

Replies from Bosnia-Herzegovina to the CCPE questionnaire in view of preparation of Opinion No. 8

Informing the public in accordance with the provisions of the European Convention on Human Rights

A.

In its scope of work the Prosecutor's Office of BiH adheres to standards and provisions of the European Convention on Human Rights, in particular Articles 6, 8 and 10 thereof, while providing information and news releases.

The practice of the Prosecutor's Office of BiH is to, if deemed necessary, provide information to the media and public in accordance with standards that define confidentiality of the investigation, presumption of innocence, protection of the identity of minors, protection of the identity of witnesses and injured parties and other legal standards that define the specified area as well as the regulations of the Law on Protection of Secret Data , Law on Protection of Personal Data and the Freedom of Access to Information Act.

When communicating with the media, the Prosecutor's Office of BiH adheres to the constraints that are needed to achieve the balance between the rights and needs of the public to access any information, and the rights of citizens to have their human rights protected in accordance with the European Convention on Human Rights.

In this regard, the Prosecutor's Office of BiH adheres to the principle of confidentiality of the investigation when preparing information for the media, where information about specific cases, for the most part, becomes available only after the confirmation of the indictment.

There are specific situations where certain information may be given during an ongoing investigation, mainly in cases where such a procedure should contribute to reassure the citizens and the public of their safety due to the extremely serious consequences of a committed crime (i.e. terrorism, multiple murders, etc.), as well as in situations requiring that the citizens be given the information but only under the condition that such activity can not jeopardize the investigation but may instead help shed some light on the committed criminal offense.

During the release of information to the media we are extremely careful that the information does not violate the privacy and dignity of persons subject to investigation, as well as the privacy of third parties or legal entities.

When releasing information to the media, while respecting the principle of presumption of innocence, the Prosecutor's Office of Bosnia and Herzegovina attaches a note to the news stating that persons referred to in the news and information have the status of a suspect or an accused person, depending on the stage of the proceedings, and that no person shall be considered guilty until his/her guilt has been established by a final verdict.

The Prosecutor's Office of BiH has internal procedures relating to disclosure of information to the media, hence official documents, evidence, official records or other official material are not available to media.

The information prepared for the media also states that it is made exclusively for the use of media and that it does not have the status of a document intended for official use.

B.

In the past period a number of different trainings on public relations were organized in Bosnia and Herzegovina, in which representatives of the Public Relations Department of the Prosecutor's Office of BiH have actively taken part both as trainers and participants.

The training was targeting prosecutors and legal staff of the prosecutor's offices throughout BiH, who are in contact with the press and media.

The Prosecutors in the Prosecutor's Office of BiH have a good knowledge of techniques that apply to contacts with the media and journalists.

Specific and specialized trainings for journalists reporting on justice and law enforcement agencies were held in order to train the journalists about the standards governing this area, and to ensure that the reporting is as professional as possible without possibility of causing injuries to citizens, injured parties or any other person involved in the process.

There exist certain ethical norms and standards, which are usually published in specific brochures, instructions or recommendations. In terms of Prosecutors cooperating with the media, it is important to note that there are rules

and standards of prosecutorial ethics which are, inter alia, governing cooperation with the media and the press, as well as their media presence.

There are professional associations in Bosnia and Herzegovina that bring together journalists and media representatives of different profiles, with the aim of raising the standards of professional journalism in Bosnia and Herzegovina.

The majority of prosecutor's offices in Bosnia and Herzegovina have spokespersons or persons tasked with public relations and media contacts within their ranks. The Public Relations Department of the Prosecutor's Office of Bosnia and Herzegovina headed by a Spokesperson has been functioning for more than 5 years.

This department handles communication with the media and public relations, and transmits several hundreds of news and information for the media annually. It also handles radio and TV statements, and responds to a number of inquiries from journalists from both print and electronic media.

The Prosecutor's Office of BiH, as well as the rest of the prosecutor's offices at the local level, organizes press conferences when needed (i.e. when indictments are issued for very serious criminal offenses, identification and arrest of suspects, etc.).

Journalists may be given access to a particular location of the committed criminal offense, if the police investigating the scene and the prosecutor leading the investigation permit it.

The Prosecutor's Office of BiH does not often have cameras entering its premises but it can be arranged in specific situations.

There are situations in which the Public Relations Department prepares and then shares or transfers video recordings or photographs of an event that is relevant for the media to the press/media.

News and information of the Prosecutor's Office of BiH is delivered to more than 300 e-mail addresses of different users (journalists, newsrooms, NGOs, etc.) thus ensuring high-quality distribution of news, information and photographs in all parts of Bosnia and Herzegovina.

C.

Legislation of Bosnia and Herzegovina regulates the possibility of legal action for false journalist reporting through the Law on Protection against Defamation.

There are mechanisms that allow for retraction and repudiation of false statements presented in the print media through the BiH Press Council.

In case of false reporting, slander and libel, the injured party may initiate proceedings before the competent court and seek damages for injury caused to the plaintiff's honor and reputation.

There have been such proceedings, in the past few years, in which the reporters and editors were found guilty and ordered to pay fines generally ranging from 5.000 to 10 000 BAM per individual case.

There are also provisions that protect privacy, private photographs, private residence and living area, and it is possible to take action if journalists breach any of the standards relating to the aforementioned area, but in practice such cases do not happen often.

In Bosnia and Herzegovina, unfortunately, there are no strong professional standards of journalism, or a set degree of formal and general education that is required for a person to be able to work as a journalist or to work in the media.

Journalists should always verify their information from multiple sources, but unfortunately there are situations when they do not adhere to the ethical standards that require verification of information.

If the information is officially transmitted by the prosecutor's offices, police agencies or administrative bodies, it does not have to be verified. Any unofficial information however does have to be verified.

There is a difference between news and information, and comments made about an event, but it often happens that no such distinction is made hence certain journalist comments and personal views are imposed as information.

There are certain standard precautions in reporting and transmittal of news through radio and television and it is necessary to make sure not to cause any harmful consequences or to disturb citizens with inappropriate images or footage of disturbing content.

If they somehow find themselves on the spot or if they obtain unofficial information about the identity of the suspects, the reporters and media do not practice to protect the image or identity of suspects subject to police operations.

Journalists and the media are much more considerate when it comes to protecting the identity of victims or injured parties.

Payment of damages for media reporting about the suspects or accused persons is not a common feature.

There is also no censorship of the media in Bosnia and Herzegovina. No seizures of newspapers or publications were recorded (except in situations which include activities that are considered copyright infringements, i.e. illicit copying of printed, video or audio material).

There are associations of prosecutors - a professional community, which respond to cases of unfounded media attacks on Prosecutors in Bosnia and Herzegovina.