



Sadržaj

Press releases

Events

Media on media

Vacancies

Free Media Help Line

Media and Judiciary System in BiH: Right to free access to information in judiciary institutions Vs Legal Right to protection of integrity and privacy of judiciary investigations and procedures

By: Admir Katica

The role of responsible media houses in society in the context of correct criminal procedures media reports -Workshop presentation-

By: Irhad Bilić

Hate speech in media in Bosnia and Herzegovina

By: Marko Vejić

Are media and judiciary institutions on the "same side"?

By: Vera Soldo

Hate speech in electronic media ?

By: Azra Maslo

Hate speech in electronics media; freedom of speech or human right violation??

By: Vladana Vasić

Transparency of Judiciary System in Bosnia and Herzegovina in the domain of processing the corruptive criminal deeds (felonies)

By: Erna Mačkić

Parliamentary democracy in Katinovik: Public eye exists only in Assembly Rules of Procedure

By: Milanka Kovačević

Same law, different implementation

By: Renata Radić - Dragić

The cooperation between media and judiciary

By: Marjana Popović

Prosecutorial proactivity during the work with media houses with special focus on criminal deeds (felonies) as part of organized crime and corruption

By: Nina Hadžihajdarević

Importance and concepts of public realtions with prosecutors' offices

By: Samir Beganović

The December edition of the E-journalist is dedicated to hate speech and the relationship between the media and judicial institutions.

According to the Council of Europe's Minister Committee Recommendation number 20 from 1997. godine hate speech shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin. In the Criminal Codes in BiH, hate speech is not defined as a specific criminal offense, which opens possibilities for manipulation and different interpretations from perpetrators and from the judicial institutions.

According to the Free Media Help Line data, it is frequent that in individual cases of hate speech towards journalists, the judicial authorities do not recognize hate speech as a criminal offense. Therefore, the role of civil society and journalists in fighting hate speech towards all citizens is important, in order to create a clear practice in distinguishing hate speech from insults, threats and defamation.

More on this topic, but from different angles, for this edition of E – journalist, Azra Maslo from the Regulatory Agency for Communications, Vladana Vasić from the Sarajevo open Centre and the Coalition for fighting hate speech and Marko Vejić, journalists of RTRS-a.

The second part of the newsletter deals with the relationship between the media and judicial institutions: the right to free access to information in judicial institutions in relation to the right to protection of integrity and the secrecy of judicial investigations and proceedings.

On a two day seminar held between 28. - 30.10. in Medjugorje, it was concluded that it is necessary to work more on educating in the area of communication with the public and more transparency of judicial institutions towards public. Also, more interactions between media professionals and judicial staff should be organized. A meaningful step towards would be introducing self-regulation and regulation, that is self-assessment of the quality and expertise of journalists themselves who report on the work of judicial institutions, which includes the monitoring of media reports from the judiciary, because it can assess how ethical standards are respected.

In order to strengthen the awareness of the importance of mutual cooperation between media and judiciary, for this edition of the newsletter,

Vera Soldo, editor from Mostar,

Irhad Bilic, Legal Advisor in the Cabinet of the President of the Court of Bosnia and Herzegovina,

Admir Katica, Head of the Cabinet of the Presidency of the High Judicial and Prosecutorial Council Bosnia and Herzegovina,

Milanka Kovačević, journalist in portal Direkt,

Samir Beganović, Secretary of Prosecutor's office in Brcko District BiH,

Renata Radić Dragić, journalists of the Centre for Investigative Reporting,

Nina Hadžihajdarević, Public Relations Special Adviser with the Federal Prosecutor's Office of FBiH,

Marjana Popović, Deputy Head of Cabinet in the High Judiciary and Prosecutorial Council of BiH and

Erna Mačkić, journalist of BIRN.

Rea Adilagić, editor E-journalist



Media and Judiciary System in BiH:

Right to free access to information in judiciary institutions Vs Legal Right to protection of integrity and privacy of judiciary investigations and procedures

Piše: Admir Katica

Herceg Ethno Village, Međugorje, 28. - 30. october 2018.

The question and issue of cooperation and communication between media houses and judiciary institutions, has, on one hand, certainly been considered as some kind of “round square”, from the perspective of logical and common – sense based (and entire) public perception, regarding the fundamental terms of justice and functioning of judiciary system in BiH, and, on the other hand, this issue has been considered as mere accomplishment of media functioning in democracy – biased society.

The meeting session held at Herceg Ethno Village, in the town of Međugorje (as one of many meeting session in the line), organized by the Association of BiH Journalists and supported by the Council of Europe, made genuine contribution, in terms of developing mutual trust and partnership between the spokespersons representing BiH judiciary institutions and media representatives, including the establishing of best possible practical aspects, in order to attain and accomplish this particular cooperation and to achieve determined goals respectively.

I am particularly glad that this meeting session gathered all relevant parties that have served as the connecting and joint ties points between the judiciary institution and public, and these included spokespersons representing judiciary institutions that, through daily work, have made significant attempts to bring closer the work of judiciary institutions they are engaged with.

This kind of communication between the judiciary institutions and public, which is mostly attained through media sources, is considered as extremely important and crucial. Therefore, I am glad that we all had the opportunity to launch open discussion and talk with journalists about all challenges that we encounter and that we all surely succeeded in this task; if nothing, we managed to improve our cooperation and at least tried to listen to each other.

We are all aware about the effort that media houses put in, in order to get the work of judiciary institutions closer to general public. We are also aware about very short deadlines that must be met; the importance of having official announcements in moments when certain topics were defined, scheduled and finally, to what extent media representatives follow the work of judiciary institutions, including the expectations from this particular governing authority.

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Press releases

02.11.2018.

We seek the state of Bosnia and Herzegovina to take responsibility for the impunity of attacks on journalists

06.12.2018.

Steering Committee of BHJA: Strong condemnation of the violation of the right to freedom of expression on TVSA

25.12.2018.

Steering Committee of BHJA: Public protest to the Ministry of Internal Affairs of Republika Srpska and the Police Department in Banja Luka for detentioning the journalist Vladimir Šuško for a informative interview

Events

17.10.2018.

During the pre-election campaign media reported biased

27.10.2018.

Insurance - an unexplored area for journalists

30.10.2018.

Increasing trust in BiH's judiciary through improving cooperation among courts and media

13.11.2018.

Media and advertising industry: Adopt the Advertising Law in BiH

Media on media

05.11.2018.

Protest gathering of journalists tomorrow in Banja Luka

09.11.2018.

CROATIA: First report for dissemination of false news filed

09.11.2018.

The White House revoke the pass for a CNN journalist

28.11.2018.

The Slovenian court sentenced Jansa to a suspended prison sentence for journalists calling media "prostitutes"

Vacancies

11.01.2019.

CALL FOR JOURNALISM AND COMUNICOLOGY STUDENTS

05.02.2019.

Open Call for journalistic scholarships, deadline for applications March 6t

25.02.2019.

Job Vacancy: program assistant

Furthermore, there are individuals within judiciary system that by appearing in public, do not create and encourage constructive dialogue in terms of building and advancing the reputation of system they are part of; instead they additionally instigate sensationalism and raise eventual speculations by revealing unchecked information and semi – confirmed facts, including unreal, single – sided or wrong perceptions about judiciary system, which altogether result in the erosion of attempts and exceptional efforts in order to build the dignity of judiciary system.

We are familiar with the fact that there is a negative public perception, as far as the work of judiciary institutions is concerned. We that work in this specific branch, would disagree that everything is so "bad" in way that some try to present, but we are also aware that public mistrust has emerged as the consequence of, above other things, insufficient efficiency displayed by judiciary institutions (in terms of lasting period for certain cases), including prolonged deadlines for processing war crime cases, poor processing of corruption cases, questions regarding the appointing of most suitable candidates for judges and prosecutors, as well as unequal court practice and other associated issues and problems that may not always be problems with judiciary background, that altogether result in general and comprehensive negative public perception in relation with the society they live in.

Surely, I believe that a great problem in regard with global trend of news hyper – production, which is actually based on sensations, disables the releasing or posting the news that concern "serious" issues, such as those that concern judiciary issues. Additional burden can be seen through the presentation of these issues, in rather objective way with correct information confirmed from many sources.

Also, generally speaking, journalists often, whilst making reports about judiciary issues, are not skillful in terms of this specific field and frequent fluctuation, overloading and surcharges to vast tasks and duties they have, make their education and specializing in the judiciary field, slightly impossible and consequently difficult to accomplish and conduct.

Also, inside the judiciary system itself, there is a notable degree of resistance by some of its officials, regarding the cooperation with media houses and unfamiliarity or intolerance in terms of significance of communication between the judiciary system and general public. The so called "traditional" conduct is still ever present and it excludes the transparency within judiciary institutions in way that is acceptable and appropriate to modern, democratic – tailored societies and finally the transparency as part of global communication trends.

Furthermore, there are individuals within judiciary system that by appearing in public, do not create and encourage constructive dialogue in terms of building and advancing the reputation of system they are part of; instead they additionally instigate sensationalism and raise eventual speculations by revealing unchecked information and semi – confirmed facts, including unreal, single – sided or wrong perceptions about judiciary system, which altogether result in the erosion of attempts and exceptional efforts in order to build the dignity of judiciary system.

Unfortunately, I must emphasize that certain subjects from the field of politics, through their statements, use biased and, through additional checking, non – liable and undisposed media space and room, consciously and deliberately degrade and ruin the reputation of judiciary institution, with the purpose of accomplishing personal benefits, not thinking at the same time, about primary necessity that every human being has (including the need of our citizens) to live in a safe country where this safety can, along with other things, be reflected through stable and just judiciary system.

Protection of judiciary institutions integrity and their independence through the advancement of cooperation and understanding between journalists and judiciary representatives has been the main focus of HJPC authorities for a longer period of time.

Numerous activities that the Council has been taking during previous



HJPC have presently been working on drafts and have been planning to implement the passing the Communication Strategy that should include the guidelines for communications with general public and all judiciary institutions, with clear goals to make judiciary institutions open to the public in respect with realistic in terms of the protection of integrity and classification of judiciary investigations and procedures.

period, in order to get the work conducted by judiciary institutions, closer to media world, so they could understand the importance of all processes in courts and prosecutors' offices, that again consequently lead to valid decisions, and at the same time, the importance of media reporting shall not be ignored or forgotten, including media requests directed to HJPC officials and judiciary community in general.

I shall refer to certain activities we had during the previous period, aimed to get closer, in terms of communication with public in very strategic way.

HJPC have presently been working on drafts and have been planning to implement the passing the Communication Strategy that should include the guidelines for communications with general public and all judiciary institutions, with clear goals to make judiciary institutions open to the public in respect with realistic in terms of the protection of integrity and classification of judiciary investigations and procedures.

Even at this meeting, we managed to identify that one of the key problems is unbalanced communication practice of certain judiciary institutions, so the HJPC authorities, shall in this sense, make additional efforts in order to accomplish this goal.

Let us examine the investigation we conducted two years ago through the poll with 45 questions that related to the existence of communication strategy and human resources within court facilities, including communication channels, public perception regarding judiciary institution and quality of cooperation with media houses.

General conclusion that was announced was based on the investigation, included obviously passive relations of courts towards media and public communication, as well as lack of strategic approach in this particular field, also with no use of fundamental means/channels required for communication with public and media.

It was also concluded that it would be necessary to put in a lot of effort for motivation, required in order to take necessary activities related to cooperation with media and public communication and further convergence of this particular field to court presidents, judges and all relevant officers in this specific branch.

We heard journalists' voices, that is, the opinion of the so called seventh force during the round table discussion we had organized two years ago. Journalists and editors of the leading media houses in Bosnia and Herzegovina have, during the open discussion with the HJPC representatives, had the opportunity to indicate and point out about the difficulties they face during the reports that cover the work of judiciary institutions and also to recommend and propose modalities for their solving.

Moderators of this meeting, our honorable colleagues, as experts in media field from the Netherlands and Norway, namely Bart Rijes and Ivar Arnstad, as one of many measures, recommended the preparation of guidelines that would establish the balance between the transparency principles and public interest on one hand, and privacy protection on the other hand.

They also emphasized the need for establishing the position of a spokesperson in judiciary institutions that should serve as the facilitators of communications developed between holders of judiciary functions and "media courts", formed as new institute that would be at the disposal to journalists, should they require explanations of court procedures and gain better understanding of the judiciary and court system.

Specific measures were also recommended and proposed in order to advance the procedure of audio and visual recording of court hearings, also including the improvement of cooperation through the organization of direct encounters between the court presidents and HJPC representatives, including editors and journalists in BiH.

Publications regarding the court activities written in common language have also been suggested as one measure required to obtain better knowledge and comprehension between the judiciary system and media houses.

All these recommendations, proposals or suggestions have been taken into consideration as part of the Working Group covering the Communication Strategy of the HJPC of BiH and serve as the foundation, required to plot the documents that would hopefully, be passed at the beginning of next year and that also provide clear guidelines to judiciary institutions in Bosnia and Herzegovina necessary to determine how to communicate with general public.

Judiciary system cannot be in vacuum and cannot be considered un-touchable and separated from the rest of our society. We can try to change the view of judiciary in public, only with accurate and correct informing of public.

The work by HJPC has been completely dedicated to accomplishment of complete openness and transparency of their work and at the same time, HJPC officials respect all constructive critics related to HJPC work and Bosnian and Herzegovinian judiciary system that represent good will for further advancement of the judiciary system functioning and operating, including the reform in this field.

