



MEDIA AND POLICE IN THE WESTERN BALKANS



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About the POINTPULSE network – Seven civil society organisations: Analytica from Skopje, Belgrade Centre for Security Policy (BCSP) and Balkan Investigative Reporting Network (BIRN) from Belgrade, Centre for Security Studies (CSS) from Sarajevo, Institute Alternative (IA) from Podgorica, Institute for Democracy and Mediation (IDM) from Tirana, and Kosovo Centre for Security Studies (KCSS) from Pristina came together in order to monitor the integrity of the police in the Western Balkans and contribute to the increase of the level of trust and confidence in the police in the region by promoting its integrity.

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SUMMARY

The legal framework that governs the freedom of the media, transparency of the work of the police and the right to free access to information of public importance in the Western Balkans (Albania, Bosnia and Herzegovina, Montenegro, Kosovo, Macedonia and Serbia) is satisfactory, and is for the most part aligned with the practice of the Member States of the European Union. The principle of transparency of work of the police is guaranteed by law, and the police are obliged to provide information of public importance in accordance with the statutory rules and legally set deadlines. Laws that govern the work of the police envisage mechanisms of internal and external control of the work of this institution. In addition, journalists from the region are obliged to abide by the professional and ethical principles listed in various codes and to oppose pressures that require them to violate said principles.

Although the legal basis is sound, there are three problems that arise in practice.

The implementation of regulations that oblige the police to be transparent in their work is incomplete. Police services in the region use a selective approach when informing citizens about the cases that are of interest to the public, or they tend to inform the public only when they feel the need to receive praise for their own operational results. In such an environment, journalists are finding it difficult to obtain accurate information, especially concerning the cases of politically sensitive nature.

The protection of operational police data resulting from investigations is insufficient and sometimes even abused. The media quite frequently publish information relating to investigations that are being conducted by the police and the prosecutor's office, quoting mostly unknown sources allegedly 'close to the investigation'. Information that could jeopardize investigations, the presumption of innocence or the right to privacy is in this way disclosed to the public at large. There have also been cases when such information was deliberately disclosed to/by the media for political purposes.

The implementation of the right to free access to information of public importance is slow. Ministries in the region charged with internal affairs, or prosecutor's offices, do not always comply with the statutory deadlines set for access to information of public importance, while in some instances information is not provided at all. Investigative journalism suffers the most because of such behavior, as stories largely depend on documents that the journalists receive by way of exercising their right to free access to information of public importance.

Challenges have also been noted in the cases of journalists and media who, in search of sensationalism and shocking news, frequently violate the professional and ethical rules of journalism contained in the codes. In addition, some media use and distribute certain information just to increase their circulations and the number of viewers, thus deliberately or unconsciously placing investigations at risk. The bodies within the region that monitor the application of professional and ethical standards of journalism

are increasingly noticing the sensationalist and tabloid approaches that the media are utilizing in their work.

All the above-mentioned challenges slow down the development of professional and accountable work of the police and the media, which negatively affects the process of democratization in the region. Said process is already in great danger considering the fact that, according to the European Commission, the elements of “captured state” – where state resources are abused for private purposes, instead of public interest – are present in the Western Balkans.

It is, therefore, necessary that institutions, ministries in charge of internal affairs, prosecutor’s offices, the media, journalists and journalists’ associations step up their work in order to improve the communication of the police with the citizens because in democratic societies such communication represents one of the foundations of accountable police work. Moreover, by improving its communication the police will also strengthen the legitimacy of the state, by showing that it responds to the needs and expectations of the public and uses the authority of the state in the interest of all the citizens and not just certain individuals.

For these reasons, it is important that police services in the region become more transparent in their work, by way of: 1) regular sharing of information with the public, not just for the purpose of showing their operational results; they should also share the challenges they encounter, or address the public if they need to obtain information from the citizens themselves; 2) regular updating of official websites, filled with data that is easily accessible and can be searched; 3) regular holding of press conferences; 4) replying to requests for information of public importance in a timely manner; 5) compliance with, and improvement of, the existing procedures that should facilitate police communication with the media and the public.

It is also important that the prosecutor’s offices start initiating investigations due to “leakage” or intentional placement (“serving”) of data from ongoing investigations, while internal and external police control mechanisms should improve preventive work by developing clear procedures for accessing police operational data and monitoring the application of these procedures. The objective would be to prevent leakage of information and to show that such behavior cannot be practiced without suffering appropriate sanctions. Journalists and media outlets must comply with journalistic codes. Journalists’ associations should point to the need to respect the code of ethics, defend the profession, and continuously draw attention to the damage that can be caused by unethical and unprofessional reporting.

