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Media News

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A Public Discussion of the Freedom of Information Act

The Media Require a Prompter Access to Information

Office of the High Representative and the OSCE Mission to Bosnia and Herzegovina organised a public discussion with regard to the Freedom of Information Act in Sarajevo on the 13th of July as the draft was officially promulgated and passed on to the Parliament for further proceedings towards the end of June. Renowned journalists, representatives of state institutions and lawyers were invited to the discussion.

An open and interesting debate featured a series of views concerning the Act that comes as a novelty to the public of Bosnia and Herzegovina since there has never been anything similar in the legal frameworks of Yugoslavia and Bosnia and Herzegovina. To remind, the Act presents a foundation of a sort upon which a more open society would be built in Bosnia and Herzegovina. According to the draft every person has the right to access information in possession of the Government and other public institutions. The Act also grants the right to individuals to supplement or amend their personal details and comment on them. Basically, once this Act has come into effect, the full transparency of public institutions will be ensured. Except for the specified exceptions, all information concerning the operation of these institutions will become public property. (A detailed account of the Act was presented in the last issue of the *Media News*.)

The main line of criticism to the draft Act was voiced by the journalists. Almost unanimous criticism by associations of journalists from Sarajevo as well as individual journalists from both Entities concerns the provision stipulating that public institutions have to provide the piece of information required in 15 days time. To journalists, this is a step backward. The media seek an efficient way of gathering information. Up until now journalists faced numerous difficulties in gathering relevant information held by the state institutions. However, at least a part of those would be provided instantly or in a couple of days' time. However, once this provision is implemented, public institutions would be accorded the opportunity to maximise the delay in the provision of information on legal grounds. At least in Bosnia and Herzegovina, a fair share of the media has been considered 'inapt', 'incompetent' or 'unpatriotic' by these very state institutions and

thus the deprivation of information has been instrumentalised as a form of penalisation. Hence the provision stipulating the time frame perpetuates the existing situation. For this reason the journalists in attendance requested the Bill to differentiate between journalists and citizens in this respect. "A citizen, acting on his own behalf and in his personal interest, should not find it too inconvenient to wait some 15 days for the desired piece of information. However, the media - and particularly so the daily media - require complete information in a much shorter time span if they are to accomplish their tasks and keep the public informed.": this line recurred frequently in the course of debate. An example quoted concerned the recent statement made by Edhem Bicakcic, the Prime Minister of the Federation of Bosnia and Herzegovina, suggesting that the authorities "facilitated the foundation of the *Dnevni Avaz* daily with some money". The public is most certainly keen to learn what amount of money is actually in question. The authorities refuse to publicise the details and were the journalists to require of them to do so on the basis of the draft Act, they would most certainly have to wait for 15 days in order to obtain the information. Thus the logic of the news would be annihilated since the information would appear complete and specific some half a month later.

In this regard Regan McCarthy, the OSCE Senior Media Advisor, replied that the purpose of this Act is not to "allow the journalists to produce better headlines the following evening" but that "information belongs to everyone, and the media are only its users" and hence the media and journalists should not be favoured to ordinary citizens. Given that the international community by and large participated in the Act drafting and that this statement was made by an international representative in charge of the media rights promotion within the OSCE, one can express a concern that the journalists' requests will not be accommodated.

Another criticism raised by the journalists in the debate concerns the information exempted from disclosure under the Act. The Act specifies four exceptions: (a) the foreign policy, defence and security interests, and the protection of public safety; (b) the monetary policy interests; (c) crime prevention and any preliminary criminal investigation; (d) the protection of the deliberative process of a public authority. The journalists who acted in perfect unison in this matter believe that these exceptions should be explicated as there is a possibility that the state authorities may withhold information, not falling into this category, under the pretext of acting in the 'interest of defence and security'. Members of the Working Group participating in the Act drafting as well as Regan McCarthy rejected this as unlikely with explanation that the state authorities would have to specify clearly why an information would be retained and why this retention would be considered an act in public interest. In addition, these provisions will be further specified in the commentary to be disseminated as an Appendix to the Act. The commentary will not bear the same legal weight as the Act itself but will ensure easier interpretation and clarification of the Act.



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The lawyers attending the discussion developed a rather serious line of criticism. They drew the attendants' attention to the fact that the Act did not incorporate any penalising provisions and thus the Act appeared incomplete and its legal power was weakened. However, authors of the Act in attendance replied that any violation of the Act would be dealt with under the Entity Laws on the administrative proceedings, the Law on the Public Service and the Law on Labour. Effectively, any violation of the Freedom of Information Act is closely related to violation of the aforementioned laws and thus the former will be penalised in accordance with the latter's provisions. Nevertheless, the lawyers remained convinced that this would not be the most fortunate arrangement.

Representatives of the state authorities attending the debate - i.e. administrative managers, lawyers, judges, etc. - endorse the Act in principle but express their concern that it could additionally aggravate already unbearable financial problems of the state bodies. One of the arguments raised concerned the coverage of expenses arising in conjunction with information dissemination as the Courts lack the money for the paper they use to type their decisions up, let alone photocopying of hundreds of sheets for the purposes of numerous clients. The draft was also criticised as it stipulates that each and every public institution is obligated to appoint a public relations officer that would mean hiring additional employees. In reply, authors of the Act stated that the Act clearly prohibited any administrative fee to be charged and required any photocopying not exceeding the quantity of ten pages to be free of charge while photocopying of a quantity exceeding ten pages could be charged. In this sense, public institutions should allocate a segment of their budget resources to the information provision activities such as photocopying. In the matter of public relations officer, public institutions were advised not to employ any extra people but to appoint one of their present employees since there is a reason to believe that employees of the majority of public institutions could afford the time to perform additional duties of this sort.

The debate was also attended by Mehmed Halilovic, the FBiH Ombudsman for Media, and he reproached the authors of the draft Bill for too 'elusive' formulation of the powers to be accorded to the Information Ombudsman in charge of the Act implementation. "The powers of this Ombudsman should be enhanced. He should be authorised to detect any violations of the Act and suggest sanctioning in the cases of misuse and violations of the Act. This however has not been explicated sufficiently in the draft.", said Halilovic. This view was met with unanimous support of all journalists present.

