

# TRAINING MANUAL: REPORTING ON CORRUPTION AND INVESTIGATIVE JOURNALISM



” Prejudicing the court decision is strictly forbidden. Reporting has to be free of prejudice, critical, balanced and accurate because journalists inform the public “how justice is being dispensed”, therefore, their reporting is not only informative in nature, but also educational and may serve as prevention of potential criminal acts.”

Strengthening the Capacities of Law Enforcement and Judiciary in the Fight  
against Corruption in Serbia (PACS)

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# TRAINING MANUAL: REPORTING ON COURT PROCESSES PERTAINING TO CORRUPTION AND ON INVESTIGATIVE JOURNALISM

Joint European Union - Council of Europe Project

“Strengthening the Capacities of Law Enforcement and Judiciary in the Fight  
against Corruption in Serbia” (PACS)

[www.coe.int/pacs](http://www.coe.int/pacs)

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## Contents:

<b>EDITORIAL</b>	<b>5</b>
<b>JOURNALISTS' ETHICS "HERE AND NOW"</b>	<b>8</b>
Historical summary	9
Self-regulation	10
Local self-regulation	13
Reporting on court procedures and investigative journalism	13
Terminology	21
Sources	26
<b>INVESTIGATIVE JOURNALISM AND CORRUPTION</b>	<b>27</b>
Introduction	27
Chapter 1 - what is covered by the term investigative journalism?	28
Chapter 2 - an investigative puzzle	29
Chapter 3 - the choice of the story	30
Chapter 4 - investigation	31
Chapter 5 - interviews with experts and sources	33
Chapter 6 - ethics in investigative journalism	35
Chapter 7 - safety always comes first	36
Chapter 8 - writing and additional checks	38
Chapter 9 - publishing	40
Additional information	41
Stories behind the stories	42
<b>JOURNALISTIC STANDARDS AND CHALLENGES IN REPORTING ON CORRUPTION</b>	<b>47</b>
A journalist is not a police officer, prosecutor, or a judge	48
Start from the beginning	49
Action and Reaction	50
From individual to general and vice versa	52
Investigate the "incubators" of corruption	53
Preventing journalist investigation on corruption: "shaming of journalists"	54
Never trust anyone, always check: corruption is often not clearly visible	55
You failed in proving who is actually to blame for corruption? Show the source of corruption	56
Prove corruption using the "learn from own experience" method	59
International cooperation among journalists - the most efficient investigation of corruption	60
Synopsis of an investigative story - the basis for any serious investigation	61



# Editorial

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“Strengthening the Capacities of Law Enforcement and Judiciary in the Fight against Corruption in Serbia” is a joint project of European Union and the Council of Europe.

Within the Activity 1.5 “Organising awareness raising and training workshops for journalists and civil servants in view of reporting on corruption cases and their adjudication as well as investigative journalism”, Actions 1.5.4 and 1.5.5. “Training for journalists” - this project also engages the Novi Sad School of Journalism, a non-governmental organisation that works on raising professional standards in the media since 1996 and deals, among other things, with training for reporting on corruption and with enabling the journalists to deal with investigative journalism.

The Novi Sad School of Journalism regularly monitors the work of the media and analyses the published content in all fields, both in Serbian and in the languages of national minorities. Apart from the fact that the monitoring is a good basis for monitoring media integrity and journalistic professionalism, it also serves as a base for creation of media training.

Reporting on corruption cases and trials, but also journalist investigations on corruption, is a topic that is often discussed by the public and thus a number of projects in the non-government sector have been dedicated to this topic lately. In 2013/2014 alone, the Novi Sad School of Journalism organised two projects “Agrar kor” (corruption in agriculture - a project of the National Television of Vojvodina and the Novi Sad School of Journalism) and A-Cop (corruption in the police - a project of the Belgrade Centre for Security Policy and the Novi Sad School of Journalism), as well as tenders of the domestic and international organisations (Media Observatory, an international project which included an invitation for the awarding of small grants for investigation of corruption, supported by seven non-governmental organisations within the SEENPM network, the network within which the Novi Sad School also operates), and the call for articles for an award in journalism (annual Award for Investigative Journalism of the Independent Association of Serbian Journalists, CEI SEEMO award for excellence in investigative journalism, Award “Verica Barać” for the contribution to the fight against corruption). The schools of investigative journalism are most often organised by associations of journalists (such as NUNS), but also by affirmed investigation

teams, such as the team of “Insider” headed by Brankica Stanković, i.e. by non-government organisations, such as Media Centre from Sarajevo. Investigative journalism is a (mandatory or optional) course in almost all faculties teaching journalism.

Apart from the mentioned incentives, we do not have a sufficient number of good investigative journalists investigating corruption or reporting on trials concerning this controversial topic. Our media usually do not have permanent court reporters, nor is there an association of court reporters. In this respect, we receive reports only from trials, which are marked by sensationalism of the actors..

Investigative journalism is rarely nurtured in mainstream media (with the exception of “Insider” on TV B92). This topic is often dealt with by specialist teams of journalists in the centres for investigative journalism (CINS, BIRN), as well as by certain persistent individual journalists who often put their lives at risk because they work on topics involving corruption and crime (Dejan Anastasijević). Some of them gave their lives (Dada Vujasinović), but we still do not know who ordered and executed her assassination.

Investigative journalism is completely different from informative reporting from the office. “For a topic to be investigative, it has to reveal corruption, violation of laws, abuse of powers, to correct the injustice, or to explain complex problems which point to shortcomings in the system. The goal of the investigative topic could be the reconstruction of a complex event, where the public is informed on what really happened based on gathered facts and analyses (...). Investigative journalism requires a different way of thinking and urges you to always set high goals for yourself. You can never start an investigation by saying that something cannot be done!” – says Brankica Stanković (2013: 122, 125), who is on the world’s list of 100 heroes of reporting. The list was first published in 2014 in the honour of May 3rd, the Freedom of the Media Day, by the international organisation “Reporters Without Borders”. At the very centre of attention of investigative journalism is corruption, whereas the capacities of police and judiciary in their fight against corruption should be a priority of the journalists in general, especially of investigative journalists.

“When I choose a topic to report on, I always wonder what “common people” comment on the most, what they find interesting and I haven’t made a mistake yet” (Stanković 2013:42).

The goal of the seminar “Reporting on Corruption and Investigative Journalism” is a two-day active dialogue between journalists and investigators from the region in order to discuss the following topics: ethics of reporting - cases and practice

in Serbia, investigative journalism and corruption, as well as the standards of reporting on corruption allegations.

The direct intention of the organiser is to encourage the journalists to deal with this topic in their everyday work, as well as to encourage some of them to perfect themselves in the field of investigative journalism and to join specialised teams for investigative journalism.

A collection of articles, created in particular for this occasion, is a result of many years of journalism experience in investigation, as well as of academic approach to the ethics of journalism, which is particularly important in investigative journalism and court reporting.

In Novi Sad, May 2014

Author: Prof. Dr. Dubravka Valić Nedeljković

Prof. dr Dubravka Valić Nedeljković

# JOURNALISTS' ETHICS "HERE AND NOW"

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Many famous writers, publicists, journalists have written critical articles about public speech, including journalism, as an editorial tool with a goal to hold power, and not with a goal to operate in the public interest and satisfy the need and right of citizens to be informed. Their observations are a warning for journalists in particular not to make unintentional errors because such errors are fatal, as well as not to make errors that intentionally violate ethical rules of profession in order to satisfy the interest of elites and centres of power. For the purpose of this Manual, we will mention only a few of these "warnings" that should be kept in mind when using the public speech as a tool of public interest and to conscientiously conquer the area of critical, accurate, ethical media reporting and investigating.

**George Orwell** 1984

## About propaganda

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"To tell deliberate lies while genuinely believing in them, to forget any fact that has become inconvenient, and then, when it becomes necessary again, to draw it back from oblivion for just so long as it is needed, to deny the existence of objective reality and all the while to take account of the reality which one denies—all this is indispensably necessary ...and so on indefinitely, with the lie always one leap ahead of the truth."

**Victor Hugo**, *Les Misérables*; **Thomas Mann**, *A legend about Joseph*

In *Les Misérables*, Hugo says "Nothing is so stupid as to vanquish; the real glory is to convince", while Thomas Mann in *Legend about Joseph* adds "because the word, not the hand, holds the power and control".

**Branislav Nušić**, *Autobiography*

## A definition of the "journalist" profession?

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And the amount of wizardry in this calling. If you know someone's secret, it is no longer a secret; if you affect someone's reputation, it is no longer a reputation; if you disrupt someone's peace; such person is no longer peaceful. You turn wine

into water and water into wine; you mix black with white and white with black; you wake dead Lazarus from the grave and bury those who are alive. You are capable of washing your face without soap, shaving without a razor, and washing your laundry without water”.

The above mentioned quotes are completely opposite to all the efforts invested into the ethics of the journalist profession, while they, at the same time, speak about the convincing and manipulative power of language as a primary tool of journalists.

Today, the over regulated world of media, and mostly unregulated practice in journalism, form a context in which we should observe the ethics of the profession by returning to the place of origin and by directing to models. Even though this method is, seemingly, disputable as an editorial strategy towards a better practice, the fact that daily life of media has to change in many of its forms grants us the right to constantly be reminded of this.

## **HISTORICAL SUMMARY**

Théophraste Renaudot founded the weekly newspaper *Gazette de France* in 1631 and, by defining the guidelines for the newly established magazine, 383 years ago, he formatted the future profession “to the benefit of the readers”, because it “prevents the spreading of numerous false rumours that often circulate as a spark that ignites negative tendencies and disagreement within the country”. He made a promise to a small, but significant auditorium that “In one thing only will I yield to nobody - in my endeavour to pursue the truth. At the same time, I do not guarantee that this pursuit will be successful”.

As early as the 19<sup>th</sup> century, ethics of journalism was one of the topics discussed.

In the 20<sup>th</sup> century and especially after the World Wars marked by unethical reporting, codes and standards for publishing were introduced, which we still use today, as well as other self-regulatory and regulatory bodies that ensure fulfilment of general requirements directed towards (1) the citizens and (2) journalists:

- 1) The goal is to ensure accurate, fair, and complete information for the entire population, which is entitled to hear such information, as well as to provide protection against abuse and distortion.
- 2) The goal is to protect those who work professionally in the public information sector from all forms of pressure and coercion which would prevent them to work in the public interest.

## Important dates in the field of regulation and self-regulation throughout the world:

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1918. First Code of Ethics in Journalism, France

1946. International Organisation of Journalists established

1952. International Federation of Journalists established

1954. 2<sup>nd</sup> Congress in Bordeaux adopted the Declaration of Principles on the Conduct of Journalists

1971. Munich Declaration was adopted.

## Important dates in the field of regulation and self-regulation in Serbia:

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21 December, 1881: the Serbian Association of Journalists was established. The first rules or the “Statute”, drafted by Milan St. Marković, were also adopted.

17 January 1990: the Independent Association of Journalists of Vojvodina was registered

26 March 1994: the Independent Association of Journalists of Serbia was established

9 July 2003: the Republic Broadcasting Agency of Serbia was established

2 November 2009: the Serbian Press Council was established

The first *Law on Publishing* was adopted in 1870 at the time when 37 papers were being published in Serbia.

## Documents

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“The relationship between the rules of journalist profession and legal rules is such that the law represents the ethical minimum, while everything else should be left to self-regulation, to autonomous rules of the journalist profession. Therefore, the law should only regulate what is necessary and to what extent it is necessary in order to secure the values that also represent the minimum requirements in terms of moral” (Vodinić, Gajin 2005:13).

## SELF-REGULATION

The term “self-regulation” implies establishing minimal ethical principles, principles of accuracy, personal rights and responsibilities accompanied by full preservation of editorial freedom. Self-regulation helps the media to respond to legitimate complaints and to correct the errors in the dialogue with the auditorium. It does not imply censorship or self-censorship (*A Guide for Self-regulation of the media* 2008).

Self-regulation is a good solution for the media because it promotes the credibility of media in public. It contributes to the idea of convincing the public that the media are responsible. At the same time, self-regulation protects the rights of journalists and allows them to be criticised for their mistakes by the profession, not the state authorities. This reduces the pressure on the judicial system (*A Guide for Self-regulation of the Media* 2008).

*The Press Council* is the most common form of self-regulatory bodies. It usually gathers the owners of the media, journalists, experts and respectable individuals. Their main mission is to act on the complaints pertaining to the work of the media through the procedures of joint decision making. The Press Council has a task to defend the freedom of press and to promote high professional and ethical standards. The Council receives complaints by the citizens, analyses such complaints in great detail, checks, serves as a mediator between the individuals who filed the complaint and the media, and if it turns out that the individual who filed the complaint was right, publicly announces that a certain member of the media is responsible for the violation of the ethical code (source <http://www.savetzastampu.rs/>).

*Ombudsman* represents the self-regulation, but only for certain media. He acts as an intermediary between the employees in the media sector and the auditorium, he receives their comments and complaints and tries to solve the problem and dispute through dialogue, without the involvement of the court. This institution was developed on the tradition of the complaints departments established by certain media, for example *New York World* in 1913. In 1970, the *Washington Post* appointed a person who would systematically deal with the complaints of the readers (*A Guide for Self-regulation of the Media* 2008: 64).