RECOMMENDATIONS

General Recommendations

- ▶ It is necessary that the ministries in charge of internal affairs implement the law fully and indiscriminately, in the part relating to respecting the principles that require that the work of the police be public, in order to ensure greater transparency and increase the trust and confidence of the citizens in the region in the police force.
- ▶ It is necessary to strengthen independent control institutions dealing with the protection and monitoring of the application of the right to free access to information of public importance, by improving the legal framework as well as material, technical and human capacities of these institutions.

The Police

- ▶ It is necessary to regularly publish work reports, statistical data and other information related to the work of the police on official websites, in accordance with the law. Access to information must be adjusted to the users; one must be able to read, search and download documents.
- ▶ It is necessary to regularly publish on the official website service information, as well as other information concerning the cases and situations that are important for the safety of citizens.
- ▶ It is important to constantly improve the functional accessibility of the official website.
- ▶ It is necessary to strategically approach the development of the area of communication.¹
- ▶ It is necessary to develop and adopt publicly available guidelines for public relations, especially those that involve media, which would precisely state when and in which situations the police will be communicating with the public, who will do the communicating on behalf of the police, and what type of information is actually available to the public.
- ▶ It is important to include in the law and introduce the position of police spokesperson in all territorial police units at the national and local levels where this type of relations with the public have not been established to date. The contact information of the spokesperson must be publicly available on

¹ For a detailed description of the steps involved in the wording of the police communication strategy, see: Darrel W. Stephens, Julia Hill, Sheldon Greenberg. *Strategic Communication Practices: A Toolkit for Police Executives*. Washington: U.S. Department of Justice, Office of Community Oriented Policing Services. 2011. <<https://goo.gl/a8hWrX>>.



the official website. Spokespersons ought to be available to journalists, and should provide accurate information as soon as possible, in accordance with the law and the public relations guidelines.

- ▶ It is important to conduct press conferences regularly at the national and local levels so that a spokesperson or a police representative could inform the public of the developments that are important for the safety of citizens.
- ▶ It is important to regularly hold meetings with journalists who cover the topic of security in order to establish better communication and facilitate easier exchange of information.
- ▶ It is important to make use of the possibilities offered by social networks to better inform citizens about the work of the police, but also to prevent crime. The focus of action on social networks should be on the police and its professional composition.
- ▶ It is important to continually improve and widen the knowledge of police employees in charge of communication in online and offline environments.
- ▶ It is necessary to strictly respect the statutory rules and deadlines regarding the application of the right to free access to information of public importance.
- ▶ It is important that organizational units in charge of internal control of the police initiate appropriate procedures, in accordance with the law, whenever there is an indication that data from an ongoing investigation that could threaten its further course have been published in the media.
- ▶ It is necessary that the organizational units in charge of internal control of the police intensify preventive activities that will reduce and prevent “leakage” or intentional placement (“serving”) of information relating to investigations, by developing and monitoring the application of procedures for access to information from ongoing investigations.
- ▶ It is necessary to sanction the responsible persons for the illegal publication of information and documents in the media – those that could jeopardize investigations that are being conducted by the prosecutor’s office and the police.

The Media

- ▶ It is necessary that journalists report in accordance with their Code of Ethics, respect the statutory rules, and apply the principles of innocence until proven guilty and respect for others’ privacy in their work.



- ▶ It is important to continually improve and widen the knowledge of the functioning of the criminal system of journalists who report on the topic of security.
- ▶ It is necessary to strengthen the role and independence in the work of self-regulatory bodies and to publish their decision on official websites whenever a certain media outlet violates the Code of Ethics and professionalism in journalism.
- ▶ It is important to regulate the following in the law, and then apply it in practice: media that violate the Code of Ethics should not be able to apply for public funds for the financing of media content that serves a public interest; that is, when funds are allocated, whether or not a specific media outlet has violated the Code of Ethics should be one of the criteria used.
- ▶ It is important that journalists' associations continuously insist on, and advocate for, respect of the journalists' Code of Ethics and the strengthening of regulatory and self-regulatory bodies dealing with the compliance of printed and electronic media with the Code of Ethics and the laws, and that they regularly inform the public at the national, regional and international level about the challenges and problems that have been encountered in communication between the police and the media.

The International Community

- ▶ It is necessary to continue to advocate for the respect of the freedom of the media and the rule of law in the region.
- ▶ It is important to continue to provide support to various forms of communication between the police and the media for the purpose of better exchange of information, or to initiate entirely new forms of communication.
- ▶ It is important to continue to provide support to the improvement of application of the right to free access to information of public importance.
- ▶ It is important to continue to provide support for, and actively participate in, the improvement of communication and cooperation between the police and independent institutions charged with performing control, primarily those dealing with the protection of the rights of citizens and the application of the right to free access to information.
- ▶ It is important to continue to support the improvement and strengthening of knowledge of the functioning of the criminal system, of police employees charged with communication in offline and online environments and journalists who report on the topic of security.



