



Content

- Events
- Press release
- Media on Media
- Free Media Help Line
- Strengthening and enhancing public trust into judiciary system as one of the key priorities

By: *Admir Arnautović*

- Transparency: Strategy without commitment

By: *Emina Dizdarević*

- Only a complete transparency makes judicial system a genuine service to general public

By: *Marjana Popović*

- Judiciary system must increase transparency of their work

By: *Sanela Gorušanović-Butigan*

- Journalists do not want only spokespersons as collocutors

By: *Zinaida Đelilović*

Introduction

Communication Strategy by the HJPC of BiH: More effective work by judicial system or yet another cold fact on paper?



Non – transparency has been one of the most noted and imposed critics by journalists, media editors, but also by the entire public in BiH, directed against general judicial system in BiH. It has always been difficult to have access to relevant information, regarding the work by prosecutors' offices and courts, including specific details concerning individual cases, which has even been more difficult than the previous. Journalists have often complained about "enclosed conduct" by judicial institutions, being thus enabled to perform their work in most appropriate and professional way. Instead of receiving rather limited and summarised replies, responses and answers by sources from prosecutors' offices and courts, journalists have been "forced" to rely to various, but unofficial sources in order to get relevant and required information.

This particular approach conducted by many judicial officials (with a limited number of exceptions); have resulted in even bigger suspicions and doubts, regarding the work by judicial institutions. Could this mean that non – transparency actually tends to hide something from general public or could this, on the other hand, mean that "the nature of investigation process in fact actually means that revealing and releasing information would jeopardise further investigation", which has been usual argument often delivered by judicial officials? If judicial system does appear non – transparent, that it should surely be considered as corrupted, irresponsible and unprofessional in its work.

This specific, rather most common perception in public, but also often appearing perception within media community tends, through Communication Strategy, to be altered by High Judicial and Prosecutorial Council of BiH (HJPC).

Events

12.09.2022.

BH Journalists: Training for journalists in Mostar on the protection of their rights

29.09.2022.

Ambassador Murphy with the participants of the Journalism Academy: "Be brave in your search for the truth!" "

05.10.2022.

Judiciary and media in BiH: Protection of media freedom is in the interest of both professional communities

28.10.2022.

Media and judiciary: Through joint dialogue to more effective cooperation

In this E – Bulletin edition, we shall take into consideration most important aspects of this document and ways by which the implementation of the Strategy would eventually improve the work by judicial system and, at the same time, “rectify and mend” disturbed public trust in prosecutors’ offices and courts.

Subjects that cover the issue on advantages and disadvantages by new Communication Strategy, passed by the HJPC of BiH and whether its implementation could produce genuinely and unbiased professional and effective judicial system; or whether this is yet another document shall remain “a cold fact on paper”, shall in this, 79th E – bulletin edition, be covered by **Sanela Gorusanovic-Butigan**, vice president of HJPC of BiH, b Zurnal magazine journalist, **Emina Dizdarevic**, BIRN journalist, **Admir Arnautovic**, expert adviser for public relations affairs with Cantonal Prosecutor’s Office in Tuzla Canton and **Marjana Popovic**, Head of Cabinet of HJPC of BiH Presidency.

Maja Radević, E-Journalist editor

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Press release

13.10.2022.

BH Journalists: Gorica Dodik's inciting rhetoric against journalists and the owner of BN Television must be sanctioned!

18.10.2022.

BH Journalists: Jasmin Mulahusić must be sanctioned for spreading hatred towards journalists!

27.10.2022.

BH Journalists: Zoran Čegar must be immediately sanctioned for brutal threats to CIN journalists!

31.10.2022.

BH Journalists: Milinović's statements are an abuse of CRA and direct pressure on Face Television

01.11.2022.

BH Journalists: Returning defamation into criminal laws is not a European standard of freedom of expression

02.11.2022.

SafeJournalists: #SHEDLIGHT on Cases of Attacks and Threats against Journalists

Strengthening and enhancing public trust into judiciary system as one of the key priorities

By: Admir Arnautović

“The court president refuses to be interviewed and to deliver statements to media because this is not defined and prescribed by any law as mandatory obligation”. “Public appearance in media by court superiors and managers, including prosecutors’ offices officials could not contribute in creating a better perception and transparency respectively”. “Media conferences are cancelled because official web sites contain information regarding annual reports available to everyone”. These, rather concerning and even alarming messages could have been heard during the talks between official representatives of judiciary institutions in BiH, at the time of research, survey and analysis of current situation in the field of communications, which had been implemented and conducted two years ago with the purpose of creating a specific and strategic document. These occurrences display some of many signals and indicators that proactive communication activities, particularly in media field, within certain judiciary institutions, have not been recognized and thus accepted as significant entities, in terms of strengthening and enhancing public trust into judiciary system, including both courts and prosecutors’ offices.

Other samples have also been identified which included insufficiently developed consciousness, regarding the significance of transparency and communication between judiciary institutions with other public entities that showed interest in these particular issues. However, there have been brighter samples of well – organized communications between courts and prosecutors’ offices that may and certainly shall, in the forthcoming period, serve as platform in creating and exchange of well – tailored practices and knowledge within judiciary community in BiH.

