



Targeting the messenger

Investigative journalists under extreme pressure

2014 - 18

SPECIAL REPORT | JANUARY 2019



THERE IS A DISTINCT LACK OF AWARENESS AMONG DECISION MAKERS ABOUT HOW BAD THE SITUATION IS FOR JOURNALISTS REPORTING ON CORRUPTION



“Mapping Media Freedom is essential to getting to the bottom of the two biggest issues plaguing media today: violence against members of the media and impunity from prosecution by their assailants.”

DUNJA MIJATOVIC,
Former OSCE representative on
freedom of the media, 2016



ACKNOWLEDGEMENTS

AUTHORS Valeria Costa-Kostritsky and Ryan McChrystal
EDITING Adam Aiken, Sean Gallagher and Jodie Ginsberg with contributions by Joy Hyvarinen, Paula Kennedy and Mapping Media Freedom correspondents: João de Almeida Dias, Adriana Borowicz, Ilcho Cvetanoski, Jonas Elvander, Amanda Ferguson, Dominic Hinde, Investigative Reporting Project Italy, Linas Jegelevicius, Juris Kaza, David Kraft, Lazara Marinkovic, Fatjona Mejdini, Mitra Nazar, Silvia Nortés, Platform for Independent Journalism (P24), Katariina Salomaki, Zoltan Sipos, Michaela Terenzani, Pavel Theiner, Helle Tiikmaa, Christina Vasilaki, Lisa Weinberger
DESIGN Matthew Hasteley



ABOUT THIS REPORT

This is part of a series of reports based on data submitted to **Mapping Media Freedom**, an **Index on Censorship** project. This report looks at data between May 2014 and December 2018



ABOUT MAPPING MEDIA FREEDOM

MAPPING MEDIA FREEDOM -- partially funded by the European Commission -- investigates the full spectrum of threats to media freedom in the region -- from the seemingly innocuous to the most serious infractions -- in a near-real-time system that launched to the public on 24 May 2014.

