

Media and the police in BiH: The balance between the public and investigation interest

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Transparency of police work and partnership with the media are among the basic postulates of societies with a democratic tradition. In Bosnia and Herzegovina, the relationship between journalists and police officials is burdened with several problems, which is why their mutual communication cannot boast with the highest rating.

Although both are “sworn in” to professionalism, impartiality and work in the public interest, the impression is that they are not always on the same page. However, unlike some of the other institutional levels, which could not even get a passing grade from the journalists who follow their work, journalists who interact with Bosnia and Herzegovina’s police structures on a daily basis would give them, by the school term grading, a solid C.

Still, it should be noted that it is not only the quality of communication a burden on journalists, but also the way of police communication with the media, and thus indirectly with citizens. The media community believes that the police often, instead of demystifying their work and making it close and accessible, insist on legacies from authoritarian regimes, with the quite the opposite as the result.

Journalists, however, do not spare criticism for the work of their colleagues neither. They believe that there are those in their own ranks who should be adequately aware of their obligations, not just their rights.

While working in the field, they also met with reporters who, "hungry for the sensations," were unprofessional towards police officers.

The key questions are what kind of information the citizens get, is there a selective approach of the police to certain media or political instrumentalization, whether the information “leaks” from the investigation or it is targeted when placed, and how the police relate when it comes to attacks on journalists.

Police sources are sacred to every journalist

Nikola Moraca, a journalist at „Euroblic” and “Srpskainfo” portal, who has been working on the black chronicle for many years, believes that the relationship between the media and the police in Republic of Srpska mostly depends on "whether you are a police favorite or not."

- If you are not a favorite of the police and the spokesman, then the relationship is, to put it mildly, bad because there are too many situations where you do not get the answers you need

or you get them incomplete. Also, personal experience tells me that after being given a specific inquiry, the spokesmen (honor the exceptions) first forward the answers to those they favor, and only then to the one who sent the inquiry - Moraca said.

He estimates that if there were no "leakage" of information from the police, half of the criminal offenses that occurred in Republic of Srpska would not even be made public, as this is the police's interest.

- In line with this "official position" of the police, it is logical for them to selectively disseminate through their spokespersons those information they consider relevant. Fortunately we are not all dependent on such information - our interlocutor pointed out.

He pointed out that police sources, or those close to the police, are "sacred to every journalist".

- Gaining the confidence of a person you didn't know until that moment is something that is not taught in college, nor can anyone else teach you how to do it. It's all up to the reporter. The moment you put that trust before and above all, and especially when you protect your source and in the case when you are told in the courtroom that you will not be punished if you reveal his identity, then you are sure that you have the source for the rest of your life - Moraca emphasized.

Commenting police work on assaults or threats against journalists, Moraca believes that police will mostly do their part, take statements and possibly launch an investigation.

- Expecting the police to go deeper into this issue is a fairy tale for children - he said

According to Ognjen Matavulj, a Banja Luka correspondent for "Vecernje novosti" and journalist for the "Srpskacafe" portal, the media and police relations in Republic of Srpska are correct, but in essence they function like a rocking chair.

-Today is good and tomorrow is bad, all depending on the events the media reports. If an event that positively promotes police activities and their work is reported, the relationship is good. However, if the situation is reversed, the media will usually face silence or harsh and extremely unclear responses. This often comes to the fore, which is a big problem because essentially both should work in the public interest - said Matavulj.

He believes that in practice it is often the case that the "public interest" is interpreted differently.

- Police reports are the best indicator. From them you can find out in detail how someone was punished with misdemeanor for insulting a police officer, but when it comes to serious criminal

offenses, whether it is a crime, organized crime and corruption, the statements are short, scarce and generalized - our interlocutor pointed out.

He believes that sources are paramount to the work of journalists, whether it is just the police.

He points out that they are not easily reached, but by long and dedicated work in order to gain mutual trust.

- Those who enjoy such trust are easier to access data, details of the individual case or confirmation of certain information, which you often cannot even get through the official way - emphasized Matavulj.