Representatives of the international community attentively followed numerous criticisms concerning the draft Freedom of Information Act as raised by the attendees. After all, that was the main purpose of the meeting. Nevertheless, it remains unclear what outcome this public debate would yield. The draft Act was passed on to the Parliament for further proceedings early in the morning on the 28th of June. That is, the Act had been passed on prior to its official presentation that took place a couple of hours later. In strictly formalistic terms, the draft Act can be modified solely by the members of the Parliament, that is - the political parties to which they are affiliated. Therefore it would have been much more effective had the journalists, legal experts and prospective implementing agencies been given an opportunity to voice their concerns in the course of drafting or at least before the Parliamentary proceedings. Is it not that the public debate was arranged with a slight delay? Naturally, the one who has any comments concerning the law can approach one's respective 'Deputy' in the Parliament. But is there anyone in Bosnia who sincerely believes that a citizen of Bosnia can exercise his/her civic and democratic rights in this fashion?! For this reason the international community may choose to approach more cooperative Deputies individually and ask them to raise the issue of amendments in the course of the Parliamentary debate if the international community finds certain suggestions worthy.

In any event, the journalists have learnt that the deadline for adoption of the Act has been postponed. The initial plan envisaged the adoption prior to the general elections in October. However it has now been postponed until next January or possibly February. Until then, journalists will be obtaining the desired information the best way they can and citizens - well, they will be left at the mercy of the state administration. (Radenko Udovicic)

Two Perspectives: Punishment for the Responsible, Care for the Survivors

For the first time this year a ceremony commemorating the 5th Anniversary of the fall of East Bosnian Town of Srebrenica that featured as a UN safe area, when the Serb armed forces evicted over twenty thousand people and slaughtered between 6 and 8 thousand Bosniaks, mainly men, was held in Srebrenica or rather, in Potocari, a suburb of Srebrenica where a concentration camp was located within a factory complex. A commemoration and a religious service to the killed were held with the support of the international community. 3,000 sufferers from Srebrenica who survived the tragedy attended the ceremony, accompanied by numerous politicians, mostly Bosniaks, as well as Ante Jelavic, the Croat member of the Presidency of BiH. No Serb officials turned up.

International organisations urged attendees of the commemoration, political parties and associations from both entities as well as the media to approach this event in a dignified manner, without unnecessary politicisation and inflammatory media coverage that could instigate interethnic tensions.

Media News has decided to monitor the media coverage of this event. Monitoring covered the peak time headlines of the *TVBiH*, *TV Republic of Srpska*, *TV OBN* and *Bosniak TV* (the 11th of July) as well as the daily newspapers: *Oslobodjenje*, *Dnevni Avaz*, *Vecernje Novine*, *Glas Srpski* and the *Daily Independent Newspapers* (the 12th of July).

In general, it can be deduced that all the media monitored, excepting the *Dnevne Nezavisne Novine*, substantially covered the commemoration to the Srebrenica victims. However, approaches to the event evidently differ, as envisaged. The media from the FBiH consider the fall of Srebrenica a crime of global scope. Reports and commentaries portray the pain of mainly women who lost their most beloved ones. It is insisted that the responsible are sanctioned - the responsible Serb commanders as well as the officers of peacekeeping forces securing the town. Statements by international officials expressing remorse or insistence on the arrest of the persons indicted on the charge of Srebrenica tragedy are highlighted. On the other hand, the monitored media from Republic of Srpska cover what has so far been a taboo in the RS - i.e. Srebrenica - for the first time in five years. It is reported that the commemoration was held in perfect order and the emphasis is placed on the statements by international officials praising professional security arrangements provided by the Serb police on this occasion. Therefore, the event is viewed as a 'highly hazardous gathering' rather than a ceremony commemorating the dead. However, the reports do suggest - if somewhat shyly - that there was a crime committed back in the wartime year 1995 where Bosniaks were the victims and Serbs the perpetrators, despite the fact that this has not been stated in public. Up until this commemoration it was unthinkable for the Serb media to suggest anything of a sort.

What follows is a survey of the coverage by TV headlines and daily press releases concerning the very commemoration day that illustrates the overall political climate in BiH at the moment.

National (Public) Television Stations: Two Different Perspectives

TVBiH Headlines commence with the TVBiH reports covering the commemoration in Srebrenica. Following the introductory information concerning the number of attendees - i.e., 3,000 Bosniaks, FBiH political officials present, international representatives and the fact that attendees reached the destination point in 69 coaches instead of initially planned 49, the stress is placed upon the religious service held by Reis Mustafa ef. Ceric in the memory of the victims.

"We are not here to judge, but neither are we here to absolve from blame. We have not come here to retaliate - but neither have we come here to forgive.", said Reis Cerić, whose speech was broadcast in two audio-excerpts.

After this report covering the ceremonial aspect of the commemoration, various statements follow, firstly by women in tears who still search for their most beloved and then those by Alija Izetbegović and foreign diplomats. Izetbegović expresses his hope that this year's visit to Srebrenica may mean a step forward towards elucidation of this tragedy whereas Ambassadors Wolfgang Petritsch and Thomas Miller deplore the conduct of international community back in 1995 and assure that there will be no future recurrence of similar events.

The report from Srebrenica is followed by a series of press agency releases on reactions abroad, deploring Srebrenica events, and two reports by the SENSE Agency from the Hague where the Hague Tribunal prosecutors express their determination to bring to trial those responsible for the slaughter in this East Bosnian town. These reports contain archive scenes filmed as the Serb forces were entering the town of Srebrenica, and the 'hunt' for Bosniaks in the surrounding woods upon the fall of the town.