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- ▶ It is important to continue to support the strengthening of material, technical and human resources of the organizational units of the ministries in charge of internal affairs whose purviews include communication and public relations activities.



INTRODUCTION

Media and the police play an important role in the democratization of a society, i.e. in the adoption of democratic values such as the rule of law and freedom and accountability, and in adherence to democratic principles in decision-making through active and responsible participation and dialogue based on arguments rather than power. Media are one of the pillars of democracy and are vital to improving the quality of institutions' work by safeguarding their democratic performance.² As an institution, the police do not exist just so that they can use lawful actions to preserve the law and order, protect fundamental rights and freedoms, prevent crime, reduce the fear of crime, provide assistance, and serve citizens; it should also support the rule of law.³

Continuation of the process of democratization of the Western Balkans is crucial given that the entire region already shows clear elements of “captured state”⁴, i.e. of a systematic and organized process aimed at taking over the resources of a particular country for the purpose of satisfying private instead of public interests. It is not possible to take over the public resources to the detriment of public interests without political, police and judicial protection, but it also requires an atmosphere of fear where any criticism must be silenced.⁵ As a result of their privileged status, the capture agents form institutions, a political and legal environment, and control the media in order to advance and protect their own interests at the expense of the interests of the society as a whole.⁶

Printed and electronic media are traditionally the primary means that police services around the world use to communicate with the public; they are particularly important for the “captured” environment of the Western Balkans because of the democratic development of the police, the accountability of police officers, and the level of trust and confidence of citizens in the police. All this, together, consequently influences the process of democratization of the Western Balkans. Democratisation requires free and independent media, professional journalism, the willingness of the police to provide the public with objective information about their work without revealing confidential information, and communication between the media and the police, which provides easier, and ensures timely, receipt of information.

2 Nael Jebrić, Václav Stetka, Matthew Loveless. 2013. *Media and Democratisation: What is known about the Role of Mass Media in Transitions to Democracy?* Oxford: Reuters Institute for the Study of Journalism, p. 6. <<https://goo.gl/uWy1ax>>.

3 Kevin Carty. 2008. *Guidebook on Democratic Policing*. Vienna: Strategic Police Matters, OSCE Secretariat, p. 9. <<https://goo.gl/xwC2Ag>>.

4 European Commission. 2018. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A credible enlargement perspective for and enhanced EU engagement with the Western Balkans. Strasbourg, 6.2.2018, COM(2018) 65 final, p. 3. <<https://goo.gl/ut2wd6>>.

5 OECD. 2017. *Preventing Policy Capture: Integrity in Public Decision Making*. Paris: OECD Public Governance Reviews, p. 5. <<https://goo.gl/azMjXW>>.

6 Joel S. Hellman, Geraint Jones, Daniel Kaufmann. 2000. *Seize the State, Seize the Day: State Capture, Corruption, and Influence in Transition*. World Bank Group.



Healthy communication between the media and the police requires that both journalists and police employees respect the rules of professional work that are prescribed in their respective codes of ethics. The police should be transparent in their work; they should also clearly define their relations with the media as well as the role of the person who will represent the institution in the public, and should continually train employees whose job descriptions include some form of relationship with the media.⁷ The media, on the other hand, should report professionally, truthfully and objectively, keeping in mind the needs of the public interest, and respecting privacy and diversity.⁸ The main beneficiaries of such healthy communication will be the citizens, as they will be able to receive credible information on police work through various communication channels. This will make them better informed, which is necessary for critical thinking and active and responsible participation in a democratic life. Communication with the media will also benefit the police; by being open and informing the public about their work, they will present a better picture of themselves, thus increasing their reputation and proving their accountability. Healthy communication with the media can also help the police obtain information that can significantly help them in their operational work.

The objective of the research is:

1. To identify the problems of communication between the police and the media in the Western Balkans;
2. To advocate for the establishment of sound communication between the media and the police in the region, which will consequently influence the further process of democratization of the Western Balkans;
3. To recommend possible solutions to overcome the current problems in communication between the police and the media.

The first part of the practical policy proposal analyses the legal framework that governs transparency of the work of police services in the region, and then goes on to describe the main problems that occur in communication between the media and the police: insufficient transparency of police work, leakage or intentional placement (“serving”) of information pertaining to ongoing police investigations, and violation of the professional and ethical values of journalism. The second part of the proposal offers possible solutions. These solutions are not final, but they provide a solid basis for further discussion in the region on how to improve communication between the police and the media.

7 The European Code of Police Ethics, Recommendation Rec(2001)10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001 and explanatory memorandum, p. 9. <<https://goo.gl/BVdmc3>>.