Creating the Communication Strategy within HJPC of BiH (High Judicial and Prosecutorial Council), considered as so-called umbrella strategy, shall serve (to courts and prosecutors’ offices) as the foundation and basis in establishing and developing more responsible, adequate and better communication policies. It shall also contribute in creating and improving institutional communication strategies and practices. Adequate, appropriate, strategic, planned and harmonized communication from the HJPC, courts, prosecutors’ offices shall, by this particular strategy, be considered and treated as an imperative and obligatory practice, rather than marginalized, non – obligatory and/or mere ad hoc activity.

Strategy as an important tool

The importance of transparency, regarding talks and discussions within judiciary community, has been subject to discussions for a long period of time. The transparency has been set as an imperative by the European Union Delegation, OSCE Mission to BiH and generally, by the international community and non – governmental organizations that monitor the work of judiciary institutions. It is also encouraged by the journalists’ community and professionals that follow the communication process within judiciary institutions as well. Furthermore, the transparency obtained its complete verifications and potential (as one the crucial standards and principles in judiciary field) by having created the Communication Strategy by the HJPC. Transparency is, through this particular strategy, finally been underlined and appointed as most important standard in terms of strengthening and enhancing public trust into judiciary system, which has been equally important in terms of the efficiency, professionalism and quality of work by the HJPC, including courts and prosecutors’ offices.

Media on Media

12.10.2022.

Effective protection of journalists is one of the conditions for candidate status of BiH for the EU

13.10.2022.

Support for the fight against hate speech in BiH

17.10.2022.

Ruth Cronenberg: Steep decline of media freedom in the Western Balkans

According to the above mentioned and other numerous reasons, this umbrella strategy has been considered as rather important to judiciary system in general. Its implementation should, in the forthcoming period of next four years, provide countless and significant benefits for general public that must and should know everything about the decisions and work conducted by judiciary institutions in BiH. This should also include and concern media and all other participating entities, that show interest in this specific issue that follow the work of judiciary institutions in BiH. Good communication practices that have already been exchanged between judiciary institutions, including seriously accepted strategic framework that has defined and determined continuous exchange of good and well – accepted practices and other communication activities, which should eventually give hope that, within certain period of time in the near future, the relationship between public and majority of judiciary institutions in BiH should become standardized, which again, should produce a better perception by the general public and the implementation of current situation which, at present period could not be considered as satisfactory and has not reflected and displayed actual situation and state within judiciary system in BiH.

It is a fact that judiciary system in Bosnia and Herzegovina tends to operate and function within notably complex and complicated macro and micro environment and cannot exist in some type of self – isolation and vacuum space, thus remaining intact and separated from the rest of local community. This is almost impossible and public should be aware and informed about crucial and key decisions brought and passed by the official judiciary institutions, since this process concerns the field which has continuously been exposed to vast general public interest.

Work by judiciary institutions has been exposed to general public “views”, including media, international organizations, non – governmental organizations, business community and legal official authorities at all levels in BiH, academic community and countless number of other interested entities. These parties involved often publicly outline a significant occurrence of non – transparency in judiciary institutions.

It is also a fact that even a perception, regarding the work of judiciary institutions, is not on a satisfactory level. This is confirmed by the results according to the research and survey conducted by international and local organizations, during the period of last couple of years. A significant lack of trust within the judiciary institutions work has frequently been highlighted in media (and in public) and this has reflected the work by the HJPC of BiH and all individual courts and prosecutors’ offices. The effect of connected vessels, that is, negative view, regarding the observation of judiciary system in general (regardless to acceptable results in their work and communication in terms of results in certain judiciary institutions) is still present.

Work well and spread the word around

In order to have negative perception changed, it would be required to make more notable effort in all judiciary institutions. Along with having continuous effectiveness improved, including quality and working professionalism, transparency and public trust must be outlined as priorities and should also be on the same level.

Free Media Help Line

Current cases:

1. Pressures on BN Television, 13.10.2022.

Employees and the director of BN Television are continuously exposed to inciting rhetoric, threats and insults on social networks, which mostly come from members and sympathizers of SNSD party in the Republic of Srpska. **Gorica Dodik**, daughter of SNSD president and Serbian member of the Presidency of BiH **Milorad Dodik**, on her profile on the social network Twitter on Wednesday published photos of the high representative of the international community in BiH **Christian Schmidt** and the general director of BN TV **Vladimir Trišić**, and in the description of the photos she wrote: *"Hitler and his servant"*.

In an effort to attain all of this, Communication strategy by the HJPC represents an important tool and platform concerning all courts and prosecutors' offices in BiH that should rely on guidelines that the strategy provides.

Strategy also promotes vast openness towards general public; it also provides transparency and proactive ways in communications enabling thus the institutions to create their position in public, rather than to work in a reactive way or having a complete absence of communications, which has been the case in certain judiciary institutions.

What might be considered as an important goal of strategic communication is forming and implementation of standardized communication policies within HJPC in BiH, as well as in all courts and prosecutors' offices, which includes balanced and harmonized conduct and code of conduct in both inner and outer communication. Revealing and releasing clear and precise information in different segments of work in judiciary institutions, through different communication channels, has become a practice that may reduce spreading and sharing of false and incorrect information and rumours, delusions and misinformation, and this may eventually decrease frustrations and public disappointment with judiciary system.

