebdo Effect in the Balkans



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The Charlie Hebdo Effect in the Balkans

R E G I O N A L O V E R V I E W

The attack against the French satirical newspaper Charlie Hebdo in January 2015 stirred a wave of consternation and protest across Europe, met by equally powerful voices that questioned the press freedom and freedom of expression and its limits. Moreover, authorities in various countries found a “good” opportunity to re-open debates on the need for tougher measures against media or tougher security and surveillance measures.

As the topic snowballed and events in the Muslim world, as well as in other European countries, multiplied the dramatic effects of the attacks in Paris, **The South East European Partnership for Media Development Project** analyzed the way the issue impacted the Balkans. As a result the following national reports for Albania, Bulgaria, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia were produced. We looked at how the attacks were covered in the local media and at the positions expressed by the relevant political and religious leaders. We also took the opportunity to scrutinize once more the legislation covering freedom of expression and religious freedom and whether satire and blasphemy are in any way regulated in these countries.

The horizontal reading of the national reports leads to a series of findings that allows us to identify similar patterns throughout the region. The present overview analyzes briefly the legal provisions, as well as the reactions at political level, at the level of religious leaders and of the media and draws some synthetic conclusions.

As a rule, the legislative framework of all the countries included in our project is abiding by the international standards when it comes to protecting and guaranteeing the freedom of expression. This is mainly due to the fact that all the countries changed their legislation in the last years, leaving behind their authoritarian past. There are no specific rules to deal with “blasphemy” or restriction to satire - but, as the Macedonian report points out - there is no satire whatsoever, as it disappeared from the national media mainly as a result of self-censorship.

But, as the reports note unanimously, putting in practice the advanced legislation is still an undergoing process. Moreover, the authors reveal that the old practice of controlling the media through political leverage has been maintained and even consolidated, with the notable contribution of economic influences (politics and economy being intertwined in all of the

target countries).

Throughout the region, the main reaction of the **political leaders** was the condemnation of the attacks. The Balkans leaders were unanimous in condemning the violence and decrying the loss of human lives.

The majority of the leaders - with the notable exception of Macedonia - attended the "one million march" in Paris. Still, the local media was critical toward that, seeing this broad participation as more of a PR exercise than a sincere manifestation of grief. Moreover, the journalists accused the national leaders of hypocrisy, as in most countries in the region the media freedom is under constant pressure and attacks. The Serbian report quotes Predrag Blagojevic, editor-in-chief of the online news portal JuzneVesti commenting on the events: *"If we talk about Serbia, it was hypocrisy in practice. Specifically, the Mayor of Nis strongly condemned any pressure on media. "The attempt to restrict the freedom of expression in one of the most developed democratic countries in the world was the most painful of all", he wrote in the condolences book on January 8, 2015. However, not only did he forget to mention the threats that had been directed to journalists ten days ago by a public servant working with a municipality company, but he also said nothing about the entire previous year in which Nis journalists were threatened, insulted and physically attacked by the representatives of the party he was leading, some of them being his close associates"*.

Similarly, the Albanian report illustrates how the Albanian Prime Minister attended the march. *"As a sign of solidarity, he had put in the pocket of his jacket three pencils in the colors of the French flag, indicating his support for free speech and his solidarity and affinity with France. In addition, he also brought along representatives of four major religions in the country: Muslim, Catholic, Orthodox, and Bektashi. The clergy representatives walked hand in hand on the streets of Paris, drawing the applause of the crowds in view of the apparent solidarity, and later Charlie Hebdo edition also devoted a small drawing to this episode. This episode was supposed to highlight and export the so-called Albanian experience on religious tolerance and co-existence for centuries, which for a long time has been hailed as one of the most positive features of the Albanian society. (...) While some greeted the participation of Albanian clergy in the march and the symbolic gesture of Prime Minister, there were many that expressed their skepticism in two main aspects: raising religious tolerance in Albania to the status of a myth and the hypocritical support of free speech, alleging to use of double standards for human rights and media freedom."*

The **religious leaders** were also unanimous in condemning the violent attacks against the French journalists. The Macedonian report quotes The Islamic Religious Community of Macedonia, that condemned the Charlie Hebdo attack, explaining that violence is not part of Islam. *"We ardently condemn these occurrences and appeal all the criminals, no matter their color, nationality or religion, to be brought in front of the justice, because we are convinced there is no religion in the world that justifies these actions".*¹

Some other leaders had a more nuanced position, as they also condemned what they interpreted as a "provocation" against Muslims. Some of them considered that what was at work in the case of the publication of the irreverent cartoons was either ignorance and disrespect, both of them condemnable from their point of view. The religious leaders took a more activist position, launching calls for action. One of them, quite legitimate, was to discriminate religion from terrorism and plead with the media to make the needed distinction. Some of them even talked about "Islamophobia", a trend that they spotted and dreaded, hence their calls to avoid such a course of action. Irrespective of the faith they represented, the religious leaders found a virtual consensus in appreciating that religion is sacred and that it shall not be mocked. "There must be a line between freedom of speech and what is sacred. If our religion prohibits any form of representation of the Prophet Mohammed then the one who deals with these matters should understand that it is offensive to Muslims. However, for what happened in Paris, there is no justification", said Rifat Fejzic, Reis of the Islamic Community, quoted by the report from Montenegro.

As expected, the most vocal and nuanced was the reaction of **the media and journalists themselves**. As in the case of the other opinion leaders, the media people condemn the attacks and the violence. Interesting enough, not few were the media voices that doubled this condemnation by a restrictive "but"... It was motivated by either the respect for the faith per se, or for the beliefs of others or by some ethical restrictions that should prevent journalists from provoking. The Macedonian report quotes Zoran Bojarovski, editor and expert in religious matters saying that freedom of expression and media cannot and must not disrupt the privacy of the "personal sanctuary" or ridicule the rules of the belief of any religion.

The local journalists expressed their solidarity with the French journalists but did not miss the opportunity to recall the NATO bombing of the Serbian public broadcaster RTS back in 1999, when 16 employees died.

¹ "IVZ go osudinapadotvrz Charlie Hebdo" (Islamic Religious Community condemned the attack over Charlie Hebdo). Accessed through: <http://daily.mk/makedonija/ivz-osudi-napadot-sharli-ebdo>

Some also questioned the hypocrisy of the declared defenders of the freedom of expression in this case. For example the Bosnia and Herzegovina report wonders how violations of freedom of expression in other cases (like Snowden, Manning, Palestinian cartoonist Mohammad Saba imprisoned in Israel) did not lead to equally fierce reactions of public and officials. *“For example, Nataša Škaričić, a former Croatian journalist writing for an online platform in BiH (media.ba), stated that sanctity and intangibility of freedom to express opinions is so damaged in the West that “a person has to wonder if it makes sense to defend it with your life on the front with the East”.* (as per BiH report).

The media people were equally critical toward the media themselves and what they called their own hypocrisy. As the Albanian report shows: *“While ‘we are all Charlie’, not a few journalists, columnists, editors and media directors have established relations of dependency and fear of the economic power, of political power, and sometimes even of criminal power.”*³

As diverse and nuanced as they are, the national reports lead to some conclusions that deserve further consideration.

The first conclusion is that the attacks against the Charlie Hebdo journalists stirred a considerable amount of emotions and reactions, but did not lead to **any significant increase in the anti-Islamic feelings across the region**. This is of particular relevance as the region is characterized by both a large native Muslim population (and on the rise, as some the reports point out) and an ill-reputed volatility that has already produced bloody conflicts.

A **second conclusion** is that the debates triggered by the attacks in Paris were, by and large, a missed opportunity for a serious, critical discussion about the role and the limits of the freedom of expression. While lip service has been abundantly paid to the principle of freedom of expression, little has been achieved in discussing the limits acceptable by every society and community, the mechanisms that have to be in place and working to safeguard this fragile freedom while balancing it against other possibly conflicting rights. Professional discussions of the journalistic milieu stopped mid-way or were marred by hotly expressed opinions.

A **third troubling conclusion** is that the freedom of expression seems to have few - and fewer - supporters even among the media people. There is a large number of journalists and opinion leaders who accepted that the freedom of expression can or should be limited by various factors (the famous “BUT” - as in “I condemn the attacks but...”). The debate seems to have been more about the religious feelings and less about media and their *raison d'être*. Not even the “Je suis Charlie”-type of public demonstrations in some of these countries are a clear indication that the freedom of expression is a socially valued principle. They were doubled by fierce debates in the online fora and commentaries that tried to justify the attacks as a natural reaction to provocation and excessive use of freedom of expression. It appears that the right to freedom of expression does not have many champions in the region: people either take it for granted or consider it to be lesser compared to other rights (such as the freedom of religion) or the non-existing right of “not to be bothered”.

A corollary of this latest conclusion is that efforts to promote the freedom of expression as a basic human right, ingrained in the day to day lives of our communities have to be renewed and supported on a long haul. It appears that the journalists have to do more to regain the public trust and respect and that the role of free and independent media has to be explained in a more energetic way.

Paradoxically, this obligation falls not only upon the media professionals, for whom free expression is part of the trade, or the political leaders, in charge of good governance, but also on less likely vectors such as the religious leaders themselves. While the freedom of expression is not a dominant trait of any religious doctrine (“we don’t know democracy, we know obedience”, as one Romanian priest once put it), their big - and raising - influence over the communities in the Balkans morally oblige the religious leaders to take on this role. As voices of authorities, they should speak on behalf of the human rights as a fundament of any multi-cultural, multi-ethnic and multi-faith societies (as many of our societies have become lately or are going to become soon).

The dilemmas brought to the surface by the attacks against the journalists at Charlie Hebdo are not easy to deal with, not to say to solve. They ask for a sustained exercise of introspection, of reflexion conducted in full responsibility by the elites - political, religious or professionals - of all the countries, starting from the values that they chose to cherish and protect - human life and dignity above all. This dilemma was movingly put by Amir Misirlić, a Bosnian journalist publishing on

2 In article “Redakcije ne želenovinarakojikristipravonaautonomiju”, Media online, 02 February 2015. available at: <http://www.media.ba/bs/magazin-novinarstvo/redakcije-ne-zele-novinara-koji-koristi-pravo-na-autonomiju> (accessed 4 February 2015)

3 A. Zaimi, Jan 22, 2015, <http://gazeta-shqip.com/lajme/2015/01/22/diskutojme-median-apo-jemi-te-gjithe-sharli/>

Montenegrin Portal Cafe del Montenegro, quoted by the Montenegro report: *“But I am not Charlie. No matter how popular it is to claim the opposite at the moment, I am not Charlie. I am Amir. And I am a Muslim. And I am a journalist. And those two identities of mine are not letting me stay silent. Someone superficial could barely wait to play with my confession with a quasi-funny remark that one of my identities is shooting at my other identity. And to claim that I am my own archenemy. But it can only seem like that on first ball play. That exact ball that was so magnificently hit by the volley of simplification. And that is exactly the ball with which I broke the neighbors’ window.”*

ALBANIA

Author: Ilda Londo

The tragic event of Charlie Hebdo shocked the whole world and revived the debate on terrorism and its impact on freedom of speech. In addition, it also sparked debates on media professionalism, hypocrisy and use of double standards. This report outlines the situation in Albania regarding the regulation of religion and that of freedom of expression and describes the debate and effects that followed the tragic Paris events.

FREEDOM OF EXPRESSION AND RELIGION IN THE LEGISLATION

The Albanian legislation guarantees both freedom of expression and freedom of religion, without any discrimination. At the same time, it is clear from the Constitution that Albania, while guaranteeing freedom of all religions and encouraging peaceful co-existence and tolerance among them, is clearly a secular state. “The state is neutral in issues related to faith and guarantees the freedom of their expression in public life. The state recognizes the equality of religious communities.”⁴ Stating that all are equal in front of the law, the constitution also stipulates that no one can be discriminated against based on gender, religion, ethnicity, language, political or religious conviction, etc.⁵ Furthermore, article 24 guarantees the freedom of conscience and religion, while everyone is free to select one’s own religion and convictions, as well as displaying them in public and no one can be forbidden from participating in a religious community or display in public his faith.

These principles are also further expressed in an anti-discrimination law, which also addresses regulation of conscience and religion: “Discrimination is prohibited in connection with the exercise of freedom of conscience and religion, especially when it has to do with expressing them individually or collectively, in public or in private life, through worship, education, practices or the performance of rites.”⁶ In this case, the law further guarantees the right to privately and publicly exercise freedom to religion. However, the law also recognizes there might be exceptional cases when this right has to be curtailed, in line with the European Convention for Human Rights:

“An exception from this provision may be permitted only when a reasonable and objective justification exists. However, in every case, the permission of discrimination because of the exercise of the freedom of conscience and religion may be imposed only by law for a public interest or for the protection of the rights of others. An exception for this reason should be proportionate to the situation that has dictated the need for discriminating. In any case, the permission discriminating based on the exercise of the freedom of conscience and religion cannot violate the core of the rights and freedoms and in no case may exceed the restrictions provided in the European Convention for Human Rights”⁷

So far no complaints involving freedom of press and expression and discrimination based on religion have been brought against the Commissioner for Protection from Discrimination.

Albania does not have a blasphemy law and does not specifically address the balance between respect for religion and freedom of expression in any particular regulation. Perhaps the regulation that can be mentioned here is that on hate speech in general, regulated by the Penal Code, which means that it is applicable to all citizens, and it is not media-specific. Article 265 states: “Incitement of hatred or conflicts between nationalities, races, and religions, as well as the preparation and dissemination of articles with such content is punishable through fine or imprisonment, up to 10 years.” In addition, article 266 further details the prohibition of hate speech: “Endangering public order by calling for hate against parts of population of insulting and slandering them, demanding use of violence

4 Constitution of Albania, Art.10.

5 Ibid, Art.18.

6 Law No.10221, “On Protection from Discrimination,” Art. 10.

7 Ibid

and arbitrary actions against them, is punishable through fine or imprisonment, up to five years.” So far there have been no public cases of use of these articles in the media.

As a response to the concerning reports that an increasing number of Albanians had fled to Syria to fight in the ISIS ranks, the Parliament approved amendments to the Penal Code in 2014, outlawing the practice of Albanian citizens that went to fight in another state, including engaging in calls for such a fight: “Public calls of any form, tool, or way to engage in the penal offense [call for participation in violent military action in a foreign state] are punishable to three years in prison.”⁸ The law reflected the situation, targeting mainly mosques or other organizations that engaged in such processes, while the freedom of speech debate was not in focus at any time. However, these amendments were not accompanied by further security measures or measures that would monitor closely or limit freedom of expression. Similarly in a meeting with representatives of religious communities in Albania, after the march in Paris on January 11, the Prime Minister appealed to Albanian society to engage in an action against terrorism, emphasizing that this should be a joint action involving culture, education, media, and religious communities, choosing education over repression.⁹ Again, this intention has not been translated into follow-up initiatives in practice.

The Constitution also regulates the freedom of expression under the chapter of personal rights and freedoms. More specifically, Article 22 of the Constitution states:

- (1) Freedom of expression is guaranteed.
- (2) The freedom of the press, radio and television are guaranteed.
- (3) Prior censorship of a means of communication is prohibited.
- (4) The law may require the granting of authorization for the operation of radio or television stations¹⁰.