I am quite convinced that media colleagues shall be able to recognize the willingness by the HJPC in the near future, to provide additional space and room for less attractive topics and themes, that may eventually provide citizens with clearer picture on how the judiciary system operates, including the challenges they encounter and how they shall ensure the implementation of the rule of law in our country.

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The role of responsible media houses in society in the context of correct criminal procedures media reports -Workshop presentation-

Piše: Irhad Bilić

The role of courts in any society does in fact include making and passing judgements for concrete cases only; instead their role (as social institution aimed to provide protection of human rights and freedoms) should include the accomplishing of human rights in any society, including their response and reactions executed in most appropriate way. During the period of few months where we had been monitoring media reporting from the Court of Bosnia and Herzegovina, which included the following of court cases, due to identified and noted unprofessional and non – objective media reports, the Court of BiH decided to issue thorough and detailed public press release announcement, outlining the emerging of non – affirmative and negative tendency, referring to fundamental standards, in respect with media reporting, covering and following court proceedings and associated procedures. Also, the authorized institutions, international organizations, media houses, media representatives and journalists had all been invited to advance the normative, to intensify educational programs and narrow the above mentioned court reporting down to the existing and applicable standards.

Observing the above outlined reporting system, we managed to identify the following three segments: 1) Court – the information source; 2) Media – sharing the information and 3) Public – information consumers. The court, as part of its initial criminal cases competences, processes the criminals, according to indictment raised by the Prosecutor's Office of BiH officials.

In the field of informing, this aspect means that the Court produces the information that they share (through media sources) and forward further to the public, that is, the Court forward the information to end consumers. In this process, we noted the tendency of non - objective, unprofessional, incorrect and pejorative reporting. Therefore, in some media houses, there is certain deformation of information forwarded to the public by the Court, that is, the emerging of transformation of information which, in its most severe sense, provides the public with completely wrong and false picture and insight about certain cases, including the false picture and information related to judges and the Court itself.

In this context, the Court has not been able to point out these media houses, because the situation derived from the pre – determined tendencies and the press release (issued by the Court) strictly referred to these tendencies. Actions deriving from this situation may additionally result in public confrontation between the court and media houses, which was not the court's intention, nor would the Court be willing to enter this so called “public arena”.

Court, as socially responsible and transparent institution, pointing out the irregularities in reality and practice, would attempt to remand public discourse into the standard framework and all with the purpose of correct and objective public informing.

European Convention for the Protection of Human Rights and Fundamental Freedoms, in its Article 10 (Item 2), clearly defined the possibility of legal limitations, regarding the freedom of expression, if (in the sense of democracy tailored society), this was to be considered as necessary

Free Media Help Line

Aktuelni slučajevi:

Slobodan Vasković, Banja Luke Blogger – On 11 October 2018 Public Prosecutor's Office of the Republic of Srpska posted on their official web site the notification for Mr. Slobodan Vaskovic who should be interrogated as witness in their facilities. Free Media Help line engaged a lawyer in this particular case

Marko Divković, BHT - ITC Tuzla reporter - Marko Radoja, IP BHT editor instructed BHT 1 editors to cease all cooperation with Marko Divkovic, a reporter, editor and producer with the BHT 1. Free Media Help Line sent a letter to Belmin Karamehmedović, BHRT general manager and Nikola Marković, BHRT director to reply in regard with the incident which had previously taken place in BHT. On 19 November 2018, Belmin Karamehmedović, BHRT general manager informed us that Marko Radoja, ITC editor was suspended immediately and that Marko Divkovic withdrew from the position of ITC coordinator in Tuzla at his own request

Kojić Mladen, journalist - Certain global brand illegally stole his photos and signed them as the intellectual property of the band from BiH whom he had taken photos of. Nobody asked for the permission of this journalist, including the photos; his name did not appear anywhere either, including the media house where it had been posted. Free Media Help Line provided this journalist with

legal aid..

Enisa Skenderagić, TV SA editor

- Council of Employees and Staff submitted the complaint to Free Media Help Line due to violation of freedom of expression and imposing of censorship at Sarajevo Canton Public Television Program (TVSA) which followed the broadcasting of clipart and caricatures drawn by Filip Andronik, an artist and caricaturist, during the TV show, namely “Dobre vibracije” (“Good Vibrations”). Edita Skenderagic, TVSA editor was criticized by her superiors and her report was censored by the TV SA members of the Managing Board and SDA officials (Party of Democratic Action). Members of the Association of BH Journalists Board of Directors issued a Press release encouraging all parties involved to show solidarity in their fight for independent work and the integrity of professional journalism. We also demanded from the Ministry of Interior Affairs of Sarajevo Canton officials to investigate death threats and public call for lynch directed against Filip Andronik, local artist. Communication Regulatory Agency (CRA) issued a Press release claiming that the above mentioned TV show broadcasted by TV SA with the caricaturist being a guest in it, was not controversial and they consequently condemned all pressures imposed against the female editor. .

Therefore, it is necessary to develop a normative – based legal regulations more powerful than the existing one, with the purpose of preventing the degradation of the court authority and reputation, including the dignity of judges, confirming thus neutrality of the Court.

and even required (among other things) for the purpose of the protection of authority and with an aim of having fully functional and non – biased courts. Existing regulations issued by the Communication Regulatory Agency of Bosnia and Herzegovina (origin RAK), which serves as the only legal regulator of media space in this country, contain certain norms and principles, in terms of reporting from court proceedings, although these norms and principles could be additionally advanced in order to prevent the tendency emerging of unprofessional, incorrect and pejorative reports about court proceedings and judges, resetting thus media reporting into the objective and true standard framework.

The above mentioned does not comprehend inappropriate limitations of journalists’ freedoms or so called “censorship”, because these kinds of standards already exist; it’s just that they are not in force (at least not as far as the legal background is concerned).

Modern time in journalism implies deregulation, that is, it implies the course of transferring normative operations that regulate media reporting into local independent journalists’ associations. Indeed, in our country there is a line of these types of acts – the code of journalist’s’ ethics, work job recommendations, reporting guidelines etc. The act “Recommendations for media court reporters regarding the investigation and court procedures reporting” is particularly considered as appropriate in respect with the above mentioned.

Practice in reality proved and the Court identified the occurrence of the above mentioned tendency, highlighting the fact that the prior legal regulating level would have no capacity or sufficient strength to establish and determine the accurate process of informing. Therefore, it is necessary to develop a normative – based legal regulations more powerful than the existing one, with the purpose of preventing the degradation of the court authority and reputation, including the dignity of judges, confirming thus neutrality of the Court. Legitimate critics is always welcomed, but the misuses in regard with freedom of expression (with different goals that are in contrast with providing the public with information) are not constituent parts of Article 10; Item 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Tendencies and aspirations aimed for tendentious reports have been noted here, resulting thus the creation of particular public opinion, rather than having the public provided with accurate, correct and true information, so eventually the public could accordingly create their own opinion and take stands regarding the work of Court.

The existence of established tendency, identified by the Court and additionally revealed in the press release announcement is certainly based on accurate facts, that is, the tendency is based upon samples and cases that overflow our media space. As stated before, we must repeat the notice and warning again and the following examples and cases seem to lack in guidelines outlining and pointing out directly to particular media house, because the intention of the Court was not to reveal, poll or encourage confrontation/

Instead, the Court attempts were to highlight the irregularities opposing the existing standard procedures, including the retrograde practice which eventually meant the violation of human rights and fundamental freedoms.

These cases (examples) undoubtedly indicated the entire line of various violations and at the same time, represented negative practices, inappropriate to any democratic society:

“Another disgraceful verdict brought by the Court of BiH for war crimes

“Another disgraceful verdict brought by the Court of BiH for war crimes committed against ..., crimes proved, verdict below minimum legal level (...). Additional explanation provided by the Court Council stated that the fact that there were survivors that managed to stay alive during the mass shootings, influenced the Court’s verdict (which again was below minimum legal level).”

Unfortunately, there are many examples like these and even more, but we decided to select only few with the purpose of illustrating the facts, displaying the foundation of the above outlined tendency.

committed against ..., crimes proved, verdict below minimum legal level (...). Additional explanation provided by the Court Council stated that the fact that there were survivors that managed to stay alive during the mass shootings, influenced the Court’s verdict (which again was below minimum legal level). Therefore, these kinds of legislative institutions should not exist in the first place (...). Will the second instance body attempt to save at least minimum of what was left of the dignity of BiH judiciary system in the subject case... or will it allow the judiciary system to drown under and below the bottom of every bottom and how long will it take until particular judges with suspicious war time history (such as the PP case) were dismissed, instead of sitting in court council as full members?!”

“It was proved that during the attack on refugee line (colon) the executions were committed by ..., but “they were confused regarding the status of the victims”, stated one of many scandalous explanations given by the Court Council Officials”.

“Court of BiH once again proved today that justice does apply equally to everyone”.

“Scandalous: XY set free and was released, based on charges against him/her for committed genocide in ...”

“Protected witness cries and tears neglected by the judges...”

“Present evidence, arguments and proofs insufficient for the judge to imprison the accused...? Although the Court of BiH acknowledge the suspicion that the ..., deriving from the report from the hearing in regard the imprisonment to war crime suspect, which was available to ... for insight, this was not persuasive for bringing such decision. (...). Decision was even more illogical since the Court officials were in this particular case completely unaware about certain events that had occurred during the war period and seemed to unfamiliar particular sites and locations too...”

“Most names from the list of registered officials (judges) were tied (even before) with the unhuman actions during the war as they openly supported the committing of war crimes, because there were many witnesses to prove this, including ..., camp detainees and war prisoners.”

“Exclusive: Judge ... celebrated the release of ...”

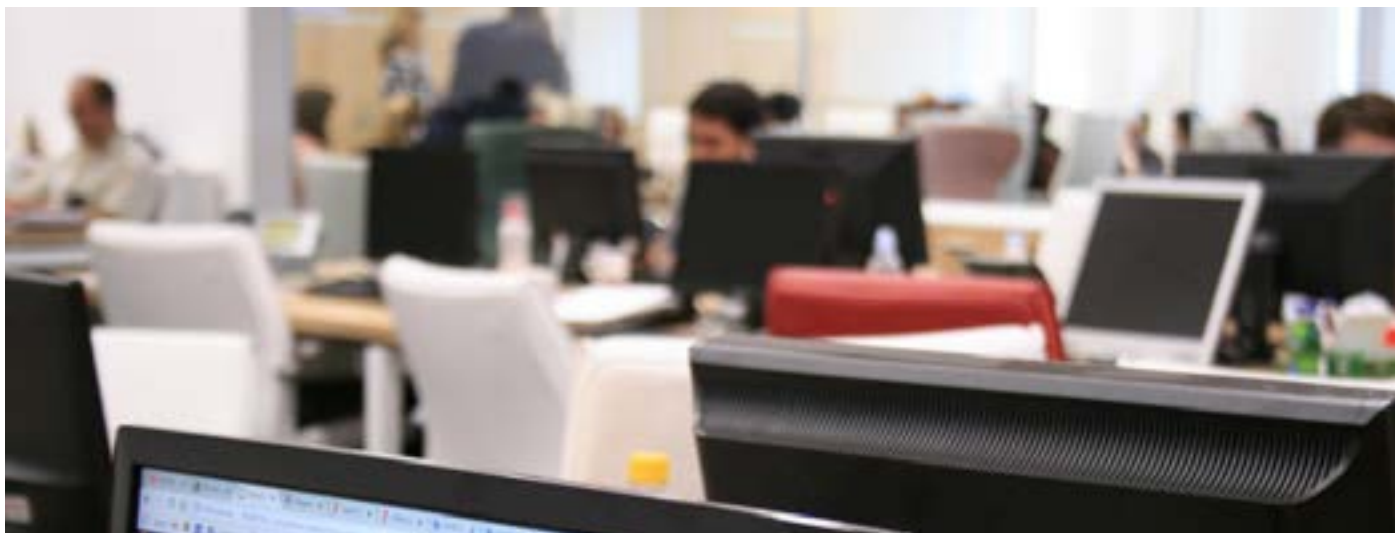
“Apart from the fact that the Court of BiH ... has made significant step towards the abyss of one – nation – institution ...”

“During the war, he was the torturer; today he is engaged as the Court of BiH judge”

Unfortunately, there are many examples like these and even more, but we decided to select only few with the purpose of illustrating the facts, displaying the foundation of the above outlined tendency.

Tendency we refer to has several appearances: pejorative allusions, representation of subjects (cases) from the perspective of one side (party) only, wrongful interpretations of processes, fact, proofs, arguments, privacy interruption, exculpation – incrimination, inappropriate comments (pressure imposed) in terms of further process flow etc. All of these can be recognized as major problems which, frankly speaking, we must deal with.

Resumption of reports (in relation with court proceedings, including judges and the Court itself), into appropriate standards, that is, prevention of further development of retrograde tendencies, being the subject of discussions, may be possible and feasible through the following aspects:



Finally, with intensive education programs aimed for participants and during the process of public informing and court proceeding reports, the two prior solution aspects may find their immediate and practical expressions. Greatest burden shall thus be almost unbearable for all those making reports at court proceedings, since their daily tasks shall comprise of constant challenges as a result.

1) Normative; 2) Identification and Communication and 3) Education Programs.

Normative activities may result in gradual decrease of retrograde practices and they do not represent the threat to limitations of freedom of expression; instead they should represent certain rise of professionalism and standardization. There is enough space and room to conduct this and the Court authorities shall be glad to make significant contributions in order to attain such actions and activities. Identification represents important aspect too (including the communication), that is, it initiates the discussion at different levels, in regard with this tendency, taking into consideration that ignoring the problem and remaining silent would approve (to some extent) the progress of emerging negative practice.