Communication strategy by the HJPC has recognized this and this process is based on rather important principles and these include: proactive communication deriving from judiciary institutions, including continuity and consistency in communications using integrated communications adapted to diverse target public groups. Additionally, the focus is on two very important channels and these include the use of all potentials regarding the cooperation and communication with media representatives and also using of all new media, that is, social media in communications.

Also, taking into consideration that HJPC, courts and prosecutors' offices conduct very important social processes; have important task in democratic society and that their role creates large public exposure on daily basis, institutions often work under pressure and are forced to operate under crisis situations related to a single or line of events that may devalue and degrade the integrity of institutions or judiciary official authorities or other judiciary officials, which additionally makes an impact on decreased public trust with these institutions. Due to these and other reasons, more effort should be made into crisis communication processes, and Strategy (particularly its second appendix "Strategy model for crisis communication for courts and prosecutors' offices", define required guidelines in taking correct and appropriate paths in dealing with crisis and crisis communications.

Strengthening and enhancing communication with media

HJPC communication strategy, in its introductory part, contains the core essence of strategic patterns related to judiciary field and these include obligations and responsibilities of all institutions within the system in strengthening and enhancing an independent, unbiased, professional and very importantly transparent judiciary system, as necessary condition required for strengthening and enhancing public trust.

2. Hate speech against Dalija Hasanbegović-Konaković, AJB, Sarajevo, 18.10.2022.

Jasmin Mulahusić wrote on several occasions about members of the immediate family of Al Jazeera Balkans journalist **Dalija Hasanbegović-Konaković**, stating, among other, that her sister is “married to an Orthodox” and that she “left Islam”, that Dalija “graduated from the Catholic school center”, that her mother was married to a Croat, and the like. This is not the first time that Mulahusić has targeted the aforementioned journalist with the aim of inciting national and religious hatred, and this is solely due to the fact that Dalija Hasanbegović-Konaković is the wife of politician **Elmedin Konaković**, the president of the Narod i Pravda party. Case status: On-going investigation by the Prosecutors Office of BiH.

“Strategy promotes wider openness towards general public, transparency and proactive approach in communicating, with institutions creating their own position in public, rather than just acting in reactive way or having a complete absence in communication”

The strategy, based on previously implemented survey, research and analysis, had well assessed advantages and disadvantages as well as opportunities and threats in communications including HJPC as well as courts and prosecutors’ offices in BiH. According to such assessment, strategic directions have been well and precisely defined, including basic and common goals as part of the Strategy implementations. Two key strategic patterns have been considered universal for both, HJPC and all judiciary institutions in BiH and they have also represented an ideal that should be followed with the forthcoming period of next four years, including the attaining of full transparency in HJPC of BiH work (including entire judiciary system), as well as the advancement of public trust with judiciary system in BiH. Basic and common goals have fully relied on key strategic patterns and directions.



With the purpose of having HJPC, courts and prosecutors’ offices getting closer to the ideal of strategic patterns and accomplishing basic and common goals, the strategy has defined a line of required activities that should comprehend an inter – institutional cooperation and mutual exchange of well – displayed practices, educational programs, partnerships with important and relevant international organizations that follow and enhance the existing judiciary institutions, using of new technologies aimed to achieve more appropriate communications, enhancing of the existing and the engagement and appointing of new personnel in the field of communications, advancement of internal communications in institutions, social media use, implementation of promotional campaigns in judiciary system and particularly, strengthening and enhancing communication with media houses as the most important channels of communications with general public.

Strategy still provides key indications regarding the messages that should be directed from the judiciary system towards general public. It clearly defines inner and outer public where continuous and integrated communication is required and it also determines a set of activities that have been precisely defined as part of action plan within Strategy appendix I. Strategy also emphasises the importance of well – developed and balanced inner communication with institutions, as important pre – requisite for quality – based communication with all outer public sources and attention is particularly paid to defining fundamental principles during the period of crisis communicating.

An important part of strategic planning for judiciary institutions is Appendix II of Communication Strategy by HJPC defined as “The Strategy Model for crisis communicating for courts and prosecutors’ offices”, which determines four strategic planning and procedures by judiciary institutions during crisis situations. In order to have responsible responses during crisis periods, a strategic strengthening and enhancement of proactive communication is significant as well, including mechanism establishing required to identify and recognize potential risks and prevention of potential crisis, as well as adequate and appropriate planning and managing crisis situations and also, efficient implementation of crisis communicating.

HJPC Communication Strategy in BiH is therefore considered as effective tool for all judiciary institutions required to strengthen and enhance communication activities and thus, create their own image in practice and reality; reinforce public trust in institutions and generally in judiciary system. Both judiciary institutions and HJPC of BiH have sufficient and appropriate human and material resources so the overall image in judiciary system seems to be improving.

HJPC of BiH, along with institutions and certain international organizations, has previously made an effort in this particular direction, but also by passing the strategy, these activities have intensified and have been placed where they belong as important priorities in judiciary work and functioning. Both female and male colleagues that cover the field of communications within judiciary institutions in BiH, have found passing of this document by HJPC of BiH, as roof judicial institutions, very important in the upcoming period so the practices would be balanced and harmonized thus resulting with more transparent judiciary system.

Finally, key goal of this strategic document has been directed toward general public in Bosnia and Herzegovina that require quality – based, professional, responsible and transparent judiciary system.