Other media-specific laws also guarantee freedom of expression, such as the Law on Press and the Law on Audiovisual Media. The only article of the Law on the Press states: “The press is free. Freedom of the press is protected by law.”¹¹

The Law on Audiovisual Media¹² is far more detailed. However, the provisions regarding freedom of expression and freedom of audiovisual media operators list the main principles that guide audiovisual operations, but there are no specific rules or regulations on freedom of expression, other than generally balancing freedom of expression to the need to respect other rights, such as human dignity, human rights, religious convictions, etc. Article 4 of the law states that: “Audiovisual broadcasting activity shall be free. Audiovisual broadcasting activity shall impartially comply with the right to information, political and religious beliefs, personality, and dignity and with other human fundamental rights and freedoms. This activity shall respect in particular the rights, interests, and the moral requirements for the protection of minors.” The same article also lists the guiding principles for audiovisual media operators, which also include “guaranteeing freedom of expression” and “non allowance of broadcasts inciting intolerance among citizens” along with “non allowance of broadcasts inciting or justifying use of violence.”¹³

In the spirit of harmonizing the regulation on audiovisual media to the EU Audio-Visual Media Services Directive, as part of the EU integration process, the Albanian law on audiovisual media contains detailed rules on advertising, sponsorship, and protection of minors. However, neither the law, nor the Broadcasting Code that the regulator approved as secondary legislation, pose any further specific rules, quotas, or principles in other aspects of content, including reporting on religion. So, the Broadcasting Code states that, as a general principle, the audiovisual media should respect human rights and human dignity and should refrain from broadcasting material that could incite violence or intolerance among citizens.¹⁴ Furthermore, the Code encourages pluralism of opinions and views in these media, including religious ones: “Audiovisual media operators must be open to diverse political, social, cultural, and religious opinions, trends, and alignments.” Similarly, a general rule for obtaining a broadcasting license is that of refraining from broadcasting content that incites discrimination and violence: “The audio and/or audiovisual media services must not contain any incitement to hatred based on race, sex, religion or nationality or any other form of discrimination.”¹⁵

The Code details general rules and principles for specific programs, such as treatment of minors, definition of public interest, right to privacy, etc. Specifically, the sector on regulation of news programs touches upon religion, but rather on the duty to not discriminate,

8 Penal Code

9 Prime Minister Edi Rama speech, January 12, 2015, <http://www.kryeministria.al/al/newsroom/fjalime/qeveria-kleri-dhe-media-sinergji-per-tolerancen-dhe-paqen&page=2>

10 Constitution of Albania, Art.22.

11 Law 7756 “On Press.”

12 Law 97/2013 “On Audiovisual Media.”

13 Ibid.

14 Broadcasting Code, 2014.

15 Law 97/2013, Art. 32.

rather than specifically on rules in this regard: “Informative audiovisual programs must not contain direct or indirect discriminatory messages on bases such as: gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical convictions, economic, educational, social situation or any other reason.”¹⁶ Another rule addresses the need for media to be cautious when reporting on terrorism: “Audiovisual media, in their informative programs must refrain from engaging propaganda on crime, terrorism, or other activities that use violence for sensational purposes.”

Similarly, while the law poses a series of requirements on public broadcaster regarding the content of its programs, their pluralism and diversity, it does not detail any quotas or specific rules regarding the coverage of religion or other sectors. So, one of the principles of the public broadcaster activity is: “to provide a wide range of programs in the Albanian language that reflect cultural diversity, entertain, inform, and educate the public, to ensure coverage of sports, religious, and cultural events and to meet the expectation of the public in general and of individuals who belong to social minorities, fully respecting human dignity at all times.”¹⁷ At the same time, the public broadcaster is explicitly prohibited from engaging in political and religious propaganda.¹⁸ Currently the public broadcaster has to redraft its Statute and mission statement and it remains to be seen whether they will focus on more detailed rules regarding the content of their programs.

Apart from audiovisual media regulation there is also some limited regulation for online content, although it does not refer specifically to news or media. The law on Albanian ratification of the additional protocol of the Convention on Cybercrime can be considered to be the only content regulation in this regard. In 2008, the Penal Code was amended to include the regulation of the distribution by computer of xenophobic or racist material. The amendments state that “public offering through computer systems of materials that deny, minimize, and significantly approve or justify acts of genocide or crimes against humanity, are punishable by three to six years of imprisonment.”¹⁹ However, all regulation refers in general to racism and xenophobia, not to religion or blasphemy as such.

Overall the legislation guarantees the freedom of expression, including media freedom, in a satisfactory way. In practice the implementation of legislation needs to be improved, both in the overall abidance by these laws from state and public institutions, and in the following of these principles of freedom of expression by the judicial practice. However, so far there has been no friction between freedom to believe and freedom to express one’s self in the media, at least not in the realm of legislation and case law.

SELF-REGULATION IN ALBANIAN MEDIA

Self-regulation is a process that, in spite of numerous attempts, still remains in its infancy. The self-regulatory efforts in the media started in 1996, when the main journalism associations endorsed the Code of Ethics. However, no media outlet really used the code, let alone set up a body that would have internal judgment of media professionals. In 2006, when the code was revised, new attempts to establish a press council were formally greeted, but the media failed to act on it.

The Code of Ethics sets a general tone on the need to refrain from discriminating, but does not include specific instructions on how to cover religion: “The press acknowledges and respects the diversity of opinions and opposes any discrimination based on gender, race, nationality, language, religion, culture, class, or conviction, unless the convictions expressed counter fundamental human rights.” However, given the absence of a self-regulation mechanism in the media, we cannot speak of any genuine impact of the Code on media conduct.

THE AFTERMATH OF CHARLIE HEBDO IN ALBANIA

The events surrounding the Charlie Hebdo killings and the two following days regarding the manhunt were reported extensively in the media, through the reports of foreign media, but also adding the comments of local journalists, columnists, and other public figures. Apart from statements in the media, the main public reaction came from the Union of Journalists, who organized a public display of solidarity on the day of the killings, calling on colleagues to gather in one of the main squares as a sign of solidarity and need to reaffirm the freedom of expression as an untouchable right. However, the turnout at the vigil was rather small, reflecting the general lack of organization of the journalism community in the country, for both local and global causes.

In addition, it is also noteworthy that only a couple of Albanian daily newspapers devoted the first page or main news on the front page to the Charlie Hebdo murders. Most of them did include it on the front page, but not as the main news of the day, preferring rather to focus on the current ongoing political battle in the country. Nonetheless, the media covered the event in-depth and it was the main

16 Broadcasting Code.
17 Law 97/2013, Art.118.
18 Ibid, Art.120.
19 Penal Code, Art.119.

topic of discussion in the numerous current affairs programs that are broadcast by the country's TV stations.

The Albanian press does not have a strong tradition of caricature or satire. Only one daily newspaper, MAPO, publishes caricatures regularly, focusing almost exclusively on political actors and events, but other newspapers also use cartoons, mainly addressing politicians. In addition, another daily newspaper, Tema, has a daily satirical interpretation of current political events and actors. This newspaper, and a few others, republished some of the drawings of cartoonists all over the world that expressed solidarity with Charlie Hebdo magazine. Many newspapers republished the cartoons of Charlie Hebdo, but in a small format, with the aim of illustrating the history of the magazine, rather than as a way to express solidarity with the right of Charlie Hebdo to publish the cartoons. Similarly, the newspapers and online media republished various editorials from famous global media, including those that claimed "Je suis Charlie," as well as those that maintained that they expressed solidarity to the magazine, but they were not Charlie.

Albanian journalists and editorialists, while clearly condemning any attack on the press, expressed various degrees of tolerance on what was the border between media freedom and when this freedom could turn to media abuse. For example, one of the reactions clearly exclaimed in the title: "Freedom of expression is worth more than any holy book."²⁰ The author maintained that freedom of expression should not be negotiable in any circumstances, highlighting that the first victims of this terrorist attacks are Muslims and they should be the first to raise their voice in condemnation. In fact, the author specifically called on an active blog of moderated Albanian Muslims to react in this respect. A day later, the authors of this blog, E-zani, responded, maintaining that they refused to distance themselves from something that was not their responsibility and called instead to refrain from calls or views that considered all Muslims as a whole entity, with no differences in practices, opinions, or other features. "The request to distance [from Charlie Hebdo killings] presupposes a collective guilt of all Muslim believers and this fosters religion-based prejudice, fear, and hate."²¹ Apart from the response, the blog also published their opinion on the matter in an editorial, which warned against the threat that the Albanian media and society might fall into the trap of an ongoing blaming game, which would fuel the fire unnecessarily. The blog entry²² clearly stated the terrorists were instrumentalizing religion and killing not only free speech, but dividing whole populations and destroying the idea of peaceful co-existence in spite of our diversities, and involving Muslims as an entire category in this discourse would do nothing but reinforce terrorism and its attempts. On the other hand, the official reaction from Muslim religious leaders was unequivocal. All reactions quickly separated Islam from terrorism, repeating that Islam did not justify killings in any way and they also considered ISIS especially an enemy of Muslims all over the world, comparing it to cancer²³.

The majority of editorials and opinions expressed, though, tried to be more cautious, highlighting the need to strike a balance between freedom of expression and the duty to refrain from undue offenses. "Offending, hurting, and provoking faith is not a test that measures the degree of media freedom. Media has ample possibility to use when it wants and how it wants. It can focus on religious leaders, power of religion, corruptive affairs of religious institutions, but it can refrain from hurting and provoking in unnecessary ways."²⁴

In general, the articles and editorials that were published regarding the events in Paris were trying to be balanced and non-provocative, condemning terrorism beyond any doubt, highlighting the need to protect freedom of expression, but also emphasizing the importance for media not to aggravate matters on religious grounds, if it could be helped. The exception, as it could be expected, came mainly from social networks, where particular groups or individuals, with a clear background in radical religious institutions or associations, expressed understanding or even joy at the Charlie Hebdo killings. Although these were mainly isolated cases, they still show that Albanians are far from united in protecting freedom of speech and that radical trends are certainly present among the population.

JE SUIS CHARLIE????

After the initial wave of support and solidarity from Albanian media with the Charlie Hebdo magazine and the general public condemnation of the terrorist act, a second wave of reflection and soul searching began, especially after the viral spread and use of #JeSuisCharlie by Albanian media and personalities in social networks and public discourse. The reflection became deeper after the march of solidarity in Paris on January 11, which the Albanian Prime Minister attended. As a sign of solidarity, he had put in the pocket of his jacket three pencils in the colors of the French flag, indicating his support for free speech and his solidarity and affinity with France. In addition, he also brought along representatives of four major religions in the country: Muslim, Catholic, Orthodox, and Bektashi. The clergy representatives walked hand in hand on the streets of Paris, drawing the applause of the crowds in view of the

20 M. Nano, Shqip, Jan 10, 2015, <http://gazeta-shqip.com/lajme/2015/01/10/liria-e-shprehjes-vlen-shume-se-te-gjithe-librat-e-shenjte/>

21 E-zani, Jan 11, 2015, <http://www.e-zani.com/2015/01/24/te-distancohesh-apo-te-mos-distancohesh-je-suis/>

22 E-zani, Jan 11, 2015, <http://www.e-zani.com/2015/01/11/eshte-vrare-edhe-fjala-jone-2/>

23 <http://www.lapsi.al/lajme/2015/01/09/kreu-i-komunitetit-musliman-isis-%C3%ABsht%C3%AB-kanceri-i-shoq%C3%ABris%C3%AB-s%C3%AB-sotme#.VQLs8NL5xiw>

24 L. Dervishi, Jan 18, 2015, <http://www.panorama.com.al/media-si-karikature-e-fjales-se-lire/>

apparent solidarity, and later Charlie Hebdo edition also devoted a small drawing to this episode. This episode was supposed to highlight and export the so-called Albanian experience on religious tolerance and co-existence for centuries, which for a long time has been hailed as one of the most positive features of Albanian society.

Both these events sparked mixed reactions. While some greeted the participation of Albanian clergy in the march and the symbolic gesture of the Prime Minister, there were many that expressed their skepticism in two main aspects: raising religious tolerance in Albania to the status of a myth and hypocritical support of free speech, alleging to use of double standards for human rights and media freedom.

While religious tolerance and peaceful co-existence has been a long-cherished tradition and value in public discourse, in recent years there have been increasing voices that point to the need to wake up to a reality that has already changed significantly. The doubts to the Albanian participation in Paris march were related to the impression that the picture conveyed to Albanians and of Albania to the world was being masked under propaganda or under false security and optimism, painting an overly rosy picture, of both religious co-existence and commitment to freedom of expression. One of the first criticisms to the clergy in Paris and especially to enthusiastic media reporting of this event came from a well-known blogger, focusing on media, culture, and linguistics. "Four clergy members walking hand in hand and being applauded in public are not a sign of religious harmony among Albanians, but rather their caricature. In order to have a good idea of the degree and problems of this harmony, it is better to visit the online forums and read what Albanians are saying to one another."²⁵ As reactions showed, the author was right to point out the false sense of security and tolerance, as well as doubt the strong tradition of respect for free speech among Albanians. Ardian Vehbiu, the blogger, later posted a Facebook discussion that went as far as to wish him death for casting a negative shade on something that Albanians went so proud of. Vehbiu points out that exactly in a day of extreme commitment and solidarity to freedom of speech, the quick reactions to his comments show the shallowness of Albanians' commitment to freedom of speech. "Paradoxically, these persons that worry over me, because I considered 'the parade of tolerance' a disgrace today in Paris, and especially because they think I am a troublemaker and a person used to 'defile' national symbols and destroy their ecstasy to conformity, I must be removed from public space, even only through symbolic elimination. This shows again what I, and other persons, have pointed out, that what we call 'tolerance' is in fact indifference: as soon as we talk of causes that are considered untouchable, tolerance is the first to go out of the window."²⁶

This debate was picked up by several media outlets in the country. In addition, other authors also continued to doubt the "Paris show," pointing out that radical Islam was already widespread in Albania and that we should focus on this, rather than show off to the world a religious tolerance that has not existed or has eroded by now. "It is the Prime Minister's duty that, while playing the PR game of hypocrisy of 'religious tolerance' to take measures for groups that threaten our constitutional order to take the intolerant response they deserve."²⁷

The debate provoked by Charlie Hebdo in Albania focused mainly on the myth of religious tolerance in the country, rather than on freedom of expression. However, a few media also used this event to have a look in the mirror and inspect their own freedom and situation. Some articles explicitly related Prime Minister's appearance in Paris to his double standards, referring to problematic and clientelistic relations he has with the media. "There are no Albanian journalists unaware of how the media of businessmen have bloomed or how public money is spent according to the favors they do to the Prime Minister. Albania is a country with partial press freedom in every international report and great part of the merit for this goes to Edi Rama."²⁸ In fact, other opinions were even more severe, stating that the major threat to media freedom comes from the current political system in the country rather than from terrorism: "The march of our prime minister in the name of freedom of expression is part of the double language that the politicians in the region have mastered perfectly- one language for Brussels, to seek legitimacy abroad, and a different language in the country, which oppresses and manipulates freedom of expression."²⁹

Meanwhile, a few others pointed out that in many respects the hypocrisy lies with the media themselves. "While 'we are all Charlie', not a few journalists, columnists, editors and media directors have established relations of dependency and fear to the economic power, to political power, and sometimes even to criminal power."³⁰ However, the articles that invited media to seek deeper reflections were significantly lower in number than those that sought the blame in political actors.

25 A. Vehbiu, Jan 11, 2015, <http://peizazhe.com/2015/01/11/karnavalet-e-parisit/>

26 Ibid, <http://peizazhe.com/2015/01/11/pikerisht-sot/>

27 K. Cukali, Jan 9, 2015, <http://www.gazetadita.al/kur-do-te-ndodhe-ne-tirane-rasti-i-parisit/>

28 A. Shkullaku, Jan 15, 2015, <http://www.mapo.al/2015/01/rama-dhe-kater-kleriket-dy-genjeshtra-ne-paris>

29 F. Lubonja, qtd. In A. Bogdani, Jan 15, 2015, <http://www.reporter.al/homazhi-edi-rames-ndaj-charlie-hedbo-kritikohet-si-hipokrit/>

30 A. Zaimi, Jan 22, 2015, <http://gazeta-shqip.com/lajme/2015/01/22/diskutojme-median-apo-jemi-te-gjithe-sharli/>

CONCLUSIONS

The Charlie Hebdo effect brought forcefully to the fore two themes that are continuously discussed in the media: the so-called myth of religious harmony and the degree of press freedom in the country, all viewed against the backdrop of involvement of government, politicians, and radical groups operating in the country. While the official representatives of religious communities were quick to reinforce the idea that religious harmony was a tangible reality in the country, the comments and reactions on online forums clearly belied this impression. In fact, in the recent years it has become increasingly clear that rather than traditional media, or editorial pieces in online media, it is online forums and social network discussions that are the hotspots of threats to freedom of expression or alternative opinions and ideas, even though only virtually. At the same time, the effect of Paris events and their aftermath served to point out again that, even though terrorism is a potential threat, the media in Albania is far from free, even without this threat hovering over it.