In the end of this set of reports, two commentaries from the Republic of Srpska - i.e. by the Serb People's Alliance (SNS) and the Party of Serb Independent Social Democrats (SNSD) - are presented, denouncing all recent ceremonial events in conjunction with the tragedy of Srebrenica as 'politicised and politically unbalanced'.

The entire series of reports on Srebrenica consumes 13 minutes.

Introductory minutes of the TVRS Headlines are also dedicated to the commemoration in Srebrenica. However, unlike the TVBiH that stresses the crime committed and tragedy of the people of Srebrenica, the TVRS builds on the fact that the ceremony was held in the best of order and without any incidents, and done so primarily due to the RS police. The very report features the religious service, providing a brief list of officials in attendance and containing some organisational details on the security arrangements, the number of attendees, etc. The only statement broadcast is the one by High Representative Petritsch, thanking the police and the Government of RS for good organisational arrangements. What follows is a telephone report by the Head of the Crime Investigation Department of RS Ministry of Interior who point out that the event took place in an orderly manner thanks to the professional conduct on the part of the RS police. Following the report on the views of SNS and SNSD, depicting the ceremony as an 'unnecessary politicisation', the reportage on Srebrenica ends with the press releases by Kofi Annan, the UN Secretary-General, and international organisations based in Sarajevo as well as the US Embassy in Sarajevo, all of them demanding that the perpetrators of crimes in Srebrenica be punished.

The OBN and Bosniak TV: Prone to Commenting

Unlike the TVBiH and TVRS, the OBN assumed a rather biased political position towards the commemoration in Srebrenica in its headlines. Following the report on the religious service in Potocari, the reporter strays into a commentary and marvels at the fact that politicians failed to deliver any speeches on this occasion. The reporter then proceeds to explain to the spectators that this was due to the high degree of hazard involved in the organisation of this event but then again wonders "why such a degree of hazard when all the local and international agencies endorsed the commemoration" when the overall security is ensured by 20,000 NATO troops in Bosnia and Herzegovina anyhow. Whether this was due to the lack of relevant information on the reporter's part or intentional disregard of facts with the purpose of creating an opportunity for a commentary, but international officials were reiterating for days that the ceremony would be reduced only to religious service and commemoration of the victims, without any speeches by political officials in order to avoid any politicisation or rise of tensions. Therefore, more specifically, Izetbegović was not allowed to address the rally not because of the hazard involved but for pragmatic reasons, that is - to avoid any reproach on the part of the RS authorities and

open the door to at least a bit more constructive attitude of that entity towards the tragedy of Srebrenica.

Unlike other TV stations, the OBN also filmed and broadcast certain incidents taking place during the passage through Bratunac: the camera focuses on a group of Serbs who lift three fingers up and whistle as the buses with Bosniaks pass by. The reporter points out that the group is mainly composed of under-age persons, adding that the elders, while leaving the rallying point, commented: "Why on earth have we ever fallen for that appeal to rally on the street?" What follows is a very good reportage - near to a documentary - that presents a chronological narrative of the events at the time of the fall, up until the present day, and a story on the fate of the victims as well as their slayers.

The reportage at the beginning of the Bosniak TV headlines commences with the images and sounds of Srebrenica women in tears, followed by the statement of Fadila Memisevic of the Association of Endangered Peoples who reproaches the international community for limiting the number of attendees at the commemoration, "thus diminishing the scope of the tragedy". This statement is effectively formulated as a commentary as it precedes the report on the very event while diverting the spectator's attention to an issue not directly covered by the report. Then follows a professionally done report accentuating the service of religious burial conducted by Reis Ceric and, finally, statements by Srebrenica survivors free of any political connotations and by Amor Masovic of the Commission for Missing Persons.

Reminiscences of the events of 1995 follow, as indicated by the anchor earlier on. Classical music and archive scenes filmed in Srebrenica accompany a commentary: "To forgive - whom? The war criminals? And those that are not criminals have nothing to be forgiven for." The series of reports is concluded with the images of excavated human skulls and a commentary: "And what to say in conclusion? This is how a UN safe area ended up."

Human Fates in the Focus

The *Oslobodjenje* dedicates the first five pages to the commemoration of Srebrenica tragedy. A colour-photo of two women in tears and a text - effectively a summary of all articles concerning Srebrenica published in this issue - are placed below the following headline: "May the Sorrow be a Hope, May the Punishment be Justice" - a quotation abstracted from Reis Ceric's speech. Further inside there is an article with the same headline, combining a report on the event itself and a summary of statements by attendees. Another article titled "Images of Horror Evoked" gives a description of a journey from Kladanj to Srebrenica and reminiscences of travelers, Bosniaks, some of whom recalled the words of General Mladic: "Slay everything from the age of nine to one hundred". The *Oslobodjenje* is the only media that brings about the information that a person stoned a coach with Bosniaks in Bratunac but was detained shortly after thanks to the prompt response by the police forces.

The *Vecernje Novine* daily does not bring about any information concerning the gathering in Srebrenica on the cover page but only a page-wide headline: "Why?" As much as this headline may be evocative of the crime in Srebrenica, it actually refers to a recent traffic accident near Kakanj when 44 people got killed in a coach. On page 3, there is a report from Srebrenica, following the events chronologically, starting off with the departure of coaches from Kladanj up to the religious service in Srebrenica itself. The report is of informative nature, free of any political undertone. A box in the text briefly summarises press statements by Bosnian politicians in attendance and a press agency release containing the condolence expressed by Kofi Annan, the UN Secretary-General, to the families of victims.

The *Dnevni Avaz* daily brings about a large headline on the cover-page, conveying the following message: "We Are Here to Make It Clear that We Shall Not Give up on Justice". A touching photo of a woman passing out at the crime scene in Srebrenica is placed below the headline. Pages 2 and 3 are dedicated solely to Srebrenica. There is a report from Potocari, predominantly characterised by the statements of survivors from Srebrenica, particularly mothers

who lost their sons. The informative dimension is reflected in so-called boxes, reporting on minor incidents and press statements of officials attending the commemoration. The *Avaz* brings about the speech of Reis Mustafa ef. Cerić at Potocari in its entirety but also two pieces of information unreported by other media. The one disclosing the fact that Alija Izetbegović, the Chairman of the BiH Presidency, traveled to Srebrenica in a UN helicopter and not in a convoy with Bosniak sufferers and other politicians is particularly interesting. The other refers to a group of Serbs who, standing on the surrounding hilltops, whistled and cursed the Bosniaks during the funeral service. This last piece of news contradicts Srebrenica reports of other media, describing the course of funeral service as dignified and unmarked with any incidents.

