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Europe/Ex-USSR - Slovenia

Repression

Slovenian justice system sanctions journalists in climate of political hostility to media

19 February 2015

The Slovenian democratic party – SDS – took a regressive step in 2008 by pushing through a new penal code that eliminated previous authorization to publish classified information deemed to be in the public interest. Now, four journalists are being prosecuted for bringing secret documents to light.

In three similar cases, journalists reported on classified documents. These had been leaked by a political group trying to weaken its opponents. The journalists were then hit with legal actions spurred by the targets of the leaked information.

Journalists manipulated in political conflicts

Two journalists from the daily *Dnevnik*, **Meta Roglič** and **Peter Lovšin**, are being investigated for having published a March 2013 article on a crisis within Sova, the Slovenian intelligence and security agency. Their report was clearly in the public interest.

The intelligence agency then launched a criminal investigation of the journalists, who underwent police interrogation. The information that the journalists obtained had clearly been made available by sources within the spy service. That agency was torn by a political conflict between two factions – one on the right headed by former prime minister Janez Janša, the other on the left supported by businessman Bojan Petan.

During the 2011 parliamentary elections, **Anuška Delić**, a journalist for the daily *Delo*, revealed the existence of links between the SDS, headed by Janša, and the extreme right-wing “*Blood and Honour*” group.

Delić is charged with having illegally obtained and disseminated classified information. The prosecutor has claimed that after the documents were published, the intelligence and security service lost its ability to continue gathering information on the Slovenian extreme right, and had to stop wiretapping some telephone conversations. In addition, the article alerted some intelligence agency targets that they were under surveillance.

Delić asserts that the criminal investigation is politically motivated. The case was opened two weeks after the appointment of a new Sova director, Damir Črnčec. “*This is a revenge as I published article about SDS party connections to extreme rights just before parliamentary elections*”, Delić said. “*This is politization of this case and attack on journalists and media.*”

The SDS entered the government in 2012, immediately naming Črnčec as spy chief. He is known for having organized courthouse demonstrations after Janša was convicted of corruption charges.

On same trial against Anuška Delić, former director of Sova Sebastjan Selan is indicted by the prosecutor, as he didn’t request investigation and prosecution of a leak in Sova.

A journalist targeted by the former prime minister

Erik Valenčič, a journalist for Slovenian public television, was summoned to a hearing by a prosecutor on 28 January 2015. He refused to answer questions. In a January 2014 TV documentary, he had made public a Sova report on the Slovenian extreme right. The journalist is charged with disseminating classified information.

The journalist contends that the document, which a parliamentary committee requested from Sova in September 2012, did not contain genuinely sensitive information. And Valenčič in any case left out or concealed information that he did consider legitimately confidential.

Janša, who was prime minister until 2012, [posted a tweet about Valenčič](#) on 27 January 2015, accusing him of being a "*potential terrorist*" (sic). The tweet was addressed to the Israeli foreign ministry and the CIA, and included the hashtag "#airportsecurity." The tweet included three photos of the journalist, taken from his personal files. One image shows him with a Kalashnikov in 2006, in a hotel room in Iraq, where he was serving as a war correspondent. The tweet clearly aims to damage the journalist and his credibility, and to create problems for him when traveling abroad.

Obstacles to press freedom

In 2008, Janša's SDS pushed Slovenian politics to the right, especially where press freedom is concerned. The current Slovenian penal code, which passed parliament that year, introduced provisions that endanger freedom of information. Journalists have already been used by Sova and political figures before the adoption of the new penal code, but it happened without such dire consequences.

The pre-2008 penal code included a provision on divulging classified information, authorizing publication when the intention was to bring irregularities to light. That provision provided a degree of protection to journalists, but was eliminated from the present code. It seems clear that that the measure should be restored. In addition, a new provision should be adopted to decriminalize defamation, which remains a crime under Slovenian law.

Connections between media tycoons and the intelligence services is a real obstacle to Slovenian investigative journalism. In 2012, former Sova chief Sebastjan Selan became chief executive of Marina Portorož and director of Terme Čatež in 2013, both company owned by oligarch businessman Bojan Petan. The latter is being prosecuted for alleged abuse of his position and abuse of trust in business activities. Along with businessman and lobbyist Franci Zavrl, Petan allegedly embezzled 26 million euros and caused 54 million euros in damages to the Marina Portorož and Terme Čatež companies in 2009 and 2010, which Selan also runs. Petan also owns the Dnevnik newspaper. He is being investigated by Bosnian authorities for alleged organized crime activities and money laundering. Dnevnik has covered investigations of its owner and did not mention the police investigations of organized crime activities and money laundering against Petan. Even after Zavrl's and Petan's homes were searched, only Zavrl's name initially appeared on Dnevnik's website and its news pages, when all other medias reported about Petan. It took several hours for the newspaper to finally mention him.

Slovenia ranks 35th of 180 countries in the [Reporters Without Borders 2015 world press freedom index](#).

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