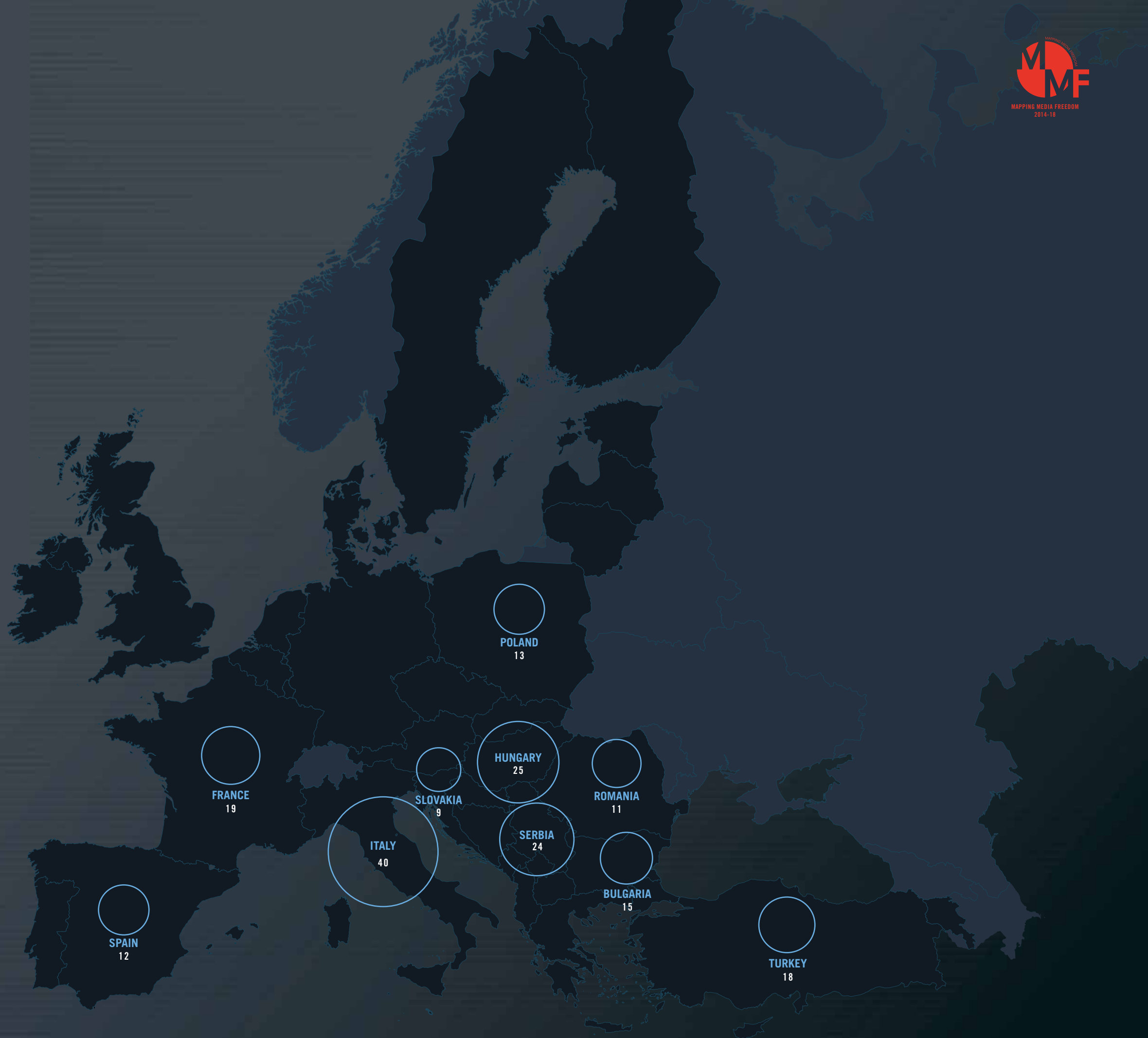
Driven by Index on Censorship's decades-long experience in monitoring censorship across the globe, Mapping Media Freedom set out to record the widest possible array of press freedom violations in an effort to understand the precursors to the retreat of media freedom in a country. The ambitious scope of the project called for a flexible methodology that draws on a network of regional correspondents, partner organisations and media sources.

Mapping Media Freedom defines a media worker as anyone partaking in the gathering, assessing, creating and presenting of news and information.

Each report is fact-checked with local sources before becoming publicly available on the Mapping Media Freedom map. The number of reports per country relates to the number of incidents reported to the map. The data should not be taken as representing absolute numbers. For example, the number of reported incidents of censorship appears low given the number of other types of incidents reported on the map. This could be due to an increase in acts of intimidation and pressure that deter media workers from reporting such cases.

Worst offenders

Countries with the most incidents in which investigative journalism was most under pressure based 283 reports submitted to Mapping Media Freedom between 1 May 2014 and 31 December 2018



Under threat

What do criminals, corrupt corporations and crooked politicians have in common? They all fear investigative journalists, whose job is to expose wrongdoing and hypocrisy by holding the powerful to account.

From the groundbreaking UK-based Bellingcat and the well-regarded multi-national Organised Crime and Corruption Reporting Project, to the uncovering of the Panama and Paradise Papers, the dogged reporting and dedication of investigative journalists is clear. Yet these success stories mask the encroaching pressures that threaten to undermine efforts to expose the corruption eating at the foundations of European democracy.

For their work, investigative reporters have come under threat from multiple sources with the shared aim of stopping information that's in the public interest from coming to light. Index on Censorship's Mapping Media Freedom project, which monitors violations against media professionals throughout Europe, recorded 206 cases of investigative journalists in the 35 countries that are in or affiliated with the European Union (EU35) being targeted in their line of work between 1 May 2014 and 31 December 2018. An additional 77 reports from EU35 showed

media workers other than investigative journalists being targeted for their role in reporting on corruption.