"A Commentary of the Day" in the *Dnevni Avaz* is also dedicated to Srebrenica. It focuses on the attitude of Serb politicians towards this tragedy. "Not a single Serb has ever publicly expressed any shame in relation to the crimes committed in Srebrenica in the name of Serbhood as a totality. On the RS political horizon, there is not even a hint of an alternative to the views of Karadžić's SDS, Poplasen's radicals on the far right or Dodik's SNSD on the 'left' in this respect - all of them resemble one another as one egg resembles the other.", writes the *Avaz*.

The Press in the RS: "No incidents"

The cover-page of the *Glas Srpski* is marked by the press agency report on the meeting of the Council of Ministers with Laszlo Szuryan, an envoy of the Council of Europe. Srebrenica is touched upon by a headline "The Gathering Adjourned without Any Incidents", pointing to a report by the *Glas Srpski* reporter brought about on page 3. This report stresses in the very introduction that the commemoration was not marked by any incidents "although the number of Bosniaks present was six times bigger than the number initially agreed upon by the police forces of RS and FBiH". Following a brief sketch of the commemoration, without reference to the words of either Reis Cerić or other attendees, it is reminded that the Serbs will hold a commemoration to the victims who were killed by the troops commanded by Naser Orić, the Commander of Bosniak troops from Srebrenica, on St. Peter's Day, i.e. the following day.

A text composed of reports by the SRNA and BETA press agencies follows below. It brings about the statement by Dragan Jević, the Mayor of Srebrenica, who claims that the Bosniak media had been urging the Bosniaks to attend the commemoration in large numbers "but not a half of the number planned turned up". The statement is thus in clear contradiction with the information reported in the preceding article, pointing out that the number of attendees was rigorously limited while "six times more people" turned up. This 'mix' of agency releases is concluded with the press statement of Kofi Annan, the UN Secretary-General, pointing out that "the architects of the crime in Srebrenica are still free".

The *Dnevne Nezavisne Novine* attend to the commemoration of Srebrenica tragedy in the least degree. The cover-page is predominated by the meeting of Presidents Mešić, Kucan and Havel in Dubrovnik. Other items placed on the cover-page introduce the report on the session of the BiH House of Peoples in Sarajevo and a photo of Claudia Schiffer, announcing her visit to Bangladesh. A brief report, titled "A Highly Hazardous Gathering Without Any Incident" and placed on page 3, covers the commemoration in Srebrenica. Srebrenica is also referred to in the report on the press conference held by the Party of Independent Social Democrats (SNSD) where Slavko Mitrović, the Party's Secretary-General, stated that the matter of responsibility for this tragedy would have to be elucidated for the sake of truth and reconciliation. He also added that sufferings of all peoples in the BH war were immense and hence they were not to be politicised any further.

(Media Plan Monitoring Centre)

Between the Devil and the Deep Blue Sea

Journalists from different age groups, veterans as well as beginners, gathered at the Summer Media School in Neum on the 21st and the 22nd of June in order to discuss ethical dilemmas of journalism. *Media News* have asked Darija Tankosic, a student of 1999/2000 generation, to comment on this debate and summarise the views presented. Darija Tankosic holds a BA degree in Journalism of the Politics Department and she was appointed a correspondent of *Vecernje Novine* from Belgrade upon her graduation from the School of Journalism in Sarajevo.

Patriotism and Ethics of Journalism

The eternal journalist's dilemma - whether to be fast, interesting and exclusive and thus face diverse risks and temptations or to remain in accord with ethical principles and one's own self, risking the failure to respond to the challenges of journalism - has always presented a perilous walk along the sharp blade of a knife.

The dilemma becomes even harder as soon as patriotism mingles with ethics and professionalism. The most striking example of this situation was the recent war in Bosnia and Herzegovina when journalists or rather, those who referred to themselves as such, revealed the abysmal fall of a profession. In the name of patriotism, whatever term they chose to describe this phenomenon, many representatives of the Seventh Force violated all ethical principles and codes. A question that inevitably comes to mind is whether it has ever been possible to talk about patriotism in this particular conflict when such a conceptual confusion arose in the minds of people as to what this patriotism would actually be: love of a country, a land, a state, a people, a religion, an ideology, etc. And all this at the time when one state was in collapse while the new ones were emerging. Yugoslavia was at the deathbed and patriotism of its 'nations and national minorities', all enveloped in 'socialist system and brotherhood and unity of all the peoples', was dying with it. At this point journalists faced two options: either to serve 'their own side', whatever this meant, and find only partly adequate comfort and compensation for their lost patriotism, or to remain in harmony with the principles of their profession, risking to be condemned of 'betraying their own people' in the situation of overall euphoria of neopatriotism. And when a war breaks out - the first casualty is always truth.

Thus, having been swearing on the altar of the 'fatherland' and socialist system as the one and only sacrament for decades, the entire peoples - now disoriented and left without the compass that guided them over the last sixty odd years - have set on the quest for a new guiding thread. And alongside the peoples - the journalists as well! After all, are these journalists not the very of consciousness and conscience of their people? And, as proper for the representatives of *vox populi*, quite a number of them stood side by side with the representatives of new patriotism for the sake of 'higher goals'. Their accumulated and seething love of the people was thus placed unquestionably and generously at the service of the new Messiahs who advocated the construction of a new system upon the remnants of Bosnia and Herzegovina on behalf of the people. Others turned to their respective areas or regions of residence that they took for homeland while some allowed their patriotism to gravitate towards already existing systems of the neighbouring Republics, their 'original homelands'. And all of them invariably called themselves patriots, all of them patriots in their own way. And all of them are professionals?! Some of them went as far as to coin the maxim: 'It is permissible to lie for the sake of one's homeland.'

