

Number: 150-02/12

Date: Sarajevo, 16.03.2012

ADJUDICATION

of the Complaints Commission of the Press Council in Bosnia and Herzegovina

regarding the complaint of Z.J. about the comment under the article “Wrong Address”,

published on the portal www.dnevniavaz.ba 28.02.2012

COMPLAINT UPHELD

as an indication to comments which contain hate speech,

in compliance with the campaign “You Are Not Invisible”.

The Complaints Commission of the Press Council in BiH, according to its responsibility, will react further, contact SIPA and seek their intervention

The Complaints Commission of the Press Council in BiH considered the complaint from the person signed as Z.J. (the full name of the complainant is known to the Press Council), regarding the comments under the article "Wrong Address", published on 28.02.2012 on the portal www.dnevniavaz.ba

Taking into account that comments of visitors are in question, which do not fall under the Professional Code and which are not a form of journalism, the Adjudication about the content of the comments does not pertain to analysis according to the Press Code. .

However, **web portal visitors who post comments with hate speech are susceptible to criminal prosecution** , because they encourage intolerance and incitement, the same also applies to comments which contain threatening messages:

Criminal Code of BiH

: XV - Heading Fifteen, Criminal acts against human and citizens' freedoms and rights. Criminal Code of FBiH and

Criminal Code of RS

: XVII - Heading Seventeen, criminal acts against human and citizens' freedoms and rights.

The editor of the portal is OBLIGATED to erase such comments, and to ban those who post them for a certain time period or to completely revoke their right to comment articles.

Explanation:

A citizen signed as Z.J. turned to the Press Council in BiH, regarding the comments published on the portal www.dnevniavaz.ba under the article "Wrong Address", from 18.02.2012, posted by two visitors of the portal using nicknames.

The visitor nicknamed *Suad Becirovic* posted the following comment: "One similar Croatian Storm in BiH, and problem solved for the next 1000 years!"

The visitor nicknamed *Vasilije S.* wrote: "This kind of peace is impossible and unwanted by Bosniaks. The Orthodox and Catholics do not wish peace and wellbeing with us. Even besides the fact that they took from Bosniak and Bosnia those Orthodox and Catholic savage tribes are not satisfied with their bounty and want to our utter disappearance, while Bosniaks are happy when they succeed to escape from Bosnia."

In the complaint of the citizen Z.J. indicated is that "... **the comments of readers of the "Daily Avaz" from day to day are full of: hate speech, insults on a religious and national basis, calls for a new war and butchering.**"

The Complaints Commission of the Press Council in BiH reminds that the editorial staff is OBLIGATED to erase such comments, and to ban those who post them for a certain time period or to completely revoke their right to comment articles.

The editor of the portal is responsible for the journalistic and editorial content of the portal; he is not professionally responsible for the content of the comments of irresponsible anonymous visitors in the time they post them under an article. However, the **editor is obligated to remove such comments from his portal.**

By not removing the comments of inappropriate content and by allowing them to stay on the portal, the editor becomes responsible for their content.

***The Complaints Commission* of the Press Council in BiH calls all citizens to report to the police the comments which, through hate speech, call for discrimination and incitement, attacks and lynchings, so their IP address can be discovered and the persons who post such comments can be prosecuted**

Campaign "YOU ARE NOT INVISIBLE!"

With the goal of preventing the spread of hate speech and defamation through anonymous comments of internet portal visitors, the Press Council in BiH, with the support of the police, judiciary and the courts, has begun the action "You Are Not Invisible!" Anonymity does not mean that a person cannot be identified and prosecuted if determined is the spread of hate speech, incitement, threats and the calls for lynching. The campaign "You Are Not Invisible!" implies the identification of IP addresses and the prosecution of persons who through inciting comments and the spread of hate speech disturb the public, cause damage to individuals and especially cause damage to the professional reputation of internet portals.

It is in the interest of the portal editor to cooperate in the identification of such persons, due to the protection of his or her professional news content.

It is the public interest and the citizens' interest to have as many good, reliable and professional media and sources of information at their disposal. It is also the democratic right of every citizen to fight for truthful information and to react, report and complain about every untruthful piece of news or inappropriate anonymous comment of portal visitors.

Members of the *Complaints Commission*: Chairperson, Ph.D. Prof. Miodrag Zivanovic; Judge Nada Arsenic, Attorney Drazen Zubak; Ph.D. Enes Osmancevic; Journalist Fuad Kovacevic; Ph.D Prof. Nada Ler-Sofronic; Journalist Faruk Boric and Journalist Milan Sutalo.

Chairperson of the *Complaints Commission*

Ph.D. Prof. Miodrag Zivanovic