Finally, with intensive education programs aimed for participants and during the process of public informing and court proceeding reports, the two prior solution aspects may find their immediate and practical expressions. Greatest burden shall thus be almost unbearable for all those making reports at court proceedings, since their daily tasks shall comprise of constant challenges as a result.

Court of Bosnia and Herzegovina shall encourage all efforts provided by all experts, institutions and organizations that make contribution in creating media professionalism and Court of BiH shall, during their work and from their point of view, make significant efforts in the process of transparent, efficient and legal distribution of information.

Hate speech in media in Bosnia and Herzegovina

Piše: Marko Vejić

“Hate speech can be defined as any type of speech that spreads, encourages, instigates or justifies racial, sexual, gender or ethnic intolerance, xenophobia, anti - Semitism, religious or other forms of hates based on animosities and intolerance”. This definition should be outlined and highlighted in all media houses, taking into consideration that the existing hate speech is still increasing in media field in BiH.

As far as hate speech is concerned, it is important to make a clear distinction in what we comprehend, consider and understand as hate speech, comparing to what the judiciary institutions and bodies legally consider and treat as hate speech. Hate speech is mostly directed and targeted towards certain vulnerable group of population, but this does not have to be a rule.



Promotion of violence, including threats, discrimination and lynch encouraging have been present for years in the territory of BiH. Culture of dialogue has almost vanished, as far as this sensitive issue is concerned. The question is: „Why is this happening?“



Promotion of violence, including threats, discrimination and lynch encouraging have been present for years in the territory of BiH. Culture of dialogue has almost vanished, as far as this sensitive issue is concerned. The question is: „Why is this happening?“

Every journalist in this country is aware of the fact that hate speech cannot be tolerated; however, not every journalist is trying to prevent hate speech from public occurring.

Taking into consideration that media sources have significant role and I should say, crucial impact on public opinion, hate speech transmitted through media sources always results in immense consequences. This is why it is important to be familiar with what kind of actions should be taken and what kind of mechanisms should be used in order to (eventually) prevent the public spreading of hate speech. Media houses in BiH have constantly been calling to abstain from the use of hate speech, but the question here is: „Has the situation improved at all?“

Statistics, particularly the one deriving from the Regulatory Bodies, claims that the situation has changed and improved, even though it is nowhere near where it should be. Hate speech, not being subject to sanctions or condemning, sends a message to youth population in particular that hate speech is something which is commonly accepted and permitted and that people are allowed and entitled to say whatever comes to their mind and that eventually there shall be sanctions imposed as a result. In such atmosphere, where hate speech is allowed and permitted, there is legal instability and insecurity and the occurrence of both public fear, and fear among all citizens.

Hate speech has gone through several stages in BiH. Its occurrence had been most intense and frequent during the nineties and during the war in this region. During that time, hate speech had been mostly directed and targeted against ethnic groups although it would have been thought that hate speech would vanish along with the termination of war; unfortunately it has returned in public discourse once again.

What is exceptionally concerning and worrying the wide public audience in BiH is the fact that there is insignificant number of hate speech cases being prosecuted through legal institutional bodies, particularly hate speech posts appearing on online media sources. Even when court proceedings has taken place, it turned out that such online media houses (web sites) did not even existed in reality, or they had been partially operating, so we couldn't know who their editors were and therefore could not have tracked them down .

Due to the above mentioned situation, it is quite difficult to prevent spreading or encouraging of hate speech. Media houses in BiH usually transmit “instigating” terms mostly used by politicians, particularly during the pre – election period, when they acquire and get political credits for using hate speech terms.

It is the fact that BiH society has been deeply polarized. Additionally, hate speech is often approved, which expresses significant concerns amongst the public. I have a feeling that vast majority of general public and BiH population actually does support the use of hate speech, especially hate speech used by local politicians. Once again, what is most concerning is the fact that popularity of those using hate speech has been increasing from day to day.

Hate speech can be prevented in three ways: First and most rigorous way would be to impose sanctions against those that spread or encourage hate speech. Second way is through education and third way would include pub-

lic condemning of such speeches.

It is well – known fact that there are numerous unprofessional media houses operating in BiH media market, which mostly emerged in public in order to accomplish specific political goals and aims. In fact, these media houses create, produce and generate hate – speech campaigns, instigating (according to their own selection, based on their beliefs and opinions) thus their viewers against certain people or groups of people.

Hate speech mostly occurs in online media sources, particularly in “Comments” section where citizens are provided with several opportunities to post their comments, that is, allowed to express their own and personal views, attitudes and opinions. Many of these posted comments often exaggerate in terms of allowed tolerance.

Certain internet web sites have solved the issue of hate speeches posts appearing on “Comments” section, through perhaps most effective way – they simply have no possibility of allowing anyone to post comments anywhere on their web page. It may seem as best possible solution, as far as this particular and rather sensitive problem is concerned, particularly if media houses have insufficient financial funds to pay moderators that would have to erase and delate inappropriate hate speech – biased comments.

Media houses should be obliged to conduct and implement all necessary measures and actions required to prevent hate speech public occurrence. Virtual hate must be put under control and there can be no doubts about this. The state (country) must, based on German model of sanctioning of hate speech, put in additional and extra effort to deal with this problem and to impose most severe sanctions and fines against all media houses that transmit, broadcast or post hate speech contents. It is also important to punish individuals using hate speech.

If we were to solve the problem of hate speech occurrence the solution would have to include wider and most serious approach, particularly in our educational system.

Primary schools would require open speeches about the democratization and spreading the consciousness about necessary cultural dialogue in all segments of our society. This is the process that would last few years or even decades.

Third and in my opinion perhaps the most effective method in preventing public occurrence hate speech would be allowing citizens to have their own choice and selection. More precisely, they should judge and criticize this kind of speech.

Media houses should always ask their citizens (public) to be the judges about this issue. Public condemning of hate speech occurrence should commence at the same time when any politician or public figure start expressing hate speech. There is a simple question for BiH citizens: „Can you see yourself as a member of a political party whose leader or any member would prefer to use hate speech or would you vote for this person or support any person using hate speech? This would “compel” politicians and all those spreading hate speech to, at least, ask themselves the following: „Do we really need this”?

By having this approach, media houses would make a clear border line and distinction between what is disallowed from what is allowed.

This border line is exceptionally significant during the pre – election campaign, that is, when hate speech alters and replaces serious political content. In the absence of relevant and appropriate speeches, politicians mostly decide to use radical statements that often contain deliberate hate speech

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Media must recognize this anomaly and accordingly, use some of the above listed and indicated methods in order to prevent hate speech from occurring, if not to the benefit of journalists and professional journalism, then at least to the benefit of citizens that are often subject to media influence.



Although we often hear that media houses should be promoting the authority and unbiased judiciary institutions, I still reckon that it is judiciary institutions that represent themselves in most credible way and that they should additionally be working on improving their own reputation and authority.

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Media must recognize this anomaly and accordingly, use some of the above listed and indicated methods in order to prevent hate speech from occurring, if not to the benefit of journalists and professional journalism, then at least to the benefit of citizens that are often subject to media influence.

Otherwise, hate speech shall be extremely difficult to identify and recognize and it is possible that hate speech may consequently transform into “legitimate” mean of political combat.

Media, journalists, media regulatory bodies and the state shall at the end be the entities that would eventually make final decision whether the above mentioned shall happen.

It is the state that must prevent hate speech for good, unless it is in its interests to have their own people hating each other and spreading hate mutually.

Are media and judiciary institutions on the “same side”?

Piše: Vera Soldo

Although we often hear that media houses should be promoting the authority and unbiased judiciary institutions, I still reckon that it is judiciary institutions that represent themselves in most credible way and that they should additionally be working on improving their own reputation and authority.

Authority, equitability and professionalism cannot be accomplished through media promotion; instead it can be achieved by being truly unbiased and completely professional by all means necessary. Although BiH judiciary system has for years been working on raising the level of applicable standards, including professionalism, effectiveness and equitability, we have witnessed many warnings issued by numerous international organizations outlining that this particular field does require more effort in order to attain and reach the European standard level.

Unfortunately, this occurrence emerged as a result of countless court proceedings and investigations processed against many, highly ranked officers from BiH judiciary institutions and these proceedings sent clear message to everyone that this field did indeed need more effort and significant changes.

Hasty dismissals of few of these officers, their compromising, but on the other hand, their returning into judiciary institutions with symbolic financial fines (mostly in terms of reducing their salary amounts) and even their accusations and critics directed to judiciary institutions and highly ranked officials at legislative and governing levels, but also critics directed by international community authorities – seemed more than serious and there have been many scandals and compromising situations that have altogether been shaking and disturbing our judiciary system. These turbulences cannot be tolerated, since they compromised the work of all people working within judiciary institutions, because these people have their professional careers that were founded of completely different



Media representatives cannot have the role of blind and mute promoters of unbiased authority of judiciary institutions which is, at least, unacceptable and unprofessional because objectiveness, professionalism, facts and, accordingly, concrete results, display the only measure in order to acquire authority and also, in order to regain disturbed trust and respect.

Naturally, not everything should be considered as black as it seems, since there are various affirmative and positive cases in this field that, to some extent, flow silently in media sources and thus remain unknown and unexposed to general public.

values than listed above.

There are many of people that work and do perform their duties and tasks in most honest and unbiased way.

Additionally, we often witnessed that any critics directed to the work by judiciary institutions were considered in most dramatic way and were qualified as assaults on judiciary system which was very wrong view in the first place.

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Naturally, not everything should be considered as black as it seems, since there are various affirmative and positive cases in this field that, to some extent, flow silently in media sources and thus remain unknown and unexposed to general public.

But at the end of the day, their work should include performing their duties in most appropriate way anyway.

Communication between media and judiciary institutions

Generally speaking, how important is communication between media and judiciary institutions, particularly in BiH, a transitional country still struggling with almost all types of required reforms?

As experienced journalist with over 20 years of work in this field, I could reply to this question sharply – it is indeed extremely important.

However, our common interests often interfere: journalists often seek immediate information and want more information with more details, while judiciary system is often narrowed to its very strict framework and we often have the opportunity to see favoring or discrimination of particular media house, as far providing the information is concerned.

Also, I often find amusing the fact that certain information, for reasons beyond any common sense, are hidden or shadowed, or partially forwarded to media, that is, to general public. These cases prove and confirm that judiciary institutions often display part of global problem only, instead of being part of constructive solution.

Mutual and common understating is required for both parties and sides included in this process with primary pretension – public interest in the first place, because the public have the right to know and to be informed.

During my professional work, I often encountered and cooperated with judiciary institutions and this cooperation could be considered as satisfactory: After sending enquiries, short, very brief, limited answer without details included follow and these details are in fact necessary for any kind of serious or objective investigation in journalists' articles, texts or posts.

On the other hand, sometimes I have to wait for answers and replies for days and then again – I end up with short answers containing barely two or three sentences. They even sometimes refuse to provide answers or to reply at all, completely ignoring journalist's enquiries, perhaps expecting the "ageing" procedure to commence. This specific approach allows speculations to emerge, including presumptions and finally by placing incorrect and unchecked information for which journalists cannot be held responsible.

These obstructions and lack of understating seem devastating, as far as public informing is concerned, but it also seems devastating as far as jour-



Media are often referred to as the fourth pillar of the developed and modern democracy and it would be common sense to have both media and judiciary system on the same “side”. In Bosnia and Herzegovina, we still have the society that gradually develops democratic values; society that attempts to fight against corruption occurrences, including powerful political pressures in all fields.

nalists’ work is concerned, since obstructions demonstrate pure violation of journalists’ rights, which, in developed democracies, cannot be tolerated or even may be subject to certain sanction

“Freedom of hate” always sells well

Regarding this particular context, I would emphasize the following and investigating court proceedings and procedures in relation with war crimes cases, which unfortunately (for BiH public) seems hyper – sensitive issue and these processes always tend to encourage the distending of hate between different ethnic groups.

Unfortunately, right to freedom of expression in BiH is very often misused and is misinterpreted, as is the right to demonstrate wide hate and certain media houses sometimes encourage this specific thesis, because “freedom of hate” (especially when it is founded and based on ethnic premises), almost always wins in BiH and can always be sold for a god price producing benefits. On the other hand, public word, regardless to the “side” it concerns, can also serve as initial spark for eventual and new fire – and we journalists bear great responsibility in the entire process.

The thing that recently presented me with shock, was the conduct by certain judiciary institution officials, in regard with the case of recently murdered David Dragicevic, where public have been deprived of information for this particular case for weeks, although Mr. Slobodan Vaskovic, a journalists from Banjaluka had revealed and released serious accusations against legal and judiciary police institutions that, at some point, appeared even compromising and were directed against highest - ranked officials of the High Judicial and Prosecutorial Council of BiH.

This was at least very similar to Dzenan Memić case and the fact that, thousands of people gathered in countless number of public protests seeking information from judiciary institutions and (accordingly) demanding the processing of those responsible for this murder, seemed unbelievable and unthinkable, especially in modern democracy - biased society, but also seemed unbearable in the country that tends to become full member of the European Union.

Media are often referred to as the fourth pillar of the developed and modern democracy and it would be common sense to have both media and judiciary system on the same “side”. In Bosnia and Herzegovina, we still have the society that gradually develops democratic values; society that attempts to fight against corruption occurrences, including powerful political pressures in all fields.

However, the path to progress of our country has no alternative and the cooperation between media and judiciary institutions should have no alternative either; it should have no doubts and limits, as far as the responsibility demonstrated by both sides is concerned, including mutual understanding and cooperation.

We should all insist on accomplishing the system – based cooperation between media and judiciary system if we were to obtain, reach and attain advanced, progressive and transparent society, even if it is not the case at present.