Under-financing and business models that don't offer proper support are major problems for investigative journalism in general, but Mapping Media Freedom has also uncovered a litany of methods that have been employed as a direct means to censor journalists, including intimidation (96 instances), defamation (53), laws or court orders curtailing media outlets or workers (48), psychological abuse (35) and blocked access (48). Media workers were also physically attacked on 28 occasions and had their property attacked on 28. Civil lawsuits were taken against journalists on 27 occasions, and criminal charges were brought against journalists on 23.

The country with the largest share of reports was Italy (40), followed by Hungary (25), Serbia (24), France (19) and Turkey (18). "In these five years in Italy, investiga-

283

**INCIDENTS
IN WHICH
INVESTIGATIVE
JOURNALISM WAS
A FACTOR WERE
REVIEWED FOR
THIS REPORT**

tive journalism has become increasingly risky, both for journalists themselves and for the media,” Alberto Spampinato, the director of Ossigeno per l’informazione, an Italian press freedom monitor, told Mapping Media Freedom.

Violations of media freedom regarding investigative journalists and those reporting on corruption reported to Mapping Media Freedom per annum went from a low in 2014 of 38, to a high of 75 in 2018 (2015: 51; 2016: 61; 2017: 58).

Mapping Media Freedom’s numbers reflect only what has been reported to the platform. We have found that journalists under-report incidents they consider minor, commonplace or part of the job, or where they fear reprisals. In some cases, Mapping Media Freedom correspondents have identified incidents retrospectively as a result of comments on social media or reports appearing only after similar incidents have come to light.

A crisis for journalism

Anuška Delic, a Slovenian OCCRP editor who founded Oštro, a centre for investigative journalism in the Adriatic region, told Mapping Media Freedom that there was a distinct lack of awareness among international and national decision makers about how bad the situation was across Europe for journalists reporting on corruption.

“It is usually independent media or journalism centres that are investigating corruption,” Delic said.

Delic pointed out that most corruption reporting did not take place in the mainstream media, except in France, Germany and Scandinavia, where journalism had a better standing. Independent and non-profit media outlets were among the most vulnerable to financial pressures and the target of frequent threats, whether in terms of staff safety or lawsuits. She warned that more EU member states – Hungary, Poland, the Czech Republic and, to an extent, Slovakia, Italy and Austria – were failing to live up to democratic standards. Delic said there had been a failure at the European Union level to realise freedom of the press did not actually exist in those nations: “How many journalists have to die