8 Organization for Security and Co-operation in Europe. 2008. *The Media Self-Regulation Guidebook*. Vienna: Office of the Representative on Freedom of the Media. <<https://goo.gl/tJPQ87>>.



The policy paper was developed based on the analysis of the content of legal enactments, strategic documents, academic articles and articles published in the media, as well as reports submitted by various bodies in charge of police control. Official statistics of public institutions were also taken into consideration, as well as information collected during interviews with two journalists and a representative of a journalists' association.

PROBLEMS

It is Not Enough Just to Have Good Laws

The legal framework in the Western Balkans that governs freedom of the media, transparency of the work of the police, and the right to free access to information of public importance is largely sound and in line with the practices of European countries.

Regional and international experts mostly have words of praise for the good legal framework that governs the media sphere in the Western Balkans.⁹ Similarly, the broad and well-developed legal framework on freedom of the media has been highlighted also in the European Commission's progress reports on candidates and potential candidates for membership in the European Union.¹⁰ To conclude, the Western Balkans has in place some decent legal mechanisms that ought to be able to ensure free and independent media in practice.¹¹

The transparency of the work of the police is mostly governed by the laws that on police or internal affairs. Most often, ministries responsible for internal affairs are obliged under the letter of law to work transparently and to regularly publish reports on their operations. The public is excluded only when there is a possibility that specific information may jeopardize police work or security in the widest sense. The National Assembly and the competent committee for internal affairs are in charge of the external control of the police, while there are also methods in the police services in the region that are used to perform internal control.

In Serbia, the law stipulates that the work of the Ministry of Internal Affairs shall be transparent and that the Ministry shall regularly, promptly and fully inform the public of its work, except in cases prescribed by law.¹² In Montenegro, the law stipulates that the Ministry of Internal Affairs Ministry shall inform the

9 Florian Bieber, Marko Kmezić. 2015. *Media Freedom in the Western Balkans*. Belgrade: Balkans in Europe Policy Advisory Group, European Fund for the Balkans, p. 11. <<https://goo.gl/Devgnq>>.

10 Velina Lilyanova. 2017. *Media Freedom Trends 2017: Western Balkans*. Brussels: European Parliamentary Research Service. <<https://goo.gl/pibyQM>>.

11 Toby Vogel. 2015. *Media Freedom and Integrity in the Western Balkans: Recent Developments*. Belgrade: European Fund for the Balkans, p. 6. <<https://goo.gl/jLKnpjv>>.

12 Article 6, Law on Police, "Official Gazette of the Republic of Serbia" nos. 6/2016 and 24/2018.



public about the performance of internal affairs when in the interest of the citizens of Montenegro and their safety.¹³ The Federal Ministry and the Police Directorate in Bosnia and Herzegovina are obliged by law to inform the public on the events and appearances under their jurisdiction, as well as on the measures being taken to resolve these issues.¹⁴ According to the law, the Ministry of Internal Affairs of the Republic of Srpska is open to the public and the media, unless disclosure of certain data could harm the police operations and the safety of citizens, or if it is in contravention of the law.¹⁵ In Macedonia, the law stipulates that the Ministry of Internal Affairs is under the obligation to publish a written report on the work of the police and make it available to the public.¹⁶ Some of the guiding principles of the Kosovo police are transparency, provision of information to citizens, and openness to the public.¹⁷

In the region, the access to information of public importance is regulated in a similar way by special laws. Public authorities are obliged to provide information of public importance.¹⁸ In Macedonia, free access to such information is guaranteed by the law of 2006, which complies with international standards.¹⁹ In Serbia, local experts have assessed the Law on Free Access to Information of Public Importance of 2004 as one of the best in the world. However, the latest draft amendment of April 2018 may reduce the attained level of citizen rights – which had taken more than a decade to build – as it jeopardizes the insight into the work of public institutions and increases the right of the authorities to avoid issues of accountability.²⁰ The laws on free access to information of public importance in Bosnia and Herzegovina provide that public authorities are obliged to provide information of public importance to citizens, except in cases when this might threaten security.²¹ In Albania, the first law on free access to information of public importance was adopted back in 1999; it was amended 15 years later and aligned with contemporary trends.

Despite the existence of a sound legal framework, poor implementation of the laws and the lack of political will to respect them in practice remain the main problems.

13 Article 5, Law on Internal Affairs, “Official Gazette of Montenegro” nos. 44/2012, 36/2013 and 1/2015.

14 Article 9, Law on Internal Affairs of the Federation of Bosnia and Herzegovina, “Official Gazette of the Republic of FBiH” no. 34/16.