(The author of this article/text is expert in public relations of Tuzla Canton Prosecutor's Office)



3. Threats to journalists of CIN, Sarajevo, 27.10.2022.

Working on the story about how he acquired multimillion-dollar property in Bosnia and Herzegovina and Croatia, CIN journalists contacted Zoran Čegar, head of the Uniformed Police Sector, to get the necessary information. In a telephone conversation, they asked Čegar for an interview, but he refused, with threats and curses. Čegar ended the conversation with journalists by saying: “Don’t even think of calling me again, so that I don’t come to you from where you’re calling me”, and he cursingly called the journalist a “Chetnik”. A similar attack on CIN journalists was repeated yesterday in front of the Dubrovnik Municipal Court, where Zoran Čegar’s trial for the criminal offense of fraud began. After the CIN journalist asked Čegar for a comment, he reacted violently and threatened: “Don’t make me rip your throat out!”.

Transparency: Strategy without commitment

By: Emina Dizdarević

After almost six years of preparation period in regard with the Communication Strategy and waiting for its approval, in December last year, High Judicial and Prosecutorial Council (HJPC) BiH, accepted, approved and passed this particular document, which they ever since referred to as the „umbrella strategy“, due to emerging dilemmas on how to create and tailor this strategy for every single judicial community. Action plan was accordingly accepted in April this year.

When Strategy framework was accepted, experts did warn that all efforts could have been cancelled if this special document remains non – mandatory for all judicial institutions. It was additionally explained that the Council was not authorized to give instructions for judicial official authorities to deliver statements in public. Regardless to the fact that documents and guidelines that HJPC submitted to judicial institutions could not be treated and considered as clear and genuine instructions.

Sanela Gorušanović-Butigan, Council vice president, expressed hope that chief prosecutors and court presidents shall be using it. She stated this in August last year for Balkan Investigative Network in Bosnia and Herzegovina (BIRN - BiH). Namely, HJPC was not authorized to define and determine the ways of communications between judicial institutions and public, however, it had launched several activities in advancing this communication process.

Information availability

Similar situation occurred with Strategy reporting (during court procedures), as well as with previous strategy from 2014, as they failed to improve the communication patterns between judicial institutions and public, including media representatives.

“Basic reason for creating, tailoring and passing the Communication Strategy of HJPC included the establishing and developing of advanced, functional and two – way communication patterns and channels that should ensure and enable unobstructed information flow through mutual appreciation and respect of all parties involved in this process of communication”, states in Communication Strategy document.

By applying and implementing the Communication activities, awareness level of all parties involved should increase consequently, in regard with the functioning of judicial institutions in BiH and necessary requirement for further progress, advancement and conforming to EU standards, says in the Strategy document.

According to this document, it would be required to have full functionality between judicial institutions and general public, including all reform processes, challenges and limits (boundaries) that judicial institutions encounter on daily basis. It should also include the process of conforming to international standards, as well as available possibilities in order to have judiciary system moving into right direction of progress.

On the other hand, many international and non – governmental organizations, including European Commission but also Peer Review Recommendations, outlined the disadvantages regarding transparency in BiH Judiciary System.

4. Pressures on Face TV, Sarajevo, 31.10.2022.

The Steering Committee of the BH Journalists Association invited the Council of the Communications Regulatory Agency (CRA – RAK) to analyze in detail the statements of CRA general director Draško Milinović regarding his announcements of “rigorous sanctions” for Face Television and the editor of this media outlet, Senad Hadžifejzović, and to determine whether Milinović, as the director of the Agency, violated the provisions of professional and ethical performance of duties. On October 30th, Milinović stated that the CRA initiated proceedings ex officio against Face Television, and announced that “they will go for the highest possible sanction” because Senad Hadžifejzović allegedly asked a guest in the program whether Milorad Dodik should be “killed”. Although from the controversial recording, which was transmitted by numerous media, it is not possible to clearly discern what exactly Hadžifejzović said, the director of the Communications Regulatory Agency “judged” Hadžifejzović and Face Television in advance, which represents a precedent never before registered in the work of CRA.



Some goals of Communication Strategy managed to advance the communication system between the HJPC and judiciary institutions with legislative and executive governing levels, including media, general public and judiciary institutions users. Furthermore, advancing the availability of information, regarding the work of HJPC and judiciary institutions in BiH, has also been set up as the main goal to experts and wider general public.

It is important to highlight that Communication Strategy does not involve the Office or Disciplinary Counsel (in this particular process), whose lawsuits and decisions passed by disciplinary commissions were anonymised. Apart from this, the time table (schedule) of disciplinary hearings is also anonymised and the public thus is deprived of a possibility to see which holder of judiciary function would be appointed with disciplinary hearing procedure, despite the fact that court hearings are indeed available to public.

This kind of functioning unfortunately leaves an open pace for journalists to make mistakes during their reporting. The question on one hand, whether we consider and believe that lawsuits should be public (since they are considered public documents and should accordingly be available to general public), how come disciplinary lawsuits filed against judiciary function holders are not, on the other hand, available to general public either? Should media and representatives of international organizations have the opportunity and should they be allowed to follow disciplinary hearings, why are they then deprived of watching and finding about final outcomes at the hearings?

Namely, the Rules regarding the work of Second – Instance Disciplinary Commission, have been defined and determined by the HJPC Regulation of Work clearly stating that the decisions by this commission are available to parties (entities) within Counsel’s premises within 15 days from the day of passing or they may be submitted in a way precisely defined by the Civil Procedure Act.