Partially resolved attack on the journalist

Matavulj also believes that the police are dedicated and seriously engaged in shedding light on cases of attacks on journalists only when dealing with more serious forms, such as the beating of Vladimir Kovacevic, which has been partially resolved.

In August 2018, an attempt was made to BN television journalist Vladimir Kovacevic in Banja Luka. Marko Colic was sentenced to four years in prison for this criminal offense, however, after more than a year, no motives or a possible procuring entity are known. Also, the other attacker, Nedeljko Dukic, for whom the warrant was issued, has not yet been arrested.

Vladimir Kovacevic explained that he had no objection to the relationship with the police when a critical event occurred.

- The people who worked on the case tried to get it done as quickly as possible. I can't really complain about their attitude towards that case - Kovacevic said.

The biggest problem he had with the police was that they didn't answer his questions.

- When they answer, they do it in a manner that the answers are not exactly defined, and they are able to send several announcements daily about their work. I have the feeling that at conferences, issues that they do not like, as well as other institutions, are considered hostile.

On the field, I had no specific problems with the police officers, and I filmed them on every occasion, from protests to arrests. I repeat that the only problem is not answering questions concerning public procurement, contracts and some other things in the ministry – he emphasized

On the other hand, Kovacevic said, they are up-to-date when they release what they think matters to the public.

- They are up-to-date in reporting about traffic accidents, marijuana confiscations, no matter how small the quantities are, which of course they should do, but they don't want to talk about things they think might compromise them. For example, when police officers continuously monitored citizens in the downtown area, defending them from entering the churchyard or even sitting in public benches, I sent them questions and requests on a daily basis asking them to explain why they were doing so. I received incomplete answers without any explanation, only that these were legally permissible police procedures - said Kovacevic.

"Tightening relationships" after Dragicevic case

Police-media relations in the entity Republic of Srpska were further exacerbated by the "Dragicevic case" (protest of citizens after the murder of David Dragicevic in Banja Luka). This also led to an attempt by the Republic of Srpska's police to restrict the work of journalists directly by certain legal changes, affecting freedom of speech and human rights and freedoms themselves.

Journalist Ognjen Matavulj claims that the police are constantly trying to limit or even hide certain information, which is most often returned to them like a boomerang, as it then faces media allegations of data concealment and the like.

- There is information leakage as well as selective marketing. It is obvious that there are privileged media with which information is selectively placed, but their texts or contributions are devoid of any kind of criticism or deeper analysis of an individual event - Matavulj added.

This year, Vanja Stokic the editor-in-chief of the eTrafika portal, while reporting from the rallies of the "Justice for David" group in Banja Luka, had some negative experiences when it comes to cooperation with the police, but she also received a general respect for her professional work.

She explains that this portal had previously had good cooperation with the police, which was mainly about sending official correspondence and providing the requested information, but that the situation had changed since the murder of David Dragicevic.¹

- Too many of our requests for information have been ignored. I get the impression that eTrafika has been blacklisted by the Ministry of the Interior of Republic of Srpska. I asked some questions repeatedly, sent e-mails, made phone calls, but on the other side there was a wall.

¹ David Dragicevic (21) was killed in March 2018. and except that the Banja Luka District Public Prosecutor's Office qualified the case, no indictment has been filed neither the perpetrators were identified. On March 26th, the citizens gatherings began in Banja Luka's Krajina Square, led by father Davor Dragicevic. This is where "Justice for David" rallies were organized until December 25th 2018. when they were violently interrupted in the police action. The members of the "Justice for David" later continued to gather at the port of Christ the Savior Temple in Banja Luka, but were banned from there also in June this year.

Even when you do get an answer, it is deficient, bureaucratic and so much in general that it is useless. The answers to a very specific questions were not given - Stokic explained.

She was requested to provide her identification document four times during the follow-up to the "Justice for David" gatherings.

-It is not a problem that I am asked to give access to my identification document, it is a legal right of police officers, but the problem is that they interfere with my work. Do you think they don't know who I am? That they do not see my press accreditation, voice recorder and camera... The problem with that procedure is that the police are occupying us for five to ten minutes and we cannot keep track of what is happening around us - she added.