*Codes of ethics* are the basis of responsible journalism. The above mentioned self-regulatory bodies use codes of ethics for journalists when delivering their decisions. They can be different for different types of media (press, electronic, online media), for different regions (provincial, national, global); they can vary in length (for example, ours are very short, whereas the Code of Ethics for Journalists in Montenegro is quite lengthy); such codes may be adopted by associations of journalists (for example, UNS's and NUNS's *Code of Ethics for Serbian Journalists*), but also by individual media (for example, there was a *Code of Radio Television Novi Sad*, but today we have *BBC's Code* which is very thorough and precise) and in the end they do not have to contain the same rules and guides for journalists, only the foundations are the same. There are certain issues dealt by the majority of codes (public interest, accuracy, impartiality, responsibility, boundaries of privacy, protection of minorities, honour, sensitive

and offensive content), but also areas dealt by only some of these codes (how to report on terrorism, court proceedings, elections, children, victims and suicides).

Two international documents have served as a foundation for the drafting and adjusting of numerous Codes for journalists throughout the world. They are the *Declaration of Principles on the Conduct of Journalists* (Bordeaux 1954)<sup>1</sup> and *Munich Declaration - Declaration on Duties and Rights of Journalists* (1971)<sup>2</sup>.

*Declaration of Principles on the Conduct of Journalists, Bordeaux 1954*

- 1) Defending the freedom of information
- 2) Respecting the truthfulness because the public has the right to know the truth
- 3) Respecting individuals, in particular their right to legal protection from violation of reputation

*Munich Declaration - Declaration on Duties and Rights of Journalists, 1971*

- 1) Freedom of expression
- 2) Freedom of criticism
- 3) Protection of professional independence and professional integrity
- 4) Respecting the truth
- 5) Honesty in respect of the resources used by journalists while seeking truth
- 6) Respecting sources of information (Germany was the first country to protect the sources), as well as the persons who are the subject of information
- 7) Elimination of discrimination.

When the codes of individual media are concerned, the most exemplary model is found in the areas covered by the ethical guidelines of BBC<sup>3</sup>:

- 1) Accuracy
- 2) Impartiality and pluralism of opinions
- 3) Fairness, contributors and consent
- 4) Privacy and public interest
- 5) Reporting crime and anti-social behaviour
- 6) Sensitive and offensive contents
- 7) Children as contributors
- 8) Public policy
- 9) War, terrorism, and emergencies

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1 <http://www.ifj.org>

2 <http://www.ifj.org>

3 <http://www.bbc.co.uk>

- 10) Religion
- 11) Editorial integrity and independence
- 12) External relationships
- 13) Interacting with the audiences
- 14) Laws
- 15) Accountability

## LOCAL SELF-REGULATION

*Serbian Press Council* has since 2009 enabled the citizens to react to unprofessional and unethical behaviour of the media and to report such behaviour to the Complaints commission. Based on the data found on the website of the *Council*, approximately eighty decisions have been delivered.

The UNS and NUNS adopted in 2006 the *Code for Serbian Journalists* after numerous public discussions attended by journalists, representatives of the media and media experts. Until then, every association had its own code of conduct, whereas the *Code of Ethics for Electronic Media* (2002) was also in effect.

Online publishing in Serbia in 2014 got its first self-regulatory *Code of Good Professional Practice*. The code deals with all the important topics for internet publishing - from the rules for obtaining the news from competing media, both online, TV or printed media, to adequate publishing of paid media announcements.

## REPORTING ON COURT PROCEDURES AND INVESTIGATIVE JOURNALISM

The basic principle of reporting on court procedures is that the presumption of innocence applies until the conviction is announced.

The *European Convention on Human Rights*, Article 6, paragraph 2, reads as follows:

“Everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law”.

In the French criminal procedure, the word “accused” was replaced by a much more tolerant word “examined”.

The presumption of innocence and ethics in reporting on court procedures, just as the codification of investigative journalism, are not mentioned in the *Munich Declaration of the Duties and Rights of Journalists*.

Certain individual codes of ethics, which are mostly adopted by professional organisations, independently and/or with the support of regulatory bodies, also define this field. For example, in the *Journalist Code* of the German Press Council

(2002:8), Articles 8 and 13 deal with these issues, in particular Article 13 which reads that “reporting on investigations and court proceedings which are still in progress, has to be free from all prejudices. That is why, prior to the commencement and during the court proceedings, the media should avoid prejudgment and biased titles and comments. A suspect must not be held guilty before a final decision of the court. Prior to a final decision in a trial, the decisions of the court should not be reported on without serious and justified reasons.” Additional explanations say that, even though it is obvious to the public that someone is guilty, the accused must not be represented as such until the final verdict is reached, nor must his human dignity be violated by a “media lynching”. While reporting, it is important to make a clear distinction between suspicion and proven guilt. Reporting and commenting on a court proceeding must be clearly divided. While reporting on trials involving minors, one should pay special attention to protect the identity of such minors.

In most of the codes of ethics throughout the world, special attention is paid to situations where it is permitted to publish the name of the person who is the subject of investigation and prosecution. As Daniel Cornu (1999:58) from the *Swiss Press Council* said in 1944, the names are, generally speaking, not to be published; publishing of names is possible only in exceptional cases.

In which situations, according to the majority of Codes, is it possible to publish the identity of a person prior to a final ruling, i.e. in which situations does the public have the right to know:

- 1) When the accused has a public function;
- 2) When the individual in question is well known and there is a connection between the act for which such person is being prosecuted and the activities for which the person is known to the public;
- 3) When an official institution has already announced the identity of the accused in public;
- 4) When the accused has agreed for his/her identity to be revealed;
- 5) When public interest justifies the publishing of the identity.

In the *Code of Ethics for Serbian journalists*, Chapter VI “Protection of privacy”, reads as follows:

“1. The journalists should respect the privacy, dignity, and integrity of people they write about. The right to privacy is restricted when it comes to public figures, in particular to holders of public offices.”

The “Guidelines” for this article specify that one should be particularly careful “while reporting on accidents and criminal acts, because it is not permitted to publish the names and photographs of the victims and perpetrators that clearly identify them. (...) Even if competent state bodies publish the data falling within

the scope of privacy of the victim or perpetrator, the media must not publish such information. An error made by state bodies does not imply a "licence" to violate the ethical principles of profession. "It also gives recommendations on how to treat the privacy of public figures: "Information from private lives of public figures may be published only if it is in the best interest of the public" (Aleksić, Bjelić 2010:119)

Reporting on court proceedings is thoroughly explained in the *Code of Conduct of Montenegrin journalists*. Article 10 recognises the presumption of innocence and says: "When reporting on investigation and court proceedings, a journalist has to respect the assumption that everyone is innocent until it is proved otherwise and should by no means pre-adjudicate the outcome of a court procedure" (Aleksić, Bjelić 2010:130, 142-145). There are nine guidelines for this Principle. We will quote here the guideline 10.1(b): "The aim of court reporting must not be to punish convicted criminals socially", by using the media as a «pillory». This very broadly defined area also includes the recommendation to the media not to publish the identity of the family, relatives and friends of the accused in any context while reporting on investigations and trials.

*Press Code of Bosnia and Herzegovina* (adopted with the support of the *Press Council*), contrary to the Montenegrin Code, is very brief. Furthermore, Article 10 defines court reporting, without additional guidance for the application of this Article, "the newspapers and periodical issues shall not treat anyone as a criminal prior to the final court verdict confirming that such person is a criminal" (Aleksić, Bjelić 2010:153). It also says that it is good practice to publish the rejection of charges, as well as convictions.

*Honour Codex of Croatian Journalists* is even more concise in this field. Court proceedings are mentioned only in one Article, Article 16, together with everything else related to the protection of privacy: "A journalist has to protect the privacy of individuals from unjustified and sensationalistic disclosure in public" (...). Special attention is paid to the responsibility while reporting on accidents, family tragedies, diseases, children, minors, court proceedings where a journalist has to respect the presumption of innocence, integrity, dignity, and feelings of all the parties in the dispute" ([http:// www.hnd.hr/](http://www.hnd.hr/)).

*The Code of Journalists of Macedonia* also deals with court reporting only in one Article (8), while it does not provide any additional guidelines: "The principle of presumption of innocence, reporting for all involved parties in the legal dispute without suggesting the outcome of the verdict, will be applied when reporting on court procedures" (group of authors 2004: 152).

*A new Code of Ethics of Slovenian Journalists*, similar to the previous ones, does not contain any guidance and briefly addresses the issue of court reporting

in Article 21: “When reporting on court proceedings, a journalist has to bear in mind that no one is guilty until such guilt is proven in the court of law. A journalist has to be careful while publishing the names and photographs of perpetrators, victims and their families, as well as reporting on accidents and preliminary criminal investigations” (Aleksić, Bjelić 2010:172).

It is worth observing that the offered solutions for reporting on court proceedings in the codes of ethics of the countries in the Western Balkan region are essentially very similar, with the exception of the Montenegrin Code which deals with this topic in great detail.

None of the codes analysed here mention reporting on corruption, nor are the court proceedings differentiated when they relate to corruption. There is no mention of ethics in investigative journalism. Certain Codes, such as Slovenian, define the work of journalists in Item 10 which deals, although not explicitly, with investigative journalism: “A journalist has to avoid forbidden methods for gathering of information. If a piece of information of great importance cannot be obtained in any other manner, a journalist is under the obligation to explain the procedure he/she used to the public” (group of authors 2004:101). *Code of Ethics for Serbian Journalists* in Chapter V “Relationship with the sources of information”, although it does not specify that it pertains to investigative journalism, ethically defines the relationship between an investigative journalist and his/her source of information:

1. A journalist has the right to investigate all circumstances and facts about events that are of interest to the public
2. In gathering information, the journalist shall not resort to extortion, threats, or stalking a source of information”.

Apart from not having a permission to threaten their sources of information, journalists should not promise advantageous reporting in exchange for information.

3. A journalist is obliged to respect the request for anonymity of a source of information.

Inventing anonymous sources is a serious violation of the standards of professional conduct for journalists.” (Aleksić, Bjelić 2010:114-115).

Investigation in journalism is best defined in the *Code of journalists of Montenegro*. Chapter 6.1 “Investigation” reads as follows: “(a) Journalist investigation is an indispensable instrument of journalistic duty of due diligence. (b) Journalists should normally use open methods of gathering information in which they clearly identify themselves as journalists. Untrue statements by a journalist about his/her identity and their publication when

doing research work are irreconcilable with the profession of journalists and the role of the media. (c) Undercover research may only be used where other methods have failed to yield information of particular public interest. These methods may thus be employed where, for example, they will help to detect or expose criminal activity, abuse of power, or will bring to light information that will protect the public against serious threats to public health and safety and the environment." (<http://www.mminstitute.org/kodeks.html>).

The sources of information, i.e. their credibility, but also their right to protection (prescribed by the *Law on public information* 2003) represent a foundation for adequate work of the journalists. Without good sources of information, there can be no professional reporting.

*"Every journalist who wants to obtain certain information can in fact obtain such information - the question is only why no one wants to deal with such topics, why everyone stays out of the way and how can they sleep peacefully when they know that they are not doing their jobs as they should (...). Isn't it the job of a journalist to obtain the information and publish such information in the best interest of the public? What kind of journalist does not have its own sources and contacts? (...) You have to create contacts that will be "yours", you have to jealously keep them from others, but you also have to use your sources to help your colleagues without transferring your sources to them (...). Here I primarily refer to the sources and contacts you can call in the middle of the night to give you information or to help you check something, contact for whom you are certain that they would not lie to you. They will not lie to you only if they respect you and they will respect you if you take a stand, if they know that you are not someone to mess with and that you do your job professionally, as well as that you will publish something about them tomorrow if they are involved in something, without any dilemma. It takes years to build such a reputation; it does not happen overnight."* (Stanković 2013:116-117, 123).

As anyone could notice in the codes we analysed here, such codes specify that the media cannot use open unilateral campaigns to influence the independent judiciary. We remind you of one of the most famous cases of public media lynching of the accused, the "Sacco and Vanzetti" trial from the beginning of the 20th century. The prosecution of two anarchist activists - Italian immigrants in the USA - was obviously a farce that the extent of international and domestic support managed to prolong the end of the proceedings for seven years. Without any evidence, the State accused these revolutionaries of participating in an armed robbery that got two police officers killed in 1920. All evidence confirmed that Sacco and Vanzetti had nothing to do with the said event, but the international support of unseen

proportions and the lack of evidence did not prevent the State to execute them in August 1927, six years later. Media coverage was very sensationalist.

Jovanka Matić, in her analysis of the media situation in Serbia for a regional project "Media observatory" (2012-2014) says: "*Lately, exceptionally long disqualification campaigns in two tabloids were organised against several officials of the former government led by the Democratic Party and against several businessmen.....these campaigns were designed in such a way that tabloids acted as prosecution, they took over the role of the courts and indicated the potential punishments available for such individuals, while at the same time they performed important political roles: they seek support of the public for the actions of the authorities, they stimulate the popularity of the person in charge of the fight against corruption...*".

In journalist circles, however, tabloid campaigns are known as "tabloid lynching". Such campaigns are based on anonymous sources from governmental bodies and characterised by sensationalistic style and unconfirmed information that often prove to be untrue. It is a common belief that the information on future arrests are leaked to these two tabloids from institutions or individuals in charge of criminal investigations and that the role of the tabloids was carefully planned. Professional organisations criticise the practice of these two tabloids because they violate professional rules and present a model of unprofessional conduct as a desirable and beneficial model for an efficient fight against crime and corruption.

The annual report of Saša Janković, Protector of Citizens, for the year 2013 specifies that the leaking of confidential information in the possession of state officials to "certain and always the same media" is problematic and characteristic for the year 2013. The comment of the Protector of Citizens refers to the information on current investigations, personal data and circumstances from private lives "available only through systematic and thorough invasion of privacy and from databases held by state authorities for specific purposes". In his opinion, tabloidisation of the media was in full swing during 2013 and it grew into the "tabloidisation of the State".

