

Opening speech – workshop “Media and Transitional Justice”, Prizren, 19 July 2013

It is a great pleasure for me to welcome you to this workshop on the topic of „Media and Transitional Justice“ on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation. I am also very happy that the Director of our Media Program, Christian Spahr, has come to Prizren and will take the floor.

Legal professionals and journalists do not always speak the same language and very often find it difficult to become friends. There are concerns and stereotypes on both sides of the fence.

Judges often complain that the media put pressure on them and by influencing public opinion try to influence their decisions thus questioning their independence. Attorneys complain that the media do not respect the presumption of innocence but they also try to instrumentalize them, prosecutors complain that they come under the attack of the media if they do not provide them with the information they request but which they are supposed to withhold.

And of course journalists also have their complaints. They know about the risk of being instrumentalized, they bemoan a lack of transparency and attempts to undermine the freedom of the press. I am sure that other concerns and complaints will come up in the course of this workshop.

So which are the ethical standards that have to be respected by both sides? Do we have legal provisions in this country that respect the principle of the rule of law and that try to balance the interests and rights of both sides?

These questions need to be answered. I am not only talking about the handling of individual cases especially of criminal cases but also about dealing with the past, about healing wounds and enhancing the chances for a better future.

It is obvious that print media, radio and television may either aid processes of truth seeking and reconciliation, or be a major obstacle on that path.

We should in this context, however, not forget that only few journalists are freelancers and this limits their freedom.

When the war in Ex-Yugoslavia started in 1991 the most powerful media owners diverted their work almost entirely to propaganda activities. Fabricating news was seen as a “patriotic duty” and an activity of “national interest”. Journalists who found it impossible to work under such circumstances often resigned or were fired. According to the estimates of the independent syndicate of Radio Television Serbia (RTS), in the first two years of the conflict, some 1,300 journalists and technicians left or were expelled from this media outlet alone. According to other sources

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about 600 journalists were fired from Croatian state television for not being "ideologically reliable" for the job. Similar casting off was happening in many other smaller media outlets throughout the former Ex-Yugoslavia. Those who stayed complied and according to the words of Mirko Klarin, director of the SENSE agency, "Media in former Yugoslavia were like nuclear reactors manufacturing hate, prejudice, and especially fear." In fact the media were employed as a central weapon in the arsenal of the armies that forged war, driven of course by a corresponding political will.

There were, however journalists determined to report the truth regardless of the consequences. For these light-keepers the idea of balanced reporting necessitated raising awareness about war crimes committed by their own compatriots.

Unfortunately some independent journalists paid a high price for swimming against the tide. After publishing a story in 1999 about the executions of Bosniaks in Prijedor, Zeliko Kopanja, the editor-in-chief of Republic Srpska's first independent magazine *Nezavisne Novine*, lost both legs in an attempt on his life.

Since then quite a few years have passed, but memories do not faint easily and many wounds are still healing. The development of the relations between Kosovo and Serbia is, however, promising and we can only hope that the two countries will keep on to the European path which can only benefit the two peoples.

However, the process of transformation is still underway in South East Europe, nationalism, ethnically-motivated discrimination and prejudice have not yet been overcome.

When talking about transitional justice, it is essential to remember that this concept does not only refer to the

prosecution of those responsible for war crimes, but also about compensating the victims of the horrors of war, about the restoration of property rights or the reconstruction – sometimes from scratch – of the institutions that are vital for the functioning of the state. Likewise, it is important to understand that there are a multitude of actors involved in this process – with the media and civil society playing a key role in the dissemination of all relevant aspects of transitional justice. It may sound like a truism, but the fact that transitional justice is not about the revenge of one side against the other is not always fully understood by the population at large. The danger thereof is obvious – populist politicians will always be around the corner, only waiting to exploit such feelings. And it is my conviction that the media and civil society have a great responsibility towards preventing such dangers.

What role will the media play in the future? Will the freedom of individual journalists and the freedom of the press as a whole be respected? Will media be truly independent? The complex approaches to these questions will hopefully be discussed during this workshop.

Let me express once again my profound thanks to our partner organisation the centre for Research, Documentation and Publication, to all those who prepared this conference, to the experts who will speak to us and especially to you who have accepted our invitation. This is highly appreciated by us. I wish this workshop every possible success.