

Surely Avaz not demanding the right to tell lies?

Following the demonstration by employees of Dnevni Avaz outside the Office of the High Representative today, the OHR made the following statement:

The employees of Dnevni Avaz are free to demonstrate peacefully wherever they want in accordance with the law. This is a fundamental democratic right and European standard. Unfortunately, the demonstrators from Avaz did not take up the High Representative's offer to come in to the OHR and discuss their concerns with him directly.

The OHR would however like to make two points.

First, the OHR does not understand why Avaz is demonstrating against "the introduction of censorship". According to the letter Chief Editor Djapo sent to the High Representative on 17 February, the Sarajevo Cantonal Court has introduced provisional measures banning Avaz "from further distribution and presentation of false claims pertaining to Plaintiff Zlatko Lagumdzija". Avaz is not banned from writing about Mr Lagumdzija, only from publishing falsehoods about him. Is that the right that the journalists of Dnevni Avaz are demonstrating for?

Second, while the right to demonstrate peacefully is a fundamental European standard, so is the introduction of an independent judiciary. About that there can be no compromise if BiH wants to join Europe. The administration of the law is a matter for the courts and the legal system, not for the High Representative. So while Avaz is welcome to continue to demonstrate outside the OHR, the OHR cannot and will not interfere in the administration of the law or the decisions of the courts.

The principle is clear in a modern European state: the appointment of judges and their decisions cannot be subject to the influence – or intimidation – of politicians; or newspapers; or, for that matter, High Representatives.

What is also equally clear is that without an independent judiciary, independently selected, BiH will never get into Europe. The current judicial reappointment process, under the supervision of the independent High Judicial and Prosecutorial Councils, is an essential and necessary part of this process. As their recent statements have shown, the European Union, the Peace Implementation Council, and the United States support this process and are not prepared to see it undermined. Just because judges rule against Dnevni Avaz is not evidence that the process is flawed, that the judges are corrupt, or unprofessional, or spies, as Avaz has claimed. Such media pressure and intimidation against the judiciary has no place in a modern democracy.