Regulatory bodies also deal with ethics in media activities. The Republic Broadcasting Agency of Serbia has adopted the *General Binding Instruction on Broadcaster's Conduct (Code of Conduct for Broadcasters)* which also deals with court reporting:

#### **a) Covering investigation**

Broadcasters must not distract investigation during the period of its duration. Perpetrators cannot be interviewed during the investigation. It is forbidden to broadcast paid information on the process and the committed act. During the process, broadcasters must respect presumption of innocence. It is not allowed to

show footages or materials officially marked as classified, as well as footages that individuals or state bodies obtained in an illegal way.

#### **b) Publishing contents of the reports from the criminal investigation**

When informing the public on criminal investigation process, broadcasters are obliged to respect court decisions on reports and statements of suspects, witnesses or experts, proofs, audio or visual recordings and other materials when a court decision cannot be based on them.

#### **c) Ban on influencing the court's decision**

It is forbidden to broadcast shows with deliberate speculation on the outcome of the court's decision. Reporting from the court must be based on facts and testimonies given and not solely on opinions and estimates of persons not included in the trial. Broadcasters are obliged to clearly state the status of the person in any way included in the investigation or trial (witness, suspect/accused, convicted, etc.). Broadcaster cannot treat the accused (suspect/accused) as guilty until the verdict is reached.

#### **d) Protection of identity**

It is forbidden to reveal the identity of an official and other persons conducting the investigation or having any connection to it without an explicit approval, unless those names have already been officially revealed<sup>4</sup>.

However, in accordance with the *Law on Public Information* (2003), the responsible editor is not under the obligation to publish the information, i.e. a piece of information, if:

- 1) Publication has been requested by an unauthorised person;
- 2) The media outlet has already published accurate, thorough and identical-in-content information on the completion of the criminal proceedings;
- 3) The authorised person failed to include in the request for publication his full name and address, and the missing data are unknown to the media outlet staff, or the authorised person failed to sign the request;
- 4) The request makes no reference to the original information and it cannot be easily established to which information it refers;
- 5) The information contains solely opinions or comments on the original information;
- 6) The information or part of the information on the final suspension of the proceedings, dismissal of the charges, or acquittal is untrue;
- 7) The information or part of the information is inappropriately long, and the applicant has failed to abridge it at the request of the media outlet within 15 days of request;

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4 <http://www.rra.org.rs>

- 8) The request has been submitted after the deadline;
- 9) The publication of the content of the information or part of the information would provoke criminal or contravention charges, or civil liability to third parties.

Reporting on court procedures in Serbia is mainly covered by two publications issued by professional organisations. One of them was issued by the *Judges' Association of Serbia* in order to help the journalists ensure better coverage of trials, and the other was issued by the *Association of Independent Media of Serbia (ANEM)* with the same intention. Therefore, both sides in this delicate journalist work have recognised that it is necessary to provide the media with instructions on how to report on court procedures because years of experience in information sphere have shown that the quality of reporting on court procedures did not correspond to the significance of the topic.

If we are to compare (as shown in the table) the codes of judges and journalists, we will notice numerous elements in common, where both professions clearly define these elements as the ones that have to nurture a high degree of integrity because they both act in the public interest.

Codes and Standards of Judicial Ethics	Kodeks novinara Srbije
Be independent	Independent from pressures
Be just	Truthfulness of reporting
Be professional	Use honourable resources
Be free	Journalists' diligence
Be brave	Relationship towards the sources of information
Be decent	Respect the privacy
Be incorruptible	Responsibility of the journalist
Be dedicated	Respect the authorship
Be apolitical	Protection of the journalist
Be loyal to the Code	

(Source for the Codes: Gavrilović, Gredelj 2011)

E-guide for reporting on court proceedings from ANEM's website<sup>5</sup>

<sup>5</sup> Authors: Mag. Vesna Živković, lawyer, Kruna Savović, lawyer, June 2012, Belgrade. Enclosed with this publication as an Appendix is the full text of the Guide published with the permission of ANEM.

We will mention only several elements from the Guide.

*Law on Public Information* (2003) and the *Law on Public Information and Media* (2014) prescribe that media outlets should be used to freely publish the ideas, information and opinions on phenomenon, events and individuals about which the public has a justified right to know, except when prescribed otherwise by the law.

In practice we often have situations where media are held liable for damages due to violation of presumption of innocence of the individual they report on, which is the right guaranteed to all citizens under the *Constitution* of the Republic of Serbia (2006), as well as the *Criminal Code* and the *Law on Public Information* (2003) and the *Law on Public Information and the Media* (2014). The *Law on Public Information* (2003) reads that no one may be shown as the perpetrator of a punishable offence or as guilty or responsible before a final decision by a court or other competent authority. In other words, our legal system prescribes that anyone is considered innocent until proven guilty by a binding decision of a competent court.

## TERMINOLOGY

While dealing with individuals against whom criminal actions are being brought or certain actions taken during the criminal proceeding or preliminary criminal procedure, we may distinguish several terms:

1. Suspect;
2. Defendant;
3. Accused;
4. Convicted;

A fine of 30.000,00 to 200.000,00 dinars for a contravention shall be imposed upon the editor-in-chief of a media outlet:

- 1) If in the published information someone is shown as the perpetrator of a punishable offence or as guilty or responsible before a final decision by a court or other competent authority (Article 37);
- 2) If the content of a media outlet that can endanger the development of minors is not clearly and visibly marked or if the minor is recognisable in the published information that is likely to damage his/her rights or interests (Article 41, Paragraph 2 and 3);
- 3) If the editor-in-chief fails to publish a subsequent information on the outcome of a criminal proceeding, i.e. the sentence when it becomes final

or fails to publish it within the deadlines or in the manner envisaged by this Law;

- 4) If the editor-in-chief demands payment to publish the subsequent information on the outcome of a criminal proceeding or sentence.

For the purpose of objective, timely, and accurate informing of the public about the work of the court and court proceedings, the president, judges, and court officers are under the obligation to ensure required conditions, as well as adequate access for the media in terms of current information and proceedings before the court, taking into consideration the interests of the proceedings, privacy and safety of the parties in the proceedings.

The information and data provided to the public by the courts have to be accurate and complete. The information characterised as confidential by virtue of special regulations and the protected data that must not be published or whose publishing is limited under the law, must not be published.

*Taking photographs, audio and video recording in the building of the court* are permitted only against a prior written approval of the president.

*The Court's Guide for the Media* (2004) approaches the instructions for the activities of the journalists from the perspective of legal norms, and that is why this handbook first lists articles of all the law that could serve as instructions, but also as support for the journalists while they report on investigations and court proceedings.

First we should mention the *Constitution* which guarantees the freedom of thought and public expression of opinion, as well as that court hearings are public unless the court decides under special circumstances that the trial "will be closed to the public". The journalists do not require special approvals to attend the hearings. The public may be excluded only in certain parts of the procedure or when the proceedings involve minors, in order to protect their identity. It is recommended to refrain from reporting about such procedures.

Then, we should mention the articles of the *Civil procedure Code* and the *Criminal Procedure Code* that guarantee the public nature of court hearings, as well as the presumption of innocence ("anyone is considered innocent until proven guilty by a binding decision of a competent court", *The Court Guide for the Media* 2004:11).

*The Guide* contains the relevant excerpts from international documents that are implemented into our legislation, and also provides a brief introduction for journalists into the basics of the legal procedure and in the end offers a glossary of legal terms and an address list of judiciary bodies in Serbia.

The *Guide* says (2004:16) that there are two associations of court reporters in the world; in Serbia, unfortunately, not only that we do not have such associations, we have only a few court reporters, regardless of the fact that this is a specific field that requires specific knowledge, persistence, accuracy, long-term following of a single procedure which sometimes turns into a “never-ending story”. Therefore, without a continuity of following, there cannot be accurate and critical reporting.

*The Guide* (2004:17) specifies precise goals of court reporting: “a) objective informing of citizens on the work of judiciary bodies; b) criticising and controlling the centres of power, in this case the judges and public prosecutors; c) providing practical assistance to citizens (by publishing of court decisions relevant for everyday lives); d) prevention of criminal acts through media coverage on the forms of criminal acts and types of punishments”.

Journalists often find themselves in a dilemma whether court files are available to them and in what way. *The Guide* specifies that this field is not explicitly regulated, which means that there are no restrictions and they may

review the court files with the permission of the presiding judge. The same applies to the indictments of the State prosecutor (2004:18).

In the courtroom, the journalists have to be careful not to interrupt the proceedings. They must not be late to the hearings or leave before the end (break), i.e. re-enter after leaving the courtroom. No comments are allowed, because a journalist is an observer, not a participant in the proceedings. The individual giving depositions and a contact person for journalists is the spokesperson of the court, if any, or the chairman of the court. The judge must not be approached immediately after the hearing or asked to give a statement or an additional comment on the decision, after the judge presents his/her rationale orally. Also, in principle, it is not permitted to record a court procedure, except if permitted in advance, in which case the media are informed prior to the commencement of the hearing (Guide 2004: 18).

While reporting of a court procedure, the journalist must specify the stage in which the procedure is in. They should be very careful with publishing of names and statuses of, for example, witnesses (it should not be mentioned whether the sentence has been served partially or in full).

Prejudicing of court decision is strictly forbidden. Reporting has to be free of prejudice, critical, balanced and accurate because journalists inform the public on “how justice is being dispensed”, therefore, their reporting is not only informative in nature, but also educational and may serve as prevention of potential criminal acts.”

The *Guide* specifies potential journalist errors (2004:20); we will mention only one part of the most typical ones:

- Disrupting the work in the courtroom (talking while the trial is in progress, loud commenting on the statement...);
- Inaccurate mentioning of the parties in the dispute;
- Inaccurate specifying of the court;
- Inaccurate reporting on the elements of the proceeding (for example, a criminal complaint in a criminal proceeding is not submitted to the court, but to the State prosecutor);
- The court does not dismiss a criminal complaint; the State prosecutor dismisses it;
- The request for conducting of investigation is “filed or submitted”;
- The court does not bring charges at the end of the proceedings; the court reaches a decision or passes a sentence;
- An indictment is not filed, it is raised;
- Making assumptions on the punishment or the outcome of the proceeding is not permitted while reporting;
- Making photographs of the participants in the proceedings (in particular of the judge, state prosecutor, jurors) is not permitted;
- It is forbidden to conduct parallel investigations by the journalists on the topic of the trial and to publish the results of such investigations while the court procedure is still in progress, especially taking statements from the witnesses, accused and experts before they give their depositions before the court. When journalists deal with unprocessed cases, they can help to satisfy the justice, i.e. the results of their enquiries may initiate official investigation;
- Decision about the suspension of the proceeding has to be published.

The most serious problem when it comes to reporting from the trials is having a “court procedure” in the media. There are legal and ethical mechanisms that should prevent the sensationalistic media reporting on court proceedings. Legal is contained in domestic and international sources (documents, laws, recommendations).

Before all, *The European Convention on the Protection of Human Rights and Basic Freedoms* (1956) protects the privacy of individuals being prosecuted (Guide 2004:23).

The ethical protection is ensured by professional codes of ethics for journalists which were previously explained in detail.

It is even possible to postpone the procedure until media pressure on the court through a media campaign of biased reporting ceases to exist.

The courts are subject to public criticism, not during the proceeding, but after the judgement is announced, i.e. after it becomes final. If an appeal is lodged, it is also not ethical to criticise the court proceeding, because such criticism may be interpreted as pressure on the court while the proceeding is still ongoing. The only exception is the inefficiency of the court, i.e. court proceedings and this should be publicly criticised in the media.

It is worth mentioning that journalists may be removed from the courtroom and fined; that they may be criminally prosecuted for insult and defamation (this is a particularly sensitive field dealt by associations worldwide for decades because it contradicts the right to public information and the right of citizens to know); charges may be filed against journalists for publishing responses i.e. corrections, for violation of the ban on hate speech, as well as charges for compensation of material and nonmaterial damages (according to the Guide 2004:25).

Accuracy, precision, clarity, thorough preparation prior to the event (trial); careful following of the court proceedings; repeated verification of facts and whether everything that was said during the trial was accurately recorded (transcript is better than personal interpretation); reporting without the tendency towards sensationalism and exerting pressure on the court; adhering to the guidelines given in the Code of Ethics; awareness on full responsibility for every written word - in short, demonstrate the instructions for reporting from court proceedings in general, but in this case also for reporting on corruption and crime, in order to exercise the right of the public to know and in order to fully satisfy the public interest.

The same principles, even more rigorous, apply to investigative journalism.

Finally, we will wrap up this section by quoting a conclusion of Brankica Stanković, one of the best known investigative journalists in this region: "Of all things, I hate superficiality the most. Superficial judges deliver problematic rulings, just as superficial editors refuse to comprehend the significance of a story - superficial people simply do not explore the essence of anything. Superficial people judge everyone who is different simply because they are superficial. Their superficiality often turns to dumbness and dullness. Because of their superficiality, they do not have even an idea to change something in their own lives, as if life has a replay mode - and they are even less interested in changing something around them. They feel good no matter how bad the situation is, because they superficially deduct that it could be much worse than it is" (2013:270).