Where to draw the borderlines of patriotism and where is the thin line where to a journalist can tread freely but to cross it would mean to descend irreversibly into the abyss of unprofessionalism and immorality?

Is there journalism in a moral void?

When one turns back to cast a glance over the events in our country in the past ten years or so, one asks oneself whether a journalist can be a patriot at all while remaining a professional. This dilemma was a stepping stone of the seminar on the ethics of journalism and patriotism, organised in Neum by the Media Plan from Sarajevo. The most prominent names of the contemporary Bosnia-Herzegovinian journalism, as well as the journalists who wrote at the time of the 'hardcore' socialism and faced the same dilemma in a similar way, spent two days in attempt to answer this question.

According to Vlastimir Mijovic, a free-lancer from Sarajevo, the dilemma over patriotism as a liberating or a restraining force is in fact a false dilemma.

"I believe that this is simply a good instrument of mass manipulation, a rather awkward thing invented by the rulers in order to ease the rule. Patriotism *per se* contains no outstanding value. Patriotism should be a certain intimate human emotion of attachment. Some would feel it as attachment to their family, others would see it as the feeling of attachment to their *mahala*, the street where they live, their peers or their neighbours.", says Mijovic in confirmation of fluidity and elusiveness of this category. "I strongly oppose the image of journalist as a superhuman and journalism as the conscience of mankind. Journalism is not intrinsically an absolutely ethical profession. Journalism does have its code of operation. It would be rather narcissistic of us to attempt to create an image of journalism as highly moral and civilisationally fundamental for the good of mankind. Journalism is not a road to truth but a road towards a series of information. To hunt down one of them does not mean that the job is done. But having caught one, one ought to move on. To capture the truth, to gather all the relevant information is impossible. As to the presentation of facts, I have personally manipulated information and all the journalists do the same, excepting those who are not in the situation to do so. But in doing so I did not betray the principles of my profession because the outcome was a professional product. I have met the requirements of journalism and I have followed the code of journalism in terms of form. Sometimes it is moral even to lie! At times, it may well be useful. And the entire Western civilisation, preaching to the rest of the world on democracy, is founded upon the principle that one can lie for the sake of the country and kill out of patriotism.", points out Mijovic, adding that the code of journalism is valid at any time and in any circumstances and these standards are what journalists should strive to. But, as he remarks, the code is not an all-encompassing framework since it is evident that there is journalism that fails to follow all principles of the journalistic code.

A Word as a Weapon

In the aftermath of the bloody war in Bosnia and Herzegovina, a debate has arisen as to the possible contribution of journalists and their professionalism or the lack of it to the dispersion of hatred and animosities as well as the eruption of war. Some condemnations have gone as far as to portray journalists as warriors, holding the most lethal piece of weapon in their hands - word. There have been suggestions heard that those journalists who actively contributed to the propagandist apparatus of 'their sides' with their rhetorics of hatred should be tried alongside indicted war criminals in Den Haag.

According to Joza Vlahovic, a renown journalist at the time of Yugoslavia who is still professionally active in the Republic of Croatia, journalism and war activities, even those not involving arms, are mutually exclusive by the standards of the journalistic ethics. Vlahovic maintains that the code of journalistic ethics is tailored to suit those that created it and the circumstances of the creation.

"War is a rather special situation. And those that are into journalism at the time of war present an equally special kind of journalists. Thus wartime reporting is not the true journalism even if it is awarded Pulitzer Prize.", points out Vlahovic.

Adnan Osmanagic, the Editor-in-Chief of *Radio Stari Grad* from Sarajevo, believes that journalism as a profession failed the test of the war in Bosnia and Herzegovina but he points out that it was unrealistic to expect of the media made to cherish a certain system to professionalise over night. Those people had neither the opportunity nor the conditions to transform into professional and independent journalists. Osmanagic thus holds that favourable conditions for the rise of future free media are being created only now. He claims that journalists used to be 'chosen' but now is a different time, the time of new people - the professionals.

"Not one single journalist who fell prey to wartime propaganda is present in the public arena nowadays. Those that held their own 'arms' and 'fired' them have been used up long ago. They have been excommunicated and often so by the very people whom they served because they became a burden to their masters. Only those who have followed the rules of the profession more or less have remained in the business. We have to differentiate between those that absolutely consciously embraced the imposed *modus operandi* in the service of propaganda on the one hand and those that were compelled to adopt it but tried to avoid harming others in doing so.", says Adnan Osmanagic. Discussing the issue of journalistic ethics, he states that he did not believe in some special, journalistic ethics. In his view there is a certain professional ethics that would be unviable without human ethics in general. The latter is a broader, even universal, category that could be classified as a human characteristic.

"If a journalist is moral as a human being, then he can be moral professionally as well.", remarks the Editor Osmanagic, adding that a minor divergence from journalistic ethics is permissible in politically ordered societies if done for the sake of certain higher, overall interests of the community as a whole but on the condition that other people are not impaired. However he believes the situation in Bosnia and Herzegovina and the region to be so very complex that it will continue to be very difficult "to be in favour of something and be so not to disadvantage of someone."

A Journalist in a Hunting Hide

The ethical dilemma and challenges of journalism were thoroughly discussed at the Journalists' Workshop in Neum. Various responses of journalists to delicate situations were debated. The participants were invited to comment to four different situations that require of journalists to choose between professionalism and ethics.

The first example was a TV shot done by *TV BiH* back in 1993, showing a funeral at the Sarajevan graveyard of *Lav*. A group of people gathered there to commemorate a killed girl. At that moment they were sniped at. An Italian lady-photoreporter threw away her camera without hesitation to help a wounded woman, dragging her outside the radius of intensive sniper's fire. By contrast, another photoreporter took photos of the scene hectically, not helping the wounded. He was subsequently awarded for the photos taken on that occasion. The newspaper of the Italian lady-reporter was left without photos.

