

PRESENTATION TO BE DISTRIBUTED CONFERENCE PARTICIPANTS

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Conference

SPEAK UP! Freedom of Expression and Media in the Western Balkans and Turkey

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I've spoken up and saved my soul. Will I save my life?

I PART

Violence against journalists and media during the wars was brutal and widespread. The intent was to conceal the truth about these wars from the public. And some journalists were being murdered only for doing their jobs.

In the aftermath, there was no willingness among media professionals, nor was there in place a favourable social climate to confront those warmongering colleagues and media who had been inciting hatred and obscuring the truth.

Now the skeletons are falling out of their cupboard whenever war-time 'journalistic crimes' from the recent past come back to haunt those media and colleagues who have been feigning uncompromising professionalism since then.

This is the shaky foundation upon which the media systems have been built in post-war years.

On the other hand, the old habit of perceiving the independent media and truly professional investigative journalism as enemies has persisted to date.

In the post-war period, unfortunately, such an attitude towards the media has been a legacy shared by former Yugoslav republics. Here are some examples to illustrate the point:

- Murders of journalists – the unsolved cases: Dada Vujasinović, Slavko Ćuruvija and Milan Pantić in Serbia; Ivo Pukanić and Niko Franić in Croatia; Duško Jovanović in Montenegro; Bardhyl Ajeti in Kosovo...
- Assassination attempt on Željko Kopanja in Bosnia-Herzegovina who lost his both legs in the attack and is now running Banja Luka-based *Nezavisne Novine* daily;
- A failed bombing attempt on the lives of Serbian journalist Dejan Anastasijević and his family;
- Physical and verbal violence against journalists – beatings and threats: Dušan Miljuš in Croatia, Željko Ivanović and Mladen Stojović in Montenegro, Goran Gavrilov and Teofil Pančić in Serbia...;
- Journalists under plainclothes police protection: Brankica Stanković, Vladimir Mitrić, Veran Matić in Serbia, Duško Miljuš and Berislav Jelinić in Croatia...;
- Intimidation of media companies by way of frequent bomb and arson threats, and frequent threatening gatherings in front of media headquarters buildings – B92 in Serbia...;
- Libel cases and exorbitant fines and damages imposed on journalists and media which may cause financial distress and threaten with bankruptcy as in the case of Belgrade-based Danas daily in Serbia...;
- Insidious and sometimes blatant attempts to block media operation by levying outrageous taxes and thus threaten their survival as in the case of TV A1 in Macedonia...

Investigative journalism is most often the cause of vicious attacks on journalists which in turn necessitates 24-hour-a-day police protection. This,

effectively, turns journalists into captives. However, all the colleagues that I know of are still doing their jobs despite considerable constraints on their freedom of movement and communication.

At B92, which is where I come from, my colleague Brankica Stanković and myself are currently under 24-hour police protection regime. The B92 building has been under police protection for years by now. And yet, we have managed to expand our investigating teams, set up investigative journalism school, and incorporate investigative journalism stories in regular day-to-day B92 news programming in addition to special investigative shows.

Our colleague from Zagreb, Croatia, Duško Miljuš, is in a similar situation and also under police protection after a brutal beating.

We will not and cannot reconcile ourselves with the current state of affairs, with the threats to our lives. Against all the odds, we continue to do our work and investigate the background to these threats.

It is, however, extraordinary that some media professionals in the Western Balkans have come to see the threats and resulting violence against journalists daring to investigate ‘taboo’ stories to which no one else would even come close – as something normal.

Investigative journalism has remained a bright spot in our profession despite sustained onslaught of fast, short, superficial and sensationalist stories. Many do not like it, particularly powerful political figures and tycoons who have amassed their wealth illegally and endeavour now to use it against those who are intent on exposing their shady dealings, illicit monopolies and attempts to effectively rule whole countries by themselves.

Too often media owners themselves also dislike this form of journalism because, in their view, it only gives them headaches. However, investigative journalism plays a role of paramount importance in our societies.

In Serbia, indictments have been brought and criminal proceedings launched following B92 investigative stories. At times, though, nothing has come to pass

due to the weakness of the system but we have at least spoken up, warned the public at large, provided records and presented well-substantiated claims in our investigative shows.

Economic pressures being exerted on the media are another tool used to force the broadcasters and print media 'to toe the line', particularly in the times of crisis. Big companies owned by all-powerful tycoons deny advertising contracts, both directly and through media buying agencies. Pressure is also exerted through selective advertising of state institutions and agencies which favour certain media outlets over others because they never stir up public opinion by exposing abuses and corrupt practices.

High fines coupled with damages thus wiped out one of the best weeklies in Europe – Croatia's *Feral Tribune*.

Frequent and restrictive changes to media legislation, which are often subsequently found to be unconstitutional, inflict a lot of damage to the media, and force journalists to resort to self-censorship.