## SOURCES

- Aleksić, Igor and Suzana Bijelić (2010). *Medijske slike i kodeksi*. Novi Sad: UNV.
- De Berg, Hjugo (2007). *Istraživačko novinarstvo*. Belgrade: CLIO.
- Dej Alvin Luis (2008). *Etika u medijima: primeri i kontroverze*. Belgrade: Čigoja štampa.
- Gavrilović, Zoran and Stjepan Gredelj (2011). *Profesija između korupcije i integriteta*. Belgrade: Office for social research.
- Group of authors (2004). *Etika novinarstva*. Belgrade: CPM.
- Korni, Danijel (1999). *Etika informisanja*. Belgrade: CLIO.
- Koronel, Šila S. (2011). Iza kulisa: *Vodič za istraživačko novinarstvo na Balkanu*. Belgrade: BIRN Serbia.
- Nemački savet za štampu (2002). *Novinarski kodeks sa osnovnim smernicama za redakcijski rad*. Belgrade: Konrad Adenauer Fondacija.
- Opšte obavezujuće uputstvo za ponašanje emitera* (27th of June 2007). Belgrade: RRA. <http://www.rra.org.rs/>
- Simić, Vojkan and associates (2004). *Sudski vodič za medije*. Belgrade: Judges' Association of Serbia and ABA CEELI
- Stanković, Brankica (2013). *Insajder, moja priča*. Belgrade: Samizdat B92.
- Vodinić, Vladimir and Saša Gajin (2005). *Kodeks novinarske struke: Model*. Belgrade: Centre for improvement of legal studies Belgrade.
- Guide for self-regulation of media* (2008). Vienna: OSCE. Serbian Association of Journalists <http://www.uns.org.rs/>
- Law on public information* (2003), "Official Gazette of RS", no. 43/2003, 61/2005 and 71/2009
- The Law on Public Information and Media* (2014) [www.parlament.gov.rs/](http://www.parlament.gov.rs/)

Milorad Ivanović

# INVESTIGATIVE JOURNALISM AND CORRUPTION

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- A guide for more efficient reporting -

## INTRODUCTION

Mistakes in journalism are possible; it is good to admit your mistakes and therefore here is a confession : this will not be a guide through *research journalism* and corruption. Not at all! And the reason is simple - there is no such thing as *research journalism*. What we will be dealing with here in this brief guide is *investigative journalism*.

When the term was first introduced in the media terminology of former Yugoslavia, someone erroneously translated the term "investigate" as "research" instead of as "investigation". You might say: "Well, not much of a difference". In fact, the problem is far greater than it seems: recently I watched a show where a famous TV host was bragging about being an investigative journalist "because she does thorough research about her future interlocutor". Or, at a seminar, another famous colleague responded with anger when I tried to introduce correct terminology by saying that "she is no police officer to conduct an investigation, but a journalist who conducts research".

And that is the root of the problem: investigative journalists really do the same job as police inspectors - they conduct investigations to learn something someone else tries to conceal, while using methods that are closer to police than to journalism. Research is only one stage of the investigation - and it is not the most important stage.

This particularly pertains to journalists who want to deal with the problem of corruption. Apart from conventional knowledge that has to be a trait of all journalists, these investigators would have to have additional skills - they have to know how to analyse annual reports of companies, to utilise technological resources whereby they would protect their materials and interlocutors and special methods for database searches. These skills will be the topic of this part of the handbook.

As far as the difference between “research” and “investigative” journalist is concerned - resistance is futile, we cannot change the old ways. In line with the principle “If the mountain won’t come to Muhammad then Muhammad must go to the mountain” this handbook will deal with *investigation*, not *research* journalism (while clearly stating that we are aware of the difference).

And now, what is the definition of investigative journalism. There are many definitions, but the one I prefer the most is the one given by an American journalist, Robert Greene, a winner of the Pulitzer Prize, who said that “investigative journalism is the gathering of information that would remain secret if it were not for the journalists”. Investigative journalists seek the truth in all aspects of life and do their work regardless of the problems.

In the developed world there is a belief that investigative journalism is one of the main pillars of democracy and that it is necessary - even though it is painful at times.

Italian mafia has a saying that they can easily have their way with the judges, because there are mechanisms used to bribe them, but it is far more difficult with journalists because they are dedicated and do their work because they act out of conviction, not financial interest.

The dream of every investigative journalist is to depose a president. Certainly, if you stick to some of my personal experiences I mention in this handbook, you will perhaps not manage to depose the president, but I hope my experiences will help you go on an adventure that cannot be compared with anything else in the world of journalism.

## CHAPTER 1

### **- WHAT IS COVERED BY THE TERM INVESTIGATIVE JOURNALISM?**

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There are several criteria that each story has to fulfil:

- The story has to be relevant to society
- The story has to deal with irregularities in society

In this world great attention is paid to so-called “ordinary people” who have encountered a “wall” and cannot seem to solve some of their basic needs. The golden rule is that journalists have to protect the ordinary people and fight against big criminals. Go after the big fish, not the small, because small fish are probably victims as well.

- The story has to be original

Thousands of stories have already been written on corruption. If you want to do a new investigation on this topic, first learn what has been published so far, try to find a new angle that has not been explored, a different perspective for the story.

- The story has to have consequences

The first lesson I have learned when I came to the editorial board was: “Only provincial journalists believe that their text would change the world”. Now I also add - provincial and investigative journalists. The guiding thought for all investigative journalists is the belief that society may change for the better.

- The journalist has to prove all the facts by himself/herself

Forget about justifications like “I read it in the newspaper” or “I was told so off the record”. For each piece of information published in a text, an investigativeng journalist has to provide proof, which he personally found.

*(STORIES BEHIND THE STORIES: Find your own way to each piece of information - A case of G. di S.)*

## CHAPTER 2

### - AN INVESTIGATIVE PUZZLE -

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It is necessary to meet a number of conditions in order to develop investigative journalism . These are the key elements:

- It takes time

Investigation takes a long time - several months, even years. Try to convince your editor that it will be worth it if you spend some time not hanging around the office, but in the field - every editor likes a good story that is easy to “sell”.

- It takes money

Investigations may be quite expensive. Back in 2001, I participated in a project for the London Institute for War and Peace Reporting (IWPR), together with my colleague Momo Ilić, aiming to determine what happened with the money transferred to the accounts in Cyprus during the 90s . The investigation itself cost several thousands of Euros, but this amount drastically increased after we added the legal fees and other costs.

- The public that would react to the story

Investigative journalism is effective only if the public reacts to what was published and seeks changes indicated in the investigation. There is no greater frustration for a journalist than to see that no one is reacting to the discoveries.

- Access to information

In Norway, a journalist uses a computer to obtain the following information in a matter of seconds: who is the owner of the company, who are the members of the board of directors and whether the same individuals occupy other management functions, the amount of taxes they paid, their incomes, property, what gifts did the politicians get, to whom they are married and what is specified in their marital contracts, where do they live and where they used to live, to whom they wrote and who wrote to them and what they wrote about. We are still far from these standards, but the things are moving forward, mostly thanks to the institution of the Commissioner for Information of Public Importance. On the website [www.poverenik.rs](http://www.poverenik.rs), you may find all the information you have the right to know about and instructions on how to get such information. Unfortunately, not enough journalists use the services of the Commissioner, claiming that the process is too slow, but some of the best investigations conducted lately have seen the light of day thanks to the activities of the Commissioner.

## CHAPTER 3

### - THE CHOICE OF STORY -

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Investigative journalism faces one serious problem - journalists often stick to the same topics which in time becomes boring. Several stories during the past few years have covered the topic of corruption, but apart from raising awareness about the problem in the society, the effect of such stories was rather limited. Therefore, the key is to approach all topics from an interesting perspective and a different angle. Before choosing a story, ask yourself the following questions:

- Is the topic worth the trouble; do I have time and resources for it?

It is not worth investing too much effort into revealing minor problems.

- Will the story affect society?

Opposed to other forms of journalism, investigative stories do not have the goal to entertain the readers, but to cause certain reactions of society.

- What do I know about this topic, whom can I talk to and how can I get the documents without much trouble?

Do not deal only with the relationship between corruption and politics; interesting topics may also be found in the field of science, economy, and ecology. Stories talking about unequal relationships within society may be very interesting (police-public, employers-employees, teachers-students, doctors-patients, etc.).

- Identify the “minimal” and “maximal” story.
- Provide a hypothesis

Have a clear idea of what you are trying to prove, but bear in mind that in the end, you might have a completely different story.

➤ “Follow the money”

In investigative journalism - especially when dealing with corruption - there is an old rule which says that “you should always follow the money trail”. It is best done by analysing official contracts and tender procedures. The red light should go on in the following cases: if you encounter consultancy contracts, subcontractor agreements, information about only one bidder at the tender, changing of tender conditions in the last moment, hints that there are pressures coming “from the top”, complaints of those who participated in the tender procedure, etc.

➤ Talk, talk, talk

In the old times, when there was no Internet or mobile phones, the journalists used to have “coffee” with their sources each morning. And so, over coffee, usually a good topic would emerge. We should go back to the good old times. Who should we drink coffee with? The best sources are: persons that lost a tender (they often know a lot about covert activities and are usually ready to talk), diplomats from countries whose companies have encountered problems, people from prosecutor’s office, parliamentary groups and security services (but you have to be careful and ask yourself “why are they telling me this?”). And, of course, the smallest and most vulnerable group is the “whistleblowers” - employees working at various companies who have decided to speak about the irregularities in business operations. A crucial thing is guaranteeing them safety and protection.

## CHAPTER 4

### - THE INVESTIGATION -

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This is the most sensitive stage in which journalists usually give up on their story. The most important thing is to ensure that your editor understands and is aware of what you are doing and that he/she plans to publish your story. For a journalist - investigator, there is nothing worse than having his/her story locked up in some drawer.

➤ Do research on the topic

Before you head out in the field and start interviewing people, learn as much as you can about the topic you are working on: use the internet, databases, archives of the stories published so far. Learn more about the “key people” and their mutual relationships and about the institutions involved.

➤ Do a “test story”

Investigations are expensive and take a long time to be finished, and thus it is important to determine at the very beginning if the story “holds water”, i.e. if it would be possible to write a story once the investigation is complete - either a “maximal” or a “minimal” story. Giving up on a story at this stage is not a problem: the crisis occurs when you have to tell your editor, after several months of investigation, that the story is not going to happen. In the test investigation, you do not have to have a “smoking gun”, i.e. crucial evidence - you only have to determine whether there is a story and that such a story can be written.

➤ **Make a plan**

Planning stage is very important because you cannot work forever on the same story - you will not have the time nor the resources. Write down to whom you should talk and where, how to reach your sources, how long it will take, when you will start writing.

➤ **Start gathering documents and information**

Photographs, internal documents, bills: collect them and categorise them according to relevance. In these times of total globalisation, it is becoming increasingly difficult to hide oneself – until a few years ago, it was believed that if you open an offshore company on some exotic island, no one would be able to trace you, but things are changing. These are but a few databases you should review before you start serious research:

### **Business Registers Agency**

A searchable database where you may learn who is the owner of the company, as well as certain information about the success of the company: <http://www.apr.gov.rs/>

### **ICIJ Offshore Leaks Database**

The International Consortium of Investigative Journalists from Washington ([www.icij.org](http://www.icij.org)) in 2013 came into possession of a database with more than 2.5 million documents about offshore companies worldwide. The journalists of this organisation spent months sorting the documents and creating a searchable database. This database contains a number of Serbian citizens or individuals whose business activities are related to Serbia.

<http://offshoreleaks.icij.org/search>

### **Investigative Dashboard (OCCRP)**

An independent project of a group of journalists, headed by a colleague from Romania, Paul Radu, who managed to gather several databases in one location - some of these databases were available previously, the others were “hacked”, like

the database of companies registered in Panama. This is an excellent beginning for any investigation: <http://www.investigativedashboard.org/>

➤ Form a team

Gathering several colleagues to work on the same story is always a good thing - one person cannot know everything - certainly there are colleagues who are experts in a certain field. In addition, forming a team contributes to increased safety of journalists because, as one of the foreign lecturers said at one of the courses I attended, "if the mafia wants to hurt the people who worked on a story, they will not go after all five journalists that worked on a story".

➤ Be focused and do not wander around

While conducting large investigations, there is a danger that huge amounts of information could lead the journalist astray. Just remember the famous joke: The teacher asked Perica to say everything he knows about elephants. "An elephant is an animal with four legs, ears and a trunk that looks like a worm. A worm is...". After each sentence, ask yourself the following question: "What is the focus of my story...?"

## CHAPTER 5

### - INTERVIEWS WITH EXPERTS AND SOURCES -

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Be sceptical and always ask yourself "why are they telling me this, do they have an interest to do so and what is it?" In investigative journalism, a little bit of paranoia is permitted and even desirable - but only a little!

➤ Always question yourselves

Try to prove that your story is not true. Something that seems obvious at first glance, in fact does not have to be the truth.

➤ Be careful while talking to criminals

It is believed that fair reporting implies talking to all the warring parties, including members of the mafia. It can be dangerous because the members of one "gang" may wish to use journalists in their fight against the other "gang". That is why journalists bear great responsibility. On the other hand, talking to mobsters puts flesh to the bones of the story; it becomes a more interesting and comprehensive read. People wish to know how criminals live, talk, think. Some believe that, if we do not have that side of the story, then investigative journalism is only a long arm of law enforcement (Government, prosecutors, police, secret services, etc.).

It is very important to tell the mobsters what your job is and where is the boundary you do not want to cross..

➤ Cooperation with the agents

Espionage and investigative journalism have a lot in common in terms of working mode: the same principles, similar methods, different results. "Intelligence circle" - which implies setting goals, gathering information, data processing, redefining goals, writing reports – these are the same in both journalism and in the work of agencies. The difference is that the final report in the first case ends up on someone's desk, whereas the other one is available to the general public.

Many spies work as journalists as a "cover", but many spies use journalists for their own goals.

➤ Be careful while talking to experts

Be open while talking to interlocutors, but always check what they say: even who they are and what they do. In 2012, during the investigation on fake diplomas and false biographies, Novi magazin (New Magazine) revealed that a certain D.J., who used to appear in domestic media and comment on issues pertaining to economy, was not at all working for the European Economic Institute of the European Commission as he claimed. To make things even worse - Dnevni magazin (Daily Magazine) revealed that the mentioned institute does not even exist.