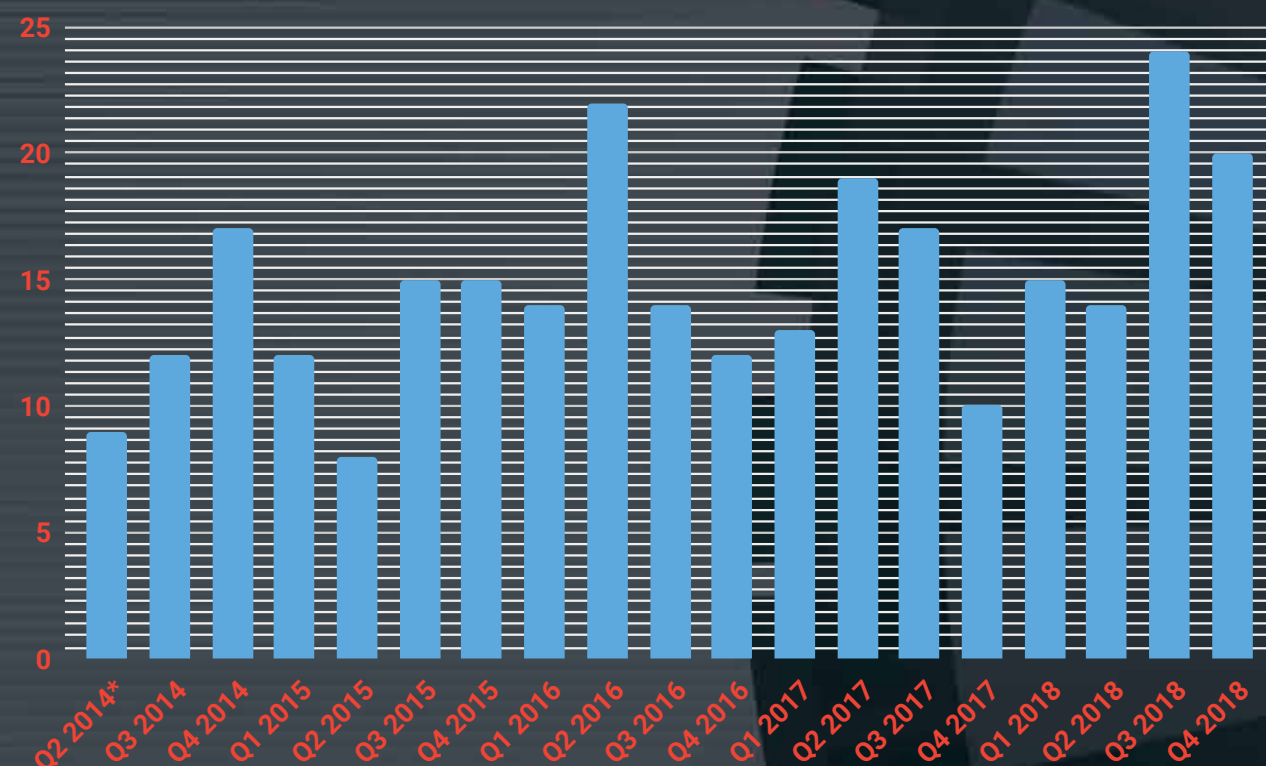
before we realise something is wrong?”

After spending 13 years working for Delo, Slovenia’s largest newspaper, Delic said she had to leave her position after a new editor-in-chief, “who wanted only to do PR for the owner”, took charge. This change of editorial direction left Slovenia with a lack of outlets where journalists could report on corruption, and exacerbated the low level of funding for investigative centres such as Oštro, which aims to carry out the investigative role that mainstream media used to fulfil.

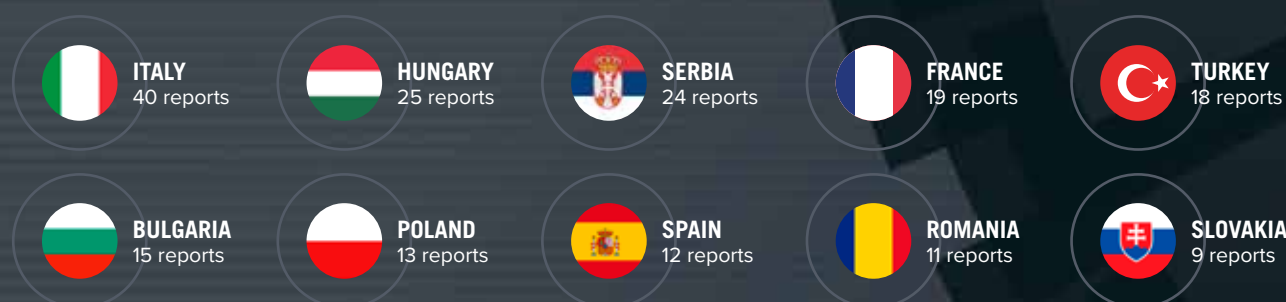
Independent media outlets that engage in investigative journalism are also under pressure in Malta, independent political blogger Manuel Delia told Mapping Media Freedom. “A big chunk of the media is owned by political parties. We have a two-

Incidents over time

Reports by quarter 2014-2018



WORST OFFENDERS



Based on a review of 283 incidents reported by Mapping Media Freedom correspondents between 1 May 2014 and 31 December 2018.

party system and a heavily polarised society,” he said.