BOSNIA AND HERZEGOVINA

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REACTIONS TO THE ATTACK ON CHARLIE HEBDO IN BOSNIA AND HERZEGOVINA

The public in Bosnia and Herzegovina, with its various constituencies, was shocked by the terrorist attack against Charlie Hebdo. There was a multitude of voices expressing condolences and support for the magazine, for media freedom, and condemning the attack. Day after the attack, journalists, representatives of journalist associations, but also citizens, representatives of EU delegation, members of religious and academic community gathered in front of Embassy of France to honour killed journalists and policemen. State institutions condemned the terrorist attack³¹, and the Minister of Foreign Affairs of BiH participated in the million-strong rally in Paris, which they considered as a support for "... common values: freedom, solidarity, work and justice, mutual respect and understanding, education, culture and dialogue"³². Party officials condemned the brutal terrorist act,³³ similarly as religious leaders (including Muslim leaders) who expressed condolences for the killings of innocent people, condemnation for those exercising terror³⁴, and called for tolerance, understanding, peaceful and dignifying reactions³⁵ to the caricatures seen as offensive, pointing out that "Nothing can justify the killings".³⁶ Different public figures declaring themselves as Muslims pointed out that the attack was by no means done in their name.³⁷ Representatives of associations and other civil society actors condemned the attack and raised voices in defence of freedom of expression³⁸. Journalists in the country expressed empathy by identifying with the attacked journalists in the light of their own experiences of pressures and attacks in Bosnia and Herzegovina³⁹. Major websites in Bosnia and Herzegovina joined the "Day of silence" initiative i.e. stopped publishing any information, as a demonstration of how the world would look like without journalists and media.⁴⁰ Charlie Hebdo was praised by various actors, who especially pointed out the subversive character of the magazine, its liberal ideological background, and their work that challenged different ideologies and authorities. The value of the magazine as an "oasis of honourable and professional journalism that mostly develop outside the official institutions of the system, on the social margins" (Ajanović) was accentuated through comparison with Feral Tribune, a magazine published in Croatia which was appreciated and read

31 See for example: <http://www.klix.ba/vijesti/bih/vlada-fbih-osudila-teroristicki-napad-u-parizulada-fbih-osudila-teroristicki-napad-u-parizu/150108109>; also <http://www.klix.ba/vijesti/bih/predsjednistvo-bih-ostro-osudilo-napad-u-parizu/150107127>, <http://www.klix.ba/vijesti/bih/mvp-bih-napad-u-parizu-je-kukavicki-cin/150107109>, and many other.

32 Source: <http://www.klix.ba/vijesti/svijet/lagumdzija-ucestvovao-u-marsu-jedinstva-u-parizu/150111088>

33 Source: <http://www.klix.ba/vijesti/bih/sda-osudjuje-napad-na-redakciju-charlie-hebdo/150109142>

34 For example Husein ef. Kavazović, the highest leader in the Islamic community, see article: <http://www.klix.ba/vijesti/bih/reisu-l-ulema-kavazovic-najostrije-osudio-teroristicki-napad-u-parizu/150108044>

35 For example article: <http://www.klix.ba/vijesti/bih/hafiz-bugari-bozijeg-poslanika-muhameda-nisu-vrijedjale-kojekakve-etikete/150114130>

36 Former highest leader of Muslim community reis-ul-ulema Mustafa ef.Cerčić, article at: <http://www.klix.ba/vijesti/bih/mustafa-ceric-suzdrzite-se-od-govora-mrznje-na-drustvenim-mrezama-ovo-ludilo-mora-prestati/150108069>

37 For example, see article by journalist Amir Misirić, at: <http://radiosarajevo.ba/novost/176813/amir-misiric-ja-nisam-charlie>; one of the pop musicians Dino Merlin, at: <http://www.klix.ba/vijesti/bih/dino-merlin-ni-ja-niti-moja-vjera-nemamo-nista-zajednicko-sa-ubicama/150107142>

38 See for example <http://www.6yka.com/novost/72279/daviddi-i-rudic-o-medijskim-slobodama-satira-je-legitimno-medijsko-sredstvo>

39 See for example: Štefica Galić: <http://www.media.ba/bs/magazin-novinarstvo/ne-drze-nas-vise-u-strahu-drze-nas-na-nisanu>; see also article at: <http://www.klix.ba/vijesti/bih/djoko-ninkovic-karikaturisti-ce-nakon-pariske-tragedije-jos-energicnije-raditi/150109072>, or <http://www.6yka.com/novost/72272/ernest-bucinski-pucanj-u-charlie-hebdo-pucanj-je-na-slobodu-čovjeka>

40 The organization Partnership for social development from Zagreb started the initiative. Source: <http://www.klix.ba/vijesti/svijet/dan-tisine-u-bh-i-medijima-u-regionu/150114053>

across the region, but was finally shut down under political and economic pressures resulting from their subversive and critical reports.⁴¹ The lives lost were mourned, and the attack was categorized as the most brutal attack on journalists in the recent history.⁴²

PUBLIC DEBATES STEERED BY THE ATTACK ON CHARLIE HEBDO

Some online platforms⁴³ presented critical views on several issues concerning journalistic practices and media freedom after the attack, which were mirroring similar discussions in other countries. Some questioned the publishing of Prophet Muhammad's caricatures, but the rationale was based mainly on other-than-legal grounds. While Charlie Hebdo had been publishing politically incorrect content concerning different groups, the caricatures mocking Muslims incited the most reactions. Seemingly equal treatment of different groups was seen as morally problematic for two related reasons: the drawings were offending a group already underprivileged, marginalized and unrepresented in media, and they seem to be reproducing stereotypes and even spreading hatred towards Muslims. Ajanović even notices indicative similarities between the representations of Muslims in Europe today with those motives and techniques used in the cartoons of Jews in 1930s.⁴⁴ In this view, regardless of the actual intentions of journalists, the drawings were seen as tools of political propaganda and instrumental to growing nationalistic sentiments and Islamophobia in Western Europe.⁴⁵ In this way, the magazine was perceived to be: "... slowly losing its subversive character and through social satire it becomes an important loop in the anti-Islamic hysteria" (Mladenović)⁴⁶. Few actors expressed the belief that the publishing of the caricatures was in fact an expression of lack of cultural understanding and tolerance and even expression of hatred. Muhić for example condemns the disregard for the values of tolerance and peace in what he labels as idolatry towards drawings and he called the caricatures published in the post-attack number of Charlie Hebdo as: "Caricatures of themselves".⁴⁷

Some actors also questioned the hypocrisy of the declared defenders of the freedom of expression in this case. Namely, it was questioned how violations of freedom of expression in other cases did not lead to equally fierce reactions of public and officials. For example, Nataša Škaričić, a former Croatian journalist writing for an online platform in BiH (media.ba), stated that sanctity and intangibility of freedom to express opinions is so damaged in the West that "a person has to wonder if it makes sense to defend it with your life on the front with the East"⁴⁸. It was pointed out by some actors that freedom of expression was not equally defended in cases like Snowden, Manning, Palestinian cartoonist Mohammad Saba imprisoned in Israel, or in the case when the very same Charlie Hebdo fired journalist Siné (Maurice Sinet) for what was deemed an anti-Semitic column in 2009, or when The British Sunday Times apologized for the allegedly anti-semitic caricature of Israeli Prime minister Netanyahu published in 2013⁴⁹. The focus on caricatures about Muslims, and their re-publishing in other media was also believed to be partly motivated by the pursue of commercial interest, due to the audiences taste for sensationalism and controversy. Some actors judged the drawings of Mohammed as populist and sensationalist representations of the "Other" lacking humour, depth, subversive character and sophistication.

The way the attack was covered by the media in Western Europe was also critiqued among media analysts in BiH and the region, for it was seen as possibly perpetuating problematic practices. Media reports were seen as sensationalistic, involving tendencies to identify the terrorist with the Muslims in general and to focus on Muslim identity in the light of terrorism (unlike other group identities in cases perpetrators are not Muslims), which was perceived to be exacerbating the fear from the Muslim Other⁵⁰. While the need to discuss the position and identity of Muslims in Europe was indeed recognized, some authors pointed out that such discussion should not be linked with these extreme events only, and should include a real dialogue, which for example Ajanović sees as impossible as long as practically: "the only Muslims allowed in the strictly controlled public space are – theorists"⁵¹. The fact that among the world leaders who marched after the attack were some of those known for vicious violations of freedom of expression in other parts of the world added to the overall sense of hypocrisy⁵².

41 See: <http://www.media.ba/bs/mediametar/kako-je-feral-otkrio-da-je-charlie-hebdo-njegov-rodak-iz-francuske>

42 See: <http://www.media.ba/bs/mediametar/najgnusniji-zlocin-u-modernoj-povijesti>

43 Primarily media.ba, radiosarajevo.ba, byka.com;

44 Referring to the doctoral thesis by Lars M Andersson *En jude är jude är en jude*, in article *Penicilinprotivmrznje*, Media online, 14 October 2014.

Available at: <http://www.media.ba/bs/mediametar/karikatura-penicilin-protiv-mrznje> (accessed 4 February 2015), Ajanović for example mentions that caricatures have been used for propaganda against certain groups at some periods in history.

45 See for examples blog post: <http://edinzubcevic.blogspot.com/2015/01/sloboda-razgovora.html>

46 Mladenović *Ivica*, *attentat na Charlie Hebdo kao teror obskurantizma*, Media online, 12 January 2014, available at: <http://www.media.ba/bs/mediametar/atentat-na-charlie-hebdo-ka-teror-obskurantizma>.

47 See <http://www.bosnjaci.net/prilog.php?pidâ54638>

48 In article "Redakcije ne zelenovinarakojkoristipravonaautonomiju", Media online, 02 February 2015, available at: <http://www.media.ba/bs/magazin-novinarstvo/redakcije-ne-zele-novinarakoji-koristi-pravo-na-autonomiju> (accessed 4 February 2015)

49 Portraying Netanyahu building a wall with the bodies and blood of Palestinians,

50 See for example Aleksandar Brezar, *Za i protiv nedodirljivosti autoriteta*. Media online. 8 January 2015. Available at: <http://www.media.ba/bs/mediametar/za-i-protiv-nedodirljivosti-autoriteta> (accessed 4 February 2015)

51 Ajanović: <http://www.media.ba/bs/mediametar/najgnusniji-zlocin-u-modernoj-povijesti>

52 See: <http://www.klix.ba/vijesti/svijet/ko-je-to-tamo-licemjeran-u-parizu/150111069>

REFLECTIONS ON MEDIA FREEDOM IN BOSNIA AND HERZEGOVINA

The events related to Charlie Hebdo however did not lead to major self-reflection on freedom of expression and freedom of the media. There were also no relevant demands for stricter regulation and the case did not have a major effect on the policy dialogue concerning media and freedom of expression in Bosnia and Herzegovina (BiH).

Freedom of expression in BiH is guaranteed through ratified international covenants (primarily International covenant on civil and political rights and European Convention for the Protection of Human Rights and Fundamental Freedoms), through national and entity constitution(s)⁵³, relevant laws⁵⁴, regulatory⁵⁵ and self-regulatory provisions⁵⁶. The broadcasting sector is regulated by an independent state agency⁵⁷, while the print media sector is self-regulated, as well as the online media sector (since 2011)⁵⁸. Both regulation and self-regulation are not substantially critiqued for imposing unwarranted limitations to media freedom. Quite the opposite, both systems are questioned more for their limited reach that leaves space for discrimination and hate speech and other kinds of disrespect for journalistic norms.

There are no provisions in BiH concerning specifically satire, blasphemy or religious beliefs, while the legislative limitations of expression pertain primarily to libel and “incitement of national, racial and religious hatred”⁵⁹.

However, despite relatively advanced legislative preconditions of media freedom, the practice shows many disadvantages. To illustrate the state of media freedom in Bosnia and Herzegovina, one does not need to go further than few recent cases. In December 2014 the Municipal Court of Travnik issued a decision for the temporary prohibition of publishing media content concerning a defamation lawsuit, even before the court issued the ruling. Namely, RTV FBiH was banned from future broadcasting of information concerning three police officers in the Canton of Central Bosnia (published in political magazine *Mreža*, “Network”), and their alleged involvement in drug trafficking. Given that the decision is to be in effect until the court ruling in the defamation case is issued, this was an unprecedented example of limitation of media freedom. Such contemporary measure of prohibition is in fact envisaged by the law, but it is meant to be used only in extraordinary cases and when the damage inflicted to the plaintiff would have been irreversible, but it is questionable if this case called for such an exemption. The decision led to negative reactions of the association BH journalists, Press Council and some media outlets. In general, the legal framework concerning libel is considered relatively good, since it both encourages media freedom and discourages publishing false information. It falls under the jurisprudence of Civil Law and it is formulated in line with international standards. However, the lawsuits are believed to be considerably misused for exerting pressures on media and journalists. Different sources point to several problems in the court practices: the number of cases is overly high and the possibility of prior mediation by Press Council in resolving potential libel is underutilized, the criteria for the evaluation of emotional distress are not specific, there is favouritism of judicial institutions towards centres of power and lack of expertise in the libel court proceedings⁶⁰. Possible bias of court officials was for example seen in the ruling of Court in Banjaluka (in 2013) against Ljiljana Kovačević, journalist of the press agency Beta, for a report about a criminal investigation against the president of Republika Srpska. Ruling against the journalist involved a high compensation of 2500 Euro for emotional distress caused to RS president. However, this case was distinctive since the country court in Banja Luka overturned the ruling in November 2014, thus indicating the existence of independent streams in the judicial system. Also, in the libel lawsuits of President of RS against RTV FBiH, the rulings in the same cases proved to be mutually contrasting, depending on the proximity of the adjudicating court to the RS Government. Lawsuits of SDP against the magazine *Slobodna Bosna* have also been mentioned as examples of politicization.

53 Article II/3h of the Constitution of B&H, Article II/A2 of the Constitution FB&H and Article 32 and 34 of the Constitution of RS.

54 Law on communication, article 4, guarantees protection of freedom of expression and broadcasting sector free of political control and manipulation. Similar protective measures are part of Law on Public RTV system and Laws on RTRS and FBiH which guarantees editorial independence and institutional autonomy of public service broadcasters.

55 Provisions against incitement of hatred or discrimination are for example included in the specific regulation for broadcasting (Code on Audio-Visual and Radio Media Services, Article 4, or in the Press Code (Articles 3 and 4), but none of these are seen as illegitimate pressures against media freedom.

56 Code for print and online media BiH.

57 Independence of Communication Regulatory Agency (CRA) is guaranteed through independent financing patterns and appointment of the managerial personnel. CRA is a state agency authorized for licensing of broadcasters and for regulation of broadcasting sector i.e. for executive measures (warnings, fines, suspension of licenses) against broadcasters in case specific programmatic norms are violated.

58 meaning that media show their commitment to the adopted journalistic norms through involvement in the self-regulation system i.e. through voluntary acceptance of suggestions and decisions made by the Press Council (request for retractions of apologies). The Press Council is a non-governmental organization that overviews the implementation of the Press Code. In the majority of cases, media outlets are willing to self-regulate, but in other cases they are not as benevolent and self-regulation is limited mostly to properly registered media.

59 Criminal Code of BiH, also similar wording in Law on Protection against Discrimination BiH. The provisions meant to prevent and penalize hate speech however lack the precision and the court practice in this regard is largely underdeveloped. More on hate crimes and hate speech see for example at: <http://analitika.ba/bs/projekti/procesuiranje-krivicnih-djela-pocinjenih-iz-mrznje-u-bih>

60 See for example: Hodzic, Under pressure: Research Report on the State of Media Freedom in Bosnia and Herzegovina. Mediacentar: 2010.

A recent case also indicated a mechanism of direct pressure that the state can use against media which are putting major centres of power under scrutiny. Namely, after the general elections, a major news website, klix.ba, published an audio recording of the Prime Minister of Republika Srpska, Željka Cvijanović, speaking of buying off two MPs in order to reach parliamentary majority for establishing the ruling coalition in Republika Srpska. After the audio leaked, the journalists were called for a police interrogation, they were subjected to pressures involving threats of criminal charges for publishing unauthorized recordings. Finally the police busted in the offices of Klix at the end of 2014, confiscating digital material, documents and equipment. This was seen as unlawful and worrying in terms of protection of the sources and in terms of disabling the further functioning of this media outlet. State institutions on the other hand did not demonstrate concern for public interest, given that there are still no indications that an investigation about the bribing of MPs will be conducted. In the meanwhile, the new government coalition of RS, led by the party SNSD, was in fact formed with no disruptions and, again, with Cvijanović as Prime Minister.

Some claim that this case, along with the experiences of the citizen protests of February 2014, incited the aspirations of the authorities to limit critical voices. Accidentally or not, the Law on Public Peace and Order in Republika Srpska (RS), adopted on 5th of February 2015, involves provisions that specify that, under this law, social networks will be treated as any other public space. The provisions are believed to be at best unnecessary since protection against incitement of hatred is provided within the Criminal Law of RS, and moreover it is regarded as potentially severely limiting towards critical voices – both due to possible self-censorship resulting from the fear of state repression, and due to possible misuse of the provisions as an additional measure for pressures and censorship⁶¹. In any case, the Law clearly brings more uncertainty and fear for citizens and journalists critical of centres of power in Republika Srpska⁶², and thus the actual implementation should be closely monitored.