➤ Be careful while talking to "sensitive categories"

During the investigation, you will have the opportunity to talk to minors, trauma victims, victims, and perpetrators of crime. Accept the information you get with reservations. Do not be too cruel, do not insist too much. Contact experts who can help you with some advice (doctors, psychologists, social workers, etc.). Always ask yourself the following question: "Can I do any harm only by posing the question?" You have to be especially careful while working with minors: you need to seek parents' permission, use initials.

➤ Make a "psychological profile" of your interlocutor

Psychologists worldwide believe that the best con artists (most often in the field of finance) have a genetic predisposition for it and such people are relatively easy to read. They have a primary impulse to rule over other people, without any regard for rules and laws, they manifest superiority - such individuals are intelligent people without emotions, without a sense of shame, imposingly charming, manipulative, and irresponsible in their behaviour. What is more important, "money is never the primary motivation for their bad deeds".

➤ Talk to your colleagues

A number of journalist organisations worldwide address the fight against corruption and are ready to cooperate with other colleagues. Contact them - you

never know what type of information they have and what they work on - it might be interesting.

### **100 journalists against corruption**

An organisation based in Washington D.C. that gathers several hundreds of journalists who deal with corruption from all over the world

<http://100r.org/>

### **Tax Justice Network**

An organisation with headquarters in London that organises education for journalists on a regular basis. Their participants have formed a network of investigative journalists that work on very serious investigations - they mostly investigate large multinational companies.

<http://www.taxjustice.net/>

### **Global Investigative Journalism Network (GIJN)**

Every other year, investigative journalists from all over the world gather at "global conferences" where they exchange ideas about themes and investigation techniques. The network gathers several hundred journalists and represents an inexhaustible source of information.

[www.gijn.org](http://www.gijn.org)

## **CHAPTER 6**

### **- ETHICS IN INVESTIGATIVE JOURNALISM -**

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Journalists encounter numerous sensitive issues. Here we will deal only with some of the characteristics of investigative journalism and themes pertaining to corruption.

#### ➤ Whether and when to use a hidden camera

It is a very powerful tool that has to be used only in exceptional situations. This type of activity may hurt people who trust you (who will also be caught on tape). Unfortunately, this method is used way too often because it is attractive. It has to be used only as a last resort - first you have to try and find information in some other, more acceptable manner.

#### ➤ False representation

In this way, you are committing a crime yourselves. It is permitted only under exceptional circumstances, when information cannot be obtained in any other manner. In 2001, I opened an investigation into organ trafficking in the Balkans. There were numerous speculations, but no real evidence. By using a false identity, I posted several advertisements through which I wanted to sell or purchase

kidneys. Approximately ten people responded to my ad, among others a former advisor to the Macedonian government, who explained the procedure to me. He claimed that such surgeries take place in private clinics, that Israeli doctors come to Macedonia and Kosovo where they perform the surgeries. Unfortunately, the story didn't get published because it was not a single living witness to confirm the entire story. Some ten years later, it turned out that the story was accurate and much darker than anyone could have assumed.

➤ Whether and when to help the victims

Official journalist literature says that the job of a journalist is to report, not help the victims. However, apart from being journalists, we are also humans and sometimes it is simply impossible to close our eyes to tragedies. Even though it is being done, you should be really careful, because sometimes unprofessional behaviour may make the situation and the position of the victim even worse.

➤ Whether to pay for the information

There is no correct answer to this question. It is customary in investigative journalism throughout the world not to pay for information - except when it is in the interest of the public (however, this term may be interpreted in various ways).

## CHAPTER 7

### - SAFETY ALWAYS COMES FIRST -

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Remember: no story is worth dying for!

➤ A dead journalist will never write the story!

Threats come in various forms: tapping the phone, opening mail, intercepting e-mails, physical threats, pressure on colleagues, invitations to "informative conversations", physical threats, psychological pressure, infiltrating a mole into your team, compromising journalists, threatening the sources of the story, etc.

Everyone agrees that not much can be done - if someone has decided to attack you, then that is what they are going to do. One of the rules is to publish the dangerous information as soon as possible: the longer you wait, the more time the adversary will have to stop you. Once the information is available to the public, the chances to be attacked become smaller because it will become obvious who attacked you.

➤ Be inventive

Try to be one step ahead of those you write about. In 2004, within a Danish programme SCOOP (Supporting Investigative Journalism) intended to help investigative journalists in Southeast Europe, I did a six month investigation with

a colleague from Ukraine and a colleague from Bulgaria on weapons trade. The topic was very sensitive - the journalist from Ukraine withdrew from the project after several weeks because he feared for his life, while the colleague from Bulgaria and I decided to continue. We developed a system for the exchange of information and met several times both in Sofia and Belgrade. Several days before the publishing of our investigation, we came to the idea to quote each other: the details of the text published in "Blic", which were way too sensitive, were represented as the material of the Bulgarian weekly newspaper "Monitor". Similarly, the colleague had a feeling that she could have problems in Bulgaria as well, so she quoted the information published in "Blic". We managed to evade pressures with this simple manoeuvre.

➤ Use technology to remain "invisible"

Sometimes it is of utter importance that no one - and I mean no one - knows what you are investigating and what information you have. Thus, it is very important to use some of the technical options, which will help you achieve this goal.

### **10 Minute Mail**

Instant e-mail address which is "alive" for only ten minutes. It is usually used for website registrations where you do not want to leave your trail

[www.10minutemail.com](http://www.10minutemail.com)

### **Privnote**

Self-destructive mail - once the recipient opens the message and reads it, the message will self-destruct automatically and it will no longer be possible to read it.

[www.privnote.com](http://www.privnote.com)

### **Hushmail**

Whenever you are working on a sensitive topic, it is good to encrypt the messages you are sending. The easiest way is to open an account on Hushmail which automatically protects the messages.

[www.hushmail.com](http://www.hushmail.com)

### **Anonymouse**

A browser that does not leave traces and enables you to remain invisible while using the internet.

[www.anonymouse.com](http://www.anonymouse.com)

➤ Protect your computers and smart phones

Check whether your computer and your smart phones are infected by viruses. If they are, there is a huge threat that someone else could access your data. These are some of the programs that might help you:

## **The Onion Router (Tor Project)**

<https://www.torproject.org/>

## **TrueCrypt Encryption Software (free of charge)**

<http://www.truecrypt.org/>

## **SandBoxie**

<http://sandboxie.com/>

## **AVG Anti-Rootkit (removes Trojans from your computer)**

<http://www.softpedia.com/get/Antivirus/AVG-Anti-Rootkit.shtml>

## **Spybot Search & Destroy (removes viruses)**

[www.safer-networking.org](http://www.safer-networking.org)

## **Heidi Eraser (freeware) – erases the content by repeatedly overwriting the existing content**

<http://eraser.heidi.ie/>

## **AVG Mobilation (find a lost mobile phone)**

[www.avgmobilation.com](http://www.avgmobilation.com)

## **CHAPTER 8**

### **- WRITING AND ADDITIONAL CHECKS -**

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Leave plenty of time for this phase of the process

- Start writing the story as soon as possible

Months of research may result in huge amounts of material. The more you postpone the writing phase, the greater is the chance that some important element of the story will be left out.

- Write in an interesting manner

A text that comes as a result of investigative work must not look like a police report in its final stage. Apart from being on a mission to inform the public, these texts, as all other texts, also have to be interesting and easy to read. Create a simple structure that is easy to follow. Write by imagining a potential reader as someone who knows nothing about the topic you are working on. You should never forget that journalism is a business and that your editors and the owners of the media will care whether your report will increase the ratings and therefore the profit.

- “Confrontation interview” - pros and cons

There is a debate in the media circles on whether to contact the “accused”. One theory says that you should contact the “star” of your investigation as soon as

possible after opening the investigation, because the statement given by such person would help you head out in the right direction. The problem with this principle is that the “opposite” side has enough time for a counterattack. The other theory says that you should contact the “accused” as late as possible so they cannot interfere with your work on the story. Third position - which does not support the idea that at least two sources are necessary for each story - says that if the journalist has enough evidence, there is no need to contact the “accused”.

➤ Re-writing

The rewriting process is a familiar concept in the leading media throughout the world and consists of several steps: First step - the deputy editor reads the original text, breaks it down to integral parts, rewrites it and asks the journalist to support all the data integrated in the text. At his stage, the journalist is usually asked to provide additional information. The deputy editor then sends the text to the editor who reads the text, writes it from the beginning and seeks additional information from the journalist. The final version is forwarded to the journalist for final approval and then to printing. Even with the best journalists, it happens that the first version and the last published version of the text look nothing alike.

➤ Don't write what you know, write what you can prove

Different countries have different laws on defamation. In Belgium, for example, a journalist would win in court if he/she proves that he/she was trying to get to the truth. The law in Germany is far more rigorous and the journalist would have to provide all proofs.

➤ Checking, checking, and more checking

It would be good if your friends and colleagues could read the text and mark everything they find to be illogical and unclear. Sometimes it happens that there is just too much going on in the story and you forgot to write something that is obvious. The investigation result should also be read by an attorney, in particular if the story is sensitive. Famous media throughout the world have teams of attorneys whose sole mission is to analyse the evidence in great detail. A German magazine, Spiegel, has a special team of journalists dedicated to the verification of information. Even if you have your evidence, the initiation of a court procedure may bring publishing houses to the verge of bankruptcy. That is why there is a saying in the developed countries “the best investigations have never been published”.

## CHAPTER 9

### - PUBLISHING -

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It is time to show the world what you have.

➤ Relax and enjoy

At this stage, there is nothing else you can do but enjoy the fruits of your labour. Offer the text to the news agencies and other media - the bigger the publicity, the higher the chances that the research would lead to desired reactions and changes (which was the primary goal).

➤ No man is a prophet in his own land

It seems that, once the story is accepted abroad, it will be successful locally as well. I worked with my colleague, Momir Ilić on a story on corruption in the Hague Tribunal - individuals indicted for war crimes insisted that a part of their profit is given to their families, and consequently their wives have opened petrol stations, chains of retail stores, restaurants. When the story was first published in "Blic", it was not a success. We knew that it is a very important topic, so we offered the story to the Czech internet portal Transitions (TOL – Transitions Online [www.tol.cz](http://www.tol.cz)), and then to Washington Post who published the story on the front cover. The White House responded the next day, demanding for this practice to be terminated. Only then did the domestic agencies publish our story and only then did the story get the treatment it deserved.

➤ Be ready to react

Prepare answers to potential key questions – do not forget that the opponents will attempt to undermine your investigation and they will use any means necessary to achieve this.

➤ Follow-up

Whenever possible, try to do a follow-up piece. The public will certainly be interested to hear about what happened to your "heroes".

➤ "The best stories have never been published"

This is in fact one of the rules of American journalism and I confirm it. One of the best and most significant texts in the field of investigative journalism in which I participated - was never published. It was the above mentioned investigation conducted for the London Institute for War and Peace reporting on Milošević's money transfer to Cyprus during the war. The original story was good and has gone through several stages of rewriting, which was a common practice at the Institute. At the same time, each version was read by teams of attorneys from London, where the compensation paid to such attorneys by far exceeded the

amount invested in the investigation. The Institute finally decided not to publish the story - it was assessed that the data used in the investigation are truthful and possible to prove, but it was also concluded that if one of the “accused”, a high-ranking politician from Cyprus, was to file a lawsuit in London, the costs of such a lawsuit would put an end to the Institute.

## **ADDITIONAL INFORMATION**

Organisations that predominantly deal with investigative journalism in Serbia:

### **Media Focus – Center for Investigative Journalism**

<http://www.mediafocus.latest-info.com>

### **CINS, Center for Investigative Journalism, NUNS (IJAS)**

<http://www.cins.org.rs>

### **Pištaljka (Whistleblower)**

<http://pistaljka.rs>

### **OCCRP – Organised Crime and Corruption Reporting Project**

<http://www.reportingproject.net>

### **BIRN, Balkan Investigative Reporting Network**

<http://www.birn.eu.com>

### **SCOOP – Supporting Investigative Journalism**

[www.i-scoop.org](http://www.i-scoop.org)

## STORIES BEHIND THE STORIES

Find your own path to each piece of information:

### Case of G. di S.

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"We have an excellent story", said the editor of the Scottish weekly magazine "Sunday Mail" in one breath. "G. di S., the owner of the British football club "Dundee", is involved in a corruption scandal. Learn everything there is about his connections with Ž.R.A.", the voice on the other end of the line said. "That's easy, A. is an open book", I said.

Bald-headed and low in stature, G. di S. found himself in Belgrade at the beginning of the 90s when he became a media star. He appeared in the prime time news, "Dnevnik", on national television where he introduced himself as the owner of the Hollywood studio "Metro Goldwyn Mayer"; he opened a popular "Radio Penguin", etc. In the official biography of Ž.R.A., it is said that his friendship with G. di S. dates back to the beginning of the 70s when the Italian helped Ž.R.A. to organise a spectacular jail break from a prison in Holland. It also reads that his real name is C.F.! In the interview given for the magazine "Profil", G. di S. is quite vague about his true identity: "I am not crazy to admit something that could cause many, many problems for me".

"That is fantastic", the Scottish editor was ecstatic. "He is a dangerous man and we have to check the part concerning the change of his name".

A former official of Serbian Secret Services had no doubts. "Absolutely, that is the same person". He told that G. di S., i.e. C. F. was obsessed with the idea to help Ž.R.A., so he took flying lessons and planned to throw a rope from a helicopter inside the prison and thus save his friend.