Delia said that since 1990, Malta’s two big political parties – the Labour Party and the Nationalist Party – have each owned newspapers and television stations, giving “two contradictory visions of reality”. Maltese people, he said, assumed that journalists in the island nation represented and spoke for political interests. “This makes independent journalism really difficult.”

Bulgaria’s media, according to Bivol investigative journalist Atanas Tchobanov, operates in a toxic environment, with most outlets controlled by the Bulgarian government or business interests closely aligned with the country’s politicians. Mediapool journalist Polina Paunova agrees, saying that the Bulgarian media has either been bought by businessman Delyan Peevski, who is also a National Assembly member, or is “under his covert influence”.

Media concentration has become a growing issue for journalists across EU35, notably in Hungary.

Serbia is one of the worst countries in EU35 for freedom for investigative journalists. “Even if there are good media and investigative journalists, for example BIRN, KRIK, CINS, Insajder and others, the situation is very bad,” Chiara Sighele, project director for the Osservatorio Balcani e Caucaso Transeuropa, told Mapping Media Freedom. “You have the big power of the mainstream tabloids and mainstream TV programmes, and it’s hard to challenge this power with investigative stories.”

“We have to consider the cost of investiga-

tive journalism, in a country where national television and most of the media are completely controlled through the advertising market by the political party in power,” Sighele added.

Dark new trend



The assassination of independent Maltese investigative journalist Daphne Caruana Galizia in a car bomb on 16 October 2017 marked a dark new trend emerging in the EU35: the murder of three investigative journalists in less than 12 months.

Caruana Galizia's death was followed by the murder of Slovakian journalist Ján Kuciak and his partner Martina Kušnírová on 26 February 2018, and the rape and murder of Bulgarian journalist Viktoria Marinova on 6 October 2018. Authorities say Marinova's death is not connected to her being a journalist, a claim some colleagues have disputed.

There is a marked contrast in the reactions to the deaths of Caruana Galizia and Kuciak in Malta and Slovakia. In Slovakia, Kuciak's death acted as a tipping point, prompting mass protests and causing politicians to resign. The culture minister stepped down following the murder and later left the ruling party.

"Kuciak's death changed everything, and it feels that until the next presidential elections, in March 2019, we're going to be in limbo," said Slovak journalist Michaela Terenzani, editor-in-chief of The Slovak Spectator. She added that the widespread

coverage of the murder, coupled with the public outrage, have created an atmosphere that has encouraged more journalists to dig into allegations of corruption.

"After Kuciak's killing, the atmosphere was one of co-operation between journalists who published joint investigative reports," Terenzani added. "They have kept reporting on new scandals linked to the government."

In Malta, Caruana Galizia's death was received differently. Delia said: "Our culture minister had been marching in Paris after the Charlie Hebdo murders but after Caruana Galizia was murdered he went to Dubai to sell passports. The government was intent on demonstrating it was business as usual."

Delia thinks the country is so polarised that only a small part of the Maltese population has been impacted by the journalist's death.

Impunity is a major problem in the murder of journalists, and not just for those who carry out the crime. Times of Malta journalist Ivan Camilleri told Mapping Media Freedom: "I think there was a genuine effort to solve [Caruana Galizia's] murder. I don't think there was a genuine effort to find who commissioned it."

Regarding Marinova's murder, Tchobanov recently told OCCRP that corruption was rife within the police and the judicial system in Bulgaria, pointing at inconsistencies within the current state of the investigation. "If [evidence] disappears, it can also appear to promote a version the authorities like. They have been lying to cover sensitive affairs. Why should we trust their words now?"