Hate speech in electronic media ?

Piše: Azra Maslo

Hate speech in electronic media, during the post – war period, has served as part of many reasons that has been causing the establishing of regulations in Bosnia and Herzegovina, through the foundation of Independent Media Commission; a body later transformed into a Communication Regulatory Agency (namely the CRA). In media terms, a “hate speech” represents a complex set of questions with the interlacing of freedom of speech and media – journalist ethics.

The definition of media speech (in short terms) comprehend the speech that instigates and encourages discrimination and/or violence addressed to and/or directed against a person or group of people due to their difference by any means. European Court for Human Rights practice has additionally expanded this definition pursuant to certain requests that hate speech must be proved and that the danger of immediate danger deriving from the occurrence of violence that this kind of speech should or may cause.

There isn't a more problematic question for those observing media freedoms, than the “hate speech” issue. On one hand, relying on freedom to hold opinions and to receive and impart information, pursuant to Article 10 of the European Convention on Human Rights, media houses are obliged to provide general public with information about everything, including hate speech occurrence. On the other hand, the decision about journalists' procedure (at the level of released articles or texts), or editors (at the level of TV or radio programs or entire programs), in case of hate speech occurrence, completely and utterly represents and displays an ethical question.

As far as hate speech in media is concerned, there is a question of to what extent is acceptable to limit the right to freedom of expression, when rights of others are limited or violated through opinions and views provided.

Article 10 the European Convention on Human Rights is based on two selected and interlaced but well – balanced and harmonized views. Namely, the first view guarantees that „This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers“(Council of Europe, 1950).

The exercise of these freedoms, since their carrying with it duties and responsibilities included, may be subject to such formalities, conditions, restrictions or penalties as prescribed by the law, as these are necessary in any democratic society, serving the interests of national security, territorial integrity or public safety, necessary for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary (Council of Europe,1950).

This is exactly the fundamental of the Recommendation by the Council of Europe about “hate speech”, which states that public informing, regarding different forms of intolerance, is completely protected by Article 10 of the Convention and can be limited under these circumstances only. According to these international legal instruments, the question of hate speech is regulated with consistent legal framework relying on an unbiased criteria. In order to fight in most appropriate way with challenges presented by media regulations, the Agency has in several occasions im-

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Additionally, the definition of hate speech has been included into regulatory rules during the revision in 2008 and during this process, the provision Hate Speech was also defined. Last revision of regulatory framework, which is important to outline in respect with hate speech, took place in 2011 when the regulatory framework was conformed to EU Directive in regard with audio – visual media services.

posed amendments of its own rules with the purpose of advancing the regulatory framework.

Additionally, the definition of hate speech has been included into regulatory rules during the revision in 2008 and during this process, the provision Hate Speech was also defined. Last revision of regulatory framework, which is important to outline in respect with hate speech, took place in 2011 when the regulatory framework was conformed to EU Directive in regard with audio – visual media services.

As a result of harmonization, the Code on audio – visual media services and media radio service emerged accordingly, including the Code on commercial communication.

Code on audio – visual media services and media radio services (“Official Gazette BiH”, number: 98/11) in Article 4 contain the provision in regard with Hate Speech which states the following:

- (1) Audio – visual media services and media service provided by radio, shall not degrade, humiliate, frighten or instigate violence or discrimination against a person or persons (group) based on gender, race, ethnic background, nationality, religion or conviction, invalidity, special persons, age, sexual orientation, social background or based on any other circumstances goaled or aimed to disallow or jeopardize the recognition of any person, including the consumption or accomplishment at equal foundation, his or her rights, freedoms and liberties.

- (2) Audio – visual media services and media service provided by radio shall not create clear and present danger that may instigate or encourage ethnic or religious hate in Bosnia and Herzegovina or they shall not create the risk that may be interpreted (by general public) as instigating or encouraging violence, riots, or that may cause or support criminal felonies and criminal deeds

- There are exceptions to items (1) and (2) of this article and they include audio – visual media services and media services provided by radio that are constituent parts of scientific or documentary work and/or when they represent and display part of objective journalism reports and are released without intention to instigate or encourage actions specified in items (1) and (2) of this article, that is, with the intention to outline critical views in regard with such actions

The Code on commercial communication that defines fundamental principles of commercial communications contains the provision that bans the broadcasting of commercial communication that:

- question the respecting of human dignity

- humiliate, frighten or encourage violence or discrimination against a person, persons or group, based on gender, race, ethnic background, nationality, religion or personal views and attitudes, invalidity, disability, special needs, age, sexual preferences, social background or based on any other circumstances aimed or which may cause disabling or jeopardizing recognition, enjoying, using or accomplishing rights and liberties on equal basis in all fields of public life;

Hate speech may derive from various sources and as such, it requires a different degree of responsibility. In this sense, the views by European Court and Recommendations by the Council of Europe are crucial as far as hate speech is concerned (Recommendation No. R (97)20 on “hate speech”:

“The governments of the member states should take into consideration the role of media in transmitting, posting, releasing, broadcasting or sharing the information and ideas that expose, analyse and explain the char-

character of concrete cases with hate speech included and this occurrence in its full scope, as well the general public rights to receive such information and ideas”.

One of many responsibilities includes the moment when the information containing hate speech should be released or shared and when the author of these hate speech information is not the media house releasing or sharing this information; instead it may be a local politician or some other public figure. Another type of responsibility emerges when reporters fail to identify and recognise hate speech through calls received by their listeners or viewers in live shows. The greatest responsibility that media have is when their reporters intentionally and deliberately use hate speech thus openly supporting it and causing its repetition and public reinforcement.

Special type of responsibility exists when journalist/hosts/editors, except for failing to react and respond to hate speech occurrence during live shows, in calls by their listeners or viewers or in any other similar way, that is, when they omit the chance to distant themselves from such contents and by raising particular questions or issue, instigate or encourage hate speech as the answer to their questions. Therefore, apart from having responsible media houses, in the way of presentation and spreading such contents at the same time represents the question of the existing duties defined through legal regulations, it, above anything else, outlines an ethical question, that is, the question of having responsible approach in reporting, as far as non-neglecting basic facts and that is, the media is there to serve the public in professional way. Having in mind the above mentioned facts, many believe that the dilemma regarding what eventual actions shall be action about statements/releases/information containing hate speech, can indeed be solved. Restrictions considered as to broad and wide in relation with hate speech occurrence eventually lead to self – censorship or may in fact reduce media editing independence that does represent the core of professional relationship towards journalism.

From legal regulatory point of view, the question is actually how can one identify and recognize hate speech and additionally what standsand attitudes one should take towards hate speech. What is actually crucial in all of this is the editing responsibility.

During the observing of hate speeches, many factors have been taken into account and seriously taken into consideration, including the purpose, goal and context based on which the information/statement had been broadcasted; the source of information/statement, the way this information had been released to public, editing responsibility etc. Another equally important element that we should take into consideration during the processing of cases that concern hate speech, is the practice applied by the European Court for Human Rights. Therefore, media responsibility relates to the way these contents had been presented in public which, from the regulatory point of view, it is closely tied with the question of respecting the existing duties and responsibilities defined by the legal regulatory framework. The regulation is very clear, but there are many associated documents provided by the Agency, in terms of guidelines for the implementation of the rules that may help journalists and editors.

Similarly, it seems that there are different comprehension and understandings of hate speech in media. Not every tendentious or stereotype biased content should be considered as hate speech, especially when it comes to releasing qualifications and insults directed against individuals and that are based on their gender, ethnic or some other background; instead based on their behaviour or actions they take. Unprofessionally, a sensational reporting and releasing valued judgements that may be

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The implementation of journalists' ethics and professional standards during the reporting or discussions about news or public issues, including demonstrations and controversial statements issued by public officials, is the question that providers of media services face on daily basis.

treated as insulting and offensive do not necessarily represent and outline hate speech, that is, the speech that is indeed agitating and that encourages intolerance, discrimination and may potentially lead to violence and riots, having in mind its context and intention as far as its public releasing is concerned. It is important to highlight that the Agency does react and respond towards the provider of media services, that is, it reacts to permit holder evaluating thus its responsibility, instead of reacting towards the information source that may potentially contain hate speech.

The implementation of journalists' ethics and professional standards during the reporting or discussions about news or public issues, including demonstrations and controversial statements issued by public officials, is the question that providers of media services face on daily basis.

On one hand, media houses are obliged to provide public with information, while on the other hand, there is potential danger that hate speech messages that are broadcasted, released, posted or shared through media, may gain additional importance, thus causing even greater danger, bearing in mind that media influence on public opinion is significantly larger and more efficient than the influence by other forms of expression. In performing their duties, journalists often find themselves in dilemma how they should make right and correct decisions from ethical point of view. It is very important that this process is done on the foundations of professional standards, especially when it comes to releasing provocative and controversial statements that may instigate and encourage violence, hate, intolerance and discrimination, that is, statements that, by their nature, may be classified as hate speech.

Hate speech in electronics media; freedom of speech or human right violation?

Piše: Vladana Vasic

There is no commonly – accepted definition of hate speech in international and BiH legislative system, but hate speech does comprise of all forms of expression that spread, instigate, incite, encourage or justify racial hate, xenophobia, anti –Semitism or other types and forms of hate, based on intolerance, including intolerance expressed through aggressive nationalism and ethno – centrism and discrimination and hostility directed towards minority groups, migrants and persons of migrant background and origin.

The use of hate speech is banned in Bosnia and Herzegovina and is subject to sanctions only in its most extreme forms: incitement and encouraging discrimination and instigating and encouraging violence. Regardless to legal distrains, hate speech will unfortunately remain dominant part of public and political discourse in BiH, particularly including fertile grounds for spreading and encouraging it, because this type of speech had been created with an increasing popularity of new electronic media, especially internet web sites and news sharing via social media sources.



Burden, as far as the expansion of hate speech use in BiH society, cannot be attached to media sources only; instead, there are numerous possibilities of the so called anonymous users of internet web sites and social media sources that enable and provide individuals with countless opportunities to express their own opinions and views completely uninterrupted and undisturbed, without any consequences for actions and deeds they perform. BiH Judiciary system and the Police without appropriate training, experience, skills and required equipment, are not yet prepared to handle the investigations of criminal offences (felonies) committed via electronic media sources. Therefore, cases where hate speech had been induced and violation encouraged and incitement through online web sites, including even radio or television live shows, rarely conclude on local courts.

Electronic media houses and reports on minority groups

During the last period we have witnessed severe unprofessional media reporting, regarding migrant and refugee affair and crisis in BiH .

More popular internet web sites and media houses in BiH not only shared statements given by official BiH institutional authorities (with no critics to follow), but instead, they shared incorrect, untrue and unchecked information, which additionally encouraged an instigated racist and xenophobic public discussions, regarding the issue of migrants and refugees crisis in BiH. Furthermore, certain online web site shared the news where migrants had apparently burgled a foreigner in the park, right opposite to Vijecnica (Ex. City Council Building). This news consequently generated countless number of hate speech comments (negative and instigating comments) and at the end, this news proved to be a complete false and untrue, after having checked the whole story with Old Town municipal police officials. Or to be even more specific, as far as incorrect and instigating reporting is concerned, this particular local internet web site posted an illustration of a white Caucasian volunteer surrounded by migrants and refugees with dark skin, which automatically implied to racist prejudices and stereotypes, thus provoking social diversion, distance and intolerance towards foreigners. Photo posted on this web site of course had absolutely nothing in common with alleged incident; instead, it illustrated volunteers surrounded by migrants and refugees in the local park, trying to provide migrants and refugees with minimum necessary living conditions.

Other media reports, regarding this specific issue (although untrue stories were not used), also persisted with instigating note, thus sharing news and statements outlining that false migrants flooded BiH and that these migrants had only come to our country to rest; also highlighting that these people presented danger to BiH security system, safety and health system and BiH population, failing to make reports about complete inaction and neglecting by state institution official authorities, that had been avoiding the responsibility to provide food and shelter for migrants, including health and social help for people that simply sought protection from exile and war traumas.

Besides creating an instigating and agitating content, media often share hate speech through contents and posts shared on social media sources or through institutions / organizations that produce this kind of particular content. In fact, there is a significant number of electronic media sources that shared the campaign “Be responsible in celebrating – so you could drink instead of driving”, a campaign developed in association with the assistance and help provided by the Ministry of Interior Affairs

Besides creating an instigating and agitating content, media often share hate speech through contents and posts shared on social media sources or through institutions / organizations that produce this kind of particular content. In fact, there is a significant number of electronic media sources that shared the campaign “

(MUP RS), Association of Road Safety of the RS, Road Assistance Association (AMS), Republika Srpska Inspectorate, Local Governing Communities and Molson kors , but also help provided by Amir Hadzic, (a You tuber) titled Današnje djevojke ,where this blogger, acting as a woman, displayed female persons being sexual objects, thus justifying raping and instigating violence over women. Both video recordings instigated discrimination and violence over women, promoting harmful stereotypes and prejudices and clearly displayed violation of BiH law and legal provisions. Unfortunately, these were just some of many examples of this kind of reporting and allowing them to have media space and post their contents, which clearly degrade female persons in BiH and instigate the violation of their human rights. Civil society failed to respond to these actions.

Having in mind that media houses make significant impact in the process of creating public opinion, media reports that are not conformed to professional and ethical principles and do not defer the principle of two sides of the same story, will surely lead to further marginalizing of those that are already have relatively adverse social status.

