

AMNESTY INTERNATIONAL

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Bosnia and Herzegovina: Failure to protect LGBTI festival “Merlinka” in Sarajevo

Amnesty International regrets the attack against the international queer film festival “Merlinka” that took place on Saturday 1 February, at cinema Kriterion in central Sarajevo. Shortly after the opening of the second day at the festival, reportedly a group of 12-14 masked men violently entered and interrupted the festival injuring two men and one woman. This is another sad example of the vulnerability that the lesbian, gay, bisexual, transgender and intersex (LGBTI) community faces and the discrimination they encounter throughout Bosnia and Herzegovina when trying to exercise their rights to freedom of assembly and expression.

The organization urges the authorities of Sarajevo Canton to promptly and thoroughly investigate the attack against festival “Merlinka”, and bring those responsible to justice. The alleged motive based on sex, gender and sexual orientation should be duly taken into account in the prosecution phase and be adequately reflected in the sentence.

According to reports from the organisers, the Sarajevo Open Centre, the masked men stormed the premises, shouted homophobic threats, and directly attacked the presenters of a discussion on stage, as well as an organiser who tried to help them. The three victims sustained minor injuries and had to be taken to hospital for treatment.

Organisers had, ahead of the three-day festival, agreed on a memorandum for the police to provide adequate protection. Additionally, on the morning of the attack, they notified the police twice of the growing number of hostile comments they observed on social media sites, fearing what might happen as a result of such harassment. However, despite the calls for protection, no officers were present at the cinema at the time of the attack. The lack of response by the police to such threats and harassment is concerning, and it should be investigated.

Amnesty International is calling on the authorities of Sarajevo Canton to publicly condemn the attack, to prevent further attacks, and to provide adequate redress and support to the victims of homophobic and transphobic hate crimes.

Further information

Amnesty International considers the attack on the festival a flagrant violation of the rights to freedom of assembly and freedom of expression of the LGBTI community. Attacks against individuals perpetrated on grounds of their real or perceived sexual orientation or gender identity constitute a form of discrimination,

and the Federation of Bosnia and Herzegovina (of which Sarajevo Canton is a constituent) should tackle it not only by ensuring that authorities respect the right to be free from discrimination, but also by ensuring that victims of violence can effectively seek redress for homophobic and transphobic hate crimes.

Amnesty International regrets that the Criminal Code of the Federation of Bosnia and Herzegovina does not include sexual orientation and gender identity as specific grounds for investigation and prosecution of hate crime. A relevant provision in the Law on amendments to the Criminal Code of the Federation of Bosnia and Herzegovina was adopted by the House of Representatives in July 2013, but is yet to be approved by the House of Peoples, a precondition for it to enter in force. Amnesty International calls on the authorities to take appropriate steps to enhance the protection of LGBTI people from violence, including by introducing sexual orientation and gender identity as motives of hate crime in the relevant legislation.