The man arrested in relation with Marinova's murder said he regretted killing her and didn't remember exactly what had happened. Paunova had a different perspective. "Because of the polarisation of the Bulgarian society at the beginning of Marinova's case, some of the citizens declared that she was a victim of her work and another part categorically denied that it was possible. That's why the impression of something hidden was created. Most evidence suggests that the brutal death of Marinova has no connection with her job. But the court will be the judge of this."



Daphne Caruana Galizia



Ján Kuciak



Viktoria Marinova

Physical assaults



In the incidents surveyed for this report, Mapping Media Freedom recorded 28 incidents in which investigative journalists or those media workers reporting on corruption were physically assaulted across 12 countries. Italy was the country with the most reports of physical assaults (6), followed by Croatia (5) and Kosovo (4).

“Threats of aggression and violent acts against investigative journalists seem to be more and more common,” Mehmet Koksai, project officer for the European Federation of Journalists, the European regional organisation of the International Federation of Journalists, the global union federation of journalists’ trade unions, told Mapping Media Freedom.

On 23 March 2017 freelance journalist Stefano Andreone was beaten by three men in a bar in Cardito, in the province of Naples, Italy. Federazione Nazionale Stampa Italiana, the unitary trade union of the Italian journalists, linked the violence to a website Andreone created and manages, which published allegations of corruption on exhumations in the local cemetery. Andreone had to receive emergency care in the hospital of Frattamaggiore.

“With its continuous monitoring Ossigeno

keeps the focus on threats and reprisals against journalists,” Spampinato said. “This attention is already in itself a system of protection for reporters.”

Threats and intimidation



Between 1 May 2014 and 31 December 2018, Mapping Media Freedom recorded 34 instances of psychological abuse, including verbal harassment, offline bullying, and 96 instances of intimidation, where a media worker is menaced as a result of their work.

“The Council of Europe study on self-censorship among journalists has shown that the main form of pressure is ‘psychological violence’, which is mainly visible by intimidation used by public authorities which has a clear chilling effects on media freedom. We are convinced that many investigative journalists are the target of this type of bullying,” Koksai said.

Such violations are a major problem in Bulgaria. “Pressure we face ranges from calls demanding we change an article to physical threats,” Tchobanov said. He added that staffers had been subjected to death threats, which they reported to authorities, international organisations and local unions, but “nobody is protecting us”.

The threats against Bivol are wide ranging, from when staffers were informed in June 2015 that an attack was being planned against them to December 2016 when journalist Dimitar Stoyanov received

threats both in the run-up to and after publishing several major investigative reports about alleged embezzlement of public funds with links between Bulgarian government officials and criminal groups. “The worst is when they threaten to ‘remove you’,” Tchobanov said, referring to implied death threats. Paradoxically, the staff at Bivol have used these incidents to reinvigorate their investigations, engaging in a new strategy that Tchobanov jokingly calls “publish or perish”.

“The future is very uncertain,” Spampinato told Mapping Media Freedom. Although there have been threats to remove protection from Italian investigative journalist Roberto Saviano -- who has received death threats for his reporting of the Italian mafia -- following an argument with Italy’s interior minister, Matteo Salvini, thankfully no such action has been taken so far, Spampinato added. “The Italian protection system remains the best among all the known systems.”

Legal measures



For journalists reporting on corruption, the threat of legal action is a very serious one, which impacts what one is able to write, particularly for investigative centres with limited resources.

Rubino, who recently worked on the CumEx file investigation into a tax fraud scheme discovered in 2017, said: “There are many things we weren’t able to report because there was no ongoing criminal investigation, only an administrative one, and we didn’t want to be sued because that’s automatically thousands of euros spent in legal fees.”

“Reporting on the use of European funds in Bulgaria is important, and it’s important to do it across borders,” said Tchobanov. “We are trying to find patterns and to push the authorities to investigate. The Bulgarian prosecution office is currently investigating only 0.04 per cent of the €5 billion which has been allocated by the European Commission to Bulgaria.”