15 Article 161, Law on Police and Internal Affairs, “Official Gazette of the Republic of Srpska” no. 57/16.

16 Law on Police, Macedonia, Article 9.

17 Article 2, Law on Police, “Official Gazette of the Republic of Kosovo” no. 03/ L-035.

18 Balkan Investigative Reporting Network. 2016. *Transparency in the Balkans and Moldova*. Prishtina, Sarajevo: BIRN, p. 4. <<https://goo.gl/YbT443>>.

19 Elda Brogi, Alina Dobрева, Pier Luigi Parcu. 2014. *Freedom of Media in the Western Balkans*. Brussels: Policy Department DG External Policies, p. 15. <<https://goo.gl/4yk8tw>>.

20 Civil Society Initiative “Defend Your Right to Information - I Refuse to Let What Is Public Be Secret”, 19 April 2018. <<https://goo.gl/FaiY3p>>.

21 Elda Brogi, Alina Dobрева, Pier Luigi Parcu. 2014. *Freedom of Media in the Western Balkans*. Brussels: Policy Department DG External Policies, p. 27. <<https://goo.gl/4yk8tw>>.



Incomplete Transparency of the Police

Police services in the region are not sufficiently transparent and are slow to provide information to the media, both at the national and local level.

When they ask for information, representatives of the media have to wait a long time to receive a response from the police. Moreover, in cases when information is indeed provided to them, it is usually stingy and incomplete. Therefore, one gets the impression that information is provided solely for the purpose of formal compliance with statutory obligations, and not because there is a need to fulfill a professional standard. For example, in Bosnia and Herzegovina, the biggest problem in the relationship between the media and the police is the slow pace of the police when it comes to providing information. When journalists officially address the police, they receive only incomplete information that meets the bare minimum of professional standards. Information about sensitive cases is obtained through other or irregular sources, unofficially; this is usually the information that is obtained first, while the official confirmation often requires a very long time.²² The process of obtaining information frequently takes a long time even in countries where police administrations do have spokespeople. In some situations, it is difficult to reach a spokesperson and find his/her contact data, and one has to wait a long time for a reply.

In Serbia, a report on the work of the police cannot be found on the website of the Ministry of Internal Affairs, at least not in a separate, readable and easily accessible document, although the obligation to publish such a report is stipulated in the Law on Police (Article 6).²³ The Information Booklet on the Work contains only the report for the year 2015.²⁴ The exception is the Sector for Internal Control, which has significantly improved the transparency of its operations in the last three years by making work reports accessible to the public. Statistical data, such as those provided by the Croatian Ministry of Internal Affairs,²⁵ for example, cannot be found on the website of the Serbian Ministry of Internal Affairs. A similar situation was observed concerning the website of the Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina, where it is possible to find work reports, but without any other statistical data. There are countries in the region where the names and contacts of spokespersons in police administrations are published on the websites, such as in Macedonia and Serbia, where it is possible to find their e-mail addresses.

22 Jelena Veljković, documentary film “Police and the Media”, Balkan Investigative Network, 31st minute. <<https://goo.gl/7LWA9q>>.

23 “Official Gazette of the Republic of Serbia”, nos. 6/2016 and 24/2018.

24 See: Information Booklet on the Work of the Ministry of Internal Affairs of the Republic of Serbia, November 2017, p. 117. <<https://goo.gl/bcVWWq>>. Accessed on: 10 June 2018.

25 See: <<https://goo.gl/wfwAfZ>>.



There is also the problem caused by the fact the state administration authorities do not respect the statutory deadlines for the provision of information of public importance; in fact, they have been known not to provide such information at all. As a result of this, journalists, media outlets and citizens end up in a situation where they have to submit complaints and address institutions charged with the protection of the right to free access to information of importance. We have such a situation in Serbia, where quite a large number of complaints have been submitted to the Commissioner for Information of Public Importance and Personal Data Protection. In 2017, the Commissioner has submitted 5.5% more complaints than in 2016, creating 3680 complaints; 3242 complaints were transferred from 2016 because the procedure was not completed, which resulted in 6922 complaints in total in the year 2017.²⁶ Such a large number of complaints leads to over-burdening the Office of the Commissioner, whose capacities are already tight. In Montenegro, 3880 complaints were submitted to the Agency for the Protection of Personal Data and Free Access to Information in 2017.²⁷ The fact that institutions dealing with information of public importance are not independent in their work presents an additional problem. Such a case was observed in Macedonia.²⁸

Police services in the region rarely hold press conferences. This is done mostly by political representatives of the ministries of internal affairs or public safety, but hardly ever by professionals. Also, such conferences are most often held only when operational work involving a successful police action should be commended.²⁹

Leakage or Intentional Placement (“Serving”) of Information

“Leakage” or intentional placement (“serving”) of information by the police happens to be another big problem that negatively affects the healthy relationship between the media and the police. Such behavior has existed, in continuity, for quite some time now, and it can be concluded that the issue at hand actually involves targeted and systematic disclosure of information from investigations; it also involves only certain, specific media outlets.