These cases are not the actual reflection of recent events related to Charlie Hebdo, but they illustrate the state of media freedom and freedom of expression in Bosnia and Herzegovina, and point to worrying tendencies in this regard. Specifically connected with the attack on Charlie Hebdo were only few actions. Namely, cases concerning identities and relations among three major ethnic groups, and interrelated religious identities, are regularly inciting discrimination and hate speech in Bosnia and Herzegovina, especially in the online sphere and user generated content. Given that Charlie Hebdo raised issues concerning the identity and position of Muslims, it impelled discriminatory and hate speech in online communication, given that Bosniaks (predominantly Muslims) are one of the three constituent peoples in Bosnia and Herzegovina. For this reason, some media outlets limited the dissemination of hate speech by disabling comments on articles related to Charlie Hebdo. The State Investigation and Protection Agency (SIPA) and Police of Federation BiH announced that they were willing to track hate speech on internet platforms, because it was observed that “...there are comments and statements on social networks and websites that call for hate, killing and disruption”⁶³. Information on the results of these actions is still not available. Some members of the community are however worried about what they see as an extensive use of power by security services for surveillance over “disloyal” citizens, pointing out that since the citizen protests in 2014 the surveillance over particular citizens and journalists has been intensified⁶⁴.

These were only the most recent, but also most extreme, examples of limiting freedom of expression and media freedom in BiH. However, they should be seen only as a continuation of pressures that previously have been exercised in various forms. First of all, operational constraints in the media sector limit the media freedom. Public media, for example, cannot be considered free since the appointment of managers is heavily politicized⁶⁵, similarly as in Communication Regulatory Agency where the director has been appointed for years due to lack of political agreement. We have had the Freedom of Information Act(s) for years, but this did not stop individual violations or systemic denial of access to information for certain media and journalists. Leading party and government officials from Republika Srpska have been especially known for denying the access to information to media daring to criticize (BHT in 2007, Beta 2009, FTV and others in 2010⁶⁶), but there were a few similar cases in the Federation BiH when for example in 2014 an editor of Magazine Rerezent reported he was prevented from attending events organized by the Municipality of Velika Kladuša⁶⁷. Less blatant but equally efficient limitation of the access to information has been practiced to some extent through the denial of requested information or selective invitations to events based on loyalty to the particular government institution⁶⁸. Moreover, less discussed, but ever so devastating limitation of freedom of expression is achieved through perilous dependency of

61 With the amendments adopted in the parliamentary procedure, however, the critique of state bodies was exempted from the sanctions, but still equivalent exemption was not provided equally for critique of public or party officials.

62 See for example <http://www.klix.ba/vijesti/bih/zakon-o-javnom-redu-i-miru-ce-vaziti-za-jedne-a-za-druge-ne/150317102>; see also analysis by Halilović, M, available at <http://analiziraj.ba/2015/02/11/veliki-brat-u-vasoj-kuci/>.

63 <http://www.klix.ba/vijesti/bih/fup-i-sipa-prate-govor-mrznje-na-drustvenim-mrezama-i-internet-portalima/150109123>

64 See for example: <http://mediaobservatory.net/radar/media-integrity-matters-%E2%80%93-new-book-see-media-observatory,as-well-as:http://www.balkaninsight.com/en/article/big-brother-is-watching-us-in-bosnia#VNQRqxEFPJJ.facebook>

65 More at: <http://mediaobservatory.net/radar/flash-report-bosniaherzegovina>

66 See for example Kontić, B, Media Online, 6 February 2014. available at: <http://www.media.ba/bs/mediametar/zakon-je-jednostavno-logican>

67 The registry of violations of media freedom in Free Media Help Line, 2014.

68 More in Media Sustainability Index, 2015, yet to be published.

media on few sources of revenues, including government institutions and the related business actors. Thus a multitude of local media that are directly financed through municipal or cantonal budgets can hardly be regarded as free of political control, similarly as the media that had been provided with government donations (namely, under allegedly non-transparent procedures considerable donations were provided to outlets by Republika Srpska between 2007 and 2013)⁶⁹. Some reports indicate corruption in advertising practices as well, but also the overall commercialization of media, which leaves little resources to employ freedom of media for media content of public interest. Major media outlets are believed to be strongly affiliated with certain political parties, and public service broadcasters are criticized for the lack of certain types of program, as well as for political favouritism. The government grip over media in Republika Srpska is overwhelming, and it is perceived that the freedom of expression status is worsening with the mentioned legislative change. In BiH Federation the media space is also strongly divided among few major political camps and their mutual confrontations often run media integrity over. While working under such circumstances, journalists have little if any guarantees of their autonomy, and little support from within the professional and wider community. Complying with the interests of the owners and related centres of power is for some a matter of survival. To sum up, there is the overall notion that the public benefit is lost between the political and business interests, and that the media sector is mostly already de-antagonized and made submissive to those in power. Some good examples of investigative journalism critical of centres of power and the inclusion of alternative voices still do exist, but its sustainability is questionable, and journalists are exposed to different kinds of threats. There are around 40 cases of different pressure on journalists reported to the Free Media Help Line a year (including threats, physical or verbal attacks, infringement of labour rights etc.).

CONCLUSIONS

The question of whether media and citizens are free to ridicule and criticize characters from religious scripts⁷⁰ seems irrelevant if we acknowledge the limitations of the freedom to criticize contemporary political and economic elites. Ethnic and political fragmentation in the country creates surroundings unfavourable to legitimate critique and dialogue, especially if it involves speech that can be perceived offensive for specific ethno-national groups⁷¹. Financial dependency and political affiliations of the media already limit their public service role, while media critical of those in power risk to be exposed to different kinds of pressures with often insufficient and questionable institutional protection. The case of Charlie Hebdo steered a debate about issues concerning journalism profession at a global level, but the opportunity to re-examine freedom of expression in Bosnia and Herzegovina was mostly missed. On the other hand, there were also virtually no advocates for stricter regulation of media based on the experiences of the magazine. Recent trends in Bosnia and Herzegovina are worrying, with the examples of questionable court practices, possibly increased surveillance of citizens and journalists, and finally with the recent changes of the Law on public order in RS that could be limiting freedom of expression on social networks as well. This is however only a continuation of the course already set through economic and political corruption and interference that has been shattering the media sector for decades.

BULGARIA

Author: Vessislava Antonova

The murder of the eleven cartoonists and journalists on January 7 was described by many media, including the Bulgarian, like a punch in the heart of Paris by attackers shouting “Allah Akbar”. This attack actually struck much more. It shook the fragile balance in a Europe that has a growing problem dealing, on the one hand, with the growing Islamophobia, nourishing the rise of far-right parties, and on the other - with the radicalization of Muslims at home. The risk is that if the attempt to execution of freedom of expression leads to a new knee-jerk “war against terrorism” and interpretations in style “clash of civilizations”, the fault in European societies will become deeper.

What happened is not so unexpected. Only in December in France there were three attacks and the threat of a new one hung in the air, and Prime Minister Manuel Valls warned that the country “has never faced a greater threat” of home-grown extremism.

⁶⁹ More on political economy of media see in Media Integrity Matters, at: <http://mediaobservatory.net/radar/media-integrity-matters-%E2%80%93-new-book-see-media-observatory>

⁷⁰ In principle they are free to do so, but there were no prominent cases in BiH involving such controversies in recent history; The post-conflict context puts the emphasis of media-related legislation and regulation on the protection of these groups from hate speech and incitement to hatred, as a necessary limitation of freedom of expression. There are no major claims that these measures pose any unnecessary limitations to freedom of expression.

⁷¹ An illustrative example is related to a satirical poem of Predrag Lucić about the role of Croatian army in war crimes in village Ahmići in BiH and about the denial and glorification of the crimes; however, few organizations and individuals clearly misunderstood the poem and deemed it offensive to victims and Bosniaks in general, and some content published online called for violence against Lucić;

A senior source from the EU, responsible for counterterrorism, told Bulgarian economic newspaper "Capital" that the French authorities have long viewed the problem of radicalization as an "Anglo-Saxon fixation". Their sensitivity has increased after the 2012 born in France in a family of Algerian immigrants Mohammed Mera killed seven people in Toulouse and Montauban. Paris began to examine the experience of other countries - the UK and the Netherlands - and was quickly able to advance with the prevention of radicalization. France started a debate about the criminalization of so-called Jihadist tourism and last autumn anti-terrorism legislation was tightened as services received it easier to detain suspects at airports and to confiscate their passports. The delay of measures however says its word. "When the political Salafits (Sunni who preach the pure, primordial understanding of Islam - note. Ed.) protested outside the Interior Ministry in Paris, I think that the Minister Bernard Kaznyov understood the problem," said the source.

CAN WE LIVE TOGETHER?

The attack against Charlie Hebdo raises very tough questions, not only for France, where is the largest Muslim population in Europe, numbering 5-6 million people.

The danger is that if the twelve dead bodies are declared a failure of democracy and tolerance and if we put an equal sign between Islam and terrorism, the attackers will actually achieve their goal - to respond to hate with hate. "Unfortunately, the effect of the actions of these extremists will affect much of the ordinary non-Muslim Europeans, and Muslims. The native Europeans will take more negative views about Islam, which will affect the majority of Muslims who fled to Europe because of dictatorial regimes and violence or seeking a better life and livelihood. Moods, until recently only typical of marginal populist and nationalist groups in Europe, will be transferred on an increasingly large proportion of moderate and democratic-minded Europeans who will perceive their identity as threatened by Salafi and Sharia ghettos, from the incomprehensible to them religiously motivated violence and unwillingness to adopted European values of some of the Muslims that migrated to the West. So one extremist minority will affect two majorities - and indigenous Europeans, and the majority of citizens with Muslim identity," said the lecturer at Sofia University Simeon Evstatiev.

Politicians, ready to take advantage of this, are not missing. Amid calls for national unity in the face of tragedy, the leader of the far-right National Front, Marine Le Pen did not miss the opportunity to accumulate assets with replicas of "denial and hypocrisy" on the theme of "Islamic fundamentalism". German anti-Islamic movement PEGIDA was also quick to declare that the events in Paris confirmed their warning and that traditional parties are turning a blind eye. Co-chair of the nationalist movement in Bulgaria - "Patriotic Front" Valeri Simeonov also told the most watched TV in the country, bTV, that the French satirical magazine "Charlie Hebdo" overstepped the bounds of good manners and make fun of everything. "I am against this barbaric religion Islam, but on the other hand I can not forbid anyone to profess to accept it as a religion, these are personal things and no one should be reaching them," said Simeonov.

All that only shows in how delicate moment for Europe came the shot against Charlie Hebdo. And the answer will show whether the old continent can cope with contradictions tearing it, or they will become more anxious.

After the series of murder in Paris, the simplest and at the same time most complex issue that entangles in itself all others is related to freedom and its limits, to tolerance and counterfeiting, to marginalization and its consequences to religion and religious abuses, to the far right and the reasons for its rise.

In the Bulgarian public debate a number of experts reflected on these topics, made loud generalizations about Islam, produced more noise and less sense. In these conversations, as usual, one very important point of view was absent - that of the Bulgarian Muslims. Although Bulgaria is a country where Muslims represent a relatively high proportion of the population and there is enough experience for sharing and discussion. Contrary to the government's priorities, it is communication that will protect the Bulgarians, and not the newly built fence along the border. Conversations at home, in school, on the street, in the media - these are the ways in which we learn to accept and understand.

The Bulgarian newspaper "Capital" published interviews with three Muslim Bulgarian citizens who meet the important issue of Islam, the terrorist act in the satirical publication "Charlie Hebdo" and their attitude towards ISIL.

AHMED AHMEDOV: “WE LIVE IN A WORLD OF IDEAS AND FREEDOM, WHICH EXTENDS UP TO WHERE THE FREEDOMS AND RIGHTS OF OTHERS START”

“The Islam needs to be studied and then all its interpretations, of which today we are afraid, will become clear”, said the spokesman of the Chief Mufti Ahmed Ahmedov. The attack on “Charlie Hebdo” is another challenge that requires deep analysis to distinguish terrorism from religion. Terrorism is not just a tool in today’s debate, also said Ahmedov. “Yes, the material “ Charlie Hebdo “ handles, deeply defiles us, but that is not the way to be addressed. Clash must be only in the debate and nothing else,” he said. “We live in a world of ideas and freedom, which extends up to where the freedoms and rights of others start. To take advantage of some freedoms in order to infringe other, does not fit into the concept of freedom of speech,” said Ahmedov “and freedom of speech is something that journalists should use to defend causes, not to provoke such sensitive topics.”

According to the Secretary of the Mufti, although “Charlie Hebdo” case questions the limits of freedom of speech and tolerance, democratic and secular Europe is the best place to develop Islam. “In democracy it can develop the most freely,” says Ahmedov. “Religious persons can study, profess their religion and live their religious lives undisturbed. The Social Contract provides that freedom of self-expression, self-determination. And we cannot say that in some form religious beliefs undermine secularism.”

He believes that Europe can learn a lot about general living from Bulgaria, because “we never allowed confrontation.” “There is a lot to expect from our ethnic model, but it is a fact that we have not allowed opposition of different layers of the society.” According to him, Bulgaria should invest in this process, to explore religions and communities, and should not take effect for granted. Indeed so is Europe. “Whether someone likes multicultural Europe or not, we live together and that’s a fact. The question is to find the forms in which we are no obstacle to one another, but as a community we can generate prosperity.”

DR. ARIF ABDULLAH: “YOU CAN NOT BE A GOOD MUSLIM AND A BAD PERSON”

“And if they laugh at the signs of Allah, stand away from them. While they stop with their irony. There is no text in the whole legal framework of Islam, in which it said if someone applied verbal insult to the messenger, to Muslims and to Allah, kill him. “In this way the chairman of the Research Centre at the Islamic Institute Dr. Arif Abdullah tries to explain why the motivation of Kuashi brothers to invade the satirical newspaper “Charlie Hebdo” and to shoot 11 journalists cannot be attributed to religion.

“Every normal person was shocked after Paris events, but even more shocked were those who belong to the Islamic religion. Because in the Quran we find texts that speak clearly, that people who do not belong to Islam, do not drive you away from your homes, do not kill you, you must respect them and treat them better”, he added. Similarly Dr. Abdullah said that the phenomenon ISIL contradicts the broad principles of the Islamic religion. “The killing of innocent people, of correspondents, of women. This is not the behavior of the messenger or somewhere based on the Quran or the sacred texts. How could we look at their actions as legitimate or representing the community”, asks rhetorically dr. Abdullah.

In the weeks after Paris when everyone was waving random quotations from the Quran and made “competent” generalizations about Islam, he is willing to explain patiently the so-called contradictory texts and to give religious arguments.

The teacher does not accept popular calls that the Quran needs revision or cancellation of individual provisions thereof, but said that the reform of Islam is spoken not only in the Western world, but also among Islamic scholars.

“Multiculturalism has several elements. Years ago our common traits were underlined, which played a very positive role in bringing together different groups in Europe. But overall things are quite a fragile basis to coexist. The tension stems from the differences. I think that this is the future - to develop a platform on how to handle differences so that they are not a source of oppression and opposition, but of inspiration, enrichment and mutual understanding”, said Dr. Abdullah.

MILENA IRSHAD: “ISIL IS A BIGGER PROBLEM FOR MUSLIMS RATHER THAN FOR NON-MUSLIMS”

A few days ago the son of Milena Irshad came home from school with three in literature. He didn’t know by heart the whole poem about Easter. He knew only the first two stanzas. In Islam, Jesus is a prophet of God so as Mohammed is. God did not allow Jesus to

be crucified, to die in torment, and he was lifted up waiting for the so-called Second Coming.

Muslims greet Resurrection, because for them, Jesus did not die to rise again. "To say a poem is not just to say some words. You have to be responsible for this words. To be sincere," says Milena Irshad. Even when enrolling his son in this school, she tried to convince teachers not to make him forcibly make martenitsa and learn poems for Easter or Christmas in which God is called by a name. They told her: "We are in a secular state." "Well, well, we have a secular state, why do they talk about God Jesus Christ? Tell them just Jesus Christ. Speak objectively, as a teacher you have to stay above such things" resents Milena, who along with her son every day experiences the lack of sensitivity in the Bulgarian school.

As a Bulgarian who converted to Islam after marrying, she often wondered whether to enroll her child in school with other Muslim children, where he will not be exposed to so many provocations. But then reconsidered: "If we isolate him in school with Muslims, neither he nor the other children will learn to live together with the others, to be tolerant."

According to Milena the problem began in the last decade, when Islam was charged with public guilt. "We came there to look at me sideways on the street because I am with a hijab - not always, but at certain times they say "Get away from where you came from!" Usually women 60 years of age do this, who are supposed to be sweet but are actually bitter. In these difficult times it is easy to attribute to people a threat, but I think that the state will meet better future, if it ceases to suppress this one-tenth of its population", she said and explained that the institutions and the media usually think of Muslims when there is a problem in relation to negative events.