Onlinespeech – offline consequences

This is not the first time that BiH media houses, especially electronic media houses, cause jeopardizing of safety of individuals (both male and female) over marginalized social groups, by their unprofessional reporting, neglecting their instigating note or hate speech expressed in comments posted in their web sites. Namely, hate speech has close ties with criminal offence committed on hate beliefs and it often represents the trigger used by criminal offence perpetrators which additionally encourages them to continue with their offences and confirmation that society considers minority social groups undesired and unwanted.

Media houses that shared news of the above mentioned instigating and false posts and texts regarding migrants and refugees in BiH, had in 2008 reported in same way about Sarajevo Queer Festival. Just to remind the audience, this Festival was stopped because the female organizers and visitors had been assaulted, with the outcome of several people being injured, and criminal offenders and doers were never punished for this violence. Festival female organizers had previously warned official authorities and competent institutional bodies, including media houses, about emerging hate speech, violence encouraging and media discrimination occurrence, particularly through comments posted on online web sites, including the threats they had been receiving through internet sources and social media; however neither media houses nor institutions reacted and responded in appropriate way.

Similar situation re-occurred in 2014 with the same outcome; Merlinka Festival organizers and visitors had been assaulted also with several people getting injured and again with no punishment for violators. Even prior to this venue, organizers warned media and official authorities about emerging of hate speech, violence encouraging and discrimination in media and online web sites, including threats and organizing of potential assaulters which took place via social media sources, namely face book, however no reactions emerged this time either.

How to fight hate speech?

So far, civil society organizations, Press Council of BiH and Communication Regulatory Agency in BiH (RAK/CRA), all stand together on first defence line against hate speech, including open calls and encouraging

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Hate speech on radio and television is banned and forbidden by the Code of Audio and Visual Services provisions and media radio associations and the violence of these provisions results in financial fines imposed by CRA.

of discrimination and violence in media.

Hate speech on radio and television is banned and forbidden by the Code of Audio and Visual Services provisions and media radio associations and the violence of these provisions results in financial fines imposed by CRA.

These amounts increase with every new and next violation of these provisions. Press Council of BiH issued a recommendation to all media houses and these media houses are bound and obliged to apply, implement and release so the same violation to general public and all BiH citizens. PINK TV and OBN TV stations have been fined as a result of breaking the provision of the above mentioned Code and spreading the hate against LGBT population.

Hate speech in printed media houses and online media is also banned and forbidden pursuant to the Press Code and Online Media in BiH and the Press Council of Bi Hisses recommendations to media and media houses are obliged to implement and release the same violations to tis citiz3ens and general public in BiH.

It is important to mention that the CRA and Press Council of BiH react in accordance with civil appeals and organizations as a result of eventual code violations.

Certain civil society organizations working on the protection of minority group human rights, prevention of discrimination, hate crimes and hate speech, formed a Coalition for fight against hate speech and hate crimes .

Coalition members based their work on the prevention of hate speech, on mutual cooperation with media houses, in terms of education and creating sensibility referring to human rights, including media monitoring and official complaints and also, on agitating for legislative solutions and advancing the work of judiciary and police institutions and bodies.

This coalition commenced with its work in 2012 and ever since, it has been agitating the amendments pursuant to criminal Entity – based laws and Brcko District and it managed to advance the criminal and legal framework for the protection from these criminal offences. Coalition thus made an impact on the regulation of hate crimes in the Republic of Srpska and Federation of BiH, as far as hate speech is concerned, including its most severe forms through criminal work titled Public Instigation and Hate and Violence Incitement.

With this criminal work, the responsibility for instigating and incitement of hate shall be transferred to individuals that share these through electronic media above anything else, including PC's and social media. This shall eventually allow (apart through media houses) to sanction any person that instigate and agitate criminal offences.

Coalition that fights against hate speech and hate crimes shall incite and encourage the passing of similar legal regulation that shall eventually constitute criminal laws of both the Federation of BiH and Brcko Distrct.



Transparency of Judiciary System in Bosnia and Herzegovina in the domain of processing the corruptive criminal deeds (felonies)

Piše: Erna Mačkić

Transparency displayed by BiH judiciary institutions, particularly transparency related to opinions and views provided by experts in this specific field (also including opinions and views provided by the Council of Europe experts, United Nations (UN) experts and European Union experts), has been considered as crucial point in this particular process, as far the process of establishing of democratic society, where citizens take active part and are involved in public life (in sense of being provided with proper information), is concerned. BiH judiciary institutions, representing the foundation to rule of law in this country, should be leading the highlighted transparency process.

Famous sentence by Lord Gordon Hewart (famous British judge), perhaps best illustrated the reasons why courts should be more transparent in respect with the above mentioned, where he emphasized that: „Not only must justice be done; it must also be seen to be done”.

In other words, courts must display greater level of transparency, in order to prove to general public that their work is completely dedicated to justice accomplishments. Without persuading the public that judiciary system would ensure the implementation of the rule of law, according to Hewart, the existence of courts and prosecutors' offices as such, would certainly become pointless. Nevertheless, as far as the situation in Bosnia and Herzegovina (BiH) in this particular field is concerned, the transparency of judiciary institutions cannot be considered and estimated as satisfactory. The report provided by the World Bank experts from 2010 for BiH titled: „Information access and transparency in judicial institutions”, claimed that courts' decisions were communicated poorly, which directly produced the decreased level by the general public trust in BiH judges. In this context and according to recommendations provided by the World Bank experts, the transparency implementation and better information access should be ensured and granted to some extent, with the purpose of preventing the growth of loss of confidence and trust in judicial system and its institutions and it should also ensure the promotion of greater amount of public trust into judiciary system and its institutions.

Regarding the issues covering the corruption occurrences, BIRN (Balkan Investigative Reporting Network) had, in cooperation with Analytics – Center for Social Investigations, conducted thorough analysis with the focus on the quantity of news, press releases, indictments and verdicts that may be found and posted on the internet. The analysis also included the engagement and quality of work operations conducted by judiciary institutions in terms of responding to enquiries raised by citizens and journalists, again and additionally in regard with processes covering the corruption cases and subjects.

The subject of this analysis included the assay of six prosecutors' offices and courts operating throughout BiH which, statistically speaking, have the largest number of corruption actions that had occurred in their work. On state level, the analysis included the parse of Prosecutor's Office of BiH, as well as Court of BiH official web sites having their own platforms.

Famous sentence by Lord Gordon Hewart (famous British judge), perhaps best illustrated the reasons why courts should be more transparent in respect with the above mentioned, where he emphasized that: „Not only must justice be done; it must also be seen to be done”.

In other words, courts must display greater level of transparency, in order to prove to general public that their work is completely dedicated to justice accomplishments.

On Entity level, the analysis included official web site analyzing of Cantonal Prosecutor's Offices and Courts of Sarajevo and Tuzla, and as far as the situation in the Republic of Srpska was concerned, the analysis included official web sites, analyzing local County Courts and Prosecutors' Offices in Banja Luka and Bijeljina.

The analysis of Brcko District Basic Court and Brcko Prosecutor's Office was also included in this examination process. Particular attention was paid to whether numerous judicial institutions' official web sites would consist of appropriate information and guidelines regarding free access to information, including the information about spokespersons and/or contact persons. Last aspect being subject to this analysis included the number of news and current affairs that certain judiciary institutions had posted on their official web site during the three – months period (March, April and May) in 2017. Only one out of six analyzed web sites contained complete verdicts available to the public and this was the official Court of BiH web site. On one hand, County Courts in Banja Luka and Bijeljina in most cases posted press releases, regarding the verdicts with longer explanations, while Cantonal Courts in Sarajevo and Tuzla, including Brcko District Court, on the other hand contained absolutely no information regarding any verdict whatsoever. The practice of anonymization was not unique either. Court of BiH, due to general public interests, does apply anonymization practice related to full names and identities of convicts in cases of corruption occurrences; however, the anonymization practice does apply in terms of revealing the identities and full names of witnesses and concrete locations. On the other hand, County Courts in Banja Luka and Bijeljina anonymize all information in posts the release on their official web sites. Court of BiH released and posted most news and activities in BiH; namely they released forty-one (41) news' during the three – month's period. Other courts announced, released and posted very limited number of news on their official web sites: Bijeljina County Court released three (3), Banja Luka County Court released two (2), Cantonal Courts in Sarajevo and Tuzla released one (1) and Brcko Basic Court did not release and post a single news on its official web site.

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As far as guidelines, regarding the access to information, are concerned, Court of BiH has posted its own registry and guideline on their web site and Sarajevo Cantonal Court and County Courts in Banja Luka and Bijeljina applied identical practice. Tuzla and Brcko District Courts on the other hand, have no registries or guidelines on their official web sites. Only half the analyzed courts have had information regarding the person who was in charge with public relations, released and posted on their official web sites and these included the Court of BiH, Banja Luka County Court and Brcko District Basic Court. These observations were supported by interviews with editors and journalists according to which, and in terms of courts in BiH, shared best experiences and relations with the Court of BiH and Bijeljina County Court. Renata Radić – Dragić, a female investigative reporter from Center for Investigative Reporting (CIN) emphasized that these institutions allowed complete access to relevant information, including copying of necessary documents. She added that she had great and professional cooperation with commercial district courts in Banja Luka, Bijeljina and Trebinje, and also with basic courts in Bijeljina and Dobo, including Municipal Court in Zenica, Bihac Cantonal Courts and Prosecutors' Offices in Tuzla and Brcko District.

Web site analysis of prosecutors' offices in BiH showed that county prosecutors' offices in Banja Luka and Bijeljina, as well as Brcko District

Rules of anonymization have not applied equally at different prosecutors' offices throughout BiH. Prosecutor's Office of BiH would in its announcements sometimes anonymize the identities of suspects and accused persons and sometimes they failed to do this and similar situation occurred in terms of news and releases with District Prosecutor's Office in Bijeljina. Prosecutor's Office of Brcko District has anonymized all its posts and unlike Brcko District, the Prosecutor's Office of Sarajevo Canton has not anonymized the identities of accused persons, but they did anonymize certain locations, such as municipalities and schools.

and Sarajevo Canton Prosecutors' Offices, had been posting indictments on their official web sites. Indictments had been posted on regular basis, but they were posted mostly after being verified by authorized and competent court official authorities. On the other hand, Prosecutor's Office of BiH and Prosecutor's Office of Tuzla Canton have not applied the practice of posting the indictments on their official web sites.

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Admir Arnautovic, spokesman of Tuzla Cantonal Prosecutor's Office, replied in his responding letter, used for this specific analysis in October this year, claiming that the source of the problem where there were no news or indictment posts was the fact that there were not enough people working in their team. According to his press release, a significant number of courts and prosecutor's offices throughout BiH do not even have their spokespersons. This means that the job of communicating with media and general public has in reality been left to secretaries to perform.

Radic – Dragic claimed that she'd had no experience in terms of her enquiries being sent to judiciary institutions based on the Law on Free Access to Information and additionally being ignored, although her inquiries had been rejected in several occasions. She stated that courts she wanted to analyze refused to allow her to have access to documents regarding criminal cases that had been completed (finished) or that they usually announced the anonymized verdicts. Our female collocutor emphasized that the verdicts, being completely anonymized, have been useless for further work. Apart from this, she added that courts had been practicing this in rather different way, during the insight of concrete cases, particularly when it came to reviews of other acts from the document, beside the verdicts.

The transparency analysis of judiciary institutions outlined certain system disadvantages that must be resolved in order to advance the communication process with general public.

This should be considered as key duty and obligation in the process of posting indictments and verdicts, bearing in mind that these documents were important for public informing. These documents were also important during the following process and accurate public informing. As far as the releasing of these documents is concerned, it is necessary to seek and find the balance between the privacy rights and public interests. This practically means that it would be required to ensure that the identities of convicted persons (including war crimes convicts, criminals convicted for organized crimes, corruption, terrorism and other criminal deeds (felonies) that altogether are interested to general public.



Parliamentary democracy in Kalinovik: Public eye exists only in Assembly Rules of Procedure

Piše: Milanka Kovacević

Instead of having socially developed community, after nearly two and a half decades of so called “parliamentary democracy”, we concluded with great disappointment in our local political system, we often refer to as “democracy”.

This is clearly seen and apparent in smaller communities, where local assemblies are under complete control by governing executive authorities. Therefore, official political authorities have been obstructing assembly transparency process, and bearing in mind that these assemblies were no longer places aimed to fulfil people’s will and meet their demands, the general interest in their work and assembly’s decisions, has been on a constant decline.

Guaranteed Privacy

Municipality of Kalinovik, with the population of some 2000 people, could serve as an outstanding example, in terms of its impeding form and shape. However, the reality proved a completely different situation. Assembly meeting sessions are open to general public only in the Assembly Rules of Procedure, that is, they formally exist. Bearing in mind that there is not a single journalist working and covering the affairs at Kalinovik municipality area, there is absolutely no one to make and send reports regarding assembly meeting sessions. Even if there were a journalist, there is no newspaper to publish these assembly meeting session reports in this, rather small community.

Economic and political power are in hands of few powerful individuals and public absence, that should be monitoring their work, does indeed suit these individuals perfectly. Additionally, the resistance by this ruling authorities to any announcement that things (in this sense) may change in the future, is exceptionally determined and powerful.

Thus, the attempt by the author of this article to receive official journalist’s accreditation, 72 hours prior to assembly meeting sessions, was rejected. The official explanation was that any presence of journalists, during the assembly meeting sessions, must be approved by the Collegium officials, and in this particular case, local assembly Collegium officials had already held a meeting regarding this issue, two weeks prior to assembly meeting session commencement. They claimed: „Your presence was not announced before the deadline and Collegium officials could have not discussed about your application, so we are therefore informing you that you could not be granted with official journalist’s accreditation, which means that you shall not be allowed to attend assembly meeting session”. This official explanation was signed by Mr. Djordje Sladoje, President of Kalinovik Municipal Assembly. This only confirmed that this particular assembly has become a local leader in the procedure of getting journalist’s accreditation to attend local assembly meeting sessions.