Unlike the first three times, when, Stokic explains, police were professional and correct, she claims to have experienced even threats for the fourth time.

- They did not want to look at my press accreditation but they told me to put it in my pocket. They threatened me with arrest and a misdemeanor warrant, saying that I was a member of the group, even though I was telling them that I am a journalist and that I was there on a job. Then, I was forced to leave the public space where I was performing my tasks - Stokic said.

She estimates that some journalists are privileged in relation to the police and others are stigmatized. In support of this, she cites the experience when she sought information from the police regarding a story for which she had exclusive information, to eventually receive her answers in an official police statement, which was forwarded to everyone.

- Not everyone is given the same information, there are favorites and apostates - Stokic added.

She assessed that neither party is sufficiently aware of its rights and obligations.

- There is misunderstanding and arrogance on both sides. We should not violate any police rules, such as passing the lane when the space is being investigated, but neither they should violate ours, such as attempting to prohibit filming. There are some indeed good people in the police force who have been really correct all these years, and there are also very cheeky journalists who attack them even when they have no reason to do so, seeking for sensation. We all need to calm the passions and do our job without threatening each other - Stokic concluded.

In one part, Mladen Vujinovic, a journalist for public Radio Television of Republic of Srpska, agrees with these statements.

He recalled that the Association of Journalists of the Republic of Srpska held a debate² on this topic during which some of the solution models were offered. First of all, additional education. Vujinovic also recalls that the issue of accreditation has also been problematic in the previous period.

- I believe that journalists, as well as police officers, must point out accreditation when meeting in the field. Likewise, journalists and media workers must respect the police space enclosed by the investigative tape, and police officers must not deny journalists the right to move outside the tape, as this often has been disputed. I would point out the issue of activism as a big problem. Personally, I do not think that a journalist has the right to be an activist at an event from which he is reporting because it calls into question his objectivity. In this regard- there is no need to enter into any discussions and quarrels with police officers. Both journalists and police officers must deflect from the incorrect ones in their ranks and those who use the police baton or journalist accreditation as a source of power. Understanding of the police officers and journalists on the ground is necessary, because journalists and police officers should be on the same mission - explained Vujinovic. He believes that cooperation between the media and the police in Republic of Srpska is good, but that there is room for improvement.

- Especially in terms of mutual understanding. It is difficult to talk about complete openness of the police to the media, given the fact that police often fence themselves with "in the interest of the investigation", and the media is not able to determine whether the information they did not receive was truly "hidden" because of the interest of the investigation. However, it is often the media who, in the rush for clicks, viewership, readership, or exclusivity, exaggerate and amplify certain events or in some way damage the informative nature of the news they post. Lack of trust between the media and the police, I would say, is the main cause of poor cooperation and misunderstanding - said Vujinovic.

Vujinovic considers that there are no privileged media in the line of obtaining information from the police.

-It is generally known that colleagues who are constantly following the black chronicle have excellent contacts and are the first "in touch" with inspectors who carry out the investigation. Often, journalists are offended by this, but just as often forget that they are probably the ones to blame for a such situation, because at some point they have forgotten to nurture their own sources. I would like to emphasize that I would not rate the Ministry of the Interior of Republic of Srpska with a negative assessment in terms of openness to the media. I think that the colleagues who work in the Public Relations Department do a great job, given the fact that

² The debate "Police and Journalists at Public Gatherings: rights and obligations" was held in Banja Luka in June this year. Dalibor Ivanić, Chief of Police Department, at the time announced the additional training of police officers on tactics and relations with the media, and called on journalists to do the same in their ranks.

often the circumstances of their work are extremely difficult - Vujinovic pointed out, and praised the work of the police in investigating attacks against journalists.

Searching for information and exclusivity

Admir Muslimovic from Tuzla, a journalist at the Balkan Investigative Network of Bosnia and Herzegovina, pointed out that his cooperation with various police structures in the country so far has been mainly good.