They often tell her "This is a Christian country" or "You are a Muslim in a Christian country." The constitution, however, says that Bulgaria is traditionally Christian. "What if after ten years it is on the contrary, what shall we do", asked rhetorically Milena and stated that these are precisely the issues that hinder the overall living. And it requires compromises, whether the place you share is called Lovech, Dresden or Malmö. "What most annoys many Muslims, is actually a double standard with respect to one's words or actions. The state should not judge subjectively, but to be a country for all and as we ought to make some compromises, the state must care for all of us in the same way", she said.

Milena heard on the radio about the attack on "Charlie Hebdo". She is convinced that this is not the work of Muslims following any cartoons, but an attack by the "Islamic state." Because one of the last paintings of "Charlie Hebdo" ridiculed its leader Al-Baghdadi and the actions of the very ISIL. "Terrorism has really no religion, no matter how cliché it is. Islam is a personal responsibility and not only it, but every action of the reasonable person. Even doing the little things, the question is to realize and to be sincere," she added. Milena is a fierce opponent of the "Islamic state" and says it is a bigger problem for Muslims rather than for non-Muslims.

In the end, the Chief Mufti in Bulgaria condemned the attack in the editorial office of "Charlie Hebdo" in Paris, which killed 12 people, including four of the leading French cartoonists.

In a statement the representation of the Muslim religion in Bulgaria called the attack a "barbaric terrorist act" and deplored the killing of innocent people.

"The Blow over "Charlie Hebdo" is an attack on all Muslims. We are very worried that such actions aim to use religion for pressure on Muslims and humanity in the world and marginalization of Islam. Religious beliefs of Muslims do not create violence and terrorism and terrorists cannot belong to Muslim values", the statement said. The Chief Mufti's Office indicated that only the Almighty has the right to dispose of life, regardless of religious beliefs of the individual and that Islam is a religion sent to bring mankind mercy, peace, peace, security and happiness.

SHOULD BULGARIA BE AFRAID?

The questions remain. Is there a direct threat to Bulgaria? Can it happen to Bulgaria what happened in France? Is this country secure enough? These questions do not go out of the agenda of the country.

There is no immediate threat, but the biggest risk comes from inefficient security services. The Prime Minister's thesis, stated during his previous term, - the Bulgarians are protected from such attacks, because on every corner in the country there is Doner Kebap - was demolished two years ago, when a suicide bomber blew himself up at the Burgas airport "Sarafovo". Ten years earlier two Bulgarian drivers were kidnapped and executed.

The objectives of the terrorist attacks in Paris and the explosion at the airport "Sarafovo" before 2012, and the kidnapping of Bulgarian drivers in 2004, were radically different. In the first case it was an exemplary operation against Bulgaria because of its participation in the coalition against Iraq, the second one involved Israeli tourists because of the Middle East conflict, in the third case liberal intellectuals were shot because they believed that freedom of speech are the core values of the democratic world, and laughter and parody - right for everyone.

Experts commented that Bulgaria has several risks with different intensity - the first is the refugee wave, the second - passing fighters for the terrorist organization ISIL, the third risk is the possible cultivation of local extremists and fourth - if state becomes the target of bombers again.

Bulgaria is one of the main roads of fleeing from Syria, Iraq, Afghanistan and Pakistan - the wave of refugees became visible especially in the last two years. This is due to the geographical situation of Bulgaria - on the border not only of Europe and Asia, but also of Christianity and Islam.

Ever-increasing aggression called Islamic State, the radical group, which swept some areas of Syria and Iraq, and its threats to make attacks around the world, cannot leave us calm.

The main thesis of the Bulgarian security services is that Bulgaria is a transit country for people going to fight in ISIL or returning from there. At the beginning of 2015 State Agency "National Security" (SANS) detained three persons (two Moroccan nationals and one of Brazil), "resident in the territory of Bulgaria and against whom Spain has criminal proceedings for involvement in a terrorist group. These persons have been to go transit through Bulgaria to Turkey with the destination Syria to participate in combat. The persons were wanted by Interpol - Madrid on the basis of international arrest warrants for "terrorist activity". As a result of the coordination with the authorities of the Ministry of Interior the three persons were arrested while trying to leave the checkpoint in Bulgaria "Kapitan Andreevo". This is the statement by SANS for the arrest of three suspected terrorists. However, it is a very clear illustration of the thesis that Bulgaria is a transit country in which Islamists try to acquire territories of ISIL in Syria and Iraq.

"We monitor these processes thanks to a close cooperation not only with the partner agencies of NATO, but with all these Western Balkans, said for the Bulgarian economic magazine "Capital" the senior officer from the Bulgarian intelligence, who asked to keep anonymity. "It is an alarming fact that there are places where radical Islam is preached, in the areas of Kosovo, Bosnia, Sandzak, Macedonia, Montenegro. There are whole villages and areas where it happens and creates potential participants on the side of the Islamic state", he said. According to the National Intelligence Service (NIS) over 900 people from the Balkans fought or are fighting on the side of the Islamists. Most of them have passed through the territory of Bulgaria. But for most there is no sufficient reason to arrest them, just like in the three examples above. NIS makes sure that each signal for such transit of suspicious persons is reported to the National Security Agency and the Ministry. According to the source in the Ministry of Interior, quoted by Capital, one in 1000 people entering Bulgaria reveals potential threat and links to terrorist organizations.

The Bulgarian National Intelligence Service have noticed a worrying trend: recently some of the suspects spent some time on the Bulgarian territory. According to the information supplied by SANS and the Border Police, respectively, they checked the intentions of the people.

Another trend that has been noticed by the secret services, is the extraordinary increase in the production of false Bulgarian passports, which according to NIS, are found in Syria, Iraq and Egypt. There is evidence of serious fraud as for example in Istanbul. Recently a printing house in Plovdiv was found, which according to operational data was like a "hub" for the printing of illegal documents. Passports are also frequently offered on the Internet. We can suggest that some Bulgarians are part of the network which supplies the radical Islamists with Bulgarian identity documents. From this to to homegrown Islamists there is only one step, so this trend should be monitored especially carefully. The exclusive aggression of Islamic Organisations on the Internet and social networks is also particularly disturbing. The head of the British domestic intelligence MI5, Andrew Parker, quoted by the Bulgarian National Television, said that the group's ability to use social networks has transmitted its message in virtually every home in the UK, which has caused a number of attempted attacks, many of which were thwarted by the security services and police in England.

At the end of last year, SANS and the prosecution conducted an operation in the Roma neighborhood in Pazardzhik (near Plovdiv, Central Bulgaria) and accused several people for preaching antidemocratic ideology. Experts say the operation was rather a demonstration of power than prevention of a real threat. Demonstrative arrests are one method of dealing with such actions, which

has long been abandoned in Western Europe, because it carries the risk of turning the detainees into heroes. A senior official of the European Commission, responsible for issues of counterterrorism, said that the detainee maybe a dish-washer in Syria, but once ostentatiously arrested begins to radicalize. Therefore, the approach to such communities is more often “soft” - if someone seeks solace in religion, the state should ensure that you can get it in non-radical forms.

However, the security services have received information that neighborhoods like the one in Pazardzhik are “hubs” for traveling and returning fighters of the Islamic state. A Nordic citizen on her way to fight in Syria was “housed” in Varna by such a structure. The explanation in most cases was that people shelter for money, but there is a risk they have a negative impact on the community.

So what to do? So far, data of the Bulgarian secret services are reassuring. The bigger problem, however, is the very condition of the sector and the security environment in Bulgaria. According to experts, it is necessary to systematically and not accidentally monitor vulnerable to radicalization communities. Because ultimately attackers from Paris are not typical Islamists - they are representative of the isolated and marginalized generation in France, seeking its way to legitimacy.

MACEDONIA

Author: Vesna Nikodinoska

INTRODUCTION

The freedom of expression in Macedonia has been noting negative trends and drastic fall downs for the past 5 years, thus raising serious concerns of the domestic and the international media community. More dramatic moments in relation to press freedom contributed towards silencing media and journalists. The scandal that stroke the Government in February 2015, related to wiretapping phone conversations, among others - between high officials, ministers, judges on one side and editors and media owners on the other - confirmed the notorious suspicion that the ruling party' high officials allegedly influenced court decisions and verdicts, interfered in the editorial agenda or favored certain media and journalists.

In the past few years, several critical media were muffled: the leading (A1 TV station 2011), the journalists were expelled from the Parliament by the security forces, obstructing them to report on the parliamentary session in 2012; while in 2013 the journalist Tomislav Kezarovski was imprisoned and sentenced to 4 1/2 years prison for revealing the identity of an allegedly protected witness in a murder case. Apart from these, the process of adopting the new media legislation brought many controversies in relation to the fact that it extends its jurisdiction, not only over broadcast media, but also over the press. The media community fears the Law will interfere in the journalistic profession and the editorial aspects of the media functioning. Additionally, the manner of appointment of the members of the regulatory body questions its independence.

The pretext of the problems in the media sphere should be looked at within the chronic political and economic influences over media that „contaminated” media freedom. The Freedom House, Reporters without Borders and Amnesty International recent reports warned on the decreasing freedom of expression and freedom of media in Macedonia. Various reports in the past years criticized the government for its use of promotional advertising, which increases the media's financial dependence and favors pro-governmental outlets. The government is the country's biggest advertiser, allocating at least 1 percent of the national budget to campaigns on television, radio, billboards and online banner ads.⁷² The result of the political influences could be seen in the biased editorial policy of the majority of media, deterioration of professional standards, self-censorship of journalists, closure of critical media, restricted access to balanced reporting and to a wide range of viewpoints for the public. Despite having many media, most of them speak the same language in favor of the government. Additionally, the public broadcaster supports the government positions. Only a handful of media - TV, print and online, still oppose to pressures and nurture critical or more balanced coverage.

In the light of Charlie Hebdo' events, it must be said that the religion has been an issue over which the freedom of expression had breached on several occasions in Macedonia. Taking into consideration that the Macedonian population consists of nearly 30% Muslims (Albanians, Turks, Roma, Bosniaks) and a vast majority of Orthodox Christians the topic is more than relevant for the society. The Charlie Hebdo' case mobilized the media community which expressed its solidarity and opened a debate on the traditional and social media.

72 Freedom House report 2014. Accessed through: <https://freedomhouse.org/report/freedom-press/2014/macedonia#.VOsFsiy2Zhw>

THE “LEGISLATION VICE” PRACTICE

Macedonia has a satisfactory framework for guaranteeing and protecting the freedom of press and freedom of expression, but the major problem is that the authorities do not implement them impartially. Freedom of expression in Macedonia is regulated by **Article 16 of the Constitution**, guaranteeing freedom of conviction, conscience, thought and public expression of thought; freedom of speech, public address, public information and free establishment of institutions for public information; free access to information, freedom of reception and transfer of information. The censorship is forbidden by the Constitution.

Limitations to freedom of expression derive from the Article 10 of the European Convention for the Protection of Human Rights and the Constitution (Art. 54), which prohibit transmission of programme content that endanger national security, encourage violent overthrow of the constitutional order of the Republic of Macedonia, invite to military aggression or military conflict, incite and spread racial, gender, religious or national intolerance and hatred (Article 4, Law on Media).

Specific provisions on **satire and blasphemy** do not exist in the legislation. The satire falls under pieces of art that are comprehended by the Law on Civil Responsibility for Insult and Defamation, that foresees one can not be responsible for insult and defamation if he states an opinion or presents facts harmful for the honor and reputation in “...scientific, literary or art piece, in serious critic, during performing his duty, the journalistic profession, political or other societal activity, in defense of the freedom of public expression of thought or other rights or when protecting public interest or other justified interests...” (Art. 7 and Art. 10).

The Constitution guarantees the equal rights and freedoms of all citizens no matter their gender, race, colour, national and social origin, political and religious beliefs, property and societal position (Art. 9). The law on media in the above cited article prohibits transmission of media content that incite religious intolerance and hatred. The Law on prevention and protection from discrimination also forbids discrimination, call for and incitement of discrimination on the grounds of religion and religious belief, among other grounds. (Art. 3)

Hate speech is addressed by the Code of Ethics of Journalists of Macedonia that recommends that journalists shall not consciously create or process information that jeopardize the human rights and freedoms and shall not encourage discrimination of any sort - nationality, religion, sex, social class, language, sexual orientation, political orientation. The journalists are also recommended to respect the ethnic, cultural and religious differences in the Republic of Macedonia.

Despite the legislation and ethical standards, hate speech is often present in the media and with a few exceptions, remains unsanctioned. Hate speech is prohibited by the Constitution and the Penal Code (Art. 319, 417, 173) that sanction ridiculing of individuals or groups on the basis of race, colour, nationality or ethnic origin through information systems. The criticism of the new media legislation, among other issues, also refers to the fact that it does not contain sanctions for hate speech.

It is particularly important to note that the definition of hate speech and its criminalization is often manipulated in Macedonia because it is often thought that by sanctioning hate speech – the freedom of expression would be restricted.

Lately the term „**hate crimes**” is becoming popular. It means crime motivated by bigotry or prejudice against a particular group in society.⁷³ The number of hate crimes committed in Macedonia in the period from March 2013 to January 2015 stood at over 200, out of which 18 were incidents specifically caused by religious affiliation or belief. In most of these cases registered by the Helsinki Committee for Human Rights young people were victims because of their ethnic or religious affiliation.⁷⁴

Lately, the ambitious project “**Bezomrazno**” (no hatred) has been launched to address the hate speech incited by various reasons. As part of the project a website www.bezomrazno.mk was started, aiming to inform the citizens about different aspects related to hate speech, and to increase the level of knowledge and understanding among the youth, public persons and media. The hate speech incited by different religious affiliation was one of the topics for debate.

DEBATING RELIGION

The Macedonian media environment has reacted to religious comics before. Macedonia had witnessed protests against the newspaper who re-published the Danish magazine’ Mohamed cartoons in 2006. Back then, the editor-in-chief of the newspaper was forced to

73 Webpage <http://zlostorstvaodomraza.com/>
74 Ibid

apologize for republishing the cartoons of Mohamed.

As far as satire is concerned, the last dubious case dates from March 2015 and involves the rector of the University “Sts. Cyril and Methodius”, Mr. Velimir Stojkovski, who threatened the Internet portal “Okno” with a law suit for of insult and defamation, for publishing a para-news, satirical interview, which is actually an invented interview. The editor of the site, explained they do not mean to apologize or withdraw the text, because that was “apologizing for a cartoon”.

In the recent past there were few cases that stirred wide debate in the society and the media community in relation to political, religious and ethnic issues. It must be noted that in Macedonia, often the ethnic origin is associated to a certain religion - if, for example, someone is Albanian, he must be a Muslim as well, or vice versa, if someone is Macedonian, he must be an Orthodox Christian. This is why when talking about religion and religious beliefs it is difficult to separate them from ethnicity. Religious beliefs and affiliation are always inter-related with the ethnic origin of the actors, therefore the line between the two terms is often blurred.

One of the events that involved the religion as an issue for wide debate in the society and in the media was the **traditional Vevcani Carnival** that takes place in the village Vevcani, near Struga, Macedonia, every year in January. In 2012 there were masks of the prophet Mohamed that appeared to be offensive for the Muslim population living in Macedonia, as the representatives of the Islamic religious community and part of the politicians reacted. This was a reason for demonstrations that were organized in the city of Struga, where the Head Mufti of the Struga muftiate and the Mayor of the Municipality of Struga addressed the citizens. After this event, offensive graffiti were written on several churches and mosques in the region during the next week, and there were attempts to set the religious buildings on fire. The media coverage of these events was marked by “examples of a strong ethnocentrism, negative stereotyping, as well as symptoms of xenophobia and intolerance to the religion of the ‘Other’ cultural groups.”⁷⁵ As the analysis of the School of Journalism and Public Relations had shown the media in Macedonian language constructed narratives in which the ‘threat from the Other’ found personification in the concepts of the “Muslims” and the “Albanians”. The main narrative which was subsequently produced was the one for the “Global radical Islam” which was a threat for “Us-the moderate Macedonians”. On the other hand, the narratives in the media in Albanian language were focused on “defensive patriotism” and “narrative for the honor of the insulted nation” which was mixed with the “narrative of the insulted religion” that needs recognition and an excuse for the damage made.⁷⁶

Another case with religious context was the **five-fold murder at Smilkovci Lake**, near Skopje that happened before Easter in 2012. After a 2-week investigation, the Ministry of Interior announced it had caught the perpetrators, portraying them as followers of the radical Islam. The analysis of the School of Journalism and Public Relations⁷⁷ on the media reporting on this case revealed “there was no widespread practice of ethnic framing of the event in the media. The TV stations mainly refrained from an identification of the ethnic background of the victims and avoided explicit construction of guilt among the ethnic Other.” Later, when the suspects were detained, the analysis determined that the reporting contained “overemphasized framing of this event in the narrative for the ‘radical Islam’ and the ‘security threat against Macedonia’ from the Islamic fundamentalism and the global terrorism. With such a framing, the Islam as a religion was a priori related to radical structures and with the global terrorism.” In the further development of the case, when relatives and supporters of the detained suspects organized protests against the police action “Monstrum” (as the Mol entitled the case), the analysis showed that in most televisions in Macedonian language, the narrative for the “radical Islam” which framed the protests in the sensitive interreligious context, escalated; the TV newsrooms divided along the ethnic line in this reporting. Some tried to present the protests as illegitimate and dangerous to the state security, while others gave full legitimacy, by emphasizing quite different aspects and motives for their organizing.” There was also a stereotyped linkage made between particular religious or ethnic groups with radical Islamic structures.