Information obtained from the police are often used for political purposes or to get even with political opponents and those with different opinions and convictions, but also with the aim of stigmatizing certain individuals.³⁰ In any case, such information usually appears by way of the already established

26 Commissioner for Information of Public Importance and Personal Data Protection. 2018. *Annual Report on the Implementation of the Law on Free Access to Information of Public Importance and the Law on Personal Data Protection for 2017*. Belgrade, pp. 7 and 34. <<https://goo.gl/9dBULX>>.

27 Agency for the Protection of Personal Data and Free Access to Information. 2018. *Report on the Situation Concerning the Protection of Personal Data and Access to Information for 2017*. Podgorica, p. 77. <<https://goo.gl/p3b13k>>.

28 Regional platform of the Western Balkans for Representing the Freedom of the Media and the Safety of Journalists. 2017. *Indicators of the level of media freedom and security of Macedonian journalists*. Skopje, p. 17. <<https://goo.gl/uQW8eA>>.

29 Jelena Veljković, documentary film “Police and the Media”, Balkan Investigative Network, <<https://goo.gl/7LWA9q>>.

30 *ibid.*



pattern. The media outlets that are close to those in power receive police information – mainly tabloids that publish information obtained in this way to promote various political interests or individuals. Tabloid-oriented media most often publish such information in order to offer stories that might attract a large number of readers and viewers.

Another problem is reflected in the fact that in most of the countries of the region no one is held accountable when such situations occur. The proceedings envisaged by law are not initiated, and information on how the information was “leaked” is difficult to obtain and hard to prove. According to the data of the Republic Public Prosecutor’s Office in Serbia, in the year 2016, the prosecutors’ offices have received three new reports concerning the disclosure of official secrets. During the same period, two of these were rejected, whereas one was resolved by the application of the principle of opportunity – instead of being reported, one is obliged, for example, to donate a certain sum of money for humanitarian purposes.³¹ Cases where the issue of liability is raised at all, most often involve proceedings initiated against journalists. There have also been cases when the media have invented stories, citing institutions as their sources. While verifying whether there has been any leakage of information from the police in the case of rape and murder of a girl and a woman, the Commissioner for Information of Public Importance and Personal Data Protection of the Republic of Serbia performed control of the Ministry of Internal Affairs and found that there were no information leaks, and that the media have simply reported false information.³²

There have been examples of leakage of information from the police services in the region as well. In Kosovo, the media have reported news of the death of Astrit Dehari, a political activist who was imprisoned on terrorism charges. In this case, the authorities have said that he had committed suicide, while Dehari’s family and the opposition Kosovo party, Self-Determination, whose member he was, stated that he had been murdered. While the investigation was still underway, local media kept reporting about the last minutes and hours of his life in the prison corridors. Security camera footage leaked into the media. One of the consequences of these occurrences was the fact that they have jeopardized the course of the investigation.³³

However, it seems that this problem is most pronounced in Serbia. One of the last cases involved leaked information concerning the murder of singer Jelena Marjanović. She had been murdered in April 2016 in the Belgrade suburb of Borča, and the police have been unable to discover the perpetrator. Namely, at the end of August 2017, in the morning programme of a television station with a nation-wide frequency, the editor-in-chief of “Happy TV”, Milomir Marić, announced that the arrest of Jelena Marjanović’s husband was to take place as part of one of the reality shows: “The crowning moment of the reality show

31 Vladimir Kostić, “There is no political will to prevent leakage of information”, Serbian Centre for Investigative Reporting, 27 November 2017. <<https://goo.gl/KeLGyg>>.

32 Ibid.

33 Jelena Veljković, documentary film “Police and the Media”, Balkan Investigative Network, 39th minute. <<https://goo.gl/7LWA9q>>.



“The Cooperative”, broadcast by Pink TV, will be the arrest of Marjanović.”³⁴ Marjanović was actually arrested after he left the reality show, two weeks after the above announcement.

Tabloidization of the Media and Publication of Fake News

In search of sensationalist topics, the media are paying less and less attention to professional standards and ethical values and neglecting to verify the accuracy of the information they publish.

To increase their circulation or reach as large a number of viewers as possible, certain media outlets often resort to sheer sensationalism. In doing so, they use information from the investigations, which they obtain from various sources that are allegedly close to these investigations; sometimes they even claim that their sources are members of the police force, without taking into account the presumption of innocence or the fact that they are violating some person’s privacy. They sometimes publish information that can even threaten the ongoing investigation itself.