The Italian journalist who was the first to reveal the identity behind the alias G. di S. to the newspapers "Diario" told me how Ž.R.A. in 1974 helped C.F. to escape from a Swedish prison. "Masked Ž.R.A. appeared in the courtroom, threatened the judge with a gun, threw the second gun to C.F., after which they both jumped out of the window," the journalist claimed. "Excellent, I got confirmation from two independent, well informed sources", I thought.

I also sent messages to the prosecutor and inspector in Sweden. I did not have to wait for the response of the Swedish detective. He personally met C.F. and remembered that he was baldish, with a hooked nose and that he looked like the man whose picture I sent him. "Give me a few days to check", he said.

The Swedish prosecutor also responded. "C. F. was banished from Sweden towards the end of 70s. The criminal file says that he was born on June 20th, 1943." June 1943?! That must be a mistake! G. di S. is ten years younger - he was born in July 1955!

The next message from the Swedish detective solved the mystery: "They look similar, but C.F. is not G. di S. The file says that one distinguishing trait is that he is missing a part of his index finger on his right hand". The message contained three police photographs of C.F. He was indeed baldish, he had a hooked nose, he was short, but he was not G. di S.!

Something that seemed simple was transformed into a true mystery. The official biography of Ž.R.A. is a figment of imagination that drastically changes our view on the events that took place during the 90s. Did Ž.R.A. change his biography by himself and why? If not, in whose best interest was it to make up a story? Who is G. di S. and what was he doing in Belgrade? This might be an idea for a new investigation.

## Case of "D.J.":

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### **Be careful with experts - especially fake ones**

The first time you visit Vienna, you will notice something straight away - there is a bag containing newspapers and a small box next to it on numerous electricity poles. No one is controlling you, but you are expected to drop a Euro or two in the box when you take the newspapers. "It is a matter of trust", as the inhabitants of Austria's capital say. Trust is something you need to build, both with individuals and institutions - when the trust is broken, serious problems occur - resignations are given, media are covering the story, and the people responsible for the situation stay marked for a lifetime.

What is the purpose of this long introduction? It is simple - trust is the leitmotif of this text. How would you feel and what would you do if someone, an older person with a tie, were to give you a call and say that he is an executive director of the European Economic Institute in Brussels? Would you trust him and ask him to help you interpret some of the European economic moves or would you be suspicious and ask him to provide evidence?

This is exactly what happened to a number of Serbian journalists and organisations during the past few years and months. Believing that trust is a key concept here as well, they failed to check, but it seems that they should have.

“One day, I got a call from D.J. who said that he was a consultant of the European Economic Institute from Brussels and he offered his services”, a journalist from a local television said in the interview for Novi magazin (New Magazine).

She typed the full name of D.J. into Google and saw he was a frequent guest in the media and that he successfully comments on problems relating to economy and in particular on the relationship between Serbia and the EU. She decided to give him a call. “I did not suspect a thing, he was very professional”.

She would have probably continued to do so had there not been for the call from the Novi magazin and our interest in D.J.

Namely, during the past six months, as a part of the investigative journalism project titled “fake diplomas, false biographies”, we tried to shed some light on some of the greatest mysteries on the academic scene in our country. That is how we discovered and published that the Vice-Dean of the Faculty of Medicine in Niš has a diploma of a fake university, Ashwood, for which he paid only a couple of hundreds of dollars. We also published that an Australian Rottweiler Sony also has the same diploma, but we also managed to find more than 20 high-ranking people who have fake diplomas or who are guilty of false representation.

The name of D.J. from the European Economic Institute from Brussels ranked high on our list for obvious reasons. D.J. spoke about the Institute during the interview he gave for “Kažiprst” on television B92 in January 2008. When the host, Danica Vučenić, asked him about the relationship between the European Economic Institute and the institutions of the EU, D.J., who claimed to be an executive director of the said institute, said:

“The European Economic Institute is a scientific institution of the European Union, financed from the budget, that deals with the projects in the field of economy, with economic analyses, prognoses and certainly with the creation of economic policies both for the European Union as well as all interested countries and institutions”.

He gave a similar definition in his interview to “Glas javnosti”, when he said that the European Economic Institute in Brussels deals with analyses and research pertaining to micro and macro economy, financial and banking systems, legal and illegal cash flows throughout the world. “The Institute gives prognoses and expectations of economic movements depending on the price of oil and other parameters. This institute is a scientific body of the European Union. The countries cannot order projects and researches individually; it has to go through the European Commission. Serbia, as a part of the region, is subject to the research”.

he said in his statement. An exquisite institution, one might say, but under one condition - if it existed. All attempts by Novi magazin to trace the mysterious institute and their expert were dead ends. The mystery was finally resolved by an official statement of the Delegation of the European Union in Belgrade which read: "In reference to your query about Mr. D.J. and his European Economic Institute, the Delegation of the European Union in Serbia is at liberty to confirm that Mr D.J. and his institute are not in any way related to the Delegation of the EU. Moreover, Mr. D.J. does not in any way represent the Delegation. His opinions and evaluations should not be understood as the position of the Delegation of the European Union in Serbia. Through the media reports, the EU Delegation is familiar with the activities of Mr. D.J., but apart from that, the Delegation does not have any formal or informal relationship with said individual or his institute".

Depending on the situation, D.J. presented himself as an expert, consultant, or executive director of the Institute. He was first mentioned as such in 2004, but he intensified his presence in the media in 2007/2008, in particular this year when he appeared on the Balkan version of Al Jazeera more than ten times, on the television B92, TV Vojvodina, but also as a panellist at certain events.

During the past few years, in particular during the past few months, D. J. managed to infiltrate well into the scientific and professional community. In 2010, together with Z.J. from the Law Faculty of the University of Kragujevac, he published a scientific paper in the collected papers of the Law Faculty in Niš under the title "The Rights and Obligations of the Officers in the Republic of Serbia". He described his function as the representative of the "European Economic Institute of the European Commission in Brussels".

What is even more interesting, he made his appearance at the celebration of 54 years of "Elektrovojvodina". The statement about the celebration literally reads: "The European Commissioner for Energy and the Member of the European Commission, Günther Oettinger, congratulated Elektrovojvodina on achieving affirmative business results in 2011 and 2012. At the beginning of the celebration, his personal message to dr. Tihomir Simić, Elektrovojvodina Director, and all the employees was handed in person by the executive director of the European Economic Institute from Brussels, D.J. who, on behalf of this respectable institution, wished that Elektrovojvodina would continue its successful business operations and would remain a market leader in Serbia and the region."

How was it then possible that for years no one has noticed that something is wrong with this entire story? The interlocutors of Novi magazin explained that

D.J.'s statements were always very moderate. "He never used strong words. His statements sounded like something any person with common sense would say", our interlocutors said. We wanted to hear the position of D.J. on this, but it proved to be a mission impossible. We thought that the Institute was registered as a non-governmental organisation in Brussels, that it has an Internet presentation, e-mail address, phone number, a list of other experts, etc. However, none of it was true. "You should wait, maybe he will give you a call and offer his services", our colleagues advised us.

In the attempt to gather as much information as we could on D.J. and his activities, we found his Facebook profile. Except for several photographs with his friends, we were surprised to see that he specified OLAF as his place of work; OLAF is a European Anti-Fraud Office seated in Brussels. The Agency was founded in 1999 and conducts investigations related to management and financing of all the institutions and bodies of the European Union. The central office of the organisation was more than surprised when we informed them about the situation. "Thank you for warning us about this case. I wish to confirm that D.J. is not an employee of OLAF. Mr. D.J. is not in any way connected to our office and thus cannot act or speak on behalf of OLAF", as the spokesperson for the organisation Johan Wullt said in an official memo sent from Brussels.

***M. Ivanović, M. Marjanović (Novi magazin)***

## **About the Author**

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Milorad Ivanović is the executive editor of the weekly magazine Novi magazin ([www.novimagazin.rs](http://www.novimagazin.rs)). Previously, he worked for the daily newspaper Blic ([www.blic.rs](http://www.blic.rs)), for fifteen years, last six of which as the deputy editor-in-chief. His articles were published in leading media all over the world: El Mundo, Mail on Sunday, Washington Post, Der Standard, NZZ, Blick am Sonntag, VSD, the Sunday Times, etc. He is one of the founders of the Global Investigative Journalism Network GIJN ([www.gijn.org](http://www.gijn.org)). Mr. Ivanović is a member of the International Consortium of Investigative Journalists ([www.icij.org](http://www.icij.org)), organisation of "100 journalists against corruption" ([www.100r.org](http://www.100r.org)), representative for the Western Balkans of the Dart Center for Trauma and Journalism ([www.dart.org](http://www.dart.org)), coordinator for Serbia for the SCOOP programme ([www.i-scoop.org](http://www.i-scoop.org)). He was one of the participants of the first generation of the Balkan Fellowship for Journalistic Excellence scholarship where he currently holds the position of a Member of the Election Commission (<http://fellowship.birn.eu.com>). Ivanović has participated in more than 50 media programmes across Europe and USA.

Saša Leković

# JOURNALISTIC STANDARDS AND CHALLENGES IN REPORTING ON CORRUPTION

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For the work that I do, namely RESEARCH or INVESTIGATIVE journalism, and following on the terminology and explanation given by my colleague Ivanović in this handbook, I am convinced that it is in fact the combination of RESEARCH (use of methods and tools identical or similar to the ones used by criminal investigators) and INVESTIGATION (the use of methods and tools identical or similar to the ones used in classical scientific investigations). Please bear this in mind, because in the text that follows, I will be using the accepted term - investigative journalism.

However, I will challenge the stereotype, the unquestionable approach to this theme by concluding that, in fact, there are no research/investigative journalists. In other words, due to various reasons, there are few journalists that practice journalism in such a way; mostly, they were also just “regular” journalists before they came to the position to dedicate themselves only to investigative journalism.

I prefer to say that we have investigative stories, i.e. stories that meet the key criteria required for the story to be called an investigative story. This means that anyone who meets the professional criteria in their work on an investigative story at that moment - is in fact an investigative journalist. On the other hand, this also means that you do not have to be an experienced journalist working for a rich publisher to do an investigation on, for example, a case of corruption and to publish an investigative story on this topic.

This handbook has already explained numerous standards pertaining to the reporting on corruption - some of them are regulated by legal provisions and some are based on codes of ethics. The truth is that many standards in journalism are the same regardless of the topic being reported on. What is different when it comes to reporting on corruption is the fact that it requires special knowledge, skills and tools which enable the investigation, as well as specific occurrences and special events.

That is why I will focus more on the examples that show the practical problems encountered by journalists while working on cases involving corruption - from cases where the journalists themselves point to potential corrupt behaviour to reporting on court procedures based on criminal charges for corruption, followed by indictments or dismissal of cases, and final verdicts.

## **A JOURNALIST IS NOT A POLICE OFFICER, PROSECUTOR, OR A JUDGE**

We must not forget that journalists and media may become part of a corruption network. Furthermore, it is very important that journalists, even though they use the methods of crime investigators, do not see themselves as police officers, let alone as a prosecutor or judge. Some journalists attempt to be all in one instead of remaining just journalists. The result of their work is often advertised as investigative journalism, but in fact it is not journalism, at least not good journalism.

While talking about journalism investigating corruption, one should bear in mind the existence of a broader context of the term corruption, as well as the fact that the result of journalist investigation does not have to necessarily PROVE the existence of corruption in a particular case, but to point to the existence of a system loophole (whether intentional or not) that allows corruptive behaviour. Moreover, by pointing out a “systemic loophole” that enables corrupt behaviour, journalists may achieve two goals: not only can they raise awareness of the public about the problem and thus promote further journalist investigations on particular cases which may result in proving the existence of corrupt activities, but they also enable introduction of preventive actions within social mechanisms which may prevent particular cases of corruption.

An excellent example of such a case is a story about money laundering investigated by a reporter of a Croatian daily newspaper within a programme on “Investigative Journalism - Stories on Organised Crime”, which was a part of activities of the Regional Training Centre for Journalists, NetNovinar, which I led during the period from 2004 to 2007, as a joint project of my Centre for Investigative Journalism / CIN ([www.cin-ijc.com](http://www.cin-ijc.com)) based in Zagreb and Mediacyter from Sarajevo ([www.media.ba](http://www.media.ba)).

The programme started in 2005 and during the course of five years, it helped more than 80 journalists from the territory of former Yugoslavia to complete a five-month job on their own stories with the support of a team of editors. Ten of these stories were later awarded as the best stories in the field of investigative journalism in certain countries. One part of these stories dealt directly with corruption, whereas the other contained certain elements of corruption. To learn

more about the programme and to read some of the stories, please visit <http://www.media.ba/>.

The goal of the programme “Investigative Journalism - Stories on Organised Crime” was to enable journalists to develop skills required for investigative journalism, as well as to train them to act independently while working on investigative stories. Apart from responding to the need and interest of the journalists to perfect themselves and cooperate with colleagues in the region, this programme came into existence as a response to the lack of a long-term, systematic, and practical education that provides necessary skills for working on investigative stories, all in line with professional and ethical standards.

The said story on money laundering originating from that programme <http://www.media.ba/> is a classic example of pointing to a systemic loophole which enables criminal activities of huge proportions, and this includes corruption as well. At the same time, this story also reminds us of the fact which, unfortunately, many journalists seem to forget too often - one of the basic standards in journalism is to learn everything there is to be learned about all aspects of the topic being reported on. When speaking in terms of serious journalist investigation, it also presumes additional resources, tools, and skills, but it certainly and primarily includes, basic information on the circumstances under which the story is taking place.

## **START - FROM THE BEGINNING**

In the case of the story on money laundering, it was necessary to read the Law on the Prevention of Money Laundering and Financing of Terrorism adopted by the Croatian Parliament. After our colleague carefully read the Law, and after several unsuccessful attempts to prove criminal acts of several people who were suspected in journalist circles that they are involved in money laundering, she realised that in the Law, which was at that time in force for more than four years, there was no provision that would prescribe sanctions for money launderers.