“CHARLIE HEBDO” FROM THE MACEDONIAN PERSPECTIVE

Solidarity without any retention was the reaction of the media community in Macedonia regarding the Charlie Hebdo events. With sharpen pencils raised, on the call of the Independent Union of Journalists and Media Workers, the journalists gathered at the same time when the Paris’ march took place, sending the message that “Charlie Hebdo will live and its impact will be global”. The Association of Journalists of Macedonia stressed that the case “is not only an attack on media freedom, but an attack over the civilized values of the free world”. The newsrooms across the country posted photographs on social networks with their journalists stressing “Je suis Charlie” as a symbol of solidarity with the colleagues killed Facebook, as the most popular social network in Macedonia was flooded by the motto “Je suis Charlie.”

75 VSNOJ (2012) Qualitative analysis of the media reporting on interethnic and interreligious issues in the Republic of Macedonia. Skopje: VSNOJ. Accessed through: www.vs.edu.mk

76 VSNOJ (2012) Qualitative analysis of the media reporting on interethnic and interreligious issues in the Republic of Macedonia. Skopje: VSNOJ. Accessed through: www.vs.edu.mk

77 VSNOJ (2012) Qualitative analysis of the reporting on Smilkovci’ murder. Skopje: VSNOJ. Accessed through: www.vs.edu.mk

Although, nobody from the Macedonian Government went to the historic Paris' march against extremism, the political and religious leaders followed the reactions for solidarity and condemnation of Paris events.

"Having in mind the situation of the freedom of expression in Macedonia, I am not surprised that the Government did not send its representative to the Paris march for Charlie Hebdo", said Sara Barnier-Leroy from the Institute for Human Rights and peace from Lower Normandy.

Still, the Minister of Foreign Affairs of Macedonia, on behalf of the Government wrote to his French colleague Laurent Fabius, expressing the support for the French war against barbarism and condemning the terrorist acts. The president of the state, Gjorge Ivanov and the prime minister Nikola Gruevski, were also among those that condemned the terrorist attack over human integrity and democratic values.

The Islamic Religious Community of Macedonia condemned the Charlie Hebdo attack, explaining that violence is not part of Islam. "We ardently condemn these occurrences and appeal all the criminals, no matter their color, nationality or religion, to be brought in front of the justice, because we are convinced there is no religion in the world that justifies these actions".⁷⁸ On the same line was the reaction of the Macedonian Orthodox Church, whose clerk condemned the revenge and said that violence should not be used for attaining justice.

On his Facebook' profile the Islamic theologian Ramadan Ramadani explained that Charlie Hebdo does not have any relation with Islam as a religion and teaching, and he condemned the crimes because they bring damage to all the Muslims in the world.

The debates followed on several TV stations, while social media were flooded with reactions of support. In the debate program on TV 24 Vesti, the civic activist Jasmin Redzeqi, stressed he was not "Charlie", because he did not offend anyone, persons or religions. Although he was standing for freedom of the expression, media and journalists, he said, he did not support the freedom of spreading religious hatred. "The freedom of expression is not unlimited", Redzeqi said, "it should stop when it starts attacking the freedom of confession". He also warned that media in Macedonia continued to show Charlie Hebdo' cartoons without taking in account that these cartoons offend the Muslims who live in the country. Redzeqi pointed that by stopping the circulation of the cartoons, the media in Macedonia will help narrowing down the space for possible further violence.

Zoran Bojarovski, editor and expert in religious matters is on the same line with Redzeqi, stressing that freedom of expression and media can not and must not disrupt the privacy of the "personal sanctuary" or ridicule the rules of the belief of any religion. "Many misdeeds are committed in the name of the religion. This should be recognized, identified and judged by the media- through standard media content or satire. But, there is one red line that should not be crossed. On one side of that line is the media attention on the issues which are related to the misuse of the religion in purposes of expansion of extreme religious fanaticism' and exclusiveness of only one religion. On the other side of that red line are the honest believers who do not oppose the other people their free choice to believe in whom they want. The evil in the name of the religion should be condemned, not the religion itself", concludes Bojarovski.

While most of the newsrooms employed the Facebook to post photographs with "Je suis Charlie" credo, the case also stirred a discussion on some **internal problems** of the profession. Having in mind the political polarization in the media in Macedonia, Saso Kokalanov, a journalist and a editor expressed his repulsion, as he said, towards Macedonian media that on one side expressed solidarity with Charlie Hebdo massacre, while on other side, did nothing to oppose the "silent massacre" of their colleagues who have different opinions in Macedonia.

Despite the broad support the case got from the media and politicians in Macedonia, few local authors and cartoonists raised another relevant point - **the cartoon, as a form of journalistic expression, does not exist** in Macedonia any more. This is important since one of the major reasons for this situation, lays again in politics. The only satirical weekly "Osten" stopped publishing years ago, mainly from financial reasons. The very popular political cartoon serial "Ednooki" which run on several national TV stations since 2006 also stopped broadcasting in 2014. The serial continued to run online, but for certain fee for the users. Cartoons almost vanished from the cover pages of media today, being narrowed down to only one or two sketches on the last page of the newspapers. The reason for pushing the cartoons from the front to the last page of the newspapers, one journalist locates in the "sensitivity" of the incumbent party after 2006, the higher costs of the front page, as well as the computer made cartoons.

78 "IVZ go osudi napadot vrz Charlie Hebdo" (Islamic Religious Community condemned the attack over Charlie Hebdo). Accessed through: <http://daily.mk/makedonija/ivz-osudi-napadot-sharli-ebdo>

The reasons for vanishing cartoons from Macedonian media should be looked for the political “taste” or the (dis)ability of the politicians to accept the critics for themselves or for the political and societal situation expressed through this journalistic genre. This, in general, portrays the political attitude towards the freedom of expression and the cartoons as a form of expression.

LOCAL GROUND FOR GLOBAL ISSUES

Despite the unreserved support the media community, NGO, political and religious leaders expressed, the Paris events did not influence the media situation in Macedonia at large. The freedom of expression and freedom of the media in the country are already completely distorted, mainly by complex relations among politics, business and media. On the other side, the media are polarized on ethnic grounds to the extent that Macedonian and Albanian language media often report on two parallel universes. In this situation, the religion becomes an issue only if some incident, with ethnic and religious significance happen, such as the case of “Smilkovci Lake” elaborated above. The global events can trigger the reactions of the critical masses in Macedonia only if they overlap or find common ties with issues of local relevance.

Still, one observation cannot be neglected – there were only few lonely voices of the representatives of the Muslim community in the Macedonian language media, stressing that republishing or circulating the cartoons are offensive for the Muslims who live in Macedonia. The majority of public that receives or even journalists who produce the news in Macedonian are not aware of this fact, simply because the representatives of the Muslim community were not sufficiently present on media in Macedonian language. The situation mirrors the Albanian language media as well.

TOMISLAV KEZAROVSKI CASE

The journalist Tomislav Kezarovski became “famous” outside the borders of Macedonia by being the only journalist in the country that was sentenced to four-and-a-half-year jail sentence. The sentence was brought for allegedly revealing a protected witness’s identity in a murder case in 2008, although the witness testified that he gave false evidence against the accused killers. Before announcing the sentence, Kezarovski stayed for 5 months in pre-trial detention, but later was transferred to house arrest following the local and international media community reactions. The media community in Macedonia, as well as international media organizations and institutions reacted strongly against the Court decision.

“Journalists will now have to work under the threat of severe prison sentences. Extending Kezarovski’s pre-trial detention for nearly five months was already outrageous and now it has ended in the worst possible scenario, a totally disproportionate jail term”, stressed Reporters without Borders after the Court announced the sentence.

Kezarovski, at the time of his arrest, was working as a journalist for *Nova Makedonija* daily and together with other colleagues was investigating the death of fellow journalist **Nikola Mladenov**, founder of *Fokus* magazine. In the articles published in *Nova Makedonija* daily the team of journalists, highlighted the problems in the judicial procedures and criticized the activities of the Ministry of Interior and judicial system after the accident of Mladenov.

The Skopje Court of Appeal confirmed the sentence for Kezarovski, but reduced it to two years from the four-and-a-half years as it was initially issued by a lower court. After announcing the verdict, Kezarovski was expressly taken to prison.

“Imprisonment of journalists for what they say or write is unacceptable in a democracy. The ruling to imprison Kezarovski sets a dangerous precedent for free media and investigative journalism,” OSCE Representative on Freedom of the Media Dunja Mijatović said. “It is high time for the authorities in the country to ease the pressure on media and respect free and critical voices. Kezarovski should be released immediately”.

Kezarovski’s imprisonment was followed by some of the most massive protests of the journalists in Macedonian media history in front of the Court of Appeal and the Government. After this, Kezarovski was freed from prison upon conditional release sentenced by the Court of Appeal in February 2015.

MONTENEGRO

Author: Ljiliana Zugič

Like in other countries around the world, all Montenegrin media reported in detail on the brutal terrorist attack on the editorial staff of the satirical newspaper Charlie Hebdo. For days they alternated articles and messages of solidarity and condemnation of this crime. Montenegrin officials, institutions, representatives of Civilian sector, professional associations, religious groups, and intellectuals spoke on this occasion and condemned the crime.

The Ministry of Foreign Affairs strongly condemned the terrorist attack on the editorial staff of Charlie Hebdo:

“Yesterday’s attack in Paris is a brutal attack on all of us, the core values underpinning our society and freedom of expression, as one of the pillars of democracy. This is another tragic reminder of the necessity of a decisive and more united fight against any form of extremism,” was written in the statement of the Ministry of Foreign Affairs.

The president of the Parliament and President Emeritus of the OSCE, Ranko Krivokapic, expressed condolences to the President of the French Senate Gerard Lachaire and to the President of the National Assembly, Claude Bartolone.

“We must be united and gather strength and knowledge in order to find solutions to the new challenges of the new era, and in order to protect our countries and citizens. None of our countries will be safe until all the tragedy, like the one today, is duly prevented at the time of their planning”, said Krivokapic.

All Montenegrin journalists expressed solidarity with their French colleagues. Many did this by wearing banners with the words “Je suis Charlie”. Among the first doing this were the journalists in the newsroom of Vijesti and TV Vijesti, Monitor.

The French Ambassador in Montenegro Véronique Brum visited the editorial office of the newspaper Vijesti, while the journalists TV Vijesti and Monitor expressed their solidarity with the journalists of the French satirical newspaper Charlie Hebdo.

The commission for Monitoring the Conduct of the Relevant Authorities in Investigating Cases of Violence Against Journalists in Montenegro released a statement. The president of the organization, Nikola Markovic, said that the murders committed in Paris were appalling. He believed that the French nation has full support of a democratic and free world in the fight against terrorism and in defense of press freedom.

This tragic event launched a wide debate in all the media. Although terrorism and volatile crimes were discussed, the freedom of information was the focus. The key question was - where are the limits of this freedom?

Montenegro is a multinational country with harmonious inter-ethnic relations within its borders. However, precisely because of this, Montenegro and the entire Balkans are vulnerable and sensitive. This is because the region is multi-religious and multinational, and in particular because of the traumatic experiences in the former Yugoslavia. Therefore, it was particularly important that representatives of all social groups take part in the debate

The Muslim Community in Montenegro strongly condemned the terrorist attacks in Paris. Nevertheless they sent a very clear and unambiguous message that the drawing of the Prophet Mohammed was an insult to all Muslims.

The massacre in the editorial office of Charlie Hebdo in Paris has nothing to do with religion, said Reis of the Islamic Community Rifat Fejzic, and added that the killing of journalists is a blow at Islam and the Prophet Mohammed.

The Koran says that killing a man is like killing the whole world. This is not a shot at the press, but at Islam and the Prophet Mohammed, and not with the aim to defend it, said Fejzic.

“There must be a line between freedom of speech and what is sacred. If our religion prohibits any form of representation of the Prophet Mohammed then the one who deals with these matters should understand that it is offensive to Muslims. However, for what happened in Paris, there is no justification”, said Fejzic.

He also said that European countries should openly talk about Islamophobia “, which is increasingly present in Europe.”

Media in Montenegro should separate terrorists and religion, was the conclusion at the press conference organized by the Bosniak Democratic Union in Montenegro.

Muslims around the world call “terrorists” those Muslims who kill members of other religion in its name, said the MP Azra Jasović. She strongly condemned the attack on the editorial staff of the French satirical newspaper. As a Muslim woman she too was insulted by the caricatures of the Prophet Mohammed in Western media. “But if someone offends you, simply ignore it.” she added.

JE NE SUIS PAS CHARLIE VERSUS JE SUIS CHARLIE

Almost all the portals and newspaper in the country have written columns inspired by the crime in Paris, searching for answers to many queries, questioning the role and importance of journalism and estimating the limits of press freedom, responsibility and professional courage to make this world at least a little better.

“But I am not Charlie. No matter how popular it is to claim the opposite at the moment, I am not Charlie. I am Amir. And I am a Muslim. And I am a journalist. And those two identities of mine are not letting me stay silent. Someone superficial could barely wait to play with my confession with a quasi-funny remark that one of my identities is shooting at my other identity. And to claim that I am my own archenemy. But it can only seem like that on first ball play. That exact ball that was so magnificently hit by the volley of simplification. And that is exactly the ball with which I broke the neighbors’ window.”

These are the opening lines of an article of a Bosnian journalist Amir Misirić. It was published on Montenegrin Portal Cafe del Montenegro (CdM), and it received numerous, mostly positive, comments.

In recent years the satirical genre has experienced revival in online media in Montenegro.

“I’m afraid there is no real answer to this kind of pressure” - says Brano Mandić, journalist-columnist in Vijesti, online, and added, “It looks like a terrible historic event, just like one of those which would precede a great disaster. We all share that feeling here, in France, in America and in Japan...” He states that the future of satire is on the Internet.

“What does it mean “I am Charlie”? Am I a fighter for the same ideals? Do those carrying the slogan find themselves worthy of the title? Is this slogan not like fans’ scarf – I don’t play football but this is my team? Is this a simulation of courage where we supposedly offer ourselves as a target, but actually we are hiding in the crowd without an image and name?” (Nela Lazarevic, Vijesti online)

For several days the satirical newspaper Charlie Hebdo read in the subtitle: “An irresponsible newspaper” (in the meantime transformed into ‘List of survivors’). Even so, his heroes were more responsible and more boldly fought for the freedom of the press than most media brands famous for accountability, but also by reducing the editorial policy on political correctness and weighing economic interests.

Charlie years contemplated Kalashnikov, bomb, Kamikaze and continued where he drove conscience. Charlie died free. “

THE LEGAL FRAMEWORK

The key legislation in Montenegro concerning freedom of expression and media freedom were written in the spirit of the European regulations and best practices in this field. A set of legislation on media, which is in force today in a somewhat changed form, was adopted by the Montenegrin Parliament in 2002, with the support of international experts and in cooperation with the EU institutions, the Council of Europe and OSCE. The Constitution of Montenegro, as well as current media regulation - Media Law, the Law on Public Broadcasting Services of Montenegro, Electronic Media Law etc, despite the shortcomings, provide legal and institutional guarantees of freedom of expression, independence, freedom and rights of the media.

The Constitution of Montenegro states:

Article 47

Everyone shall have the right to freedom of expression by speech, writing, picture or in some other manner.

Furthermore, Article 49 guarantees freedom of the press. Censorship is forbidden.

Article 50

There shall be no censorship in Montenegro.

The competent court may prevent dissemination of information and ideas via the public media only if so required in order to prevent invitation to forcible destruction of the order defined by the Constitution; preservation of territorial integrity of Montenegro; prevention of propagating war or incitement to violence or performance of criminal offenses; prevention of propagating racial, national and religious hatred or discrimination.