The results of such behaviour are the tabloidization of the media and the daily violation of the rules of the journalists’ code, which can be concluded also based on the reports of self-regulatory and regulatory bodies in the region. For example, 250 complaints were filed with the Press Council in Bosnia and Herzegovina in 2017.³⁵ In Serbia, 83 texts in which the presumption of innocence of citizens has been violated were counted in just 14 days.³⁶

Publication of “fake” news that has not undergone a proper accuracy verification happens to be an additional problem. The Western Balkans is the region in Europe that is most susceptible to the publication of false news due to: highly controlled media, low level of education of the population, and low levels of trust and confidence of citizens in institutions.³⁷ The available examples are frightening. In 2017, ‘Informer’, a newspaper with one of the largest circulations in Serbia, managed to publish all of 362 pieces of false news on 302 of its cover pages.³⁸

34 Maja Đurić, “Marjanović’s arrest announced in the morning Tv programme”, TV N1, 16 September 2017. <<https://goo.gl/c1Jq8x>>.

35 Press Council of Bosnia and Herzegovina, Review of cases from 2017, <<https://goo.gl/BKZ9X7>>.

36 Jelena Kleut, Uroš Mišljenović. 2016. *Protection of Privacy and the Presumption of Innocence in the Media*. Belgrade: Partners for Democratic Change - Serbia, p. 18. <<https://goo.gl/KKSBUq>>.

37 Marin Lessenski. 2018. Resilience to ‘post-truth’ and its predictors in the new Media Literacy Index 2018. Sofia: Open Society Institute. <<https://goo.gl/1BJaX2>>.

38 Nevena Bogdanović, “We have identified 362 pieces of false news on the front pages of ‘Informer’ in one year”, Fake News Tragač, 26 January 2018. <<https://goo.gl/aFNqEL>>.



Insufficient Trust and Confidence of Citizens

Insufficient transparency of the work of police, leakage or intentional placement (“serving”) of information from the investigations, and the unprofessional work of certain media outlets are causing the low levels of trust and confidence of citizens in the police and the media that have been noted in the region. The level of trust in the police has grown slightly in the last three years, though; on average, slightly more than half (59%) of the citizens now trust this institution.³⁹ However, the level of trust is still not sufficiently close to that which is present in developed democratic countries. For example, citizens in the Netherlands trust the police the most – all 75 percent of them.⁴⁰ The problem that is far greater than the still insufficient confidence and trust in the police is the belief that police employees are highly corrupted, which however persists simultaneously with a relatively high level of trust in this institution. The percentages are almost identical.⁴¹ The same survey has shown that citizens also feel a great lack of confidence in the media. In most countries in the region, they distrust the media even more than they do the police. The situation took a turn last year when the percentage of average distrust in the institutions changed as the bodies charged with the fight against corruption replaced the media on the list of four institutions least trusted by the citizens.⁴²

SOLUTIONS

Greater Transparency of the Police is Necessary

Police services in the region should be transparent to the greatest extent possible. In order to make the data more accessible to citizens and enable journalists to obtain news and information more quickly and easily, it is necessary to publish important documents and information concerning the work of the police on the official websites of the ministries responsible for internal affairs and to regularly update such data and documentation. The data should be presented in a language that is understandable and easily accessible, and one should be able to read and download the published documents. The minimum information that should be available on the websites is as follows:

39 Sofija Mandić. 2017. Citizens’ Opinions of the Police: Comparative Analysis of the Public Opinion Surveys Conducted in Albania, Bosnia and Herzegovina, Montenegro, Macedonia, Serbia and Kosovo. Belgrade: Belgrade Centre for Security Policy. <<https://goo.gl/7wPbfD>>.

40 Statistics Netherlands (CBS), “Meer vertrouwen in elkaar en instituties”, 28 May 2018, <<https://goo.gl/CayrWn>>.

41 Sofija Mandić. 2017. Citizens’ Opinions of the Police: Comparative Analysis of the Public Opinion Surveys Conducted in Albania, Bosnia and Herzegovina, Montenegro, Macedonia, Serbia and Kosovo. Belgrade: Belgrade Centre for Security Policy. <<https://goo.gl/7wPbfD>>.

42 Ibid.



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- Description of the police within the organizational structure of the state administration, and especially within the criminal system;
- Explanation of the role and responsibilities of the police based on the Constitution and the laws;
- Presentation of the organizational structure of the police at the local and national levels;
- Explanation of the employment system utilized by the police;
- Description of the training of police officers;
- Explanation of how integrity is enhanced and the disciplinary responsibility of employees is ensured;
- Profiles and role of police unions;
- Explanation of how to get in touch with a local police station;
- Description of the priorities of the police force at the national and local levels;
- Description of police powers and professional work standards;
- A detailed explanation of what citizens can expect when they contact the police;
- Presentation of police equipment;
- Explanation of how the police are developing the concept of community policing.