During one of their sessions, HJPC were discussing and taking into consideration the request for free access to information and they consequently changed their previous decisions and passed the new ones allowing thus free access to anonymous issues and executive disciplinary decisions that had previously been rejected or dismissed as disciplinary lawsuits.

However, in part of the decision that concerned full names of holders of judiciary functions, their names were to remain unrevealed and unexposed in public. This concerned those whose disciplinary procedures had been terminated by rejections or dismissals, pursuant to disciplinary lawsuits during the period between 2010 until the day when request was officially received.
European Commission Critics

On the other hand, it is important to outline, that Prosecutors' Office in BiH had, at the beginning of September this year and after long time, organized a press conference for media representatives. During May this year, HJPC organized a round table with media representatives covering the issue of strategy implementation, including the Action Plan that courts, prosecutors' offices and media have been encountering and facing during reporting and regarding the functionality of judiciary system. It also included the discussion concerning best and most appropriate models of cooperation that would eventually contribute in quality – based informing of public, in relation with judiciary institutions work.

During Councils' last meeting session in September this year, the members decided to accept the recommendation where the Framework of communication integrity plan shall become the Annex of HJPC Communication Strategy. The purpose of integrity plan has had an aim to increase the level of integrity ethic, including the improvement of communication channels and patterns within the judiciary system itself. As outlined, the Framework of communication integrity plan shall be conformed to Communication Strategy. Furthermore, Action Plan shall be submitted in the forthcoming period. As far as target groups of communication channels and patterns are concerned, both of the above indicated documents have been synchronised.

The document contains common and special part. Common part displays technical remarks, importance, document goal and way how it had been created and tailored. Special part comprehends communication goals, target groups and it is mostly conformed to Communication Strategy. The Framework of this plan was considered during 2021 summer by the Council and it contained parts that related to polls that had been conducted in 2021 as well, and the outgoing information were accordingly updated for the year 2022.

In the end, we shall see how judiciary institutions and holders of judiciary functions shall obey Communication Strategy and what actions shall the HJPC take if the process fails.

(The author of this article/text is female journalist with Balkan Investigative Report Network – BIRN BiH)

“It is important to highlight that Communication Strategy does not involve the Office or Disciplinary Counsel, whose lawsuits and decisions passed by disciplinary commissions were anonymised. Apart from this, the time table (schedule) of disciplinary hearings is also anonymised and the public thus is deprived of opportunities to see which judiciary function holder shall be appointed with disciplinary hearing, despite the fact that hearings are public”.



Only a complete transparency makes judicial system a genuine service to general public

By: Marjana Popović

It has been a while since more talks (than ever before) emerged in public, regarding the importance of creating, designing and passing certain documents than it was the case with the Communication Strategy by High Judicial and Prosecutorial Council of BiH. It was the document with high level and degree of priority, related to the HJPC work, during 2020 and 2021. At the same time, it remained in the focus of interest and attention by the entire judicial and media community and international and partners' organizations that, during final and "detailed elaboration" of its framework, with possibilities to, by applying certain comments, recommendations and suggestions, have made an impact on entire and comprehensive quality of the document itself.

The task given to all participating parties, involved in this particular process, particularly concerning the Working Group Members in charge with creating and designing Communication Strategy and its action plan, was not simple at all. On one hand, the remains of weak and insufficient transparency system was to be rejected and dismissed, and, on the other hand, Working Group Members were expected to reply and respond to more demanding and powerful request imposed by democracy with an increasing level of maturity required for openness, and in regard with requested conduct between the system itself and general public. Finally, through such document, one of the most fundamental principles, upon which the quality of public sector was founded and based on, was to be materialised; namely, the principle of TRANSPARENCY. Information availability

In this specific context, I believe, it would be a good idea to recall that public sector, including judicial system, as its fundamental and constituent part, may genuinely appear as public service, especially if one of its basic pre – requisites and pre – condition is met and fulfilled and which is required for its full functionality. This pre – condition is a complete transparency in all works included for which public sector (judicial system) is entrusted by general public. It is a well - known and common fact that public sector systems and judicial organisation have been different from each other. However, what is common to all countries that have truly been eager to reach highest level of democracy, is the fact that there have been procedures that should ensure that their citizens could, at any given time, be familiar and aware of what holders of public functions and officials were doing and how they manage official procedures, that is, how they spend the money financed by the system itself.

The above mentioned universal understanding and comprehension of transparency, in terms of public sector, represents one of the most important characteristic of the rule of law; because where the rule of law is implemented (mostly due to judicial institutions above anything else), there is a principle – based relationship and conduct towards the public with the purpose of having the public become aware and familiar with key and crucial information concerning the work of judicial system. This mostly concern key and crucial information that should be available in the first place! How to achieve this?

It may be achieved through continuous and open communication with citizens, media representatives, non – governmental organizations and all other subjects having a legitimate interest to be provided with relevant information, regarding the work of judicial institutions and their work. Why? The answer to this question is simple: So the general public could have the trust in our judicial system restored once again and advanced.