The question was who was moral in this situation and what ethical intuition prevailed in those two reporters. The views of participating journalists differed.

"It is hard to debate whether this reporter acted morally in the situation when the wounded lay all around him and he was bouncing up and down, taking photos of them. When all that big money is in question, it is difficult to enter one's mind and dissect his thoughts at the time. Now, standing where I stand today, I say that I would have helped the wounded but if in his shoes, I do not know how I would react.' this is how Radenko Udovicic of the Media Plan Institute formulated his dilemma.

According to Mehmed Halilovic, the Ombudsman for Media in Bosnia and Herzegovina, the Italian lady-reporter was a human being above all and hence it is beyond any doubt how she should have reacted.

By contrast, Hajdar Arifagic of *Oslobodjenje* says: 'What would have happened had all the reporters threw away their cameras and scattered around to help the wounded? We would not have seen these shots and the world would have not learnt about the events here either.'

Having reviewed the shot, the participants concluded that journalists make their decisions semi-consciously under trying circumstances and some of these decisions are good while others may be bad. In the case discussed, both decisions were professional and ethical.

One other case discussed by the participants was the case of wartime Sarajevo where some of the foreign TV crews maintained a 24-hour coverage of hazardous city junctions, filming the people running across, all in the attempt to record the moment when a man would get shot or shot down by a sniper.

"What characterises these photoreporters is a certain professional instinct, a morbid one in this case.", commented Sinan Alic, the Editor-in-Chief of the *Front Slobode* from Tuzla, comparing the reporters to hunters in a hunting hide. As he remarks, they know that someone will get killed and they even will it in a way. For the photos of death they will be paid big money, much bigger than the wage they get paid for the photos of moments when nothing is happening and people are not being killed at the 'crossroads of death'.

Where then is the bottom line and is it at all possible to draw a line between sterile professionalism and personal feelings?

"That was a bullfight where innocent civilians were getting killed while these foreign reporters observed and enjoyed themselves, staying at the *Holiday Inn Hotel*. This is the highest peak immorality can reach in journalism! These reporters are accomplices of criminals.', stated Slobodan Stajic of *Oslobodjenje* rather categorically.

Joza Vlahovic, a journalist from Croatia, believes that one ought to overcome posttraumatic stress of the past war. According to Vlahovic, only then can one freely discuss such cases. As he points out, even the shots of death contributed to the cessation of bloodshed in a way.

'It would be essential to overcome emotional traumas in order to be professional. Our profession requires of us a degree of brutality as well. The situation as seen is there irrespective of the photoreporter's will. The reporter was assigned to cover the event.', concluded Borka Rudic, the Secretary General of the BiH Independent Union of Professional Journalists.

Do War Criminals Enjoy Human Rights?

Can human rights of those tried or sentenced on the charge of war crimes be violated? This question was discussed by the journalists following the screening of a sequence broadcast by the *NTV HAYAT*. Namely, the issue in question was the decision by the House of Human Rights (the supreme institution for the protection of human rights in Bosnia and Herzegovina, composed of international and local representatives) directing the Federation of Bosnia and Herzegovina to hold a new trial of Sretko Damjanovic, an indicted war criminal, since there was evidence that some of those for whose murders Damjanovic had been tried were alive. On these grounds and due to existence of a reasonable doubt in the validity of these and other pieces of evidence, the House of Human Rights requested the judicial proceedings to be resumed. Damjanovic was initially sentenced to death. It is believed that this man's human rights were violated due to the faults in the proceedings and hence his defence requested their defendant to be paid a large sum of money as a compensation for the traumas he suffered in the course of trial. In conclusion, the lady-reporter of the *NTV HAYAT* remarks that "the decisions of the House for Human Rights make it profitable to be a war criminal" as Damjanovic's case seems to suggest that the Federation of BiH pays war criminals for the war crimes they committed. Her lady-collocutor in this broadcast is one of the local members of the House who voted against the decision passed. In the

programme she argues that "...those who committed the genocide and war crimes now demand the protection of their rights - a situation next to absurd!"

In the aftermath of this programme, the Independent Media Commission summoned the TV station for its biased attitude, consultation of only one of the sides to the dispute in the clarification of this controversial issue raised in the political arena and tendentious commentary. The management of the *TV HAYAT* did not dispute the accusations and proceedings were initiated against the respective programme editor and the journalist. The TV station was fined with 400 DEM.

Commenting to this case, Sinan Alic pointed out that, although Damjanovic was indicted for war crimes, he was entitled to all human rights granted to him under the laws regulating juridical proceedings, and Alic agreed with the IMC's evaluation of the journalist's commentary as tendentious. Given the decision on the resumption of legal proceedings against Damjanovic, Alic found the subtitle under the photo of Damjanovic inappropriate as the subtitle referred to him as a 'war criminal' as opposed to 'indicted war criminal'.

"This is a classic example of unprofessional and emotion-laden approach. Even the human rights of those found guilty for war crimes can be violated.", points out Mehmed Halilovic.

According to Borka Rudic, the programme failed to present the basic information on the issue but provided an information and a commentary that "it is profitable to be a war criminal" instead and this is absolutely intolerable. "In this case, the journalist is both a prosecutor and a judge.", deduced Borka Rudic.

Joza Vlahovic maintains that, in this case, the category of war criminals was singled out as the category of those deprived of human rights where this is the view held by the lady-journalist who aspired to impose it upon a wider audience. "This reminds of a somewhat reverse situation in Croatia and the claims of the high officials that soldiers of the patriotic war could never be indicted for war crimes.", points out Vlahovic.

A Dilemma: To Broadcast or Not?