This meant that, even if a case of money laundering in Croatia ended up in court, it would not be possible to convict the accused, even against indisputable evidence that he/she has indeed committed a criminal offence of money laundering. After the story was published, the Law was amended with a provision on sanctions. The result was something that rarely happens, judging from a perspective of journalists who investigate corruption and other criminal cases - the institutions have responded and corrected the systemic error which in this case enabled the money launderers to remain unpunished, but it also indicated the possibility that this error could be used for corruptive purposes. Furthermore, this story opened the possibility that the systemic error was itself a result of corruption, which opened an additional area of potential journalist investigation.

A similar, in fact identical, case also happened with a story within the programme “Investigative Journalism - Stories on Organised Crime”. This time it was a story from Serbia, and the topic was “Internet paedophilia” (<http://www.media.ba/>).

In short, a young colleague tried to investigate the problem through several actual cases that were, at that time, in process before the Serbian courts, but the situation resulted in silence of the institutions and attempts of the accused and their attorneys to manipulate the journalist for their benefit and in the lack of interest for cooperation by the representatives of State institutions.

When our colleague finally accepted the advice to carefully read the law which, among other things, regulates “Internet paedophilia” (the Criminal Code of the Republic of Serbia), he realised that in Serbia it is punishable to distribute paedophile content, but not to own such content. This meant not only that no one in Serbia could be punished for possessing paedophile content, but that Serbia is the “missing link” in all possible international cases of “Internet paedophilia”.

After the publishing of this major story in the weekly newspapers, the amendments to the Criminal Code of Serbia were adopted, which enabled anyone who possesses pornographic content involving children to be punished; and the cover page was not the only thing that the young colleague got, who previously worked as a radio host and this was his first story published in a newspaper - he also got promoted and today is an editor of a daily paper. The possibility of corrupt use of legal loopholes disappeared with the amendments of the Criminal Code.

## **ACTION AND REACTION**

Apart from actual results, both these stories also indicate the significance of the fact that investigative journalism (regardless of the topic, including the topics dealing with corruption) represents a much broader perspective from just a reaction to a particular event. Certainly, responding to an event by thoroughly, impartially, and clearly reporting on the event and the consequences thereof (including the trial) is a legitimate and important assignment of journalists. However, in the context of investigative journalism, it is not sufficient.

The idea for an investigative story may be born in two ways. One is the reaction to a certain event. As a rule, the events that occupy the attention of the public and have a broader social significance are not isolated. They are always a particular and visible result of some pattern of behaviour that is made possible through a systemic error. An investigative journalist will investigate such patterns to find other cases which were unknown to the public for various reasons. However, from the perspective of an investigative journalist all these reasons may be reduced to one: the journalists did not do a good job.

An excellent recent example of how the reaction to an individual event has led to a journalist investigation that has revealed a systemic error that enables corruptive behaviour of huge proportions, is the case related to the Croatian Ministry of Finance. Everything started as a private confrontation between the Minister of Finance and a news portal that accused him of providing unethical support to a major publisher with financial problems and the simultaneous attempt to destroy the news portal because of their unfavourable reporting.

Such behaviour was enabled by legal authorities that gave the Croatian Ministry of Finance the right to act in the process of pre-bankruptcy settlements in a non-transparent and voluntary manner in order to help certain companies and hurt others. After the news portal started publishing texts where they claimed that the Ministry of Finance was helping the largest newspaper publisher in the country by writing off a huge debt towards the State budget without any grounds, the Ministry started exerting pressure against the company that runs the news portal through the tax administration office, with the intention to punish the company for a debt towards the State that is incomparably smaller in amount than the debt of the largest newspaper publisher, which the Ministry intended to write off to the largest newspaper publisher.

The result of such pressure, among other things, was the reaction of the news portal, which published several stories about the Assistant Minister of Finance (also the main operative officer in cases of disputable pre-bankruptcy settlements) who was facing a conflict of interest. First, it was disputable that he, as a high ranking officer of the State, had his own company that worked with the State (even though he formally transferred the management of the company to his son), but even more disputable was the fact that this company received a loan from the Croatian Bank for Development and Reconstruction without any justification and based on partially falsified documents. Here you may find some of these stories: <http://www.index.hr/>.

As the story developed, the news portal published that the wife of the said Assistant Minister of Finance was the main operative officer for pre-bankruptcy settlement in another State-owned institution which is jointly liable for such activities to FINA (Financial Agency). In the end, the Prime Minister first deposed the Assistant Minister (because the Minister refused to do so), and then the Minister of Finance as well.

This is a clear example of how the reaction of the journalist and the media to a certain event, even regardless of the initial motives, may lead to the revelation of particular cases with potentially corrupt elements, but also an example of how often in transitional societies with underdeveloped democratic tradition (like, more or less, all the societies in the region), the work of the journalist is not carried

out from the individual towards the general, which would consequently allow the journalist to prove a far greater number of actual cases of potential corruption.

## **FROM INDIVIDUAL TO GENERAL AND VICE VERSA**

Namely, the media have mostly continued to run in circles, to report on staff changes in the Ministry of Finance (including the resignation of the head of the tax administration) caused by this case and by “squeezing out” additional information about the case that still has not resulted in legislative consequences, and it is questionable if there will ever be any legal consequences. The news portal, that started the story, continued to deal with the topic of pre-bankruptcy settlement and has learned how the Ministry of Finance found itself in the situation that enabled such a high degree of corruption (<http://www.index.hr/>).

The following step of an investigative journalist would be to determine the areas which, judging from the actual case, are the potential sources of corruption and to systematically investigate such sources. For example, this particular case immediately indicates to at least three logical areas of investigation: CBRD, FINA, and the Ministry of Finance.

When it comes to CBRD, it should have been investigated as to who did all the work and reached the decisions in this institution during a specific period, which companies and under what conditions got loans from CBRD and who are the owners of such companies, who are the family members of the formal owners, was the management of such companies ever transferred from one person to another and when, what was the political status of the owner at the time when the loan was approved, as well as the potential connections with political parties and individuals from all three branches of power, etc.

When it comes to the Ministry of Finance, it should have been investigated who filled the management and other officer positions during a specific period of time, are such individuals and members of their families involved in private business related to the State budget and what kind, did the employees of the Ministry participate in the procedures within the Ministry that could have presented in any way a conflict of interest; the same questions apply to FINA as well. It would also be worth investigating how the employees of the three State institutions were employed - do they have valid diplomas and certificates, were the regulations and laws respected during the employment procedure and do these people actually perform the activities they were hired to perform.

Finally, in such a way,, a large number of potential cases of corruption would become known to the public, which would point to the existence of a systemic error that enables such behaviour. Therefore, the investigative process was complete, which included moving from the reaction to an individual case,

through pointing out systematic errors, to proving a large number of potential cases of corruption, exceeding by far the number of cases that served as a base for starting an investigation.

Furthermore, a serious investigative journalist who wants to perform his job in a thorough manner (in this case through revealing potential cases of corruption and reporting on judicial and other consequences of such cases) would have to not only move from the individual towards the general (go with the flow), but also think strategically: moving from the general towards the individual.

### **INVESTIGATE THE “INCUBATORS” OF CORRUPTION**

This means that one should choose the areas of investigation which, logically speaking, represent the “incubators” of corruption, and investigate them thoroughly in the manner described in the case of the Ministry of Finance of the Republic of Croatia, CBRD, and FINA. This manner enables tactical activities, until individual specific cases are discovered.

This approach gives you more time because there is no pressure of competing against journalists and the media who are just starting to respond to the event and they often respond very superficially. It allows you to gather items of information over a long period of time and thoroughly, to verify them, including the ones that would be hidden from journalists after a particular case is presented to the public. Under such circumstances, it is more likely that the journalist will learn about mutual relationships between the individuals and events that were at first hard to notice or were completely invisible.

Finally, but no less important, this method of work allows the journalist or a team of journalists (because the investigative process, especially in complex cases, requires team work) not only to explore, but also to create a series of stories, often mutually connected, prior to publishing anything at all. It gives an added value in the moment when the story is being published.

Each story is carefully and precisely rounded and there is enough time for potential additional investigations, as well as for a reaction to potential similar topics that may appear in the meantime. In addition, the possibility of making a hasty professional error and jeopardising the reputation of the journalist is reduced to a minimum. An important part of this strategy is that it gives significantly more time for gathering and analysing data obtainable through the application of the laws that allow access to information of public interest. If the investigation process and work is done responsibly, the possibility of endangering journalistic standards is practically non-existent. This approach also reduces the potential for political and all other types of manipulation of the investigative journalist work.

Unfortunately, manipulations cannot be prevented completely, even when the work of the journalist meets all the professional criteria. The attempt of abuse of such work for private or group purposes, political or financial benefit often indicates to the corrupt nature of such reactions, as well as to the systemic errors that enable such reactions.

### **PREVENTING JOURNALIST INVESTIGATION ON CORRUPTION: "SHAMING OF JOURNALISTS"**

The most recent example, not only in Croatia, but also in the entire region, is the case of the famous journalist S.L. who is also a Vice-president of the Executive Board of the Croatian Association of Journalists. For a long time, she had been following the business operations of a private medical institution and relationship of this institution with the Croatian Health Insurance Institute. She wrote several articles where she explained how the private company, in a non-transparent manner and without clear criteria, gets huge amounts of public health insurance money to the disadvantage of public health institutions. Some of these stories may be found here: <http://www.jutarnji.hr/>.

The journalist has proved her claims by virtue of documents that show that a potential reason for this situation is corruption. Despite this, the owner of the medical company has sued the journalist, where the ruling of the court of first instance was in favour of the plaintiff and the defendant was ordered to pay material compensation to the plaintiff. Such a decision was possible because, a new article of the Croatian Criminal Procedure Code, which became effective on January 1st 2013, that prescribes sanctions for public embarrassment.

Contrary to defamation, where a conviction is possible if it is possible to prove the intent of the journalist (also applies to individuals who are not journalists) to publicly disclose untrue claims against the plaintiff, even though he/she knew that such claims are untrue, but did not invest an effort to verify the truthfulness of such claims, in case of public shaming a conviction is possible even if the published material is undoubtedly true. It is sufficient for the court to determine that the truth has caused embarrassment to the plaintiff and that the published material was not of public interest.

It is an undisputable fact that in this case, the colleague has documented written evidence, as well as that the information about public money spending is information of public interest. Therefore, the actual article of the Criminal Code of the Republic of Croatia about shaming and the possibility for the judges to decide on what is to be considered a public interest, even when their decision is contrary to the laws and regulations that define public interest, opens a huge and dangerous door to corruption within the judiciary, but also to exertion of pressure on journalists who investigate the fate of public money and corruption.

Moreover, the legal provision on shaming, in the form in which it was adopted, has encouraged the “shamed” individuals not to sue the publishers any longer, but the journalists to whom the publishers do not have to compensate the court expenses and potential fines, which additionally restricts those who want to investigate corruption.

After the decision of guilt brought by the court of first instance regarding the colleague, the pressure by the Croatian journalists had increased, but also the pressure by other citizens to remove the disputed article from the Criminal Code (or at least to rephrase it, as was announced by the Minister of Justice). It is also expected for the decision on punishment to be reversed by the higher court which would make the situation easier for the journalists who were sued in forty other cases based on the article on shaming, where in many of these cases, the “shaming” refers to some of potential or proven corrupt activities.

The colleague that was sued recently published another text about a case that additionally proves that she was right from the beginning - the text shows

that the private company which was supported with huge amounts of public money is in fact ingloriously and rapidly falling apart: <http://www.jutarnji.hr/>.

It is not possible to claim with absolute certainty (because an investigative journalist may only claim something for which he/she has evidence, and realistically speaking, this is impossible to prove), but it seems logical that the demise of a company is at least partially a result of the fact that our colleague has publicly disgraced a company by telling the truth. In fact, it is the duty of an investigative, as well as any other journalist, to publicly shame those who abuse the public resources, by telling the truth.

### **NEVER TRUST ANYONE, ALWAYS CHECK: CORRUPTION IS OFTEN NOT CLEARLY VISIBLE**

During the 35 years of my career in journalism and investigative stories, I have mostly dealt with topics pertaining to organised crime and thus, inevitably, corruption. Here are a few other stories of this kind - the stories that pointed to potential corruption, as well as stories that have proven corruption in a particular case. Each of these examples shows an important element of journalistic dealing with topics involving corruption.

For me personally, the most important story is the one about human trafficking, partially because I started investigating this topic when other media in the region did not deal with it. Journalist pieces on human trafficking were at that time very rare and occurred exclusively as a reaction to a particular case. Articles pertaining to this issue were frequently superficial and sensationalist or they merely repeated the information provided by the police.

The project “Showdown at Arizona Market”, conducted in 2002, was the first regional project of investigative journalism after the war that took place during the 90s. This project was financed by USAID and conducted by the office of the organisation “Irex” in Bosnia & Herzegovina. My US colleague Donald Pine and myself were the co-editors and project managers, whereas our team included seven journalists and one photo reporter from the media outlets in B&H, Croatia, and Serbia.

On the territory of Brčko District, after the war, a market was set up under the protectorate of international peace forces, where Bosnians, Croats, and Serbs from the surrounding villages, who were until recently at war with each other, would come to trade. In time, this market turned into a smuggling haven and a source of crime, including trafficking of women who were mostly forced into prostitution.

Therefore, it was decided to eradicate criminality from Arizona market by building a modern trade centre instead of the shacks used previously. Our team spent 15 days in the field; the result of the investigation are eight stories you may find at: <http://www.media.ba/bs/search/node/arizona>.