“Could we get the ideal of “full” transparency closer? We certainly could! This is why we prepared Communication Strategy so it could serve as symbolic, but also theoretical and practical, reminder for all of us that we could and should make additional effort and do more as far as this issue is concerned”

These entities represent wider definitions for two roof tasks concerning Communication Strategy that have also displayed foundations required for additional elaboration of basic and specific goals requested.

The tasks include:

1. Accomplishing full transparency of the HJPC of BiH, including the entire judicial system and
2. Advancing public trust in judicial system in BiH.

Some could question the term “full transparency” as well. Namely, the public is aware of the fact that certain steps forward, regarding the advancement of the HJPC of BiH transparency, have already been taken. Meeting sessions, except for specific and rare agenda, during which the privacy of personal information could be jeopardised, are open to public and any citizen that shows interest for this issue; including public representative concerned with sustaining public interests; namely a journalist, could follow these meeting sessions. Disciplinary hearings covering the discussions concerning disciplinary responsibilities are also open to public. The point is to express highest possible level of transparency during the process of appointing, as well as during the process of other key competence of the HJPC of BiH.

We receive information from the field that courts and prosecutors’ offices make an effort to provide better quality – based information regarding both, general work by judicial institutions and cases that public show interest in, to the extent which would not jeopardize prosecutors’ conduct and court procedure respectively. We shall not ask whether the representatives of external public are satisfied with the scope and quality of provided information and with this level and degree of transparency. Instead, we should ask ourselves whether we could do more in order to advance the transparency; that is, could we get the ideal of “full” transparency closer? We certainly could! This is why we prepared Communication Strategy so it could serve as symbolic, but also theoretical and practical, reminder for all of us that we could and should make additional effort and do more as far as this issue is concerned.

Additionally, we created and designed Action Plan regarding the implementation of Communication Strategy so the Strategy’s content would not become a “cold fact on paper”, but rather go “from words to deeds” consequently. We would also engage representatives of our judicial community, including judges, prosecutors, official, advisers, experts and particularly court presidents and chief prosecutors, by using their reputation, protect independence, to be unbiased, to act professionally thus protecting the integrity of judicial system. They should also, by using their personal and professional integrity, make unmeasurable and significant contribution, providing thus every single citizen with a possibility of having equal access to justice and to have all citizens equal before the law by all means. Finally, we expect them no to enhance, but rather to concrete over the rule of law in Bosnia and Herzegovina.



Integrity and conflict of interests

The term “integrity” has been mentioned just before the end of this particular essay regarding the Communication Strategy of HJPC of BiH; however, we should not forget that communication itself becomes pointless (mere discussions for no particular reason), if communicators, subjects and communication objects, have no personal and professional integrity. INTEGRITY was given a significant role by the HJPC of BiH, making, above other things, a direct

co – relation between communication and integrity through Communication plan, regarding the field of ethics, integrity and prevention of conflict of interests which was recently passed by the Council as annexed (additional) part of Communication Strategy and which is, in the forthcoming period, expected to be implemented through activities by which the awareness, concerning ethic issues and questions regarding professional integrity, shall be placed as top priority in relation with quality – based functioning of judicial system.

I was not concerned about the details of Communication Strategy, being at the same time convinced that those that showed interests for this specific issue shall visit our web site and read the content of Strategy. Personally, I sincerely hope that “communication” activities that are expected to be implemented and conducted shall produce results where our citizens would regain and increase trust in judicial system of our country. At the end, I’d like to thank all media organizations and houses, including BH Journalists Association, for making, along with several international organizations, a vast contribution in creating and designing Communication Strategy by HJPC of BiH. Accordingly, we hope for more prosperous cooperation in terms of Strategy implementation.

(The author of this text/article is Head of Cabinet of the HJPC of BiH Presidency)



Judiciary system must increase transparency of their work

By: Sanela Gorušanović-Butigan

Common reason for drafting, tailoring, accepting and passing the HJPC Communication Strategy is establishing and developing advanced, functional and two – way communication that would ensure and enable undisturbed information flow through mutual appreciation and respect of all parties involved in communication process.

Therefore, Communication Strategy document has additional ambition to, apart from determining and defining its goals, messages and communication principles, as well as defining target groups and communication channels and patterns of HJPC, to set up a strategic framework and guidelines, regarding the advancement of transparency of judicial and prosecutorial system in BiH. Also, its aim includes the defining of internal communication within the HJPC institution and to create and tailor mechanisms of dispersion, required for communication competences with general public through media sources. Hence, HJPC BiH shall, as institution, guide and direct communication programs and activities defined by this document, as “umbrella strategy” that would cover the entire judiciary system. Therefore, during the accepting, approval and passing of Communication Strategy, the Council decided to approve and pass the conclusion obliging courts to, through their strategic plans and annual plans, as one of their goals, include the increasing of transparency as far as their work is concerned.

Based on previously conducted analysis, covering advantages and disadvantages, including opportunities and threats (both on HJPC of BiH and on the entire judiciary level), which shall include political, economy, social and technology aspects, Communication Strategy roof – based tasks and assignments have been created and drafted. They shall include:

- Accomplishing an increased level of transparency within HJPC of BiH and the entire judiciary system;
- Advancing public trust within judiciary system in BiH

Fundamental and specific goals and aims that should be attained through system - based communication pattern and directions between judiciary system and general public (both directly and/or through media sources), have been created and tailored, again based on the above outlined roof tasks and assignments.