At certain point of time, journalists were complaining against the decision by Trebinje City authorities that all journalists must be issued with accreditation at least 48 hours prior to local assembly meeting session. Protests were however insufficient and the 48 hour deadline limitations remained in force.

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As far as Kalinovik Municipality is concerned, there is rather absurd situation, unless you have an insider, since it is almost impossible to find out the information about precise date and time of meeting assembly sessions, because this information cannot be find anywhere.

Assembly meeting session is not recorded either and the report distributed to assembly representatives is exceptionally unclear.

Once, the video footage of assembly meeting session appeared on the internet. During the next assembly meeting session, the representatives were issued a warning where the president himself referred to Article 155, claiming that unauthorized recording at meeting sessions was legally defined as criminal deed.

The official report exposition stated (according to public access to assembly meeting session – author’s view), that any unauthorized video or audio recordings, during assembly meeting sessions, may violate the dignity of assembly institution, including its representatives and local community citizens?!

Decorative Assembly

By closing its door to general public thus turning this public institution into a private property of few individuals, the citizens were deprived of rights to know what decisions are brought and what laws are passed on their behalf in this legislative community body. Additionally, no one even dares to approach or get close to opposition assembly representatives either.

Assembly opposition representatives, similar to Parliament opposition representatives have been tagged as “public enemies”. The answer by a local female citizen in Kalinovik Municipality perhaps best illustrated how citizens saw the work of local assembly, including to what extent they were allowed to take active part in the assembly work by imposing eventual initiatives, recommendations, proposals and suggestions. She thus said: „Anyone who is not with them is done. I feel sorry that this happens in our small local community. Some people live pretty well, but most people live in poverty. However, how can you live well if you see that your next door neighbors are extremely poor? If you live well, others have to work for you, which means that you misuse others.

You cannot ask any questions to these powerful people, you cannot impose a critic against their work either; otherwise you might end up vanishing in the air, just as water steam does”.

The statement by this lady actually outlined the opinion by most Kalinovik inhabitants. Little public expectations perhaps caused and produced the situation where local assemblies were in fact displayed as mere decorative institutions, instead of being fully functional and serving the public interests.

It seems that assembly representatives are somehow unclear, as far as their role is concerned in assembly facilities. They treat local legislative body as free – flowing boiler, regarding the decisions recommended by executive governing authorities. Political party discipline has always been an imperative, during the voting process, because, according to Gacko town assembly representative, “if it weren’t for their political party, they would not be there in the first place”. When asked, what is the public interest there, since it was the citizens that voted for assembly representatives, so they could represent their interests, that is, do they feel like they owe them something in return, the response was:” It

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This kind of loyalty has nowadays become a standard in assemblies, so party -biased voting has, according to parliamentary practice, become more evident and emphasized than ever before.



This story managed to prove that in practice, there could be no guarantees that the valid verdict brought against the accused person or persons in BiH, would result in their imprisoning, that is, there are no guarantees that these persons will be sentenced accordingly.

was my political party that appointed me with this political (assembly) function; in other words, political party discipline must be met before anything else”.

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Demanding from assembly or parliamentary representatives or members, those to whom citizens gave your vote, or to demand explanations from them, based on her or his actions or even to reply to questions asked by those that voted for them, in this particular area, can be considered as pure science fiction, even at the local and small community level. In fact, small community level is exactly where these occurrences emerge and have thus become usual and standard. The fact that the reputation of local assemblies had been melting down, during the period of last two and a half decades, and their political influence flinched and receded in front of executive governing official authorities and their impact and influence, has had specific reflection to voters that considered local assembly meeting sessions as some kind of reality shows. Assembly representatives certainly have made significant contribution to this issue.

Same law, different implementation

Piše: Renata Radić - Dragić

Due to free access to information in judiciary institutions, many stories emerged as a result and these stories were released and posted by the Center for Investigative Reporting from Sarajevo (CIN). These stories included a specific story titled:” Sent to camping, instead of being imprisoned”, for which the CIN investigators had acquired relevant information and documents provided by all competent and authorized courts in Bosnia and Herzegovina (BiH).

This story managed to prove that in practice, there could be no guarantees that the valid verdict brought against the accused person or persons in BiH, would result in their imprisoning, that is, there are no guarantees that these persons will be sentenced accordingly. Pursuant to existing laws in BiH, the convicts have had the opportunity to postpone the serving of sentence, due to different reasons including the following: sickness, education and death in family or similar things. Postponements usually require the convict to submit the application letter and other associated and relevant documents that are requested and to hand those in to legally authorized and competent courts in charge with prison sentence executions. In most cases, courts do not bother to check the validity of these documents.

Investigation in this case revealed that Dzevad Radjo, a local BiH politician, managed to avoid serving his prison sentence, pursuant to above listed ways of avoiding sentence serving. In 2005, Livno Cantonal Court sentenced him to six months prison sentence, due to traffic accident that he had previously caused, with the outcome of one person getting killed and two people getting serious injuries. Radjo appealed before Sarajevo Cantonal Court demanding the postponement of his prison sentence and this court accepted his appeals every single time. He provided the

According to free access to information, the story has provided the citizens with the answer why particular judiciary sentenced persons were, and still are, not in prison. Also, it outlined the problem of legislative practice that does not vouch and guarantees that justice will ever be met and fulfilled and that those responsible persons shall be legally and appropriately punished and imprisoned; and if the authorized institutions express their willingness, they will certainly prove that they are capable of introducing and implementing relevant and appropriate changes, as far as this particular and complex issue is concerned.

court officials with false information in several occasions, including the fact that he should have not been sentenced at this particular time, because he had to work on his doctor's dissertation doing his PhD thesis, although he had never officially enquired for a PhD program with competent institutions. In December 2009, Mrs. Borjana Kristo, former President of the Federation of Bosnia and Herzegovina, signed a Pardon Letter (abolition) releasing and setting Mr. Radjo free from any responsibility regarding his particular case. He was still free and not in prison at the time when he heard about this decision.

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Apart from criminal procedures that journalists express most interests in, the judiciary institutions are packed and loaded with precious and valuable information that general public is certainly interested in as well. Along with the information deriving from dispute cases, there are also cases including insolvency procedures (bankruptcy), company registry data, real estate information etc.

Many judiciary institutions obey existing laws that are in force thus allowing journalists to have undisturbed access to required information; however there are those that deliberately interrupt this process or simply obstruct it.

Court Vs Court

There are real cases in practice where officers in judiciary institutions interpret law, including legal provisions, according to their own will, providing thus applicants and clients with quasi and semi – complete or sometimes even completely false and incorrect information. These information are sometimes anonymized to the highest possible level, that often they may be considered utterly useless. Judiciary institution officers also sometimes provide their clients with information after several months of waiting or simply reject regularly filed appeals providing thus the applicants and clients with confusing, different and illogical explanations. For instance, Sarajevo Cantonal Court officials, disallowed the CIN female journalist to make photocopies of certain documents from the court case that had already legally been closed and completed on valid basis; instead the CIN female investigative reporter, working in this case, was allowed to make copies only by handwriting. This kind of conduct by judiciary institution officials surely complicate journalists' work additionally and increase the risk of making errors, because the required information from crucial documents may be incorrectly copied when hand writing is used, instead of eliminating eventual errors by simply making plain photocopies.

Besides, certain judiciary institution officials intentionally create administrative barriers, as far as free access to information is concerned, demanding that all applicants should apply for free access to information by post courier with applicant's signature and stamp of the institution on whose behalf they apply on the application. They sometimes also demand that all applications must be submitted in person and handed in

Fortunately, in case of refusal and rejection of required information, there is always a legal possibility to press charges and eventually even take the case further to court dispute. As far as judiciary institutions in BiH are concerned, the CIN had already used the above mentioned mechanisms in two cases. Once they indicted Bugojno Municipal Court and in second occasion, they filed a suit against Banja Luka Basic (Elemental) Court.

directly to protocol office or they often ask for court tax fees to be paid on spot and in person when submitting application.

There are also additional costs for photocopying of documents or issuing the documents from the company register or land books and these are charged pursuant to court taxes which can sometimes reach hundreds of BAM. This is the price that many media houses in BiH cannot afford.

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These cases occurred during the investigation regarding the amount of money that judiciary institutions paid to lawyers appointed on Ex. Officio basis.

Legal provisions defined that lawyers appointed on Ex. Officio basis can be engaged by both suspects and accused persons at their own free will; however many people interviewed by the CIN investigative reporters claimed that the option suspects and accused persons have in choosing their lawyers was often influenced by judges, prosecutors and police officers.

In their intention to check these allegations, the CIN investigative reporters had in December 2016, required all courts to provide them with full names and identities of all lawyers that had been appointed on Ex. Officio basis to represent suspects and accused persons, including the information such as the case identification numbers and amounts of money paid on those basis, from 2010 until the end of 2016. All information they managed to collect only confirmed that the amount of BAM 76, 3 million was paid to 1250 lawyers and solicitors offices, for the period of seven years, with most of this money being paid to only few and selected, but also most engaged and appointed lawyers.

Unlike other courts, Bugojno Municipal Court and Banja Luka Basic (Elemental) Court failed to submit complete information as previously required, so the CIN officials decided to launch an indictment against these two judiciary institutions, filing their appeals to competent and authorized courts; namely Travnik Cantonal Court and Banja Luka District Court. In both cases, the verdict was in favor of CIN, ordering pursuantly the above mentioned courts (Bugojno Municipal Court and Banja Luka Basic (Elemental) Court) to issue and pass new decisions.

During the verdict exposition, District Court reminded all parties involved in this process that the purpose of passing the Law on Free Access to Information was aimed so the public could have control over the execution processes conducted by the public governing authorities. The verdict stated: "Therefore, public bodies must promote open governance, so the principle of maximum revealing of information should represent only one of many fundamental principles of any democratic society".



The cooperation between media and judiciary

Piše: Marjana Popović

Alleviating and moderating the edge of misunderstanding, between BiH media representatives and representatives of judiciary system, is not an easy task to achieve. On one hand, preserving and sustaining the integrity of judiciary institutions, including independence in their work and journalists' rights to free access to information on the other hand, makes it even more difficult. What one party considers insufficient, the other side considers as overloaded and vice versa. Therefore, I support the decision brought by the Association of BiH Journalists to organize a seminar where (held in remote area of Herzegovinian spring landscape) they managed to gather journalists and judiciary institution spokespersons. Honesty, immediacy, proximity and spontaneity of talks and discussions flowing through various seminar sessions, added the value to this seminar and I use this opportunity to congratulate the organizers in creating such valuable atmosphere.

Before I commence with analyzing the presentation of activities of High Judiciary and Prosecutorial Council of Bosnia and Herzegovina (hereinafter HJPC), related to work transparency, I would like to explain two terms I used at the beginning of this article (text).

When I referred to “the edge”, I actually tent to describe the character of respectable professions (occupations), including journalism and court practice; that is, prosecutorial work as well. This issue is actually about occupations that require sharpness and energy that, (particularly journalism and prosecutorial practice), to some extent must act sharply, so we should not be surprised if certain “edges” emerge in their relationship, as this can sometimes be considered as the production and distribution of positive energy too. One party aims for writing a story with as many information as possible (deriving from reliable and official sources), while other party intends to preserve and sustain its investigation from being contaminated, so it could conclude with affirmative and positive outcome in court.

Hence the tension in everyday work between journalism and prosecutorial practices.

When I say “misunderstanding” (lack of understanding), I attempt to detect the cause of the above outlined tensions and to make clear distinction in relation to, let's say, the “gap” between the two above mentioned professions (occupations). The core, meaning and purpose of these professions, since their work should benefit the general public in the first place, (including general interest of all our citizens and the interests of this country too), confirms that there should be no place for any “gaps” between journalism and judiciary system whatsoever. Moderate people and opportunists would say that these represent and display nothing but mere phrases, while the situation in real world proves that personal interests emerge as the only genuine “concern” for either party (side) in this specific relationship. However, setting an anti – thesis is an easy task to conduct as is also wandering to what extent personal interests can be attained if the society appears noxious and noisome? Where does the thought that journalists, judges and prosecutors have not been members of this society sharing its common “destiny and fate” come from? Our common goal is indeed to create healthy and well – set society, where we could achieve our personal interests and affinities.

I have no doubt that most journalists, judges and prosecutors are in fact

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Indeed, there is certain amount of immaturity that some individuals demonstrate, in terms of relationship with other parties (regardless to profession / occupation they perform), but basically, we all try to be good people and useful members of our communities (or at least to believe that we can be good people) and try to use this human advantage (or weakness on the other hand) that we should take into serious consideration, bearing it in mind whilst developing the relationship along with mutual and common cooperation.

truly dedicated to this particular goal and aim.

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Now that I managed to determine that we all are on the “same side” (which is the fact often forgotten by many people), I would like to outline and highlight concrete activities that the HJPC have been taking, in order to accomplish its mission.

If I were asked to provide personal view and opinion regarding the transparency of the HJPC work, I would reply by saying that the scope of HJPC work is in fact enormous and that it often presented me with exhaustive headaches. It is indeed vast amount of work performed and completed by the HJPC and it is much greater than the work performed by identical or similar institutions in well – developed democracies. I am familiar with arguments that this is the way it should be, because we are yet to reach the level of well – developed democracy societies, but on the other hand, the HJPC is in “not as much” point of view and perspective, considered as the above average institution, as far as its transparency is concerned.