- As a journalist, whether it was through official correspondence and calls to spokespersons, or unofficially through my sources, I always received the necessary information. In the whole judicial-police system, the police, in my opinion, do their job best, while the courts and prosecutors' offices are upwards closed towards media, with an emphasis on the Prosecutor's Office of Bosnia and Herzegovina- said Muslimovic.

He believes that it is a question of the ability of certain journalists or editors to make contacts in police structures, and get exclusive or confidential information.

- The search for information is normal in the journalism business. For example, I can single out the Federal Television reporters who, at one time when the "Network" magazine was up-to-date, and before that, "60 minutes", were on almost all of the actions of The State Investigation and Protection Agency (SIPA) during the early morning hours. So, someone told them when and where the actions would take place - said Muslimovic.

He also said that while working in Tuzla, several verbal threats occurred towards journalists which were reported to the police, and that police officers responded on time and in accordance with the law.

Dragan Pavlovic from Sarajevo, a journalist at daily Oslobodjenje, had different experiences depending on who was at one point in position as police spokesman of Sarajevo Canton.

He particularly singled out good cooperation at the time when the commissioner was Himzo Selimovic and the spokesman was Dragan Miokovic, while in the next mandate this relation was drastically deteriorated.

- When I talk outside the Ministry of Interior building with individual inspectors, they tell me that we do not write about their successes, and they do not know that their work was not followed by the press service, instead they wrote insufficiently and without any explanation - said Pavlovic.

He explains that in the line of duty his "last resort" is to call police leaders to get information, but notes that several of them repeatedly selectively and purposefully released certain

information to the media. He singled out the case of the murder of two police officers in Sarajevo, when only one, out of numerous media headquartered in Sarajevo, published details of the investigation, and even, Pavlovic said, has been spinning certain information.

When it comes to attacks against journalists, Pavlovic believes that the situation is similar to reporting about attack on any citizen.

- It seems to me that the police will distract the plaintiff rather than do their job. I was attacked on one assignment by the owner of a betting house and the second time by Sanjin Sefic's father in front of the Court. I called the police in both cases and cited eyewitnesses. In the attack of the owner of betting house, the officer tells me: 'I would not report in your place. His brother is an important person in the municipality. I would not bother in court if I were you'... In another case, the police listened to me and between the lines told me that there would be pressure before the court if I filed a complaint. So, they distract in every way the people from filing a report, because that obviously represents a job for them - Pavlovic said.

Guidelines for the media and the police

Both the police and the media have legitimate, professional goals and tasks that they must respect and appreciate in order to achieve successful and mutually beneficial cooperation³.

Journalists should be prepared to disclose their identities in contact with the police and to carry accreditation with them while performing professional tasks. Also, it is the duty of journalists to follow police procedures when approaching places with restricted access.

Furthermore, it is the duty of journalists to take particular care to report truthfully, to avoid intentionally and knowingly publishing inaccurate material or material that would endanger police work and investigation, and not to publish distorted or misleading information.

- Journalists have a duty to protect confidential sources of information if they are subject to police interrogation. They, as well as citizens, have the right to hire a lawyer during a police interrogation - the OSCE guidelines in Bosnia and Herzegovina state.

Journalists duties and responsibilities should be particularly emphasized when it comes to revealing the identities of victims, since the fact that almost daily we can find examples of violations of both professional and ethical codes when it comes to the treatment of victims of various crimes in media.

- Journalists are responsible in case if the identity of the victim of violence is disclosed. The identity of children under the age of 18, whether they are victims or perpetrators of the crime,

³ Guidelines for the media in dealing with the police - OSCE Mission to BiH

should be preserved until the police disclose the names. The identity of victims of hate crime, and in particular victims of rape, should not be disclosed without the victim's permission. The identity of the deceased victims should only be disclosed after obtaining the permission of the immediate family, or after formal identification - is underlined in the aforementioned guidelines.

Cases have also been clarified as to when and how police may require journalists to submit journalistic materials that could serve as evidence in criminal proceedings.