The document has additionally defined and determined key messages that should be communicated among citizens, so the work performed by judiciary officials, but also the framework, regarding their competences, authorizations and limits, would clearly and continuously be released and revealed throughout various and different communication channels and patterns. Key messages defined by the Communication Strategy therefore shall include the following:

- Ensuring and enabling independent, unbiased, professional and efficient judiciary system. HJPC of BiH shall provide equal approach and access to justice that should comprehend equal rights for all citizens, according to the law which altogether shall result in enhancing the rule of law in BiH.
- Judiciary system is warrant to legal state, including availability and access to justice, safety and security, as well as efficient and quality – founded accomplishment of rights protection, including public and civil freedom/liberty.

„Particular segment of Communication Strategy is directed to crisis communication, providing framework for planning and managing the communication process during crisis situations, as well as using social media sources as communication channels and patterns used by judiciary institutions“

Communication strategy has defined communication partners, that is, target groups that should receive all important information required for full functionality of judiciary system. Strategy has thus defined semi – internal public holders (judges and prosecutors; court presidents and chief prosecutors; association of judges and prosecutors) and external public holders (representatives of legislative and executive governing levels; academic community, non – governmental organization; civil societies, expert associations, lawyers and solicitors chambers, media and journalists, international organizations and BiH public/citizens).

Apart from this, Communication Strategy shall cover both methods and communication means (tools) required to conduct common and specific goals, so messages could thus be passed successfully to certain target public groups. Accordingly, press releases are considered as very important, including press conferences, public appearances in media, organizing different events, web sites, mini campaigns for public informing and social media sources, such as Face book and Linked In.

Part of Communication Strategy has been dedicated to internal communication and the focus here is directed to communication between HJPC of BiH managers and institution staff, that is, managers of judiciary institutions and their staff too.

Particular segment of Communication Strategy is directed to crisis communication, providing framework for planning and managing the communication process during crisis situations, as well as using social media sources as communication channels and patterns used by judiciary institutions.

Finally, Communication Strategy document has defined the issue and question of implementation of activities and measures defined by the Action Plan, required for the implementation of Communication Strategy.

(Author of this article/text is vice president of High Judiciary and Prosecutorial Council of BiH)





Journalists do not want only spokespersons as collocutors

By: Zinaida Delilović

New Communication Strategy by High Judicial and Prosecutorial Council BiH has been well planned and designed but has still not become a compulsory obligation for judicial institutions. For that reason, it could not solve problems that journalists have been facing during their communication with certain judicial institutions and their officials. Journalists with whom we have talked to, have shared this view (officially and unofficially), regarding advantages and disadvantages of new Communication Strategy.

Actually, things shall remain the same; judicial institutions that have not been transparent until now shall still remain non – transparent. Journalists have been experiencing problems while selecting their collocutors, in regard with judicial institutions (which have appeared to be transparent in their work), in terms of having developed communications through their spokespersons or persons in charge with communication process with media houses. According to journalists, in most cases this proved to be insufficient.

Journalists have been compliant regarding certain and specific cases where they required direct statements by prosecutors or courts (also court presidents or chef prosecutors).

New Strategy – old problems

Amra Brkić-Čekić, editor of crime affairs section in *Oslobodjenje* (local daily newspapers), claimed that everything written in the Strategy was in form of guidelines, but non – compulsory for those that should follow it and she has wandered “what was the point of all of this is, if it was not to be obligatory”.

“Strategy was well designed, but if it could not be implemented or if it were going to be partially conducted, what would be the purpose of it? In part of it, it said that media should have shown more interest for judicial reform and that media should have reported more on the work by judicial institutions. On the other hand, in another part of Strategy it was outlined that media should be able to talk with persons appointed by court presidents, chief prosecutors Etc. Therefore, media representatives could not choose whom they shall be talking to.

Strategy constantly repeated that solid cooperation between judicial institution and media representatives would be desired, however it would not specify how to attain this”, stated Brkić – Čekić.

She believed that journalists shall still have problems when trying to get to prosecutors and judges in charge with cases they consider interesting.

Nermina Kuloglija-Zolj, female journalist from BIRN, reckoned that new Communication Strategy unfortunately has still not represented a solution to the problem that journalists have been encountering and facing during daily communication with judicial institutions.

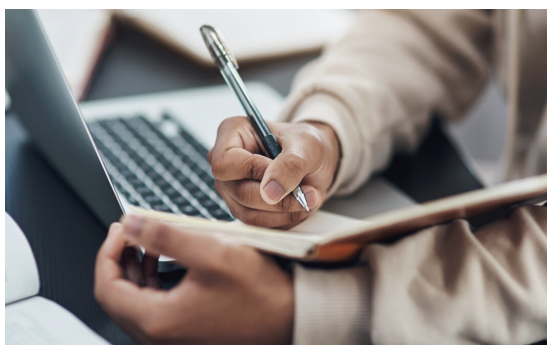
“Everything is written in form of guidelines, rather than duties, claimed Amra Brkic – Cekic. Strategy has not predicted the solution to direct communication with media houses, said Nermina Kuloglija – Zolj. Council’s Communication Strategy displays exceptionally important systematic framework required for establishing and passing certain communication strategies by judicial institutions, Samir Beganovic reckoned”

“One of the major obvious problems of this Strategy (which was highlighted), as far as Guidelines on releasing court decisions brought by High Judicial and Prosecutorial Council was concerned, was that these documents were not compulsory; which meant that no judicial institution could have been legally held responsible and obliged to implement the measures that had been defined and planned; nor there would be no sanctions imposed for failing to implement them”, claimed Kuloglija – Zolj.