Lack of an open public debate on free flow of information and the position of the media and journalists has stalled the process of adopting proper media development strategy and modern media legislation which would ensure that journalism perform its vital societal function.

This should be a crucial requirement for all the countries in the process of European integration to meet prior to their admission to the EU.

The economic crisis has strongly affected the media and journalists in Southeast Europe. Newsrooms were the first to be hard hit by downsizing and investigative journalism budget cuts. Everyone and everything is moving over to PR sector not only metaphorically and content-wise but also in reality.

Therefore I believe it is necessary to set up special funds at the European level specifically tasked with helping preserve and further develop investigative journalism, but also, in the process, the traditional role of journalism as the watchdog of democracy. These funds should help the media make the

transition to a new age required by new technologies, social networking and new economic realities.

The work of B92's most influential investigative show, The Insider, would not have been possible without the assistance provided by a variety of organisations committed to professional journalism, fight against corruption and other ills of our societies. Such a funding is becoming increasingly scarce whereas the needs are bigger than ever.

If we want peace, stability and democracy in this part of Europe, it is necessary to provide tools and mechanisms for the support of development of investigative journalism which would not then be at the mercy of either governments or tycoons.

Foreign media owners in Serbia should also show solidarity and responsibility with regard to the society in which their media operate.

Just like, say, industrial facilities which are under obligation to observe EU environmental regulations, equally the media must observe the European standards of professional, accountable and unbiased reporting and freedom of expression.

Or else, another two million refugees might flood Europe once again!

PART II

Problems

National journalist associations are neither strong nor united enough, and effective show of solidarity when needed is lacking.

Journalist trade unions are sidelined and have no clout in their respective societies.

There is no in place a system of collective bargaining in journalistic profession that would set wage scales and working conditions, nor mechanisms that would protect the journalists from abuses at the hands of publishers and owners.

Media ownership is still non-transparent and legal regulations introducing a higher degree of transparency are being eschewed. This effectively may lead to a media ownership concentration in the hands of few who would, in conjunction with public service broadcasters (PSBs) – the state-run radios and TVs, which are still a far cry from truly independent PSBs – and state’s major ownership shares in big print media, particularly the biggest dailies, decisively shape public opinion.

Control and manipulation of the media has become a standard. Arrival of major foreign media companies onto the media markets has failed to boost transparency, professionalism and independence of the media.

In Serbia, the economic crisis hit the media hard, which was reflected in significant advertising budget cuts. This affected adversely the print media and local broadcasters in particular.

Governmental policy of media assistance is typically either discriminatory, meaning it is granted to ‘obedient media’, or boils down to mere token gestures. Political elites have no awareness nor any idea of the significance of professional and independent media for the society at large.

At the same time, there is an utter lack of understanding of the importance of media in culture and education. Our cultures and languages as well as the

spirit of multiculturalism and cooperation are best served by our professional and independent media, which should therefore be supported by the state.

Instead, political elites seem to be colluding with local tycoons who are blackmailing the media into submission by threatening to terminate advertising contracts if stories contrary to their vested political and financial interests are published. At present, there is no effective protection from these types of pressure.

Professional standards and education of journalists

Professional standards in the media are declining for several reasons:

1. Lack of interest in the media themselves to stimulate and promote high-quality and serious journalistic work, hence lack of funds for investigative journalism;
2. Limited range of stories and overwhelming tabloidization of the media;
3. Poor economic situation that journalists find themselves in and consequently a dwindling interest among young people in journalism studies;
4. Inferior quality of teaching and lack of standards for journalist training;
5. Lack of serious and meaningful internships at media companies and lack of interest on the part of editors to work with young colleagues;
6. Increasing presence of purely marketing contents disguised as authentic journalist stories;
7. PR sector is rapidly developing encroaching upon the media turf and blurring the distinction between PR and proper journalism.

State regulatory bodies

Regulatory bodies which are nominally independent are, however, under great influence of state institutions. The manner in which they are formed prevents them from being truly independent. Their HR and regulatory capacities remain inexcusably low.

Judiciary, on its part, is at present utterly incompetent and unprepared to enforce media laws and rules on the media scene. There is a lack of trained judges who could efficiently protect freedom and independence of media and journalists as well as prevent hate speech, threats and libels circulated via some media. Particularly glaring is their lack of expertise in the field of new media and the Internet.

Ongoing monitoring and legal aid to journalists, particularly to those from local media, must be provided in order to eliminate journalists' fear of reporting on abuse and corruption in their communities. This should be a high priority.

Media content diversity depletion

In the past two years, there has been a drastic impoverishment and depletion of the range of stories covered in Serbian media. In a way, this may be seen as the consequence of tabloidization of the overall reality in the country but also the lack of funds for more ambitious investigative, documentary, cultural and educational programming production.

