[BA] Court Decision on the Defamation Case against FTV

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According to reports the Banjaluka Municipality Court (Court of First Instance) decided on the case of Milorad Dodik v. Federal Television (FTV), on 8 August 2011, ordering FTV - more precisely the editor-in-chief of the political magazine programme “60 minutes” and its two reporters - to pay jointly KM 5,000 (approximately EUR 2,500) plus interest charged as a penalty for tardiness, and procedural costs of KM 3,300.

At the time of lodging this civil suit the claimant, Mr. Milorad Dodik, was acting as Prime Minister of the Republika Srpska (RS), an entity within Bosnia and Herzegovina. His complaint concerned episodes of the “60 minutes”-a magazine programme produced by FTV and broadcast on 28 January and 25 February 2008. According to the claimant, who currently is the President of the RS, the primitive, vulgar and abusive rhetoric used in the magazine seriously damaged his honour and reputation, “inflicting mental anguish”.

The ruling of the Banjaluka Municipal Court was based on Art. 11 (Fines) of the Law on Defamation and Libel (Sluzbeni glasnik RS) No. 37/2001.

Acts of defamation and libel have been decriminalised in Bosnia and Herzegovina in 2001 (in the Federation of BiH in 2002): in brief, journalists cannot be sent to prison for inflammatory reporting, but such can be subject to civil suits. The fines prescribed by law are not high, but put in the context of the rather poor material status of journalists, they might nevertheless cause a chilling effect.

The guiding principle of journalistic reports should be the balancing of rights and responsibilities. In the present case the words chosen in “60 minutes” relating to the claimant and several persons associated with him at that time (e.g., “political mafia”, “criminalised party leaders”, “mentally sick persons”, “crooks and psychopaths”, “bandit of Laktasi”, “new racist order” etc.) infringed this principle.

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