Our meeting sessions are open to public. Any citizen and journalist is welcomed to follow these meeting sessions. Furthermore, we developed the practice of giving interviews to journalists, during the breaks, so we could additionally make work easier for journalists attending our meeting sessions and requiring information.

Apart from meeting sessions, disciplinary hearings are open to public as well, so any interested citizen may attend at preparation or main hearings, during the disciplinary procedures and processes held against judges or prosecutors.

Furthermore, we are available to journalists 24 hours and seven days a week!

We reply and respond to enquiries sent by journalists with concrete information in most accurate way; namely, expressively! Most journalists (90% of them) are provided with answers to their questions on the same day they send their enquiries. If we cannot answer their questions during the same day, we have the practice of calling and informing journalists that we could not answer to their questions and, at the same time, we, in most cases, set and schedule the responding time for next morning.

And there indeed are many enquiries we receive. In 2017 there were 360 enquiries.

This year, we received “only” 199 enquiries during the period of first nine months.

As part of our “responding” actions, we also have proactive activities, such as press releases.

In 2017, we had 117 press releases and announced 202 different texts, regarding judiciary – based issues on official web site of the HJPC and

Out of 50 enquiries we had last year, requested on ZOSPI basis, we had only seven that we were forced to reject and nine partially rejected enquiries, mostly because we had no access to requested information, directing furtherly the requesting party (journalists) to competent institution.

Judiciary web site.

Considering numerous target groups, with whom we intend to develop reliable and solid communication, in 2017, we organized 21 event venue, including conferences, ceremonies or conferences for media representatives.

I shall emphasize that enquires we receive by journalists, we, in most cases, do not treat as enquiries based on the Law on Free Access to Information (hereinafter ZOSPI), because we would, should we follow legal procedures in respect to this Law, disable them (journalists) from performing their duties and given tasks in most accurate and effective way. We carefully treat enquiries based on the ZOSPI that, by its very nature, are more complex and demand more time, in terms of generating required and necessary information from our system. Out of 50 enquiries we had last year, requested on ZOSPI basis, we had only seven that we were forced to reject and nine partially rejected enquiries, mostly because we had no access to requested information, directing furtherly the requesting party (journalists) to competent institution.

Along with the above mentioned facts, we have been particularly active, as far as taking part in TV or radio programs are concerned, including providing media with required information.

Finally, from May this year, we began to launch communication activities on social media (LinkedIn and Face book) and we are doing exceptionally well in this field.

The fact that there have been 2649 articles (texts) and TV programs we managed to collect through media monitoring programs within the period of first nine months this year, does confirm that there is a lot of talking about the HJPC and our work in public.

However, what is most important is the fact that we have no policy developed favoring particular journalists or media house. HJPC treats all respected journalists as their guests equally and our doors are wide open to all enquires and requests!

Although it does not seem so, there is a lot of personal and professional effort backing up and supporting around 500 words that I used to present the HJPC work in this text, regarding our transparency.

Before I conclude, I shall recall the public perception in regard with judiciary system and its work. We all agree that the perception seems somehow negative. The question that follows is why is it so? Is there a problem with judiciary system only or is it something else? Is it possible that they (judiciary people) are all doing badly? The answer is NOT, not at all!

Most people here do their work honestly and because of few irresponsible individuals, the things are being generalized and the negative perception emerges as a consequence.

Perhaps, the focus is ON judiciary system (according to opinion by the Association of BiH Journalists general secretary) to make “justice more visible”, because it had not taken enough effort to communicate the results of their work. Maybe the responsibility should be partially directed towards media houses that are focused on negative occurrences making rare and poorly reports about affirmative and positive trends.

Even the BiH public could be considered responsible, since they are more interested in following social anomalies, rather than following

It is obvious that we have defined problems well and detected their causes. What we all together do need at this stage, guided by common good, is to actively work on solving problems, in order to live our lives with more justice, to have safer existence, to have more predictable perspective and at last, to have more positive views and pictures leading to integrations we all seek and intend to reach.



positive trends. Maybe the researches and surveys confirming that only 10% of citizens had direct contact with judiciary institutions are correct and that most of them do not have negative perception and views about judiciary system.

On the other hand, 70% - 80% of citizens have the perception about judiciary system, based on available media reports. Perhaps all of the above mentioned is partially true!

It is obvious that we have defined problems well and detected their causes. What we all together do need at this stage, guided by common good, is to actively work on solving problems, in order to live our lives with more justice, to have safer existence, to have more predictable perspective and at last, to have more positive views and pictures leading to integrations we all seek and intend to reach. We must (deservedly) appreciate and respect ourselves and our institutions so others can also appreciate and respect us.

According to this, I appeal to all journalists to show some faith and to make space and room for positive stories. I also appeal to all judges and prosecutors, court presidents, chief prosecutors to show full understanding for journalists' profession.

Thanks in advance!

Prosecutorial proactivity during the work with media houses with special focus on criminal deeds (felonies) as part of organized crime and corruption

Piše: Nina Hadžihajdarević

The process of reform in judiciary and justice field comprise of taking numerous measures, actions, as well as relevant activities, aimed to strengthen and reinforce public trust in judiciary institutions and justice system. Reform Strategy, as far as judiciary and justice field is concerned in BiH for the period between 2008 and 2012, including the Reform Strategy for Justice Sector in BiH for the period between 2014 and 2018, above other things, define and determine the transparency, responsibility, professional conduct and equal approaches to justice, as most crucial aspects of long – term strategic – based priorities.

The key to the process of strengthening and reinforcing public trust into jurisdiction and justice system, along with other things, that is, the process of appropriate functioning of judiciary and justice system and efficient fulfillment of its fundamental purpose, is indeed best seen through feasible and convenient communication with BiH public and citizens, that, through different capacities, dispose of encountering with BiH judiciary and justice institutions.

Jurisdiction and justice transparency represents a fundament and firm basis required to define and establish control mechanisms, including the strengthening and reinforcing of public trust into judiciary and justice system.

However, the request for establishing the above mentioned transparency cannot be limited and narrowed down to mere public view of court procedures; instead it is related to almost all segments of judiciary and justice operations, including the work conducted by the High Judicial and Prosecutorial Council and other courts and prosecutor's offices operating in this country. Limitations in this case should exist only where releasing of certain information is strictly limited by the law, with the purpose of protecting the pre – determined and particular interests.

Prosecutorial proactivity during the work with media houses with special focus on criminal deeds (felonies) as part of organized crime and corruption

Any person counting on public communication must overcome the lesson on media houses, considering them as important partners. Media world simply marks the present time we live in, including the ever – growing number of emerging media houses, their enormous significance and stunning relationship between them and current affairs based on daily life routine.

There are over 140 registered radio stations in Bosnia and Herzegovina alone, over 45 TV stations and undetermined number of internet based web sites and portals, with only few of them being significantly attractive to countless number of visitors and viewers. All of these media houses, by definition, have turned to public interest and should serve all citizens of any community in this country and their goal and aim should, at least in terms of theory and hypothetically speaking, should not be displayed through sensational news and headlines; instead true and timely posted information should display their priority.

By analyzing news program contents, we could say that there is almost no news program without news covering certain court procedures regarding equally important cases and subjects. Despite this fact, journalists still mark that jurisdiction is not open in terms of mutual cooperation and the citizens are thus forced to seek for hidden sources and quasi – information which is not good for either side involved in these processes.

Also, they emphasize the passive conduct displayed by prosecutors as particularly present, when it comes to “significant cases”, including the corruption, bribery, organized crime and because of this. One may thus begin to believe that these institutions are not doing their work properly and in most efficient way.

Therefore, the existing tensions between these two spheres; judiciary and justice system on one hand and media houses on the other hand, does not terminate, because both sides put boundaries at different points.

What exactly does this mean?

Media, courts, prosecutors' offices have different standards for allowed critics they use and consequently, what media houses consider as interesting information regarding the accused person, prosecutors' offices or judge consider as crucial to the case as its releasing could accordingly jeopardize the criminal procedure or result in questioning the positive outcome of court procedures.

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Zbog čestih tenzija između novinara i tužilaca, odnosno pravosuđa generalno, poduzete su mnoge formalne i neformalne inicijative kako bi se ovaj odnos učinio boljim. Razvojem proaktivnih strategija, mnoga tužilaštva i sudovi uspjeli su napraviti značajne pomake u interakciji sa novinarima.

Kako bi se odnos pravosuđa i medija podigao na višu razinu, u većini tužilaštva/sudova, barem u onim čija nadležnost pokriva veće teritorije, treba biti uposlana osoba za odnose s javnošću'. Bolji odnose uspostavili bi se postojanjem "Vijeća" koji bi sačinjavao predstavnike medija, tužilaštava i sudova na neformalnoj osnovi, a donosili bi neformalne rješenja koja bi se odnosila na zajedničke probleme.

The sphere where journalists want to share and spread the information, as much as they possibly can, judges and prosecutors in return diminish and reduce the information flow, also as much as they possibly can and narrow it to minimum, in order to ensure fair and just court trials.

Due to frequent tensions between journalists and prosecutors, that is, between journalists and judiciary system officials in general, formal and informal initiatives had been launched in order to improve this rather hostile relationship and work on its genuine improvement.

By developing proactive strategies, many prosecutors' offices and courts have managed to make significant steps and move forward, as far as the issue of interaction between journalists and judiciary system officials is concerned.

In 2010, after notable trend of restrictions, as far as access to information from court procedures was concerned, which was, according to official documents, introduced in order to ensure the protection of personal data information of accused persons, including the convicted persons and other parties involved in criminal procedures, the High Judiciary and Prosecutorial Council of BiH, accepted and passed the Guidelines for Releasing and Court and Prosecutorial Acts posted on official web site pages of courts and prosecutor's offices throughout BiH.

Taking into consideration the public legitimate interest in this particular field, the Guidelines have tended to define and determine most appropriate solutions for Bosnia and Herzegovina, as far as the balance between the protection of personal data information and public and court and prosecutorial acts is concerned. Their primary goal was to harmonize the practice in BiH in terms of proactive releasing and posting of information and additionally, their implementation should have harmonize the reactions by courts and prosecutor's offices during the processes of releasing and posting the decisions on official web site pages.

Finally, this was aimed to accomplish and attain the optimal level of transparency of judiciary institutions throughout the entire territory of BiH.

Amending option

Primary goal of judiciary system reform process, which is still in force (even at present), has included the strengthening, reinforcing and improvement of quality and efficiency of judiciary functionality and operations which among other things, comprehended the advancement of transparency of the work conducted by the judiciary system officials in BiH.

The initial step, including the open and fair relationship towards the public (including media houses, civil society, citizens etc.), was created by the Court of BiH and Prosecutor's Office, by opening the Public Relations Office, that is, operations as constituent part of these institutions.

Primary aim of the Office was to provide media houses (including general public), with relevant information possessed and controlled by the above listed institutions.

This particular step proved rather affirmative, because the establishing of the Office significantly contributed in better comprehensions and understanding of the work conducted by the judiciary institutions on one hand, and consequently, it displayed a satisfaction by the general public on the other hand.

Although the segment of public relations and prosecutor's offices conduct with general public, local communities and experts from different fields in Bosnia and Herzegovina, have been considered and marked as rather important segment in the branch of the rule of law in Bosna and Hercegovina, and also in the sense of European integrations of our country and implementation of world standards in this particular field, only four out of ten Cantonal Prosecutor's Offices in Federation have staff that directly covers this specific scope of work.

However, unlike the Prosecutor's Office of BiH having its own Office, including the Head of the Office and several employees, the situation in Cantonal Prosecutor's Offices in both Federation and the Republic of Srpska is completely different.

Although the segment of public relations and prosecutor's offices conduct with general public, local communities and experts from different fields in Bosnia and Herzegovina, have been considered and marked as rather important segment in the branch of the rule of law in Bosna and Herzegovina, and also in the sense of European integrations of our country and implementation of world standards in this particular field, only four out of ten Cantonal Prosecutor's Offices in Federation have staff that directly covers this specific scope of work.

There is only one person performing a duty of a spokesperson with the County Prosecutor's Office in Banja Luka (Republic of Srpska). Other prosecutor's offices appointed their secretaries to perform this particular task, including external experts or even prosecutors themselves as they proved to be incapable to dedicate themselves to this particular work due to numerous duties and tasks as part of their daily work routine as these represent the priorities in performing their daily duties.

In order to improve the relationship between the judiciary institutions and media houses, in most prosecutor's offices and courts (at least in those authorized to cover larger territories and areas), there should be a person engaged to perform the duty of a public relations officer. Better relations could also be obtained by having the "Council" consisting of media representatives, prosecutor's office and court officials, gathered on informal basis, as they could propose solutions that would relate to mutual and common problems and issues.

This kind of particular council could also write guidelines, recommendations, proposals and other relevant materials with the purpose of better mutual understanding of miscellaneous issues important to all parties involved in this process.

The guidelines themselves, in terms of relations between prosecutors' office and court officials on one hand, and media house representatives on the other hand, considering that they were clear, feasible, practical and comprehended for media representatives access to particular prosecutors' offices, would certainly create better support and logistic operations in the triangle that involves prosecutors' office and court officials on one hand, and media house representatives on the other hand.

Some daily and minor dissents could be covered by this, but could also include specific and more complex questions and issues for further discussion. Joint conferences and seminars that may be held at local, but also regional level, because mutual and joint discussion always results in better solutions and more outlined comprehension and understanding, could also be considered as significant asset regarding this specific issue.