Elvira Aganovic, a young journalist and a student of the Media Plan School of Journalism, made a TV reportage as her final work for the course, on two girls from Gorazde who were compelled to beg money in order to support their families. A touching story portrays the harassment that these children experience on the part of their peers for what they are doing, the residents who find juvenile begging quite common and social workers who do nothing to alter the present situation. The dilemma is whether to broadcast this or not. Would broadcasting possibly help the girls to solve their problems or only stigmatise them? On the other hand, would broadcasting present a violation of the rights of child?

The views of the journalists varied. Sinan Alic argued that it should be broadcast in order to cast light on this particular problem and its similes in our country but this should be done outside Gorazde. Thus traumas of the children and the public condemnation would be avoided.

"I consider the dilemma to broadcast or not a hypocrisy. These children are exposed to the public every single day and no one has done anything to change this.", says Gordana Katana, the correspondent of *Oslobodjenje* from Banjaluka.

According to Joza Vlahovic, this story would never be broadcast in developed societies as the conventions on the rights of children, observed in those societies, are very rigorous. Since Bosnia and Herzegovina is a signatory of these conventions, this issue is not debatable at all.

"I am absolutely in support of children's integrity and its protection to the highest degree but this affecting story has made me wonder.", expressed his dilemma Hajdar Arifagic of *Oskobodjenje*.

Discussion of ethical dilemmas in journalism will be continued. Media Plan Institute from Sarajevo and the Centre for the Education of Journalists of the Croatian Association of Journalists

from Opatija will select ten characteristic examples each from their respective media environments and have them reviewed in the schools of journalism in both Bosnia and Herzegovina and Croatia. A comparative analysis of these examples will follow at a joint round table attended by both experienced and young journalists.

(D. Tankosic)

Opinions

TV Commentary – Poor Chances

“Media News” in its last issue, prompted by the Croatian Government’s proposal to ban commentary in Croatian Television (HRT) news programming, in an article entitled “A Compromised Genre in Journalism,” wrote about the misuse of commentary in the countries of the Balkan conflicts and gave an overview of the use of commentary in public televisions in Southeast Europe. Assessing that this issue provokes different reactions in professional circles, we asked a number of prominent journalists in Bosnia-Herzegovina to give their opinions.

The first to respond was Hamza Baksic, Radio Free Europe’s Sarajevo Bureau editor and “Oslobodjenje” columnist, who also spent a significant part of his professional career working on television.

The Croatian Government’s proposal to the Parliament to ban commentary in HRT news programming seems amusing in particular its elaboration. Concern that citizens should not be manipulated with is truly touching, and there is no doubt about the good intentions of those who proposed the law, which shows where the path paved by those leads to.

Your title, “A Compromised Genre in Journalism” sidesteps a good part of the story of the use of media in the recent wars. These wars had been, of course, prepared. As part of war preparations, one needs to prepare weaponry, ammunition, medicines, a diplomatic service, civilian defence, and even propaganda machinery. In order to attain a goal, people are brought in who are more suitable for the new, wartime tasks. These people act according to earlier prepared or updated plans. This is how it was in Croatia – prominent commentators were removed from the media and press. This genre was put into someone else’s hands, and used for other purposes.

If a serious analysis of inflammatory language were to be made, and conclusions deduced thereof, perhaps the Parliament would find itself in a position where the Government would propose a ban on public service news, because formulation and selection of news, and in particular its fabrication, was that fatal “suggestive approach to viewers.” You will note, however, that even in the case of misuse of commentary, the rule that you should first inform, then comment is observed. This obligation is of particular importance in an honest commentary. The obligation has its place when an issue is hot and once a consumer has obtained enough information required to agree or disagree with the commentary.

It is a different story why commentary in newspapers is useful and needed, and in broadcasters – undesired. This genre boosts newspaper circulation, and it may well be assumed that television audiences would therefore be interested in it as well. However, commentary is lacking because televisions do not feel they are on the market. As a rule, contemporary news programming has an editor behind the scene and an anchor on the scene whose mutual relationship varies. Since the emergence of the position of anchor who carries the entire program – ranging from Fiji to Bocinja, from certificates to “Bascarsija Nights” – there has been no place for a commentator. There is no internal struggle among the different programming parts and genres, the struggle that had given an internal tension to old TV news programs. Some anchors, as you correctly noted, also do commentary, but in a roundabout way, leaving it off halfway. A

commentator used to bear full programming and social responsibility for his work, even criminal responsibility if necessary. From that point of view, it was a clean job.

Colleagues and representatives in the Parliament should remember that the forefather of TV commentary in that country was Zvonko Letica when discussing commentary and its misuse, and that Letica's weekly commentary was a moment cherished by media gourmets. They should also remember a number of brilliant commentators, especially business commentators, who were purged by the HDZ party and who were lost as television personalities. Ten years is ten years. There was no such purge here, but there were no commentators either. Commentators, for example, ensured "Oslobodjenje" the status of an independent newspaper, along with the reporter Vlado Mrkic.

TV commentary today, tomorrow, here? It stands poor chances. This is a genre that is either cultivated or not. Here, it is not cultivated. For instance, there is no one to say that people do not want to buy dairy products in Bosnian markets for fear of disease, as they do not trust either the state or market inspectors' reports. Televisions occasionally invite colleagues from newspapers, who then bring good newspapers articles and turn them into television commentaries, suggesting to you only the fact that the author is an educated and intelligent man. My experience shows that television commentary should not exceed two and a half minutes, or even better – two. This in addition eliminates the dilemma over reading in the studio. We should take into account that a studio commentary costs – with a good outside author and production – less than 200 marks, while the same commentary, visually well presented, would cost over 500 marks. The latter is better, but salmon is also better than mackerel - still, mackerel is consumed more.

(Hamza Baksic)

NEWS

Emin Skopljak, a Member of the Telecommunications Regulation Agency, Removed

Wolfgang Petritsch, the High Representative for BiH, and Robert Barry, the Head of the OSCE Mission to BiH, removed Emin Skopljak from the office of the member of Telecommunications Regulation Agency due to the obstruction of telecommunications reform in BiH, as stated.