Delia spoke of a similar pattern in Malta. “Although there are revelations in the press, they have no effect. This increases the vulnerability of journalists who are then portrayed as obsessive crusaders.” In Malta, repeated defamation lawsuits were filed against Caruana Galizia, who had pursued corrupt businesses and politicians as part of her investigative work, prior to

her murder. On 21 February 2017 Maltese government minister Chris Cardona and his policy aide Joseph Gerada posted public messages on Twitter taunting reporter Mario Frendo about court action they planned to take against him.

Malta’s investigative journalists have also been ostracised and vilified. Politicians and businesses use lawsuits, public relations and innuendo to ridicule and sow doubt about reportage, as highlighted in the summer 2018 issue of Index on Censorship magazine.

Tchobanov cited audits by tax authorities, something that repeatedly happened to Serbian newspaper Juzne Vesti, as a tactic employed by politicians to retaliate against news outlets. In Bulgaria, authorities froze the assets of Ivo Prokopiev, who publishes the newspapers Capital and Dnevnik. “All the power of the state is used against free media publishers,” Paunova told Mapping Media Freedom.

Arrest and detention



Between May 2014 and December 2018, Mapping Media Freedom recorded 17 instances of arrest or detention against investigative journalists.

At 7am on 31 August 2018, armed police in boiler suits arrived at the home of Belfast-based award-winning journalist Barry McCaffrey with a search warrant. McCaffrey is the reporter behind Alex Gibney’s 2017 documentary about the 1994 Loughinisland pub massacre during the Northern Irish Troubles, No Stone Unturned. At the same time, around 30 armed police arrived at the home of Trevor Birney, the producer of No Stone Unturned, and confiscated items, including a broken pink phone.

Both men were arrested. The journalists were told that “on October 4th, 2017, the Police Ombudsman for Northern Ireland reported the theft of two ‘secret’ documents from their offices”. The arrests, they were told, were in connection with suspicion of theft, the handling of stolen goods, the unlawful disclosure of information and the unlawful obtainment of personal data. It later transpired that the Ombudsman for Northern Ireland had made no such complaint about the work of the journalists.

“The Loughinisland massacre was one of the most traumatic events in the history

of the Troubles. The investigative work of Birney, McCaffrey and Fine Point Productions was a textbook example of public interest journalism, raising fundamental investigations into the police investigation, proving police collusion and taking risks within a dangerous environment, legally and otherwise, by naming suspects,” Séamus Dooley, assistant general secretary of the National Union of Journalists, a trade union for journalists in the UK and Ireland, told Mapping Media Freedom. “The arrests, the disproportionate use of police power and the flawed legal process serve to undermine the work of the journalists involved and, importantly as a deterrent to other journalists.”

“Given the legacy of the Troubles there are a number of journalists and film production companies who may be deterred by the legal barriers now confronting Barry and Trevor,” Dooley added. “The abuse of process and the use of judicial procedures by the PSNI in these circumstances shows that in Northern Ireland there is a grave lack of respect for journalists or journalism.”

Access to information



Investigative journalists working across EU35 highlight the difficulties in accessing information.

Camilleri routinely uses Freedom of Information requests. "There are clearly attempts from the government to make matters take longer," he said. "The government is not friendly with the independent media at all. The office of the PM employs five to six people, all former Labour employees, who are supposed to answer the media but don't. They act as gatekeepers. I send questions. They never answer."

In January 2016 a journalist was prohibited from entering the Maltese Lands Authority offices where he was planning to check records for an investigation into allegations of corruption against the government agency.

Tchobanov told Mapping Media Freedom: "The main difficulty is access to information. Bulgarian and European authorities are very secretive." Bivol journalists have requested details on Bulgarian officials in receipt of EU funds only to receive incomplete and some incorrect data, which left them unable to properly track the money. Tchobanov added that the publication has to "fight with Bulgarian and Brussels authorities" to get information, often to no

avail.