- If a journalist is asked to hand over material that he has made through a legitimate journalistic way, they may seek authorization for insight. If the police have the authority, then they can temporarily seize material that can serve as evidence in criminal proceedings. These materials must be handed over to the court for safekeeping, or for some other established custody. In any case, this material should not be used for reporting until a legal opinion is obtained - it was pointed out.

Both journalists and the police have certain duties and responsibilities in dealing with the media.

Police should be aware of the rights of journalists to freedom of expression, freedom of movement, as well as the freedom to travel through the country without interruption.

Journalists cannot and should not be arrested without a legitimate reason, and the media has the right to publish, distribute and sell publications and to broadcast the program without penalty or interference by the police and the authorities.

Police cannot ask journalists to register with them during the course of their work, unless a special permit (eg a crime scene) is required.

- Police cannot interfere with or punish a journalist while performing professional tasks. Journalists have the right to take photographs, record, make notes, observe, interview or report, without having to seek permission from the authorities or the police - the OSCE BiH guidelines state.

Also, police cannot seize equipment or materials from journalists unless it is a court order.

Materials that are confiscated in accordance with criminal law or that can be served in a court process may be temporarily seized and handed over to the court for safekeeping.

Police may require a journalist to show accreditation when seeking access to places or events that are open to journalists but closed to the public, and that is sufficient to establish his or her professional identity.

On the other hand, the identity of a police officer should be disclosed to anyone who requests it.

What is particularly important in the journalistic work, and what our interlocutors have discussed in this analysis, is the confidentiality of the information source.

- Police cannot force a journalist to disclose confidential sources of information - the OSCE's BiH guidelines highlighted.

It is also concluded that the police should take special care to investigate all facts, whether real or potential, about violence, intimidation or intimidation of persons employed by the media, or in the case of destruction of journalistic equipment.

Specifics of the profession

The Ministry of the Interior of the Sarajevo Canton paid special attention to the relations with the media.

In February this year, they adopted a strategy⁴ detailing the need for strategic communication and confidence building.

- The Police Department understands the specificity of the work of the media and journalists, which includes the need for official information and interlocutors, prompt reaction due to deadlines for publication of information, access to specific locations, information or people at a given moment, and makes every effort when possible and in accordance with law and police rules to meet the needs and requests of the journalists and help them perform their tasks - this strategy states, among other things.

It also emphasizes that the Sarajevo police expect the media and journalists to understand the specifics of their work and the limited ability to provide information or access to certain locations in situations which oblige police officers to respond according to the law, which at the moment may impede the work of journalists.

- However, the Police Department is persistent in its efforts to provide all information to the media and journalists within the most reasonable time limits and according to the standards and procedures prescribed by law - it is emphasized.

⁴Strategy on Police and Media Cooperation and Relations in Sarajevo Canton with Action Plan

Recommendations

The general assessment is that public confidence in the police, ensuring transparency of their work and a complete picture of police activities cannot be obtained without a quality relationship and cooperation with the media.

It is imperative that the police, who promotes work in public interest and seek understanding for the objective difficulties encountered in this work, at the same time understands that journalists have the same goals and obstacles in their work. And vice versa.

Although the ones with a weapon and the others with a pen in their hand, they are in fact to a large degree on the same mission, and this should motivate them to cooperate and understand each other as a trusted partner.

The relationship between the media and the police must be organized, creative and proactive. They should treat each other with respect and good intent, respecting the dignity of the work they do.

It is imperative that communication between journalists and police be correct, timely and professional.

All media and journalists must have fair and equitable treatment in accessing police information and persons employed by the police. At the same time, police support and assistance in journalistic work must be stripped of any attempt to censor or influence the content of journalistic articles.

Police information should be understandable, simple and adapted to the average citizen. Particularly in the modern age and the rapid development of on-line communications, consideration should be given to multimedia messaging and ease of transmission.

Every member of the police, but also of the journalistic community, should preserve the reputation of his profession by his own example.

Last but not least, the police should be the first rampart in protecting media freedom, freedom of speech and expression, and an example of institutional support and protection against pressures, threats and attacks against journalists.