The reason for this removal from the office, as specified by international community, concerns Skopljak's unlawful decision, approving the merger of the *Bosniak TV Ljiljan* and the *Bosniak-Muslim Radio Hayat* that gave birth to the *Bosniak TV* (BRT) and thus resulted in illegal appropriation by the *BRT* of frequencies initially allocated to the other two media. In this manner, the IMC was sidestepped in the procedure since the *BRT* was obliged to apply to them in order to obtain a frequency. In addition, the explanation accompanying the decision reads that Skopljak has not shown "the least degree of devotion to the BiH Peace Agreement and the communications reform", what classifies him as a politician unwilling to cooperate with international community.

The decision on Skopljak's removal also incorporates a ban on his appointment to any public office at any level of authorities in BiH, including the ban on his employment in public corporations.

The RS Minister of Information Resigns

Rajko Vasic, the RS Minister of Information, resigned on the 18th of July. Vasic explained that his decision had been motivated by the inability to exercise lawful powers of his Ministry.

Milorad Dodik, the Prime Minister of RS, has accepted this resignation. It has been learnt from sources close to the Prime Minister's staff that Vasic, otherwise rather close to Dodik, will shortly be appointed to another high-level post.

However, unofficial findings suggest that Vasic's resignation is a result of the pressure by international community to abolish the Ministry as such institution is not commonly found in Western democratic countries. Also, Vasic has been confronting international organisations in BiH for some time now due to his refusal to consent to the decision by the IMC, authorising solely the IMC to collect fees charged for the exploitation of frequency resources in BiH. The RS Government has continued to collect the fees from electronic media using frequencies in the RS and thus the IMC temporarily terminated the collection of payment in the RS in order to avoid duplication of payment.

It has been learnt in Banja Luka that the RS Government will meet shortly to discuss a new Bill on Government and abolish the Ministry of Information.

"Eurojournal" for BH Spectators

On the 11th of July, a German radio & TV station *Deutsche Welle* (RTV DW) presented "Eurojournal", a TV programme intended for BH spectators, in Sarajevo.

This project is one of the three projects that will be realised within the framework of Stability Pact by this television station as a media partner of the Pact. The amount of 300,000 DEM has been allocated for the purposes of this project.

A thirty minutes long programme will be broadcast as of the beginning of June over the Eutelsat HOTBRID 5 satellite and within regular broadcast schemes of several BH TV stations whereas its production will be done in Köln - Germany.

Reporters working on the programme are a part of the Bosnian Programme editorial staff within the DW Radio whereas the Benjamin Pargan will act as a cast anchor.

Verica Spasovska, the Editor of DW Radio's Bosnian Programme, explains that "Eurojournal" will be different from other foreign programmes intended for BiH as it will incorporate neither only daily news nor only regional news. "This will be a weekly programme, accompanied by entertainment: the programme will aspire to clarify the process of political deliberation in Europe and its effects.", states Spasovska for ONASA.

For the time being, the programme will be done solely in Bosnian but - since it is a pilot-project - there is a possibility that such programmes will also be done in Croatian and Serbian, as stated by Wolfgang Krueger, the Manager of the DW TV, for ONASA.

Zeljko Kopanja Awarded an Award for Bravery

Zeljko Kopanja, Svetlana Slapsak and Hamida Berisa-Latifi are among this year's laureates of "Hellman-Hammett Award for Bravery in the Face of Political Persecution", awarded by the US nongovernmental organisation "Human Rights Watch" (HRW), reports ONASA.

The Foundation was established in 1989 when foundations of the US writers Lillian Hellman and Dashiell Hammett asked the HRW to design a programme for writers world-wide who require help because of expression of their views.

This year, prizes in the form of financial aid will be granted to 28 writers and journalists from 22 countries.

This year's laureates include Zeljko Kopanja, the owner, Manager and Editor-in-Chief of Banjaluka *Independent Newspapers*; Hamida Berisa-Latifi, a journalist from Kosovo, and Svetlana Slapsak, a Professor and publisher and the founder of *ProFemina* magazine.

This year's award fund amounted to 170,000 USD.

The Front Slobode - the First Privatised Magazine in Tuzla Canton

The first privatised magazine in Tuzla Canton is the *Front Slobode*. The magazine was bought off by six of its journalists and members of the administrative staff.

The ownership of the *Front Slobode* involves the ownership of the *FS-3* TV station, founded as a component of the magazine a couple of years prior to the war in BiH. The TV station does not currently employ any staff full-time.

The plan is to transform the bi-weekly magazine into a weekly upon the privatisation and to launch a more active production of TV programmes by the *FS-3* as of the 1st of September.

The Protection from Media Aggression

Ivan Markovic, the Telecommunications Minister of the Federal Republic of Yugoslavia, issued the Order to Radio and TV stations in FRY to continue the application of technical measures protecting their programmes from any interference from abroad, reported the Federal Telecommunications Ministry on the 16th of July.

On this ground, TV and radio stations are obligated to implement instructions issued by the Federal Telecommunications Ministry, ensuring the protection from media aggression from the territory of neighbouring countries as well as the protection from any other forms of violating the FRY's sovereignty in the domain of telecommunications.

This order follows in the aftermath of unofficial information leaking from the European Union and the USA and suggesting that - for the purposes of objective reporting, i.e. the removal of Slobodan Milosevic's regime - transmitters, broadcasting special programmes for the citizens of Yugoslavia, would be set up on the territories of neighbouring states. According to this information, reported by Croatian press, one of these transmitters would be set up in Croatia as well, in the proximity of its border with the Serbian province of Vojvodina.

◆ Council of Media Plan Institute: Prof. Dr. Muhamed Nuhic, Hamza Bakšic (Sarajevo); Perica Vučinić (Banja Luka); M.S. Lenart Šetinc (Ljubljana); Prof. Dr. Mario Plenković (Zagreb); M.S. Loius de la Ronciere (Paris); M.S. Aleksandar Todorović (Montreaux); Prof. Dr. Slavo Kukić (Mostar), Prof.Dr. Miroljub Radojković (Beograd)