This particular approach would thus leave an open space for institutions whereas they would be able to decide what exactly they would want to advance in their work and to what extent they wished to be transparent or not.

“Strategy has not defined the solution to direct communication with media representatives, in terms of not having established public relations department, that was, no plans had been made in terms of allocating spokesperson to each prosecutors’ office or court, considering the fact that persons appointed to public relations issues have often been working for different departments within judicial institutions. I believe that, with all due respect to persons performing this participial job, appointing specific persons to deal with public relations only would provide faster, quicker and more appropriate and simpler communication flow. These persons could act as correspondents between journalists and holders of judicial functions in their communications, bearing in mind that in this particular case we reflect to an absolute closeness of judicial institutions, as far as their the openness and will to communicate by holders of judicial functions was concerned”, claimed Nermina Kuloglija-Zolj

Public requirements are vast. Our collocutor claims, at the same reminding that we refer to "judicial system where public has almost no trust in this system and about system that has (on daily basis) been experiencing numerous obstructions, taking into consideration affairs and problems that the system has been encountering.



"Ensuring larger amount of transparency should be a pre - requisite that juridical institutions should fulfil and oblige in order to get closer to public and thus provide them, before anything else, with a complete comprehension and utter understanding of their work.

However, this particular strategy, as we can see, does not include decision exemplifying and problem occurrence on neither daily basis, nor are they considered as important tool and measure that should be introduced and subsequently conducted", outlined our collocutor.

As far as actions taken by certain holders of judicial institutions are concerned, it does not necessarily have to be a daily - routine offset. However, we often witness that, during entire year we cannot see or hear representatives of juridical institution appearing in public, which afterall makes understating and comprehension process even more complex, but it makes significant impact on public perception as well.

"I believe that this Strategy, six year after it had been designed, shall not produce significant results and steps forward and that potential by juridical institutions have not been fully used or may have been used by certain educations programs.

Releasing and revealing of court and prosecutorial decisions is yet to be resolved and actions by holders of juridical institutions, spokespersons appointing, replying and responding to enquiries forwarded pursuant to Law on Free Access to Information, including associated enquiries, altogether remain problems that have not been addressed to", Nermina Kuloglija-Zolj finally concluded.

Unlike journalists who consider that core and fundamental issues shall remain intact, as far as their role in this process is concerned, Samir Beganović, secretary of Brcko District Prosecutors' Office of BiH, reckoned that that this strategic document has had the ambition to, apart from defining and determining goals, including messages and communication principles, as well as defining target groups and communication channels, ensure and provide strategic guidelines required for advancing the transparency process in the entire juridical system.

"Starting from these, roof aspects of strategic communicating with public, all judicial institutions, including Brcko District Prosecutors' Office of BiH, during the designing of communication strategies have universally defined pattern and way of conducting with general public. This mostly related to firm and solid determination towards establishing and sustaining a long - term relations with media houses, including citizens and other forms of public sphere, as far as the institution that I have been working for and job that I have been doing is concerned. All of this should at the end, leads us towards creating and designing a positive public opinion regarding specific work by judicial institutions and enhancing and strengthening trust with judicial system. Through daily and strategic, particularly through proactive and even crisis communication, it is crucial to pass key messages to general public that may basically be considered as two types of communicating. Firstly, judicial functions and proper conducting should provide necessary contribution to justice execution and strengthening and enhancing the rule of law. Secondly, and this is particularly important to prosecutors' offices where appointed functions should be conducted in completely independent way; they should be efficient and effective with utmost work quality displayed, including institutional integrity and transparency", claimed Beganovic.

Social media as part of the Strategy

According to his own opinion, as far as Communication Strategy by the Council is concerned, it is important to outline that strategic framework required for using modern technologies shall emerge as most recent tool, including social platforms allowing and enabling fast and accurate interaction and information exchange as well. In this context, the Strategy directly and systematically confirms the necessity of using social media sources for business purposes only, at the same time offering to holders of judicial functions particular guidelines regarding the rules that concern actions while using private profiles.

"Advantages of this type of communicating with public are, above all, best reflected through possibilities of two – way communication with citizens and other public sources. Brcko District Prosecutor's Office in BiH recognized this advantage two years ago by launching official page on face book (social media)", added Beganovic.

At the end he concluded:" Council's Communication Strategy displays exceptionally important systematic framework required for establishing and passing certain communication strategies by judicial institutions.

Council's Communication Strategy, as institutional strategy regarding public relations, along with Strategy Model for crisis communicating, associated guides and good practice forms, developed by the USAID' project "Judiciary Against Corruption Activity (JACA), represent complementary and contextually constituent instrument for PR practitioners, as far as judicial system is concerned".

Once again, let us remember that transparency in BiH judicial system, including all disadvantages in this particular field, was in focus of Peer Review Recommendations, including the opinion provided by the European Commission regarding Bah enquiry for membership in EU, as well as in focus of analytic report associated with the above outlined opinion.

(The author is a female journalist working for Žurnal.info magazine)

Impressum

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