

21.05.2009



Third Seminar for judges of the first instance courts in B&H

LAW ON PROTECTION AGAINST DEFAMATION court and media theory and practice“

Neum, 21st- 23rd of May 2009

Third Seminar for judges of the first instance courts in Bosnia and Herzegovina on practical application of the Law on Protection against Defamation was held in period from 21st till 23rd of May 2009 in Neum. Participants of this Seminar were Chairpersons and Judges of the first instance courts from Sarajevo, Mostar, Višegrad, Kiseljak, Sokolac, Bugojno, Tuzla, Gorazde, Gradiska, Derventa, Teslic, Zenica, Kaknj, Gracanica, Cazin and Mrkonjic Grad.

This Seminar was continuation of dialogue after two successfully held seminars in autumn 2008 on practical application of the Defamation Law, via understanding of media freedoms and professional journalistic reporting. The focus of this Seminar was the Article 10 of the European Convention on Human Right – freedom of expression and important differences between the value judgment/opinion and facts.

Participants were introduced with work of the Regulatory Agency for Communications RAK and their mandate in conducting cases concerning the electronic media. Judicial and journalistic delusions and dilemmas, as well as examples of good and bad practice of both media and courts, were topic discussed at this Seminar as well.

Very interesting and useful was practical work on cases that the Complaints Commission of the Press Council in B&H adjudicated so far. Based on work of the Complaints Commission, the participants had a task to analyze whether in articles, that were subject of citizens' complaints on print media reporting, there was a breach of the Press Code of B&H and

defamatory elements. In that way, the judges had an opportunity to experience how the Complaints Commission deal with citizens' complaints, what dilemmas they face with, as well as how to recognize defamation in the journalistic article in right way.

This Seminar was held with financial support of the U.S.A Government, via OPA Office of Public Affairs of the U.S.A. Embassy in B&H and SHC, Swedish Helsinki Committee.

The lectures were Mr Mladen Srdic, Judge of the Supreme Court of FB&H, Ms Dunja Mijatovic, Director of the Broadcasting Division of the Regulatory Agency for Communications and Mr Mehmed Halilovic, Deputy FB&H Ombudsman for Media. The Moderator of the Seminar was Ms Ljiljana Zurovac, Executive Director of the Press Council in Bosnia-Herzegovina.

PROGRAM

Third Seminar for judges of the first instance courts in B&H

LAW ON PROTECTION AGAINST DEFAMATION IN B&H

Media and courts theory and practice

Difference between the value judgment/opinion and facts:

Article 10 of the European Convention on Human Rights

Law on Protection against Defamation in Bosnia and Herzegovina:

Theory and practice in Bosnia and Herzegovina

Judicial and journalistic delusions and dilemmas

Media and Judiciary System, good and bad practice

Regulatory Agency for Communications of B&H:

Practice, Code and RAK mandate in conducting cases

Press Council in Bosnia and Herzegovina and courts:

Mediation prior court procedure

Practical tasks:

Work in groups

Conclusions and recommendations of the Seminar

Thursday, 21st of May 2009

Arrival during the day, accommodation at hotel Stella.

19.30-21.00 Dinner at the Hotel

Friday, 22nd of May 2009

09.00 Registration of participants

09.15 Opening of the Seminar

Moderator, Ljiljana ZUROVAC, Executive Director of the Press Council in B&H

09.25 SESSION 1: Difference between the value judgment/opinion and facts, Article 10 of the European Convention on Human Rights

Panelist: Mr MLADEN SRDIC, judge of the FB&H Supreme Court

SESSION 2: RAK, Regulatory Agency for Communications of B&H – Practice, Code and mandate of RAK in conducting cases

Panelist: Ms Dunja Mijatovic, Director of the Broadcasting Division of RAK, Chairperson of the European Platform for Regulatory Agencies EPRA (second mandate)

Questions, commentaries, discussion

11.00 Break

11.20 SESSION 3: Law on Protection against Defamation – judicial and journalistic delusions and dilemmas

Panelist: Mr. MEHMED HALILOVIC, Deputy Ombudsman for Media of FB&H

13.00 Lunch

15.15 SESSION 4: Law on Protection against Defamation – Media and Judiciary System, good and bad practice

Panelist: Mr. Mehmed HALILOVIC, Deputy Ombudsman for Media of FB&H

Practical examples from the court practice

Participants : judges, participants of the Seminar

Discussion, questions and answers

17.00 End of the first day

Saturday, 23rd of May 2009

09.00 Opening of the day and SESSION 5:

Law on Protection against Defamation in B&H – Press Council and courts, mediation prior court

procedure

Panelist: Ms Ljiljana Zurovac, Executive Director of the Press Council in B&H Mr. Mladen Srdic, judge of the FB&H Supreme Court

Discussion, exchange of experience

10.20 Practical tasks: work in groups, dealing with practical tasks of actual citizens' complaints on print media reporting. Groups get two assignments.

Tasks analyzed during the break, with coffee

11.00 Continuation of SESSION 5: Adjudications on complaints and explanation

Comparison of Adjudications, commentaries, discussion.

13.00 Closure of the Seminar: Conclusions and recommendations

13.30 Lunch

End of 3rd Seminar for judges of the first instance courts in B&H

Return from Neum in the afternoon.