As regards the internet, the media and citizens should be able to find information about the work of the police not only at the national level but also at the level of specific local police administrations, provided on their official internet presentations. It has been proposed that all the territorial organizational units of the police acquire their own websites, or – at the beginning – at least police units of the largest cities in the region. It is necessary to regularly update the annual reports on police work, statistical data, press releases and information provided to the general public, data concerning specific topics that are important for the safety of the citizens, reform activities, information on safety-relevant or risky events, as well as contacts of persons in charge of public relations.

It is necessary to establish the position of police spokesperson at the national and local levels. These persons should be available to journalists and should be charged with receiving requests from the media for the purpose of the timely provision of information to citizens. Police spokespersons would facilitate



faster communication between the media and the police and would serve to avoid formal submission of requests for information of public importance. They should be readily available to journalists. The relationship between the police and the media should be regulated by clear public relations guidelines, especially relations with the media. The guidelines should precisely state when and in which situations the police ought to communicate with the public, who on behalf of the police should do the communicating, and what information is actually available to the public. It is necessary to introduce the practice of holding regular press conferences, which would be attended by police professionals and at which said professionals would be the main speakers.

It is necessary to strategically approach the development of communication. Serbia is the only country in the entire region whose police force strategically approached the topic of communication in the period from 2012 to 2016.⁴³ A strategic approach to communication implies that the police or ministries in charge of internal affairs have an idea about the following issues in advance:

- A realistic assessment of the quality of communication at the national and local levels;
- Objectives that they wish to achieve through communication, which is measurable, time-specific, achievable, relevant and concrete;
- Exact target groups they wish to address;
- Communication tactics that include knowledge of the style and tonality of communication, as well as the exact time of placement of certain types of information or reaction to specific situations;
- Ways of involving citizens in communication;
- A methodology for assessing the success of different communication tactics.

The internet communication of police services in the region should be conducted in accordance with the mission, vision, and values of the police forces themselves. Accordingly, the strategic framework for online communication should be developed as complementary and supplementary content, or – instead – as a pillar of the overall police communication strategy.⁴⁴ Finally, it is necessary to strictly observe the statutory rules and deadlines regarding the application of the right to free access to information of public importance.

43 See: <<https://goo.gl/9ARd56>>.

44 For additional information about the way the police forces use social networks, see: Marko Živković. 2018. *Today and Tomorrow: Social Media and Police Services in the Western Balkans*. Belgrade: Belgrade Centre for Security Policy. <<https://goo.gl/DFQ1XY>>.



It is Important to Better Protect Operational Police Data

It is necessary to provide better mechanisms to protect information from being leaked from the police. In this respect, it is necessary to develop and implement procedures that would provide knowledge as to where who, and how has to access to specific operational data from the investigation. Also, full control over said data should be in the hands of the prosecutor's office conducting the investigation, not those of the police. Measures to monitor the protection of operational police data should be implemented by the organizational units in charge of internal control of the police.

Additionally, it is important to have a functional system of responsibility, i.e. criminal or disciplinary proceedings against the responsible persons should be initiated, but they should also be concluded, involving an appropriate epilogue: a court verdict or a disciplinary measure. Not only is responsibility established in this way, but such proceedings also carry a message that leakage of information from the police is not acceptable.

It is necessary to also continuously train employees on the handling of data stored in various databases since information can also be leaked as a result of lack of proper attention during handling, or even ignorance of persons employed by the police.

What is required is Full Accountability of the Media

The media must be aware of their role and influence on the society, and must therefore act responsibly and professionally in their work. Journalists should always protect others' privacy and the presumption of innocence, must never use sensitive information from an investigation just to increase their circulation or the number of viewers, or to play certain political games and split with untruths.

Journalists' associations should constantly insist on:

- Compliance with the journalistic codes and relevant laws;
- Strengthening of regulatory and self-regulatory bodies that deal with the printed and electronic media's compliance with the Code of Ethics and laws;
- More transparent work of the police, which must always be available to journalists and the media;
- Informing the international and domestic public about all the problems that the media and journalists are encountering;
- Organising trainings for journalists who report on the fields of security and rule of law.



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It is necessary to create a distance from the media outlets that do not report in accordance with ethical codes and do not respect the laws. Media outlets that violate the Code of Ethics should not be allowed to compete for public funds to finance media content that serves a public interest; that is, when funds are allocated, whether or not a specific media outlet has violated the Code of Ethics and whether a regulatory or self-regulatory body has imposed certain measures against it should be one of the criteria used. The international community should insist on the application of the rule of law principle and support initiatives that aim to improve communication between the media and the police. It is particularly important that they provide support to the work of independent control institutions, especially those that protect the right to free access to information of public importance.



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