WHERE ARE THE LIMITATIONS OF FREEDOM OF EXPRESSION?

Recently, the district attorney and the Court in Montenegro banned the distribution of the daily *Informer* due to the drastic violations of professional and ethical standards in the newspaper. On this occasion, the well-known activist in the civil sector and the executive director of MANS, Vanja Čalović, was a victim of brutal attacks and compromising campaigns for days conducted through a series of photographs and articles.

The reaction of the prosecution and the Court concerning the withdrawal and the abolition of the newspaper followed after the harsh condemnation of the EU Delegation to Montenegro, US Embassy, the Parliament, Ombudsman and non-governmental sector, as well as protests organized in Podgorica. Additionally, the initiative for amendment to the Media Law was launched by all the parties, except the ruling DPS. This amendment had the aim to allow court to prohibit the publication of any media that does not respect its decisions and norms of the profession.

The headlines in *Informer* after incidents at the football match Serbia-Albania were not well received. It is obvious that *Informer* incited hatred on the national grounds, violated human rights, dignity and the reputation of individuals, protected by the Constitution of Montenegro and the EU Convention on Human Rights. *Informer* also did not abide by the court's decision. In addition to the proposed amendments to the media, in the Montenegrin political public lately appeared the idea of re-introduction of libel, slander or return of the Criminal Code. In Montenegro libel was decriminalized in 2011.

Soon, the media and academic community reacted. In a broader open debate, almost by the unanimous vote, advocates of pro et contra the criminalization of defamation, different members of all political and other commitments, concluded that the proposal was hasty. In their opinion, it would open up a space that can greatly endanger the freedom of information and media freedom. One of the most vocal opponents of criminalization of defamation, lawyer Nikola Martinovic, told the daily *Pobjeda*, the proposed amendments to the Media Law threaten the freedom of expression in Montenegro and would pave the way to censorship.

In terms of media self-regulation, at this moment, it cannot be said that this mechanism has a significant impact on journalism and media in Montenegro. Also, and one can say that Montenegrin media community can rarely come to an agreement even over the basic professional ethical standards. The Code of Ethics of Montenegrin Journalists was produced at the same period media legislation was adopted. Then a single self-regulatory body was established, and it ceased working March 2010. Today, there are several self-regulatory bodies that do not cooperate, and do not recognize each other professionally. Neither of these bodies can be said to fully, or at least predominantly, represent the media community in Montenegro.

The European Commission Report on the progress of Montenegro for 2014 finds that "violence against journalists remains a serious concern"⁷⁹ http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-montenegro-progress-report_en.pdf

According to the 2015 Press Freedom Index Reporters Without Borders (RSF), Montenegro retained its position on 114, as it was in 2014 - one place lower compared to 2013. The 2014 Freedom House Report estimated Montenegro occupies the 78th place in a classification comprised of 197 countries.

ATTACKS ON JOURNALISTS

Engaging in investigative journalism in Montenegro is very dangerous. Journalists who write about organized crime and connections between organized crime and with the structures of power have been victims of many attacks.

After having been brutally beaten outside his home in Berane six years ago, the *Vijesti* journalist Tufik Softic survived a bomb attack in August 2014. The bomb exploded just 70 cm away from Softic's automobile. Tufik Softic and his family live under police protection.

Upon request the Commission for Monitoring the Investigation of Unresolved Cases of Attacks on Journalists of the Government of Montenegro determines the status of the protected person after an evaluation of the National Security Agency (NSA) proving that his safety is in danger. Besides Softic, police protection has also been granted to Olivera Lakic a journalist with *Vijesti*.

The Court in Podgorica sentenced five people to jail, terms ranging from 11 to 15 months on 10 December 2014, for physically attacking Lidija Nikčević, a journalist with the daily newspaper Dan, on 4 January 2014. Nikčević was attacked on January 3, in Nikšić, the second largest city in Montenegro, when a man with a mask upside down and dressed in black, repeatedly hit her with a rubber stick on the head.

The Ministry of Internal Affairs and Police Directorate in the “Risk analysis of jeopardy of employees in the media-journalists” for the period 2004-2014 showed that employees in the private media, as well as journalists in print media and those who report corruption crime face the greatest risk of being repeatedly attacked. The analysis concludes that the number of attacks on journalists is high.

However, still many previous attacks on journalists have not been solved, including the killing of the editor of daily newspaper Dan, Dusko Jovanovic. In 2004 he died in the street in front of the editorial office in Podgorica. For this reason, at the end of 2013, the Commission to Monitor Investigation of Attacks on Journalists was formed — a body composed of Montenegrin journalists that volunteer their work, with the consent and support of the state working on this delicate task.

The Trade Union of Media of Montenegro and NGO Action for Human Rights initiated the proposal of amendment of the Criminal Code (Criminal Code of Montenegro), which stipulate that journalists, because of increasingly frequent attacks, receive protection just like the officials, but so far no concrete steps in this direction has been taken. It is the opinion of the journalists surveyed and evaluated the best possible measures in the OSCE report “The media, media freedom and democracy” prepared by CEDEM.

The number of media that exists in Montenegro is disproportionate in relation to a small media market, therefore the existing funds are not sufficient for the operation and financing of all media. A particular problem is the allocation of existing funds.

MILKATADIC-MIJOVIC AMONG THE 100 HEROES OF INFORMING

The journalist and the executive director of the “Monitor” Milka Tadic-Mijovic was put on the list of 100 heroes of information published by the international organization Reporters without Borders.

The list also includes Julian Assange, founder of Wikileaks and Glenn Greenwald, a journalist who has worked for The Guardian and helped Edward Snowden disclose secret information about the massive wiretapping and electronic surveillance used by the British and American secret services. Among the regional journalist the list comprised the Serbian journalist Brankica Stankovic and Slovenian Blaz Zgaga journalist, bestselling author of *In the Name of the Country* on weapon trade in the Balkans during the nineties.

SHORT CONCLUSIONS

In the same report, the OSCE in Montenegro, which was created based on research conducted among the media professionals (editors, journalists), the most common form of violation of media freedom are: the accusations and pressure that political parties perform on the media; then, denial of the right to information of public importance, accusations and pressure from government and accusations by other media. Also, it is stated, that the press freedom violations, according to the answers of journalists, most responsible individuals and political power, authorities at the state and local level, individuals and economic leaders and political parties. As the most important reasons that limit media freedom, were identified political pushes down by the authorities but also from all sides, underdeveloped democratic consciousness of citizens, but also the poor economic situation and the low salaries of the journalists.

<http://www.osce.org/me/montenegro/84642?download=true>

SERBIA

Author: Mladen Veljić

The news on the massacre that happened in Paris on January 7th, in a nutshell, shocked the citizens of Serbia. At the time, the majority of people were enjoying a Christmas afternoon⁸⁰, when this unprecedented and monstrous killing spree took place. Photos and videos from Paris reached Serbia quickly, having its citizens react either by spreading news via social networks or sending condolences to the families of the murdered. The following days, in all bigger Serbian cities, numerous peaceful meetings and protests were organized in support of France. Media unions, journalists, NGOs, state and local officials and many citizens were sending the same message from Serbia, that we were all Charlie. Online communities matched offline gatherings. In addition to the support and sympathy for the French people, there were some attempts of relativization of this atrocious murder, by mentioning the bombing of National Radio and Television of Serbia's (RTS) building on April 23, 1999, that killed 16 employees, then bringing up other victims of NATO bombing (especially children), then comparing the massacre in France with the recent Nigeria massacre, as well as mentioning the writing in Charlie Hebdo during the Kosovo war, which depicted Serbs as rapists and murderers. Also, there were a couple of TV-debates which gathered the representatives of the four largest religions in Serbia⁸¹. Having declared that it was a crime, one could not but perceive that everyone thought religion was sacred, and should not be subjected to criticism (<http://balkans.aljazeera.net/vijesti/spc-ne-objavljujte-karikature-poslanika-muhameda>).

With regard to the Muslim population in Serbia, there were reactions of certain media that targeted exactly Muslims, aiming at the protection and defense of this religion. Some wrote about the rise of Islamophobia in Europe (<http://balkans.aljazeera.net/vijesti/islamofobija-u-francuskoj-u-porastu>), while others spread news about the growing interest in converting to Islam (<http://sandzakpress.net/povecan-broj-prelazaka-na-islam-u-francuskoj-nakon-napada-na-charlie-hebdo>).

LEGAL FRAMEWORK

According to its Constitution and laws, Serbia is a democratic country, explicitly guaranteeing and protecting FoE by means of the following legal acts:

“The Constitution guarantees freedom of opinion and expression, and freedom to seek, receive and impart information and ideas by speech, writing, picture or otherwise” states the Constitution of the Republic of Serbia (Article 46). In the second paragraph of the same article, it is stated that law may restrict freedom of expression “if it is necessary to protect the rights and reputation of others, uphold the authority and impartiality of the court and to protect public health, morals of a democratic society and the national security of the Republic of Serbia.”

Additionally, in the recently (August 2, 2014) adopted Law on Public Information and Media, which regulates the access to public information, in its introductory provisions (Article 4, paragraph 1) it is clearly stated that public information is free and cannot be subjected to censorship. In paragraph 2 of the same article, the legislator says: “Any direct or indirect discrimination of editors, journalists and others in the field of public information, especially due to their political affiliation and beliefs, or other personal capacity, is forbidden”. When it comes to satirical writing, Article 79, paragraph 2 of the same Law reads:

“Publication of information that infringes honor, reputation or piety, or depicts a person in a false light, attributing them the qualities or properties that they do not have, or waives features and properties they have, is not allowed, especially if it does not contribute to the public debate about the occurrence, event or person to whom information relates, unless the interest to protect the dignity and rights to authenticity is outweighed by the interest to disclose the information.”

Paragraph 4 of the same article unequivocally says: *“Caricature, satire, collage and other similar ways of portraying faces are not considered as violation of dignity, that is, rights to authenticity.”*

When it comes to the only self-regulatory body in Serbia, the Press Council, in the introductory provisions of the Code of Journalism stated that *“professional and ethical standards defined in Code of Journalists strive to raise the reputation of the journalistic profession,*

⁸⁰ Christmas Day is a public holiday on January 7 in countries that use Julian calendar instead of Gregorian, such as Belarus, Egypt, Ethiopia, Georgia, Kazakhstan, Macedonia, Moldova, Montenegro, Serbia, Russia, and the Ukraine. Some countries, such as Armenia, observe Christmas Day on January 6.

⁸¹ Orthodox, Catholic, Muslim and Jewish

promote the commitment to freedom of thought, speech and expression, as well as the independence of the media” (<http://www.savetzastampu.rs/latinica/kodeks-novinara-srbije>).

The institutions that - under the Constitution and laws of Serbia - protect freedom of expression are the Ombudsman, Mr. Sasa Jankovic, and the Commissioner for Information of Public Importance and Personal Data Protection, Mr. Rodoljub Sabic. So far, with their activities and efforts in compliance with their competence, when it comes to protection of journalists and citizens in terms of freedom of expression, they have demonstrated persistence and consistency; they have even conflicted with the judicial and executive authorities⁸². For example, as a result of “good” relationship between Mr. Jankovic and authorities the Administrative committee of the Serbian Parliament did not extend the work contracts for 19 employees of the Ombudsman office⁸³.

In conclusion, when it comes to regulation and self-regulation in Serbia, freedom of expression is guaranteed. Starting with the Constitution, through Laws and acts of Press Council, it is clearly stated that the freedom of expression is each citizen’s integral prerogative. The Law on Public Information and Media specifically regulates (in one sentence) the state’s standpoint toward satirical writing. Therefore, we can conclude that Serbia, considering the legal framework within which media outlets operate, has fully met all conditions for the existence and development of democratic media.

PRACTICE MAKES THE DIFFERENCE

However, when it comes to practice, the situation is slightly different, i.e. is not completely in compliance with the above-mentioned regulations. The freedom of media is one of the few areas showing no progress according to the EU Progress Report on Serbia for 2014⁸⁴. Among other things, it is said: “There are concerns about deteriorating conditions for the full exercise of freedom of expression. A continued lack of transparency over media ownership and sources of media advertising and funding was accompanied by a tendency to self-censorship in the media.” Based on diplomatic sources from Brussels, the most popular informative website as well as the most circulated Serbian daily newspaper “Blic” said: *“Throughout the whole region, the media situation is very poor, there is a notable regress in editorial policies of media outlets; self-censorship is increasing, this field has also been recording decline, compared to the previous period. It also applies to Serbia where the European Commission is using direct vocabulary, noting thus a steady decline in media freedom and the freedom of expression, undesirable impacts on editorial policies, bringing people to police for questioning for commenting on the Internet, non-transparent public funding and unclear legal framework.”*⁸⁵

Several problematic, still unresolved situations support the above-stated. Firstly, crushing the website Pescanik that first brought up the doctoral dissertation of the Home Office Minister and high representative of the ruling party, accusing him of plagiarism. Reporting during the catastrophic floods in May 2014 was another case. Namely, three citizens were arrested for allegedly spreading panic on social networks. After a few days, they were released pending trial. No information can be found if and how much the judicial process has advanced.

That freedom of speech in Serbia is questionable - shows Dunja Mijatovic’s letter, in which the OSCE Representative for Freedom of Media has expressed concern about the alarming trend of censorship of online media. She has urged the authorities in Serbia to foster uncensored debate on topics of public interest. *“I am deeply concerned about allegations that websites and online content are being blocked. This is a clear violation of the right to free expression. The Internet provides unparalleled opportunities to support these rights and is essential for the free flow and access to information. In times of crisis free flow of information is vital to allow people to assess the situation for themselves”* Mijatovic said.

However, the Serbian PM reacted strongly to Mijatovic’s claims, adding that it was unusual for a PM to reply in writing to a statement, arguing that he was doing so because Dunja Mijatovic had been “misguided”. Also, the PM demanded OSCE Representative either to produce proofs of censorship or to apologize publicly. The Serbian State Ombudsman, Mr. Sasa Jankovic, joined in, pointing out that it was his job to assess if there was any censorship or not, not the PM’s. He stressed that more important than the very information whether there was censorship in Serbian media or not, is the creation of an extremely dangerous “info vacuum” that occurred in the process, *“I think this is an extraordinary situation with the freedom of expression. A series of events have happened that don’t have to be*

82 <http://www.balkanicaucaso.org/bhs/zone/Srbija/Srpski-ombudsman-na-meti-vladajuceg-bloka-158531>
<http://www.balkaninsight.com/en/article/campaign-against-serbian-ombudsman-takes-dangerous-turn>
<http://www.blic.rs/Vesti/Politika/542777/Sasa-Jankovic-Mediji-u-Srbiji-nisu-slobodni>
<http://www.nspm.rs/hronika/nebojsa-stefanovic-sasa-jankovic-je-pogresio-%E2%80%93-prekidamo-polemiku.html?alphabet=1>
<http://www.blic.rs/Vesti/Drustvo/255878/Tuzilastvo-goni-Sabica-jer-sud-nece-da-mu-da-podatke>
<http://www.balkaninsight.com/en/article/serbia-mps-adopt-controversial-law-on-electronic-communications>

83 http://www.danas.rs/danasrs/drustvo/blokada_rada_zbog_kritike_vlasti.55.html?news_id=282658

84 http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf

85 <http://www.blic.rs/Vesti/Politika/500745/Izvestaj-Evropske-komisije-Plus-za-paradu-i-reforme-minus-za-stanje-u-medijima>

particularly dangerous individually, but together they speak of the fact that it's not about someone misinterpreting the situation, but more or less about a joint effort to suppress criticism", says Sasa Jankovic. This case ended in PM's demands for OSCE Representative for Freedom of Media to apologize, while she expressed the following: "My message to the government remains: these actions should be investigated and those behind them should be held accountable. The role and duty of the government is to protect and nurture freedom of expression, whether online or offline, as it is written in the Constitution. I am satisfied with the assurances of Prime Minister Vucic that the issue will be resolved."