Media projects in these four areas should be receiving consistent support and incentives from both the state and donors.

This will also entail more efforts to educate journalists further and improve their status.

Annex I

IPI/SEEMO Press Release: OSCE Report Finds Turkey Is Holding 57 Journalists in Prison

Number Indicates Country is the Lead Jailer of Journalists in the World

Vienna, 8 April 2011- The International Press Institute (IPI) obtained on 4 April a report from the Organization for Security and Co-operation in Europe (OSCE) indicating that Turkey is currently holding at least 57 journalists in prison - apparently more than any other country.

The report followed an analysis of more than 70 journalists the OSCE conducted in conjunction with Erol Önderoglu, editor-in-chief of the BIANET Independent Communications Network in Istanbul.

While Iran and China topped lists last December by reportedly jailing some 34 journalists each, Turkey, a candidate for membership in the European Union, has nearly doubled that number five months later, raising questions about the country's commitment to freedom of the press and the legitimacy of its democratic image.

The numbers in the report correspond with those given by the Freedom for Journalists Platform - an umbrella group representing local and national media organizations in Turkey, including IPI's Turkish National Committee. One of the journalists jailed is IPI World Press Freedom Hero Nedim Sener, who reportedly stands accused of belonging to an armed terrorist organisation seeking to overthrow the government.

OSCE Representative on Freedom of the Media Dunja Mijatović, who

commissioned the study, called on Turkish authorities to bring the country's media legislation in line with OSCE commitments on media freedom. She wrote in a letter to Turkish Foreign Minister Ahmet Davutoglu that the survey was intended to show the need for media legislation reform, which she offered her office's support in developing.

Estimating that there are between 700 and 1,000 ongoing proceedings that could result in imprisonment of journalists, Mijatović said: "The sheer number of cases poses fundamental questions about the legal provisions governing journalism in Turkey, and it raises concerns that the number of journalists in prison can further increase."

Mijatović acknowledged that governments have a legitimate need to fight terrorism, but she said that national security should not be used as a ground to curb media freedom. She also commented that criminalization of speech should be restricted to clear instances of intentional incitement to terrorism or other forms of violence.

"It is very important that authorities protect objective reporting even on sensitive topics such as terrorism or national security," she said. "The public's right to know includes such issues."

According to the report, another 10 journalists in Turkey are awaiting trial. An additional journalist, whose location is unknown, is subject to a search warrant, and two other journalists have been convicted but subsequently released.

The report found that most of the jailed journalists are imprisoned under articles of Turkey's anti-terror law relating to criminal code provisions on terrorist offences and organizations, or assisting members of or making propaganda in connection with such organizations; or under criminal code prohibitions on establishing, commanding or becoming member of an armed organization with the aim of committing certain offences.

It also found that prosecutors have sought and courts have imposed extremely long sentences. Vedat Kur^oun and Emine Demir of the Azadiya Welat newspaper were sentenced to 166 years and 138 years in prison, respectively, while Bayram Namaz and Ibrahim Cicek of the Atilim newspaper each face up to 3,000 years in prison. Mustafa Balbay of Cumhuriyet newspaper, Mehmet Haberal of Kanal B Television and Tuncay Özkan of Kanal Biz Television all face dual life sentences, plus further time.

Journalists also face several trials, the report noted, such as Halit Güdenoglu of Halit Yürüyüs magazine, who currently faces 150 court cases.

The OSCE said in a release accompanying the study that both laws and their implementation need to be reformed, insofar as court practices vary widely throughout the country. The group also noted that writing about sensitive issues, including issues of terrorism or anti-government activities, is often viewed as support for those activities, and that imprisoned journalists are often placed in high security prisons with the most dangerous criminals.

IPI Board Member Ferai Tinc, who is also chairperson of IPI's Turkey National Committee, said: "These journalists are in jail because of Turkey's anti terrorism law, which has become a law that threatens press freedom in Turkey. Every investigative journalist is threatened by this law. We find this unacceptable. We have asked the government to change this law, but, unfortunately, the government does not listen to the voices of professional journalism organizations."

IPI Director Alison Bethel McKenzie added: "Turkey, at the crossroads between east and west, is a major regional power with an ancient cultural heritage. The country is also often held up as an example of a healthy Muslim democracy, and IPI held its high-profile annual World Congress in Istanbul in 2007 in recognition of the pivotal bridge-building role the country plays."

"For Turkey to step away from this history and to jail more journalists than any other country in the world is damaging. We call on the Turkish government to respect the right of freedom of the press and to release all journalists detained because of their work."

The OSCE noted in its report that in many cases it could not access full information, meaning details could not be stated with precision. The organisation also pointed out that in many cases classified as secret defence lawyers were not even given access to trial documents.

This press release is supported by the South and East Europe Media Organization (SEEMO), an IPI affiliate.