Dragging their feet on FOI requests isn't the only tactic Bulgarian authorities use to throw up barriers to investigations into corruption. In December 2016 Bivol journalist Dimitar Stoyanov received threats after reporting on alleged corruption, embezzlement of public funds and links between Bulgarian officials and criminals. In September 2018 two journalists were arrested after filming people burning documents in a field while conducting an investigation into alleged fraud involving EU funds.

"Investigative journalists [in Serbia] are facing difficulties despite a very good law on access to information: the major institutions do not give them access to the most relevant documents," Sighele said. "The main problem in Serbia is the current regime leaded by the president Aleksandar Vucic, who is trying to silence the non-aligned media and to minimize the role of the investigative journalism."

Denigration of journalists

Journalists are at risk of slander from politicians in Malta and Bulgaria especially and, to a lesser extent, in Slovakia.

In Malta, Delia said he had been portrayed "as a traitor by the Labour party press".

Official willingness to discredit and defame journalists is a Europe-wide phenomenon, but one that is especially acute for independent media outlets that specialise in investigative journalism into official corruption. Politicians at all levels of national and local governments have used their platform to smear journalists and their outlets to undermine often embarrassing revelations. In Bulgaria, this trend has seen journalists, journalist groups and unions labeled foreign agents, manipulators and, in the case of the Association of European Journalists -- Bulgaria, "scum" and "paid urinals".

In July 2018 Tchobanov was insulted on Facebook by a Bulgarian MEP Nikolay Barekov, who was under investigation by Bivol. In 2015 Bivol was the target of a smear campaign in mainstream media outlets that appeared to be prompted by investigations into alleged draining of cash from a Bulgarian bank through offshore companies, and abuse of European Union funds, which implicated several bankers

and politicians, including the media mogul and lawmaker Peevski.

Terenzani said Slovakia has seen incidents of politicians denigrating journalists. "The leader of the ruling party is saying horrible things about journalists constantly. Everything we know about the murder [of Ján Kuciak] suggests that politicians are responsible at some level, because of the atmosphere they have created."

What should be done?

Mapping Media Freedom's report into the targeting of investigative journalism highlights issues affecting the accurate reporting of issues that are in the public interest to know.

Index on Censorship first and foremost recommends that all charges against investigative journalists who have been arrested, imprisoned or who are facing legal action must be dropped. Laws designed to impinge on the work of investigative journalists must be reconsidered, and stronger provisions put in place so the right to access to information is respected.

"It is necessary to change some legislation but the political will to do it is lacking," Spampinato told Mapping Media Freedom. "It is also necessary that journalists and publishers join forces to tackle problems together and reduce the most frequent risks."

"States should facilitate the work of investigative journalists by strengthening legal protections: decriminalisation of defamation; legal protection of journalistic sources; laws guaranteeing access to public data; transparency laws; legal protection of whistleblowers," Koksai told Mapping Media Freedom "It is the responsibility of states to guarantee an environment that favours the work of investigative journalists."

Koksai added that the public, either through public or financial support, can play a big role in improving conditions for investigative journalists. "Journalism is a public good and should be considered as an act on behalf of the public's right to access information," he said.

According to the NUJ's Dooley and Koksai, membership of a trade union or professional association feel better supported when facing pressure. "It is the duty of journalists' organisations to provide effective support, which starts with the public reporting of threats and the provision of concrete support (legal aid, financial assistance, etc.) to investigative journalists under threat," Koksai added.

The NUJ has been working alongside investigative journalists who face difficulty in the UK and Ireland, such as Birney and McCaffrey, as well as showing solidarity with journalists facing difficulty elsewhere, including Bulgaria and Turkey, which Dooley said are countries of "profound concern".

Finally, governments must respect the right

of journalists to protect confidential information and sources. This is vital, especially in cases involving whistleblowing in the public interest.