In a year in which nearly 20 assaults on journalists happened (9 of which were physical), the question of media freedom was essential, it seemed, more than ever. Aside from the above-mentioned cases of crushing the websites, several famous shows were cancelled. One of them was Utsak nedelje (*Impression of the Week, translator's note), which had been airing for 20 years on a B92 TV, a channel that stood for a symbol of independent and investigative reporting. The decision made by B92 management to stop producing it caused a stir and protests organized by representatives of journalists' associations⁸⁶. Mrs. Olivera Beckovic, author and presenter of this TV show, as well as a major part of public attributed the decision of RTV and B92 management to the pressure made by the powerful man in Serbia (Prime minister). Also, during her interviews on some TV stations, Mrs. Beckovic openly spoke about pressures on her made by members of ruling parties as well as by PM personally. "When someone makes such an atmosphere of fear and silence, when somebody realises that they have brought journalists to the point of being mocked in their faces with the question "tell me have I ever called you", and they keep quiet, then they can do whatever they want. If all the editors go out now for a press conference and say "Yes, he called me..." and say what it looks like to be an editor of the news today, then I do not believe that OSCE and other European institutions could play dumb," said Beckovic.⁸⁷

Public debates were also caused by assaults on journalists in Nis. Two prize-winning journalists were verbally threatened and physically assaulted. Predrag Blagojevic, editor-in-chief of Juzne Vesti, was threatened on several occasions due to his critical articles about the abuse of public functions (<http://balkans.aljazeera.net/vijesti/cesti-napadi-na-niske-novinare>).

One of the last debates organized owing to ever growing (self-) censorship in media, which is apparently going to be continuous, was named "Free Media". It followed the articles of Balkan Investigative Reporting Network (BIRN) on the tender biddings for the procurement of water pumps for Tamnava coal mines, which caught public attention and led to PM saying that journalists writing about that were lying, i.e. they had received money from EU to discredit him on purpose. Afterwards, the Serbian government started a media campaign against BIRN⁸⁸, and all the while they had the support of 40 NGOs from Serbia, who had clear orders from the Government to declare the truth about Tamnava, the way it is done in all states in which the Rule of Law comes first.

Internet freedom is questionable, says the research named "Internet Freedom and Digital Rights in Serbia" conducted by Share Foundation from August 1st- December 31st⁸⁹. This research articulates in an all-encompassing way that the state has done so little to shed light on website crushing cases, that the number of local media outlets is growing, together with their influence, but also that online space is extremely fragile, therefore susceptible to various influences. One of conclusions says: "It is certain that the number of cases of hampering Internet and digital freedom is increasing, and that citizens and other social actors are being exposed to breaches of rights and freedom in online space in Serbia. Beside the expectation that the state authorities perform their duties more efficiently and exercise protection, it seems that it is essential that we helped the threatened in critical situations and understood new threats against the rights and freedom in a digital environment."

REACTIONS TO CHARLIE HEBDO ATTACKS

The attacks found Serbians in a peaceful mood. At the time, the majority of people were enjoying a Christmas afternoon. Photos and videos from Paris reached Serbia quickly, having its citizens react to them either by spreading news via social networks or sending condolences to the families of the murdered. The following days, in all bigger Serbian cities, numerous peaceful meetings and protests were organized in support of France. Media unions, journalists, NGOs, state and local officials and many citizens were sending the same message from Serbia, that we were all Charlie. Online communities matched offline gatherings. In addition to the support and sympathy for the French people, there were some attempts of relativization of this atrocious murder, by mentioning the bombing of National Radio and Television of Serbia's (RTS) building that led to killing of 16 employees, then bringing up other victims of NATO bombing (especially children), then comparing massacre in France with the recent Nigeria massacre, as well as mentioning the writing by Charlie Hebdo during the Kosovo war, which depicted Serbs as rapists and murderers.

86 <http://www.indexoncensorship.org/2014/09/serbia-vucic-press-media-freedom-soft-censorship>).

87 <http://inserbia.info/today/2014/10/censorship-in-serbia-pm-censors-media-eu-and-osce-play-dumb-beckovic/>

88 <http://www.balkaninsight.com/en/article/serbian-govt-and-press-lead-campaign-against-birn>

89 <http://www.shareconference.net/sh/defense/internet-slobode-i-digitalna-prava-u-srbiji>

The reaction of the public in Serbia was spontaneous and quick. In the same evening, gatherings were organized in front of the French Embassy or the French Institute in Belgrade. The citizens arrived in silence, lighting candles and leaving messages.

The next day (January 8), a few gatherings were organized in Belgrade and Nis. First, the journalists, NGO and local government representatives gathered in the French Institute in Nis at 11:55 am. Twelve roses for the twelve people killed, posters with the “Je suis Charlie” slogan, words of compassion and solidarity and a unique message that the **Freedom of speech faced the assassination**, so we have to protect it more than ever. In the same afternoon, at 6 pm, precisely, people lit candles for the murdered journalists in front of the French Embassy and French Institutes in Belgrade and Nis. Therefore it can be said that Serbia sent a powerful message of compassion and solidarity to the French people. It undoubtedly, stood in defence of freedom of speech and thought.

However, we have to look back at another part of this story, the one less intensive but surely present, which represented an attempt of relativization of the Paris massacre. Precisely, some individuals on social networks tried to compare this event with NATO bombing in 1999, especially with the bombing of the RTS building, when 16 media workers died. “Je suis Charlie, but...” was the beginning of the sentences on Twitter, Facebook, as well as comments on internet portals of highly rated magazines. Their authors wanted to send a clear signal that Serbia had not enjoyed the same international support in 1999, thus its citizens should not be mourning the French tragedy. Besides, the attempt to relativize and mitigate the massacre in Paris was reflected in pointing out the front pages of Charlie Hebdo magazine from 1999, which depicted Serbs as rapists and murderers. Also, the situation in Nigeria, when 2000 people were killed was mentioned in a sarcastic way. Some authors commented that Nigeria is considered a lesser crime than the one that hit the world with the death of 12 people in Paris, since the African people are second-class citizens.

The Government of the Republic of Serbia unequivocally condemned the crime in Paris. The Serbian Prime Minister visited the French Embassy and wrote a message of condolences and solidarity with the French people in the book of condolences. Also, he appealed to the citizens to stay calm and believe in the security services of the Republic of Serbia. “We suggest hotheads not to jump to any conclusions and actions against Islamic citizens of Serbia”. Except for the Prime Minister, numerous authorities in Serbia publicly condemned this crime. Serbian Assembly Chairwoman and the Minister of Foreign Affairs were present at the huge gathering held in Paris on January 11, 2015.

The first to sign the condolence book in Nis was the mayor himself, who came to the gathering organized by journalists and NGO activists. However, from the point of view of some journalists, this was seen as an act of hypocrisy. Predrag Blagojevic, editor-in-chief of online news portal Juzne Vesti, commented on the reaction of authority representatives: *“If we talk about Serbia, it was hypocrisy in practice. Specifically, the Mayor of Nis strongly condemned any pressure on media. “The attempt to restrict the freedom of expression in one of the most developed democratic countries in the world was the most painful of all”, he wrote in the condolences book on January 8, 2015. However, not only did he forget to mention the threats that were directed to journalists ten days ago by a public servant working with a municipality company, but he also said nothing about the entire previous year in which Nis journalists were threatened, insulted and physically attacked by the representatives of the party he was leading, some of them being his close associates. Another argument that confirms the mayor’s unconsciousness of the cause and consequences of the tragedy, and then the attempt to use this occasion for collecting cheap political points, is the fact that he said that cartoonists of Charlie Hebdo “died” instead of being “killed”.*

When talking about religious leaders, the attitude of the heads of the four official confessions in Serbia was that the crime must be convicted, but the religious feelings must be respected. Participating in public debates on this topic, the leaders of Orthodox, Catholic, Jewish and Muslim religious communities claimed that religious feelings must not be played with and blasphematory caricatures must be stopped. “Mockery with historic figures who created the religious identity of hundreds of millions of our contemporaries is outside of legal free expression limits and it is absolutely unacceptable”, said Irinej, the bishop of Backa, one of the leaders of Serbian Orthodox church

(<http://www.blic.rs/Vesti/Drustvo/525561/SPC-upozorava-medije-Ne-objavljujte-blasfemicne-karikature-proroka-Muhameda>)

Protests were also held in the southwest of Serbia, where the majority of the population is Muslim. Their message was that their religious feelings must be respected. “Muslim believers in Sandzak felt a moral obligation to go out today and say that every one of them would give their life for Muhammad” said Muslim leader Irfan Mamic.

(http://www.b92.net/eng/news/society.php?yyyy=2015&mm=01&dd=23&nav_id=92969)

Also, some media that cover Muslims as a target group stood in defense and protection of this religion. Al Jazeera Balkans wrote about the increase of Islamophobia in Europe⁹⁰, while we noted that Sandzak Press, pro-muslim media in Serbia broadcast a story on

90 <http://balkans.aljazeera.net/vijesti/islamofobija-u-francuskoj-u-porastu>

the increasing interest for transition to Islam. Actually⁹¹, Sandzak Press took the news from Radio RTL where it was said that after the attack on Charlie Hebdo, more than 40 certificates for transition to Islam were given by the Big Mosque in Paris. Also, as they said, increase the transition to Islam has increased by up to 30% in other cities in France (Lyon, Strasbourg). The main reason of this phenomenon is that some people, by doing so, want to show to the rest of the world what Islam really stands for. (<http://sandzakpress.net/povecan-broj-prelazaka-na-islam-u-francuskoj-nakon-napada-na-charlie-hebdo>)

It would be adequate to add the comment of Predrag Blagojevic, editor-in-chief of *Juzne vesti* and a member of the Independent Journalism Association in Serbia (IJAS) Board, on a question about the reaction of religious leaders: *“As for the religious community, despite my belief that the biggest part of them truly sympathized with the murdered, I am deeply convinced that they did not understand what the artists had criticized, so they themselves would have reacted angrily if they had eventually become the target of media critics”*

Talking about opinion makers, it is worth mentioning the reaction of Noam Chomsky, Institute Professor Emeritus in the Department of Linguistics and Philosophy at Massachusetts Institute of Technology. In his text published on CNN web portal, Professor Chomsky compared the crime in Paris with the attack of NATO bombers on RTS building, on April 24, 1999 when 16 workers died. However, there was no reaction at a global scale with phrases “We are RTS”, but on the contrary, that move was praised as a contribution in the battle against Slobodan Milosevic.

In the context of opinion makers and their reactions, it is worth mentioning the attitude of professor Zoran Aracki, from the Faculty of Philosophy in Nis, an experienced journalist of “*Večernje Novosti*”, the mass-circulation daily newspaper in Serbia (in Yugoslavia before), who says: *“Just like many other events in the world, as well as on the domestic scene, the massacre that happened in Paris against the newsroom of the satirical Charlie Hebdo was the focus of Serbian public only for a short time. There were very few texts in monthly magazines, maybe in weeklies, or some late round tables to remind about the event that should have been the reason to initiate, more than ever, an open debate on media freedom, on media condition. Serbian society needs such type of conversation more than ever, not because of different European institutions and bodies that send remarks about illicit control of the work of media, but because of the objective image that citizens are faced with day by day. It is far away from the desired, far away from the objective need of the fragile democratic system that is on the scene, that needs media, as government controller, more than ever.*

Despite the fact that I belong to the group of those who think that Charlie Hebdo, as many others around the world, should have paid much more attention to the message that published caricatures were sending, there are no words to excuse the terrorist act that followed. It is for certain, however, that the awareness about consequences of the media act must exist in those that work in the media. It is unacceptable that in the name of freedom of expression, the rights of the others are neglected and stepped over, especially in the environment that is full of ethnical, national and religious differences, present in French society over the last decades. This tragedy is the best proof of the need for increased respect of the difference that exist in multy-ethnic societies.“

As far as the journalists associations are concerned, they all clearly and unequivocally condemned the crimes committed, stood behind the attitude that the freedom of speech and thought is inviolable and at the same time crucial today, in a struggle for creating and protecting a civic and democratic society. Almost all journalist associations participated in the organization of the protest and gathering with the message *Je Suis Charlie*. It is also interesting to mention that, IJAS wrote 8 years ago about the trial against Charlie Hebdo in order to draw attention to the Serbian journalist society about this case. The article showed that Islamic organizations sued Charlie Hebdo and requested indemnity in total of 30.000 euros. The lawsuit alleged that Charlie Hebdo was purposely provoking Muslim community by publishing cartoons of Mohammed out of commercial interest. The article also said that 50 intellectuals supported Charlie Hebdo emphasizing in an open letter that this trial is a big test for freedom of speech in France.

Apart from March 17th 2004, when Albanians' fire setting to Orthodox churches in Kosovo provoked street demonstrations and attacks on mosques in Nis and Belgrade, no similar situations occurred. The official statements directed both to the majority Orthodox population and to the minority Muslim population (500.000 Muslims officially live in Serbia) showed that only together we could provide stability in the country. The Prime Minister pointed out that the intelligence services do their jobs and have information about Serbs who went to fight in Syria and Ukraine. He said that such individuals are extremely dangerous, but that the situation is under control. In Serbia, any emergency situation is proclaimed by the President, on Government proposal, and in situations when undertaken activities can endanger: constitutional order, the safety of the republic, meaning its sovereignty, independence and territorial integrity, performance of economic and social activities, exercising and protection of freedom, rights and duties of citizens and the work of state authorities.

91 <http://sandzakpress.net/povecan-broj-prelazaka-na-islam-u-francuskoj-nakon-napada-na-charlie-hebdo>

CONCLUSIONS

The attack on Charlie Hebdo will definitely be remembered as a black page in a modern history of humanity. The death of 12 innocent people will definitely trigger some changes. Unfortunately, disregarding their risks and, in the end, risking their lives in the name and in defense of "Its Majesty Freedom of Expression", they demonstrated that the fear that things may get out of hand is completely justified. It appears that a democratic society may take unexpected features, that it may close itself and turn distrustful and repulsive towards all that is unknown.

Serbia, a country that is still learning democracy and everything it bring; Serbia, in which the first democratic Prime Minister was killed 12 years ago, the one that is faced with numerous challenges in the field of European integration and institutional development, will, for a long time, measure and decide whether freedom of expression in the case of Charlie Hebdo was abused or not.

Predrag Blagojevic, editor-in-chief of Juzne vesti and member of executive committee of IJAS says: *"I am not sure about the final outcome. I was certainly unpleasantly surprised by the attitude of many journalists who, on one hand, sympathized with killed colleagues, and on the other, put part of the blame for the tragedy on the victims themselves-through this famous "but". I am afraid that this event will, for a long time, be a weigh-scale of many journalists who are in a position to cover "sensitive" issues, especially when it comes to religious issues which are very popular in the Balkans"*

On the other hand, Professor Zoran Aracki answers the same question: *"According to my rich life, journalist and university experience I dare to say - no. In Serbia, what people learn "on their own skin" is the only thing they learn. Experiences of others are here extraneous. This is a territory in which people have more belief in empty promises and smoothly-spoken messages of politicians, domestic and foreign, in myths and promises, than in the reality that surrounds them. Here, it is much more difficult to admit the mistake, to apologize to the neighbor and forget the injustice made by someone close. Here, people indoctrinated by media still want coexistence - not life. Here, newspapers and TV still insist on differences, occasionally on things that bring people closer, on common needs and desires. Here, the dead are still counted, indictment raised, representatives of other nations arrested and declared criminals, the rate of unemployment is among the highest in Europe, the economy is devastated, we are facing a catastrophic decline of life standard. "Excessive" history is the burden of Serbian future. Such society is the result of "media anesthesia" and manipulation. The changes that occurred in the last fifteen years in the ownership structure of the media (the transition from state to private owned) did not bring any improvement in terms of content and more media freedom. State monopolies were replaced by private, and the influence of politicians, economic and security structures remained unchanged. It could be said, it has even intensified. Now, it is much easier to find a private owner with whom politicians arrange the content of the media, than it was the case before. Then, everything goes to that point in which media make a living from the profit made by that ownership. However, it is more than clear that the media "anesthetized" the public, because despite conspicuous understanding of these facts, nothing actually happens in the society. For that reason, I think that "Charlie Hebdo Case" in Serbia is impossible. Media community is also sleepy, and the danger lurks behind some individual who dares to speak openly about the reality that surrounds us. In my opinion, if the Serbian state authorities, representatives of religious communities, professional media associations, ordinary citizens, too, missed the chance to deal with the media freedom issue in a more responsible and open way, then journalists definitely must not do that for themselves. Belief in state institutions, professional associations, self-regulatory bodies that exist in media sphere is staggered a long time ago, but keeping omnipresent self-censorship in the work of journalists will not prevent Charlie Hebdo from happening again. It will only be modified, so we will, instead of terrorist attack, have quiet, silent murders, i.e. elimination of journalists who care about honor and respect. For that reason I think that each journalist must analyze the events in Paris with eyes wide open, reach the conclusion themselves about what happened there. During that analysis, ethical codes, moral norms and full respect of difference must be in the forefront."* Finally, if we were to conclude whether Serbia has learnt something from Charlie Hebdo case, the current response would be rather pessimistic. Are there lessons to be learnt? - Definitely yes. But this is to be worked hard on every day, with persistent repeating that the freedom of expression is an inviolable right of every individual, a basis for every other right and freedom.

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The Charlie Hebdo Effect in the Balkans