Among other things, we found out that the first shop in the new market was purchased by a local criminal who just returned from prison, that the location is still used for trafficking of women forced into prostitution (just not as openly as before), as well as that there was a hidden part of the construction plan of the “honest, transparent, and chaste” new Arizona market which envisaged the construction of casinos and night clubs, but was hidden from the local population from whom the land was purchased at prices much lower than realistic. None of this would have happened if there were no influence of corruption, but in such a short time, we did not manage to prove who was corrupt and in what way.

**YOU FAILED IN PROVING WHO IS ACTUALLY  
TO BLAME FOR CORRUPTION?  
SHOW THE SOURCE OF CORRUPTION**

Even though particular evidence of corruption was impossible to find in the case of a 15-year old girl from the surrounding areas of Zagreb who became a victim of human trafficking in 2001, after 8 months of investigation and a series of stories, I managed to find this girl in Italy, where she was forced to engage in prostitution, and I brought her home. Everything that happened to her during these eight months, indicated the existence of a chain of corruption: from her transfer over the border, even though she was a minor, without her parents’ presence and without documents, and the fact that she and ten more boys and

girls were held by the human traffickers in a village just outside Milano and that the local police had failed to react.

This story is also significant because of something that my colleague Ivanović mentioned previously in this handbook. It indicates that there is a thin line between the empathy possessed by every normal human being and sympathy - which turns the journalist from a cold-blooded professional to a participant in the story who does not give up on the investigation and tries to help the victim. I wrote a text for a handbook for journalists on reporting on human trafficking about all the ethical challenges of such a position shown through this example, and this handbook was published by a non-governmental organisation ASTRA from Belgrade. You may find this handbook at: <http://www.astra.org.rs/>.

When talking about stories about human trafficking that had the elements of corruption, I will mention two more stories. The first is about the girls and women from Eastern European countries, from the territory of former USSR, who were forced into prostitution in Bosnia and Herzegovina. This country has, among other professions, announced the need for more dancers. This enabled the issuing of work permits for dancers in night clubs, who were actually women forced into prostitution.

Not only could something like this not have happened without corruption in State institutions and agencies of B&H (from local police officers and above), but it also presupposed corruption in certain consulates of the Republic of Croatia where transit visas were issued for such “dancers”. I failed in proving who was corrupt, but I managed to show that the number of girls and young women from two Eastern European countries was unbelievably large compared to other citizens from such countries who got transit visas for B&H in these two consulates of the Republic of Croatia. The majority of them were “dancers” and usually they did not pick up the visas themselves, several men did.

The second story is in fact a series of stories about girls, victims of trafficking, who were forced to beg on the streets of Vienna, but also beaten, raped, and forced to distribute drugs. For years, this man found his victims through the same fake advertisement for babysitting, and lured them first to Slovenia (where he introduced himself as a grandfather of a girl that needs to be babysat in Austria), and then to Vienna where they became his slaves. Perhaps he would never have been caught had a girl not managed to escape from him, who told me her story when she returned to Croatia.

Even though she did not know the true identity of the man who tricked her and used her, after the publishing her story (with the protection of her identity), several other women called me who, independently from each other, told me the same

story, they even repeated some of the details that were not published. Some of them saved themselves at the last moment because they became suspicious of “grandpa’s” story, while some of them spent a long time as slaves, but never told anyone anything about it .

I published also their stories (while also protecting their identities) and these stories were unknown even to their family members. But I also published the name of the perpetrator, a photograph, and even his address in Vienna, all the information I got through the investigation I conducted after I heard the confessions of his victims. I did it because I managed to confirm without any doubt that the person in question is indeed responsible, as well as that years earlier he was convicted in Croatia because he abused a minor in a similar manner (which I also published).

In addition, while I was checking the archives of newspaper articles, I found a text where he brags (before the situation with the minor in Croatia) how he has a team of Romani people who beg for him in Macedonia. As strange as it seemed, nothing happened to him after this statement. And the situation continued for years.

Because, even though he was convicted in Croatia, he never spent a day in prison, nor was an international warrant issued for his arrest, which should have been done if he was nowhere to be found in the country in which he was convicted. This pointed to corruption that had to involve more than one person from official institutions. Due to the fact that no international warrant was issued in his name, this criminal managed to operate in Austria (which was also highly unlikely without corruption), and his victims had to be brought to him to Slovenia by his helpers because he did not dare to enter Croatia.

After I published the entire story which was very unpleasant both for Austria, Croatia and Slovenia, this criminal was caught and ended up in Croatia. He was put on trial and his victim, who was the first to tell me her story, testified against him. He was sentenced to ten years in prison. This was the first case where someone was convicted for human trafficking in Croatia. However, no procedure was instigated to determine how was it even possible not to issue an international arrest warrant for a convict who was not accessible to the Croatian authorities and who was to blame for the fact that “grandpa” ruined many lives because he did not go to prison.

Not only was this question (how such an error was even possible and who was to blame) not considered by the Croatian judiciary, but also the media failed to raise it. Same as in the case when I spent four days in prison after I decided not to pay a speeding ticket and on my own example pointed out numerous violations of the law and regulations committed by state officers, which could not have happened

had there not been for corruption. In this case, I do not mean the corruption connected to state officials who take bribes to do or not do something, but corruption which is far more dangerous because it is a consequence of a systemic error that generates a sequence of inter-corruption relationships within state institutions - both vertically and horizontally.

## **PROVE CORRUPTION USING THE “LEARN FROM OWN EXPERIENCE” METHOD**

In the moment when I decided to do this investigation by using the “learn from own experience” method, there were 30,000 people with final rulings for various violations (including traffic violations). The amount of the fine increases if it is not paid within a specified deadline, but only up to a specific amount. After that, the fine becomes a prison sentence. There is no room in Croatian prisons and the percentage of fines that are converted into prison sentences because of overdue payments is small; those who get their place in prison are greater financial burden for the country while they are in prison than while they are free.

Furthermore, when I committed a violation (in 2000), there were no by-laws which would specify the location and the form of community service that would replace prison sentence. For this reason, after I refused to pay the fine and after the expiration of deadlines, I received a decision that I should spend four days in prison, but as many others with similar decisions, I never received the call to actually come and serve the sentence.

And then, almost two and a half years after the violation and months after the issuing of the decision on the prison sentence, on the evening of December 24th, a day before Christmas Day, police officers came to my door. They came with a police vehicle - not to take me to prison, but to a Magistrate judge. Even though I was previously sentenced to prison, the judge asked me whether I wanted to pay the fine and avoid going to prison. I said I do not want to pay.

Then, the police officers took me to the police station where my suspicions were confirmed: all over Zagreb, police officers were gathering “violators” sentenced to prison, took them to the judge on call who offered them to pay the fine and spend Christmas at home.

Many “violators” accepted to pay the fine; those who did not were taken to prison, if there was room in prison. I spent four days in prison and counted numerous denials of prisoners’ rights, but even as I was brought to prison the state officials committed several major violations which could not have been a result of individual whims, but systemic loopholes that are not possible without a combination of corruptive elements. I published a list of all violations of the law

committed by state officials in this case, but none of these events were actually investigated during the course of ten years since the event took place, nor did any of the media deal with this topic. The only thing that did happen was the adoption of a by-law that enabled the replacement of a prison sentence with community service. This by-law was such, for example, (supported by the fact that judges have the right to interpret the law as they please) that it enabled the corrupt former minister to trade in a one-year prison sentence with peeling of potatoes in a public kitchen according to the principle: one day of prison - two hours of potato peeling.

## **INTERNATIONAL COOPERATION AMONG JOURNALISTS - THE MOST EFFICIENT INVESTIGATIONS OF CORRUPTION**

And last but not least, I will mention two most recent international journalist investigations which I participated in, and which revealed corruption in many countries. The first investigation was about the reselling of weapons in spite of the UN embargo during the war on the territory of former SFRY. Two colleagues of mine from Slovenia invited a colleague from Bosnia and Herzegovina and me to cooperate on an investigation for their book which would deal with secret and often illegal activities of reselling weapons between Slovenia, Croatia, and Bosnia and Herzegovina, but the investigation also included many other countries and corrupt connections that enabled individuals and privileged groups to become enormously rich.

I accepted the invitation because that was a topic I investigated for many years and some 15 years ago had published the first articles on this topic in Croatian papers. By using the legal possibility to access the information of public importance (including those that were illegally marked as secret), after three years of investigation supported by colleagues from other countries - instead of one book, we got three - full of evidence, among other things, on corruption. This trilogy was titled "In the name of the state" (U ime države) (<http://www.uimedrzave.com/>), and the authors were awarded with a regional award for the best journalistic investigative work in 2012 awarded by the Central European Initiative (<http://www.cei.int/>) and South East Europe Media Organisation (<http://www.seemo.org/>).

The books were first published in Slovenia, and later translated to Croatian. The last, third book in Croatian has just been published. According to the Croatian laws, there is no statute of limitations for the crime of war profiteering and therefore the State prosecution of the Republic of Croatia showed interest in this trilogy. If any proceeding is opened based on the evidence provided in the trilogy, it will without any doubt confirm the existence of an international chain of corruption clearly described in the trilogy.

The other recent example of a successful international investigation conducted by journalists is the so-called “offshore leaks project” of the International Consortium of Investigative Journalists / ICIJ ([www.icij.org](http://www.icij.org)) based in Washington D.C., under the full title: “Secrecy for Sale: Inside the Global Offshore Money Maze”. Everything started with an anonymous tip about thousands of documents in electronic version about offshore companies in the Cayman Islands and other tax havens.

The months of sorting and comparing received documents, following leads and working on investigative stories engaged 110 journalists conducting investigations in 60 countries. A colleague from Slovenia and myself participated from our region, while on the website of the Centre for Investigative Journalism from Zagreb ([www.cin-ijc.com](http://www.cin-ijc.com)) you can find four of our joint stories from this project, which show that both in Croatia and in Serbia, the abuse of “offshore” companies would have been impossible without corruption.

### **SYNOPSIS OF AN INVESTIGATIVE STORY - THE BASIS OF ANY SERIOUS INVESTIGATION**

Every serious investigative story, including those dealing with corruption, requires, more than anything, a serious synopsis whose structure, based on personal experience and the experiences of numerous investigative journalists, was developed by a Danish journalist, Lars Moller, who was my mentor for a year and who taught me how to become a trainer in investigative journalism. More information can be found here: <http://www.media.ba/bs/istrazivacko-novinarstvo-novinarstvo-novinarstvo/sinopsis-istrazivacke-price>

How to create a synopsis, the challenges which you might face and how to solve them is described in ten articles under a common title: “Guide through a synopsis of an investigative story”. The author is Branko Čečen, the current director of CINS. He wrote this series of articles based on the experience gained through our cooperation with journalists from the region gathered around the NetNovinar project: <http://www.media.ba>

### **O autoru**

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Saša Leković is a professional journalist since 1979. Among other things, he worked as an investigative journalist for Globus magazine, editor-in-chief of the weekly magazine Arena, assistant to the editor-in-chief of the daily newspaper Jutarnji list (where he was also one of the founders), and the founder and Head of the Department for Investigative Journalism of Europress Holding, the largest journalist and publishing company in Southeast Europe. Since 2003, he works as a freelance journalist and a trainer in investigative journalism.

He is the founder and Director of the Centre for Investigative Journalism, a non-governmental organisation from Zagreb for the development of investigative journalism that operates throughout Southeast Europe ([www.cin.ijc.com](http://www.cin.ijc.com)). During the period 2005 to 2009, he was a member of the Regional Committee of the SCOOP project ([www.i-scoop.org](http://www.i-scoop.org)), which helps the development of investigative journalism in Eastern and Southeast Europe, financed by the Danish government.

Since 2000, he intensively trains journalists in Southeast Europe and teaches them to be investigative journalists. He trained several hundred journalists from Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, Croatia, Macedonia, Moldova, Romania, Slovenia, Serbia, as well as journalists from Armenia and Nigeria.

He participated in more than 100 national and international media projects, workshops, trainings sessions, round tables, seminars and conferences.

Also, he is one of the founders of the World network for investigative journalism – Global Investigative Journalism Organisation ([www.globalinvestigativejournalism.org](http://www.globalinvestigativejournalism.org)).

He cooperated and still cooperates with dozens of organisations for the development of media, investigative journalism in particular, both in Europe and in the USA.

During the period 2004 to 2007, he was one of the founders and Head of the Centre for Investigative Journalism and Education of the Media, a joint project of the Mediacentre from Sarajevo and CIN from Zagreb.

As a part of this project, the first educational portal for journalists in Southeast Europe was set up – NetNovinar ([www.netnovinar.org](http://www.netnovinar.org)), where he was in charge of editing the investigative journalism section.

He is the co-editor and co-publisher of the book “Istina – savjest iznad bankarske tajne” (The Truth - Conscience above the Banking Secret) about the most famous case of a “whistle-blower” in Southeast Europe, a bank clerk who revealed to the public the secret accounts of the family of the first Croatian president, Dr. Franjo Tuđman. (Prometej-CIN, 2003.)

Also, he participated in the investigation for the trilogy “U ime države” (In the Name of the State) (Sanje, Ljubljana, 2011- 2012) about the resale of weapons during the war on the territory of former SFRY. Croatian issue: Jesenski & Turk, Zagreb (2013-2014)

He teaches a course in “Investigative Journalism” at the Faculty for Media and Communications ([www.fmk.edu.rs](http://www.fmk.edu.rs)) of the Singidunum University in Belgrade, as well as at the VERN university ([www.vern.hr](http://www.vern.hr)) in Zagreb.

The Council of Europe is the continent's leading human rights organisation. It includes 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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