These meetings could also serve as reasonable space for additional education programs for both parties involved; for instance prosecutors could learn how to communicate with journalist and journalists could in return, learn about better, more correct and true reporting, regarding the ongoing judiciary processes and court proceedings, particularly when those refereeing to criminal deeds (felonies) of organized crimes and corruption.

Additionally, the Outreach Programs, including the planned and more effective direct communication through media, would also be required

Judiciary institutions and media houses, as well as all other fields and segments of social life, have been considered as hostages to “captive state (country)”. Both sides work and operate in inappropriate conditions, which by all means make their work even harder, including their interaction.

and to some extent, necessary, in order to obtain the information exchange, considered as interesting topic and subject for general public in informal, but also in structural way.

The above mentioned ideas may serve to display just some of many recommendations that may eventually be implemented, based upon which the cooperation between the prosecutors’ offices with public could gradually develop and accordingly improve, particularly the relationship between prosecutors’ office officials and media house representatives.

If only a small part of what was listed above was to be implemented, the difference in interaction would significantly improve in return.

Naturally, media should put in a lot more effort in order to accomplish this, particularly in terms of special trainings and education programs, regarding the reporting from court proceedings thus raising the level of their own knowledge, including the improvement of their professional level, responsibility and ethics as well.

Encouraging and supporting the investigative reporting is crucial at this particular stage, since it represents very important segment of fight against organized crime and corruption occurrences. Based and depending on provided, released and posted information, founded on relevant documents, critical and professional review; the prosecutors’ office officials could accordingly respond and react. Therefore, it would be necessary and required to provide full and maximum protection for journalists performing the investigative reporting in regard with corruption, organized crimes or even war crimes issues, because most of these journalists have often been objects to verbal and physical assaults, and unfortunately (in many cases), physical attacks.

Conclusion

Judiciary institutions and media houses, as well as all other fields and segments of social life, have been considered as hostages to “captive state (country)”. Both sides work and operate in inappropriate conditions, which by all means make their work even harder, including their interaction.

Pressures imposed by governing official authorities onto media houses and media representatives, have proved to be very powerful, even in developed and democratic countries in Western Europe and during the fight for greater number of editions, sensational news seem to be most appreciated and valued as well. Incomplete, untrue, non – objective or propaganda – biased public has been disable to create and form a clear vision and picture about any issue, including the judiciary system, court procedures and holders of judiciary functions.

Therefore, the task of judiciary officials should include the increasing of transparency level, so the information, considered as important to general public, would be distributed in most appropriate and most widely way, but they should be distributed in correct, fair and professional manner as well.

Journalists’ task on the other hand, would be to create reports that would serve the general public interests before anything else. Ethic based journalism is not about writing about any given topic or issue. Journalists, as well prosecutors, represent public interest, rather than pleading their personal interests and this should serve and display the most important and crucial message that should be obligatory for both parties and sides involved in this particular process.



Importance and concepts of public relations with prosecutors' offices

Piše: Samir Beganović

Rules and practice by brcko district prosecutor's office

The organization of public relations with prosecutors' offices in BiH is dominantly based on the delegation (deputation) concept of authorizing the public presentation to officers with required competencies, with the purpose of making this professionalism (in terms of conducting and executing this) exceptionally important purview. Regardless to whether we refer to delegation of required competences or more specifically, whether we talk about them being biased towards chief prosecutors; the existing concepts of the organization of public relations tends to reach common goals making the justice visible to everyone.

Internal organization of public relations in Brcko District Prosecutor's Office is characterized by the concentration of required authorizations and competences, with the following job post, namely: Prosecutorial Secretary, which includes proactivity in applying large number of instruments of both internal and external communications. Efficiency of these specific jobs is conditioned by the assurance of constant internal availability of information that are considered as general public interests, in respect with the public relations officer; including the analysis, elaboration and exposition of sharing these information with general public by the above mentioned, authorized and competent public relations officer.

In exceptionally well – organized and legally reliable framework of this prosecutor's office, the secretary receives analyses, examines and forwards public information for further control to chief prosecutor which additionally controls them and consequently approves them.

The cycle of receiving, analyzing, examining and authorizing the information (that are considered as significant public interest), is considered completed and finalized with their distribution to target public groups, through widely available instruments of external communication. Internal organization as such, within Brcko District Prosecutor's Office, is directed to achieving a specific institution – based vision in the given field titled:” Brcko District Prosecutor's Office in BiH has been identified and recognized as publically responsible institution that effectively work and operates for the purpose of strengthening and reinforcing the rule of law”.

All information of public significance are usually collected, and in any case are controlled and checked, through the System of automatic handling of cases (origin: Test Case Management System - TCMS), with the Secretary having access to data bases without limits. Secretary can also have access to information of public significance through many sources: by attending the meeting sessions of Prosecutorial Collegium and other internal meetings; by having access to indictments as part of completing the task (in terms of editing which is aimed for their release and posting on the official web site) and by immediate and direct communication with chief prosecutor, prosecutors and other employees too. Secretary makes selection of information of public significance through widest circle of available information, including their analysis, examination and distribution to the public, using mostly proactive forms of informing (press releases, current affairs, edited indictments Etc.) or even through reactive forms of information (replies to media enquiries, solutions to

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As far as the elaboration of subjects is concerned, including press releases, releases in regard with indictment confirmations or releases regarding relevant verdicts, there are specific principles applied in this particular judiciary institution and here are some of the most important ones: case relevancy, information content, objectiveness and message comprehension associated with legal explanation without complex legal construction.

issues related to free access to information, information provided in person and similar).

Along with diversity of instruments used for internal communication and precisely defined rules of their complementary applying; appropriate and adequate external communication, in its most direct sense, depends on target public groups, using larger number of presentation channels. At District Prosecutor's Office, unlike defined public groups (common public, media, judiciary system and experts in this field and other activities), external communication instruments often include: press releases, web sites, statements, interviews, Radio and TV shows, media conferences, brochures, bulletins and notice boards. Prosecutor's Office continually represent and provide public with information, regarding its own institutional position, through at least one, and in most cases, spontaneous usage of more than one communication channel. Prosecutor's Office does this on regular basis during annual report on their work, events or specific issues and questions of media and public interest, as a result of completing certain processes or their important stages in cases that are regarded as particularly interested to wide public or significant changes in legislative that may have an impact on the work in Prosecutor's Office. The policy of information presenting to general public is founded on the following principles: proactivity, equal treatment for all media houses, constant availability, objectiveness and process control.

Press releases mostly actualize the work at Prosecutor's Office, in relation with cases that are considered as particular public interest, during its investigation stage, especially in cases with prison custody included, and regularly, during the accusation stages. Due to long period of duration for criminal procedures in general (which is often not part of prosecutor's competence), partial public informing (during the investigation stages, although required, from the perspective of final general message on justice execution in criminal procedures), still remains insufficient. Accordingly, public does require information providing, in relation with final results of processes and regardless to final legal outcome. Through this form, public gets familiar with final procedure stage or at least with one stage of this procedure, including relevant facts and evidence that may be considered as general public interest for particular cases, but public also points out to appropriate institutional reaction through initiated, taken, current and forthcoming activities respectively. District Prosecutor's Office, apart from providing public with required information during all stages of criminal procedures, also provides public with definite and complete information during the verdict decision period; that is, as soon as the verdict comes into force and becomes legally valid.

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In technical terms, press releases are being released on official web sites and additionally distributed to media via e-mail services. At request by electronic media, the contents of releases is presented through audio or audio and video statements; mostly presented personally by the secretary, and in more important and complex cases, they are presented directly by the chief prosecutor.

Usually, as far as release expositions are concerned, certain news in re-

Eventful, actual and regularly updated web site (www.jt-brckodistrik-tbih.pravosudje.ba) has, due to its advantages and because of fast and immediate distribution of large number of information to the public, widely used instruments of external communication within District Prosecutor's Office.



gard with organizational activities are being actualized, including strategic and operational plans, educational programs and other relevant, but also including crucial questions from the field of prosecutorial administration and management that are eventually posted on the official web site, as part of current affair section.

Eventful, actual and regularly updated web site (www.jt-brckodistrik-tbih.pravosudje.ba) has, due to its advantages and because of fast and immediate distribution of large number of information to the public, widely used instruments of external communication within District Prosecutor's Office. Common goal of web presentation is to get the Prosecutor's Office role (in sense of legal system) closer to local community in general, including all subjects that it relates to. As part of the function of common goals, there are also specific aims that allow public (through the internet sources) to use efficient tool that can be applicable (without procedural difficulties and undesired awaiting), providing them thus with the opportunity to access a large number of information of public interest (organization, business, regulations, work reports, budget, indictments, press releases, service information etc.).

With an exception of indictments for criminal deeds against gender freedom and moral, marriage and family, including indictments that by any means relate to underage persons; all these indictments are, after being verified, forwarded to web site administrators and are posted accordingly. Besides, special attention indictments, as defined by the special Rulebook regarding the work of web site and pursuant to competent and relevant guidelines issued by High Judicial and Prosecutorial Council of BiH, additionally become actualized through press releases. The significance of this kind of indictment is not just about determining the public interest for revealing the indictment and associated announcements, but it is also about examining this kind of personal information in regard with the indictment; hence it is not necessary to conduct and execute the procedure of complete protection of their privacy. First name, last name, age and place of birth of indicted person in these cases are not protected through the anonymization measures. Still, even for indictments deriving from this category, there are duties that include the protection of other and associated personal information and obeying the presumption of innocence of the processed person.

In this sense, it is vital to understand, acknowledge and to mark her/his processed status in most correct way, and it is also important to understand this issue in regard with suspect and accused person or persons, as it is equally important to outline the presumption of innocence by clearly determined notices as constituent parts of given information.

Categorizing the indictments of public importance in District Prosecutor's Office has been conducted in two-sided ways, according to the nature of criminal deeds they relate to (basic list) and the duration of sentence or the feature of criminal deeds (felonies) and other associated circumstances that give them special meaning (additional list).

Basic list comprehends indictments that include war crimes, terrorism, criminal deeds based on the tax felonies, crimes against the state, homicides, murder indolence, instant murder, causing severe injuries, robbery, armed robbery, robbery criminal, severe criminal against public transport, crimes endangering public health, official or other associated indictments, common safety of public and property, crimes against judiciary system, public order and legal flow.



On the other hand, although this is also quickly brought (long before the 15 days deadline), the decisions on free access to information are strictly related to submission of particular document in possession of the Prosecutor's Office in the already existing and available form. Until the questions, raised by the media representatives are answered, in regard with providing the information (indirect procedure), the decisions on access to information are applied to the distribution of concretely and specifically existing documents (direct procedure), through selective process and these must be based on the ZOSPI premises.

Additional list, which serves as complementary list to basic list, generally includes indictments based on crimes for which a long term sentence can be brought or prison sentence with duration up to ten years or crimes committed whilst performing official duties or other responsible duties or crimes with the indicted person holding any public post.

Exceptionally, indictments of public importance may relate to specific cases outside

the basic or additional list about, since the public must be informed in exactly this form. For these kinds of cases it is important to conduct ad hoc activities and to record the estimation and evaluation regarding the public interest, as oppose to indictments from basic or additional lists for which the public interest was defined by the Prosecutor's Office internal acts.

Apart from the identity of the accused person, the indictments of public importance do not include the anonymization in case that the identity of information holder was already revealed previously or in the case of information also of public interests and importance.

In this way, it is allowed to act if the suspect is hiding or has escaped, or if it is necessary to take some other form of required interaction, including both the relevant institutions and citizens in democratic society in order to have full implementation of the rule of law and also, to protect the values protected by criminal legislative. Since the anonymization (by its nature), has served as the instrument required for the protection of privacy; this measure has always and utterly been used to conduct in respect with personal information of the damaged persons, witnesses and third parties that are mentioned in the information itself. The anonymization is certainly required in relation with the personality of the suspect, accused and convicted person, if the case does not include the procedure based on indictments that are again considered as public importance and interest.

As oppose to proactive forms released on Ex. Officio basis, reactive forms of information require the request by target and interest - based public groups. Although, just as other forms of information by the Prosecutor's Office, these information are being examined, pursuant to principles of the Law on Free Access to Information in BiH (ZOSPI). The answers to media enquiries are not based on this law and its provisions; instead they are based on common provisions pursuant to the Law on Prosecutor's Office that regulate this particular field. This form of information actually determines the pattern of concrete and requested information under the control of authorized and adequate governing body. Additionally there is a possibility and also a necessity of exceptionally efficient implementation of the procedure covering the examination and submission. On the other hand, although this is also quickly brought (long before the 15 days deadline), the decisions on free access to information are strictly related to submission of particular document in possession of the Prosecutor's Office in the already existing and available form. Until the questions, raised by the media representatives are

answered, in regard with providing the information (indirect procedure), the decisions on access to information are applied to the distribution of concretely and specifically existing documents (direct procedure), through selective process and these must be based on the ZOSPI premises.

Besides this and by the rule, effective organization regarding relations between Prosecutor's Office and public, have not been resistant to crisis situations that require efficient managing. Committing serious crimes, information leak in sensitive cases, "scandalous" and "exclusive" cases, misused interpretation of prosecutorial decisions, privacy assaults or even inappropriate decisions passed by Prosecutor's Office demand exceptionally proactive approach in crisis management.

In these processes, it would be necessary and required to rectify the mistakes, to remedy incorrect or misleading public informing, encourage widest possible distribution of information concerning valuable prosecutorial accomplishments, improve public image of this institution and finally, confirm the will for better understanding of the role of entire judiciary system as part of the global social community. misused interpretation of prosecutorial decisions, privacy assaults or even inappropriate decisions passed by Prosecutor's Office demand exceptionally proactive approach in crisis management.

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